

THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND
ANSWERS)

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Fourth Session

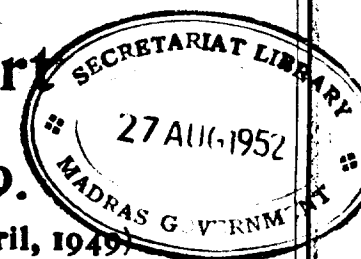
OF THE

CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE)

1949



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CONTENTS

Volume III—19th March, 1949 to 5th April, 1949.

SATURDAY, 19TH MARCH, 1949—

	PAGES
General Budget—List of Demands	1583—1638
Demand No. 9—Indian Posts and Telegraphs Department (Including Working Expenses)	1583—99
Demand No. 24—Ministry of Communications	1583—99
Proposed increase in Postal Rates	1584—99
Demand No. 47—Meteorology	1584—99
Demand No. 57—Overseas Communication Service	1584—1600
Demand No. 59—Telephone Factory	1584—1600
Demand No. 60—Aviation	1584—1600
Demand No. 92—Capital Outlay on Indian Posts and Telegraphs (Not met from Revenue)	1584—1600
Demand No. 93—Indian Posts and Telegraphs Stores Suspense (Not met from Revenue)	1584—1600
Demand No. 95—Capital Outlay on Civil Aviation	1584—1600
Demand No. 26—Ministry of Food	1600—36
Stoppage of Food Grains Import from Foreign Countries	1605—36
Food Shortage and Policy	1606—36
Demand No. 7—Forest	1601—36
Demand No. 17—Ministry of Agriculture	1601—36
Co-ordination with Provinces and failure to meet shortage of food	1606—36
Demand No. 41—Survey of India	1601—36
Demand No. 42—Botanical Survey	1601—36
Demand No. 43—Zoological Survey	1601—36
Demand No. 53—Agriculture	1601—36
Demand No. 54—Civil Veterinary Services	1601—36
Demand No. 65—Indian Dairy Department	1601—37
Demand No. 90—Capital Outlay on Forests	1601—37
Demand No. 11—Constituent Assembly	1637
Demand No. 12—Constituent Assembly of India (Legislative)	1637
Demand No. 14—Ministry of Information and Broadcasting	1637
Demand No. 15—Ministry of Law	1637
Demand No. 30—Ministry of Relief and Rehabilitation	1638
Demand No. 33—Administration of Justice	1638
Demand No. 38—Ecclesiastical	1638
Demand No. 48—Department of Scientific Research	1638
Demand No. 61—Broadcasting	1638
Demand No. 75—Expenditure on Refugees	1638
Demand No. 96—Capital Outlay on Broadcasting	1638

MONDAY, 21ST MARCH, 1949—

Papers laid on the Table	1639—41
Bombay Port Trust (Amendment) Bill—Introduced	1641
Ajmer-Merwara Tenancy and Land Records Bill—Presentation of Report of Select Committee	1641
Indian Penal Code and the Code of Criminal Procedure (Amendment) Bill—(Amendment of sections 361, 375, etc.)—Presentation of Report of Select Committee	1641

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N49-3-2

60355

(ii)

MONDAY, 21ST MARCH, 1949—contd.		PAGES
Child Marriage Restraint (Amendment) Bill—Extension of time for presentation of Report of Select Committee		1641—42
Indian Finance Bill—Discussion on motion to refer to Select Committee—not concluded		1642—1702
TUESDAY, 22ND MARCH, 1949—		
Papers laid on the Table		1703
Banking Companies (Legal Practitioners' Clients' Accounts) Bill—Introduced		1703
Indian Finance Bill—Referred to Select Committee		1703—50
WEDNESDAY, 23RD MARCH, 1949—		
Non-inclusion of Hindu Code in Order Paper		1751
Papers laid on the Table		1751—53
Motion re Elections to Standing Advisory Committees		1753—67
Election to Standing Finance Committee		1767
Election to Committee on Public Accounts		1767—70
Elections to Standing Finance Committee for Railways and Central Advisory Council for Railways		1770—71
Election to Central Committee of Tuberculosis Association of India		1771
Railways (Transport of Goods) Amendment Bill—Passed		1772—83
Industries (Development and Control) Bill—Introduced		1784
Resolution re Extension of period mentioned in Sections 2 and 3 of India (Central Government and Legislature) Act, 1946 as Adapted—Adopted		1784—1805
THURSDAY, 24TH MARCH, 1949—		
Statement on Report of Cattle Protection and Preservation Committee		1807—08
Protective Duties (Miscellaneous Provisions) Bill—Discussion on motion to consider—not concluded		1808—57
FRIDAY, 25TH MARCH, 1949—		
Elections to Standing Committees for Ministries of Commerce, Communications and Defence		1859
Hindu Marriages Validity Bill—Presentation of Report of Select Committee		1859
Child Marriage Restraint (Amendment) Bill—Presentation of Report of Select Committee		1859—60
Indian Judicial Procedure Bill—Extension of time for presentation of Report of Select Committee		1860
Protective Duties (Miscellaneous Provisions) Bill—Passed as amended		1860—72
Tea Committee for India Bill—Passed as amended		1872—1908
Indian Finance Bill—Presentation of Report of Select Committee		1875
Essential Supplies (Temporary Powers) Amendment Bill—Discussion on motion to consider—not concluded		1908—09
SATURDAY, 26TH MARCH, 1949—		
Elections to Standing Committees for Ministries of External Affairs, Food and Health		1911
Motion re—		
Relief and Rehabilitation Situation		1911—61
Information and Broadcasting		1961—96
Election to Standing Committee for Ministry of Agriculture		1996
MONDAY, 28TH MARCH, 1949—		
Election to Standing Committee for Ministry of Agriculture		1997
Election to Standing Committee for Ministry of Communications		1997

(iii)

MONDAY, 28TH MARCH, 1949—contd.		PAGES
Election to Standing Committees for Ministries of Information and Broadcasting and Labour		1998
Delhi Hotels (Control of Accommodation) Bill—Introduced		1998
Code of Criminal Procedure (Amendment) Bill—Passed as amended		1998—2000
Governor-General's Salary (Exemption from Taxation) Bill—Passed		2000—12
Criminal Law (Removal of Racial Discriminations) Bill—Passed		2012—13
Motion re Report of Indian Railway Enquiry Committee—Talked out		2013—38
Elections to Standing Committees for Ministries of Agriculture and Communications		2038
TUESDAY, 29TH MARCH, 1949—		
Election to Standing Committees for Ministries of Education, Law, Relief and Rehabilitation and Transport (other than Roads)		2039
Indian Finance Bill—Discussion on motion to consider as reported by Select Committee—not concluded		2039—86
Statement re the proposed Conference of Dominion Prime Ministers in London		2086—87
WEDNESDAY, 30TH MARCH, 1949—		
Elections to Standing Committees for Ministries of Home Affairs and Industry and Supply		2089
Elections to Standing Committees for Ministries of States and Works, Mines and Power, Department of Scientific Research, Standing Finance Committee and Committee on Public Accounts		2089—90
Fixation of Saturday, the 2nd April for Official Business		2090
Indian Finance Bill—Passed as amended		2090—2102, 2103—33, 2102—93
Statement of Government Business		
News re Safety of Honourable Sardar Vallabhbhai Patel after Air accident near Jaipur		2133
THURSDAY, 31ST MARCH, 1949—		
Papers laid on the Table		2135—38
Election to National Food and Agriculture Organisation Liaison Committee		2138—39
Election to Standing Committee for Roads		2140
Elections to Standing Finance Committee for Railways, Central Advisory Council for Railways and Central Committee of Tuberculosis Association of India		2140
Displaced Persons (Legal Proceedings) Bill—Introduced		2141
Estate Duty Bill—Presentation of Report of Select Committee		2141
Demands for Supplementary Grants for 1948-49		2141—95
FRIDAY, 1ST APRIL, 1949		
Election to All India Council for Technical Education		2197—2200
Election to Committee to review Conventions re separation of Railway from General Finance		2200—11
Hindu Code—Motion to consider as reported by Select Committee—not concluded		2211—43
SATURDAY, 2ND APRIL, 1949—		
Elections to National Food and Agriculture Organisation Liaison Committee and to Standing Committee for Roads		2245
Taxation Laws Amendment Bill—Introduced		2245
Indian Railways (Amendment) Bill—Introduced		2245—46
Influx from Pakistan (Control) Bill—Introduced		2246
Hindu Code—Motions to consider as reported by Select Committee to re-circulate and to re-commit to Select Committee—not concluded		2246—69.

MONDAY, 4TH APRIL, 1949—		PAGES
Elections to All India Council for Technical Education and to the Committee to review Working of Railway Convention		2291
Disposal of the Business of the House		2291—94
Indian Cattle Preservation Bill—Motion for continuation—Adopted		2294
Child Marriage Restraint (Amendment) Bill—Passed as amended		2294—2334
Indian Penal Code and the Code of Criminal Procedure (Amendment) Bill—Passed as amended		2334—36
Hindu Marriages Validity Bill—Passed as amended		2336—40
TUESDAY, 5TH APRIL, 1949—		
Closing date of the Assembly Session		2341
Papers laid on the Table		2341
Election to Central Tea Board		2342
Election to Central Advisory Board of Archaeology		2342
West Godavari District (Assimilation of Laws on Federal Subjects) Bill—Introduced		2343
Indian Succession (Amendment) Bill—Introduced		2343
Essential Supplies (Temporary Powers) Amendment Bill—Passed as amended		2343—76
Payment of Taxes (Transfer of Property) Bill—Motion to consider as reported by Select Committee—not concluded		2377—84

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES.

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

Saturday, 19th March, 1949.

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

QUESTIONS AND ANSWERS

(See Part I)

11-50 A.M.

THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

SECOND STAGE—*contd.*

Mr. Speaker: A request has been made that a large section of the House wishes to have time for discussion of Relief and Rehabilitation matters. Therefore, I will allot a day. I am allotting the Saturday the 26th of March for transaction of Government business. The House will now today take up the Demands for Grants in respect of Communications, Food and Agriculture. The Demand for Information and Broadcasting will not be taken up for discussion. I understand, some arrangements are being made to have some time for the discussion of that demand. This is arranged to give more time for Food and Agriculture, in respect of which it was the desire of a large number of honourable Members to have more time for discussion. Of course, honourable members will remember that they have had two days for these discussions. However, some more time will be allotted. Communications will be taken up, up to 1 and from 2-30 onwards, the Demands for Food and Agriculture will be taken. I will now place the demands before the House. In the new arrangements proposed, I understand, subject to agreement by honourable members, the honourable members are getting about an hour and a half. Originally, there being no meeting of the House on Saturday the 26th, there is no question of hour. Therefore, we get a full day, a part of which they can utilise for the purpose of discussing Information and Broadcasting.

DEMAND No. 9.—INDIAN POSTS AND TELEGRAPHS DEPARTMENT (INCLUDING WORKING EXPENSES).

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 27,66,49,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'."

DEMAND No. 24.—MINISTRY OF COMMUNICATIONS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 6,09,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Communications'."

DEMAND NO. 47.—METEOROLOGY.

2291

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 84,97,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Meteorology'."

DEMAND NO. 57.—OVERSEAS COMMUNICATION SERVICE.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 76,42,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Overseas Communication Service'."

DEMAND NO. 59.—TELEPHONE FACTORY.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 6,60,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Telephone Factory'."

DEMAND NO. 60.—AVIATION.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 2,53,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Aviation'."

DEMAND NO. 92.—CAPITAL OUTLAY ON INDIAN POSTS AND TELEGRAPHS
(NOT MET FROM REVENUE).**Mr. Speaker:** Motion is:

"That a sum not exceeding Rs. 4,13,41,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Indian Posts and Telegraphs (not met from Revenue)'."

DEMAND NO. 93.—INDIAN POSTS AND TELEGRAPHS—STORES SUSPENSE
(NOT MET FROM REVENUE).**Mr. Speaker:** Motion is:

"That a sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Posts and Telegraphs—Stores Suspense (not met from Revenue)'."

DEMAND NO. 95.—CAPITAL OUTLAY ON CIVIL AVIATION.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 232,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Civil Aviation'."

I believe the honourable Minister will require about twenty minutes for his reply.

The Honourable Mr. Rafi Ahmad Kidwai (Minister of Communications): Yes.

Mr. Speaker: The time-limit for speeches may be ten minutes.

Proposed increase in Postal Rates.

Mr. Frank Anthony (C.P. and Berar: General): Sir I move:

"That the demand under the head 'Ministry of Communications' be reduced by Rs. 00."

I shall very briefly place before the House certain considerations in respect of this proposal—considerations which I believe have not hitherto been placed before the House. I say at the very beginning that I propose to press this out motion. I would therefore ask my honourable friends for many of whom I have the greatest regard, to consider carefully what I have to say with regard to this proposal for the increase of postal rates.

Sir, an impartial analysis will disclose that there can be not one single reason with which any one, including Members belonging to the Congress party, will be able to justify this proposal to their thousands of followers in the country at large.

I read some weeks back a forecast of this proposed increased postal rate. Not only was there a forecast, but certain allegations were also there. That forecast and the allegations were all made in a paper of which an honourable Minister said the other day that the Government takes no notice. I myself was not prepared to take any notice of that forecast. To that extent I was surprised when that forecast materialised. I know that the honourable Minister and the Government will immediately repudiate the allegations. But I would ask them, in their own interests, since this forecast has proved correct, to publish the facts. Otherwise, the public will draw their own inference, the inescapable inference. Therefore I would ask the honourable Minister for Communications if he can, repudiate the following facts; if he cannot immediately to rescind this proposal:

Is it a fact that the present Air Lines are operating the night air mails?

Is it a fact that it is running at a huge daily loss involving many lakhs of rupees?

Is it a fact that this new increased postal rate will wipe out this loss? Wiping out this is it not in itself a reprehensible proposal?

Is it not a fact that in wiping out this loss, you are making the postal rates heavy for the Common man?

Is it not a fact that the overwhelming majority of postal users will not gain one iota by this new so-called all-up scheme, because the air line in the country today form a microscopic an infinitesimally microscopic proportion of the postal lines? Is it not a fact that 99 and 9/10ths per cent. of your postal mails will continue to be carried by rail? I would ask the honourable Minister to give a reply to these questions.

Is it not a fact that, in spite of your increased postal rates,—your air lines are so few that 99 and 9/10ths per cent. of your mails will have to be carried by rail?

Is it not a fact that, apart from giving no benefit to the vast majority, the real users of the air mail are not going to receive any benefit by this proposal?

Is it not inevitable that the present speedy and swift air mail service will be abolished?

Is it not a fact that with this all-up system you will have probably just one air mail service, subject to the general postal routine?

So you intend to maintain your special mail service. My own feeling is that, because of the increased mail that will have to be carried by air, you will have one kind of air mail subject to postal routine with the result that people who want to use the air mail will not get effective service.

[Mr. Frank Anthony.]

For these reasons I would ask the Government to reconsider the proposal. Let them have an air mail service. Let them double, treble or even quadruple the present air mail charges in order to make good the loss which the Company is incurring. Let people who want to use the air mail pay for it. I am quite certain that the Prime Minister and the Deputy Prime Minister would pay 10 annas for an air mail letter to reach Madras or Bombay the next morning rather than pay for a brief telegram which will reach about 48 hours later and perhaps in a mutilated form. This is a serious matter. I am quite certain that if this proposal is carried through, it will create considerable discontent in the country. It is not sufficient to suggest that the post-card rate only should not be raised. I believe you will have to continue to carry more than 99 per cent. of your post by rail. That is why the whole proposal should be withdrawn.

Even if you cannot make up the loss of your Company by an increase in the air mail charge to the real use of the air mail, there is nothing inherently wrong in subsidising the concern. Progressive countries are subsidising their Air Companies, because they feel they deserve encouragement and in order to strengthen Civil Aviation. But I would ask you, not to subsidise indirectly and, in what many regard, dubious form, your present air lines.

Mr. Speaker: Out motion moved.

"That the demand under the head 'Ministry of Communications' be reduced by Rs. 100."

Shri A. Karunakara Menon (Madras. General): Sir, notwithstanding what my friend said, I might say that we, during the course of this long Budget session felt much pleased with the way we received our posts regularly from home. Therefore, thanks are due to the honourable Minister for that and thanks are also due to the postal authorities for the efficient work that, so far as I could see, they have been doing so far. I may also say that the general level of honesty in the Department,—I do not like comparing or contrasting this department with other Departments—is much higher than in several other Departments under the Government. These go to the credit of the Postals and Telegraphs Department.

In this connection I may mention that most of the letters received by me come from rural areas. As regards these areas, therefore, I must bring to the notice of the honourable Minister the great injustice done to the postal officials thereof. The postal officials in the rural parts are the sub-post masters, branch post-masters, stamp vendors, messengers and mail carriers. They constitute the so-called extra-departmental officials. Why should they not be made intra-departmental officials, and integrated into the Postal Department? Now their grievances are many. I shall speak only on one or two of them. While the rules, the responsibilities and the work are the same for the Departmental officials and the extra-Departmental officials of the Postal Department, the extra-Departmental officials are getting only a small remuneration for their work. Out of 17,169 officials belonging to this Department, about 1000 of them receive a pay of Rs. 2 to Rs. 4 per month. It is extremely unjust that they are made to do responsible work but are paid so low a pay as Rs. 2 and Rs. 4.

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

Besides this, they have no pension, no provident fund, no leave, no increments, no rent for the office building, no supply of furniture, no supply of stationery also. Moreover, they have no security of tenure. So their grievances are many. From the report of 1946-47 I find that these officials form about 20 per cent of the total Posts and Telegraphs staff of the whole of India and therefore they form the backbone of the Department. Still, the kind of

treatment that is meted out to them is miserable. In addition, they have no way of ventilating their grievances to the Government, because they are distributed far and wide in the country. Perhaps if all their grievances had been known to the Government, some relief might have been given to them. They have now begun to form unions, but those unions still remain unrecognised by the Government. Therefore, I would submit to the honourable Minister that their grievances might be properly looked into and their unions might be recognised.

The second point that I would like to speak about is this. I am glad that in the report there is mention made of the expansion of developmental activities in this Department. Government say that they are going in future to concentrate on developmental activities of this Department, such as Civil Aviation, Telephone Factories and Agricultural Meteorology Stations. They are all necessary, because they are proving useful to the people at large. I wish to say one or two words with regard to aeronautical training. The demand for aeronautical training has been very great in South India. I think if you take an account you will find that during the war most of the people that distinguished themselves in this field came from South India. But it was not because that facilities were given to them, but because during the war opportunities arose and when they were drafted, they very soon learned this art and very soon equipped themselves in the line of aeronautics. That is how they were able to distinguish themselves during the war. Now, the demand is very great for aeronautical training, but there are no facilities for it in South India. I think there is only one aeronautical school or Club in Madras. There are no other places in South India where clubs exist. That is my information. So I request that more flying clubs may be started.

With regard to a site of this club, I might say that Cannanore possesses a very fine landing ground on the West Coast. Before the war it was used as a landing place for aeroplanes. Now mails are being stacked at Madras and we people of Malabar, South Kanara and Coorg do not get much benefit out of the Night Air Mail Service, because of this stacking of mails at Madras in the mornings which are moved in transit only late in the evenings. Supposing there is a flying club started at Cannanore or it is attached to the flying club at Madras—what they call being a "satellite" of the Madras Club—then there will be much more facility for the distribution of mails in these three places of Malabar, South Kanara and Coorg. This flying club is very necessary, because people in the West Coast are very desirous of flying in the air. Therefore, I appeal to the honourable Minister to consider the starting of such a flying club in some part of the West Coast; if possible at Cannanore where there is already a landing ground. The service of the trainees of this club may be utilised for carrying mails from Madras to the West Coast.

With respect to nationalisation of the Air Services, the honourable Minister stated last year in his Budget speech that he was going to appoint a Departmental Committee and something will be done in the line of nationalisation. I wish to know whether a Departmental Committee was appointed and if so, what was the kind of work that they did, what is the progress of the work and what are their recommendations.

The next subject on which I would like to speak within the few minutes allotted to me is with respect to the Telephone Factory that has been established at Bangalore. We have been depending upon foreign countries and much drain of money has been taking place. It is after considerable agitation that this factory has been started. Still from what little I understand from the Report and what I hear and what I learn from going to the place, I find that

[Shri A. Karunakara Menon]

the work is proceeding very slowly. I do not know why. If we proceed at this rate, then it is doubtful if we would be able to be self-sufficient and self-dependent within the period of 15 years that has been allotted under the schedule. It has to be developed more quickly. Both the equipment and the recruitment of technical staff and organisational staff have to proceed at a speedier pace; otherwise, our expectations may be belied. I remember while I was here in 1946-47 as a Member of the Assembly, European members saying that "If you start such a factory, it is not going to succeed." There is a duty, therefore, on our part to see that their prognostications,—perhaps based on their self-interest—are proved false, and that we are able to manage things ourselves, and we are able to be self-sufficient with respect to these telephone and telegraph instruments.

Then I wish to say a few words about the Agricultural Meteorology Department. I have a great complaint, with regard to the weather forecasts that are being reported. These weather forecasts do not prove true. On the other hand, they are useful in one way. People have begun to think that if they are reversed they will be correct. For example if they receive a forecast saying it will be fine weather, people at once come to the conclusion that it will be cloudy weather or rainy weather. So these forecasts are not useful to the people. Perhaps, the reason might be that these forecasts have to depend upon meteorological stations situated in distant places, perhaps in Poona and Madras. But the climatic conditions and the hilly nature of the country and so on are so different that any forecasts made from Poona or Madras do not assist the people on the West Coast. So it is highly necessary that a station should be started on the West Coast which will suit the conditions there. Then perhaps, the forecasts might be more dependable and would prove more useful to the tillers of the soil and the toilers of the sea.

With these few remarks which I bring to the notice of the honourable Minister I close. I hope that steps for reform will be taken in the directions mentioned by me.

Shri Basanta Kumar Das (West Bengal: General): Sir, the first point that I wish to make is regarding the rural post offices. The Government is going to set a target for the village post offices. It is said that the target that the Department has set before itself is that villages or a group of villages within two miles radius with a population of 2,000 people should have a post office. I welcome this decision of the Government. I hope that the Government will not wait till the initiative comes from the rural people. It is within our experience that till a demand comes from the local people, no post office is started in an area even though there is great need for it. It is said that Government is prepared to allow a loss up to Rs. 500 per annum in opening a post office meant to serve general interests. This limit will be raised to Rs. 750 in case it is expected that within the first year the loss will be reduced to Rs. 500. I would urge, Sir, that a more liberal policy is followed in respect of backward areas.

The other day one honourable Member tried to attract the attention of the honourable Minister to such a backward area.

Shri Mahavir Tyagi (U.P.: General): And Hill tracts.

Shri Basanta Kumar Das: In Hill tracts?

Shri Mahavir Tyagi: Yes.

Shri Basanta Kumar Das: But there are other areas also. In the Sunderbands in West Bengal there are areas which have no post offices at all. Within a radius of twenty miles we cannot have a post office there. I would request the honourable Minister to pay attention to those areas. I would submit, Sir, that a list of backward areas should be made and attempts should be

made to establish post offices even at a greater loss than what has been aimed at.

I would also say that if the system of *Dak Sevaks* be extended to those areas, those areas may be served well.

The next point that I would try to make is about the weather services for farmers. I welcome the decision that greater attention will be paid to this service. The rural people are ignorant about what the weather forecasts are. In our villages we find that they depend on the sayings of Khona, Khona is believed to have been the daughter-in-law of a great astronomer, Baraha-Mihir who was in the Court of King Vikramaditya. It is stated that this daughter-in-law, Khona tried to be a greater astronomer than her father-in-law and as such her tongue was chopped off. There are sayings and couplets which give indications of the weather, and the rural people follow those indications. We do not know on what data those sayings have been based but often those data come true. But what I want to emphasize is that this should be placed on a more scientific basis and all the investigations we have in the Meteorological Department may be made available easily and in an understandable form to the farmers.

I next come to Civil Aviation. I would draw the attention of the honourable Member to the fact that the air passenger fare was raised when there was an increase of fares on railways. Now that a decrease has been effected on railways, a similar decrease has not been effected in the passenger fares for aeroplanes. Of course the passengers that generally board the aeroplanes are rich people. Still we have got to make air travel popular and for that reason it is necessary that the fare should be such as to compare favourably with the fares on railways. That will attract more passengers and it will be a more lucrative proposition.

In this connection I would request the Minister to examine fully the arguments that have been often advanced regarding the nationalization of the air services. Very powerful arguments have often been advanced in favour of nationalization. I do not like to recount all those arguments but I will only say that it is necessary that the whole question should be gone into and carefully examined by a Committee. Of course, a Committee was appointed in 1914 to go into the question and the decision was taken on the report of that Committee. But I would say that that Committee was appointed in different circumstances. Things have changed and in the present circumstances, it is necessary that a fresh examination should be made. When we see all around us that everything in connection with Civil Aviation is being maintained and organized by the Government, we cannot understand why the Government is not taking up the whole service into their own hands. It is to be examined whether it is possible to organize the whole thing by starting an autonomous Corporation. I would request the honourable Minister to see that a Committee is appointed and the whole matter is examined.

As regards the training of air personnel, I would only request the honourable Minister to see that more attention is paid to produce efficient Ground Engineers. Ground Engineers are most important in order to avoid recurrence of accidents and I cannot over-emphasize that fact that the question requires careful examination. Some proposals have been made about the extension of the air service to different centres. Proposals have also been made to extend these services to Rameswaram, Badri Nath and Dwarka. I would request the Minister to examine these points. The Andamans is going to be rehabilitated through the funds of the Central Government. We know that our system of communications to the Andamans is very poor. If an air service is arranged, and if it is possible to carry mails by air, I think there would be established an easy system of communication between the mainland and the Andamans.

[Shri Basanta Kumar Das]

I now come to the question of night landing arrangements. Between Delhi and Calcutta, there is only one night landing arrangement, and that is in Allahabad. I think other important aerodromes should have this arrangement. From personal experience I know that for want of night landing arrangements aeroplanes often get into danger, and I hope the honourable Minister will pay attention to this.

The next point is in connection with the telephones. I welcome the decision of the Government that they have taken up the question of the automation of the Calcutta telephone system and a target has been fixed that by 1953 37,000 automatic telephone connections will be established, and that by 1954 the number will go up to 54,000. But I would like to impress upon the honourable Minister that the public telephone system in Calcutta should be improved. If we go to Howrah Station, we shall find a great rush for the public telephone that is established there. I think there are stations which seldom have any visitors. If more telephones are installed at Howrah station the congestion would be avoided and more facilities will be given to the public. We are eagerly awaiting the results of the enquiry that is being made regarding the catastrophe that happened in the Calcutta Telephone Exchange and I hope that the results of the enquiry will give us data to go into the matter fully.

There is one point as regards teleprinters. A short time ago the privilege of using Indian languages in press telegrams was extended but the Morse Code that is in vogue is not suitable for the proper transliteration of the messages. Unless the message is transliterated into the Roman Script it is not possible to transmit it and the code in vogue does not give sufficient scope for accurate transliteration of the message. If some modifications are introduced into that code, then it will be possible for proper transliteration and transmission of the message. A professor at Calcutta is trying some methods in this respect and I hope that the attention of the honourable Minister has already been drawn to that point. I would request him to examine the endeavours of that professor as also of others in this direction and some modifications may be introduced, so that it may be possible to transliterate the messages that may be handed in vernaculars for transmission to other stations. Sir, I have done.

Shri G. S. Guha (Tripura, Manipur and Khasi States): Sir, I have read with great interest the notes supplied by the Ministry of Communications on the salient activities of the Ministry during the course of the present year and their plans for the next. I think we are indebted to the honourable Minister for the particular interest he has taken in the activities of all the departments under his care. As time is short I do not propose to go into many of the subjects dealt with in these notes but would confine myself to a few points relating to the areas with which I am acquainted and from where I come.

I have noted with great satisfaction the increase in the number of post offices in Assam during 1947 and 1948 but I do not know whether the increase has been effected in the outlying non tea garden areas. I hope the Minister will consider the difficulties of the villagers in the rural areas of Assam and also of Tripura State.

Most of the Members of this House probably are not aware that there is no internal communication between Agartala and the "divisions" of the Tripura State without going through Pakistan. I recognise that until it is possible to complete the construction of the road from Agartala to Kurti and the road is linked with other subsidiary roads from other areas of the "divisions,"

it will not be possible to make much of an improvement. In the meantime I least some areas in the interior should be connected with Agartala without the least some areas in the interior should be connected with Agartala without the necessity of going through Pakistan.

Regarding telephone communication, I think some sort of arrangement should be made between Agartala and other parts of the Indian Union also without going through Pakistan. I think there is a wireless station at Agartala which can be connected with the telephone system in the other parts of the Indian Dominion. If that is so, it is all right until we get our own road and surface communication over the road to Silchar and from there to other parts of the Indian Dominion. In this connection I would also suggest that the honourable Minister may consider the question of having a telephone line on the north side of the Brahmaputra in the Assam Valley. For instance important towns like Tezpur are not connected with the Capital of Assam nor with any other place in India by telephone. I was there for about 5 years as a District Officer and during that time I had very great difficulty in communicating with the capital of the province and had at times to take the help of the military wireless during the war. I know that the people residing in those parts find very great difficulty, particularly in the tea garden areas, as there is no telephone system connecting the North bank of the Brahmaputra with the other parts of the province. I welcome the proposal for the establishment of a wireless station at Gauhati. I think one has already been installed at Shilong. With a new station at Gauhati I think most of the difficulties of Assam would be overcome so far as wireless communication is concerned.

At present most of the important mails are carried by air from Calcutta to Assam and from the 1st April we are going to have all first class mail carried by air from the Dominion of India to Assam. That is a very welcome proposal. There is one point about which I am not quite sure, viz., 'air letters'. Will the value of the 'air letters' continue to remain the same as at present?

The Honourable Mr. Rafi Ahmad Kidwai: It is 2½ annas now and it will come down to two annas.

Shri G. S. Guha: An 'air letter' to England costs six annas and air mail letter 12 annas. The Ministry should consider the desirability of reducing the charge for inland air letters.

The Honourable Mr. Rafi Ahmad Kidwai: We are dropping out 'air letters' completely.

Shri G. S. Guha: As regards civil aviation Assam is very much interested in its development, as also the States of Tripura and Manipur, which I have the honour to represent in this House. At present the air route from Calcutta to Assam goes via Siliguri. It takes a very long time but it does not cross Pakistan. In addition to this route, is it not possible to have another direct route to Assam via Gauhati and Tripura State from Calcutta? It will minimise not only the time taken in the flight but I think it will also be of great advantage to a large number of people because of the expected lowering of the fares.

I do not know whether there is a proposal of having a planned survey of the air routes throughout the country. If there is any, I think the question of developing the remotest parts of the eastern frontier including Manipur and Tripura and all other outlying parts may be taken into consideration. So far as my information goes most of the air services in several parts of India have

[Shri S. G. Guha]

to work at a loss. But those plying between Calcutta and Assam have always worked at a great profit. I therefore suggest that the possibilities of developing these air routes in Assam and North-Eastern India should receive the necessary consideration of the Ministry.

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, my honourable friend Mr. Frank Anthony has thought it fit to speak in somewhat critical terms about the new arrangement of transport of all mails by air. I find that few friends have come forward to congratulate the honourable Minister for his new reform. For my part I not only congratulate him but I also envy him. This new arrangement of conveyance of all mails by air will not only gladden the hearts of my friends like Mr. Kamath and Mr. Sondhi who have yet to set a future home but of many married people also who even under the shadow of the Hindu Code have not already decided to cancel their marriages. In fact if the great poet Kalidasa, the author of *Shakuntala* and *Meghdoot* was alive today he would have certainly embraced the honourable Minister, and the separated *Yaksh* and *Yakshni* would have laid themselves prostrate at his feet and said "here is a solution of all our grievances". No longer need people pine for not hearing from their beloved ones or for not seeing their beloved ones for a long time. The development of civil aviation and the new method of transport of all mails by air will set that problem at rest and for that reason today all the youths of this country, both young men and women certainly think of the honourable Minister in a different light: he will be verily a hero and a benefactor to them.

The only doubt in my mind is whether it will be possible for him to carry out his plan into action. I have seen that even in these days when air mail surcharge has to be paid the mails are not delivered in proper time. It takes four days for a letter to go from Calcutta to Gauhati whereas it should have arrived there on the next day. I have brought this matter to the notice of the Postal authorities. It has been pointed out to me that the delay may be due to the R.M.S. By R.M.S. I understand the Railway Mail Service. But how in a straight air passage between Calcutta and Gauhati the R.M.S. men can shoot up and interfere with the delivery of the air mail is more than what I can say. I would only ask the honourable Minister to see that the letters which are posted in proper time are actually carried by air on that day, or, even granting an allowance, on the next day and that they are delivered on the day they arrive or at least on the following day. I have drawn the attention of the postal authorities to cases where letters have been lying in the post office for more than ten days and have not been delivered—they were actually lying in the post office and not delivered at all. Parcels have not been delivered for more than a fortnight. Criminal cases in courts have had to be adjourned because the records have not been delivered or have not arrived. So all that is necessary is to keep a watch to see that these letters are properly delivered, that they are not mis-delivered and that they are not delivered after a long lapse. I have been doing my part of the duty in order to help the honourable Minister and the Postal Department. A number of letters come to 23, Ferozeshah Road which are addressed to different persons. I think similar must be the case with other friends also. But for the fact that I have to re-post all those letters they would never have reached the addressees. I suppose these things are happening to everyone.

I think the general complaint of the Postal Department is that four classes of people complain against the Postal Department: Those who do not write letters and still expect to receive letters. They are great enemies of the Postal Department. Those who write letters to their selected friends more than twice a day and do not get reply because those selected friends do not like

to commit their thoughts into writing for fear of disclosure. They are also disappointed. There are persons who receive a lot of value-payables, and they refuse them. And lastly those who do not get money orders. There was a time in my life when I used to receive a number of value-payables, (*Shri Mahavir Tyagi*: 'Did you?') but not a single money order and I had to take the postman to task "why do you bring only value-payables and not bring any money order?" So far as the V.P. is concerned you can safely refuse them; you do not suffer any loss. But so far as money order is concerned, the habit of signing for somebody else may be developed and complaint may be remote. On the whole I congratulate the honourable Minister for the new device because it has helped the province of Assam.

Mr. Frank Anthony: Only Assam.

Srijut Rohini Kumar Chaudhuri: The province of Assam must be grateful to him. There was a time in the year 1948 when even the mails were forcibly snatched on the way between Darjeeling and Assam. It was done several times. Heaps of mails were lying in Ranighat and other places and they could not be carried. At that time the honourable Minister was pleased to help by carrying them by air without any extra payment or surcharge. Now, you might be accused of great partiality if you did not adopt the same method in respect of other provinces and therefore it is but right that he has adopted this method. It is wrong to think that the village people will suffer by the increase in postage because nowadays they won't receive the news of their relations long after some relation has died or receive intimation of a marriage long after the marriage has taken place. Instead of that, if the letters are carried by air and for the portion where there is no air communication they are taken by the ordinary method even, the news which the people want to have they will get much sooner than they get now. Therefore, this additional increase in the postage will not be minded by the people.

The only thing that I ask the honourable Minister is to introduce in Provinces like Assam the mobile post office system. It has proved a success and I think it should be developed.

The Honourable Mr. Rafi Ahmad Kidwai: Sir, with your permission I will first take up the points made by Mr. Anthony about the raising of the postage rates and about the night air mail.

I think people are wrong in thinking that the postal rate has been increased simply because the mails will be carried by air. I want friends to see the last Annual Report which has been circulated and they will find therein that while in the past years the Postal Department was making a profit of about Rs. 4 crores a year, in the estimated Budget there is a loss of about Rs. 21 crores. That is all due to the reducing of the post card rate by one pice in 1946. I will give honourable Members the figures for the last ten years to show that there was a proportionate increase in the number of letters and the number of post cards. In 1938-39 the number of letters sent was 516 millions and the number of post cards was 378 millions. It continued to increase proportionately and in 1946-47 the number of letters sent was 817 millions and the number of post cards was 691 millions. Then in 1946-47 the price of post card was dropped and it was found that while the increase in the number of letters was very small that is only 3 per cent instead of 15 per cent, that was normal, and only 856 million letters were sent, the number of post cards rose by a huge proportion—from 691 millions it rose to 888 millions.

1594 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [19TH MARCH 1949]

Shri R. K. Sidhva (C. P. and Berar: General): That shows that the poor people took advantage of it.

The Honourable Mr. Rafi Ahmad Kidwai: That is true, but what about the income of the post office?

Then, in 1947-48 in divided India, that is in the Indian Union, the number of letters was 720 millions while the number of post cards was in excess of that, that is 762 millions. In 1948-49 the number of letters sent was 781 millions while the number of post cards was 850 millions. In the next year it is expected that the number of letters will be 690 millions and the number of post cards will be 844 millions.

Now I would like you to look into the income of the Postal Department. From a profitable concern earning Rs. 4 crores a year, the next year's estimate shows a loss of Rs. 2½ crores. Last year we had to face the same problem. Then it was proposed that the price of the card should be raised, but we retained the price at two pice and increased the rates of the telephones. Now those Departments are making money and with that money we could have increased the facilities in other places but that was not possible because the Postal Department works at some loss.

Shri R. K. Sidhva: What was it due to?

The Honourable Mr. Rafi Ahmad Kidwai: Because the wages are going up while we are bringing down the prices.

Mr. Frank Anthony: But is not the main reason the running of your air companies at a loss?

The Honourable Mr. Rafi Ahmad Kidwai: It has nothing to do with it because the air mails last year brought a good profit and that has reduced the loss to over 50 lakhs.

We are again faced with a similar situation. It will not be possible to raise the charges on telegrams and telephones; the charges are already too high and last year we had to make some concessions for Press telegrams. We will have to make some further reductions if we want to increase the telephone facilities to extend it to others with lower income.

Shri R. K. Sidhva: Is that loss of Rs. 2½ crores due to the reduction of the rate of the post card from nine pies to half an anna?

The Honourable Mr. Rafi Ahmad Kidwai: That is true. And in view of the increasing rate of literacy in the population the number of letters and cards has also increased and every additional card will mean more loss. If the present number of cards is doubled then all the income from telegrams and telephones will be eaten up.

Shri Mahavir Tyagi: After you start this night air mail, will not the revenue from telegrams and telephones be reduced next year?

The Honourable Mr. Rafi Ahmad Kidwai: I do not think so because we are trying to improve the efficiency of the telegram. I have already asked the Department to see that a telegram from Calcutta to Bombay is delivered there in an hour and a half and a reply handed back, if there is a reply, in three hours. I hope in time to come we will be able to do that.

Mr. Frank Anthony: How much has this company lost since the night air mail service has begun operation?

The Honourable Mr. Rafi Ahmad Kidwai: I will come to that. That is about the increase of rates in post cards. I hope honourable Members will see that if we do not make this increase it will not be possible to increase

the charge on letters because the proportion of letters and cards will again be upset and then there will be fewer letters and a larger number of post-cards. Therefore we will have to accept this increase if we want to finance our expansion schemes.

The other point that was raised by Mr. Anthony was the special favour shown to a Company. I do not know where he got his facts from. A Question was put to me in this House and I gave a reply that when we thought of introducing this night air mail we contacted not one but two or three Companies. We offered them the same terms. All the other Companies wanted an enhancement of the present air mail rates. We said it was not possible because I told them that my scheme was to reduce the air mail rate after the new Budget, and that therefore it will not be possible to enhance the air mail rates. Then they declined the offer. The Postal Department entered into an agreement with the Company that accepted the offer. At the time it was understood that they will be allowed to take passengers also, but the Air Licensing Board said that till the night landing facilities have been provided on intermediary air halts they will not issue licences for carrying passengers. We had to drop the matter. But as night landing facilities were available on the Bombay route we proposed to another Company which is running a Delhi-Bombay air service to take up this night air mail service between here and Bombay, but in the mean time the Company offered to carry mails and to develop freight service. I know that in other countries like Australia, U.S.A. and even in a small country like the Philippines they have developed a good freight service by reducing their rates and instead of losing money they are making profits. Therefore I had encouraged this idea and they were given a licence. Although in the beginning their loss was high, now they have developed sufficient freight service between Calcutta and Bombay to make that trip without any loss. They are still suffering some loss on the Delhi-Madras route but I think they will be able to develop that route also. I may inform the House that, that route has been equipped with night landing facilities, therefore perhaps from the beginning of the next month we will be able to allow them to take passengers also, and in that case whatever loss they may have been suffering will be wiped out.

Another doubt which Mr. Anthony seemed to entertain is that all the mails will be confined to these two services. That is wrong. We will have mail for every service and I might inform the honourable member that since this proposal was announced—and I have had talks with the companies—there have been many proposals for new services for which these companies were not prepared before, because they were expecting that they would not get sufficient load. With the increase in the mail load, every company is prepared to run new services, and I may inform Mr. Rohini Kumar Chaudhury that I have already a proposal for running an air service between Delhi and Gauhati direct.

Mr. Frank Anthony: But is it not a fact that more than ninety per cent of the mail will continue to be carried by rail?

The Honourable Mr. Rafi Ahmad Kidwai: That is wrong. We will carry about 25 per cent now, and with the help of flying clubs, we will be able, within a year's time to bring it up to about 50 per cent.

Shri H. V. Kamath (C.P. and Berar: General): On what basis was the cost of production of a post card fixed at 8.2 pies?

The Honourable Mr. Rafi Ahmad Kidwai: I am just coming to that.

Shrimati G. Durgabai (Madras: General): May I know what is the total loss expected to be covered by this increase on the post card? Is it intended only to cover the loss or is it also expected to earn a profit?

The Honourable Mr. Rafi Ahmad Kidwai: I am just giving the figures, and you will find it is not expected to cover up even all the loss.

The honourable the Finance Minister informed the House that the cost per post card would come to 8.2 pies. But since the increase of 10 per cent. in the dearness allowance, it has further gone up to 9.3 pies. I may tell you that envelope is the only thing that brings us any income. In the other items like money-orders, etc. we are losing money. If you are interested, I may read out our expenses that we have to meet out of the revenue that we get. Per letter we are spending 10 pies and we get 18 pies. Per unpaid letter we spend 14 pies and we get 36 pies. These are the only sources of our income. On registered letter we are spending 8 as. 7 pies, and we get only 5 as. 6 pies.

Shri H. V. Kamath: What is the cost of production of a post-card?

The Honourable Mr. Rafi Ahmad Kidwai: It is 9.3 pies. The rates were fixed when wages were much lower than what they are to-day. Therefore I may say that we are losing on every card and the number of cards is going up higher and higher and we are losing larger and larger amounts.

Mr. Frank Anthony: May I know how the honourable Minister arrived at the percentage of 25 and the likely percentage of 50?

The Honourable Mr. Rafi Ahmad Kidwai: We have taken a census of the mails that go from city to city, from Delhi to Lucknow, to Banaras, Patna, Allahabad and so on. That is how we arrived at the figures.

Mr. Frank Anthony: What about the millions in the villages?

The Honourable Mr. Rafi Ahmad Kidwai: All the mail for the United Provinces will go to aerodromes in the U.P. and distributed from there. That will save 24 hours.

Then I may tell you what effect it will have on our civil aviation. We were losing money. Every company was losing money. Two companies have gone into liquidation. There was the threat of another company also going into liquidation.

Shri R. K. Sidhva: Still new companies are coming up.

The Honourable Mr. Rafi Ahmad Kidwai: That is wrong. We are not giving licenses to new companies. The number of companies is going down. Even a company considered to be most efficiently run, has lost some money; there was some profit in the balance-sheet of that company last year. Therefore we have to think out some plan that will keep these companies running. There was the question of nationalisation. Last year I said a committee was appointed. That committee proposed that we should take over one of the existing operating lines and run it. But that was not found possible on account of the financial crisis that we had to pass, and therefore we had to give it up. Now the question before us was how to save these companies. I have met representatives of these companies and I have been impressing upon them the necessity of getting more economic planes. I am told that if they operate planes of 40 seats then perhaps they can lower the fare and cater for the lower income people. Therefore, as an honourable member has suggested, I am advising them to lower their fares and then they will get full load. Some of them are trying to do it, and they

are exploring the possibility of having new planes with 40 seats or 50 seats, and charging as low fare as the railways do. If it is possible to do so, without any loss, I am told it is done in the U.S.A., in Australia and in some other countries. But we have to give them some assurance as regards the P.M. load. Instead of paying them a subsidy, I have devised to give them more load.

Shri Mahavir Tyagi: But then the railways will lose.

The Honourable Mr. Rafi Ahmad Kidwai: There will be such an abundance of traffic and therefore our mails, parcels etc. will continue to be carried by trains.

Shri B. L. Sondhi (East Punjab: General): Cost of aviation petrol has been reduced.

The Honourable Mr. Rafi Ahmad Kidwai: Yes, and on that account, I am also reducing the rates for the air-mails. At present we are paying every company, irrespective of the distance, at the rate of Rs. 1-8-0 per pound. If a letter goes from Kashmir to Assam, it has to be handled by three companies and therefore it has to be paid at Rs. 4-8-0 per pound. Now they will be paying them at the average rate of Rs. 1-8-0 according to distance.

Now, I will deal with the village post-offices. A point has been made about the pay of the extra departmental staff. These extra departmental staff are employed on the basis that they are doing other businesses and some payment will induce them to take up this work also. There was not much work, and village teachers or some persons doing business in the village, were paid a small sum as allowance for handling the mails. They would despatch and deliver the mails. In a small village, the people themselves would collect at the post office at the time of the arrival of the mail and take delivery. Otherwise we employ extra departmental staff for distribution also.

Shri Lakshminarayan Sahu (Orissa: General): But they have to work for six hours.

The Honourable Mr. Rafi Ahmad Kidwai: No, they are not supposed to work for six hours. And they used to get a sum of Rs. 6 and the mail person used to get something like Rs. 8 to Rs. 10.

Our rule was that in a village we can open a post office if our losses will not be more than Rs. 250. Last year I announced that we have raised this amount to Rs. 500. But we found that on account of the increases in the pay of the extra departmental men, even this sum of Rs. 500 would not suffice and therefore we were unable to spend the money that we had for opening new post-offices. We have recently raised the figure to Rs. 750 and we hope that on the present basis of pay we will be able to open new post offices. But if the pay of the extra departmental staff is further raised, then that may not be possible. As I said we were employing these extra departmental staff on the basis that they were doing other work. Now it happened that whenever a new post office was opened in a village, instead of giving the work to somebody who is doing something else also, somebody who is young and unemployed takes it up and then he starts demanding for more pay. Therefore I have directed the Department to see that only men who have got other work should be recruited for this work. We have also made a rule that if in any place one has to work for more than five hours, then he should be taken on into the departmental service and the post office departmentalised. But so long as it is only one hour, or two hours or three hours work, he will be paid according to the specified rates.

Shri Lakshminarayan Sahu: But your rule is that he should work one hour in the morning and five hours in the afternoon.

The Honourable Mr. Rafi Ahmad Kidwai: I have said five hours work will entitle him to come into the department. And that is why many of the stamp vendors in many places have been taken into the departmental service.

Shri H. V. Kamath: Since when has the cost of production of the post-card been 8.2 pies? How long has this abnormal figure remained? How many years has it been like that?

The Honourable Mr. Rafi Ahmad Kidwai: With the increase in the expenses the cost has been rising. In 1932 it was 5.8 pies. In 1938 it went down to 5.2. When the war started there were several allowances and the rise started. And then we implemented the Pay Commission's Recommendations. We had to give an extra Rs. 97 lakhs to Postal Department, excluding the Telegraph Department, and that added to the cost. And now we have to add Rs. 13 lakhs just now. Therefore from 8.2 pies it has gone up to 9.5 pies. If there are further rises in the dearness allowances etc. it will go up further.

Shri H. V. Kamath: It will be one anna next year.

Prof. Shibban Lal Saksena (U.P.: General): What is the pay of a stamp vendor?

The Honourable Mr. Rafi Ahmad Kidwai: The minimum pay in the department is Rs. 30 and anyone who gets into the department starts on this, with of course the dearness and other allowances.

Shri R. K. Sidhva: Are the packers entitled to pensions?

The Honourable Mr. Rafi Ahmad Kidwai: Yes.

Prof. Shibban Lal Saksena: Have stamp vendors been given the recent increase of 10 per cent?

The Honourable Mr. Rafi Ahmad Kidwai: Yes, they have got all that the departmental staff have got.

Mr. Deputy Speaker: Will the honourable Minister conclude the speech now or would he like to resume his speech in the afternoon?

The Honourable Mr. Rafi Ahmad Kidwai: I will take only 5 minutes more. I will now refer to the Meteorological Department. Many points have been raised, but I want to say something about the Meteorological Department. We are doing all that is possible in order to supply to the cultivators information that is necessary for them. There might be inaccuracies in them now and then, but the Department is doing its best to increase its efficiency. It is one thing to get information and it is quite a different thing to supply it to the cultivator. That has been the difficulty. Several times the Department came in contact with Provincial Governments and had discussions as to how to popularise their forecasts, discussed the suggestion of having our community village receivers for receiving broadcasts and all that, but that is all taking time and unless we are able to devise some methods of convincing the peasantry, of their utility whatever information is supplied in these bulletins will not be useful to them and the Meteorological Department will not be able to do much service. An honourable Member has referred to the 'sayings' of some ancient sage which guide the agriculturist in his sowing and reaping etc. There are different ancient 'sayings' prevailing in different Provinces. The Department is experimenting and

it is hoped they will be able to explain how far those 'sayings' are applicable under present conditions. The information will be made available to agriculturists through Provincial Governments. With these words I close.

Srijut Kuladhar Chaliha (Assam: General): May I know from what date the Air mail service from Delhi to Gauhati will start functioning?

The Honourable Mr. Rafi Ahmad Kidwai: I hope it will be some time next month.

Shri Mahavir Tyagi: Suppose, Sir, in view of the overall efficiency of your Department, if we agree to your Demands, are you prepared to reconsider the price of postcards?

The Honourable Mr. Rafi Ahmad Kidwai: No. I thought I have convinced you, but you are.....

Mr. Frank Anthony: How much of these increased rates are due to the fact that you will have to pay so much more to the different Air Lines?

The Honourable Mr. Rafi Ahmad Kidwai: When we thought of air-mail services, there was no consideration of enhancing the rates. As a matter of fact, we were making money on the air surcharge. Under the new proposal, we are doing away with that. Our earnings were 3-6-0 per lb. while we were paying to the companies 1-8-0. I have done away with that and all the money paid to the Air Services will be considered as an aid to Civil Aviation.

Shri Sita Ram S. Jajoo (Madhya Bharat): Are the development schemes going to be undertaken in the States also?

The Honourable Mr. Rafi Ahmad Kidwai: I think that whatever we are doing will benefit both the Provinces and states.

I may say a few words about the Flying Clubs. When I was in Madras, I had conversations with the Madras Finance Minister and I told him that they should take some interest in the establishment of flying clubs such as in Malabar and Andhra and other places and he has promised to look into that.

Mr. Frank Anthony: On the figures given by the honourable Minister that 30 per cent. (Some Honourable Members: '25 per cent') of mails will primarily be carried by air and 50 per cent. by next year, I beg leave of the House to withdraw my cut motion.

Mr. Deputy Speaker: Has the honourable Member leave of the House to withdraw his cut motion?

The cut motion was, by leave of the Assembly, withdrawn.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 27,66,49,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 6,09,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Communications'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 84,97,030 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Meteorology'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 76,42,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Overseas Communication Service'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 6,60,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Telephone Factory'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 2,53,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Aviation'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 4,13,41,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Indian Posts and Telegraphs (not met from Revenue)'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Posts and Telegraphs—Stores Suspense (not met from Revenue)'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 2,32,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Civil Aviation'."

The motion was adopted.

Mr. Deputy-Speaker: The Demands are all granted. The House will now stand adjourned to 2-40 P.M.

The Assembly then adjourned for Lunch till forty minutes past Two of the Clock.

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

Mr. Speaker: We will now proceed with the Demand for Food and Agriculture.

I am placing the following Demands before the House.

DEMAND NO. 26.—MINISTRY OF FOOD

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 46,29,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Food'."

DEMAND NO. 7.—FOREST

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 35,10,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Forest'."

DEMAND NO. 17.—MINISTRY OF AGRICULTURE

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 24,91,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Agriculture'."

DEMAND NO. 41.—SURVEY OF INDIA

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 69,86,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Survey of India'."

DEMAND NO. 42.—BOTANICAL SURVEY

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,63,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Botanical Survey'."

DEMAND NO. 43.—ZOOLOGICAL SURVEY

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 3,56,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Zoological Survey'."

DEMAND NO. 53.—AGRICULTURE

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 88,83,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Agriculture'."

DEMAND NO. 54.—CIVIL VETERINARY SERVICES

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 26,66,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Civil Veterinary Services'."

DEMAND NO. 65.—INDIAN DAIRY DEPARTMENT

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 8,17,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Dairy Department'."

DEMAND NO. 90.—CAPITAL OUTLAY ON FORESTS

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 34,95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Forests'."

The Honourable Shri Jairamdas Doulatram (Minister of Food and Agriculture): Sir, I had no intention to take the time of the House by any introductory remarks. But, in view of the 2 days' debate on food at the beginning of this session and the promise I then made that the entire food situation would be reviewed at high level, I thought that it would be appropriate if I now inform the House as to what steps were taken subsequent to that debate and what has been the result of the review I had promised. Since the discussions in the House in early February, the whole programme of food production was thoroughly re-examined by me with the aid of my administrative and technical officers. The Grow-More-Food programme was also submitted to examination by a committee of economists attached to the Cabinet. I also had informal discussions with many Members of the House to have the advantage of their experience and local knowledge. Their sustained interest in the details of the various proposals discussed with them was of great help to me in finalising the line of action proposed to be taken. I have given the fullest consideration to the various suggestions made during the debate and thereafter, and have decided to accept several of those suggestions.

The Government also considered it necessary, before coming to final conclusions, to confer with the Provincial Governments and so, a week ago, representatives of the Provincial Governments were called to Delhi to determine what part the Provinces would play in dealing anew with the food problem.

As promised, the food situation was reviewed by the Cabinet on two separate occasions and the Prime Minister has been as you know, giving constant thought to the problem. I am now in a position to place before the House briefly the decisions of the Cabinet and the revised food policy of the Government.

The first and the basic decision which we have come to is that, except in the case of any grave calamity such as widespread failure of crops or for the purpose of building up a central reserve, as recommended by the Food Grains Policy Committee, the Government will not import any food grains from abroad after 1951. The second decision of Government is that, in view of the above definite goal of freedom from imports of food grains after 1951, the Provinces and States are to be asked to do two things. Firstly, to plan their programme of food production in accordance with the above announcement and secondly, to tighten up their procurement arrangements, so that the increase in food grains resulting from the measures to be taken also becomes available for meeting any food deficit in the country.

The Government have also reconsidered the whole scheme of Grow-More-Food Campaign and have replaced it by a programme of Intensive Cultivation of that part of our food acreage at present which has perennial or assured water-supply. Subsidised aid in the shape of improved seeds, organic manure, compost fertilizers, minor irrigation works will now all be concentrated on selected regions in this part of our cultivated land. Arrangements have also been planned for making a more reliable estimate of the results of this concentrated effort by the crop-cutting method of sample survey.

Government have also, as you know, large schemes of reclamation covering about 60 lakhs acres of weed infested and new land. We intend to concentrate on reclaiming about 8 lakhs of acres by the end of 1951. The efficiency of the work of reclamation and mechanical cultivation so far done by the Central and Provincial Governments has won praise from those who are familiar with this type of work in the West. This scheme is going to be the biggest reclamation project in the East outside Russia. Already the results and outturns achieved in the United Provinces and the Central Provinces have been beyond our expectations.

Government have also a project of tube-wells, the details of which are under fresh examination. When implemented, the land perennially irrigated by these deep wells will make a material contribution to meeting our food deficit. Government also intend pending the development of our indigenous resources of organic and chemical manure to secure from outside special quantities of fertilizers for use in irrigated rice areas to make a substantive addition to our rice crop. It is also the proposal of Government to save some extra acreage from surplus crops and divert it for the production of cereals. These are the several items in our programme up to the end of 1951. For the speedy implementation of the revised programme, Government have decided to set up at the Centre a small Development Board and will request the provinces and States to set up parallel Development Boards so that the normal Departmental procedure may not delay the progress of the programme. The Boards would have attached to them statistical sections to keep continuous contact with developments and assess periodically the results achieved in terms of the targets. All these parts of the revised food programme were fully discussed with the representatives of provinces only a few days ago and provincial plans for production were formulated which would wipe off our food deficit of only 10 per cent by the end of 1951.

The goal before us, therefore, is to achieve self-sufficiency in food by the end of 1951 and we must somehow achieve this goal. It gives me pleasure to state that the provincial representatives felt confident that the programme chalked out with their co-operation could be successfully achieved within the above time-limit of December 1951. They, however, needed and rightly the help of the Centre in the shape of more iron and steel, cement and coal and above all proper transport facilities. The question of how the movement of these materials for food production could be upgraded is to be decided shortly by Government, but in the meantime Government have decided to have a special Liaison Officer who would keep the link between the Centre and the provinces and States in regard to these matters and see that no difficulty arises in the way of speedy implementation of the new programme.

Government have also felt the necessity of more frequent contact with the provincial and State plans for production and it has been arranged that there would be a monthly meeting of the officers of the Centre and of the provinces and States to ensure that the various production plans are being rapidly proceeded with and also to provide an opportunity for fullest inter-provincial co-ordination. There would be besides a six-monthly review of the progress made in terms of a six-month phased programme. I have no doubt that the provinces and States realizing the gravity of the situation will fully respond.

Apart from this programme of increasing the production of rice, wheat and other cereals so as to achieve self-sufficiency by the end of 1951, Government have also decided to encourage the development and use of such high-yielding non-cereal food crops as banana, papaya, sweet potato and tapioca. These have good food value and the yield per acre is many times more than in the case of cereals. Some adjustment also in our habits of diet is essential in the present times.

Government, however, realise that no plan of agricultural production can succeed unless it secures the co-operation of the agriculturists. It is therefore intended, apart from other steps that have to be taken, to organise farmers' unions under the leadership of progressive cultivators in each area, so that democracy in the field of production may achieve the greatest results. Public policy in regard to the rural areas needs to be re-orientated. With increased agricultural production is linked not only the cultivator's own purchasing power and therefore his own standard of living, but with it is linked

[Shri Jairamdas Doulatram]

also our country's economic freedom. All of us, Government no less than the House and the public, feel that we must end the crisis which faces us on the food front. We must be independent of food imports by the earliest possible date. A reasonably early date has now been fixed. It is a challenge to all of us, but the challenge can only be met if the food front is looked upon nearly as a war front and if the same sense of urgency and emergency which inspires a successful war effort also inspires our plans of food production.

It is not an easy task which Government have set for themselves. We may not take it lightly. It is a hard task needing continuous, persistent, patient, strenuous work. It would need the greatest effort of all of us—both Government and the people. The maximum co-operation between the Central, provincial and State governments on the one hand and the nation's producers on numberless fields on the other will alone enable the country to reach the goal we have placed before ourselves. I feel hopeful that that cooperation will be available.

In placing this programme before the House, I would have wished to say nothing which may be regarded as of a personal nature, but I cannot help saying only this much, that I wish to assure the House that every ounce of my energy will be devoted to seeing that we bring the programme to timely success. I may also, in conclusion, express the hope that the honourable Members of the House who have ample influence in their respective provinces and States will severally treat the programme as their own and give to Government their cooperation in reaching our goal by the target date of December 1951.

Mr. Speaker: I will just remind honourable Members that today is the last date for the voting of demands and therefore, under the rules, it is not possible for us to extend the time beyond 5. At 5 sharp the guillotine will be applied. So we have about an hour and a half, leaving about half an hour to the honourable Minister for reply.

The Honourable Shri Jairamdas Doulatram: I will take twenty minutes.

Mr. Speaker: That means we shall have ten minutes more and there are a large number of speakers; so I have to curtail, again, the time-limit, and request members to strictly limit themselves to the time-limit and take care to see that they mention all points that they want to urge, without the embroideries to all those points.

Now, are there any cut motions which are going to be moved?

Shri Lakshminarayan Sahu (Orissa: General): Yes, Sir. I have one.

Mr. Speaker: There is also another one, I think.

Sardar Hukam Singh (East Punjab: General): Yes, Sir. If I am given time, I will move others.

Mr. Speaker: If there is a cut motion, of course, I will have to give preference to it and the particular discussion will precede the general discussion. There are two cut motions. I think we will first have the one by Mr. Sahu.

Stoppage of Food Grains Import from Foreign Countries.

श्री० लक्ष्मीनारायण साहू : मान्यवर वाचस्पतिजी, मेरा कट मोशन यह है :

"That the demand under the head 'Ministry of food' be reduced by Rs. 100."

अभी जो मान्यवर मंत्री जी ने कहा कि सन् १९५१ के बाद से खाने की चीजों का कोई इम्पोर्ट नहीं होगा बड़ी खुशी की बात है। लेकिन हम लोग यह काम कैसे खत्म कर सकते हैं? इस के लिये हम लोगों को पूरी कोशिश करनी चाहिये। एक बात में यह सोचना था कि जब तक यहां ब्लैक मार्केटिंग रहती है और ट्रांसपोर्ट का सुभीता नहीं रहता है तब तक हम लोगों को खाने की चीजें यहां रहते हुए भी खाने को नहीं मिलती हैं। इसीलिये सब मिनिस्टर्स को कोशिश करनी चाहिये कि ट्रांसपोर्ट की फैसिलीटीज दी जाय।

अब ब्लैक मार्केटिंग कैसे बन्द होगा। ब्लैक मार्केटिंग बन्द करने के लिये मैंने ऐसा सुना है कि जर्मनी में ओवरनाइट न्यू करेंसी बना दिया और जितने रुपये जिसके पास थे वह कोई काम के नहीं रहे। इसीलिये खाने को जितनी चीजें थीं सब देश को मिल गई। ऐसा मैं सोचता हूं कि अगर फाइनेंस मिनिस्टर साहब कोई न्यू करेंसी कर दें या ऐसा कुछ सुभीता कर दें तो बहुत अच्छा हो। ज्यादा वक्त मैं नहीं लेना चाहता हूं इतना ही कह कर मैं अपना कट मोशन पेश करता हूं।

(English translation of the above speech)

Shri Lakshminarayan Sahu: I beg to move:

"That the demand under the head 'Ministry of Food' be reduced by Rs. 100."

It is a matter of great gratification to know from the honourable Minister that no food-stuffs will be imported after the year 1951. But how can we do away with this? Therefore, we should make every endeavour to achieve this end. One thing which I thought of was that as long as black market continues to exist and transport facilities are not made available, we cannot get any food-stuffs even if these are available in this country. Therefore, I would urge the honourable Ministers concerned to do their best to provide transport facilities.

Now, how can this black-market be checked? I have been told that in Germany new currency was introduced over-night thus resulting in the de-monetization of the entire existing currency in the hands of the people. This led to the whole stock of the food-stuffs being released for the country's use. I, therefore, feel that it would be much better if the honourable the Finance Minister introduces any new currency or affords some such facility. I do not want to take much time of the House.

With these words, I move my cut motion.

Mr. Speaker: Cut motion moved;

"That the demand under the head 'Ministry of Food' be reduced by Rs. 100."

Co-ordination with Provinces and failure to meet shortage of Food

Sardar Hukam Singh: Sir, I beg to move:

"That the demand under the head 'Ministry of Agriculture' be reduced by Rs. 100."

The second one also I will move with your permission.

Food shortage and policy.

Sardar Hukam Singh: I beg to move:

"That the demand under the head 'Ministry of Food' be reduced by Rs. 100."

Sir, it was heartening to listen to the honourable Minister today that our Government have laid down a definite date by which we shall stop food imports and our country will become self-sufficient in food. The honourable Minister and our country will become self-sufficient in food. The honourable Minister to follow. If the results as expected, or as desired, are achieved, it would be a very hopeful thing. So far it is distressing to find that though India has all along been known as an agricultural country—apart from whatever else it might produce—it has not given us sufficient food and sufficient milk. 75 per cent of our people depend on agriculture and India has been dependent on imports and is still dependent on that for another two years, even if we succeed according to the programme laid down by us. These imports have been rather increasing from year to year. In 1947 we imported 2.5 million tons while in 1949 we have provided for 4 million tons. That is also due to insufficiency of exchange: rather we are desiring more. We have been told in the report that certain places have been visited by famine. But we should be prepared for that because a country as large as ours must have some places here and there which may be afflicted by famine.

My first submission is that our policy of de-control and de-rationing has brought about a sharp rise in prices. The index number rose from 280 on 15th August 1947 to 393 on 15th August 1948. My own contention is that these are only book prices. Actually the wheat has been selling at much higher prices.

As I have said before, our Government has relied upon imports and on the 'Grow More Food' campaign. But these have not brought the desirable results. Our imports have eaten up most of our reserves that could have been better utilised for capital goods and machinery, and the grow more food campaign as discussed the other day has not given us the results that we expected. So the real need for the moment is a total campaign on this food front, and if we succeed in the programme just described, there should be some improvement.

I might clear up one point here. There is a general impression, that the ordinary agriculturist has gained considerably during the abnormal rise in prices. In reality, in my view, that opinion is not correct. The plight of the small peasant has rather worsened. The reasons for this may be stated as follows:

(a) the area under multiple crop is very small;

(b) 80 per cent of the holdings are uneconomic and the average peasant produces hardly enough for his own needs. For his other needs such as kerosene oil, cloth, matches, salt and sugar he has to pay high prices;

(c) these poor peasants have been the first to be affected by famines. What has been the result? The landless agricultural labour has been increasing very fast and according to I.L.O. in 1933 it was 35 millions, while in 1944 it had grown to 68 millions. The small landholder is parting with his land.

He is forced to sell it. During the war 13 per cent big landlords have been able to reduce their debts by 32 per cent and the middle-class peasant by 19 per cent. But these small land-holders had to sell their land to the above two classes to the extent of Rs. 30 crores.

There is the testimony of the Bengal Famine Commission to the same effect. In reply to the questionnaire circulated to the various provinces Bengal replied that the big landlords have more lands than they can directly cultivate themselves. Gossa said that there is a tendency for land to pass from small cultivators to persons who are men of professions. Similarly, the C. P. replied that there is an increasing tendency for ownership of land to pass out of the hands of the cultivating classes.

The conclusion that one can arrive at is that agricultural production has ceased to be worthwhile because the life of the actual producer has ceased to be worthliving.

With regard to the plan of Government to mechanise agriculture, I might submit that unless we can provide some alternate occupation for these cultivators, it would bring in more unemployment and our purpose would not be served. In fact it would mean importing of tractors and increasing unemployment. The abolition of zamindari also is not being done in a desirable way. I do not think it will bring the results that we anticipate. Still I am in favour of it. The real owner is getting compensation; the tenant under him is getting the land; but the actual cultivator who is there and just lower than the tenant, is not getting anything. If A is the proprietor and B is the immediate tenant, then in most cases B is not actually tilling it. C is recorded under B, but in some cases C may also have a tenant under him D who may be actually cultivating. But the actual tillers on the land would not get any benefit. So the programme of the Government should be that the actual tiller should get the land.

To sum up, if Government really intends benefiting the peasant, then the actual tiller should be the beneficiary and not the intermediary.

The grievances of the agricultural classes are mounting up and multiplying. They are clamouring for relief. There have been strikes and sporadic revolts in several parts of the country. If nothing is done to ameliorate the conditions of our agricultural masses India is sure to go the China way.

Shri T. Prakasam (Madras: General): Sir, I thank you for giving me an opportunity to say what I have to say on this very important subject. I shall confine myself, as you pointed out, to the few points which I shall take up before you and before the honourable Members of this House.

I congratulate the Food Minister and the Cabinet of Pandit Jawaharlal Nehru for the decision they have taken that there would be no more imports from 1951. I would like to point out to them, if it is not impossible, that they should try and reduce that period and not to import from 1950. We are in 1949. 1950 would be the next year. Unless there is any difficulty, technical or otherwise in virtue of any commitments, I would request that, if it is possible, these imports from outside should be stopped from 1950. Sir, I may point out that the troubles during the last two or three years have been of our own making. After the first war the first economic depression started in 1924 and continued to 1934: that is 10 years or 11 years elapsed after the close of that war for any economic crisis to arise. But this time almost immediately after the war the trouble started. What is the cause of this? You may not be able to see it unless you go into the whole of it closely. What is the cause of this crisis immediately after the war? Why has the food famine and the cloth famine overtaken us so soon after the war? When I was the head of the Madras Government I had occasion to address the Assembly on this matter in the

[Shri T. Prakasam]

food debate. I pointed out then that our relationship with the International Food and Agricultural Organisation, our being tied up with them was responsible for this trouble of ours. I very much wished at that time that that relationship should cease to exist immediately. If we were free from that we will recover very much more quickly. That was the point I mentioned more than 2 years ago and I am now repeating it with greater strength on the basis of facts. Why has this trouble come upon us immediately after the war? It is only 3½ years since the hostilities ceased. This International Food and Agricultural Organisation came into existence three years ago. What is this organisation? Mr. Dodd, who is the Director General of this organisation was in Delhi and made a statement in a press interview the other day. He was very candid and he explained the position so far as the International F.A.O., of which he was the Director General, was concerned. He said that in this international organisation 58 countries have joined as members. He said that it had no executive power to execute, it is not a body that could sell anything or give anything or take anything. It is merely an organisation that came into existence with a view to regulate the distribution of food throughout the world as it were. It tried and it has failed and we have suffered very much on that account. Mr. Dodd himself stated in his press interview what the difficulties were in regard to our own country. He pointed out that we have not got the machinery or plant required for improving our agricultural production and making ourselves self-sufficient. He admitted the exchange trouble that has come into existence along with the close of the war. America is holding the sword against the rest of the world, dictating the dollar basis for everybody to adopt. Every country is forced today to purchase dollars at any cost and keep them or in the name of dollars to transact their business, either import or export. The whole country has been reduced to that condition. Mr. Dodd himself was plain and straight in stating that the exchange trouble was there. This International F.A.O. which has no executive power, which has nothing to give nor take is simply sitting at one place and regulating the whole thing and it has created all this trouble. Mr. Dodd is a gentleman who was the under-secretary of the U.S.A. Government a few years ago and he came out and became the Director General of this organisation. The sooner we sever our connection with this organisation the better. In anticipation as it were I feel thankful to the Government for their having stated that we would not import any more foodgrains from outside from 1951.

One other thing I would suggest by way of construction which the honourable Minister has already indicated to some extent. A decentralisation policy must be adopted. Each province must be made responsible, as it is already indicated in the statement of the Food Minister. Each provincial government can with the money of the people bring into existence co-operative organisations with the aid of which they can procure and carry out distribution all over the country. With your permission, Sir, let me tell you that in Madras our Government brought into existence within six or seven months 29,000 Village Food Committees, so that food may be distributed. Food procured will go into the hands of the committees so that those people in the villages may not starve or complain about distribution. The co-operative organisations in one district of Malabar collected over a crore of rupees from the people and they started both procurement and distribution for relieving the poor as it were and they proved a perfect success. In the coastal districts the people themselves came forward paying over 2 crores of rupees within less than two months. The organisation came into existence and it had a credit and debit balance sheet which was published. The organisation was flourishing and they were making small profits not merely for themselves but they were giving

food to the poor also. There was such potentiality in it but it could not be continued. By some chance or other our Government was overthrown and another government came into power and they set their face against the whole organisation. The organisations are still there. There is the body of it, though the life is not there and they are not functioning. I suggest that those organisations must be restored. I therefore submit to the Members of this Government and to this House that co-operative organisation must be made the basis and Government need not spend any money. It has been pointed out by our capitalist friends that money has gone into the hands of the villagers. Assuming that it is so I would suggest the encouragement of co-operative organisations. If that is done procurement can be secured and every thing else could be done and Communism can be resisted. That was my point from the beginning. If these organisations had been extended throughout the Presidency we would not have had any Communism at all, whereas now we are in the throes of Communism on account of the wretchedness that has overtaken us. So this is for the constructive side and as for the other side I would suggest the cessation of our connection with the International F.A.O. and stop our imports of foodgrains from abroad from 1950 itself.

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, I wish to say a few words and they shall be only points. The statement made by the honourable Minister was somewhat reassuring. My part of the country has been stricken with famine for a number of years and we had to come to the Centre for import of foodgrains from foreign countries. I am thankful to the Centre and our province is thankful to the Central Government for having helped us. But I find that in recent years the incentive to produce more and achieve self-sufficiency is more and more lacking. Therefore the time limit which has been fixed as 1951 is good. It will create a sense of responsibility in the minds of the provincial governments.

I would make a few suggestions now. When I moved a resolution in this House regarding the methods which should be adopted to prevent famine recurring as also to circumvent or avoid famine conditions, I suggested at that time that there must be a permanent Famine Commission established in this country. Instead of a Famine Commission there must be an Agricultural Commission or an Agricultural Board established which will every week or every month—at least every month—issue a report that so many acres have been sown with this and so on and so forth. Such a kind of incentive and fillip to industry and particularly to this industry is wanted. I am very sorry to find such a thing absent here. We find that England has made herself self-sufficient and that its balance of trade has increased, that it has a favourable balance of trade to the tune of pounds 18 million. It may be a little too much; it may be a matter of exaggeration. But that kind of effort, that kind of attack on all fronts, that kind of enthusiasm is lacking here. The honourable Minister may not be able to do everything. Therefore I would suggest that a kind of an All India Agricultural Commission or Board should be brought into existence which must address itself to the main problem of distributing seeds and implements, importing tractors, sending them to the required areas and directly taking up certain areas for extensive cultivation. There are large areas in Orissa which are water-logged and suffering from malarial conditions. The Agency tracts have millions of square miles of such land. (Prof. N. G. Ranga: 'Sixty-thousand square miles'). There the sixty-thousand square miles of land in the province of Madras infected by malaria. Otherwise they have natural sources of irrigation. If all these are cultivated there won't be any famine in the land. India will become surplus in cereals and we may be able to send our foodgrains to other countries also. That is one suggestion which I wish to make.

[Shri M. Ananthasayanam Ayyangar]

As I agree with my honourable friend Mr. Prakasam when he says this must be decentralised, after all we may talk from Delhi, another friend may talk from the capital of the various Provinces; but the man who has to produce is in the village. There is no question of responsibility so far as the village is concerned. Therefore, instead of entering into an argument, what I would suggest is that in every village there must be an Agricultural Council or a Farmers Council which must have the right to take up any particular land which is left fallow for any reason, for want of men or for want of implements. This Council must be able to take charge, by legislation, of that land, cultivate it, and after deducting the expenses of cultivation pay away the balance to the man concerned. We are giving subsidies in season and out of season. All right, let us continue the subsidies. If subsidies are given to individual ryots for sinking wells I know that old pits have been shown as newly dug wells and people have eaten away the money. Even half or 25 per cent of the money that is given by way of subsidies does not go for the sinking of wells. We give a sum of Rs. 300 or 400; the cost of sinking a well is about of 1,400. It is not easy for him to get the balance. He has to go in for a taccavi loan. The procedure takes a long time. Therefore give this subsidy to the Agricultural Council which has to be established on a statutory basis in every village, give them implements and the husbandry for the purpose of distribution to the various places. There won't be any nepotism here. It cannot be said that one district or taluk has taken away everything to the prejudice of other taluks. Seed grains must be distributed through that agency. It must be permitted to take charge of any particular land and cultivate it in case in spite of all facilities having been given that land is not being cultivated.

Another difficulty is this. I know there is a race for producing commercial crops; not that I want to deny the agriculturist the benefit of a commercial crop. I will come to it later. But so far as production of cereals is concerned, in the district from which I come at a time when jaggery was selling very high all paddy fields were converted into sugar-cane fields and there was such a lot of jaggery produced. On account of decontrol there was no market for the jaggery and it began to rot and became sour. And the people began to starve because they had not grown cereals. Therefore legislation must be undertaken in every province for enforcing crop planning everywhere. If a man has five acres of land let him not grow sugar-cane on all his land. Let him have 25 per cent. for commercial crops and let him grow cereals on the rest. I am not saying that this is a remedy for all time. Better times may come. But in the circumstances in which we are placed today, with hunger facing the people, when we have to spend Rs. 100 crores and odd for importing foodgrains from foreign countries... (Prof. N. G. Ranga: 'Put all the kisans in jails.') On the other hand I would give responsibility to the kisan, make him an important man in the village and make him responsible. I am making the suggestions to the Government. It is our party that is ruling. What is happening in my part of the Presidency is this. The villager does not produce sufficient foodgrains even for his own consumption. He goes to the nearest *shandy*, takes a car and goes there and he purchases it from the market. Even the agriculturist who can produce foodgrains for his own consumption utilises his land for growing cotton or groundnut seed or sugar-cane. He does not care because he comes along with me who is not a producer to the ration shop with a card and purchases his foodgrains. In spite of all my affection and the affection of my friend Prof. Ranga for the agriculturist, can we put up with this? It is practically a strike. A strike without our knowledge is going on in the villages. The strikes which take place in factories are known, they are advertised, and it is said that so many man-hours are lost. I ask if the agriculturists are not striking today.

Prof. N. G. Ranga (Madras: General): It is the Government which is on strike.

Shri M. Ananthasayanam Ayyangar: I am not throwing the blame on this or that person. I say the agriculturists therefore must be induced to do that. It is this agency which can accomplish it—the Agricultural Commission or Board and a Farmers Council in each village. There should be compulsory crop planning. And then there should be no sales of foodgrains except through a co-operative society.

Beides cereals there are other things also. There is for instance fish. I do not eat fish or meat. But in every well in a house you must have developed such kind of small fish as can grow in that particular place. Fish eaters should be encouraged to eat fish. (Interruption). My friend here can eat fish and also drink. Therefore he can digest it. Whoever can eat other kinds of food must be encouraged to eat them. Dairying, poultry-farming and such other things must be attempted. This problem has to be attacked on all fronts; a single front is not enough. Our co-operation is always there. But our co-operation is primarily for eating. The co-operation of the Government is for production. I am glad of the reassuring statement made. But it need not be merely a statement hereafter. We expect that some drastic action will be taken.

Shri Satish Chandra (U. P.: General): Sir, the honourable Minister of Food and Agriculture by the announcement of a new policy has taken much wind out of the sails of a score of speakers who are to take part in to-day's debate. I think the statement of policy which he has made to-day is the result of genuine heart-searching and reorientation in outlook. It indicates that we have come to the conclusion that immediate and tangible results are the need of the moment and that the long-term plans, for which we were making efforts up till now, could yield no results in the near future. Therefore the new policy that has been outlined is welcome and I hope, it will solve some complex problems facing the country at present.

Within the short time at my disposal I will make only one or two suggestions. The policy outlined to-day is based on the principle that definite results must be shown by the Provincial Governments to justify the subsidy or the grant that they receive from the Central Government. I think that this principle should be extended a bit further.

The Federal Department of Agriculture in the United States of America has introduced a system of 'Efficiency Audit' and 'Efficiency Rating' of the persons employed under it. Most of the staff there is appointed on a contract basis, say on renewable contracts for two or three years. The entire set up of the Department is essentially rational. The persons who show good results are given high promotions and those who fail to achieve a certain amount of success or reach a definite target are either demoted or dismissed. Though we cannot possibly in the near future spend huge amounts of money or extend our organisation like the Federal Department of Agriculture, this principle can be applied, I am sure, with good results at the Centre and in the Provinces. Agricultural officers can be periodically rated on the basis of their efficiency and on the basis of work and the results that they show. This practice is being followed in another country and I do not see any reason why it cannot be adopted here. Some beginning in this respect has been made in my own Province, the United Provinces, where certain members of the staff of the Agricultural Department are asked to appear before a Manpower Committee; their work is assessed and they are either promoted or demoted. I think the other Provinces may also be advised to adopt some similar practice.

[Shri Satish Chandra]

Another thing that I would like to say is that there are a number of Committees—Commodity Committees, Boards and Councils—under the Ministry of Agriculture. I had occasion once in the previous session to point out that these Committees were not well constituted. They were constituted several years before the attainment of freedom, and I think all of them need overhauling. Representatives of the people who can adequately voice their feelings should be taken on those Committees. I had given examples on the previous occasion and I do not wish to repeat them. Most of the Committees were constituted by persons who can not adequately represent the interests of the growers or the consumers. Some of them were nominated on those Committees simply because they enjoyed favour of the powers a few years back.

Sir, the fruits of research have not reached the cultivator. This is a point which has been repeated several times in this House and I do not want to take much time over it. The honourable Minister, only a few days ago sent us a small cutting in which he acquainted us with the activities of the agricultural extension service in another country. I would submit that there should be a well-organised field extension and demonstration service. Demonstration on a government farm or at a central place, I am sure, does not help. The need is that these demonstrations should be carried to the village. The villager should not be asked to come to Government farms, but the demonstrations should take place in every village. There should be mobile units which should proceed from village to village. The cultivator should be convinced of the benefits of application of improved methods on his own field in his own village. If mobile units are attached to every agricultural farm in the Provinces, I think the yield per acre can be substantially increased by demonstrating improved methods on the cultivator's field. An outstanding feature of our agriculture is the tremendous waste—waste of soil, water, manure, seed, livestock, labour, time, money—I do not wish to go on enumerating them. There is not sufficient time to take them one by one and discuss the details. But much of this waste can be avoided by proper training, proper demonstration, by imparting education to the villager in the art of economic cultivation and by acquainting him with the researches that have been carried out.

Sir, I feel there should be greater co-operation between the Centre and the Provinces. The honourable Minister of Agriculture, while presiding over a Conference of Ministers of Agriculture from the various Provinces and States, in September last said:

"The main common difficulties which have been experienced are inadequacy of supply of coal, cement, iron and steel, fertilisers and machinery, apart from the delays caused in transport and in securing the sanction of the Central Government to Provincial schemes".

I would like to know if these defects have been tried to be remedied. I would like to know if something is being done to co-ordinate the activities of the various Ministries of the Government of India, and of the Central and the Provincial Governments, so as to expedite various schemes and to remove the difficulties which he had narrated.

In the end I will point out that we have to depend for our short-term plans largely on the utilisation of the indigenous resources. The other day a question was put to the honourable the Commerce Minister as to why oil-seeds are being exported and their export being encouraged. I would like to know whether the Ministry of Agriculture keeps in touch with the activities of the other Ministries in such matters. Oilcakes have great manurial value and value as cattle-food. The Commerce Ministry is encouraging the export of oil-seeds, we were told to earn some foreign currency. If we really wish to utilise our indigenous resources and if we want quick results we cannot wait

for the Sindhri Fertilizer plant which will come into existence and operate several years hence. Why can't we utilise all the castor-cake as manure, and other cakes too, which are being exported in the form of oil-seeds without any regard to our agricultural requirements of manure and cattle-food? We earn foreign currency in order to get our food from abroad, while we are not utilising our own resources to reduce our requirements of imports from outside. I think the honourable Minister will kindly give his consideration to this problem.

श्री रामचन्द्र उपाध्याय : सभापति जी, जहां तक अन्न की पैदावार बढ़ाने का सवाल है, मैं समझता हूँ कि माननीय मंत्री को जो वह जानते हैं उससे अधिक जानने की आवश्यकता नहीं है। जो वह जानते हैं वह काफी है। लेकिन गलती जो है वह यह है कि उस पर अमल नहीं हो रहा है। मैंने आपके पैम्फलेट को पढ़ा है। उससे मालूम होता है कि काफी अच्छी स्कीमें बन गई हैं लेकिन गलती यही है कि उनको अमल में नहीं लाया जाता। इसलिए जहां तक पैदावार को बढ़ाने का सम्बन्ध है मैं सिर्फ इतना ही कहना चाहूंगा कि इन तमाम स्कीमों को अमल में लाने का प्रयत्न किया जाना चाहिए।

एक बात और जिसकी तरफ मैं आपकी तवज्जह दिलाना चाहता हूँ और जिसको मैंने आपके पैम्फलेट में नहीं पाया है, वह यह है कि देश के अन्दर अन्न की पैदावार को बढ़ाने से ही आपकी सारी दिक्कतें हल नहीं हो जायेंगी। पैदावार बढ़ाने के बाद आपको यह चाहिए कि आप अन्न की बरबादी को रोकें। मैंने देखा है कि इसके बारे में आपका विचार नहीं गया है। आपको मालूम होगा कि हमारे देश के अन्दर बहुत सी ऐसी सामाजिक कुरीतियां हैं जिनके अनुसार दो-दो सौ, चार-चार सौ आदमियों की दावत दी जाती है। मैं नहीं कह सकता कि देश के और किसी हिस्से के अन्दर यह रिवाज है या नहीं, लेकिन मेरी तरफ तो यह रिवाज है कि जब कोई मर जाता है तो उसके वारिसों को हजार-हजार दो-दो हजार आदमियों की दावत करनी पड़ती है। उसका फ़र्ज हो जाता है कि चाहे वह मकान बेचे पर उसे हजार दो हजार आदमियों की दावत देनी पड़ती है।

इसके बाद मैं यह कहूंगा कि आजकल देहात में लोगों के पास पैसा ही गया है। उसको खर्च करने के लिये समाज के लोग उनको मजबूर करते हैं और उनको एक तरह की दावत देनी पड़ती है जिसको 'गंगोज' कहते हैं। यानी 'गंगाजी' के नाम पर लोगों को खिलाया जाता है। इस तरफ मैं आपका ध्यान दिलाना चाहता हूँ कि अन्न काफी बरबाद हो रहा है। आप जानते हैं कि लड़ाई के वक़्त विदेशी सरकार ने ऐसे बहुत से कानून जारी किये थे जिनसे उन्होंने इस बात की रूकावट डाली थी कि दावतों में जहां तक हो सके कम आदमी आयें। लेकिन वह विदेशी हुकूमत थी, उसको जनता का सहयोग प्राप्त नहीं था, इसलिए वह कामयाब नहीं हुई। आपके पास

[श्री रामचन्द्र उपाध्याय]

तो जनता का सहयोग मौजूद है। मैं समझता हूँ कि अगर आप कोई ऐसा कानून बनायेंगे तो उसमें आपको अवश्य कामयाबी होगी। लेकिन जो भी मेजर (Measure) आप लें उसे स्ट्रॉंगली (strongly) लीजिये और उसकी सजा दस या बीस रुपये जुर्माने न रखिये बल्कि सजा रखिये तो कामयाबी होगी। हमारी रियासत में पिछले महाराज ने ऐसा कानून बनाया था कि जो कोई शख्स १६ बरस से कम के लड़के की शादी करेगा उसको ५०० रुपया जुर्माना देना होगा। तो लोग दस-दस बरस के लड़कों की शादी करने लगे और कहते थे कि हम शादी में हजार दो हजार रुपया खर्च करते हैं, ५०० रुपया जुर्माने में भी दै देंगे। इसलिए मैं कहूँगा कि जुर्माने की सजा से काम नहीं चलेगा। इसके लिए तो नख्त गज़ा चाहिए और पुलिस को आप हिदायत करें कि वह पूरी सख्ती से काम ले। मैं समझता हूँ कि ऐसा करने से आपकी दिक्कत बहुत कुछ हल हो जायगी।

दूसरी बात जो मैं बतलाना चाहता हूँ वह यह है कि आप देहात में जाकर देखें, मैं यह नहीं कहता कि आपको मालूम नहीं है, आप बखूबी जानते हैं, कि किसान क्या खाता है। किसान सिर्फ सिका हुआ आटा उस पर नमक मिर्च रख कर खाते हैं। इसका यह असर होता है कि ज्यादा अन्न खर्च होता है इसलिए इस समस्या को भी आपको जरूर सुलझाना है। मैं जानता हूँ कि इस मामले की तरफ आपकी तवज्जह है। मैं ने आपके पैम्फलेट में देखा है कि आपने लिखा है कि भोजन की न्यूट्रिटिव वैल्यू (nutritive value) लोगों को बतलाने के लिए आपने एक बुलैटिन (bulletin) निकालना शुरू किया है। लेकिन मैं कहना चाहता हूँ कि असल गलती यह है कि इस अनाज की समस्या को हमारे गांवों में रहने वाले या शहरों के रहने वाले ठीक तरह से नहीं समझते हैं। आपको चाहिए कि आप इस चीज को लोगों को महसूस करायें और इसके लिए एक English बुलैटिन से काम नहीं चलेगा अब्बल तो हमारे देश में कितने पढ़े लिखे आदमी हैं, उनमें अंग्रेजी पढ़े कितने हैं और उनमें भी कितने ऐसे बुलैटिनों को पढ़ने की तकलीफ करते हैं। इसके अलावा लोग यह समझते हैं कि जो कुछ किताब में लिखा है उसको वह जानते हैं। गांवों के लिए आपका काम अंग्रेजी बुलैटिनों से नहीं चलेगा और हिन्दी के बुलैटिनों से भी नहीं चलेगा। मैं समझता हूँ कि अगर आप लोगों को यह चीज चलते फिरते सिनेमा के जरिये समझायें तो आपके कामयाबी मिल सकती है।

तीसरी बात जो मैं आपसे कहना चाहता हूँ वह यह है कि आप बनास्पति घी फौरन बन्द कर दें। आपको कुछ मालदार आदमियों ने इस गलतफहमी में डाल रखा है कि हमारे यहां फैट की बहुत कमी है, इसलिए इसे जारी रखना चाहिए। लेकिन मैं आपसे कहना चाहता हूँ कि यह बहुत खराब चीज है, इसको फौरन बन्द करना चाहिए। मैं नहीं समझता कि इसके लिए किसी साइंटिस्ट की राय की जरूरत है। अगर आपने इसे नहीं खाया है और शुद्ध घी खाते रहे हैं, तो तीन महीने इसे खाकर देखिये कि क्या नतीजा होता है, तब आपको मालूम हो जायगा। आपने अपनी स्पीच में, अपने पैम्फलेट में और सवाल-जवाब के उत्तर में भी कहा है कि आपने कुछ साइंटिस्ट्स को इसकी जांच करने के लिए मुकर्रर किया है कि इस घी की क्या फुड वैल्यू (food value) है। मैं आपसे कहूँगा कि यह मालदार आदमियों का मामला है। इसका सुलझाना मुश्किल होगा। वे मालदार आसानी से आपको कामयाब नहीं होने देंगे। वह साल, दो साल या तीन साल तक रोड़े अटकाते रहेंगे और उनके पास ऐसा करने के साधन मौजूद हैं, और वह आपको असली नतीजे पर नहीं पहुंचने देंगे। अगर किसी एक आध साइंटिस्ट की राय मालूम करनी है तो इसे फौरन मालूम कर लीजिये और इसको फौरन बन्द कीजिए। इससे आप यही नहीं करेंगे कि आप लोगों के स्वास्थ्य को बढ़ायेंगे पर आप देश के पशु धन को भी बढ़ायेंगे। पशु धन के सम्बन्ध में मैं यह कहना चाहता हूँ कि जब लार्ड लिनलिथगो यहां आये तो उन्होंने कैटिल ब्रीडिंग (Cattle breeding) में काफी दिलचस्पी ली थी। लेकिन उसके बाद कैटिल ब्रीडिंग की हालत बहुत खराब हो गई है। आपकी थ्योरीटिकल (theoretical) स्कीम में कोई काम मैं नहीं आ रही हूँ। हमारी अलवर रियासत में दो ब्रीडें बहुत अच्छी होती थीं, एक मेवाड़ और दूसरी राठ। पर पिछले हिन्दू मुसलमानों के झगड़ों में यह बुरी तरह खराब हो गई और अब न आपको अच्छे बुल्स (bulls) मिलेंगे और न अच्छी गायें ही मिलेंगी। मैं कहूँगा कि आप इस तरफ खास तवज्जह दें और इस ब्रीड को बढ़ायें।

उसके बाद मैं यह कहना चाहता हूँ कि जो कोई स्कीम आप बनायें उसको रियासत में जरूर अमल में लायें। हमारे यहां हालत यह है कि कोई अग्रीकल्चर डिपार्टमेंट तक नहीं है। कैटिल ब्रीडिंग डिपार्टमेंट जो कि लार्ड लिनलिथगो के जमाने में काम करता था उसको बन्द कर दिया है और उसकी जगह एक डेरी (Dairy) कायम कर दी गई है। इसलिए मेरा आपके प्रति निवेदन है कि आप रियासतों की तरफ खास तवज्जह दें। रियासतों में ऐसे

[श्री रामचन्द्र उपाध्याय]

हुकूमतें हैं जो यह समझती हैं कि वह सब कुछ जानती हैं, उनसे ज्यादा कोई काबिल नहीं है। और ऐसी बातों के लिये कह देने हैं कि हमारे पास पैसा नहीं है। इसलिए मैं कहूंगा कि रियासतों के मामले में आप आसानी से कामयाब नहीं होंगे। इसके लिए आपको सरदार पटेल की इमदाद लेनी होगी। उनके लिए तो आप जितने स्ट्रिंग स्टेप्स (string steps) ले सकते हैं, तभी आपकी स्कीमें वहां कामयाब हो सकती हैं।

(English translation of the above speech.)

Shri Ram Chandra Upadhyaya (United State of Matsya): Sir, as far as the question of increasing the production of food-grains is concerned, I think the honourable Minister does not stand in need of knowing anything more than what he already knows. Whatever he knows is sufficient. But the fault is that it is not being acted upon. I have read your pamphlet. It shows that good schemes have been devised but the mistake is that they are not brought into operation. Therefore as far as the question of the increasing of the production is concerned, I would like to submit only so much that efforts should be made to put into practice all these schemes.

Another thing, about which I wish to draw your attention and which I did not find in your pamphlet, is that simply by increasing the production of food-grains in the country all your difficulties will not be solved. After increasing the production you should try to stop the wastage of food-grains. I have seen that you have not taken this thing into consideration. You might be knowing that in our country many such bad customs prevail according to which feasts are given to 200-400 people at a time. I cannot say whether this custom prevails in other parts of the country as well or not, but in my side a custom is that when some one dies then his heirs have to give a feast to 1,000-2,000 persons. He becomes duty bound to give a feast to 1,000-2,000 persons though he may have to sell his house for this.

Next I would submit that these days the villagers have got pots of money. The people of their society compel them to spend the money and they have to give a kind of feast which they call *Gangoj* i.e. people are fed in the name of Ganges. I wish to draw your attention to the fact that substantial quantities of food grains are being wasted. You know that during the war time the British Government had enforced many such laws whereby they had placed a restriction that, as far as possible, the least number of persons may come in the feasts. But that was a foreign government. They did not have the co-operation of the public, therefore they did not succeed. But you have got the co-operation of the public. I think that if you would enact any such legislation you would surely be successful. But whatever measures you adopt, impose them strongly. Do not fix the punishment in the shape of fines of Rs. 10/- or Rs. 20/- but give deterrent sentences; and only then you would be successful. In our State the late Maharaja had made such a law that any one who would perform the marriage of a boy of less than 16 years of age will have to pay a fine of Rs. 500/-. The result was that people began

to perform the marriages of even 10 year old boys, and used to say that when we spend thousands of rupees in the marriages, we would pay the fine of Rs. 500/- also. Therefore I would submit that the punishment of fine will not work. For this deterrent punishment should be fixed and the police be instructed to exercise fullest severity. I think that by doing so your difficulty will to a great extent be solved.

The other thing that I wish to submit is that if you were to go and see the rural areas, I do not want to say that you do not know, you would know what kind of food a peasant eats. The peasants eat only baked flour with salt and chillies. The result is that more food-grains are consumed. Therefore you have to solve this problem also. I know that you have this matter under consideration. I have read your pamphlet wherein you have mentioned that in order to tell the people the nutritive value of food you have begun publishing a bulletin. But I wish to submit that the main fault is that the people living in our rural or urban areas do not comprehend this problem of food grains properly. You should try to make the people realize this thing, and for this purpose only one English bulletin will not keep the work going. In the first place how many people in our country are literate, how many of them know English, and out of them how many take the trouble of reading such bulletins. Besides this the people think that they know all whatever is written in the books. As regards the villages your English bulletins will not work and even Hindi bulletins will not keep the work going. I think that if you would teach these things to the people with the help of mobile cinemas you can achieve success.

The third thing that I wish to submit is that you should at once stop the vegetable ghee. Some capitalists have created a wrong idea in our mind that there is a great dearth of fat in our country and so it should be continued. But I wish to submit that it is very injurious and should at once be stopped. I do not think the opinion of any scientist is necessary in this matter. If you have not taken it and have been taking pure ghee then take it for three months and see the result and only then would you know. You, in your speech, in your pamphlet and in the answers to the questions put to you, have said that you have appointed some scientists to test and ascertain the food value of this vegetable ghee. I would tell you that this matter concerns the capitalists. The solving of this problem will be quite difficult. These capitalists will not let you succeed quite easily. They will go on putting obstacles in your way for two or three years, and they have means to do so, and they will not let you come to any final result. If you have to ascertain the opinion of one or two scientists then do ascertain it at once and then directly stop its production. By doing so you will not only promote the health of the people but will also increase the cattle-wealth of the country. About the cattle-wealth I wish to submit that when Lord Linlithgow came to this country he took sufficient interest in cattle breeding. But after that the condition of cattle breeding has deteriorated very considerably. Your theoretical schemes are not at all proving serviceable. In our Alwar State two very good breeds of cattle were to be found, one was called Mewar and the other Rath. But during the last Hindu-Muslim riots these breeds got spoiled a great deal and now you would get neither good cows nor good bulls. I would request you to pay special attention towards this and propagate this breed.

Next I wish to submit that whatever schemes you devise, you must bring them into operation in the States as well. The condition in my State is that even agriculture department is not there. The cattle-breeding department, that used to function during the days of Lord Linlithgow, has been closed down and a dairy has been started in its place. Therefore my humble submission to you is that you should pay special attention towards the

1918 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [19TH MARCH 1949]

[Shri Ram Chandra Upadhyaya]

States. The States have such governments that think that they know everything and no one else is more capable than them; and for such thing they say that they have no money. Therefore I would submit that as far as States are concerned you would not succeed so easily. For this you will have to take the help of Sardar Patel. For the States you take as strong steps as you can and only then your schemes will be successful there.

Shri H. Siddaveerappa (Mysore State): Sir, I am glad the Government have decided to put a stop to the import of food grains from 1951. That is a silver lining that we see in the otherwise dark horizon. But in order to see that this policy of stopping imports altogether is satisfactorily worked out, I would request the Government to consider the question whether the agriculturist is given sufficient incentive to produce the required quantity of food in this country itself. Sir, before the war nobody ever bothered about the agriculturist until a calamity like a famine occurred. But now the time has come when at last everybody's attention is drawn towards this neglected profession, and we have got to see that the agriculturist does not get into the whirlpool of another depression. Depression is bound to come, sooner or later.

After all in the last war after ten years the depression came. What happened then was, nobody bothered about the agriculturists, when they were selling their corn at the rate of Rupees Two per palla. Nobody ever cared to find out whether it was an economic holding, and whether agriculture was a paying industry and the time has come when the Government of India will have to take courage in both hands and try to secure by means of a legislative enactment on the model of the Agricultural Act, 1947, in the United Kingdom, wherein the State guarantees that if the price falls below a particular level it will step in and purchase that commodity. Sir, the present position is that so long as the profit motive is there in our economy, no agriculturist is promoted in to grow more, unless and until he is assured of a reasonable price for the commodity he grows. Of course, an honourable member suggested and rather complained stating that in India the agriculturist has taken to commercial crop and has started to strike by not producing food crop. Why is it? Every body knows how the agriculturist has suffered during this war. If at all there was anybody in the society who had to undergo all the sufferings that followed after the wake of these controls, it was the agriculturist. For other necessities of life like kerosene and any other thing, he had to purchase in the black-market, whereas his commodity was taken away for a controlled rate. Nobody knows how the prices were fixed. The figure for 1939 was taken as a basis for 100 as the index number and whether that figure allowed for him anything in the way of a margin of profit, and whether that point was taken into consideration, nobody knows. Therefore, when we take into consideration even in the year 1947 when rationing was at its maximum in 1,008 towns covering 148.3 millions of our population and the State had the monopoly of procurement and distribution, food crop was not available anywhere, at that time who fed the rest of the population. I would like to ask. Food was not available anywhere. Therefore, to say that the agriculturist has not played his part properly, seems to be the unkindest cut of all. Unfortunately he is the man who has not been able to stand on his own legs. He is the man who does not know how to safeguard his own interest. If only he had known how to safeguard his own interest, he could have taken proper care to see that his interest was also safeguarded. Therefore, in order to see the Government of India's ambition that no food grain is imported by the year 1951 is fulfilled, it is

absolutely essential that the Government should introduce a legislative enactment that for a particular period at least, the price that is to be fixed, an economic price, leaving him a margin of profit, is enforced.

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

Sir, I know it may be said it is a provincial subject. If need be, I should say that the Government of India Act will have to be amended with a view to see that the Centre takes the powers to pass that legislation, and I should submit that unless and until some incentive is given to the agriculturist by way of guaranteeing him at least a minimum price, the Government, I am afraid, may not get that co-operation and may not induce the agriculturists to give that amount of co-operation, which is absolutely essential to avert crisis in this food problem.

श्री ऐल० ऐस० भाटकर: सभापति जी, मैं मिनिस्टर साहब को उनके काम के लिये बधाई देना चाहता हूँ। मैं जो कुछ इस समय कहना चाहता हूँ वह यह है कि इस समय खेतीहू लोगो की हालत अच्छी नहीं है और उनको जितनी सकार से मदद मिलनी चाहिये उतनी उनको मदद नहीं मिल रही है। खेतीहू लोग अपनी तरफ से जितनी मेहनत करते हैं उतनी मदद उनको सरकार की ओर से नहीं मिल रही है। इस समय खेतीहू लोग कर्जों के भार से दबे हुए हैं। साहूकार लोग उनको बहुत दुख देने हैं जिससे वे लोग उनके भार से दबे चले जाते हैं। खेतीहू लोग जितनी खेती करते हैं वह सब उनको साहूकार लोगो के कर्ज उतारने में देना पड़ता है। इसलिये गवर्नमेंट को पहिले यह करना चाहिये कि जिस काश्तकार के ऊपर जो कर्जों का बोझ है उसको दूर करना चाहिये और काश्तकार की जो जमीन साहूकारों ने कर्जों में ली है वह काश्तकारों को वापिस दिला दी जाय। यह गवर्नमेंट का काम है कि जो पूँजीपति लोग हैं उनके पास जो ज्यादा जमीन है और जिस जमीन से वह पूरा अनाज पैदा नहीं कर सकते हैं वह काश्तकार को मिलनी चाहिये।

दूसरी बात जो मैं कहना चाहता हूँ वह यह है कि जो काश्तकार अनाज पैदा करता है उसको इसका जो कुछ पैसा मिलना चाहिये वह उसको नहीं मिलता है। अक्सर यह देखने में आया है कि किसानों को अस्ली दाम उनके अनाज के नहीं मिलते हैं। मैं तो बरार प्रान्त से आया हूँ। वहाँ तो कपास की पैदावार ज्यादा होती है। कपास के बारे में गवर्नमेंट की यह पोलिसी है और मैं इसको अच्छी तरह से जानता हूँ कि जो कपास हमारी गवर्नमेंट ईरान ईराक और पाकिस्तान से खरीदती है उसका दाम वह यहां की कपास के दाम से दुगना देती है। हमारी सरकार इस के बदले में इन देशों को कपड़ा भेजती है। वह कैसे भेजती है वह यह है कि जो कुछ एवरेज निकलता है पाकिस्तान के कपास के भाव से ईराक और ईरान के कपास के भाव से और

Shri Lakshminarayan Sahu: But your rule is that he should work one hour in the morning and five hours in the afternoon.

The Honourable Mr. Rafi Ahmad Kidwai: I have said five hours work will entitle him to come into the department. And that is why many of the stamp vendors in many places have been taken into the departmental service.

Shri H. V. Kamath: Since when has the cost of production of the post-card been 8.2 pies? How long has this abnormal figure remained? How many years has it been like that?

The Honourable Mr. Rafi Ahmad Kidwai: With the increase in the expenses the cost has been rising. In 1932 it was 5.8 pies. In 1938 it went down to 5.2. When the war started there were several allowances and the rise started. And then we implemented the Pay Commission's Recommendations. We had to give an extra Rs. 97 lakhs to Postal Department, excluding the Telegraph Department, and that added to the cost. And now we have to add Rs. 13 lakhs just now. Therefore from 8.2 pies it has gone up to 9.5 pies. If there are further rises in the dearness allowances etc. it will go up further.

Shri H. V. Kamath: It will be one anna next year.

Prof. Shibban Lal Saksena (U.P.: General): What is the pay of a stamp vendor?

The Honourable Mr. Rafi Ahmad Kidwai: The minimum pay in the department is Rs. 30 and anyone who gets into the department starts on this, with of course the dearness and other allowances.

Shri R. K. Sidhva: Are the packers entitled to pensions?

The Honourable Mr. Rafi Ahmad Kidwai: Yes.

Prof. Shibban Lal Saksena: Have stamp vendors been given the recent increase of 10 per cent?

The Honourable Mr. Rafi Ahmad Kidwai: Yes, they have got all that the departmental staff have got.

Mr. Deputy Speaker: Will the honourable Minister conclude the speech now or would he like to resume his speech in the afternoon?

The Honourable Mr. Rafi Ahmad Kidwai: I will take only 5 minutes more. I will now refer to the Meteorological Department. Many points have been raised, but I want to say something about the Meteorological Department. We are doing all that is possible in order to supply to the cultivators information that is necessary for them. There might be inaccuracies in them now and then, but the Department is doing its best to increase its efficiency. It is one thing to get information and it is quite a different thing to supply it to the cultivator. That has been the difficulty. Several times the Department came in contact with Provincial Governments and had discussions as to how to popularise their forecasts, discussed the suggestion of having our community village receivers for receiving broadcasts and all that, but that is all taking time and unless we are able to devise some methods of convincing the peasantry, of their utility whatever information is supplied in these bulletins will not be useful to them and the Meteorological Department will not be able to do much service. An honourable Member has referred to the 'sayings' of some ancient sage which guide the agriculturist in his sowing and reaping etc. There are different ancient 'sayings' prevailing in different Provinces. The Department is experimenting and

it is hoped they will be able to explain how far those 'sayings' are applicable under present conditions. The information will be made available to agriculturists through Provincial Governments. With these words I close.

Srijut Kuladhar Chaliha (Assam: General): May I know from what date the Air mail service from Delhi to Gauhati will start functioning?

The Honourable Mr. Rafi Ahmad Kidwai: I hope it will be some time next month.

Shri Mahavir Tyagi: Suppose, Sir, in view of the overall efficiency of your Department, if we agree to your Demands, are you prepared to reconsider the price of postcards?

The Honourable Mr. Rafi Ahmad Kidwai: No. I thought I have convinced you, but you are.....

Mr. Frank Anthony: How much of these increased rates are due to the fact that you will have to pay so much more to the different Air Lines?

The Honourable Mr. Rafi Ahmad Kidwai: When we thought of air-mail services, there was no consideration of enhancing the rates. As a matter of fact, we were making money on the air surcharge. Under the new proposal, we are doing away with that. Our earnings were 3-6-0 per lb. while we were paying to the companies 1-8-0. I have done away with that and all the money paid to the Air Services will be considered as an aid to Civil Aviation.

Shri Sita Ram S. Jajoo (Madhya Bharat): Are the development schemes going to be undertaken in the States also?

The Honourable Mr. Rafi Ahmad Kidwai: I think that whatever we are doing will benefit both the Provinces and states.

I may say a few words about the Flying Clubs. When I was in Madras, I had conversations with the Madras Finance Minister and I told him that they should take some interest in the establishment of flying clubs such as in Malabar and Andhra and other places and he has promised to look into that.

Mr. Frank Anthony: On the figures given by the honourable Minister that 30 per cent. (Some Honourable Members: '25 per cent') of mails will primarily be carried by air and 50 per cent. by next year, I beg leave of the House to withdraw my cut motion.

Mr. Deputy Speaker: Has the honourable Member leave of the House to withdraw his cut motion?

The cut motion was, by leave of the Assembly, withdrawn.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 27,66,49,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 6,09,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Communications'"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 84,97,030 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Meteorology'"

The motion was adopted.

Shri Lakshminarayan Sahu: But your rule is that he should work one hour in the morning and five hours in the afternoon.

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Mr. Deputy Speaker: Has the honourable Member leave of the House to withdraw his cut motion?

The cut motion was, by leave of the Assembly, withdrawn.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 27,66,49,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'. "

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 6,09,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Communications'. "

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 84,97,030 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Meteorology'. "

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 76,42,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Overseas-Communication Service'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 6,60,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Telephone Factory'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 2,53,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Aviation'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 4,13,41,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Indian Posts and Telegraphs (not met from Revenue)'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Posts and Telegraphs—Stores Suspense (not met from Revenue)'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 2,92,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Civil Aviation'."

The motion was adopted.

Mr. Deputy-Speaker: The Demands are all granted. The House will now stand adjourned to 2-40 P.M.

The Assembly then adjourned for Lunch till forty minutes past Two of the Clock.

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

Mr. Speaker: We will now proceed with the Demand for Food and Agriculture.

I am placing the following Demands before the House.

DEMAND NO. 26.—MINISTRY OF FOOD

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 46,29,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Food'."

DEMAND NO. 7.—FOREST

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 35,10,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Forest'."

DEMAND NO. 17.—MINISTRY OF AGRICULTURE

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 24,91,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Agriculture'."

DEMAND NO. 41.—SURVEY OF INDIA

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 69,86,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Survey of India'."

DEMAND NO. 42.—BOTANICAL SURVEY

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,63,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Botanical Survey'."

DEMAND NO. 43.—ZOOLOGICAL SURVEY

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 3,56,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Zoological Survey'."

DEMAND NO. 53.—AGRICULTURE

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 88,83,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Agriculture'."

DEMAND NO. 54.—CIVIL VETERINARY SERVICES

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 26,66,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Civil Veterinary Services'."

DEMAND NO. 65.—INDIAN DAIRY DEPARTMENT

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 8,17,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Dairy Department'."

DEMAND NO. 90.—CAPITAL OUTLAY ON FORESTS

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 34,95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Forests'."

The Honourable Shri Jairamdas Doulatram (Minister of Food and Agriculture): Sir, I had no intention to take the time of the House by any introductory remarks. But, in view of the 2 days' debate on food at the beginning of this session and the promise I then made that the entire food situation would be reviewed at high level, I thought that it would be appropriate if I now inform the House as to what steps were taken subsequent to that debate and what has been the result of the review I had promised. Since the discussions in the House in early February, the whole programme of food production was thoroughly re-examined by me with the aid of my administrative and technical officers. The Grow-More-Food programme was also submitted to examination by a committee of economists attached to the Cabinet. I also had informal discussions with many Members of the House to have the advantage of their experience and local knowledge. Their sustained interest in the details of the various proposals discussed with them was of great help to me in finalising the line of action proposed to be taken. I have given the fullest consideration to the various suggestions made during the debate and thereafter, and have decided to accept several of those suggestions.

The Government also considered it necessary, before coming to final conclusions, to confer with the Provincial Governments and so, a week ago, representatives of the Provincial Governments were called to Delhi to determine what part the Provinces would play in dealing anew with the food problem.

As promised, the food situation was reviewed by the Cabinet on two separate occasions and the Prime Minister has been as you know, giving constant thought to the problem. I am now in a position to place before the House briefly the decisions of the Cabinet and the revised food policy of the Government.

The first and the basic decision which we have come to is that, except in the case of any grave calamity such as widespread failure of crops or for the purpose of building up a central reserve, as recommended by the Food Grains Policy Committee, the Government will not import any food grains from abroad after 1951. The second decision of Government is that, in view of the above definite goal of freedom from imports of food grains after 1951, the Provinces and States are to be asked to do two things. Firstly, to plan their programme of food production in accordance with the above announcement and secondly, to tighten up their procurement arrangements, so that the increase in food grains resulting from the measures to be taken also becomes available for meeting any food deficit in the country.

The Government have also reconsidered the whole scheme of Grow-More-Food Campaign and have replaced it by a programme of Intensive Cultivation of that part of our food acreage at present which has perennial or assured water-supply. Subsidised aid in the shape of improved seeds, organic manure, compost fertilizers, minor irrigation works will now all be concentrated on selected regions in this part of our cultivated land. Arrangements have also been planned for making a more reliable estimate of the results of this concentrated effort by the crop-cutting method of sample survey.

Government have also, as you know, large schemes of reclamation covering about 60 lakhs acres of weed infested and new land. We intend to concentrate on reclaiming about 8 lakhs of acres by the end of 1951. The efficiency of the work of reclamation and mechanical cultivation so far done by the Central and Provincial Governments has won praise from those who are familiar with this type of work in the West. This scheme is going to be the biggest reclamation project in the East outside Russia. Already the results and outturns achieved in the United Provinces and the Central Provinces have been beyond our expectations.

Government have also a project of tube-wells, the details of which are under fresh examination. When implemented, the land perennially irrigated by these deep wells will make a material contribution to meeting our food deficit. Government also intend pending the development of our indigenous resources of organic and chemical manure to secure from outside special quantities of fertilizers for use in irrigated rice areas to make a substantive addition to our rice crop. It is also the proposal of Government to save some extra acreage from surplus crops and divert it for the production of cereals. These are the several items in our programme up to the end of 1951. For the speedy implementation of the revised programme, Government have decided to set up at the Centre a small Development Board and will request the provinces and States to set up parallel Development Boards so that the normal Departmental procedure may not delay the progress of the programme. The Boards would have attached to them statistical sections to keep continuous contact with developments and assess periodically the results achieved in terms of the targets. All these parts of the revised food programme were fully discussed with the representatives of provinces only a few days ago and provincial plans for production were formulated which would wipe off our food deficit of only 10 per cent by the end of 1951.

The goal before us, therefore, is to achieve self-sufficiency in food by the end of 1951 and we must somehow achieve this goal. It gives me pleasure to state that the provincial representatives felt confident that the programme chalked out with their co-operation could be successfully achieved within the above time-limit of December 1951. They, however, needed and rightly the help of the Centre in the shape of more iron and steel, cement and coal and above all proper transport facilities. The question of how the movement of these materials for food production could be upgraded is to be decided shortly by Government, but in the meantime Government have decided to have a special Liaison Officer who would keep the link between the Centre and the provinces and States in regard to these matters and see that no difficulty arises in the way of speedy implementation of the new programme.

Government have also felt the necessity of more frequent contact with the provincial and State plans for production and it has been arranged that there would be a monthly meeting of the officers of the Centre and of the provinces and States to ensure that the various production plans are being rapidly proceeded with and also to provide an opportunity for fullest inter-provincial co-ordination. There would be besides a six-monthly review of the progress made in terms of a six-month phased programme. I have no doubt that the provinces and States realizing the gravity of the situation will fully respond.

Apart from this programme of increasing the production of rice, wheat and other cereals so as to achieve self-sufficiency by the end of 1951, Government have also decided to encourage the development and use of such high-yielding non-cereal food crops as banana, papayya, sweet potato and tapioca. These have good food value and the yield per acre is many times more than in the case of cereals. Some adjustment also in our habits of diet is essential in the present times.

Government, however, realise that no plan of agricultural production can succeed unless it secures the co-operation of the agriculturists. It is therefore intended, apart from other steps that have to be taken, to organise farmers' unions under the leadership of progressive cultivators in each area, so that democracy in the field of production may achieve the greatest results. Public policy in regard to the rural areas needs to be re-orientated. With increased agricultural production is linked not only the cultivator's own purchasing power and therefore his own standard of living, but with it is linked

[Shri Jairamdas Doulatram]

also our country's economic freedom. All of us, Government no less than the House and the public, feel that we must end the crisis which faces us on the food front. We must be independent of food imports by the earliest possible date. A reasonably early date has now been fixed. It is a challenge to all of us, but the challenge can only be met if the food front is looked upon nearly as a war front and if the same sense of urgency and emergency which inspires a successful war effort also inspires our plans of food production.

It is not an easy task which Government have set for themselves. We may not take it lightly. It is a hard task needing continuous, persistent, patient, strenuous work. It would need the greatest effort of all of us—both Government and the people. The maximum co-operation between the Central, provincial and State governments on the one hand and the nation's producers on numberless fields on the other will alone enable the country to reach the goal we have placed before ourselves. I feel hopeful that that cooperation will be available.

In placing this programme before the House, I would have wished to say nothing which may be regarded as of a personal nature, but I cannot help saying only this much, that I wish to assure the House that every ounce of my energy will be devoted to seeing that we bring the programme to timely success. I may also, in conclusion, express the hope that the honourable Members of the House who have ample influence in their respective provinces and States will severally treat the programme as their own and give to Government their cooperation in reaching our goal by the target date of December 1951.

Mr. Speaker: I will just remind honourable Members that today is the last date for the voting of demands and therefore, under the rules, it is not possible for us to extend the time beyond 5. At 5 sharp the guillotine will be applied. So we have about an hour and a half, leaving about half an hour to the honourable Minister for reply.

The Honourable Shri Jairamdas Doulatram: I will take twenty minutes.

Mr. Speaker: That means we shall have ten minutes more and there are a large number of speakers; so I have to curtail, again, the time-limit, and request members to strictly limit themselves to the time-limit and take care to see that they mention all points that they want to urge, without the embroideries to all those points.

Now, are there any cut motions which are going to be moved?

Shri Lakshminarayan Sahu (Orissa: General): Yes, Sir. I have one.

Mr. Speaker: There is also another one, I think.

Sardar Hukam Singh (East Punjab: General): Yes, Sir. If I am given time, I will move others.

Mr. Speaker: If there is a cut motion, of course, I will have to give preference to it and the particular discussion will precede the general discussion. There are two cut motions. I think we will first have the one by Mr. Sahu.

Stoppage of Food Grains Import from Foreign Countries.

श्री० लक्ष्मीनारायण साहू : मान्यवर वाचस्पतिजी, मेरा कट मोशन यह है :

"That the demand under the head 'Ministry of Food' be reduced by Rs. 100."

अभी जो मान्यवर मंत्री जी ने कहा कि सन् १९५१ के बाद से खाने की चीजों का कोई इम्पोर्ट नहीं होगा बड़ी खुशी की बात है। लेकिन हम लोग यह काम कैसे खत्म कर सकते हैं? इस के लिये हम लोगों को पूरी कोशिश करनी चाहिये। एक बात में यह सोचना था कि जब तक यहाँ ब्लैक मार्केटिंग रहती है और ट्रांसपोर्ट का सुभीता नहीं रहता है तब तक हम लोगों को खाने की चीजें यहाँ रहते हुए भी खाने को नहीं मिलती हैं। इसीलिये सब मिनिस्टर्स को कोशिश करनी चाहिये कि ट्रांसपोर्ट की फेसीलिटीज दी जाय।

अब ब्लैक मार्केटिंग कैसे बन्द होगा। ब्लैक मार्केटिंग बन्द करने के लिये मैंने ऐसा सुना है कि जर्मनी में ओवरनाइट न्यू करेंसी बना दिया और जितने रुपये जिसके पास थे वह कोई काम के नहीं रहे। इसीलिये खाने को जितनी चीजें थीं सब देश को मिल गई। ऐसा मैं सोचता हूँ कि अगर फाइनेन्स मिनिस्टर साहब कोई न्यू करेंसी कर दें या ऐसा कुछ सुभीता कर दें तो बहुत अच्छा हो। ज्यादा वक्त मैं नहीं लेना चाहता हूँ इतना ही कह कर मैं अपना कट मोशन पेश करता हूँ।

(English translation of the above speech)

Shri Lakshminarayan Sahu: I beg to move:

"That the demand under the head 'Ministry of Food' be reduced by Rs. 100."

It is a matter of great gratification to know from the honourable Minister that no food-stuffs will be imported after the year 1951. But how can we do away with this? Therefore, we should make every endeavour to achieve this end. One thing which I thought of was that as long as black market continues to exist and transport facilities are not made available, we cannot get any food-stuffs even if these are available in this country. Therefore, I would urge the honourable Ministers concerned to do their best to provide transport facilities.

Now, how can this black-market be checked? I have been told that in Germany new currency was introduced over-night thus resulting in the de-monetization of the entire existing currency in the hands of the people. This led to the whole stock of the food-stuffs being released for the country's use. I, therefore, feel that it would be much better if the honourable the Finance Minister introduces any new currency or affords some such facility. I do not want to take much time of the House.

With these words, I move my cut motion.

Mr. Speaker: Cut motion moved;

"That the demand under the head 'Ministry of Food' be reduced by Rs. 100."

Co-ordination with Provinces and failure to meet shortage of Food

Sardar Hukam Singh: Sir, I beg to move:

"That the demand under the head 'Ministry of Agriculture' be reduced by Rs. 100."

The second one also I will move with your permission.

Food shortage and policy.

Sardar Hukam Singh: I beg to move:

"That the demand under the head 'Ministry of Food' be reduced by Rs. 100."

Sir, it was heartening to listen to the honourable Minister today that our Government have laid down a definite date by which we shall stop food imports and our country will become self-sufficient in food. The honourable Minister and our country will become self-sufficient in food. The honourable Minister to follow. If the results as expected, or as desired, are achieved, it would be a very hopeful thing. So far it is distressing to find that though India has all along been known as an agricultural country—apart from whatever else it might produce—it has not given us sufficient food and sufficient milk. 75 per cent of our people depend on agriculture and India has been dependent on imports and is still dependent on that for another two years, even if we succeed according to the programme laid down by us. These imports have been rather increasing from year to year. In 1947 we imported 2.5 million tons while in 1949 we have provided for 4 million tons. That is also due to insufficiency of exchange: rather we are desiring more. We have been told in the report that certain places have been visited by famine. But we should be prepared for that because a country as large as ours must have some places here and there which may be afflicted by famine.

My first submission is that our policy of de-control and de-rationing has brought about a sharp rise in prices. The index number rose from 280 on 15th August 1947 to 393 on 15th August 1948. My own contention is that these are only book prices. Actually the wheat has been selling at much higher prices.

As I have said before, our Government has relied upon imports and on the 'Grow More Food' campaign. But these have not brought the desirable results. Our imports have eaten up most of our reserves that could have been better utilised for capital goods and machinery, and the grow more food campaign as discussed the other day has not given us the results that we expected. So the real need for the moment is a total campaign on this food front, and if we succeed in the programme just described, there should be some improvement.

I might clear up one point here. There is a general impression, that the ordinary agriculturist has gained considerably during the abnormal rise in prices. In reality, in my view, that opinion is not correct. The plight of the small peasant has rather worsened. The reasons for this may be stated as follows:

(a) the area under multiple crop is very small;

(b) 80 per cent of the holdings are uneconomic and the average peasant produces hardly enough for his own needs. For his other needs such as kerosene oil, cloth, matches, salt and sugar he has to pay high prices;

(c) these poor peasants have been the first to be affected by famines. What has been the result? The landless agricultural labour has been increasing very fast and according to I.L.O. in 1933 it was 35 millions, while in 1944 it had grown to 68 millions. The small landholder is parting with his land.

He is forced to sell it. During the war 13 per cent big landlords have been able to reduce their debts by 32 per cent and the middle-class peasant by 19 per cent. But these small land-holders had to sell their land to the above two classes to the extent of Rs. 30 crores.

There is the testimony of the Bengal Famine Commission to the same effect. In reply to the questionnaire circulated to the various provinces Bengal replied that the big landlords have more lands than they can directly cultivate themselves. Gossa said that there is a tendency for land to pass from small cultivators to persons who are men of professions. Similarly, the C. P. replied that there is an increasing tendency for ownership of land to pass out of the hands of the cultivating classes.

The conclusion that one can arrive at is that agricultural production has ceased to be worthwhile because the life of the actual producer has ceased to be worthliving.

With regard to the plan of Government to mechanise agriculture, I might submit that unless we can provide some alternate occupation for these cultivators, it would bring in more unemployment and our purpose would not be served. In fact it would mean importing of tractors and increasing unemployment. The abolition of zamindari also is not being done in a desirable way. I do not think it will bring the results that we anticipate. Still I am in favour of it. The real owner is getting compensation; the tenant under him is getting the land; but the actual cultivator who is there and just lower than the tenant, is not getting anything. If A is the proprietor and B is the immediate tenant, then in most cases B is not actually tilling it. C is recorded under B, but in some cases C may also have a tenant under him D who may be actually cultivating. But the actual tillers on the land would not get any benefit. So the programme of the Government should be that the actual tiller should get the land.

To sum up, if Government really intends benefiting the peasant, then the actual tiller should be the beneficiary and not the intermediary.

The grievances of the agricultural classes are mounting up and multiplying. They are clamouring for relief. There have been strikes and sporadic revolts in several parts of the country. If nothing is done to ameliorate the conditions of our agricultural masses India is sure to go the China way.

Shri T. Prakasam (Madras: General): Sir, I thank you for giving me an opportunity to say what I have to say on this very important subject. I shall confine myself, as you pointed out, to the few points which I shall take up before you and before the honourable Members of this House.

I congratulate the Food Minister and the Cabinet of Pandit Jawaharlal Nehru for the decision they have taken that there would be no more imports from 1951. I would like to point out to them, if it is not impossible, that they should try and reduce that period and not to import from 1950. We are in 1949. 1950 would be the next year. Unless there is any difficulty, technical or otherwise in virtue of any commitments, I would request that, if it is possible, these imports from outside should be stopped from 1950. Sir, I may point out that the troubles during the last two or three years have been of our own making. After the first war the first economic depression started in 1924 and continued to 1934: that is 10 years or 11 years elapsed after the close of that war for any economic crisis to arise. But this time almost immediately after the war the trouble started. What is the cause of this? You may not be able to see it unless you go into the whole of it closely. What is the cause of this crisis immediately after the war? Why has the food famine and the cloth famine overtaken us so soon after the war? When I was the head of the Madras Government I had occasion to address the Assembly on this matter in the

[Shri T. Prakasam]

food debate. I pointed out then that our relationship with the International Food and Agricultural Organisation, our being tied up with them was responsible for this trouble of ours. I very much wished at that time that that relationship should cease to exist immediately. If we were free from that we will recover very much more quickly. That was the point I mentioned more than 2 years ago and I am now repeating it with greater strength on the basis of facts. Why has this trouble come upon us immediately after the war? It is only 3½ years since the hostilities ceased. This International Food and Agricultural Organisation came into existence three years ago. What is this organisation? Mr. Dodd, who is the Director General of this organisation was in Delhi and made a statement in a press interview the other day. He was very candid and he explained the position so far as the International F.A.O., of which he was the Director General, was concerned. He said that in this international organisation 58 countries have joined as members. He said that it had no executive power to execute, it is not a body that could sell anything or give anything or take anything. It is merely an organisation that came into existence with a view to regulate the distribution of food throughout the world as it were. It tried and it has failed and we have suffered very much on that account. Mr. Dodd himself stated in his press interview what the difficulties were in regard to our own country. He pointed out that we have not got the machinery or plant required for improving our agricultural production and making ourselves self-sufficient. He admitted the exchange trouble that has come into existence along with the close of the war. America is holding the sword against the rest of the world, dictating the dollar basis for everybody to adopt. Every country is forced today to purchase dollars at any cost and keep them or in the name of dollars to transact their business, either import or export. The whole country has been reduced to that condition. Mr. Dodd himself was plain and straight in stating that the exchange trouble was there. This International F.A.O. which has no executive power, which has nothing to give nor take is simply sitting at one place and regulating the whole thing and it has created all this trouble. Mr. Dodd is a gentleman who was the under-secretary of the U.S.A. Government a few years ago and he came out and became the Director General of this organisation. The sooner we sever our connection with this organisation the better. In anticipation as it were I feel thankful to the Government for their having stated that we would not import any more foodgrains from outside from 1951.

One other thing I would suggest by way of construction which the honourable Minister has already indicated to some extent. A decentralisation policy must be adopted. Each province must be made responsible, as it is already indicated in the statement of the Food Minister. Each provincial government can with the money of the people bring into existence co-operative organisations with the aid of which they can procure and carry out distribution all over the country. With your permission, Sir, let me tell you that in Madras our Government brought into existence within six or seven months 29,000 Village Food Committees, so that food may be distributed. Food procured will go into the hands of the committees so that those people in the villages may not starve or complain about distribution. The co-operative organisations in one district of Malabar collected over a crore of rupees from the people and they started both procurement and distribution for relieving the poor as it were and they proved a perfect success. In the coastal districts the people themselves came forward paying over 2 crores of rupees within less than two months. The organisation came into existence and it had a credit and debit balance sheet which was published. The organisation was flourishing and they were making small profits not merely for themselves but they were giving

food to the poor also. There was such potentiality in it but it could not be continued. By some chance or other our Government was overthrown and another government came into power and they set their face against the whole organisation. The organisations are still there. There is the body of it, though the life is not there and they are not functioning. I suggest that those organisations must be restored. I therefore submit to the Members of this Government and to this House that co-operative organisation must be made the basis and Government need not spend any money. It has been pointed out by our capitalist friends that money has gone into the hands of the villagers. Assuming that it is so I would suggest the encouragement of co-operative organisations. If that is done procurement can be secured and every thing else could be done and Communism can be resisted. That was my point from the beginning. If these organisations had been extended throughout the Presidency we would not have had any Communism at all, whereas now we are in the throes of Communism on account of the wretchedness that has overtaken us. So this is for the constructive side and as for the other side I would suggest the cessation of our connection with the International F.A.O. and stop our imports of foodgrains from abroad from 1950 itself.

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, I wish to say a few words and they shall be only points. The statement made by the honourable Minister was somewhat reassuring. My part of the country has been stricken with famine for a number of years and we had to come to the Centre for import of foodgrains from foreign countries. I am thankful to the Centre and our province is thankful to the Central Government for having helped us. But I find that in recent years the incentive to produce more and achieve self-sufficiency is more and more lacking. Therefore the time limit which has been fixed as 1951 is good. It will create a sense of responsibility in the minds of the provincial governments.

I would make a few suggestions now. When I moved a resolution in this House regarding the methods which should be adopted to prevent famine recurring as also to circumvent or avoid famine conditions, I suggested at that time that there must be a permanent Famine Commission established in this country. Instead of a Famine Commission there must be an Agricultural Commission or an Agricultural Board established which will every week or every month—at least every month—issue a report that so many acres have been sown with this and so on and so forth. Such a kind of incentive and fillip to industry and particularly to this industry is wanted. I am very sorry to find such a thing absent here. We find that England has made herself self-sufficient and that its balance of trade has increased, that it has a favourable balance of trade to the tune of pounds 18 million. It may be a little too much; it may be a matter of exaggeration. But that kind of effort, that kind of attack on all fronts, that kind of enthusiasm is lacking here. The honourable Minister may not be able to do everything. Therefore I would suggest that a kind of an All India Agricultural Commission or Board should be brought into existence which must address itself to the main problem of distributing seeds and implements, importing tractors, sending them to the required areas and directly taking up certain areas for extensive cultivation. There are large areas in Orissa which are water-logged and suffering from malarial conditions. The Agency tracts have millions of square miles of such land. (Prof. N. G. Ranga: 'Sixty-thousand square miles'). There the sixty-thousand square miles of land in the province of Madras infected by malaria. Otherwise they have natural sources of irrigation. If all these are cultivated there won't be any famine in the land. India will become surplus in cereals and we may be able to send our foodgrains to other countries also. That is one suggestion which I wish to make.

[Shri M. Ananthasayanam Ayyangar]

As I agree with my honourable friend Mr. Prakasam when he says this must be decentralised, after all we may talk from Delhi, another friend may talk from the capital of the various Provinces; but the man who has to produce is in the village. There is no question of responsibility so far as the village is concerned. Therefore, instead of entering into an argument, what I would suggest is that in every village there must be an Agricultural Council or a Farmers Council which must have the right to take up any particular land which is left fallow for any reason, for want of men or for want of implements. This Council must be able to take charge, by legislation, of that land, cultivate it, and after deducting the expenses of cultivation pay away the balance to the man concerned. We are giving subsidies in season and out of season. All right, let us continue the subsidies. If subsidies are given to individual ryots for sinking wells I know that old pits have been shown as newly dug wells and people have eaten away the money. Even half or 25 per cent of the money that is given by way of subsidies does not go for the sinking of wells. We give a sum of Rs. 300 or 400; the cost of sinking a well is about of 1,400. It is not easy for him to get the balance. He has to go in for a taccavi loan. The procedure takes a long time. Therefore give this subsidy to the Agricultural Council which has to be established on a statutory basis in every village, give them implements and the husbandry for the purpose of distribution to the various places. There won't be any nepotism here. It cannot be said that one district or taluk has taken away everything to the prejudice of other taluks. Seed grains must be distributed through that agency. It must be permitted to take charge of any particular land and cultivate it in case in spite of all facilities having been given that land is not being cultivated.

Another difficulty is this. I know there is a race for producing commercial crops; not that I want to deny the agriculturist the benefit of a commercial crop. I will come to it later. But so far as production of cereals is concerned, in the district from which I come at a time when jaggery was selling very high all paddy fields were converted into sugar-cane fields and there was such a lot of jaggery produced. On account of decontrol there was no market for the jaggery and it began to rot and became sour. And the people began to starve because they had not grown cereals. Therefore legislation must be undertaken in every province for enforcing crop planning everywhere. If a man has five acres of land let him not grow sugar-cane on all his land. Let him have 25 per cent. for commercial crops and let him grow cereals on the rest. I am not saying that this is a remedy for all time. Better times may come. But in the circumstances in which we are placed today, with hunger facing the people, when we have to spend Rs. 100 crores and odd for importing foodgrains from foreign countries... (Prof. N. G. Ranga: 'Put all the kisans in jails.') On the other hand I would give responsibility to the kisan, make him an important man in the village and make him responsible. I am making the suggestions to the Government. It is our party that is ruling. What is happening in my part of the Presidency is this. The villager does not produce sufficient foodgrains even for his own consumption. He goes to the nearest *shandy*, takes a car and goes there and he purchases it from the market. Even the agriculturist who can produce foodgrains for his own consumption utilises his land for growing cotton or groundnut seed or sugar-cane. He does not care because he comes along with me who is not a producer to the ration shop with a card and purchases his foodgrains. In spite of all my affection and the affection of my friend Prof. Ranga for the agriculturist, can we put up with this? It is practically a strike. A strike without our knowledge is going on in the villages. The strikes which take place in factories are known, they are advertised, and it is said that so many man-hours are lost. I ask if the agriculturists are not striking today.

Prof. N. G. Ranga (Madras: General): It is the Government which is on strike.

Shri M. Ananthasayanam Ayyangar: I am not throwing the blame on this or that person. I say the agriculturists therefore must be induced to do that. It is this agency which can accomplish it—the Agricultural Commission or Board and a Farmers Council in each village. There should be compulsory crop planning. And then there should be no sales of foodgrains except through a co-operative society.

Beides cereals there are other things also. There is for instance fish. I do not eat fish or meat. But in every well in a house you must have developed such kind of small fish as can grow in that particular place. Fish eaters should be encouraged to eat fish. (Interruption). My friend here can eat fish and also drink. Therefore he can digest it. Whoever can eat other kinds of food must be encouraged to eat them. Dairying, poultry-farming and such other things must be attempted. This problem has to be attacked on all fronts; a single front is not enough. Our co-operation is always there. But our co-operation is primarily for eating. The co-operation of the Government is for production. I am glad of the reassuring statement made. But it need not be merely a statement hereafter. We expect that some drastic action will be taken.

Shri Satish Chandra (U. P.: General): Sir, the honourable Minister of Food and Agriculture by the announcement of a new policy has taken much wind out of the sails of a score of speakers who are to take part in to-day's debate. I think the statement of policy which he has made to-day is the result of genuine heart-searching and reorientation in outlook. It indicates that we have come to the conclusion that immediate and tangible results are the need of the moment and that the long-term plans, for which we were making efforts up till now, could yield no results in the near future. Therefore the new policy that has been outlined is welcome and I hope, it will solve some complex problems facing the country at present.

Within the short time at my disposal I will make only one or two suggestions. The policy outlined to-day is based on the principle that definite results must be shown by the Provincial Governments to justify the subsidy or the grant that they receive from the Central Government. I think that this principle should be extended a bit further.

The Federal Department of Agriculture in the United States of America has introduced a system of 'Efficiency Audit' and 'Efficiency Rating' of the persons employed under it. Most of the staff there is appointed on a contract basis, say on renewable contracts for two or three years. The entire set up of the Department is essentially rational. The persons who show good results are given high promotions and those who fail to achieve a certain amount of success or reach a definite target are either demoted or dismissed. Though we cannot possibly in the near future spend huge amounts of money or extend our organisation like the Federal Department of Agriculture, this principle can be applied, I am sure, with good results at the Centre and in the Provinces. Agricultural officers can be periodically rated on the basis of their efficiency and on the basis of work and the results that they show. This practice is being followed in another country and I do not see any reason why it cannot be adopted here. Some beginning in this respect has been made in my own Province, the United Provinces, where certain members of the staff of the Agricultural Department are asked to appear before a Manpower Committee; their work is assessed and they are either promoted or demoted. I think the other Provinces may also be advised to adopt some similar practice.

[Shri Satish Chandra]

Another thing that I would like to say is that there are a number of Committees—Commodity Committees, Boards and Councils—under the Ministry of Agriculture. I had occasion once in the previous session to point out that these Committees were not well constituted. They were constituted several years before the attainment of freedom, and I think all of them need overhauling. Representatives of the people who can adequately voice their feelings should be taken on those Committees. I had given examples on the previous occasion and I do not wish to repeat them. Most of the Committees were constituted by persons who can not adequately represent the interests of the growers or the consumers. Some of them were nominated on those Committees simply because they enjoyed favour of the powers a few years back.

Sir, the fruits of research have not reached the cultivator. This is a point which has been repeated several times in this House and I do not want to take much time over it. The honourable Minister, only a few days ago sent us a small cutting in which he acquainted us with the activities of the agricultural extension service in another country. I would submit that there should be a well-organised field extension and demonstration service. Demonstration on a government farm or at a central place, I am sure, does not help. The need is that these demonstrations should be carried to the village. The villager should not be asked to come to Government farms, but the demonstrations should take place in every village. There should be mobile units which should proceed from village to village. The cultivator should be convinced of the benefits of application of improved methods on his own field in his own village. If mobile units are attached to every agricultural farm in the Provinces, I think the yield per acre can be substantially increased by demonstrating improved methods on the cultivator's field. An outstanding feature of our agriculture is the tremendous waste—waste of soil, water, manure, seed, livestock, labour, time, money—I do not wish to go on enumerating them. There is not sufficient time to take them one by one and discuss the details. But much of this waste can be avoided by proper training, proper demonstration, by imparting education to the villager in the art of economic cultivation and by acquainting him with the researches that have been carried out.

Sir, I feel there should be greater co-operation between the Centre and the Provinces. The honourable Minister of Agriculture, while presiding over a Conference of Ministers of Agriculture from the various Provinces and States, in September last said:

"The main common difficulties which have been experienced are inadequacy of supply of coal, cement, iron and steel, fertilisers and machinery, apart from the delays caused in transport and in securing the sanction of the Central Government to Provincial schemes".

I would like to know if these defects have been tried to be remedied. I would like to know if something is being done to co-ordinate the activities of the various Ministries of the Government of India, and of the Central and the Provincial Governments, as to expedite various schemes and to remove the difficulties which he had narrated.

In the end I will point out that we have to depend for our short-term plans largely on the utilisation of the indigenous resources. The other day a question was put to the honourable the Commerce Minister as to why oil-seeds are being exported and their export being encouraged. I would like to know whether the Ministry of Agriculture keeps in touch with the activities of the other Ministries in such matters. Oilcakes have great manurial value and value as cattle-food. The Commerce Ministry is encouraging the export of oil-seeds, we were told to earn some foreign currency. If we really wish to utilise our indigenous resources and if we want quick results we cannot wait

for the Sindhri Fertilizer plant which will come into existence and operate several years hence. Why can't we utilise all the castor-cake as manure, and other cakes too, which are being exported in the form of oil-seeds without any regard to our agricultural requirements of manure and cattle-food? We earn foreign currency in order to get our food from abroad, while we are not utilising our own resources to reduce our requirements of imports from outside. I think the honourable Minister will kindly give his consideration to this problem.

श्री रामचन्द्र उपाध्याय : सभापति जी, जहाँ तक अन्न की पैदावार बढ़ाने का सवाल है, मैं समझता हूँ कि माननीय मंत्री को जो वह जानते हैं उससे अधिक जानने की आवश्यकता नहीं है। जो वह जानते हैं वह काफी है। लेकिन गलती जो है वह यह है कि उस पर अमल नहीं हो रहा है। मैंने आपके पैम्फलेट को पढ़ा है। उससे मालूम होता है कि काफी अच्छी स्कीमें बन गई हैं लेकिन गलती यही है कि उनको अमल में नहीं लाया जाता। इसलिए जहाँ तक पैदावार को बढ़ाने का सम्बन्ध है मैं सिर्फ इतना ही कहना चाहूँगा कि इन तमाम स्कीमों को अमल में लाने का प्रयत्न किया जाना चाहिए।

एक बात और जिसकी तरफ मैं आपकी तवज्जह दिलाना चाहता हूँ और जिसको मैंने आपके पैम्फलेट में नहीं पाया है, वह यह है कि देश के अन्दर अन्न की पैदावार को बढ़ाने से ही आपकी सारी दिक्कतें हल नहीं हो जायेंगी। पैदावार बढ़ाने के बाद आपको यह चाहिए कि आप अन्न की बरबादी को रोकें। मैंने देखा है कि इसके बारे में आपका विचार नहीं गया है। आपको मालूम होगा कि हमारे देश के अन्दर बहुत सी ऐसी सामाजिक कुरीतियाँ हैं जिनके अनुसार दो-दो सौ, चार-चार सौ आदमियों को दावत दी जाती है। मैं नहीं कह सकता कि देश के और किसी हिस्से के अन्दर यह रिवाज है या नहीं, लेकिन मेरी तरफ तो यह रिवाज है कि जब कोई मर जाता है तो उसके वारिसों को हजार-हजार दो-दो हजार आदमियों की दावत करनी पड़ती है। उसका फ़र्ज हो जाता है कि चाहे वह मकान बेचे पर उसे हजार दो हजार आदमियों की दावत देनी पड़ती है।

इसके बाद मैं यह कहूँगा कि आजकल देहीत में लोगों के पास पैसा ही गया है। उसको खर्च करने के लिये समाज के लोग उनको मजबूर करते हैं और उनको एक तरह की दावत देनी पड़ती है जिसको 'गंगोज' कहते हैं। यानी 'गंगाजी' के नाम पर लोगों को खिलाया जाता है। इस तरफ मैं आपका ध्यान दिलाना चाहता हूँ कि अन्न काफी बरबाद हो रहा है। आप जानते हैं कि लड़ाई के वक्त विदेशी सरकार ने ऐसे बहुत से कानून जारी किये थे जिनसे उन्होंने इस बात को रुकावट डाली थी कि दावतों में जहाँ तक हो सके कम आदमी आयें। लेकिन वह विदेशी हुकूमत थी, उसको जनता का सहयोग प्राप्त नहीं था, इसलिए वह कामयाब नहीं हुई। आपके पास

[श्री रामचन्द्र उपाध्याय]

तो जनता का सहयोग मौजूद है। मैं समझता हूँ कि अगर आप कोई ऐसा कानून बनायेंगे तो उसमें आपको अवश्य कामयाबी होगी। लेकिन जो भी मेजर (Measure) आप लें उसे स्ट्रॉंगली (strongly) लीजिये और उसकी सजा दस या बीस रुपये जुर्माने न रखिये बल्कि नष्ट गजा रखिये तो कामयाबी होगी। हमारी रियासत में पिछले महाराज ने ऐसा कानून बनाया था कि जो कोई शस्त्र १६ बरस से कम के लड़के की शादी करेगा उसको ५०० रुपया जुर्माना देना होगा। तो लोग दस-दस बरस के लड़कों की शादी करने लगे और कहते थे कि हम शादी में हजार दो हजार रुपया खर्च करते हैं, ५०० रुपया जुर्माने में भी दै देंगे। इसलिए मैं कहूँगा कि जुर्माने की सजा से काम नहीं चलेगा। इसके लिए तो मजबूत गजा चाहिए और पुलिस को आप हिदायत करें कि वह पूरी सख्ती से काम ले। मैं समझता हूँ कि ऐसा करने से आपकी दिक्कत बहुत कुछ हल हो जायगी।

दूसरी बात जो मैं बतलाना चाहता हूँ वह यह है कि आप देहात में जाकर देखें, मैं यह नहीं कहता कि आपको मालूम नहीं है, आप बखूबी जानते हैं, कि किसान क्या खाता है। किसान सिर्फ सिका हुआ आटा उस पर नमक मिचं रख कर खाते हैं। इसका यह असर होता है कि ज्यादा अन्न खर्च होता है इसलिए इस समस्या को भी आपको जरूर सुलझाना है। मैं जानता हूँ कि इस मामले की तरफ आपकी तवज्जह है। मैं ने आपके पैम्फलेट में देखा है कि आपने लिखा है कि भोजन की न्यूट्रिटिव वैल्यू (nutritive value) लोगों को बतलाने के लिए आपने एक बुलैटिन (bulletin) निकालना शुरू किया है। लेकिन मैं कहना चाहता हूँ कि असल गलती यह है कि इस अनाज की समस्या को हमारे गांवों के रहने वाले या शहरों के रहने वाले ठीक तरह से नहीं समझते हैं। आपको चाहिए कि आप इस चीज को लोगों को महसूस करायें और इसके लिए एक English बुलैटिन से काम नहीं चलेगा अब तो हमारे देश में कितने पढ़े लिखे आदमी हैं उनमें अंग्रेजी पढ़े कितने हैं और उनमें भी कितने ऐसे बुलैटिनों को पढ़ने की तकलीफ करते हैं। इसके अलावा लोग यह समझते हैं कि जो कुछ किताब में लिखा है उसको वह जानते हैं। गांवों के लिए आपका काम अंग्रेजी बुलैटिनों से नहीं चलेगा और हिन्दी के बुलैटिनों से भी नहीं चलेगा। मैं समझता हूँ कि अगर आप लोगों को यह चीज चलते फिरते सिनेमा के जरिये समझायें तो आपके कामयाबी मिल सकती है।

तीसरी बात जो मैं आपसे कहना चाहता हूँ वह यह है कि आप बनास्पति घी फौरन बन्द कर दें। आपको कुछ मालदार आदमियों ने इस गलतफहमी में डाल रखा है कि हमारे यहां फैट की बहुत कमी है, इसलिए इसे जारी रखना चाहिए। लेकिन मैं आपसे कहना चाहता हूँ कि यह बहुत खराब चीज है, इसको फौरन बन्द करना चाहिए। मैं नहीं समझता कि इसके लिए किसी साइंटिस्ट की राय की जरूरत है। अगर आपने इसे नहीं खाया है और शुद्ध घी खाते रहे हैं, तो तीन महीने इसे खाकर देखिये कि क्या नतीजा होता है, तब आपको मालूम हो जायगा। आपने अपनी स्पीच में, अपने पैम्फलेट में और सवाल-जवाब के उत्तर में भी कहा है कि आपने कुछ साइंटिस्ट्स को इसकी जांच करने के लिए मुकर्रर किया है कि इस घी की क्या फूड वैल्यू (food value) है। मैं आपसे कहूँगा कि यह मालदार आदमियों का मामला है। इसका सुलझाना मुश्किल होगा। वे मालदार आसानी से आपको कासबाब नहीं होने देंगे। वह साल, दो साल या तीन साल तक रोड़े अटकाते रहेंगे और उनके पास ऐसा करने के साधन मौजूद हैं, और वह आपको असली नतीजे पर नहीं पहुंचने देंगे। अगर किसी एक आध साइंटिस्ट की राय मालूम करनी है तो इसे फौरन मालूम कर लीजिये और इसको फौरन बन्द कीजिए। इससे आप यही नहीं करेंगे कि आप लोगों के स्वास्थ्य को बढ़ायेंगे पर आप देश के पशु धन को भी बढ़ायेंगे। पशु धन के सम्बन्ध में मैं यह कहना चाहता हूँ कि जब लार्ड लिनलिथगो यहां आये तो उन्होंने कैटिल ब्रीडिंग (Cattle breeding) में काफी दिलचस्पी ली थी। लेकिन उसके बाद कैटिल ब्रीडिंग की हालत बहुत खराब हो गई है। आपकी थ्योरीटिकल (theoretical) स्कीम में कोई काम मैं नहीं आ रही है। हमारी अलवर रियासत में दो ब्रीडें बहुत अच्छी होती थीं, एक मेवाड़ और दूसरी राठ। पर पिछले हिन्दू मुसलमानों के झगड़ों में यह बुरी तरह खराब हो गई और अब न आपको अच्छे बुल्स (bulls) मिलेंगे और न अच्छी गायें ही मिलेंगी। मैं कहूँगा कि आप इस तरफ खास तवज्जह दें और इस ब्रीड को बढ़ायें।

उसके बाद मैं यह कहना चाहता हूँ कि जो कोई स्कीम आप बनायें उसको रियासत में जरूर अमल में लायें। हमारे यहां हालत यह है कि कोई अग्रीकल्चर डिपार्टमेंट तक नहीं है। कैटिल ब्रीडिंग डिपार्टमेंट जो कि लार्ड लिनलिथगो के जमाने में काम करता था उसको बन्द कर दिया है और उसकी जगह एक डेरी (Dairy) कायम कर दी गई है। इसलिए मेरा आपके प्रति निवेदन है कि आप रियासतों की तरफ खास तवज्जह दें। रियासतों में ऐसी

[श्री रामचन्द्र उपाध्याय]

हुकूमतें हैं जो यह समझती हैं कि वह सब कुछ जानती हैं, उनसे ज्यादा कोई काबिल नहीं है। और ऐसी बातों के लिये कह देने हैं कि हमारे पास पैसा नहीं है। इसलिए मैं कहूंगा कि रियासतों के मामले में आप आसानी से कामयाब नहीं होंगे। इसके लिए आपको सरदार पटेल की इमदाद लेनी होगी। उनके लिए तो आप जितने स्ट्रॉंग स्टेप्स (strong steps) ले सकते हैं, तभी आपकी स्कीमें वहां कामयाब हो सकती हैं।

(English translation of the above speech.)

Shri Ram Chandra Upadhyaya (United State of Matsya): Sir, as far as the question of increasing the production of food-grains is concerned, I think the honourable Minister does not stand in need of knowing anything more than what he already knows. Whatever he knows is sufficient. But the fault is that it is not being acted upon. I have read your pamphlet. It shows that good schemes have been devised but the mistake is that they are not brought into operation. Therefore as far as the question of the increasing of the production is concerned, I would like to submit only so much that efforts should be made to put into practice all these schemes.

Another thing, about which I wish to draw your attention and which I did not find in your pamphlet, is that simply by increasing the production of food-grains in the country all your difficulties will not be solved. After increasing the production you should try to stop the wastage of food-grains. I have seen that you have not taken this thing into consideration. You might be knowing that in our country many such bad customs prevail according to which feasts are given to 200-400 people at a time. I cannot say whether this custom prevails in other parts of the country as well or not, but in my side a custom is that when some one dies then his heirs have to give a feast to 1,000-2,000 persons. He becomes duty bound to give a feast to 1,000-2,000 persons though he may have to sell his house for this.

Next I would submit that these days the villagers have got pots of money. The people of their society compel them to spend the money and they have to give a kind of feast which they call *Gangoj* i.e. people are fed in the name of Ganges. I wish to draw your attention to the fact that substantial quantities of food grains are being wasted. You know that during the war time the British Government had enforced many such laws whereby they had placed a restriction that, as far as possible, the least number of persons may come in the feasts. But that was a foreign government. They did not have the co-operation of the public, therefore they did not succeed. But you have got the co-operation of the public. I think that if you would enact any such legislation you would surely be successful. But whatever measures you adopt, impose them strongly. Do not fix the punishment in the shape of fines of Rs. 10/- or Rs. 20/- but give deterrent sentences; and only then you would be successful. In our State the late Maharaja had made such a law that any one who would perform the marriage of a boy of less than 16 years of age will have to pay a fine of Rs. 500/-. The result was that people began

to perform the marriages of even 10 year old boys, and used to say that when we spend thousands of rupees in the marriages, we would pay the fine of Rs. 500/- also. Therefore I would submit that the punishment of fine will not work. For this deterrent punishment should be fixed and the police be instructed to exercise fullest severity. I think that by doing so your difficulty will to a great extent be solved.

The other thing that I wish to submit is that if you were to go and see the rural areas, I do not want to say that you do not know, you would know what kind of food a peasant eats. The peasants eat only baked flour with salt and chillies. The result is that more food-grains are consumed. Therefore you have to solve this problem also. I know that you have this matter under consideration. I have read your pamphlet wherein you have mentioned that in order to tell the people the nutritive value of food you have begun publishing a bulletin. But I wish to submit that the main fault is that the people living in our rural or urban areas do not comprehend this problem of food grains properly. You should try to make the people realize this thing, and for this purpose only one English bulletin will not keep the work going. In the first place how many people in our country are literate, how many of them know English, and out of them how many take the trouble of reading such bulletins. Besides this the people think that they know all whatever is written in the books. As regards the villages your English bulletins will not work and even Hindi bulletins will not keep the work going. I think that if you would teach these things to the people with the help of mobile cinemas you can achieve success.

The third thing that I wish to submit is that you should at once stop the vegetable ghee. Some capitalists have created a wrong idea in our mind that there is a great dearth of fat in our country and so it should be continued. But I wish to submit that it is very injurious and should at once be stopped. I do not think the opinion of any scientist is necessary in this matter. If you have not taken it and have been taking pure ghee then take it for three months and see the result and only then would you know. You, in your speech, in your pamphlet and in the answers to the questions put to you, have said that you have appointed some scientists to test and ascertain the food value of this vegetable ghee. I would tell you that this matter concerns the capitalists. The solving of this problem will be quite difficult. These capitalists will not let you succeed quite easily. They will go on putting obstacles in your way for two or three years, and they have means to do so, and they will not let you come to any final result. If you have to ascertain the opinion of one or two scientists then do ascertain it at once and then directly stop its production. By doing so you will not only promote the health of the people but will also increase the cattle-wealth of the country. About the cattle-wealth I wish to submit that when Lord Linlithgow came to this country he took sufficient interest in cattle breeding. But after that the condition of cattle breeding has deteriorated very considerably. Your theoretical schemes are not at all proving serviceable. In our Alwar State two very good breeds of cattle were to be found, one was called Mewar and the other Rath. But during the last Hindu-Muslim riots these breeds got spoiled a great deal and now you would get neither good cows nor good bulls. I would request you to pay special attention towards this and propagate this breed.

Next I wish to submit that whatever schemes you devise, you must bring them into operation in the States as well. The condition in my State is that even agriculture department is not there. The cattle-breeding department, that used to function during the days of Lord Linlithgow, has been closed down and a dairy has been started in its place. Therefore my humble submission to you is that you should pay special attention towards the

1918 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [19TH MARCH 1949]

[Shri Ram Chandra Upadhyaya]

States. The States have such governments that think that they know everything and no one else is more capable than them; and for such thing they say that they have no money. Therefore I would submit that as far as States are concerned you would not succeed so easily. For this you will have to take the help of Sardar Patel. For the States you take as strong steps as you can and only then your schemes will be successful there.

Shri H. Siddaveerappa (Mysore State): Sir, I am glad the Government have decided to put a stop to the import of food grains from 1951. That is a silver lining that we see in the otherwise dark horizon. But in order to see that this policy of stopping imports altogether is satisfactorily worked out, I would request the Government to consider the question whether the agriculturist is given sufficient incentive to produce the required quantity of food in this country itself. Sir, before the war nobody ever bothered about the agriculturist until a calamity like a famine occurred. But now the time has come when at last everybody's attention is drawn towards this neglected profession, and we have got to see that the agriculturist does not get into the whirlpool of another depression. Depression is bound to come, sooner or later.

After all in the last war after ten years the depression came. What happened then was, nobody bothered about the agriculturists, when they were selling their corn at the rate of Rupees Two per palla. Nobody ever cared to find out whether it was an economic holding, and whether agriculture was a paying industry and the time has come when the Government of India will have to take courage in both hands and try to secure by means of a legislative enactment on the model of the Agricultural Act, 1947, in the United Kingdom, wherein the State guarantees that if the price falls below a particular level it will step in and purchase that commodity. Sir, the present position is that so long as the profit motive is there in our economy, no agriculturist is promoted in to grow more, unless and until he is assured of a reasonable price for the commodity he grows. Of course, an honourable member suggested and rather complained stating that in India the agriculturist has taken to commercial crop and has started to strike by not producing food crop. Why is it? Every body knows how the agriculturist has suffered during this war. If at all there was anybody in the society who had to undergo all the sufferings that followed after the wake of these controls, it was the agriculturist. For other necessities of life like kerosene and any other thing, he had to purchase in the black-market, whereas his commodity was taken away for a controlled rate. Nobody knows how the prices were fixed. The figure for 1939 was taken as a basis for 100 as the index number and whether that figure allowed for him anything in the way of a margin of profit, and whether that point was taken into consideration, nobody knows. Therefore, when we take into consideration even in the year 1947 when rationing was at its maximum in 1,008 towns covering 148.3 millions of our population and the State had the monopoly of procurement and distribution, food crop was not available anywhere, at that time who fed the rest of the population. I would like to ask. Food was not available anywhere. Therefore, to say that the agriculturist has not played his part properly, seems to be the unkindest cut of all. Unfortunately he is the man who has not been able to stand on his own legs. He is the man who does not know how to safeguard his own interest. If only he had known how to safeguard his own interest, he could have taken proper care to see that his interest was also safeguarded. Therefore, in order to see the Government of India's ambition that no food grain is imported by the year 1951 is fulfilled, it is

absolutely essential that the Government should introduce a legislative enactment that for a particular period at least, the price that is to be fixed, an economic price, leaving him a margin of profit, is enforced.

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

Sir, I know it may be said it is a provincial subject. If need be, I should say that the Government of India Act will have to be amended with a view to see that the Centre takes the powers to pass that legislation, and I should submit that unless and until some incentive is given to the agriculturist by way of guaranteeing him at least a minimum price, the Government, I am afraid, may not get that co-operation and may not induce the agriculturists to give that amount of co-operation, which is absolutely essential to avert crisis in this food problem.

श्री ऐल० ऐस० भाटकर: सभापति जी, मैं मिनिस्टर साहब को उनके काम के लिये बधाई देना चाहता हूँ। मैं जो कुछ इस समय कहना चाहता हूँ वह यह है कि इस समय खेतीहू लोगो की हालत अच्छी नहीं है और उनको जितनी सरकार से मदद मिलनी चाहिये उतनी उनको मदद नहीं मिल रही है। खेतीहू लोग अपनी तरफ से जितनी मेहनत करते हैं उतनी मदद उनको सरकार की ओर से नहीं मिल रही है। इस समय खेतीहू लोग कर्जों के भार से दबे हुए हैं। साहूकार लोग उनको बहुत दुख देने हैं जिससे वे लोग उनके भार से दबे चले जाते हैं। खेतीहू लोग जितनी खेती करते हैं वह सब उनको साहूकार लोगो के कर्ज उतारने में देना पड़ता है। इसलिये गवर्नमेंट को पहिले यह करना चाहिये कि जिस काश्तकार के ऊपर जो कर्जों का बोझ है उसको दूर करना चाहिये और काश्तकार की जो जमीन साहूकारों ने कर्जों में ली है वह काश्तकारों को वापिस दिला दी जाय। यह गवर्नमेंट का काम है कि जो पूँजीपति लोग हैं उनके पास जो ज्यादा जमीन है और जिस जमीन से वह पूरा अनाज पैदा नहीं कर सकते हैं वह काश्तकार को मिलनी चाहिये।

दूसरी बात जो मैं कहना चाहता हूँ वह यह है कि जो काश्तकार अनाज पैदा करता है उसको इसका जो कुछ पैसा मिलना चाहिये वह उसको नहीं मिलता है। अक्सर यह देखने में आया है कि किसानों को अस्ली दाम उनके अनाज के नहीं मिलते हैं। मैं तो बरार प्रान्त से आया हूँ। वहाँ तो कपास की पैदावार ज्यादा होती है। कपास के बारे में गवर्नमेंट की यह पोलिसी है और मैं इसको अच्छी तरह से जानता हूँ कि जो कपास हमारी गवर्नमेंट ईरान ईराक और पाकिस्तान से खरीदती है उसका दाम वह यहाँ की कपास के दाम से दुगना देती है। हमारी सरकार इस के बदले में इन देशों को कपड़ा भेजती है। वह कैसे भेजती है वह यह है कि जो कुछ एवरेज निकलता है पाकिस्तान के कपास के भाव से ईराक और ईरान के कपास के भाव से और

[श्री ऐल० एस० भट्टकर]

हिन्दुस्तान को कपास के भाव से जो एवरेज निकलता है उस भाव से कपड़ा उनको देनी है। यह तो ऐसा हो गया कि "अन्धा पीसता है और कुत्ता खाता है"। इसका मतलब यह है कि काश्तकार अपनी मेहनत करता है मगर उसको उचित दाम नहीं मिलता। तो मैं यह अर्थ करना चाहता हूँ कि जो कपड़ा इन देशों को जिस दामों पर भेजा जाता है उन दामों के हिसाब से हमारे काश्तकारों को कपास का दाम देना चाहिये।

दूसरी बात यह है कि काश्तकार जो अनाज पैदा करता है और जब वह उसको बाजार में ले जाता है तो ठीक उसी वक्त सरकारी कंट्रोल लग जाता है। काश्तकारों से भी कंट्रोल के भाव से वह अनाज लिया जाता है। जब काश्तकार का सब अनाज बाजार में चला जाता है और व्योपारियों के पास आजाता है तो तब सरकार कंट्रोल उठा देती है। काश्तकार के पास का सब स्टॉक खत्म होजाता है तो उसको अपने खाने के लिये बाजार से दुगने भाव में अपना ही माल वापिस खरीदना पड़ता है। यह सरासर काश्तकारों पर अन्याय है खराब बात है जिसको मिटाना सरकार को अपना फर्ज समझना चाहिये। इससे सब लोगों को यह मालूम पड़ता है कि काश्तकारों की हालत कुछ अच्छी नहीं है। यही नहीं, जहाँ तक शिक्षा का सम्बन्ध है इस बात में भी काश्तकारों को बहुत कम मदद मिलती है। एग्रीकल्चर कालेजों में जितनी सहूलियत काश्तकारों के लड़कों को मिलनी चाहिये थी उतनी उनके लड़कों को नहीं मिलती है। अक्सर यह देखने में आता है कि वहाँ पर अमीर और शहरियों के लड़कों को ही भर्ती किया जाता है जिनका काश्तकारी से कोई सम्बन्ध नहीं होता है। अगर इस चीज का परसेन्टेज निकाला जाय तो वहाँ पर सिर्फ एक या दो काश्तकार के लड़कों के पढ़ने के लिये लिया जाता है। इस कालेज में काश्तकारों का ही पैसा खर्च होता है मगर उनको इसका कोई फायदा नहीं मिलता है सरकार को इस तरफ ध्यान देना चाहिये। इन एग्रीकल्चर कालेजों में काश्तकारों के ही लड़के लिये जाने चाहिये।

हमारे बरार में जमीन बहुत ही उपजाऊ है। जिस वजह से बरार को "सुन्ने की कराउ" कहते थे मगर आज उसकी हालत बहुत ही खराब है और काश्तकार अनाज का भी मोहताज है। अगर हमारी सरकार काश्तकारों को मदद दे, उनको पैसा दे और उनको जमीन ठीक करने के लिये ट्रैक्टर और पानी दे तो वहाँ की जमीन में बहुत भारी पैदावार हो सकती है। गवर्नमेंट की मदद न मिलने की वजह से वहाँ बहुत सी उपजाऊ जमीन बेकार पड़ी हुई है। इसकी वजह यह है कि जितनी अच्छी जमीन है उसके लिये काश्तकारों को जितना पैसा चाहिये, गवर्नमेंट से जितनी उनको मदद चाहिये, वह मदद उनको

गवर्नमेंट से नहीं मिलती है। इस वजह से जितना वहाँ गेहूँ पैदा होना चाहिये उतना वहाँ पर नहीं होता है। गवर्नमेंट का यह काम है, उनको अच्छे बीज दिये जायें, और वहाँ पर जो कपास होती है उसके लिये भी सरकार की उनकी काफी मदद करनी चाहिये जिससे वहाँ पर काफी कपास पैदा हो सके। सरकार को काश्तकारों के लिये अच्छे से अच्छे बीज का प्रबंध करना चाहिये इन वजहों से जिन काश्तकारों की हालत कमजोर हो गई है, गवर्नमेंट का फर्ज है कि उनको हर तरह से मदद देनी चाहिये। उनकी हालत सुधारने के लिये गवर्नमेंट को हर प्रकार की मदद करनी चाहिये। मैं जो कुछ कहता हूँ सरकार को उसकी ओर ध्यान देना चाहिये। मिनिस्टर साहब ने जो अपने भाषण में कहा है उससे हम काश्तकारों को कुछ फायदा जरूर होगा ऐसी मेरी राय है मगर तो भी मेरी सूचनाओं की ओर श्री मिनिस्टर साहब ध्यान देंगे ऐसी मैं आशा करता हूँ।

(English translation of the above speech).

Shri L. S. Bhatkar (C. P. and Berar: General): Sir, I wish to congratulate the honourable the Minister for his work. What I wish to submit now is that the condition of the agriculturists these days is far from good and they are not getting that much help from the Government as they ought to have received. As compared to the hard work the agriculturists themselves are putting in they are not receiving much help from the Government. At present the agriculturists are being crushed under the burden of indebtedness. The money-lenders trouble them very much with the result that their burden of indebtedness goes on increasing. Whatever produce these agriculturists raise they have to hand over the whole of it towards the re-payment of their debts. Therefore, in the first place, the Government should take steps to liquidate the indebtedness of the agriculturists and they should be restored all the lands that the money-lenders have usurped against the settlement of their debts. It is the duty of the Government to see that those extra lands that are in the possession of the capitalists and who cannot raise full complement of food grains from them may be given back to the agriculturists.

The second thing that I wish to submit is that the agriculturists do not get the full price of the food grains they grow. It is often seen that the agriculturists do not get the full price of their food grains. I belong to Berar. On our side cotton is mainly grown. About cotton the policy of the Government is, and I know it quite well, that for the cotton our Government purchases from Iraq, Iran and Pakistan a price double than that of Indian cotton is paid. In exchange for this cotton our Government exports cloth to all these countries. The price of the cloth given to them is fixed by taking out the average of the market rates of cotton in Pakistan, Iraq, Iran and India. This is just like the proverb which means that fools grind and the wise enjoy. The result is that though the agriculturist puts in hard labour yet he does not get a reasonable price of his produce. I like to submit that our agriculturists should be given a price of their cotton in accordance to the price of the cloth that is charged from the countries to which it is exported.

The second thing is that when the agriculturists take their produce to the market just at that time the Government imposes control. The food grains are taken from the agriculturists at the control rate. When the entire produce of the agriculturists is marketed and stocked by the stockists then the Government lifts the control. When the stocks held by the agriculturists come to

[Shri L. S. Bhatkar].

an end they have to purchase back from the market their own produce at double the price. This is definitely an injustice to the agriculturists. It is a bad thing and the Government must consider itself duty bound to eradicate this. From this it would be clear to every body that the condition of the agriculturists is far from good. Not only this, but as far as education also is concerned the agriculturists get little help. In agricultural colleges the children of agriculturists do not get as much facilities as ought to have been given to them. It is often seen that these colleges admit only the children of those rich and the urban people only, who have no connection at all with agriculture. If a percentage be determined then it would be found that only one or two children of the agriculturist class are admitted. The money spent on these colleges comes from the agriculturists yet they do not derive any advantage from them. The Government should attend to this. The children of the agriculturists only should be admitted to these colleges.

In Bihar the land is very fertile and for this reason it was called a gold field. But today the condition is so very bad that the agriculturists are dying for want of food. If our Government were to help these agriculturists, give them money, provide tractors and irrigation facilities for re-claiming the land, huge quantities of food grains could be grown there. For want of Government help vast areas of fertile land are lying fallow. The reason is that considering the vast areas of fertile land, the agriculturists do not get as much monetary aid and Government help that they ought to have been given. The result is that the production of wheat is far less than what it ought to have been. It is the duty of the Government to supply them good seeds; and as regards cotton the Government should give them enough help so that the production of cotton may go up. The Government should make arrangements for the supply of better kinds of seeds.

For the reasons mentioned above the Government is duty bound to give every kind of help to those agriculturists whose pecuniary circumstances have become worse. In order to better their conditions the Government should give them every possible help. The Government should pay attention to what I submit. I think that we agriculturists will surely be benefitted by the measures referred to by the honourable Minister in his speech. Still I hope that the honourable the Minister will pay attention to the facts mentioned by me.

Shri Kala Venkata Rao (Madras: General): Sir, I support the Demand moved by the honourable Minister for Agriculture and Food. In view of the shortness of time I do not propose to go over the whole question which has been partly traversed by many honourable Members.

I wish to speak only on two points and the first of them is about the need for having a better arrangement with reference to procurement. According to our economists, we have in India a food deficit of only 10 per cent. That being so I do not see any reason why the country should be upset over its food requirements. No doubt there is a great outcry from every corner of the country that they want more food. But the figures published by Government, the newspapers and the economists only show that there is a deficit of 10 per cent. Therefore I do not think it will be very difficult to solve this problem.

As far as the question of food is concerned, leaving the question of agriculture alone, we have to start a good policy of procurement. I am very sorry to learn from the debate that took place here some time ago that certain provinces are not at all responding to the request of the Centre with reference to procurement schemes. I think that we must blame the provinces for that. One province has fulfilled only 2.5 per cent. of its procurement quota. In

Madras, though we had scarcity conditions prevailing for the last two or three years, the procurement figure was 20 per cent. and more. So I think that in the matter of allocation of food grains, the Centre is doing an injustice. My point is this: You ought to distribute your supplies on the basis of procurement in the provinces. Then alone the Provinces will respond properly. If this is not done, there will be laxity in procurement and there will be the difficulty of the provinces coming to the Centre asking for more allotment. It is due to this that there is laxity in procurement. It is only due to efficient procurement measures that certain provinces have been able to show greater procurement. As a matter of fact I can tell my honourable friends that provinces like the Central Provinces have not given their quota. I understand that even in the United Provinces procurement is a bit lax.

The Honourable Shri Jairamdas Doulatram: Neither is correct.

Shri Kala Venkata Rao: I am very glad to be corrected. But I want to know from the honourable Minister whether there is any Province in the country which has not produced its quota of procurement according to the scheme. If really there is such a province, it should not be given anything from the Central reserve till it procures to the limit to which it is asked to procure. That is my suggestion.

Now coming to the target fixed by the Government, I am very glad to hear that they are planning in such a way that by the end of 1951 there will be no more imports of food. It is very good. But we have to make the country self-sufficient in the meanwhile. For that, two things have to be done. First we have to improve the condition of the man who drives the plough. As every one knows he is not getting his due. We must pay speedy attention to the question of land tenures. There may be difficulties in the way. But we should not allow them to stand in our way. We should undertake legislation to that effect immediately and create in the man who cultivates the soil an interest in production and a contented life. If we do that, production will certainly increase.

The other point that I wish to speak upon relates to reclamation. Honourable Members have referred to this. The honourable Minister said that by 1951 he is going to reclaim 7 lakhs of acres. Reclamation work on a huge scale was done in Soviet Russia and also in Fascist Italy. Before the last War Mussolini brought under cultivation 70 lakhs of acres of swampy and marshy land. He spent large sums of money for the purpose. We have read reports about it which say that a town called Littoria was built in the course of this reclamation of the Pontine Marshes. Therefore, if we have the will we can do the same thing here.

Next I want to refer to the co-operative method of farming. I am one with my honourable friend Mr. Prakasam in thinking that co-operation should form the basis of decentralisation not only with reference to food and agriculture, but with reference to many other things also. I must confess, however, that I cannot agree with him in his advocacy of a hybrid type of society known as the Producer-cum-Co-operative Society. I think, on the other hand, that we must have in the country a number of multi-purpose co-operative societies, which will deal with the needs of the common cultivator and then alone we will be able to produce more and distribute on an equitable basis and create non-scarcity conditions throughout the country. Therefore my request to the Honourable Minister is that in order to achieve his target in 1951, he should improve the condition of the agriculturists by legislation in the Provinces and by aid from the Centre and also introduce the system of multi-purpose co-operative societies as a decentralising factor. As I said, he should allot from the Centre food pool, quotas to Provinces on the basis of procurement made by each province.

I support the Demand.

Begum Aizaz Rásul (U.P.: Muslim): Sir, so much has been said on this very important subject that, knowing that I have only a few minutes time, I shall confine myself to two points.

First I want to ask the honourable Minister as to what they have done about drawing up a programme of balanced diet for the people of this country. No one can minimise the importance of the value of the food from the health point of view. We do not know the nutritive value in calories or vitamins of the food we eat. Even the educated people here do not know it. For a country in which millions of people live in the villages, it is necessary for the Ministry of Food to make special efforts to publicise according to the income groups of the people what the best diet is. I would suggest that different tables suitable to the different age groups and different income groups should be prepared and supplied. We should know what the growing children of this country should be fed on in order to build up healthy bodies and also what the grown-ups should eat. We have no idea at all in this respect. This point has been raised many times before and yet nothing has been done. We have been given a lot of literature by the Ministry of Agriculture and Food. I only wish that all the schemes laid down in these papers help in producing more food and improving the health of the people.

My second point relates to the productivity of the soil. In divided India it is estimated that 242 million acres are cultivated and we have about 89 million acres as cultivable waste lands. Due to some reason or other all these waste lands cannot be brought under cultivation. It will require a very long period of time in order to bring all these waste lands under cultivation. The Government's programme of ploughing 6.2 million acres by means of tractors over a period of six years will not make the lands suitable for proper cultivation, as most of these are in unirrigated tracts and have many other handicaps, that is, bullocks, labour, seeds, implements etc. Another vital problem is that the newly, deep, tractor-ploughed areas may become vulnerable to erosion if care is not taken.

Opening up of certain tracts by means of tractor ploughing and heavy machinery is good to a certain extent only. It will be several years before the major irrigation projects are ready. Their utility need not be over-emphasised for improving agriculture. Again, if there are no proper soil-conservation measures, the massive dams will silt up in a few decades. What we need is not only more food production for a few years, but maintaining increased production from the land over hundreds of years. The problem is to preserve our cultivated lands and increase production and maintain their potentiality by means of good varieties of seeds, manures green manuring, irrigation water, field embankments, fuel plantations, improving grazing areas and implementing all-round soil conservation measures. In the U.S.A., during the war, by adopting soil conservation practices, from less acreage and with fewer men they increased the yields from farm lands by about 25 per cent. We know that in a highly industrialised country like America, over 60 per cent. of the industries of the nation are dependent indirectly or directly upon agriculture. I may bring to the notice of the House that for the production of textiles, wool, dairy industry, tractors and agricultural machinery, lumber mills, sugar, chemical manufacture, plastics, nylon, paints, varnishes etc. America depends on agricultural resources. If America, in spite of its being so highly industrialised, depends upon these agricultural resources, how much more must India which is an absolutely agricultural country depend upon them and how much more wealth can be produced if agriculture in this country is developed on proper lines. Therefore, I bring to the notice of the Government that soil

conservation measures should be taken up immediately. The potential wealth and living standard of the nation depends on its natural resources of soil wealth. If, through carelessness and neglect, these resources are wasted beyond a certain point, the whole structure of our national achievement must be impaired.

Shri H. R. Guruv Reddy (Mysore State): Sir, I am thankful to you for having given me an opportunity to say a few words. I heard the statement of the honourable Minister and the policy that was adumbrated just now. But, Sir, I do not think he ever mentioned how he is going to win over the cultivator of India. He seems to have said everything else but that, in detail. He is all good and all kind. There is nothing particular against him, but he is himself perhaps labouring under a particular system or a policy which is conducive to all others. I would like to ask which of the members of the Cabinet do really represent the cultivator of India.

Shri K. Hanumanthaiya (Mysore State): None.

Dr. B. V. Keskar (Deputy Minister for External Affairs): Which of the members of this House represent?

Shri H. R. Guruv Reddy: I do not think there is any one who could put his hand on his heart and say that he is the one that represents him.

Dr. B. V. Keskar: Except the speaker!

Shri H. R. Guruv Reddy: Well, Sir, the charge is levelled against him that he takes to economic crops and does not grow food crops. The Deputy-Speaker himself said that when he spoke, but I would like to draw the attention of this House to the fact that he is driven to grow economic crop, because he has to meet his daily needs. You want him to produce food crop but you do not want him to thrive in this country. How else can he get on except by growing a little commercial crops? That is the only method if he has to maintain himself. If you want to divert him from growing commercial crop to growing food crop, give him the fair price for his product. What have you done so far? As some of the honourable Members have said, you have done nothing. I have been closely watching. Have you evaluated his own personal labour? Have you taken the value of his labour, of himself, his wife, his child or his servant? You have not done that. You have never cared to value the labour expended, personally by him on his land. Have you taken care to see what is the value of the land that he has purchased or what is the market value of the land? You have not done that. What is the interest charge on that? What are his tools and plants? What is the manure? What is his seed? Have you ever taken into consideration all these aspects and then come to the conclusion that this is the cost of production of this unit? There is no scientific basis for price fixation in our country. As was stated, it was Rs. 20 or so year before last, it is now raised by a fish or a loaf being thrown at him, by Rs. 5 or 10. You call it an enhanced rate. Is that a fair price? Certainly not. You can never win over the agriculturist by these methods. The only true method, the only correct method, the only scientific method, by which you can call him to order is to evaluate his labour, to find out his standards of living, to improve his standards of living, by giving him facilities for his education, for his medicine, for his living and all the thing that he expects. Well, Sir, I should like to know whether you have at any time responded to his cries. You please compare the attention that you have given to labour on the one side and to that to agriculturists on the other. Every cry of the labour is satisfied by you. I would say at the same time that no cry of the agriculturist has so far been satisfied by you. Therefore, all this trouble has arisen. If you want that your demands must be satisfied, you

[Shri H. R. Guruv Reddy]

should rise to the occasion and see that you pay the proper price and not just take away his produce under procurement. If you do not listen to his just cries, it is a moral crime for you to extract his produce from him. I know how the law of procurement has been working. I have seen it. I have seen the methods of procurement, I have seen how they are enforced through the police. So many atrocities have been committed against the villager, the agriculturist proper. Several instances must have come to your notice also as to the kind of methods employed to secure as much as you wanted. He too is intelligent enough now to know that you shall not get. What is the position? In our times, we shall not allow this class of people to go into destitution, to become what I may say "desperate". I am thankful to the honourable Member Sri Prakasam and another honourable Member for sounding a note of warning, and I would elaborate it, if you pardon me, Sir. Communism is at the border. Do not allow it to come into our country. Do not allow that sort of mentality to get into our society by driving people by these procurement methods and not giving them the ordinary facilities for his cultivation, for the education of his children, for curing his diseases, for his maintenance, for keeping his body and soul together. Unless and until we ensure these things to him, we have no right—no moral right—upon him. Therefore, I would plead: if you want to keep Communism away from the borders of our land, please do something for him immediately. Raise his standard of living. As you are responding to labour because it is organised, so you should also rise to the occasion and see that the cultivator is satisfied and not allow him to get into a sort of Guild and give such trouble as the other section is giving. Let us not expect this innocent section to give us any trouble. They will not. They are not anxious to give anybody any trouble. They are not known to give any trouble anywhere. Let us see that they rise a little above the level in which they find themselves today. I plead that you should do everything in your power and in your capacity for these people and see that the agriculturist surrenders, not only surrenders, but he wants actually to give his excess produce. Evaluate what he is expected to grow and give him his return. As my friend said, the price that you fix need not necessarily be a fixed price for years and years to come. It should be the price which will keep him going in those standards you set for him. The standards should not be below the standards of the other labour class in whose favour you have been yielding so much every day. Please keep him satisfied and I am confident that you will get all that you want from him.

सेठ गोविन्द दाम : सभापति जी, इस देश में हम खेती और पशु पालन को अलग अलग नहीं रख सकते। जिन देशों में खेती ट्रैक्टरों से होती है और सारा काम मशीनों से होता है वहां खेती के महकमे और पशु पालन के महकमे में कोई विशेष सम्बन्ध नहीं रहता और दोनों महकमे अलग अलग रहते हैं। पर जहां कि खेती बैलों के ऊपर निर्भर है वहां यदि हम खेती को अलग और पशु पालन को अलग करेंगे तो हम खेती में कोई उन्नति नहीं कर सकते। यहां पर खेती के लायक ३६ करोड़ एकड़ जमीन है और अभी जितने बैल हैं उनका हिसाब लगाने पर यह मालूम होता है कि हमें डेढ़ करोड़ बैलों की और जरूरत है। जहां हमारे देश में दिन पर दिन मनुष्यों की आबादी बढ़ती जाती है वहां पशुओं की संख्या घटती जाती है। हमारे यहां जब बैलों की इतनी कमी है तब हम ट्रैक्टरों पर करोड़ों रुपया खर्च करना चाहते हैं। मैं ट्रैक्टरों के खिलाफ

नहीं हूं। मैं इस बात को मानता हूं कि हमको ट्रैक्टरों की भी जरूरत है, पर सिर्फ ट्रैक्टरों से हमारा काम चलने वाला नहीं है। दूसरी तरफ जहां हम बहुत थोड़ी लागत से और बहुत थोड़े प्रयत्न से गोबर और गेमुत्र से अनेक प्रकार का कम्पोस्ट खाद तैयार कर सकते हैं वहां हम करोड़ों रुपया फर्टीलाइजर की फैक्ट्रियों पर लगा रहे हैं। मैं इस बात को मानता हूं कि हमको फर्टीलाइजर्स की भी जरूरत है लेकिन हमको फर्टीलाइजर्स के बनिस्बत कम्पोस्ट खाद की ज्यादा जरूरत है।

“ग्रो मोर फूड कैम्पेन” को आप देखिये। वहां पर सब चीजें मौजूद हैं, मांस मौजूद है, मछली मौजूद है, अंडे मौजूद हैं, लेकिन घी का और दूध का वहां कोई जिक्र नहीं है। यह देश जो बहुत हद तक निर्यात है उस में घी और दूध की बात हम “ग्रो मोर फूड कैम्पेन” में न करें, यह लज्जा की बात है। घी की जगह वैजिटेबुल घी बढ़ता जा रहा है। सरकारी रिपोर्टों से पता लगता है कि यहां सन् १९३७ में २३० लाख मन घी होता था वहां सन् १९४७ में घट कर १११ लाख मन हो गया है और बनास्पति घी सन् ३७ में साढ़े छः लाख मन होता था वहां सन् ४७ में वह पौने बत्तीस लाख मन हो गया है। हमें इस समय तेल की भी जरूरत है। मैं बनास्पति घी के कारखानों को बन्द करने की बात नहीं कहता लेकिन मैं इतना जरूर कहूंगा कि उसका हाइड्रोजिनेशन, बन्द करके केवल तेल बनाने का काम रखना चाहिये इस देश में जितने ज्यादा तेल की जरूरत है उसको देखते हुए मुझे यह विश्वास है कि अगर उसका जमाना बन्द कर दिया जायगा तो इन कारखानों को कोई नुकसान नहीं होगा।

मैं कहना तो बहुत चाहता था लेकिन चूंकि समय की कमी है इसलिये मैं अपने सुझावों को एक एक वाक्य में ही रखूंगा। पहले मुझे यह कहना है कि यहां तक पशुओं के सुधार का मामला है वहां तक स्थानीय नसलों की उन्नति करनी चाहिये। वर्धा गो सेवा संघ ने इस काम को करके बता दिया है। लाल सिन्धी और साहिवाल गाय के बारे में हमको पता लग चुका है कि उनसे जो बैल पैदा होते हैं वह खेती के लायक नहीं होते। सरकारी ब्रीडिंग फार्मों में नसलों का सुधार इस प्रकार होना चाहिये जिससे कि हमको अधिक दूध वाली गायें और खेती के योग्य बैल भी मिल सकें। स्थानीय अच्छी नसलों की कमी होती जा रही है। हिसार में अब अच्छी गायें कम होती जा रही हैं। वह बाहर भेजी जा रही हैं। इसका नतीजा यह निकलेगा कि थोड़े दिनों में हमको अच्छी गायें नहीं मिलेंगी। बड़े शहरों में, बम्बई कलकत्ता मद्रास में इनका जाना रोकना चाहिये, क्योंकि वहां पर ये गायें दूध देना बन्द करते ही कसाइयों के हाथ बेच दी जाती हैं।

[सेठ गोविन्ददास]

दूसरी बात चारे की है। एक तरफ तो इसकी इतनी इफ़रात है कि उसका उपयोग नहीं होता और दूसरी तरफ़ हमारे जानवर चारे की वजह से मर रहे हैं। जंगलों में साइलेज बना कर आप उसको रेल और ट्रकों द्वारा और जगहों पर पहुंचा सकते हैं। यदि और अन्न की ओर न देख अधिक रुपया देने वाली फ़सलें पैदा की जा रही हैं और लोग कहते हैं कि इससे हमको लाभ है। मैं कहता हूँ कि इससे हनको हानि है। एक तरफ़ तो हम करोड़ों रुपयों का अन्न मंगा रहे हैं और उसमें रुपया दे रहे हैं और दूसरी तरफ़ हमको इस बात से सन्तोष हो रहा है कि हम इस तरह की फ़सलें तैयार कर रहे हैं कि जिनसे हमको रुपया मिल रहा है। अगर हिसाब लगाया जायगा कि कितना रुपया हमें मिल रहा है और कितना रुपया हम अन्न की पैदावार न होने के कारण बाहर से अन्न मंगवाने पर खर्च कर रहे हैं तो हमें मालूम होगा कि हमें इसमें हानि हो रही है।

फ़िर गाय के बाबत एक बात यह कही जाती है कि आदमियों को तो खाने को नहीं मिलता और गाय का ज़िक्र किया जाता है। लेकिन यह कहने वाले इस बात को भूल जाते हैं कि आदमी का खाना और गाय का खाना एक ही चीज़ से निकलता है। अगर हम अन्न उत्पन्न करें तो हमको भूसा मिलता है। अन्न तो आप बाहर से मंगा सकते हैं परन्तु भूसा नहीं मंगवा सकते। इसलिये हम जो गायों को खिला रहे हैं वह हम कोई आदमियों के पेट का अन्न नहीं खिला रहे हैं।

इसलिये मैं यह कहना चाहता हूँ कि हमको इस बात का ध्यान रखना चाहिये कि हमारे यहां पर खेती की उन्नति पशु पालन के बग़ैर नहीं हो सकती। इसके लिये पशु-वध बन्द होना चाहिये, और पशुओं की उन्नति होनी चाहिये। मैं माननीय मंत्री जी से कहना चाहता हूँ कि हम इस सम्बन्ध में इस समय बहुत कम काम कर रहे हैं।

(English translation of the above speech)

Seth Govind Das (C.P. and Berar: General): Sir, in this country we cannot separate agriculture from animal husbandry. In the countries where tractors are used for agriculture and all the work is done with machines there the department of agriculture does not have any special connection with that of animal husbandry, and both the departments remain quite separate. But where the agriculture is dependent on bullocks there if we separate agriculture from animal husbandry, we cannot make any improvements in agriculture. Here we have 36 crores acres of arable land and after calculating the number of bullocks that we have at present, we come to know that we require one and a half crore more bullocks. While the population of our country goes on increasing day by day the number of live-stock is decreasing. Our country is short of bullocks and yet we wish to spend crores of rupees on tractors. I am not opposed to tractors. I acknowledge the fact that we do require tractors also, but tractors only are not going to serve our purpose. On the other hand while with very little prime cost and very little labour and effort we

can prepare many kinds of compost manure from cow dung and urine, we are spending crores of rupees on fertilizer factories instead. I acknowledge the fact that we stand in need of the fertilizers also but in comparison to the fertilizer we need compost manure more.

Just see the Grow More Food Campaign. All the things are there, meat is there, fish is there, eggs are there, but there is no mention at all of ghee and milk. In our country which is to a very great extent vegetarian, if we do not make a mention of ghee and milk in the Grow More Food Campaign then it is a matter of great shame. Instead of ghee the vegetable ghee is gaining ground. From the Government reports it is ascertained that while in 1937 the output of ghee was 230 lac maunds, the production in 1947 came down to 111 lac maunds; and while in 1936 the output of vegetable ghee was six and a half lac maunds in 1947 the production went up to 31-3/4 lac maunds. At present we require Oils also. I do not insist upon the closing down of the Vegetable ghee factories. But this much I would certainly say that stopping its hydrogenation, only the work of the extraction of oils should be continued. Taking into consideration how much oil this country requires I believe that if its hydrogenation will be stopped then these factories will not be put to any loss.

I wished to submit more, but as the time is short I will place my suggestions in one sentence. In the first place I have to say that as far as the question of the improvement of the live-stock is concerned, the local breeds should be improved. The Wardha Gau Seva Sangh has demonstrated it practically. About the red Sindhi and Sahiwal cows we have come to know that the oxen born of them are not fit for agricultural purposes. In the Government cattle breeding farms the improvement of the breeds should be done in such a manner whereby we may get cows yielding greater quantities of milk, and oxen fit for agricultural purposes. The local good breeds are gradually deteriorating. In Hissar the number of good cows is decreasing. They are regularly being exported. The result of all this would be that in very near future we would not be able to get good cows. Their export to Bombay, Calcutta, Madras and other big towns should be stopped because there these cows, no sooner they stop giving milk, are sold to the butchers.

The other thing is about fodder. On one side it is so abundant that it is not being utilized and on the other our animals are dying for want of fodder. After converting it into silage in the jungles you can send it to other places by trains and trucks. Ignoring the fodder and food-grain crops more and more cash crops are being increasingly produced, and the people say that they make more profits by them. I say that we are put to loss by this. On one side we are importing food-grains worth crores of rupees and paying for them in cash and on the other side we are feeling satisfied that we are raising such crops that are giving us more money. If a balance be struck as to how much money we are getting and how much we are paying to foreign countries in order to import food-grains as a result of decline in the production of food-grains, then we would come to know that we are losing money in this.

It is said that even human beings do not get food what to say of the cows. But the people who say so forget that the food of the human beings and the fodder for the animals are derived from one and the same thing. If we grow food-grains we get chaff. You can import food-grains from foreign countries but you cannot import chaff. Therefore whatever we are feeding to the cows with, we are not feeding them out of the food meant for human beings.

I submit that we should keep in mind the fact that in our country improvement in agriculture cannot be made without animal husbandry. Therefore the slaughtering of animals should be stopped and the live-stock improved. I wish to submit to the honourable Minister that we are doing very little in this respect.

Dr. P. S. Deshmukh (C.P. and Berar: General): It is certainly gratifying and satisfactory for the House to realize that the honourable Minister has decided to change his Grow More Food policy, and if anybody deserves congratulations for this I think it is this House which told him in no uncertain terms that the way in which he was trying to seek more food was not the way to get more food.

It is also well to hear, Sir, of a scheme which is going to replace the old Grow More Food plan. I hope, Sir, that the scheme will succeed and all our ambitions will be realized. By realizing those ambitions we will be lifting a heavy burden off the chest of the whole of India and the Finance Minister. But at the same time I would like to suggest that the entire attention in this regard may not be confined only to irrigated lands. We have been spending such a large amount on the 'Grow More Food' that if we take that whole amount, and utilise it I think it should suffice not only to intensify the cultivation in those soils under irrigation, but it would leave a sufficient margin to assist cultivators who are dependent on dry farming. The whole amount is sufficiently big. I know that the proportion of our expenditure on agriculture is very small. Nonetheless what we may have been spending on Grow More Food would I think place in the hands of the Agricultural Minister sufficient funds which, wisely spent, should yield far better results even from non-irrigated lands. I would suggest that in the scheme that is now chalked out the expenditure should be reduced to the minimum and it should be seen from time to time that whatever the Centre is spending is realised in the shape of positive results. Then I am sure there would be a couple of crores of rupees at least easily available for financing the agriculturists in some of the provinces who have been very badly hit on account of bad crops during the last two or three years. That would be money which would not be lost and I for one am against making free gifts for any purpose whatsoever. Free gifts of anything have generally a demoralising effect. So it is better to keep an eye on the return. It may be that we will probably be disappointed in not getting the full return but at the same time money ought never to be given as a sort of mere Christmas gifts and distributed from province to province. We should of course insist upon getting some sort of return for the assistance that we give. In my opinion the main requirement in many parts is financial assistance to the agriculturists. Otherwise we would be spending crores of rupees in reclaiming waste land and on the other hand there would be lakhs of acres of land which would be lying fallow simply because the agriculturist is not in a position to keep cultivation going. That is exactly one of the problems that are staring in the face of the honourable Minister. I am told that the Central Provinces Government have reported that while we were trying to grow more food by reclaiming lakhs of acres of land in area 15 lakhs of acres have gone out of cultivation in another area. Where is then the sense in spending 150 crores to reclaim land when probably 1/10 or even 1/20th of it may have saved at least a portion of the 15 lakh acres of land from going out of cultivation. That is a serious problem to which I would like the honourable Minister to pay his earnest attention.

I cannot possibly touch any other important questions at length within the short time at my disposal and so I shall merely summarise my suggestions.

There was a proposal regarding crop insurance and I think some sort of investigation and training were going on. I am told that under the guise of economy the whole experiment is going to be dropped. I would suggest to the Minister that whatever little progress it has been possible to make should not be given up, because in the whole of India sooner or later there will have to be crop insurance on some scale or the other and from that point of view whatever assistance we can give, whatever information we can supply or trained

personnel we possess will be most useful. The expenditure is not much and I hope whatever we have spent will not be permitted to go waste. It will certainly be wasted if we give up the scheme completely all of a sudden.

I would suggest that there should be an effort at wholesale cotton pooling. I come from an area where cotton is extensively grown. As I have said before either here or elsewhere cotton is not a commodity which an average man requires. There is a market for it only in the mills. So it should be possible for the Government to eliminate a very large number of middlemen, so that the cotton is purchased by the Government at the highest possible rate and supplied to the mills at a fixed rate, by which it would be possible to save the loss which the agriculturists incur on account of the presence of the middlemen. Only then it would be possible to get the agriculturists to grow more cotton.

My friend referred to the system in America by which inefficient staff is eliminated and efficient staff given rapid promotions. If the honourable Minister takes the suggestion rather seriously he will have to deal very drastically with his Ministry and with the people in the Agricultural Department. I think due to a wholesale incorporation of fresh blood there has been a considerable amount of inefficiency in his department and the suggestion which my honourable friend has made ought to be taken to heart, so that efficiency will increase and there will be better working of the department.

There is at least one more suggestion which I would like to make before I close so far as research is concerned. Research is done by younger men and I have known complaints that the men at the top often want to reap the fruits of the younger men's labours by getting the results of research published in their own names. I learn that on account of this the whole incentive for further research by the younger men is fast disappearing and there is more or less an end to any valuable research in the agricultural department. This is also another question which the honourable Minister should consider.

Shri T. A. Ramalingam Chettiar (Madras: General): Sir, coming at this late stage I can only refer to one or two difficulties that we feel. It is for the good that a target has been fixed within which we hope to be self-sufficient but I am very sorry to sound a note of warning that this goal is not going to be reached by the plans which the honourable Food Minister is proposing. There is absolutely nothing new in what he has said except the target. Every one of the matters which he referred to had been—what shall I say—given expression to but not acted upon in any province in India.

Taking first the question of making the agriculturists take to cereals what is the position? Take for instance my own district Coimbatore which depends on wells. If we ask the agriculturist to choose as between paddy and cotton, what will be the position? The yield is 8 podhies of cotton per acre which at the prevailing price of Rs. 140 per podhi will yield Rs. 1,120 per acre, whereas an acre yields only 20 salagais of paddy which at the rate at which Government is procuring from him gives him only Rs. 400 per acre. How are you justified in expecting any sane man to give up cotton which he can grow on the same land and go in for paddy cultivation? That is one question which the Government will have to consider seriously.

The second question is that if you are going to ask the man to do that, that is, to take to paddy what will be the position? Some of the agriculturists are going to be allowed to grow the costlier or more remunerative crops and you are going to force only some of them to undergo the sacrifice of growing paddy. Is it going to work? I do not think this sort of thing can work at all. There are only two ways of doing it. Either you ought to make the profit from paddy cultivation equal to that from other crops or you make the sacrifice equal and ask every cultivator on every land that grows any crop to grow at least one

[Shri T. A. Ramalingam Chettiar]

food crop once in 18 months or so. I do not think there is any other way of doing it. You cannot make a few agriculturists sacrifice and others reap all the profits they can, nor is it possible to give the same profit, for instance, which a cotton grower or sugarcane grower gets from his crop to the man who grows paddy. Unless the Government is prepared to face that problem I do not think they are going to solve this question of food at all. The only possible method if you are going to tackle the problem seriously is to make the sacrifice equal and you ought to insist.....

Prof. N. G. Ranga: Should it not be extended to other classes also?

Shri T. A. Ramalingam Chettiar: I am coming to that. Don't be in a hurry. So you will have to make the sacrifice equal and you ought to insist that on every acre of land there should at least be one crop of cereal in about 18 months. I say 18 months for this reason. The sugarcane crop wants 12 months and the next cereal crop would require five or six months. So in eighteen months a man can grow both a sugarcane crop and a cereal. In other lands probably there will be three crops: the man can have for instance two commercial crops, one of cotton and another of something else, and a third cereal. So there will be no room for complaint. That is the only way to solve it. In America also when the New Deal came the Government took power to regulate the rotation of crops and insist upon reduction of cotton or wheat as might be found necessary. There a question will arise when you are doing it, if there is any inequality. What America did was it imposed a sort of excise on the costlier or the more profitable crop and with that financed or subsidised the poorer crop. Some such system will have to be adopted if we are going to seriously deal with this question. That seems to me to be the only way.

I may also say in this connection that all that has been done for the Grow More Food Campaign in the shape of supply of manure and other things have gone not for the paddy crop or for any cereal but they have gone only for the industrial crops. A man who is able to get Rs. 1, 120 per acre will certainly use the manure for the land on which he grows the commercial crop and not for the cropping of paddy from which he gets only Rs. 400. So the system that the Government has been adopting with reference to manure has yielded no result whatever.

As you yourself said, Sir, with reference to wells, three things have occurred. One is, as you said, that some pit was shown as a well dug and the money that was paid was divided among the officials concerned and the agriculturist. That was one class of cases. The second class of cases was the man thought he could get water, started digging a well, but could not get water. What was done was when somebody went to supervise he was paid some money and he reported 'the well is all right'. That was the second class of cases. In the third class of cases there was really a well with water but the well was never used for a food crop; it was always useful for an industrial crop. So all the money that has been spent for this Grow More Food Campaign was spent for other purposes and it went in different ways and not one acre of land was benefitted in the sense that cereals were grown and added to the food supply of the country. Sir, my time is up and I want to say only one word about the procurement policy which is adopted.

Mr. Deputy Speaker: The honourable Minister has to reply.

Shri T. A. Ramalingam Chettiar: This is a very important matter and it has not been referred to by anybody.

Mr. Deputy Speaker: I think it is too late.

Shri T. A. Ramalingam Chettiar: I am sorry I was not able to catch the eye of the Speaker at any discussion with reference to food. I have had some practical experience in working it for a long time.

Mr. Deputy Speaker: I am so sorry.

Shri T. A. Ramalingam Chettiar: I want only one or two minutes. What is done is this. In the villages the Government goes to procure. It is procuring actually in my Province all the so-called surplus from the agriculturists. What happens is the poor man has to yield and give not only the surplus but even that which is required for his needs. He is forced to give it. All sorts of persecution and all sorts of trouble are given to him and he has to yield. What is the result? What is procured is taken away to an urban area. It is not left in the village. When the grain is exhausted in the village probably within one month of the harvest it has got no grain whatever. Even though the Government publish with headlines that the quota has been raised to 12 ounces I have heard cases in the villages where they could not get even 2 ounces, and an order has been issued in some of the districts that only 4 ounces can be supplied. But there are cases in which even that 4 ounces was not available and they were told that there was no stock. Is this a proper way of doing things? I have heard that there have been villages where for two and three continuous days people could not get any cereals and they had to go without food. They had to live on roots and things like that. Is that a sensible way of doing things? On the other hand the richer man is able to purchase the officers and go his own way.

I will only say this. When I came here for the meeting in January the price of rice was.....

Mr. Deputy Speaker: May we not now hear the honourable Minister?

Mr. T. A. Ramalingam Chettiar: Sir, I have finished. The price of rice was 2-1/2 measures a rupee in January. Now I went there last week. It is 1-1/4 measures a rupee at the present moment. What does it show? Any amount is available in the market in spite of the procurement about which we are boasting. But the price has gone up like that. How is the poor man to live and how is the labourer to live? We are talking as if we are doing everything for the poor man and safeguarding his interest. You can see exactly what the actual position is.

The Honourable Shri Jairamdas Doulatram: Sir, I am afraid I may not be able to cover most of the points that have been referred to in the course of this very instructive and educative debate. I am grateful for numerous constructive suggestions which have been made to me and I do propose to go into the more important ones of those suggestions and in the course of informal discussions and contacts with the Members of the House to thrash out the details of those suggestions with a view to be able to implement them. I rather feel at a disadvantage when references are made to details of provincial administration and to incidents and facts relating to certain distant places, cities or villages in different provinces. These are spheres of action in which the Central Government can only, on receipt of specific cases, go into them, examine them, give suitable directions to take the necessary action. It is not possible from here to administer in detail the entire running of the procurement system in all the villages of India. We can give directions and see that these directions are carried out and I will be certainly thankful to all Members of the House who give me specific instances of the violations of the rules of procurement and any other hard cases that have come to their knowledge.

There are one or two important things to which I think I must make a reference however brief it may have to be on account of lack of time. Our colleague Shri Prakasam made a reference to the F.A.O. organisation. I think in fairness to truth and also in fairness to that organisation I will place very

[Shri Jairamdas Doulatram]

briefly this concrete fact before the House that not only after the war but from 1919 even undivided India had become an importer of foodgrains, and except for two particular years, 1924-25 and 1943-43, in all the other years undivided India had to import food grains. On an average about 13 lakhs tons of foodgrains had to be annually imported for instance from 1931 to 1939—years before the war and when India was undivided.

Shri R. K. Sidhva (C.P. and Berar: General): Rice?

The Honourable Shri Jairamdas Doulatram: Rice largely. And that part of India which is now with us used to import, in those years also, 8 to 10 lakhs tons of wheat from Punjab and Sind which now are parts of Pakistan. This simple fact should make us realise that it is not correct or fair to say that for any particular motive or reason the F.A.O. or any other organisations outside India, has anything particular to do with the necessities which make us import food grains.

Sir, I may refer to some very important recommendations which were put by you before you took the Chair. All that I can say is that they deserve the best possible consideration at the hands of Government and it will be our endeavour to take up immediately those which could be implemented without delay and much consideration. For instance: the question which has come up more than once in the course of the speeches today regarding some kind of arrangement whereby the cultivators feel interested in our plans of production, some kind of arrangement which makes the agriculturists feel that it is to their interest to increase the production of the country, some kind of arrangement which gives facilities and enables the agriculturists to take advantage of the result of research over which we have been spending lakhs of rupees every year of which there can be no doubt.

I had very briefly indicated in one or two sentences in the original statement that I read that we do intend to set up organisations of the farmers and the agriculturists and preferably of the multi-purpose type to which reference was made, so that more effectively than was possible before, not only the problems of food procurement and food distribution, but also the problems of food production could be properly settled. No Ministry of Agriculture, whether in the Provinces or in the Centre, can be indifferent to the interests of the agriculturists. Such indifference is economically unsound, it is politically unwise. Therefore, I can assure the honourable Members that we shall see that the interests of agriculturists in this production programme do not suffer.

Shri K. Hanumanthaiya: Is Government going to fix the price by investigation on an economic basis?

The Honourable Shri Jairamdas Doulatram: I am sure the House will appreciate that in a matter of that nature where more than one Ministry is concerned and Government as a whole and governmental finances are concerned, it is not possible for me to make any definite commitment to a matter of specific detail of that nature. But all that I can say is that all possible steps will be taken to ensure that the agriculturists feel interested in the programme of production. I do not say what steps will be taken or will not be taken, that is naturally a matter for consideration and later decision. But I wish to put one point of view even before our agriculturists—partly it is indirectly a point of view. I may say, of self-interest. After all, it is true that the costs of production of the agriculturists are high, the means by which he has to produce anything from his field are costly, but is it not also a fact that in the cost of those materials and those resources whether human or material, the cost of food also is an element? The agricultural labourer, the implements of production, the

consumer goods, used in all these things which make up the cost of production, food itself is an important factor; and I do not say it is the only factor, but we cannot ignore that factor—it is a vicious circle, you may say, which we have got into. One of the ways in which we can get out of it is to increase—I won't say the extent of acreage—the yield of production from the same acreage. It is intensive cultivation which properly dealt with, properly supported, properly carried out, should get us in this country twice and thrice the present yield per acre as it does in Japan or China or any other country in the West. It is intensive cultivation which is likely to solve many problems. The same agriculturist who has to produce food from a part of his land would be able to produce more food and therefore would be able to have increasing purchasing power with which to increase his standard of living. But I do not rule out the possibility of proper crop planning. I do not rule out the possibility of an agriculturist producing food on part of his land by intensive methods and also using part of his land for such other better-paying crops as the country needs. These are the things which will certainly require planning. But they are not matters which we can achieve in the course of a year or two. The very process of surveying, study, examination and all the research that has to be carried out with a view to find out what is the cost of production, what is the fair return from place to place, all these are matters which must take time. There is no doubt that a National Government, even within a year or two or its coming into power, must take up these questions and handle them properly.

Therefore, all that I wish to say so far as the agriculturists' point of view is concerned is that I did not state without meaning that public policy needs re-orientation with regard to the rural areas. Much is implied in it, but all that much can be implemented and carried out only in course of time, I welcome all the comment and criticism of the House because it puts pressure for quicker progress in the right direction. I believe this continuous education of public opinion, this continuous emphasis on certain fundamental matters will help us to achieve quicker progress.

There are one or two other matters to which I would wish to refer. Though the reference was brief, behind it lies a great deal—this reference was to the Indian States. I do believe that States have great potentialities and possibly the whole question of our food shortage and also shortage of cotton and jute and other agricultural products, can be solved if we are able to tap all those latent resources which lie in the Indian States. Administrative and other action is necessary, but I hope that that will be taken.

Reference was made by Seth Govind Das to a most important matter, and that was the welfare of cattle. With the welfare of cattle is linked the welfare of our agricultural production. A Committee was appointed by Government to deal with the whole question of cattle preservation. It went deeply into the problem and gathered all the evidence that was available and all the views that could be put forward and it has made three recommendations. While on one important recommendation on which at present the Provincial Governments hold opposite views Government can yet take no action pending full consideration. Government propose to take action in regard to the other recommendations for which it was suggested that immediate action should be taken. The Committee proposed that the following recommendations should be given effect to. The first stage which has to be given effect to immediately should cover the total prohibition of slaughter of all useful cattle other than those indicated below, that is, (a) animals of over fourteen years of age, and unfit for work and breeding, and (b) animals of any age permanently unable to work on breed owing to age injury or deformity. Unlicensed and unauthorised slaughter of cattle should be prohibited immediately and it should be made an offence under law. It is to be considered whether it is made a cognizable offence or non-cognizable. Subject to this Government propose to implement both these recommendations of the Committee.

Mr. Deputy Speaker: I am sorry I have to interrupt the honourable Minister, 5 P.M. It is a very interesting speech, however it is five o'clock and we cannot proceed further.

It is now 5 o'clock. I shall first put to the House the particular Demands which were under discussion and shall then put the remaining Demands to the vote of the House.

The question is:

"That a sum not exceeding Rs. 46,29,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Food'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 35,10,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Forest'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 24,91,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Agriculture'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 69,86,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Survey of India'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 1,63,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Botanical Survey'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 3,56,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Zoological Survey'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 88,83,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Agriculture'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 26,86,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Civil Veterinary Services'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 8,17,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Dairy Department'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 34,95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Forests'."

The motion was adopted.

Mr. Deputy Speaker: Then there are the outstanding Demands.

Shri H. V. Kamath: With regard to item No. 106—Payment to Government of Pakistan for unique Institutions, may I know what is the meaning of unique institutions?

Mr. Deputy Speaker: There is to be no question and there will not be any answer. No question can be put now, and no answer will be given, and no debate will be allowed.

Shri Lakshminarayan Sahu: Sir, with the permission of the House, I want to withdraw my cut motion.

Mr. Deputy Speaker: The honourable Member's cut motion has lapsed.

The Demands on which the vote of the House is required are Nos. 11, 12, 14, 15, 20, 33, 38, 48, 61, 75 and 96.

DEMAND NO. 11—CONSTITUENT ASSEMBLY.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 8,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Constituent Assembly'."

The motion was adopted.

DEMAND NO. 12—CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 20,53,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Constituent Assembly of India (Legislative)'."

The motion was adopted.

DEMAND NO. 14—MINISTRY OF INFORMATION AND BROADCASTING.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 98,67,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Information and Broadcasting'."

The motion was adopted.

DEMAND NO. 15—MINISTRY OF LAW.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 8,24,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Law'."

The motion was adopted.

DEMAND NO. 30—MINISTRY OF RELIEF AND REHABILITATION.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 10,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Relief and Rehabilitation'."

The motion was adopted.

DEMAND NO. 33—ADMINISTRATION OF JUSTICE.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 3,83,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Administration of Justice'."

The motion was adopted.

DEMAND NO. 38—ECCLESIASTICAL.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 18,400 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ecclesiastical'."

The motion was adopted.

DEMAND NO. 48—DEPARTMENT OF SCIENTIFIC RESEARCH.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 85,92,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Department of Scientific Research'."

The motion was adopted.

DEMAND NO. 61—BROADCASTING.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 1,82,32,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Broadcasting'."

The motion was adopted.

DEMAND NO. 75.—EXPENDITURE ON REFUGEES.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 9,85,17,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Expenditure on Refugees'."

The motion was adopted.

DEMAND NO. 96—CAPITAL OUTLAY ON BROADCASTING.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 96,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Broadcasting'."

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Monday the 21st March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Monday, 21st March, 1949.

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

QUESTIONS AND ANSWERS

(See Part I)

11-50 A.M.

PAPERS LAID ON THE TABLE

REPORT OF REHABILITATION FINANCE ADMINISTRATION FOR HALF YEAR
ENDING 31ST DECEMBER, 1948

The Honourable Dr. John Matthai (Minister of Finance): Sir, I lay on the table a copy of the Report of the Rehabilitation Finance Administration for the half-year ending the 31st December, 1948, in accordance with sub-section (2) of Section 18 of the Rehabilitation Finance Administration Act, 1948.

REPORT OF THE REHABILITATION FINANCE ADMINISTRATION FOR THE HALF
YEAR ENDING THE 31ST DECEMBER, 1948

The Rehabilitation Finance Administration was set up with effect from the 1st June 1948 under the Rehabilitation Finance Administration Act, 1948, for the purpose of giving financial assistance on reasonable terms to displaced persons to enable them to settle in business or industry. The administration consists of a Chairman, three officials appointed by the Central Government, and three non-officials nominated by the Central Government. There is an Advisory Board, consisting of 13 members, to advise the Administration on matters of policy, and Regional Committees will also be formed shortly to advise each Branch of the Administration at Simla, Bombay and Calcutta. The Central Government advances money from time to time for the business of the Administration, the aggregate amount of which will not exceed ten crores of rupees. The Administration entertains applications for loans of Rs. 5,000 and over upto Rs. 50,000 except in the case of co-operative societies or joint stock companies where the maximum may be up to rupees one lakh. It is hoped that all the Branches of the Administration namely, at Simla, Bombay, Calcutta and Lucknow will be in full working order with effect from the 1st April 1949, when the average of the monthly loans sanctioned would be about 50 lakhs of rupees.

The details of the working of the Administration are given in the statement.

Statement

	Rs.	A. P.
A.—(i) Total amount of principal due to Government	15,10,000	0 0
(ii) Total amount of interest due to Government	4,433	7 0
(iii) Total principal amount outstanding on Advances made by the Administration	7,71,244	12 0
(iv) Approximate total amount of interest accrued on (iii) but not yet received	5,571	13 0
(v) Total of the monies of the Administration lying with the Reserve Bank of India and its agents— Reserve Bank of India Rs. 3,01,000 Imperial Bank of India Rs. 2,00,866/4/-	5,01,866	4 0
(vi) Total of the Cash balances at Head Office and Branches including Rs. 6,000 in transit	11,208	5 0
(vii) Total outstanding rediscounts of Bills of Exchange and Promissory Notes—	Nil	
(viii) If the total of (i) and (ii) exceeds the total of (iii) to (vii), an explanation of the deficit— The deficit is Rs. 2,24,542-5-0		

It is but natural that during the first half-year of its existence the Administration should have to live on capital. As its advances increase and interest-earnings go up, the working-deficit will turn into a surplus.

(ix)	Total cost of running the Administration during the half-year	2,10,333	6	6
		(a) Business	(b) Industry	Total
B.—(i)	Total number of new Advances sanctioned by the Administration during the half-year	119	76	195
(ii)	Total amount for which the advances in (i) were sanctioned	15,24,500	13,77,500	29,02,000
(iii)	Total amount out of (ii) actually advanced during the half year	3,91,500	3,80,000	7,71,500
(iv)	Highest amount of advances sanctioned	1,00,000	50,000	..
	Lowest amount of advances sanctioned	6,000	66,000	..
	Average amount of advances sanctioned	12,811	18,125	..
(v)	Classification of (i)—			
	(a) Individuals	76	37	113
	(b) Joint Hindu Family Firms	27	18	45
	(c) Partnerships	13	15	28
	(d) Private Ltd. Companies	1	6	7
	(e) Co-operative Societies	2	Nil.	2
	(f) Joint Stock Companies	Nil.	Nil.	Nil.
	Classification of (ii)—			
	(a) Individuals	8,17,000	5,26,500	13,43,500
	(b) Joint Hindu Family Firms	3,06,500	3,68,000	6,74,500
	(c) Partnerships	2,31,000	2,53,000	4,84,000
	(d) Private Ltd., Companies	10,000	2,30,000	2,40,000
	(e) Co-operative Societies	1,60,000	Nil.	1,60,000
	(f) Joint Stock Companies	Nil.	Nil.	Nil.
(vi)	Total amount advanced by the Administration during the half-year in respect of advances previously sanctioned	Nil.	Nil.	Nil.
C.—(i)	Total amount outstanding at the commencement of the half-year on—			
	(a) Loans granted by the Administration	Nil.		
	(b) Interest on (a)	Nil.		
(ii)	Total amount recovered during the half-year—			
	(a) on account of principal	Rs. 255	4	0
	(b) on account of interest	Nil.		
		Rs. 255	4	0
D.—(i)	Total amount overdue from borrowers at the commencement of the half-year			Nil.
(ii)	Total amount which became overdue during the half-year			Nil.
(iii)	Total overdue amount recovered during the half-year			Nil.
(iv)	Total amount overdue at the close of the half-year and the total number of defaulters			Nil.
E.—(i)	Total investment of the Administration as at the close of the half-year in rediscounts under clause (b) of section 12			Nil.
(ii)	Total liability of the Administration as at the close of the half-year on guarantees under clause (c) of section 12			Nil.
F.—(i)	Number of cases in which legal action had to be taken against defaulters during the half-year			Nil.
	Number of cases in which the business or industry of a defaulting borrower had to be taken charge of by the Administration			Nil.

G.—Number of persons rehabilitated by the Administration—

(a) Directly	1142
(b) Indirectly	1685
(c) Total from the date the Administration was set up to the close of the half-year.	2827

Sd/ A. Nath

Accountant

Sd/ M. Datta

Chief Accountant

Sd/ S.S. Rachhpal

Chief Administrator

INDUSTRIAL FINANCE CORPORATION OF INDIA EMPLOYEES, PROVIDENT FUND REGULATIONS, 1948

The Honourable Dr. John Matthai (Minister of Finance): I lay on the table a copy of the Industrial Finance Corporation of India Employees' Provident Fund: Regulations, 1948, in accordance with sub-section (3) of Section 43 of the Industrial Finance Corporation Act, 1948.

BOMBAY PORT TRUST (AMENDMENT) BILL

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Sir, I beg to move for leave to introduce a Bill further to amend the Bombay Port Trust Act, 1879.

Mr. Speaker: The question is:—

"That leave be granted to introduce a Bill further to amend the Bombay Port Trust Act 1879."

The motion was adopted.

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

AJMER-MERWARA TENANCY AND LAND RECORDS BILL.

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Shri Jairamdas Doulatram (Minister of Food and Agriculture): Sir, I beg to present the Report of the Select Committee on the Bill to declare and amend the law relating to agricultural tenancies, record-of-rights and other matters connected therewith in Ajmer-Merwara.

INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(Amendment of Sections 361, 375, etc.)

PRESENTATION OF REPORT OF SELECT COMMITTEE

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898.

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILLS

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE.

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 3, 4, 5, 6 and 10), the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 2 and 4) and the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 10, 11 and 13), be further extended upto the 25th March, 1949."

*Not printed in the day's debates. Copy placed in the Library of the House.—Ed. of Deb.

[Shri Jaspat Roy Kapoor.]

going on there to the effect that people there should not purchase the property of those Hindus who have left property there. Secondly, the refugees here certainly do not find it secure for them to go there. The few that have gone there and have come back have narrated stories which do not inspire confidence in the people here. They said there is no proper arrangement for their boarding there and they do not think that once they go there it is easy for them to come back at all, not only because the Pakistan Government has passed an ordinance to the effect, or made it a rule that nobody going there can come back unless he has cleared the income-tax or has been able to secure an income-tax clearance certificate, but also because they feel that once they go there, there may be hooligans there who might fall upon them. For these reasons they feel that this sort of agreement has brought them absolutely no relief. I fully agree with them that the sale and exchange of property should be effected on a governmental level. I think, that it is very necessary that this suggestion of theirs should be accepted so far as our government is concerned, and of course Government must insist on Pakistan Government also agreeing to such a procedure, that the sale and exchange of property should be effected on a governmental level. An Inter-Dominion Board should be set up whose duties should be to evaluate the value of the properties left behind in both Dominions. Each Dominion should purchase the properties of the evacuees at the value so assessed by the Board, and pay to the other Dominion the price of the property, either in bonds or in cash or some other method should be adopted for paying the value of the property. The persons residing in the Indian Dominion should get the value of their properties, from their own Government, and that Government should realise the value of the property so assessed from the Pakistan Government. Similar should be the case with the other Dominion. Some such arrangement, I submit, must be arrived at if a satisfactory solution is to be found to this question.

There is yet another question and that is the question of the realisation of the rent of the properties of the evacuees. Over a year—in fact about eighteen months—have passed since the exodus of population from one Dominion to the other, but so far as I know, absolutely no amount of the rent realised in any Dominion has been paid to the proprietors of the immoveable properties. This, Sir, has resulted in great hardship to the refugees. I myself know that a very huge amount has been collected by the Custodian of Evacuees Properties in Western Pakistan, but so far, not a pie has been paid by the Custodian to those to whom that rent is due. That is a question which must engage the immediate attention of our Government. If even a fraction of that huge amount which has been realised by Western Pakistan is paid to the refugees here, it will go a great way to reduce their sufferings and it will also go a great way to reduce the responsibility of our Government in looking after the refugees here.

There is yet another point and that is the question of paying compensation to the refugees. This is a question which has been the subject matter of some controversy recently. The refugees claim that it is their legal right to get compensation for all the losses they have suffered due to partition. Our leader the honourable Prime Minister, has questioned this, and said that he could not see eye to eye with them as to the legality of this proposition. I do not want to enter into any legal quibbles. It may be that the refugees have no legal right to get any compensation, but I do certainly submit, that they are certainly entitled to it, if not on legal grounds, at least on grounds of equity and on humanitarian grounds. Great problems are not solved by

taking a merely legalistic view of things. Great problems have to be solved on a much higher plane. I do feel that this demand of the refugees that they are entitled to compensation for the losses they have had to suffer due to partition is quite just. After all, have they suffered this because of any fault of theirs? Certainly not. All their sufferings are due to the partition which we agreed to in the interest of the country. This is the latest price which we have had to pay to secure the emancipation of the country, to secure the freedom of the country and the question, therefore, arises as to when the whole country has gained thereby, when the freedom has been secured for the whole country, must the price for this freedom be paid only by a particular section of the country, or must it be shared and equitably shared by the whole country? I submit, Sir, that there can be no two opinions on this subject. If we have purchased the liberty of the country, which is enjoyed by every citizen of the country, there is no reason why every citizen of the country according to his capacity and in an equitable manner should not bear the price thereof.

I may also submit that this principle of compensation is not a new principle. It has been accepted in the past and not only has it been accepted in the past, it has been acted upon also and it is being acted upon even today. We know very well that the sufferers during the several non-cooperation movements in the past, and particularly during the Freedom Struggle of 1942, many a person who suffered heavily had been compensated for the losses that they suffered. Various Congress Governments in the different provinces compensated this loss which our political sufferers suffered and even today our Congress Governments in the various provinces are making good to some substantial extent the losses which were suffered by the political sufferers during the 1942 Movement. Now, when this principle has been accepted in the past and it is being acted upon even now in the case of the political sufferers of 1942 Movement, I see no reason why the losses that have been suffered by the refugees in the latest political movement of the country, a political movement which has resulted in much bitter results than our previous political movements, why these sufferers should not be compensated. I, therefore, submit, Sir, we must seriously consider this question.

I know, an argument might be laid against this suggestion, that this problem is a very big one, and that the financial implications of this principle may not be within the means of the financial resources of the Union Government. It may possibly be so, but the mere fact that this is a huge problem or that the money involved in the acceptance of this principle is beyond the capacity of the Union Government is no reason why this should be brushed aside summarily. Let us at least admit the Justice and propriety of this demand; let us admit, Sir, the propriety of this demand and claim and then tell the refugees that while we certainly agree with them in their demand, while we have our fullest sympathy with them in this, we cannot go to a very large extent in meeting their demand because of the financial difficulties. That is one thing, but to tell them that they have neither the legal nor the moral justification for making this demand is certainly something entirely different and let us try to meet this demand to such an extent as we may, and once we begin to apply our mind, we may be able to find out the ways and means also. In this connection, I would suggest in all seriousness as to why we should not think of imposing a rehabilitation levy on the whole of the country excepting of course, the refugees. As I said at the very beginning, when the whole country has gained by the liberation of the country, there is no reason why every citizen of the country should not equitably bear the price of it, and therefore, I see no reason why a rehabilitation levy should not be imposed on the citizens of this country. In my mind, I have absolutely no doubt that the whole country will bear this burden willingly and cheerfully. This will

[Shri Jaspat Roy Kapoor.]

not only bring great relief to the refugees, but, this will bring a new bond of unity and affection in the whole country. Everybody will begin to feel then that if there is a catastrophe in one part of the country or if a catastrophe overtakes any one particular section of the country, every other section of the country has to bear its own share of that catastrophe and the whole nation will then begin to feel like one united family where the happiness of one is the happiness of the other and the misery of one is the misery of the other.

These refugees, today feel that they are a neglected body. A feeling of bitterness has overtaken them; a feeling of great disappointment and detachment has overtaken them, and if we accept this principle, and we do our level best to meet this demand of the refugees, I am sure, this feeling of bitterness among the refugees will disappear and many a trouble with which we are faced today, because of the dissatisfaction, many a difficulty with which we are faced today, because of this feeling of bitterness among the refugees, because of the dissatisfaction among the refugees, will disappear and many a difficult problem with which we are faced today will disappear. In order to face some of these problems, our Government has to spend a lot of money, and that huge expenditure will be saved, if we are able to satisfy the refugees by acceding to this demand of theirs. I would, therefore most earnestly appeal to our Government to give this proposal its serious consideration and to see to what extent they can meet this just and equitable demand of the refugees. I submit, Sir, in the end that we should not look at it merely as a demand of the refugees. We should look at it from another point of view and that is as to what our duty is. I submit, Sir, even if they had not made this demand and even if they are prepared to give up this demand, we should do something in that direction as a necessary part of our duty. Thank you, Sir, for giving me this opportunity to put before you and this House and the honourable the Finance Minister this aspect of the question.

Shri C. Subramaniam (Madras: General): I welcome the announcement made by the honourable the Finance Minister the other day that he would be setting up a Commission to survey and assess the national income of India. It is high time we do it, but I wish to make a few suggestions in that regard. We will be having our Census operations somewhere in 1951 and will it not be better if this Commission's work is combined up with the Census operations, so much so, we can have a more comprehensive and effective survey of our national wealth and income. Instead of doing this survey in a haphazard manner, it is better, after achieving Independence, we take stock of the entire situation in the country and we make a comprehensive survey of our entire wealth and income, and the data available will be helpful, when later on under the Constitution, the Commission is set up for the allocation of taxes between the various provinces and the Centre. One other thing also we have got to see and that is, we have got to find out how the various taxes affect the various classes of people. For that, I would suggest a sort of research department attached to the Finance Department, which would study the effects of the various taxes levied not only by the Central Government, but by also the Provincial Governments.

Now, we find that there is absolutely no co-ordination between the Central taxation policy and the provincial taxation policy. I will not go into details, but in many matters, I find they are working at cross purposes. When the Capital Gains Tax is removed, here, we find that in a certain province, they are going to impose a 25 per cent. duty on the increased value of property from the year 1938. When a sale of property situated in any urban area is to take place a duty of 25 per cent. would be collected over the increase in value which had taken place after the year 1938. Then you say you impose an excise duty on sugar here and at the same time a Sales Tax on sugar-cane is

also imposed in the provinces. You increase the duty on petrol and also impose a heavier duty on tyres and say that it would not affect the transport facilities available to the common man. But at the same time a 12 per cent.

3 P.M. surcharge on bus-fare has been made in Madras. Certainly this is not co-ordination between the Centre and the Provinces. I feel it would be better if the collection of the entire tax is made at one point, by the Centre, and distributed to the provinces according to their capacity and need.

The House welcomes the assurance given by the honourable the Finance Minister that he is going to implement the Economy Committee's report as early as possible. But may I tell him that the procedure proposed by him is entirely wrong? He said that these matters are going to be referred to the Standing Committees attached to the various Ministries for their scrutiny. Do the members of the Standing Committees have knowledge of the entire work done in the Secretariat enabling them to take a decision over the recommendations of the Economy Committee? Before you come to a decision as to the strength required in an office, you should know the work done by each category of officer and the total quantity of work required to be done by them. In that context one would have to find out how many Secretaries, Joint Secretaries, Deputy Secretaries and Assistant Secretaries are necessary for each Ministry. I feel that the Members of the Standing Committees, however eminent they may be, will not have the opportunity or time and knowledge to pass judgment over the recommendations of the Economy Committee. Another thing is that there are various committees attached to the Ministries. Each Committee may adopt a particular standard to judge the needs of a Ministry. This will mean that when the matter comes before the Standing Finance Committee they will find all sorts of recommendations based on all sorts of calculations and perhaps will have to finally decide not to disturb the *status quo*. This is not dealing with the problem in the right way. After all, the Government appointed the Economy Committee thinking that it is competent to go into the question and make recommendations. Why not they now proceed to consider those recommendations and decide the economies to be effected after a discussion in the Cabinet? I would suggest that, if they are unable to effect economies, let them impose a cut of 10 per cent. or 15 per cent. on the expenditure and leave it to the Ministries to choose what item they would choose for such cuts. In any case, to refer the matter to the Standing Committees and the Standing Finance Committee will only add to the confusion already existing.

I oppose the abolition of the surcharge on air mails proposed by the honourable the Finance Minister. I am not opposing it on the ground of loss of revenue. Our means of communication by air are so very much limited that there should be a certain amount of priority in moving the posts. Only posts which are of an urgent nature should be moved by air. For example if people will be content with the mail train carrying their letters, if you abolish the present system even such letters would be taken by air. This is not only unnecessary but would hamper the despatch of very urgent communications and the like by air. As it is, you are trying to move every letter and every package by air. As was suggested by someone this may result in urgent communications being delayed.

Sir, it was stated that this moving of post by aeroplanes was intended to develop civil aviation, and that the air companies were working at a loss and the Government may indirectly subsidise them by giving them some freight. I agree that civil aviation has to be improved. The Prime Minister used to say 'First things first.' Is the development of civil aviation to be given priority when entire villages are lacking even in country tracks? Of what use is it to the villagers that you offer to carry their letters by air, whether such letters are urgent or not? With great respect I am sorry to observe that this proposal shows a lack of sense of proportion.

[Shri C. Subramaniam]

It was further suggested that the aircraft now in use are not economical and that the honourable Minister for Communications has asked the Air Companies to import aircraft which would have accommodation for 40 or 50 passengers. Sometimes we are told that foreign exchange is very scarce, that our balance of trade is very much adverse and that therefore we have to save as much foreign exchange as possible. If that is so, is it necessary that we should import huge aircraft from Dollar Areas like America and fritter away our foreign exchange? Cannot the development of civil aviation wait for sometime until we are able to manufacture our own air craft? It is not of such a national importance that it should be taken up even now.

This leads me to the question of the import policy of the Government of India. Aircraft has to be imported according to the policy laid down by the honourable Minister for Communications. After the war we have imported 35,000 motor cars. Now, many concerns are prepared to sell motor cars at a discount. If we are really short of Dollar exchange, why should we not restrict the import of motor cars from Dollar areas? Also, can we not manage with smaller machines of eight or ten horse-power? Is it necessary that we should go in for Buick cars and that of the best model? Even now Buick cars are allowed to be imported and Chrysler cars are allowed to be imported. And Oldsmobiles and Chevrolets are also there. I would suggest that if we are living on austerity standards and would copy the example of Great Britain, we should set up really austerity standards. Cannot the honourable Ministers move in Austin Tens? There should be a restriction of the importation of motor cars. Now that everybody has got his motor car replaced, there should be a complete stoppage of imports of motor cars from Dollar Areas altogether.

Then it was suggested that luxury goods and non-essential goods were allowed to be imported to fight inflation, to absorb the extra purchasing power in the hands of the people. I really fail to understand this policy of fighting inflation by importation of luxury goods. In certain quarters it is also felt that drinking is necessary to fight inflation and that too advocated by some experts. I am unable to understand how drinking is necessary for fighting inflation. I can understand people having no faith in prohibition. That is a different matter. But to say that for fighting inflation drinking is necessary is a thing that I cannot understand.

Shri H. V. Kamath: For fighting, not fighting inflation.

Shri C. Subramaniam: Then this import of luxury goods.

The honourable Minister for Commerce said that in the agreements, with certain countries, when we have to import certain capital goods, those countries insist that we should import a certain amount of consumer goods also. If you go into the imports, you will find that most of the imports—about 90 per cent. I suppose—are from U.K. and U.S.A. Certainly U.K. and U.S.A. do not insist for the import of capital goods that we should import consumer goods also along with them.

Then, Sir, I will pass on to another matter regarding the export policy. It was said by the honourable the Commerce Minister that after a great deal of thought they removed the export duty on oilseeds, so that our oilseeds might compete with foreign oilseeds. What is the effect? You find that so far as the internal price is concerned, it has been inflated to the extent of the removal of the duty. What did the foreign countries do? They have reduced the price to that extent of the duty, so that they may compete with Indian seeds, so much so in the Indian market the price has risen to the extent of

the duty you have removed and in the foreign markets their prices have been reduced and there is almost a paralysis of trade in oilseeds, particularly groundnut. And in respect of oilseeds, our oilseeds export is mainly groundnut and not of others, and it was able to compete with other foreign oilseeds, even with the export duty on it. That being so, I still am unable to understand the policy by removing this export duty and merely hoping that internal prices would not be inflated to the extent of the removal of the export duty.

Only one point more and I am done. That point is regarding Grow More Food. The scarcity of food has created almost a national emergency. This House might realise it in its debates and discussions but the country has not been made to realise this national emergency. Nobody in the country feels that there is an emergency and that it has got to be met. Unless you create that psychology in the country, you are not going to improve the situation. For that, you should set up standards from the top. The giving of feasts, giving of parties and all those things should be stopped as during the war days and we should set up a standard here, so that the common man might know that we are passing through an emergency, not merely an emergency which is talked of in the House alone, but a real emergency. Therefore, in order to create that psychology, I would request real austerity standards in regard to food to be set up at the highest level and that should percolate to the lowest level, so that the people may feel the emergency and act up to it and we may get out of the emergency.

श्री लक्ष्मीनारायण साहू: वाचस्पति जी, मैं दो एक बात इसके बारे में पेश करूँगा। सब से पहले मैं यह बात कहना चाहता हूँ कि हम लोगों की जो नीति है और जो अवलम्बन हम लोग करते हैं, उस नीति के पीछे भीति-भावना है। हम जो कुछ करते हैं वह नरवसनैस के तरीके से करते हैं। इसलिए हम लोग देखते हैं कि जितना Correspondence हम लोग पकिस्तान से करते हैं, तो पाकिस्तान हम लोगों को जवाब नहीं देता फिर भी हम लोग उससे पत्र व्यवहार करते चले जाते हैं। पाकिस्तान से जो झगड़ा हमारा अभी तक चल रहा है वह अभी अच्छी तरह से तै नहीं हुआ है।

एक बात मैं और आप लोगों से कहता हूँ और बार बार कहता हूँ कि हम लोग पूरा स्वराज्य पा गये हैं। लेकिन मैं देखता हूँ कि हम लोग ब्रिटिश सरकार के अधीन होकर सब काम चलाते हैं। जब तक हम इस भीति-भावना को नहीं छोड़ेंगे तब तक हम तरक्की नहीं कर सकेंगे। जबतक ब्रिटिश सरकार हम लोगों के पीछे रहेगी और हमारी नीति को चलाती रहेगी तब तक हिन्दुस्तान में जो कुछ होता है वह ठीक तरह से नहीं होता है। हम लोग सिविल और मिलिटरी में करीब २५० करोड़ रुपया खर्च करते हैं। मैं तो बार बार सोचता हूँ कि जब तक यह भीति-भावना रहेगी तब तक हम अपने खर्च को कम नहीं कर सकते हैं। जैसा कि श्री० पूज्य प्रकाशम जी ने कहा है कि हम देश भर में मिलीशिया बना सकते हैं और इससे हमारा मिलिटरी का खर्चा बहुत बच सकता है। लेकिन हम लोगों को यह डर है कि जब हम नेशनल मिलीशिया बनाना शुरू करेंगे तो शायद यह

[श्री लक्ष्मी नारायण साहू]

मिलिशिया किसी दूसरे के हाथ में गिर जायगी और हम लोगों की अवस्था खराब हो जायगी। यह डर तो बिल्कुल छोड़ देना चाहिये। जब हम लोगों को आजादी मिल गई तो इस देश में जो आदमी बसते हैं उन सब आदमियों का हम लोगों को विश्वास करना चाहिये।

दूसरी बात मैं देखता हूँ कि हम लोगों की पैसे की अवस्था खराब हो गई है तब हमको तुरन्त यह सोचना चाहिये कि हम लोग किस तरह से व्यवस्था करें जिससे हम लोग इतने पैसे से अपना काम चला सकें। जब मैं देखता हूँ कि डिपार्टमेंटों में एक सैक्रेटरी होता है उसके बाद एडीशनल सैक्रेटरी होता है उसके बाद डिप्टी सैक्रेटरी होता है, उसके बाद अन्डर सैक्रेटरी होता है तो मैं सोचता हूँ कि एक सैक्रेटरी रख कर और एक आफिस सुपरिन्टेंडेंट बढ़ा देंगे और कुछ ज्यादा क्लेरिकल स्टाफ बढ़ा देंगे तो इससे हमारा काम भी हो जायेगा और खर्च में भी हम लोग कमी कर सकेंगे। अभी सैक्रेटरी, डिप्टी सैक्रेटरी, एडीशनल सैक्रेटरी और स्पेशल आफिस इतने बन गये हैं कि इन लोगों की भावना में बदलाव नहीं हो सकता। इसलिये किसी सिद्धान्त पर ये लोग ठीक नहीं आ सकते हैं। मैं चाहता हूँ, जैसा हम कहते हैं और एक छोटी सी कहावत है :— उसका अर्थ यह है कि “हम लोगों में जो महान इज्जत है वह हम लोगों को रखनी चाहिये और हम जब नहीं रखेंगे तो कौन रखेगा”। इसलिये हम देखते हैं कि जब हम लोगों के पास धन नहीं है तब फौरन हम लोगों को अपने खर्च में कमी कर देनी चाहिये। मगर हम लोग ऐसा नहीं कर सकते हैं। इसलिए जितने सैक्रेटरी और डिप्टी सैक्रेटरी आ गये हैं वे लोग कहते हैं कि इतने से हमारा काम नहीं चलेगा मैं तो यह कहना चाहता हूँ और जैसा कि अंग्रेजी में एक कहावत है “Too many cooks spoil the broth” यानी कुक बढ़त हो गये, कुकस काम कम करना चाहते हैं। यह मैं किसी के बारे में नहीं कहना चाहता हूँ। हमारे प्रधान मंत्री जी ने डिपार्टमेंट हैड्स की एक कान्फ्रेंस बुलाकर कहा था कि सब मिनिस्टरी में ५ परसेन्ट की कमी होनी चाहिये। आसानी से हो सकती है। मगर हम लोगों ने इतने मंत्री बना दिये हैं। मंत्री के ऊपर भी मंत्री और उनके नीचे भी मंत्री हो गये हैं। वे सब बात गड़बड़ करते हैं। इसलिये मैं कहना चाहता हूँ कि हम लोगों के पास अर्थ नहीं है और इसका नतीजा यह होता है कि जो इतने सैक्रेटरी और डिप्टी सैक्रेटरी बन गये हैं उससे हम लोगों का काफी रूपया बरबाद होता है।

तीसरी बात जो मैं कहना चाहता हूँ वह यह है कि हम लोगों का अभी तक इंग्लैंड वालों से ताल्लुक बना हुआ है जिससे हमारा प्रबन्ध ठीक तरह से नहीं हो रहा है। हमारा जो इंग्लैंड में गोल्ड रिजर्व रखा हुआ है उसको हमको यह

पर लाना चाहिये मगर हम उसको यहां पर ला नहीं सकते हैं। जब हम लोग स्वतंत्र हो गये हैं तो क्यों नहीं हम अपना सोना वहां से ला सकते हैं। जितने हमारे स्ट्रलिग बैलेन्स वहां पर है उनका हम अच्छी तरह से इस्तेमाल नहीं कर सकते हैं। मैं तो देखता हूँ कि जितनी भी हम चिन्ता करें उसका सिर्फ एक ही अर्थ है और वह यह है कि हम डरते हैं। हमको डर है कि अगर हम नेशनल मिलिशिया बनायें तो कम्युनिस्ट और सोशलिस्ट उस पर अपना कब्जा कर लेंगे हम अपना सोना इंग्लैंड से इसलिए नहीं लाते कि हमको डर लगा रहता है कि अगर हम ऐसा करते हैं तो ब्रिटिश गवर्नमेंट कोई गड़बड़ न कर दे। जब पाकिस्तान हमको कोई जवाब नहीं देता तो हम उसको जोर से कहने में भी डरते हैं। यह जो पोलिसी हमारी सरकार की चल रही है वह डर की पोलिसी है। इससे बहुते खराबी पैदा हो रही है। मैं चाहता हूँ कि सब लोग इस बात की तरफ खास तौर से ध्यान दें।

एक और बात मैं कहना चाहता हूँ कि सब काम में विलम्ब हो रहा है। हम लोगों को जल्दी से अपने कामों को करना चाहिये। जैसा कि हमारे दोस्त सुब्रमनियम साहब ने कहा है कि जो हमारी इकौनौमिक कमेटी है उसमें इतना खर्चा हुआ है और अभी तक उसकी रिपोर्ट तैयार नहीं हुई है। वह रिपोर्ट कुछ समय बाद आयेगी फिर उसके बाद स्टैंडिंग फाइनेन्स कमेटी के पास आयेगी और फिर वह डिपार्टमेंटों के पास जायेगी और वहां पर इस पर विचार किया जायेगा। वहां पर यह कहा जायेगा कि हमारे पास काम बहुत है हम कमी करने से मजबूर हैं। इस तरह से इस काम में एक दो वर्ष लग जायेंगे। तो इसलिए हमको सोचना चाहिये कि हमको कितना परसेन्ट यानी ५ परसेन्ट या १० परसेन्ट, कितनी कमी करनी चाहिये जिसके करने से हमारा काम अच्छी तरह से चल सकता है। एक और बात मैं कामर्स डिपार्टमेंट के बारे में कहना चाहता हूँ। इस डिपार्टमेंट से जो एक्सपोर्ट और इम्पोर्ट का लाइसेन्स दिया जाता है वह एक मुसीबत की बात है। हम लोग अपने बिजनेस के लिए इतना एक्सपोर्ट घटा देते हैं कि वह ठीक नहीं है। हम लोगों की जो भीति-भावना और अविश्वास है उससे हमारा बहुत काम बिगड़ रहा है। इस से हमारे व्यापार में बहुत देरी हो रही है और इसी देरी की वजह से मुल्क की दौलत में कमी हो रही है। हमारी जो यह भीति-भावना की पोलिसी है वह हमारा काम बिगाड़ रही है। मैं आप लोगों से और यहां पर जितने मंत्री बैठे हैं उनसे प्रार्थना करूंगा कि वे इस बात को अच्छी तरह से सोचें। मैं और ज्यादा नहीं कहना चाहता हूँ।

(English translation of the above speech)

Shri Lakshminarayan Sahu (Orissa: General): Sir, I would submit a few things in this connection. The first thing I wish to submit is that the policy we have adopted is based upon a sense of fear. Whatever we do, we do with

[Shri Lakshminarayan Sahu]

some nervousness. The result is that we see that whatever correspondence we enter into with Pakistan, we do not get any reply of our correspondence and yet we go on corresponding with Pakistan. Our quarrel with Pakistan is still hanging fire and has not been settled as yet.

One thing more I submit to you all. I submit again and again that we have attained *Purna Swarajya*. But I see that we carry on our administration under the British Commonwealth. So long we will not forgo this sense of fear we would not be able to make any progress. So long the British Government will continue to be on our back and guide our policy the administration in India will not run smoothly. We spend nearly 250 crores of rupees on Civil and Military administration. I again and again think that so long this sense of fear will persist we cannot curtail our expenditure. As Shri Prakasam said we can raise a national militia in our country and thus a great deal of our military expenses can be curtailed. But we fear that when the national militia would be raised it would go to play into other's hands and our own position would become precarious. This fear should altogether be discarded. When we have attained independence then we should trust all the people who live in this country.

The second thing that I observe is that our economic condition has much deteriorated, so we must at once think out the ways and means whereby we may be able to manage our affairs within the monetary limit. When I see that in every department there is one Secretary, one additional Secretary, then a deputy secretary and then an under-secretary, then I think that if besides a secretary we were to appoint one more office superintendent and increase the strength of the clerical staff then these changes will not only keep our work going but we will be able to make some curtailment in the expenditure also. At present so many Secretaries, Deputy Secretaries, Additional Secretaries and Special Officers have been set up that their mentality cannot be changed. Therefore they cannot work up to definite ideals. I wish and as it is generally said and a proverb also goes meaning that we should maintain the grand dignity that we have and if we would not maintain our dignity then who else would do so? Therefore when we see that we have no money then we should at once curtail our expenses. But we cannot do so simply for the reason that these Secretaries and Deputy Secretaries submit that they would not be able to keep the work going. I want to say that according to an English proverb, "Too many cooks spoil the broth", the cooks have increased in number, but these cooks want to do less work. I do not want to say this about anyone in particular. Our Honourable the Prime Minister calling a Conference of the departmental heads had told them that a 5 per cent. reduction in the staff of all the ministries should be made. This can be done quite easily, but we have appointed so many Secretaries that there are Secretaries above the Secretaries and Secretaries under the Secretaries and they make a mess of the whole affairs. Therefore I wish to submit that we have not sufficient means at our disposal and the result is that money is wasted over so many Secretaries and Deputy Secretaries.

The third point that I wish to submit is that we are still maintaining relations with England, with the result that our administration is not running properly. We should bring here our Gold Reserve that is being kept in England. But we cannot bring it here. When we have become independent then why can we not bring our Gold Reserve from there? Whatever Sterling Balances we have there we cannot utilize them to our best advantage. I observe that however anxiety we may have the only explanation to all this is that we are afraid. We fear that if we raised the national militia then the Socialists and Communists will get hold of it. We do not bring our Gold Reserve from

England because we are always in fear that if we were to do so then the British Government may not create some difficulties for us. When Pakistan does not care to give any reply then we are afraid even to address her in strong terms. The present policy of our Government is that of fear. This is creating a lot of mischief. I wish that all of you pay special attention towards this.

One more thing I want to submit that much delay is being made in all the matters. We should perform our tasks in the quickest possible manner. As my friend Shri Subramaniam has said the report of our Economic Committee, on which we have spent so much money, is not yet ready. The report will be available after sometime, then it will come to the Standing Finance Committee and then it will be sent to the various departments and there it will be thoroughly discussed. There it will be said that as we have too much of work so we are constrained to make any reduction. Thus some 2 or 3 years will elapse in this dilly dallying. Therefore we should work out as to how much per cent. of reduction, 5 per cent. or 10 per cent., we should make so that we may be able to carry on our work properly.

I wish to submit one thing about the Commerce Department. The licences that are granted by this department for Import and Export business are a source of constant trouble. For our business we diminish the exports to a great extent, and that is not proper. Our sense of fear and want of confidence are making a mess of our work. This is causing delay in our trade, and as a result of this delay the national wealth is diminishing. This fear policy of ours is making a mess of our matters. I would request all of you and also the Honourable Ministers who are here to think over this very carefully. I do not wish to submit any more.

Shri Kishorimohan Tripathi (C.P. and Berar States): Sir, I will confine myself in discussing the finance proposals to food and agriculture, agricultural economy, the capital gains tax, fresh taxation proposals, and if time permits, to public expenditure. It has been now agreed that we are passing through a great food crisis. This crisis it has been pointed out arose as late as 1920, and since then has been there in the country, although the then foreign Government took no notice of the crisis that existed. The disease has thus become a chronic disease and no matter with what amount of impatience we cry for a cure, the cure is going to take its natural course.

The problem of food is not a problem of merely feeding the people. It is a problem of reorganizing the entire rural economy of the country, and unless we tackle the problem in that light, it is impossible to fight the food crisis as it exists today.

The Government has in hand both a short-term plan and a long-term plan to fight this crisis. So far as the short-term plan is concerned, it consists of the Grow More Food campaign which, initiated in 1942-43, and having taken in grants more than Rs. 18 crores during the last five years, has not produced sufficient results to free us from the anxiety of food problems. What is the reason of the failure of the Grow More Food campaign? The reason is that we have not tackled the fundamental issue underlying the production of food in the country. Whenever we have talked of increasing production in the industrial field, we have always tried to give incentives to industry. The present budget in its whole outlook tries to give incentives to industry so as to increase production, but in the field of agriculture and food, these incentives are not being given to the agriculturist so as to bring him into a position where he can contribute his mite to the national call by producing more and more food for the country.

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

[Shri Kishorimohan Tripathi] •

I have a few suggestions to offer in the matter of giving incentives to the agriculturist so that he might produce more and more food and contribute his mite in fighting this great national crisis. The first is that the Government must come out with a piece of legislation, as has been done in the U.S.A. for the same purpose, to provide for a fair price being paid for all agricultural commodities that are produced and to provide facilities for proper marketing of all agricultural commodities. I will appeal to the Government not to overlook this suggestion, as it comes from a younger Member. I discussed this problem with the Director-General of Food, Mr. Dodd, when he was here and he said that this measure would go a very long way in giving an incentive to the agriculturist to produce more and more food. Unless the agriculturist today knows that he produces in his own interest and for his own good, he is not going to come to the help of the country. The second suggestion that I would like to offer the Government is that it must take drastic measure to relieve the extensive indebtedness among the agriculturists. Then it must provide for credit facilities in the country.

These three measures, if taken up, would go a very long way in regulating rural economy to the advantage of the agriculturist, and unless in this country we regulate rural economy in the proper way so as best to adjust itself to the national pattern of economy, we are not going to solve the problem. The country, with all our efforts for industrialization and mechanization is going to remain primarily a country of agriculturists, and agriculture will remain the most predominant occupation of the people for the next 20 years. Therefore in any pattern of economy, in any set-up of economy that we want to develop for this country, this agricultural rural economy is going to be the pivotal centre. If therefore attempts are not made to adjust the industrial economy of the country in a way that would best suit the agricultural economy of the country, times will come when we shall find ourselves every now and then running into one crisis or another. Any other solution would be futile. Regulation of the present set up of the agricultural economy must therefore be an item on the short term plan of the Government to add to the Grow More Food campaign. Then the Government is fighting food crisis by a long term plan which consists of large scale reclamation of land, provision of irrigation facilities through the development of hydro-electric and multi-purpose projects, production of chemical fertilisers, etc. I find that even this long term plan of the Government is rather diffused and it is not well integrated to an entire and over all national plan. The Government must fix before itself an ideal of the living standard of the common man and must fasten its entire economy to achieve that standard of the common man within a specified period, say 15 years. Making allowance for the growth of the population at the rate of 40 lakhs per year during these 15 years we should know how much food we will require, how much jute, how much cotton and what acreage in the country should be set apart for each of these things. What I want to bring home to the Government is that there must immediately be set up a National Planning Commission to tackle the entire economic system of the country and to evolve an economic system wherein we guarantee to the common man an ideal living standard within a specified period. This is what is being done in almost every European country.

While I say this I must also warn the Government against over-mechanisation of agriculture and over-industrialisation of the country. I remember have seen a pamphlet I do not know from which quarter it came wherein a man of the eminence of Prof. Einstein has through Dr. Amarnath Jha warned the country against over-mechanisation in agriculture. India's agriculture at present, it is said, is such that over-mechanisation will not be of very great

I will now come to the capital gains tax. It is said that this tax is being abolished with a view to give an incentive to investors to subscribe their mite to Government loans that are floated from time to time and in this way help Government's borrowing programme and indirectly the industrialisation of the country also. I am a layman and I do not know the implications of the abolition of the tax in relation to the economy of the country. Looking at it as a layman I feel very strongly, Sir, that while on the one hand Government says that it will tax such income as is earned by people through hard labour, on the other hand it says that it is not going to tax such income as is not earned through hard labour but as comes through transfer of property or such other sources. That is how I view it and I see no moral justification for the abolition of this tax. If, however, the Government feels that the abolition is very essential and urgent and that without the abolition of the tax the whole borrowing programme of the Government is going to collapse, then there is no alternative. But I would like the honourable Finance Minister to explain it to the House whether there is any moral justification for the abolition of this tax in the present set up of things in the country, where wealth is distributed in such a way that there are now and then quakes to cause disequilibrium in our economy.

Before I finish I have to urge the honourable Finance Minister and also to request the members of the Select Committee to re-consider the financial proposals. In spite of all that has been said during the debates I have not been able to reconcile myself to the levy of a tax on coarse and medium cloth. This tax will directly hit the landless labourers to whom we have not been able to give the least advantage since the country became independent. There is no reason why we should go on taxing him both at the centre and in the provinces also. If it is not possible to balance the budget without this tax, I will request the Finance Minister to shift this tax to better income groups and not to leave it as a burden on the poorer classes of the country and the landless labourers. The coarse cloth produced by the mills is mostly consumed by the landless labourers and we have done nothing as yet to improve their living standards. So we need not tax them every now and then.

I will now come to the public expenditure. This has been discussed by several members and I agree with Shri Sahu and also with what Shri Subramaniam said that it is possible for the Finance Minister to set up a limit of economy and then try to achieve that rather than allow things to drift as they have been drifting now. During last year we had a limit set before us, that we should make an economy of 2½ crores as proposed by the previous Finance Minister. What happened was more and more income came in and along with that our expenditure went up, so much so that whatever we earned we spent. That was because the Finance Minister did not strongly enforce his desire to economise public expenditure. I would, therefore, request the Finance Minister to look into this matter more carefully and see if it is possible within the current year or budget year to reduce public expenditure as far as practicable and not leave it to be solved by the Economy Committee, as its report will take a long time to come.

चौधरी रणवीर सिंह : सभापति महोदय, हमारे देश को आजाद हुए तकरीबन डेढ़ साल से ज्यादा हो गया। इससे देश में परिवर्तन आया, और यदि कोई भाई यह समझे कि इस परिवर्तन के साथ हमारी गवर्नमेंट के सैट-अप में कोई परिवर्तन नहीं आया तो मैं समझता हूँ कि वह गलती पर है। यह इसलिए कि यह एक ऐसा देश था जिसमें चन्द साल पहले एक नहीं कोई चौबीस पचीस

[चौधरी रणवीर सिंह]

लान इन्सान भूख की वजह से मर गए, उनके पास अनाज नहीं पहुंच पाया। हमारे आजाद होने के बाद वल्कि जिस दिन हमें आजादी मिली उसी रोज से हमारे देश में हजारों आदमी बेघर होना शुरू हो गए और लाखों की तादाद में बेघर होकर इधर से उधर गए। मैं यह कहता हूँ कि जो भाई यह समझते हैं कि परिवर्तन नहीं आया वह जरा शान्ति से इस बात को सोचें। आज से तीन चार साल पहले आदमी अपने घरों पर थे, वह बेघर नहीं हुए थे। इसके बावजूद भी देश की आर्थिक स्थिति के कारण या कुछ और भी कारणों की वजह से पच्चीस लाख के करीब आदमी भूखों मर गए लेकिन आजाद होने के बाद इस देश में क्या देखा? कि एक करोड़ से ज्यादा आदमी बेघर हुए। लेकिन उन में से एक इन्सान भी भूखा नहीं मरा। इसलिए मैं यह समझता हूँ कि जो भाई यह कहते हैं कि देश के आजाद हो जाने के बाद गवर्नमेंट के ढंग में तब्दीली नहीं आई वह दरअसल गलतों पर हैं। हमारे ढंग में, हमारे कार्य क्रम में बड़ी भारी तब्दीली आई और इसी तब्दीली के कारण यह हुआ कि हालांकि इतने हमारे भाई इधर से उधर गए या उधर से इधर आए और उनको आज भी बहुत सी तकलीफात हैं लेकिन इसके बावजूद भी कोई भूखों नहीं मरा। अब भी जो कई तकलीफात मौजूद हैं तो इस सिलसिले में कितकि भाई यह भूल जाते हैं कि यह देश एक गरीब देश है जिसकी अपनी लिमिटेशन है। इस देश के अन्दर हजारों लाखों देहात ऐसे हैं जिनके अन्दर न कोई अस्पताल है न कोई स्कूल है और न कोई दूसरी आराम की चीजें हैं। लेकिन जो भाई बेघर होकर आए उनके लिए तकरीबन हर एक जगह स्कूल का इन्तजाम हुआ हर एक जगह उनके लिए दवाई दारू का इन्तजाम हुआ। मैं पिछले साल कुछ मंत्रियों के साथ मंत्रालय गवर्नमेंट का कैम्प देखने के लिए कुरुक्षेत्र गया था। मैं ने वहां पर अस्पताल की हालत देखी और डाक्टर से बातचीत की। डाक्टर ने हमको बताया कि देश की कोई ऐसी दवाई नहीं है कि जो हमारे जरूरत की हो और यहां न आती हो। इस देश के अन्दर लाखों देहात ऐसे हैं कि जहां कुत्ता भी नहीं पहुंचती है। तो जिस देश का मेट-अप ऐसा हो, जहां की इकानामिक हालत ऐसी हो, उस हालत में जो कुछ काम हुआ वह कोई कम काम नहीं है।

लेकिन इस सब के बावजूद मैं भी कहना चाहता हूँ कि यह देश एक कृषि-प्रधान देश है। इसके अन्दर ८५ फीसदी आदमियों की रोटी का वास्ता सीधे खेती से है। एक मिनट के लिए अगर आप नम्बरों को भी अपने ध्यान से छोड़ दें और अपने ध्यान से यह हटाले कि हमें इतने आदमी लगे हैं और इस वजह से खेती को इम्पार्टेंस न दें तो भी आप यह मानेंगे कि इस देश के अन्दर आज ऐसी हालत पैदा होगई है कि अगर हमने अपनी कृषि की हालत को

नहीं सुधारा और प्रोडक्शन को नहीं बढ़ाया और ठीक नहीं किया तो हमारा देश जो आजाद हुआ है वह इकानामिकली आजाद नहीं रहेगा। इस नुक्ते निगाह से ही हमको अब यह सोचना होगा कि हमारे देश की इकानामी से एग्रीकल्चरल इकानामी होनी चाहिए या इंडस्ट्रीयल इकानामी। मुझे इस बात पर जरा भी विरोध नहीं है और मैं इस बात को मानता हूँ कि यह देश जिस हालत में आजाद हुआ है और आज भी जो हालत है, इस अवस्था में अगर हमारे देश में एक मजबूत फौज नहीं हुई तो हमारी आजादी एक स्वप्न बन कर रह जायगी। मैं मानता हूँ कि आजाद देश में बहुत से कारखाने होने चाहिए। लेकिन इस सब के बावजूद कुछ बातें हमें सोचनी पड़ेंगी। यह अब ऐसा वक्त आ गया है कि इस वक्त हमें कृषि, खेती को पहली इम्पार्टेंस देनी पड़ेंगी अपने देश की इंडस्ट्री की तरक्की के लिए, हर एक सूबे के अन्दर और सेंटर के अन्दर इंडस्ट्रियल फ़ायनेंस कारपोरेशन चालू किए गए हैं। लेकिन मैं आपसे यह कहता हूँ कि इस देश के अन्दर, जो कि कृषि प्रधान देश, सबसे पहले अगर कोई फाइनेंस कारपोरेशन बनना चाहिए था, तो वह एग्रीकल्चरल फ़ायनेंस कारपोरेशन बनना चाहिए था। क्या आपने या किसी सूबे ने कोई एग्रीकल्चरल फ़ायनेंस कारपोरेशन जारी की? अगर आप चाहते हैं कि आप जो १३० करोड़ या १३३ करोड़ रुपए सालाना का अनाज दूसरे देशों से मगाते हैं और जिसकी वजह से न आप कारखानों की मशीनें मगा सकते हैं न कोई और दूसरी चीजें, अगर आप चाहते हैं कि यह हाब्त बदल जाय, तो क्या आप समझते हैं कि खेती करने वालों के सेंट्रीमेंट को चोट लगाकर आप बदल सकते हैं? कई भाइयों ने कई ख्याल जाहिर किये हैं। हमारे एक भाई ने अपने बयान में जिक्र किया कि शुगरकेन की कीमत कम कर दी जाय ताकि किसान ज्यादा अनाज बो सके। लेकिन मैं उनसे और अपनी सरकार से एक नम्र निवेदन करना चाहता हूँ कि कृषक मशीन नहीं है, कृषक एक इन्सान है, उसके सेंट्रीमेंट को अगर आपने चोट लगाई तो आप कभी अपने मसलों को हल नहीं कर पावेंगे। अगर आप चाहते हैं कि आपका देश अनाज के हिसाब से एक सेल्फ-सपोर्टिंग देश हो तो आपको कम से कम एक बात जरूर करनी पड़ेगी, वह यह कि आप एग्रीकल्चरिस्ट को इनसेंटिव (incentive) दीजिए ताकि वह ज्यादा पैदा करे, और वह इनसेंटिव आप किस ढंग से दे सकते हैं। त्रिपाठीजी और मैं साथ थे जब हमने मिस्टर डाड से बातें की। मिस्टर डाड ने हमें बताया था कि अमेरिका में वह तब तक ज्यादा पैदा नहीं करा सके जब तक कि अमेरिका की गवर्नमेंट ने किसानों को यह यकीन नहीं दिलाया कि सरकार खास भाव पर अनाज जरूर खरीदेगी। मैंने कई एक दफा हमारे कृषि मिनिस्टर साहब से बातें की और उन्होंने बताया कि देश की आर्थिक हालत ऐसी है कि सरकार इस बात का जिम्मा नहीं ले सकती। मैं इस बात के लिए पूरा जोर देना चाहता हूँ

[चौधरी रणवीर सिंह]

कि अगर आप चाहते हैं कि देश के अन्दर ज्यादा अनाज पैदा हो तो आपके लिए यह जरूरी है कि आप इस जिम्मेवारी को लें। चाहे यह कितनी ही मुश्किल हो या चाहे इसमें कितना ही ख़तरा हो। अगर आप चाहते हैं कि ज्यादा पैदा हो तो आपको यह जिम्मा लेना होगा कि खास भाव तक अगर देश के अन्दर कोई दाम देने के लिए तैयार नहीं है तो गवर्नमेंट खरीदेगी।

इस सिलसिले में एक और सुझाव देना चाहता हूँ जिससे मैं समझता हूँ कि गवर्नमेंट को बहुत ज्यादा खर्च भी नहीं उठाना पड़ेगा। वह यह, देश के अन्दर मिडिलमैन की एजेंसी इतनी लम्बी चौड़ी बढ़ गयी है और बढ़ती ही जा रही है। यदि आप इस मिडिलमैन की एजेंसी को कुछ देर के लिए कम कर दें और मैं समझता हूँ कि चूँकि उनके पास कुछ अपने फायनेंसेज भी हैं इससे ज्यादा तकलीफ़ उनको नहीं होगी। कोआपरेटिव कंज्यूमर्स सोसायटी और कोआपरेटिव प्रोड्यूसर्स सोसायटी को तरक्की दें। आज हम क्या देखते हैं? लोग बड़ी आवाज से किसानों से मांग करते हैं कि ज्यादा अनाज पैदा करो। लेकिन हम देखते हैं कि अनाज की कीमत, जो मुकर्रर की जाती है तो तकरीबन वह पहले से कम की जाती है और कन्ट्रोल करते हुए कपड़े की कीमत जो मुकर्रर की जाती है तो वह २५ परसेंट ज्यादा मुकर्रर की जाती है। आज ही सोंधी सांढब से बातें हो रही थीं। उन्होंने कहा कि हमारे देश में कपड़ा सबसे कम कीमत पर पैदा होता है। मैं मानता हूँ कि अगर हमारे देश के इंडस्ट्रियलिस्ट्स सबसे कम कीमत पर पैदा करके देश को और दुनिया को कपड़ा दे सकते हैं तो इसमें हमारे देश की भलाई जरूर है। लेकिन इसके बावजूद मैं यह समझता हूँ कि चाहे दुनिया में आपके यहां सबसे कम कीमत हो इससे आप आम आदमी को राजी नहीं कर सकते कि कपड़े की कीमत २५ फीसदी ज्यादा बढ़ा दीजाय और उसका किसान पर असर भी न हो। आसानी से यह चीज़ हल की जा सकती है क्योंकि मिडिलमैन को तकरीबन २५ फीसदी का मुनाफ़ा दिया जाता है। मैं आपको यह भी नहीं कहता कि कीमत को घटा दीजिये। अगर घटा सकते हैं तो बेशक घटा दें। लेकिन अगर घटा नहीं सकते तो कम से कम मिडिलमैन को बीच में से हटा दीजिए और सब डिलीवरी कोआपरेटिव सोसायटी को दिला दीजिए। डिलीवरी डिस्ट्रिक्ट और प्राविशियल कोआपरेटिव यूनिट्स को दिलाइए इससे प्राफ़िट एग्रीकल्चरिस्ट को पहुंच जायगा और देहाती यह समझेगा कि देश की ओ सरकार है यह मेरे लिए है और सरकार का ध्यान अब कृषि की उन्नति करने के लिए लग गया है।

तो मैं आपसे यह नम्र निवेदन इन दो चीज़ों का करना चाहता हूँ। एक तो एग्रीकल्चरल फाईनेन्स कारपोरेशन को आप जल्द से जल्द स्थापित करें, ताकि लोग यह समझ पायें की गवर्नमेंट इस बात में कीन (keen) है कि ज्यादा से

ज्यादा अनाज पैदा करें और वह जो कारपोरेशन, रिक्लैमेशन के लिये, ट्रैक्टरस खरीदने के लिये कल ही मैं देख कर आया, पूसा इन्सटीट्यूट में, वहां हमने एक हल देखा जो दुगना काम कर सकता है। मैं समझता हूँ कि अगर गवर्नमेंट उसे तय्यार करा कर देहात में भेजें, तो उसे देहात के लोग बहुत पसन्द करेंगे। और वह यह समझेंगे कि सरकार की तबदीली के साथ उनकी भी किस्मत में तबदीली करने के लिये कोई तरक्की होने वाली है। इसी तरह से दूसरी चीज़ जिसका कि मैंने पहले जिक्र किया था वह स्टैबलाइजेशन आफ प्राईसेज है और सरकार को चाहिये कि जो कृष्णामचारी कमेटी की रिपोर्ट है उसको कार्यरूप में जल्द से जल्द लाने का यत्न किया जाये, ताकि वह कार्यरूप में आ सके। जब तक आप यह दो बातें नहीं करेंगे, आप एग्रीकल्चरिस्ट्स का कौनफिडेन्स (confidence) विन (win) नहीं कर सकते। और जब तक आप उसको इन्सेन्टिव (incentive) नहीं देंगे, उस वक्त तक आप यह तबक्की नहीं कर सकते कि वह अधिक अनाज पैदा कर देगा, साथ ही मैं एक चीज़ और निवेदन करना चाहता हूँ कि अगर आप इस वक्त उनके लिये कुछ नहीं कर सकते, तो फिलहाल आप कोई ऐसा स्टेप हरगिज़ न उठायें, जिससे एग्रीकल्चरिस्ट्स को चोट पहुंचे।

एक छोटी सी चीज़ और है। आप देखिये कि रेल तार और हवाई जहाज की वजह से यह हिन्दुस्तान का मुल्क एक छोटा सा देश बना दिया गया है। बम्बई के अन्दर जो कीमत है, और पंजाब के अन्दर जो कीमत है, एग्रीकल्चरिस्ट्स चाहते हैं कि उनकी कीमतों में एक दो रुपये मन से ज्यादा का फर्क नहीं होना चाहिये। मैं चाहता हूँ कि प्रोक्योरमेंट स्कीम अगर आप लागू करें तो प्रोक्योरमेंट प्राइस और ईश्यू प्राइस में इससे ज्यादा फर्क नहीं होना चाहिये जिससे रेल का और थोड़ा बहुत मिडिलमैन का खर्चा पूरा हो सके। मैंने प्रोक्योरमेंट प्राइस पढी हैं, आज मैं गलती से उसको लाना भूल गया, वरना मैं उसके आंकड़े इक्कठा करके यह बतलाता कि एक जगह जो प्रोक्योरमेंट प्राइज़ है, वह दस रूपया है, और उसी चीज़ की दूसरे मुकाम पर ईश्यू प्राइस उससे डबल है। अगर इतना ज्यादा फर्क होगा, तो आप कैसे एग्रीकल्चरिस्ट्स को यकीन दिला सकते हैं कि जो सरकार का सारा का सारा ढांचा है, वह उसकी मदद के लिये है और जब तक उसे यकीन नहीं दिला देते कि सारी गवर्नमेंट की मशीनरी उसकी मदद के लिये है, तबतक आप अनाज की पैदावार नहीं बढ़ा पायेंगे। आज देश के सामने सबसे बड़ा सवाल कृषि का है। और जब तक आनाज और कृषि की तरक्की नहीं होगी, अनाज का इम्पोर्ट बन्द नहीं होगा उस वक्त तक मैं समझता हूँ कि देश में कोई इन्डस्ट्री नहीं बढ़ पायेगी, और न ही दूसरी बड़ी-बड़ी प्राब्लम्स (problems) हल हो पायेंगी। इसीलिये मैं प्रार्थना करता

[चौधरी रणवीर सिंह]

हूँ कि आप आज ही इस का एलान कर दें कि आप एग्रीकल्चरिस्ट फाईनेन्स कारपोरेशन बनाने जा रहे हैं। देश के अन्दर ऐसी फाईनेन्स कारपोरेशन बन जायेगी, तो उसमें बड़ा फायदा है। गवर्नमेंट अगर इसी बात का जिम्मा ले ले कि जो उसकी प्रोक्योरमेन्ट प्राईस है उससे नीचे कीमत नहीं गिराने देगी। अगर आप इतना भी कर लेंगे, तो भी आप काफी इन्सेन्टिव एग्रीकल्चरिस्ट्स को देंगे। मैं हाऊस का ज्यादा समय न लेते हुए यह विश्वास रखता हूँ कि मैंने जो हाऊस के सामने अपने सजेशन रखे हैं, उन्हें मन्त्री महोदय ध्यानपूर्वक गौर करेंगे।

(English translation of the above speech)

Ch. Ranbir Singh (East Punjab: General): It is more than a year and a half approximately since our country got freedom. This brought about a change in the country and if anyone thinks that with this change there has been no change in the set-up of our Government, I would say, he is mistaken. This was such a country where a few years back not one but twenty-four or twenty-five lakh human beings died of starvation—no food grains could be made available to them. After the achievement of freedom by us, rather from the very day we got freedom, thousands of people in our country started becoming homeless and lakhs of them, having become homeless, started migrating from one place to the other. I say those people who think there has been no change should think over this matter a little calmly. Three or four year back people were in their homes, they had not become homeless, but, in spite of that, due to the economic conditions in the country as also because of some other causes about twenty-five lakh people died of starvation. But, what did we see in this country after the advent of freedom? More than one crore persons were rendered homeless, but not one of them died of starvation. Hence, I think that those people who say that there has been no change in the ways of the Government after the advent of freedom are in fact mistaken. A very great change has occurred in our ways, in our methods, and it was only because of this change that although great members of our brethren went from here to there or came from there to here and even today they are suffering considerable hardships, nobody has died of starvation. If some difficulties are still there the critics lose sight of the fact that this country is a poor country which has its own limitations. There are thousands and lakhs of villages in this country which have neither a hospital nor a school nor any other things of public convenience. But in the case of those of our brethren who came here after being rendered homeless schools were provided everywhere, facilities for treatment in illness were provided everywhere. Last year I went to Kurukshetra with some member friends to see the Central Government Camp. There I saw the condition of the hospital and talked to the doctor. The doctor told us that there was no medicine in the country which was of use to them and which was not received there. There are lakhs of villages in this country where even quinine does not reach. Then, where such is the set-up of a country, where such is the economic position the work that has been done under the circumstances is not so inconsiderable.

Yet, with all this, I wish to say that this is mainly an agricultural country where 85 per cent of the population depend directly on agriculture for their living. Even if you were to disregard numbers for a minute and also to become oblivious of the fact that so many people are engaged in agriculture and you therefore decline to give importance to agriculture on that account still you will have to concede that such a situation has come to arise in this country today that if we do not improve our agriculture and increase our production and do

not set it on a sound footing our country which has become free will not remain so economically. From this very point of view we will have to consider now whether our country's economy should be agricultural economy or industrial economy. I would not in the least question but would rather concede that in view of the conditions under which this country has attained freedom and in view of the conditions that prevail even now unless we have a strong army here our freedom would end in a dream. I concede that there should be a large number of factories in a free country yet with all that, there are certain things that we will have to consider. A time has come now when we will have to give prime importance to agriculture. With a view to the industrial development of the country industrial finance corporations have been set up in every province as also at the Centre. But I would say to you that in this country which is predominantly an agricultural country if any finance corporation was to be established in the first instance it should have been an agricultural finance corporation. Did you or any other province start any agricultural finance corporation? If you want to change the present state of affairs under which you have to import food-grains worth 130 or 133 crores of rupees every year from other countries, on account of which you can neither import machinery for factories nor anything else, do you think you could do it by causing injury to the sentiments of the agriculturists? Several of my brothers have given expression to various views. One of our brothers has suggested in the course of his speech that the price of sugar-cane should be reduced so that the farmers might increase their sowings in food-grains. I would, however, make a humble submission to them and to my Government that the cultivator is not a machine, the cultivator is a human being, and if you cause injury to his sentiments you would never be able to solve your problems. If you want that your country should be a self supporting country in the matter of food-grains there is at least one thing which you will have to do, viz., that you should give the agriculturist the incentive to produce more. And, how would you give that incentive? Tripathiji was with me when we talked to Mr. Dodd. Mr. Dodd told us that in America they were not able to get increased production until the American Government gave an assurance to the agriculturists that the Government must purchase the food-grains at a specified rate. I have often talked to our Honourable Minister of Agriculture and he told me that the economy condition of the country was such that the Government could not assume responsibility in that behalf. You should take over this responsibility howsoever difficult it might be or howsoever risk it might involve. If you want that there should be increased production you will have to give the guarantee that up to a specified rate the Government would purchase if none else in the country is prepared to pay that price.

In this connection I want to make another suggestion under which I think the Government would not have to incur any great expenditure. The middle-man's agency in the country has assumed such proportions and still continues to expand. If you can you should for a while reduce the scope of this middle-man's agency—and I think since they possess some finances of their own this would not cause them much trouble—and give a fillip to co-operative consumers' and co-operative producers' societies. What do we find today? People make a loud demand upon the agriculturist to grow more food. But what we find is that in fixing the price of food-grains a rate lower than the existing rate is fixed whereas the price of cloth which is fixed at the time of imposing control is fixed 25 per cent higher. Even today I was having a conversation with Mr. Sondhi. He remarked that in our country cloth was produced at the cheapest cost. I admit that if our country's industrialists can produce cloth at the cheapest cost and supply it to our country as also to the world this is certainly to our country's advantage. But, in spite of all that, I feel that even if your prices be the lowest in the world you cannot convince the ordinary man that the price of cloth be raised by 25 per cent but that this should have no effect upon the

[Ch. Ranbir Singh]

cultivator. This problem can be solved easily because about 25 per cent profit is allowed to the middle-man. I would not ask you to reduce the price. Reduce it certainly if you can. But, if you cannot reduce it you should at least eliminate the middle man and make the entire delivery to co-operative societies. You should make this delivery to district and provincial co-operative units; in this way the profit would flow over to the agriculturist and the villager would think that the Government of the country is for him and that the attention of the Government is now devoted to the advancement of agriculture.

Thus, I would humbly make these two submissions. In the first instance you should, at the earliest establish an agricultural finance corporation so that the people might realize that the Government is keen on producing the maximum quantity of food-grains. That corporation should help in reclamation and in the purchase of tractors. Just yesterday I visited the Pusa Institute. There we saw a plough which could do double the normal job. I think that if the Government were to have them manufactured and supply them in the villages the village people would like them very much and they would feel that with the change in Government some improvements are going to be made which would tend to change their fortunes.

The other thing which I have mentioned already is the stabilization of prices. The Government should see to it that efforts are made to give the report of the Krishnamachari Committee a practical shape—as early as possible so that it might come into operation. Until you do these two things you cannot win the confidence of the agriculturists and until you give him an incentive you cannot expect him to produce more food-grains. Along with this I wish to make another submission, that if you cannot do anything for them at this time, you should not at least take any such step for the present as might cause injury to them.

There is one little thing more. You see how the railways, telegraphs and aeroplanes have turned India into a small country. The agriculturists want that there should not be a difference of more than one or two rupees between the prices prevailing at Bombay and the Punjab. I feel that if you enforce the procurement scheme the difference between the procurement price and the issue price should not exceed such an amount as might be enough to cover the expenses pertaining to the railway and the middle-man. I have read the procurement prices. I forgot, to bring it with me today otherwise I would have shown, by manipulation of figures, how while the procurement price of a certain commodity at a certain place is ten rupees the issue price of that very commodity at another place is double that amount. If the disparity is so great how can you cause the agriculturist to believe that the entire set-up of the Government is for his help and until you cause him the assurance that the entire machinery of the Government is meant for helping him you cannot increase the production of food-grains. The biggest problem before the country today is that of agriculture. Until there is an improvement in the production of food-grains and in agriculture and until the import of food-grains is stopped no industry in the country will be able to develop nor will the other major problems be solved. Hence, I would pray that you should make a declaration even today that you are going to establish an agricultural finance corporation. The formation of such a finance corporation will be of great benefit to the country. Even if the Government were to do only so much as to guarantee that the prices will not be allowed to fall below the level of the procurement prices you will provide a sufficient incentive to the agriculturists. I would not take any more time of the House and hope that the Honourable Minister would give his careful consideration to the suggestions which I have placed before the House.

श्रीमती कमला चौधरी: उपाध्यक्ष महोदय, इस हाउस के मेम्बरों ने जैसे अपने विचार प्रकट किये हैं उस से जाहिर होता है कि गवर्नमेंट की प्रगति के प्रति उन में असन्तोष है मैं भी मन में असन्तोष महसूस करती हूँ और सिर्फ इस हाउस के अन्दर ही असन्तोष नहीं है बल्कि मेरा ख्याल है हमारे देश की जनता में भी एक प्रकार का असन्तोष है। जब आज़ादी लेने के लिये हमारे देश में एक युद्ध एक इन्क़िलाब जारी था और हमारे राष्ट्रपिता महात्मा गांधी ने एक नक़्शा आज़ादी का, एक नक़्शा स्वराज्य का देश के सामने बना कर रखा था। उस समय हम लोगों के मन में बड़ी बड़ी आशाएँ थीं, बड़ी उम्मीदें थीं जिनको कई वर्ष तक हम स्वतन्त्र युद्ध के ज़माने में रामराज्य के नाम से दोहराते रहे। हर एक का ख्याल था वह रामराज्य, वह स्वराज्य हमारे देश में होने वाला है। जिसमें सुख शान्ति सम्यता संस्कृति की वृद्धि होगी। आखिर वह ज़माना आया जिसकी हमने रामराज्य के रूप में कल्पना की थी वह आज़ादी एक दिन हमारे यहाँ आई। उसे पाये हुये लगभग दो वर्ष होने आये और इतने दिनों में किस हद तक उस स्वराज्य के स्वाव को हमारी सरकार सफल कर सकी है यह सोचने का विषय है। यह सत्य है कि देखा जाय तो ब्रिटिश गवर्नमेंट जो कुछ हमारे लिये छोड़ गई वह टूटा फूटा खंडहर की तरह का देश छोड़ गई है जिसमें हमारी राष्ट्रीय सरकार को बहुत परिवर्तन करने की ज़रूरत है। बल्कि अगर ऐसा कहा जाय कि रामराज्य स्थापित करने के लिये कायाकल्प करने की ज़रूरत है तो अनुचित न होगा। जब इतनी बड़ी तब्दीली करनी है, इतना बड़ा परिवर्तन करना है, तो उसमें बहुत समय लगेगा इसमें सन्देह नहीं और ऐसा करने के लिये बहुत बड़ी धनराशि की भी ज़रूरत है। लेकिन कुछ विषयों में और कुछ विभागों में, मैं यह महसूस करती हूँ कि हमारी सरकार का जितना व्यय हो रहा है, उतने ही मैं समझती हूँ कि अगर प्रगति का कदम बढ़ाया जाय, तो हमारी सरकार एक सही नीति निर्धारित करके चले तो बहुत कुछ हमें लाभ और सफलता हो सकती है। मसलन शिक्षा विभाग, सरकार का प्रचार विभाग सही रास्ता निर्धारित करके प्रगति करे तो देश की करोड़ों की संख्या में अशिक्षित जनता का मानसिक और सांस्कृतिक विकास हो सकता है। देशवासियों के जीवन का मायदण्ड आज़ाद मुल्क के इन्सानों की भांति ऊँचा उठ सकता है। और जिस रामराज्य की हमने कल्पना की थी वह हमारा स्वाव पूरा हो सकता है। यह विचार मेरा ही नहीं है बल्कि मैं जहाँ तक समझ सकी हूँ शायद समस्त देश की यह मांग है कि हमारी राष्ट्रीय सरकार का इस तरीके का इन्तज़ाम हो जिससे हमारे देश की जनता को तरक्की के रास्ते पर कदम बढ़ाने की प्रेरणा मिले और हमारा स्वाव स्वाव रह कर यथार्थता में तब्दील हो जाय। वह आज़ादी का स्वाव जिससे हमने देखा था कि आज़ादी के आते ही हमारी भाषा का बोलबाला होगा, हमारी सभ्यता का बोलबाला होगा, वह हमारा स्वाव शीघ्र

[श्रीमती कमला चौधरी]

सत्य बन कर सामने आजाये। बहुत दिनों से हम लोग सुनते चले आये थे कि हमारे देशवासियों में जो कोई भी बुराईयें हैं जो भी अवगुण हैं वह विदेशी शासन का परिणाम हैं। हम लोग हमेशा उन पर यह कह कर परदा डाल देते थे कि हमारे देश में एक विदेशी हुकूमत है, विदेशी सभ्यता का प्रभाव है, हम लोग गुलाम हैं, इसलिये यह बुराईयाँ हम लोगों में आ गई हैं। जब हमारी अपनी सरकार होगी और हमारी सभ्यता की उन्नति होगी, हमारे देश का उत्थान होगा, राष्ट्र का पुनः निर्माण होगा, तो उस समय यह सब बुराईयाँ हमारे अन्दर से चली जायेंगी।

लेकिन मैं नम्रता से निवेदन करना चाहती हूँ कि इतने दिनों में हमारी गवर्नमेंट ने संस्कृति के उत्थान की ओर, अपनी सभ्यता के उत्थान की ओर, राष्ट्रभाषा के उत्थान की ओर, शिक्षा के विकास की ओर कितना कदम बढ़ाया है, यह सवाल अगर सरकार से पूछा जाये, तो मैं बहुत अदब से कहना चाहूँगी कि हमारी सरकार को निरुत्तर ही रहना पड़ेगा, हमारी हुकूमत को यहां पर संतोषजनक व्यवस्था न कर सकने का दोष स्वीकार करना पड़ेगा। जहां तक मैं समझ सकी हूँ गवर्नमेंट भी इस अव्यवस्था को महसूस करती है। कोई भी देश जब वह तरक्की करना चाहता है, राष्ट्र का पुनः निर्माण करके कल्याण की ओर अग्रसर होना चाहता है तो इसके लिये जरूरी है, कि सबसे पहले शिक्षा और भाषा संस्कृति का विकास करके जनता का जीवन ऊंचा उठाये तभी देश का नवनिर्माण और कल्याण हो सकता है। इस हाउस में बहुत बार अपने बहुत से योग्य मेम्बरों के मुख से मैं सुनती रही हूँ कि देश का उत्थान करना है तो सब से पहले अपनी एक भाषा की जरूरत है, भारतीय संस्कृति के विकास की जरूरत है। हमारे देश में देखा जाय तो एक बहुत बड़ा साहित्य का भंडार है। यह दूसरी बात है कि हमारे देश की जनता शताब्दियों विदेशी हुकूमत के मातहत रहने के कारण आज उससे अनभिज्ञ रह गई हो। लेकिन आज जब अपनी राष्ट्रीय सरकार स्थापित हो चुकी है तो शीघ्र ही उस अनभिज्ञता को दूर करने की कोशिश क्यों न की जाये। विदेशी हुकूमत ने अपनी एक काम चलाऊ राज्य भाषा को चलाया और हम लोग उस भाषा को पढ़ कर अपनी भाषा और साहित्य को भूल से गये। लेकिन आज क्या कारण है कि जब अपनी सरकार आ गई है, और हम लोग इस चीज को महसूस करते हैं, गवर्नमेंट भी इसको महसूस करती है कि हमें राष्ट्र का उत्थान करने के लिये सबसे पहले जरूरत है कि हम अपनी भाषा के प्रचार की योजना बनायें अपनी सभ्यता के विकास की योजना बनायें, तो फिर केवल योजना, स्कीम

बना कर ही कैसे संतुष्ट रहा जा सकता है। उन योजनाओं को कामयाब बनाने के लिये भी अधिक परिश्रम करना सरकार का फर्ज हो जाता है।

हमारा देश एक प्राचीन देश है, और जहां तक मैं समझती हूँ वह देश ऐसा नहीं है जहां के लोग बिल्कुल जंगली हों, या जहां के लोग इन्सान न कह कर हैवान कहे गये हों। बल्कि मैं तो यह कहूँगी कि भले ही हमारे ऊपर ऐसा जमाना गुजरा कि हम शताब्दियों तक गुलाम रहे, लेकिन उस गुलामी के युग में भी हमारे देश के साहित्य का, हमारी संस्कृति का बोलबाला रहा है। सिर्फ अपने ही देश में नहीं बल्कि और देश वालों ने भी इस देश की प्राचीनता का और महत्ता का लोहा माना है। अन्य लोगों ने भी हमारे साहित्य का, हमारे इतिहास का बड़ा आदर किया है। मैं यह कहूँ कि बहुत कुछ अन्य लोगों ने हमारे साहित्य से सीखा है, और संस्कृति से लिया है, तो शायद अनुचित नहीं होगा। भारतीय सभ्यता और संस्कृति का नाम बड़े आदर से चारों तरफ लिया गया है। आज जब देश में अपनी हुकूमत है, अपने पास अवसर है, तो मैं समझती हूँ, इस विषय में अभी जिसका मैं जिक्र कर रही थी अवश्य ही राष्ट्रीय सरकार सचेत हो कर पुरानी देश की महत्ता को फिर स्थापित करने में प्रयत्नशील होना चाहिये। कुछ विषय ऐसे हैं जहां पर यह कहा जा सकता है कि अभाव के कारण, चीजों की कमी के कारण हम बहुत तरक्की नहीं कर सके। लेकिन इस विषय में जिसका मैं जिक्र कर चुकी हूँ मैं समझती हूँ कि अगर हमारी सरकार प्रगति करना चाहे तो बहुत प्रगति कर सकती है। सरकार ऐजुकेशन विभाग के ऊपर जो पैसा खर्च करती है उसके लिये मैं समझती हूँ इतना ही पैसा खर्च करके वह बहुत तब्दीली कर सकती है। जिस प्रकार के परिवर्तन की जरूरत है, मैं बहुत अदब के साथ कहना चाहूँगी, अभी उसमें कुछ नहीं किया गया है। मैं यह देखती हूँ कि शिक्षा प्रणाली में भारी परिवर्तन की जरूरत है। जिस पर राष्ट्रीय सरकार को तुरन्त ही ध्यान देने की जरूरत थी। योजनायें तो सामने आईं लेकिन शिक्षा पद्धति लगभग अभी वही चल रही है। जिस प्रकार की शिक्षा संस्थाएँ हमारे यहां पहले थीं, उसी प्रकार अब भी हैं। स्कूलों में, हमारे विद्यालयों, में उसी प्रकार की शिक्षा प्रणाली चल रही है। विद्यालयों में वैसी पुस्तकें नहीं पढ़ाई जा रही हैं जिनकी नितांत जरूरत अनुभव होती है। मेरा ध्यान है इस विषय में भारी तब्दीली की जरूरत है, लेकिन वह तब्दीली अब तक नहीं की गई। अपने प्रांत यू० पी० की बात मैं जानती हूँ जहां की मैं रहने वाली हूँ। वहां इस दिशा में कुछ परिवर्तन किया गया, लेकिन जैसी लम्बी चौड़ी सा कीम मने आई थी, जिससे हम लोगों को आशा हुई थी कि शायद जो

[श्रीमती कमला चौधरी]

कुछ हम चाहते हैं उस प्रकार की तब्दीली होगी और हमारे बच्चों को, आज से हमारी लड़कियों को उस प्रकार की शिक्षा मिलनी शुरू होगी जिसकी हम जरूरत समझते हैं। जिससे हमारी सभ्यता, हमारी संस्कृति की छाप बच्चे बच्चियों के मन पर प्रारम्भ से ही पड़ेगी और उनमें राष्ट्रीय भावना का बाहुल्य होगा और सबसे बड़ी बात यह कि हमारी देश भक्ति की भावना जागृत होगी। लेकिन हमने देखा कि वंसा कुछ नहीं हुआ। यह बात जरूर हुई कि शिक्षा का क्रम कुछ बदला गया, कोर्स की कुछ किताबों में तब्दीली हुई, लेकिन अगर सचमुच उसका अध्ययन किया जाय तो मैं समझती हूँ कि वह तब्दीली कोई कारगर तब्दीली नहीं हुई। मैं उदाहरण के तौर पर बदलाना चाहती हूँ, मेरा एक बच्चा छठी जमात में पढ़ता है, मैंने देखा छठी जमात का कोर्स हमारी प्रान्तीय सरकार ने बदला। शायद इस ख्याल से कि हिन्दी भाषा का बाहुल्य करना है जो कि हमारी मौलिक भाषा है, पर मैंने यह देखा कि वह बाहुल्य जरूरत से अधिक हो गया। जो उस छठे दर्जे की किताबों में सूर, बिहारी, विद्यापति और तुलसीदास के पद रखे गये हैं, मैं समझती हूँ कि छठी जमात के बच्चे ही क्या, दसवीं जमात या इन्टरमीडियेट के विद्यार्थी भी उन पदों की अच्छी तरह व्याख्या नहीं कर सकते। अगर तब्दीली हुई है तो इस प्रकार की तब्दीली हुई है जो भविष्य में गलत साबित होगी। इसका कारण मैंने यह समझा कि तब्दीली तो हमारी सरकार करना चाहती है लेकिन क्या परिवर्तन करना है, इसकी ठीक ठीक व्यवस्था नहीं है। और उस व्यवस्था के ठीक न होने का कारण क्या है। मैं समझती हूँ, और मैं नम्रता से कहना चाहूँगी कि भाषा में गुलामी ही इसका एक मात्र कारण है। विदेशी राज्य में हमारे यहां जो पदाधिकारी रहे, जितनी इस प्रकार की कमेटियां थीं उनमें विदेशी भाषा का हां बोलवाला रहा और अब सरकार तब्दीली करके उनमें इस प्रकार के लोग लाना भी चाहे जो उन बातों को अच्छी तरह समझ सकें तो मैं समझती हूँ कि शायद चुनाव में गलती होती है। चुनाव जब ठीक प्रकार से नहीं होता तभी इस प्रकार की गलतियां होती हैं। मैं एक उदाहरण और देना चाहूँगी। संस्कृत के ऐम० ऐ० के कोर्स में और बी० ऐ० के कोर्स में, जब कि हमारे पास हिन्दी संस्कृत साहित्य का एक खजाना मौजूद है, क्या कारण है कि आज ऐम० ऐ० में कालिदास के कुमारसम्भव का चौदहवां सर्ग चलता है जो लड़के लड़कियां ठीक प्रकार से पढ़ नहीं सकतीं, उन्हें लज्जा आती है। प्रोफेसर्स को पढ़ाने में संकोच होता है। इसी प्रकार से बी० ऐ० के कोर्स में बिहारी तथा विद्यापति का वह साहित्य रखा गया है जिसमें ऐसे भाग हैं जिन्हें असलील साहित्य कहा जायेगा। इन सब चीजों का क्या कारण है। कुमारसम्भव कालिदास का पढ़ना है तो ऐसा

तो नहीं है कि कालिदास ने केवल चौदहवां अध्याय ही लिखा है, एक ही चीज लिखी है? उस स्टैंडर्ड की कालिदास की दूसरी किताबें मौजूद नहीं हैं? बिहारी और विद्यापति की किताबें ही साहित्य इस प्रकार का मौजूद हैं जो हमारे बच्चे अच्छी प्रकार से पढ़ सकते हैं। मेरे कहने का मतलब यह है कि इस प्रकार की त्रुटियां हो रही हैं जिस पर कुछ ध्यान नहीं दिया जाता और शिक्षा की दिशा में यह बहुत महत्वपूर्ण बातें हैं। मैं अपने विचार इस विषय में सरकार के सामने रखना चाहूँगी। सचमुच अगर हमें अपनी सभ्यता का उत्थान करना है, सचमुच राष्ट्रनिर्माण करना है, जिस बात की आवश्यकता हम अनुभव करते हैं, अगर वास्तव में हमें उसी प्रकार प्रगति करनी है तो सब से पहले हमें इस दिशा में प्रगति करनी होगी। और उसके लिए यह जरूरी है कि इस विषय में उन लोगों की कमेटियां शिक्षा बोर्ड बनायी जायें जिनको इन बातों का अच्छी तरह ज्ञान हो, जो कि हमारे साहित्य को, हमारी सभ्यता को, अच्छी तरह समझें और समझ कर इस दिशा में परिवर्तन करें। मेरा अपना यह ख्याल है कि आज भी वही पद्धति चली आ रही है जो कि हमारी सरकार के जमाने से नहीं बल्कि ब्रिटिश हुकूमत के जमाने से चली आ रही है कि कुछ प्रकाशक लोग अपनी पुस्तकों को लेकर जाते हैं और जहां तक मैंने सुना है, मैं नहीं कह सकती कि ऐसा ही होता है, कि रिश्वतें चलती हैं, घूस दी जाती है और वह प्रकाशक अपनी किताबों को मंजूर करा लाते हैं। किसी को यह समझने की जरूरत नहीं होती कि जो किताब एक कोर्स के लिए वह पास कर रहे हैं वह वहां के लिए उपयोगी है या नहीं। मैं समझती हूँ कि जब तक यह पद्धति चलती रहेगी तब तक हमारी शिक्षा में, हमारी संस्कृति में, विकास और उन्नति होना असम्भव है। मैं नम्रता से मंत्री महोदय के सामने अपना विचार रखना चाहूँगी कि जिस तरह वह अपने प्रचार के लिये पब्लिकेशन का काम करते हैं उसी तरह हमारी सेंट्रल गवर्नमेंट छोटे से छोटे दरजों से लेकर बड़े दरजों तक की किताबें खुद छापे और हमारे सूबे की सरकारों को भी ऐसा करने की हिदायतें दे, गम्भीरता से सोचकर एक बार यह निर्णय कर दें कि दस साल तक कोर्स में यही किताबें पढ़ाई जायेंगी, तभी उस शिक्षा का प्रभाव दृष्टिगोचर होगा, भविष्य के लिये प्रगति का मार्ग खुलेगा और फलाफल को हम भली प्रकार समझ सकेंगे और यह अन्धेरखाता जो प्रकाशकों की तरफ से हो रहा है मैं समझती हूँ समाप्त हो जायगा।

मैं एक बात और निवेदन करना चाहूँगी। हमारे यहां हिन्दी के जो लखक हैं, साहित्यिक हैं, उन्हें इस बात की आशाएँ थीं कि जब हमारी सरकार आयेगी तो हम लोगों का भी एक अपना स्थान होगा, उनका नाम होगा, जिस तरह

[श्रीमती कमला चोधरी]

हम विदेशों में सुनते हैं कि अगर कोई नाटककार है, या लेखक है या कवि है तो किसी बड़े से बड़े सरकारी अफसर से या समाज के बड़े से बड़े व्यक्ति से उस की पोजीशन कम नहीं समझी जाती। उसका आदर होता है, उसको सम्मान होता है। हम लोग गुलाम रहे। इसलिए गुलामी के जमाने में हमारे साहित्यकारों का कोई स्थान नहीं बन पाया, उनकी कोई कद्र नहीं हो पाई। मैं समझती हूँ कि आज वह जमाना आ गया है कि हमारी सरकार को अपने यहां के लेखकों पर ध्यान देना चाहिये, पर मेरा मतलब केवल हिन्दी लेखकों से ही नहीं है, हमारे प्रान्ती में बहुत से प्रान्तीय भाषाओं के और प्रादेशिक भाषाओं के लेखक हैं और मैं समझती हूँ कि उनकी भारतीय साहित्य को बड़ी भारी देन है। सरकार को उनकी ओर भी ध्यान देना चाहिए। उनके साहित्य का विकास होना चाहिए और हमारे यहां के लेखकों का और साहित्यकों का एक स्थान बनना चाहिए। इसकी एक योजना सरकार को जरूर बनानी चाहिए। मेरे पास समय थोड़ा है इसलिए मैं विस्तार से कुछ नहीं कह सकती, लेकिन मैं सिर्फ एक मिसाल देना चाहती हूँ। गवर्नमेंट के पब्लिकेशन विभाग से पत्र निकलते हैं, एक हिन्दी 'आजकल' और दूसरा उर्दू 'आजकल' और एक अरबी का अखबार निकलता है। इसी तरह के और बहुत से पत्र पत्रिकाएँ निकलती हैं। मैं बहुत अदब से कहना चाहूंगी कि जब मैं इनको देखती हूँ तो मुझे ऐसा मालूम होता है कि यह सरकार का व्यर्थ पैसा बरबाद हो रहा है और व्यर्थ का परिश्रम हो रहा है। वही चीजें बहुत काम की बन सकती हैं और उन पर कोई अधिक रुपया खर्च करने की जरूरत नहीं है। जितना खर्च हो रहा है उतने ही मैं उन पत्रों को बहुत उपयोगी बनाया जा सकता है। हम सब लोग हिन्दी में, प्रादेशिक भाषाओं में, प्रान्तीय भाषाओं में, इस चीज की जरूरत महसूस करते हैं कि हमारे यहां एक ऊंचे स्टैंडर्ड के साहित्यिक पत्र का अभाव है। हमारे यहां की जो जनता है उसकी भी रुचि इस तरह नहीं गई क्योंकि वह अंग्रेजी पढ़ती रही। इसलिए भारतीय भाषा में उसका अभाव रहा। अपनी भाषा का कोई ऊंचे दर्जे का सांस्कृतिक साहित्यिक पत्र आज नहीं है। मैं कहना चाहूंगी कि अगर आज हमारी सरकार इस तरह ध्यान दे और बहुत योग्य विद्वान व्यक्तियों को इस विभाग में लाये तो यही पत्र जो सरकार की ओर से निकलते हैं, जिनमें चित्र भी सुन्दर होते हैं, कागज भी अच्छा होता है, पर कमी साहित्य की होती है, संस्कृति की होती है, जिनका आज कोई ध्येय नहीं है, उनको हमारे साहित्य का उत्तम पत्र बनाया जा सकता है। अगर ऐसा हो जाय तो मैं समझती हूँ कि हमारे देश में जो पढ़े लिखे लोग हैं उनके लिए एक बड़े उपयोग की चीज बन सकती है। मेरा मतलब

मिर्फ पढ़े लिखे लोगों की प्रगति से ही नहीं है। सरकार के और भी बहुत से प्रकार के साधन हैं। कितने ही पैम्फलेट, इश्तिहार और नोटिस निकलते हैं और बहुत सी छोटी-छोटी पत्र और पत्रिकाएँ निकलती हैं, जिन पर अगर ध्यान दिया जाय और इन विभागों में एक योजना पूर्वक कार्य हो, कुछ और योग्य व्यक्ति चुन कर रखे जायें, तो उतने ही पैसों में एक बहुत उत्तम साहित्य का निर्माण हो सकता है और उसके द्वारा ही हम अपने देश की लाखों की तादाद में अशिक्षित जनता को भी सुसंस्कृत बना सकते हैं। अगर हमारी हुकूमत इस तरह का विचार करती रहेगी कि जब सब लोग पढ़े लिखे हो जायेंगे उसी दिन हमारी संस्कृति का विकास होगा, उसी दिन हमारी सभ्यता का विकास होगा, तो मैं समझती हूँ कि एक युग बीत जायगा। हम लोग समाप्त हो जायेंगे, उसके बाद शायद वह समय आये जब भारतीय सभ्यता और भारतीय संस्कृति का उत्थान हो। अगर इस दिशा में हमारी सरकार कदम उठाये और अपने प्रचार विभाग, शिक्षा विभाग, पब्लिकेशन विभाग और अपन ब्राडकास्टिंग विभाग में परिवर्तन करे, और अपनी एक नीति निर्धारित करके उस दिशा में ठीक तरह से प्रगति की ओर चले, तो मैं समझती हूँ कि साहित्य निर्माण का काम, हमारी सभ्यता संस्कृति के उत्थान का काम बड़ी सफलता से होगा और सचमुच दुनिया देखेगी कि जिस राष्ट्र पिता के रास्ते पर चल कर हमने अपनी आजादी हासिल करने के तरीके से दुनिया की आंखों में चकाचौंध कर दिया है, जो कि दुनिया के लिए एक जादू है, उसी तरह दुनिया हमारी तरफ आश्चर्य से देखे कि हमने अपनी संस्कृति की प्रगति में भी उसी तरह का एक जादू कर दिया है। मैं बहुत नम्रता से मंत्री महोदय का ध्यान इस ओर दिलाना चाहूंगी कि इन विषयों पर विचार किया जाय और सिलेक्ट कमेटी को जो परिवर्तन करने का मौका मिलेगा उसमें इन चीजों पर ध्यान दिया जाय और सांस्कृतिक प्रगति के लिये भी कुछ धनराशि नियुक्त की जाये।

(English translation of the above speech)

Shrimati Kamala Chaudhri (U.P.: General): Sir, from the sentiments that have been expressed by the honourable members of this House it is apparent that they have a feeling of dissatisfaction against the progress of the Government. In my heart of hearts I also feel some sort of discontentment, and this discontentment prevails not only in this House alone but I think in the masses also a sort of discontentment prevails. When a conflict, a revolution, was going on in our country for attaining Independence then the Father of our Nation Mahatma Gandhi had set before the country a blue-print of Independence, a model of *Swarajya*. At that time we had a very high hopes and lofty aspirations. Everybody had the conviction that *Swarajya* that *Ram Rajya*, the names we had been repeating over and over again during the days of the battle for Independence, is going to be established in this country, and wherein peace, contentment, and our culture and civilization will rise to a climax. After all that time, whose conception we had formed in the shape of *Ram Rajya*, also came. That Independence smiled upon us one day. It is since two years that

[Shrimati Kamala Chaudhri]

we have attained our goal, the question worth considering is how far our Government have been able to realize and give our dreams of *Swarajya* a practical shape. It is true that whatever the British Government had left for us was a sort of dilapidated ruin of a country wherein it is essential for our National Government to affect a great deal of changes. If it is said that for establishing *Ram Rajya* a thorough rejuvenation is required then it would not be improper. When we have to affect such drastic changes, make so many innovations then it can not be denied that all this will take much time and for doing so a great deal of money is also required. But in certain matters, in certain departments with whatever money the Government is spending if a step towards progress be taken, if our Government were to set and act upon some definite policy then I think we can attain a great deal of success and advantage. For example if the Education and the Publicity Departments of the Government after chalking out a definite line of action were to take a step towards progression, then the mental and cultural development of the crores of illiterate people of this country can be made; the standard of living of the people of this country can be raised to the level of those living in the free countries and our dreams of *Ram Rajya*, that we had conceived, can be realised. This is not only my contention but as far as I have been able to ascertain the demand of the whole country is that our National Government be so constituted whereby the people of our country may get an impetus to go forward on the way to progress and our dreams of *Ram Rajya* instead of remaining an empty dream may change into a reality. We wish that our dream of Independence, wherein we had conceived that no sooner we attained independence our language will hold a predominant position and our culture will prosper, may soon become a reality. Since long we have been hearing that whatever defects and vices the people of our country possess are the direct consequences of a foreign rule. We always used to draw a veil over our defects and vices by saying that our country is governed by a foreign power, we are under the influence of an alien civilization, we are slaves and so these defects and vices have crept in to the people of this country. When we will have our own Government, when our civilization will be revived, when our country will awaken, when our Nation will be rebuilt then at that time all these defects and vices will automatically vanish.

But I very humbly wish to submit that if a question be asked of our Government as to what steps our Government have taken for the progression of our culture and civilization, for the advancement of our language and 4 P.M. for the development of our education then, I would very humbly like to submit, our Government will have to remain silent. Our Government will have to acknowledge her inability of making any satisfactory arrangements. As far as I have been able to make out our Government also feels this anomaly. Whenever any country wants to make progress, wants to go ahead towards prosperity after building the Nation, then for all this it is essential that first of all the language, education and culture should be developed and thus the standard of living of the people be raised, and only then the peace and prosperity of the Nation can be achieved. I have been hearing again and again from the eminent members of this House that if the country is to be emancipated then first of all a national language is to be developed and the progressive evolution of our culture is essential. Our country possesses a vast treasure of literature. It is another thing that as a result of foreign domination of centuries our masses may have remained ignorant of the same. But now when our National Government has been established why efforts should not be made to remove this ignorance? The foreign power introduced a serviceable court language and we on learning that nearly forgot our own language and literature. Then what is the reason that today, when we have our own Government and we feel this

anomaly, the Government also knows that if we have to emancipate our country it is essential for us to chalk out schemes for the propagation of the national language and culture; then how can we be satisfied simply by chalking out of schemes. In order to make these schemes successful it becomes the bounden duty of the Government to make indefatigable efforts in this direction.

Ours is an ancient country and, as far as I understand, our country is not such whose people be savages or may have been referred to as animals instead of human beings. But I would submit that may such times have elapsed that we remained slaves for centuries yet in those days of slavery also the literature and culture of our country have always been dominating. Not only in our country but the other countries of the world also have acknowledged the supremacy of the antiquity and greatness of this country. The people of other countries also have always held our literature and history in high esteem. It would not be improper if I were to say that the people of other countries have learned much from us and have heavily borrowed from our culture. The Indian culture and civilization have always been highly praised. Today when we have our own Government in the country, we have means at our disposal then I think our National Government should be up and make efforts to re-establish the old glory of the country. There are no doubt certain matters about which it can be said that we could make no progress due to scarcity of basic materials. But as regards the matter I have mentioned before I think that if our Government were inclined to make progress then it can certainly make much progress. Even with the money that the Government spends on Education, I think, we can make a great deal of changes. I would very humbly beg to submit that so far nothing has been done to affect those kinds of changes that are necessary. I see that the system of education needs a great deal of change. Our National Government ought to have turned attention towards this. Though many schemes came before us yet nearly the same old system of education is continuing. We still have the same type of educational institutions as before. Our educational institutions are still maintaining the same old system of education. Such books that we sorely need are not being taught in our institutions. I feel that drastic changes are needed in this matter but these changes have not yet been made. I know much about U. P. my native province. There some such changes were made, but by the high sounding scheme that came before us we began to entertain hopes that perhaps the changes we desire would be made, and from today our sons and daughters will begin to receive that type of education that we consider to be necessary; whereby our children from the very outset will begin to imbibe a deep impression of our culture and civilization, they will have a more profound feeling of nationalism, and the greatest thing done would be that a deep sense of patriotism will be roused in them. But we saw that no such thing happened. But no doubt the courses of studies were somewhat changed, some alterations were made in the course books; but if the matter be critically examined then I think the changes that have been made are not of vital importance. For example I wish to submit that one of my children is a student of Class VI. Our Provincial Government have made changes in the course of Class VI perhaps with the idea of giving predominance to Hindi, which is our national language. But I noted that the predominance transgressed the limits of necessity. The verses of Sur, Bihari, Vidyapati and Tulsi that have been included in the Text book of Class VI are such that, I think, what to say of VI Class students even the students of matriculation and intermediate classes cannot explain them properly. If any changes have been made they are such that will prove wrong in the long run. The reason I attribute to this fact is that our Government does want to make drastic changes but what changes are to be made the Government is not clear on that issue. What is the reason of this mismanagement? I would like to submit that as far as

[Shrimati Kamala Chaudhri]

I have considered over the problem I think the slavery of language is the sole cause of all this. During the days of foreign domination among the Government officials and in all the meetings and committees the language of the foreigners mainly predominated, and now if our Government were to replace them with those who may well understand this problem even then I think that errors may occur while making selections. When a proper selection is not made then such mistakes do creep in. I would like to submit one more example. When we have a vast treasure of Sanskrit and Hindi Literature then I cannot understand the reason why in the courses of studies of M.A. Sanskrit and B.A. Hindi the 14th Canto of Kalidas's Kumar Sambhav is still prescribed, which the boys and girls cannot read properly, they feel ashamed, and the professors even feel shy in teaching it. In the same way in B.A. course that literature of Bihari and Vidyapati has been prescribed which consists of such portions as will be called obscene according to the canons of the modern society. What is the reason of all this? If the students have to read Kumar Sambhav of Kalidas then has Kalidas composed only the 14th Canto or has written this book only? Are other books of Kalidas of the same standard not available? A great deal of Bihari and Vidyapati literature is such that our children can read it properly. What I want to submit is that such mistakes are being made and no attention is paid thereon. As far as education is concerned these are of very vital importance. I would like to place my views before the Government. Strictly speaking if we have to raise our civilization, have sincerely to do the task of nation building, have to make progress on the lines that we feel necessary, then for all this we will have first of all to make a definite progress in this direction. In order to achieve this objective it is essential that education boards and committees of such persons be formed who may have a thorough knowledge of these problems and they, after fully taking into consideration our civilization and literature, should make well-planned changes in this direction. I think that the same old system is still persisting that was holding good in the days of the British Government. Some publishers submit their books and then, as far as I have come to know I cannot say if it really happens so or not, bribes are given hush-moneys are paid and the publishers get their books approved. No body thinks it necessary to ascertain whether the book they are approving for a certain course of study is really suitable for that particular class or not. I think that so long this system will persist it is impossible to make any progression and advancement in our education and culture. I would very humbly like to submit my views before the Honourable the Minister that as he takes upon himself to do the publication work in order to have wide spread propaganda, in the same way our Central Government should herself publish all the books meant from the highest to the lowest classes, and direct the Provincial Governments also to do so. After careful deliberations it should be declared that only these books will form the courses of studies for the next ten years, and only then the effect of this education will be perceptible, the way for future progress will open, and we will be able to understand the good and bad effects; and I think this high handedness on the part of the publishers will also come to an end.

I would like to submit one thing more. Our Hindi authors, writers and men of letters had nursed high hopes that when our National Government will come into being then they also would have a position of their own and they would acquire a name. In foreign countries we hear that men of letters, dramatists, writers, poets, authors, etc. are not considered in any way inferior in position to the highly placed Government officials or top most official or non-official dignitaries. They are respected and honoured. We have been slaves and so during the days of slavery our men of letters could not form their status, they

could not command any dignity and honour. I think that now the time has come when our Government ought to pay attention towards the men of letters and authors of this country. By this I do not mean the Hindi authors only. In our provinces there are quite a large number of writers in provincial languages and local dialects; and I think they have made valuable contributions to our Indian literature. Our Government should pay attention towards them also. Their literature should be developed and a definite status of our writers and men of letters be set. The Government ought to chalk out a scheme in this respect. As the time at my disposal running out so I cannot submit any proposals in detail. But I like to submit one example only. The Publication branch of the Government brings out some magazines, Hindi 'Aj Kal' and the Urdu 'Aj Kal', and a newspaper in Arabic are brought out. In the same way numerous other journals and magazines are published. I would very humbly like to submit that when I see them I feel that the Government money is being wasted and all this is nothing short of a wild goose chase. Those very things can be rendered very useful and for such a change it is not necessary to spend any additional sum of money. These journals and magazines can be rendered much more useful even by that much money that is being spent today. All of us feel that in Hindi or in the provincial languages or in the local dialects there is a complete dearth of some literary journal of a very high standard. Our masses also did not show any inclination in this respect because they went on reading English. Hence we find a complete dearth of such journal, in the Indian languages. Today we have no literary and cultural magazines of high standard in our language. I would like to submit that if our Government were to pay attention towards this matter and appoint some very competent and learned persons in this Department then these very magazines that are published by the Government, whereof the pictures are so beautiful, the paper so excellent, but which lack wholesome literature and cultural background, which today have no ideals and objectives, can be transformed into the best literary magazines of our language. If it were to happen so then I think it can become a thing most suited to the needs of the educated people of our country. I do not mean to refer to the progress of the educated class alone. The Government have many other means at her disposal. A lot of pamphlets, notices and advertisements are brought out and numerous big and small magazines and periodicals are published. If attention be paid towards them and work carried out according to some set and well-planned scheme and some capable persons be appointed after a sifting selection, then in that much money only a very good literature can be compiled and with its help alone we can make the millions of our illiterate masses progressive and cultured. If our Government were to go on thinking that when our masses will become educated only then our culture will develop, only then our civilization will be in full bloom, then I think scores of years will pass by. We will pass away from this world and perhaps then a time may come when Indian culture and civilization may develop and prosper. If the Government were to take necessary steps in this matter, re-organise the departments of Publicity, Education, Publication and Broadcasting clearly define and lay out the future policy, and working on those lines proceed towards the goal of progression, then I think the work of building a sound literature and the emancipation and development of our culture and civilization will be carried out most successfully, and the world would see that the Nation which, while attaining independence following the novel technique laid down by the Father of the Nation, dazzled the eyes of the world, has now become an enigma for the whole world. In the same way the world may look at us wonderstruck that we have been able to make phenomenal changes in the progression of our culture. I would very humbly like to draw the attention of the Honourable the Minister towards the fact that these matters be taken into consideration, and the Select Committee while making recommendations should also take this matter into consideration. Some amount of money should also be set apart for the cultural progress of the country.

Srijut Kuladhar Chaliha (Assam: General): Sir, I thank you for the wind-fall that has come to me and it is a luck that I caught your eye, Sir, as I always do. I shall take you to a place which is very little known in India and to most of the Members and Ministers, except the Honourable the Prime Minister, the Deputy Prime Minister and Shri Santhanam. I think few people have seen the country and fewer Members have seen the place. I shall take you to a subject which is more interesting because it gave inspiration to De Quincy and others who wrote beautiful prose out of its effect. Then possibly, the whole country will be interested in a subject in which the Indian Union when the British were here caused such havoc to the Chinese and we made as much money as 901 lakhs and much more. Somehow or other after a rebellion we had to understand their logic and whether it was due to public opinion or not, we actually reduced it gracefully when we almost sacrificed the entire revenue. All the same what we have been doing in our country is rather startling. In 1907-08 the acreage under poppy was 488,548 and in 1911-12, it was 200,672 and then in 1939-40 it was 4,898. I do not know whether this reduction was due to the spell and guidance of Mahatma Gandhi. Then we suddenly developed a love for this drug, we again increased our acreage in 1941-42 to 15,301 and then again in 1943-44 we have still improved it and the acreage was 36,415. Then again the production in maunds is also very startling. We have produced in 1907-08 to 71,340 maunds and then we reduced the acreage in 1911-12 to 31,473 and in 1943-44 our production is 9,870. Somehow or other our income was decreasing. In 1943-50, I do not know the reason, it has risen to 143 lakhs. Possibly, it may be due to increased expenditure or something like that, but we have been told that the honourable the Finance Minister is not interested in this revenue and he is prepared to sacrifice this sum, but somehow or other the province except Assam is entangled to the revenue to the extent of three to four crores of rupees. They are not prepared to sacrifice it and that is another reason why we have not been able to carry out prohibition in Assam and smuggling is continually present through Bengal, Orissa and other provinces and unless these provinces adopt prohibition and reduce their acreage under poppy, no improvement is possible. I am glad the honourable the Finance Minister has kindly assured that he is prepared to sacrifice the whole revenue. But then he is working in a vicious circle. The provinces are not prepared to sacrifice their revenue in spite of the willingness to reduce production by ten per cent. I trust that an all-India policy will be undertaken at the Conference which we have been assured will be convened. We should wipe out this evil as early as possible. We are now exporting 200 tons of opium to England. We should confine the production to our medicinal needs. The League of Nations index figure for Consumption of opium is 6 seers for 10,000 population but that works out @ 9 grains per head whereas we consume only 8 grains. The index was fixed in 1926 and we are in 1949. We should not follow that index anymore.

I am one of those who desire that our defence expenditure should be reduced. But this is impossible in view of the Kashmir situation. All the same we should gradually demobilise the present standing army of 5,00,000 men and bring the strength down to the old standard of having a standing army of 1,25,000. Of course demobilisation should be done in such a way that people do not create discontent in the country. As regards the navy, I am for having a first class naval base in Andamans, Tuticorin, etc., with a good ship-building yard in Bombay. I regret to learn that we could not buy the training ship Nelson of 35,000 tons only for want of a good dockyard. We have to develop the Ports of Madras and Vizagapatam to suit our naval requirements spending money over them for a number of years. We must have a first class navy for our country. We should start creating it now. We cannot depend on our

so-called Commonwealth friends. We should lay down a programme for 50 years of naval construction. We should also have a merchant navy comparable to that of Britain or other countries.

From this subject of ship-building, I wish to take the House to a disease called Kala-azar. Some years ago Dr. Brahmachari discovered a treatment for it but no planned research has been undertaken to find a suitable medicine for this terrible disease so far. Some people thought that it was a form of malaria and prescribed quinine. It was soon found that quinine only increased the disease. In Bengal, in the Burdwan Division this disease is prevalent to a high degree. I request that research should be done in Assam to bring this disease under control. I wish the Health Minister had been present in the House. As she is absent I shall send a note to her and request her to open a research institution somewhere in Assam to find a remedy for this bad disease. These are the two things which will give help to the people of Assam and Bengal and help humanity in general.

For leprosy also which is more prevalent in Madras and Orissa there should be a research institute in Assam as we come next best. Though it will cost a good deal, it is the duty of the Government to give relief to the people especially the hill tribes who suffer from these diseases. The tribes will be a menace to you if you do not give them relief in these directions. As I said, the Communist menace is on the eastern side. You can make these people your best friends if you open in their midst hospitals and educational institutions. If this is not done infiltrations will go on. They are already within 200 miles of the border near Lekhapani. Already Manipur is infested with Communist or Karen menace. I am not sure if the Raja himself is free from Communist ideas. It is said that he has the support of the Communists. I wish that our Prime Minister, the Deputy Prime Minister and the Minister of State would visit the place and see if the Defences there are properly organised. I am afraid if this is not done and personal contact is not established, we may have to go through the same scenes as we have in Burma. We are not combustible people. We are not volatile people. We take things in a tolerant way. Therefore, we do not lose our head. But things should not be allowed to drift. If you care for that Province, and if Dr. Matthai visits the place he would find the need for looking into these matters.

The Honourable Dr. John Matthai: I have spent about six months in Assam.

Srijut Kuladhar Chaliha: Then I would ask the Members of the House to come and see things for themselves.

Shri O. V. Alagesan (Madras: General): These are days of planning and everywhere there is talk of planned economy. Nowhere is planning more necessary than in the field of industrial development in our country. There should be a balanced development of industries, taking into account the requirements and the possibilities of the various regions in our country. This balanced development of industry is necessary not only from the economic viewpoint, but also from the point of view of strategy in this atomic age. I would request the Government to look more towards the South. It has been looking to the East, to the North and to the West. It is high time they did a little looking towards the South, now that they have the planned development of the country in their hands. They should take Madras into the picture at this juncture.

It is common knowledge that there is no heavy industry or basic industry in Madras. It is understood that the Government themselves are going to establish two plants for manufacture of iron and steel with an annual production capacity of five lakhs tons each. I wish that at least one is established in Madras, and there are facilities for the same in Madras. On the floor of this

[Shri O. V. Alagesan]

House, you yourself have urged many a time the needs and necessity to provide for the famine area known as the Ceded Districts in Madras. This area may be poor on the surface, but it contains rich treasures in the bowels of the earth underneath. The Salem—Trichinopoly area and the Bellary-Sandur area, we are told, are very rich in iron ore and various other ores. The iron ore in the area of Bellary-Sandur contains as much as 65 per cent of iron. This compares very favourably with the 51/52 per cent for Lake Superior, 30/32 per cent for Lorraine and Luxemburg, 38 per cent for Alabama and 50 per cent in the Ruhr. The only difficulty is said to be coking coal. That can be easily brought from Hyderabad or even from Bihar, and the new project of Tungabhadra will supply enough power for this industry. I hope, Sir, the Government will see its way to establish at least one of these plants for the manufacture of iron and steel in Madras.

Again, there is a proposal for establishing a heavy power plant manufacturing concern and I will plead the cause of Madras even here. There are various facilities which will enable the Government to run this industry profitably. Recently, an electric grid comprising Madras, Mysore and Travancore has been established and there are other hydro-electric schemes also on hand, which will supply the necessary power. Also essential raw materials like mica, rubber, silk, cotton, shellac, insulating oils and porcelain are available in sufficient quantities in Madras. You know, Sir, the Avadi Military Camp is a suitable area for the location of this industry and there are sufficient transport facilities—railway as well as port—which make the running of this concern easy. Here also, I would like that the Government takes into consideration the claims of Madras and does justice.

While on the subject of heavy industries, naturally I am led to another subject which is very important in Madras, and that is, the handloom industry. The honourable the Finance Minister has shown sufficient solicitude for the handloom industry. While explaining his proposals for imposing duties on medium and coarse cloth also, he said that he anticipates the need for protecting handloom industry against mill-made goods and this would be appreciated when a long range view is taken. He has also proved his solicitude in a concrete way when the case of cloth produced on power-looms was brought to his notice. There was a proposal to tax goods produced on power-looms also. He at once took action and I am glad to say that he exempted the products of power looms from the tax. So the need for protecting this very important industry which is next only to agriculture in Madras has been recognised. I come from an area which contains many thousands of looms and which gives occupation to many more. In taking into consideration the need for protecting this industry I wish to urge upon the Government the necessity for allowing free export of handloom goods. Now, the policy of the Government with regard to the export of hand-loom goods is a sort of hide and seek policy. They allow free exports of hand-loom goods for a period in a year, say, for two or three months and then they stop it. Again, the handloom stock increases. There is a hue and cry. The Government have to yield and permit the export of handloom cloth for a stated period, only to stop it after that. In this case, I should like to draw the attention of the House to the unjust discrimination that is made against handloom cloth. While we allow export of mill cloth even to the extent of 10 per cent of the total production, we do not allow export of handloom cloth even up to two or three per cent. The other day, it was you, Sir, who put a question about the export of mill-made cloth to Middle East and the honourable Minister for Commerce answered that some millions of yards—I remember it was 20 or 30 million yards—are exported. This is exported not on a barter system, not to gain any other advantage, but simply to

earn currency. Why not allow the export of handloom cloth to earn the same currency? There is great demand for our handloom goods in countries like Burma, Malaya, Indonesia and parts of Africa etc. In Pakistan there is great demand. Again, another excuse that is trotted out is that while entering into agreement with Pakistan and ourselves, they ask for mill-made cloth only and they do not want handloom cloth. Since we are in dire need of Pakistan cotton, we have to agree to what they say and we are not in a position to send our handloom goods. Why should not we insist that a certain percentage of our exports will be only in handloom goods? If we are in need of their cotton, they are also in need of our textiles. So they cannot easily flout our opinion in this matter. What I want to say is that the export of mill-made cloth to the Middle East and other countries can be stopped or reduced and that the same currency can be earned by allowing free export of handloom goods. Handloom cloth is produced to the tune of 450 million yards in Madras and I am informed that only a quarter of it is exportable and saleable in foreign countries. It will not work out to a very great percentage. So instead of sending away our cheap mill-made cloth to foreign countries and retaining for sale the dearer handloom cloth in our own country, it is better to send a good portion of our dearer handloom cloth to other countries and permit the circulation of the cheaper variety of mill cloth in our country. This free export of handloom cloth will go a long way to protect the handloom industry in this country and the handloom workers will be sure that their goods will be sold without being subject to the fluctuations of the export policy of the Government.

Again, Sir, I should like to say a word about the excise duty on sugar. Already our sugar prices are very high. They are double the Cuban sugar price and 50 per cent above the Brazilian sugar price. On account of the high price of sugar, Pakistan has ceased to be our market for sugar. It finds it more profitable to import Brazilian sugar than to buy sugar across its borders in India.

So the new duty on sugar will go to put up the price still further and there will be more stagnation, more stock accumulation, and people will not be able to purchase sugar at this high cost.

My friend touched on the want of co-ordination between the taxation policy in the Centre and the Provinces. In Madras they imposed a sales tax on the sale of cane. So that sales tax added to the excise duty of sugar will still more make the price of sugar rise up and people will be hard put to it to purchase their needs of sugar. Hence, there is every case for trying to reduce the price of sugar instead of trying to increase it by these duties.

One other point and that is with regard to economy. My friend has already touched upon it. The procedure which has been hit upon is a very ingenious one. I do not know who conceived it. I do not think such an innocent person as the honourable the Finance Minister could have conceived it. I am inclined to think it has come from some other source. It is tantamount to this. The House cries hoarse for economy. All right: here you are. We throw all our proposals before the various Standing Committees of the House. You consider them piece-meal and send us your opinion. This is hardly just. The various Standing Committees can look at these proposals only in an isolated way. They cannot have an over-all picture. That is a very serious handicap and every Minister is quite capable of persuading his Standing Committee (Shri T. T. Krishnamachari: 'Plenty of patronage;') not to effect a cut in his department. I am told that the various Ministers are vying with one another to see that the expenditure in their respective Departments is on no account cut down and they will summon to their support the various Standing Committees of the Legislature. Of course the honourable the Finance Minister may

[Shri O. V. Alagesan]

ask. Then why do you ask for economy? I do not think it is a correct procedure. It is for the Executive to deal with this. The honourable Finance Minister himself referred, on the floor of the House, to the need of cutting down the enormous defence expenditure. When he is convinced of it, why should the matter be placed before either the Defence Committee or the Standing Finance Committee? It is for the Government to cut down the expenditure in the Defence Department. So also is the case with the Civil Departments. It is for the Government to cut down the expenditure and there is no use throwing this responsibility upon the various Standing Committees. It is a wrong procedure and it will not be an answer to the persistent demand of both the House and the country to have a considerable reduction in the cost of the government.

श्री गोपीकृष्ण विजयवर्गीय : श्रीमान् अध्यक्ष महोदय, मैं जानता हूँ कि यहाँ पर जो बहुत हिन्दी भाषा में भाषण होने हैं और जिनको फाइनेन्स मिनिस्टर साहब और दूसरे मिनिस्टर साहब पूरे तौर से नहीं समझ सकते, तो यह चाहते हुए कि वे उनके नोट्स हासिल करके जो कुछ बातें कही गई हैं उनकी तरफ ज़रूर ध्यान देंगे, इस आशा से, मैं अपना भाषण हिन्दी में कर रहा हूँ।

अध्यक्ष महोदय, मैं इस बात से बहुत खुश हूँ कि आखिर यह फाइनेन्स बिल सिलेक्ट कमेटी में जाने के वास्ते हमारे सामने पेश किया गया है। वास्तव में इस बिल को सिलेक्ट कमेटी में ही जाना चाहिये था। इस साल बजट पर बहुत से मेम्बरों ने आलोचना की है, और इस बजट के बारे में कहा गया है कि यह बजट "रिच मैन" को बिलीफ देगा और गरीब आदमियों को टेकसेशन दिया गया है। इतनी त्रुटियों और आलोचना के होने पर यह लाजमी था कि यह बिल सिलेक्ट कमेटी में जाय। मुझे खुशी है कि यह बिल सिलेक्ट कमेटी में जा रहा है। इस कमेटी में ऐसे लोग हैं जो इसमें काफी सुधार कर सकेंगे। सिलेक्ट कमेटी में जाकर मैं यह आशा करता हूँ कि वे काफी तरमीम और संशोधन करेंगे। अगर Finance Bill में देश के लिए अच्छी तरमीम नहीं होगी तो यह देश के लिए अच्छा नहीं होगा। जैसा कि फाइनेन्स मिनिस्टर साहब को मालूम होगया है वे प्रपोजल किसी तरह से देश के लिए अच्छे नहीं हो सकते हैं। इसमें गम्भीर परिवर्तन और काफी परिवर्तन होने चाहियें तो इस दृष्टि से मैं समझता हूँ कि सिलेक्ट कमेटी अपने कर्तव्य को पूरा करेगी और हर प्रपोजल को नये सिरे से जांच करेगी और उसमें कुछ न कुछ संशोधन अवश्य करेगी, जिसमें इस हाउस में जो आलोचना हुई है उसको दृष्टि में रखकर उसमें परिवर्तन किया जाय।

मैं फाइनेन्स मिनिस्टर साहब का ध्यान खासकर एक पाइन्ट की तरफ दिलाना चाहता हूँ। इसमें जो रिलीफ दिया गया है वह मालदार क्लासेज के लिए

हैं और उसमें भी खासतौर से जो कैपिटल गेन्स टैक्स है वह एक बड़ी खतरनाक चीज़ है। इस वर्ष में कैपिटल गेन्स टैक्स से कोई खास रिलीफ नहीं होगी, इस साल सिर्फ एक करोड़ रुपये का रिलीफ कैपिटल गेन्स टैक्स से मिल सकेगा। तो इस एक करोड़ रुपये को छोड़ भी सकते हैं, इस बात को देखते हुए कि कैपिटल गेन्स टैक्स से हमारे व्यापारियों को कुछ अधिक लाभ नहीं होगा। इससे खतरा यह होगा कि बहुत सी नई कंपनियों अपने उद्योगों को बेचकर उनको नये कैपिटल्स के रूप में दुगने और, तिगने दाम पर खड़ी कर सकेंगे, और इस पर कुछ डीप्रीशिएशन एलाउन्स भी अधिक मिलेगा। आगे के लिए अगर हम इस देश में कभी किसी इनडस्ट्री को या कंपनी को नेशनलाइज़ करना चाहेंगे तो वह हमारे लिए एक असम्भव जैसी बात हो जायेगी। क्योंकि इस समय जो पूंजी है उसका हमको काफी मुआवजा देना पड़ेगा। तो इसलिए मैं कहता हूँ कि बजट की इस खामी को दूर किया जाय। आखिर यह देश महात्मा गांधी जी के नतृत्व में आगे बढ़ा है और हमने जो कुछ भी हासिल किया है वह गरीबों के लिये हासिल किया है। नेशनलाइजेशन आज नहीं हो सकता है, यह बात सही है, लेकिन आगे करना पड़ेगा। आप सारी दुनिया की हालत को देखें। दुनिया के बहुत से देश आज सोशलिज्म की दिशा में आगे बढ़ रहे हैं। बहुत से देशों में एकोनॉमिक क्रान्ति हो रही है। ब्रिटेन सोशलिज्म के रास्ते की तरफ जा रहा है। हमको भी अपने देश की हालत के अनुसार, उस हद तक जितनी कि जरूरत है, जाना पड़ेगा। इस दृष्टि से लैंड और इनडस्ट्रीज को काफी नेशनलाइज़ करना पड़ेगा।

इसलिये मैं इस तरफ मिनिस्टर साहब का ध्यान दिलाना चाहता हूँ कि जो इसमें एक करोड़ रुपये का रिलीफ है वह न दिया जाय। सिलेक्ट कमेटी इस रिलीफ को हटा दे और वकी जो प्रपोजल हैं उन पर भी खूब गौर करे। जनरल डिबेट में इस पर काफी कहा गया है कि अगर इस रिलीफ को छोड़ दिया जाय, और ६ करोड़ का घाटा है उसको न उठाया जाय और नये टैक्स भी न लगाये, तो हमारा काम अच्छी तरह से चल सकता है। इस नये साल सिविल खर्च में १६५ करोड़ और डिफेन्स में १५७ करोड़ रुपया खर्च हो रहा है। दोनों को मिलाकर ३२२ कोड़ रुपया खर्च हो रहा है। अगर हम इस पर ५ परसेन्ट की कमी कर दें तो हमको नये टैक्स लगाने की जरूरत नहीं होगी। इसलिए इकौनौमी की भी तरफ ज्यादा ध्यान दिया जाय ताकि बजट बैलेंस्ड हो जाय। रिलीफ को भी कम किया जाय और टैक्स भी कम किया जाय तो हमारा संशोधन होना चाहिए, ऐसा करने से हमारा बजट बैलेंस्ड हो जायेगा। मैं खासतौर से ध्यान कैपिटल गेन्स टैक्स की तरफ मिनिस्टर साहब का दिलाना चाहता हूँ। इतना कह कर मैं अपना भाषण समाप्त करता हूँ।

(English translation of the above speech)

Shri Gopikrishna Vijayavargiya (Madhya Bharat): Sir, I am quite aware of the fact that a good many speeches which are delivered in this House in Hindi are not susceptible of being fully understood by our Honourable Finance Minister and other Ministers. But I wish they should take down notes of the various suggestions contained therein, and, look into these. In this very hope, I am going to speak in Hindi.

Sir, I am very much gratified to see that after all this Finance Bill has come before us for being referred to the Select Committee. In fact this Bill ought to have been referred to the Select Committee. Many of the honourable Members have criticized the budget proposals this year; and this Budget has been characterized as one tending to give relief to "rich men"; and the poor have been granted "taxation" only. In spite of all these shortcomings and criticisms, it was but necessary that this Bill should have been referred to the Select Committee. I am glad that this is being referred to the Select Committee. This Committee consists of such persons who will be able to make many amendments in this Bill. In the Select Committee they shall, I hope, make substantial changes. If no changes which are beneficial to the interest of the country are made in the Finance Bill, then it is not likely to prove useful to it. The Honourable Finance Minister has already become aware of the fact that these finance proposals can in no way benefit the country. Serious and major changes should be effected in it. With this end in view, I hope that the Select Committee shall come up to our expectations and scrutinize each and every proposal *ab initio* and surely incorporate some changes in it after keeping in view the trend of the criticism made in this House.

I would like to invite the attention of the Honourable Finance Minister to one particular point. The relief envisaged in this Bill is meant for the rich classes only and especially the Capital Gains Tax is a very dangerous measure. During this year, no substantial relief will be given in the form of the abolition of Capital Gains Tax. A relief amounting to Rs. one crore only is likely to accrue from the Capital Gains Tax. So, we can ignore this one crore of rupees after keeping in view the fact that our business community will not be able to derive any material advantage from the Capital Gains Tax. Such a course is fraught with risk, as it will induce many new companies to sell their industrial undertakings and float fresh concerns in lieu thereof with almost the double or treble of their existing capital, and this will also ultimately lead to more allowance being given on account of Depreciation Fund. It will thus become quite impossible for us, if at a future date we want to nationalize any industry or company in this country, because we shall have to give sufficient compensation keeping in view the present capital. Therefore, I would submit that this shortcoming existing in the Budget should be removed. After all this country has advanced under the guidance of Mahatma Gandhi; and whatever we have achieved it is for the benefit of the poor. It is true that nationalization cannot be enforced at present but we shall have to do this later on. You should have an overall view of the conditions existing in the whole world. Many countries of the world are at present drifting towards Socialism. Many countries are in the grip of economic crisis. Britain is treading the path of Socialism. We shall also have to move towards this direction at least to a certain extent which may be deemed necessary. With this end in view, we shall have to nationalize land and industries to a considerable extent.

Therefore, I would like to invite the attention of the Honourable Minister towards this aspect that the relief of Rs. one crore which is envisaged in this Bill should not be given. The Select Committee should do away with this relief measure and also carefully consider the other proposals. It has been amply emphasized during the course of general discussion that if this relief is ignored and the deficit of Rs. 6 crores is not made up, even then it can serve our purpose quite all right. During the ensuing year, Rs. 165 and 157 crores are anticipated to be spent under Civil and Defence Expenditure respectively. The sum total of this expenditure comes to Rs. 322 crores. If we reduce this by 5 per cent, then we will not feel any necessity for imposing new taxes. Therefore, more attention should be paid towards economy so that this Budget may be balanced. We should make necessary amendment in the Bill by way of reduction both under relief as well as taxation so as to have a balanced budget. I should like to draw special attention of the Honourable Minister towards the Capital Gains Tax.

With these words, I would resume my seat.

Mr. Deputy-Speaker: Shri Raj Bahadur. He can speak from the seat where he is.

Shri Raj Bahadur (United States of Matsya): I should like to speak tomorrow, Sir.

Mr. Deputy-Speaker: In that case the honourable member will lose his opportunity to speak.

Shri Raj Bahadur: I have got my notes on my seat on the other side. With your permission, Sir, I shall go back to my seat and speak.

Mr. Deputy-Speaker: I would ask honourable members to be ready in their seats to be able to speak when called. In the morning there was a list of 15 to 20 speakers and the Speaker was hard put to find the time to accommodate them whereas now I find we have to go abegging for speakers.

Shri R. K. Sidhva: If you will permit there are many members of the Select Committee who would like to speak.

Shri Raj Bahadur: Sir, it has been a pleasant but uncomfortable surprise to have been called upon quite unexpectedly to speak at the fag-end of the day. However there are a few points to which I would like to draw the attention of the House and the honourable Minister in the course of my brief speech. I wanted to have a chance of speaking on the day when the Defence Demands were under consideration. What seems to me to be the prime necessity of the day so far as the younger folks are concerned is that there should be some provision or some arrangement by which the desire of the young mind for military training might be satisfied. We know that certain organisations exploited this urge in the young mind for ulterior motives. We also know that they misdirected the energies of the younger folk in our country and as is well known certain organisations, which grow up as mushroom organisations usually exploit such urge and misdirect the youth of the country. With the achievement of freedom naturally and inevitably this urge for military training in the youth has become more emphasised and they ask for military training. It is therefore very necessary that there should have been some arrangement or organisation on behalf of the Defence Department in this behalf initiated and controlled by the Government. In every village, town and city there should be provided a forum or place where the young men or the younger generation could meet and make their beginning in military training, so that this urge which is usual in the young mind is not exploited by interested parties.

Also there should have been some provision in the budget for the integration of the states forces into the overall setup of the Indian army. We know that the States have many an efficient regiment which are at present more or less

[Shri Raj Bahadur]

controlled by the rulers of the States. It is true that under the new setup that control has to a very large extent come into the hands of the Defence Ministry. But even so the States' forces exist by themselves and do not form an integral part of the Indian army. When the States are integrated and the future of the Indian States' forces is in the balance it is but proper that in this Budget a beginning should have been made with the provision of some fund towards the integration of the amalgamation of the Indian States' forces with the Indian army. With the States' unions coming into being if they abolish their customs duties as there is a general demand of the people of the States to do so, it would be very difficult for them to meet the expenditure of the State forces. It would be very difficult even if income-tax is introduced to maintain the State forces by the Government of the States or the States Unions. As such it would only be proper that some provision should have been made in the Budget by which we could have made the beginning of the process of integration or amalgamation of the States' forces with the Indian army.

I now want to come to a point to which I have already referred to in my speech on the External Affairs debate. I pointed out then that there is a pagoda of superstition and prejudice about the customs, manners, culture and civilisation of India in foreign countries. This pagoda has been built by a line of interested writers, like the well known Miss Mayo of America. (An honourable Member: "notorious"!) Yes I should say notorious—But Miss Mayo is not the solitary figure in that line. We also know that during the British regime there had been a persistent effort on the part of the British to present to the world a completely distorted picture of India and the Indians. It is high time that that pagoda of prejudice is demolished completely and a definite effort is made in foreign countries whereby we can present a correct picture of India to the world.

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

The Assembly then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 22nd March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Tuesday, 22nd March, 1949.

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

QUESTIONS AND ANSWERS.

(See Part I)

11-45 A.M.

PAPERS LAID ON THE TABLE

REPORT OF INDIAN RAILWAY ENQUIRY COMMITTEE

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): Sir, I lay on the table a copy of the Report of the Indian Railway Enquiry Committee, 1947.

BANKING COMPANIES (LEGAL PRACTITIONERS' CLIENTS' ACCOUNTS) BILL.

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg for leave to introduce a Bill to restrict the liability of banking companies in connection with certain transactions by legal practitioners.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to restrict the liability of banking companies in connection with certain transactions by legal practitioners."

The motion was adopted.

The Honourable Dr. John Matthai: Sir, I introduce the Bill.

INDIAN FINANCE BILL—concl'd.

Mr. Speaker: The House will proceed with the motion moved by the Honourable Dr. John Matthai yesterday, namely:

"That the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, Pandit Hirday Nath Kunzru, Shri T. A. Ramalingam Chettiar, Shri Biswanath Das, Shri R. K. Sidhva, Shri Surendra Mohan Ghosh, Prof. N. G. Ranga, Shri Ram Nath Goenka, Mr. Naziruddin Ahmad, Shri Mohanlal Gautam, Shrimati Annie Mascarene, Shri Gokulbhai Daulatram Bhatt, Shri Prabhu Dayal Himatsingka, Mr. Homi Mody, Shri Khandubhai K. Desai, Shri S. V. Krishna-moorthy Rao, Shri H. V. Kamath, Shri B. L. Sondhi, Shri Kala Venkata Rao, Srijiut Rohini Kumar Chaudhuri, Shri K. Hanumanthaiya, Shri Deshbandhu Gupta and the Mover with instructions to report on or before the 25th March, 1949, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

--This motion will be discussed upto 4 P.M. or shall it be upto 4-30 P.M.?

The Honourable Dr. John Matthai (Minister of Finance): The discussion has been mainly with reference to general matters of administration and I do

*Not printed in the day's Debate. A copy placed in the Library of the House.—
Ed. of D.

[Dr. John Matthai]

not know if it would be necessary for me to make a lengthy reply. Having observed the trend of the discussions yesterday and the kind of subjects the discussions referred to, if you could allow me half an hour, it would be as much as I would need in order to reply.

Mr. Speaker: The time limit is fixed up to 5 p.m. and at that time the question has to be put under the rule. So there will be no occasion for extending the discussions beyond 5 p.m. So these discussions will go up till 4-30 p.m. and then I shall call upon the honourable the Finance Minister to reply.

Shri Raj Bahadur (United State of Matsya): Mr. Speaker, Sir, before the House rose yesterday, I was expressing myself mainly on three points. With your permission, Sir, I will recapitulate briefly the points I made yesterday to get into a sequence.

I was referring to the necessity of a concerted effort on the part of the Government to devise and introduce a scheme by which the urge of the younger people of our nation for military training may be satisfied. The charm and fascination which draw the younger people, particularly boys of school-going age, for military drills and military discipline, for parades and manoeuvres, are well known. This, Sir, is a precious treasure of the Government and of the nation. It should be put to the best use by the country. Our experience in the past has, however, been that this urge unfortunately was exploited by certain interested parties for ulterior motives. But that it can be put to the best use for the nation cannot be denied, and as such I believe that if the Government devise a scheme whereby either through some suitable military officers or even through the police officers in the various provinces or other qualified persons, a drive is made to train our young people in the art of bearing arms and going in for military drills and discipline, it will be very fitting for the needs of the times.

Secondly, I referred to the integration of the States' Forces into the overall set-up of the Indian Army. After the accomplishment of the marvellous and almost impossible task of integration of as many as 562 States into the various provinces or into States' Unions, it is only to be expected that the States' Forces which are scattered over all these States, should be incorporated into the bigger unit of the Indian Army. They should form part and parcel of it. As such, it is only proper that there should have been some provision in the Defence Budget for that purpose so that a beginning could have been made in this direction.

Thirdly, I was referring to the mass of prejudice and superstition that prevails in certain foreign countries about our social customs and institutions. It has to be painfully observed that during the course of the slavery of two centuries, of our country a ruthlessly distorted picture of our country, especially of manners and social customs of the people was presented to the world. Therefore, it is only proper that all the harm and damage that has been done to our reputation by notorious writers like Miss Mayo should be undone now, and a concerted effort should be made that all the prejudice that exists in foreign countries about our manners and social customs, about our culture and civilization should be removed. It would be not only in the best interests of our nation and country and in keeping with our prestige, but it would pave the way for international peace and amity and goodwill. In this connection I would suggest that the Education Department should publish literature and do propaganda in order to remove all these various whims, fancies and superstitions that reign supreme today in foreign countries about us.

Coming to an other aspect of the function of publicity and information on the part of our Government, I would like to refer to publicity within our own country. In order that our democracy may prove successful, it is necessary

that the common man must be made more intelligent; he must be made aware of his various responsibilities, rights and privileges. It is, therefore, very essential that from village to village and town to town there should be a network of our publicity organization which should be used to educate the masses. It is unfortunate that the few papers that there are in this country—I say few looking to the population of the country and the number of newspapers—are only available in the towns. Even the benefits and advantages of the broadcasting system are restricted to the towns and cities. It could have been planned that a number of radio sets, to begin with say 1,000 or 2,000, are distributed to make a modest beginning in the provinces of Delhi and Ajmer-Merwara, which are Centrally controlled. They could have been supplied free of cost to the villages and could have been so organized that all the broadcasting programmes meant for the rural population could be listened to by them. I understand that some steps have been taken in this direction. But it is only proper that if out of every four men in the United States or in the United Kingdom one possesses a radio or a motor car, it is necessary that in at least every village in our country there should be a radio set. We are looking forward to the day when this will be realized. Again our communication system also is hopelessly out of tune with the needs of time and with the interests of the population. With trade and intercourse increasing from day to day between the villages and the towns, it is only proper that the attention of the Works, Mines and Power Department is directed towards a betterment of the existing communications and transport facilities.

Lastly, I would refer to the immense problem of the refugees. It cannot be doubted that the problem of the refugees which was created by the influx of millions of people due to the exchange of populations on an unprecedented and inconceivable scale reaching up to the figure of 70 lakhs on either side was a gigantic one. It would have been impossible for any Government in the world to cope with such a mighty and huge problem. But it has to be admitted that the problem has not been solved up to this time completely. Out of the many areas from where populations have been exchanged I want to make a particular reference to the Matsya Union, from where about one lakh of people have migrated the refugees who come from Pakistan were only about 30 or 40 thousand. (Interruption). I stand corrected. About three lakhs of people migrated from the Matsya Union and only a lakh of people have come there. But these too have not been settled properly. I will give a small example. One of the industries which some of these refugees wanted to set up was the razor-making industry and another was the piercing-saw industry. They wanted some protection and some financial assistance. These were not forthcoming. The problem of making them stand on their own legs and making them eke out their own living could not be solved in this manner. The result is that a large number of such people who went there to find shelter are returning from those areas. It is high time that the attention of the Government is drawn to this problem.

So far as taxation proposals are concerned, as is well known, the principle is "no taxation without representation." Nobody can doubt that this Assembly is fully representative of the people of India but the impression one gathers from a cursory perusal of the budget is that it is more a rich man's budget than a poor man's. The various proposals for relief relate mainly to those items which relate to those who are well to do and rich. As far as the poor man is concerned not only is his postcard taxed but his paper and stationery are also taxed. The coarse cloth which he wears is also taxed. I hope when the Bill is considered by the Select Committee they will see to it that the necessities of life of the common man are not taxed, so far as possible, or that the burden of taxation on such articles of necessity is not augmented. (An honourable Member: 'Where is the money to come from?') The tax can come from other things used by rich men. It is not necessary that

[Shri Raj Bahadur]

you should tax articles like paper and stationery which are used by the students and the poorer classes also. Why do you not tax other articles (*Interruption*). I see only the "capitalists' cry" in this interruption. But I do not mean to cast any reflection on anybody.

I want to refer to certain industries which require special protection, for example the razor industry. In November last razors imported from foreign countries cost Rs. 27 per razor of superior quality and Rs. 15 per razor of inferior quality; whereas local made razors were obtainable at a price of Rs. 5 per razor in November last. Then there was dumping of these razors in the country and the result was that foreign razors could be obtained at

12 Noon. Rs. 9 in February and the local made razors came down to Rs. 2. The result was that this industry which was coming into its own has been crippled by the dumping of these foreign imports. As regards the piercing-saw industry—these saws are used by watch-makers—they were obtainable at Rs. 15.6 per gross and now they have come down to Rs. 2 because of dumping from Switzerland. The industry has, therefore, been completely paralysed. Lastly the shoe industry, which employed about 5 lakhs of people, and of which there are about 300 factories and 4,000 cottage industry centres, has suffered a serious set back on account of dumping of shoes and other leather goods from the U.K., Australia and other countries. About one lakh of people have been thrown out of employment consequently at and near Agra.

Srijut Rohini Kumar Chaudhuri (Assam: General): On a point of order, Sir, when an honourable Member continues his speech on the following day is the time taken by him on the previous day taken into consideration?

Mr. Speaker: It is also taken into consideration but in view of the very short time of four or five minutes that he has had I am allowing him that time also.

Shri Raj Bahadur: Sir, I will not give another opportunity to my honourable friend to complain about my taking extra time. I shall conclude by saying that the industries which I have referred to will receive the special consideration of the Government by the imposition of protective duties as also other special assistance. I hope the Government will also consider the other points made out by me.

Mr. Homi Mody (Bombay: General): Sir, in my speech on the Budget I characterised the approach of my honourable friend the Finance Minister to the problems facing him as one of subdued optimism. And indeed when we look around us all over the world and find cities devastated, millions homeless, factories in ruins and the whole economy of countries disrupted, we have cause for profound thankfulness. It is true that India suffered a great deal too. She made a major contribution to the war in spite of the fact that she was in essentials ill-equipped for waging a major war; her capacity for munitions and major weapons of war was either non-existent or extremely limited. All the same she made a great effort and I think her contribution was equal to almost that of any other country if you take into consideration the totality of all that she did for the prosecution of the war. But it is also true that she escaped the major horrors of the war, horrors which countries subjected to bombing or enemy occupation went through, and to that extent I say there is cause for profound thankfulness.....

Pandit Lakshmi Kanta Maltra (West Bengal: General): We in Bengal had some taste of it.

Mr. Homi Mody: Yes but if you had the taste which other countries had, you would not have forgotten it!

The situation, nevertheless, is one of difficulty and it would be foolish to disguise the seriousness of the problems that are facing us. In the first place, our productive machine while it is intact is worn out very badly. We have not been able to rehabilitate our industry because of difficulties of capital equipment and also of exchange resources, particularly in the hard currency areas. Our transport system has not yet achieved normalcy, in spite of the efforts which have been made in the last year or two and which I freely acknowledge. The transport problem is still very acute, and I take this opportunity of saying, without doing any injustice, I hope, to the Ministry concerned, that the transport system of the country is inadequate to the needs of trade, industry and agriculture.

Then there is the consideration that the middle classes have been impoverished, their savings have mostly disappeared and today that class on which governments in all countries generally depend for support to the investment market is almost non-existent. And finally, it is also a fact that confidence has been generally shaken, though here again I freely acknowledge that a great deal has been done by Government's spokesmen in recent months to restore confidence, both by word and deed.

There are two particular problems facing my honourable friend. One is the high cost of living. I am inclined to agree with him that we have seen probably the peak of the inflation. But I am not so sure that I can share his optimism with regard to any downward trend setting in. If you examine the budget carefully, you will find that beyond the fact that the programme of capital expansion is very modest, and may be regarded as anti-inflationary, there is little in the budget which can be said to induce a downward trend of prices. The effect of excises surely cannot but be inflationary, and to the extent to which cloth, sugar, petrol and other articles are made more expensive, to that extent, the cost of living of the middle and the lower middle classes is bound to go up.

Then you cannot possibly divorce the Central budget from the provincial budgets. In the Provinces because of the fanatical pursuit of ideals, and consequent abandonment of very substantial revenues, Sales Taxes are being imposed on all manner of necessities. I do not know what sort of taxation principles they are which entitle a Province to throw away crores of revenue in the pursuit of ideals and which at the same time imposes such burdens upon the poor and the middle classes. In this connection, I would like to ask my honourable friend whether the Central Government's authority over the Provinces rests merely in issuing directives and tendering advice. Provincial autonomy is there—nobody disputes that. But in the matter of prohibition—on which I hold just as strong views as Provincial Ministers hold theirs—there was advice tendered from the highest quarters to the Provinces, which advice was contumeliously rejected. Has anything been done? I find that nothing has happened to the Provinces which have rejected this advice. They are being given loans and advances and grants without reference to what the Central Government's advice was with regard to setting their finances in order.

Shri Lakshminarayan Sahu (Orissa: General): Sober people will pay more taxes than drunkards.

Mr. Homi Mody: But so far as I am concerned, I am more sober when I have had a little.

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, does he want anything now?

Mr. Speaker: Let him proceed.

Mr. Homi Mody: The other difficulty which is facing my honourable friend is with regard to the financing of capital expenditure. He has provided in this year's budget, and very wisely, only Rs. 85 crores, of which Rs. 67 crores are

[Mr. Homi Mody]

by way of conversion, which leaves a very meagre sum of Rs. 13 crores for financing fresh expenditure. That undoubtedly is wise in view of the circumstances in which he finds himself. But it only shows that today we are not in a position to finance capital expenditure to any very considerable extent.

I would like to draw his attention in particular to the considerable reduction that has taken place in cash balances. If I remember aright, only three years ago they were of the order of Rs. 450 crores; they have substantially dwindled. What I want to know is whether this raid on the cash balances took place for financing current expenditure. Cash balances are generally built up for financing capital expenditure. I do not know whether they are intended to supplement the ordinary revenue resources of Government. It is a matter for my honourable friend to answer and I shall be happy to learn at his feet.

Sir, it would perhaps be idle to make any suggestions to my honourable friend who knows a great deal more about these matters than I do, but I would like to suggest to him, in view of the present state of the security market, the feasibility of floating short-term loans, leaving the long-term loan position alone. When I talk of short-term loans I mean for five or seven or ten years, in small denominations, and with a slightly higher rate of interest than the rate at which such securities can be had today. In other words, the yield on these short-term securities should not be such as to disrupt the whole structure of the security market. If you offer perhaps an anna or two more than the yield on short-term securities today, you may find a considerable response on the part of the investing public.

Then there is another question on which I speak with even greater diffidence, and that is the question of attracting capital from rural areas. My honourable friend, I think, knows something about co-operative societies and I was wondering whether with their help and that of rural agencies it was possible to draw up something out of the small savings of the agricultural and the artisan population.

Shri T. A. Ramalingam Chettiar (Madras: General): At the present moment, there is greater demand for money in the rural parts, and there is no money to be deposited so far as we know.

Mr. Homi Mody: What is the reason? More marriages?

Shri T. A. Ramalingam Chettiar: For cultivation expenses.

Shri L. Krishnaswami Bharathi (Madras: General): There is no money with them.

Mr. Homi Mody: I shall speak with all humility; my friends are experts, and I am not. But I am very surprised to hear that there is no money in the rural areas. I thought that over a period of years the high prices which the agriculturists obtained have enabled them to lay by a little and withstand the shock of a few years much better than ever before.

Honourable Members: No, no.

Mr. Speaker: Let him proceed.

Mr. Homi Mody: As a matter of fact, I think I am right in saying that agricultural indebtedness has been very substantially reduced. (Interruption)

Mr. Speaker: Order, order.

Mr. Homi Mody: Now it seems to me that what requires to be done, is that the procedure ought to be simplified a great deal—the procedure by which loans can be purchased and sold and the agencies through which purchases and

sales can be effected. If some way was devised of making it simpler so that the poor ignorant agriculturist does not think that he is undergoing a heavy and, to him a complicated, formality, it is possible that the drive for rural savings may meet with greater success than it has done. Then again, I do not know whether my honourable friend will raise his hands in horror if I ask him to consider the feasibility of issuing bearer bonds. I do not know what the mechanics of that business are or the morality, but a short time ago some of the leading Indian banks in this country put up a scheme to the Government. I would like to know from my honourable friend whether he has considered that scheme.

I have one or two other small points. One is that I think there ought to be better estimating of the revenue and expenditure. I have been here for well over fifteen years off and on, and I have not known budget figures being out to the extent of Rs. 80 crores, both on the revenue and on the expenditure side. I grant that there are incalculables and imponderables, and budgeting is a form of guess work; but it should not be pure speculation. I suggest to my honourable friend that a better control over budgeting ought to be exercised than has evidently been the case.

Then there is the question of the Economy Committee. In view of the assurance given by my honourable friend that he is going to examine their recommendations very promptly and carefully, I do not need to say anything beyond that I hope he will find it possible, if the report is not an empirical document, to effect some substantial economies.

Lastly, there is the food problem, which is at the root of all our problems. The honourable Minister only a couple of days ago made a re-assuring statement, and evidently he and the Provinces seem determined to go ahead. I only want to say that my general reaction is that my honourable friend the Food Minister is being a little too optimistic. I am not also sure whether the Provinces are as energetic and as much in earnest as the Centre is with regard to the food problem; that is largely because of the comparative ease with which we have found it possible to import food from abroad.

Sir, I have nothing more to say at this stage.

Shri M. Ananthasayanam Ayyangar: Sir, I refer to this Budget as a balanced Budget not because the revenue and expenditure side has been balanced, but because it effects a balance between the rich and the poor. I expected a different speech from my honourable friend Mr. Mody than one of mere criticism of what has been done. If the appetite is satisfied the appetite grows by what it feeds on. The poor man has been ignored in this Budget, but he is prepared to take some more burdens upon himself merely to see that the industrialist and capitalist is put once again on his legs, to improve the industry of this country and the wealth of the nation. Sir, my friend has not given an assurance, in spite of all the concessions that have been given to him, that he will go forth to the country and ask the industrialists to put more energy into their work and see that everyone of them produces sufficient for consumption so as to bring down the inflation.

Mr. Homi Mody: May I just interrupt my honourable friend? If he will read my Budget speech I have stated there in the strongest possible terms and made a call on the industry and trading community to respond to Government's efforts.

Shri M. Ananthasayanam Ayyangar: Anyhow, Sir, till now there is no evidence of it. Now he has turned his attention; finding that he has not been able to persuade his friends, he has turned his wrath against the honourable

[Shri M. Ananthasayanam Ayyangar]

Minister. My own feeling is that an erstwhile socialist has turned into a conservative, all in the interests of the country. When the time came and the need is there, I am glad the honourable Minister has given up some of his principles merely for the purpose of putting our country once again on its legs.

Now, let us understand the critical situation in which we are. India is essentially sound, there is absolutely no doubt about it. The British Government has not taken away all the rivers and lands from here. They are still here. But our balance of trade for the past nine months, ending with the year 1948, is adverse to the tune of 35 crores odd. To England itself our adverse balance is 17 odd crores; likewise to the United States of America and so on. Now, this adverse balance of trade has to be met. We have not been able to get sufficient from England by way of sterling releases in the hard currencies which we wanted for purchase of capital goods. We borrowed from the International Monetary Fund to the extent of 100 million dollars. 92 millions have already been drawn and 8 millions remain to be drawn. Evidently there is a lurking suspicion in the minds of the persons in charge of the Fund as to why we have been drawing these amounts and how we will be able to pay back. Certainly we will be able to pay, we have got enormous resources.

So far as food is concerned, now we are going to outside countries for purchasing food to the tune nearly of 130 crores. And then this food is subsidised. If the poor man says he has to pay something more for postage this year. I ask you wherefrom are we going to have money for subsidizing the poor man's food in which there is such a great shortage? Our food subsidies come nearly to 23 crores a year.

Next, it may be said that the poor man's cloth has been taxed. Over coarse cloth a quarter of an anna has been imposed, both over coarse and medium counts up to 34 counts. Situated as we are in this country and having regard to the scarcity of cloth, 12 yards per head per year is all that can be allowed. Taking five as the number of members in a family, each purchases 60 yards in a year. What does he pay per year as tax on these 60 yards? Sixty quarters, that is fifteen annas, less than a rupee. In these critical times it is hard for the poor man to put one more burden upon himself. He is not poor today, he has plenty of money but there is not much for him to purchase with that money; money has become so cheap. It is true in the villages they have plenty of money; the debts of erstwhile poor peasants who were groaning under indebtedness are all paid off. But there is not sufficient fluent capital today; money is not circulating as quickly and as swiftly as before. The only solution for getting rid of this inflation is by producing more and more consumer goods. We have tried to grease the wheels of industry, and the wheels of our honourable friend also, but they still creak. The only other remedy is for the State to take over the industry. Concessions have been given by the honourable the Finance Minister as soon as he took office. He took office at a time when no Minister.....

Mr. Homi Mody: But we have acknowledged all that.

Shri M. Ananthasayanam Ayyangar: It is mere lip-sympathy, it is not sympathy for the poor man nor even for the honourable the Finance Minister. My friend is not trying to put his shoulder to the wheel. I would urge that if ever we do not improve within the course of the next year, I will certainly throw the blame entirely upon my friend and all the persons that he represents. As soon as my honourable friend the Finance Minister took charge of his office in October last, he gave a number of concessions regarding depreciation. Then he reduced the super-tax from fifteen annas six pies to fourteen annas. No doubt Liaquat Ali Khan's Budget was hailed as a poor man's Budget, but unfortunately it has helped neither the poor man nor the rich man. It killed the

rich man and along with the rich man the entire community as a whole. After two years we are now wise. It is under those circumstances that the honourable the Finance Minister has taken over. To the industry or to the capitalist who has to pay super-tax to the tune of fifteen annas six pies in the rupee, concession of an anna and a half is not much. In the critical times that we are in I would reduce it further. My friend Shri T. T. Krishnamachari can laugh. I have only one colour, my friend has two colours. He is a capitalist during the night and by day he is a socialist. I have been a socialist, but I am not a socialist in this sense that I stick to my guns and am a socialist through thick and thin even if the whole ground is washed away under my foot.

Sir, I find there is a peculiar situation arisen in this country today. There is no food, we are importing food. There are hundreds of rivers in our country but we are not able to produce sufficient food. Under these circumstances what are we to do? So far as cloth is concerned, ours was the one country which produced cloth from ancient times. It is said that when some people from Europe visited India in 300 A.D. they went back carrying tales of how they discovered a new thing, a kind of wool growing on the top of trees. But now we have come to look to Manchester and Lancashire for cloth. It is a disgrace that we are not able to make ourselves self-sufficient in food and cloth. What is the remedy? We cannot go on criticising the Finance Minister. An all-round burden has to be imposed. After all the quarter anna is not much for the poor man; if the post-card is raised from six to nine pies, it is for the benefit of the poor man—a larger number of post offices will be set up during the course of the next year.

Shri M. Tirumala Rao (Madras: General): You are reversing your arguments!

Shri M. Ananthasayanam Ayyangar: I am not reversing my argument. I started by saying that under the peculiar circumstances in which we are, you cannot have a better Budget. It is a balanced Budget, balanced between the rich man and the poor man, not between the right side and the left side of the income but between the rich and the poor. In the matter of reduction of the super-tax, I find that the Communist papers say that some 419 persons have been benefited by the reduction of super-tax from 15 as. 6 ps. to 14 as., and that they get the advantage to the tune of Rs. 2-1/2 crores. Well, it so happens that they are industrialists. It cannot be avoided.

In the matter of other concessions, the majority of persons who have benefited are the poor men. It is not the rich man who eats so much cereals as the poor man. My friend here, for instance supplements his food with liquor, not so the poor man, he has to depend on his cereals. So a number of concessions have been given so far as the poor man is concerned. But the rich man has to be helped, not to make him richer, but for the purpose of the industrialisation of the country, or for the purpose of producing the necessities of life in our country. I agree with these proposals and I have an absolutely clean conscience. I can go to the country and tell the people that they are for their good. They should not listen to those who want to destroy the Government, or bring about chaos by saying to the people, "Look here, this half-anna post card has been raised to nine pies." I will tell the poor man that nine pies is not much because the price of money has now gone down. He has got plenty of money, because of the inflation, and we have actually to control inflation. The Finance Minister told us that he has not been able to attract savings. These have gone into the villages. And so far as the industrialists are concerned, their total cost, I mean the total cost of stocks and shares which was about Rs. 130 crores, on account of the various disturbances the heavy imposition of super-tax and so on, its face value now has come down to Rs. 300 crores. From 1,300 it has come to 300. It is no wonder that the industrialists are not able to get the necessary finance, and the bankers want additional security.

Shri M. Tirumala Rao: Did they not experience an artificial boom during the rise?

Shri M. Ananthasayanam Ayyangar: If artificially we get fat by eating a lot of butter, and in one purgative the whole thing goes off, and you are back to the original state, what is the use? That is what I cannot understand.

Sir, I am glad this Bill has been referred to the Select Committee. There are certain things to be adjusted, so far as the middle-class man is concerned. He has not profitted during the war. He has not had any additional income, and some concessions have to be given to him. Instead of a reduction of a quarter of an anna here or there, the exemption limit may be raised from Rs. 3,000 to Rs. 3,500, particularly in the case of persons who have large families. I am not making any personal reference, but I would like this country to have a large number of people. Well, with the sweet reasonableness of the honourable the Finance Minister, we shall be able to make certain changes, and we do not think that irrespective of considerations of reasonableness, he will stick to the various proposals.

Now, I have to make a few suggestions. We have established a new convention this year. Some objection was raised during the earlier part of the budget debate that the Finance Minister does not take all and sundry into his confidence before he brings forward his financial proposals. Sir, this is impossible. He should not even talk to his wife regarding financial matters. He cannot talk to anyone, except, of course, the Prime Minister to whom he must entrust his confidence. Now, on this occasion, he has himself come forward to refer the matter to a Select Committee. There it can be discussed threadbare. Twenty-two Members of the Assembly are there on the Select Committee. That is a good departure. It was started last year and I am glad it has continued.

So far as the scanning of the budget is concerned, we spend about thirteen or fourteen days on it. Here I would like to make a suggestion. We need not have two discussions, but only one general discussion. As soon as the Budget is placed, the financial proposals also may be placed, and instead of starting a general discussion on the Budget, let us have the general discussion of the Finance Bill, where we can talk all things from China to Peru. In the Budget discussion we refer only to the taxation proposal, not of the expenditure, and then devote some five days to the second part. We had so many departments in one day, Health, Education, Labour and Broadcasting, all on one day, and then we had to guillotine. Whoever may be the Minister or Member, you make him sit down in the middle of his speech, when the clock strikes the hour. Instead of that, we may allot one day for each of the departments, and in this way we will have a very good discussion of all the Departments.

Another suggestion is that the Budget proposals must, first of all, be placed before the departmental sub-committees of this House, relating to each Department. They should scan the.....

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): You mean the Standing Committee.

Shri M. Ananthasayanam Ayyangar: I am sorry, I mean the Standing Finance Committee. The proposals must be scanned by the Standing Finance Committee. All the items may not be scanned in one year. They may be divided into three groups, and during the course of three years all the items may come under the scrutiny of the Standing Finance Committee. I made the suggestion a number of years ago. The present Finance Minister was not here during that period. I now request him to take this suggestion into consideration.

The Honourable Dr. John Matthai: I take it that the honourable Member is suggesting something on the lines of the Estimates Committee of the House of Commons?

Shri M. Ananthasayanam Ayyangar: Yes. That is what I mean.

I would also urge that the Budget should not be a mere Central Budget or central finance proposals. I would say that before any Provincial Government or before any Provincial Minister introduces his budget he must consult the Central Finance Minister. Otherwise central financial assistance may be refused. As it is, we find over-laping of taxes. After all, who pays? Whether it is Central tax, or provincial tax or local tax, it is the same community that has to pay it. These are only various agencies for the collection. So there must be some liaison. The Provincial Ministers must consult the Minister at the Centre. Take for instance the Health and Education Budget. There was some criticism here that we did spend enough. But have we got an idea of what the Provinces have spent? Therefore, in consultation with the Centre, their financial proposals and their budgets must be prepared.

Sir, I have done. I whole-heartedly welcome the proposals, though here and there they may require some modification, and I am sure the honourable Minister will be agreeable to these modifications, in the Select Committee.

Shri Mahavir Tyagi (U.P.: General): Sir, I want to raise one other important issue in the House to-day. Independence having been achieved, I do not think anybody should now grouse or complain against taxation. Tax is a better money. Money in the State coffers, according to my conviction, is a better money than any money in individuals' pockets. After all, this money comes from individuals to the exchequer of the State for the development of collective interests. I do not mind any tax. It may go to any amount. To me it will always be acceptable. I will never oppose any taxation. But at the same time, I want that the money which has been collected from each rich and poor, must be spent for the betterment of the people and must be usefully employed. I want to invite the attention of the House particularly to this matter. The time at my disposal is very short and I will not deal with many matters, though my points are many. Now, let us examine how this money is spent. A bulk of it goes to the Government Servants. In the old British days those who joined the State, including the Ministers, or rather they were advisers, or the I.C.S. people, joined because they wanted to make a living. So statecraft was also one kind of business. It also was an industry. People go to an industry to earn profit. So also they came to the State to earn a profit, and hence all this corruption in India. The British were here and they came to exploit our resources they therefore wanted to take home all that they could. Naturally those Indians too who served under them thought it to be their opportunity to keep from the British hands as much as they could, and for this they did not face any public condemnation. There is still a sort of the same feeling prevailing in the country. In the State people go in order to make their careers. I am not attributing any motive to the honourable Ministers. By State, I mean the whole structure of it. The people who join service do so just to have a career for themselves. Government servants come with the object of making their living as best as they can and their general tendency is to work less and expect more, i.e., take more advantage as is the case of the labourers in the factories. Just as Industrial labourers in spite of all reforms their unions, Syndicates and other organizations with the help of labour leaders have achieved for them, work less and demand more pay. The same is the case of Government servants, they are also labourers whether educated, technical or uneducated labourers. That sort of thing has to be changed now. Now since the State is a Nationalist State, every money which comes in to the state exchequer must be usefully employed in the common good of the society as a whole. My first objection is that we must, before demanding any increment in the taxes, first see to the items of expenditure and see whether it is being spent in the public good or is only benefiting individuals.

[Shri Mahavir Tyagi]

Now, Sir, as the honourable Sardar Ballabhbhai Patel in his note which he has supplied to us has mentioned, the strength of the Secretariat itself has increased by 468 per cent. that is, about 5 times as much as it used to be before the war. Sir, you can tax the people to any amount, but the tax-payer will also want to know why do you want an increase of 468 per cent. extra hands in the secretariat, when the British were able to carry on the administration with efficiency before the war with one fifth of the present strength. After all they wanted more vigilance, because the country for reasons of patriotism was set against them, they wanted more policing, because all of us were rebels and they maintained quite a good order and carried on the administration of the State very efficiently with such a small number. Why then should we have such a big number? Therefore, my first demand is that the strength of the Secretariat must at all costs be reduced to the pre-war level. That is the demand of the people which I voice here. We have practically accepted every demand in the Budget. We have given what they wanted, but at the same time let them also give us what we want from them. I demand that they reduce their expenditure on Services to as much as it used to be before the war. Of course, dearness allowance and other things will be allowed as extra expenditure, but the strength of the Secretariat must be reduced. At present, there are in the Secretariat 7 rungs, the Secretary, the Joint Secretary, Deputy Secretary, Under Secretary, General Secretary, and Chief Secretary; there are so many categories, it is difficult to know what their different titles are, but no one will take final decisions. Files would pass from one table to another. I know of files and the Finance Minister may kindly contradict me, if I am wrong, because I am a man of 'contradictions' and I am always contradicted. My information is that the file goes from the Finance Department with an objection to a Ministry; it comes back again; then another objection is raised and in that way files instead of getting finalised in the Finance Department go and come back some ten or 12 times. There are a number of files which have gone and come back 12 times. All the objections are not raised at the first instance. When one objection is clarified; then another Secretary raises another objection; it goes back and comes back and this is how the Secretariat offices work. My demand, therefore, is that their strength should be reduced and if you must have so many Secretaries—I may also understand that—then they should expedite the disposal of work. I think the proverb was not wrong that 'too many cooks spoil the broth' and this is what happens in the Secretariat. I do not attribute any motive or dishonesty or insincerity to them; they are good people but even good people become bad if they are not properly managed. Even the planets if they were without a method, I mean the Moon, Sun, Earth and stars would all clash with each other. The first thing that we have to do is to establish order in our Secretariat and reduce its expenditure. I do not want to dilate more on this subject. If you want more Secretaries, then give them the final authority to decide things, so that the business may be expedited.

Another submission is that the honourable the Finance Minister has been dealing with us slightly unfairly and when I say 'us', I mean the United Provinces. My constituency people are not satisfied with the treatment meted out to one province. As regards the distribution of income-tax, half is given back to various provinces. As everybody knows in this House, Sir, my province is the biggest as far as population goes and still more populations are being added to it but we receive only 19 per cent. of the pool and Bombay which is such a small province receives 21 per cent. of the pool. Bombay is luckier.

An Honourable Member: What is your contribution?

Shri Mahavir Tyagi: If everybody is to receive according to contributions, then honourable members should not deny the waiving off of the taxes which the industrialists have contributed, and let the rich man who contributes more take more advantage. I believe in the ideal slogan of "from each according to his capacity, to each according to his need". My Province feels that it is being unfairly treated for a very long time. My province, I must say, has done much greater services to the people than other provinces have rendered. Today in my province there are thousands of republics, village republics organised. We have decentralised power on Gandhian lines. We have organized republics in all the places and then we have more than 5 lakhs of trained volunteers in villages; they are also trained in rifle shooting. This all requires expenditure. But when the question of money comes we are helpless. They also want us to procure more grains and give to other provinces. How can it be possible when you do not pay us our due share?

My third demand is that your accounts have not been audited. Why have the accounts not been audited so far? If they had been audited why a report was not placed on the table of the House? This is the responsibility of the honourable the Finance Minister. He has to explain to the House why he has not been able to do it. We are spending crores of rupees on the Audit Department (An honourable Member: 'You mean the Public Accounts Committee?'). I do not know whether it is the fault of the Public Accounts Committee or not, but they should have submitted a report, which should have been placed on the table of this House long ago. More than a year ago, it should have come before us. I therefore demand that the accounts must be audited and we must know and must be in a position to discuss the expenditure that you have incurred.

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

Then there is no planning. When we were in the Congress and fighting the British Government, we always said that our economy must be planned and our industries must be planned. I come from a hilly district where there are forests and jungles. The House therefore will excuse my 'forestry' manner of speaking. I submit that our industries and other activities are growing like the forests, a wild growth. Whenever it strikes to a Minister or a Secretary that such and such a thing should be done, it comes on the programme. For instance some Secretary has placed before the honourable Minister for Information and Broadcasting that there must be so many other radio stations. May be, some of my friends who are fond of good music have placed before the Minister their demands, and he has agreed to open a number of new radio stations. Is it time for music or radio or these luxuries? We must stretch our legs according to the length of the blanket. When we are hard up for money and we cannot borrow, why should we be spending people's money on things which could be avoided for some time? Our country can go on without broadcasting for the time being. When we become prosperous we can have radios and the like. At this stage what we have to do is to limit our needs and impose cuts in our expenditure. It is for the honourable Minister for Finance to tell his Colleagues that in the interests of the taxpayer extra expenditure should be reduced as much as possible. There must be a plan according to which every Department must expand. There must be a target fixed for every expansion in every Ministry. If a Department finds itself unable to reach that target within the time specified, the Minister in charge must have intellectual honesty enough to come before us and admit his failure and submit his resignation in all humility. The honourable the Finance Minister should put before this House, which represents the country, his five-year plan for every Department.

[Shri Mahavir Tyagi]

Another grouse of mine against the Finance Minister is that the villages have been totally neglected. We have not done anything for the villagers or for the improvement of the village industries while we do everything for the urban population. In such circumstances how can we expect the villagers to stand by us? My honourable friend Rafi Ahmad Kidwai has come out with a demand for crores for civil aviation. My opinion is that India must go slow. It is no use flying in the air when everything down below is slow. I can understand the development of aviation for military purposes. You may spend any amount for improving and adding to the air force. I have seen, during the war years, Chief Secretaries of Provinces and other I.C.S. officers—one among them is now a Governor in Pakistan—riding bicycles and freely moving among the people. Why should we suddenly develop higher standards of living for ourselves? We must set good examples for others to follow. If we here lay down high standards.....

Shri R. K. Sidhva (C.P. and Berar: General): You want to follow the example of Mr. Mudie? Do you know that gentleman?

Shri Mahavir Tyagi: Even 'gentlemen' sometimes do things which are really good and gentle!

Shri R. K. Sidhva: He was your United Provinces Governor once.

Shri Mahavir Tyagi: In our province he was our servant. He was a Governor in your Province.

Sir, if we are to have peace in the land, we must either add to the income of the consumer so that he can go and purchase his requirements, or reduce his expenditure. If you reduce your own expenditure and set a good example of simple living, the humblest man can follow that example without fear of being laughed at. Simplicity must radiate from the honourable the Prime Minister and from the Treasury Benches. In this way we can give the poor people some relief. In many ways we can reduce State expenditure and if we do this, people will voluntarily copy us and be satisfied with less expenditure in their own homes.

Now I come to taxation. The provinces are going on increasing taxation in an unbridled way. Every little thing the ordinary man eats is being taxed. I request the honourable the Finance Minister to place before the House facts and figures relating to the incidence of taxation in the country. We ought to know that. In the absence of that information we are groping in the dark.

Mr. Deputy-Speaker: The honourable Member has had 20 minutes.

Shri Mahavir Tyagi: Then, Sir, I will sit down now and take another opportunity to have my say.

Shri A. V. Thakkar (Saurashtra): Sir, I was absent on the first three days when the general discussion on the Budget took place. Therefore I am taking this opportunity of drawing on the time of the House.

I thoroughly agree with you, Mr. Deputy-Speaker, in believing that the Budget is a balanced one between the rich and the poor. I do not consider that the additional taxation in postage as well as the additional taxation on coarse cloth is too much provided the poor man gets the benefit of it. At present Post offices are run on profit and therefore if the honourable the Finance Minister thinks that it is necessary to raise the price of post-cards from two pice to three pice I would not object on behalf of the poor man. But I am afraid I must say that our money is being spent in many other directions and

is mis-spent or ill-spent in the directions in which it ought not to be spent. You are proposing to spend too much, as my friend Mr. Tyagi said, on civil aviation. You are proposing to spend money on the purchase of ships. Seven crores are reserved for the purchase of ships from abroad. You are spending money on adventures such as state trading which may result in loss. I am not a merchant acquainted with these things. But I must say that we are not spending enough on health and education and labour also.

The honourable the Finance Minister said in his Budget speech that he has 24.20 crores for the nation-building departments and enumerated five of such departments. He has included even the development of civil aviation among the nation-building activities.

Prof. N. G. Ranga (Madras: General): Is it not?

Shri A. V. Thakkar: I am afraid not, Sir, for this reason that it is meant for the rich only.

Prof. N. G. Ranga: The poor man also must have strong defence.

Shri A. V. Thakkar: I am talking of civil aviation.

Prof. N. G. Ranga: It has to be developed in order to make the air force strong for use when necessity arises.

Shri A. V. Thakkar: Our viewpoints differ. The motorcars were not subsidised by the State at all when they first made their appearance in the country and yet they have become very popular. Why should we subsidise civil aviation? Will not aviation develop in the country as did motoring?

Prof. N. G. Ranga: This is only a subsidy. Is it not better than maintaining the whole thing ourselves?

Shri A. V. Thakkar: We do not want to travel at 300 miles an hour. A speed of 20 to 30 miles an hour is good enough for us. It is a matter of opinion. I wonder why we are starving education and health? You have earmarked only 24.30 crores for the purpose of all the 5 nation Building Departments. This works out to 7½ per cent. of the total revenues of 322 crores. Is that enough? This 7½ per cent. I must point out, is for 5 departments, Education, Health, Civil Aviation, Scientific Subjects and Broadcasting. The poor man has only to hear, because you have not been able to make him read so he has to hear news on the radio. However, out of this 7½ per cent. on the total expenditure you have devoted only 1½ per cent. to Education. 1½ per cent. it is only one pice in a rupee: please bear it in mind. The other day our Education Minister complained that he would like to have 10 per cent. of the Budget devoted to Education. I do not aspire as high as he does. I only aspire to 5 per cent—one half of what he aspires to. Instead of 5 per cent. even if you give 2½ per cent. the compulsory education of the poor man in the villages can get a start. At present it is kept at a standstill. It may be that the provinces are arranging for that. Yes, the rich provinces are, Madras, Bombay and other such provinces are. But the poor provinces can never go ahead with compulsory education without aid from the Centre. In fact, I go so far as to say that compulsory education must be made a concurrent subject between the Centre and the provinces: otherwise, there is no chance for universal education.

As regards the money devoted for health and medical purposes, you have already heard from our honourable Minister in charge of Health that she is working with a guilty conscience in being denied any money and still she is continuing working at it. It is a sad confession from a Minister in this House. Up to the day of independence, we were cursing the British Government for

[Shri A. V. Thakkar]

neglecting our nation-building Departments, but what are we doing now? Excuse me for saying this, it saddens me to say all this, but it is really so. If you raise the price of the postcard why did you not give a crore or two for health or education more than you have done? On the other hand, you have kept the same thing—almost the same thing, I would say. However, I leave the matter at that.

Mr. Deputy-Speaker: Does the honourable Member know what is spent in the provinces, all told, on these two subjects?

Prof. N. G. Ranga: Madras is spending Rs. 9 crores and U.P. Rs. 5 crores.

Shri A. V. Thakkar: Madras is spending 20 per cent of its income on education, still it is not able to meet the cost of compulsory education. Bombay is spending 16 per cent of its total Budget expenditure on education, still it is not able to meet it. But what are we doing at the Centre? We are giving lakhs and crores to colleges, universities, scientific institutions and all that, but we are giving not a single pie for compulsory education. That is my grievance, that is my rue and that is my anguish.

Mr. Deputy-Speaker: Shri Arun Chandra Guha. It is now one minute to one. Does the honourable Member want to start now, or will he do so after Lunch?

Shri Arun Chandra Guha (West Bengal: General): I will speak after Lunch. My name is there.

Mr. Deputy-Speaker: Yes, you will have your turn after Lunch.

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

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

Shri Arun Chandra Guha: Mr. Deputy-Speaker, Sir, the budget proposals have been bitterly criticised by the members of the House. But, since the general debate on the proposals of this budget, the tone of criticism has somewhat gone down but the attitude of the Members of the House, I think, has not substantially changed. This is due not so much out of any lack of confidence in the Members of the Cabinet as out of a sense of frustration. For years we have been appealing to the people to strengthen the nationalist forces and to come and join the fight of national liberation; and Congress and these leaders have given them lots of promises. But Sir, we understand, we know that it is not so easy to achieve those ideals or to implement those assurances; but we are sorry to realize that there has not been any earnest effort to achieve those ideals which we have so long placed before us.

The Father of the Nation has taught us to think about the seven lakhs of villages of India. These budget proposals, particularly the alterations in the taxation proposals, suggests an outlook which does not look so much to the villages as it does to the upper classes living in urban areas.

Sir, the Finance Minister has told us that for finding more revenue he shall have to explore the avenues of internal excise, which means an indirect tax even on the essential necessities of life. I can understand that as the cost of production has increased, the rate of postcards may be increased. The excise duty on cloth is a different proposal; and the language in which the honourable the Finance Minister has put his proposals for excise duty even on

coarse cloth, suggests that it has come to be something like a permanent factor in our economic structure. His argument seems to be that as cloth is of universal use; so it will be the easiest thing to tax and only in this way can our Government make up the loss accruing from the abolition of the salt tax. But in view of the fact that we have not been able to give any relief to the poorer classes in the villages of India, I doubt, Sir, if we have any moral right to tax them, even in the case of articles which are of the barest necessities for them. There is one political aspect of this also.

We know that there are some political parties in the country who are out to exploit all our deficiencies, all our weaknesses and failures, and to undermine the social structure that the Congress and the Government want to build up. These men will simply go to the villages and speak to the rural people there and tell them that their coarse cloth has been taxed, and the price of sugar and postcards raised, by their Congress Government. I hope the Government will take note of this.

Another thing which has led to a sense of frustration is the costly nature of this Government. In the Jaipur Session of the Congress we have passed certain resolutions, and even after that the All-India Congress Committee office issued a circular that the entire nation should be conducted on the austerity basis. We take it that that is the standard which the Congress has set up not only for the people but also for the Government. But as a humble Congress worker, I would like to ask the Members here, if they can say that our Government machinery is really being run on an austerity basis. Sir, several speakers before me have put this feature in very eloquent terms and I would like the Government and our Ministers to try and see if they can really do something which can have at least some conformity between the ideals set up by the Congress and the works of the Central and Provincial Governments run in the name of Congress. There should be some conformity and consistency between these two. We have inherited this machinery from the previous alien Government. We have inherited along with this some practices also. The presenting of the Budget also is inherited from that government and the criticism that has been going on in this House, I am afraid, is also something like an inheritance which the Members of this House has got from the previous House. Some of the Members previously were sitting on the opposition side and I think most of us, whether new to the legislature or not, have not yet been able to overcome our natural tendency of criticism and opposition, for we have been so long conducting a bitter fight against the previous government, which after all we have been successful to remove. The Government that has stepped in has not just come up to our expectations and even though intellectually we may realise the difference in our emotion and sentiment, we do not.....

Shri K. Hanumanthaiya (Mysore State): Sir, the honourable Member can speak for himself so far as his psychology is concerned but he cannot take the responsibility for the views of other Members of the House.

Prof. N. G. Ranga: You are also speaking for yourself.

Shri Arun Chandra Guha: Yes, I am speaking for myself as everybody does. In that way we have been moving in a somewhat vicious circle. The Budget, particularly the demands side of it, should have been subjected to greater scrutiny by the House. It is not possible for the whole House to scrutinise it but it can do it either in Standing Committees or in certain sectors or groups. All these demands should have been more minutely scrutinised. All the discussions have been more or less in the line of giving general ideas as to how the Government should frame their social and economic programmes.

[Shri Arun Chandra Guha]

I am a new Member of the legislature. This is the first experience of mine in a legislature and I was rather wondering when a Finance Bill was under discussion, how all sorts of things could come under it. From my experience of last year and the debate yesterday I can say that the discussion on the Finance Bill was not on proper line; it should have been particularly on the taxation proposals and the consequent financial condition of the country and the Government.

There is one aspect of the budget proposals not only of this Government but also of the provincial Governments. Every province has presented its own budget and the *per capita* expenditure varies from province to province—from Rs. 26 crores in Bombay to near about Rs. 4 or 5 crores in poorer provinces like Assam and Orissa. We belong to one country and we cannot create a sense of one nationality if such disparity is allowed to continue in the civil expenditure of the provinces. I do not know how that would lead to a sense of one country. One province may initiate the policy of compulsory primary education and another province may feel handicapped even to conduct the most ordinary routine work. I agree with Mr. Tyagi that it is not a question as to who contributes how much to the general revenue of the country as a whole; but there should be some parity between the provincial budgets, so that people of each province could have an idea of oneness of India and of having the same degree of amenities and same amount of nation building activities going on in all the provinces.

As for the taxation proposals as I have stated before they are framed too much from the point of view of city life and not from the rural point of view. This is reflected most pointedly in the disparity between the provincial revenues. There are provinces which have developed some big industries and which have developed more of urban life. They have greater revenues and the natural tendency would be that other provinces which are called backward will also try to emulate them and develop big industrial urban life neglecting their agricultural and rural life. Such an experiment was made in Britain and other European countries in the 17th, 18th and 19th centuries and they neglected their agriculture with the result that now they find themselves in a very difficult position. They are making amends for their folly. I hope our government will not make the same mistake and allow our agriculture to be neglected and the village life, to be neglected. At the cost of village life if we build up an urban civilisation it would be a wrong policy and on the whole the budget proposals seem to me to be tending to that direction.

Shrimati G. Durgabai (Madras: General): Sir, in the years before the war one source of constant criticism both of the Central and Provincial Budgets was that the provision made for the nation-building activities was utterly inadequate not only from the point of view of the needs of this backward country but also from the point of view of the available revenues. With our present scale of expenditure where is the hope of building India after she has emerged out of her slavery and become free? But I do understand and I also realise that the internal and external security services have absorbed a good proportion of the expenditure in these difficult times during the last two years. Of course it may largely justify the undue pre-occupation with security but I fail to understand why a better place could not be given to these nation-building activities in this budget. My criticism is not so much with what has been but with what it to be. There is no indication even that we are going to plan for better things in the future—prevention of disease, medical relief, free compulsory education, etc. These are plans that would require our concentrated efforts. The realisation of even a modest standard in these things would perhaps take a quarter of a century and we have not even yet made a good beginning. We have chosen to give priority to a number of things. We never thought that due to our

sheer inability to pool our food resources and distribute them equitably we have to enter into ruinous expenditure on subsidies and on imports. Nor did we ever think that our administrative services would consume more and more money and give less in terms of services. Sir, expenditure by itself would be no measure of our achievement. Social justice will have little meaning if it means equal poverty for all but not equal riches for all. During the debate on Demands I have heard practically every Minister appealing for larger funds for the activities of his Ministry. Specially two Ministers, the Minister for Education and the Minister for Health, have made appeals for larger funds. They expressed their inability and their helplessness. I only wish that their appeal would have fallen on the ears of the Finance Minister and that he would find his way to get the Committee agree to these proposals that a larger sum or a little more sum may be given for the activities of these Ministries. I have heard Thakkar Bapa who spoke before Lunch and he was also urging for the same. But my experience during the short time I have been in this House is that whenever we talk of education we hear Members and others saying that it is a provincial subject. The other day an honourable Member asked if really education is a provincial subject then why is it that a Ministry is there at the Centre and whether it is meant only for education in the Centrally administered areas. Our point is that though education is a provincial subject, the Provinces will come to the Centre very often for grants to Universities. We have seen how much money is earmarked in the Education budget for University education. Many backward regions like the States of Orissa, Chhatisgarh, Himachal Pradesh, Rajputana, Gujarat have all formed part of the Indian Union today. No thought seems to have been given for the education of these backward areas.

Prof. N. G. Ranga: But they have their own local resources. Their revenues do not come to us.

Shrimati G. Durgabai: It is the responsibility of the Centre. Also very little portion, a negligible portion, of this is being given to the education of the masses in the Centrally administered areas like Delhi, Ajmer-Merwara.

Shri R. K. Sidhva: Gujarat is not backward.

Shrimati G. Durgabai: It is. One point I wish to say in this connection is that we are giving so much money by way of aid and grants to the educational institutions and Universities. My primary quarrel is not why we are giving them. But when we have set apart so many lakhs of rupees for the purpose I wish that the Centre to the extent to which it makes grants should also have certain powers of control. If the Universities go wrong they should have a hand in and the power of setting right the policies or programmes followed by those Universities. We have been hearing so much about the Universities, that all is not going well with regard to several of the Universities. When the Centre is giving so much money by way of aid and grants to these Universities certainly we should see that the Universities follow a progressive course. I think the Universities which have become very orthodox in their outlook should be asked to keep themselves abreast of the times. I do not mind if the management of these Universities becomes in course of time a Central subject in the interests of several matters. (An honourable Member: 'It cannot be done').

In regard to the proposals in the Bill, so much has been said about the increase in postal rates. I think the criticism is right in a way. But the criticism is based mainly on two or three points. The first objection is that people who will not benefit by the air mail service will be paying for those who are getting the benefit. Another objection is based on a psychological ground. A third objection is raised on the point that this is a commercial concern and the suggestion is that it should take up the service mainly in the spirit of service and not in a commercial spirit with a view to making profits. These are the three

[Shrimati G. Durgabai]

objections raised. I think the psychological objection does not really matter very much because the villager's complaint is not that he is asked to pay much but that he is not having the amenities. If only we give an extensive service of the Postal Department I think he will have very little cause to grumble. But today we do not have the facilities and several villages have no post offices. There is lot of delay in the delivery of letters. My honourable friend Mr. Rohini Kumar Chaudhuri pointed out several difficulties of those Members who frequently write on several matters and I need not elaborate those difficulties here. I only wish to urge that the system should be extended with a view to giving more and more facilities from the point of view of the convenience to the villager. I understand that only 2,000 new post offices will be opened in the future. I do not think it will be adequate compared to the needs of the villager and the inconveniences caused to him. I appeal that the service should be undertaken mainly from the point of view of service and not from the point of view of making gains. Of course it can be said that several departments, say, the water supply department and other departments are making similar gains. But certainly this is the least that we can do to help the villager. The villager will not mind paying a little more if we are able to extend many of the facilities to the villager by arranging to have quicker delivery of his letters and also by placing adequate facilities and benefits of the post office at his disposal.

I have got to say one word about the duty on cigarettes. I am glad that it is a protective duty. But I understand that in last year's budget there was an import duty on tobacco and this year I expected that it would be enhanced a little more because I thought that it would minimize smoking, at least among juveniles. I know that there are Provinces which have enacted legislation prohibiting smoking by juveniles and the honourable the Finance Minister should have done some such thing.

An Honourable Member: What about women smokers?

Shri B. L. Sondhi: What about Begum Rasul?

Mr. Deputy-Speaker: Order, order. No personal references please.

Shri H. V. Kamath: To refer to women in general is no personal reference.

Mr. Deputy-Speaker: It is not right to make a personal reference like that however humorous it is intended to be.

Shrimati G. Durgabai: I have particularly drawn the attention of the House that a little increase in the import duty on tobacco would have minimised smoking, at least among juveniles and I have made no particular reference to any section of the House. I know some Provinces which have passed laws prohibiting smoking among juveniles. It would have been a very good thing if only we had followed this.

Sir, I do not want to take more of the time of the House as there are other Members anxious to speak.

Prof. Shibban Lal Saksena (U.P.: General): Sir, I am very thankful to you for giving me this opportunity to speak on the Finance Bill. Before I commence my speech on the Bill I wish to say something about the manner in which we discuss the Budget. For the last nine days we have passed grants of about Rs. 340 crores, and as has been very clear to the House we have not been able to discuss the activities of the Government properly. In fact on one occasion, four Ministries were given only one day for discussing all of them. I hope that next time we will be able to see that each Ministry gets at least one day and that the Ministries of Defence and External Affairs get at least two days each. The Assembly should have full opportunity to discuss the budget proposals and to offer adequate criticism to the honourable the Finance Minis-

ter and other Ministers so that they may be able to give us next time a better picture of things. Besides, the present time limit of ten or fifteen minutes for each speaker is too short. No speaker should normally be pulled up unless he has exceeded half an hour.

Coming to the Budget itself, I feel that much has been left for the Select Committee to do. As my friends here pointed out in the beginning, this Budget is not what we would like it to be. In my opinion the expenditure on certain items should have been very much reduced. (*An honourable Member:* 'What are they?') I have already said that on Defence we can reduce the expenditure by about 37 crores because until we have a fully developed industrial supply behind our forces, it is no use spending too much money on the forces. Modern armies cannot be kept in the field by merely having a large number of men in a standing army. I would suggest the formation of more *prantiya raksha dals* and national militias as well as spending more money on developing the required industries so that we can at least to some extent realise our great industrial potential which alone can enable us to keep any large army in the field. So, there should be reduction in Defence expenditure by some 37 crores of rupees.

In the Civil Administration there should be a cut of at least 18 crores. From 7.5 crores before the war the expenditure on Civil Administration has increased to 48 crores, so that it is about seven times now. That obviously is too much. It must be reduced by at least 18 crores to bring it just to four times the pre-war figure, in order to equate it to the higher cost of living index.

I suggest we must stop food imports. I was glad to hear the announcement the other day that we shall have no food imports from 1951. I think even that date is too late. At best I can permit food imports for one year more and during this year we must make all efforts so that we can grow more food. We can give the amount spent on subsidies in helping cultivators to grow more food. We should also see that all other sources of food are fully exploited. I feel we are not making the most economic use of the food we have got. There are still so many dinners and parties and there are no restrictions on them. We are not trying to conserve our food in the manner we should. Seeing that these food imports upset all our projects and national plans, I think we should take special measures to see that food is not wasted and no food is imported after March 1950. In this way I think we can save about Rs. 100 crores from going out of the country in purchasing food, and we can reduce the subsidy this very year by at least 20 crores.

I also think that in taxes a large sum is evaded. If that is properly collected, I think we can easily increase our tax collections by 25 crores and thus have a saving of 100 crores in the present budget.

About the way in which the deficit has been met, I should say that some of the duties are such which a Congress Government at least should never have proposed. I cannot reconcile myself, in spite of all that has been said by the honourable Minister for Communications, to the increase in the price of post cards. It is the lower middle class who will have to suffer most; I don't think that we should raise the rate even if the service costs a little bit more. We are taxing the rich to help the poor, and if we have to give a subsidy for post cards I think we must do it and must not grudge the poor man's post card and raise the rate. I think this is a thing on which the whole country feels strongly. After all we do not get much; we hardly get anything by raising price of post card, and yet there will be a cry all over the country that we have raised the price of the poor man's post card.

[Prof. Shibban Lal Saksena]

There are two other things which are very much felt. Duty on matches is one. I would not mind the rise provided people got matches at control price. At present the blackmarket price is, actually at least three or four times the actual price. The Finance Minister should see that matches are sold at controlled price. Then, of course, I would not mind this increase. But if it is to be added to the blackmarket price then it would be too much.

About the duty on coarse cloth; although I would not mind raising the duty on fine cloth, on coarse cloth it should not be raised. Blackmarket in cloth exists on a large scale and it should be abolished—though I know it cannot be done by the present policy of the Government. But if this increase is only to be added to the blackmarket price then it would be too much and too hard for the poor man and it should not be done.

About the other sources of income I have not much to say except that the amount of relief of about Rs. 6 crores given to the industrialists is really so much money wasted. From all the reactions of the industrialists and financiers we find they are not at all grateful for the relief given to them and yet we are losing a good amount of money for nothing. These measures could as well have not been taken and we should have continued to keep the taxes as they were.

Sir, I believe the Select Committee to which the Bill is going will try to see that its provisions are suitably amended and that we are able to present to the country a Budget which will be a Congress Budget and not what I think is at present an industrialists' Budget. This playing with our finances will not do. Our country has just emerged from slavery and we are still, in spite of our size, one of the weakest nations of the world compared to the great Powers like Russia and America. I have said before that our speed of development is too slow; when we compare the national programmes of other countries with our own, I am simply stunned. I read the speech of the honourable Minister for Transport and the promises which he made; I also read the five-year plan in Russia about transport. They are putting about 10,000 miles of new railways within the next five years. They will have reconstructed all the railway lines which they lost during the war and will increase them by about 7,000 miles by 1950. We have not yet probably been able to reconstruct the railway lines we dismantled during the war not to say anything of increasing them. I feel that we must have a national plan as I said the other day, in which transport which is one of the bottlenecks, and industrial development, must have priority. It is really shameful that a country like India should be importing food worth 130 crores and that our yield per acre should be so low. The Food Minister stated that even though we are trying to increase the extent of our cultivation that is not the solution of our problems, that until we increase the yield per acre we will not be able to solve our problem. I know in our country the produce per acre is some times one-fourth or one-fifth of what it is in other countries. So, this is the most important problem to solve. Planning in food, planning in industrial development and planning in transport, these are the keys to our recovery. I want that the Finance Minister should try to do these things, formulate a plan and try to finance it. Even the Birla Plan had proposed 1,500 crores to be spent in the next fifteen years. Our Finance Minister was one of the authors of that Plan and I had hoped he would at least set apart that portion of the finances for development which he had proposed in that 15 year plan. But I find nothing. Instead he is spending away 100 crores out of the balances. In fact, our revenue is less than our expenditure by some 135 crores this year. I therefore think that until we try to take stock of our present

position and determine the speed with which we want to proceed and attain our proper development. I do not think we will be able to live in this world. This is a world surrounded on all sides by men who are not very friendly to us. Unless we have got a strong army and a strong industrial potential and a higher income, we cannot exist.

I fully agree with what was said a little while ago that no nation can become great, unless every one of its inhabitants is physically and mentally healthy. But the amount of money spent on these development departments is far too low, and I think our Education Minister was quite right in asking that at least 10 per cent. of the money should be provided for Education, and similarly also for Health. Indeed, unless the nation's health and Education improve, our country cannot improve. Therefore I hope that next time when the Budget is prepared, it will provide funds for all-round development according to a plan. The other day the Finance Minister told me in regard to my reference to the great advance made in Russia that it was also due to the profit motive. In reference to the Stokhanov movement also to which he referred, he said the achievement was due to the profit motive. But it is not so. There they have combined in a wonderful manner patriotism with extreme eagerness for national development and their own country's greatness in the world. I do not mind his analysis of motives if he tries to make our country also great in the same way, or if he tries to increase the total production, to increase the production of our workers, by using all the motives which other countries have made use of for increasing their output.

I hope all these suggestions will be taken into consideration and next time we will have a really good budget. I hope also that the Finance Minister will take advantage of the criticisms offered in this House in preparing his next budget.

I support the motion for reference to the Select Committee.

Shri M. Tirumala Rao: Sir, these are days of rationing, rationing of food, rationing of cloth, rationing of time and rationing of discretion and judgment, and I have been long standing in the queue in the hope of receiving my dole. I was nearly going to be starved, but for your generosity in calling me up now. I am not one of those who want to butt in during the discussion every now and then, because we have been long enough here enjoying the pleasure of listening to our own voices. Therefore, unless we feel that there is something about which we have to speak plainly and bluntly, we will not speak. Unless I feel that way, there is no urge for me to stand out and waste the time of the House.

Shri R. K. Sidhva: That is the case with every one.

Shri M. Tirumala Rao: I am speaking for myself only. I do not presume to speak for Mr. Sidhva of all my friends here. Mr. Sidhva is a party by himself.

Sir, the present administration is going on upon the force of and the velocity of the previous administration. That velocity cannot be resisted by the present set-up of the Government. Simply we are carrying on on the force that was generated by the Government in 1946. So there is no use blaming any set of individuals for the circumstances in the country. The Finance Minister is in a very difficult position. He is trying to lift the country out of the morass and the mess into which it has fallen. He wants money. But when the Government goes to the market, the public will not subscribe. The capitalists, the people who have hoarded large volumes of currency, they will not co-operate with the Government, they do not come out and subscribe for the loans. They have indeed beaten the Government

[Shri M. Tirumala Rao]

and they have compelled the Government to show them concessions with a view to see that their huge hoarded money comes out. As I spoke in the opening of the general discussion on the Budget, Sir Archibald Rowlands gave Rs. 60 crores to these very financiers and he could not reap any profit out of it. Now the present Finance Minister has come out with a much smaller amount and it remains to be seen what response he gets, and how far his hopes and expectations will be realised from these very gentlemen who have not very much changed in their outlook. The Finance Minister has got large development schemes, but our money is all held up. In one respect it is blocked up in England, in regard to the sterling balances. You can only draw it out in certain amounts and over a small period of years. You cannot draw it out or make use of it for the purpose of raising a corresponding loan in the open market. Therefore we are obstructed in two ways. Internally we are not able to raise sufficient money, and externally we are unable to use the credit which we had built up by hard sacrifice. In these circumstances, the Budget is bound to be a sort of hand-to-mouth one, one which simply keeps things going on the rails without a break-down.

There is, of course, the taxation of the small man, but I do not want to dwell upon it because I do not want to repeat the arguments which have been already advanced. The Finance Minister is also helpless. He is seeking the advice of 22 wise men of the House, in the Select Committee to give final shape to his proposals.

Our present Budgets—both the Railway Budget and the General Budget—come to about Rs. 500 crores and the national income is over Rs. 2,500 crores. So nearly one-fifth of the income is collected by way of taxes. If we raise the standard of our country, and improve the national income by double, if you improve the national income to about 5,000 crores, the national budget will also correspondingly improve, and in the near future if we succeed in our plans, the budget may come to Rs. 1,000 crores a year. But to achieve that we require planning. The Prime Minister and the Deputy Prime Minister told the House recently when their demands came up for discussion that they have rescued the country from the post-freedom perils, the unsettled state and the riots, and general disorders. The country is now internally safe, and perhaps also safe from any external trouble. Now is the time when we should consider how far we can advance on the road to progress.

Sir, all these Departments have been working in the usual old style. The red-tapism which everyone is condemning is still there. During the war, the administration has been carried on more by discussions than by files. But now you have got a tier of Secretaries, Superintendents, Assistant Secretaries, Deputy Secretaries and so on. The Secretaries and all of them noting one after another on the files, so much so that the quantum of service was the quantum of disposal of files and the Government of Madras has said that a Secretary must dispose of 6-84 files a day. Sir, is this the yardstick with which to measure the achievement or out-put of our high-paid officials? Not the amount of practical result that has come out, but the number of files disposed of. You have got man-hours for labourers, and you also have units for industrial production. But there is no unit by which you can measure the work that is turned out by these high officials of the Government except the number of files that they dispose of. I would suggest that there should be a Co-ordinating Minister for every two or three Departments, and this Minister should go about to other Ministries and see that it does not take more than five or six days for the final disposal of the files.

Shri Jaspat Roy Kapoor (U.P.: General): You want a new Ministry with secretaries attached to it?

Shri M. Tirumala Rao: I want these ministers among themselves to redistribute the work and do it. Therefore, what I want to suggest is that there should be a thorough overhaul of the administrative set up of this Government. The Prime Minister cannot be burdened, situated as we are with any particular portfolio, especially the portfolio of External Affairs. He must be relieved of that. He must be a super-minister presiding over all the ministers, get into daily contact with each minister and see how results are being achieved in his department. I do not know why there is no Ministry for Planning. We have got a big Ministry for Industries and Supplies; it has got 27,000 people working in the Department, with Secretaries, Deputy Secretaries and Joint Secretaries, a whole paraphernalia of a huge establishment and what is the total achievement for the year? With regard to Sindri Factory and a factory for making small mathematical instrument, the total expenditure is 20 crores of rupees. It is a mountain in trouble bringing in a mouse and with regard to other things, they are controlling cement, and iron and all these things; they have a number of purchasing missions in England and America; these are cushy jobs and eminent politicians have gone to America as leaders of purchasing missions and businessmen will always like to be on these missions and it is a very fine job. If you advertize in all the various papers, all the industrial producers will come here in quest of custom and there will be no need for these missions. I want to draw the attention of the honourable Minister to this that when there is a purchasing mission in America to negotiate for certain articles and goods that are required for a particular department, over and above the head of that mission, the Secretary of the Department goes and again negotiates and duplicates the same work that is being done. These are the things that have to be examined. This Department of Industries must be a real Department of Planning for this Government and for this country and see how far we will be able to achieve a 10 years plan in the matter of developing all the industries of the country. You have started an Industrial Finance Corporation and I see that is a mere technical Corporation which has disbursed a meagre sum of 1.8 crores during all these years.

The Honourable Dr. John Matthai: It is over 2 crores.

Shri M. Tirumala Rao: Of course, I am sorry, I have made a mistake of 2 crores in that. This is tinkering with the problem. We do not seem to have realized the liability. I do not blame anybody because we are hardly out of the troubles which were created for us by the situation of this partition. With regard to other Ministries also, I want to say this. The Ministry of Defence must be split up into the Ministry for Air, the Ministry for Land Forces and the Ministry for Naval Affairs. Do not mistake that we are creating a large number of ministries for finding jobs for people. I would like to impress upon my honourable friend Mr. Gadgil that there won't be division of power with regard to his Department; he can be the supreme lord of his Department, but what I suggest is that in a country like England, there are 62 Ministries, 24 ministers of Cabinet rank and 40 others, people who are taken out from the political life of the country, trained and fitted for public work. Here, our Government is a Government of the people run by the Bureaucracy for the people with the Heads of Departments as Ministers. I must tell you they are the real advisers and they have greater status than your Deputy Ministers; some of your Secretaries have greater status than your Deputy Ministers and have greater influence than your Ministers of State. (An honourable Member: 'England has no provinces.') Never mind that; they have got a big empire. What I want to say is that there should

[Shri M. Tirumala Rao]

be a Ministry of States and Home. Home is a big affair. With the Communists in the offing, creating trouble all over India, is our Central C.I.D. fully developed and equipped to detect the crimes properly and to get at those leading communists who are underground today? All the leaders of the Communist Party have either escaped from the jails or have escaped from being arrested, and is the Central C.I.D. running them down to earth? We want to develop something like the Scotland Yard of England and such as those which are being developed in France and America by which we can deal with the criminals that are going to subvert our newly born State?

I do not want to take much time of the House, but I submit we should be thinking on these lines of re-organising the Government and look far ahead than merely to carry on the Government as we are doing for the past two years. When you go before the people and ask for a renewal of the confidence in us, what is the great achievement which we could show to our people? (An honourable Member: 'Nothing') It is easy to say 'nothing' but the country has been saved from internal trouble. Really the grit and the power and the strength shown by the Central Government has warded off many a danger to this country and now that we have achieved some stability with regard to our internal security, this is the time for planning.

We have been going about beating the word "Secular State" to death. Everybody has got his own interpretation of the word "secular", but have our leaders got any conception of what form this State should take? Has India got a culture, has India got a civilization, has India got a future role in history to play, and if that is that, it must be embodied in the actions, lives, ideas and thoughts of our leaders. Whenever you think of safeguarding the culture of this country, let us not forget that the culture is something which has to be preserved and handed down to future generations. (An honourable Member: 'Entrust it to Province'.) Sir, it required a Griffiths to translate our Vedas; it required a German Savant Maxmuller to discover the greatness of the Upanishads and when these Western Savants have told us that there is an imperishable glory in the religious lore of this country, it is our duty, as representatives of the people to preserve it, to enhance it and to hand it down as the greatest gift for civilization and humanity. What is this Government doing? The education of this country must be shaped by people who have got an inherent faith in the culture of this country and that has to be developed in all its aspects, both in its artistic as well as its cultural aspects. That is the duty which we should not forget. I find I have not directly dealt with the details of the financial proposals, which have been talked about all these days by all the Members of this House, but I hope I will be excused for taking this liberty of bringing these points before the Government and I wish—I do not know whether other Ministers would at least hear from others—that some of the Members have spoken like this, if they do not read our speeches.

Shri L. Krishnaswami Bharathi: Sir, I was really surprised when my name was called at the fag end of the day, though I have been waiting for long.

Mr. Deputy-Speaker: The honourable member asked me not to call him at all.

Shri L. Krishnaswami Bharathi: I am only thanking you, Sir. I do not think that I have got any new points and honourable Members have already covered many points. I want only to refer to certain observations made by honourable Members. Members referred that there is lack of co-ordination between the Central Budget and the Provincial Budget. You, Sir, also said that the Provincial Revenue Minister must come up and

we must have discussions before the Finance Minister presents a budget. I for one am totally opposed to this idea of provincial budgets being subjected to previous consultations. There are many practical difficulties, Sir, and I do not think the Provincial Governments will agree to this course. After all, subjects are allocated specifically and there is no reason why the Provincial Governments should come before the Centre for any previous consultation. It will be cutting at the root of Provincial Autonomy if such a precedent is allowed to be practised. For one thing, Sir, in Madras they have gone ahead with the prohibition. I am glad and proud of that. Though not directly, the Central Government advised that they may go slow, but the Madras Government have gone ahead with prohibition with wonderful results, and therefore, oftentimes such conflicts might arise and it is not desirable or advisable that they should come up to the Centre for previous consultation.

Sir, in this Budget, I particularly welcome the abolition of salt duty once and for all. One honourable Member suggested that the salt duty might be revived. I remember Mahatma Gandhi stating that people might grow insane to think of reviving salt duty. I am happy, Sir, that the salt duty is discontinued. I hope, once and for all.

I particularly welcome the duty on cotton cloth. There is already 25 per cent. *ad valorem* on superfine cloth and 6½ per cent. on fine cloth and quarter of an anna per yard on coarse and medium cloth. You, Mr. Deputy-Speaker, supported the measure and I agree fully with you, Sir.

There is one other aspect which I wanted to stress and for this purpose I was anxious to have an opportunity to speak. The incidence of taxation is no doubt very small, as you rightly pointed out. It is only quarter of an anna per yard. But along with the idea of taxation, there is one other important fact which the honourable the Finance Minister has mentioned in his note, *viz.*, that it will be a sort of indirect help to the handloom industry. I would like to dwell at length on this matter, particularly as South India is a centre of handloom industry. It is going through a great crisis and this quarter of an anna, a small duty on cloth, I am afraid, may not help to any great extent to save the handloom industry from total extinction. I understand that there are six lakhs handlooms in the Madras Presidency and about 10 people working on each loom. That means, 6 million people are working on handlooms. Already, there is a plethora of handloom cloth in Madras. In this connection I had a question put to the honourable Minister for Industries and he was pleased to say that handloom cloth was exported from Madras. That is so. Whenever people talked of scarcity of cloth, it was to scarcity of mill cloth that people referred to. But handloom cloth cannot face the competition of mill cloth. I am very glad that, very recently, they have allowed the export of handloom cloth to other countries. But what is the result? If anybody looks into our export trade figures, he will find that there is very little scope for handloom cloth. The markets are all closed for handloom cloth. Foreign countries have switched over to other varieties of cloths. The result is that we are unable to find demand for our handloom cloth outside India. In Madras they held recently a conference of co-operative societies dealing in handloom cloth. Large quantities of this cloth are lying unsold. People do not know what to do with them. The position has become almost critical. It is an obvious truth that handloom cannot stand competition with cloth from the mills. It is just this thing about which Mahatma Gandhi said that the life of all these people depends on the non-existence of mill cloth. Therefore, if you do not take sufficient measures in time, I can prophesy that within a short period of time the handloom industry will become totally extinct. Today, in Madras, there is

[Shri L. Krishnaswami Bharathi]

already a large quantity of unsold handloom cloth. Not only that; there is plenty of mill cloth also coming to the market. There is no demand for that too.

Recently an official of a Bank told me that he was not able to clear a Bill from the Ahmedabad mills for a long time with the result that he had to pay demurrage ultimately. These facts must be taken into consideration by the honourable the Finance Minister and see the handloom industry is saved from extinction. I do not mind even a greater increase of duty on cloth. But then I may be asked, 'Will you not be hitting the poor man if you increase the duty on coarse cloth?' My answer thereto will be to direct attention to Mahatmaji's writings in a book called 'Cent per Cent Swaraj'. He wonders 'Why anybody should think of a cloth as dear, when we are taking into consideration only the actual wages of labour for 8 hours of honest work. After all, I am concerned with the poorer set of people who are without employment and therefore when you say that this cloth is dear, there is no point in that. No doubt, it is true from your selfish point of view of purchasing cheaper cloth, but for one moment think that there are thousands of millions of people who are working on looms to make the cloth you are purchasing and whom you are almost driving to starvation. Therefore this kind of duty will be justified on the ground that if people will be forced to purchase handloom cloth, that will be giving employment to those who are engaged in the handloom industry. It is only from that point of view that I support the duty on cotton cloth made in mills.

There is another matter to which I want to refer. The honourable Member Mr. Mody said that there was a lot of money in the villages. I do not know to which villages he was referring. I do not know the case with the villages in Bombay. But some ten days back I had been to my village and I can give the House the economic position as I found it there. My visit to the village was in connection with selling the little paddy I had to the Government. There was the procuring agent of the Government present, but he had no money to pay for the article and asked whether he could pass a pro-note to me. Look at the absurdity of the position? I waited for two or three days and then the official sent another procuring agent to me. Then I made enquiries and found that people were selling paddy at rates lower than the control price. Last year it was the other way about. The procuring agent was ready at my threshing floor with money to buy my paddy. The black-market price was then double the control price. But today, as I said, control price is higher than the prevailing rate. Therefore I think that the honourable the Finance Minister is right when he says that the prices are likely to fall in the near future. This shows that there is no money available in the rural parts. I cannot speak with authority about the other villages. But I know that the same thing is happening in the Tinnevely district. Then while at Madras an official narrated to me the same story; he told me that reports from Tanjore district also showed that control prices were higher than the market rates. Some three months ago there was plenty of money in circulation. But now particularly in the villages there is no money. That accounts for the low prices and prices below the control level. I may be asked: "What has happened to all the currency notes in circulation?" I am not a currency expert, but I feel that the reason is the fear of depression. On account of this fear people are wisely keeping the money in their hands tight.

It is not the total money that counts, but the velocity with which money circulates. That velocity has now stopped. That circulation has now stopped. The money is already there, but people—fearing the depression will be on soon—do not want to invest, they do not want to send the money again into circulation. They have stopped the circulation, with the result that the depression is coming on. Therefore, Sir, I would request the honourable the Finance Minister to take into account the downward trend and adjust his measures accordingly.

I would also like to refer to the postal rates. Really, psychology plays a large part in this. I see no reason why the surcharge on air mails should be abolished. For one thing, the richer types of people when they like to have their mails sent by air may like to pay surcharge. I do not mind if the surcharge is increased. I would like the Select Committee to increase the surcharge on envelopes or even on postcards. If anybody wants his mails to go quickly, let him pay higher charge. There is the other difficulty also. After all, Government have said that they would carry only 25 per cent. of the mails by air, and it is rather difficult to sort out which 25 per cent will be sent by air. So, the surcharge idea is very good and there is no reason why it should be abolished.

There is one other aspect and I am done. There must be, as Mr. Tyagi said, economy in the administration of Government. The Economy Committee has already submitted its recommendations. Last year, if I remember aright, the then Finance Minister said that he proposed or intended to give effect to the recommendations as and when interim reports were received. That was the assurance he gave us. I see no reason why the change in Minister should be responsible for giving up the idea of giving effect to the recommendations as and when they are received. If that assurance had been kept up, it would have been well. The idea of submitting the recommendations to the Standing Committee is not, in my view, quite desirable or advisable. It is for the Government as a whole, and the Cabinet, who can come to quick decisions. I would therefore request that Government might take into consideration the Economy Committee's proposal and give effect to their recommendations as early as possible.

Shri K. M. Munshi (Bombay: General): Sir, though very late in the day, I may take this opportunity of congratulating the honourable the Finance Minister on the soundness of the outlook which has characterised his Budget this year. It may be that my view may not be shared by some Members in this House, but I know and I say this with my knowledge of the feeling in the country, that this Budget has done more to steady the panic in the country and to stop the rot in the economic structure than the last two Budgets that were placed before the House. I am not saying this for giving an ordinary compliment, but I know the feeling, the impression, particularly among those circles which have to deal with industry and commerce. If the honourable Member continues the course which he has adopted, with courage, I have no doubt that the country would have turned the corner in a year's time. I do not remember the facts and figures, but during the last six months even the inflation has received a set-back, and if the policy that he has been pursuing since last September succeeds, we would have turned the corner—if, of course, the food problem is ultimately solved. I do not want therefore to do anything more than draw the attention of the honourable Member to two or three matters which I consider of grave moment and to which I think the Government should apply its mind.

In the speech made by the honourable the Finance Minister—I find a reference to a legislation which he proposes to bring—about the power of the Income-Tax Investigation Commission to come to an agreed settlement. I think it is a measure which should find a place on the Statute Book as early

[Shri K. M. Munshi]

as possible. Whatever the enthusiasm with which we ushered in this Commission, it had a most deleterious effect on the industry and commerce of this country. I hate black-market as much, if not more than, most of the members or anybody in this country. With my intimate knowledge of it...

Honourable Members: Your intimate knowledge of it?

Shri K. M. Munshi: Yes, my intimate knowledge of it as one who had a fair share of practice as an income-tax lawyer, as one having to do with crimes and as one giving advice even to officials, if you please, at some stage or the other, how to make Black money white...

Babu Ramnarayan Singh (Bihar: General): Black-marketeers also?

Shri K. M. Munshi: Yes, certainly. But when I say this, I say it in this sense, that it is perhaps the greatest danger to the credit of the Government and the financial structure of the country, and therefore this new legislation, I submit, should be brought on immediately. If you go on holding long enquiries into 1,500 or 15,000 cases, nothing is going to come out of it. Most of the money that was being utilised in industrial development has already gone into diamonds and gold and what not, which neither the King's Army nor King's men will be able to pull out for you. It is therefore much better that the Treasury should gain a few crores immediately and people set going to do whatever they like with their money, rather than that this investigation should continue for endless time. I am very glad therefore that this proposal has been placed before the House and I would only request the honourable the Finance Minister not only to bring the legislation early—if possible, this session—but to see that the Commission is given wide powers of making settlement without going into detailed examination of books of account for ten or fifteen years or looking into every conceivable penny which might be hidden somewhere in the country. That is my first submission.

With regard to the second one, one thing which I want to draw the attention of the House and the honourable the Finance Minister to is the growth of the black market in this country. If anybody believes or hopes or thinks that it is being restricted, I beg to differ. In the past, as the House knows very well, black market came into existence because of the heavy super tax and the excess profits tax and the policy of putting more money into the hands of industrialists that the late Government followed during the war. Later on came the controls and though we may have to keep the controls...

Babu Ramnarayan Singh: No.

Shri K. M. Munshi:.....I for one am of the opinion that black market will go on increasing every day that you maintain the controls.

Babu Ramnarayan Singh: Hear, hear.

Shri K. M. Munshi: I venture to say and I said it to more than one Minister, that if the process of black marketing is traced, etc. no stage is it possible without the active cooperation or willing acquiescence of somebody in authority or other. At the present time we are in the throes of what I may call a "national epidemic"—Members will forgive me if I use a strong word. The national epidemic is this: we want with frantic speed to cover all spheres of life by legislation, not here, but in the provinces. We want to deal all at once with all spheres of life which so far were not considered legitimate spheres for legislation. There is also added to it an exuberant enthusiasm to convert as many moral lapses as we can into crimes. I do not want to tire

the House within the ten minutes that I have with a detailed list of legislations. If the House wants it, I can give it. But most of the legislation which comes out of the provinces day after day is not intended to do the legitimate work of legislating for the rights and obligations of citizens, but in some way or other to carry out moral reform, this frantic speed takes the shape of converting everything into a crime. If a moneylender's Bill is passed, it is therein prescribed that the interest charged shall not be more than say six per cent. But I am a needy man. My wife and children are hungry. The lender wants seven per cent. I will give him any amount of black-market money rather than carry out your law. That is happening every day in Bombay.

I can give you as many such instances from every province. The detailed control of life which we try to foist upon the people is leading to a huge and ever-increasing black-market. It will never come to an end, till the Central Government decides once for all that the controls must have a limit and that this limit must be scrupulously observed. If people have to be made morally reformed, it may be by educational methods, but not by turning them into potential criminals.

We talk of corruption in the police, among the other services. But has corruption ended in any service? With great respect, Sir, it has not. Only it is becoming a fine art and with every new feature of the fine art another black market comes into existence. You thus slowly destroy the economic structure of the whole country. I say this with a certain amount of solemnity because I see it every day more and more clearly unless the Central Government with all its moral authority and the tremendous influence it has in the country says that the legislative processes should be confined within legitimate spheres and that we are not going to convert this country into a reformatory by converting every moral lapse into a crime, we are going to head for an economic disaster, what a huge black-market involves and, which no legislation, no educational system and no pious speech is going to cure.

Shri H. V. Kamath (C. P. and Berar: General): Is my honourable friend against all moral values?

Shri K. M. Munshi: I am not against moral values. But I am pointing out that converting a moral lapse into a crime, or rather what a Ministry considers a lapse from moral values into a crime is fraught with danger. The vigorous effort that is being made to do it is taking the country to a stage when there will be a complete black market functioning in the whole country, except of course in the legislatures where speeches can be made attacking black-marketeers and where every man can apply the healing unction to his soul that he has vindicated the moral values. But these are the facts. I repeat, it is only the Central Government, with its tremendous authority and influence, that can step in and say that our legislation shall be restricted to the proper sphere of adjusting the legal rights and obligations, may be for some time. Please reform the country but let there be priorities. Let us have food first. Let our Government recapture its financial credit. Let business and industry flourish: and then there will be time to convert the country into a reformatory.

There is one thing more, and I have done. It is a matter on which I would like to speak, in greater detail to Ministers. Sir, I do feel that our Army deserves—and I speak with a full sense of responsibility—a little consideration at the hands of this House and the Government. I am referring, Sir, to the reduction in the salary of the officers of the Army. I have during the last year and a quarter, come into close contact with many officers

[Shri K. M. Munshi]

of the Army from Lieut.-Generals down to the ordinary private, and I know, and I am sure you will endorse my view that a better and a finer army does not exist in the world. It is this army which solved the problem of refugees; it is this army that maintained our reputation in Kashmir: it is this army that solved your Hyderabad problem: and I have a feeling—and I only speak it in public not for any other reason except that I feel overwhelmed with the responsibility for it—that there is a feeling among the officers with regard to the reduction in their pay. It is unfortunate. We might have fixed it from various valid considerations. But the psychological factors count today, and in the present condition of the country, if there is one service which has stood so far, and will stand in the future, between the country and chaos it is the Army: and I appeal to the honourable the Finance Minister—and I am glad to find that my friend, the honourable Minister for Defence is also here and I appeal to him too—to bring the fullest influence that they can upon the Cabinet. You cannot allow this splendid service of ours, or even a section of it, to remain under a feeling that their salaries have been cut down. It may be that looking to the various conditions in this country—the average occupation and the average income of the average man—the feeling may not be justified. That is not the question. The point is, is there a feeling or not? If there is a feeling that feeling ought to be removed.

Prof. N. G. Ranga: But is it justified?

Shri K. M. Munshi: It is not a question of justifiability. If you want their morale to be maintained and their efficiency to be maintained: if you want them to feel happy—the one service which stands between you and chaos—then you ought to have this feeling removed, whatever may be the price that we have to pay.

Shri R. K. Sidhva: My friend was not present in the House when the Budget was discussed and when this question came up.

Shri K. M. Munshi: I am very sorry if I am speaking outside my sphere. But as I say, we have tided over most of our difficulties, thanks to our leaders and our Members in Government. Our only two difficulties are with regard to food and Communism and both of them to a large extent are allied questions. In any future struggle that we may have for national existence, the Army is our valuable asset and I would appeal to the Treasury Bench and to my friend, the honourable the Finance Minister not to tighten his purse strings with regard to it. In some way this feeling must be removed, if possible psychologically and without making payments because he is a financial wizard and he might be able to do it—if not by other more substantial means. This feeling has been growing for a long time—at least for one year and a half—and it is I think high time it was removed.

Prof. N. G. Ranga: I am sorry, Sir, that I am obliged to speak after my friend has just closed on a note on which I am not in agreement.

Shri H. V. Kamath: On a point of order, has the salutary rule of silence been broken once and for all?

Shri R. K. Sidhva: It is not a point of order. It is left to the Speaker, the presiding officer to decide.

Mr. Deputy-Speaker: There is no rule either way.

Prof. N. G. Ranga: I have very great respect and affection for my friend, Mr. Munshi but somehow or other unfortunately for me I have found that Mr. Munshi has been taking up rather a conservative attitude in regard to social matters in this country.....

Babu Ramnarayan Singh: Which is necessary!

Shri K. M. Munshi: This is the first time I have had a compliment!

Prof. N. G. Ranga:with the result that my friend finds himself defending the champions of capitalists and the officers of the Defence department. It is time that responsible people like him should try and put in a word in favour of those decisions already taken by the Government, especially where the Defence Forces are concerned, because the Defence Forces as he ought to know are rather very sensitive to what is being said in this House, and if they are not made to feel that this House is extremely anxious to economise on every front in the interests of the common man, for whom my friend does not seem to have very much respect, the Defence Forces are likely to go on developing and nursing that psychological attitude which they at one time were helped to develop while others were in power in this country and might be unwilling to give up

4 P. M. this even after freedom has come. At the same time I am not second to him in my admiration for our defence forces or in my anxiety to keep our defence personnel in a proper mood of satisfaction and also feel that they are really performing a patriotic duty. I would certainly be the first man to try and accommodate my friends in the defence forces, not only the officers but also the ranks, even in regard to financial matters, the moment the country is in a position to make more grants to them or set apart more money for them. But as things are today we find ourselves in a financial morass. Member after Member has got up and said "What is it that you are doing? Why do you spend so much money?" There were many Members who were complaining against the huge amount of money that is being spent on the defence forces. Surely does my honourable friend Mr. Munshi seriously contend that we should set apart another ten crores for the defence forces in order that these officers might be contented and to satisfy this psychological feeling which they had developed in earlier days.

Shri K. M. Munshi: It would be 1/20th of it.

Prof. N. G. Ranga: My friend was rather strong against provincial ministries for having undertaken so much of social legislation. I would like to know what social legislation he had in his mind. I know of one piece of social legislation about which I was very keen and against which he had pleaded with all his vehemence and great abilities, both legal and otherwise, with the result that unfortunately in my province, our tenants, our kisans, were obliged to agree to our Government paying much bigger compensation to the zamindars, which they never deserved at all. I am obliged, in spite of my admiration for my friend, to be rather sceptical whenever he makes any such proposal.

Now coming to the budget itself, usually it has been the case with many of us to take the public into our confidence as soon as the financial proposals are published and say to the public whether the Budget was more for the poor or for the rich. All these 16 or 17 years we had got into the habit of saying that the Budget is all for the rich and in those days it was always for the rich, because the British Government was beholden to the rich and so they had to satisfy them. We have followed the same practice and have also condemned this budget both in the press, through press statements, and also in this House by speeches that this budget is only for the rich and it has not made any concessions to the poor and so on. As the House knows I am

[Prof. N. G. Ranga]

always very keen on getting as many concessions as possible for the poor but at the same time I must also realise that every year if every budget goes on making concessions to the poor, peasants, workers and others, then what happens. We will come to a stage when the poor people—the working classes, the peasantry, the industrial workers and others—need not have to pay anything at all to the State and only the others will have to maintain the whole of the State. Will that be possible? Anyhow as things are today in the kind of society that we live in, would it be possible for any Finance Minister to levy all the taxes upon the rich people only and no tax on the poor? Why do I say this? Because a concession has been made to the poor but it was made two years ago, because of the influence of the Indian National Congress. That was a big concession indeed. It meant six crores of rupees. (An honourable Member: 'Ten crores'.) I am sorry, it meant ten crores of rupees per annum. I refer to the abolition or the elimination of the salt tax.

Babu Ramnarayan Singh: It is a concession to everybody; not only to the poor.

Prof. N. G. Ranga: It was in the name of the poor people that we always pleaded that the salt tax should go and it was for the sake of the poor people that it was abolished. It was for them that Mahatma Gandhi pleaded for its abolition and it has been abolished. What other taxes shall we think of? Year after year if we go on abolishing all these taxes what is it that we will be left with?

One of my friends has been saying this morning that the administration is top-heavy and so much money is being wasted. I would have understood the complaint if it had been made on earlier occasions, either during the general discussion or even at the time of the discussion on the demands for grants. When the grants were being discussed I dare say the House remembers how it reacted to the demands for the various Ministries. When the Home Minister came here what response did we give him? We were in a mood to give him much more money than what he wanted. When the Industry and Supply Minister was telling us what he was doing in trying to establish so many State factories for the production of iron and steel, synthetic dyes, petroleum and various other products, we were all admiration for him. When the Labour Minister came before us we were complaining that they have to do so many other things for which the House was prepared to give the money. When the Health and the Education Ministers came here no less a man than Thakar Bapa himself got up and said that he was weeping in his heart to hear their account and asked the Government why they did not give so much more money and why they were satisfied with so little. If we go on like that, it is certainly not open to us at this stage to go back and say that the Finance Minister should have been more vigilant over the public purse and should not have wasted so much money.

Let us take the Defence Department. Just now my honourable friend has spoken nicely about it. We also spoke in a similar vein on the Defence Demands except my honourable friend Mr. Sidhva who was able to make some detailed suggestions in regard to certain aspects of army expenditure. Every other member was all praise for the Defence Minister as well as his department and we were prepared to place more money. Let me tell you that I am myself in favour of strengthening our defences, not only the defence but also the police. One of my friends, Mr. Tyagi, was this morning criticising why there should be such a strong police in this country. Indeed I want a stronger police in this country. So I am one with Mr. Tirumala Rao as well as Mr. Munshi that the police should be strengthened. If we do not spend more money on the police then we will have to develop the

Prantiya Raksha Dal and similar organisations through which we can get cooperative service from the masses and in that way strengthen the internal security of the country. The most important thing in the country today first of all is to help our people to be alive, so that they can enjoy civil liberties. Are there any civil liberties in any other part of the world nearby? Are there any civil liberties in Burma today? Are there any civil liberties in Malaya? Are there any civil liberties in China? There are no civil liberties, why? Because there is the Communist menace which is gradually spreading its tentacles over the whole world and gaining control over larger and larger population centres of the world. Do you want that our country too should become a prey to this Communist party which believes, not in non-violence, but in violence. So I say we must strengthen our defence forces as well as our policy force.

An Honourable Member: The Police will be the first to join them.

Prof. N. G. Ranga: I shall now take up this tax relief question. It is true, when I heard this, I thought that the tax relief was given to the rich people who did not really deserve it. My friend says it is not very much. It might not be very much; however I thought that they did not really deserve it. But the difficulty is that we have to pay to these people a kind of ransom in the last hope of winning their co-operation in our coming effort towards developing the productive resources of the country. My honourable friend the Finance Minister has already given them a warning but whether they are going to co-operate with and help the Government or not the future alone can tell. But certainly this concession is a thing which deserved serious consideration at the hands of the Select Committee.

So many complaints there have been, saying that we have not made any contribution to the developmental resources of the country. I want my honourable friend Thakar Bapa to take into consideration the moneys that the provincial governments are spending on health, education, housing sanitation and other public developmental services. It is on top of it that we have to consider what the Central Government is spending. If he only compared what the present Government is spending in regard to these matters with what the previous government was spending he would certainly find much indeed to his satisfaction. Even the Education Department has spread out its own protective wings, developmental wings, in many provinces. The same is the case with the Health Department. My honourable friend the Health Minister was keen on developing so many central institutes at the Centre that I am afraid in the provinces we need not have any institutes at all.

Shri A. V. Thakkar: May I interrupt the honourable Member for a minute? Has any Province in India introduced compulsory education up to this day—the richest, Madras and Bombay?

Prof. N. G. Ranga: My honourable friend Thakkar Bapa even if he was the Prime Minister of all the Provinces together and of the Centre would find that it is not possible for him to introduce compulsory education with the finances that he has got at his disposal unless he touches everybody's pocket. I am in favour of compulsory elementary education. But he himself scouted the idea of bringing in conscription for all the educated youths in this country, University students and others, in order to drive them to the villages and bring about compulsory education. We have to start a national campaign. It is not only the finances of the state but also the social resources and the contribution of the people that have to be taken into account in order to achieve it. It is not open to us here, burdened as we are with all these responsibilities, to come and attack this Government "Why have you not established it; if

[Prof. N. G. Ranga].

is sixteen months since you have been in office; why have you not introduced compulsory elementary education?" It is not possible. Otherwise certainly they would like and I would like to have it just as my honourable friend Thakkar Bapa would like to have it.

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

One more word and that is that this Government is subsidising food to the tune of Rs. 30 crores. Is it not a contribution to the poor people, the common people in the country? Of course it is a contribution against my people, the Kisans, because this Rs. 30 crores is bringing down the prices of our own food with the result that those people do not have the necessary inducement to raise it more and more.

Begum Aizaz Rasul (U.P.: Muslim): Madam, I did not expect to be called at this late hour, but I am grateful to you for giving me this opportunity of saying a few words. So much has been said on the budget as well as the Finance Bill during these last few days that I do not think I have anything new to add to it. But I might just say that I agree with those honourable Members who have expressed the opinion that there must be some sort of co-ordination in regard to taxation between the Provinces and the Centre. For instance I may say that in most of the Provinces there is a Sales Tax. This, as the House will realize, imposes a tax upon the consumer in everything that the consumer buys. Now, apart from that the Centre is imposing a tax on things like sugar, cloth and petrol. This means the consumer will be doubly taxed on these commodities of everyday use. This is unfair. I think it is up to the Finance Minister to let the House know what is the incidence of Income-tax in this country. We are not averse to paying taxes, but certainly we ought to know how we stand in the matter of taxation. Then the government has taken up the position of increasing land excise duty—why on consumer's goods produced in India? Tax on imports is also tax on consumers. This is justifiable if protection of Indian and indigenous industries is meant thereby. We can tax things like steel and iron and foreign cloth and other items mentioned by Tariff Board Report. We can also tax sugar from Java and Mauritius. But certain things that are the needs and requirements of the man in the street should be taxed only if it is absolutely necessary to do so. The cost of living is already very high and prices of commodities such as cloth, sugar, petrol etc. must effect the people. The raising of the tax on betelnut is also very unfair. Betelnut is a luxury that is enjoyed by the poor man. It will affect my Province very much because betelnut is very popular there and it is used by large sections of the people. In fact if I remember right tax on betelnut was raised a few years ago and therefore the additional tax is very unfair.

The honourable the Communications Minister made out a very good case as regards the raising of postal rates. As far as the postcard is concerned I entirely agree that the price should be three pice per postcard, but as far as the letter is concerned I think that the six pice rate per letter should be retained. All those who want to send letters by air mail can certainly afford to pay an extra sum. Therefore the postal rate on envelopes should not be increased except for those people who want to send by air mail, and there I think that one anna or two annas or even three annas extra may be charged for those letters that are to be sent by air mail.

I have also in mind the Agricultural Income-tax that has been imposed in most of the Provinces. This will not only affect, as some people think, the big landlords but will also affect the big farmers and the tenants and will to a great extent discourage the development of agriculture and largescale

farming which is so necessary for our country today in connection with food production. When the Bill for the Abolition of the Zamindari which is on the anvil in most of the Provinces comes into effect and after the zamindaris have been abolished the tax will fall very heavily on the farmers and the peasants who will inherit all those lands that once belonged to the zamindars and will, as I say, discourage to a great extent the food production of the country. I hope that this aspect of the matter will be kept in view.

Then, Madam, there is one other point I want to make and that is with regard to the commercial undertakings of the Government. In the Limitation of Dividends Bill the Government has proposed six per cent as the highest dividend that is to be paid as profits. That means that it feels that six per cent is the minimum reasonable figure one should expect. But from the Government's own commercial undertakings like the Railways and the Posts and Telegraphs what are they getting? In the first place the businessman has to compete with others before he can make this six per cent. But in a State commercial undertaking you don't allow competition and so it is all a monopoly. The Government has invested about Rs. 720 crores in divided India as this year's account shows and the contribution that the Government is getting from the Railways is a little over Rs. 4½ crores, which means a little over half of one per cent. I should like to know why it is so. It certainly is a public utility concern but it is also a commercial undertaking of Government and I should therefore think that Government should expect a higher figure of dividend than half of one per cent. Even the British officers have stated that the Railways should pay more profits to the Government. But we see no evidence of this and even this rate is fixed after increasing about 50 per cent on rates and freights over and above the usual fares and war Surcharge.

Madam, I have to say just a few words about Defence. Quite a lot of criticism has been made over the high expenditure on Defence. From the reports that we see in the papers, Pakistan has budgeted about 60 per cent of its revenues for Defence and India has budgeted about 48 per cent. Naturally these are very high figures, and we are entitled to ask why Defence expenditure is being raised so much. To my mind the only way to reduce this high expenditure is to evolve a common defence policy. The Cabinet Mission Plan said that it was impossible to divide the Indian Army, that the defence of India was built up as one unit. Well, as things turned out the Indian Army had to be divided up. But, it cannot be denied that the spirit of fraternity and comradeship still persists amongst the officers and men of the two armies and I should like to see the day, and I hope it is not far off, when India and Pakistan can join together in a common defence. After all, what are these feverish preparations for? I shudder to think of the possibility of these two Dominions going to war. It will be the unmaking and finishing up of both the countries and I do not think that the statesmen of either country can ever have this intention in view. Therefore, it is necessary that these two Dominions should come more and more together. If these defence preparations are for an enemy outside India, then it is more necessary for the two Dominions to build up a programme of common defence.

Shri H. V. Kamath: Is my honourable friend, Madam, prepared for a re-union of the two?

Begum Aizaz Rasul: I certainly feel that the defence of the country should be devised on a common basis as that is the only way to save these two countries from foreign aggression, from communism and from all those forces that are threatening civilisation. India and Pakistan together can fight these, much better than alone. And the money thus saved can be utilised

[Begum Aizaz Rasul]

for nation building activities. I would like not only a common defence but a common economy also, which will build up the prosperity of the two countries.

I was very glad to hear from the honourable the Home Minister the fact that the Muslims are settling down in India. Madam, it is with a feeling of great pleasure that I heard this. I can say with all the emphasis at my command that the Muslims of this country who form a very large section of the population, consider themselves as citizens of India. They do not want any preferential treatment either from the Government or from the people, they only want security for themselves to live happy and peaceful lives. They would be willing to lay down their lives for the honour and prosperity of the country and are absolutely willing and ready to make every sacrifice for the defence of the country. I only wish to reiterate that they do not want that any preferential treatment should be meted out to them because they are Muslims but that no discrimination should be made against them because they are Muslims. As citizens of this country we are willing to share in the responsibilities as well as in the benefits that accrue to any citizen of a country. I therefore feel that the words that came from the mouth of the honourable the Home Minister were most gratifying. I know that with leaders like His Excellency Rajaji as Governor-General and Sardar Patel and Pt. Jawahar Lal Nehru, at the head of the Government we can hope to get a fair deal in this country and conditions, already created, will be maintained which will infuse more and more confidence and feeling of security and contentment in the minds of the Muslims living here.

Mr. Chairman: I shall ask the honourable Member Mr. Sidhva to speak if he can finish his speech within five minutes because I want to ask the Finance Minister to speak at 4.30 sharp.

Shri R. K. Sidhva: Thank you, Madam, for giving me five minutes. I am very glad that Prof. Ranga very effectively gave a reply to Mr. Munshi, particularly on the question of the salaries of officers of the Defence Ministry. I am mentioning this because it may not be misunderstood that this House, while considering the Defence Budget, was not considerate about their officers and the Army to which this House has unanimously given the best complement and tribute. We have at heart their interests and we assure them that they are liberally paid. The Defence Minister himself and the Finance Minister also have stated that they are fairly well paid.

Having said that, as far as this Bill is concerned, I find that my honourable friend the Finance Minister has stated that some of the enhancements of duties and taxes he has proposed as an anti-inflationary measure. He has mentioned so in clause 4 of the Statement of Objects and Reasons. That is correct. But I fail to understand this. I want to know what is the definition of inflation. I do not know whether my honourable friend the Minister has got a special dictionary in his archives for the definition of this word inflation but in the common dictionary which I have got I find, it means "swelling", and if "swelling", as we know, happens on the human body, the surgeon immediately sterilises the knife and cuts that swelling so that the body becomes healthy. If that is the correct interpretation of the word inflation, then the first thing he should have done is to put a cut upon the various Departments which are superfluous. In his Budget speech he was rather reluctant to do it. He stated that he would examine this matter

next year, but the House vociferously opposed that idea and I am very glad, and I congratulate him, that in deference to the wishes of the House, he replied on a cut motion that he is going to examine this case now and within three months he will see that the Economy Committee's proposals are carried out. I congratulate him from the bottom of my heart for this. Unless you cut down superfluous staff and superfluous expenses, you will not be able to cut down your expenses and your inflation will not to any extent be reduced.

There is an item in the Civil Budget under the heading, "Other charges", amounting to 5.63 lakhs. "Other charges" are not defined and in some cases very meagerly defined. I would request him that he must straightaway without going into details tell each Ministry to cut down by 10 per cent. That is the practice in many departments outside the Secretariat and it has been successfully carried out. I know the Secretariat will hesitate, but I am sure that with his persuasive tongue and impressiveness, if he were to tell all the Ministries that in this "Other charges" 10 per cent must be cut down, I am sure the efficiency will be maintained without any difficulty. I can tell you from my experience that I have made that experiment and carried it out successfully though with opposition which the ministerial staff offered at the earlier stage.

As far as taxation is concerned, it is not a question of taxation which this House alone imposes. We have to bear in mind, while discussing of the common man, as to what his own position is as far as his Province and village and district are concerned. He is being taxed from all round. What are the Provinces doing today? To balance their Budgets the Provinces are increasing the taxation on all sides. If you increase the burden on the poor man, the middle class man and the rich man to balance the Budget, with due deference to the honourable Minister I would say that that will not be called a balanced Budget. To meet your expenditure you might levy taxation up to 100 per cent and say, "I have balanced the Budget". Balancing the Budget should be real, not artificial. Now, what is happening in the provincial taxes? Madras has withdrawn the exemption of agricultural products from sales-tax, and they charge 50 per cent more on ground-nut and cashew-nut. Bombay is levying 3 pias on exports from the Province. I would like to know whether provincial governments should be allowed to impose any kind of taxes on exports? That is very unfair. Madras levies 3 pias on cotton export. They also charge 25 per cent on property taxes. These are points which the honourable Minister should take into consideration very seriously.

These are matters which we should consider if we or the House want to do some real good to the people. In the last Budget discussion, I asked the predecessor of the honourable the Finance Minister "what kind of relief are you giving to the common average man, the man in the street? After freedom he wants to know what he has gained." And he told me that this was not the form for giving any kind of relief to the villager, and that I must go to the province for that. I am very glad, Sir, that the honourable the Finance Minister, in his reply to many of the Members did not share the views of his predecessor. This Central Assembly can do many things to bring relief to the common man. Sir, is not the common paying to the centre? Take the Third-class earnings in the railways. Out of the earnings of Rs. 81,66,25,000, Rs. 67,97,00,000 are paid by the third-class passengers. They are thus paying to the Centre and you cannot ignore them on the score that they do not pay you anything.

[At this stage Mr. Deputy Speaker resumed the Chair.]

Dr. Mono Mohan Das (West Bengal: General): On a point of information, Sir, what is the procedure adopted in this House for calling honourable Members to speak?

Mr. Deputy-Speaker: It is an academic question which I am not prepared to answer.

How much longer will the honourable Member take?

Shri R. K. Sidhva: I have to say many things, but I do not want to do so now. I will only say that I am very glad that the honourable Minister in his recent speech has really developed the points which we wanted to develop, and also met the wishes of the House. In his Budget speech we were very much disappointed from the tone and the manner in which he presented the Budget. But that shows democracy. That shows the democratic nature of the House, he saw it and immediately he changed the view which he held originally, and to-day he has made a reference to the Economy Committee.

I really congratulate the honourable the Finance Minister. I will only say that if he wants to benefit the whole country and give relief to all, and if he wants to give relief, he should not cast his eyes on Dalal Street only. He must look to the whole country and on everybody alike. He may look to Dalal Street and give relief to its people. But he should not ignore the poor people and in future he should see that all are benefitted equally.

The Honourable Dr. John Matthai: Sir, I find it a little difficult to reply to a debate of the kind that we have had yesterday and to-day because although it was the Finance Bill that was under discussion, most of the matters which came up for review by the House are matters which concern the Government as a whole. The greater part of the questions raised related to Ministries other than my own, and although I certainly share collective responsibility for the views and the decisions of Government, the House will appreciate that I do not have sufficient direct or immediate knowledge of what is happening in other Ministries, to be able to give the House considered and final views on many of these matters.

As regards the taxation proposals which are embodied in the Finance Bill, since all these proposals are coming up for detailed examination and scrutiny by the Select Committee, it does not seem to me necessary that I should weary the House with my views regarding them. Various suggestions have been made as regards these taxation proposals, the manner in which these proposals might be modified, the manner in which some of them might be replaced; all these suggestions, I have no doubt, will be taken into the fullest possible account by the Select Committee which the House is going to appoint.

There are, however, certain general problems regarding the financial and economic situation in the country to which reference has been made and on which, therefore, I would like to offer a comment or two during the short time that the House has kindly placed at my disposal.

There is one point which has been raised by more than one speaker. I think it was my honourable friend Babu Ramnarayan Singh who first raised it, and I think Mr. Tyagi, Mr. Thakkar and various other Members also raised it. What they say is this: "It is not so much to the level of taxation that we object. We are prepared to stand a reasonable level of taxation, a reasonably high level of taxation, provided, the proceeds of the taxation are expended in a manner which would be of direct benefit to the great mass of the people in the country; not merely of direct benefit to them, but would be demonstrably beneficial to them." That is a point with which I entirely agree. But then we are up against a serious practical problem there. In the way in which Government is organised in our country, the Centre does not come into direct contact with all those social and economic problems which concern the people most directly. It is only in an indirect manner

that we can be of help. If honourable Members have scrutinised the Budget carefully, they will find that we have made provision for grants to Provinces of somewhere about Rs. 27 crores. We have made provision for loans to Provinces in 1949-50, somewhere about Rs. 58 crores. We have provided for food-subsidies to the extent of Rs. 33 crores. We have provided for the maintenance and settlement of the large population who have been displaced from their original homes and who are on our hands and are our responsibility. For them we have made a revenue provision of Rs. 10 crores and we have made a capital provision of nearly Rs. 20 crores. All these are provisions which we have made for the advantage and for the benefit of that individual whom in these discussions we have often described as the common man. But these have not been very demonstrably brought out, though they are all there implicit in the Budget. My own feeling is this, that if we are able to sail into more comfortable waters, as regards our financial position, it ought to be possible for us to provide for this expenditure that we undertake for the benefit of the great masses of the country, and we should be able to provide it in a manner and on a scale which would have a certain amount of psychological effect. I think it ought to be possible to do it, provided our financial position is slightly better than it is to-day.

I think it was my honourable friend Babu Ramnarayan Singh who at an early stage of the debate raised the question of salary scales. Frankly I am very uncomfortable about the salary scales that prevail throughout the country to-day, not merely in Government services, but in every walk of life. If it were possible for us to get the great bulk of our people to a plane where service and only service would be the motive, then we could, of course, do away with the kind of salaries to which we have got so used. I think Babu Ramnarayan Singh called our attention to the fact that before the War, when the Indian National Congress began to apply its mind to this problem, they fixed a certain limit. I think they said that the maximum salary should not exceed Rs. 500 and he put a very pertinent question to the Treasury Bench, "Why don't you adopt it? Why have you departed from it to this very large extent?" May I suggest a little practical consideration to Babu Ramnarayan Singh? This Rs. 500 that the Congress fixed as the maximum limit was fixed with reference to pre-war prices. The index number is now standing at 370 compared with pre-war prices. Direct taxation stands at a much higher level than it did in 1938-39. (Babu Ramnarayan Singh: 'Dearness allowances?') Yes, these figures take these factors into account and today the equivalent amount would be somewhere about Rs. 2,000. I am not suggesting that as a final answer to the point that he made.

Babu Ramnarayan Singh: But in that proportion you have not increased the salaries of the permanent services and the lower paid employees.

The Honourable Dr. John Matthai: If you take the dearness allowances, much the greater part goes to the lower paid employees of the Government and relatively little of it goes to the benefit of the higher paid employees, but I was going to say this is a matter that we have to take into account.

When I was an official of the Government of India, years ago—and those were spacious days, when we officials lived comfortably—we spent six months of the year in Simla and spent six months when the weather was comfortable and hospitable here in Delhi. Comparing now my experience as a Minister of the way in which the senior officers of Government now work and comparing that with the way in which I as a fairly senior official under the old regime worked, the number of hours that our senior officers work today and the enthusiasm and the consciousness with which they work today, represent a mighty higher standard. When we were in Simla, we went to the office at 10

[Dr. John Matthai]

o'clock and it took very nearly 45 minutes before one could reach the office from the hotel. Coming back it took another 45 minutes; every day there was a lunch party for nearly two hours; every evening there was a cocktail party and every night there was a dinner party and moving about in Rickshaws, practically the whole of your time was absorbed in matters of that kind. If you take the way in which the senior officers of Government are working to-day, it is a marvellous transformation and I think it is but fair to our officers—and I am speaking of the senior officers with whom I come in contact in my day to day work,—it is but fair that they should be given credit for it.

There is another point that I should like to mention. We are living in very difficult times not merely in our country, but in neighbouring countries. Has the House ever considered why it is that in India we have been able to preserve a fair degree of stability and how we have been able to save the country from, at any rate, the kind of serious collapse that has occurred in a neighbouring country like Burma? I would like to make two suggestions to the House. The most important reason is that in our country, unlike Burma, we have two or three men to whom the whole country owes loyalty. There is leadership of a kind that does not obtain in some other countries, but apart from that there is a very important reason, and that is this. If you take a country like Burma, the Englishmen who used to run the Civil Service and the administrative machinery, they have all departed. The rest of them were mostly Indians who have also departed and practically there is not even the remnant of a trained Civil Service there to run the machinery of Government. Here, fortunately for us, whatever may be the criticisms that we pass upon our officers, we have a body of trained men, trained in administrative work and be it said to their credit, entirely loyal to the new regime: these are the people who have stood between us and collapse.

I was speaking of the scale of salaries and let me get back to the subject. I am not one who believes that money is a useful thing beyond a certain limit. I was a fairly prosperous businessman before I joined the Government of India as a Minister and speaking in the presence of an old colleague Mr. Mody, I may say that the financial position in which I find myself today as a Minister is very different. (*An honourable Member*: 'Was your colleague in business or what?') None what I am going to suggest is that it is not that I want more money. From my personal experience, I find that life today is quite as interesting and quite as enjoyable a thing to me as in the days when my income was two or three times what it is today. The things that matter in life are, to have interesting work to do, to be able to have wholesome food to eat, the pleasure of family life and enjoyment of nature and art, reading a few good books—these are the things that after all give content to life and as far as these real things in life are concerned, it does not seem to me the difference between a high level of income and a moderate level of income makes any difference whatsoever. I am referring to this point because I think it ought to be our business as much the business of Government as of public leaders in this country to educate people to a proper sense of money values, but till we are able to reach that condition, I think we must reckon with the fact that men's ordinary motives must receive a certain amount of satisfaction. That is the problem with which we are all faced.

A problem that was raised over and over again in the course of the debate was the conflict and overlapping which have occurred between the Centre and the Provinces in the matter of taxation. That is a point to which I referred in the course of my reply to the General Debate. I will simply repeat this afternoon the reply I gave then, that I do admit that it is about time that we did something to remove the scope for conflict and overlapping that exists

under the present system. How it is to be done is a problem. As I said, there are two ways of doing it. It is possible to reach some kind of agreement, some kind of settlement by agreement. If that is not possible, we have got to consider very seriously whether we should not put into the constitution financial proposals which will effectively meet the problem.

Another subject which about frequent reference was made is the question of Planning. It is perfectly true the Government have now reached a stage where to all appearances planning seems to have been thrown overboard, but that is not in reality so. I would like to take the House back to the days when the National Government was first formed, the interim Government of 1946. We assumed office at the end of August, 1946. The Prime Minister was the Chairman of the National Planning Commission and that Commission had over a period of years been engaged in the very important task of drawing up a plan of development for the country. (*An honourable Member*: 'Was it a committee or a Commission?') Then along with the Prime Minister there were some of us who had also been associated with national planning and had also done a bit of planning in our own sphere and we were all immensely interested in the idea of planning. We assumed office in August. About the end of October, we were asked to form a Coalition Government with the Muslim League. The whole idea of National planning with which we were concerned at the time was planning based on the idea of a unified India. But everytime planning was mentioned in the Coalition Government it became an unacceptable idea, because unified India was not the basis on which half the Government was working. It was impossible then to make any progress. That position changed I think about August 1947. In August 1947 we had Partition. When Partition came, not merely did all the data collected become entirely out of date and out of relation to realities, it was a question simply of trying to preserve our economic structure from going to pieces. In other words, by the time the National Government found itself in the saddle, the problem before us was not to create a new order, but to preserve the existing order from going to pieces. That is the problem which has absorbed all our time till now. The Prime Minister is very actively considering at present the setting up of a Planning Commission with the idea that we may now tie up loose ends and piece together the fragments of work done in the past and see whether we cannot make some real progress.

Reference has again been made to the Economy Committee. I do not think it is necessary for me to say anything more than what I said the other day. There was a certain amount of criticism on the procedure I suggested. What I said was that the Ministries should first consult their Standing Advisory Committees and then the whole matter would be put before the Standing Finance Committee. It was suggested that that procedure might slow up the whole process and that it might make for delay. Now, there is no other way in which we can give satisfaction to the House, because if the Executive decided to take the sole responsibility upon itself and the conclusions that the Government of India came to were conclusions which were not acceptable to the House what would be done, especially in view of the fact that a great deal of suspicion has been expressed with regard to the real intention of Government with regard to economy. It is possible that when the Government announces its proposal the House might find them unsatisfactory and unacceptable. But if I am able, if the Government are able to carry the various Standing Committees of the House with it, then the proposals might probably receive better acceptance at the hands of the House. I have in mind also, when the Standing Finance Committee meets in order to consider the final proposals—and that would not be very long

Shri Mahavir Tyagi: Are the proposals drastic enough?

The Honourable Dr. John Matthai: On that point I think I must ask the honourable Member to wait. When the proposals come before the Standing Finance Committee, for final decision, my idea is to invite the Chairman of the Economy Committee and one or two of his colleagues to sit along with us so that the Committee may have not merely the point of view of the Ministries, but also the point of view of the Economy Committee. What I am trying to suggest is that the House is not altogether justified in entertaining these deep suspicious feelings about the Government and particularly about me with regard to this question of economy. I am trying to put all my cards on the table. If, in spite of that, in spite of all this procedure we are adopting, it is ultimately found that the proposals for economy are not of the order that the House anticipates, the fault will not be entirely mine or of the Government.

On the question of National income, a suggestion was made that the enquiry might be linked up with the Census. I think it is based on a misconception. A census of population is one thing, and a census of production is an entirely different thing requiring a different technique.

My honourable friend Mr. Chaliha referred to opium again. I am conversant with the problem of opium and I know that his particular province, Assam, is greatly concerned with this question. As I told the House once, I am going to have, as quickly as possible, a conference of the people interested. But I do think I ought to invite my honourable friend's attention to this fact that if we restrict the consumption of opium to medical and scientific purposes, if the standard laid down by the League of Nations has any significance, then the average consumption per head of the population today in India will be found to be below the standard laid down by the League of Nations for medical and scientific purposes.

Srijiit Kuladhar Chaliha (Assam: General): That was laid down as far back as 1926.

The Honourable Dr. John Matthai: I take it that the fundamental needs of human beings have not changed since 1926.

Babu Ramnarayan Singh raised the question of controls. We have resumed the policy of control, but I think it ought to be realised that we have resumed it only in regard to the most essential kinds of commodities. We have done so because we have realised the limitations of Government in this matter. We have a very defective instrument in our hands with which to deal with this problem of control. Therefore, it is only in regard to articles where the need for control is almost inescapable, it is only in relation to them that we have adopted it. After all, if you remember the way in which prices shot up from the end of December 1947 up to July 1948, during the period of de-control, it was difficult for any responsible Government to resist the feeling that there must be some kind of connection between the two happenings.

Babu Ramnarayan Singh: Sir, the stock of cloth in the bazar is more than enough for our requirements. Then why control cloth?

The Honourable Dr. John Matthai: My honourable friend the Minister for Industry and Supply is quite capable of looking after himself in this matter. I know he will agree with me that the question of distribution at present is not all that might be desired. But I have his assurance that things are progressing and that in a very short while we shall be able to see considerable improvement in the distribution of cloth.

Shri Deshbandhu Gupta (Delhi): May I request the honourable Minister to throw some light on the question of controlling the increase of population as suggested by my friend Pandit Thakurdas Bhargava?

The Honourable Dr. John Matthai: That is one of the points I have noted. But I thought the interest of the House on this question was not sufficiently keen. But in case it is—I do not want to commit the Government on this question—I may express my personal reaction to this problem. It is this: we all complain of over-population in our country and that the food supply and the economic resources of the country are not sufficient for maintaining so large a population as we have today. My view is this: I would rather put myself to a fuller and more exhaustive examination of the potential economic resources of the country before I come to the conclusion that the population is excessive. If any of us are alive 25 years from now—you may take it for what it is worth—he will find that, if the economic resources of the country are properly developed, in the space of a generation or two, the population of this country, instead of being a liability, will be an asset.

I think it was Pandit Thakurdas Bhargava who raised the question of birth-control. I am all for voluntary intelligent control. But when it comes to birth-control by artificial methods, you are up against a serious problem: If you extend its use to the whole community, you are getting the community used to the satisfaction of the physical, the animal instincts of love without at the same time incurring the legitimate responsibilities which it carries with it. The result would be that in the course of a generation or two you will find the population of this country would not be sufficient to under-
5 P.M. take all the responsibilities that fall upon it. Now, I do not commit the Government in any way on this question.

My honourable friend Mr. Modi asked me if the directive with regard to Prohibition has been at all observed by the provinces. The fact of the matter is that except the provinces of Madras and Bombay, all the other Provincial Governments have gone quite sufficiently, as far as their commitments permit, to meet the directive issued by the Government of India. They are doing it by stages, that is to say, in such a way that the strain on financial resources is limited to a minimum.

Mr. Modi again asked what my attitude was with regard to bearer bonds. I do not like it, and for the present I do not propose to encourage it for reasons I think with which my honourable friend is quite as familiar as I am. I am up against the problem of tax evasion and the introduction of bearer bonds is not going to help me in that matter.

I have been asked over and over again whether this discrepancy between the Budget estimates and the Revised estimates for 1948-49 does not cast a serious reflection on the Budgeting capacity of the Government of India. I think it is possible to reach a conclusion only on a careful examination of the position and I must say in all seriousness that honourable Members who have spoken on this subject have not done us justice. Now, the developments in Hyderabad, the very serious developments in Kashmir, the untoward developments in regard to certain refugee problems, the failure of the crops and the necessity for importing larger amount of foodgrains—these are not things which even the wisest Finance Minister and Finance staff could have anticipated early in 1948.

Mr. Homi Mody: That is only with regard to expenditure.

The Honourable Dr. John Matthai: I am coming to the other side. On the revenue side, the largest single item of revenue is customs. It was somewhere in July that we decided to liberalise our import policy in view of the inflationary conditions which were prevailing. The Finance Minister in February 1948 could not have anticipated that. That gave us a large yield of revenue. As regards income-tax, what happened was, that when we found that we were faced with all this unanticipated expenditure under Defence, under food subsidies, under relief and rehabilitation etc. we thought that it was necessary to raise the revenues, available to us. One way of doing it on the

[Dr. John Matthai]

direct taxation side was to step up the collection of arrears, to put more momentum into that work, and that, to some extent, increased our income-tax revenue. It was again for that reason that we decided, towards the end of the year, to introduce the system of provisional assessment, which again increased our revenue. It was again with the purpose of meeting this increased expenditure that we decided in connection with our anti-inflationary measures to levy customs duty on a number of fresh articles and this resulted in further increases. Therefore, when the expenditure increased for reasons which could not be anticipated, we as sensible, intelligent people tried to adapt ourselves in these various ways on the revenue side.

Then our friend Mr. Modi put me a question which surprised me. He told me, "You people are using your cash balances in order to meet your current expenditure." I was, frankly, surprised at this question, from a businessman and a banker at that. The whole basis of my Budget proposals is to balance revenue and expenditure. Therefore, the whole of my current expenditure I am meeting out of current revenue. I am not drawing upon cash balances in order to meet my current expenditure, which is met entirely by revenue. We are proposing a total capital expenditure of somewhere about Rs. 240 crores for 1949-50; out of that, we are meeting Rs. 134 crores by drawing on our cash balances. That is the real issue. Therefore, the cash balances which are our reserve are being used actually for capital purposes.

An Honourable Member: What about short-term loans?

Another Honourable Member: It is past five, Sir.

Mr. Deputy-Speaker: There is no guillotine as far as these things are concerned.

The Honourable Dr. John Matthai: I will finish presently, Sir.

Mr. Deputy-Speaker: I am not hurrying the honourable Minister. I am sure the House will sit for some more time.

The Honourable Dr. John Matthai: I think, you Sir raised the question of the Estimates Committee of the House of Commons, that is to say, that we must have a Committee of this House to scrutinise expenditure in much greater detail than our present Committees are able to do. A useful idea, theoretically. The difficulty about it is this. The Estimates Committee of the House of Commons is able to do its job because the House of Commons is a much more strenuous body than our legislature. They sit practically right through the year, and this Estimates Committee sits for nearly four months on end examining expenditure. They sit day after day examining it. It is possible for us in the new Constitution to arrange things in such a way that our legislature sits like the House of Commons practically over the whole year. But if that is not possible, an Estimates Committee would not work any better than our present Standing Finance Committee. Apart from that—I am speaking without any particular authority, but I have discussed this matter with people who are conversant with the working of the Estimates Committee of the British Parliament—my impression is that those who are directly concerned with the working of the Estimates Committee are of the belief that the Estimates Committee of Parliament does little useful work. It is not being eliminated because any institution in England which has become part of the traditional structure of the country is maintained for its traditional value. I think as an effective institution for the scrutiny of expenditure, the usefulness of the Estimates Committee of the House of Commons is slightly exaggerated.

I have been asked about the Public Accounts Committee. It is perfectly true that we have not been able to present reports for two or three years. Now, the trouble is this. Since the partition occurred in 1947, it has been very difficult for us to bring our figures at present into any sort of comparison with the figures before the partition. It has completely dislocated the continuity of our accounts. That I think is the reason which has made it very difficult. We have not been able to settle all our accounts with Pakistan and until we are able to finalise these accounts, public accounts for that period would not be complete. That is another reason. But we are trying to do our best. Personally, I am of the view—I am speaking subject to correction, I am in the hands of the House entirely on this matter—my own feeling is that the Public Accounts Committee's reports for 1945-46 and 1946-47 would have nothing more than a purely academic value.

Ch. Ranbir Singh (East Punjab: General): What about Agricultural Finance Corporation?

The Honourable Dr. John Matthai: On the Agricultural Finance Corporation, my feeling is this. I think there is something to be said for it, but I would much rather have the Agricultural Finance Corporation set up by the provincial governments and any assistance that they want could be given by the Centre through the co-operative agency. I think Agricultural Finance Corporations should be set up on the basis of co-operative institutions, either credit institutions of the ordinary variety or land mortgage banks. In either case, it ought to be possible for the Central Government, if their finances permit it, to make advances to the Agricultural Finance Corporation of the provinces.

Ch. Ranbir Singh: Stabilisation of agricultural produce.

The Honourable Dr. John Matthai: I think, Sir, I have covered most of the points. It is rather late. I think one honourable Member—it was Begum Rasul—who complained that the general contribution of the Railways is not sufficient. I think the point to remember is that this 4.75 crores contribution does not include the interest which the Railways pay us on our investments; they pay us about Rs. 22 crores and this Rs. 22 crores must be added to this 4.75 crores in order to get the precise amount that we draw from our investment on the Railways.

My friend Prof. Shibbanlal Saksena reminded me of the Stakhanov method. I still adhere to my view that it is really a question of individual gain. I would suggest to my honourable friend, when he has time, to read a book by the famous French Socialist Andre Gide on Russia. He went with a party of French miners to see the way in which Russian planning was working and he was taken to a mine where the Stakhanov method had produced remarkable results. His French miners who were with him, also went into the mine for a day just for the fun of it and took part in the work. When they came out, the thing that impressed them was not that production had increased under the Stakhanov method but that it was so low before the Stakhanov method was introduced. In fact the extent to which the Stakhanov method has worked in Russia is exaggerated. As far as the system of Russian planning is concerned, the thing that makes their planning system work with such success and with such a sense of unity is that right through all the strata there is an element of strong, loyal, party-men who keep the strings in their hands. In fact it is not distinguishable from the most undemocratic type of Government that you can think of. If Prof. Saksena thinks that is the basis on which we should proceed, he is welcome to his idea.

Babu Ramnarayan Singh: According to the honourable Minister, what are the favourable circumstances which will allow a removal of control, and when does he expect it?

The Honourable Dr. John Matthai: It is a little difficult for me to answer that question. The question of control is very closely bound up with the level of prices to the extent that the extent of prices indicates the degree of scarcity of foodgrains. To that extent this question is bound up with the level of prices. If we are able to increase the supply to such an extent that it is more or less equal to the demand, then that would be the time. When that time will come, is more than I can tell.

Shri Biswanath Das (Orissa: General): May I know whether the honourable Minister for Finance could give us any assurance or undertaking as to when he is going to place before us the report of the Auditor-General of India and when is he going to invite the Members of the Public Accounts Committee to deliberate over it?

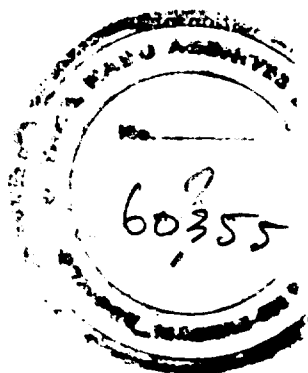
The Honourable Dr. John Matthai: Three months ago I tried my best to get a meeting of the Public Accounts Committee. As a matter of fact I sent a circular round for a meeting and when we met we found we did not have a quorum. Later we were unable to get an agreed date. As soon as the Members can attend a meeting, I am prepared to call one.

Mr. Deputy-Speaker: The question is:

"That the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, Pandit Hriday Nath Kanran, Shri T. A. Ramalingam Chettiar, Shri Biswanath Das, Shri R. K. Sidhva, Shri Surendra Mohan Ghosh, Prof. N. G. Ranga, Shri Ram Nath Goenka, Mr. Naziruddin Ahmad, Shri Mohan Lal Gauram, Shrimati Annie Mascarene, Shri Gokulbhai Daulatram Bhatt, Shri Prabhu Dayal Himatsingka, Mr. Homi Mody, Shri Khandubhai K. Desai, Shri S. V. Krishna-moorthy Rao, Shri H. V. Kamath, Shri B. L. Sondhi, Shri Kala Venkata Rao, Srijiut Rohini Kumar Chaudhuri, Shri K. Hanumanthaiya, Shri Deshbandhu Gupta and the Mover with Instructions to report on or before the 25th March, 1949, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Wednesday, the 23rd March, 1949.



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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Wednesday, 23rd March, 1949

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

QUESTIONS AND ANSWERS (See Part I)

11-50 A.M.

NON-INCLUSION OF HINDU CODE IN ORDER PAPER

Srijut Kuladhar Chaliha (Assam: General): On a point of order, Mr. Speaker. The Hindu Code was to have been taken up today, and I do not find it on the Agenda. Has it been taken out by the Secretary himself or by some arrangement?

Mr. Speaker: As I have often said, in case honourable Members want to raise any points, it is better for them just to see me in my chamber and I shall try to explain to them as to how matters stand. The raising of points in the House by taking up its time leads us nowhere.

Srijut Kuladhar Chaliha: But then.....

Mr. Speaker: I am not going to deal with that now.

PAPERS LAID ON THE TABLE

AUTHENTICATED SCHEDULES OF AUTHORISED EXPENDITURES—RAILWAYS

(i) *Supplementary Expenditure for 1948-49.*

(ii) *Expenditure for 1949-50*

The Honourable Shri N. Gopalaswami* Ayyangar (Minister of Railways and Transport): Sir, I beg to lay on the table, in pursuance of sub-section (2) of section 35 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947—

- (1) an authenticated Schedule of authorised supplementary expenditure for the year 1948-49 in respect of the Indian Government Railways; and
- (2) an authenticated Schedule of authorised expenditure for the year 1949-50 in respect of the Indian Government Railways.

In pursuance of the provision of Section 36 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947 read with sub-section (1) of (1751)

Section 35 thereof I, Chakravarti Rajagopalachari, Governor General of India do hereby authenticate by my signature the following schedule of authorised supplementary expenditure for the year 1948-49, namely:

SCHEDULE

(Amount in thousands of rupees)

Heads of Expenditure	Supplementary sum required to meet the expenditure charged on the Revenue	Supplementary grant made by the Constituent Assembly of India (Legislative)	Total
1. Railway Board	..	2,62	2,62
2. Audit	..	3,25	3,25
3. Miscellaneous Expenditure	..	13,05	13,05
4. Ordinary Working Expenses—Administration	..	33,34	33,34
5. Ordinary Working Expenses—Repairs and Maintenance	..	4,42,96	4,42,96
6. Ordinary Working Expenses—Operating Staff	..	24,88	24,88
7. Ordinary Working Expenses—Operation (Fuel)	..	3,25,33	3,25,33
9. Ordinary Working Expenses—Miscellaneous Expenses	..	63,22	63,22
10. Payments to Indian States and Companies	..	9,28	9,28
11. Appropriation to Depreciation Fund	..	7,75,24	7,75,24
14-A. Withdrawal from Reserve	..	5,11	5,11
15. Construction of New Lines	..	1,99,78	1,99,78
16. Open Line Works—Additions	..	1	1

C. RAJAGOPALACHARI,
Governor-General of India.

NEW DELHI;
The 4th March, 1949.

In pursuance of the provisions of subsection (1) of Section 35 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, I, Chakravarti Rajagopalachari, Governor General of India, do hereby authenticate by my signature the following schedule of expenditure from the revenues of the Dominion in respect of the Indian Government Railways for the year 1949-50, namely:

SCHEDULE

(Amount in thousands of rupees)

Heads of expenditure	Voted	Charged	Total
1. Railway Board—Revenue	32,58	..	32,58
2. Audit—Revenue	21,77	..	21,77
3. Miscellaneous expenditure Revenue	46,70	..	46,70
4. Working expenses—Administration—Revenue	22,21,37	..	22,21,37
5. Working expenses—Repairs and Maintenance—Revenue	49,93,08	..	49,93,08

Heads of Expenditure	Voted	Charged	Total
6. Working expenses—Operating Staff—Revenue	33,64,31	..	33,64,31
7. Working expenses—Operation (Fuel)—Revenue	24,28,65	..	24,28,65
8. Working expenses—Operation other than Staff and Fuel—Revenue	8,64,55	..	8,64,55
9. Working expenses—Miscellaneous expenses—Revenue	20,31,34	..	20,31,34
10. Payments to Indian States and Companies—Revenue	1,67,39	..	1,67,39
11. Working expenses—Appropriation to Depreciation Fund—Revenue	16,19,33	..	16,19,33
12. Open Line Works—Revenue	7,65,16	..	7,65,16
15. Construction of New Lines—Capital and Depreciation Fund	4,23,52	..	4,23,52
16. Open Line Works—Additions—Capital and Betterment Fund	17,65,34	..	17,65,34
17. Open Line Works—Replacements—Capital, Betterment Fund and Depreciation Fund	40,46,49	..	40,46,49
18. Open Line Works—Betterment Fund (Passenger amenities)	1	..	1
19. Capital Outlay on Vizagapatnam Port	14,65	..	14,65
Interest charges	..	22,88,31	22,88,31

C. RAJAGOPALACHARI,
Governor-General of India.

NEW DELHI;
The 4th March 1949.

MOTION RE. ELECTIONS TO STANDING ADVISORY COMMITTEES

Mr. Speaker: The honourable the Leader of the House to make the motion for election to the Standing Committees. The motion has already been circulated to the Members.

The Honourable Shri Jawaharlal Nehru (Prime Minister and Leader of the House): Sir, I move:

"That this Assembly—

(a) do proceed to elect, in such manner as the Honourable the Speaker may direct, members to serve until the end of the next financial year on Standing Committees to advise on subjects concerning the under-mentioned Ministries and Department of the Government of India, the number to be so elected in respect of each Ministry and Department, excluding the Chairman, Vice-Chairman (if any) and the Government Chief Whip, being as follows:

Ministry of Agriculture	10
Ministry of Commerce	10
Ministry of Communications	10
Ministry of Defence	10
Ministry of Education	10
Ministry of External Affairs	10
Ministry of Food	10
Ministry of Health	10
Ministry of Home Affairs	10
Ministry of Industry and Supply	10
Ministry of Information and Broadcasting	10
Ministry of Labour	10
Ministry of Law	5
Ministry of Relief and Rehabilitation	10
Ministry of Statistics	10
Ministry of Transport (other than Roads)	10
Ministry of Works, Mines and Power	10
Department of Scientific Research	5

(b) do adopt the following amendment to the existing Rules for regulating the constitution and procedure of the said Standing Committees, adopted on the 19th November, 1947:

For Rule 1 of the said Rules, the following be substituted:

"1. (1) The Chairman of each Standing Committee shall be the Minister or Minister of State in charge of the Ministry or Department to which the Committee is attached.

[Shri Jawaharlal Nehru]

(2) Where there is a Minister of State or Deputy Minister in such Ministry otherwise than in charge thereof, he shall be the Vice-Chairman of the Standing Committee, and shall act as Chairman for any meeting at which the Minister is unable to be present.

(3) The Government Chief Whip shall *ex-officio* be a member of each of the Standing Committees.

(4) If at any meeting of the Standing Committee, the Chairman as well as the Vice-Chairman, if any, are unable to be present, the members present may elect one of themselves to act as Chairman for that meeting.

(5) An officer in the Ministry or Department designated by the Minister in charge shall be Secretary to the Standing Committee."

Mr. Speaker: Motion moved:

"That this Assembly—

(a) do proceed to elect, in such manner as the Honourable the Speaker may direct, members to serve until the end of the next financial year on Standing Committees to advise on subjects concerning the under-mentioned Ministries and Department of the Government of India, the number to be so elected in respect of each Ministry and Department, excluding the Chairman, Vice-Chairman (if any) and the Government Chief Whip, being as follows:

Ministry of Agriculture	10
Ministry of Commerce	10
Ministry of Communications	10
Ministry of Defence	10
Ministry of Education	10
Ministry of External Affairs	10
Ministry of Food	10
Ministry of Health	10
Ministry of Home Affairs	10
Ministry of Industry and Supply	10
Ministry of Information and Broadcasting	10
Ministry of Labour	10
Ministry of Law	5
Ministry of Relief and Rehabilitation	10
Ministry of States	10
Ministry of Transport (other than Roads)	10
Ministry of Works, Mines and Power	10
Department of Scientific Research	5

(b) do adopt the following amendment to the existing Rules for regulating the constitution and procedure of the said Standing Committees, adopted on the 19th November, 1947:

For Rule I of the said Rules, the following be substituted:

"1. (1) The Chairman of each Standing Committee shall be the Minister or Minister of State in charge of the Ministry or Department to which the Committee is attached.

(2) Where there is a Minister of State or Deputy Minister in such Ministry otherwise than in charge thereof, he shall be the Vice-Chairman of the Standing Committee, and shall act as Chairman for any meeting at which the Minister is unable to be present.

(3) The Government Chief Whip shall *ex-officio* be a member of each of the Standing Committees.

(4) If at any meeting of the Standing Committee, the Chairman as well as the Vice-Chairman, if any, are unable to be present, the members present may elect one of themselves to act as Chairman for that meeting.

(5) An officer in the Ministry or Department designated by the Minister in charge shall be Secretary to the Standing Committee."

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, I would like to say a few words on this motion. If I make any observations, it is for the purpose of closer association between the Ministries and the Standing Committees. You will see that the rules relating to the constitution and procedure of Standing Committees for Ministries require that the following subjects shall be laid before the Standing Committee:

"(1) All non-official Bills introduced or proposed to be introduced in the Assembly and legislative proposals which the Ministry concerned intends to undertake.

(2) Reports of Committees and Commissions (not including unpublished reports of Departmental Committees) on which the Assembly is not adequately represented.

(3) Major questions of general policy and financial proposals.

(4) Annual Reports.

(5) With the approval of the Minister in charge, any topic of public importance within the field of the Committee which a member of the Committee may propose for discussion."

I would suggest to the honourable the Leader of the House that along with a motion of this kind, a statement ought to be circulated to the honourable Members regarding each Standing Committee as to how far, within the previous year, they were able to carry out their duties on all or any of these subjects for which the Standing Committees were intended. As a matter of fact, we would like to know how many such meetings were held. In the case of a certain Standing Committee, a certain number of meetings were held; with respect to certain others only a few were held and so on. It may be that the Minister did not call for certain meetings, or such meetings were called for and some of them fell through for want of quorum etc. We would like to know before we elect particular members of the Assembly to the Advisory Committees whether those gentlemen who were members of the Standing Committee did take a keen interest in the affairs of the Standing Committee and also how far the Bills and other matters that were placed before the House, before they were initiated in the House, had the approval or the advice of the Standing Committee. A statement of that kind should be circulated to members of the House in order to enable them to find out how far these Standing Committees have done their business and how far, in the light of experience, the Standing Committees may be modified, their functions may be added to or some of them taken away. This would enable the House to judge which members may be returned to the Standing Committees, and which not.

We give a number of suggestions in the Standing Finance Committee after the Committee disposes of a particular matter relating to the particular Department concerned. Financial matters, where the sanction of the Finance Standing Committee has to be obtained, are sent to this Committee. In many cases we found in the Standing Finance Committee that the advice of the Standing Committee for the Department had not been obtained. We then had most unwillingly to send back those proposals to the same Ministry for being placed before its Standing Committee. That took some time and quite naturally it might be understood that Members of the Standing Finance Committee unnecessarily stood in the way of these proposals being taken up and finished. I am, therefore, once again placing it before the House and for the consideration of the Leader of the House that no proposals involving any financial commitments, and which need the sanction or approval of the Standing Finance Committee, shall be sent to it without its being previously considered by the Standing Committee of the House relating to that Department. It will

[Shri M. Ananthasayanam Ayyangar]

strengthen the hands of the Standing Finance Committee and if there is a debate much unnecessary criticisms will be avoided.

Next as regards the financial proposals. It is one of the objects set out here that the financial proposals for the year ought to be placed before the Standing Committee of the Department concerned. You know, Sir, we have taken a lot of time during the Budget proposals, individually, referring to departments and four or five departments have also been rolled into one for want of time. It would have been better if the Standing Committees had been taken into confidence with respect to the proposals for the year. I do not want to be misunderstood. I do not want that any taxation proposals should be placed before any Committee or the Standing Committee of the House. That must be within the heart and knowledge of the Finance Minister alone and the only other person who may also know is the Prime Minister, and with his permission, the Cabinet. That is why after all the office hours are over, and all the business is closed, late in the evening, after 5 P.M. the financial proposals are placed before the House.

It is however different in respect of the item of expenditure for Demands for Grants. There is nothing secret about it. As a matter of fact, so far as the Railways are concerned, the budget proposals are placed before the Railway Standing Finance Committee. There, every item is scanned. My honourable friend, the honourable Minister for Finance was also a Minister on a previous occasion in charge of Railways. I was a Member of the Standing Finance Committee for Railways. All the Demands for Grants were scrutinised item after item, into which ten or fifteen Members of this House had the advantage of looking, and coming to their conclusions. That is the way in which much unnecessary hot air might be avoided and I suggest that such scrutiny might be brought to bear on such items of expenditure before they come to the House.

As far as I know, none of the Budget proposals were placed before the Standing Committees concerned before they were placed in a consolidated statement before this House. In future, some such steps may be taken and then the matter may come before the Standing Finance Committee.

Yesterday, or the day before yesterday, when I made a suggestion that for the Finance Bill a Committee might be appointed to scrutinise the various Budget proposals, the honourable the Finance Minister suggested from the other side whether it was of the nature of the Estimates Committee of the House of Commons. I nodded though I was not in full agreement and then he answered on the assumption that I had in mind only a Committee of that nature. I am not having a Committee of that nature because his predecessor said that such a Committee proved itself useless and the only thing that he was able to touch was the tobacco tax—from the amount that was being spent on tobacco—one of the smallest matters which would concern the individual. But it is not for that purpose. I want a real scrutiny. I shall elaborate it later on to the Standing Finance Committee and to the Finance Minister. For the present it is enough to state what is in my mind.

This matter has been before this Assembly for nearly twelve years. When Sir James Grigg was the Minister in charge of Finance, he himself circulated a proposal. He wanted that the Standing Finance Committee ought to have a Chairman—not the Finance Minister, but a non-official of the House—because it is the Finance Minister who brings forward a proposal and it is a non-official who will bring to bear a different aspect on the

issue. Of course the Finance Minister will also be one of the Members of the Committee. He could then take a dispassionate view of the matter. Apart from the question of who ought to be the Chairman, I have no personal objection to the Finance Minister being the Chairman because he has ultimately to carry out their views or reject them. So far as the functioning of the Committee is concerned, the Standing Finance Committee could divide up the ninety odd demands for grants into three groups. Thirty demands may be taken first and discussed and scrutinised threadbare in detail before they are placed in the list of demands for grants for a particular year. In this way, at least one-third of the demands, we can be sure, will have the approval and detailed scrutiny of the Standing Finance Committee. The next year another thirty demands may be taken up and in the third year another thirty may be taken.

With regard to the reviews that have been laid before us, the Minister in charge of the Department concerned, should also say what measures of economy the Minister concerned tried to initiate, how far he succeeded, what measures of economy are possible; and apart from that in the interests of proper administration, what appointments are necessary and how the administration may be made more efficient. I find a lack of reference in that matter in the reviews sent to us. Primarily the Minister and the Administrative Officers under him are the best persons suited to make such an examination and prepare a statement to be laid before the House. I am trying to see that as far as possible we get full knowledge of the details of administration so that we can bring to bear an intelligent scrutiny on what is taking place.

I have made such a suggestion to the Honourable Dr. Syama Prasad Mookherjee, the Minister of Industry and Supply, in whose Standing Committee I am a member, with regard to Disposals. This has come in for a lot of criticism and right criticism too, from my friend Mr. Shiva Rao. Disposals are to the tune of Rs. 200 and odd crores. Many other things are lying here and there. Criticisms have been made as to the best use that can be made of them and the use that can be made of the reparations from the foreign countries. I know that articles brought from Germany and Japan are lying somewhere in Bombay. They were brought in more than a year ago and yet it has not been decided what is to be done, so far as controls are concerned with respect to iron and steel, etc., in the various departments. My suggestion was accepted but I would like that other Ministers should accept similar suggestions and that they should introduce a reform in their Standing Committees.

If there are seven or eight members of the Standing Committee, distribute the major items under any particular Minister over the various members. Ask one man to specialize in Disposals; ask another to specialize in Controls; ask a third to specialize in steel, cement and essential articles, etc.; allow him contact with the officers; let them go into the department and see and know how actually it works—whether it is working properly or not. So also such a distribution could be made in matters relating to the Commerce Ministry.

Therefore, some such arrangements might be able to be made, in which case a number of questions now raised on the floor of the House will be avoided because the Members concerned will get to know directly from the Minister what is happening. Apart from the Minister telling them they will have an intimate knowledge of the administration and this will avoid the asking of unnecessary questions. We will also be able to have first-hand knowledge of the work.

As regards Foreign Delegations—let us assume a delegation has to be sent to Havana—it is the privilege of the Minister in charge to make the ultimate

[Shri M. Ananthasayanam Ayyangar]

choice. I do not want to stand in his way of choosing but care must be taken to see that the Member in charge of that particular subject in the Standing Committee is chosen in preference to others.

Then the kind of brief that is sent must be placed before the Standing Committee so that they may give their advice and experience and suggest what matters may be considered for the delegation.

That will ease the situation and help us to arrive at proper conclusions. A matter comes before the House and a number of Members who are members of the Standing Committee need not leave the Minister all alone to justify a particular course of action taken. The Minister has all along to stand up and justify and there is no seconder. It is all fire in the House and we work like an opposition although we know what has happened. At every stage members of the Standing Committee are to be taken into confidence. Of course in regard to certain matters, certainly in the public interest they ought not to be laid before the Committee. On all other matters the Minister will take the committees into confidence. These committees are of course open for further consideration during the coming year.

Shri B. Das (Orissa: General): Sir, I wish to support the observations made by my honourable friend Mr. Ananthasayanam Ayyangar. I welcome the amendments to the rules whereby it has been laid down that a Standing Committee may be presided over by the Minister himself or a Minister of State or a Deputy Minister or in their absence by an elected member of the Standing Committee.

Prof. N. G. Ranga (Madras: General): Why bring in an elected member?

Shri B. Das: I received some of the reports of the Standing Committees where I found that departmental secretaries had presided. I do not know how it happened. It is due to lack of alertness on the part of the members of the Standing Committee that they allowed an official to preside over the meetings of the Standing Committees. I hope that will not happen again.

Mr. Ayyangar said that the Budget proposals of each Ministry should be discussed before the Standing Committee. I am a member of the Standing Committee of the W. M. P. Ministry and for the last two sessions had compelled the Ministry to place their Budget proposals for the year for approval of the Standing Committee. This year on the 27th February the W. M. P. Ministry placed their Budget proposals in a consolidated form before the Standing Committee. Howsoever cursory our examination of them were, still I may say that at least one Ministry conformed to the procedure which Mr. Ayyangar advocated just now. That has been the intention of this House. As to whether other Ministries put their proposals before their Standing Committees or not it is for the members of those committees to say.

On one thing I disagree with my honourable friend Mr. Ayyangar, viz. that the Standing Finance Committee should resolve itself into an Estimates Committee and examine the demands for grants that would be discussed under the budget proposals. My view—not of yesterday or today—which is a long standing view is that we will come to that position soon when the whole House will form itself into an Estimates Committee like the House of Commons and the House will then examine in that Committee the various demands for grants and the increases or decreases therein.

I am grateful to the various Ministers for producing their Ministry's report on the year's working and placing them before the House. That is a good thing. If the Speaker retires and the Chairman presides over the Estimates Committee of this House every Minister will have to defend the various

Demands for Grants that have to be sanctioned. That was admirably compiled in the blue index book for the various Demands of Grants under each Ministry. At Committee stage we will not make speeches. We will have to ask questions, ask the Minister or members of the Standing Committee to elucidate points as to why certain increases had occurred.

I agree with Mr. Ayyangar that Ministers were yet reluctant to place their financial proposals or to take the approval of their financial proposals from their Standing Committees. My own experience was that at first the Ministry treated it lightly. They pointed out to us that the Standing Committee would sanction the financial proposals and our views were required only on the policy. However, the Ministry with which I am concerned thought that the financial proposals will also be approved by the Standing Committee.

I do not at all like the idea that the Standing Finance Committee should have a non-official Chairman. It will not work properly and we do not want the Finance Minister to sit under a non-official Chairman and explain the test which his Ministry has applied to the financial proposals and why they included those proposals.....

Prof N. G. Ranga: What is the position in England?

Shri B. Das: I would rather like the very effective practice that is adopted everywhere. The Public Accounts Committee should have a non-official Chairman. We have cried for this on the floor of the House for the last 20 years but it was not the intention of the former British Finance Members to permit too much criticism of their British officials and hence they wanted the Finance Member to preside over the Public Accounts Committee. In the House of Commons the Leader of the Opposition presides over the Public Accounts Committee. Unfortunately we have no party of opposition. However a non-official member should preside over the Public Accounts Committee and we can introduce this salutary practice till the elections under the new Constitution take place.....

Prof. N. G. Ranga: Why not have it for the Standing Finance Committee also?

Shri B. Das: It is for the Finance Ministry to frame proposals of taxation and expenditure, it is entirely a matter for the Treasury. They will not reveal their taxation proposals to us until the day of the presentation of the Budget. You will then have to make the Finance Minister a member of the Standing Finance Committee whereas in the Public Accounts Committee that question will not arise. The Finance Minister need not be present on the Public Accounts Committee, where the Auditor General and the Accountant Generals will unfold the principles or the degree of financial control exercised by the Finance and other Ministries.

We have had two Budget Sessions. I hope by next year's Budget we would lay down how our Budget proposals are to be properly controlled. It will never be controlled by the Ministry with the assistance of the respective Standing Committee, unless there is an Estimates Committee to examine the overall proposals. Look at the discussion we have had this year. With due respect to my colleagues we discussed not the financial proposals but only policies. We did not look into the adequacy or inadequacy of the financial proposals.....

Mr. Speaker: I might invite the attention of honourable Members to one aspect of the discussion. While the matters they are referring to are quite

[Mr. Speaker]

relevant, our immediate object is to consider the proposal as regards election to the various committees, which the honourable the Leader of the House has placed before the House. Observations can still be made as to the changes desired in the functions or the constitution of the Committee without going into an elaborate debate as to how we should discuss Budget proposals or how we should scrutinise them and so on. Otherwise, the debate will be an endless one: we might take two days for the debate and still come to no conclusion. Members will please see that they do not repeat themselves but make their suggestions shortly. These are in a way motions almost of a formal nature and honourable Members can at any time bring up proposals to change the rules of procedure of these committees.

They may make remarks in short. I think sufficient has been said by Mr. Ananthasayanam Ayyangar.

Shri B. Das: I apologize if I over-stepped the limits of the Resolution. I support the Resolution and the amendments to the Rules that are being proposed. I do hope the House will take note of what I and my honourable friend Mr. Ananthasayanam Ayyangar have spoken and that they will suggest to the Government to bring forward a Resolution with regard to the other aspects of our suggestions relating to the financial proposals.

Prof. N. G. Ranga: I support almost every suggestion that has been made by the two previous speakers but I wish to dissent from two suggestions that they have made. Mr. Ananthasayanam Ayyangar suggested that each one of the Members of the Standing Committee may be allotted some particular branch of study in connection with the work of any particular Ministry and they may be expected to get into touch with the permanent officers and satisfy himself that everything is going on well. I do not know whether we can straightway accept that suggestion and I would like the Prime Minister to examine it a little more carefully and go into detail because there are certain obvious dangers also associated with it and we should go into it with greater care before we can possibly accept it or make certain amendments to it.

Secondly, I cannot agree with my honourable friend Mr. B. Das when he said that the Finance Committee need not be presided over by a non-official but should be presided over by the Minister alone. If there is any justification at all for a non-official Chairman for the Public Accounts Committee—and I had been a Member of that for over ten years, and I am in favour of it—there is equal justification why this Estimates Committee should also be presided over by a non-official Chairman. The Finance Minister can be there to lend his experience and guidance and every possible assistance.

Thirdly, though I cannot say that I am not in favour of it, I am not quite sure about this amendment that is suggested here, that is part (2) of rule 1 which says:

"Where there is a Minister of State or Deputy Minister in such Ministry otherwise than in charge thereof, he shall be the Vice-Chairman of the Standing Committee, and shall act as Chairman for any meeting at which the Minister is unable to be present."

I can understand if it is said that the Minister should preside and should be the Chairman of every Committee. But I cannot understand why the others should also be brought in there and given precedence over the non-official members of these Committees. I think it will be better and it will be a salutary practice indeed to give an opportunity to the non-officials themselves to elect their own Chairman in case the Minister is not present. In that case the Ministry would try his best to be present, and it is only on very rare

occasions that he will not be able to be present. On the other hand if this rule were passed it might come to pass that the Minister might find some other work more important, therefore might be absent and he might ask his Deputy or the State Minister to go as permanent Vice-Chairman and go and act as temporary Chairman of the Committee. I do not think it is going to be a very salutary thing. Anyhow it has got to be further examined and I hope the Prime Minister will give his best consideration to this apprehension of mine and then decide what best to do.

Then, we get only piecemeal information or rather bits of pictures of how the finances of this country are being administered when these various estimates for new proposals for expenditure are brought up before the Finance Committee. That is why we are all anxious that the whole of the Demands side of our budget proposals should be brought up before the Finance Committee a few days before they are actually finalised by the Finance Minister and that he gives an opportunity to all the members of the Standing Finance Committee to satisfy themselves whether all is well. If they have any suggestions to make it might be possible for him to make certain alterations and thus bring about a certain amount of economy. But before doing this thing there is much to be said for the suggestion made by my honourable friend Mr. Ananthasayanam Ayyangar that every Department should place its own Demands in full before its own Standing Committee and get its approval.

Lastly, I wish to make a suggestion to myself as well as to my colleagues in this House that those of us who happen to be Members of any Standing Committee and who agree to any one of the proposals brought before it ought to deem it their duty to support those Demands in this House and if we cannot do so at least not to oppose them, because it is only fair that the time of the House as well as the time of each one of the Members should be economised, after their going into these things in detail at one stage and agreeing to it, by their continuing to be consistent with the decisions that they themselves have taken in the Standing Committee.

Shri H. V. Kamath (C.P. and Berar: General): Sir, it was on the 19th of November 1947 that the Leader of the House brought before this House a Resolution for the first time in our parliamentary history for the constitution of the Standing Advisory Committees, including Standing Committees for the Ministries of Defence and Foreign Affairs—that is why I say for the first time. The previous Committee on Defence, to which my honourable friend Pandit Maitra invites my attention, was merely a Consultative Committee whereas now we have a full-fledged Advisory Committee like all the other Committees attached to the various Ministries. I do not seek any change in the Rules. They were adopted and you have rightly suggested that the debate should be confined to the working of the Rules. I only wish to examine whether these Rules work in such a way that all the Committees function efficiently, effectively and earnestly. Therefore with that end in view I should like to take stock of the situation during the last sixteen and odd months and place before the House certain suggestions with regard to the more efficient and effective working of these Standing Advisory Committees.

By your leave, Sir, I should like to remind the Leader of the House about the statement that he made in the House on that occasion, that is the 19th of November 1947, when he moved the Resolution here. He said that he hoped that the Committees would meet really to survey the whole scene of their activities and not merely confine themselves to the problem before them. He would certainly like to put the whole picture before them and take their help in the matter. There are, however, some exceptions to this like secrecy,

[Shri H. V. Kamath]

State policy and similar matters. I moved an amendment to the Rules suggesting that the Committees should meet at least once a quarter. In reply to that amendment of mine the Honourable the Leader of the House said:

"It is not desirable to fix a number like four in these Rules. What the Rule says is they should meet *at least* twice a year. They may meet many more times. I think, however, that to lay down a statutory rule that every Committee should meet at least four times a year will perhaps be undesirable and might place some difficulty. As a matter of fact (this is the essence of that statement with regard to my amendment) apart from administrative matters, if the Members of the Committee themselves want to meet at any time I am quite sure (that is, the Leader of the House was quite sure) that they can meet. They will have the fullest co-operation of the Ministry."

During the last sixteen months I have had the honour and the privilege to serve on two of these Standing Committees, namely, the Defence and the External Affairs and Commonwealth Relations Committees. At the very outset I must freely admit that the Defence Ministry has co-operated with us wholeheartedly and have convened a meeting of the Committee whenever we wanted to have one. But, Sir, I am constrained to say with the deepest regret that the Committee attached to the External Affairs and Commonwealth Relations Ministry could have functioned far more effectively, far more efficiently and far more frequently. I have greatly benefited by my association with the External Affairs Committee, it is true, but now and then I did feel that this Committee was not functioning as best as it might have done. The Leader of the House, as I pointed out, stated in November 1947 that the Committees could meet far oftener than twice a year, that as a matter of fact every time the Members of the Committee wanted to meet they could meet. I must regretfully state here that this Committee attached to the External Affairs Ministry, during the ten months after March 1948—leaving aside meetings during this Session—met only once. The Committee met in March 1948 and then it met in September 1948 and then again only in February 1949.

Shri R. K. Sidhva (C. P. and Berar: General): How many meetings in all?

Shri H. V. Kamath: One meeting after March 1948, excluding the meeting in March 1948 and that in February 1949 which were held during the Session. Only one meeting in September last.

Shri R. K. Sidhva: May I be permitted to correct my honourable friend, Sir, from the information that the House has been supplied with? In reply to my question it was stated that the External Affairs Committee met four times during the year.

Shri H. V. Kamath: During what period?

Shri R. K. Sidhva: During the calendar year 1948. This information was given by the Deputy Minister. The number of meetings held in 1948 was four, the total number of meetings of the Committee was ten. Four members attended the first meeting and nine attended each of the three other meetings in 1948.

Shri H. V. Kamath: I am talking of the off-session period; from the end of the last Budget Session till the beginning of this Budget Session the Committee met only once and that was in September 1948. During the last Session of the Legislature it met once, perhaps early in August. In spite of

the fact that I had requested the Leader of the House, the Chairman of this Committee, in September last, that this Committee might meet oftener during the off-session periods too, to my great regret, and I am sure to the regret of my colleagues on this Committee, the Committee did not meet again till February 1949. From September 1948 to February, 1949 there was no meeting whatsoever.

It might be argued that there was perhaps nothing of importance to place before the Committee, but I am sure my honourable friends do not share that view, because during the six-months from September 1948 to February 1949 many momentous events moved swiftly on the world stage. I may mention only a few among them. There were the developments in Kashmir, there were the developments with regard to the Commonwealth Conference in London which the Prime Minister attended in October last. Then there was subsequently the Asian Conference on Indonesia. Then there was a very important question which agitated many of us here, namely, the execution of Tojo and his colleagues in Japan. With regard to the last named subject, namely the execution of Tojo and his colleagues, some of us members of the Committee had met informally because we found that no meeting of the Committee had been called to discuss that or other matters. Some of us, including the convener of this little group, my friend Seth Govind Das, met and adopted a resolution on the subject and we requested Seth Govind Das to pass it on to the proper quarters. I am sure it was sent to the proper quarters.

Seth Govind Das (C. P. and Berar: General): I received a reply to that also.

Shri H. V. Kamath: Yes. But in spite of the various events that happened during that six months period. I am very regretfully constrained to say that no meeting of the Committee was ever convened. I may also mention that I casually asked my honourable friend Dr. Keskar—it was at the end of December or early in January—whether there was a proposal to call a meeting. Unless my memory betrays me, he told me that the Session was coming to a close, and so we would meet as soon as the Budget Session opened.

Shri M. Tirumala Rao (Madras: General): Was he the Deputy Minister then?

Shri H. V. Kamath: Yes, he took charge on 7th or 8th of December, if I remember aright.

It might be argued that it is convenient and easy to call a meeting of these Committees when the Assembly is in session either as the Constitution-making body or the law-making body, but I might point out to the House that from early November to the 9th or 10th of January the Constituent Assembly was sitting as the Constitution-making body for two months and I fail to see why it was not thought necessary to call a meeting of the Standing Committee attached to the External Affairs Ministry. Even if the Assembly was not in Session either as the Constitution-making body or the law-making body, I certainly would make a strong plea before the House and before the Leader of the House to see that a meeting is convened when important matters come up for placing before the Committee. It might be argued that the Chairman of the Committee is the best judge of what matters are to be placed before the Committee. But in 1947 we changed the procedure. The original rule before the House was "all major questions of general policy on which the Minister in charge desires advice of the Committee"—that was the rule brought before the House. It was amended at the instance of my friend Shri Ananthasayanam Ayyangar. That part of it which said "on which the Minister in charge desires the advice of the Committee" was deleted. I suppose the sense of the House

[Shri H. V. Kamath]

was that all questions of general policy must be placed before the Committee. But during this period when so many events happened in India as well as in the outside world, we were not given an opportunity to place our view before the Chairman of the Committee.

The only argument that might be advanced for not calling a meeting of the Standing Committee during the off-session periods is the question of money. It may be argued that members have to come from all parts of the country and that it may not be worthwhile to spend so much money on a meeting of the Committee during the off-session period. But I am surprised if that plea were to be put forward seriously by the Leader of the House. I do hope, nay, I am sure he would not put forward such a plea that during the off-session period Committee meetings should not be convened, because I know that he is so very indifferent if not contemptuous towards money and money matters that at the Jaipur session of the Congress he even forgot how much salary he was drawing. I am sure he will not put forward this as an argument before the House that money should not be spent like that. When the cause is worthy no money spent thereon is wasted. If that plea is brought forward to sustain not calling the Committee meetings in the off-session periods, I would only say that it is a sort of a penny-wise and pound-foolish policy.

Before I close I would say this much that at least in future we should see that the rules work in such a manner that the Committees will really fulfil the purpose that has been assigned to them, that is to say, to serve as a very effective liaison between the Legislature and the Ministries concerned. I am glad to see that there has been a new change. I hope it will be for the better working of these Committees. That change is that the Government Chief Whip is now an *ex-officio* Member of all the Committees.

He, as the entire House knows, is an indefatigable worker, and tries to smoothen things, and to make the relations more cordial, between the Members of the Legislature and the Ministries concerned. I hope he will act as a haven so far as some of the committees and the Ministries are concerned. The Government Chief Whip, in future, is *ex-officio*, a member of these committees, and I hope he will devote a bit of his attention to see that meetings of the committees are held oftener, at least once every quarter, if not oftener. I am happy to tell the House here, that the Defence Ministry's committee on which I had the honour to serve for the last sixteen months, I am happy to tell the House that the Defence Minister has agreed to a proposal of ours that that committee should meet at least once in two months, and he has also promised to give us every assistance in that direction, and also that the co-operation of his officials and Secretaries would be forthcoming so far as the work of the Standing Committee is concerned. I hope other committees of this House will follow this very good example set by one of the Members of the Cabinet. I would only request the Leader of the House that when he brings forward this resolution for the second time in our history, he will see to it that under his guidance, and under the guidance of his colleagues, this important work is done more efficiently in future.

Shri R. K. Sidhva: Sir, I have only to say just a word about the attendance of members in these meetings.

Mr. Speaker: No further arguments now. Already this has taken 45 minutes. The honourable the Leader of the House.

The Honourable Shri Jawaharlal Nehru: Sir, I feel somewhat bewildered at the eloquence of Mr. Kamath in this matter over which perhaps thirty seconds spent in mentioning it to me would have been sufficient, but he has devoted thirty minutes in this House. As a matter of fact, I am astonished, because I was under the mistaken impression that the External Affairs Ministry had more meetings of its Standing Committee than almost any other Ministry. (An honourable Member: 'No'.) May be, but during the last 12 or may be 13 months we have had eight meetings of the Standing Committee. It is true the real criticism has been not about the number of meetings held, but that the meetings were held at the time of the session of this Assembly or the Constitution making body, and not during periods when the Parliament was not meeting. Now, I certainly accept that criticism. It may be desirable to have held the meetings during the off-period. But normally it is considered obviously convenient to have them when Members are present here for the meetings. As a matter of fact, since the session started, we have been meeting roughly every three weeks. We have had, I think, three meetings during this session, and we propose to have another two at least, before we part. If it is necessary, we can have meetings during the off-period also. But it is not a matter for lengthy arguments. It is for any member of the Standing Committee to express his wish, and the thing will be done. (Shri H. V. Kamath: 'I did suggest to Dr. Keskar once, but nothing was done'.) I just cannot understand why Mr. Kamath should fight with something which does not exist. Mr. Kamath's speech might have created his impression about the External Affairs Ministry that that Committee did not have enough meetings. We have had about eight meetings during the last thirteen months. May be that they were concentrated within some period. But generally speaking, I would just like to say that it is obviously our desire, it is the desire of the Government that there should be the closest co-operation between the Standing Committees and the various Ministries, much more than what existed during the previous regime. The only question that arises is how that close co-operation should be brought about—the ways and means. The principle is admitted, and we wish to encourage it as much as possible.

Mr. Ananthasayanam Ayyangar made various suggestions. Some other honourable Members made various suggestions, and I will not take up the time of the House now in considering each one of them in detail, except to say that we shall consider all these suggestions and I am sure my honourable colleague, the Finance Member will also consider the suggestions made, so far as they relate to his Ministry, and other suggestions also, and we shall consider them in detail. We shall, in fact, look into this debate completely again, to see what points have been made and refer them to the various Ministries and see what can be done. But *prima facie*, I may say one thing about what Mr. Ayyangar proposed, to the effect that each Member of the Committee might have a separate department or separate section of the Ministry to be in his charge. If I may say so, *prima facie*, that will involve a great deal of difficulty, and instead of helping people, it may very well produce confusion and conflicts.

Shri M. Ananthasayanam Ayyangar: May I clear up some misunderstanding? I did not want any member to be associated with the executive management, but only to get to know the details of the administration before any communication from a department regarding control is issued, so that he may have a better knowledge than the other members, of the matters.

The Honourable Shri Jawaharlal Nehru: As I said, we will examine these proposals. But this is my first reaction to that proposal.

As for the chairmanship of the committees, personally I have no objection if the House wants to have a non-official Chairman. But I would beg the House to consider this, and there is a great deal of confusion about this matter,

[Shri Jawaharlal Nehru]

We just cannot get over the hang-over from the past. Previously there were two groups; humanity was divided in India into two groups—the officials and the non-officials. But that division does not apply now. My honourable friend the Finance Minister and I may be in office, but we are non-officials. We are not in service. The real division is permanent services and others. That fact is not remembered, and it is apparently thought that any person who accepts office in any capacity suddenly falls from grace and becomes polluted, and a person who does not accept office is necessarily highly pure and undefiled. Well, I do not accept that. I reject that contention completely. But nevertheless, in spite of that, if the House desires that the Chairman of these committees or of any committee should be—I will not use the word non-official—should be an elected Chairman, I do not mind at all. But personally I think it is normally conducive to efficient business for the Chairman to be a person connected with the executive apparatus. He does not exercise any more power by being there. He only gives the facts and places them before the meeting. But as I said, it is entirely for the House to decide. If the House wants the other thing, we shall have it. It does not make a great difference.

Shri R. K. Sidhva: Sir, may I know from the proceedings, what is the attendance of the members? I understand except for the Finance and Industries Ministries, where the attendance at the meetings were fairly good, for the other committees, there was less than fifty per cent attendance? Some members did not attend at all. Should not other members be elected?

The Honourable Shri Jawaharlal Nehru: If the House so desires, I shall put up a statement in the course of the next few days showing how many meetings of each Standing Committee were held, and what the attendance was, so that the House may have the information. But it is rather difficult for me to give the attendance of individual members, their attendance or non-attendance. It is up to the House to elect such members as can come and carry on the business.

Mr. Speaker: The question is:

"That this Assembly—

(a) do proceed to elect, in such manner as the Honourable the Speaker may direct members to serve until the end of the next financial year on Standing Committees to advise on subjects concerning the under-mentioned Ministries and Department of the Government of India, the number to be so elected in respect of each Ministry and Department, excluding the Chairman, Vice-Chairman (if any) and the Government Chief Whip being as follows—

Ministry of Agriculture	10
Ministry of Commerce	10
Ministry of Communications	10
Ministry of Defence	10
Ministry of Education	10
Ministry of External Affairs	10
Ministry of Food	10
Ministry of Health	10
Ministry of Home Affairs	10
Ministry of Industry and Supply	10
Ministry of Information and Broadcasting	10
Ministry of Labour	10
Ministry of Law	5
Ministry of Relief and Rehabilitation	10
Ministry of States	10
Ministry of Transport (other than Roads)	10
Ministry of Works, Mines and Power	10
Department of Scientific Research	5

(b) do adopt the following amendment to the existing Rules for regulating the constitution and procedure of the said Standing Committees, adopted on the 19th November, 1947.

'For Rule 1 of the said Rules, the following be substituted :

"1. (1) The Chairman of each Standing Committee shall be the Minister or Minister of State in charge of the Ministry or Department to which the Committee is attached.

(2) where there is a Minister of State or Deputy Minister in such Ministry otherwise than in charge thereof, he shall be the Vice-Chairman of the Standing Committee, and shall act as Chairman for any meeting at which the Minister is unable to be present.

(3) The Government Chief Whip shall *ex-officio* be a member of each of the Standing Committees.

(4) If at any meeting of the Standing Committee, the Chairman as well as the Vice-Chairman, if any, are unable to be present, the members present may elect one of themselves to act as Chairman for that meeting.

(5) An officer in the Ministry or Department designated by the Minister in charge shall be Secretary to the Standing Committee."

The motion was adopted.

ELECTION TO STANDING FINANCE COMMITTEE.

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

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the Speaker, fourteen members to serve under the chairmanship of the Finance Minister on the Standing Finance Committee for the financial year 1949-50."

Sir, with your permission, I would like to make a small addition to bring the terms of this motion into conformity with the motion in regard to the other Standing Committee and I would like to add at the end the words:

"along with the Government Chief Whip, who shall be an *ex-officio* member."

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the Speaker, fourteen members to serve under the chairmanship of the Finance Minister on the Standing Finance Committee for the financial year 1949-50, along with the Government Chief Whip who shall be an *ex-officio* member."

The motion was adopted.

ELECTION TO COMMITTEE ON PUBLIC ACCOUNTS

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

"That the Members of the Assembly do proceed to elect, in the manner required by sub-rule (2) of rule 100 of the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business, eleven members from among their number to be members of the Committee on Public Accounts."

Mr. Speaker: Motion moved:

"That the Member of the Assembly do proceed to elect, in the manner required by sub-rule (2) of rule 100 of the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business, eleven members from among their number to be members of the Committee on Public Accounts."

Shri B. Das (Orissa: General): Sir, I wish to speak on this motion. Unfortunately owing to the heavy work after the Independence was attained and owing to our dual function whereby members of this House are sitting as members of the Sovereign Constituent Assembly in the other place and lastly owing to Jaipur Congress last December, the Public Accounts Committee has not functioned at all. I admit that it is not the fault of the Public Accounts Committee, but it is a fact that this House had no opportunity to examine the appropriation accounts that are placed by the honourable Finance Minister's Ministry and the House does not know what irregularities in accounts have been committed in 1945-46, 1946-47 and 1947-48.

[Shri B. Das]

The Constituent Assembly will meet again from May till August and I do hope that those members of the House will be elected as members of the Public Accounts Committee who will exercise a certain amount of sacrifice of time and labour and meet in the Public Accounts Committee and examine the appropriation accounts at high pressure. But today members of the House have no knowledge of irregularities of our accounts. We must see how our Finance Ministry has exercised financial control over the various ministries in the past, what are the irregularities and what are the present needs in the Finance Ministry to exercise full financial control over expenditure. This state of things is very alarming and the control of the Public Accounts of India, is at a danger point. I want to warn the members of the House that something should be done to expedite the sitting of the Public Accounts Committee so that the state of Public Accounts are revealed in its true perspective.

Shri R. K. Sidhva (C.P. and Berar: General): Sir, I was a member of this Committee last year and the honourable the Finance Minister last evening in his reply to the debate stated that he had called the meetings of Public Accounts Committee and there was hardly any quorum at one meeting and that at subsequent meetings there was no quorum. My honourable friend, Mr. Das wants to expedite the sitting of the Public Accounts Committee. I know that he attended the meetings, but we were not able to proceed with the business because of various reasons. The reasons were that at no meeting all the members were present, that at several meetings no quorum was there and lastly there owing to some engagements which the honourable the Minister had to attend the meetings were cancelled by him. The point that I want to make is that it is nobody's fault. I might say most of it is our fault, because the officers supplied to us all the information that is required in 1945-46. All these reports, I have received. The point is whether members could make it convenient to attend those meetings, that is my point, Sir. If we are not prepared to sit for a longer period for this Committee, I feel, after going through the papers, it will require a number of days, the members had to sit there and they are not prepared to do so. I think it is not fair that those members should be elected on these bodies. I feel it is no use telling the honourable the Finance Minister that the sitting of the Public Accounts Committee should be expedited. I therefore feel that something should be done in this matter. I wanted to draw the attention of the Prime Minister on this subject, but unfortunately I had no time and you did not permit me. I have experience of these committees and hardly 50 per cent. of the members are present at the meetings excepting the committees attached to the Industry and Supply Ministry and the Defence Ministry. The other committees have a very poor record of attendance and I, therefore, feel that unless this thing is remedied, they are not going to meet nor are they going to expedite. It is really scandalous that the accounts for so many years are pending.

Mr. Speaker: The honourable member need not now dilate on that point.

Shri R. K. Sidhva: I, therefore, desire to draw the attention of the honourable the Leader of the House to this matter and I hope he will pay proper attention to this.

Maulana Hasrat Mohani (U.P.: Muslim): I find in this Supplementary List of Business this thing should be taken up before the commencement of any other item under the heading 'Motions for election to Committees' in this agenda. Now, they are taking up other matters.

Mr. Speaker: The honourable Member may make sure of his facts and I will hear him on the point of order at 2-30 when we re-assemble.

Shri T. T. Krishnamachari (Madras: General): I am afraid, I take a rather serious view of the situation of the accounts, pertaining to the Government of India. I hope the House will remember that when a similar motion was made last year, the debate was rather heated, for the reason that the Finance Minister, who occupied the position at that time was not able adequately to explain why no Public Accounts Committee sat in regard to the accounts during the pre-partition period. I think the views expressed on that occasion must be on record and I have no doubt that the successor Finance Minister must have been informed about the views of the House. I have been informed by responsible people that the state of accounts of this Government is in a parlous condition; audit is in a rather bad way; the audit department is under-staffed; the officers are either superannuated or completely incapable of doing their work and such work as is done is unsatisfactory. I think that this scrutiny into expenditure by the Public Accounts Committee is completely useless if the backbone of the entire Finance Department, namely, the Audit Department is left to go to rust and ruin. I think an insinuation was contained in a statement made by the honourable the Finance Minister yesterday that some meetings could not be held, because the members did not co-operate. It was the duty of the Finance Minister to inform the House that the Public Accounts Committee could not meet, because members would not co-operate. I think there the Finance Minister has failed in an elementary duty not merely to himself and to the House, but to this Country. (An honourable Member: 'He said so yesterday.')

And he should have come before this House earlier in the session and asked if necessary for a new Committee to be appointed, when the old Committee would not function. What is the position in regard to this Committee that is proposed to be instituted? Is this Committee going to scrutinise the previous years' accounts only or is it going to examine all the sets of accounts that have not been examined all along. I think the honourable the Finance Minister ought to tell us what exactly the Committee is going to do. Is it going to take up the accounts, not hitherto looked into and give a full report? Will the honourable Minister also tell us if he has had any consultation with the Auditor General, who is now functioning? Is the Auditor General able to approach him? I understand, that between the Finance Minister and the Auditor General, the Secretariat is functioning as a barrier and the Secretariat refused to sanction additional expenditure such as is necessary for this very vital work in this Department of the Finance Ministry. I would, therefore, like to ask these questions of the honourable the Finance Minister at the same time adding that I will not for my part absolve him of full responsibility in this matter, namely, that he should have come before this House on the day that this House met and reported to the House that the Public Accounts Committee will not meet and what the House proposed to do in the matter. I think that is an elementary dereliction of duty on the part of the Finance Minister and I would also like to know what he proposes to do with the past years accounts when the new Committee is going to meet.

The Honourable Dr. John Matthai: Sir, as far as the work of the Public Accounts Committee is concerned, the matter was considered in some detail last year. I have seen the record of the proceedings. As soon as my attention was drawn to it, I took steps, as early as I possibly could, to have meetings of the Public Accounts Committee convened in order that the Department may discharge its duty on the lines decided last year. If the meetings of the Public Accounts Committee could not be held, it is a responsibility which must be shared between me and the Committee. I am quite prepared to accept my share of the responsibility. But it is a responsibility which must be shared between me and the honourable Members of this House who are members of that Committee.

Now, I am quite aware of the decision in regard.....

Dr. Bakhshi Tek Chand (East Punjab: General): Is it not a fact that a meeting was called on the very last day or last two days of the session when the Constitution-making body was sitting and that when it was stated that the members could not be present then, but that the meetings might be held five days later, were not the members informed that as the honourable Minister for Finance was busy with something else the meetings could not be held later on and that the whole Finance Department was busy with the Budget and would be able to find time only after the adoption of the Budget? I ask the honourable the Finance Minister to verify all these facts and place them before the House before passing on the responsibility to the unfortunate members of the Public Accounts Committee.

The Honourable Dr. John Matthai: I made it perfectly clear that I was prepared to accept part of the responsibility. I share the responsibility. It is perfectly true that at a certain stage in these happenings, a date that was fixed for a particular meeting I had to give up because of some urgent official business that I had to attend to.

It is essential that our accounts should be properly scrutinised and audited. Reference has been made to the fact that the staff of the Audit Department is not sufficient for the purpose of making an efficient and effective scrutiny. That is a matter of which I am fully aware.

Now with regard to the suggestion that the Auditor-General is not in a position to approach me I may say that it is an entirely unfounded allegation. I accept responsibility for the decisions of the Finance Ministry and I repudiate the allegation as beneath contempt.

As regards the actual work that has been done in the matter of the preparation of these accounts for the year 1945-46, it is complete and the accounts are in the hands of honourable Members. The preparation of the Accounts for 1946-47 have advanced considerably. Appropriation accounts for certain Ministries are ready and also a note on the more important irregularities pointed out by the Auditor-General. I am prepared to have all these matters placed before the Committee as soon as the members are ready to meet. I am entirely in the hands of the members of the Public Accounts Committee in this matter.

Mr. Speaker: The question is:

"That the members of the Assembly do proceed to elect, in the manner required by sub-rule (2) of rule 100 of the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business, eleven members, from among their number to be members of the Committee on Public Accounts."

The motion was adopted.

ELECTIONS TO STANDING FINANCE COMMITTEE FOR RAILWAYS AND CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. Speaker: There are three more motions of this type. We may dispose them off before adjourning for Lunch.

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): Sir, I have got two motions standing in my name. Perhaps with your permission I will move them together. I have slightly amended both the motions in order to bring them into line with the general principle followed in

STANDING FINANCE COMMITTEE AND CENTRAL ADVISORY COUNCIL FOR RAILWAYS 1771

the main Resolution which was moved by the honourable the Prime Minister. I shall move them in the amended form. I move:

(i) "That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, eleven members to serve under the Chairmanship of the Minister for Transport and Railways, on the Standing Finance Committee for Railways for the year commencing 1st April 1949. The Minister of State for Transport and Railways and the Government Chief Whip shall in addition be *ex-officio* members of the Committee."

(ii) "That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct eight members to serve on the Central Advisory Council for Railways for the year commencing 1st April, 1949, along with the eleven members of the Standing Finance Committee for Railways, the Minister for Transport and Railways, the Minister of State for Transport and Railways and the Government Chief Whip all of whom shall be *ex-officio* members."

Mr. Speaker: I will put the motion to the House.

Shri M. Ananthasayanam Ayyangar (Madras: General): I would like to say a word.

Mr. Speaker: Then the best course would be to take this up after Lunch. In the meantime the motion standing in the name of Honourable Rajkumari Amrit Kaur may be disposed of.

ELECTION TO CENTRAL COMMITTEE OF TUBERCULOSIS ASSOCIATION OF INDIA

The Honourable Rajkumari Amrit Kaur (Minister of Health): I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two persons from among their number to serve on the Central Committee of the Tuberculosis Association of India."

Mr. Speaker: I will put the motion to the House.

The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two persons from among their number to serve on the Central Committee of the Tuberculosis Association of India."

Shri H. V. Kamath (C.P. and Berar: General): On a point of information, Sir.

Seth Govind Das (C.P. and Berar: General): There is so much discussion and also points of order?

Mr. Speaker: Either there is no discussion or there is full discussion.

I have put the motion to the House.

● *The motion was adopted.*

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

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

ELECTIONS TO STANDING FINANCE COMMITTEE FOR RAILWAYS AND CENTRAL ADVISORY COUNCIL FOR RAILWAYS—concl'd.

Mr. Speaker: The question is:

(i) "That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, eleven members to serve, under the Chairmanship of the Minister for Transport and Railways on the Standing Finance Committee for Railways for the year commencing 1st April, 1949. The Minister of State for Transport and Railways and the Government Chief Whip shall in addition be *ex-officio* members of the Committee."

(ii) "That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, eight members to serve on the Central Advisory Council for Railways for the year commencing 1st April 1949, along with the eleven members of the Standing Finance Committee for Railways, the Minister for Transport and Railways, the Minister of State for Transport and Railways, and the Government Chief Whip all of whom shall be *ex-officio* members."

The motion was adopted.

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Sir, I beg to move:

"That the Bill further to amend the Railways (Transport of Goods) Act, 1947, be taken into consideration."

This is a very simple Bill with a single clause extending the life of the Transport of Goods Act, 1947, to the end of the next financial year. This Bill was debated last year and I would like to move it without any speech whatsoever.

Pandit Lakshmi Kanta Maitra (West Bengal: General): Are you not going to announce the dates of these elections?

Mr. Speaker: After this motion is moved, I am going to announce. There is also one little motion for introduction of a Bill, which we shall take up.

The Honourable Shri K. Santhanam: Sir, I do not know if the House would like me to go into details of the justification for this extension. Last year, when the Bill came up for discussion, I was one of those who hoped that there would be no necessity for extending this Bill. But unfortunately the conditions are such that we cannot get along without this Bill.

Shri B. Das (Orissa: General): Unfortunately, you have gone to the Government Benches.

The Honourable Shri K. Santhanam: I propose to anticipate my friend by quoting myself. Last year, I said.

"The main effect of this priority organisation is that it delays all proceedings, but at the same time, I am convinced that this organisation cannot be scrapped immediately. If there was no famine in Madras and no food scarcity in other provinces, I would have no hesitation in telling the Honourable Minister that it should be scrapped immediately."

Unfortunately this year, famine has occurred in Gujarat and Kathiawar and now we have to divert all the transport available in the B.E.C.I. to the supply of food and fodder to this area. There is also a general scarcity of transport for the transport of goods. Under the Railways Act, no Railway Administration has a right to give any kind of preference to any person or to any commodity. They have to take things as they are offered and carry them without any regard to the necessity of the country. Therefore we are forced to have this power to give priority to one commodity over the other. I shall content myself by saying that during the last year a serious attempt has been made to overcome the defects of the priority organisation. The following steps have been taken.

To every Regional Controller of Railway Priorities, an Advisory Committee has been attached and these Advisory Committees have on the whole been working very well. All restrictions on the booking of "smalls" have been removed, so that they have been removed from the priority system. Today the only restriction on the transport of smalls is actual congestion of traffic in any destination. Otherwise, they are free to move.

Again, on many railways, certain days have been allotted for the movement of low priority and non-priority goods, so that their movement may not be affected continuously for a long time.

(1772)

Again, the Railway administrations have been arranging to carry as much traffic as possible by train loads even though they are low priority or non-priority traffic.

As a result of all these, the movement of commodities has been considerably eased. In fact, in South India the Railways are able to offer wagons for all goods that are offered. Only they are unable to take goods to Delhi and such other places owing to congestion in North India. Therefore, it has been decided practically to scrap the priority organisation in Madras and hand over this business to the South Indian Railway and the M.S.M. Railway to be used only when there is an emergency, when food and other articles have to be moved in priority to other goods.

Things in South India will now move as before, in a normal manner. We had hoped to do the same in the Bombay area also, but unfortunately the famine in Gujarat and Kathiawar has prevented us from taking this measure. If fortunately there are good rains in the current year and the famine situation alters, we may be able to remove the priority control in Bombay area also. Owing to the difficulty of moving coal and other articles at Calcutta, we may have to retain the priority organisation at Calcutta a little longer, but I have every hope that by the end of the next financial year this organisation will not be needed. No one will be happier than myself if we can scrap this organisation altogether.

So this is an unfortunate necessity. I am one of those who think that free movement of goods is absolutely essential for healthy economy. It is unfortunate that owing to the exigencies of war and the shortage of power and other rolling stock, we have had to resort to this measure. But it is a necessity and so I move that this extension be granted.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Railways (Transport of Goods) Act, 1947, be taken into consideration."

Shri M. Ananthasayanam Ayyangar (Madras: General): Regulation of priorities is a kind of control. Now the Minister must justify the need of such control. He has tried to justify it in a particular manner. I ask how many times was this control exercised and how with respect of food grains? There are sixteen odd items in the priorities. How far has it helped in the transport of food grains? For instance, *chana* it is rotting in East Punjab. I had a talk with the Ministers concerned. We found that large quantities are available there but though so close to Delhi, that *chana* is not allowed to come into Delhi, with the result that prices for *chana* here are high. We are hearing this new word "bottleneck" but I fear it is practically becoming a "throttle-neck"! Persons in charge of the administration may change, but still grease is necessary and all the wheels go on creaking. I would first of all require a report on the working of the administration of this priorities Act before any honourable Minister comes forward for a continuance, however short the period may be, thereof.

The Honourable Shri K. Santhanam: May I inform the Member that in the report of the Transport Department, there is a section dealing with this control.

Shri M. Ananthasayanam Ayyangar: I would like to know from the honourable Minister whether wagons are turning round more easily than before and whether the so-called bottlenecks are being removed: whether the man to whom a wagon is supplied still takes unnecessarily long time in loading: whether the man to whom a wagon is despatched takes the minimum time for unloading: whether from the collieries coal is being removed in time, etc. Every department in this country is complaining against this bottleneck and delay. Now what steps have been taken by the Government. What is the difference between the time when a wagon has been received and the time taken

[Shri M. Ananthasayanam Ayyangar]

for unloading it? I say that in the collieries persons are given four or five wagons and so on but only two wagons are used by them but the proper demurrage is not charged. If demurrage were charged in a geometrical progression—for the first hour Rs. 10, for the second hour Rs. 20 for the third hour Rs. 40 and so on, this trouble would disappear.

Prof. N. G. Ranga (Madras: General): Then there will not be any business.

Shri M. Ananthasayanam Ayyangar: But there will be business on right lines and this slackness will be avoided. Therefore, the question is what are the steps that have been taken to cut down the want of wagons? On a former occasion I put a question to the honourable Minister and asked him whether it is necessary to purchase more wagons. I was told that it was not necessary to do so. But he would not take steps to see that the wagons went round and round and that each wagon covered a larger mileage per day than before.

As regards distribution of wagons, every control means that there is placed some power of discretion in the hands of the person exercising it. I would like that wherever a large number of wagons are used at a station, big or small, there must be an Advisory Council of all persons interested in trade for each station. Take the province of Madras. At the centre i.e. Madras there is a Priority Authority who distributes wagons. He says so many wagons are available for a particular station. Thereafter it is open to the station master or the goods clerk to allot wagons to individual traders as they like. I was taken to a station, called Pakala, where there is a workshop to address railway employees. There an assistant station master told me that owing to war he was given Rs. 200 per wagon by the merchants. This occurred at a station in my district from where mangoes are sent and jaggery is despatched to Bombay and Calcutta. Oil also is sent to Calcutta from there. If Rs. 200 is placed into the hands of a station master or an assistant station master getting Rs. 35 or Rs. 40, can we expect him to be honest? Then I discussed the remedy with the merchants and I talked to the General Manager. A number of tradesmen engaged in various trades came. I suggested that they should not run up to the station master and offer to grease him. On the contrary, asked them to constitute themselves into a Council and whatever wagons are supplied they should allot away themselves according to the register. If they take the responsibility, the station master will be all right. I suggested to the District Traffic Superintendent to agree to this course, it is yet to be considered by the Railway administration. I am however repeating the suggestion.

Then, Sir, I would also like that some local tribunals must be established to enquire into cases of nepotism. The Honourable Dr. Ambedkar said some time ago in this House that wherever there is control and discretion is vested in the hands of somebody, the person affected must be able to go to an independent body which must be able to get at the records to find out if his case has been passed over because it is not proper, legitimately or illegitimately for anything other than *bona fide* reasons. That alone can insure confidence in the minds of the public. Not only has the administration to be pure, but we must make it appear that it is pure and that is a true safeguard of the interests of the administration. If accusations are levelled against the administration, they may be untrue. But the administration must take care to see that all possible methods are adopted to see that people are satisfied. Therefore I suggest a tribunal. Such tribunals are established in other departments. I understand in the Communications Department they have started a complaints section. Cannot there be a single organized central complaints section? I agree that there should be no harassment. A person must be able to give his report to the complaint section and the information must be confidential until the enquiry is concluded.

These are some of the things which will certainly make this priority system efficient. But so long as there is shortage of wagons and it is not possible to unload all things quickly, there is need for control. I am not against control so long as there is deficiency of supply of wagons but the control must be exercised properly and to the best interests of the community.

Shri R. K. Sidhya (C.P. and Berar: General): There must be a necessity as the honourable Minister stated for continuing this priority but let me tell him, and he knows, that this priority business for despatch of goods by rail has become a scandal. I will use the mildest word. Priority is on paper. Many times a priority permit is issued for the right purpose but these priorities are often not used for the purpose they are meant. Several times I have brought this matter to the notice of the honourable Minister. In the last railway discussion I quoted him an illustration as to how favouritism is shown for the purpose of priorities and in Carnac Bunder a *mukadam* actually presented his consignment note for booking goods and he was not allowed priority and some other favourites were allowed. He has given names and I hope the authorities have taken a note of it. Despite my suggestion during the discussion on the Railway Budget, I put a question and yesterday for want of time or because I might have exceeded my quota, there was no chance for putting a supplementary question. I asked whether it was a fact that certain contractors had made a report to the General Manager, B.B. and C.I. railway about favouritism in this priority business and the answer was yes. Then I asked what steps were taken and the answer was that a protest, alleged to have come from Carnac Bridge *Dalals* and *Mukadams*, care of one *dalal*, who alone signed the complaint, was received. See the idea in between the lines. One man alone has signed, it as if one man who gives all the information should be discounted. They say that they have received the complaint and the matter is being looked into and the reply to part (c) is encouraging. He says "The matter is still under investigation and a further reply will, in due course, be placed on the table of the House." I mention part (b) of the question for the reason that the complaint was made on behalf of the *Dalals* and *Mukadams*. An advocate sent a notice to the B.B. and C.I. General Manager. The advocate writes on behalf of certain persons and he has mentioned all these persons.

The honourable Minister stated just now that in Madras there is now free booking and all goods are allowed to be booked. But he has not said whether this applies to both the M. and S.M. and S.I. Railways or one of them. The day before yesterday I sent a letter to the honourable Railway Minister, Shri Gopalaswami Ayyangar, sending him a letter I had received which made a bitter complaint against the M. and S.M., that he offered goods for booking but they were not allowed to be booked. Special trains from other parts of India are run to carry food but here the goods are rotting and no facilities are given for booking. The reply that I received from the Minister is that he is making enquiries into this matter. I do not know to what railway my honourable friend the Minister referred. Did he refer to both the railways in Madras? If that is so I would like to ask him what he has to say about the complaint that I have just now mentioned.

I will give you another illustration. The Administrative Officer of the Financial Rehabilitation Corporation of this Government wanted a Godrej safe from Bombay. I happen to be a member of the Advisory Board of that Corporation. He complained to me that for a number of months he has been waiting to receive the safe but due to transport priority system the safe could not be had. The safe was urgently required because their transactions were in lakhs of rupees. He made a report saying that he had placed orders but had not received the safe. But they said that despite priority the railways were not prepared to accept the safe for delivery. The Administrative Officer referred the matter to the Railway Board, whosoever it may be. Being a Government

[Shri R. K. Sidhva]

concern the Railway Board said that the safe could be sent by passenger train. You can imagine what will be the difference between goods and passenger freight rates. When for passenger booking a telegram was sent it was said that small bookings to Delhi were closed. The matter was represented again and another telegram was sent and again it was said that under instructions from the Railway Board small bookings could not be accepted. For four months the safe was not received and I do not know whether ultimately it came from any other firm or was locally purchased. I wanted to illustrate what is the state of affairs as far as the priority system is concerned.

I would like the honourable Minister to take interest. He knows very well about this matter. I am glad that he personally takes interest in some matters. He said that he himself felt like us when he was an ordinary member of the Assembly and when he has become a Minister I am sure he will take interest. When we talk of corruption they say that we do not give specific instances but when specific instances are mentioned they do not help us. How can you expect us to be responsible members of the Government? We are also responsible and we are also part and parcel of this Government. We want to help you. Kindly see when a member writes letters that you make enquiries. I am yet to see what action he has taken on the complaints I have made.

I would suggest that these priorities whenever they are issued, or wherever bookings are open or closed the announcements should be made in their Railway Gazette and the gazette should be available to the public. Acceptance notices and restriction notices are published in the gazette and kept in a corner of the railway office and are not available to the public, so that much fraud is played on the ignorance of the people. The Bombay Steel Stock-holders Association wrote to the G.I.P. Railway and the B.B. and C.I. to send them one copy of the acceptance notices and the reply was that this could not be sent. Here is the letter from the Goods Supervisor at Wadi Bunder to the Registered Stock-holders Association: "I regret we are unable to send copies of acceptance notices to individual firms." The letter was written on behalf of the association. This matter was referred to me and I wrote a letter and perhaps because I am a member of the Assembly or because I was a member of the C.A.C. they sent me a copy but they said that they were not prepared to send it to individual firms. If you do not want to give them free make them buy it. But I would suggest that this should be available to every man. These notices should be exhibited in all the goods offices, so that people will know that from such and such a date goods booking is closed or open. Now what happens is that the notice is kept secret with a railway official and this leads to favouritism on the ground that booking is closed. Everybody does not represent to Government. 90 per cent of cases go by default. They are businessmen and they do not want to bother about this. Therefore I am making a suggestion. I am in favour of continuing the priorities but for the sake of goodness kindly see that your orders are properly executed. Priority must mean real priority.

The Food Department was given priority on certain articles but they had to report that it is not being followed in the strict sense. I cannot forget what is happening in the name of priorities. There is a good deal of corruption. I have personally seen cases of favouritism under this priority. The sooner it is stopped the better it is in the interest of the community and the commercial people who want to book their goods. Scarcity of wagon is there and I am sure the scarcity will continue for a number of years but for that you cannot go on extending this priority. I have visited a number of stations on the G.I.P. Railway. I asked one station master to show to me how many wagons were booked. He was flabbergasted and he had no answer to give me. I found empty wagons on the siding and asked him what he had to say to that. He said that applications had been received and they were being considered. I

asked him how long they were lying there I got no satisfactory reply. I hope the honourable Minister will take interest. I do not minimise his efforts. I would like him to take some practical steps and see what he can do. I have high regard for Shri Gopalaswami Ayyangar and a combination of him with our Minister of State can work wonders. It is only four months since they have taken charge. I hope they will amply prove the justification for two Ministers under this Ministry. This Ministry has a tremendous amount of work. I do not know why the Ministry should bother with Port Trusts. But that is a different matter. They have transport work, railway work, petrol and so on and so forth. I do not know how they have divided their work but I am not concerned with it also. What I am concerned is that this matter should be looked into. While we give him support in this they must understand that next year at least they would not come for any further extension but that the legislation will be repealed.

Prof. Shibban Lal Saksena (U.P.: General): Sir, I am very glad that my honourable friend Mr. Santhanam quoted his own words on the last occasion when he was opposing the Bill and I sympathise with him today when he has brought this Bill. I would not say that we will not give him one year's further lease of life for this Act, but I would like to ask him whether there will ever be an end to these extensions and if there will be, what are the methods. I would like to know what are the methods which he proposes to adopt so that he may not have to come before this House next year for another extension.

Just now my friends have given some examples about this wagon shortage. My friend Mr. Ananthasayanam Ayyangar made some pointed suggestions. I would like to make some more suggestions for consideration. First of all I want to know what is being done to manufacture more wagons in the country. There is not any workshop which is at present producing any of the essential parts like frames and other such parts. What is being done is to put up plants for the manufacture of such things and I would like to know when we will be able to manufacture wagons.

The second thing which I think is more important from the point of view of immediate use to my honourable friend is this. I want to point out to him that there are thousands of wagons which are lying on the railway sidings and yards like the Panagarh grave yard which could be reclaimed. I happen to be the President of the All India Carriage and Wagon Staff Committee and I have spoken to a number of officers and workers in the railway workshops. They have told me that if the Railways only want to reclaim all the wagons they can reclaim easily about 5,000 wagons. When I went to Sealdah on the E.I. Railway to hold a meeting of the Committee, they told me that there are so many wagons which are lying idle, which can be used but which are not being used because they have been condemned without having been brought to the workshop for repairs. I would like to tell my honourable friend that a large number of wagons are being used as residences. The staff that has come from Pakistan is housed in these wagons. The plight of these men living in the wagons is hopeless. They do not like to live there. It is almost like living in hell. What I wish to point out is that if a wagon which can be used for transport is being used for residential purposes it means that we are spending about Rs. 100 a day or losing that much sum which a wagon in transit will normally bring per day. So when you are using a wagon as residence you are wasting Rs. 100 a day. Again, with that money you can build much better houses. I would like to see that no single wagon is henceforth used for this purpose unless it is condemned. I have myself seen with my own eyes wagons being used for this purpose which can be put on the track and which can help to solve the transport problem.

[Prof. Shibban Lal Saksena]

Another point I would like to make is that the division of the staff as loco department and wagon department in the workshop is not proper. There are two departments in the workshop—the loco department and the carriage and wagon department. The men in the loco department are paid better salaries whereas the men in the carriage department who are mis-called train examiners are not paid adequately. They should be properly designated as carriage foremen and given encouragement and incentive to see that carriages which come out of the workshops are kept in proper repairs and that whatever wagons which are lying on the railway sidings can be reclaimed are put into proper use. If the carriage department is separated and made independent and if the people are also given encouragement I am sure that much improvement will follow in the upkeep of carriages and their maintenance and also in reclaiming those wagons which are lying on the lines. I am sure many people must have seen wagons lying on the lines which can be easily reclaimed but which are not being reclaimed.

There is one other point and that is thefts of the wagons. How do these thefts occur? I have seen in Gorakhpur that about fifty wagons loaded with salt were found missing. They were missing for a period of two months and could not be traced. Ultimately they were found lying on a siding somewhere else. What happened was this. The people who were thieves of these commodities tried to throw them on one side so that they may have ample time to steal. What I wish to point out here is that apart from the amount of goods lost and claims paid, the wagons remain there for a month or two and every-day you are losing Rs. 100 on the wagon itself. If you compare the figures of the compensation for the goods stolen you will find that such thefts have greatly increased. Unless you stop these thefts you will not be able to increase wagon turnover very much.

An Honourable Member: What about the Railway employees themselves?

Pandit Lakshmi Kanta Maitra: Have any wagons been stolen?

Prof. Shibban Lal Saksena: They were, and those have gone to Pakistan. One case came to notice where some goods were sent from Bombay and when they came up to Ghaziabad somebody broke the labels and the wagon was sent to Modinagar. Then in collusion with the staff the wagons were thrown into the siding. Some gentleman took charge of the goods to whom the goods were not booked and the wagons remained lying there. And all the claims have been paid by the Railway. What I wish to point out is that besides loss of money paid as claims for goods lost, the Railways have lost the use of the wagons. The matter I was told was being investigated by the C. I. D. I want to see that proper arrangements are made for watch and ward for finding out who is responsible for this sort of theft. Fifty wagons loaded with salt lying for two months somewhere and the compensation for loss of goods being paid! And the wagons lying without being used. Unless a thorough enquiry is made to find who is responsible for this and to find the gangs who are doing all these thefts, you will not be able to increase the wagon turnover.

About corruption much has been said. Everybody knows that you cannot get a wagon, even for essential commodities, unless you pay—there are various rates—Rs. 500, Rs. 1,000 or sometimes Rs. 2,000 per wagon for sending those goods which should get first priority. These are the things which I wanted to mention and unless some radical measure is adopted to see that these evils are removed you will not be able to overcome the present difficulties and get better turnover.

I would like to know from the honourable Minister what is at present the turnover of wagons. Last time the Honourable Dr. Matthai told us about the improvement which has been made in the turnover. I would like to know what further improvement in turnover has been achieved and whether the pre-war figure has been reached. I think it has not been reached. The time taken in loading and unloading wagons is great. I would therefore suggest that this also must be carefully seen that wagons are not allowed to be detained while they are being loaded or unloaded. Corruption is to be found there also. If money is paid they are allowed to load and unload at leisure and when payment is not made they are forced to load and unload quickly. I have also asked the station masters about this. If action is taken against those men who detain the wagons for any length of time and if they are punished I think it will go a long way to improving matters. I approve of the suggestion made by my friend Mr. Ananthasayanam Ayyangar in this respect. But I would rather say that a tribunal should be appointed. When the Rates Tribunal Bill was presented in this House I suggested that this Tribunal should also examine cases of corruption in the loading and allotment of wagons. But the suggestion was not accepted. I would suggest that the honourable Minister should appoint some tribunal before which men can bring forward cases of corruption in the allotment and loading of wagons. I am sure the mere fear of it will reduce to a great extent this corruption in the allotment of wagons.

These are some of the suggestions I want to make. If they are adopted, if the turnover is increased and if more wagons are reclaimed there is bound to be improvement and I am sure that next year my honourable friend will not need to come before the House for another extension of the life of the Act. With such men in charge of the Railways as at present I am quite sure that they will try to see that this thing is done. I also hope that if the branch of workmen who are in charge of maintenance of wagons are treated properly and on a par with the people who are in charge of engines and given proper encouragement they will get much effort and service which will be helpful in reclaiming wagons.

Shri Prabhu Dayal Himatsingka (West Bengal: General): In discussing this question of extending the period of this Act, I should like to invite the attention of the honourable Ministers to one or two points which to my mind appear to be acting very much against the interests of a large number of persons.

In the case of jute there is a rule that if you want to send it from Assam or Bihar to Calcutta, it can only be consigned in the name of mills or Press houses irrespective of whether there is any contract or sale or not. The result is that those who have to send the jute to Calcutta have to send it in the name of one or the other mills, though there is no contract, and the mill in whose name the goods are consigned either forces the sender to sell it at its own price or the consignor has to remove the goods; when he wants to remove the goods he is not permitted to do so because the railway receipt has got to be signed by the consignee. Therefore, I will request the honourable Minister to look into the matter. This rule is very inconvenient and is acting against the interests of actual owners of these goods. It should be changed to allow goods to be consigned by the owners in whosever's name they want. The same thing applies in the case of timber too. If you want to send timber to Delhi from U.P. you have to send it in the name of a mill or a big consumer, but not in the name of the owner even if he wants to consign it to himself. That also acts against the interests of owners. These are two specific instances that I will invite the attention of the Honourable Minister to. Certain Members have spoken that there is a certain amount of corruption also in the matter of allotment of wagons. Of course that is a general complaint and I am sure the Ministers are looking into the question and taking such steps as they possibly

[Shri Prabhu Dayal Himatsingka]

can. Only today I have come to learn that the Priority Controller in U. P. has passed an order which in effect has given absolute monopoly to certain mills in Kanpur inasmuch as no jute goods manufactured anywhere else can be consigned to Kanpur. Therefore the result is that mills in Kanpur have got an absolute monopoly of sale and they have been charging a higher price from the consumers than they would otherwise be able to do if goods can be sent from other places to Kanpur. This rule is not in the interests of outside mills or the consumers.

I have given specific instances to the honourable Minister and I hope he will look into the matter and set things right.

The Honourable Shri K. Santhanam: Sir, many of the comments refer to the difficulties, inefficiencies and the existing corruption in general Railway administration rather than to the particular Priority organisation. Therefore, I shall content myself with answering some of the specific points made with reference to this organisation.

My friend Mr. Ananthasayanam Ayyangar said that certain kinds of food stuffs were not being moved from East Punjab or other places. I may inform him that so far as the Priority organisation is concerned, all foodstuffs come under priority class I—they have to be moved before any other article is moved. But Provincial Governments, in their own interests, have passed many orders restricting the movement of food stuffs in order to conserve food for their own people. It is these Provincial orders that are generally obstructing the movement of food stuffs. So far as the food stuffs are concerned, the Railways are bound to give priority and they do give them priority over all other articles.

Mr. Ananthasayanam also said something about the wagon position. There is no doubt that we would like to have more wagons; but today the difficulty is not the number of wagons but the power position. If we had more locomotives, even with the existing number of wagons we would be able to move much more goods. Therefore the real bottleneck is not in the number of wagons but in the locomotive position which is being rapidly remedied.

Then there is also the congestion on certain lines; owing to the loss of Karachi, Bombay Port has become terribly congested and therefore all the lines leading from Bombay—the B.B. and C.I. and the G.I.P.—have become congested.

Shri R. K. Sidhva: That is not all the reason?

The Honourable Shri K. Santhanam: I am not saying that that is all the reason. I am only giving you some of the reasons. You must take all the reasons together cumulatively in order to arrive at the result.

Thus, the power position and the congestion in certain tracks contribute to many of our difficulties.

As regards the condemned wagons about which my honourable friend Professor Shibban Lal Saxena has spoken, this has been raised in a question hour more than once. Every time we have referred it, we have got the opinion of our experts that all these wagons are condemned only when they are not worth repairing and when the cost of repairing will not be repaid by their use. In such matters we have to abide by the opinion of our experts. It is only when a wagon is utterly useless that it is used as a house.

Prof. Shibban Lal Saxena: Who are these experts?

The Honourable Shri K. Santhanam: Our Mechanical Engineers and people in charge of workshops are our experts and we have to trust their opinion than the lay opinion on which my honourable friend relies.

Pandit Lakshmi Kanta Maitra: Does the honourable Minister mean that some of these wagons at least could not be utilised by cannibalization?

The Honourable Shri K. Santhanam: Sir, that is our report and every time this question has been raised we have referred it more than once to our experts because we agree that if these wagons can be used they ought to be used. But every time our experts have said that they have been looked into and it was found that they cannot be used. That is the position. If my honourable friends will bring any specific cases to my notice I am prepared to have the cases examined again.

Pandit Lakshmi Kanta Maitra: How can I get a wagon and examine it?

The Honourable Shri K. Santhanam: Mr. Ananthasayanam also spoke of the appointment of Advisory Committees. I indicated in my opening speech that they are already at work. There is an Advisory Committee of 11 members at Calcutta, one in Bombay, one in Madras, in Gorakhpur and Kanpur and Delhi.

Shri R. K. Sidhva: How do they work?

Shri M. Ananthasayanam Ayyangar: I suggested that at all important stations where there is heavy goods traffic, local Advisory Committees should be appointed to distribute the wagons that are allotted to that particular station.

The Honourable Shri K. Santhanam: These Committees are useful only where there are Priority Controllers. Probably my honourable friend is referring to the actual distribution of wagons. That is the business of the Railway Managements. How far Goods Advisory Committees may be appointed is a matter which is receiving separate consideration. We have recently appointed Goods Advisory Committees at Muttra and Agra and similarly I am prepared to see how far they can be extended.

Shri B. L. Sondhi (East Punjab: General): What about the East Punjab?

The Honourable Shri K. Santhanam: Even in East Punjab, they will be set up if necessary. But that has nothing to do with the Priority organisation. The duty of the Priority organisation is to issue priority certificates to those who apply for them. These are issued only where the Regional Controllers are stationed and therefore the Advisory Committees will be useful only in those stations. We have appointed Advisory Committees in all those stations. I have inquired personally into the working of the Advisory Committees at Kanpur, Calcutta and Bombay and I have come away with the distinct impression that all these Committees are working fairly well.

Mr. Ananthasayanam Ayyangar spoke about a complaint section. I may assure him that there is a complaint section in every Railway and any Member of the Assembly who puts in a complaint in any Railway station will not only receive a reply in a very short time, but they have to report to us what action they have taken. Not only for the Members of the Assembly but in every other case they have been instructed to take notice of every complaint within 24 hours and as soon as possible the complainant should get a reply stating what action has been taken. I suggest the honourable Members to try to utilise this opportunity and wherever they have got genuine complaints record them in the particular station and see whether this organisation is efficient; if not, I am prepared to look into it and see that it works efficiently.

Shri B. Das: Thank you for that suggestion.

Shri Lakshminarayan Sahu (Orissa: General): But the complaint book is generally not given to us. That is the trouble.

The Honourable Shri K. Santhanam: My honourable friend Mr. Sahu is not chary of writing letters to me; but he has not yet written to me about the complaint book not being given to him, at any particular station. I am sure the complaint book cannot be given to every passenger. He has to ask for it. If it is refused when asked, I am prepared to take immediate and drastic action.

About the M.S.M. Railway my friend Mr. Sidhva raised a complaint. When it is a matter confined to the M.S.M there is no difficulty, but the difficulty comes in when goods have to come from South India to North India, where they have to pass through the G.I.P. and other railways. There the lines are congested and they have to be controlled. Particularly in Delhi there has been lot of congestion and consignments to Delhi had to be restricted during the last five or six months.

Mr. Himatsingka referred to some restrictions regarding consignments of jute and timber. I do not know the particulars, and I shall have them enquired into. Meanwhile I may inform him that this facility for the owners to book consignments to 'self' has resulted in over-congestion in many stations, like New Delhi and Delhi. I myself found that the whole of Delhi and New Delhi stations were congested with consignments, especially with goods consigned to 'self'; so much so we could not even contact the consignees. Many wagons had to be left unloaded for days.

Shri R. K. Sidhva: I want to know if his own department did not take delivery after six months?

The Honourable Shri K. Santhanam: All these are rather fabulous stories, of missing wagons and the like. Some of them are correct; they are the aftermath of the great confusion that happened soon after August 1947, and we are not yet fully out of it. But the cases of missing wagons are becoming rarer and rarer and I think they have practically disappeared at present.

There was then the complaint about the futility of getting priority orders. What Mr. Sidhva said that even when a man got the priority order, he did not get the wagon, that has been partly true. We have now evolved a procedure to follow up the issue of priority certificates to see that the persons who got the priority certificate do get the wagons. This arrangement came into force in the beginning of this year and I have got here the figures for the period from the 10th February, 1949 to the 28th February, 1949 and from the 1st March, 1949 to the 10th March, 1949. I will give here only a few figures for the Delhi region. For the period 10th February, 1949 to 28th February, 1949 the number of priority orders issued was 123. The percentage of priority orders followed up to the total issued, 69 per cent. The number of priority orders implemented, 44. The number that lapsed due to assignor's default 56. Number revalidated 14. From these it is clear that while there are genuine cases for complaint, there is also a number of cases of people taking priority orders in the hope of doing business, and making money, and when they find that the market is not favourable, they do not care to utilise the priority order. That is our difficulty. But I can give the assurance that every genuine case will, as far as possible be given the wagons and if necessary, re-validated.

Shri M. Tirumala Rao (Madras: General): On a point of information, Sir. Has the fact come to the notice of the honourable Minister that these priority orders are obtained by some people and they are being re-sold at a high price to genuine merchants?

The Honourable Shri K. Santhanam: That is quite true. But we do not know what to do about it. If a man applies for priority order, either he is to be given the certificate or refused. And if it is given to him, then he transfers it to somebody else on the condition that the goods should be booked in his own name, in the name of the man who has got the priority order. We cannot say that he himself must do it, or that he should not have any agents. These are some of the things which are almost inescapable. But we are tightening up the control to see that these malpractices do not happen, and that only genuine people get the orders. The Advisory Committee's opinion is being taken so that no favouritism can happen.

Dr. P. S. Deshmukh rose—

Mr. Speaker: I think questioning may be left over.

Shri R. K. Sidhva: What about publishing it in the Gazette?

The Honourable Shri K. Santhanam: So far as giving publicity is concerned, it is put on the notice-board of the railway station concerned. I understand that the notices are sent to the Chambers of Commerce also. All these things have to be done in a hurry and so they cannot be printed because that will take a lot of time. Printing will take some three months, and by the time it is ready, the thing will be out of date. In Calcutta, they send it to the Chambers of Commerce wherefrom the people concerned, get the information. That is done in Bombay also. I think that is all that can be done.

Sir, I commend the Bill to the House.

Mr. Speaker: The question is:

"That the Bill further to amend the Railways (Transport of Goods) Act, 1947, be taken into consideration."

The motion was adopted.

Mr. Speaker: We will now take up the Bill, clause by clause. There are no amendments.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

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

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

Mr. Speaker: I have to inform honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely,

[Mr. Speaker]

	Date for nomination	Date for election
1. Ministry of Agriculture	24-3-1949	26-3-1949
2. Ministry of Commerce		
3. Ministry of Communications		
4. Ministry of Defence		
5. Ministry of Education	25-3-1949	28-3-1949
6. Ministry of External Affairs		
7. Ministry of Food		
8. Ministry of Health		
9. Ministry of Home Affairs	26-3-1949	29-3-1949
10. Ministry of Industry and Supply		
11. Ministry of Information and Broadcasting		
12. Ministry of Labour		
13. Ministry of Law	28-3-1949	30-3-1949
14. Ministry of Relief and Rehabilitation		
15. Ministry of States		
16. Ministry of Transport (other than Roads)		
17. Ministry of Works, Mines and Power	29-3-1949	31-3-1949
18. Department of Scientific Research		
19. Standing Finance Committee		
20. Committee on Public Accounts		
21. Standing Finance Committee for Railways	30-3-1949	1-4-1949
22. Central Advisory Council for Railways		
23. Central Committee of the Tuberculosis Association of India		

The nominations for these Committees will be received in the Notice Office upto 12 Noon on the dates mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's Room (No. 21) in the Council House between the hours 10-30 A.M. and 1 P.M.

INDUSTRIES (DEVELOPMENT AND CONTROL) BILL.

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): Sir, I beg to move for leave to introduce a Bill to provide for the development, regulation and control of certain industries.

Mr. Speaker: The question is:—

“That leave be granted to introduce a Bill to provide for the development, regulation and control of certain industries.”

The motion was adopted.

The Honourable Dr. Syama Prasad Mookerjee: Sir, I introduce the Bill.

RESOLUTION RE EXTENSION OF PERIOD MENTIONED IN SECTIONS 2 AND 3 OF INDIA (CENTRAL GOVERNMENT AND LEGISLATURE) ACT, 1946 AS ADAPTED.

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): Sir, I beg to move the following Resolution:

“In pursuance of the proviso to section 4 of the India (Central Government and Legislature) Act, 1946, as adapted by the India (Provisional Constitution) Order, 1947 this Assembly hereby approves the extension of the period mentioned in sections 2 and 3 of the said Act for a further period of twelve months commencing on the first day of April, 1949.”

Sir, this Resolution seeks to extend by another year the Essential Supplies Act of 1946 and also the Requisitioned Land Act of 1947. The House will remember that during the war, certain emergency powers were vested in the Central Government, whereby the Central Government exercised control over certain essential commodities in respect of which ordinarily the power vested in the Provincial Governments. After the proclamation of the termination of emergency was made in 1946, this power continued to be vested in the Central Government according to special legislation which was undertaken by the British Parliament in whom then the residuary power to give additional authority to the Central Government vested.

Now according to the Act passed by the British Parliament, the Essential Supplies Act and the Special Land Requisition Act can be extended for a period not exceeding five years after the proclamation of termination of hostilities is made. In other words, these two acts may continue to operate till 1951 and not beyond that. For the first year, according to the decision made by the British Parliament, these two acts continued to operate. Later on the Governor General by means of an Ordinance extended the operation of these two Acts by another year. Last year, in accordance with the provisions of the Parliamentary Act, a resolution was moved and adopted by this House, extending the operation of these two Acts by one year, which is going to expire on the 31st March, 1949. My Resolution today is that these two Acts should continue for a further period of one year. The House knows that most of the powers regarding control of production, regulation of prices and distribution, the Central Government exercises today, are exercised by virtue of the Essential Supplies Act. Whatever powers the Central Government enjoys today in respect of requisitioning of land and property is done by means of the Requisitioned Land, Act of 1947. The commodities which are now controlled, as the House is no doubt aware, include foodstuffs, cotton and woven textiles, paper, petroleum and petroleum products, coal, iron and steel, mica and spare parts of mechanically propelled vehicles. It is not, Sir, my intention in this debate to raise the question of necessity of control over particular commodities, but my main object is to ask the House to extend the operation of this Act by another year, so that whatever powers are now being exercised by the Central Government today may continue without any interruption.

With regard to the merits of the control policy of Government in respect of the various commodities, the House had ample opportunity to discuss matters in connection with the Budget discussion and also in connection with certain other resolutions, which were moved from time to time. I believe there are no two opinions today that some sort of control over food must continue in this country. This is the Act under which the Central Government can exercise such control. Similarly with regard to the other commodities, the present policy of Government to continue control in respect of some of them will obviously continue during the coming year.

Now, Sir, one important change has been made in the course of last year to which perhaps I might just draw the attention of the House. Hitherto all these matters fell within the provincial sphere and this was the only legislative power which the Central Government had under the existing Constitution Act to exercise authority over these matters, which normally fall within the Provincial sphere, now however the existing Constitution Act has been amended and it is now open to the Central Legislature to pass special legislation in respect of certain industries which are deemed to be of all India importance. Not only can the Central Legislature pass laws with regard to the development of such industries to be specifically mentioned, but also can pass laws for regulating and controlling them. The question arose as to whether the Central Government should have the power to regulate the distribution and also to control

[Dr. Syama Prasad Mookerjee]

prices in respect of such commodities. At the last session of the Constituent Assembly, the Constitution Act was amended and this matter was put in the concurrent list. In other words, if in future the Federal Legislature feels that in respect of the Centrally developed industries, not only should the Central Government have power to control, regulate and develop them, but it should also have authority in respect of fixation of prices and distribution, they may pass special legislation therefor and those matters, being in the Concurrent List, as soon as such legislation is passed, any authority which any Provincial Government might exercise in respect of them will cease to become operative. Of course, that is a matter which has to be considered with great care in future. So far as the present position is concerned, we must have the power to continue the existing controls, which we are operating now. Whether actually we will exercise control in respect of all the commodities or not is a different matter. All that we are asking for now is that by means of this Resolution, which is the only means which can be constitutionally adopted, the authority which is today vested in the Central Government should continue to function for one year to come.

Mr. Speaker: Resolution moved:

"In pursuance of the proviso to section 4 of the India (Central Government and Legislature) Act, 1946, as adapted by the India (Provisional Constitution) Order, 1947, this Assembly hereby approves the extension of the period mentioned in sections 2 and 3 of the said Act for a further period of twelve months commencing on the first day of April, 1949."

Shri R. K. Sidhva (C. P. and Berar: General): The honourable Minister while moving the Resolution stated that he only wants the power to continue control. I agree with that. What I object is the method by which this Resolution is brought before this House. He wants a consolidated list of eight items which he has named, to be controlled and he further said that during the Budget discussion there was a fairly good discussion on controls and therefore, he does not see any necessity now for going into the subject matter of control. While I agree with him that there was a general discussion on controls, I disagree with him when he says that this subject was dealt with thoroughly. Casual references were made by Members to the system of controls and opinions were expressed in a general way. Most people are agreed that controls may continue on food and cloth. That is our policy. But the present proposals include six other items. Last time when this matter came up for consideration the honourable Minister gave information about what happened during the previous year to justify the continuance of controls, this time he merely wants this power for one more year. I fail to understand the logic of this demand. If he had given reasons for having this power over certain articles I could understand him. It is unfair to the House not to give it an opportunity to consider the eight items separately. As I said we are in favour of continuing the controls on food and cloth. (*Shri L. Krishnaswami Bharati*: "No, no") Personally I feel that these two items should be controlled. As I see that there is difference of opinion even in regard to the control over these items also, it is all the more reason why the honourable Minister should have brought these eight items separately for the consideration of the House.

Now let me take up one of the items included in this proposal, viz., paper. This matter was discussed last time and, during question hour, I asked whether it is not a fact that the Bombay Indian Merchants Association made a representation that there was sufficient imported paper and that it was only waiting to come into the market for the control to be removed. There was no satisfactory answer. Even when we are specifically discussing these items,

if we are not given all the information we want, what are we to do? I thought on the last occasion when this matter was discussed the honourable Minister was inclined to agree that the control on paper might be removed. In fact he made certain concessions then. I do feel that the time has come for the paper control to go.

The Honourable Dr. Syama Prasad Mookerjee: I may remind the honourable Member that we have partially removed the control over newsprint and also the control over the distribution of imported paper. So far as Indian Mill made-paper is concerned, I have consulted my Standing Committee and that matter is under examination. I am not prepared to take hasty action.

Shri R. K. Sidhva: I am glad to hear it. I hope he will see that this control goes. I know of instances where the printers and publishers have been suffering on account of the present quota system although large quantities of paper are available.

Next, I would refer to petroleum and petroleum products. The matter of control on petrol was being discussed even during the regime of our predecessors, we have a special Department for this. Sir, our supply of petrol seems to be sufficient. The storage capacity of the tanks in the various ports is big and generally the tanks are full. It is possible that we have not sufficient number of tank wagons for the purpose of transport or distribution and therefore this stuff is not available at intermediate stations. But are we justified in continuing the control on that account? The supply position is such in Bombay that you can get as much petrol as you want. The storage tanks are full. The other day I put a question to the Minister for Works, Mines and Power in regard to a petrol steamer which went to Bombay and which had to be diverted because the tanks there were full to capacity and he was good enough to tell me that it was on account of a cyclone that the steamer had to be diverted. I was surprised to hear that. As it was a question-hour it was not possible to elicit the correct position. There was no cyclone at the time the steamer reached Bombay. The cyclone lasted only for some ten hours and the steamer touched Bombay only after the cyclone had passed off. I, therefore, contend that in this matter also the honourable Minister must take action, even if the difficulty is with regard to tankers or tank wagons. The Pakistan Government has agreed at the Inter-Dominion Conference at Karachi that they will release the wagons without delay. If they have kept the agreement for moving of petrol from Karachi it would not be difficult. In any case I feel that this control is not justified. You should at least let us know your difficulties in the way of removing these controls. If we had been given some data to go upon we would have understood your difficulties. The present position is that there is plenty of petrol available and people are getting it without coupons. The sufferers are only the honest persons who depend upon coupons for their supply. Bearing this in mind the honourable Minister can remove the control on petrol.

Then there is the question of the control of spare parts of mechanical vehicles.

The Honourable Dr. Syama Prasad Mookerjee: That has been withdrawn.

Shri R. K. Sidhva: I am glad about it.

With regard to iron and steel there is decidedly a scarcity. I know that the honourable Minister has devised a scheme of importing steel from foreign countries the rate for which is Rs. 600 per ton against Rs. 300 per ton for indigenous steel. The difference in price is 100 per cent. This steel is required for building purposes and not for eating. I made a suggestion last time that the control should be removed. It was not accepted. But today I learn from the newspapers that he has found a device. He will place

[Shri R. K. Sidhva]

an order with foreign countries for a certain quantity and equalise the rate between the foreign and indigenous steel. (An Honourable Member: "Average") Average, yes. That is good in a way. But who is going to benefit? I am making a suggestion to him. Raise the price to Rs. 600; take Rs. 300 to the Government coffer. It is not going to affect any consumer. It is required for building purposes, and those who want to build, when they spend one lakh, let them spend one lakh and ten thousand. The burden will come upon the tenant but that makes very little difference. I request him to consider this suggestion. It will bring much more money.

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

Shri R. K. Sidhva: Industry? Protect it properly. Raise the price to Rs. 600 and take Rs. 300. You are increasing the rate to Rs. 450. After all, you want money, for nation building purposes.

Shri B. L. Sondhi: The industry will be finished.

Shri R. K. Sidhva: I have consulted some people in the steel industry. They are not prepared, but I know they would have no objection. I feel that this matter should be given a little serious attention. The control will go and the State will benefit. Then mica.

The Honourable Dr. Syama Prasad Mookerjee: There is no control.

Shri R. K. Sidhva: I am very glad, Sir.

Then the items that remain are only paper and petroleum. Coal, of course, I do not touch, because I am not very conversant with it.

Now, Sir, I submit that he has brought this legislation and we have no alternative but to accept it, but last time he himself stated that it was for one year only, not more. If he wants, I can quote the speech. Dr. Ambedkar, while moving, said that it was for only one year. I desire there should be a time-limit and within that period the control should go. The other day the Food Minister announced that after 1951 they shall not import any food. I was gratified by the announcement. Unless you put some kind of datum line, you are not going to succeed in anything. That is what I am suggesting to every Minister. You fix up a datum line and I am sure your services will help you, but if you go on at random, the purpose you seek will not be achieved.

Now, I shall see how within 1951 food imports will be stopped. It is going to be stopped. I am prepared to prove. I am going to the Food Minister with my figures. I wish to tell him that according to his own figures there is no shortage of food in India. (An honourable Member: "Then why not do it now?") It is a big thing. I have to talk to him. I have talked sufficiently in this House. I will now discuss with him privately. However, that apart, I feel that he should fix a datum line for controls and look into the thing very seriously. I shall be very glad if he would remove the control over this petroleum particularly, because the Department is very costly. High officials are on the staff. I do not want to say that, because he will say that I am accusing his employees. They are working and they will have to be paid. But I do want to say that I do not want them to work now, because there is no work if you remove the control. I am not an irresponsible man to say. You remove the control. What I want to tell him is this, you go into this matter very seriously and let us have the figures for the last five years. Now, the Kashmir war is over; the anticipated Hyderabad trouble is over and I know even from officials that there is sufficient petrol. Therefore, while I agree to this extension, I do hope that there will be none next year. If there is going to be, of course, as far as food and cloth are concerned, let him bring them as a separate item.

Mr. Deputy-Speaker: This is a Resolution and the honourable Member will confine himself to it.

Shri R. K. Sidhva: All right. I have practically finished. I have got to remind the honourable Minister—I do not want to quote, because there are many sentences which are encouraging and in my favour and I thank him for being alert about it. I wish he would be alert about petrol and also paper and removed the control on these once and for all.

Shri Biswanath Das (Orissa: General): Sir, having come from a joint family which has withstood the ravages of time, for five generations, I feel the need of control in cases where things available for distribution are less than what is required at home. What is true of a home holds equally good in the case of the entire country which is, after all, a big joint family. From that view of the question, I support control. A call for control therefore brings me to two important questions, namely, in what items do you want me to give my sign of approval for control, and secondly, the success or failure of the agency that you employ for distribution.

As I have already said, which I repeat, control is justified only on grounds of proper and equitable distribution and is also a fillip to production. So far as production goes, my honourable friend has done us the favour of distributing some literature. However much we differ from him and we call on him for more and steadier courses of action for development of our industries, I would take him for what it is and accept the position. Regarding distribution, however, I must frankly confess that no literature has been placed at our disposal, except the one justification that provincial governments have done, or are doing or will do, something. My honourable friend has given certain items on which he wants us to give him the power to control. Sir, I had been to Tatanagar. I had a discussion with the management and the labour and I found the production has fallen. The note that has been circulated to us also shows that production has fallen and has fallen far below the average and far below the war years of production. I feel that it was the duty of the Industries and Supply Ministry to have seen to it that attempts were made at least to get production equal to the level in which it was when he took office. It may have been more, because I would expect him, with his knowledge and reputation, to give a developing hand to the existing industries and more to iron and steel so as to improve production. Failing which I expect at least the margin or level in which it was in the previous year and the year before to have been maintained. I must frankly confess that I am disappointed. Therefore, one thing is clear that we have fallen in essential productions.

That takes me to another evil, namely, that it throws us into the lap of foreign countries from which we have to purchase iron and steel at far higher prices. Regarding improper distribution, my honourable friend might throw the whole blame on the provinces, but I must frankly say that I am not satisfied with the control that is exercised from the Centre in this regard. The Food Minister would agree with me—I hope he will—that he is not able to supply the necessary requirements of iron and steel for the agriculturist. The poor, unfortunate agriculturist needs no iron to construct new buildings. I am talking of the small and middle sized holders, not of the big holders. My honourable friend, Mr. Sidhva, proposes rightly more taxation on the new construction of houses. The Minister said a few days ago that construction of cinema houses have been prohibited, but have Government required how many new cinema houses have come out,—new palatial cinema houses—despite their prohibition and despite their statement of prohibition? Where is this

[Shri Biswanath Das]

iron coming from? I once told the Secretary, Food Department, that I would give him any quantity of iron here in Delhi on two conditions: that you shall not ask me for the sources from which I purchase iron and that you shall not ask me the amount of purchase money. Given these two conditions, you will get any quantity of iron. I have a right to ask the honourable Minister to explain where does this leakage come from? I was told that a former employee of Tata's has been in charge of these controls on iron. I do not know how far it is true. But I have a right to demand an explanation from him whether it is a fact. If it is so, then is it fair to the country that this should have been so? I make no aspersions against anyone. I would request him to enquire into this aspect of the question, namely, this huge leakage.

Having stated so much, I would take him to another point, namely, that he is not doing justice to agriculture though at the same time he is crying for dollars from hard currency areas for food purchase. Where could he get it? He is not supplying the essential needs of agriculture, namely iron implements and manure, so badly required for agriculture, and yet he wants the agriculturist to produce more. These are contradictory things. I would appeal to the honourable Ministers for Agriculture and Industry and Supply to collaborate and to co-ordinate mutual activities so that it will result in the greatest good to the greatest number of people, and until that is done all individual efforts are bound to lead to failure. That is what has happened. He should also favour the non-official section of this country with more confidence, setting up non-official provincial advisory councils and the district advisory committees. Let more people be taken into confidence. You have your own selection. But let it be on an accepted basis so that you can fight against leakage, want and corruption.

I was told by a very responsible officer—I do not know how far it is correct—that he apprehends that there are people—tradesmen—between Tatanagar and mofussil stations of farthest south who carry iron and steel even on railways without paying anything for it. I do not know how far these are facts but these need greater caution on the part of the Watch and Ward Staff. Unless these gaps are closed, I think there will always be an eternal scarcity in the country of essential needs.

Having said so much about iron, let me come to food. You are throwing Rs. 130 crores to foreign countries. Why? My honourable friend, the Minister for Food and Agriculture stated that he requires about 25 to 30 lakhs tons of food grains for this country. Why, I fail to understand. The Famine Enquiry Committee have recommended a maximum of about 15 lakhs tons of cereals as necessary for this country. Assuming there has been a certain increase in population, does it call for 20 to 25 lakhs of tons of cereals more for this country? I do not agree with him in this view. Sir, I was accustomed to hear that five per cent. of food deficit for this country. That was the view of the committees and commissions and of enquiries held on this subject. But now I am told that it is ten per cent! Where does this big difference come from? Where is your Grow More Food campaign of all these years? I divide this control into two heads: namely, production and distribution and I hold my friend, the Minister of Industry and Supply responsible for both these items because on him rests also the responsibility for production though.....

The Honourable Dr. Syama Prasad Mookerjee: Of food grains also?

Shri Biswanath Das: Production of cereals also. Agricultural production of course, directly and indirectly falls on the Food Minister (*Interruptions*) I am coming, please have patience! Unless and until he places at the disposal of the honourable the Food Minister the necessities of agriculture, he has no right

to expect any progress. Until that is done, I think he is responsible not only to the Agriculture Ministry but also to this House and through this House to the country. I hold him then directly responsible for the manufacture of goods and supply and indirectly for more production of cereals. I would, therefore, appeal to both my honourable friends to see that necessary co-operation and co-ordination be effected so that it may result in the maximum production.

Then I shall come to another question, namely to the question of cloth. You have got enough cloth lying idle in the country. You have got the cloth output of the handloom industry which has been piled up and they have been crying hoarse for protection. Under these circumstances why should you require control for cloth. I do not know what makes him call for control for cloth. I expect the honourable Minister therefore to give us some detailed account on each of these items as to show why control has been called for and also the new method and the new approach that he proposes to give to these questions, having in view—I would not say absolute failure—failure in the work of distribution machinery of these controlled commodities. If today black-market has shown its ugly face, it is because of partial control. A lot of immorality and a lot of corruption has crept in because of this. While discussing this question, I would beg of him to realize that if he want to control let him select a few items, and in these few things let him control from beginning to end, i.e., from beginning of the operation to its close. Otherwise there will be no end and partial control will offer a loophole to escape for black-marketeers who are out to make every attempt of making Government infructuous. These are powerful influences and though they seem to be friends, they are working against us.

Under these circumstances, I would appeal to him to consider these and give us enough data to justify his call for control. We assure him that anyone placed in the Treasury Benches will have our fullest support. We have pledged our support. Our support has thus to be taken for granted.

[At this stage Mr. Deputy-Speaker vacated the Chair, which was then occupied by Pandit Thakur Das Bhargava (one of the Panel of Chairmen).]

The fact that they are entitled to this confidence should and does call upon them to think ten times before they come to this House for additional powers and new responsibilities.

Dr. P. S. Deshmukh (C.P. and Berar, General): Sir, I endorse and support very substantially the remarks that were made by my honourable friend Mr. Sidhva. I do not wish to take much time of the House. However, I have certain important suggestions to make and I wish to draw the attention of the honourable Minister to them.

The point made by my friend Mr. Das was not much appreciated by many members in this House as to the connection between the portfolio of the honourable Minister for Industry and Supply and the development of agriculture. But I would like to endorse that there is a very direct connection, although I am not prepared to put the whole blame or say that the Minister of Industry and Supply is directly responsible for it. But if he were to take into account the needs of the agriculturists so far as iron and steel, deisel oil and power kerosene are concerned I am certain he will be in a position to help the production of food stuffs in a very direct manner. With more and more labour-cost and with agricultural labour demanding more wages it is the experience of many agriculturists, including those who confined themselves to raising food stuffs only, that it is becoming very hard for them to keep pace with the prices on the one hand and give labour fullest satisfaction in regard to wages on the

[Dr. P. S. Deshmukh]

other. So many of the agriculturists are inclined to resort to mechanisation and they want to have small tractors or put-up pumps on their wells, so that they will increase irrigation and will be able to dispense with the ordinary labour which is getting more and more costly. I would suggest that there should be a definite quota sufficient to meet all agricultural needs and that should have the highest priority. It is not merely a question of iron and steel but also much more a question of deisel oil. I have as a matter of fact, as a member of the Standing Advisory Committee on Agriculture proposed this question and brought it to the notice of the Minister, especially because I have seen that good many agriculturists have been put to great hardships. After investing thousands of rupees in raising gardens and cultivating food stuffs all of a sudden they find that there is black-marketing in deisel oil due to mal-distribution with the result that there is a setback in the efforts of the agriculturists and the nation as a whole suffers. That is the first point I would like to bring to the attention of the Minister for Industry and Supply and I hope that he will as far as lies within his power do his best. So many things are distributed between so many portfolios that I do not know if he is the sole master.

The Honourable Dr. Syama Prasad Mookerjee: Deisel oil is under Works, Mines and Power.

Dr. P. S. Deshmukh: That is our trouble. I hope the W. M. and P. Ministry will kindly look into it.

There is also greater demand for power kerosene and there are many implements which can be driven only with that.

The Honourable Dr. Syama Prasad Mookerjee: That is also under the W. M. and P. Ministry.

Dr. P. S. Deshmukh: So, that again is that. I hope the Minister for W. M. and P. will pay his immediate attention to this.

So far as control as a whole is concerned I have already told the House my view. I am an anti-controlwala. Controls breed corruption and many other evils which are far worse than even the scarcity of goods which we might be prepared to put up with. I was especially surprised to see my friends from Madras not being in favour of controls. Being deficient in food stuffs I thought they were the people who would be for controls but when they do not want it, whom it is intended for, I do not know. It may be meant for people in the urban areas who are clamouring for food. Every one has sympathy for these people and we are prepared to sacrifice for them. A lot of expense is incurred on the continuance of the controls and that itself would be sufficient to subsidise the food for urban areas quite substantially.

So far as cotton is concerned there too I am inclined to believe that the controls have not been worked properly and it is probably time that we lifted the controls there also. In this matter I would like to make one other suggestion which I had made when the honourable Minister for Industry and Supply was not here. So far as the revision of the price of cotton is concerned I hope he will not commit the mistake of raising the prices just when every bit of cotton is in the hands of the merchants. It should be done only after the full stock of the year is exhausted and taken away by the mills and when the agriculturists are at a point when they try to bring it to the market. At that time only it should be done. Otherwise the middleman would reap the whole profit. We will not improve the condition of the agriculturists on the one hand on the other, not provide the necessary incentive to produce more the goods in which we are deficient.

I hope that the honourable Minister will see and minimise the controls and take out as many commodities out of this list as possible, I know that he is in earnest and I wish him all success.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): I am extremely grateful to my honourable friend Mr. Sidhva for giving me an opportunity to speak some thing about the distribution and control of petrol in this country.

Babu Ramnarayan Singh (Bihar: General): Especially in Delhi.

The Honourable Shri N. V. Gadgil: I do not want to refer to the general remarks made by several members about the policy of control. As far as I am able to say this House is already committed to a policy of control, when it reversed its former decision of the policy of decontrol a few months ago. I have often heard in this House vehement speeches about the lack of planning in this country and for that this Government has been castigated in time and out of time. The House has to make up its mind whether we stand for a planned economy or not? In that case I cannot visualise planned economy unless there is a complete system of control. It is no good telling that we can have *laissez faire* in some spheres and others a policy of control. The result will be disastrous in both the spheres.

Coming to the particular referred to by my honourable friend Mr. Sidhva, I just want to give him and the House a fair picture of how the distribution of petrol and petroleum products works in this country and how it worked before the partition. It will be interesting to note that before the Partition the whole of Punjab, North West Frontier Province, substantial portions of Rajputana and a considerable part of the Western portion of the U.P. were supplied, so far as petroleum and its products were concerned *ex-Karachi*. It is well known how great was the supply and what great confusion was caused when it was not possible to have supplies from Karachi immediately after the Partition in August 1947. Right from that time my Ministry has been trying to tackle this problem. In order to see that in no circumstances this country will be without its normal supply of petroleum and its products we decided that additional tankers, tank wagons and box wagons must be commissioned. We have been trying for the last 18 months sometimes with very little success, sometimes with great disappointment but now I should say that the position with regard to this has greatly improved. The Transport Ministry has placed an order for 200 tank wagons in Canada and the delivery has started and I understand that every week some twenty tank wagons are delivered in Calcutta. It takes about three weeks to put them on the line. Similarly an order for 300 tank wagons has been placed with the various manufacturers in India. In fact according to the schedule we should have had supply of all these six months ago. The reasons why they could not be had are well known. It is expected that in the course of the coming six months we will be getting a substantial portion of this order from the Indian manufacturers. So the position as regards distribution will definitely improve in the near future. It is true that recently the supply position has improved, but control comes in not so much, so far as petroleum and its products are concerned, with respect to the production aspect but with respect to the distribution aspect, because we have nothing by way of production except seven per cent. of our demand in Assam. Therefore the control has relevancy in the distribution aspect of this particular product. In the ports no doubt the storage capacity is considerable. The present policy is that we should have at any time supply that will last for three months and a half either at the ports or in the upcountry petroleum stations. The real difficulty which has been considerably increased as a result of partition is to remove petrol and its products from the ports to the upcountry stations. As I said, till these wagons come into commission and the transport becomes easier the necessity of control is supreme. I do not want to disclose through

[Shri N. V. Gadgil].

what critical period this country has gone in the course of the last eighteen months. It will not be in the interests of the public to state.

My friend Mr. Sidhva said that there was no cyclone and there was no steamer that was diverted as a result of cyclone. I shall take this House into confidence up to the extent to which I think it prudent. The cyclone destroyed fairly substantially the normal arrangements to unload petrol in the Bombay dockyard. The result was that for a considerable period nothing could be unloaded and consequently certain steamers had to be diverted to other ports.

Shri R. K. Sidhva: That is a different story from what you gave.

The Honourable Shri N. V. Gadgil: I did not specify the whole chain of reasoning. I believed then and I believe now that the honourable Member is so intelligent that he can quickly follow. Now that his apprehensions are completely removed he will agree with me that what I stated was a correct position.

Very recently this country was threatened with a big strike. Suppose there was no control what would have happened? It was necessary for the Government to remove in time sufficient petrol to run essential services, to central places. If there had been no control and no power with the Central Government to do that I shudder to imagine what would have happened. And this had been done before the midnight of the date on which the strike was to have taken place.

So far as the criticism of my friend Mr. Sidhva, that the particular Department wants to be in existence and therefore Government wants to continue control, is concerned I want to assure him that normally human beings are selfish. To the extent to which all other human beings are selfish men in Government also are. But I want to assure him that there is no separate Department for this now. It has been abolished from the 1st of March 1949. The Petroleum Officer's post has been abolished and the whole thing has been reduced to a Division with corresponding retrenchment in the lower staff and it is now under the Director of the Bureau of Mines. I have already done that. I can assure Honourable Mr. Sidhva and all honourable Members of this House that whatever I have preached when I was in the opposition I shall do my humble best to carry out when I am here.

Prof. Shibban Lal Saksena (U.P.:General): May I interrupt the honourable Member and ask a question?

The Honourable Shri N. V. Gadgil: I am not giving way. As regards the increase of the supply of petrol and other petroleum products to which reference has been made by my honourable friend Dr. Punjabrao Deshmukh I am doing my best. In fact, as I stated, the supply position has considerably improved. There is no price control now. The control is only with respect to distribution and in some matters it is being exercised by the Provincial Governments. As regards kerosene the difficulty about giving sufficient or more supply of kerosene immediately is this that the combine which is responsible for supply of all these articles to this country has to look not only to the position of supply to India but to all other countries. There also their great difficulty is transport. To remove petrol and other products from the Gulf to India is a great difficulty. So every year we give our estimate. They say "This much is possible and this much is shipping space. Now you adjust." Then I have to consider whether I will have additional petrol or additional civil aviation spirit or crude oil or high diesel oil or kerosene. It may be that I may come to one conclusion in view of the situation in this country, political and otherwise. It may be that I may come to different

conclusions. In that you must trust the Minister. If in the particular context of circumstances he thinks that the defence situation requires additional petrol to be imported and to that extent less import of kerosene, you must trust him. After all it is a matter of balancing the various factors and finding out the best that is in the interests of the country. I can assure you that the moment the position improves I shall see that additional kerosene is imported and distributed. That is all I have to say. I am really grateful to honourable Mr. Sidhva for having given me this opportunity to participate in this debate.

Shri Khandubhai K. Desai (Bombay: General): Sir, I have no hesitation in supporting the Resolution moved by the Honourable Dr. Syama Prasad Mookerjee, giving powers to control essential commodities for a further period. The criticisms which have been levelled in the course of the debate I cannot appreciate; neither can I understand them. I think if a case has been made out for assuming these powers for one year more it has been very amply established during the last two debates which we had, one on the Railway Budget and the other on the General Budget. People are thinking in terms of normalcy. Have we reached normalcy? The debate proved that we have not reached normalcy. We have not got plenty of commodities available so that the control may be removed. We have not got sufficient carrying capacity on the Railways so that control can be removed. The power that we are now giving to the Government is in respect of certain commodities which are by their very nature essential. Do they want to remove control on food, cotton cloth, petrol, iron and steel? We have tried that experiment having been carried away by sentiment a few months back but we had to revert to control with vengeance.

Shri L. Krishnaswami Bharathi (Madras: General): No, it was very successful.

Shri Khandubhai K. Desai: Of course you may say it was very successful, even though the experiment was a failure.

Shri L. Krishnaswami Bharathi: Go and ask the people in the villages.

Shri Khandubhai K. Desai: Sir, it is stated that a lot of cloth is lying in Madras or some such centres which requires to be cleared. Let us see what that cloth is. That cloth has not been manufactured for indigenous consumption. It has been manufactured for export to Pakistan.

Shri L. Krishnaswami Bharathi: No, no. You are very much mistaken.

Shri Khandubhai K. Desai: That is so, because I know it and I am putting it before you.

Shri L. Krishnaswami Bharathi: It is absolutely incorrect.

Shri Khandubhai K. Desai: That cloth has been manufactured for export trade and it has been manufactured with a view to make profits. Probably the cloth for export may be paying better profits so it has been manufactured. Let all this yarn used in the manufacture of this cloth be given to handloom weavers for the manufacture of cloth for indigenous consumption, I am sure you will see the day when cloth control and yarn control would not be found necessary. When control is imposed we say it is very bad, it breeds corruption, it breeds this and that. I feel that thereby we only reveal the psychology which we as individuals or members of an individual group of people experience in getting commodities for our personal use. I would like to emphasise and say, as I even said last time in November 1947 at the time the food control was removed, that blackmarketing or paying higher prices for a controlled commodity is indulged in by only very

[Shri Khandubhai K. Desai]

very few people. The rank and file, the majority of the common people get their commodities at the controlled price. Regarding food, if we had not got control over food today I do not know what would have been the situation today. There is famine in one part of Gujarat. As it is we are frequented by these famines in various parts of the country almost every year or every third year. Unless our production of food is increased by 20 to 25 per cent, I think the control over food would have to be maintained whether you and I like it or not.

So, personally I feel that entrusting the Government and empowering the Government with all the power stated in the resolution is essential. We must trust them. In this House we all are making speeches and we get these opportunities every now and then to bring to the notice of the Ministry how the control is working, particularly in certain respects. But that is no case against control. As the Honourable Mr. Gadgil stated, people are bad and good everywhere. They may be bad and good in the services, they may be bad and good among us, they may be bad and good among the people of the country. What happens is that the service is more or less the index of the moral and psychological atmosphere that is there in the country. So, it is up to us not always to go on abusing and criticising the services in season and out of season.

Finally, Sir, I think the debate that had taken place in the course of this month has amply proved the justification for the Honourable Dr. Syama Prasad Mookerjee to come before this House to assume these powers for at least one year more. I am afraid if the situation continues as it is today he will have again to come next year.

Shri L. Krishnaswami Bharathi: The speaker who just preceded me said that the cloth that is manufactured in Madras is intended for export trade and therefore all the difficulties have arisen. I am sorry he has talked without verifying the facts. I think he was referring to the handloom cloth. A very microscopic proportion of the cloth manufactured on the handloom was intended for export trade. He knows, I suppose, that when there are restrictions on export trade the handloom weavers would not be so foolish as to manufacture cloth for export trade. It is no doubt true a certain proportion was intended for foreign trade.

He said there is not plenty of cloth available. I want to impress upon this House about the serious situation that is existing around the mills. It was only two days back that some honourable Member put a question and got the answer that some mills were being closed. Today I find the Textile Commissioner to the Government of India has circularized all the mills that they may sell their bales to whomsoever they please. What does it show. It shows there is plenty of cloth available in the mills but locked up. Why is it locked up?—because there is no demand. Throughout the country there is plenty and a plethora of cloth and there is no demand for it with the result that the retail dealer does not want to buy from the wholesaler, the wholesaler tells mills he does not want it and does not want to clear the cloth. It was only yesterday that I mentioned the case about some big co-operation bank in Madura refusing to clear Ahmedabad mill cloth to the extent of a few lakhs. The thing was lying there and they had to pay a heavy demurrage of nearly rupees two thousand. Sir, 50,000 bales are lying in Ahmedabad now with the result that Government is forced to relax control. What does the Textile Commissioner say? He says that you can send the bales to anybody you please throughout India. That is the order of the Textile Commissioner of India sent to the Ahmedabad

mills. So, Mr. Khandubhai Desai was perfectly wrong in saying that there is not enough cloth. I can now prophesy that this is going to happen in the course of the next two or three months, and I will say it on the floor of this House: all the shifts the third shift and the night shift are going to close and the mills are not going to work at as full speed as they are doing now. They will say, "What are we to do? You introduce control and here there is plenty of cloth."

Shri Kuladhar Chaliha (Assam: General): What is the total production in Ahmedabad.

Shri L. Krishnaswami Bharathi: Well, so much production that they are not able to clear it. I may read this news about the order of the Textile Commissioner—"The Government of India has permitted textile mills holding large stocks of readily saleable cloth to dispose of bales packed in December 1948 or earlier, to buyers of their choice anywhere in the Indian Union". Why does he do that? Because they are not able to clear their stocks.

Shri R. K. Sidhva: Defective distribution.

Shri L. Krishnaswami Bharathi: It is not defective distribution. It is because they write to the Provincial officers who tell them that they do not want the cloth. It is not because of defective distribution, it is just because there is no demand. The Government authorised wholesalers are not willing to take the cloth and the wholesalers are not willing because the retailers are not willing, the retailers are not willing to take it because the retailers are not able to find a market. That is the whole trouble. It has started from the consumer. It is not because of the bottleneck in which case the Railway could have been approached and they could have remedied it. The difficulty is that retailers or against do not want to clear these stocks with the result that Government is forced to relax control. If mills can send their goods to whomsoever they please in any part of India, then control has actually broken down. In six months time this kind of control is bound to break down completely. That is my prophecy, I may be wrong or I may not be wrong. But so far as Madras province is concerned, there is plenty of cloth. Two years back, the position was the other way about. But then there was black-market. Now there is no real need for control. People are selling at lower than the controlled prices. That is the situation so far as cloth is concerned, and so far as Madras is concerned.

With reference to another aspect of control, that is about cotton, I have to say this. Already there is a crisis in the Coimbatore Mills. There is a notice given and the Government have asked the Mill there why they want to close, and they reply, "What are we to do? We have no cotton. Give us cotton and we can go on." That is the evil of control. They begin to look up to the Government, for everything. "Give us cotton, otherwise we will close the mills." That is what they say. And I find that one Mill in Ahmedabad has already closed down, and issued notice to 1,000 workers because they have no cotton. It is the Ananda Cotton Mills. I am only stating these to show the evil of control; people want to look up to government for everything.

Then with reference to yarn control. In Madura they have certain rules for this control. But Madura wants super-fine yarn, eighties and hundreds. But they get only twenties and thirties. There is a big mill in Madura producing fine yarn. But the dealers in Madura or the consumers there do not get it. They have got to get it in the round-about manner. That is control! All these are the necessary anomalies of control. Therefore, so far as cloth is concerned, and so far as Madras is concerned,—I do not know about other provinces—there is really no need for control.

[Shri L. Krishnaswami Bharathi]

And then with reference to food control, even there, I am not satisfied about the need for control in Madras. Madras, no doubt, is a deficit province. But I come from a village and I am closely connected with the village. I am a producer myself and I spend two or three months every year in my village. I have intimate knowledge of the views of the peasants and the cultivators. They have gone through the periods of control and de-control also. I asked them, "What do you want?" and they are asking me, "When are you going to have this control abolished?"

Shri Krishna Chandra Sharma (U.P.: General): The country is much greater than your village.

Shri L. Krishnaswami Bharathi: May be so. But I am talking about my own province and I feel it applies more or less to the whole country. My friend to my right is against control. My friend to the left, Dr. Deshmukh is against control. I speak about my own province, because I know the conditions there rather intimately. That does not mean that I am against the country's interest. I feel that even though it is a deficit province, Madras does not need control, so far as food is concerned. I do not want to dilate upon it, except to say that the people feel that they can get on without this food control, rather than submit themselves to the difficulties of control. I do hope the honourable Minister will look into these matters. So far as food control is concerned, we stand committed to it, and so I am not suggesting that it should be removed now. But I know that is the view of the Premier of the Government of Madras. I am glad the Food Minister is here. I am certain that the members of the Government of Madras have expressed themselves against control so far as food grains are concerned, though it is a deficit province.

चौधरी रमवीरसिंह : सभापति जी, यह कहा जाता है कि लोगों की स्मृति बहुत थोड़ी होती है। लेकिन मैं तो यह देखता हूँ कि जो लेजिस्लेटर हैं उनकी भी स्मृति थोड़ी है। पिछले साल जब कपड़े पर डी-कंट्रोल हुआ तो कपड़े की कीमत तिगुनी और चौगुनी बढ़ गई थी। मैं नहीं मानता कि एक साल के अन्दर इस किस्म की हालत पैदा हो गई जिसमें अगर डी-कंट्रोल कर दिया जाय तो कपड़े की कीमत कम हो जायगी। पिछले जून, जुलाई और अगस्त के महीने से मैं समझता हूँ तकरीबन हर एक लेजिस्लेटर या ले-मैन जो थोड़ी बहुत सूजबूझ रखता था वह जरूर यह चाहता है कि जो कपड़े की, जो तीनगुनी और चौगुनी कीमत ली जा रही है उसका कोई न कोई इलाज होना चाहिए।

मैं यह कहने के साथ साथ यह भी कहना चाहता हूँ कि जिस चीज के ऊपर कंट्रोल जरूरी है-कंट्रोल होना चाहिए। अब पर कंट्रोल की मैं कोई आवश्यकता नहीं समझता हूँ। मैं यह मानता हूँ कि अगर फूड के ऊपर कंट्रोल नहीं रहेगा तो फूड जो हमको बाहर से मंगाना पड़ता है उतनी तादाद में नहीं मंगाना पड़ेगा। इस समस्या का हल दूसरी ढंग से आसानी से किया जा सकता है। शायद कुछ भाई यह समझे कि अनाज के पैदा करने वाले फूड प्रोड्यूस की कीमत ज्यादा लेना चाहते हों। ऐसी बात नहीं है मगर गवर्नमेंट फसल के वक्त जितनी जरूरत शहर

वालों को होती है वह एकदम खरीद लें तो वह महंगा भी नहीं पड़ेगा। मैं तो यह समझता हूँ कि पिछले साल में फूड प्रोड्यूस में जितनी महंगाई हुई है उसकी जिम्मेवारी किसानों के ऊपर नहीं है बल्कि मिडिल-मैन के ऊपर है। मैं कंट्रोल के खिलाफ नहीं हूँ। मैं समझता हूँ कि जितनी चीजों के ऊपर कंट्रोल आवश्यक है उनके ऊपर जरूर होना चाहिए। अभी हमारे आनरेबल मिनिस्टर मि० गाडगिल ने बतलाया कि मिट्टी के तेल की प्राइस पर कंट्रोल नहीं है। मैं आपको यह बतलाना चाहता हूँ कंट्रोल के वक्त मिट्टी के तेल के एक पीपे की कीमत ६ रुपया थी लेकिन अब २४ और २५ रुपए से कम पीपा नहीं मिलता है। इस हालत में कोई ले-मैन ही यह कह सकता है कि कंट्रोल ठीक नहीं है। मैं भी देहात का रहने वाला हूँ। मद्रास के रहने वाले देहाती भाई यह समझते हैं कि कंट्रोल से उनको नुकसान होता है। सके कुछ कारण और भी हैं जिनको मैं आगे बतलाऊंगा। लेकिन जहाँ तक कपड़े का, सिमन्ट का और लोहे के कंट्रोल का ताल्लुक है अगर उसकी तकसीम ठीक ढंग से हो तो इसमें शक नहीं कि वह कंज्यूमर के लिए, देहात वालों के लिए और किसानों के लिए कंट्रोल बहुत अच्छी चीज है।

मैं यह समझता हूँ कि कंट्रोल के साथ साथ एक बात का ध्यान रखना चाहिए और वह यह है कि कंट्रोल से मिडिल-मैन को जो बहुत अधिक प्रॉफिट मिलता है उसकी इजाजत नहीं देनी चाहिए। कपड़े का कंट्रोल है और उसके अन्दर एक्स-मिल प्राइस और रिटेलस कीमत में २० फीसदी और २५ फीसदी का फर्क है। यह मुनाफा जो मिडिल-मैन को दिया जाता है मेरी समझ में बहुत ज्यादा है। अगर सरकार इस मुनाफे को कोआपरेटिव सोसाइटियों को देगी तो बहुत फायदा होगा परन्तु मिडिल-मैन को यह मुनाफा देने से कोई लाभ नहीं होगा।

मैं एक बात और कहना चाहता हूँ कि जैसा हमारे अभी पंजाब राव साहब ने कहा कि सिमन्ट, लोहा और मिट्टी के तेल के कंट्रोल से खेती की बढ़ोतरी में बड़ा वास्ता है। कल ही हमने पूसा इन्स्टीट्यूट में एक हल देखा। यह हल दो बैल से चार बैलों के बराबर काम करता है। वह हल तब ही ज्यादा बनाया जा सकता है अगर एग्रीकलचर डिपार्टमेंट को ज्यादा से ज्यादा लोहा मिले। इसी तरह से हमने एक बोने की मशीन देखी जो दो बैलों से ८ बैलों के बराबर काम कर सकती है। परन्तु जब तक कि काफी तौर पर लोहा एग्रीकलचर डिपार्टमेंट को नहीं मिलेगा तब तक यह समस्या हल नहीं हो सकती है।

एक और बात इस सिलसिले में मैं कहना चाहता हूँ और शायद कोई भाई यह समझे कि इससे एग्रीकलचरिस्ट को फायदा होगा और कास्ट-आफ-प्राइव्केशन कम हो जायगी लेकिन अनाज की बढ़ोतरी नहीं होगी इस सिलसिले में मैं एक छोटी इसी बात कहना चाहता हूँ। आप हिसार ज़िले को लीजिए। इसमें अभी कभी

[चौधरी रनवीरसिंह]

बारिश होती है और तीन चार दिन में ही फसल बोई जा सकती है उसके पश्चात् नहीं। अगर उन दिनों में कोई ऐसी चीज जो २ बैल से दुगना और चौगुना जमीन कास्त कर सकती है तो वहां की सारी जमीन बोई जा सकती है। और इस तरह से हमारे देश की उपज भी बढ़ जायेगी।

मैं समझता हूँ कि जिन चीजों के ऊपर कंट्रोल की जरूरत है उन पर रहना चाहिए। एक और चीज है जो बहुत आसानी से और बहुत अच्छे ढंग से हो सकती है वह यह है कि इस वक्त तक एडवाइजरी बोर्ड में मिडिल-मैन के नुमाइन्दे को रिप्रेजेंटेशन दिया जाता है। जब तक इस किस्म की बात होती रहेगी तो एग्रीकल्चरिस्ट क्लास की कोई तरक्की नहीं हो सकेगी। एग्रीकल्चरिस्ट आज जो कंट्रोल के खिलाफ है उसका कारण यह है कि उनका अनाज तो कंट्रोल की कीमत पर लिया जा रहा है मगर उनको उनकी जरूरत की चीजें कंट्रोल प्राइस पर उन्हें नहीं मिल रही हैं। पूसा इन्स्टीट्यूट में जब हम लोग गए थे तो दिल्ली के कुछ गांव वालों ने हमारे माननीय मंत्री जयराम दास जी से यह शिकायत की थी कि उनको देहात के अन्दर कंट्रोल पर कपड़ा नहीं मिल रहा है। लेकिन उनसे अनाज कंट्रोल के भाव पर ले लिया जाता है। उन्हें यह शिकायत है कि जिन चीजों के ऊपर कंट्रोल है उनको कंट्रोल के भाव पर नहीं मिल रही हैं।

मैं समझता हूँ कि अगर आप इस प्रस्ताव को पास करके यह कर दें कि जिन चीजों के ऊपर कंट्रोल है वे चीजें जनता के पास कंट्रोल भाव पर पहुंच जावें तो यह जनता के लिए बहुत फायदामन्द सिद्ध होगा।

(English translation of the above speech)

Ch. Ranbir Singh (East Punjab General): It is generally said that memories are always short. But what I see is that even the legislators have short memories. Last year when cloth was de-controlled the prices had shot up three or four times. I do not believe that in one short year such conditions have come into being whereby if cloth be de-controlled the prices will come down. I think nearly all of the legislators and the lay-men, who have even some intelligence, do wish that some ways and means must be devised to bring down the three fold or four fold price of cloth that is being charged since June, July and August.

Besides this I wish to submit that control must remain on those things on which it is necessary. I do not see any necessity of imposing control on food grains. I presume that if food grains were de-controlled then we will not have to import food grains in such quantities. This problem can easily be solved by other methods, perhaps some of my friends might think that the food grain producers wish to charge higher prices for their food grains. But this is not so. If the Government were to purchase at the time of harvest as much bulk-supplies of food grains as are required by the people living in urban areas then it would not even cost much. I consider that for the high prices of food

grains during the last year the responsibility does not lie on the shoulders of the peasants but on the middle-men, I am not opposed to controls. I think that control should be imposed on all those things whereupon it is necessary to have control. The honourable the Minister Shri Gadgil has just now told us that there is no price control on kerosene oil. I wish to tell you that during the control days the price of a barrel of kerosene oil was Rs. 6/- but now a barrel cannot be had for less than Rs. 24/- or Rs. 25/-. Under these circumstances only lay-man can say that the imposing of controls is not a proper step. I also belong to the rural areas. The rural population of the Madras Province thinks that by the control they are put to loss. There are other reasons also and I will tell them to you later on. But as far as the control on cloth, cement and iron is concerned, if these things are distributed properly then there is no doubt that control is a very good thing for the consumers, peasants and agriculturists and the people living in rural areas.

I think that along with controls one thing should be borne in mind namely that the middlemen may not be allowed to make exorbitant profits that they reap as a result of control. Cloth is a controlled commodity, but there is a difference of 25 to 30 per cent. in the ex-mill and retail prices. This profit, that is given to the middlemen, is I think too much. If the Government were to give this profit to the co-operative societies then it would be very much beneficial, but no advantage would be had by letting the middlemen have this profit.

I wish to submit one thing more. As my friend Shri Punjab Rao has said the development of agriculture bears a close relation to the control on kerosene oil. Only yesterday we saw a plough in the Pusa Institute. With two oxen this plough does the work equal to that done by four oxen. These ploughs can be produced in large numbers only when the department of agriculture be given more supplies of iron. There we saw a seed sowing machine also with which two oxen can do work equal to that of eight oxen. But so long the agriculture department would not get sufficient quantities of iron this problem can not be solved.

I wish to submit one more thing in this connection. Perhaps some of my friends would think that the agriculturists will be benefited by this, the cost of production will lessen but the production of the food grains will not increase. In this connection I wish to submit a little thing. You just take into consideration the Hissar district. There the rain falls off and on and seeds can be sown within two or three days only and not afterwards. If during those days there be anything that with the help of two oxen could cultivate double or fourfold land then all the arable area available there can be put under plough. In this way the production in our country will also go up.

I think control must continue on those things on which it is necessary. There is no more thing that can be done quite easily and in a far better manner. The thing is that till now the nominees of the middlemen are given representation on the Advisory Board. So long this sort of thing would go on the agriculturist class will not make any progress. The reason why today the agriculturist opposes these controls is that his produce is being taken at the controlled rate but he is not getting the things he require at the control prices. When we had gone to the Pusa Institute then some villagers of Delhi Province laid a complaint before the honourable the Minister Shri Jairamdas that in the rural areas they were not getting cloth at the control rates but they were made to give up their produce of food grains at the control rate. They complained that they were not getting the controlled things at the control prices.

I think that if you were to pass this resolution and see that the things on which there is control be available to the people at the control rates then this would prove very beneficial to the people.

Mr. Chairman: Does the House want to continue the debate?

Honourable Members: Yes, Sir.

Babu Ramnarayan Singh: Just before this motion was moved, we passed a legislation continuing certain railway measures for one more year. Sir, my honourable friend, Dr. Syama Prasad Mookerjee has brought this motion for the extension of certain measures connected with control for another year. I have been connected with this House for several years. I have watched how the Government has all along been working. When the British Government was here on the treasury benches, I used to make numerous castles in the air. I used to think the British Government will go; we may have swaraj and independence, we shall have this and that; we shall have all the necessary things for our happiness and freedom. The Britishers have gone, the new regime has come, on the treasury benches, I find my own men, our own friends, but the process continues to be the same. Government is Government. It appears, that whatever powers and taxation be once granted to Government, it will continue for all time to come. It is not to be discontinued. They will come for one year and it will continue for an unlimited period of time. My honourable friend the Minister said that the control was introduced as an emergency measure in 1947-48. What are the circumstances which are favouring the continuance of the control now? Yesterday when the Honourable the Finance Minister was replying to the debate, I asked him: "What are the circumstances which can allow the removal of control." He replied in his own way, but it was I remember on a previous occasion that he said: "If you remove control, the result will be the prices will shoot high." Well, this sort of risk has to be encountered some day. The question is whether you are going to remove control or not, if not today at least tomorrow or not. That is the question.

As I said before and everybody knows in this world, in this country and in this House that control has failed and Government has admitted failure in this respect. I take this City of Delhi. If anybody goes to the black market he will have any amount of petrol. My honourable friend, Mr. N. V. Gadgil has just said about the distribution of petrol. There is any amount of petrol in the City of Delhi and everybody knows that in Delhi petrol is not produced. It has to be known how it comes. It comes through the agency of a railway man, there is the railway Department, the railway services and also most likely with the help of the Police. As regards other matters, if you go to the bazaar, you find corn and cloth are selling side by side with controlled things. Where is the control? The control is only to help the Police and to maintain certain departments that the Government have created. It is regrettable that once any power is granted to the Government, it cannot get rid of this power. A friend says that here and there control is necessary. As my honourable Mr. Ranbir Singh said wherever necessary we may have control, but why the control is there where it is not required? Mr. Khandubhai Desai has just said: What would have happened if there had been no control there; there was a famine in Gujarat or somewhere else. Well, what is the use of control? If there is scarcity of grain or anything anywhere else, well, it is the business of the Government to move things to that area. That is all. But what is the use of this control? I just read only two or three days ago in Bihar in a message in the *Indian Nation* or some other paper that there is no food grain in the Mussafarpur Town. The report says that when the control was relaxed the food grains began to creep into the bazaar slowly and as soon as the control was enforced the food grains were disappearing. So it must be admitted that this process of control is altogether unnatural. Nobody can deny this. If the people are honest, if the Department is honest, if the Government can control things in all its spheres of production, and distribution, control may succeed but we know to our shame what the people are and this partial control is no control. It is, therefore, I say on

behalf of the people of this country that this control must be removed just now. The motion just submitted, I hope, should be withdrawn by my honourable friend. Sir, the thing is this: When we go to the villages in our constituencies we hear so many reports against the control officers. As I said the other day, control has created corruption and misery. I do not know why some of my friends are charmed of control. I fail to see how anyone could like controls. This system of control has gone so far as to degrade our national character. So I request the honourable Minister to withdraw this motion and if not, I request the honourable Members to reject it.

The Honourable Dr. Syama Prasad Mookerjee: I do not intend to take much time of the House. I will speak only for a few minutes.

There have been two classes of speeches. One class of Members have spoken generally in support of the proposal, but have suggested, quite rightly, that steps should be taken to improve the manner in which control is now exercised in different parts of the country. I entirely share the view point of those Members. I may say that the policy of the Central Government is to delegate as much of the power as possible to the Provincial Governments, particularly with regard to distribution where we work through the machinery of the Provincial Governments. Further, during the period that we have been in office we have set up advisory committees in respect of each of the important commodities.

Shri T. A. Ramalingam Chettiar (Madras: General): There is no advisory committee in the provinces.

The Honourable Dr. Syama Prasad Mookerjee: That is what I was going to say. So far as the Central Advisory committees are concerned, they represent the interests of the producers, the distributors and the consumers. On several of them, Members of the Legislature are there. We have also suggested to the provinces that, with regard to important items, they should set up advisory committees so that there may be a constant check on the way in which the system works in the Centre as well as in the provinces.

I cannot at all share the views of those Members, whose number is limited (*Babu Ramnarayan Singh:* "No.") so far as the volume of voice is concerned it is strong, but so far as numerical strength is concerned it is very weak—who advise Government that control should be withdrawn and withdrawn forthwith. That is an amazing advice which no responsible Government can possibly accept.

Shri L. Krishnaswami Bharathi: Nobody advised that it should be withdrawn forthwith.

The Honourable Dr. Syama Prasad Mookerjee: Yes, the last speaker said so. So far as de-control is concerned, Members will realise how serious the situation developed in a few weeks time last year. Those Members who spoke today against control—I can say with reference to the proceedings of the House—were at that time clamouring that the Government should immediately take steps to bring down the prices. My friend Mr. Bharathi said that decontrol was very successful. He reminded me of the story of a doctor who performed an operation which was said to be successful, but the patient unfortunately died. We are not prepared to make an experiment by reintroducing decontrol with regard to essential commodities at this stage. This is the policy of the Government which has been completely approved by the House. But we welcome suggestions from every quarter so that the methods of distribution may be improved and black-marketing may be checked. If there are any

[Dr. Syama Prasad Mookerjee]

ways of seeing that all sections of the community get the articles they require at reasonable prices we will do all that we can for it. I do not wish to enter into discussion in greater detail.

So far as agriculture is concerned, it is the policy of the Government to allot as much iron and steel for agricultural uses as possible. In fact our present direction is that 50 per cent. of the provincial allotments must be earmarked for agricultural purposes. In addition to that wherever possible I have allotted to the Agricultural Ministry additional quotas for agricultural use. My last communication to our Agricultural Minister was to the effect that as soon as the import position improved—which I expect in the course of the next few months—I shall be able to satisfy about 90 per cent. of the present requirements of the Agricultural Ministry. I realise the importance of giving adequate supply so that our Grow More Food project may achieve the necessary success.

With regard to textiles, unfortunately Mr. Bharathi, who is usually well-informed, today was somewhat off the rails. The facts which he gave are not capable of corroboration at all. He read out with great flourish some statements supposed to be issued by the Textile Commissioner. That statement was officially issued by the Textile Commissioner under the orders of the Government of India. At present mill-made cloth is removed from the mills by the agents of the provincial Governments. If a particular provincial Government fails to remove the quotas allotted to it by the end of the month for which the allotment is made, then the mills are entitled to sell those stocks through their own buyers subject to the buyers being approved by the Governments of the Centre as well as the Provinces. There is no question of any mill sending any cloth to the black-market, thereby disturbing the entire textile policy of the Government of India. In any case, so far as accumulation in the mills are concerned, we are doing whatever is possible.

Mr. Bharathi pointed out to the impending crisis in some of the mills which may have to close down for want of cotton. If cotton has to be supplied, it must be controlled. Mr. Bharathi cannot have it both ways. He cannot deny control and at the same time demand the supply of cotton by the Government of India.

Shri L. Krishnaswami Bharathi: I am not suggesting both.

The Honourable Dr. Syama Prasad Mookerjee: If we do not supply cotton to the mills, they will not get the cotton they want and a large number will close down. All these matters have to be considered with the utmost care. In fact cotton is not centrally controlled today; yet we are trying to impose our authority by measures promulgated by the provinces.

Sriman Biswanath Das for whom I have very great respect unfortunately hails from a province the Government of which was 100 per cent. for control. So, he will have to convince his own Provincial Government to advocate de-control before he can expect others to accept his suggestion for de-control.

Babu Ramnarayan Singh: All Government are generally in the wrong.

The Honourable Dr. Syama Prasad Mookerjee: A prospective Minister or an ex-minister can say that, but Ministers in office cannot say that.

Shri Biswanath Das: May I say.....

The Honourable Dr. Syama Prasad Mookerjee: I am not going to give way. In any case this Resolution has to be accepted. No one suggests that on and from first April the Government of India should be deprived of all authority to exercise control throughout the length and breadth of this country and

create confusion. The power must be given. But I have assured honourable Members that we are examining each item in the list. The Standing policy of the Government is that only in respect of the commodities the prices of which are high and the demand is greater than the supply, control should continue and, until the present economic crisis is over, the Government will be ill-advised to change the present policy.

Babu Ramnarayan Singh: Only for one year.

The Honourable Dr. Syama Prasad Mookerjee: Yes for the present.

Shri Biswanath Das: Just a word of personal explanation, because reference has been made to it. I know, the honourable Ministers are 100 per cent. for control. I know it. I have not opposed it. I said, where is the justification for control in view of the working of the controls?

The Honourable Dr. Syama Prasad Mookerjee: The justification is this. Mr. Biswanath Das said that cloth is selling at prices lower than the stamped prices. We have fixed the ceiling prices. We have been able to bring down the prices of cloth because, according to Mr. Biswanath Das cloth is today selling in many parts of India at prices lower than the marked price. That is the justification and that proves the success of the policy.

Mr. Chairman: The question is:

"In pursuance of the proviso to section 4 of the India (Central Government and Legislature) Act, 1946, as adapted by the India (Provisional Constitution) Order, 1947, this Assembly hereby approves the extension of the period mentioned in sections 2 and 3 of the said Act for a further period of twelve months commencing on the first day of April, 1949."

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock, on Thursday, the 24th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Thursday, 24th March, 1949.

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

QUESTIONS AND ANSWERS

(See Part I)

11-50 A.M.

STATEMENT ON REPORT OF CATTLE PROTECTION AND
PRESERVATION COMMITTEE.

The Honourable Shri Jai Ramdas Doulatram (Minister of Food and Agriculture): Sir, during the debate on Demands for Food and Agriculture on the 19th March 1949, the honourable Member, Seth Govind Das, referred to the question of improvement and welfare of cattle and the need of governmental action in regard to the question of slaughter of cattle. In the course of my reply, I dealt with this matter and announced the interim decision of Government on the report of the Cattle Protection and Preservation Committee. But as the discussion had to close at 5 P.M., my statement had to be very brief and I understand from the honourable Member that it would be helpful if the decision of Government was more clearly indicated. As the House is aware, the Cattle Protection and Preservation Committee appointed by Government made some recommendations which were communicated to the Provincial Governments for eliciting their opinion before the Government of India formulated their own conclusions. As replies from most of the Governments have by now been received, Government have come to certain conclusions which I may re-announce to the House. The Committee recommended that the slaughter of cattle was not desirable in India under any circumstances whatsoever and that its prohibition should be enforced by law. The prosperity of India to a very large extent depended on cattle and the soul of the country could feel satisfied only if cattle slaughter was banned completely and simultaneous steps were taken to improve cattle which were in a deplorable condition at present. In order to achieve this end, the Committee suggested that the following recommendations should be given effect to:

(1) The first step, which has to be given effect to immediately, should cover the total prohibition of slaughter of all useful cattle other than as indicated below:

- (a) Animals over 14 years of age and unfit for work and breeding;
- (b) Animals of any age permanently unable to work or breed owing to age, injury or deformity.

(2) Unlicensed and unauthorised slaughter of cattle should be prohibited immediately and it should be made a cognizable offence under law.

(3) The law for prohibiting slaughter of cattle totally should be enforced as early as possible but in any case within two years of enactment of legislation during which period necessary arrangements should be made for the maintenance and care of unserviceable and unproductive animals.

(1807)

[Shri Jairamdas Doulatram] . . .

Under this third recommendation, the following steps were suggested:

- (a) A survey of the country where *Go-Sadans* could be established and the preparation of details of expenditure involved.
- (b) Enactment of legislation for raising funds by special cess. The Committee were of the opinion that a total sum of Rs. 24.4 crores non-recurring and Rs. 12.8 crores recurring would be needed for the preservation and improvement of cattle on the lines proposed in the third recommendation. In regard to this third recommendation of the Committee, in view of the opinions so far expressed by most of the Provincial Governments, Government would have to go more fully into the matter and are, therefore, postponing any decision on it at this stage. But as most of the opinions received from the Provinces are generally in favour of action suggested in the first two recommendations of the Committee, apart from the question of cognizability of the offence which will be examined, Government have decided to accept those recommendations and will take early suitable action to have them implemented.

Seth Govind Das (C. P. and Berar: General): May I ask.....

Mr. Speaker: No question on a statement please.

PROTECTIVE DUTIES (MISCELLANEOUS PROVISIONS) BILL

The Honourable Shri K. C. Neogy (Minister of Commerce): I move:

"That the Bill to extend the date up to which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect, to determine or levy protective duties in certain other cases and further to amend the Sugar Industries (Protection) Act, 1932, be taken into consideration."

The Bill is a composite one and it is mainly intended to carry out the recommendations of the Tariff Board. If honourable Members will please turn to the Statement of Objects and Reasons, they will find that there are four categories indicated of industries which are affected by this Bill. Category (1) contains reference to 18 industries in respect of which the protection, which is at present enjoyed by them, is sought to be extended or continued. Category (2) relates to two industries in respect of which the Tariff Board have recommended the grant of protection for the first time and it is intended to implement these recommendations. Category (3) relates to a protected item, *viz.*, the nickel alloy, and the intention in this Bill is to reduce the scope of protection, that is to say, exclude certain types of nickel alloy from the protection that this industry already enjoys. Category (4) refers to two cases in which protection is sought to be discontinued—protection having proved successful, the two industries being new in a position to stand on their own legs.

Sir, again going back to category (a), I should like to give a brief indication of the period during which protection has been enjoyed in each case and the period for which protection is now intended to be extended. In the case of item (1) under (a), namely, sugar, protection has been in operation from 1932 under successive measures, and it is now intended to extend that protection up to two years more. Item (2) and item (3) relate to artificial silk and artificial silk and cotton mixed fabrics and sericulture respectively. Protection in respect of these industries was granted at the same time as protection to cotton textiles industry, namely, in 1934—as far as I can recollect. (Shri Prabhu Dayal Himatsingka: "Yes.") Protection to cotton textile industries having been removed, the need for continuing protection to these two ancillary, if I may

say so, industries continues and it is now proposed to extend the period of protection for two years to these two types of industries. Item (4) relates to bicycles and bicycle parts and accessories. Protection was granted to this industry for the first time with effect from 1948 just for a year, and it is now proposed to continue the protection for three years more. Item (5)—preserved fruits: protection was granted with effect from 1948 just for a year and it is now proposed to be continued for two years more. Then follow a large number of items, items (6) to (16)—certain chemical industries. Protection in respect of these industries was granted with effect from 1948 just for a year and it is now proposed to extend that protection for a year more. Then comes item (17): protection was granted in 1948 and it is now proposed to extend it for one year. I may add in this connection that protection has not been availed of in this particular instance because the conditions that were laid down by the Tariff Board and which were accepted by the Government, namely, that certain alterations in their organisation would take place before the benefit of protection could be claimed by this industry, have not been complied with so far, so we propose to extend the protection for one year in case the industry finds it possible to comply with those conditions.

Now, so far as category (b) is concerned, it deals with two new industries, one of which is Pickers. Here the proposal is just to convert the existing revenue duty into a protective duty without changing the rate itself. Now the proposal is to grant protection for a period of two years in this case. As regards the other industry, namely, motor vehicle batteries and plates therefor, the recommendation now is that protection should be granted for one year. In view of this recommendation to the House being for such a short period, Government decided to exercise the authority that this Legislature has given to Government to grant protection under the provisions of the Protective Duties Act in November last, and I am placing the proposal now in terms of that Act before the Legislature for either confirmation or any other action that the House chooses to take. I want to repeat that the protection in this case is now being recommended just for one year ending March 1950 only and as the House was not in session at the time when the report was received, it was thought necessary without waiting for the summoning of the Legislature to take action under that particular Act.

Now, Sir, I do not think I need say anything about (c) or (d). It is a matter of rejoicing in respect of item (d) that in this Bill we are in a position to point out two industries which have benefited by protection, thus justifying the Government's policy in this matter, and I hope that the House will have nothing further to do in regard to these industries in future and that they will be able to survive all competition.

Sir, I know the House takes a keen interest in the sugar industry and although it is not possible to deal at length with the merits of all the various items covered by this Bill, I should like to say just a few words about the sugar industry. As I said before, the sugar industry has been in the enjoyment of protection ever since 1932. In the first instance, protection was granted for fourteen years, although in the course of this period the quantum of protection as represented by the rate of import duty was reduced in 1939 from Rs. 7/9/0 per cwt. to Rs. 6/12/0 per cwt. which still continues to be the rate of duty imposed on foreign imports. Now, when the period of protection which was extended up to 31st March 1941 by the Sugar Industry Protection Act, 1939, came to a close, it was found that the position of the industry had not improved to any appreciable extent. In view of this fact, as also having regard to the unsettled conditions due to the war, the duty which I have referred to, namely, Rs. 6/12/0 a cwt., was extended as a measure of protection from year to year under the Protective Duties (Continuation) Acts. When the Legislature agreed to this extension in April 1946, Government gave an undertaking that future extension of protection thereafter would be asked for only

[Shri K. C. Neogy]

after a proper Tariff Board enquiry. Accordingly a summary enquiry was made by the Interim Tariff Board in January 1947. The Board on that occasion recommended the continuance of protection for a further period of one year from April 1st, 1947. The Board on that occasion expressed the view that the Indian Sugar Industry was likely to require protection for some time to come and that a detailed enquiry into the extent of protection necessary should be undertaken when conditions both in India and abroad—that is to say, countries from where competition was apprehended—became normal. At that time, the Board optimistically thought that normalcy would perhaps be restored before the end of 1948, and made the suggestion that the proposed enquiry should take place about that time, namely, about the end of 1948. In accordance with this understanding, the Tariff Board was asked to make a regular enquiry into the position of the sugar industry, but as a result of the representatives made by nearly all the Provincial Governments, research institutions and Sugar Mills Associations as well as the Sugar Syndicate to the effect that the general economic conditions were yet abnormal and unstable, and a detailed enquiry into the costs and other factors should be postponed, the Board itself found that the conditions that prevail today are not sufficiently normal so as to enable a regular enquiry to be made into the position of this industry. Therefore, the Board adopted a somewhat summary method. They held a sort of Conference where all the various issues were discussed with the representatives of Governments and the various interests concerned including interests of the consumer, and as a result of this summary enquiry the Board has recommended the extension of the existing protection for two years more in the hope that later it would be possible for the Board, if the Government so desire, to undertake a fuller enquiry into the position of this industry.

Now, Sir, I should like very briefly to refer to a few of the difficulties that confront the industry at the present moment. It has to be remembered that the effect of protection was indeed very gratifying. In the first five or six years, considerable improvement took place in the growth of the sugarcane as also of the yield of sugar and so on. Unfortunately the rate of progress has not been maintained. Indeed, there are signs that there has been a deterioration in certain matters, particularly of late. Now the total acreage under cultivation of sugar-cane has gone above 4 million. The average yield of cane per acre, which is 14 tons, has not improved and in the opinion of sugar manufacturers and experts, the yield of sugar has actually deteriorated in many areas, although the percentage recovery of sugar increased from 8.5 before the war to 10.31 in 1942-43. It has been declining since then, and in 1947-48 it was 9.85.

Now, Sir, coming to the cost, it is a high cost industry. Perhaps the percentage of the cost of raw materials stands about highest in the case of any industry in India. The cost of sugar-cane now stands somewhere between 60 and 70 per cent of the total cost of sugar, which is a very high standard of cost and recently Government have actually declared a reduction in the price of sugar-cane. That determined the cost of sugar to this extent and a resulting decrease in the price of sugar also has resulted or will result shortly.

Now, Sir, in order to meet the difficulties, to which I have made a brief reference, confronting the industry, Government have further increased their grants to the Fund of the Central Sugar-cane Committee, namely, with effect from 1st April 1948 from one anna per cwt. to four annas per cwt., the amount thus made available to the Committee being very nearly 50 lakhs a year. It is hoped that with this additional help from the Government of India, it will be possible for the sugar industry—and when I mention the sugar industry I include sugar-cane cultivation also—to show a substantial improvement and that at some future date it may not be necessary for this House to have to agree to a proposal of this kind, namely, for extending the protection to the sugar industry from time to time.

Prof. Shibban Lal Saksena (U. P.: General): What is the amount of sugar imported last year?

The Honourable Shri K. C. Neogy: The import figures are not very alarming. As a matter of fact, it is because of the import control that the import of sugar has been negligible or nil as of late. If my honourable friend permits me, I should like to give him these details in my reply as I have to look up the figures. The actual importation is not any problem for the reason that the import controls operate today. But then it will be realized that the import controls under the general tariffs and trade agreement are not primarily intended for the purpose of giving protection to industry, and such controls can be justified only on grounds of balance of payment difficulties, except in special cases which are specifically dealt with in the agreement itself, and within the terms of which, I am afraid, the sugar industry cannot be said to fall. Therefore, it will be extremely difficult to invoke the aid of the general agreement on tariffs and trade for the purpose of maintaining any effective control on the imports of sugar just for the purpose of giving protection to the sugar industry.

I do not think that I should take any more time of the House. I dare say my honourable friend, Prof. Saksena will raise a few points in regard to the sugar industry and I hope to be able to satisfy him on any point that he may raise and the criticisms that he may offer on our present proposal.

Mr. Speaker: Motion moved:

"That the Bill to extend the date up to which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect, to determine or levy protective duties in certain other cases and further to amend the Sugar Industries Protection Act, 1932, be taken into consideration."

Prof. Shibban Lal Saksena: I have listened with great interest to the debate on the motion made by my honourable friend, Mr. Neogy. He has himself said that the import figures are not alarming but yet he says that the duty is necessary. I have given a motion for the reduction of the period of protection from two to one year. But I must frankly say I would have wished that the period was not extended. Before coming to my reasons for it, I may point out one thing, and that is the importance of this industry to this country. Sir, there are about 150 factories at present in this country. In fact, when protection was given in 1932 there were only 32 factories, and since then number of factories rose to 150 in the year 1943-44: and last year the number of factories was 141. So the number of factories has risen from 32 to 141 today. They employ about two lakhs of labourers and cater for about ten lakhs of others, which means that about 50 lakhs of people in the country are directly connected with the fate of this industry. Also, the Government derives revenue from this industry to the tune of about eight crores in excise duty. Besides about 3 or 4 crores by way of cess: apart from that about 10 crores in the form of income-tax, which increases sometimes: and apart from that, the growers who grow the cane also pay revenue and rent. From this industry the Government derives a revenue of 50 crores. So this is an industry of national importance with which the fate of millions of cultivators and labourers is intertwined, not to mention the thirty-five crores of consumers also. Last year the price of sugar was raised by Rs. 5 and it was also at Re. 1 per seer. How much it was felt by the people is well known. I want the House to give particular attention to this industry which is next only to the textile industry.

I would like to make a survey of the industry during the last 17 years, since 1932, during protection was given. During the first period, that is before the first Tariff Board enquiry in 1937, the number of factories had risen from 32 to 137 and the amount of profits made in those 7 years by the factories were three times the actual investment. That was up to 1937. In the last 12 years.

[Prof. Shibban Lal Saksena]

their profits are about 100 crores which means about six times the cost of the investment, so that the amount of investment in the factories is roughly about 18 lakhs. If there are about 150 factories we can say that about 27 crores of rupees is invested. Out of the 27 crores' investment 150 factories made profits. We cannot say that the industry has not done very well.

I have got the report of the Tariff Board for 1947. When the industry wanted further protection at that time there were conflicting views. The Government spokesman, Mr. Mehta, who was the Secretary of the Sugar Board in the U.P. for several years, stated that it was not necessary to give further protection. Even the sugar merchants were of the unanimous opinion that protection should not be given further. The Board has said that if after fourteen years the industry has not been able to put itself on a firm foundation there was no case for protection. Still protection has been given because it is said that there might be some future danger. I feel that if we do not give protection there would be no harm and the industry would be able to become more efficient and better managed. Even if we were to give protection we should do so on condition. At present when sugar is not imported from outside there is no competition from outside. Apart from foreign competition even internal competition has been eliminated. At present U.P. and Bihar have formed a syndicate. You can say that manufacturers are at liberty to form a syndicate. But this is a syndicate with government support. No factory in U. P. or Bihar can crush a single maund of cane unless the factory-owner becomes member of the syndicate, so that the syndicate is not a voluntary one of the millowners but a compulsory one formed by the Government. That means that the manufacturers have no competition from abroad and no competition from inside also.

This report says that out of 150 plants there are 90 which are not economic units. That means that the syndicate tries to put up the prices in a manner that even the 60 uneconomic units are supported and maintained. That is why the price of sugar is so high. If there was competition from the foreign market the millowners would try to reduce the prices or if there was internal competition it would be better. The syndicate was formed in 1937 and there was no syndicate before that date. The price of sugar in 1937 was Rs. 5/8 per maund. Internal competition reduced the price to Rs. 5/8. Today Rs. 28/8 is the price. If you remove the syndicate I can understand that you save the industry from foreign competition but you should not be pampering the industry. There are some units where due to partition and other quarrels the cost of production is increased. Still the price is fixed in a manner that even they must make a profit. Every sugar factory must make a profit and there is a guarantee for 10 per cent and the manufacturing charges are calculated on the actual expenses which include other charges as well.

The present position is that we have to carry on even the most inefficient units and the faults of the industry are on our shoulders and the country has to pay higher prices. Surely there must be some time limit after which protection should become unnecessary. The Indian Tariff Board has laid down four conditions: 1. That there exists competition from which the indigenous industry requires protection; 2. that the protection required is temporary and could be dispensed with within a reasonable period; 3. that the cost to the consumer arising out of the protection is not excessive; and 4. that the industry is run on sound business lines. Out of these four conditions almost none is satisfied. Just now my honourable friend said that there were imports even though there is protection. It shows that there is not much need for protection. What is the amount of protection today. Today the protection works out at 12/0/3 per maund on sugar if you include the excise duty. The price of sugar from outside has to be reduced to Rs. 15 per maund. Sugar produced in the country has to pay Rs. 2/2 per maund excise duty. That means that if

the difference between the price of sugar internally and outside is more than Rs. 12 then alone can foreign goods come here. Cuba sugar is going to Pakistan, where I am told the import price is Rs. 21. If you add this Rs. 12 it comes to Rs. 33, so that below Rs. 33 you can put any price on sugar. Until last year Cuba sugar could not be brought to Pakistan. For Rs. 33 there is no need of protection. Our sugar is sold at Rs. 28/8. So there is a difference of Rs. 4½ out of the Rs. 12/4 and you could have reduced the protection to something less.

Sir, Mr. B. B. Singh told the Tariff Board that the present protective duties might be used as a sort of bargaining counter at international conferences and that they might be gradually removed later on if circumstances warranted such a course. He feared that if these duties were taken off just now, capital would become shy and there would be absolutely no expansion of the industry either by replacement of the present plants or by the setting up of new factories and that such a step would cripple the industry, in which case the object of self-sufficiency of the country in sugar would be totally defeated.

I do not want just now to ask the honourable Minister to remove this duty or even to reduce it. Two things I want. In the first place the protection should be given on certain conditions. Secondly it must not be given for more than a year. I hope my honourable friend will accept the amendment I have tabled and that we shall be able next year to review the progress that has been achieved and see whether the conditions have been fulfilled. The conditions I want to be fulfilled are firstly that the Syndicate must go. There should not be a Syndicate compulsorily formed by the Government which is a sort of monopoly and which sees to it that prices do not come down and that there is no competition in the country. Therefore the Syndicate must go. Secondly the profit that the industry makes must be evenly distributed. I have told you just now that the industry has made so much profit. But what is the condition of the labourers and the cane growers? If you see the figures you will find that up to 1937, that is before the Congress came into power, the growers were never getting more than 5 annas per maund. Let us say that now they are getting about Rs. 2—this year it is Rs. 1-10 in the U.P. and Rs. 1-13 in Bihar. After the Congress Governments came in the sugarcane grower has got some justice. But what about the labourer? When I went to Gorakhpur as Professor in 1930 I made some enquiries as part of my college work in some of the sugar factories and I found that the labourers were getting Rs. 4 month. That was the state of affairs! After some organisation, and after some hesitation the minimum wage was fixed in 1938 at Rs. 11-6. It was pre-war of course. After that it was Rs. 22-8—just before we came out of jails—a long way after the wage of Rs. 45 to 50 a year that was obtaining. Now, the actual amount of labour cost in the price of Rs. 28-8 of sugar is only Rs. 2 which means only 10 per cent. My honourable friend said that the raw material itself costs about 70 per cent. That comes to 80 per cent and the rest, namely 20 per cent, is the cost of machinery, etc. I wish to say that protection was granted to the industry on the express condition that the benefits will be distributed all over the community. I find that even in 1937 the Committee which enquired into the labour conditions in sugar factories had observed:

"Our attention has been drawn to the fact that many mills employ the greater part of their staff only temporarily for the working season and that the salaries paid are not such as to attract the best men. - In Java and other countries and in some mills in India, the staff is mainly permanent and the employment of a permanent staff appears to be justified by the results. We are told that a sufficient number of fully qualified Indians are now available and in our opinion the mills which enjoy the benefits of protection should be under an obligation to employ fully qualified men on adequate salaries."

[Prof. Shibban Lal Saksena]

This is what they said in 1937. I am sorry to have to say that even now the cost of labour is only 10 per cent of the total cost, whereas in other industries like the textile industry it is 60 per cent.

Prof. N. G. Ranga (Madras: General): This is seasonal labour, is it not?

Prof. Shibban Lal Saksena: It is seasonal as well as permanent. About one-third of the labour remains for the whole year for overhauling and cleaning the whole machinery and two-third of the labour is seasonal. So it is partly seasonal and partly permanent. Even the seasonal labour must remain permanently.

Prof. N. G. Ranga: Even that labour?

Prof. Shibban Lal Saksena: They are given an off-season wage which is half in that industry. If the amount of profits which the industry has made during the last 17 years is about Rs. 150 crores when the industrial capital is only Rs. 127 crores it is surely justice that this labour should be paid adequately. Now the Central Pay Commission recommend a minimum wage of Rs. 30 for every labourer plus Rs. 25 towards the cost of living, so that the minimum wage of the Government employees is Rs. 55. In U.P. a Committee was appointed to go into the wages of labour in sugar factories. They recommended a minimum wage of Rs. 30 plus Rs. 2-6 per point of the average index figure on the basis of the figure for 1939 which gives a wage of Rs. 90 per month for the four months during which the crushing season lasts and to give 25 per cent of the wage in the off-season. The amount that goes to the grower is about Rs. 1-11 per maund of sugar and even that Rs. 1-11 is grudging whereas the cost of manufacture is put at about Rs. 6. And sugar is selling now at Rs. 28-8. I therefore say that if the protection is to be continued there must be a Committee which must enquire into the question whether the profits earned by the industry have been evenly distributed, whether the cane-growers have been given a fair deal and whether the sugar workers have been given a fair deal. Unless that is done I do not think there is any case for protection. And the protection should be given on certain conditions and after removing the Syndicate which is a sort of monopoly. You must appoint a Commission to enquire whether the profits of the industry in the last 19 years have been evenly distributed. The canegrowers till 1937 were getting just four and five annas per maund. There are fifty lakhs of people concerned in the industry suffering hardships and what little the growers are getting the labour is not getting any justice. They are denied the benefits even after the Report of the Committee which was signed by the millowners who are not co-operating. If protection is to be continued Government must see that a fair deal is given to all. The consumer must not be made to pay exorbitant prices just to enrich the pockets of the millowners. Last year the price was Rs. 45-8. From the total profits of Rs. 50 crores made I have estimated that rupees nine per maund was the average profit on sugar. Some people have challenged that. I want to present to the honourable Minister these figures from the "Commerce" of the 5th of March 1949. Here is the balance sheet of two companies, Buland and Raza Companies. The Buland Sugar Company had a capital of Rs. 18 lakhs and the profits were Rs. 33,54,283. If a company with a capital investment of Rs. 18 lakhs made a profit of Rs. 33 lakhs according to the published balance sheet I would make it 1½ times.

The Honourable Shri K. C. Neogy: What about the other companies?

Prof. Shibban Lal Saksena: I have studied the whole thing except the Eastern U.P. where too the profits are more than what they usually make in normal years. To those who challenge the figure of Rs. 30 crores profits I would

refer to what the sugar merchants who deal in sugar said. According to them the profit was Rs. 14,30,00,000 in U.P. and Rs. 16,20,00,000 in Bihar, or a total of Rs. 30,50,00,000. The total amount of sugar produced is about 3 crores maunds. If Rs. 8 is taken to be the average profit it will amount to Rs. 24 crores. If an enquiry is held by the Government of India itself about the profits made they will find very interesting figures, and how they have been deceived about the cost of production.

I was glad to hear the honourable Minister for Agriculture saying the other day that he proposes to appoint a Committee which will go into the cost of production and be himself admitted about the huge profits made by the manufacturers. When the industry has made so huge profits there is no reason why protection should be continued. I would not now ask the honourable Commerce Minister not to continue protection for the present, but it should not be done for more than a year. It should be continued for a year so that next year they may be able to come to this House and say "this is the improvement which has been made: these are the methods by which they will increase cultivation". The crux of the solution to the problem lies in the sugarcane cultivation. I can tell you that you cannot compete with the world so long as the raw material is sold at this price. Now you can say that Rs. 2 is a heavy price. You yourself said that 14 tons is the production per acre which means 380 maunds. The actual quantity that each acre supplies to the factory is about 300 maunds. If the price is Rs. 2 per maund it is only Rs. 500 for the 300 maunds. Today the price of wheat and other produce is much higher than that of sugarcane. If you deduct the amount of labour and other expenditure from this Rs. 2 per maund of cane you will find that the profit per acre of cane is much less than that in the case of other crops. I come from Gorakhpur where there are 21 sugar factories which produce about one-fourth of the total production in the country. But in that district there is also large cultivation of rice. Whereas in 1937 these factories could not consume all the sugarcane produced, today there is not enough sugarcane because rice cultivation is yielding more profit to the growers than sugarcane. So, I say that if you really want to put this industry on a stable foundation then you have to do something so that cane cultivation becomes profitable and is on a par with other countries.

While you have said that 40 tons is the production per acre here, in Java there are cases of 300 tons per acre. So we are still producing only 1/8th or 1/10th of that. I therefore want that every effort should be made to develop production. In fact, one of the reasons why protection was demanded by the industrial magnates was that they said that it is the cane cultivation which is mainly responsible for the high cost of sugar. I say it is not true. They have not done anything to help the development of cane cultivation. If you see the way in which they have spent this amount of 33 lakhs profit you will find that about 21 lakhs has gone to the Reserve Fund but not a single pie has been spent on improving the cultivation of cane. A company makes a profit of 33 lakhs, yet.....

Shri Padampat Singhania (U. P.: General): Government should do it. What about the cane cess?

Prof. Shibban Lal Saksena: If out of 33 lakhs of rupees you say 21 lakhs should go to the Reserve Fund and Government should see to the improvement of cane cultivation, I do not agree with it. Government is doing something, as the honourable Minister said. The Government of U.P. is also helping in the matter. My friend Pandit Pant has also set apart Rs. 1 crores for the Research Association and 50 lakhs for housing the workers. But what has the industry done? It has not given a single pie for the improvement of

[Prof. Shibban Lal Saksena]

cane. You say you want to be given protection because the cane-grower is not giving you good cane. But before any protection is given I want that the improvement of cane must be made a condition. The industry must come forward to do something for improving cane cultivation. The industry as well as the Government should collaborate in the matter and see that steps are taken to improve the cultivation so that we are able to produce much more cane than now and of a better quality.

One word about the administration of this industry. I find it falls in three divisions: it is under the Agriculture Ministry, it is under the Ministry of Industry and Supply, and under Commerce. When we come to production we go to the honourable Minister for Commerce, when it is something industrial we go to Mr. Syama Prasad Mookerjee, and the rest of the whole thing is in the hands of the Agriculture Minister. I do want that there should be some co-ordination in this industry.

The Honourable Shri K. C. Neogy: There is.

Prof. Shibban Lal Saksena: Then I find there is an Indian Central Sugar-cane Committee. On that there is not a single representative of the Ministry of Commerce or of the Ministry of Industry. Though there are altogether 45 members on it, neither the Commerce nor the Industry Ministry is represented. Besides, labour is not represented on that, and even this House which is so interested in the welfare of this national industry is not represented. This Committee should be more representative; it should have representatives from all these sides so that we can co-ordinate its activities and have some scheme for development.

So far the U.P. and Bihar have been trying to co-ordinate their policies and evolve a scheme for cane prices, for labour etc. I want that in the case of this industry whatever is done should be done on an all-India scale. There must be planning for the industry on a country wide basis. Whatever rates are fixed for labour or whatever prices are fixed for the cane, they must be the same all over the country so that there may not be any complaint from various sectors that here we are paying too much and there they are paying too little. In fact, my suggestion is that we must fix a minimum price for sugar-cane which should be such as to yield to the cultivator sufficient profit for his pains. Secondly, Government must fix the minimum labour wage which should be a fair wage. After that, let them leave the price of sugar to find its level. If the minimum for cane is fixed and if the minimum for labour is fixed and the manufacturers are left to have their own way, I am sure prices will come down, efficiency will increase and there will be a tendency towards bigger units to improve efficiency. Those that are efficient will remain and those that are not will go out. We shall not be burdened with carrying these people on our head always. But if you continue to guarantee the price with a minimum profit, there will not be any improvement whatsoever. Therefore I say that you must guarantee a minimum sugarcane price and a minimum price of labour and then the producers will find their own price. The Syndicate will then be broken. If you give them a guaranteed price they shall never improve and they shall never be able to compete with other markets.

These are my suggestions and I hope next time the honourable Minister will not come to us for asking for protection for this industry. With these words I support the motion. I have moved an amendment which seeks to reduce the period of protection from two years to one so that next year we may again have the opportunity of discussing the question.

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

Shri B. Das (Orissa: General): Sir, last year when my friend Mr. Gadgil brought forward the very Bill, I never expected that the Government will adopt further dilatory methods and will ask us to grant protection to the sugar industry for another two years. Knowing my friend the honourable Mr. K. C. Neogy and having worked under his leadership on the floor of this House, I am surprised at the policy of protection that he indicated today, that industries must be protected at any cost to the consumer and at no benefit to the country.

Last year most of the speakers pointed out that there were no reports available in the library. Even the Interim Chetty Committee's recommendations on the sugar industry were not available to us last year in the library. Although I find it was published on the 3rd May 1947, it was not available in the library last year when we discussed this Bill on 23rd March 1948. And we are discussing it again today the 24th March, 1949. My honourable friend Mr. Neogy also said that this subject has been examined to a certain extent by the present Tariff Board, and he seemed to have read out some of the conclusions of that Board. I have been hunting the Library to see if the Commerce Ministry has sent a copy of these suggestions or conclusions of the Tariff Board, but I have found none. With the knowledge that we possess, I have come to the conclusion that sugar industry needs no protection. The Chetty Committee pointed out that the imports had been nil. I do not like that. That Committee pointed out that our manufacture of sugar is 11 million tons in 1942-43 and there has been no import by 1945-46, of Java sugar or Cuba sugar. Sir, the predecessor to our present government wanted to give discriminative protection, I do not know what the present government wishes to do. I hope the honourable Shri Neogy will clarify the position, and tell us what is their intention.

Sir, sugar is not an essential commodity, and if it is not an essential commodity, a certain degree of competition will enable both the industrialists and also as a corollary, the agricultural labour to cry halt to their incessant demands, one wanting larger and larger profits for the money invested, and the other wanting larger and larger wages. We do not know where Prof. Ranga and Prof. Saksena—both professors of eminence, will stop.

Sir, why is there no incentive on the part of the sugar industrialists to reduce the price of sugar? It is because there is no competition. Look at Pakistan. I am told Pakistan is selling sugar at Rs. 18 per maund. Is that so Professor? (Prof. Shibban Lal Saksena: "Rs. 21".) I was told this morning that the price there was Rs. 18 a maund. And we are here selling it at Rs. 32 a maund. Sir, if there is a certain quantity of sugar imported—I know Java cannot send us any, but Cuba can supply us some—then the manufacturers who think they are controlling the Government in the matter of sugar, they will be chastened and they will reduce their cost of production, and try to increase their efficiency. Of course, I must say that the Commerce Minister has pointed out that they have raised the yield of sugar from 8.5 per cent. to 10.3 per cent. At the same time, the honourable Commerce Minister will find that there is a slackness on the part of Indian manufacturers in making experiments to increase the yield of sugar from the sugarcane.

Sir, talking on behalf of the people, sugar, I must say, has not benefited any. It is all carbo-hydrate. From the point of view of their health, it does not benefit the people at all. How much sugar do we consume? It is only

[Shri B. Das]

a few educated people who use it,—in tea like me and in coffee like you, Sir. And the richer classes consume a lot of sweets. But the poor masses, what they want is gur, although the price of gur too has gone up, thanks to the higher wages of labour. Therefore, we need not bother about self-sufficiency in sugar in India any more. If we do that, then the industrialists will make no effort to reduce the cost of production. Sugar has had protection from 1934 which has made the consumer pay a protective tax coming to a total of Rs. 11-11 1/5 for a hundred-weight. That is a burden on the consumer and not on the producer. Therefore the manufacturer of this particular article has no sympathy from me. Why my honourable friend Mr. Neogy shows such sympathy for them, I cannot follow. He also talked of increasing the excise duty from 4 annas to 8 annas.

The Honourable Shri K. C. Neogy: It is not an increase of excise duty. It is an increase in the amount of grant made by Government to the funds of the Sugar Committee.

Shri B. Das: I do not know who manages that Committee. There is then that misnomer—the Imperial Research Institute. Very little work is being done there.

Prof. N. G. Ranga: Question. If that is your opinion about the I.C.A.R., God save us.

Shri B. Das: That is my impression. Professor Ranga will please wait and read the report of the Economy Committee. He will find out that the Imperial Council of Agricultural Research itself is doing no research work, but only wasting money which has not benefited the people at large. If you think development of research will lead to efficiency in the industry, and that the results will permeate the hard skin of the industrialists and make them reduce the cost of manufacture, that will never happen. It will never happen. And why should the consumer be made to pay more just to make India self-sufficient in sugar, a commodity which is consumed by only ten to twenty per cent. of the population of India? If that is the principle of the Government, if that is the system that the Government of India would adopt, I may point out that we are not self-sufficient in steel. We are not self-sufficient in a good many other things. You may as well have high tariff-walls as the U.S.A. but do not say that we shall have a high protective duty.

I have fought against the consumption of foreign goods. But those days are over. Today in the light of the newly won freedom that we are enjoying, I think there should be competition in every industry through imports, so that the industries may stand in proper competitive condition with even Holland and Indonesia.

I listened most attentively to Prof. Saksena. If nationalisation is the order of the day, I can have sympathy with what he said. But I do not think that the provincial governments at every stage should come to the succour of the agriculturists at the cost of the industrialists or at the cost of the Government of India. If Provincial Governments failed from 1934 onwards to ensure to the agriculturists the price recommended in the Tariff Board's Report—8 as. per maund—it is not the fault of the Central Government. It is not the fault of the Centre alone. If the industrialists mistreat the agriculturists with all sorts of chicanery and dirty tricks, well, that is a thing that has made the sugar areas of U.P. into socialist areas, into socialist followers of Professor Saksena. They may make them communists, unless we are very careful, unless the industrialists are very careful.

Sir, all these things lead to one conclusion. I have examined the subject I have analysed it, and I have come to the conclusion that the sugar industry needs no protection. If last year his predecessor, the honourable Mr. Gadgil wanted an extension of one year, why does he want an extension of two years now? Does he mean that in the next two years, conditions will be so restored in the country side that the agriculturists will be compelled to accept a lesser price, not the economic price, but the price which will enable the sugar manufacturers to produce sugar at a lesser cost? They are very inefficient; they have put in very large capital and even in the day to day maintenance of these sugar factories they continue to be inefficient. All these plans have landed them to the condition of inefficiency that we find they are in today. I do not know where the sugar committee exists and how it functions. This is a British pattern handed down to us, which make the industrialist stew in their own juice. It is time that my Government should adopt what should be our protective policy. How can we expect this Sugar Committee to make experiments and research, when the Committee itself consists mostly of these sugar manufacturers? They may want more profit, but they cannot apply their minds impartially to the ideas of research and reduce cost of production. They are fighting with each other as to how to get more profits. Have they applied their minds objectively so that more sugar can be produced and improvement can be made? Unfortunately whether it is the sugar manufacturers or cotton mill-owners, none of them have in mind any desire to manufacture the plant and machinery that they require for cotton mills or sugar mills. When there is no technical brain fostered for development of efficient processes in plant or process of manufacture, how can we expect a few chemists at the beck and call of this Sugar Research Board to increase production.

This is kind of bureaucratic mentality and the processes invented by the Bureaucracy to satisfy Members and questioners in this House and outside will not be allowed to be continued and will not produce the desired result. Though Japan is destroyed and though Indonesia is being assailed by the Dutch power, let us go to Cuba and find out how they are producing sugar at such cheap rate. I wish to know from my honourable friend, the honourable Minister of Commerce if any Government delegation was sent to those countries where sugar is produced at such cheap rates and why our sugar plants cannot produce? Sometimes the plant were borrowed, of course, at a high price from England and other countries; they were the most inefficient type of plants that were sold to India.

Sir, I do not wish to touch on many points in the Bill except make a few remarks. There are three new items of protection which my honourable friend, the Commerce Minister said were introduced for the first time last year and that in certain other matters we need not think of protection so much as the quantum of protection. If there is not a quantum of protection for a period of years, it is no use our feeling self-satisfied that India is giving tariff protection for development of industries. It is better to adopt the method of granting subsidy to the industries for development. Let us now turn a new leaf and not follow blindly what the British Government did in the past. Let us grant to particular industries some kind of subsidy and instead of that we are creating protective tariff which will create unnecessary hardship to the consumers though perhaps it balances the budget, and it is the consumer that always suffers, and as I am always a consumer, I strongly protest and I ask my Government and particularly the honourable the Commerce Minister who has a great deal of knowledge of these matters.

The Honourable Shri K. C. Neogy: Then who will pay the subsidy?

Shri B. Das: You can do it by income-tax and various other methods of taxation. I am not going to allow it to be an indirect tax on the consumer. Today the consumer suffers more. Nobody thinks of the consumer and though we are supposed to have abolished the salt tax, we are putting more and more indirect taxes on the consumer and it should not be allowed.

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

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

Shri M. Ananthasayanam Ayyangar (Madras: General): A list of 30 industries has been placed before us, some of them for the purpose of continuing the protection already granted, others for the grant of new protections, yet others for restricting the protection granted and the last for the discontinuance of protection. I do not know how much the total burden which will be placed upon the consumer will come to if the recommendations are granted and protection given. I made a rough calculation and found that so far as the sugar industry alone is concerned, about 10 to 12 crores will fall on the consumer.

Sir, each one of these industries was placed before the Tariff Board and it sent in its recommendations. But so far as we are concerned, it is physically impossible for us to go through in detail this list of 30 items, each differing from the other in respect of this claim for protection. I should think that more time should have been given to the House for the consideration of the claims of these industries in detail to find out whether in any particular case the industry seeking protection is likely within a reasonable period to stand on its own legs and whether there are facilities for raw materials, labour, etc. for it to develop. These and other circumstances have to be considered before we decide to grant protection to any industry. Otherwise it may mean that the protection now granted may be only the beginning and there may be claims coming for perpetual protection.

As it is, we have no means of knowing whether the conditions under which protection is to be granted have been satisfied by the industry seeking protection. And in cases where a renewal of protection is sought to be made by a motion before the House, we have no means of knowing how far that industry has justified the protection already granted and whether steps necessary to make it stand on its own legs have been taken by it enabling it to face world competition. We must have all this information. Detailed information on these points with respect to each one of these 30 industries is necessary. I am glad the honourable Minister circulated to us, three or four days ago, a tabular statement or abstract showing the grounds on which protection is claimed for these industries, together with one or two annexures containing some information for honourable Members in regard to this matter. But I wanted to see the original report of the Tariff Board and looked for it in the library. I could not get it. If the honourable Minister has placed it on the table of the House and if it is the mistake of the Librarian that I could not get it, I do not complain. Like me, my honourable friends Mr. B. Das and Professor Saksena were also not able to get at the original report of the Tariff Board recommending the continuance of protection for sugar industry for a couple of years more.

Mr. Speaker: Is the honourable Member referring to the latest report of the Tariff Board?

Shri M. Ananthasayanam Ayyangar: Yes.

Mr. Speaker: Was the latest report of the Tariff Board printed?

The Honourable Shri K. C. Neogy: No, Sir. As a matter of fact the report was received very recently. The Tariff Board sent down their recommendations in advance in anticipation of the report in view of the fact that the existing protection would expire on 31st March.

Mr. Speaker: That explains the absence of a copy of the Report in the Library.

Shri B. Das: But why does he not place the recommendations of Tariff Board in the Library?

Mr. Speaker: The Report is a different thing altogether. Mr. Ayyangar was referring to the report not being available in the Library.

The Honourable Shri K. C. Neogy: The recommendations have been tabulated and supplied to honourable Members.

Shri M. Ananthasayanam Ayyangar: I believe, when there is a proposal to continue protection to an industry, we should know what the chances of that industry establishing itself firmly are and whether they would not be coming up again for more protection. We have not got information on these points. Now, therefore, if copies are not available, at least the original might have been placed on the table of the House to be taken back after use. So long as the Assembly lasts and the Government lasts, industry after industry will be coming up for protection and for more protection. That is why I made the suggestion for the consideration of the honourable Minister, so that the Members may not be handicapped. As we are told that the Tariff Board report was received only recently and as the Government itself has not in all cases accepted the Tariff Board report, we should have been given at least extracts from it. If the Government have the right to differ from the Tariff Board on occasions, does the honourable Minister expect that we alone, of all people in the world, have no right to differ from the Tariff Board? If the Government accepts it, I must accept the report. If the Government does not accept it, I must accept the Government's report. If that is the position, I have no place in the Assembly.

The Honourable Shri K. C. Neogy: I may mention, Sir, that this matter was placed before the Advisory Committee attached to this Ministry and the proposals were approved by that Committee.

Shri M. Ananthasayanam Ayyangar: I am glad. That note also might have been circulated to us. But I do not know if my honourable friend placed all these matters—every one of these items—before the Advisory Committee or only one or two items.

The Honourable Shri K. C. Neogy: The whole Bill.

Shri M. Ananthasayanam Ayyangar: The whole Bill has been placed before the Advisory Committee. I am glad that step has been taken. (An honourable Member: 'When?') It must be after the Tariff Board report has been received, because the Bill is based on the Tariff Board report or the

[Shri M. Ananthasayanam Ayyangar]

Government Resolution upon the Tariff Board report. I accept whatever has been done. But still the Advisory Committee is only a sub-committee of this House. We must also have an opportunity. What I am suggesting is this. As soon as the Government Resolution was made—I do not know when it was done—at the beginning of the session, a motion for reference to Select Committee ought to have been made and the members of the Select Committee might have leisurely looked into this matter.

Mr. Speaker: As I have understood the position, the Tariff Board report is still awaited. (*The Honourable Shri K. C. Neogy:* 'Yes.') And as they are not able to place their full report before Government before 31st March, 1949, they have sent an abstract of their recommendations only to Government.

The Honourable Shri K. C. Neogy: That is the position.

Shri M. Ananthasayanam Ayyangar: No, Sir. The difficulty is this. These protections expire on 31st March. Last year, you were here and you may remember how we fought over this matter. Just at the fag end of 31st March these protections expire and this happens every year.

Prof. N. G. Ranga: Last year the same thing took place.

Shri M. Ananthasayanam Ayyangar: Last year the same thing took place, the year before last the same thing took place. Likewise it goes on every year. When are we to settle these things? I am sure the honourable the Commerce Minister would have bestowed all attention and the other members of the Advisory Committee also would have brought to bear their intelligence and discriminatory judgment on this matter, but each one of us, before we give a vote upon this, must to some extent be satisfied. If I go out and I am asked, I have merely to say that I have confidence in the honourable Minister, so I voted. When I do so, I am not credited with any kind of standing in this House. Therefore, as soon as the Bill was ready—at any rate, if the Bill was not ready he should have got it ready—he should have moved for reference to Select Committee. I am not prepared to accept these excuses. If it is not possible within the 31st of March to get the Bill through, there is the Ordinance-making power. They issue so many Ordinance. They may issue an ordinance continuing the protection. But when they do come here, they must satisfy us as to how we are called upon to vote on this Bill. I tell you, it is not merely academic. For instance, my honourable friend Prof. Shibbanlal Saksena wants that instead of two years, it should be only one year. That is one point. Number two, what is this quantum? I will presently show you.

Cuba sugar is selling in Pakistan at Rs. 21 or thereabouts—I am not giving the annas and pies—but roughly it is Rs. 21. We are selling at Rs. 28. Our excise duty is Rs. 3/12/-. Now Rs. 28 minus Rs. 3/12/-, it comes to Rs. 24 or so roughly. Thus between Cuba sugar and our own sugar, we have Rs. 4. Now, at the rate of Rs. 4 per maund, on this sugar that we produce in this country, the yearly profit is Rs. 10 crores. I do not agree with my friend Mr. Das when he says that sugar is not a necessary article.

Babu Ramnarayan Singh (Bihar: General): Certainly not.

Shri M. Ananthasayanam Ayyangar: When he falls ill, I am sure he would not go to sugar, but Glucose probably. Therefore sugar is one of the items which is very indispensable. As soon as a child is born, honey is given to the child. What is carbo-hydrate? It is the very heat to burn this body until death.

An Honourable Member: Sugar water is also given to the child.

Shri M. Ananthasayanam Ayyangar: Therefore, it is meaningless to say that sugar is not a necessary article. Sir, why I am particular about this is, when we are producing so much sugar in the country our intake is very low. These 140 and odd factories there are, some of them are running, many of them limping. According to my friend Prof. Shibbanlal Saksena, 91 of them are limping. What is our intake? Let us see. Our *per capita* consumption was 6.2 lbs. in the year 1931-32. When protection was given, they produced a little more, but gradually in 1944-45 it came down to 5.9 lbs. per head per year. Now, let us see the comparative figures. U. K. the intake is 106 lbs. per head per year. United States 97 lbs. Australia 116 lbs.

Shri M. Tirumala Rao (Madras: General): They are eating too much of chocolates.

Shri M. Ananthasayanam Ayyangar: If we eat, we would have grown patagonians, at present we are pygmies. Cuba 88 lbs. Japan 33 lbs. Union of South Africa 47 lbs. Netherland 64 lbs. It might be said that we are eating *gur* also, but it not so good as you think.

Prof. N. G. Ranga: *Gur* the best; they call it *good* instead of *gur*.

Shri M. Ananthasayanam Ayyangar: In regard to that in 1931-32 it was 17.2 lbs. per head. It has gone up to 24.1 lbs. in 1944-45. *Gur* and jaggery both combined we have 30 lbs. per head.

Shri H. V. Kamath (C.P. and Berar: General): How much honey?

Shri M. Ananthasayanam Ayyangar: Honey is money and when there is no money we are not able to get honey. My friend is still a bachelor; if he were married, he would not be talking of honey, but he would be talking of salt and *kawji*. Therefore, that is unfortunately the position in which we are. Is it for merely satisfying these 140 and odd people that we should pay rupees ten crores a year, when every man, woman and child in the country is going without sugar, not from 1932 but right up to 1949? There is a temple in my place. At the top of a hill, it is situated. When we take a child up the hill to the temple, we tell the child, "The temple is here, it has come"—well, it may not have started, still we say, "It is near, it is near." Likewise,—I am not talking of my friend the honourable Minister: he is absolutely innocent; I am talking of the industry—they started getting protection in 1932. In 1938 there was the Sugar Industry Protection, (Temporary Extension) Act; again in 1939; again in 1941; then in 1942; then in 1946; then in 1947; then in 1948. Every year, it is limping. Every year, we are seeing the industry is befooling us saying "Tomorrow, tomorrow" and tomorrow never comes.

Last year, as soon as the control was removed, the gentlemen in the industry behaved in such a manner that the prices soared up. Government had to intervene; they—the industry—said one thing and another; therefore, Government with its force had to come upon them. The entire capital invested in this industry is Rs. 27 crores. As against this Rs. 27 crores, my estimate is that the total divisible profits including depreciation etc. must have come to Rs. 30 crores. This is one industry which is very well established, barring only the textile industry where practically cent. per cent. profit, almost equal to the capital at charge, is realised every year from the public.

[Shri M. Ananthasayanam Ayyangar]

Now, what are the steps that have been taken to improve the industry? Either the honourable Minister, or the industry or the Tariff Board should have given us information about the steps that have been taken in improving sugar cane production. What is the labour, the machinery, the prospect of this industry becoming self-sufficient in a short time, and so on. If that had been done, I would have been satisfied.

Let us take one after the other. So far as sugar cane is concerned, in this country in an acre the yield is 300 maunds. In other countries, let us take Japan, the yield is 3,000 maunds per acre. Now, what are the steps that are being taken to improve the yield? The industry is responsible; it is not as if it is irresponsible. Researches must be made; it cannot merely say, I am producing more or trying to produce more; but it must bear the burden of all this. I would not allow Cuba sugar to come here and I would not allow any competition from outside. No such steps have been taken.

Shri M. Tirumala Rao: How is the industrialist responsible for the agriculturist's default?

Shri M. Ananthasayanam Ayyangar: Well, industry must depend upon its raw materials. My honourable friend will kindly bear with me—he has himself voted for this—did we not vote that so far as raw materials for industry are concerned, every concession ought to be shown for raw materials needed for industry? There is the imposition of taxes. The customs duty is reduced. Priority is given for them. The rates and fares are not so heavy for them, in inland traffic as in respect of other matters. We are taking every step to see that materials are given to the industry as cheap as possible and as quickly as possible. Isn't it their turn to see that they should help with the raw material or, is it that he must lie flat on his back and we must carry this with us from the beginning to the end? It appears that he is neither dead nor alive. Either he must stand or walk. Can you see any boon here other than in the war years? War itself is a piece of production. From Cuba no sugar came and from Java no sugar came as well. If during the war you make capital profit and during peace time you want protection, when is it all to end? Even an opportunity is not given to me, in this House to understand the position. Let me know why I should vote for this? All right, I will get Java sugar. The other alternative is that I will take charge of this essential commodity also. I urge Government to take over all these commodities. After all the present worth of these factories, though originally, costing Rs. 27 crores, may not be more than Rs. 13/14 crores.

Shri B. L. Sondhi (East Punjab: General): What about the growers?

Shri M. Ananthasayanam Ayyangar: They will combine themselves into co-operative societies and would not be dependent on myself or Mr. Sondhi! This is a co-operative commonwealth. With regard to every small endeavour that is taking place in this country, the capitalists are not subscribing to our loans and they are forcing us to go down on our bended knees and if things continue like this I say that by the end of a year there will be a revolution in this country. This is only an experimental stage. We have come to the end of our tether in every department. But one industrialist feels that he is the best man and he dictates terms to the rest. We must cry a halt up to a particular date. I want however to be assured that he has done his best but *prima facie* he has not improved. Unfortunately, my friend and colleague, whom I can ill afford to lose, commenced to starve and die along with the labour. Fortunately he has been saved.

Mr. Hossain Imam (Bihar: Muslim): Against himself!

Shri M. Ananthasayanam Ayyangar: Yes, against himself. I think I have said enough so far as this industry is concerned. I am satisfied that the industry has not justified the continuance of protection. Whatever you might think in the interest of the community might be different; but the industry has not justified itself in coming up to us. One of the materials before any conclusion can be arrived at has not been justified. I would refer to column 8, of the second annexure, regarding sugar where the percentage of profit allowed is "not available". What then is the percentage of profit allowed in this country? And if it is not available to the honourable the Commerce Minister, how can he expect us to see it?

It is a case of the blind leading the blind. I say it is cent per cent blindness. Is he in a position to challenge that it is not so? Therefore, it is rather strange that one of the most organized industries does not prepare to place statistics before Government. It wants to play a game of hide and seek and before the end of 31st March, run up and catch hold of this man or that and plead that unless something is done the country will sink along with you. I would rather sink one day and get rid of this nuisance. Therefore, I would say that these people have not pleaded properly with us. It is unfortunate for our fate is linked up with their fate. Therefore, ungrudgingly I am prepared to support my honourable friend, Prof. Saksena to reduce the period and within less than six months if it is possible, we must have some report as to how they have planned to progress and within a year how this can be stabilized, otherwise there will be an attempt for a review. I would urge upon the Commerce Minister to consider the sterling aspect. A Committee of the House was appointed and the Standing Finance Committee was asked to watch events. Mr. T. T. Krishnamachari was taken to England with the honourable the Finance Minister. Then emerged the International Monetary Fund. The Committee was asked to report how we should link up with this Fund. I would like to urge upon the honourable the Commerce Minister and the Members of the House to appoint a Standing Committee of this House, apart from the Standing Committee for Commerce and Industry to review all cases of protection. The Tariff report must be placed before them. This is a matter which has to be watched from time to time. It may be we give protection up to Rs. 6/12/- but during the course of the year it may be too much. Therefore instead of depending on departmental officers' advice or the Members of the House, who will take the ultimate responsibility, this policy will be welcomed. It is not too late yet. We are organizing Standing Committees in various departments. As we have a Standing Committee for Railways and Transport, or an Advisory Council, some such body may be set up for this also.

I agree with my friend, Mr. Saksena, that today, on account of protection, we have a monopoly from foreign competition. There seems to be a syndicate here. The sooner it is liquidated the better. At a time when there is unfair and unhealthy competition, cutting one another's throat and reducing prices, the industry may have to be saved against itself, and the people today have to be saved against the industrialists. Therefore, there is no longer any need for a syndicate inside the country and there should be no fear of healthy competition so far as the producers, or industrialists or factory owners are concerned.

If you refer to page 1 of the annexure, the Tariff Board has, in regard to Sericulture, come to the conclusion that the protection will have to be extended

[Shri M. Ananthasayanam Ayyangar]

though they have not yet determined the actual quantum of protection required. It is therefore proposed to continue the protection until the 31st March 1951 as in the case of artificial silk. I do not know whether it is meant that the same quantum of protection will be continued till 1951 or whether meanwhile we will vote for continuance of this protection. Immediately after the tariff board makes a recommendation that the same quantum of protection need not be given, is he going to reduce? He may reduce and confine the protection only to that limit as required by the Tariff Board.

In the early para he deals with artificial silk and artificial silk and cotton mixed fabrics. The Government held that since the artificial silk industry in India was in its infancy, the protective duties on these articles should not be removed without a full enquiry. The duties on them have accordingly been continued by yearly extensions and are due to expire on the 31st March 1949. In accordance with the recommendations contained in the present report of the Tariff Board, it is now proposed to extend the protection up to 31st March 1951. This is a case where the Government disagreed with the recommendations of the Tariff Board so early as 1948 about there being no more protection. They said that on account of its infancy the position had to be reconsidered. Now they say that protection has to be extended up to 1951. Assuming that there is a ground for protection the question is whether the full quantum or a reduced quantum of protection ought to be given.

There is one other point. When the Tariff Board recommends that protection is not necessary for a particular industry we accept it in the normal course. But what is the meaning in saying "I have given up protection in accordance with the recommendation of the Tariff Board but I will continue the same duty as a revenue duty"? Why give it another name? The industry gets that amount of protection all the same. I may be wrong; I may not be an expert in the matter. I am only judging from the papers placed before me and I have drawn this conclusion.

Then there is item 4, Magnesium Chloride. It is stated:

"In accordance with the recommendation of the present Tariff Board which has reviewed the case, protection to the industry will be allowed to lapse after the 31st March, 1949. It is proposed to maintain the existing rate of duty as revenue duty."

Whether it is a revenue duty or a protective duty does not matter as long as the internal price of the commodity is at the same level. What is the justification for this? We have got no answer or remarks.

Shri T. T. Krishnamachari (Madras: General): More money.

Shri M. Ananthasayanam Ayyangar: Call it then a protective duty and satisfy the other man also. Revenue is taken care of by the Finance Ministry but do it in regard to something else.

Page 4, item 13 relates to non-ferrous nickel alloys. With respect to this they say "The Tariff Board has been consulted." In another place we find that the "Tariff Board has recommended". Here the Tariff Board has not recommended but has been consulted. It is a third expression but does the Government agree or not.

In conclusion I would submit that such matters ought not to be allowed to pass without greater scrutiny. The normal procedure that is adopted with

regard to certain very old industries is to refer the Bill to the Select Committee early in the session, so that we may have an opportunity to sit leisurely, study the report and express ourselves either for or against. That opportunity must have been given here. I would therefore request the honourable Minister to take these matters into consideration. Merely because it is said for a year or two let it not be understood that it should run the period. Just because it is said it is Rs. 6/12/- let it not be that much always all through the period of protection. We will have to be ever vigilant. I would urge upon the Minister to come and report to us in the next session as to how this has worked. Even with respect to this there must be an annual report to the House as to how far it has been justified. The Tariff Board does not report to us but to the Government. I hope the honourable Minister will place the matter before us and hear the various points of view so that we might see where we stand as far as protection is concerned. Otherwise, Sir, I support the motion.

Shri Prabhu Dayal Himatsingka (West Bengal: General): Sir, I support the motion moved by the honourable Minister for continuing protection for some of the industries as mentioned by him. I find that the sugar industry has been subjected to a good deal of criticism. I think there are grounds for misapprehension in the minds of various Members unless the facts are properly placed before them. Honourable Member Prof. Saksena has placed various facts and figures to show how sugar was selling at Rs. 5/8 a maund in 1937 and it is now selling Rs. 28/8. We have to consider the facts leading to this position. In 1937 sugarcane was selling at about four or five annas per maund. Now the Provincial Government has fixed the price at Rs. 1/13. Therefore the price now is about six times what it was in 1937. That price has been statutorily fixed by the governments of the provinces where sugar is being mainly manufactured. Over and above the price of Rs. 1/13, there is a cess of three annas imposed by the provinces, which is to be utilised for improving the yield and so on of cane. So a maund of cane costs Rs. 2 in Bihar. He has also given the figure that the yield from sugarcane is about 9.8 per cent of sugar. Roughly therefore you require 10½ maunds of cane for producing one maund of sugar. Taking Rs. 2 as the price of sugarcane Rs. 21 is the cost of the sugarcane alone. Add to that Rs. 3 as duty. It comes to Rs. 24. Prof. Saksena has also said that the cost of labour comes to 10 per cent. Taking Rs. 28/8 as the price I will put the cost of labour at Rs. 2/12.

Shri M. Ananthasayanam Ayyangar: The price of sugarcane today is Rs. 1/10 a maund.

Shri Prabhu Dayal Himatsingka: It is Rs. 1/13 in Bihar and 1/10 in U.P. So sugarcane itself as I said costs Rs. 21. Rs. 3 is the excise duty which takes it to Rs. 24 and taking Rs. 2/12 as the cost of production and labour the total cost comes to Rs. 26/12. The price of sugar is fixed by Government at Rs. 28/8, which leaves a balance of Rs. 1/12, and this covers depreciation and other charges. As a matter of fact the control that is at present exercised is more for the benefit of the agriculturists producing cane than for the industry.

In fact the Sugar Syndicate also is being maintained so far as I know, against the wishes of the industry generally. The major portion of the industry wanted this syndicate to be scrapped. They do not want these controls at every stage by Government. The industry will be glad if the U.P. and Bihar Governments agree to scrap the syndicate and leave the whole thing to free trade. Do not fix the price of sugarcane, leave it to free competition and let sugar also come from outside. But so long as you exercise control over the

[Shri Prabhu Dayal Himatsingka]

price of cane, over production, distribution and labour, necessarily protection comes in. At present the wages for labour have been fixed. It was formerly about Rs. 30 and now it has risen to 90. (An honourable Member: 'It is Rs. 55.') What about dearness allowance? I suppose it is included in the Rs. 55. At every stage the two provinces of Bihar and U.P., where most of the sugar mills are situated are exercising control and fixing the price of the sugarcane, labour and other charges, which practically takes away Rs. 26 and some annas per maund. Therefore you cannot expect sugar to sell at less than that. If you leave it to free competition I am sure a number of mills may come to grief and will go out of existence. Some of the present managing agents will go out of existence. Some of the mills are not on an economic basis and they will not be able to stand competition but those in the industry who run economic units and whose management is efficient will certainly be able to stand any competition. They will not need any spoon-feeding any further. But that only can be possible if you take away this control at the different stages exercised by the government.

At present what is the position. The Tariff Board was asked to make enquiries and report to the government as to the necessity or otherwise of continuing protection. The Tariff Board finds it difficult to be able to make any report that will be worth anything because of the want of data. At present there is no sugar import. They do not know the cost of production and therefore they have said that they are not in a position at present to make any recommendations based on definite facts. Therefore the Government has thought fit to extend the period of protection for a small period, pending the Tariff Board making enquiries and giving their definite suggestions. That is therefore the position as regards the price of sugar at Rs. 28-8. The total production of sugar at the present moment is about 10 lakhs and odd tons which comes to about 3 crore maunds. Therefore the figure that the industry is making Rs. 30 or 40 crores profit per year is on the face of it not correct because you cannot make a profit of Rs. 10 when the margin is only Rs. 1-12 that is left after deducting the cost to the grower, the cost of excise duty, the cost of labour—not to speak of depreciation and other charges.

Prof. Shibban Lal Saksena: What have you to say to the figures given in the "Commerce"?

Shri Prabhu Dayal Himatsingka: I do not know to what my honourable friend is referring. The facts are so clear that it does not leave any room for doubt that the profit cannot be on the basis of Rs. 10 per maund. When the balance between the price of Rs. 28-8 and the different costs which I have shown which come to Rs. 26 odd is only about Rs. 2, how can a profit of Rs. 10 per maund be made? You cannot add Rs. 8 to the profit when only Rs. 2 is left.

Babu Ramnarayan Singh: What is the profit according to you?

Shri Prabhu Dayal Himatsingka: At the present moment the profit I think will not exceed eight annas per maund. I have got the Investor's Year Book and I will take off hand a number of sugar mills which have given the figures. Dividend generally is not more than eight annas per share of Rs. 10. I will take a number of sugar mills mentioned here—Sitalpore, South Behar, Samastipur and New India. All of them are in Bihar. I will give figures for ten years which are quoted there. Sitalpore Sugar Works—its investment was Rs. 26 lakhs in the year ended June 1938. It made a profit of Rs. 79

thousand in 1938, Rs. 53 thousand in 1939, Rs. 35 thousand in 1940, Rs. 1,55,000 in 1941, Rs. 1,09,000 in 1942, Rs. 1,39,000 in 1943, Rs. 1,13,000 in 1944, Rs. 56 thousand in 1945, had a loss of Rs. 2,200 in 1946, made a profit of Rs. 45 thousand in 1947.

An Honourable Member: What is the figure for 1948?

Shri Prabhu Dayal Himatsingka: The figures for 1948 are not here.

In South Behar Sugar Mills in 1937 they had a profit of Rs. 3,32,000; in 1938 Rs. 3,74,000; in 1939 Rs. 2,53,000; in 1940 Rs. 3,69,000; in 1941 Rs. 3,53,000; in 1942 Rs. 1,63,000; in 1943 Rs. 35,000; in 1944 a loss of Rs. 2,43,000; in 1945 a loss of Rs. 2,76,000; in 1946 a loss of Rs. 2,50,000. It is not therefore, a profit all along. The Samastipur Company is under the management of one of the best managing agents. Other companies also show a similar story of different profits in different years and not profits all along as suggested by my friend Prof. Shibban Lal Saksena.

Shri Lakshminarayan Sahu (Orissa: General): How much are the managing agents taking?

Shri Prabhu Dayal Himatsingka: They take from the profits a certain percentage. (Interruption). Of course in some of the companies they might be charging on the amount of sugar produced per maund or something like that. But these companies that I have mentioned charge commission on the profits that the company makes. Therefore their, the managing Agents, profit is based on the profits the company has made. If my honourable friends want, those figures are also there.

What we have to see is whether we should condemn the industry as such or look at the proposition from the point of view of giving help if it needs. As I said, the industry will be too glad if the different kinds of control are removed and if it is allowed to have a free existence. They will not mind it. But if you exercise control at a certain stage you must necessarily give it protection so that it will be able to pay the amount of price that has been fixed by Government. Why is this price so high? The sugarcane yield per acre in India is about 14 tons whereas in other countries it is as much as 62 tons per acre.

Shri T. A. Ramalingam Chettiar (Madras: General): The yield of 14 tons is only in Bihar and U.P.

Shri Prabhu Dayal Himatsingka: May be in Madras and other places it is more. I am referring to the two main Sugar provinces.

Shri T. A. Ramalingam Chettiar: In Madras the average is 20 tons and sometimes 28 tons.

Shri Prabhu Dayal Himatsingka: Therefore it is no reason why those who are in charge of producing sugarcane should not take steps to improve the yield per acre of sugarcane and also to improve the quality of sugarcane so that the sucrose contents may increase and the yield per maund may be more. That will necessarily decrease the price of sugar; the yield will be more and the cost will be less. These are factors which should be taken into consideration and steps should be taken to improve the quality of sugarcane and the quantity produced per acre.

As I said, the industry will be glad if my honourable friends can help the liquidation of the Syndicate. May be some of them will be sorry. But most of them will welcome the step and they will be able to get out of the control of the Syndicate. As a matter of fact the Governments of the U.P. and

[Shri Prabhu Dayal Himatsingka]

Bihar have made it impossible for any company to remain outside the Syndicate because no company can crush or is permitted to crush any sugarcane unless it is a member of the Syndicate. Therefore my friends should appeal to the Governments of Bihar and U.P. to do away with this Syndicate. With these words I support the motion of the honourable Minister for giving protection to the different industries.

Shri Khandhubhai K. Desai (Bombay: General): Sir, the Honourable Mr. Neogy has come before this House to ask for protection to certain industries. It is an omnibus Bill which also includes the sugar industry. As we all know the sugar industry has been protected for the last seventeen years, and the consumer throughout this long period has given protection to this industry. It after seventeen years it is not able to stand on its own legs there must be something wrong with those who have managed the industry for the last seventeen years. It is not in infancy; as a matter of fact it has become fully mature. Not only has it become fully mature but it has become in my opinion a sort of bully who kicks actually the protectors, who have protected the industry for the last seventeen years, by establishing a syndicate. I am only looking at this question from the point of view of a principle. The industry has been given protection, import of foreign sugar has been prohibited, and internal competition between one factory and another has been stopped effectively by a syndicate. So the poor consumer had been left entirely at the sweet mercy of the syndicate. These are the real facts and we must appreciate these facts before we give our accord to this Bill.

It has been stated by a previous speaker, by giving certain figures, that the profits are not as big as my friend Shri Shibban Lal makes them to be. According to the previous speaker, probably the profits may be nil or very slight.

Well, I cannot find fault with him. Neither can I find fault with Mr. Shibban Lal for quoting figures which he cannot substantiate nor with the previous speaker for his figures which he could not substantiate. I therefore find fault with the honourable Minister. When he has come before this House for asking further protection to an industry which has created huge reserves, which has been making huge profits for at least the last ten years, he should have come before us with the consolidated balance sheets for the last ten years of the profits which the industry has made so that we may be able to judge the situation properly. I do not understand why, while granting protection to an industry or units of an industry, a condition should not be laid down that those industries which are protected should submit annual balance sheets to the Government. The Government should consolidate those balance sheets and place before us from time to time the true picture of the financial position of those industries when the protection was granted and when a case for additional protection is made out again today. Then and then only, Sir, will we be in a position properly to judge the situation:

It was stated that the industry will be too glad if the protection is removed. (An honourable Member: "Syndicate, not protection.") No, no, even the protection. It was stated that they will be glad if the protection is removed and the control all round is removed. So now the situation has come when the industrialists come before this House and say, "This protection is not being granted for our benefit. This protection is granted for the cultivators". Well, honestly if the Government comes before us to ask for protection for cultivators, then this House will know what terms to make with the industry

in order to grant the cultivators protection if it is necessary. But to come under the cover of either cotton growers or labourers to ask for protection is, in my opinion, a wrong principle. Of course the Bill has been placed before us. It is an omnibus Bill, it will get the support, I will also support it. But I must place before the Government the reactions that are generally there in the minds of the Members of this House as far as protecting the industry is concerned.

There are certain healthy principles which the Government should lay down before granting protection to any industry. Any industry coming for protection should be prepared to take the technical advice and should agree to submit to the supervision both financial and technical, from the Government, and such supervision by the Government should be made compulsory and it should be carried out.

Shri B. L. Sondhi: Under the new Bill you are getting it.

Shri Khandubhai K. Desai: Under the new Bill I am getting it, but what about the old cases?

Shri B. L. Sondhi: Sugar is covered.

Shri Khandubhai K. Desai: We shall see when that Bill comes. I do not know what the other people will have to say. The House will I hope give full accord to that Bill.

Let us see what an amount of sacrifice the consumers have put in order to protect this industry. The principle of putting even an excise duty on a protected industry is, in my opinion, entirely wrong from the point of view of a principle. Once the consumer pays in the shape of protection by prohibitive import duties any foreign competition is ruled out. Secondly, he has to pay for the same product in the form of excise. Again the consumer has to pay some provincial taxation, the cess and what not. So, out of every Rs. 28/8, according to my calculations the consumer will be paying not less than Rs. 14 to 15 per maund of sugar in order to prop up this industry. Therefore, I again appeal to the honourable Minister to take stock of the whole situation and come before this House for protection with the full picture of the industry before us. As far as the sugar industry is concerned, it has come to a position when it is able to produce enough sugar for the consumption of the country. It does not require any more expansion. Therefore the time should come early when this protection should be taken away. The syndicate should also be abolished as early as possible. Thirdly, I think the extension of protection to this industry should not go beyond a year. These are my suggestions to the honourable the Commerce Minister.

Babu Ramnarayan Singh: Sir, my old and honourable friend, the Minister for Commerce.....

Dr. P. S. Deshmukh (C.P. and Berar: General): On a point of order, Sir. May I know if speakers are called according to any list?

Mr. Speaker: There is no list with me. And even when a list is there, I do not necessarily follow the order or call all the names, therein.

Babu Ramnarayan Singh: I was saying that my old and honourable friend Mr. Neogy, the Commerce Minister, has come forward with a proposal that certain industries be further protected. I am sorry to say that it appears that our friends in the Cabinet seem to have lost all powers of initiative, and like a *lakir-ke-faqir*—meaning follower of a beaten path—are following the path chopped

[Babu Ramnarayan Singh]

out by the British. Sir, the Britishers introduced this industry. In introducing this industry they might have been guided by several interests. The Britishers were led by the interests of selling machinery to the Indian people. In some cases they invested their money in this industry. Sir, this industry has been protected for the last 17 years, and this means that the whole country has been taxed, for the sake of the few capitalists. My friends the capitalists or the Government may not care for the labourers and the agriculturists. But I may tell the House that we had some sort of industry even before this sugar industry in its present form and before the sugar factories were introduced. Sir, I am a cultivator myself and I grow sugar-cane. And in my area, fortunately or unfortunately, there is no sugar factory. We crush our canes and prepare our *gur*. And Sir, according to Ayurved, *gur* has much more nutritive value than sugar. (Interruption) I shall advise my friend Mr. Das to take more *gur* instead of sugar, he will get more nutrition. And what is more, Sir, *gur* develops the development of body. At the same time, Sir, it has been said by Mr. Ayyangar that sugar is not an essential thing.

Shri M. Ananthasayanam Ayyangar: I said it was essential.

Babu Ramnarayan Singh: When it was said that it is not an essential thing, you objected and said that it is essential. Well, I say that it is not essential. Sir, it is only 25 years ago that these sugar factories came into existence. Even before that, from times immemorial, we used to grow sugar-cane. There were the sugar-cane growers, and there was enough of *gur*, of *cheeni*, of *misri* in the whole country.

Shri H. V. Kamath: Ram Rajya in sugar.

Babu Ramnarayan Singh: My friend here says, it was Ram Rajya. Yes, it was so. We used to prepare sugar in our own way. Therefore if these factories now cannot stand on their own legs, even after enjoying protection for so many years, it is better that this industry fails and nobody need shed tears for the labourers and the agriculturists. If the labour does not get employed in the sugar factories, it will engage itself somewhere else and perhaps more profitably. At the same time, if sugar cane is not grown, in those lands, I think more land will be available for the production of cereals.

Sir, my honourable friend Mr. Neogy said, and he has been supported by my friend Mr. Himatsingka, that this protection ought to be given. But they have given no justification for that. Their justification was simply that the Tariff Board has said so. Sir, this reminds me of conditions in the villages. In certain villages there are the village priests called *Gaunwan Pandey*. A villager will do anything and will say, "*Gaunwan Pandey* wanted it to be done". He will quote *Gaunwan Pandey* for everything. In the same way Mr. Neogy says that he asks for protection. He does not think over it and finds out whether it is a proper thing to do or an improper thing, but the Tariff Board—the *Gaunwan Pandey*—wants it to be so. This process, Sir, must stop now. We have got our own government and we must think it all over in our own way. We must have more power and initiative, and we must leave this industry to its fate. I bless it; let it flourish. But this defective system of taxing the whole country for this industry must stop at once.

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

Dr. P. S. Deshmukh: Sir, there have been many speeches in which the honourable Minister for Commerce has been assailed. Last time this measure was brought before the House by the honourable Minister in charge of Works, Mines and Power. This year, it has fallen to the lot of the Commerce Minister. But actually it should be the baby of the Agriculture Minister because the manufacture of sugar depends upon the cultivation of sugar-cane. And there is also, side by side with the question of protection, the question of the protection of the interests of the sugar-cane grower, which, I think, should be more the direct concern of the Minister for Agriculture. But this is a very unsatisfactory arrangement we have here, of a single subject being the concern of not one, but more than two Ministers. The third Minister concerned is the Minister for Industry and Supply. This is not satisfactory, and we should not therefore put the whole blame on the honourable Minister for Commerce at any rate so long as the present arrangement is not altered.

Sir, there has been a long discussion on the subject of this protection of this sugar industry and I do not want to take up much time of the House. My justification for standing up at this late hour is this. Many of the honourable Members believe that protection is necessary and has been brought about, or has been kept up in the interests of the sugar-cane grower. Now, I would like to say that the sugar-cane grower has very rarely, if at all, received any benefit out of this protection. My friends who spoke on behalf of the manufacturers quoted certain figures and said that Rs. 1/13/- was the price paid in U.P. and Bihar for every maund of sugar-cane. But according to my information, although this is the price fixed by the Government, the industry generally obtains the cane at a far lesser rate. And if we go from the provinces of U.P. and Bihar to other provinces, you will be surprised that the rate is still lower. For instance in Madras the sugar-cane grower gets only Rs. 1/10/- per maund. And in Bombay where the factories are more efficient and where the cane grown is much more per acre, he gets only Rs. 1/4/- although in Bombay they grow more cane per acre than in U.P. and Bihar. While in U.P. and Bihar the average per acre is only 14 tons per acre in Bombay they grow any thing between 35 to 70 tons per acre. And another wonderful thing that we see in this united India of ours is that is one of the Indian States namely, Gwalior in the Union of Madhya Bharat, one of the sugar-factories is offering nothing more than 10 as. per maund of sugar-cane.

Pandit Thakur Das Bhargava (East Punjab: General): Similarly in East Punjab also.

Dr. P. S. Deshmukh: My friend here says that the same is the case in East Punjab also. Therefore my friends cannot turn round and say that the profits are low or that there are no profits. On the other hand I feel that these people have, during the last eight or nine years, made large profits, if not exorbitant profits. According to my information even now the profits are wellnigh unconscionable. I think there is fullest justification and more correctness in the assertion that the profits are excessive. This question was discussed at the Central Sugarcane Committee, and I am glad to say that for the first time when I was a member thereof, I was able to persuade the Central Sugarcane Committee to fix the price of Sugarcane at not less than Rs. 2/- per maund and the price of sugar at less than Rs. 30/- per maund. As a matter of fact it was the first time, that the sugar-cane grower was recommended not less than Rs. 2/- per maund everywhere in India. As the protection is extended to the whole of India every sugar factory gets the benefit of protection but nobody unfortunately protected the interests of the sugar-cane growers. This has caused heavy losses to the sugar-cane growers. If you ask even the

[Dr. P. S. Deshmukh]

factory owners—and a good many of them have land of their own and they cultivate their own sugar-cane, if you ask them the cost of growing one maund of sugar-cane, they will tell you that it is not less than Rs. 1/4/- a maund, in Bombay and still in Bombay they do not pay anything more than Rs. 1/4/- to the cultivator. You must remember this is what the factory owners say. Actually the cost is at least Rs. 1/10/-. This shows that the prices paid are far lower than the cost incurred by the grower, and it is therefore, easy to show that the protection has not benefited the cane grower at all. For the first time the sugar-cane price was recommended to be raised by the Sugar-cane Committee. All through the War, the cane grower never got anything more than 7 as. or 8 as. per maund. That is the reason why such large profits have been made all along. The profits shown in the Investor's Year Book, I am sure have not been altogether truthfully stated. It is quite probable that the real profits have been suppressed. I regret to be forced to say that it is not uncommon at least for some of our industrialists to do so. There are many instances where we find that there are more than one set of accounts and it is quite likely that the facts stated in the Investor's Year Book are based on one set of accounts books. But nobody can be deceived by this, because we know that is a fact that the industry has made tremendous profits.

Then, Sir, there are many more evils arising out of this problem. As is well known and as you have also shown the average consumption of sugar per head of an Indian comes to about 3/4th of a tola per day. It is less than 6 lbs. per year. As against this we have enormous larger quantities of sugar consumed by the peoples of other countries.

Now, Sir, if we were to lift the protection altogether, then our industries will have to sell sugar at half the rates, because more or less that is the rate for which we could easily get sugar from outside. Thus, supposing we lift the protection altogether and allow sugar to come from outside, our people would be consuming for the cost that they incur today at least double the amount of sugar. The figures which are obvious show that the sugar industry is and has been actually maintained out of the funds which the consumers contribute to them more or less directly, and if this sort of thing continues, there will be no improvement in the condition of the industry also. Prof. Shibban Lal Saksena has stated that there is no competition between the various industries; there is no competition from outside either; and this leads to this unhealthy condition, namely, that neither the cultivation of sugarcane is satisfactory nor is the efficiency of this industry gratifying. For that purpose, I have a new suggestion to make, a suggestion which has not been made by anybody so far. According to my information the present protective duty is of the order of 135 per cent. That is the information I have. I think, as a first step and after accepting the recommendation which has been made by Prof. Shibban Lal Saksena and supported by you, Sir, that the protection should be continued for one year, I propose that the duty also should be lowered. We will then see how during the coming year the world market and conditions react upon it, and how far it is possible for outsiders to export to us any sugar. We could easily regulate the matter in such a way that the imported sugar will sell at not less than the rate at which we can sell our own sugar here. It will then be possible for us to know how we progress.

Secondly, Sir, as has been shown the yield of sugar-cane in the U.P. and Bihar is very low. In Bombay, the average yield of sugar-cane comes to about 50 to 60 tons as against 14 tons in U.P. and Bihar. So it shows, Sir, as a matter of fact that much of the land which is used for sugar-cane cultivation

in the U.P. and Bihar is not suited for such cultivation or something is radically wrong there. If it is possible to lower the duty, it will not only help the sugar-cane grower but also the whole of India. Instead of the honourable Minister for Agriculture appealing to the agriculturist not to cultivate sugar-cane, or compelling him to do so it would be better to say to him that he has got to reduce his prices, so that he will be forced to grow more foodgrains and we will be to that extent relieved from any complaints being made by the Agriculturist on the one hand and we would also be getting more foodgrains. Because, sugar-cane is a wet crop. Irrigation is necessary wherever sugar-cane is grown. Now if this land under irrigation is turned into land for growing foodgrains, I am sure, for less quantity of water, for probably half the manure, it will be possible for them to grow two crops. Even if out of 4 million acres of land under sugarcane at the present moment we have about 50,000 acres given over to foodgrains, because it is not economically profitable to grow sugar-cane, we will find that a very substantial portion of our deficit of foodgrains will be made up and the cultivators will not have any legitimate grouse. There is yet another advantage that will also be secured. If we revise our policy so far as protection is concerned and if we reduce the duty and allow a certain amount of sugar from outside, we will also be deriving a considerable revenue by way of duty which we are levying upon it. From all these points of view, I think the whole question ought to be thoroughly examined and at the present moment, my honourable friend should be content to have this protection for only one year; and secondly even after the Bill is passed, if the honourable Minister reduces the protective duty considerably, there will be some competition, at any rate, which will make both the sugar-cane growers as well as the industries to strive harder. The industrialists will be forced to better their management and the sugar-cane cultivators to make better efforts to produce more from their lands.

Mr. Hossain Imam: The honourable the Commerce Minister has introduced an omnibus Bill, but very skilfully placed Sugar as item No. 1 on the agenda with the result that all attention has been diverted towards this one subject and all the rest of these items have practically gone Scot free. Being an old Parliamentarian, Sir, he knows his job and he has done it well. The sugar case is very strong. I do not think we could have a stronger case for the protection of any industry than that of sugar, because in that case their protection is not dictated by the needs of the industry but by the needs of the producers and here I should like to advert to the general matter of policy of the Government and whether it proposes really to end inflation and bring down the prices or it wants to make the prices at the levels at which they are. I find from a perusal of the Tariff Board's reports that the price of sugar-cane in 1931, when there was no depression, when everything was O.K. was something like 8 annas a maund. (An honourable Member: 'Was there any depression in 1931?') Yes. According to the Tariff Board Report in 1938 it was at the rate of 5½ annas a maund. It had gone down to 3½ annas in 1937. Today's price is six times the price on the basis on which the report of 1938 was given. If you were to work out the resultant product by this ratio of this increase in raw material, instead of having the price of Rs. 28, you should have more than Rs. 42. The wages are so high today and everyone knows that the cost of living has gone up by 300 to 400 per cent. and you cannot grudge the labourer getting a salary at least three times what it was in 1938 and 1939. So what really happens is that you have fixed two extremes, the resultant price and the raw material which according to the Honourable Mr. Neogy is responsible for the 70 per cent. of the crop knowing that 70 per cent. has risen to six times and then you get a co-efficient of 32 rupees per maund instead of which you have got Rs. 28 a maund. I think the industry has been brow-beaten and made to accept a price which is not very economical. Referring to the figure which Prof. Shibban Lal Saksena had quoted. I took the trouble of going through those papers,

[Mr. Hossain Imam]

and I found, Sir, that the accounts of the Dalmia Group industries have to be read with a great deal of care. They have shown an existing stock of about 2½ lakh maunds. Probably they followed it at the rate prevailing then, namely Rs. 35 a maund, which was the last price. You do not know if there is any factory in the State and on what basis they have fixed the price. Mr. Himatsingka quoted the figures for manufacturing cost. In 1937 sugar was selling at Rs. 5/8 per maund. With the increase in the overhead charges it is bound to be double in 1948 and 1949.

On that basis, with Rs. 21 required for raw material, and Rs. 3 for excise, there is a balance of only Rs. 4/8. These two items will come to more than that sum. So, this calls for action, not so much on behalf of the Ministry of Commerce as on behalf of the Cabinet as to whether the provinces should be allowed to fix the prices. The Centre should have the power to check and not to give advice. This reminds me of the thoughtful words which fell from Dr. John Matthai's mouth when he was replying to the debate on the Finance Bill, that we must make adequate provision for this in the Constitution. It is quite possible that in some of the provinces in future there will be parties other than the dominant party at the Centre coming to power. If such parties move in a manner which is prejudicial to the interests of other parts of the country, the Centre must have power to dictate. It is to give expression to this view that I have intervened in this debate. I want that we must grow wiser with experience. Theories are all right, but it is only by testing them in practice that you will come to a right decision as to the line of action that you have to adopt.

I should like to say, as a matter of general policy, now that we have developed other techniques for protecting the industries than fixing duties, that these should also be examined. I refer to two methods which are most common: firstly there is the system of fixing quotas of imports. By means of that you can control the prices. As an illustration I would state that, three or four years ago, when we started manufacturing aluminium ourselves for the first time, foreign aluminium was much cheaper and bulk supply was coming from foreign countries. A convention was established by the Central Government under which the consumption of the two articles was made compulsory by the manufacturers in a certain proportion. Thereby the low prices for external goods and high prices for internal goods were maintained. That is one method for giving the Indian manufacturer higher prices than he would get in competition with other countries. The second method is the well known method of subsidy.

In this connection I should remind the House that in regard to two articles our export trade has definitely fallen. Sugar was being exported to Pakistan and, because of the fact that your prices went too high, Pakistan had to go outside and start purchasing from Cuba and Brazil at £35½ per ton.

The honourable the Finance Minister pointed out in his Budget speech to the fact that our oil seeds are finding it difficult to sell because of internal high prices. Internal high prices must be checked at all costs if industrial development is to take place. You cannot have industrial development and high inflationary prices prevailing. In our country only in respect of transport charges of the Government there has been no inflation. That has increased least from the pre-war period. With regard to all other things, prices have increased or have been increased by the Government.

In this connection, I join you Mr. Deputy-Speaker, in objecting to the re-imposition, as revenue duty, of the protective duty taken off. We have fixed the duty at a certain rate for certain purposes, the purposes being to protect the industry, etc. Now, having protected the industry and made it stand on its own legs, it is time that the consumer is allowed to reap the benefit. Just as a father denies to himself some comforts in the earlier days in order to bring up his son with good education and all that in the expectation that in his old age that son will feed him and look after him, the industries that have been granted protection owe a debt to the consumer which they can repay only by making their articles available at a cheaper price than was the case before protection was granted. The idea of giving protection to an industry in its earlier stages is to get those articles at a price lower than the price prevailing before protection was granted.

There is another class of industry for which protection is granted. They are essential for the life of the community. Essential articles, no matter at what cost, we have to produce in order to make the country able to stand up in case of war or other troubles. It is only in the case of those industries on which the potentiality of the country for defence depends that protection cannot be limited to time. In such cases protecting the industry means protecting the country. Ordinary things do not come under this category. In this connection I should ask the honourable the Commerce Minister to explain how it is possible, by increasing the price of item 17 he can allow the fair selling price of Rs. 31? I am referring to sericulture. The landed cost of the imported article is only Rs. 17-9-0, but the selling price in India has been fixed at Rs. 31-12-0. If you want to keep the price at Rs. 31-12-0 you should have increased the duty much more. Or, if you are fixing it by means of quota restrictions and not allowing larger imports, then there is no need to have even that amount of protection. Sir, next to food, cloth is the most important item in the Budget of the common man. Having removed the salt tax—a tax which was fetching you 9 crores—because of your pledges to the public, are you going to get it back by taxing this essential article of textiles? I strongly object to it. I may mention that it is a very wrong thing to tax the necessities of life in the manner in which they are being taxed.

Another item to which some attention should be paid concerns motor vehicles, item 21 in the list. The prices there do not seem to be at all comparable to the fair prices fixed by the Government under item 7. Fair prices have been fixed at 44 and 45, whereas the cost of the imported article with duty is Rs. 32-12-0 and Rs. 47-10-0. As you, Mr. Deputy-Speaker, pointed out, it has become a habit with the Government, when you give them one year's or two years' time, as in the saying, 'marry in haste and repent at leisure', to come forward with a Bill at the fag end of the year and make that as an excuse for getting it passed. This same thing has happened, at regular intervals of two years, since 1942. There is nothing sacrosanct about these two-year periods. We know that it is not going to be limited to that period. We expect at the end of this period this National Government to make up its mind what they are going to do with regard to these industries and what methods are to be adopted such as the grant of tariff protection and the like to let them stand on their own legs. It is very essential, in my opinion, that there must be a definite time-limit within which a protected industry ought to stand on its legs and during that time it is the duty of the industry to stand on its legs and the duty of the Government to give all help to it.

In this connection, I would not like to advert to the sugar question—whether it was the duty of the industrialists or of the Government to help the development of the agricultural part, but it would be ungracious on the part

[Mr. Hossain Imam]

of the House not to acknowledge the great achievement of the Coimbatore Institute which has done such an amount of work in finding out much better varieties of sugarcane. Had it not been for the Coimbatore Institute's work we would not have been where we are. It seems as if nothing has been done. People have referred to the agricultural aspect of the question with an amount of want of knowledge which shows that either they do not wish to give credit where credit is due or in order to attack a person they wish to turn a blind eye towards others also. The Coimbatore Institute has really been as much a partner in the establishment of the sugar industry as the industry itself. And I should like to mention while on the subject that the Government has been collecting a large amount of taxes—both the provinces and the Centre. The Centre has contributed towards the Sugarcane Committee which has been doing very useful work. It has established many Institutes, but people are rather in a hurry. Agriculture is a very slow process. One process takes one year to complete and you cannot repeat it until the next year. So it cannot be expected that within a period of two or three any spectacular results can be achieved. There are certain natural facilities available to Java and Cuba which are to some extent shared by Madras, and therefore the yield in Madras is much higher than the yield in Northern India. You cannot thereby blame the North Indian industries for the reduction in their production of sugarcane in the fields. It is not their job. It is not the job of the industry or the agricultural people. It is the job of the gods. They have placed certain lands in certain advantageous positions. If you go round the world, you find that in the tropical belt you have the best cultivation of sugarcane. Java comes there; Cuba comes there; Brazil comes there, and when you get to the rest of the countries in the Tropic of Cancer you get a reduction in the production. It is possible to produce, but not as extensively as in the other case. It is therefore necessary, and I appeal to the Government, not to behave in the manner of the last Government, with whom every item of a Bill was a matter of prestige. As a National Government, I appeal to the honourable Minister to accept the amendment, if moved, for making it only one year and in the meantime to give us more information and to proceed with this Bill not as one Bill, but in parts. It should be divided up into two or three different parts, because the problems, as you yourself Sir pointed out, are very different in different items and to have an omnibus Bill of 21 items necessarily means that all attention is concentrated on one item and the rest has escaped scrutiny.

Shri M. Tirumala Rao: Sir, the first item in the list of industries that have come up for protection is sugar. Sugar has come to occupy a very important place in the items of industries in our country. (*Shri Mahavir Tyagi:* 'It is sweet.') Of course, yes. When protection was given in 1932, we were importing nearly Rs. 16 crores worth of sugar into this country. We were also paying an additional import duty of Rs. 6 crores, thus in the aggregate it was costing us Rs. 24 crores. When that outflow of the hard-earned money of the poor people is stopped and the industry is sought to be made to stand on its own legs, protection has done its part in converting this industry into a national industry. After the key industries of the country, I think the sugar industry gives employment to a large number of people and has come to stay, having a link with the industrial development of the country and the primary producer which cannot now be reversed or altered.

Sir, my friends were of course very critical of the profit-making tendency of the industrialists, but we must also see how far the primary producer has helped the industry in improving its conditions, in improving the sugar content of sugarcane: Whether it is static or whether it is progressing. So there is no use

comparing the sugar that we get from Java and other places where those countries form parts of colonial exploitation, where the foreign exploiters come with all the scientific equipment and capital and all the modern methods of cultivation and practically grow their own sugarcane on their own fields. The sugar industry in India is not developed in such a manner. There is no connection here between the cane grower and the industrialists who run the factory except that the latter buy the raw product that is produced and carry it to the sugar factory. From the figures we find that the content of sugar that is being produced in the country has remained stationary all these years. The average sugar content in 1931-32 of Indian sugar was 8.89 and in 1945-46 it has remained at 10.1. But there are reports to show that this content has appreciably deteriorated in certain parts of the country to as low as 6.5. I do not blame the poor cultivator who is wedded to his age-old methods, but here the responsibility of the Government also comes. What has the Agriculture Department been doing all along? I quite appreciate the compliment that is made to Coimbatore Institute and I can, in this connection, mention the name of the famous scientist Sir T. S. Venkataraman who has produced a new variety of sugarcane that is greatly responsible for the prosperity of the industry and the primary producer nowadays. But that is not enough. The Government must come to the aid of these primary cultivators to see that they grow better cane and also the sugar factories must be told that there should be a more lively connection between the cane grower and the sugarcane factories. For instance, when recently the Central Sugarcane Committee was convened, we were taken to Walchandnagar, where the enterprising industrialist Walchand Hirachand has brought about 40,000 acres of absolute jungle land into cultivation and is cultivating sugarcane. He is running a factory with 1500 tons a day capacity, which entirely depends on cane produced by the Company itself on its own fields,—a composite unit where all the processes of sugar production are attended to and manufacture from cane production down to the other by-products of sugar: it is a place where you will see the industry in a prosperous condition. So there is no use blaming anybody in this matter.

For instance, the sugar now produced is worth about Rs. 75 crores and from the statistics that we have got here, the cultivator reaps about Rs. 27 to 28 crores out of this towards the cost of the cane alone. Today, you stop protection—what happens to this? Will the cultivator go back to *gur* and will the consumer be satisfied if he is asked to take *gur* instead of sugar, or will you allow foreign sugar to be dumped into this country, though at a cheap price? Therefore, there is no question of going back on the industry. But then, how are we to go forward?

This protective duty only enables the industry to go on from hand to mouth as it has been going on until today. The acreage under sugar has not improved; the quantum of content of sugar in the cane has not improved. Therefore, Government must come with greater vigour with regard to the improvement of the conditions of cultivation of sugarcane. There is no use demanding higher prices for sugarcane at every step by the growers without undertaking the corresponding responsibility of improving the quality of cane and the sugar content of the cane. Herein comes into the picture the responsibility of Government. There are a number of research institutions going about the country and all these results that are achieved by these institutions, have to be tacked on to the practical achievement of better cane for the improvement of the industry. Therefore, I have no more to say except that this industry has to be protected by some sort of duty and we must see also that the consumer is not overburdened. When there is a deficit in the Finance Minister's budget, he looks to sugar and taxes it, though in reality taxing the poor consumer. He says he is otherwise unable to balance his budget but when my friends ask that the protection should also be done away

[Shri M. Tirumala Rao]

with then how is he going to look to sugar and its production because he will not have the income from this duty. Therefore, we must consider this as a national industry and a national problem of agriculture in respect of which we have to use all the scientific methods evolved by the research institutes in the provinces. Recently the Madras Government came with a Bill to control the price of sugarcane and also to impose its conditions on the industry. Then all the industrialists including the foreign capitalists in India got moving. The Chairman of the Madras Chamber of Commerce has come down upon the Madras Government saying that the days of the sugar industry are numbered. But there is a responsibility always resting on the Government to see that capitalists do not exploit at the cost of the consumer: and the primary grower also should not try to intimidate the Government into increasing the price of his primary product inconsiderably without reference to the quality of the product he produces.

With regard to another item, I want to say just a word. It is called protection for hurricane lanterns. I want to bring to the notice of the honourable the Commerce Minister and his Department that there is another item which is of course not covered by any sort of protection recommended by the Tariff Board. These are the pressure lamps, or Petromax lamps. This industry is entirely indigenous. There are about half a dozen factories in India that produce these lamps and the capital sunk into them is Rs. 40/50 lakhs. I have seen one factory in Calcutta, which was purchased from a Pakistani gentleman by a Hindu capitalist and in that factory they manufacture 113 component parts. The factory is managed by a German-returned Bengali young man very efficiently. This industry is threatened with a difficulty because these lights are being imported from Italy and Norway at a very cheap price. They are undercutting the price of the articles of local manufacture to the tune of Rs. 14 a light and there are hundreds of skilled workers threatened of being driven out of employment if Government does not come to their rescue. I request the honourable Minister to go into the problem of this nascent industry which is trying to stand on its own legs.

Shri R. K. Sidhva (C.P. and Berar: General): He must go to the Tariff Board.

Shri M. Tirumala Rao: That is the long range programme. The Government must see whether the industry can be given protection by the Tariff Board. Apart from the orthodox view that the import licence should not be utilised for giving protection to an industry, Government must come to the interim rescue of the industry which is threatened with great hardship.

Shri R. K. Sidhva: Before the attainment of freedom, we were all supporting the Indian industry at all costs even at the cost of the consumers' price being higher. We wanted that Indian industry should prosper, there were many complaints that if you go on giving protection to all kinds of Indian industries, the beneficiary will be only one class and the rest of the people would be put to a heavy loss. Despite all this, we supported protection of Indian industry realising that when freedom comes to this country, this industry will be an asset. It may be either nationalized or even if it is not nationalized it would be absolutely under our control.

I shall now come to the personnel of the Tariff Board. The Chairman of the 1947 Tariff Board was Mr. Shanmukham Chetty. The other members were Mr. C. C. Desai, Dr. Nazir Ahmad and Dr. H. L. Dey; this report is

signed by Mr. Shanmukham Chetty, Mr. C. C. Desai and Dr. H. L. Dey. I thought after the attainment of freedom Government would certainly change its policy and see that in the personnel of the Board there should be the representatives of the consumers. (Interruption). I know that Mr. Shanmukham Chetty is a great industrialist. Everybody, from the smallest to the biggest man, today, will say that he is a consumer. But consumer is one whose avocation is not multiple. A member may not be necessarily a sugar industry man, though he may be an industrialist. Mr. Gagan Bihar Mehta is now the Chairman. Both of them possess ability, knowledge and experience. What I contend is that in future the personnel of the Tariff Board should be 50 per cent. consumers and 50 per cent. industrialists.

Shri Mahavir Tyagi (U.P.: General): . And agriculturists also!

Shri R. K. Sidhva: Just now we are protecting the industry and therefore the question of agriculturist does not arise. When we are protecting industry at the cost of consumers, the consumers must be there. That is my suggestion and I hope the honourable Minister will take steps to see that this Board is reorganised.

Honourable Members have dealt very ably with regard to the sugar industry. It has been stated that the yield of Indian sugar is very low. Therefore it cannot stand in competition with imported sugar. I am prepared to accept that the yield is lower when compared with the other countries. But they must not forget certain factors while comparing the figures as to what is the yield of other countries. There are twelve countries where sugar is produced and they will be surprised to know that with a margin of .7 or .8 per cent, the other countries competing with us have an yield which is slightly higher than in India. In India there have been various yields. In the U.P., in Bihar and in Bombay, some say it is 16 and some say that it is 17. But I am taking the conservative view from the report in my possession. 14.70 tons per acre is the yield of India, and of Cuba, from where sugar is coming, it is 17.12. There is only a difference of 2.42; whereas the maximum in Hawaii is 16.76, a difference of just 2.06. Cuba with 17.12, against ours of 14.70, can today compete with India. Hawaii with its yield has the same price. I do say that yield should be increased. That is the general complaint for all cereals. Similarly, our rice yield is lower and so also is our wheat yield. Now coming to Brazil, from where sugar comes to India, it is 15.68. What have my friends to say, especially those who are stating that because of the larger yield in the other countries we must have protection here: 15.68 as against 14.70 in India, just .98 less, and yet Brazil sugar is coming in large quantities. This sugar is also coming into Pakistan.

Then again in Argentine also it is 17.05 and in Rio de Janeiro it is 13.20, which latter is less than what our yield is. So where does all that argument go? We must have our improved machinery for the purpose of yielding all kinds of cereals. We may be backward in that. To say that the yield is lower and therefore they need protection is I should say absurd.

This matter came up before the Federation of Chambers of Commerce and Industries at the first and second session when I was a member and I complained that they had made 120 per cent. profit. I said then "If you fritter away the profits and not build up your reserves you will at a later stage at the cost of the consumer ask for protection." They say that it is not so and the percentage of profits is 7, 10 or 12. I am not prepared to accept this statement for the reason we know how the statements are prepared. Prof. Saksena has given the figures from the audited accounts. Managing agency, takes away a lot from the shareholders money. A question was put to my honourable friend

[Shri R. K. Sidhva]

regarding managing agencies and he was not able to answer. Even when there is no profit the managing agents are the first charge on the gross revenue.

Pandit Thakur Das Bhargava: It is usually ten per cent. of the profits.

Shri R. K. Sidhva: But the fact remains that there have been 60 or 70 per cent. profit before the war. Where that money has gone nobody could answer. Seven years have passed and therefore you can say that you did not get that profit.

There is an association called the Bombay Sugar Merchants Association, Ltd. They represent the merchants and also the consumers. They have made very startling remarks against the industry. They say that Government merely says ditto to what the industry says and the merchants and consumers are put to a loss. I will read the relevant extracts from the annual report and the presidential address at a meeting which was held on the 16th March, 1949, only a few days ago, for the benefit of the House:

"There is no parallel in the history of Indian industries that the Government has been so much misled by the sugar industry to serve its own end. Even with the recent reduction of price to Rs. 28/8/- from Rs. 35/7/- the sugar price level in India is still considerably high."

They further state that the syndicate at present is trying to have the monopoly of all-India sugar production and they cite the examples of Cuba and Java. In the Cuba and Java the syndicate is not protected in any way by the Government. That is one fact to remember. They stand on their own legs.....

The Honourable Shri K. C. Neogy: That is our danger.

Shri R. K. Sidhva: What is the danger? My point is that so long as you tell the industry that they will get protection from the Government at the cost of state money they will never try to get away from the fact that they will go on getting protection. The other day the Agriculture Minister definitely fixed a datum line, that from 1951 there shall be no import of foodgrains. You will see that there will never be any import and the country will manage its own affairs efficiently and satisfactorily. (*An honourable Member.* 'Question.') Why should not the Commerce Minister tell them that from such and such a year you shall have no protection? Minister feels that it is state money and can give it as he likes it. There are so many associations laying charges against the Government saying that they pay no attention but merely follow the old tradition and say the industry should be supported.

The Honourable Shri K. C. Neogy: Is the association interested in imports?

Shri R. K. Sidhva: No. You may think anything. I am asking you why are you supporting these industries, when they can stand on their own legs. Why don't you want them to bring down the prices? If there is no protection the prices will be less.....

Mr. Hossain Imam: Have the textile prices fallen because of the removal of protection?

Shri R. K. Sidhva: What kind of protection? That is not the position. I am stating.....

Mr. Hossain Imam: Protective duties have been removed from last year.

Pandit Thakur Das Bhargava: Does not Government fix the price of sugar?

Shri R. K. Sidhva: Yes.

Pandit Thakur Das Bhargava: Also of sugarcane?

Shri R. K. Sidhva: Yes.

Pandit Thakur Das Bhargava: Where then does the industry come in for exceptionally high profits?

Shri R. K. Sidhva: The whole basic principle is wrong. Today you cannot have the old notion of protecting industry because we are out to support them at any cost. I say again, as I said in my opening remarks, that if industry is to prosper it has to stand on its own legs. When they meet competition we will consider each case on its merits. But this case of the sugar industry does not stand on that footing where state aid is necessary. That is a fact which you must remember. The case of petromax lamps was pleaded by Mr. Tirumala Rao. That is a justifiable case where the industry cannot stand competition, whereas in this instance it does not justify protection. Why should protection be granted to sugar industry alone, when there is so much profit? That is the point to answer. I contend in this matter no case has been made out.

Prof. Saksena has cited some quotations from the report of the Tariff Board where the continuance of protection is recommended. Our own Sugar Controller Mr. Mone gives an opinion which is absolutely incorrect. He said that he did not expect foreign sugar will be available at present at less than double the price of indigenous sugar, whereas we know that the price of imported sugar in India is 25 per cent. less. The Report further says:

"Mr. N. C. Mehta who was the first Sugar Controller during the last war and who had a lot to do with the sugar industry even previously suggested that since sugar was subject to complete control in respect of its production, distribution and price, there was no need for protection at the present time. He thought that so long as the present control continued, protection was entirely unnecessary and ineffective and might be held in abeyance."

Mr. Hossain Imam: What was the date of these two reports?

Shri R. K. Sidhva: 1947. It is Mr. Mehta's evidence that was given in 1947 and it is not a century old. The report further says:

"He pointed out that under the present system of control, all sugar, indigenous or imported would be sold at a uniform price fixed by the Controller, so that there would be no question of the indigenous producers being undercut by importers."

This is an answer to my friend Pandit Bhargava who said that these prices are not fixed. They are fixed and the Controllers who have vast experience of sugar industry come and tell us that protection is not necessary. This evidence has been brushed aside and the three gentlemen of the Board have recommended protection to the industry. I have given the important parts of the Report on which the Commerce Minister seeks the vote of the House, but the whole case goes against him. I do not know what argument he is going to advance. But whatever argument he may advance I may tell him as my other colleagues have stated, that he must definitely make an announcement here that this is the last period of the protection and he may definitely make it known to the industrialists that after that period if they are not able to stand without protection then Government are not going to come to their rescue. In all fairness and justice that should be his reply.

I would like to point out that with regard to artificial silk there is a very heavy difference between the import price and the indigenous price. In this matter I feel that the indigenous industry suffers immensely. The difference

[Shri R. K. Sidhva]

is so great that protection is not going to help. I would therefore suggest that this industry must be taken over by Government. There is no other solution. If you are to meet the competition of foreign artificial silk this industry should be taken over by Government and it will be really beneficial to the state and the country.

As regards sewing machines the total demand for the year is 1 lakh and odd machines, the estimated production in 1948-49 is 17,000, but in the last column under "Prejudice to indigenous products" it is stated as nil. I am rather surprised because this means it can stand competition. I fear it cannot. I do not know why it is mentioned nil here and I hope the honourable Minister will kindly explain this because it is prejudicial to the indigenous products to a certain extent.

The Honourable Shri K. C. Neogy: That has been corrected in my copy. It is Rs. 30. I am sorry the correction was not communicated.

Shri R. K. Sidhva: Your mistake is your own and still you laugh. Sir, I am glad that he has corrected the mistake. Now I only expect that in regard to sugar, where if a free vote is taken today I am sure he will get a negative vote, therefore he will in his reply make an announcement as I have suggested.

श्री लक्ष्मी नारायण माहू : उप वाचस्पति जी, माननीय वाणिज्य मंत्री जी ने जो विल उपस्थित किया है उस विल में वे कुछ चीजों के ऊपर रक्षा कर लगाने के लिये हम लोगों से कहते हैं। इस रक्षा कर लगाने से तो हम जो शुगर इंडस्ट्रियलिस्ट्स हैं उनकी रक्षा करते हैं। इस विल में बहुत सी और चीजें हैं उन सबको मैं छोड़ देता हूँ। मैं एक ही चीज को लेता हूँ, शुगर। पहिले तो मैं यह कहता हूँ कि अभी तो जाति का सवाल नहीं है पर जिस जाति से मैं आता हूँ वह मधुकर जाति है, हलवाई जाति है, जो मिठाई बनाती है, जिसका सम्बन्ध शुगर से ज्यादा होता है। एक बात मैं यह कहना चाहता हूँ कि माननीय तिरुमल शिव ने कहा और कई कई ने कहा कि गवर्नमेंट ने बहुत से एक्सपैरीमेंट किये और शुगर को बहुत उन्नति हुई। मैं तो कहता हूँ कि गवर्नमेंट के एक्सपैरीमेंट से शुगर की उन्नति नहीं हुई है बल्कि खराबी हुई है। पहिले जो ईख पैदा होती थी उसको हम उड़िया में 'कन्तारि आखु' कहते थे। अब वह पैदा नहीं होती है, वह खत्म हो गई है क्योंकि हाईब्रिडिजेशन कर दिया है जिससे रस एकदम कम हो जाता है। अब आप यह कहते हैं कि एक एकड़ में ज्यादा पैदा होता है। मैं कहता हूँ कि कम होता है। वजन ज्यादा होने से रस कम होता है। यह बात मैं दिल्ली करके नहीं कहता हूँ। जो रिसर्च होता है उस पर मेरा विश्वास नहीं है। बहुत पहिले मैं देखता

था कि पहिले हम लोग उड़ीसा में परबायल (Parboiled) चावल खाते थे। वह बहुत साफ़ नहीं होता था और हम लोग वह मोटा चावल खाते थे। अब भी फूड मिनिस्टर साहब ने कहा था कि परबायल राइस में बहुत सी Nutrient चीजें हैं। तो मैं ऐसा कहता हूँ कि गवर्नमेंट के जो एक्सपैरीमेंट शुगर इंडस्ट्री के लिये हुए हैं उन्होंने देश की शुगर को खराब कर दिया है। यह बात मैं दिल्ली से नहीं कहता हूँ, बहुत सोच विचार कर कहता हूँ।

दूसरी बात मैं यह कहता हूँ कि प्रोटेक्टिव ड्यूटी देकर हम शुगर इंडस्ट्री के लिये जहाँ कहीं फैक्टरी बनाते हैं वहाँ एक जगह जहाँ कहीं शुगर फैक्टरी बन गयी तो वहाँ जितने छोटे छोटे एग्रीकल्चुरिस्ट थे उनकी जमीन सब ले ली जाती है और बहुत से आदमी गरीब होकर वहाँ की हवा खराब होने से निकल जाते हैं। हम कहते हैं कि लोगों के स्टैंडर्ड आफ लिविंग को हम बढ़ाने के लिये ऐसी कोशिश करते हैं। मैं तो कहता हूँ कि ऐसा इनके Standard बढ़ाने से कोई जगह का नाम नहीं रहेगा। जहाँ कहीं आप फैक्टरी बनाते हैं वहाँ बहुत खराबी हो जाती है और सब आदमी निकल जाते हैं।

जो यह प्रोटेक्टिव ड्यूटी देने के लिये मंत्री जी कहते हैं तो शुगर फैक्टरीज को काटेज इंडस्ट्रीज बना कर प्रोटेक्टिव ड्यूटी देने से बहुत अच्छा होगा। और मैं यह भी देखता हूँ कि इस शुगर को जितना साफ़ करते हैं उतनी उस में मिठास कम होती है। गुड़ में मिठास ज्यादा है और यह जो शुगर जितनी ज्यादा साफ़ होती है उसमें मिठास और भी कम हो जाता है। तो एक तरफ तो हम यह कहते हैं कि विटैमिन चाहिये, न्यूट्रीशन ज्यादा चाहिये और दूसरी तरफ यह कहते हैं कि यह ज्यादा साफ़ हो। मैं तो यह कहता हूँ कि जब हम लोगों का ऐसा इरादा है कि साफ़ शुगर चाहिये तो शुगर इंडस्ट्री नेशनलाइज हो, जब हमारा आखिर में ध्येय नेशनलाइजेशन का है तो अभी मौका है कि जितनी शुगर फैक्टरीज हैं सब को नेशनलाइज कर दिया जाय।

Shri B. L. Sondhi : Where is the money ?

श्री लक्ष्मी नारायण माहू : इसमें तीस करोड़ रुपया खर्च होगा। आप कितने करोड़ों रुपये इधर उधर खर्च करते हैं।

एक बात मैं आप से यह कहना चाहता हूँ कि आप देखेंगे कि जापान में ६५ पर सेंट इंडस्ट्रीज छोटी छोटी काटेज इंडस्ट्रीज हैं। यहाँ इस हिन्दुस्तान देश का आदमी तो ऐसा है कि ७ लाख विलेज या गांव से बसते हैं। उसमें यह छोटी छोटी इंडस्ट्रीज बनाने के लिए कोशिश करना चाहिये।

[श्री लक्ष्मी नारायण साहू]

एक बात मैं आप से और कहना चाहता हूँ कि शुगर फ़ैक्टरी में एक डेंजर और यह होता है कि इससे सब बड़े बड़े आदमियों की भलाई होती है। बड़े बड़े आदमी ही शकर को खाते हैं। छोटे आदमी शकर नहीं खाते। तो छोटे आदमी के नाम पर आप यहां बड़े आदमी को एडवांस करते हैं। यह देखिये कि जहां शुगर फ़ैक्टरी हुआ है वहां क्या होता है। लोग कोशिश करने हैं और मैंने देखा है कि वहां अभी चौकोलेट फ़ैक्टरी भी बनता है। और चौकोलेट पौन खाने हैं? वह सब बड़े बड़े आदमी खायेंगे, हम नहीं खायेंगे।

श्री श्री० दास: बच्चे खाते हैं।

श्री लक्ष्मी नारायण साहू: आपके बच्चे खाते हैं, लेकिन मेरे बच्चे नहीं खा सकते।

अब एक बात यह भी हो गई है कि शुगर फ़ैक्टरीज जहां हो गई हैं वहां सब जगह कोशिश की जाती है कि दारू भी बनावें और यह दारू बनाने भी लगे हैं।

श्री श्री० एल० भोंधी: पावर एलकाहल के लिये।

श्री लक्ष्मी नारायण साहू: पावर एलकाहल तो अच्छा है लेकिन फिर पीने का एलकाहल भी बन जायगा। यह भी डर है।

अब मैं ज्यादा समय नहीं लेना हूँ क्योंकि वक्त नहीं है। तो भी मैं बार-बार एक बात यह देखता हूँ कि हम जो कुछ यहां करते हैं तो सिटी लोगों के लिये करते हैं कि कैसे वह अच्छे हों। उन्हीं का ख्याल करते हैं क्योंकि हम सिटी में बैठते हैं। जो कोई हम गांव से आ कर यहां बैठते हैं तो ठीक है लेकिन दिल्ली की आबोहवा में जब कोई आदमी एक वर्ष या दो वर्ष रह जाता है तो वह गांव को भूल जाता है और गांव का इंटरैस्ट नहीं रखता है। इसीलिये मैं कहता हूँ कि और इंडस्ट्री के लिये अभी जितनी प्रोटेक्टिव इयूटीज रखते हैं वह सोच विचार कर रविये परन्तु मैं समझता हूँ कि शुगर इंडस्ट्री को Protection नहीं देने से भी वह चल सकेगी।

(English translation of the above speech).

Shri Lakshminarayan Sahu: Sir, in the Bill which the honourable the Commerce Minister has presented to the House he asks us for the levy of a protective duty in respect of certain commodities. By the levy of this protective

duty we help the sugar industries. There are many other things in this Bill, but I leave them all and take up only one, viz., sugar. In the first instance, I say that, although there is no question of caste involved in here, the caste that I come of is the Madhukar Caste, or the class of confectioners who prepare sweetmeats, who have very much to do with sugar. There is one thing that I wish to say. The honourable Tirumala Rao has stated and several others have stated that the Government have made a lot of experiments which have led to great improvement in the production of sugar. I would say, however, that the Government experiments have not brought about improvement in the production of sugar but rather deterioration. The sugar-cane that used to be produced formerly—we called it *kantari Akh*—is not being produced any longer. It is finished because hybridization has been started which results in a considerable fall in the yield of juice. You say that there is a greater yield per acre now, while I say it is less. With the increase in weight there is a decrease in the juice. I do not say this lightly. I have no confidence in the research that is done. I have observed that a long time back we in Orissa used to take parboiled rice. It was not so fine. We used to take that coarse rice. Now too the honourable Food Minister has remarked that parboiled rice contains a number of nutrient elements. Hence, I say that the experiments that have been carried out by the Government in the interests of the sugar industry have brought about a deterioration in the country's sugar. I do not say this out of light-heartedness, but after due deliberation.

The second thing that I wish to say is this. We give them the benefit of a protective duty and help in the establishment of a sugar factory but once a sugar factory is established at a certain place the lands of all small agriculturists in the locality are taken over. Numbers of people are reduced to poverty. They leave the locality as the atmosphere becomes noxious. We say we are making efforts to raise the standard of living of the people. I say, however, that if this is how we raise their standard there will be no place, worth the name left. Wherever you set up a factory the atmosphere becomes unwholesome and all people quit.

Since the honourable Minister has suggested that a protective duty should be provided for it would be very much beneficial if sugar factories are turned into cottage industries before the protective duty is provided. I also find that the more this sugar is refined the lesser becomes its sweetness. *Gur* has greater sweetness while as you refine sugar its sweetness diminishes. On the one hand we say we should have more of the vitamins, we should have better nutrition, while on the other we insist that the sugar should be finer. I would say that if we people are resolved that we must have refined sugar the sugar industry should be nationalised. If nationalization is our final goal this is the time to nationalize all sugar factories. (Shri B. L. Sondhi: 'Where is the money?') This would cost thirty crore rupees. How many crores of rupees you are already spending aimlessly! You will notice that 65 per cent. of the industries in Japan are small-scale cottage industries. Conditions in India are such that there are 7 lakh villages where people live. We should make efforts to establish these small-scale industries in them.

I would say one thing more. There is another danger in the establishment of sugar factories inasmuch as this conduces to the good of big people alone. It is the big people alone who take sugar. The small people do not take sugar. Thus you are advancing the cause of the big people while proclaiming to be helping the small ones. Just see what happens when a sugar-factory is set up at any place. People try further and I have noticed that a chocolate factory has also been set up there just now. And, who are the people who eat chocolates? Only the big people would eat them and not we.

[Shri Lakshminarayan Sahu]

Shri B. Das: The children eat them.

Shri Lakshminarayan Sahu: Your children eat them but mine cannot.

There is yet another development. Wherever sugar factories have come into existence efforts are made to manufacture drugs too and they have already started manufacturing these drugs.

Shri B. L. Sondhi: For purposes of power alcohol.

Shri Lakshminarayan Sahu: Power alcohol is all right but in due course the alcohol for drinking would also start being produced. That danger is also there.

I would not take any more time as time is up already. I have noticed it again and again, however, that whatever we do here we do for the city folks so that their lot should improve. We think only of them because we sit in a city. It is true that some of us sitting here come from villages but when a man has lived in the atmosphere of Delhi for a year or two he forgets the village and does not hold its interests dear any more. Hence, I would say that you might, after due deliberations, provide whatever protective duties you think proper in respect of other industries, for the present, but I feel that the sugar industry would be able to thrive even if no protection is granted to it.

पंडित ठाकुर दास भार्गव: जनाब डिप्टी स्पीकर साहब, मैंने इस सवाल पर जो बहस हुई है उसको बहुत तज्जुब के साथ सुना है और जो मुस्तलिफ़ प्वाइंट आफ़ व्यू हाउस के सामने बयान किये गये हैं उन पर गौर किया है। लेकिन मुझे चन्द स्पीचें सुन कर बड़ा ताज्जुब हुआ। मैं इस मामले में ज्यादा हिस्सा नहीं लेना चाहता था क्योंकि मैं इस मामले में अपने आपको बहुत एक्सपर्ट नहीं पाता। लेकिन ताहम जो बहस अब हाउस के सामने हो चुकी है इसके अन्दर चन्द बातें ऐसी कहो गई हैं जिन को मेरी अक्ल तस्लीम नहीं करती। इस वजह से मैं इस मुद्दाहमे में हिस्सा लेता हूँ।

पहली बात मैं अदब से यह अर्ज करना चाहता हूँ कि मैंने यह देखा है कि जब कोई मिनिस्टर हमारे में से निकल कर उन बेंचों के ऊपर जा बैठता है तो हमको उस मिनिस्टर के खिलाफ़ खामख्वाह गलत तौर पर श्रुति पैदा हो जाता है। आज अगर मिस्टर मन्तानम वहाँ जा कर बैठ गये तो मैं तो यह स्याल नहीं करता कि वह वहाँ जाकर किसी हमारे नुक्ते निगाह में देखने लग जावेंगे और उस नुक्ते निगाह से नहीं जिस नुक्ते निगाह से कि वह उधर बैठे थे तो क्लिप्साइज किया करते थे। इसी तरह मैं कहता हूँ कि मुझे यह यकीन नहीं हो सकता कि जब मिस्टर नियोगी साहब को मैंने बराबर कंज्यूमर के इंटरेस्ट की तरफ़ बोलते हुए सुना है तो क्योंकि वह उधर जा बैठे हैं तो उनकी जहनियत में तबदीली हो गयी है और वह अब उस नुक्ते निगाह से नहीं देखेंगे।

बाबू राम नारायण सिंह: डिपार्टमेंट के लिये यह बात है।

पंडित ठाकुर दास भार्गव: डिपार्टमेंट के लिये भी मैं अर्ज करना चाहता

हूँ कि मुझे यकीन है कि न्यू सेंट अप में बहुत सारे डिपार्टमेंट के लोग वैसा ही काम करते हैं जैसा कि मिनिस्टर करते हैं और जैसा कि हम सब करते हैं। लेकिन ताहम डिपार्टमेंट वाले कुछ करते रहें मुझे अपने मिनिस्टर में और उन मिनिस्टर्स और गवर्नमेंट में एक मिनट के वास्ते भी शक नहीं हो सकता कि वह अपने नुक्ते निगाह को छोड़ दें। मुझे पूरा एतबार है कि जब कभी ऐसा मौका आवेगा कि पब्लिक इंटरेस्ट में और गवर्नमेंट इंटरेस्ट में क्लेश होगा तो वह सब से पहले अपना इस्तीफ़ा दे देंगे। इसलिये मैं ससपिशन की निगाह से किसी गवर्नमेंट के ऐक्ट को नहीं देखना चाहता और जब मेरे सामने एक तज्जुब ऐसी मिनिस्टर साहब की तरफ़ से आती है जिन पर कि मुझे पूरा भरोसा है तो हमें उस चीज़ को देखना तो जरूर चाहिये और जैसा जनाब वाला ने फ़रमाया हमारा फ़र्ज है कि उस चीज़ को इंडिपेंडेंटली देखें और इस भरोसे से देखें कि वह कतई गलत नहीं होगी। वह इस तरह श्रुति की चीज़ नहीं होगी जिस पर खामख्वाह के लिये नुक्ता चीनी करें।

इस प्रोटैक्शन के बारे में मैं अर्ज करना चाहता हूँ कि मैं चाहता था कि इस हाउस के सामने जिस कदर मसाला मौजूद होता आ जाता। लेकिन इसके अन्दर मैं आनरेबिल मिनिस्टर साहब का कोई कसूर नहीं पाता। अगर टैरिफ़ बोर्ड ने एक ऐसे वक्त में रिपोर्ट दी है और इस किसम की रिपोर्ट दी है कि वह सरकार के सामने मुकम्मिल तरीक़े पर पेश नहीं होती तो मैं नहीं समझता कि मिनिस्टर साहब किस तरह कोई रिपोर्ट अपने दिमाग़ से गढ़ कर पेश कर देते। इस वास्ते जब तक यह मुकम्मिल रिपोर्ट हमारे सामने पेश नहीं होती मुझे अफ़सोस है कि हम लोग ठीक तौर से रायज़नी इस मामले में नहीं कर सकते। इसलिये मुझे ताज्जुब है कि इस रिपोर्ट के हमारे सामने न होते हुए मिस्टर सिधवा कैसे कहते हैं कि मिनिस्टर साहब आज ही नोटिस दे दें तमाम इंडस्ट्रीज को कि यह प्रोटैक्शन उड़ जायगा। जब आनरेबिल मिनिस्टर साहब के पास भी मसाला इस नतीजे पर पहुँचने के लिये नहीं है तो इस नतीजे पर वह कैसे पहुँच सकते हैं कि प्रोटैक्शन अगले साल से बन्द हो जायगा। यह नोटिस कैसे दिया जा सकता है। मैं अदब से अर्ज करूँगा कि ऐसे

[पंडित ठाकुर दास भागवत]

नोटिस देने के लिये मौक़ा उस वक़्त होगा जब कि मसाला पूरा सामने आ जाय और हम फ़ैसला कर सकें कि प्रोटेक्शन मिलेगा या नहीं मिलेगा।

प्रोटेक्शन का मामला एक निहायत डेलीकेट मामला है, ख़सूसन एक ऐसी इंडस्ट्री के लिये जिस को कि बरसों से प्रोटेक्शन दिया जा रहा हो। और उस प्रोटेक्शन को एकदम से उठा देने के मानी मैं समझने से कासिर हूँ जब कि हम उसके फ़ुल इम्प्लीकेशन पर ग़ौर न कर लें। अगर आज आप इस प्रोटेक्शन को दूर कर देंगे तो इन ५० लाख किमानों का क्या होगा जो कि डेढ़ रुपये और दो रुपये के भाव से गन्ना देते हैं। उनकी इकोनोमी का क्या हाल होगा? आज जो रेलवे अने करती हैं उनकी इकोनोमी का क्या हाल होगा? मैं अर्ज करता हूँ कि जो इकोनोमी एक बड़े अरसे से बन चुकी है तो उस पर बहुत सोच विचार करने की ज़रूरत है। इस मामले पर एक दम फ़ैसला नहीं किया जा सकता जब कि हम इसको बराबर पंद्रह सोलह बरस से प्रोटेक्शन देते चले आये हैं। इससे मेरी यह मुराद नहीं है कि जो प्रोटेक्शन दे दिया जाय वह हमेशा के लिये हो और उसको परपीचुअल कर दिया जाय। हरगिज मेरी यह मुराद नहीं है। मैं समझता हूँ कि केवल प्रोटेक्शन की बिना पर हमको इसे देखना चाहिये कि आया यह प्रोटेक्शन देना चाहिये या नहीं। अगर इससे कंज्यूमर का इंटरैस्ट सफ़र होता है तो हम हरगिज इस प्रोटेक्शन को देने को तैयार नहीं होंगे। लेकिन महज़ इसलिये कि इस में इंडस्ट्रियलिस्ट का नाम आता है तो इंडस्ट्रियलिस्ट को चार गालियाँ देने से काम नहीं बन जायगा। मुझे एक कहानी याद है। एक शख्स एक दुकान पर गया और उसने चाहा कि एक पैसे की कोई चीज़ मांगे। उस दुकानदार से उसने एक पैसे की चीज़ मांगी और जब पैसा दे दिया और चीज़ मिल गयी तो उस ने उस से हुज्जत की। तो उस दुकानदार ने उसका वह पैसा भी वापस कर दिया। जब वह घर वापस आया तो उसके पास चीज़ भी थी और पैसा भी था। लेकिन फिर भी वह कहने लगा कि दुकानदार ने मुझे तो ठग लिया। तो आज जो सवाल हमारे सामने है उसमें हमें देखना है कि सरकार ने क्या कीमत मुकर्रर की है, सरकार ने गन्ने की कीमत मुकर्रर कर दी, सरकार ने सैस मुकर्रर कर दी और सरकार ने उनके मुनाफ़े की कीमत मुकर्रर कर दी। सरकार ने लेबर के लिये मिनिमम वेजेज मुकर्रर कर दी। अभी मुझे बतलाया गया है कि किसी ज़माने में चार रुपया माहवार इस इंडस्ट्री में मज़दूर को मिलता था। आज के दिन ५५ रुपया मिलते हैं। मुझे खुद मालूम है कि ११ आने और दो दो आने मन गन्ना बिकता था। उस वक़्त प्रोटेक्शन नहीं दिया गया था उस वक़्त यह कीमत थी। आज के दिन गन्ने की कीमत डेढ़ रुपया

और दो रुपया तक बढ़ गयी है। फिर भी आप कहते हैं कि इस इंडस्ट्री ने तीस करोड़ रुपया बना लिये तो मेरी अक्ल के बाहर की यह बात है। मेरी समझ में नहीं आता कि क्यों क्यूबा की मिसाल दी जाती है कि वहाँ चीनी का २१ रुपये का भाव होता है। २१ रुपये तो यहाँ शुगर केन की कीमत दी जाती है तो फिर कैसे क्यूबा के मुताबिक यहाँ शुगर पैदा हो सकती है और उसके मुताबिक बिक सकती है। मैं अदब से पूछना चाहता हूँ कि इस हिसाब किताब के मुताबिक जब यह नहीं हो सकता तो हम को अपनी हिसाब की सेन्स को ख़ैरवाद नहीं कह देना चाहिये।

यह दुस्त है कि हमें जा कर क्यूबा के अन्दर देखना चाहिये कि वहाँ कैसी कंडीशन्स हैं और क्यों वह वहाँ कम कीमत पर पैदा करते हैं। और क्यों नहीं हम भी उसी कीमत पर पैदा कर सकते हैं। मैं नहीं समझ सकता कि जब शुगर केन की प्राइसेज मुकर्रर की हुई हैं और फिर कई और आइटमज की भी ऐसी मुकर्रर हैं कि जिनके अन्दर इंडस्ट्री दखल नहीं दे सकती जिन की कीमत २८ से २६ रुपये तक हो सकती है तो फिर कैसे हम कह सकते हैं कि क्यूबा की कीमत पर यहाँ शुगर पैदा हो जाय। मेरी यह मुराद हरगिज नहीं है कि इंडस्ट्री वाले बहुत मुनाफ़ा पैदा करें। अगर वह ज्यादा मुनाफ़ा करती है तो उसको आप फ़ौरन उड़ा दें। आपको इसका पूरा अख्तियार है कि उसको कम कर दें। अभी परसों एक बिल आया है जिसके अन्दर गवर्नमेंट ने एक फेहरिस्त बनाई है बहुत सी चीज़ों की और उन में शुगर भी है और टी भी है। गवर्नमेंट उन चीज़ों को कंट्रोल करेगी। मैं अदब से अर्ज करूँगा कि उस बिल में गवर्नमेंट ने यह भी रखा है कि गवर्नमेंट जो इंडस्ट्रीज से कराना चाहेंगी वह इंडस्ट्री को करना पड़ेगा और जब गवर्नमेंट खुद यह रिसर्च वगैरह की जिम्मेवारी ले रही है और उसके लिये सैस मुकर्रर करती है तो मैं अदब से पूछना चाहता हूँ कि गवर्नमेंट के हाथ में जब यह सब चीज़ें हैं तो फिर इंडस्ट्री को क्या अख्तियार रह जाता है कि वह देश को नुकसान पहुंचावे। मैं अदब से अर्ज करूँगा कि आप आंखें अपनी खोलें और प्रेज्यूडिस से हर एक चीज़ को देखना शुरू न करें।

मैं मिसाल के तौर पर एक चीज़ और अर्ज करना चाहता हूँ कि देश में जो माल पैदा करते हैं उसकी कौस्ट प्राइस पर भी निगाह रखनी चाहिये कि किस कौस्ट प्राइस पर वह माल पैदा होता है। अगर कौस्ट प्राइस बहुत ज्यादा है तो ज़रूरत होती है कि बाहर से माल मंगावें। लेकिन देश में ज़रूरी चीज़ों के लिये self sufficiency का असूल मानना पड़ेगा। लड़ाई से पहले रूस में गेहूँ का कौस्ट हमारे कौस्ट से बहुत कम था और वहाँ के लोग गल्ले

[पंडित ठाकुर दास भार्गव]

की कीमत ठीक रखने के लिये उसको जला देते थे। अगर हम सस्ते गल्ले को अपने देश में आने देंगे जब कि गल्ले की पैदावार भी हमारी काफी होगी तो हमारे काश्तकार तबाह हो जावेंगे और हमारी सारी Economy इकोनोमी खत्म हो जावेगी। हमको अपने देश की इकोनोमी और हालत को देखना है और उसके मुताबिक हमें फ़ैसला करना चाहिये और इस तरह फ़ैसला करना है कि जिस से हमारी इकोनोमी रुईन न हो जाय।

आज यह शुगर की ऐसी इन्डस्ट्री है, जिसके अन्दर कितने ही लाख आदमी हमारे देश के हैं जो अपनी रोजी इसी से पैदा करते हैं। शुगर हमारे देश के वास्ते फ़िजूल चीज है यह कहना आसान है। जो लोग यह कहते हैं कि हमें गुड़ खाना चाहिये, और हमें चीनी न खानी चाहिये, क्योंकि इससे तन्दुरुस्ती बिगड़ती है, वही लोग मैं कह सकता हूँ कि गुड़ नहीं खाते। लेकिन अगर यह दुरुस्त है तो इसका मतलब यह तो नहीं है कि गवर्नमेन्ट शुगर इन्डस्ट्री को नेशनलाइज करदे। अगर शुगर ऐसी चीज है जिसका हमें इस्तेमाल नहीं करना चाहिये तो क्यों नहीं इस इन्डस्ट्री को बन्द कर देते? उन मशीनों को तोड़ दिया जाय, फेंक दिया जाय ताकि यह हिन्दुस्तान के अन्दर खराबी न पैदा कर सके। लेकिन यह न कहा जाय कि इस इन्डस्ट्री को नेशनलाइज कर दिया जाय क्योंकि इस तरह से तो वही सफ़ेद चीनी प्रोड्यूस की जायेगी जो खराब चीज कही जाती है। हाँ, अगर यह सवाल नहीं है तो दूसरी बात है, मैं तो इस मत का हूँ कि अगर हिन्दुस्तान का फ़ायदा इसी में है कि यहां गुड़ खाया जाय, अगर यह ज्यादा अच्छा है तो हमें बोल्ड ऐक्शन लेना चाहिये। हमें सदा के वास्ते शुगर इन्डस्ट्री को खत्म कर देना चाहिये। लेकिन अगर ऐसी बात नहीं है तो मैं यह मानने को तैयार नहीं हूँ कि चूँकि इन्डस्ट्रियलिस्ट के नाम से चन्द लोग चिढ़ते हैं इसलिये इन्डस्ट्री को ही खत्म कर दिया जाए जिसकी वजह से लाखों काश्तकार और दूसरे आदमी रोजी कमाते हैं। मुझे मालूम है कि जावा की गवर्नमेन्ट जो मदद प्रोटेक्शन के तौर पर वहां की शुगर इन्डस्ट्री को देती थी वह उस मदद से ज्यादा है जो यहां पर गवर्नमेन्ट इयूटी के अतिरिक्त देती है। जावा के अन्दर शुगर फ़ैक्ट्रीज के अपने फ़ार्मस हैं, उनके लिये अलग नहरें हैं। वह खुद शुगर के पैदा करती थीं। उनके इन्तजामान भी हमसे मुफ़्त मिलते थे। एक फ़ैक्टरी ऐसी थी जिसमें भिन्न रस ही रस बनता था, और वहां से रस इनरो जगहों पर जाता था और दूसरी जगह मान स्केल पर और प्रोसेस होते थे। इस तरह जावा बरीस में कोस्ट कम होता था। हमें हर एक तरीक़े से अपना कोस्ट कम करना चाहिये, लेकिन अगर आप गन्ने की कीमत इतनी कम कर देंगे कि काश्तकार को ठीक मुनाफ़ा न मिलेगा तो यह ठीक न होगा। काश्तकार व कारखाने वालों

को वाजिबी मुनाफ़ा मिलना चाहिये। आप मिनिमम कीमत गन्ने की मुक़र्रर करें और साथ ही मिनिमम मुनाफ़ा मुक़र्रर कर दें ता कि कन्ज्यूमर पर ग़ैर मुनासिब बोझ न पड़े। लेकिन मेरे दोस्त सक्सेना साहब ने अभी बताया है कि कितनी फ़ैक्टरीज हैं जो मुनासिब मुनाफ़ा नहीं पाती हैं। ऐसा है तो देखना होगा कि प्रोटेक्शन काफी है या नहीं। जो अपने पैरों पर खड़े नहीं हो सकते हैं उन को क्या गवर्नमेन्ट को देखना नहीं चाहिये? क्या वजह है कि यह इन्डस्ट्रीज नहीं चलती हैं? जिस वक़्त शुगर इन्डस्ट्री को प्रोटेक्शन दिया गया था तो मुझे मालूम है कि वही साहबान जो प्रोटेक्शन के जारी रखने के खिलाफ़ हैं, जब तक प्रोटेक्शन नहीं था तब तक कहा करते थे कि यह गवर्नमेन्ट मारीशस और जावा की शुगर को चाहती है कि यहां आये, अन्डर सेल करे। इसी लिये यहां की शुगर इन्डस्ट्री को प्रोटेक्शन न दे कर उन लोगों की मदद करना नहीं चाहती है। आज ईश्वर की कृपा से जब हमारे पास इन्डस्ट्री कायम हो गई है तो हमारा फ़र्ज़ क्या यह नहीं है कि हम इसे अच्छी तरह से डेवलप करें और देश के इन्टरेस्ट के और Consumers के इन्टरेस्ट में इसको कायम रखें। मैं नहीं चाहता कि इन्डस्ट्रीज अनड्यू फ़ायदा उठायें। लेकिन मेरी समझ में नहीं आता कि चूँकि इन्डस्ट्रीज के बारे में यह सवाल है कि फ़ायदा उठाती है इस वास्ते इस असूल पर अमल करें कि (To cut one's nose to spite another's face) अपनी नाक काट डालें क्योंकि दूसरे का मुँह लाल करना है। जितने हमारे कन्ज्यूमर्स हैं सब का फ़ायदा हमें देखना है। कन्ज्यूमर्स का फ़ायदा काश्तकारों का और सारे इन्ट्रेस्ट्स को हमें इन्टीग्रेट करके देखना चाहिये कि यह प्रोटेक्शन कायम रखा जाय या नहीं। बिला इसके एक चीज पर एक तरफ़ से ही देख कर, और ऐसा कह कर कि तीस करोड़ रुपये का फ़ायदा इन्डस्ट्रियलिस्ट उठाते हैं, जो किसी हिसाब से भी नहीं हो सकता है, प्रोटेक्शन बन्द कर दें, यह मैं एक मिनट के लिये भी मानने को तैयार नहीं हूँ।

इस वास्ते मैं बड़े अदब से अज़ें करूँगा कि इस मामले पर इस नज़र से न देखें कि कारखानेदारों ने हमें लूट लिया। आप धबरायें नहीं। उनको ज्यादा फ़ायदा मिले दीजिये लेकिन उस गूँज को न मार डालिये जो गोल्डेन अंडे देती है। अगर आप को देश की नेशनल इन्डस्ट्रीज को कायम रखना है तो आप हरगिज ऐसा न करें। प्रोटेक्शन न मिलना चाहिये तो न दीजिये, इसमें मुझे कोई एतराज नहीं। लेकिन अगर प्रोटेक्शन मिलना चाहिये तो कोई वजह नहीं है कि हम उस प्रोटेक्शन को न दें। यह सवाल हमें ठंडे दिमाग़ से merits पर हल करना चाहिये न कि कारखानेदारों के खिलाफ़ प्रेजुडिस पर।

(English translation of the above speech)

Pandit Thakur Das Bhargava: Sir, I have heard with great attention the debate that has taken place over this question and thought over the various points of view that have been placed before the House. But I was a good deal surprised to hear some of the speeches. I did not want to take any great part in this discussion because I do not find myself much of an expert in this subject. Yet, in the course of the debate that has taken place before the House so far certain things have been said which do not appeal to my reason. Hence, I take part in this debate.

In the first instance I wish to say respectfully that I have noticed that whenever a Member sitting amongst us goes over to sit on the ministerial benches we come to have a wrong and uncalled for suspicion against him. If today Mr. Santhanam has gone over to sit there I do not think having gone there he would start viewing things from a different perspective and not from that from which he used to view and criticize things when he sat here. Similarly I say that when I have heard Mr. Neogy consistently speaking on the side of the consumer's interest I cannot believe that simply because he has gone and sat on the other side his mentality has undergone a change and that he would no longer see things from that point of view.

Babu Ramnarayan Singh: This is for the department's sake.

Pandit Thakur Das Bhargava: As for the department I wish to submit that I am sure that under the new set-up most of the people in the department act in the same way as the Ministers and we all do. Yet, in spite of what the people of the department might do, I cannot even for a minute have the suspicion that our Minister and the other Ministers and the Government would give up their point of view. I have full confidence that whenever an occasion comes when there is a clash between public interest and government interest they would be the first to hand in their resignations. Hence, I do not want to view any act of the Government with suspicion and when I have before me a proposal emanating from a Minister in whom I have full trust we must at least study it, and, as, Sir, you have been pleased to remark, it is our duty to view it independently and in the confidence that it would never be wrong. It will not turn out to be such a doubtful thing as to call for criticism for nothing.

With regard to this protection I wish to submit that I would have liked that whatever material there was about it should have come before this House. But, in this I do not find that the honourable Minister is in any way to blame. When the Tariff Board has submitted its report at such a time and it is of such a kind that it does not come before the Government in a complete form, I do not see how could the Minister manufacture a report and produce the same. Hence, I regret to say that until this complete report is placed before us we shall not be in a position to give a proper opinion on this point. Thus, I am surprised how, in the absence of this report before us, could Mr. Sidhva say that the honourable Minister should give a notice to all the industries today that this protection shall be abolished. When the honourable Minister too does not possess material to arrive at that conclusion how could he arrive at the conclusion that protection would be withdrawn with effect from the next year. How can this notice be given? I would respectfully submit that the time for giving such a notice would be when full data become available and we are in a position to decide whether protection would be allowed or not.

The question of protection is an extremely delicate question, especially in the case of an industry that has been enjoying protection over a number of

years. I fail to understand what sense there is in withdrawing such protection all of a sudden until we consider its full implications. If you withdraw this protection today what will become of those 50 lakhs of Kisans who supply sugar-cane at the rate of one and half and two rupees. What will become of their economy? What will become of the economy of the Railways in view of what they earn today? I submit that an economy that has come to be formed in the course of a long period calls for a great deal of consideration. No immediate decision can be made on this point especially when we have already been allowing this protection for the last fifteen or sixteen years. By this I do not mean that whatever protection is given should continue for ever and be made perpetual. Not at all do I mean that. I feel that we should look at it purely from the view point whether this protection should be allowed on principle. We will in no case be prepared to allow this protection if the interest of the consumer suffers thereby. But it would serve no useful purpose to shower a few abuses on the industrialist just because there is mention of the industrialist herein. I am reminded of a story. A person went to a shop and wanted to ask for a penny worth of something. He demanded something for a pice from the shopkeeper. When he had handed over the pice and got the thing he started an argument with him, whereupon the shopkeeper even returned his pice to him. When he got back home he possessed both the thing purchased as well as the pice. But, in spite of this he remarked that the shopkeeper had fleeced him. In the matter that is before us today we have to see what price has been fixed by the Government. The Government has fixed the price of the sugar-cane; the Government has fixed the cess; the Government has fixed the limit of their profit; and the Government has fixed the minimum wages for the labour. I have just been told that there was a time when a labourer got four rupees a month in this industry. Today he gets 55 rupees. It is known to me personally that cane was sold at one and a half annas and two annas per maund. No protection had been granted then and this was the price. Today the price of cane has gone up to a rupee and a half and two rupees. If still you say this industry has made thirty crores of rupees this is beyond my comprehension. I fail to understand why the instance of Cuba is cited that the sugar from there is priced at Rs. 21. Rs. 21 are paid here as the price of sugar-cane. How could then sugar be produced here on the lines of Cuba and how could it be sold at that rate? I respectfully put it to you that since this is not possible on the basis of the present calculations we should not for that reason say good-bye to our sense of accounting.

It is true that we should go to Cuba and study the conditions existing there and to find out how they produce it at a lesser cost and why we too should not be able to produce it at the same cost. I am not able to understand that when the prices of sugar are fixed and those of some other items are also so fixed that the industry cannot interfere with them—which collectively amounts to Rs. 26 out of Rs. 28 how can we say that sugar should be produced here at a cost at which it is produced in Cuba. I do not at all mean that the owners of the industry should make large profits. If any one of them charges excessive profit you should at once take it off. You have full authority to reduce the same. A Bill was received just day before yesterday which contains a list, prepared by the Government, of a number of commodities which include sugar as well as tea. The Government would impose control in respect of those commodities. I would respectfully submit that the Government have also provided in that Bill that the industries would have to do whatever the Government might want them to do. When the Government is thus voluntarily taking upon itself the responsibility for research etc. and is fixing a cess for that I would respectfully ask that when the Government has all these things in its

[Pandit Thakur Das Bhargava]

hands what power is left in the hands of the industry to cause loss to the country? I would respectfully ask you to open your eyes and not to start looking at everything with a prejudice.

I wish to say one thing more by way of example. In the case of goods that are produced in the country we should keep in view their cost price and know at what cost those goods are produced. If the cost price is excessive necessity is felt of importing the goods from abroad. But the principle of self-sufficiency for a country for essential goods will have to be admitted. Before the War, the cost in Russia was much lower than ours and people there used to burn it with a view to maintain the price of grain. If we allow the import of cheap grain into our country, especially when our own production of grain will be enough, our cultivators will be ruined and our entire economy will be impaired.

Today this sugar industry is such that lakhs of our country men earn their living through it. It is easy to say that sugar is a useless commodity for our country. Those people who say that we should eat *gur* and that we should not eat sugar because it affects health are the very people, I may say, who do not eat *gur*. But, if this be correct it does not mean that the Government should nationalise the sugar industry. If sugar is something that we ought not to use why not close this industry? Let those machines be dismantled and discarded so that they might not spread disease in the country. But, it must not be said that this industry should be nationalized because in that case the same white sugar will be produced which is described as a harmful commodity. If, however, this is not the question then it is a different matter. I am of the view that if India's good demands that *gur* must be consumed here, if it is the better thing we must take bold action. We must close the sugar industry for ever. If, however, this is not the case I am not prepared to concede that just because some people have an aversion for the very name 'industrialist' hence the industry itself must be closed by virtue of which lakhs of cultivators and other persons make their living.

I know that the help which the Government of Java gave to their sugar industry by way of protection exceeded the help which Government gives here in addition to the duty. In Java sugar factories have their own farms; there are separate canals for them; they produce their own sugar-cane. Their arrangements were also different from ours. There was a factory in which juice alone was prepared and from there it was sent to other places, where the other processes were done on a mass scale. In this way the cost involved in Java etc. was low. We should reduce our cost by all possible means but if you reduce the price of sugar-cane to such an extent that the cultivator does not get proper profit it would not be right. The cultivators and the factory-owners must have a reasonable profit. You should fix the minimum rate for grain and the same time fix the minimum profit to that there may not be an undue burden on the consumer. But my friend, Mr. Saksena, has just told us that there are several factories which do not get reasonable profit. If this is so it will have to be seen whether or not the protection is sufficient. Should not the Government attend to those who cannot stand on their own legs? What is the reason for these industries not flourishing? Until protection was granted to the sugar industry I know that these very persons who are opposed to the continuance of protection used to say, "This Government wants sugar from Mauritius and Java to be imported here and to under-sell. This is why it wants to help those people by not granting protection to the sugar industry here." Now that by God's grace our own industry has got established is it

not our duty to develop it properly and to maintain it in the interests of the country and of the consumers. I do not want that the industries should derive undue advantage but it is beyond my comprehension that just because an idea prevails with regard to the industries that they indulge in profiteering we should act according to the saying, "To cut one's nose to spite another face". We have to look to the interests of all our consumers. We should integrate the interests of the consumers, the cultivators and all others and then see whether or not this production should be maintained. Unless that is done it will not do just to view a question from a certain angle and to say that protection should be discontinued because industrialists are deriving a profit of thirty crores—which could in no way be accounted for. I am not prepared to concede this even for a minute.

Hence, I would submit very respectfully that this question should not be viewed with the assumption that the factory owners have looted us. You must not lose patience. Let them not make excessive profit but you should not kill the goose that lays the golden eggs. You must never do this if you have to maintain the national industries of the country. If no protection is due do not give any,—I have no objection,—but if protection is due there is no reason why we should withhold it. We should solve this question cool headedly on merits, and not on the basis of a prejudice against the factory-owners.

Srijut Rohini Kumar Chaudhuri (Assam: General): It is only two minutes more for the clock to strike five. May I speak, Sir?

Mr. Deputy Speaker: Yes, the honourable Member may begin his speech now and continue it to-morrow.

Srijut Rohini Kumar Chaudhuri: Sir, almost all the speeches that have been delivered on the floor of this House to-day were devoted to sugar. I do not blame honourable Members for having done that, because of all the beloved things of this world, animate and inanimate, there cannot be anything else more beloved than sugar itself. There is nothing more sweet than sugar itself (*An Honourable Member:* "Honey".) There is sweetness in many things. There is sweetness in movement. There is sweetness in a smile. There is sweetness in speech. There is sweetness in the fragrance of flowers. But all that sweetness is transient. That sweetness goes off in course of time; but that sweetness of sugar cannot disappear. You like sugar when you are a baby. You like it when you are a grown-up boy. You continue to like even when you are an old man; even when unfortunately the doctor asks you not to take it. If you are put under the strictest restrictions by your doctor, you have only to go to the bazaar and buy some lozenges and then share it with your grand-children, then nobody can find fault with you. That after all being the position of sugar, Sir, it is only natural that the House should be interested in having long discourses on this subject. I should be ungrateful to that noble product of human labour, if I did not say a word in its favour, a word in favour of its protection. Whatever you like whatever you adore, whatever you cherish, you want to protect, you will not expose it to danger. I, taking a rather quick view of the matter, think there is every justification for the request for protection of sugar.

Mr. Deputy Speaker: The honourable Member may kindly continue his sweet speech to-morrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Friday the 25th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Friday, 25th March, 1949

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

QUESTIONS AND ANSWERS

(see part I)

11.46 A.M.

ELECTIONS TO STANDING COMMITTEES FOR MINISTRIES OF
COMMERCE, COMMUNICATIONS AND DEFENCE

Mr. Speaker: I have to inform the Assembly that up to the time fixed for receiving nominations for the Standing Committees for the Ministries of Commerce, Communications and Defence, ten nominations in the case of each of these Committees were received. As the number of candidates is equal to the number of vacancies in each of these Committees, I declare the following members to be duly elected:

Standing Committee for the Ministry of Commerce.—Shri Arun Chandra Guha, Shri Sita Ram S. Jajoo, Mr. Hossain Imam, Shri L. Krishnaswami Bharathi, Mr. E. John Philipose, Shri M. C. Veerababu, Shri Prabhu Dayal Himatsingka, Shri V. S. Sarwate, Shri Padampat Singhanian, Dr. B. Pattabhi Sitaramayya.

Standing Committee for the Ministry of Communications.—Master Nand Lal, Pandit Mukut Bihari Lal Bhargava, Shri P. Kunhiraman, Shri Sunder Lal, Shri U. Srinivasa Mallayya, Shri K. Hanumanthaiya, Shri Mahavir Tyagi, Shri Mihir Lal Chattopadhyay, Kazi Syed Karimuddin, Shri G. S. Guha.

Standing Committee for the Ministry of Defence.—Shri Mahavir Tyagi, Shri H. V. Kamath, Shri Gopikrishna Vijayavargiya, Shri B. Shiva Rao, Pandit Thakur Das Bhargava, Shri Mohanlal Gautam, Pandit Hirday Nath Kunzru, Shri Ari Bahadur Gurung, Shri C. M. Poonacha, Sardar Jogendra Singh.

HINDU MARRIAGES VALIDITY BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I beg to present the Report of the Select Committee on the Bill to provide that marriages between Hindus, Sikhs, Jains and their different castes and sub-castes are valid.

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILLS

PRESENTATION OF REPORT OF SELECT COMMITTEE

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 3, 4, 5, 6 and 10), the

(1859)

[Pandit Thakur Das Bhargava]

Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 2 and 4) and the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 10, 11 and 13).

INDIAN JUDICIAL PROCEDURE BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to clarify and modify the law in practice hitherto followed in Criminal applications for special leave to appeal to His Majesty in Council for Criminal cases decided by the Indian Courts, be further extended upto the last day of the first week of the next session."

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to clarify and modify the law in practice hitherto followed in Criminal applications for special leave to appeal to His Majesty in Council for Criminal cases decided by the Indian Courts, be further extended upto the last day of the first week of the next session."

The motion was adopted.

PROTECTIVE DUTIES (MISCELLANEOUS PROVISIONS) BILL—contd.

Mr. Speaker: The House will now proceed with the further consideration of the motion:

"That the Bill to extend the date upto which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect, to determine or levy protective duties in certain other cases and further to amend the Sugar Industries (Protection) Act 1932, be taken into consideration."

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, I speak with great diffidence this morning because some of my friends whose friendship I cherish—my honourable friend Mr. Kamath or even my honourable friend Begum Aizaz Rasul—have taken great exception to a remark which I made last evening, namely that sugar is the most beloved of all sweet things in this world. I confess that I lost myself in ecstasy over the good and durable qualities of sugar yesterday afternoon. But the fault is not entirely mine. Example is contagious and I caught the infection from my honourable friend the Deputy-Speaker. My honourable friend the Deputy-Speaker was very much against protection of sugar for one good reason—that he wants, and all persons agreeing with him want, that sugar should be made immediately available in large quantities and at a cheap price. They want to imitate the example set up by the Pakistan Government where sugar has been imported from outside in large quantities and is being sold cheap.

But I am not concerning myself with the immediate present. I am looking to the future. What will be the effect of the removal of protection? The removal of protection may lead immediately to some gain, but what will be the consequences in the long run? In this matter I do not mind disclosing to the House that I belong to the Thakur Das Bhargava's school of politics in this House. He is my leader in almost everything excepting in the matter of the Hindu Code where he has been coerced into a disagreement with me. The House would do well to remember what happened in the years 1942 and 1943 and so forth when it was very difficult to get a pinch of sugar even for a baby. It is quite good and it sounds very nice when my honourable friend Mr. Ramnarayan Singh advocates the use of *gur* in preference to sugar. But I would ask him, would *gur* have the same effect in building up or in rearing babies as sugar? My honourable friend has perhaps forgotten this when he had grown up his last baby. All the same it will be well to remember what would be the

effect of absolute want of sugar and you must face the danger if you remove the protection now. You cannot say that war will not come in future again and that all import of sugar from outside will not be stopped.....

Shri M. Ananthasayanam Ayyangar (Madras: General): On a word of explanation, Sir.

Mr. Speaker: Not necessary, he is not very serious about it.

Srijut Rohini Kumar Chaudhuri: I am prepared to sit down, Sir, it is hurting anybody.

I am asking, Sir, would you introduce use of *gur* in the hospitals? Would you give *gur* to your patients? Would you give *gur* with barley to your patients?

An Honourable Member: Why not?

Mr. Speaker: Let the honourable Member proceed.

Srijut Rohini Kumar Chaudhuri: So, I say the removal of protection for sugar will mean dire consequences for us in future because at times of difficulty if we do not have factories in our own country it will not be possible to get sugar when we need it for our patients and for our children.

The next question raised was whether this protection should be given for a period of one year or whether it should be extended to two years. As regards that, I would submit that if you are committed to the principle of protection it is better that you give the protection for a couple of years. I say this because if you give the protection only for one year, then Government will come forward again and say that within this one year the necessary enquiries could not be conducted, and in order to collect all the necessary materials and conduct a satisfactory enquiry, an extension of another year is necessary. Therefore, my position is this, that if protection is to be given, it is better that you agree with the Government and give the protection for two years. Let the Government investigate all the points fully, and let them come forward with the results of their enquiry, and then tell the House their decided opinion. It is useless to give protection for one year; because as I said, Government will again come forward for an extension by another year. Therefore, I submit that the protection be granted for two years, so that Government may not have to plead for any further extension.

It was said by some Members that even if the out-put of sugar is reduced in this country, and even if sugar is not made available, and if on account of the removal of protection, the sugar-cane growers are hit hard, even then there is no objection, because, they say, instead of sugar-cane, you might cultivate in those fields other crops. Sir, I do not know the conditions obtaining in other parts of the country, but so far as we in Assam are concerned, I may say that on the land on which sugar cane is grown, no other food crop, I mean no paddy can be grown on that land at all. That land is fit only for the cultivation of sugar-cane, and not fit for the cultivation of paddy, because that land is generally high and quite unfit for the cultivation of paddy. And what is more important, once you grow sugar-cane in that land, that land should not be disturbed for a period of two years at least, because sugar-cane will again grow in that field afterwards. Therefore, if you cannot disturb the land for two years, then you should not also reduce the period of protection to anything less than two years.

The Honourable Shri K. C. Neogy (Minister of Commerce): Sir, I am gratified at the interest which the House has evinced in the proposals embodied in this Bill. There has been some amount of criticism, but I might tell the House that I do not at all mind the criticism, so far as the sugar industry is concerned. I can quite appreciate the attitude of the House with reference to this industry. It has been in the enjoyment of protection for so many years, and the enquiry is naturally made as to when we are to see the end of protection so far as this

[Shri K. C. Neogy]

industry is concerned. But before I go into the details of the sugar industry, I should like to make a few observations regarding some of the general points that were made. I very much regret that it was not possible for me to present this matter earlier during the present session. The fault is not mine. As was already indicated, the Tariff Board has been extremely busy of late. As a matter of fact, due to the circumstances about which we are all aware, namely, the large number of industries that have applied for investigation into their claim for protection, the hands of the Tariff Board are extremely full. I should like to remind the House that the present Tariff Board, apart from being very temporary in its terms of appointment, can make recommendations for protection only up to a maximum period of three years. In several cases, although the

12 Noon Tariff Board has recommended protection for three years, the Government, as a policy, have reduced that period, not because Government were not in agreement with the Tariff Board in that matter, but because Government felt that having regard to the prevailing uncertainties of the economic conditions of this country, and also in foreign countries wherefrom competition is apprehended, it would not be right to go in for any definite policy extending over a period of more than one or two years. The result is, cases of these industries are coming up periodically for re-examination by the Tariff Board, and the other result is that this House also has to be troubled now and again with proposals of this kind seeking continuation of protection to an industry. But as I said, this is inherent in the present uncertain conditions, not only in this country but in the world at large.

Shri R. K. Sidhva (C. P. and Berar: General): Is the Tariff Board asked to make interim recommendations?

The Honourable Shri K. C. Neogy: No, it is asked to make recommendations with regard to claims for protection for an industry. But then the terms of reference of the Board are limited by that one factor, namely, that its recommendations cannot be accepted for more than a period of three years, and that limitation was imposed for the reasons I have indicated. As I said, it is because of the short periods for which the Tariff Board is entitled to make recommendations that we have repeated enquiries before the Board and repeated legislative proposals which I or anybody else has had to place before this House.

Sir, a word about the Tariff Board itself. As the House is aware, this body was instituted as a result of the recommendations of the Indian Fiscal Commission. As a matter of fact, the Indian Fiscal Commission for the first time, laid down the lines for a definite tariff policy for this country, with a view to protecting nascent industries. And in their view, a body like the Tariff Board was an essential feature of any policy of protection, of discriminating protection, as it was described to be, that the Government might adopt. In making that recommendation, the Commission said that the principle of selection should be so regulated that the best men available are to be engaged, the selection depending rather on general qualifications than on specialised or expert knowledge. It is essential, the Fiscal Commission went on to observe, that all members should be men of ability, of integrity, and of impartiality; and the other desirable qualifications are knowledge of economics and a practical acquaintance with business affairs. A demand was made by my friend Mr. Sidhva yesterday, that the Tariff Board should consist of consumers at least to the extent of 50 per cent of the members of the Tariff Board. I claim that as at present constituted, it is cent percent composed of consumers.

Shri R. K. Sidhva: How?

The Honourable Shri K. C. Neogy: Can my friend Mr. Sidhva point out who would be a better representative of the consumer than the President of the Board itself, than the two well-known economists who are members of the Board: and the fourth member who has been added who is an experienced administrator, having nothing to do with any industry or business. Now, Sir,

should have thought that we could not have made a better selection. Let me tell the House that in the opinion of even impartial observers, the Tariff Board has fully justified its institution, and it has established a high standard of integrity and ability, and it is to-day, an institution, irrespective of the changes in the personnel that have taken place from time to time, it is an institution of which any country could be proud.

Sir, now coming to the case of sugar. I told the House that the Tariff Board recommended protection for fifteen years at one stretch. That report is dated 1931, and while making that recommendation—honourable Members can find the relevant observations in paragraph 81 of the Report—they have indicated that the period of 15 years may not be sufficient for the purpose of giving protection to this industry. They took the period of 15 years as the minimum period for which protection should be guaranteed all at once to that industry. Now, Sir, the question is whether the time has come to reconsider Government's policy in this matter. I should like to remind the House that we are just passing through the 18th year of protection—I suppose it is the 18th, or rather the 17th year—and that minimum period of fifteen years has been extended only by two years so far, and for reasons which I have already stated to the House, the reasons being the extreme uncertainties of the present circumstances both in India and in the outside world, and particularly the high price of sugar-cane that prevails at the present moment accounting for the high price of sugar itself. Is it any wonder that the Tariff Board, taking into account all these factors, felt impelled to say that we had better wait for another two years before we make a comprehensive enquiry? Indeed, they felt that there were not sufficient materials on the basis of which they could make any useful report and in this attitude they were supported by the evidence of all the provincial Governments, all the scientific bodies, and all the interests that were directly concerned. They all said, this is not the time, we are not in a position to produce the necessary materials before you.

What should be the period of protection of any industry, has been dealt with by the Fiscal Commission itself. It is well remembered that if the country commits itself to a policy of protection, may be discriminatory protection, the protection has, in most cases if not all, to be given for a very very long period. The Tariff Board quoted Professor Taussig, a well known economist, who was Chairman of the United States Tariff Commission, as follows:

"The length of time to be allowed for the experiment should not be too brief. Ten years are not enough; twenty years may be reasonably extended; thirty years are not necessarily unreasonable."

On that, the Fiscal Commission observe:

"It is hardly to be expected that an industry would be able to establish itself in India in any shorter period than is required in so highly developed a country as the United States."

As I said, fifteen years was considered to be the minimum period by the Tariff Board that reported in 1931. We are in the 17th year of protection. Is that too long a period? A suggestion was made by my honourable friend Mr. Sidhva that we should immediately notify to the industry thus far and no further, and everything will be settled. That is to say, if they know there will be no protection hereafter, the industry will adjust itself to the circumstances that have been brought to light.

Shri R. K. Sidhva: I mentioned a period.

The Honourable Shri K. C. Neogy: Yes; you mentioned a period. I am disposed to accept the advice of the Indian Fiscal Commission in preference to that of my honourable friend.

[Shri K. C. Neogy]

I was going to read out what that Commission said specifically with reference to such a suggestion. They said:

"We feel, therefore, that the scheme of a time limit is not really practicable and that the difficulties which it is designed to obviate must be faced in some other way."

"To fix a time limit so remote as to have little practical meaning, or to fix one which might well prove inadequate and would certainly fail to give the industry that feeling of security for the future. These are the two alternatives."

Therefore, they say, the Tariff Board should be asked to enquire from time to time into the prevailing circumstances and to see with reference to the progress made by any industry as to whether or not protection should be discontinued at any particular time. That is exactly the policy of the Government and that is exactly what the Tariff Board has been asked to do.

Shri R. K. Sidhva: What about Mr. Mehta's evidence?

The Honourable Shri K. C. Neogy: I am coming to that. I would again refer to the report of the Tariff Board on sugar industry in 1947, in which they recommended the continuance of protection for a further period of one year. They say:

"Since, in our opinion, the Indian sugar industry is likely to require protection for some time to come, we are of the opinion that the detailed enquiry into the extent of protection necessary should be undertaken when conditions both in India and abroad become more normal".

First of all, they say that this protection has to be continued for some time to come, and as to the enquiry to which I have referred, that is to say, enquiry as to whether it should be continued or not, they thought that the time had not arrived even for the purpose of making that enquiry, and therefore, they recommended an extension by one year. When the matter came up before the present Tariff Board, they found that the price of sugar had reached record heights here whereas the prices abroad are very low. Is this the time to remove protection? Therefore they said until and unless the price of sugar, which of course involves a reduction in the price of cane itself, has been reduced materially; this question of removal of protection cannot be considered. This is what they said:

"Protection of the industry has to be continued until the cost of production in this country has been substantially reduced. The existing protection should be continued for a period of two years ending March 31st, 1951. There should be a detailed enquiry at the beginning of 1950 in order to determine the quantum of protection if any that would be necessary after 31st March 1951."

We know the high prices prevailing in the country. It was stated yesterday by my honourable friend Prof. Shibbanlal Saksena that if we were to drop protection, the industry would be able to stand competition with imported sugar. The landed cost of sugar at Karachi, I am told, is ordinarily Rs. 19-8-0 or Rs. 20/-; occasionally, it is Rs. 17/- even.

Pandit Lakshmi Kanta Maitra (West Bengal: General): Rs. 17/- a maund?

The Honourable Shri K. C. Neogy: Yes. What are the prices here? Even if we take into account the reduction that has been recently ordered by the Government, the Indian price would stand at Rs. 28-12-0. The Tariff Board has made calculation on the basis of a landed cost CIF of Rs. 16/- per maund. I am told, as I have already stated, that the prices go down to about Rs. 17/- so far as Karachi is concerned. The whole position comes to this. If the cane price which has now been reduced to Rs. 1-10-0 per maund in the U.P. and to Rs. 1-13-0 in Bihar, can be reduced to Rs. 1-6-0, then only we will be in a position to sell indigenous sugar inside the country in competition with imported sugar, provided the price of imported sugar does not go down meanwhile. We have very little information about the position in Java; we know

the prices in Brazil and Cuba; the tendencies there are indicative of a possibility of a further fall. Now, the question is, is this the time when the protection should be withdrawn. I should be the last person to advocate the continuance of protection for a day longer than is absolutely necessary. But, is this the time when the Government can take the responsibility for removing the protection and exposing the industry which has been built up at so much cost to the consumer, I should say, and throwing it to the wolves just because the circumstances at the present moment do not enable a thorough enquiry being made into the conditions of this industry as pointed out by the Tariff Board.

Shri R. K. Sidhva: The price is fixed by the Government?

The Honourable Shri K. C. Neogy: Yes. But, to what level can you push the prices down, that is the problem.

Here I come to another aspect of the matter. A good deal of dissatisfaction was expressed as regards the working of the Syndicate. I am not apologetic, I do not hold any brief for the Syndicate. As a matter of fact, the Sugar Syndicate is not a part of the protection. It was not set up as a part of the original scheme. This was brought into being by the joint action of the two provinces most concerned, the United Provinces and Bihar.

They have given this body certain powers under statutory authority of the Provincial Governments. Now the U.P. and Bihar Sugar Factories Control Acts lay down various conditions of control and one of the conditions is no one can undertake any construction of a factory etc. except with a license from the Provincial Government concerned and it has been laid down that membership of the Indian Sugar Syndicate is a condition for the grant of a crushing license to a factory. That is to say, under the law that operates now in U.P. and Bihar under the authority of the Provincial Governments concerned, unless a factory is a member of the Syndicate it is not entitled to crush cane. How am I responsible for anything that may happen in the Syndicate.

Shri Ram Narayan Singh (Bihar: General): Do you support the stand taken by the Provincial Governments?

The Honourable Shri K. C. Neogy: I am not in a position to judge about the justification of any measure that any responsible Provincial Government may have taken. I don't know all the circumstances which may have influenced this particular measure. If there is so much of dissatisfaction, then I should have thought that Professor Shibbanlal Saxena should be in a position to influence the policy of the U.P. Government. At least there should be some amount of public opinion expressed in that province as also in Bihar from which my honourable friend Mr. Ramnarayan Singh comes. I have nothing to do with the Syndicate. It is not for me to support anything that the Syndicate may be doing but I am prepared to give this assurance that so far as all these comments that have been made about the Syndicate are concerned, the Central Government would certainly bring these to the notice of the Provincial Government for any action that they may like to take.

Shri B. V. Krishnamoorthy Rao (Mysore State): The annual production of sugar is 11 lakhs. There is a surplus of 2½ lakhs. So the surplus will be 13½ as against the intake of 10 lakh tons. In spite of the fixation of the price of sugar, the protection may not be able to help the industry. May I know what the honourable Minister is going to do for the clearance of the surplus unless the price is reduced?

The Honourable Shri K. C. Neogy: My honourable friend has referred to a very important point. As a matter of fact when he describes this as a surplus, I am sorry it is an illusory surplus. Before Partition India was not

[Shri K. C. Neogy]

wholly self-supporting in the matter of sugar. It is because we have not succeeded in maintaining our supplies to those parts of the country that now form Pakistan, that this so-called surplus has arisen. As a matter of fact it should be our aim not merely to make India as it stands now, self-supporting, but also to maintain that export to Pakistan. That could not be done unless the prices have been substantially brought down. I am glad my honourable friend brought this particular point to my notice.

Now a suggestion was made by Dr. Deshmukh that the country need not be self-supporting in sugar, and that in so far as the industry in U.P. and Bihar suffer from a serious handicap, we need not do anything very special to bolster up that section of the industry. May I remind the House that inefficient as some of the factories in U. P. and Bihar may be and if the outturn of sugarcane also is comparatively poor in these two provinces, the fact remains that 80 per cent of the sugar is produced in these two provinces. Government certainly cannot go back upon their declared policy of making India at least self-supporting. What would be the result if my honourable friend's suggestions were to be accepted? Would it not seriously jeopardise the economy of these two provinces?

Dr. P. S. Deshmukh (C. P. and Berar: General): On a point of personal explanation all that I wanted was the quantum of production may be reduced so that the production of sugarcane might be increased. I did not want complete abolition.

The Honourable Shri K. C. Neogy: I quite appreciate that and that is what we have in view. The Government have increased the grant to the Indian Sugar-cane Committee four-fold with effect from this year. The amount actually available to that body would be in the neighbourhood of 50 lakhs for the purpose of carrying on research and everything necessary for the purpose of improving the yield of the sugarcane and the yield of sugar from the cane particularly in these two provinces.

By the way I would like to point out to the House that even if we were to withdraw protection, it would not mean very much of a benefit to consumer, for the reason that the protective duty at present works out to about 36 per cent only and not any high figure such as Dr. Deshmukh mentioned yesterday. I have had it verified and it works out to 36 per cent and the removal of the protective duty does not amount to free entry of sugar from abroad. It does not mean that there is no revenue duty to be imposed. Having regard to the general level of our revenue duty it would not be that the revenue duty would be anything less than 30 per cent and in some cases it stands in the neighbourhood of 36 per cent. So even if you remove this protective import duty of 36 per cent the revenue duty that will have to take its place will not be very much less than this amount. Now coming to the question of what difference does it make how you call it if there is no difference in rate. A complaint was made that when for instance we have removed the particular protective duty, a similar rate of duty described as revenue duty has automatically taken its place. The difference is this. In the first place it has a great psychological importance. The moment you say that you are pledged to protect a particular industry, it gives an impetus to that industry; not merely that; it gives Government a right to control the industry in various methods. Secondly and which is more important is, that the moment a protective duty is imposed, under the provisions of Section 4 of the Indian Tariff Act the Executive Government without coming upto Legislature can vary that rate of duty in whatsoever manner it may be necessary, for the purpose of either safeguarding the interest of industry or safeguarding the interest of the consumer so that the Legislature may not have to be troubled every time that

the duty may have to be increased for the purpose of making protection more effective than what it was when it was originally granted. This constitutes the importance of a duty being described as protective duty although the rate may be the same as that of a revenue duty. Now I was rather surprised yesterday to find my friend Mr. B. Das advocating free-trade. Mr. Das of 1932, I find, gave his whole-hearted support to the bill for granting protection to Sugar Industry. He even showered blessings on the British official who was then in charge of the Measure, for having brought forward such an ameliorative measure to give protection to the Sugar Industry and now Mr. Das of 1949 says that sugar is not an essential commodity and the emphasis should be put upon *gur*. My honourable friend makes so many speeches that perhaps he does not remember what he said so long ago as 1932.

Shri B. Das (Orissa: General): I have since learnt the policy of the sugar manufacturers.

The Honourable Shri K. C. Neogy: Now, Sir, I do not think that the House would expect me to agree to abolish protection so far as the sugar industry is concerned here and now, but I am prepared to accept the amendment which my honourable friend Prof. Shibbanlal Saksena proposes to move reducing the period of protection from two years to one year. But then at the same time I should like to warn the House that having regard to the opinion of the Tariff Board and the opinion of the provincial governments and other authorities consulted by the Tariff Board, it would be extremely unlikely that a complete and comprehensive report from the Tariff Board dealing with all the various aspects of this question will be ready by them. But I agree that so far as some ancillary issues are concerned, for instance, issues like that of the Sugar Syndicate and as regards the possibility of further reduction of the prices of sugar and sugar cane, so far as these issues are concerned, perhaps we may be in a position to discuss the matter once again a year hence, but I am very very doubtful if it would be possible for the Tariff Board to make a comprehensive enquiry into all these various issues and make its report sufficiently early to enable this House to consider it during the next Budget session, but then, if it pleases the House, I am perfectly prepared to accept the amendment.

Shri M. Ananthasayanam Ayyangar: On a point of information, may I ask the honourable Minister what according to the industry itself might be the reasonable length of time for which they would like to continue this protection and after that they will stand on their legs? Have they got any idea?

The Honourable Shri K. C. Neogy: I am not in direct touch with the industry, but what I have got is the report of the Tariff Board which is expected to go into all the various matters and not be guided merely by what the industry says, and they are not in a position to make any recommendation beyond saying that they are convinced that protection will have to be continued for some time to come, but they are not in a position to make any definite recommendations.

Shri M. Ananthasayanam Ayyangar: Does not the industry apply for continuance from time to time?

The Honourable Shri K. C. Neogy: No, no. We ask the Tariff Board to enquire into the position of the industry in terms of our undertaking that the condition of this industry will be enquired into with a view to finding out whether protection need be continued, and if so, to what extent.

Babu Ramnarayan Singh: What is our undertaking, Sir?

The Honourable Shri K. C. Neogy: Undertaking given to this House from time to time. The honourable Member should remember that this matter has

[Shri K. C. Neogy]

not come up for the first time today. From time to time we came up for extending protection in this way, from year to year, on the understanding that a thorough and comprehensive enquiry would be made into the conditions of this industry, and that enquiry has not been made as yet.

Shri B. P. Jhunjhunwala (Bihar: General): Has the Government got any data as to why the sugar industry has not been able to stand on its own legs up till now, what are the difficulties in its way,—at least the broad outlines? Also what is the Government doing to remove those difficulties?

The Honourable Shri K. C. Neogy: Oh, yes. As a matter of fact, I briefly referred to some of the difficulties. The difficulties are, as the honourable Member knows perhaps better than I do, low out-turn of sugar cane per acre as compared with other countries from where we get competition and low sucrose content of the sugar cane that is grown particularly in the U.P. and Bihar. These are the principal difficulties.

Shri B. P. Jhunjhunwala: But barring allowing Rs. 50 lakhs, has Government done any tangible work regarding improving the quality of the sugar cane and the quantity of the sugar cane per acre either in Bihar or U.P.? Is the Government aware that U.P. and Bihar can produce the cheapest sugar cane provided some effort is made on behalf of Government and this control is removed.

The Honourable Shri K. C. Neogy: Oh, yes. As a matter of fact, a lot of things has been done and is being done. As a matter of fact, it is with a view to increasing the activities of Government in this behalf that the grant has been increased four-fold this year. Some of those points were referred to in questions which were put to my honourable colleague, the Minister for Agriculture, on different dates in this same session and if my honourable friend wants to have further information, I would suggest that he puts further questions to my honourable colleague, because he is in a better position than myself to tell the House about the agricultural aspect of the industry.

Shri O. V. Alagesan rose—

Mr. Speaker: No further questions. I think the position is clear enough. Probably, the work so far as agricultural improvement is concerned, is being done through the provincial governments; and therefore, this Government is concerned with grants only.

The Honourable Shri K. C. Neogy: Not quite that. Our Agriculture Ministry is also in touch with what is happening, because the Indian Sugar Committee is a Centrally constituted Committee.

Shri O. V. Alagesan (Madras: General): I wanted to ask a question. Is the yield per acre in Java much more than that in India?

The Honourable Shri K. C. Neogy: Yes.

Mr. Speaker: That has been replied to very often. We are now concerned with the Bill.

The Honourable Shri K. C. Neogy: Now, Sir, I do not think I should trouble the House any further so far as sugar is concerned, but I must just briefly touch upon two other points to which reference was made. One was to sericulture. As a matter of fact, here we have not been able to decide definitely upon the quantum of protection, because the report of the Tariff Board is still awaited. They have merely asked us to continue the protection on the present basis.

As regards artificial silk fabrics to which reference was perhaps made by my honourable friend Shri Sidhva, I should like to tell the House that this has nothing to do with protection of artificial silk yarn because that is not yet produced in the country. This particular item relates to fabrics made out of artificial silk, wholly or partly out of artificial silk and cotton and as a matter of fact, I am told that 85 per cent of this industry is a cottage industry, and so the House would realize that this particular measure is intended to benefit cottage industry of that great importance.

Shri R. K. Sidhva: I was not opposed to protection.

The Honourable Shri K. C. Neogy: I think, Sir, I have not got anything further to say.

There is just one other point that was mentioned by my honourable friend Mr. Ayyangar and that relates to nickel alloy. We have stated in the papers circulated that the variation has been decided upon in consultation with the Tariff Board. The facts are these. The Industries and Supply Ministry were anxious to limit the scope of this particular item, so that on qualities that were not made here, the revenue duty could be reduced and large imports permitted, and we are now only separating the two kinds of this particular alloy. The Tariff Board was referred to in the matter and the decision was of course the decision of the Government and the Tariff Board had no objection. This is the history of this particular item.

Mr. Speaker: The question is:

"That the Bill to extend the date upto which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect, to determine or levy protective duties in certain other cases and further to amend the Sugar Industries (Protection) Act, 1932, be taken into consideration."

The motion was adopted.

Mr. Speaker: There are amendments to clause 2 by Prof. Saksena. I believe both go together.

Prof. Shibban Lal Saksena (U.P.: General): Sir, I beg to move:

"That in clause 2 of the Bill—

(i) in part (i) the figures '17' be omitted; and

(ii) in part (iii) after the words 'Items Nos.' the figures '17' be inserted."

Mr. Speaker: May I just ask for a point of clarification from him? I understood from his speech yesterday that he was agreeable to have it for one year. Now, what is the effect of this deletion of "17"?

Prof. Shibban Lal Saksena: This is consequential to that.

Mr. Speaker: That I saw.

Prof. Shibban Lal Saksena: Altogether will give protection for one year.

Mr. Speaker: What I follow from these amendments is that the honourable Member wishes to delete item 17, 'Sugar,' from sub-section 4 of the First Schedule of the Tariff Act.

Prof. Shibban Lal Saksena: Yes.

Mr. Speaker: He wishes to introduce Sugar in item 49 as he has stated.

Prof. Shibban Lal Saksena: Yes.

Mr. Speaker: He also states that in part (iii) after the words "Items Nos." the figures "17" be inserted. That is an addition to item 49. I see now. It was a misapprehension on my part. It is quite alright now.

Prof. Shibban Lal Saksena: I am grateful to the honourable Minister for saying that he will accept my amendment. Yesterday I said that although I thought.....

Mr. Speaker: We need not now repeat the whole debate again!

Prof. Shibban Lal Saksena: I will say something about what he has said. I only want to point out that I myself realize the position and therefore I reduced the period from two years to one year. The manner in which we have been going on for the last 17 years, I feel that if we continue to go on in this manner, we will never be able to drop protection. The honourable Member said that in America sometimes 30 years were necessary for protection but those were for industries which have been in difficulties and which did not make profits in the first two or three years. It cannot be for an industry like the sugar industry because in the last 17 years they have invested in it capital to the amount of 77 crores and the profits are 50 crores. That being the case the industry does not come into the category of industries which require protection. Therefore, I would urge upon him again to see that this period is reduced. I would not mind even then provided I could be assured that at the end of this period I would not find them in the same position as they were in 1932. The crux of the problem is the production of cane. The production of that is the same as in 1932. I shall point out what is being done in other countries. In Java the production is 45 tons per acre, which means about 5 times our yield today. In Hawaii they were producing 76 tons per acre. In 1924 they produced 85 tons per acre, whereas we produced only 12 tons per acre; namely, their production was about 7 times ours. That is something extraordinary. The figures for today might be even larger. If you grant protection to them, then I want it to be conditional. Let some conditions be put down, namely, that unless this industry progresses and improves we shall not grant protection. Therefore, let not the protection be permanent. Let it be conditional on circumstances. I have suggested one year after which the Government should see to it that protection is not continued. By this time the industry must be able to put its house in order otherwise Government cannot be responsible for burdening the consumer with this protection from year to year. Government draws a revenue of Rs. 30 crores from sugar cane. The honourable Minister said yesterday that Government has spent Rs. 50 lakhs on the Fund for sugar-cane development. The U. P. Government has this year set apart Rs. 1½ lakhs for the sugar-cane industry. I want that a larger proportion of the revenue taken from sugar cane should be spent on the industry. Unless this is done, when will the time come when sugar will be available at a cheaper rate?

Then I might point out that the recovery in our province is 9 per cent. In Java in 1920 it was 13 per cent. In Formosa it was 14 per cent. It is necessary that we should do something to see that the cane improves. I understand that in Australia they pay for cane according to the sugar content. They taste every piece of cane. If you do that I will be very glad. You may pay for the cane at the rate at which it contains sugar content, so that the sugar content may be improved. Unless, you try to go about the business in a scientific way and try to have new methods to produce more sugar, you will not be able to improve the industry.

Regarding the sugar syndicate, this is a problem in the U.P. I must say that there is no industry in this country which is protected from outside competition as well as inside competition. Sugar is the only industry not subject to foreign and internal competition.

You must make protection contingent upon these two conditions: firstly, there shall be no syndicate and at least if there is any foreign competition, then internal competition should be allowed to take place. Secondly, there should be an enquiry which should be held to determine the profit of this industry and whether such an industry should continue with protection for a long period.

Thirdly, I would suggest that adequate means should be taken to put this industry on a proper foundation. Fourthly, we should be informed in what time—two years, four years or five years—it will be possible to remove this protection altogether. But you come before us without any idea as to when you can remove it altogether.

Therefore I do hope that Government will see to it that the people concerned work in such a way that they make the industry stand on its own legs. Let him fix the price of sugarcane but let the industry compete and let there be internal competition because this will lead to better efficiency. When the yield per acre has increased, then the cultivator will be able to gain more from one acre than at present. These are my suggestions.

There is one point which was raised by Mr. Himmatsingka, which.....

Mr. Speaker: I am afraid I cannot allow replies to the debate of yesterday. In fact I allowed the whole debate because the Bill contained only two clauses and the principal question was one of protection.

Prof. N. G. Ranga (Madras: General): And the amendments too are agreed upon.

Mr. Speaker: Yes. So there is no use taking further time. Let the honourable Member move the amendments and I shall place them before the House.

Prof. Shibban Lal Saksena: Yesterday I pointed out that in the present year the profit from sugar was Rs. 4-8-0 and last year it was Rs. 9-8-0. If you want to compete with foreign imported sugar you must see that these abnormal profits are reduced. The honourable Minister is going to have an enquiry into this matter and I hope his Ministry will combine with the other Ministries concerned and hold a joint enquiry into the profits earned in this industry so as to see if protection is justified or not.

Mr. Speaker: Amendment moved:

That in clause 2 of the Bill,—

(i) in part (i) the figures '17' be omitted; and (ii) in part (iii), after the words 'Items Nos.' the figures '17' be inserted.

The Honourable Shri K. C. Neogy: I merely wanted to utter a word of caution. With regard to all that my honourable friend wants to be done, within one year, it is not physically possible to do them. I have already said it and let there be no misapprehensions on that particular point. Whatever is possible will be done.

Shri Gopikrishna Vijayavargiya (Madhya Bharat): In view of what the honourable Minister has said is it not better to have it for two years instead of one?

Mr. Speaker: The honourable Member has moved his amendment which the honourable Minister is going to accept.

The question is:

"That in clause 2 of the Bill—

(i) In part (i) the figures '17' be omitted : and (ii) in part (iii), after the words 'Items Nos.' the figures '17' be inserted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Prof. Shibban Lal Saksena: Sir, I move:

"That in clause 3 of the Bill, for the figures '1951', the figures '1950' be substituted."

Mr. Speaker: This is a consequential amendment.

The question is:

"That in clause 3 of the Bill, for the figures '1951', the figures '1950' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. Speaker: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

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

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

Mr. Speaker: The question is:

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

The motion was adopted.

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

TEA COMMITTEE FOR INDIA BILL

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

"That the Bill to provide for the development of the tea industry under Central control and for that purpose to establish a Tea Committee for India and levy a customs duty on tea produced in, and exported from, India, as reported by the Select Committee, be taken into consideration."

The Select Committee has presented a unanimous report and I have very little to say in support of this motion except for the purpose of pointing out certain important changes made in the constitution of the Board itself. The

House will see that in pursuance of the recommendation made by certain members in this House labour has been given representation on the Committee or Board as it is now going to be called. Secondly, provision has been made for the representation of the members of this legislature. There is another modification that has been made and that is in regard to the emphasis on the regional character of the representation. In the original Bill certain individual associations representing interests connected with tea were given representation by specific mention following the model of the Tea Cess Act. We thought that the representation to be granted to the tea industry had better be expressed by regions and further that specific representation of certain individual associations be removed from the body of the Act, so that there may be some amount of elasticity in the matter of securing representation of the various interests concerned. It is not the intention of Government to interfere with the representation enjoyed by these representative bodies but there may be changes in the composition of these bodies in the future and we should not therefore like to tie down the hands of Government in the matter of representation of the Indian tea industry interests in the fashion in which it was sought to be done in the original Bill.

We have increased the representation which was contemplated in the case of Assam and also in the case of one or two other areas.

This is about all the changes brought about by us to which I should like to draw the attention of the House as the most important.

Then again coming to the Committees we have made certain changes, though not of a very material character. It would be realised that having regard to the enlarged size of the Board the real work will have to be done by committees. Apart from there being an Executive Committee we have made provision for the setting up of other Standing Committees or *ad hoc* committees as occasion arises.

The rest of the changes are not of any great consequence and in some cases are of a drafting character.

There is a new clause added as clause 20. That provides for temporary continuance and ultimate repeal of Act IX of 1903. Having regard to the changes that we have proposed to bring about in the composition of the Board it is likely that we will take some little time for the purpose of giving full effect to the provisions of this measure. Meanwhile the work hitherto done by the present body must continue, and particularly there should be provision for the collection of the cess or duty. It is with that view that this new clause 20 has been inserted as a transitional measure.

Mr. Deputy Speaker: Motion moved:

"That the Bill to provide for the development of the tea industry under Central control and for that purpose to establish a Tea Committee for India and levy a customs duty on tea produced in, and exported from, India, as reported by the Select Committee, be taken into consideration."

Srijut Kuladhar Chaliha (Assam: General): Sir, after sugar of course tea comes naturally because it is a cup that cheers but not inebriates. It does not suffer from the handicap of taxation in India; it is only when the tea is exported that it comes within the clutches of the law, and it is paid out entirely by U. K. and other foreign countries. As such we have little or no grievance. Formerly the Tea Cess Act was really confined to propagate the extension of the tea market and it was done in other countries. Now, this Bill, in spite of its being sponsored by men who are absolutely ignorant of

[Srijut Kuladhar Chaliha]

tea, has been done fairly well. They have enlarged the scope to include research, marketing, co-operative efforts among growers and manufacturers and other things, and I think they have done fairly well. I think in future when we refer a Bill we should refer it to people who do not know anything about the industry concerned. That will be the best plan I suppose.

Mr. Deputy-Speaker: Because they come with an open mind.

Srijut Kuladhar Chaliha: Yes, they come with an open mind and they have done very well really.

There is one thing in this Bill which is rather to be admired. In this Bill we find for the first time that tea tasting should be developed. In the last 125 years in the tea industry no Indian has ever been admitted to the secret of tea-tasting except Europeans and I am therefore grateful to the honourable Mr. Neogy for having brought out this aspect of the question. Indeed this requires a little austerity, the man should not chew or smoke and his age should not be more than 18. It is hallowed secret to the commercial people of Calcutta. As such the fact that he has taken into consideration this aspect of the question is rather marvellous. I think if we allow some people to be trained in London and other places we will probably be able to have soon some tea tasters.

We have not had tea brokers in Calcutta. It is rather surprising that they work as sub-brokers and not as *pucca* brokers. There are only four firms which are Messrs Currit Moran & Co. Ltd., Thomas & Co., Creswell & Co., and A. W. Figgis & Co. These are the ones that have been doing the business and there are no Indian tea brokers. They are only under-dogs and are allowed 50 per cent. less brokerage for their work. So it is necessary for us to develop Indian firms to become tea brokers and we should see that the tea growers are given proper share in the tea broking business.

I shall first take the question where we should carry on our marketing propaganda. Should we carry it on elsewhere or in India? First I shall take India. In India during 1914-15 we consumed only 19 million lbs. But in 1925 we went up to 90 million lbs. and in 1948 we are consuming about 160 million lbs. in India alone. Therefore here is a great market where we should spend more money than elsewhere.

As regards the outside markets of course U. K. is best fitted where we are spending pound 80,000 and we should carry on there. But I am afraid the expenditure of about pounds 20,000 in Africa is a waste because the British firms who had tea estates in India have transferred themselves to Africa and they are growing a large acreage there. Two years back they were growing only 36,000 acres. A year ago they have planted 75,000 acres and they are planting more and more. But I am afraid if we spend the money of this Tea Cess in Africa we will be creating a market for the British growers who are transferring their capital from India to Africa. We should confine it to Egypt, Iran, Iraq, Afghanistan and Eastern and Western Pakistan. This sum will be well spent and you should close down gradually the propaganda in Africa because that will not be captured by us but by the British owners who are transferring their capital from India to Africa. We should therefore be cautious in this matter. As regards U.S.A. and Canada the more you spend the less they have consumed and therefore I think we should find out

other fields in Russia. Russia used to buy 50 million lbs. before the 1914 war. But somehow or other the British could not agree with them and it was cut down and down. Now of course we are entering into an agreement with Russia and 4,000 metric tons from North India and 1,000 metric tons from Southern India are to be exported there. But our friends from South India have not provided the necessary quantity. That means 4,000 tons or 8 million lbs. If we have good relations, and we do not see any reason why we should not, having regard to our neutral position in foreign affairs—we should go and befriend Russia as well to buy our goods. By that I think we can have foreign hard currency and dollars. It is necessary therefore that we should carry on propaganda in U.S.S.R. so that we may come up to the former level of 50 million lbs. Then we will be able to sell one-sixth of the North Indian produce.

Mr. Deputy-Speaker: The honourable Member may continue his speech after Lunch.

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

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

INDIAN FINANCE BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to present the Report of the Select Committee on the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949.

TEA COMMITTEE FOR INDIA BILL—contd.

Srijut Kuladhar Chaliha: Sir, before we rose for Lunch, I was, saying that we should follow an independent commercial policy as regards the U.S.S.R. We should try to have friendly commercial agreements with the U.S.S.R. so that we can sell as much as 50 million pounds of tea to that country. We have done a little and I am thankful to the honourable the Commerce Minister for allowing for export about 5,000 metric tons of tea to that country and I trust he will continue his efforts in that direction. The tea industry will be greatly relieved if another 5,000 metric tons of tea can be sold to the U.S.S.R. We are not bound to the policy followed by the Britishers in not allowing tea to that country. As such I trust they will follow the policy which they have now adopted which will be beneficial to the industry.

I am also thankful to the honourable Minister that in the functions of the Board he has provided for assisting and encouraging scientific, technological and economic research. This was unknown before. At Jorahat we have a very good Scientific Research Institute run by the Indian Tea Association. I think it will be best for the industry if it is taken up and all students and all professors are allowed scope for research there. We subsidised it through the Provincial Government to the extent of about Rs. 10,000 a year, now I think it has been raised to Rs. 20,000. The Central Government should subsidise the whole laboratory and other things there. There we have entomologists, Bacteriologists, and other scientists and the results obtained are so good that even the London Scientific Association has approved of them I should therefore, like to make a request to the Commerce Minister that he should see whether this Institute can be taken up and Indianised. They have adopted a policy now to recruit a few Indians but if the entire laboratory is taken

[Srijut Kuladhar Chaliha]

over it will be very useful. It is as good as the Agricultural Institute at Pusa, if not better. Therefore this is a matter to which the Commerce Minister would do well to attend to. It is one of the best agricultural laboratories we have in India. I am thankful that he has brought it in in the scope of the functions of the Board.

As regards promoting co-operative efforts among growers and manufacturers, of course the tea industry is such that growers and manufacturers are not different—all growers are manufacturers. It is put rather quite nicely, yet it shows a certain amount of, shall I say, want of knowledge. Yet it is well done. It will be good if through co-operative efforts we are allowed to combine two or more tea estates together for import of machinery. Therefore this provision is really one of the new provisions which has gladdened our hearts.

As regards the fixing of grades of standards of tea, it is said that the U.S.A. is rather disapproving of our standards. I think this report from America is rather one-sided. The growers of tea have followed the same old standard as they used to do, but of course there is the difficulty of labour. There is a certain amount of rough plucking and some faults right have crept in. But I think some prejudicial reports are being received by my honourable friend, because we have not deteriorated in selecting our grades very much.

Then I come to the composition of the Board. I have a little grievance there. In Assam we have about 440,000 acres of tea and our production is about 330 million lbs. In the neighbouring Province they have got about 156,000 acres and they produce only 120 million lbs. Whereas we have got 1,183 tea estates they have got 163. Our proportion is very large, but the composition on the Board is 6 for Assam and 4 for our neighbouring Province. In our proportion we should have got about three times more. For the present I am not going to charge the honourable the Commerce Minister because he has done his best possible and he has also given us a windfall. But I hope he will see that this discrimination on the Board is not made again and that we are given our full share of representation. I am glad, however, that the Central Assembly has been given representation. It is necessary. The old British magnates dominated so much that the Indian businessmen who went there had not the courage to speak up; they go and Kotow before them and are not able to express themselves properly. It is from the Centre that you should give new ideas and a new reorientation of policy. The mere fact that there is not a single Indian tea brokers firm shows that they have not been able to influence them at all. So I congratulate the honourable Minister on giving representation to this House on the Board.

As regards labour, I think there are labourers from Orissa as well as Madras. Representation from these Provinces should also be provided for in order to represent these labourers. We have here representatives from these Provinces. Mr. Sahu is from Orissa. There are labourers from Madras, Bezawada, Maschapatam and Vizagapatam. So, representation from the Central Assembly should be given on the Board not because they will understand the labourers well but because we will be able to bring in new ideas. The body of tea magnates do not accept any view except their own. Therefore, it is well that we have been given representation from the Central Assembly.

I fail to understand why the Chambers of Commerce should be so heavily represented. The dice is heavily loaded in their favour. The Chambers of Commerce have nothing to do with the tea industry and I have not been able

to follow the reason for their representation. I hope the next time we deal with the Act, the Chambers of Commerce will have nothing to do with it. These Chambers of Commerce have very little to do with tea. Even if they have, only one would have been enough.

Pandit Lakshmi Kanta Maitra (West Bengal: General): They are the people who will deal with your tea.

Srijut Kuladhar Chaliha: No, no. They have nothing to do with tea. Tea has an absolutely different organisation.

They have their brokers, their selling agents, their London agents, in fact they are their everything. Therefore the Chambers of Commerce are rather a burden to us with their suggestions and sometimes they are more a dead-weight than any help; especially because they always side the British magnates.

Sir, having said this, I congratulate the honourable the Commerce Minister whose integrity and honesty are proverbial and beyond doubt. What he has done is the best that could be done and I am glad he has brought forward this Bill.

Now, Sir you have had enough sugar, and now I must give you a little tea. For two days you have had sugar. Have some tea now.

The bitter cup utili-tea

Is followed by austeri-tea.

Next, tasting of futili - tea

We hand it to poster - tea

Then comes doubtful sani - tea

And, despite proprie - tea

We live as weak humani - tea

In tea-dious sobrie - tea.

श्री० लक्ष्मी नार यण साहू : श्रीमान् वाचस्पति महोदय, इस बिल में मैंने थोड़ा

एमेन्डमेन्ट दिया है। मैं नहीं जानता कि वह एमेन्डमेन्ट वाणिज्य मंत्री ग्रहण करेंगे या नहीं। इस लिये मैं अभी बतला देना चाहता हूँ कि यह जो टी पालिसी है, वह पालिसी, मैं देखता हूँ कि, हिन्दुस्तान में सौ बरस से ज्यादा हो गये, साहब लोगों ने इस को शुरू की थी। यह चाय यहां तभी शुरू हुई और होते होते आम लोग सब चायखोर बन गये हैं। मैं देखता हूँ कि अभी हम लोग जब पचास करोड़ रुपया तक इससे पाते हैं तो चूँकि बाहर के आदमी चाय को इतना बुरा नहीं मानते हैं, इस लिये हम लोगों को इस का प्रचार बाहर करने की कोशिश करनी चाहिये। लेकिन हिन्दुस्तान के बीच में इसका ज्यादा प्रचार न होते हुये भी आज घर घर चाय बहुत फैल गई है। इस लिये यहां चाय का प्रचार करने की कोई कोशिश न की जाय तो अच्छा होगा। अगर यहां चाय का प्रचार करने के लिये ज्यादा कोशिश की जायगी (तो यहां के आदमी इतने चायखोर बन जायेंगे कि) शायद इंग्लैण्ड और, और और देशों में जहां चाय की बहुत जरूरत होती है हम लोगों से, हम चाय भेज भी न सकेंगे। और अगर ऐसा हुआ तो हम लोगों को जो पचास करोड़ रुपया अभी फायदा होता है वह वहां से नहीं मिलेगा।

[श्री लक्ष्मी नारायण साहू]

एक बात मैं कहना चाहता हूँ कि आज चाय आसाम, दार्जिलिंग ऐसी जगहों में बहुत होती है। लेकिन जैसा मेरे मित्र ने कहा है, उसके लिये उड़ीसा से बहुत आदमी चाय के बागों में जाते हैं। हम लोगों के उड़ीसा में यह हालत है कि जो वहाँ गरीब बन जाते हैं, जिन्हें खाने को नहीं मिलता है, वह चाय के बागों में भेज दिये जाते हैं। वह बेचारे इतने दुख में जाते हैं चाय के बागों में कि वहाँ से निकल कर आना उनके लिये बहुत मुश्किल होता है। इस लिये मैं कहना चाहता हूँ कि यह जो बिल सेलेक्ट कमेटी से तैयार हो कर आया है, और जिस में एक प्रबन्ध भी दिया गया है कि इसमें तीन रिप्रेजेन्टेटिव आफ लेबर रहेंगे इसमें मैं इतना ही अर्ज करना चाहता हूँ कि कम से कम यह ख्याल रखा जाय कि उड़ीसा से भी एक आदमी लेबर का रिप्रेजेन्टेटिव हो। क्योंकि कोरापुट जिले में इतने एवार्डिजिनल्स हैं सउरा, कंध, परजा, गादवा, रणा इत्यादि, यह सब अपनी जमीन को बेच कर आसाम के बागों में जाते हैं और वहाँ उन की देखभाल करने की सुविधा किसी की नहीं होती है। मैं उड़ीसा से आसाम गया था। वहाँ चाय के बागों में देखा कि जिस अवस्था में वह श्रमिक लोग रहते हैं उसकी बहुत उन्नति करनी चाहिये। जब तक हम उनकी उन्नति नहीं करेंगे तब तक उन की हालत बहुत खराब रहेगी। क्योंकि चाय जहाँ होती है वह जगह पानी से भर जाती है और जरा खराब जगह होती है इस लिये वहाँ मलेरिया बहुत होता है और मलेरिया में जो तगड़ा या मजबूत आदमी हमारे यहाँ से जाते हैं वह वहाँ जाकर बहुत खराब हालत में हो जाते हैं। इसलिये मैं चाहता हूँ कि कम से कम वाणिज्य मंत्री जो यह बिल लाये हैं, उसमें मैं उनसे अनुरोध करता हूँ कि उड़ीसा से भी एक प्रतिनिधि लेबर का ले लें। इसके बारे में मैं और ज्यादा बात नहीं कहना चाहता हूँ। सिर्फ इतना ही फिर कहना चाहूँगा कि चाय बेचने के लिये हिन्दुस्तान के बाहर आप जितनी कोशिश कर सकते हैं उतनी कीजिये। लेकिन यहाँ चाय का जितना ज्यादा कन्जमेशन होगा, जितना उसका प्रोपेगैन्डा किया जायगा उतनी ही खराबी हम लोगों की होगी। चाय की आप टैबलेट टी बनाते हैं, केक टी भी बनाते हैं fluff tea बनाते हैं और यह सब बना कर हिन्दुस्तान को आप सब दे देंगे, उसके बाद आप उसका एडवर्टाइजमेंट करेंगे और प्रोपेगैन्डा करेंगे कि यह बहुत अच्छी चीज है और यह चाय पीनी चाहिये, तब तो यह देश एक दम खराब हो जायेगा। चाय के अभ्यास से मैं सोचता हूँ कि आदमियों की दृष्टि गाय के दूध के पीने के लिये जो आज है वह भी कम हो जायेगी। चाय एक दम बन्द हो जायेगी तब तो गाय का दूध पीने के लिये सबकी दृष्टि ज्यादा जायेगी। आज इससे फायदा तो है, रुपया ज्यादा

आता है, और सौ बरस पहले जो बात विलियम बेन्टिन्क ने शुरू की थी, बल्कि सौ बरस से ज्यादा हो गये हैं, हिन्दुस्तान भर में चाय बहुत बढ़ गई है। आखिर मैं चाहता हूँ कि कम से कम वाणिज्य मंत्री को यह देखना चाहिये कि वहाँ के लेबर प्रतिनिधि जहाँ जहाँ जायें, वहाँ कम से कम एक उड़ीसा का प्रतिनिधि रहना चाहिये और वहाँ का हाल जो है उसको बेहतर करना चाहिये और देखभाल करने के लिये उड़ीसा से एक प्रतिनिधि होना चाहिये।

(English translation of the above speech)

Shri Lakshminarayan Sahu (Orissa: General): Sir, I have given notice of a small amendment in this Bill. I do not know whether the honourable the Minister for Commerce would accept it or not. I wish to submit here and now that the present tea-policy was initiated in India by the Europeans some 100 years ago. Tea was introduced here at that time and gradually the people in general have become tea-drinkers. I see that we get something like 50 crores of rupees from our tea. As the people living in foreign countries do not consider tea to be such a bad thing so we ought to make efforts to give it the widest possible publicity abroad. But in spite of the absence of any widespread propaganda tea has spread its tentacles into every house of India. So it would be better if no efforts are made to popularise tea here. If more efforts would be made to popularise tea in this country then the people of this country would become so chronic tea-consumers that perhaps we would not be able to export our tea to England and other countries where it is badly needed. And if it were to happen so then we would not be able to reap even the profit of 50 crores of rupees that we get today.

The thing I want to say is that tea is mainly produced in Assam, Darjeeling and many other such places. But as my honourable friend has just said a majority of the labour for these tea-plantations is drawn from Orissa. In our Orissa the condition is that those people who become poor, who do not get sufficient to eat, are sent to the tea-plantations. They go to these tea-plantations in such a dire and tattered condition that it becomes difficult for them to return. Therefore I like to submit that in this Bill as emerged from the Select Committee there is a provision that three representatives of the labour class will also be included. I beg to submit only so much in this connection that at least this should be borne in mind that one labour representative from Orissa also should be there. Because a number of aborigines, like Saaura, Kandh, Parja, Gadwa, Rana etc. of Koraput District, after selling their lands etc. go to work in the tea-plantations of Assam and there no body has any interest to look after them. From Orissa I had gone to Assam. There in the tea-plantations I saw that the conditions under which these labourers live should be improved a great deal. So long we will not improve their mode of living their condition will remain abject. Because the places where tea is grown remain water-logged and thus become uninhabitable. Therefore Malaria is quite common there. As a result of Malaria the condition of the healthy and sturdy people, who go there from our province, becomes very bad. Therefore I wish to submit to the honourable the Minister for Commerce, who has introduced this Bill, to include at least one labour representative from Orissa also. I do not wish to submit anything more in this connection. But I would like to say only so much again that you may make whatever efforts you can to popularise and sell your tea in the foreign countries. But whatever propaganda will be made here and whatever quantities of tea would be consumed here will result in as much harm to the people of this country. From tea you prepare tablet-tea, cake-tea and also fluff-tea. You would give all these things to the people of India, afterwards you will advertise

[Shri Lakshminarayan Sahu]

these things far and wide, will do a propaganda that this is a very good thing and so this tea should be taken, then the result will be that the whole country will be spoiled. By adopting this tea-drinking habit the present tendency of the people that we find today, for taking cow's milk will to a great extent also diminish. If tea is totally stopped the people will get more and more in the habit of taking cow's milk. Today tea is a profitable commodity, we get more money, but as a result of the introduction of tea, that was begun by William Bentinck some 100 years back, I think more than 100 years we see that tea has spread her tentacles far and wide in the whole of India. In the end I beg to submit that the honourable the Minister for Commerce should at least see that wherever the labour representatives of that place go at least one representative from Orissa should invariably be included. Efforts should be made to better the living conditions there and in order to look after the condition of the labourers one representative from Orissa should be placed there.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, this Bill is of considerable importance to India from a commercial point of view. At present Indian tea has a dominating position in the world markets. Before the World War, or rather before the Chinese civil war began, Chinese tea held the dominating position. But on account of the various troubles with which China is afflicted, India has got a long start. China's troubles will be solved very soon, because they have come to a head, and so Chinese tea may again in course of time begin to dominate and be a competitor to India tea. In these circumstances, the committee that we are going to set up will have a very arduous task to perform.

In India, and in Northern India especially, there are three kinds of tea. There is first the Darjeeling tea, there is the Dewars tea and there is the Assam tea. Darjeeling tea is the finest from the point of view of flavour and the price of first-class tea—of the highest kind—will be about Rs. 100 per pound. They are all exported and are bringing in high prices from abroad. As regards the second category, the Dewars tea, it produces the best colour; and the Assam tea which is produced in my friend Mr. Rohini Kumar Chaudhury's Province produces the strongest liquor. It is a happy blending of these three classes of tea that produces the finest tea that you take. The important work of the Committee would be to so arrange matters as to create a very good foreign market for our tea. Upon this, not only the Indian Exchequer will get large taxes, but the Indian producers and labour get large sums of money. The prosperity of India will largely depend upon how we develop and maintain our foreign markets. It is from this point of view that I view the importance of this Committee. It should be the policy of this Committee never to lose touch with foreign businessmen, and not run at once to wholly Indianise the business particularly from the political point of view. In fact, as foreigners would be our best customers, it is only meet and proper that the business, at least outside India should be handled by foreign businessmen those who are intimate with and who can control outside markets. It is from this point of view that the Committee has got to be selected or appointed. I submit that the Department should be careful to bring into the Committee men of business experience, men of business acumen and those who can manage the question of tea in the world market in a more satisfactory and businesslike way. It should be run not on political lines, but on sound business lines. If this Committee can be made to run smoothly on business principles, the future of Indian tea would be brighter and more assured.

With these few words, I support the first reading of the Bill.

Shri Biswanath Das (Orissa: General): Sir, I certainly welcome the Bill as a distinct measure of improvement. Tea is a very important industry which earns for us not only dollars, but also helps in assuring us a good balance of trade. Having accepted the necessity of the Bill, I offer my honourable friend a few observations which I feel necessary in this regard.

In the first place, I consider that the body that he has devised will be a miniature legislature with debates, resolutions and I will be sorry if they are not allowed to have interpellations, because, the whole thing including the proceedings of these assemblies and councils, have been left to the Government to be prescribed under the rules. The Committee, if it is to serve as an executive body, to help in the furtherance of the trade, I do not think that such a big body is at all necessary. I do realise that the different parts of the country which have actually trade or which could hope to have tea industry should have representation. That does not mean that the representation that is allotted should be unwieldy to an extent which will frustrate the very purpose which the Bill has in view. Added to it, it will also add to the expense out of the cess to be collected from the trade.

Having said so much about the strength of the Committee, I come to its constitution. Clause 10 of the Bill lays down the functions of the Board which is the main legislative body constituted under the Bill. Clause (b) states: "increasing the production of tea in India." I do feel that this Committee will take necessary steps to see that cultivation and manufacture of tea is being introduced in other areas where we have none. If that is the aim which the sponsors of the Bill have in view, I fail to see why the province of Orissa is not included in the schedule of representatives. I had undertaken an experiment of introducing Coffee cultivation in Orissa. Within an altitude of 3,000 to 3,500 feet Coffee is being grown.

Srijut Kuladhar Chaliha: What is the rain fall in your country, Sir. You require about 80 inches.

Shri Biswanath Das: I am coming to that. I had introduced coffee cultivation in the hills of Jeypore in Koraput District. I also experimented this in certain other areas. Now that we have got the Orissa States, it further lends strength to my argument. These Orissa States where you have got further higher altitudes, offer a large scope for extension of this cultivation.

Now, I come to the other aspect of the question. Why should the scope of the Bill be limited only to the expansion of the business. I should think that the purpose of this Bill should have been extended further namely on the lines of the law relating to the levy of coal cess and the protection it affords to labour. I have gone through the whole Bill and I must say that there is nothing for labour. As I said, it should be the duty of the Committee to see that labour is also protected. It is idle to expect to expand the trade or develop its cultivation without affording protection to labour. If any one in India today needs protection, it is the tea estate labour. Very few friends, except my honourable friends who have the honour to represent Assam, probably know the difficulties and distress of the tea estate labour. We have in our province five or six different areas from which labour to tea estates are recruited: two areas from the Koraput district, two from Ganjam and one from Sambalpur district. I do know that there is another the sixth recruiting area from one Sub-division of the district of Ganjam. Added to this, you have got the States which have merged in Orissa which, I believe, have recruiting centres. I for myself feel that the sponsors of this Bill or at least the Select Committee should have extended the scope of the operation of the Bill to the protection of labour, and

[Shri Biswanath Das]

should have brought within the power of the Committee to spend moneys for the protection of labour and for their training also. Here, I must complain that nothing has been done. Let me hope that what is omitted in the Bill would be made good by the powers vested in the Government under the Act in the rule making powers.

The Honourable Shri K. C. Neogy: That will go beyond the scope of the Act itself.

Shri Biswanath Das: It does not. I do not at all agree with the limited vision of my honourable friend toward this Bill. The main purpose of the Bill is to expand the tea trade, which is manufacture and trade in tea. I fail to understand how the development of the trade could be possible without protection of labour. One is unthinkable without the other. If my honourable friend has any reason otherwise than what I have stated, I think he will be doing justice to himself and to this House and to the Party to which he has the honour to belong.

I come again to clause 4. Here again I see the tinges of the same old aspect viz., a big share of the representation to businessmen. Why should businessmen get both ways? They get representation as internal traders and then again come as the Chamber of Commerce. Why should they have twofold representation? I would appeal to my honourable friend to see that this sort of double representation ceases. For myself I would congratulate him for bringing in a new outlook, a new orientation in this regard but I would request him to go further. Times are changing very rapidly than he himself or we in this House consider. Things are changing so very rapidly that if to-day you go to the country with this Bill, people will come to hail you as they would have done two years back. Let me hope that the limited scope of the Bill will be further expanded so as to make it more effective, useful and economic. Any institution that is set up under a democratic regime and by the National Ministry loses its usefulness and vitiates the purpose if it fails to be economic and effective. Sir, with these words, I support the Bill.

Shri H. V. Kamath (C. P. and Berar: General): It is common knowledge that within the last few years tea has penetrated almost every nook and corner of our country. Not even a little village or hamlet to-day is without its little tea stall or booth. So far the development of tea industry in our country has been under the control of a Board called the Indian Tea Marketing Expansion Board which being dominated by Europeans did not always have an eye to the interest of our tea industry. Inasmuch as this Bill seeks to replace that old body constituted I believe under Lord Curzon's regime sometime in the first decade of this century, this measure, therefore, I have no doubt in my own mind, will do its very best to promote the development of the tea industry to the advantage of our own country. Tea has become common not merely in India but I believe all over the World during the last 50 or 100 years. English language has given currency to its popularity by referring to it as "the Cup that cheers but not inebriates". There is another saying in English advertisements for tea which says 'Any time is tea time'. For people like my friend Sahu who will swear at tea, against tea, they found out a remedy in countries like U.K. and perhaps America by serving milk with a little soupcon of tea and call it 'Tea-dash' and similarly 'Coffee-dash'. To those who cannot stand the full strength of these beverages, they serve this instead of what may be called 'Neat-tea' or 'Neat-coffee'. In our own country a friend of mine who was a wag, once quoted the Gita in support of tea. He said even Sri Krishna has advocated the habit of tea indirectly. I was dump-founded and said this was impossible.

There was no tea at all in the time of Gita and so asked him how could this be. He replied 'After all Sri Krishna was a prophet and he had vision of what was to come.' Then I begged of him to tell me the Sloka and he quoted the following:

Sarvasya chaham hrdis sannivishito.

I said even now I could not follow it. How could it be interpreted as being advocacy of tea? Then he said:

Sarvasya cha aham hrdis sannivishito.

It means "I am seated in the hearts of all in the form of tea." I said this was too far fetched and so could not swallow it.

But Sir, apart from that with one of our foremost leaders who is unfortunately now not in our midst, it was a favourite saying that 'There is no politics without tea.' I refer to Netaji Subhas Chandra Bose whose favourite drink was tea. There was a time when he took, he told us, 20 or 22 cups per day. Then he decreased the quantity but he always used to say that 'There is no politics without tea'. I am sure Sir that you too who have presided over the deliberations of this House with so much vigour and energy, I am sure that you too do not shun this drink, as my friend Mr. Sahu would like us all to do and I have no doubt you have not been the worse for it by taking tea now and then.

Now my friend Mr. Biswanath Das referred to the problems of labour and wanted that this Tea Committee which we are going to set up should take an interest in the welfare of labour. I am whole-heartedly in agreement with him in this regard and would commend that suggestion to the honourable Minister with a view to developing the industry on right lines and with a view to developing the industry to its optimum capacity. After all it is a truism to say to-day that if labour is happy and contented, certainly the industry will prosper. I am sure that if Government promotes the welfare of labour, there is no doubt whatever that our industry will give us more abundant returns. It may be worth while for my honourable friend the Commerce Minister to take up this matter in co-ordination with the Labour Minister and try to accommodate my friend Mr. Das in this regard. There is rule 10 which refers to the application of the fund. It says that the fund shall be applied towards meeting the expenses of the Board and the cost of the measures referred to in section 10. Now Section 10 contains several clauses, beginning from promoting the sale, increasing the production and consumption etc. and the last clause is "such other matters as may be prescribed." Now, Sir, my friend the Commerce Minister is at liberty to say that it goes beyond the scope of this Bill, but if you read the preamble of the Bill, you will see that what is contemplated is the development of the tea industry under Central control. Now, nobody will deny in the year of grace 1949 that the problems of industry and labour, the problems of the producer, the industrialist and the capitalist and the consumer are so inextricably inter-related and inter-connected that it is not possible to divorce the one from the other without damaging the interests of the whole industry. Therefore I would plead with my honourable friend the Commerce Minister to look into this matter favourably and give it his sympathetic consideration and see that labour gets whatever amenities are due to it for the successful development of this tea industry.

Next, Sir, I would like to sound a note of caution as regards this clause (a) of Section 10. Clause (a) relates to the promotion of the sale, and increasing the consumption, in India and elsewhere, of Indian tea or of tea generally, carrying on propaganda for those purposes.

Mr. Speaker: He is referring to clause 10.

Shri H. V. Kamath: I am sorry, Sir. I am referring to sub-clause (a) of Clause 10. It is Clause 12 in the old copy I have got.

Now, we do want to promote this tea industry and we do not think that a moderate indulgence of this beverage will do any harm to the human organism but at the same time, I must confess that not merely an immoderate indulgence of this beverage will do harm, but even a moderate indulgence of this beverage prepared or got ready in a wrong manner may be detrimental to the human system. I refer in this connection to the very healthy instructions that are always laid down with regard to the preparation of tea. When we carry on propaganda for the purpose of sale and for the purpose of consumption of tea at home and abroad, our propaganda staff and the allied officers should not neglect the other aspect of it, namely, how tea should be prepared and in what manner and cognate matters. I would also suggest, further, in this connection that our staff, either of the Health Department or of the Industry Department or the Vigilance Department must carry out surprise raids and checks on these multifarious and miscellaneous tea stalls that have sprung up like mushrooms all over the country and see that the tea that is served there is prepared correctly and according to hygienic methods because, Sir, it is well known that there is a drug or chemical called "Thein" in tea which if the tea stands over brew for longer than five minutes, I am not sure of the time (Mr. Naziruddin Ahmad: 'Maximum is seven minutes.'), it certainly becomes a slow poison for the human system, and if taken over a long period of time it may have cumulative effect and do damage to the human system to such an extent that it may induce either Dyspepsia or Hyper-acidity. Therefore, when we advertise "Drink more tea and keep fit" or, "Drink Indian Tea and keep fit"—all sorts of slogans there are—but certainly these slogans must also emphasize this aspect of the question, namely, that only good tea should be drunk, but also rightly prepared; otherwise those who are responsible for the preparation of tea, those who are in charge of tea stalls and restaurants must be taken to task and they must be hauled up under the Health Act or even the Adulteration of Food Act. This is a very important measure which I hope my honourable friend the Commerce Minister will bear in mind and I hope he will not propagate the consumption of tea without the propagation of the right method of making tea.

Then, Sir, I have only one more point to make and that is this. We are very happy to note that after nearly 46 years of its existence, this Indian Tea Market Expansion Board is coming to its inglorious close. The history of this Board has been not too complimentary or creditable. It has had a shady past and I would not like to dwell too much upon its past. We are living in the present and building a better future. But Sir I would have liked that one of the clauses here as regards the future of this Board might have been altered. I am referring to.....

Mr. Speaker: He may drop the clause. What is his point?

Shri H. V. Kamath: But I want to read from it, Sir. My copy is defective. It is the old copy. Well, then I will refer to the Bill as it was before it was referred to the Select Committee. I am sure the honourable Minister will have a copy of it with him. Clause 19 of that Bill refers to the transfer to the Committee of all rights and liabilities of the Board.

The Honourable Shri K. C. Neogy: That is clause 20 here.

● **Shri H. V. Kamath:** But that is missing here in my copy. The whole page is missing. Sub-clause (b) of clause 19 states that all officers and servants of the Board holding office immediately before the commencement of this Act shall be deemed to have been appointed officers and servants of the Committee with effect from the commencement of this Act, and shall be entitled etc. etc. 1

should have liked that when the Committee came into existence, it should have had the power to begin with a clean slate. This does not mean that I am against the employment of any or all of these officers that have been connected with this Board. But various complaints have reached the public from time to time about the misdeeds of some of the officers connected with this Board. There have been complaints of not merely anti-Indian favouritism but there have been complaints of corruption. There have been complaints of nepotism, there have been complaints of ill-treatment of Indians on the staff at the hands of the European bosses of this company. One paper went so far as to refer to this Board as the Robbers' Ring. I suppose it was far too exaggerated. But that showed which way the wind was blowing. It showed that all was not well with the Tea Expansion Board. Therefore, instead of making it mandatory that all the officers and servants of the Board shall be deemed to have been appointed officers and servants of the Committee from the commencement of this Act as laid down in the new Clause 20, I should have preferred if this Committee had been given a free hand in the appointment of officers. Either they could have taken them from the old Board or adopted any other method, but to lay down that all of them shall continue and be deemed to be officers appointed by the Committee with effect from the commencement of this Act means that we are tied to it, and certainly I do not think this is a very happy position.

Before I close I would like to say that the measure is welcome because I hope it will serve to encourage and promote the development of the tea industry. I should like to see an increase in the production of the various kinds of tea grown at present. We might also experiment upon new kinds of tea plant that might be growing in other countries. I remember a reference to tea by Maulana Abul Kalam Azab in his book "Gubbare". He speaks of a Chinese brand of tea. I forget the name—"White Lily" or some such name. He is regarded as a connoisseur of tea, and he says that that is the best tea that he has tasted in his life. I am sure that with this new Tea Committee in India, under the able direction and general guidance of the honourable the Commerce Minister, and due to the initiative he has taken in this matter, the day will not be far distant when our tea will not only excel Chinese tea but any other tea that might be grown in the world today, and that not merely the tea-planter, the tea industrialist, the tea labourer, but also the tea maker and the tea drinker, and even my friends like Sahu...

Pandit Balkrishna Sharma (U. P.: General): Who is the tea maker? God?

Shri H. V. Kamath: All those interested in tea, from its sowing to its consumption—will not have any grievance against this very mild beverage, but even friends like Mr. Sahu, who are opposed to it today, will at least be indifferent to its continuance and growth in our country.

I support the Bill.

The Honourable Shri K. C. Neogy: I am very grateful to the House for the general support which this measure has received at its hands. I am particularly grateful to Mr. Chaliha for the very kind words he said with reference to me personally. As a matter of fact, he was more than kind when he referred to a particular clause which seemed to indicate want of adequate knowledge on the part of the Committee about the condition of things in the tea trade. He said he would not be more explicit in the matter. He said, well, this is quite all right but it indicates some want of knowledge.

I felt that the composition of the Select Committee was seriously defective in that it did not include my honourable friend Mr. Chaliha. But the moment I realized that I sent a special invitation to him to come and assist the Committee informally with his advice and he did cheerfully respond to that invitation and gave us the benefit of his knowledge. It is my hope that he will continue to

[Shri K. C. Neogy]

make his knowledge and experience available to this House whenever questions relating to tea come up for consideration, and that he will find a place on the Board which we are proposing to set up under this Bill through whichever constituency it may be. As a matter of fact, we are having two seats given to this House itself to fill by election, though I would expect those two to represent the consumers' interests. But so far as I am concerned, I would be prepared to welcome Mr. Chaliha whether as a representative of this House or of any other body. My honourable friend has raised a sort of mild objection to the representation granted to the Chambers of Commerce—two seats—which we have proposed to give to representatives of Chambers of Commerce and Industry. This body is a continuation of the Tea Market Expansion Board and I do claim that although in the main the functions and the composition of that body have been adopted—of course the functions have been very much enlarged—the representation has been made on the whole more comprehensive than the representation of the Tea Market Expansion Board, which was constituted under the Tea Cess Act. Now, my honourable friend, would remember, that not merely were the Associated Chambers of Commerce (which is the British organization) and the Federation of Indian Chambers (which is the Indian organisation) given representation on that Board, but that other Chambers of Commerce, prominent among them being the Bengal Chambers of Commerce, the Bengal National Chambers of Commerce and the South Indian Chambers of Commerce, were also granted representation. What we propose to do is to give only two seats to Chambers of Commerce and Industry for the purpose of representing the general interest of trade and commerce, in place of having, as I have already read out, bodies which enjoyed representation under the Tea Cess Act. It is our intention to grant representation to the Associated Chambers as also to the Federation of Indian Chambers of Commerce. Now the necessity of continuing some kind of general representation, so trade and commercial interests arises out of the fact that apart from the questions of the specialized interests in the tea industry and tea trade, the future export market, or even the internal market would be influenced by activities say in the sphere of transport, shipping insurance and so on. Unless we have some persons who have some knowledge about these matters on this particular Board, it would be difficult for the Board to deal with questions of this character if they come up for consideration. That is my justification for continuing two seats at least to representatives of the general interests of trade and commerce apart from the specialized interests of tea.

My honourable friend referred to the excellent institute that Assam possesses and which carries on research in regard to various matters relating to tea and he expressed the hope that the Central Government would pay a subsidy to that institution. I think that once this Board is set up it will be the function of that Board to link itself up with institutions of this kind and help them financially and otherwise. It is my hope to be able to visit this institution in course of time. I will place myself in the hands of my honourable friend Mr. Chaliha, and I hope I will be able to visit a few typical tea gardens in Assam so as to have a first hand knowledge of some of the broad features of this industry.

My honourable friend Mr. Sahu raised the question, particularly, of representation of labour from Orissa. So far as representation of labour is concerned it is my intention to consult my honourable colleague, the Minister for Labour in the Government of India for the purpose of laying down the lines which should be followed so as to secure due representation of labour on this particular board. I am therefore not in a position to give my friend any specific assurance on that subject but I shall certainly convey my honourable friend's suggestion to him and to the Labour Ministry.

In this connection I should also like to deal with the suggestions that have been made, that the activities of this Board should include all measures relating to labour welfare. Honestly speaking, it was rather away from my mind to include such activities within the scope of this Board. There are, for instance, existing laws and existing organisations which look after the welfare of labour, including labour engaged in tea estates. It is the Government's responsibility to look after the interests of labour, particularly engaged on tea estates, and I know that from time to time the Central Government have taken keen interest in this question. So if I say that this particular Board would not normally be expected to concern itself with questions affecting welfare of tea labour it must not be assumed that the Government do not realise the importance of safeguarding the interests of labour in regard to the tea industry. But here again is a matter on which I should like to consult my honourable colleague, the Labour Minister.

My honourable friend Mr. Biswanath Das complained about the size of the body. Actually in the original Bill it was slightly smaller in size but due to the expansion on account of, say, the inclusion of representation of labour, representatives of this House and individual representatives of certain areas, the expansion could not be helped. As a matter of fact I find that there are certain amendments, the effect of which will be further to expand the Board. I must say that I agree with him that it is not right to go on expanding a body of this kind and having realised that, as I said in the morning, we do contemplate that most of the work will have to be done by committees, particularly the executive committee. That is how we propose to get over the difficulty which my honourable friend Mr. Biswanath Das has in mind and with which expression of opinion I also agree partially.

My honourable friend expressed a desire that Orissa's possibilities in regard to the cultivation of tea should be explored. That is perhaps what my honourable friend has in mind. No one would be happier than me if Orissa could possibly prove to be a severe competitor with Assam, for instance. My honourable friend perhaps knows how partial I am to Orissa: I have lived in that region for years. But then I am afraid that the climatic conditions of Orissa, at any rate in places with which I am familiar, may not be quite suitable for the cultivation of tea. However, it is well worth pursuing. As a matter of fact I would depend upon my honourable friend to induce the Orissa Government to take the initiative in this matter and draw the attention of this Board to the possibilities of tea cultivation in Orissa, once that is established.....

Shri Biswanath Das: I have demonstrated and it has been found successful.

The Honourable Shri K. C. Neogy: I dare say my honourable friend would bring the results of his demonstration to the notice of the Board, once that is set up. I want to sound a note of warning in this connection. This very morning we were discussing the question of the sugar industry. It is a well known fact that 80 per cent of the present sugar output comes from Bihar and the United Provinces which are admittedly in a worse position than Madras and Bombay, for instance, in regard to natural facilities. So it is somewhat dangerous to try and experiment in such matters and introduce new crops of this kind in areas where they may not ultimately prove to be economical. We should like to avoid while dealing with tea problems of the kind that have arisen in connection with the sugar industry.

My honourable friend Mr. Kamath's intervention was extremely welcome, particularly as it counteracted the somewhat depressing atmosphere which was created on the last occasion by the vigorous speech of my honourable friend to his left. His suggestion will certainly be borne in mind as regards the lines which propaganda should follow.

[Shri K. C. Neogy]

Before I finish I should like to refer to his apprehensions in regard to the existing staff being continued. The staff can easily be dispensed with on a notice of six months. As I said, clause 20 actually is a transitional measure. We want to give the present organisation as a sort of going concern to the new organisation and we should not like to create a disturbance just at the present moment. I can tell my honourable friend that the number of non-Indians in this organisation is comparatively small. It is not more than three in the top posts. What we want to do is to hand over the organisation as a going concern to the new one and not to do anything meanwhile that might create a disturbance in the continuity of the work and then it will be open to the new Board to give notice, under the rules, to anybody who should not continue for reasons that he has stated or for other reasons.

I think my honourable friend Mr. Chaliha gave a quotation to indicate the virtues of tea. May I conclude with a similar quotation from no less a person than the famous British statesman, Mr. Gladstone. This is what is ascribed to him:

"If you are cold it will warm you.

If you are too heated it will cool you.

If you are depressed it will cheer you.

If you are excited it will calm you."

Mr. Speaker: The question is:

"That the Bill to provide for the development of the tea industry under Central control, and for that purpose to establish a Tea Committee for India and levy a customs duty on tea produced in, and exported from, India, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Speaker: As there are no amendments to clauses 2 and 3 I shall put them together.

The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. Speaker: There are two amendments tabled by Mr. Naziruddin Ahmad. Does he wish to move them?

Mr. Naziruddin Ahmad: The first one is only a formal amendment which need not be moved as we have already agreed to a convention that amendments of this nature need not be moved. I simply wish to explain that the headings before clauses do not require full-stops. The full-stop is to be found not only in this Bill but in others as well.

Mr. Speaker: I am not putting them to vote—much less the punctuations with which they are connected.

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

श्री लक्ष्मी नारायण साहू Sir, I move:

"That in part (ii) (a) of sub-clause (3) of clause 4 of the Bill for the word 'six' the word 'eight' be substituted."

वाचस्पति जी, आसाम के लिये चालीहा जी ने अभी कहा कि वहां पर 10 जगह-से तिगुनी चाय होती है। इसलिये वहां के लिये ज्यादा रिप्रेजेंटेशन इस कमेटी में होना चाहिये। इसलिये मैं यह प्रस्ताव पेश करता हूं। दूसरा एमेन्डमेन्ट जो मैं मूव करता हूं वह यह है:

"That in part (iii) of sub-clause (3) of clause 4 of the Bill, the words 'for Provinces which have not been mentioned in part (ii)' be added at the end."

इसका मतलब यह है कि उड़ीसा में और जिन 2 प्रदेशों में अभी चाय नहीं होती है जैसा कि अभी माननीय विश्वनाथ जी ने कहा कि उड़ीसा में इस बात के लिये कोशिश करनी चाहिये। तो इसलिये इन सब प्रदेशों के लिये एक एक रिप्रेजेंटेशन उनको देना चाहिये।

इतना कहकर जो मेरा संशोधन है उसको मैं मूव करता हूं।

(English translation of the above speech)

Shri Lakshminarayan Sahu: Sir, I move:

"That in part (ii) (a) of sub-clause (3) of clause 4 of the Bill, for the word 'six', the word 'eight', be substituted."

Sir, my honourable friend Mr. Chaliha has just stated that Assam produces three times the quantity of tea that is produced in other parts, and for this reason, more representation should be given to that Province on this Committee. Therefore, I move this amendment.

The second amendment which I move is:

"That in part (iii) of sub-clause (3) of clause 4 of the Bill, the words 'for Provinces which have not been mentioned in clause (ii)' be added at the end."

The object of this amendment is that steps should be taken to introduce cultivation of tea in Orissa and other Provinces where this is not grown at present. My honourable friend Mr. Biswanath Das has just stated that it is not cultivated in the Province of Orissa. Therefore, representation to each one of these Provinces should be given in this Committee.

With these words, I move my amendment.

Mr. Deputy-Speaker: Amendment moved:

"That in part (ii) (a) of sub-clause (3) of clause 4 of the Bill; for the word 'six' the word 'eight' be substituted."

The Honourable Shri K. C. Neogy: Sir, the effect of this amendment would be to increase the representation granted to Assam very substantially. I must say that I very much appreciate the spirit of sacrifice on the part of the Assam members on the Select Committee. As a matter of fact, but for that it would not have been possible for us to grant representation to some of the smaller units at all. Now I should give to the House a very rough idea about the nature of the representation that is justified on the grounds of, say, acreage and out-turn. As far as I see, on the basis of acreage Assam would be entitled to 48 per cent of representation of the tea growing interests and on the basis of outturn Assam would be entitled to a representation of 55.3 per cent, whereas we have granted Assam Representation to the extent only of 34 per cent. As I said, I very much appreciate the spirit of sacrifice on the part of the Assam representatives in agreeing to this reduced representation. If now we were to increase it, it would create complications apart from an increase in the size of this Board. I do hope therefore that my honourable friend from Orissa would not press his amendment.

Mr. Deputy-Speaker: Is he pressing his amendment?

Shri Lakshminarayan Sahu: No, Sir

Mr. Deputy-Speaker: Has the honourable Member leave of the House to withdraw his amendment?

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

Shri Lakshminarayan Sahu: What about my next amendment, that in part (iii) of sub-clause (3) of clause 4 of the Bill, the words "for Provinces which have not been mentioned in part (ii)" be added at the end? I have moved that also.

Mr. Deputy-Speaker: I have not placed it before the House.

Amendment moved:

"That in part (iii) of sub-clause 3 of clause 4 of the Bill, the words 'for Provinces which have not been mentioned in part (ii)' be added at the end."

The Honourable Shri K. C. Neogy: This really goes against the intentions of the Select Committee. The Select Committee wanted to give this House representation by providing for two Members. My honourable friend wants to limit that choice to those members who might be sent to represent Provinces which would not otherwise be represented on this Board. I am afraid such representation could not be called representation of this House at all in any sense of the term.

Mr. Deputy-Speaker: And it may be that some Provinces are not interested at all in this.

The Honourable Shri K. C. Neogy: The representatives of this House would normally be expected to represent the interests of the consumers as a whole

Shri Lakshminarayan Sahu: I would like to withdraw the amendment.

Mr. Deputy-Speaker: Has the honourable Member leave of the House to withdraw his amendment?

The amendment was, by leave of the Assembly withdrawn.

Mr. Naziruddin Ahmad: I shall move my amendment to clause 4. It is a formal amendment. Sir, I beg to move:

"That in sub-clause (6) of clause 4 of the Bill, for the words 'may make the nomination itself,' the words 'may itself make the nomination' be substituted."

I think this is a better version.

The Honourable Shri K. C. Neogy: I am in the hands of the House in this matter.

Mr. Deputy-Speaker: The question is:

"That in sub-clause (6) of clause 4 of the Bill, for the words 'may make the nomination itself' the words 'may itself make the nomination' be substituted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 4, as amended, stand part of the Bill.

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5 to 9 were added to the Bill.

Dr. Mono Mohan Das (West Bengal: General): I move:

"That in part (a) of sub-clause (1) of clause 10 of the Bill, for the words 'in India and elsewhere', the words 'foreign countries' be substituted."

My amendment proposes to take away the right of making propaganda for popularising tea in this country. This Bill has been sponsored for the improvement of the tea industry of our country. The tea industry of our country should be improved to a great extent for various reasons. This industry not only helps to maintain a balance in our export and import trade but it also contributes to a great extent to the financial and economic improvement of our country. It brings a great amount of foreign exchange to our Government, gives employment to about a million labourers and brings considerable amount of profits to the planters as well as to the traders. Formerly India practically monopolised the foreign tea market. But nowadays various other countries like South Africa, Ceylon and a few countries of South America have entered the field as our competitors. I am sorry to say that before these competitors we are gradually losing our ground. We are losing our field because the Indian tea is lower in quality and higher in price.

So, it has become imperative that some means must be adopted, some enactment taken up by this House, for the improvement of our tea industry. This Bill proposes to impose not more than Rs. 2 per cwt. as export duty. This export duty, after deducting all collection charges, will be given in the hands of the Indian Tea Board who will credit it to the Tea Improvement Fund. The Indian Tea Board will take upon itself the responsibility of improving our tea industry. Two things are necessary for the improvement of the tea industry of this country. One is improving the quality of our tea and the other is carrying out an effective propaganda for popularising Indian tea.

So far as this propaganda is concerned, I have no objection to it being done in foreign countries. Actually I have a great desire that such propaganda should be carried out. But so far as this country is concerned, I am vehemently against any propaganda for tea in this country. Tea as a beverage in a full stomach or with a substantial amount of food or at least with a sufficient amount of milk and sugar is not harmful; it takes away our exhaustion and gives us energy and stimulus to work. But in a country like India where people have not sufficient money to pay for food, this attempt to increase the consumption of tea is reprehensible. The lower middle class and the poor people feel hungry and exhausted, go to the nearest tea stall, pay an anna or two, take a cup of tea, their exhaustion is removed, they get invigorated, they find stimulus and energy for work. But what does that tea do in the empty stomach? The tannic acid of the tea forms a coating on the inner wall of the stomach and stops the hunger-contraction. We feel hungry because the stomach contracts when it is empty and due to that contraction we feel hungry. When this tannic acid stops the contraction of the stomach it gives a deceptive and false fullness of the stomach without appeasing the hunger. When this process goes on month after month and year after year it ultimately leads to a total disruption of the digestive system and a nervous breakdown. Peevishness, neurasthenia, loss of weight, all these are the results. So, unless and until the economic condition of our country is improved, especially of the lower middle class and the poor class, no attempt should be made to increase the consumption of tea in this country.

[Dr. Mono Mohan Das]

In this connection I am reminded of one of our great men of Bengal, Sir P. C. Ray, a great scientist and philanthropist. He narrated at length the evil effects of tea upon the human system, especially upon the students of Bengal who are very fond of tea. He asked them, rather he appealed to them, to give up tea as a man shuns poison.

An Honourable Member: But he himself used to take tea.

Dr. Mono Mohan Das: Sir, I have not the good fortune to know it, perhaps he took it with a good amount of milk and sugar. Coconuts he used to take more and when taken with coconut tea does not produce any harm.

I appeal to our honourable the Commerce Minister to take into consideration all these baneful effects of tea upon the human system if it is not taken according to the proper method. Tea when taken properly by the richer classes, with proper milk and nourishment, does not do any harm, but as it is taken by the middle classes and poor classes of our country it does great harm. So, I do not want that taking advantage of the poverty of our people, taking advantage of the ignorance of the health laws, a propaganda machine should be let loose in our country among the lower middle class and the poor class to popularise tea and thereby bring ruin and degradation upon the health of our country. I appeal to the honourable Minister to take into consideration these facts and make such provision in the Bill so that propaganda for tea in this country will be forbidden.

Mr. Deputy-Speaker: May I ask, before we proceed further, whether the honourable Minister has been persuaded by the Doctor's advice to accept the amendment?

The Honourable Shri K. C. Neogy: Not at all.

Mr. Deputy-Speaker: Is the honourable Member interested in pushing the amendment through. If he withdraws then there will not be any discussion on it.

Dr. Mono Mohan Das: I withdraw it.

An Honourable Member: The clause is there for discussion.

Mr. Deputy-Speaker: There are a number of amendments. After all the amendments are disposed of there will be an opportunity to speak on the clause.

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, my respectful submission is this. It may be quite all right for the honourable Member to withdraw his amendment. But is he also withdrawing his speech. Either his speech must be allowed to be contradicted or he should withdraw his speech altogether and it should not be published.

Mr. Deputy-Speaker: We now go to the next amendment. Mr. Sahu.

श्री लक्ष्मी नारायण साहू Sir, I move:

"That in part (a) of sub-clause (1) of clause 10 of the Bill, for the words 'in India and elsewhere', the words 'foreign countries' be substituted."

यह जो संशोधन ह वह वैसा ही है जैसा कि मेरे मित्र मनमोहन दास ने किया है। लेकिन मेरा जो आरग्यूमेंट है वह दूसरा है। मैं तो चाहता हूँ कि

जितना पैसा हिन्दुस्तान में प्रोपेगैंडा के लिये खर्च होगा वह पैसा यहां खर्च न करके उस जगह खर्च किया जाना चाहिये जहां, कि यह पैसा इस प्रकार के लिये खर्च करना चाहिये। इस तरह हमारे देश को चाय का पैसा भी ज्यादा मिल जायगा और इस देश के आदिमियों को हैल्थ जो चाय से खराब होती है वह भी खराब नहीं होगी। इस वजह से मैंने यह संशोधन दिया है।

(English translation of the above speech).

Shri Lakshminarayan Sahu: Sir, I move:

"That in part (a) of sub-clause (1) of clause 10 of the Bill, for the words 'in India and elsewhere', the words 'foreign countries' be substituted."

This amendment is similar to the one moved by my honourable friend 4 P.M. Dr. Mono Mohan Das. But my argument is quite a different one. What I want is that the money which will be spent in India for propaganda purpose, should not be spent here; and instead of that it should be spent at places where it is considered necessary to conduct such a propaganda. In this manner, our country will get more return on tea, and this will also help in preserving the health of our people which is usually affected by the use of tea.

For this reason, I have moved this amendment.

Mr. Deputy-Speaker: Amendment moved:

"That in part (a) of sub-clause (1) of clause 10 of the Bill, for the words 'in India and elsewhere', the words 'in foreign countries' be substituted."

Babu Ramnarayan Singh (Bihar: General): Sir, I whole heartedly support this amendment. In the beginning I was a bit afraid of my Assamese friends and so I was keeping silent; and I had no mind to take part in this debate; but I was a bit provoked by my friend.

Srijut Rohini Kumar Chaudhuri: On a point of information, Sir, if the other amendment was allowed to be withdrawn, what happens to this amendment? Where will this stand?

Mr. Deputy-Speaker: I have not put that to the House even. And apart from that, that this amendment also will be withdrawn is now hypothetical. If one honourable Member has withdrawn his motion, another honourable Member can move his. Moreover, what is the use of complaining about propaganda if tea is going to be sold in this country?

Babu Ramnarayan Singh: Although my honourable friend Dr. Mono Mohan Das has withdrawn his amendment, his speech is there.

Dr. Mono Mohan Das: I have withdrawn the next amendment. The amendment on which I spoke has not been withdrawn. I was under the impression that the next amendment was being referred to, and so I withdrew the next amendment.

Mr. Deputy-Speaker: So far as the previous speaker is concerned, by whatever mistake it may be, there is no meaning in withdrawing some amendment which I had not called up, and which the honourable Member did not move at all. Anyway there has been no loss, because there is another honourable Member here who has moved a very similar amendment.

Shri M. Tirumala Rao (Madras: General): Let him take a cup of tea and then come.

Babu Ramnarayan Singh: I have said, Sir, that I support each and every that fell from the lips of my friend Mono Mohonji. Sir, the thing is Sometimes the temper of the House altogether surprises me. Praises of tea are sung in unlimited quantity. Sir, I also have some experience of tea taking. While I was in the B.A. class.....

Shri H. V. Kamath: How many years back was that?

Babu Ramnarayan Singh: While I was in the B.A. class I had to read a lot at night and when I felt sleepy friends advised me to take tea so that I could keep awake and read on. Sir, I tried, and the result was that in the day time, my head used to remain giddy and I could not read in the day time. My friend Mr. Kamath has said that along with propaganda for tea, the method of correctly preparing the tea also should be propagated, otherwise owing to bad preparation, the tea gets poisonous. So, Sir, it is evident and it has been admitted that there is some poisonous element in tea. If this is admitted, then I may advise my friends here that in the same way a little quantity of opium or a little quantity of wine taken in regulated quantities may be advocated because these also give us vigour and they also help us in certain circumstances. I therefore say, and that too very seriously and I request the honourable Minister to consider it, that this matter ought to be submitted to a properly constituted medical board and that the mandate or verdict of that medical board be obtained and whatever may be that verdict, we ought to follow it. Now, it has been said that tea is not injurious. But the question is, whether it is going to help us in our health, in adding to our vigour. I will not speak much against tea because my friends from Assam will get angry. I will wish them all happiness and prosperity. As the amendment says, let the propaganda be carried on in other countries, and let the money for the committee's work come from abroad.

Mr. Deputy-Speaker: Would not the poor men there suffer?

Babu Ramnarayan Singh: Sir, I am only saying that the people here are not going to suffer for want of tea, but they will begin to suffer from the supply of tea to them. Mr. Kamath said that tea has already penetrated every nook and corner of our land. But I say tea has not penetrated, but it has been taken there by the Tea Cess Committee. Tea has no nutritive value, it is not so useful that it may penetrate by itself. Of course like anything else, it also can be taken into any part of the country. However, I request the House and I also request the honourable Minister, let them do whatever they like in other matters. I wish them all prosperity to the industry, and through that industry to my friends in Assam. At the same time, as my friends say, it will bring us Dollars, I am not against tea industry let them carry propaganda and sell tea outside, but let them not propagate this evil in this country. Therefore, I support the amendment of my friend Mr. Sahu who was regarded up till now to be alone. Sir, he also has got a companion, in me, and there are people who do not like tea as much as they do not like poison. With these words, I again support this amendment.

Mr. Deputy-Speaker: I am only making a suggestion, and it is this. In view of the fact that the honourable Minister is not accepting the amendment, shall I put it to vote straightaway?

Shri H. V. Kamath: But we must counter the arguments which have been advanced.

Pandit Thakur Das Bhargava (East Punjab: General): Those who want to support the amendment must be allowed to support it.

Mr. Deputy-Speaker: Pandit Thakur Das Bhargava.

पंडित ठाकुर दास भार्गव: जनाब डिप्टी स्पीकर साहब, जब आखिरी मर्तबा यह बिल सिलेक्ट कमेटी के सुपुर्द हुआ उस वक्त भी मैं ने बड़े अदब से आनरेबिल मिनिस्टर साहब और हाउस की खिदमत में अर्ज किया था कि जहां तक कि चाय के हिन्दुस्तान में प्रोपेगेंडा का ताल्लुक है इस मामले में बड़े काशन से काम लेना चाहिये। मैंने उस वक्त जो अर्ज किया था उस पर ऐसा मालूम होता है कि सिलेक्ट कमेटी में कतई गौर नहीं हुआ या मेरे दोस्तों की राय इस राय के मुखालिफ थी कि हिन्दुस्तान में इसका प्रोपेगेंडा न किया जाय। मैं अदब से अर्ज करना चाहता हूं कि जहां तक चाय के पीने वालों का ताल्लुक है मुझे उन से कतई कोई झगड़ा नहीं है। जो चाय पीना चाहते हैं जरूर पीवें और जो एक दलील पिछली मर्तबा आनरेबिल मिनिस्टर साहब ने दी थी मैं उस दलील की भी कदर करता हूं। आनरेबिल मिनिस्टर साहब ने फरमाया था कि एक तरह से जो लोग शराब पीते हैं उन के वास्ते चाय सबस्टीट्यूशन के लिये एक बड़ी अच्छी चीज है। हो सकता है कि यह दुरुस्त हो और मैं उनकी इस राय के मुखालिफ कुछ भी अर्ज नहीं करना चाहता क्योंकि मैं अब तक इस बात का भी कायल नहीं हूं कि चाय हर सूरत में नुकसान ही देती है। अगर मेरी यह राय होती तो मैं इसकी बड़े जोर से मुखालिफत करता और कहना कि हिन्दुस्तान में ही नहीं बल्कि दुनिया भर में इस को बन्द करने के लिये प्रोपेगेंडा किया जाय। लेकिन इस हालत में जो कि हमारे देश में है यहां पर चाय को जोर देना हरगिज वाजिब नहीं है। यहां चाय बहुत अरसे से हिन्दुस्तान में चली आती है। जैसा कि बाबू राम नारायण सिंह ने कहा मैं उन दिनों पढ़ता था और उन दिनों चाय का ताल्लुक यह था कि चाय वह लड़के इस्तेमाल करते थे जो पढ़ना चाहते थे ताकि नींद ज्यादा न आवे। जो लड़के रात के वक्त ज्यादा पढ़ना चाहते थे वह चाय पिया करते थे इसलिये कि शायद चाय के पीने से नींद कम आती हो या उस से कुछ एक्साइटमेंट पैदा होता हो जिस से कि नींद न आवे। यहां मिस्टर कामथ ने एक श्लोक गीता से भी पढ़ा है यह quotation हंसी के काबिल तो है वरना बेअसर है। लेकिन मैं डाक्टर मनमोहन दास की इस राय को काबिले कदर समझता हूं कि चाय उसी हालत में मुफ़ीद होती है जब कि खाने को बहुत काफ़ी मिलता हो। लेकिन ऐसी हालत में जब कि खाने को न मिले यह जरूर नुकसान देती है।

[पंडित ठाकुर दास भार्गव]

पिछली मर्तवा मैंने एक तजुर्वा अपना बतलाया था कि मेरा जो शीफर है उसको चाहे आप दो दिन रोटी न दीजिये तो कुछ नहीं, चाय दिये जाइये और वह बराबर काम करता रहेगा। लेकिन अगर चाय नहीं दी जाये तो वह काम नहीं कर सकेगा। यह उसी तरह है कि जिसको अफीम की आदत पड़ जाती है उसको अगर आप अफीम खाने को न दें तो वह पशेमान होता है। जिस को अफीम की आदत पड़ जाती है वह उसके बिना बेचैन रहता है। इसी तरह चाय की जिनको आदत पड़ जाती है वह उसके बगैर पशेमान होते हैं। यही बात शराब के बारे में है। और इसलिये शायद जो लोग शराब के असरात के कायल हैं वह शायद शराब को तारीफ में भी कोई श्लोक ढूँढ निकालें। हमें यह देखना है कि हिन्दुस्तान के अन्दर चाय उस जगह पर है कि नहीं जहां कि इस को होना चाहिये। पिछली मर्तवा आनरेबिल मिनिस्टर साहब ने चाय को शराब का सबस्टीट्यूट बतलाया था कि यह ज्यादा मुफीद है। मैं डरता हूं कि कहीं यह कभी दूध के मुकाबिले में भी न आ जाय और कहा जाय कि यह दूध के मुकाबिले में अच्छी है। मैं तो यह देखता हूं कि जो लोग दूध पिया करते थे वह दूध की कीमत ज्यादा होने की वजह से या इस वजह से कि दूध ज्यादा मिलता नहीं अब एक तरह से चाय का डिक्वशन बना कर पीने लग गये हैं। अगर यह दूध के मुकाबिले में गांव में गई तो मैं बड़े जोर से अर्ज करना चाहता हूं कि चाय दूध के मुकाबिले में कोई हैसियत नहीं रखती।

अब सवाल यह उठता है कि जब तक कि दूध काफ़ी न हो चाय को उसकी जगह सबस्टीट्यूट कर दिया जाय। तो इस सिलसिले में मैं अदब से अर्ज करूंगा कि गांव में आप इसको क्यों ले जाना चाहते हैं। आप रखते हैं तो इसको शहरों में ही रखिये जहां पर कि लोग न तो दूध की कदर जानते हैं और न यह जानते हैं कि इस को किस तरह पीना चाहिये। जो लोग चाय पीते हैं मैं उन की बाबत कुछ नहीं कहना चाहता। लेकिन जिन इलाकों में इसको नहीं पीते हैं उनके लिये मैं कहना चाहता हूं। अगर गांव के कुछ इलाकों में लोग चाय पीते हैं तो वह इस तरह से नहीं पीते जिस तरह कि शहर वाले पीते हैं। आप गांव के अन्दर जाकर देखें कि चाय वहां किस तरह पीते हैं। वह लोग चाय के अन्दर घी डाल कर पीते हैं। शायद यहां शहर वालों को यह पता भी नहीं होगा कि जो लोग गांव में पीते हैं और जिन के पास खाने को है वह चाय में घी डाल कर पीते हैं। लेकिन वह लोग कि जिन के पास दर असल न दूध है और न पूरी छाछ ही है उनको अगर आप यह ले जा कर देंगे तो आप उनका बहुत सख्त नुकसान

करेंगे। इसलिये मैं अदब से अर्ज करूंगा कि यह कोई हंसी या दिल्लगी की बात नहीं है और हाउस को यह नहीं चाहिये कि वह चाय को उस जगह ले जा कर बैठा दें कि जहां उसका हक नहीं है। यह दूध के मुकाबिले में जब आती है तो मैं दूध के मुकाबिले में चाय को कोई जगह नहीं दे सकता। इसलिये आप इसको यहां तक रखिये कि जो लोग चाय पीते हैं उनको हम कुछ नहीं कहते। लेकिन यह नहीं करना चाहिये कि सारे देश में जा कर हम इसका प्रोपेगेंडा करें कि सब लोग चाय पिया करें।

क्या इस सिलसिले में मुझे मेडिकल साइन्स की कोई राय मिल सकती है जिस तरह कि ग्लैडस्टोन (Gladstone) साहब का तजुर्वा था। लेकिन ग्लैडस्टोन साहब की महज इस वजह से कि वहां के प्रीमियर थे मैं ज्यादा वक्त नहीं रखता। मुझे आप इस के लिये कोई राय दिखाइये डाक्टर की, मेडिकल मेन की कि जो यह कहता हो कि दर असल यह ऐसी मुफीद चीज है कि जिसे हर आदमी को बतौर दवा के या फूड के दिया जाना चाहिये। अगर ऐसी कोई राय होती तो जरूर वह ढूँढी जाती और इस हाउस में कही जाती जैसे कि श्लोक पढ़े गये और कहा गया कि ग्लैडस्टोन साहब की यह राय थी। अगर वाकई कोई डाक्टर की ऐसी राय होती तो वह जरूर पेश की जाती। जहां तक डाक्टरों का सवाल है, जहां तक कि इसकी कैमिकल प्रोपर्टीज का सवाल है वहां तक वह अशवास जो इसके हक में हैं एक लम्बज भी नहीं दिखला सकते कि इस में यह खूबियां हैं। जब इस में कोई खूबियां नहीं हैं तो कैसे असेम्बली की तरफ से, हाउस की तरफ से, यह दुनिया को कहा जाय कि चाय को पीना चाहिये।

बैने जो चाय पीने वाले हैं उन के लिये मैं कुछ नहीं कहता। मैंने भी कामत साहब और दूसरे दोस्तों की मेहरबानी से चाय बहुत दफे पी है। लेकिन जब हमारे पास इसके प्रोपेगेंडा के लिये कोई पाजीटिव चीज नहीं है तो हम कैसे इसका प्रोपेगेंडा कर सकते हैं। मैं इस को पाजीटिवली अच्छा नहीं समझता और निगेटिवली मैं यह कहता हूं कि इस देश के अन्दर इसका प्रोपेगेंडा नहीं करना चाहिये। जब पाजीटिवली इसमें कोई मुफीद चीज नहीं है तो हम कैसे इस के लिये प्रोपेगेंडा कर सकते हैं और इसलिये मैं इसका मुखालिफ हूं। मैं अब ज्यादा वक्त नहीं लेना चाहता और चाय के प्रोपेगेंडा की मुखालिफत करता हूं।

(English translation of the above speech)

Pandit Thakur Das Bhargava: Sir, last time, when this Bill was referred to Select Committee, I had very respectfully suggested to both the honourable Minister and the House that we should proceed very cautiously in the matter of carrying on tea-propaganda in India. It appears that either the Select committee have totally ignored the suggestions which I made at that time, or my honourable friends were opposed to my views that propaganda in this respect should not be carried on in India. With all due respects, I would submit that so far as the question of people habituated to tea is concerned, I have nothing to say at all. Those who want to take tea, they can do so. Further I also appreciate the argument advanced by the honourable Minister last time. The honourable Minister had stated that in one way tea is the best substitute for those who are given to drinking. It may be true and I do not want to say anything contrary to such an opinion expressed by him, because even up till now I have not been convinced that tea is always harmful. If I had held this opinion, then I would have vehemently opposed this and urged that propaganda should be carried on to prohibit its use not only in India but throughout the whole world. But under the conditions at present existing in our country, it would be quite improper to emphasize upon the use of tea. Tea is being used in India for very long. Just as my honourable friend Babu Ramnarayan Singh has stated that during the days when he was a student, tea was used by those boys who wanted to study and avoid sleep. Those boys who wanted to study late in the night, used to take tea for the obvious reason that it induces sleeplessness or produces some excitement which culminates into a state of sleeplessness. Mr. Kamath has also cited here a *sloka* from Gita. This quotation undoubtedly provokes laughter, otherwise it is quite inapplicable.

But I quite appreciate the opinion expressed by my honourable friend Dr. Mono Mohan Das that tea is useful in those circumstances only when there is sufficient to eat; otherwise it is bound to prove harmful.

Last time, I had related one of my own experiences, that my chauffeur can afford to go without meals for two days and will stick to his job, provided he is served with tea. This is exactly the same thing that somebody habituated to the use of opium feels embarrassed when he is not supplied with it. Whosoever is addicted to take opium, feels like a fish out of water without it. Similarly, those who are habituated to take tea feel uneasy without it. The same is the case with wine. And it is for that reason that those persons who are convinced about the efficacy of wine may be able to find out some *sloka* in praise thereof. We have got to see this whether or not tea is available at a particular place in India when it is in demand. Last time, the honourable Minister had described tea as the substitute of wine and relatively more useful. I am afraid lest it may not sometime be compared to milk; and even given preference over it. What I find is that those people who used to drink milk have now begun to prepare and take some sort of decoction of tea for either of the reasons, i.e., owing to an abnormal rise in the price of milk or inadequate supply thereof. If it is used in villages in preference to milk, then I would emphatically submit that it is no match for milk.

Now the question arises that so long as milk is not available in abundant quantity, tea should be substituted for it. In this connection, I would respectfully submit as to why do you want to take it to the villages. If you like it, then you should confine its use to the cities alone where the people neither know the worth of milk nor do they know as to how it should be taken. I do not want to say anything in respect of those persons who drink tea.

If in some rural areas, people take tea, they do not take this in the manner in which the people living in the cities do. You may go to a village and see how the people take tea. They put *ghee* in it and take it. Perhaps the people here in the cities do not even know that those who take tea in the villages, and can afford, take it only after diluting *ghee* in it. But if you take this to those people who in fact neither have pure milk nor *chhach* (butter-milk), you will surely be doing them a great harm. Therefore, I would respectfully submit that this is not a question of any amusement or laughter and the House should not give that place to tea which it does not deserve. When it is compared to milk I cannot give any preference to it. Therefore, you should leave the matter here and need not say anything to those who take tea. But we should not conduct a country-wide propaganda that all the people should take tea.

Can I get any opinion in this connection from the point of view of medical science just like the experiment made by Mr. Gladstone? But I do not attach any much importance to the observations made by Mr. Gladstone for the simple reason that he was the Premier of that country. I would like you to quote any of the opinions expressed by doctors or medical men asserting that this is indeed such a useful thing that should be prescribed for every man either as a medicine or food. Had there been any such opinion, it would have surely been traced out and quoted in this House just as *slokas* have been recited and quotation made from Gladstone. If at all there had been any such opinion expressed by a medical man, it would have been surely quoted. So far as it relates to the opinion of the medical men and the chemical properties comprised in it, those people who advocate its cause cannot show even a single word in support of its usefulness. When it has no qualities, then how can this House urge its use upon other people?

As a matter of fact, I have nothing to say about those who are habituated to take tea. I too have taken tea frequently through the courtesy of Mr. Kamath and other friends. But when we have nothing positive to say in its favour, how can we propagate it? Positively I do not regard it as good; and negatively I say that we should not conduct any propaganda in its favour in this country. When positively it does not contain any useful ingredients, how can we carry on its propaganda; and it is on that account that I am against it. I do not want to take any more time, and oppose the conduct of any propaganda in favour of tea.

Shri H. V. Kamath: Sir, I am very reluctant to rise and counter the arguments advanced by my honourable friends Pandit Thakur Das Bhargava and Babu Ramnarayan Singh. There is an underlying fallacy in the arguments advanced in support of the amendment that was sought to be moved by my honourable friend Dr. Mono Mohan Das, but withdrawn.

An Honourable Member: The amendment stands.

Shri H. V. Kamath: I must say that this amendment as it stands, as it has been moved in the House is not a very happy one. Our friends want to plead that the sale and consumption of this beverage should be discouraged in India, but encouraged outside India.

Shri Lakshminarayan Sahu: Because they want it.

Shri H. V. Kamath: May I say in all humility that if we want to prohibit the consumption of this beverage, prohibit it for all men. Why prohibit it only for Indian mankind, Indian humanity and encourage it outside India, in the spirit of let them go to hell; the devil take the hindmost, and we will

have the best for ourselves. As the saying goes what is sauce for the goose is sauce for the gander as well. If tea is bad for Indian humanity, it is equally bad for non-Indian humanity. The human organism has been brought into being by the same Creator. Everybody has the same gastric lining of the stomach as Dr. Mono Mohan Das referred to and the gastric lining of the stomach does not differ whatever the outer complexion or colour may be. If tannic acid hurts the gastric walls of an Indian, so as to cause loss of appetite, anorexia, and dyspepsia, certainly, it stands to reason that it will have a similar effect on the organism of an European or an American.

Dr. Mono Mohan Das: My honourable friend has forgotten that I said 'an empty stomach'. Indian stomachs are always empty.

Shri H. V. Kamath: I am sorry that by honourable friend thinks that the stomachs of Indians only are empty. There are parts of the world where I think poverty is almost as bad as in our country. China, of course, is a notorious example. Even in Europe, I am sure in certain eastern parts, even today there is almost a very low standard of living. In any case, if my honourable friend seeks to say that it is poison for us, one man's poison cannot be another man's food. If we ban it in India, certainly it stands to reason that we should discourage consumption of it abroad as well. Seeing in that light, I could not understand an amendment of this nature: you can promote the production of tea; but do not promote the consumption of tea. Let every man judge for himself whether tea is good or bad for him.

Then, my only friend who could have welcomed this amendment is—I do not find him present now—Mr. Poonacha who is interested in promoting coffee. Mr. Krishnamurthi Rao tells me that he is interested in Coffee. I am sure he is interested in coffee and if this amendment is accepted, he would be very happy; he would come and tell us, coffee is a lesser evil if at all it is an evil. Coffee does not produce dyspepsia, etc. If, Sir, as my friend Pandit Thakur Das Bhargava has sought to make out before the House that it is bad for health, then anything bad for health must not be encouraged by propaganda. I make bold to say, with due deference to his wisdom and age—he is,

'Vayo Vriddha, Tapo Vriddha, and Gnana Vriddha'

my friend Ramnarayan Singh is not here—but I hope he will not deem it impertinent on my part if I tell him that there are so many things that we eat and drink to-day that are bad from a strictly hygienic and health point of view. A medical expert—I don't remember from which part of India he hailed—many years ago declared about our civilised life as follows:

"All along civilization man has tampered with Nature's foods:

Your wheat is hulled, your rice milled
Your maize decorticated.
Your oats rolled,
Your Barley Pearled.
Your milk sterilized
Your vegetables boiled,
Your potatoes peeled,
Your sugar refined."

Unfortunately we are taking all these things. Who does not enjoy coffee? Who does not enjoy tea? Who does not take cooked food? Still certainly my friend Pandit Thakur Das Bhargava will not get up and say you must discourage the consumption of all these. In life, we must strike a balance and try to encourage those things which long habit and long experience of wisemen or men otherwise has proved that it is not so bad for the human system as it is made out to be by some others. Because after all the human system has been endowed with considerable resistance by the Creator. The stomach is not such a delicate thing as my friend Dr. Das makes it to be. It has been established by Physiologists that the stomach walls are elastic and very resistant to all kinds of chemicals; and the stomach, I may assure you, if you don't know.....

Mr. Deputy-Speaker: The honourable Member is doing too many functions of the Board.

Shri H. V. Kamath: It has been held by medical experts that the stomach can expand to 4 times its normal size. It can also contract as my friend Dr. Das says. It can expand to 4 times its size—not permanently but temporarily.

I would therefore plead with my friend Pandit Bhargava, Babu Ramnarayan Singh and men of his persuasion that this amendment as it has been brought before the House is rather objectionable and I cannot support it. Had they moved an honest amendment, I would have supported it. Had they said quite plainly and straightforwardly that "no tea anywhere as long as the Sun and Moon and stars endure", I could have appreciated it. But to say to our people 'Don't take tea', and go to Europeans and tell them 'Go on taking tea and go to Hell',—certainly I cannot welcome such an amendment. It is a discrimination between man and man. I think Professor Ranga who looks very pleased just now will agree with me that we stand here and we have stood here since India became free, for the equality of mankind and if tea is said to be bad for us certainly on the ground of equality of men, on the ground of no discrimination between man and man, I cannot agree to this amendment. The sponsors may recommend one rule for all—'No tea for anyone and don't encourage tea.' You may take coffee or tender cocoanut or anything else but not tea. As it stands, however, I don't think this amendment will commend itself to the members of this House.

Mr. Naziruddin Ahmad: Sir, much has been said in this connection by Mr. Kamath and I don't want to go over the same. I wish however only to point out that this amendment goes against the basis of the Bill itself. The provision of the Bill is that the Board shall promote the sale, and increase the consumption of tea. If we say that we should not do it in India, it is as good as saying to the world at large like this:

"Look here, tea is a very bad thing and therefore we don't propagate the consumption of tea in India but it is offered for your consumption. It is bad for us but good for you." It would be as good as telling them 'Don't drink tea at all.' The very function of the Board will be absolutely lost. I should rather think that the Bill should be dropped entirely and tea should be left to propagate of its own accord. I think tea would have a better market if we don't give it this left-handed compliment. It would be really not sincere for us to ask foreigners to take tea while we take care ourselves not to take it at all. Tea is the cheapest drink and in view of the prohibition of which we see visions to-day, tea should not be discarded and tea is not dangerous nor it is deleterious to the body. It has got to be prepared in a proper form and in that way it is not at all injurious to the body. It rather

[Mr. Naziruddin Ahmad]

encourages circulation and it is a cheap kind of drink and probably in these days of scarcity, it is far more economical on the part of a householder to give their guests a cup of tea and one biscuit, instead of giving other delicacies which would be more costly. I think much need not be said in favour of it. I think the amendment is a huge practical joke and I believe the sponsors of the amendment themselves drink tea. Pandit Bhargava himself admitted that he takes tea by the courtesy of Mr. Kamath. So he prohibits tea to himself so long as he has got to pay for it. If anybody else gives him, then he will not mind it. Babu Ramnarayan Singh himself drinks tea and I believe Shri Lakshmi Narayan Sahu himself also drinks tea. I dare say tea is so good that Dr. Das himself drinks it. I am thus inclined to believe that the amendment is a huge practical joke.

Prof. N. G. Ranga (Madras: General): Have not we had sufficient discussion, Sir?

चौधरी रनबीर सिंह सभापति महोदय, मैं संशोधन का समर्थन करने के लिये खड़ा हुआ हूँ। कामत साहिब ने अभी एक बात कही है कि संशोधन का समर्थन करने वाले कामों में डिस्क्रिमिनेशन कर रहे हैं उनका कहना है कि जो चीजें हिन्दुस्तान में फ़ायदेमन्द नहीं हैं, वह विलायत में भी लोगों के लिये फ़ायदेमन्द नहीं हो सकती। मैं यह समझता हूँ कि यह सही नहीं है। यहां भी सरदी के मौसम में जो हम खाते हैं वह गरमी के मौसम में हमें अच्छा नहीं लगता। आमतौर पर गरमी के मौसम में देश के अन्दर शरबत पिया जाता है लेकिन सरदी के मौसम में कोई आदमी शरबत नहीं पीता। इसलिये जो चीज हिन्दुस्तान के लिये अच्छी नहीं है वह यह जरूरी नहीं है कि वह विलायत के लिये या दूसरे देशों के लिये भी अच्छी न हो।

दूसरा कारण मेरा यह है कि हिन्दुस्तान एक ऐसा देश है जिस के अन्दर तक़रीबन ८५ फ़ीसदी आदमी अनपढ़ हैं। वह आप के प्रोपेगेंडे से सही बात नहीं ले सकेंगे। यह मानी हुई बात है कि चाय के अन्दर एक निकोटीन जैसा जहर होता है, बल्कि उससे भी बुरा जहर उसके अन्दर होता है। मुझे उस जहर का नाम याद नहीं है, लेकिन बहरहाल जहर उसके अन्दर जरूर है। अगर उस को ठीक तरह से न तय्यार किया जाय, तो हिन्दुस्तान जिसके अन्दर ८५ फ़ीसदी आदमी अनपढ़ हैं, उन से यह तक्क़ो रखना कि वह ढंग जो उन्हें सिखाया जायेगा, उस पर वह ठीक तरह से चलेंगे, मैं समझता हूँ कि ऐसा ख्याल करना बिल्कुल ग़लत होगा। तीसरे आर्थिक दृष्टि से मैं समझता हूँ कि कई बातें ऐसी होती हैं जो देश के लिये फ़ायदेमन्द होती हैं जो हमें दूसरे देशों से अनाज मंगाना पड़ता है, तो उसके बदले में हमारे पास भेजने के लिये आखिर दूसरी क्या चीज है जो हम अनाज के बदले में दूसरों को दे सकते हैं। वह मैं समझता हूँ कि चाय सब से बड़ी चीज है, जिस को कि दूसरे देश हम से फ़ेवरेबिल टर्म्स पर लेने पर

मजबूर होंगे, वह चीज चाय है और हमारे पास है। इसलिये मैं समझता हूँ कि देश की इकोनोमी को ठीक रखने के लिये यह सही है कि देश के अन्दर चाय के प्रचार में पैसा न खर्चा जाय, बल्कि जितना पैसा उस के प्रचार के लिये खर्चना हो, वह दूसरे देशों में खर्चा जाय और जैसा कामत साहिब ने कहा है, उस से मैं बिल्कुल सहमत नहीं हूँ। इस देश में बुरी है, या इस देश की बुराई किसी दूसरे देश में बुराई भेजना चाहते हैं, सही नहीं है। जैसा कि हमारे आनरेबिल मिनिस्टर साहब ने बतलाया कि शराब के बदले यह चीज इस्तेमाल हो सकती है। हमारे देश में शराब कितनी है, और ख़ास तौर से देहान में शराब कितनी है। जहां आदमी शराबी है, वहां प्रोहिबिशन चला हुआ है, वहां चाय का ख़ाल पैदा नहीं होता, और जो है वह पहिले ही चाय पीना शुरू कर देते हैं। इसलिये मैं समझता हूँ कि अब देश के अन्दर इस के लिये प्रोपेगेंडा करने और पैसा खर्चना फ़िज़ूल है और उसकी कोई आवश्यकता नहीं है। जितनी आपके यहां चाय बेचने की जरूरत थी, वह तो बिकती जा रही है, और टी का वैसे ही मार्केट आप का बढ़ता जा रहा है, देश के अन्दर देश का पैसा खर्चने से पहिले हमें यह देखना चाहिये कि इस से हमारे देश का कितना फ़ायदा है और हमारा खर्चा हुआ पैसा बेकार तो नहीं जा रहा है। इसलिये मैं माननीय मन्त्री महोदय से प्रार्थना करता हूँ कि देश की आर्थिक हालत को ध्यान में रखते हुए इस संशोधन को जरूर मानें।

(English translation of the above speech)

Ch. Ranbir Singh (East Punjab: General): Sir, I support the amendment. Shri Kamath has just submitted that the supporters of the amendment are making discrimination in the various matters. He has said that the things that are not beneficial in India cannot be beneficial to the people of other countries also. I think that this view is not correct. Here also whatever we eat in the winter we do not relish the same in summer. Generally in the summer season the people of our country drink *Sharbat*. But nobody drinks *Sharbat* in the winter season. Therefore it is not necessary that anything which is not good for our country may not be good also for other countries of the world.

The second reason is that India is such a country wherein 85 per cent. of the people are illiterate. They would not be able to grasp the correct idea from your propaganda. This is an acknowledged fact that tea contains a poison like Nicotine, but I think even a worse kind of poison. I do not remember the name of that poison but anyhow it certainly contains some poison. Then if tea is not prepared correctly then I think it would be quite wrong to think that Indians, 85 per cent. of whom are illiterate, would adopt the correct method that would be taught to them.

Thirdly from the economic point of view I think there are certain matters that are beneficial to the country. Then for the food-grains that we have to import from the foreign countries what things we have that we can send to foreign countries in exchange of the food-grains imported by us. I think the best thing, which the other countries will be compelled to take on favourable terms, can be tea and we have plenty of it. Therefore in order

[Ch. Ranbir Singh]

to stabilize the economic conditions of the country I think money should not be spent on doing propaganda work for tea in this country, but instead the money set apart for this propaganda work should be spent in the foreign countries and so I do not at all agree with the views that have been expressed by Shri Kamath. Such views as tea is bad for this country or we want to export this evil to other countries are not correct. As the honourable the Minister has given out that this thing can be used as a substitute for wine. What quantities of wine are consumed in our country and especially in the rural areas? The places where the people are addicted prohibition has been enforced, so in such conditions the question of tea does not arise, and whatever people live in those areas they already begin taking tea. Therefore I think that now it is useless to do more propaganda in our country or to spend more money over the propaganda, and is not at all necessary. Whatever quantities of tea were to be sold here are being sold and automatically the market for tea is increasing. Before spending our money in our own country we should see how much benefit the country gets from the money and whatever money we are spending is not being wasted. Therefore I submit to the honourable the Minister that taking into consideration the economic condition of the country he should accept this amendment.

Srijut Rohini Kumar Chaudhuri: *Rose—*

Mr. Deputy-Speaker: I think this has been sufficiently discussed. May I call the honourable Minister? Does the honourable Member want to speak?

Srijut Rohini Kumar Chaudhuri: Am I to be denied an opportunity to speak because I am sitting in a different seat, Sir?

Mr. Deputy-Speaker: No, because the honourable Minister has caught my eye. But I think it is in the interests of this industry that this Bill must be passed as early as possible. Therefore, as there has been enough discussion, I shall call upon the honourable Minister.

Dr. Mono Mohan Das: I have got another amendment to the same clause.

Mr. Deputy-Speaker: We will come to that later on.

The Honourable Shri K. C. Neogy: Sir, I have already indicated the attitude of Government on this matter. I am not in a position to accept this amendment. On a previous occasion, I told the House that I am not a tea addict. If I take tea it is to oblige friends like Pandit Thakur Das Bhargava. My honourable friend is very hospitable and I had occasion more than once to enjoy his kind hospitality, and on one occasion when I visited his native town, my honourable friend did me the honour of calling a large number of prominent members of the locality to meet me at a "Tea Party". The only liquid stuff that was provided there was tea and in spite of my honourable friend's weakness for milk, the milk that was there was in very small quantities only and was intended to be used only as an adulterant of tea in the usual manner. My honourable friend Babu Ramnarayan Singh has suggested that a Medical Board should be appointed. Now, we have had the advantage of medical opinion here. I have in front of me a pictorial journal in which I find another well known doctor drinking tea in Madras. It is Dr. T. S. S. Rajan, Minister for Food; Food mind you. This is what the description, below the picture, reads:

"Two Madras Ministers, Shri K. Bhakthavatsalam, Public Works, and Dr. T. S. S. Rajan, Food, setting a good example before toddy addicts by drinking tea in front of a closed toddy shop in Trichy district during the Prohibition campaign."

As I said, I am not an expert in this matter, but I have cited the example of one doctor against another, and I do not know whether there has been any Board of medical experts who have expressed their opinion on the merits or demerits of tea drinking, but it must be admitted that tea has been passed as the most excellent and popular beverage by the Board of world opinion and in saying that, I again remind the House that I am not a tea addict and I can be expected to hold the balance even between the two contending sets of opinion.

Now, Sir, I should like to remind the House that the phraseology in this context is bodily copied from the phraseology of the Indian Tea Cess Act which has been in operation ever since 1903. So it is nothing new that we are asking you to do. This thing has been copied from that particular Act. Now, I do not think that I need say anything more and as I stated, I am not in a position to accept this amendment.

Mr. Deputy-Speaker: Then, shall I put the amendment? What is the reaction of the honourable Member?

Shri Lakshminarayan Sahu: You may put it to vote, Sir.

Mr. Deputy-Speaker: The question is:

"That in part (a) of sub-clause (1) of clause 10 of the Bill, for the words 'in India and elsewhere' the words 'in foreign countries' be substituted."

The motion was negatived.

Mr. Deputy-Speaker: Then Dr. Mono Mohan Das. I do not suppose the honourable Member wishes to move his amendment.

Dr. Mono Mohan Das: No, Sir. I want to move it and say a few words to my friends. I wish to take that opportunity.

Mr. Deputy-Speaker: I rule out of order this amendment for the reason that the House has not accepted the previous amendment, and this is only carrying out the same substance in another shape and form. Therefore, the amendment is ruled out of order.

The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clauses 11 to 14 were added to the Bill.

Dr. Mono Mohan Das: Sir, I move:

"That in part (f) of sub-clause (2) of clause 15 of the Bill, for the word 'such' occurring in the last line, the word 'budget' be substituted."

The purpose of my amendment is clear to everybody. But I take this opportunity to say a few things to my honourable friend, Mr. Kamath who has given a not very convincing argument against my own. My honourable friend, Mr. Kamath has advocated one rule for all and if tea is poisonous to the Indian stomach it must also be poisonous to the stomachs of non-Indians. But my friend has contradicted himself.

The Honourable Shri K. C. Neogy: The amendment my honourable friend is moving is No. 7 in list No. 1. Has that anything to do with tea? It is the "budget" head.

Mr. Deputy-Speaker: It is the case of one budget head to another budget head.

The Honourable Shri K. C. Neogy: How does that enable a discussion being raised as regards the merits of tea drinking?

Mr. Deputy-Speaker: Anyhow it is part of the Bill and he is entitled to speak on the Bill.

Dr. Mono Mohan Das: My friend has contradicted himself. The propaganda for tea is harmful to us and some of the Members of the House.

Shri H. V. Kamath: I do not know what my honourable friend is arguing about.

Shri M. Tirumala Rao: Should we waste the time of the House without a reference to the subject matter of the amendment?

Mr. Deputy-Speaker: The honourable Member cannot take advantage of his amendment and bring in something that is not relevant. The honourable Member's speech has no relevance to the amendment. It is only transferring from one budget head to another. So far as the amendment is concerned, the honourable Member appears to have nothing to say.

Shri Biswanath Das: I had given notice of a small amendment.

Mr. Deputy-Speaker: He has sent a notice to the Speaker of an amendment to this effect:

"That in sub-clause 2(i) of Clause 15 of the Bill, the following be added at the end: 'including welfare of labour'."

Is the Honourable the Minister prepared to accept this?

The Honourable Shri K. C. Neogy: No, Sir.

Mr. Deputy-Speaker: Then I rule it out of order.

The question is:

"That Clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clauses 16 and 17 were added to the Bill.

Mr. Naziruddin Ahmad: Instead of the amendment I gave notice of I would like to move amendment in a slightly altered form, which I understand will be acceptable to the honourable Minister. Sir, I move:

"That for Clause 18 of the Bill, the following be substituted:—

"18. No Court shall take cognizance of any offence under this Act unless upon complaint made by or with the consent of the Central Government."

The original clause said:

"No prosecution for any offence punishable under this Act shall be instituted etc..."

The Honourable Shri K. C. Neogy: May I intervene and say that I am prepared to accept the amendment?

Mr. Deputy-Speaker: Then I may put it to the vote.

The question is:

"That for Clause 18 of the Bill, the following be substituted:—

"18. No Court shall take cognizance of any offence under this Act unless upon complaint made by or with the consent of the Central Government."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That Clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clauses 19 and 20 were added to the Bill.

Srijut Kuladhar Chaliha: Sir, I move:

"That for sub-clause (3) of clause 1 of the Bill, the following be substituted:

"(3) Sub-section (1) of Section 20 shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf."

The object is this. In case there is a dislocation in collection of the cess, since the Act may not come into force on the 1st April 1949, I have provided that the collection of the cess may not be interrupted.

Mr. Deputy-Speaker: Amendment moved:

"That for sub-clause (3) of clause 1 of the Bill, the following be substituted:

"(3) Sub-section (1) of Section 20 shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf."

The Honourable Shri K. C. Neogy: I accept this amendment.

Mr. Deputy-Speaker: The question is:

((That for sub-clause (3) of clause 1 of the Bill, the following be substituted:—

"(3) Sub-section (1) of Section 20 shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the official Gazette appoint in this behalf."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

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

The Title and the Preamble were added to the Bill.

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

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

Mr. Deputy-Speaker: Motion moved:

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

Srijut Rohini Kumar Chaudhuri: Sir, I rise to congratulate the honourable Minister for having been able to pass this Bill in the shape that he practically brought it. You were pleased to ask my honourable friend, Mr. Kamath to quote from the Bhagvatgita in this connection. My honourable friend did not comply with that request. You will see very few people among the tea drinkers are unhealthy; you will see very few people, even if you look round this House, who take tea, who are weak. You will have to admit that it gives you pleasure and it increases your pleasure. And then when you attend a Select Committee meeting after 5 O'clock you are treated with tea, but for which those unbreakable biscuits would cause us much inconvenience. Otherwise in Select Committees we will be completely helpless. Undoubtedly but for that tea, those biscuits might have dislocated some of our jaws!

[Srijut Rohini Kumar Chaudhuri]

There are two classes of people who object to tea: one of those classes to whom a reference has been made by my honourable friend, the Minister, think tea to be a very light drink. Those who are in favour of having a stronger drink than tea are against it because they have found that tea is replacing liquor. Tea is gradually pushing out liquor from society and people are taking to tea. There was a time when those who read English and were in favour of western civilization used to have beer, whisky and such things, but tea is pushing these things out. There are some people who regret the progress of tea as it has pushed out the stronger drinks. There is also another class of people who belong to the medical profession who consider that due to the activities of both the Central and Provincial Governments the toll of disease is gradually lessening and as a result not as many people die as used to do before. If you go round to places infected with epidemics doctors like my honourable friend would like you to take ordinary water which is not boiled and thus get the disease at once. Despite that if you create a habit of taking tea, you take hot tea and there is no risk of infection. That is what some class of doctors do not want. They think that this tea is a great impediment between themselves and their profession.

Mr. Deputy-Speaker: Present company of course is excepted.

Srijut Rohini Kumar Chaudhuri: Yes.. I think on the whole the House has given its verdict of tea and there is no questioning the fact that tea is a very efficacious drink and should be encouraged all over the world.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

Mr. Deputy-Speaker: I have an announcement to make. I have to remind honourable Members about the meeting that has been fixed at 5-15 P.M. in Room No. 68 in connection with the formation of the Indian Parliamentary Group of the Inter-Parliamentary Union.

ESSENTIAL SUPPLIES (TEMPORARY POWERS) AMENDMENT BILL.

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

"That the Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration."

After having been practically drowned in tea for the last 2½ hours I do not know in what mood the House will be to deal with this very serious question involving imprisonment, fines and confiscation. With a view to save the time of the House and realising that there is going to be very heavy work before the House in the next few days, I intend to be exceedingly brief.

This Bill is intended partly to replace the Ordinance which Government had issued six months ago on reimposition of food control. As Members will see Section 2 is intended to impose a punishment of three years imprisonment, which will be practically obligatory, for any breach of the food laws and there can also be in addition a sentence of fine. The responsibility is put on the courts, where there are any special circumstances or for minor technical offences, where the court feels that imprisonment would be too harsh a sentence, to justify the imposition of a fine only.

With regard to part 2 of that section it is merely a repetition of what the House incorporated in the Act when it was being amended by my honourable colleague the Minister for Industry and Supply after the imposition of control on textiles.

The third clause is an addition to the provisions of the ordinance and the intention is not only that the person who breaks the food laws should risk a sentence of imprisonment and also fine but that the vehicle, the animal or the conveyance which was used while breaking the food laws will also be liable to forfeiture.

These three are the main provisions of this Bill and I hope that the House will accept them. We should be able to pass this Bill in the course of the next five or ten minutes.

Mr. Deputy-Speaker: Motion moved:

"That the Bill, further to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration."

Shri Prabhu Dayal Himatsingka (West Bengal: General): Sir, when the honourable Minister for Industries and Supply introduced his Bill making it obligatory on the court to impose a penalty of imprisonment I drew his attention to the fact that this contravention may be for minor offences also such as not filing returns, not keeping the rates hung up before the business establishment and so on and therefore to make it obligatory on the court to impose a penalty of three years imprisonment or imprisonments which may extend to three years is rather much too severe. Moreover we have not been given any facts as to whether in cases of prosecution or violation of the control order on food the punishments inflicted by the courts have not been sufficient or as to what has been the necessity of introducing this change in the law. If facts and figures are placed by the Minister showing cases where inadequate punishment has been inflicted there will be some justification for coming to this House for amending the Act. You will notice that the law as it stands at present gives power to the court to inflict punishment which the Bill seeks to make obligatory. Any contravention is "punishable with imprisonment for a term which may extend to three years and the court may, in addition, impose a sentence of fine, etc." The intention is to change the word "or" into "and". I see that there is no justification for this change. If we cannot trust our magistrates who are entrusted with the work of trying offenders, we should say that the courts should inflict punishment which would act as a deterrent. Now the Bill seeks to take away the discretion that was vested in the courts which have occasion to try these offences.

Another thing that I drew the attention of the honourable Minister for Industry and Supply on the last occasion was that in order that the provisions which you are making should act as a deterrent, it should be possible for the persons to know what punishment the law has provided for such offences. It is impossible to get a single copy of the Acts that are passed from time to time even in the library of the Government. You cannot get a copy of the Act that was passed in August 1948. The House will remember that I raised this question on the previous occasion and invited the attention of the honourable Minister to make it possible to have the whole orders printed.

Mr. Deputy-Speaker: The honourable Member can continue his speech on the next day.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Saturday, the 26th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Saturday, 26th March, 1949.

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

QUESTIONS AND ANSWERS

(No Questions: Part I not published).

ELECTIONS TO STANDING COMMITTEES FOR MINISTRIES OF EX-
TERNAL AFFAIRS, FOOD AND HEALTH.

Mr. Speaker: I have to inform the Assembly that upto the time fixed for receiving nominations for the Standing Committees for the Ministries of External Affairs, Food and Health, ten nominations in the case of each of these Committees were received. As the number of candidates is equal to the number of vacancies in each of these committees, I declare the following members to be duly elected:

Standing Committee for the Ministry of External Affairs.—Shri B. Shiva Rao, Shri U. Srinivasa Mallayya, Shri S. V. Krishnamurthy Rao, Prof. N. G. Ranga, Shrimati Renuka Ray, Pandit Hirday Nath Kunzru, Shri M. Tirumala Rao, Seth Govind Das, Shri G. S. Guha, Begum Aizaz Rasul.

Standing Committee for the Ministry of Food.—Shri Kala Venkata Rao, Prof. N. G. Ranga, Master Nand Lal, Saiyid Jafar Imam, Shri Nandkishore Das, Shri K. Hanumanthaiya, Pandit Govind Malaviya, Shri Radhavallabh Vijaivergiya, Shri Ramprasad Potai, Dr. Mono Mohan Das.

Standing Committee for the Ministry of Health.—Dr. Mono Mohan Das, Shri Vinayak Rao B. Vaidya, Babu Ramnarayan Singh, Shrimati Kamala Chaudhri, Shri Sunder Lall, Dr. V. Subramaniam, Syed Abdur Rouf, Shrimati Dakshayani Velayudhan, Dr. P. K. Sen, Srijut Kuladhar Chaliha.

MOTION RE RELIEF AND REHABILITATION SITUATION

Mr. Speaker: The House will now proceed with the consideration of the motion which will be moved by the Honourable Shri Mohan Lal Saxena. Before we take up this business we should be clear as to the allotment of time for this debate, because there is also the other motion by the Honourable Shri R. R. Diwakar.

Shri B. L. Sondhi (East Punjab General): It was agreed that the discussion on Relief and Rehabilitation should go on till 3-30.

Mr. Speaker: Then the last half an hour will be reserved for the honourable Minister to reply. Is he going to make a speech now?

The Honourable Shri Mohan Lal Saxena (Minister of State for Relief and Rehabilitation): Yes, Sir.

Shri H. V. Kamath (C.P. and Berar: General): Then is the time only one hour for Information and Broadcasting?

Mr. Speaker: I referred to the time that the Minister for Relief and Rehabilitation would require for replying on this particular motion. That means this motion would be discussed by the House up to 3 o'clock and at 3, I will call upon him to reply.

Pandit Thakur Das Bhargava (East Punjab: General): But it was decided that the time for this motion should be till 3-30.

Mr. Speaker: I think honourable Members have not heard me properly. I said this will go on till 3-30 but I will call upon the Minister to reply at 3. That means the discussion by honourable Members will be open up to 3. That is the position.

The Honourable Shri Mohan Lal Saksena: Sir, I move:

"That the Relief and Rehabilitation situation in India be taken into consideration."

Sir, I am grateful to you and the honourable the Leader of the House for having found a day for discussing one of the burning problems of the day. I wish, in view of the large number of speakers who are desirous of taking part in the discussion of this question, that the whole day could have been reserved as had been originally decided. But, as you have just now announced, as the debate is to go on till 3-30 P.M. I have decided to cut short my opening speech. In fact, it was suggested to me that I should do away entirely with the opening speech, but I felt it would not be fair to the House if I did not give an overall picture of the problem with its enormity and multi-faced aspects, the efforts that have been made by the Government to tackle it, the measure of success that we have achieved and the difficulties with which we are confronted. I, therefore, issued a statement yesterday, copies of which were circulated to the Members and I hope they must have taken the trouble to go through it. Still, with your permission, Sir, I would like to read out a few extracts from the statement dealing with the basic questions.

"The first phase of evacuation and relief is now practically over and we are concentrating all our efforts on rehabilitation..... Since April last the Government of India have repeatedly impressed upon the Provincial and State Governments the imperative need of settling the inmates of the camps and reducing to the minimum the number of able-bodied persons on free doles. I must confess that our efforts have not met with any great success..... I am sure if the Provincial Governments had to bear even a part of the expenditure on relief, things would have been different. Vested interests have grown round relief camps and have been responsible, in no small measure, for prolonging them and retarding the pace of rehabilitation. To meet this situation, the Government have decided to convert these camps into work centres and wherever possible to place them in charge of non-official organisations. It has also been decided to employ social workers to look after the displaced persons both in and outside camps..... Every effort will be made to see that within the next six months all able-bodied inmates find gainful occupations and become self-supporting.

Another important question which engaged the attention of the Government was the care of unattached women and children, and a women's Section was set up in the Ministry to meet this special problem..... There are at present as many as 5,000 women and children in the 'Homes' opened for them in different Provinces and States in addition to those in camps. The policy of the Government is to make the unattached women self-supporting as soon as possible and not to keep them permanently in these homes....."

RELIEF AND REHABILITATION SITUATION

In this connection I would like to mention the names of Shrimati Rameshwari Nehru and Mrs. Matthalai who have been in charge of the Women's Section and to whose untiring efforts and those of their colleagues the success of the Women's Section has been chiefly due.

I will come to the question of Rehabilitation now. As honourable Members are aware this is a unique problem with which the Government of India has been faced and notwithstanding the administrative difficulties and other economic factors the Government of India have taken the responsibility of rehabilitating all the displaced persons. It may not be possible to rehabilitate them in the vocations in which they were previously engaged but still it will be the responsibility of the Government of India to find suitable occupation and employment besides a residence for them. The problem is no doubt enormous; but taking into consideration the fact that the Congress is committed to find food, clothing and employment not only for these few millions but also for the entire 300 million population of this country the problem of rehabilitation becomes only a part of a bigger programme. It is in this light that I look at this problem. I have no doubt that the degree of success we achieve in completing this task will be the measure of our capacity to tackle the bigger problem.

I must admit that the pace of rehabilitation has not been as satisfactory as we had wished it to be. There are certain factors which have been responsible for it. I might just mention them briefly. A certain amount of delay in the planning and formulation of rehabilitation schemes is inevitable, but I am quite clear in my mind that there are certain other factors which have retarded the progress of rehabilitation. The foremost among them have been the provincial politics and local vested interests coupled with a general antipathy to the settlement of the large number of persons from outside the Province. The second factor responsible for the delay in rehabilitation was the unwillingness of displaced persons themselves to go to distant towns and provinces and to take to professions and employments other than those in which they were previously engaged. Thirdly, the leaders of the displaced persons have been themselves responsible to a certain extent in delaying the process of rehabilitation. They have been preaching that it was the moral and legal responsibility of Government to give compensation for the property left behind in Pakistan; and further that loans should be given to every one of them for starting shops and business, little realising that 'Production' must necessarily precede 'Distribution', and that the scope for 'business' was strictly limited. There is to my mind no surer and quicker way of rehabilitation than the one shown by the Father of the Nation—the way of self-help and mutual co-operation, the way of more productive callings and vocations and less of parasitical professions and speculative trades and business; the way of cottage and small scale industries and self-sufficient towns and villages; in short the way of simple living and high thinking. The experiment at Nilokheri has practically confirmed my views in this respect. About 2,000 displaced persons from Kurukshetra Camp under the dynamic leadership of Mr. S. K. Dey, our Honorary Technical Adviser, have converted 500 acres of jungle into a model, self-sufficient colony buzzing with life and activity, producing their own requirements and working on principles of co-operation. While in other relief camps Rs. 30/- per man-
 sen are being spent on free doles and management, the workers of this colony are self-supporting and are earning on an average Rs. 50 to 60 a month. Mention may also be made of a new experiment in collective farming at Neewali farm at Alwar. Here facilities have been provided for mechanical cultivation by tractors and the new settlers have been able to stand on their feet within less than six months. And I may inform the House that among the new settlers we have got lawyers and men who were in service and professions.

[Shri Mohan Lal Saksena]

In this connection, I should mention the name of Mr. S. K. Dey who is the author and organiser of our experiment at Nilokheri. He deserves all praise because not only did he give up his job of an electrical engineer in order to serve the country after the independence—he felt that while others had made sacrifices to win independence he had done nothing, and so he decided to sacrifice the job in order to serve the country—so not only did he sacrifice his job but when the problem of providing employment to displaced persons was before the Ministry, he came forward and we utilised his services. He has made a successful job of it. If the experiment at Nilokheri succeeds, we can multiply it and have many Nilokheries all over India. But it requires more organisers and we have made arrangements for the training of other organisers who may start similar colonies in other parts of India.

I might also mention here the amount of work which non-official organisations have done in carrying on relief all over India. Besides the names of well-known organisations like the United Council for Relief and Welfare, the Central Relief Committee of the Congress and the Marwari Relief Society, there were scores of other organisations which have been helping us in carrying on this great work. The Government is grateful to them for extending the helping hand. I must also express my thanks to all the non-official Members of the House who have co-operated with the Ministry as Members of the Advisory Committee, and others who have served on other different Advisory Committees which were set up from time to time in connection with relief and rehabilitation. There might have been complaints here and there, but still I have no doubt that they have worked at great inconvenience to themselves and have rendered service to the displaced persons.

I might also bring to the notice of the House the great deal of interest which the Prime Minister and the Deputy Prime Minister have taken in the work of relief and rehabilitation and the constant anxiety and care they have shown. I must state that to a great extent the progress of rehabilitation has been expedited because of their personal interest.

Coming to the debate today, I would like to say a few words on it. I am one of those who believe that informed criticism of the State and its multifarious activities by citizens and their representatives is the very essence of Democracy and there is nothing for a popular Government to fear from such criticism. But there are occasions when in the House or outside, if statements are made by responsible Members which are not fully justified or which are baseless, without serving any useful purpose or helping the common cause they provide a handle to our opponents to denounce us. I can cite only one instance just now. Honourable Members will remember that Acharya Kripalani made a statement in the House. I have got great respect for Acharya Kripalani. He said that not even five per cent of the displaced persons have been rehabilitated. He did not take care to get information from the Ministry or even to write to me. Honourable Members will remember that immediately after taking up the office, I had addressed a circular letter to them requesting them to ask me for all the information they wanted, and also soliciting their suggestions in regard to the working of the Relief and Rehabilitation Ministry. I am sorry to say that as regards a question of my friend Babu Ramnarayan Singa I did not get even an acknowledgment and he even thought that by this method I was trying to take away the right of interpellations in the House, although it was not so. Sir, I was saying that my friend Acharya Kripalani could very well have referred the point to me and ascertained the exact position. But without doing so he made a statement here. I have got facts and figures to show that that is entirely incorrect and

wholly unjustified. We have figures which show the large number of displaced persons who have been rehabilitated either by their own efforts or by the Government's effort. Still this statement, was utilised by the propagandists of the Azad Kashmir Government. It was represented that while in Pakistan all the refugees had been rehabilitated, in India, not even five per cent. could be rehabilitated. I will read a broadcast address made by them:

"Recently Mr. Kripalani, Ex-President of the Congress while criticising the Indian Government Budget in the Indian Parliament revealed that the Indian Government could not so far rehabilitate even five per cent. of the refugees. He blamed the Government for its failure to solve the refugee problem and check black-marketing and profiteering in the country. But the drum beaters of India . . ."

Thereby meaning the National Conference of Kashmir,

" . . . conduct false propaganda and say that India's finances and economic conditions are very good, very sound. When we take into consideration the statement of Mr. Kripalani, this propaganda carries no meaning."

Further on referring to Pakistan Government, it goes on to say:

"In spite of all these difficulties, the Pakistan Government re-settled and rehabilitated all the refugees in Pakistan where they are living quite happily. Besides this, Pakistan has provided shelter to five lakhs of Kashmir Muslim refugees whom the oppression of the Indian forces, and the Abdulla Government forced to run away from Kashmir."

I was saying that any statement like that in the House which is baseless or unjustified, without serving any useful purpose, does a lot of harm.

Similarly, there was one statement made by my honourable friend Mr. Shiva Rao when he said that at the instance of the Relief and Rehabilitation Ministry goods worth fifty or more crores of Rupees were held up with the Disposals and the Relief and Rehabilitation Ministry made purchases during this period for a total value of a few thousands of rupees. This is entirely wrong. If the honourable Member had cared to refer to me, I would have given him the correct information. It was a different position when we were in the opposition and we had no opportunity to get the correct information and we had to depend upon the information supplied by some disgruntled officer or by some subordinate in the Ministry. Now, when there is an offer by every Ministry to supply information,—no, not an offer: it is the right of every member to have information from every Ministry—I think it is not proper to make a statement which is not confirmed or verified by the Ministry concerned. In regard to this, I may state that the Emergency Committee of the Cabinet had ordered the freezing of the stores in the Disposals for the rehabilitation of refugees towards the end of 1947. Even in November and December, certain categories of goods were released. During the period October 1947 to December 1948, this Ministry and the East Punjab Government took over goods worth 27 lakhs and 74 lakhs respectively consisting mainly of textile goods. The Technical Adviser also took over a lot of materials for the training centres for the refugees. Some time in January, certain other categories of goods were released. In the month of March, under the instructions of the Honourable Mr. Neogy, the ban imposed on the heavy machines and other things was lifted and the Industry and Supply Ministry was duly informed. The policy is to give preference to refugee indentors at the time of the disposal of stores which they may require for rehabilitation purposes. When statements of this kind are made they create a very erroneous impression and do not do any good to any one. I hope that this debate will enable me to know as to how honourable members feel about the policy and working of the Relief and Rehabilitation Ministry. I hope not a word will be said here which is likely to irritate or excite our displaced countrymen outside. The work of rehabilitation has reached a critical stage; for, although a large number of

[Shri Mohan Lal Saksena]

persons have been rehabilitated by their own efforts or by the efforts of Government and have reconciled themselves to the changed conditions, it must be acknowledged that there are large numbers of persons who are down and out and who have not been able to reconcile themselves to the changed conditions. Their slender resources have been nearly exhausted and they require careful handling and their feelings require to be assuaged. I hope the honourable Members, whose one object and one concern is to help them and to expedite their rehabilitation, will bear in mind this point of view.

With your permission, Sir, I would like to make a few observations which are more or less of a personal nature. Whether you read a story or see a picture, a tragedy is always depressing. You can well imagine the state of feelings of one whose job for the last nine months has been to listen to harrowing tales and sorrowful stories of dozens of people every day. To see and hear the victims in flesh and blood, you can visualise the amount of conflict of head and heart to which he must have been subjected. While the heart is out for help to the victims, there are considerations of finance and other limiting factors. When, with your best efforts, you find that things do not move and the conditions inside and outside the camps do not improve, one feels not only guilty, but also like running away. There have been many occasions when I have been subjected to that kind of feeling. Honourable Members who have known me rather intimately must naturally be wondering what is it that has kept me on to this job. I must tell them straightaway that it is not the lure of power or the glamour of office. For, office carries with it such a tremendous responsibility and constant care and anxiety of almost an unending nature. Power is hedged on all sides by red tape and many other limitations. It is not merely a sense of public duty or even a burning desire in me to serve the millions of my countrymen in their distress and hour of need; it is the shining and inspiring example of my leaders, the Prime Minister and the Deputy Prime Minister of India who for two and a half years have been toiling day in and day out to make the newly won freedom safe for generations to come, who have been toiling for building up a new India at this advanced age, with no little risk to their life and health.

Sir, I feel it a privilege to be with them, to be associated with them, to work with them and to share the responsibility. Not only that, I consider it my sacred duty to assist them to the best of my ability in the great task on their hands, the task of preventing the Ship of the State from being overwhelmed by the waves of Communism, Communalism and Provincialism and the task of making the Government of India a powerful instrument for promoting peace, progress and prosperity throughout the whole country. the task of resuscitating to normal life and to pristine glory Mother India, which had to undergo a terrible operation with so much bleeding. (An honourable Member: 'It is amputation'). Whatever you may call it, it is a great task to resuscitate Mother India and after its amputation the task becomes still more difficult. Sir, they are engaged in the task of banishing Imperialism and exploitation from the Continent of Asia; they are engaged in the great task of making India a stabilizing factor in the world peace, and lastly, in the task of propagating the message to our masses, the message of *Satya* and *Ahimsa* (viz., truth and non-violence) and promoting the welfare and happiness of mankind.

Sir, there are occasions when I have not seen eye to eye with them and there are questions on which I hold different views, but not to extend to them the fullest co-operation or to think of running away from their side at this most critical juncture I consider, it will be nothing short of betrayal; betrayal of not only old colleagues and friends, of tried generals and trusted leaders, but of

all that our companions and comrades have suffered and died for during the last thirty years, and in short the best interests of the country. Sir, it is with that background and in that spirit that I have approached my task and I have tried to put in the best in me, not to spare myself in carrying on the task that I have undertaken. The task is no doubt gigantic and it requires patience; but I hope, God willing our efforts will bear fruit.

I will be glad and gratified if it is granted to me by the will of God to witness an early fruition of our labours and speedy progress of the rehabilitation work; but still more will I feel happy and relieved if I can hand over charge to someone with greater drive and energy, with more imagination and sympathy and resourcefulness, and knack, to obtain speedier and better results, or if that is not possible, if we can devise any other means by which the speedier and quicker rehabilitation of our displaced countrymen can be ensured.

Sir, I would like to say one word, about which I know there is a lot of feeling in the country. This is about the evacuees' property. The Government of India is as much concerned as any other person in getting a fair value for the properties left by our brethren in Pakistan. We have made every possible effort to arrive at some settlement with the Pakistan Government, but I must admit that our efforts have so far failed. Mr. Liaquat Ali Khan, the Pakistan Prime Minister has repeatedly urged for the promotion of good relations between India and Pakistan and to him the Kashmir problem is the only stumbling-block; but I have said again and again and I have impressed upon him that so long as the question of evacuee property is not solved to the satisfaction of all concerned, there will be a great deal of heart-burning and bitterness amongst the people on both sides. Every effort has therefore to be made by the statesmen on either side to bring about a just and fair solution of the evacuee property.

Lastly, Sir, I would like to pay my tribute to the strength, courage and fortitude of the displaced persons themselves. Any other people who had to meet with such a calamity would have broken down and it is indeed a matter of great pride for us that they have withstood all this for such a long time and they have borne it with cheer; they have tried to face the situation valiantly and I hope that very soon they will be out of the wood, although the effort and sympathy with which they were received at first has diminished to a great extent and this has added to their suffering and misery. Just as in a railway compartment when a person is standing outside there is always resistance to take him in, but once the man comes in, there is always an effort to accommodate him. Similarly, however much we may dislike to have more men in our villages, in our towns and in our provinces and so long as they are not absorbed in the economy of the town or city, they will be a burden on us, but once they are absorbed, they will become an asset. I have no doubt that our displaced countrymen who have come out have got great ability and if we can help them properly in the economy they will be a source of great strength and they will be an asset instead of a liability. With these words, Sir, I move.

Shri R. K. Sidhva (C.P. and Berar: General): Sir, I do not want to minimise the efforts that this Government and the Provincial Governments have put in to give relief and rehabilitation to these unfortunate persons who have come out from Pakistan. I do feel that a great deal still requires to be done. The work of evacuees is more or less complete, but the question of rehabilitation is of such a gigantic nature that unless the Governments with all their seriousness and with all their sincerity that they have all along shown put in some concrete war-like measure, I doubt, Sir, that the question of rehabilitation could be solved even after three or five years. I lay great stress upon the question of provision of houses for this class of people. That is the first thing. I consider, to be taken up in the work of rehabilitation. To what a pitiable position these persons have been placed for want of accommodation, not in

[Shri R. K. Sidhva]

Delhi alone but in the whole country, it is only those who have suffered can realise the magnitude of this question. I know that our Government have done a great deal to relieve the sufferings of the displaced persons. They have spent crores of rupees for the purpose and I know that schemes have been prepared for building houses for them and creating new towns in the different provinces. But all that is not enough. The paper schemes have to take concrete shape and the programmes should have a datum-line for their completion. Within a fixed number of years the new townships should grow up and the displaced person should be housed. Crores of rupees have been sanctioned for building these townships. The responsibility for their supervision and all that has been entrusted to the provincial Governments concerned. The question whether the provinces will also contribute something for the purpose is a different question. What I feel is that unless there is a central agency to look after this work, it cannot be expedited.

Out of the eight lakhs of displaced persons settled in different parts of India in various camps, one hundred thousand persons are in one camp alone in Kalyan, Bombay. The Government of Bombay have resolved to build a town for them and have appointed Major Bhonsle of the I.N.A. as Director of Relief and Rehabilitation, for carrying out their scheme. Major Bhonsle has served in the army and he has, during the war, been responsible for erecting so many permanent structures in the shortest possible time. He has agreed to complete this work also energetically. Even he feels that it will not be possible to build a township on a five-year programme, unless it is treated as war-time measure. I see no reason why the assistance of the Defence Ministry should not be taken in this matter and the houses completed within three years and the work started immediately. As the Government are importing steel from foreign country and cement is available here, there will be no difficulty with regard to the supply of the required materials. The only things lacking, I see, are push drive and vigour.

The honourable Minister referred to the fact that our Prime Minister and Deputy Prime Minister have been taking interest in this matter. With due deference to the honourable Minister, I must say that is exactly my complaint that when a minister cannot work he summons the help of the Prime Minister and the Deputy Prime Minister who have undoubtedly the necessary push and the drive. Why should not our Minister also have that push and drive? Our Prime Minister and Deputy Prime Minister have tremendous work to do in their own Ministries? Why should their assistance be sought by other Ministers? My honourable friend has been given ample power. In the early days of his assuming charge as a Minister he really showed good work and I was very hopeful. In fact he himself took up the pick-axe and shovel to build houses and called upon the refugees to do likewise. I was glad to see that. But I do not know why after six months the whole enthusiasm vanished and he had to seek the help of the Prime Minister. I heard that in a place which the Prime Minister visited, he found the roof broken up and issued an order saying that that place should be re-built in three months. After three months he quietly visited the place again and found that nothing had been done. It seems he then summoned the Minister, the Secretaries and others and expressed his dissatisfaction with the way things were being done. That seems to be the position even today. What has our Minister been doing, I am asking him. After this incident I understand that a Conference was called and a High-level Committee was appointed to set matters right. The honourable Minister has made a reference to this now. I cannot understand why such things should happen. Why should there not be enough drive and push in him? Why should he not fix a date-line for the construction of houses? Why should under his Administration the affairs should be such that even the Prime Minister's orders are not carried out? With due deference to my friend I must say that he must

put in more vigour and energy in getting things done. He is doing a thankless job. I do not dispute it. Nobody would thank his Ministry unless the refugees get 100 per cent. satisfaction of their demands. I quite realise that. But at the same time I am asking what is being done to settle these people? If a man is told that he will be settled definitely at a particular place he will be happy. A displaced person now does not know whether and where he will be settled. He does not know where his future lies, in Bombay, in Lucknow, in Allahabad or in Andamans. He wants to be settled down somewhere and there is nobody to guide him properly. This is the position as regards Government relief and rehabilitation and housing measures are concerned.

Now I want to know from the honourable Minister what he has done to render help to those who want to stand on their own legs. The other day I put a question as to whether any co-operative societies have been formed and whether the displaced persons have made any application to the Government to give them plots of land and the answer given to me was 'None'. When I quoted my own visit to him in that connection, he said: 'he had not the honour or pleasure of meeting Mr. Sidhva on this question'. That was the answer he gave me. Reading that answer in the papers a gentleman, who has formed such a society a year ago, wrote to me saying that he had written half a dozen letters to the Minister in regard to this matter asking whether he is prepared to give the required land and that no reply had been received by him. He has given me a copy of the representation which was dated as far back as March last (*An honourable Member*: 'Only twelve months!') and he has had no reply. Then I wrote to my honourable friend stating that in reply to my question he answered differently and I quoted him the instance. After some time, I received a reply that he would be pleased to see that gentleman. I asked the gentleman to go and see the Minister. He saw him only ten days ago and Sir, the honourable Minister told him, "Why have you come? I have not got the papers. I have not called you." Then that gentleman showed him my letter and the Minister's reply to that. Then the Minister talked to him and the gentleman placed his proposals before him. This society consists of nearly 28 Superintending Engineers and Executive Engineers and Chief Engineers of the Punjab who have been responsible for building a number of houses in the Punjab; they have retired and have come away. They say, "We are prepared to give you all the help. We will build the houses for 7,000 or 10,000 families there. You kindly give us plot and you only give us loan. We shall put our heart and soul and our energy into it. We shall concentrate ourselves on it. We do not want anything else from the Government." If people are prepared to work such a scheme on their accord, why cannot Government decide on a policy of giving lands?

My point is this: fortunately in Delhi there is ample space available for expansion. One who has planned New Delhi has foreseen things and made provision for expansion for fifty years. During war many houses have been built yet there is so much vacant space available. This gentleman told the Minister that there are so many plots for agricultural purpose which he could requisition and which are not used for any particular agricultural purpose. The reply was not forthcoming. The honourable Minister suggested some other place but water is not available there. At the site where these people want to construct colony, water and everything within a space of a few yards is available. This is a problem which somebody has to solve. If I want to build a house and I say I will pay the money and I will do everything, I do not want anything, kindly give me a piece of land—in such a case, if you have real sincerity, why not give at least a few acres of land mark it out and give it to these people? I therefore expect that the Honourable Minister will kindly bear this in mind and see that this scheme of giving plots to the various societies or individuals is taken up without delay, so that the work could be started simultaneously with the Government scheme.

[Shri R. K. Sidhva]

Then, I come to the Inter-Dominion Conference that took place recently. In the latest Conference at Karachi it was announced and people were jubilant that the evacuee property question would be solved. I can tell you that some people did go to Karachi thinking that they would be able to sell the property. They went there, and I know of instances where they had the certificate of income-tax also, and yet they were not registered even to this day. On the Board of the Registrar's office at Karachi it is written, "No property of Hindus or Sikhs will be registered." I want to know what Government has done in this direction. So many properties are lying there. I have no property of my own in Karachi, but I may tell you I had a considerable share in building many co-operative societies in Karachi. I shudder to think really what has happened to these poor people. Several small people, clerks getting salaries from Rs. 50 and 120 and peons, started co-operative societies and I got for them self-contained houses built. Every month, from their meagre salaries they used to pay Rs. 6 or 7 towards the loan. Now, those poor people had to come away after partition. All these houses are lying there in Karachi. I want to know what the Government has done about them. In Lahore, I have seen the Model Town, with what amount of effort the people had built it. Men who had whatever little savings from their salaries, they put it into those houses and built hundreds such. I shudder to think of them, because I was a party in getting them plots from the municipalities. I got money for them from the banks and these people built houses. Now, nothing is being done in this direction. I am very sorry about that. These people who have come here and are living hand to mouth for their existence, they say, What are we to do? We have neither a profession nor a business nor a house to live in. Something should be done in this direction. Why not the Pakistan Government be compelled to pay? When the last delegation went from here, I requested Mr. Gopalaswami Ayyangar, who was leading the Delegation, "Please, when this question of these buildings comes in I can help you. I have some knowledge about it." There are plots which were sold by the municipality and one of the terms was that plots not built within two years, they will revert to the municipality. I was Chairman of the Standing Committee and I got extension for three years. After three years expiry, under the law, if the buildings were not built, automatically it reverts to the Corporation. But somehow by the time division came, everything was upset and the Pakistan people are now taking undue advantage of it. I told Mr. Gopalaswami Ayyangar, "Will you please tell your Secretaries that when this question is discussed, I should be called, so that I could be present and discuss this question with the Pakistan officers and impress upon them the necessity of releasing these plots". Mr. Gopalaswami Ayyangar was good enough to make a note that I should be called, but after the Conference was over, I found I was not called and I was told that the office people forgot.

In Karachi alone there are Rs. 200 crores worth of property which non-Muslims have left. At least the property which Pakistan Government have taken, why do not they pay the value for them? When a man volunteers to come and help you, why should you not take him and take other friends who may be pleased to place their case before them? If the honourable Minister feels that he is above everybody, that is a different matter, but then you cannot say that members of this House are not responsible persons. You cannot blow hot and cold at one and the same time. I, therefore, suggest to him that at the next Conference which I am told is going to take place in New Delhi he should take assistance of all those who wish to give. I am personally not at all anxious to go, but I want to place these facts and impress upon them. Let me have the satisfaction that I have placed the case of these poor people who have lost immensely. Let me have the satisfaction, the consolation that the

case has been properly placed. I do not say the Minister will not place it, but it makes a little difference when one who knows something places it. I submit from that point of view. I do not say that he is not presenting ably. They are able men. They are presenting the case very well. But I feel that I could do a little better knowing the facts as I do. I therefore submit that this housing problem which has been agitating the minds of the refugees here should be the main topic of this Government, and unless this question is settled, the refugees will not be happy. Whatever else you may do for them, they cannot be happy. You can just imagine the feelings of a man with a wife and children roaming about from place to place. I have seen so many camps in Bombay, the C.P. and the U.P. I know the conditions under which these refugees live. But I am keeping my mouth shut. I have written letters to the Ministers concerned and their Secretaries and they have been kind enough to reply promptly. But that does not solve the problem. Therefore, when I cannot render any help to them, I keep quiet.

I am thankful to Government for giving us this day for ventilating our views. But it is only for half a day. Somehow Broadcasting has intervened. We would like this question to be discussed for two days. As such, I appeal to Prime Minister to give us another time.

Mr. Speaker, you are ringing the bell. I am sorry that I have repeatedly to go counter to your suggestion to sit down. But what am I to do when I have a number of points to touch on. I can not place my grievances in fifteen minutes.

Mr. Speaker: It is not a question of going counter at all. I am merely making a suggestion because others are anxious to speak. He can go on for any length of time.

Shri R. K. Sidhva: I know many others have good points to make and I shall not come in their way. I am sure that no other Government could have done better than our own Government. There are certain classes of people who are attacking this Government and the Provincial Governments for the sake of attacking. The honourable Minister has said in his speech that there are other reasons for their attack. Some persons, with their future political status in view are placing these refugees in a most confused condition. Several refugees—responsible people—have come to me and asked me to take over presidentship of this or that union. I have refused. I have told them that the circumstances under which they have selected their leaders precludes me from joining any of their organizations. But I will do my work in my humble way and that is what I am doing.

Therefore, while I appreciate that difficulty is there, I cannot get out of this fact that Government have been slow in providing houses for the refugees. I shall say something about the Custodian of Evacuee Property. So many people go to him for houses—doctors, lawyers, etc. with their families. There was one lady doctor from Lahore. I will mention her name. It is Dr. (Miss) Naoroji. She was a very well-known Parsi doctor in Lahore for a number of years and all the women used to go to her for aid. All her instruments were simply stolen and in this last trouble she lost instruments worth Rs. 10,000. She came to Delhi to practise. She wrote to the Custodian to give her a room so that she could do her bit of rendering aid to suffering humanity, especially for the people from Lahore. But there was no reply. She came to me about it. I went to the Custodian but he said that he had not received her application. She then quoted the registered number under which she had applied. He said he could not do anything. Up to date she has not got a house and I believe she has gone to Bombay. The policy has been that Doctors will get certain quota. This doctor has been in Delhi for 15 months but she has had

[Shri R. K. Sidhva]

nothing. Besides her, there are many other doctors, too, who have come to me for accommodation but with very poor result.

I submit that there should be a definite policy with regard to this matter and it should be strictly followed. I maintain that if you are not going to follow a policy but just act haphazardly, then you will not be successful in solving this problem. It is a gigantic work. I do not deny it. But the point is that unless you put this relief work on a war-like measure this question cannot be solved. I would request the Minister to see that he is not guided by those who say that materials are not available. There may be insuperable difficulties in the way. Those difficulties are meant to be overcome. I must say that unless you are sincere, you cannot do this work. The honourable Minister says in his speech that "it is our intention to find a house for every displaced family and also the means and opportunities for keeping them gainfully employed." But how is he going to expedite this work of rehabilitation when he says: "I have been told repeatedly that rehabilitation is a slow process." Who has told him so? Probably it might be his officials! And then he refers to instances of the slow process of rehabilitation of European refugees in spite of the heavy expenditure sanctioned for them. With this before him, how can he expedite matters. But why must it be said that this rehabilitation should be a slow process? Have we not in London seen—I have stated this in questions and the honourable the Health Minister had to accept my contention at a later stage—that 1,60,000 houses, bombed and destroyed, were put up within a period of six months by the Government of Great Britain? They had the desire and the will to do so for their own people and they did it. In another six months another 2,15,000 houses were repaired and made fit for habitation by the same Government. So who has told you that this process of rehabilitation must be a slow one? Of course, if anybody does not want to do it, then it can take ten years. My point is that there is no push and drive in any one. If we can have this drive, I am confident that many of the difficulties now confronting us will be resolved.

In this connection I would like to remind the House that when the late Mr. Lloyd George was the Prime Minister during the first Great War, he had three guiding points in fighting the war. Those were: (a) We must decide our objective; (b) We must select the right type of men; and (c) Give the execution of the work to this right type of men. I am sure if we could have some such three points in our policy with regard to rehabilitation here.

Sardar Bhopinder Singh Man (East Punjab: Sikh): The list contains the names of thirteen speakers. May I know what is the time being allotted to each speaker so that we may know whether we will get a chance?

Mr. Speaker: I explained yesterday that sometimes I get the list and sometimes not. But I do not go by lists. I have had a lot of complaints from Members that, in ten minutes they are unable to make any point effectively. I have also expressed my own view that I prefer fewer speeches with points. I do not know how the House has been impressed by the present speaker, but I think he is making some points. So starting with the idea of having a fifteen minutes' time limit, I gave the first warning ring for the fifteen minutes' limit. The second ring was after twenty minutes, and then when the speaker felt that he was not getting sufficient time and he felt that perhaps he was going counter to my suggestions. I wanted to disillusion his mind of this feeling and I preferred that he should restrain himself from speaking further rather than that this restraint should come from the Chair. As it is he has now taken thirty minutes.

Shri R. K. Sidhva: I am thankful to you for whatever latitude you have given me. I close my speech.

Pandit Lakshmi Kanta Maitra (West Bengal: General): Just a few minutes before I came to this House, I received the statement issued by the Ministry of Relief and Rehabilitation. I have carefully read and scrutinised this document and I have also very carefully listened to the thirty-eight-minute speech delivered by my honourable friend, Mr. Mohan Lal Saksena. If I tell him at the very outset something which may not be palatable to him, let him not think that I have got any feeling of bias against him, or that I am actuated by anything, in what I am going to say, but the best of motives and the sincerest of intentions, which I think should be the guiding principle in all speeches in connection with this motion. Mr. Saksena knows very well that we are old colleagues here and in the past we have both shared together all the frustration which we used to have during the days of the British regime. If today he is in the fortunate position of doing something to his country it is the duty of every one of his old colleagues to give him the best advice, help, guidance and assistance. Therefore I would beseech him not to take some of my remarks amiss.

The question of rehabilitation of the refugees has assumed such proportions of national importance that it is no mere idle rhetorical flourish to say that it is the one national problem at the moment. As to how this problem has been tackled during the course of the last 18 months this document gives in some measure the reply. Frankly speaking, the document is a disappointing one—disappointing because it has very little to point out by way of achievement, disappointing because it is not clear and categorical with regard to the policy and attitude which this Government is going to take concerning this vital and burning problem; it is disappointing, because it is interspersed with all manner of pious platitudes, which I do not very much like. But the speech also did not throw any further light on what is contained in this document. Let us try to see what this document contains and what the problem is like.

To begin with let us see what is the size or number of the refugees. Let me tell the House that the Government of India has not got any accurate figures whatsoever. If any painstaking member of this House would care to examine the replies to the various questions and supplementaries that have been put from time to time he will find a bewildering number of statements. Let us assume for the time being that the present strength of the refugees from West Pakistan comes to about 50 lakhs and that from Eastern Pakistan about 16 lakhs. Of course it is a great deal more, but I am not going to quarrel over that. I am going to deal with the figures as have been given by the honourable Minister himself. So the total is 66 lakhs of people. I find from the report that 14 lakhs of people have so far been rehabilitated. I will accept that statement at its face value, face value in the sense in which it has been given, namely, that they have been rehabilitated in evacuee property left in this country by the Muslims. In other words, though they have come to occupy evacuee property in this country they have mainly rehabilitated themselves on their own initiative, self-will and their own effort. Let not my honourable friend think that I am going to under-rate in the least the enormity or the magnitude of the problem which he has to tackle. I know another Minister before him, a very eminent parliamentarian and a seasoned veteran and he had to leave the Ministry. This does not mean that I am inviting my honourable friend to leave it. But let him not every time get up and throw the challenge that he is prepared to relieve himself of the burden. That does not help anybody. Why did he get into his predecessor's shoes at all? After eight or ten months of office he wants to sneak out of it. He must boldly face his task and the House will give him every possible help, assistance and advice. I perfectly agree with him that nothing should be done or said here which will exasperate the feelings of the refugees.

[Pandit Lakshmi Kanta Maitra]

I appreciate the observations made by the honourable Minister that the problem of rehabilitation has been retarded due to a variety of causes but the most important cause, let me tell you, and the cause which he has slurred over in his speech, is that the Government of India did not know its own mind as to what to do with regard to this problem. There has been considerable delay in planning out what their administration is going to do. That is the main reason. Then other causes came in the train. The provincial governments did not co-operate—another dismal confession of failure. Today we have got provincial governments functioning, under one political system, under one political organisation, the Congress Party, from the Centre down to the Provinces, Municipalities, district boards and other local organisations. So whatever the honourable Minister has referred to has occurred under the Congress organisation. In the circumstances does it lie in the mouth of any one of us to say that the Central Government was their friend but the provincial governments did not come forward and co-operate. They are talking of all manner of excuses but those are poor explanations for not getting any thing done.

Sir, I shall be brief, because time is pressing and as one who is going to place the case of Eastern Pakistan in this House, I hope I will have your indulgence for a few minutes if I am making some general observations.

With regard to this problem no clear-cut policy has yet been evolved. Here is a pious platitude, their aim is to provide every man with a home and gainful occupation, just the kind of thing that is said in political speeches, every man should have a decent standard of living. But this kind of rhetoric does not help us. Cheap heroics should be done away with at the present moment. Let us see what are your resources. Let me tell you frankly and personally I do not feel that this Government is equal to the task of rehabilitating the number of refugees that we have and honestly I feel they cannot do it. The entire resources of the country will not be equal to the magnitude of the task but that does not mean that nothing should be done. Let me tell you that with the best of efforts and policy you can not rehabilitate more than 20 per cent. If you can rehabilitate even that 20 per cent. out of the total number of refugees that have come from both West and East Pakistan you can be proud of that achievement but you cannot do it, for the simple reason that you have no co-ordination, cohesion or anything of that kind. The Central Government makes one sort of declaration and the provincial government goes counter to it. On the question of the dispersal of the refugees in the different provinces the Central Government makes a decision that such and such provinces will receive such and such quotas of refugees from different parts of West Pakistan. Several lakhs of refugees were allotted to provinces like that. So far as Eastern Pakistan refugees are concerned Bihar, Assam, Orissa and the neighbouring states were set apart and they were not meant for the reception of refugees from West Pakistan. Lo! and behold, what happens there. The provincial governments refused to accept any refugees from Eastern Pakistan and the pity of it is that the Central Government cannot force the provincial governments to accept some of these displaced people from Eastern Pakistan. What a fine country and what fine arrangements we have got I do not understand. These unfortunate refugees from Eastern Pakistan are trekking in and apart from not doing anything tangible for them they are getting all manner of confusing statements. I will not quarrel over the figure but I think somehow or other they have come to some definite figure, 20 lakhs or so. I am not going to quarrel about that; let them stick to that. Now, these Provincial Governments, the Governments of Assam and Bihar, have declined to take anybody from Bengal.

Babu Ramnarayan Singh (Bihar: General): Did Bihar refuse?

Pandit Lakshmi Kanta Maitra: Yes. They flatly refused.

There was a Conference convened by my honourable friend, Mr. Mehr Chand Khanna, Rehabilitation Adviser to the Government of India, at Calcutta. At his request I accompanied him to Calcutta at the end of February last. In my own humble way I have been doing something to alleviate the lot of these unfortunate people.

Srijut Rohini Kumar Chaudhuri (Assam: General): May I ask when did the Government of Assam refuse to take Bengal refugees?

Pandit Lakshmi Kanta Maitra: I hope the answer to it will be given by the Minister concerned or by others in authority. All I know is that in the Calcutta Conference which I had the honour and privilege to attend, held in February last, the Assam Government said that they did not want anybody from Bengal. The Government of Bihar was also represented and their attitude too, was most unsympathetic. I am not going to quarrel about it. After all it is your concern; you may receive them or you may not receive them. My honourable friend, Pandit Thakur Das Bhargava, asked me about that Corporation—he perhaps means the Rehabilitation Finance Administration of which my honourable friend, Dr. John Matthai, is the creator. It is meant to give loans to displaced persons settled in business. We do want to help them. But here again, to a certain extent, we are dependent on the Provincial Governments, in matters of enquiry, collection, etc. We have tried all these months in vain to get any response from the Assam Government.

Sir, this is the kind of co-operation we are getting. We for our part feel that we are having a shabby deal. The refugees from Eastern Pakistan feel that they have no place in the whole of India today. They are like the wandering Jews. If they are to get any shelter outside West Bengal, they have to go to the Andamans, the erstwhile penal settlement, and not an inch can be found for them anywhere in India. My honourable friend the Minister of State for Relief and Rehabilitation should see to it that this state of affairs is remedied. He must make an honest effort in that direction. Every Provincial Government is a unit for administrative convenience. Provinces are not the patrimony or the private property of anybody. It is the property of every single Indian and he should be entitled to every inch of space in any part of India.

It is rather unfortunate that in the matter of refugee rehabilitation party politics has come to play. It is most detestable. I agree with my honourable friends that this question of refugees has been a pawn on the chess board of our politics. We must now try to take the wind out of the sails of these political agitators who want to make political capital out of the miseries of the refugees. Of course, I know it is impossible to achieve anything spectacular in a short period. But if we set about this work of rehabilitation in a planned manner, I think we can make much headway.

Sir, I want to tell my honourable friend the Finance Minister that any money that is spent on the rehabilitation of refugees is ultimately going to be an investment. I do not say that the amount spent on relief is going to be very productive. But today in having to face the enormous task of feeding and rehabilitating 60 lakhs of people we have got this splendid opportunity of fashioning this uprooted mankind to suit the economy of the Indian Union. But a planned scheme is necessary. Mere verbiage, mere platitudes will not help us.

Sir, I will put one or two questions with regard to these unfortunate people from Eastern Pakistan. In reply to a supplementary question put by me the other day my honourable friend, Mr. Mohanlal Saksena, said that there was no difference in the treatment of refugees from Western Pakistan and Eastern Pakistan. The honourable the Prime Minister clarified that. He explained

[Pandit Lakshmi Kanta Maitra]

that those who had already come and settled in the Indian Union would be treated on a footing of equality. In this statement my honourable friend says that there is slight difference in the treatment of East Pakistan refugees. I want him to categorically state as to what is the exact difference. I am not going to quarrel about the facts that he has given, because they are all debatable things. But even assuming the facts as they are, will he kindly state to the House, for the information of my people what are the differences in the matter of treatment of the refugees from Pakistan, East and West.

It is extremely unfortunate, Sir, that in the Special Employment Bureau which was set up for finding employment to the refugees, not one member from Eastern Pakistan was taken. Not even a branch of the Bureau was started in Calcutta. I am grateful to the honourable the Finance Minister that he has allotted Rupees five crores for the rehabilitation of East Bengal refugees. But if this object is to succeed, I would plead in all sincerity that an autonomous board should be set up free from all manner of political influences. This board should be charged with the duty of going on with the work of rehabilitation. If you do not do that political influences are bound to come in, and utilise the opportunity for their own ends. Therefore, I suggest that a board should be set up which should be charged with the duty of carrying on this work of rehabilitation.

While dealing with this question, I want to tell my honourable friends. Mr. Mohanlal Saksena and Dr. Matthai, that while I realise the importance of physical rehabilitation, I attach more importance to moral and intellectual rehabilitation. About sixty lakhs of people, about ten lakhs of whom are young, in the most formative stage of life, have come with bitter past experience, full of jealousy and hatred. Unless we set about actively to salvage this portion of humanity, unless we make adequate arrangements for the education of these people, what is going to be the future of this country? These people will be the rift-raff of society. You have to guard against that. Whatever might be the money we spend, we must take good care to see that a good percentage of it is set apart for the education of these refugees. In this document there are two self-contradictory statements. While on the one hand it is said that in the course of the next six months all the refugee camps will be disbanded—I want that they should be wound up—at the same time it is said, arrangements are being made in the camps for the education of boys in the primary stage. It is also said that steps are being taken for imparting secondary education in the camps. It passes my understanding how secondary education can be arranged in camps. I would, therefore, request my honourable friend, to earmark a special grant, in addition to the amount set apart for relief and rehabilitation, for the intellectual, mental and moral rehabilitation of these unfortunate people. Sir I had very great difficulty in dealing with educational institutions which we started for the education of refugee students. Let the Central Government make it a condition that a portion of the amount will be earmarked for the education of refugee boys and girls.

Sir, I do not propose to take any more time of the House. I sympathise with my honourable friend, Mr. Saksena in his plight. It is an enormous task. I do not blame him. All I say is, let him not feel despondent. Let him not throw out a hint now and then that he would resign. I do not want any resignation. We want you as a bold man to go forward with your task and harness all your energy to the service of the suffering humanity. That is a great task, that is an opportunity for us to rise equal to the occasion. Let us not falter now. Let the Central Government and the Provincial Governments all work together. The Central Government has got the lever in their hands—finances. They can compel every provincial government to tow the line with them; if

they do not do that the Centre has got adequate powers to make them do it. I have explained how the provincial governments are behaving, how they are not even caring to obey the directions of the Central Government in this respect. As I told you, my people are forced to go to the Andamans for shelter. Nothing can be more shameful, nothing can be more painful. I hope you realise the psychological effect of that. I therefore plead in all earnestness. Let all the heads of the provincial governments sit together under the leadership of the honourable the Prime Minister and the Deputy Prime Minister, let them chalk out a plan that we will spend 300, 400 or 500 crores of rupees spread over a period of four or five years. Let it even be one hundred crores, but fix a target amount and the period over which this work should be spread out. Let us all work together, put our shoulder to the wheel. Let us see if we can do something for this unfortunate humanity.

लाला अचिन्तराम : साहबे सदर, मैं सबसे पहले अपने आनरेबिल मिनिस्टर श्री मोहनलाल सक्सेना को तारीफ करना चाहता हूँ। जिस तरह से उन्होंने इस काम को अपने हाथ में लिया मैं महसूस करता हूँ कि वह तारीफ के मुस्तहक हैं। उनकी मिशनरी Zeal प्रशंसा के लायक है और जिस तरह वह अपने हर काम में महात्मा गांधी के आदर्शों को अपने सामने रखते रहे हैं, काबिले तारीफ है। लेकिन पेश्वर इसके कि हम इस महकमे के काम पर कोई राय दें हम को यह सोचना चाहिये कि जनता की इस महकमे के बारे में ठीक-ठीक राय क्या है। यह मसला हमारे सामने बीस महीने से है। इसके अलावा और भी मसले हमारे सामने रहे हैं। एक मसला हैदराबाद का और स्टेट्स का था। इसके अलावा संघ का मसला था, कम्युनिस्टों और अकालियों का मसला था। इसके अलावा काश्मीर का मसला भी था। तो जिस तरह यह और मसायल थे, उस तरह यह रिफ्यूजीज का भी एक मसला था। हम ख्याल करते हैं और लोगों का ख्याल है कि हमने तमाम मसायल को हल कर लिया है। लेकिन इस मसले के मुतल्लिक लोगों की क्या-क्या राय है। अगर आप गौर से देखें तो मैं इन तमाम मसायल को तीन हिस्सों पर तकसीम करता हूँ। पहला मसला हैदराबाद यानी स्टेट्स का मसला था। मैं समझता हूँ कि हिन्दुस्तान के अन्दर जहां तक इस मसले का ताल्लुक है, सब के दिल में शान्ति है कि यह मसला अच्छी तरह से हल हो गया है। अब इस बारे में कीई, कम्प्लेंट नहीं है। ऐसा ही संघ के मुतल्लिक ख्याल है और कम्युनिस्टों के मुतल्लिक और अकालियों के मुतल्लिक भी यही ख्याल है कि हमने इन मसायल पर काबू पा लिया है और उनको दबा लिया गया है। काश्मीर का जो मसला है मैं समझता हूँ कि इस का भी फिलहाल कुछ हल मिल गया है, आगे जो कुछ हो वह देखा जायगा।

लेकिन रिफ्यूजीज के बाबत लोगों का ख्याल क्या है, लोगों के तअस्रात क्या हैं, जनता की क्या राय है? मैं जो कुछ महसूस कर सका हूँ वह यह है कि लोगों के अन्दर जो खलबली इन तमाम मसायल से मची हुई थी, वह शान्त हो गई लेकिन वह एहसास लोगों के दिल में रिफ्यूजीज के मसले के बाबत

[लाला अचिन्त राम]

नहीं है। मैं समझता हूँ कि लोगों के दिलों में इस बात का एहसास है कि सरकार ने बड़ी फ़राखदिली से इसको हल किया। ज्यों ही यह मसला पैदा हुआ, २२ करोड़ रुपये इस काम के लिये अलहदा रख दिये गये। गो १४ करोड़ रुपया खर्च किया गया। इसी तरह लोन्स के लिये गवर्नमेंट ने २० करोड़ रुपये रख दिये हैं और जो स्पीचेज़ लीडर साहबान करते हैं उन से मालूम होता है कि गवर्नमेंट ने बहुत कुछ किया है। लेकिन इस के बावजूद भी यह फ़ैक्ट है कि इस वक्त जो रिफ्यूजीज़ हैं उनके दिलों के अन्दर फ्रस्ट्रेशन है, मायूसी है। वह जहाँ कहीं जाते हैं तो उनको कोई रास्ता नज़र नहीं आता। यह तो मामूली बात है कि ज़िमका कोई रिश्तेदार मर गया है उसको वह नहीं भूल सकता, चाहे दस बरस बीत जायं या बीस बरस बीत जायं। जो लोग अपने रिश्तेदार वहाँ मरवा कर आये हैं, उन को वह नहीं भूल सकते और न वह हमारे वश की ही बात है। लेकिन इस वक्त बहुत सारे आदमी यहाँ पर हैं, जिनके बच्चे वहाँ पाकिस्तान में हैं। जब उनके बच्चे वहाँ रहते हैं, तो उस दुःख को वह नहीं भूल सकते। इस वक्त मेरे सामने कई केसेज़ हैं। पंजाब में पाकिस्तान में एक गांव है वहाँ पर इस समय १६ लड़कियां हैं। उनकी चिट्ठियां यहाँ पर आती हैं कि हमें आप किसी तरह निकाल कर ले जाइये। लेकिन हम सब हैल्प-लैस हैं। वह जिस दरवाजे पर जाते हैं कोई हल उनको वहाँ नहीं मिलता। तो यह दुःख वह किसी तरह नहीं भूल सकते।

अब प्रापर्टी के मुतल्लिक मिनिस्टर साहब ने फ़रमाया कि स्टेट लैवल पर यह मामला तय हो रहा है। हमारी सरकार ने जब यह तज़वीज़ की कि प्रापर्टी की सेल व एक्स्चेंज गवर्नमेंट लैवल पर हो, तो पाकिस्तान सरकार की तरफ़ से जवाब मिलता है कि वह इस तज़वीज़ को कबूल नहीं कर सकते, एक दफ़ा यह जवाब मिलता है। दूसरी दफ़ा भी यही जवाब मिलता है। इस तरह की बातों से रिफ्यूजीज़ को मायूसी होती है। मैं जानता हूँ कि गवर्नमेंट ने करोड़ों रुपये खर्च किये हैं। लेकिन अब लोगों को जो शिकायतें होती हैं, उनको देखिये। लोग कैम्पों में पड़े हुये हैं और एक-दो नहीं, तीन-चार महीनों से कैम्पों में टहरे हुए हैं। क्या आप ख्याल कर सकते हैं कि कैम्पों में वह ठीक तरह से रह सकते हैं। वहाँ न कोई प्राइव्सी का इन्तज़ाम है और न ही कोई ज़रूरी चीज़ों का प्रवन्ध है तो वह वहाँ कैसे तीन तीन चार चार महीनों तक रह सकते हैं। आज इस हालत को २० महीने हो गये हैं। अब देखिये कि वहाँ क्या हालत है। गवर्नमेंट ने कुछ हालत को इम्प्रूव किया है। लेकिन आप जानते हैं कि गरीब से गरीब आदमी भी तेल का इस्तेमाल करते हैं। लेकिन आप वहाँ कैम्पों में छः मासे तेल का इन्तज़ाम नहीं देखेंगे। यह कहा जाता है इसमें पैसा खर्च होगा,

लेकिन जहाँ आप करोड़ों रुपये खर्च कर रहे हैं वहाँ कुछ लाख और खर्च हो जावेंगे तो कोई ऐसी बात नहीं है। लेकिन यह मामला फ़ाइनेंस डिपार्टमेंट में जाता है और कहा जाता है कि तेल देने में ८ लाख रुपया खर्च होगा और प्रपोज़ल इसी तरह फिरती रहती है और उनको तेल नहीं मिल पाता। इस वजह से उन को मायूसी होती है। आप देखें कि छोटी-छोटी चीज़ों का मामला है। गुड़ का ही मामला लीजिये। आप देखेंगे कि इस मामले में बावजूद तमाम कोशिशों के ढाई तोले के करीब उनको मिल पाता है। आप देखिये कि वह कैम्पों में अगस्त से और अक्टूबर से पड़े हैं और अब तक वहाँ उन के लिये न कोई नहाने का प्रौविज़न है न अच्छी तरह से ठहरने का इन्तज़ाम है। उन के लिये वहाँ न तेल का प्रौविज़न है। और न गुड़ का प्रौविज़न है तो ऐसी हालत में उनके दिल में मायूसी पैदा होती है। मैं समझता हूँ कि हालांकि गवर्नमेंट बहुत रुपये खर्च कर रही है, लेकिन फिर भी उन के दिल में मायूसी पैदा होती है। यहाँ पर पगड़ी तो अलहदा रही गांधी टोपी तक का प्रौविज़न नहीं है। उनको न चादर दी जाती है, ताकि वह गर्मियों में मच्छरों से बचाव कर सकें। उनके पास न चादर है न परदा है, न लंगोटा है। यह हम नहीं कह सकते कि गवर्नमेंट की तरफ़ से रुपया नहीं दिया जाता। ऐसी हालत के होने का कारण Lack of imagination है। आज दिल्ली की हालत को मैं जानता हूँ। यहाँ पर उन को आये हुए कोई साल-साल भर हो गया है, लेकिन उनके लिए न टट्टी जाने की जगह है न नहाने की जगह। वह दीवारों के साथ लगे बेंठे हैं। वहाँ से वज़ीर साहबान और बड़े-बड़े आदमी गुज़रते हैं, लेकिन किसी पर असर नहीं होता। दो-दो चार-चार और दस-दस महीने गुज़र गये हैं, लेकिन अभी तक कोई इन्तज़ाम नहीं हो पाया है। उनकी हालत को कोई नहीं पूछता। जब ऐसी हालत है तो उन के दिलों का क्या हाल होगा। सिवाय मायूसी के और क्या हो सकता है। आप खुद इसको देख लीजिये। जब सक्सेना साहब नून में तशरीफ़ लाये थे तो उन्होंने कहा था कि अक्टूबर में प्लाट्स मिल जावेंगे। हम को यह जान कर खुशी हुई कि अब प्लाट्स मिल जावेंगे। लेकिन अक्टूबर का महीना गुज़र गया। फिर कहा गया कि दिसम्बर में मिल जावेंगे। वह भी गुज़र गया। फिर कहा गया कि मार्च में मिल जावेंगे। लेकिन वह भी गुज़र गया। जिस रिपोर्ट को देखो उसमें लिखा होता है—“we intend to provide houses.” पहिली रिपोर्ट में भी यही लिखा है। दूसरी में भी यही लिखा है। इन्टेंशन तो अच्छी बात है लेकिन इन्टेंशन से क्या होता है। मैं ने यह दरखास्त की थी कि यह डिबेट कैमरा में हो तो अच्छा हो क्योंकि ऐसी बातें कहना अच्छा नहीं। इस से लोगों के दिलों के अन्दर बड़ा दुःख होता है।

[लाला अचिन्त राम]

अब लोन्स की बात है। आपने इसके लिये बीस करोड़ रुपया रखा है। लेकिन लोन लेने के लिये चार-चार पांच-पांच महीने बीत जाते हैं। पहिले आप ने कहा कि इंडिवीज्युअल्स को लोन देंगे। फिर आपने पालिसी बदल दी कि नहीं कोआपरेटिव सोसायटीज को देंगे। उसके बाद आपने फिर पालिसी बदली कि नहीं इंडिवीज्युअल्स को देंगे। तो एक बार आप एक तरफ जाते हैं फिर दूसरी तरफ और फिर तीसरी तरफ। अब आप एजुकेशन का सवाल लीजिए। लुधियाने में गवर्नमेंट कालेज है। यहां से कहा गया कि वहां दाखिल होओ। वहां उन को कहा गया कि तुम्हारे पेरेंट्स यू० पी० में रहते हैं वहां से Loan मिलेगा। वहां वह गये तो कहा गया है कि तुम पंजाब में जाओ। फिर पंजाब में कहते हैं कि सेंटर में जाओ। तो इस तरह वह यहां से पंजाब, पंजाब से यू० पी० और यू० पी० से पंजाब में भटकते फिरते हैं। इस तरह से जो रिफ्यूजी students हैं उनको फ्रस्ट्रेशन पैदा होता है।

आपने फरमाया था कि कैबिनेट लेवल पर एक कमेटी बनाई गई है, जिसके अन्दर प्राइम मिनिस्टर साहब भी हैं और ख्याल था कि रिफ्यूजीज का मसला हल हो जावेगा, लेकिन वह फिर भी हल न हुआ। मिनिस्टर साहब कहते हैं कि जब हम सूबों में इन आदमियों को भेजते हैं और उन से कहते हैं कि इन रिफ्यूजीज को ले लो तो वह कहते हैं कि हम बाहर के आदमियों को ले नहीं सकते, क्योंकि जगह नहीं है या कोटा अलाट नहीं किया गया है। तो इन तमाम बातों का असर रिफ्यूजीज पर सिवाय फ्रस्ट्रेशन और मायूसी के क्या हो सकता है। आज रिफ्यूजीज के दिल में डर पैदा हो गया है। उन को बहुत तकलीफ उठानी पड़ रही है। एक बात और यह भी है कि जब वह पाकिस्तान से आये थे तो उन के पास थोड़ा बहुत रुपया था। लेकिन इस दस-दस, बीस-बीस महीनों के अन्दर वह भी खत्म हो गया है। उनके जो जेवर थे वह बिक गये, कपड़े बिक गये, वस्त्र बिक गये हैं और अब उनके पास कुछ नहीं बचा है। इस से भी उनको बहुत तकलीफ होती है।

लेकिन अब सवाल यह है कि इन तमाम बातों के बाद हम क्या करें। यह स्टैंडार्ड फैक्ट है कि रिफ्यूजीज के दिल में मायूसी है, फ्रस्ट्रेशन है। गवर्नमेंट ने बहुत कुछ किया, सब कुछ किया। लेकिन अभी इस का कोई हल नहीं हुआ। हमारी गवर्नमेंट कहती है कि पाकिस्तान गवर्नमेंट मानती नहीं है। हम कहते हैं कि गवर्नमेंट लेवल पर बात हो रही है और फिर भी पाकिस्तान गवर्नमेंट नहीं मानती। लेकिन जो रिफ्यूजी है वह क्या करे। वह तो मिनिस्टर से ही कह सकता है। अगर हमारे कहे से पाकिस्तान गवर्नमेंट नहीं मानती तो वह किस के पास जाए। तो इस मामले पर गौर करना है कि गवर्नमेंट का कहना

पाकिस्तान गवर्नमेंट क्यों नहीं मानती। सारी रिपोर्ट को मैं ने बड़े गौर से पढ़ा है जो मिनिस्टरी ने भेजी है। इन रिफ्यूजीज का मामला हम को अच्छी तरह से मालूम है। और इस रिपोर्ट में भी इस से इतिफाक किया गया है कि दरअसल इस वक्त हालत ठीक नहीं है, और ठीक तौर पर काम नहीं हो रहा है।

मैं इस रिपोर्ट के बारे में महसूस करता हूं कि सरदार पटेल ने जो अपनी पालिसी का इजहार किया वह बहुत अच्छा था। उन्होंने सबसे पहले कहा कि सरविसेज को कन्डैम मत करो क्यों कि आप उनको अच्छा कहने से उन से अच्छा काम ले सकते हैं। लेकिन इस रिपोर्ट को जो मैं ने देखा है तो इस में कोई पार्टी ऐसी नहीं है कि जिस को इनडायरेक्टली कन्डैम नहीं किया गया हो। प्रोविन्शियल (Provincial) गवर्नमेंट कन्डैम की गई है। उन की पेस जो है, वह बहुत स्लो है और उन से मिनिस्टरी को बहुत कम कोओपरेशन मिल रहा है रिफ्यूजीज के खिलाफ उन की शिकायत है कि वह कैम्पों से जाना नहीं चाहते। उन्होंने उनको मुखालिफ कर लिया है। साथ की मिनिस्ट्रीज ला मिनिस्ट्री फाइनेन्स मिनिस्टरी आदि उनको respond नहीं करतीं। अगर कोओपरेशन बिल्कुल नहीं मिल रहा है, तो उस का इलाज क्या है। मैं इन तमाम बातों के बाद सोचता हूं कि आखिर इसका क्या हल है। मेरा हल मामूली सा है, और बड़ा भी है और मुझे अफसोस है कि हमें ऐसा हल पेश करना पड़ता है। मुझे यह हल पेश करते हुए शर्मिन्दगी आती है। सरदार पटेल जिन्होंने और तमाम मसले हल कर लिये, वह सिर्फ छः महीने के लिये इस मिनिस्टरी पर अपना हाथ रख दें और इसका भार अपने उपर ले लें, तो यह काम ठीक बन सकता है। पिछले दिनों कैसी पब्लिक में गड़बड़ी थी। ईस्टर्न पाकिस्तान से लोग चले आ रहे थे बड़ी तादाद में और बड़ी बेचैनी और मुसीबत थी। लेकिन सरदार पटेल ने अपने वर्धा के एक बयान में सिर्फ यह कह दिया कि अगर यही हालत रही, तो वहां उन्हें जगह देनी पड़ेगी, और फौरन वह मामला हल हो गया। मुंह से बात निकली नहीं और मामला यूं हल हो गया। यह कहने से कि पाकिस्तान वाले हमारी बात मानते नहीं हैं, और हमारे जायज मतालिबात यह मिनिस्टरी मानती नहीं है, काम नहीं चलेगा। लेकिन अगर सरदार पटेल इस को अपने हाथ में ले लें, हालांकि वह बहुत बूढ़े हो चले हैं और उन को इतने काम हैं, और मुझे ऐसा सजेशन देते शर्मिन्दगी होती है, लेकिन इस के सिवाय कोई चारा नहीं है और जब तक सरदार साहिब हमारे सिर पर बैठे हैं, इस के अलावा और कोई बेहतर रास्ता नहीं दीखता। मैं समझता हूं कि अगर सरदार साहिब सिर्फ छः महीने के लिये इस वज्जारत को अपने हाथ में ले लें, तो ८ लाख आदमी जो कैम्पों के अन्दर पड़े हैं, उनका इन्तजाम हो जायेगा।

[लाला अचिन्त राम]

उनको बजाय यह कहने के कि हम एक रुपया पर हेड खर्च करते हैं, उनको प्लाट दे दिया जाय और एक हजार रुपया दे दिया जाय, तीन महीने के अन्दर वह प्लाट पर रहने लायक मकान बना सकते हैं, और यह हाउसिंग प्रोब्लम थोड़े अरसे ही में हल हो सकती है।

इसलिये मैं सरदार पटेल साहिब से प्रार्थना करता हूँ कि वह यह थोड़ा सा बोझ सिर्फ छः महीने के लिये उठा लें, और गवर्नमेंट ने जिस तरह से फूड का मसला हल कर दिया यह एलान कर के कि सन् ५१ के बाद से फूड इम्पोर्ट नहीं होगा, इस मसले को हल कर दें। मैं आखीर में सक्सेना साहिब से प्रार्थना करता हूँ कि इस मसले का हल जल्द से जल्द किया जाय, नहीं तो इसका धब्बा हमेशा के लिये हमारे सिर पर रह जायेगा कि हम मसले को हल नहीं कर सके।

(English translation of the above speech)

Lala Achint Ram (East Punjab: General): At the very outset I wish to congratulate the honourable Minister Shri Mohan Lal Saxena for the manner in which he handled this job. I think he really deserves praise. His missionary zeal is worth praising and the manner in which he has always been keeping the ideals of Mahatma Gandhi before him is worth commendation. But before we pass any judgement on the achievements of the Ministry we ought to ascertain as to what opinion the public holds about this department.

This problem has been before us for the last 20 months. Besides this many other problems have been before us. One was that of Hyderabad and other States. Besides this were the questions of Sangh, Communists and Akalis. Along with these questions the problem of Kashmir was also before us. This problem of refugees also was like the other problems. We think, and the people also think, that we have solved all the problems. But what opinion the people hold about this problem? If you were to look into the matter then I like to divide these problems in three parts. The first problem was of Hyderabad that is to say of the States. As far as this question is concerned, I feel that the people are fully satisfied that this problem has been successfully solved. Now there is no complaint about this matter. A similar opinion is held about the Sangh. About the problems of Akalis and Communists the people hold the opinion that the situation has been brought under control and they have been suppressed. As regards the Kashmir problem for the present some solution has been found out, what would happen in future would be seen.

But what opinion do the people hold about the refugee problem? How far the people have been affected by it? What is the opinion of the masses? As far as I have been able to ascertain I have come to know that the agitation that was in the hearts of the people as a result of these problems has been quelled but the people feel that the Government have solved this problem very magnificently. As soon as this problem came up a sum of 22 crores of rupees was set apart for this work, although only 14 crores of rupees have so far been spent. Similarly Government have set apart 20 crores of rupees for giving loans and from the speeches that our leaders have delivered it becomes quite clear that the Government have done quite a lot of work in this respect. But

In spite of all these things it is a fact that the refugees still bear a sense of frustration, a sense of hopelessness, in their heart of hearts. Wherever they go they do not see any way out. It is quite common that one cannot forget his relatives that are dead may ten years have elapsed or twenty. The people cannot forget their relatives they have lost there and this is beyond our control also. But at present here are a number of such persons whose families are still in Pakistan. When their families are there then they cannot forget this calamity. I know some such cases. In a West Punjab (Pakistan) village there are 16 girls at this time. We receive letters from them urging us to bring them away by any means but all of us are helpless. Whatever sources they tap they draw blank. For this reason they cannot forget this distress.

About the question of properties the honourable the Minister has said that this question is being settled at the State level. When our Government proposed that the sale or exchange of property should take place at Government level then the Pakistan Government gave a reply that they were not prepared to accept the proposal. This reply was given not once but twice. Such things give the refugees a sense of frustration. I know that the Government have spent crores of rupees. But now the Government ought to look into the present grievances of the refugees. People are still lying in camps and have been there for the last three or four months. Do you think they can live comfortably in camps? Neither there is any privacy in the camps nor there are any arrangements for the necessities of life. Then how can people live there for months together. Such conditions have been for the last 20 months. Now see what is the condition here. The Government have improved the conditions a bit but as you know even the poorest of the people use oil. But in the camps you will not find any arrangement for even six *mashas* of oil. It is said that this would involve an extra expenditure, but when you are spending crores of rupees and extra expenditure of a few *lakhs* will not at all matter much. But when this matter is referred to the Finance Department, then it is said that for providing oil a *lakh* of rupees will be spent. Thus the proposal keeps on circulating and they do not get oil. For this reason they feel disappointed. You see that the matter concerns small things. Take the case of *Gur*. You will find that in spite of all possible efforts they get only two and a half *tolas* of *Gur*. They have been in the camps since August and October and as yet there is no provision either for their taking both or for housing them in a better condition. There is no provision either of *Gur* or oil for them. Under these circumstances a sort of discontentment arises in them. Although the Government is spending a lot of money yet I think a sense of frustration is being created in them. Here what to say of *pargree* there is no provision of a Gandhi cap even. They do not get coverlets in order to protect themselves against mosquitoes in summer. They have neither coverlets nor screens nor waistcloths. We cannot say that money is not given by the Government. The cause of this state of affairs is simply lack of imagination. I know the conditions in Delhi today. It is since one year they came here but they have neither latrines nor baths. They are residing under the shelter of the walls. The honourable Ministers and other big people pass from there but nobody is moved by their condition. Months and months have passed but no arrangements have been made as yet. Nobody cares to look at their condition. When such conditions prevail then what effect will be produced on their minds. Except feeling helpless they cannot feel otherwise. You see it for yourself. When Shri Saxena paid a visit in June he had told that plots will be available by October. We were highly pleased to know that now we will get plots. But the month of October also passed. Then it was promised that the plots will be available in December. When December also passed, it was said that they will be available in March. But March also passed. In every report it is

[Lala Achint Ram]

mentioned "We intend to provide houses." In both the reports it is mentioned so. Intentions are however good but of what use are these intentions? I had made a request that it would be better to hold this debate *in camera* because it is not proper to say such things in the open session. In their heart of hearts the people feel much aggrieved by such things.

Now comes the question of loans. You have set apart 20 crores of rupees for this purpose. But four or even five months elapse before loans are granted. At first it was said that the loans will be given to the individuals. Then you changed your policy and said that co-operative societies will be given loans. Then you again changed your policy that instead of co-operative societies loans will be given to individuals. At first you say one thing then another thing and then still another thing.

Now you take the question of education. There is a Government College at Ludhiana. The students were asked to get admission there. There they were told that as their parents lived in U.P. so they would get loans from there. When they went to U.P. they were asked to go back to Punjab. Then the Punjab Government asks them to refer the matter to the Central Government. In this way they go on wandering about from here to Punjab, from Punjab to U.P., and from U.P. back to Punjab again. In this way a sense of frustration arises in the refugee students.

You had told us that a Committee on the Cabinet level has been formed which includes the honourable the Prime Minister also. It was presumed that this problem of the refugees will be solved but even then it could not be solved. The honourable the Minister says that when the Ministry sends those people to the provinces and ask the provinces to re-habilitate them, the provinces refuse to take them on the plea that they cannot take outsiders due to shortage of living space or they have not been allotted a quota of refugees. Then can these things have any effect except frustration and despair on the refugees? Today the refugees have developed a sense of fear. They are facing great odds. Another thing is that when they had come from Pakistan they had some money with them. But all that money has been spent during these 20 months. Their ornaments have been sold, their cloths have been sold, their utensils have been sold and now they have nothing left with them. For this reason also they are much troubled.

Now the question is what should we do after all this. This is a glaring fact that the refugees are highly frustrated. The Government have done much for them. But the problem has not yet been solved. Our Government alleges that the Pakistan Government does not come to any compromise. We wonder why the Pakistan Government is not coming to any terms even when talks are going on Government level. But what the refugee is to do? He can only request the honourable the Minister. If the Pakistan Government does not pay heed to the request made by our Government then to whom should the refugee go? Now we have to consider why the Pakistan Government does not pay heed to our Government's requests. I have very carefully read all those reports that have been sent to me by the Ministry. We well know this problem of the refugees, and by chance in this report also it is mentioned that in fact the conditions now are far from satisfactory and the work is not proceeding smoothly.

As regards this report I feel that the policy that was declared by the honourable Sardar Patel was very good. At the very outset he asked not to condemn the services because best work can be taken from them. But in this

report, as far as I have seen, there is not a single party that has not been indirectly condemned, even the provincial Governments have been condemned. The pace of the provincial governments is slow and the Ministry is getting very little co-operation from them. The complaint against the refugees is that they do not want to leave the camps. The Ministry has made them opponents. The sister Ministries like the Ministry of Law, the Finance Ministry, and others do not respond to the requests of this Ministry. If the Ministry is not getting any co-operation then what is the ultimate solution. After all this I try to think as to what the way out should be. My solution is quite common one, but at the same time very difficult as well, and I am sorry that I have to suggest this solution. I feel ashamed in suggesting this way out. If the Honourable Sardar Patel, who has squared up all other problems, were to patronize this Ministry only for six months and take its responsibility upon his shoulders then this matter can be very successfully accomplished. During the last days how much agitation there was among the public. Refugees from Eastern Pakistan were coming to India in large numbers and a great deal of misery and uneasiness was prevailing everywhere. But the Honourable Sardar Patel while giving a statement at Wardha said only so much that if the present state of affairs continued then they will have to give the refugees living place there and at once the affair was squared up. No sooner he said this thing the affair was settled in a jiffy. Such allegations, that the Pakistan does not agree to what we say, such and such Ministries do not acknowledge our lawful demands, will not work. But if Sardar Patel were to take up this matter then, although he is getting old and has so many duties to perform, and I also feel ashamed in giving such a suggestion, but there is no other alternative except this and till Sardar Sahib is at our back. I see no other way out except this. I think that if Sardar Sahib were to take up this Ministry even for six months then arrangements could be made for those eight lakhs of people who are living in the camps. Instead of saying that we spend one rupee per head, they may be given plots of land and one thousand rupees in cash, then within three months they can construct good houses on those plots and thus housing problem can very soon be solved.

Therefore I request the Honourable Sardar Patel to take up some additional work only for six months and solve this problem in the same way as the Government solved the food-problem by announcing that there would be no food-imports after 1951. In the end I request the Honourable Shri Saksena that this problem be solved at the earliest otherwise the stigma that we could not solve this problem will remain on our heads for ever.

Dr. Bakhshi Tek Chand (East Punjab: General): Sir, I am fully conscious of the fact that a great deal of time has already been taken and there are many honourable Members who have yet to speak. Therefore, I will take only a few minutes.

I wish to place only two or three facts before the House. After reading the statement that the honourable Minister has circulated and hearing his speech, I fully agree with what my honourable friend Mr. Sidhva has said that there is want of proper and co-ordinated planning as to the future rehabilitation of these people. That is what our past experience has been and what the present position is. It is now said that there are 800,000 refugees in the various camps and that the Government have decided that they should be dispersed. It is quite right to say that Government cannot keep these refugees indefinitely in these camps. But, what are the arrangements that you have made for their dispersal? Before you disperse them, you must make, well-planned and proper arrangements where these people are to go. I will only give three instances to show how this dispersal is being made. Some months ago, it was

[Dr. Bakhshi Tek Chand]

decided to disperse refugees from the Karnal camp and the provincial and the Central Government Joint Rehabilitation Board decided that they should be sent to Bharatpur. About twenty families were so sent and they were despatched by the representatives of the East Punjab Government from Karnal with a note that they are being sent to Bharatpur, where land will be allotted to them. These persons arrived in Delhi where they were detained as before their arrival, a telegram had been received from the officer in charge of the Bharatpur camp saying that there was no room for them and that they should be detained at Delhi. They were accordingly detained at Delhi and brought to the Wavell Canteen which was already full and where there was not a single room where a single person from these twenty families could be accommodated. Bharatpur authorities refused to receive them, and yet the records of the Karnal camp showed that these persons had been discharged, having been permanently rehabilitated in Bharatpur. For three weeks, they remained in a verandah of the Canteen after which some of them got mixed in the crowd of refugees in Delhi and we do not know what happened to the rest. Some of the members of the House, Mr. Jaspat Roy Kapoor and myself actually went there and we saw their awful plight. This is one instance.

I shall give you another instance, where certain persons who were living in the Kurukshetra camp were sent to Fazalka in Ferozepur district where they were to be permanently settled on land. In this connection, I will refer to a Note which appeared in the *Statesman* some time ago from their Special Correspondent who had visited Kurukshetra. These refugees had lived in Kurukshetra for a year or so and Kurukshetra, as we know was the best managed of all camps. They had some comforts there they had shelter; they received rations regularly and some other amenities as could be given. These men and women came back to the Kurukshetra camp, after they had spent several days in a fruitless effort in Fazalka to find the land which had been promised to them. There is a very interesting account, and if I may say so, a very painful description given by the correspondent. I will not take up the time of the House in reading the whole of it, but will read only a few sentences:

"Shortly after I entered the camp office two hundred women, holding their dim-eyed babies, besieged it, making work impossible. They threatened to complain to Pandit Nehru. Their faith in the Prime Minister was complete.

"For three nights we have slept in the open without shelter, without food, we cannot do it any more. Our children will die." This is what the women said. The anger in their eyes, as they shouted in chorus, was frightening.

A younger officer emerged from a room and addressed the crowd. "We can put you into tents, but we are not permitted to restore your rations. These are the orders. We cannot help it" he pleaded.

The incident revealed, as no briefing by officials could have done, an aspect of the problem facing the refugees as well as the administration. A large number of refugees who had been dispersed a few months ago are returning to the camp. It is filling up again. Reduced at one stage from 400,000, to 80,000 its population has now risen to about 130,000.

I talked to scores of refugees. They had come back mostly from camps in Ferozepur. They were given promises of land and houses when they were moved out two months ago, they said. They found neither. Nor were the arrangements for their stay as good as those in Kurukshetra, they alleged. But above all they complained of a feeling of insecurity."

This is the second instance.

The third instance is this. The report which the honourable Minister circulated indicates that Kurukshetra camp is going to be disbanded and a new township is going to be erected in Rajpura in Patiala State where the refugees

from Bahawalpur are to be sent. There are, I understand, 50,000 to 60,000 people from Bahawalpur in the Kurukshetra camp and they would not go. Some weeks ago, I was told that every effort was made to persuade them, but they did not want to go. Some of them saw me here including also a gentleman who was at one time a Minister of the Bahawalpur Government and who happens to be now in Delhi, a displaced person like most of us. He said that he tried his best to persuade these people but they would not go, as originally they had been sent from Bahawalpur to Patiala State about a year ago. But they found that the conditions were most difficult; they were unwelcome and the Patiala State officers subjected them to all kinds of harassments and ultimately they moved to Kurukshetra for these reasons they would not go back there. They were assured that these might be past history and now that the Centre is intervening and better arrangements were being made, and things were changing; it is not the old Patiala State and the Government of India are having Supervisory jurisdiction over it and they should go there. Day before yesterday some people from Rajpura came and they said: "In spite of our unwillingness to go about 5,000 persons have actually gone, but there are very unsatisfactory arrangements; there is unsatisfactory supply of water, insufficient food and very poor shelter. The tents supplied are very small in size and our rations are insufficient. What is the good of this dispersal?" In Kurukshetra your commandant will report that so many thousands of persons have been sent for rehabilitation at Rajpura but really there is no plan or proper arrangements to receive them. I say that if you are going to disperse all these men without a definite plan and without proper arrangement, then what is the good of all this? It will only create further disaffection and bad feeling. I ask the honourable Minister to see that no dispersal takes place until and unless you have a well thought out plan according to which the refugees should be properly housed, and properly fed. Do not be in a hurry to shut up these camps until suitable arrangements for their settlement are made.

Now come to Delhi itself, which is under the direct charge of the Centre. A refugee census, which was held in October last, disclosed that there are 3,82,000 displaced persons who have come from various provinces to Delhi. According to the honourable Minister, the Census report was defective, at least an under estimate of ten per cent. Other people say it is much more. That the census was defective is evident from the fact that even the honourable Minister's Secretary who is himself a displaced person; and his family and several other persons working in his own office and who also are displaced persons were not included in the census. But be that as it may, more than 4 lakhs of displaced persons are here. What is the present condition?

Day before yesterday, in anticipation of this debate, I went round and saw how some of the refugees were lodged in camps and other places. I first went along the City wall and I must say the position of persons who have found shelter there is bad and as appalling now as it was 20 months ago. A large number of persons, 500 to 700 families who have not been able to find a room, or other decent place, have been living here during this period. They are too poor to pay *pugree* or are too honest or timid to take forcible possession of any house, and what is their condition?

In the old City wall, there are niches which measure 9 feet long and 4 feet wide; that is the only place where these families could find any shelter. What they have done is they have constructed projections, of about 3 to 4 feet in width, with tin-sheets or wooden planks or mats and gunny bags so that the niche of 9 ft. x 4 ft. has been extended and they have got a total accommodation of 9 ft. by 7 or 8 feet. We found this is the position near the Delhi gate where a number of Sindhi families are living. Then there is Nicholson

[Dr. Bakhshi Tek Chand]

Road which is the worst locality. I wish some of the honourable Members could go and see it for themselves. There are families of Punjabees, and from the Frontier province and other provinces in this locality. They have been living there since September or October 1947. In this small area, 9 ft. x 7 ft. a family with an average of eight or nine persons is living. There is no cooking place, no bathing place. They have got small earthen *choolas*, which they put on the road and there at 7 O'clock the ladies cook food. "How many members are you?" I asked a woman in one of these cells and she said "We are nine." I asked "How do you manage to sleep in this place?" The woman said: "Well the small children sleep on the *charpoy*, and we women, sleep on the floor." "What about the boys and elderly men?" I asked. She said: "Well, they go to the neighbouring bazaars and wherever they can find an open verandah which is not occupied, they sleep there. There is no fixed place; they sleep wherever they can find space."

These people are undergoing such sufferings under the very nose of the Centre. These things are happening here and we are doing nothing. In this House we wax eloquent over the lot of the Common Man and say that we must do this and we must do that to ameliorate his condition. Here are these people who have lost their relations, lost their livelihood; lost everything. They have been forced to come here but they have been quietly and patiently living there for twenty months. Now the hot weather is coming. What will happen to them? I ask the honourable Minister to reply. That is the position here.

I then went to another place in the vicinity. There was a gentleman from Hazara in the North West Frontier Province. He formerly had a handloom factory. He then came to Rawalpindi during the war and was earning Rs. 400 a month as a commission agent. He has a family of ten members. Two niches in the City wall comprise his house; his family lives in one and in the other he has managed to instal a handloom where he is making gold lace of the finest quality, and is earning about Rs. 5 a day. He said that if a proper place was given to him he could give employment to twenty persons. Then he showed me a receipt from the Municipal Committee for Rs. 20 which he had to pay as rent for four months. It seems that bailiff from the municipal committee went to him and demanded that amount for rent for his occupation of this niche. That is the position of these people and there are thousands like him in Delhi under the very nose of the Central Government. Is that relief and is it rehabilitation? I ask the honourable Minister what are you going to do for them and when?

In the beginning the Punjabi refugees were told that they would be sent back to their houses in Western Pakistan. Up to February 1948 that was the idea. By February 1948, it came to be known that that was not possible. Then they said that persons from West Punjab shall be settled in East Punjab where the new capital will be built and new townships constructed to accommodate several lakhs of persons. On 18th November, 1947 the honourable Mr. Neogy said in answer to a question that the capital was going to be constructed very soon and new townships were under contemplation. Now we are nearing the end of March 1949. Where is the capital? Is there any sign of it anywhere? And when are the new townships coming into existence?

The East Punjab Government estimates that there is at least 13 lakhs of urban displaced population which has to be accommodated in that province and that there are 1,10,000 Muslim evacuee houses which have all been occupied. According to the Punjab Census report of 1941 the average number of persons in a house was 4.8. Even if you put five or six persons in each evacuee house, it means that 6,50,000 persons can be settled in these and the

remaining have to be accommodated elsewhere besides those who have come to Delhi and whom it is intended to send back to East Punjab. What has been accomplished in this direction for 1½ years? What are the facts? They have a number of schemes for the carrying out of which they have deputed engineers and their architects and their Ministers have been flying from Simla to Delhi and back. But what has been achieved? According to the Report, 4,000 houses have been built and 6,600 plots have been sold. All these taken together can accommodate only 70,000 out of the 7,00,000 people who are homeless. In these circumstances how can you ask the Punjab refugees to go back from Delhi? Apart from internal troubles, apart from party politics and ministerial tangles, to which the honourable Minister has referred, what is the position? Where is the Capital, where are the townships?

On the 19th September, 1947, the East Punjab Government appointed a committee, with the Financial Commissioner as Chairman and with the Chief Engineers and other officers as members to suggest within 15 days possible sites for the Capital. That was the direction given. On 1st October 1947, an Emergency Committee of the Central Government said: "Within ten days the provincial Government must submit a scheme for the capital". But months passed without any tangible result. At last a site near Chandigarh was found suitable. An Engineer was sent to America and other places to see how the capital should be built. In the month of June 1948 we heard of a scheme for a new town with all the amenities of modern life, amenities which neither New York, nor London nor Berlin possess. We have not been told anything more about it so far. I do not say it is a bad scheme. But the East Punjab Government has got no money to spend on it. Money has to come from the Centre. The other day I asked the honourable the Finance Minister what priority was being given to this scheme. His answer was: "No. The question is under consideration." Now, the Punjab Government is a deficit Government. They can save nothing from their revenues. They cannot raise a loan. The Centre has to find the money for building the capital of that Province. But the Centre is still considering how much money is to be provided and when. Meanwhile where these homeless people are to go?

Now, in Delhi itself, for refugees there are resettlement schemes. Of these Northern Extension scheme alone has been executed. As to what sort of houses have been built there at a cost of over a crore of rupees I should ask the honourable Members to go and see for themselves. All that I can say is that I cannot congratulate the persons who designed these houses or those who constructed them. But still it is some relief to see that some sort of protection has been afforded to some persons.

When the honourable Minister took charge he started with great enthusiasm and vigour. Dressed in shorts and with spade in hand he used to go to Nizamuddin every morning with a large part of his Secretariat. The refugees saw a ray of hope when they saw in the newspapers photographs of this activity of the Minister and also the bulldozers at work and so on. For several months nothing more was heard of it. Nizamuddin has only 210 plots. They were levelled sometime in October. But upto this time no allotment has been made.

There is then the Shadipur scheme. The land in this area had been levelled and improved and arrangements for water-supply made by the Improvement Trust many years ago. Last year this was set apart for refugees. The Press Communique recently issued about it showed 3,000 plots in this area had been allotted. But a Member of the Allotment Committee told me yesterday that they met four days ago and that only 420 plots were ready for allotment. He also said that further allotments could not be made until five months. That is the information he gave me. How long are you going to wait? The other schemes are all in early stage.

One word more, Sir, I know my time is up.

[Dr. Bakhshi Tek Chand]

It has been decided that these plots will be leased out... What are the terms of the lease? Only those persons, who are in a position to build with their own money will be given the first preference. And what will they have to pay? In addition to annual rent, they will have to pay a minimum premium of Rs. 7,800 for a plot of about one-fifth of an acre in area. In addition they will be charged five per cent. upon this Rs. 7,800 as annual rent. Even this Rs. 7,800 is not a fixed amount. Tenders will be invited and the leases will be sold by auction. If Mr. Sondhi offers Rs. 7,800 and Mr. Maitra says he will pay Rs. 8,000 and I come and say I will pay Rs. 9,000 and Mr. Himatsinghka says he will pay Rs. 10,000; it will be given to him for he is offering Rs. 10,000. This is how the "common man" is going to be rehabilitated in Delhi under a scheme formulated by the Minister himself. (Shri B. L. Sondhi: 'Common man Minister!') Yes, "common man Minister." How will the common man come in at all? Will not the capitalist buy up all those plots. And why are you charging the premium when you are going to realise the annual rent? (An honourable Member: 'Betterment charges.') So that is the position. I asked the honourable Minister, and he said he has been trying his best, but the Finance Department does not agree and he has been forced to put these terms in the lease Agreement. I ask, Sir, are you not exploiting the misery of these people, who have left their property but were able to bring with them a few thousands of rupees,—with which they want to build a house here on land which is and will continue to be Government property? This is what you are doing. This is the example you are setting. You blame the provinces. You blame the politicians. But what are you doing here? I ask you in all humility, is this the way to rehabilitate displaced people? Is this the assistance you are giving? On the one hand, you are spending so many crores; on the other hand you charge these exorbitant premia for leases. The honourable Minister says the Finance Ministry insist on premia being charged. I do not know whether this is so or whether it is the Rehabilitation Ministry or it is the Works, Mines and Power Ministry. But this is the position. I am sorry that I have taken a good deal of time. I have only two minutes left.

Mr. Speaker: There are three minutes.

Dr. Bakhshi Tek Chand: If you will permit me, Sir, I will place one or two facts more before the House. I say that the whole policy requires a radical change. Now, we have been promised that every man will get either a plot of land or a house. An announcement was first made by the honourable Minister in the month of June 1948 that by October 1948 every displaced person in Delhi, at any rate, will be given either a plot or a house. October passed and nothing happened. We were told that rains had intervened and the survey parties and others could not get on with their work. After the rains stopped, another statement was made here that the plots will be given in the end of December next. 31st December was the target fixed. December also passed, no plots were allotted. Now, it is March 1949 and the honourable Minister has grown wiser. In his present statement he has not fixed any limit—he merely says "We intend to give a plot etc." Well, these good intentions are there. Nobody doubts them. But is this the way to rehabilitate people? I say, Sir, that unless you treat this matter as one of extreme emergency, treat it on footing of a "war measure" and set to work with all your energy and fix target dates for everything, you will not be able to solve this problem. Day before yesterday, one of the refugees living in the niches of City walls told me "I understand you are a member of the Constituent Assembly." I said, "Yes, I happen to be." He said, "Well, go and tell Pandit Nehru and go and tell others that they saved us from mass massacres in Western Pakistan, saved us from the knives and daggers of the

Muslim National Guards, saved us from the bullets of the Boundary Force which had been sent to protect us but which turned its rifles on our chests. We are thankful to the Government for all this, but go and tell Pandit Nehru and Sardar Patel that we are now at the end of our tether; we cannot hold on much longer—and let it not be given to them to be present at the mass funeral of us all here in Delhi." That is his message. Sir, I have done.

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

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

Srijut Rohini Kumar Chaudhuri: I was greatly astounded to hear from Pandit Lakshmi Kanta Maitra that the Assam Government had refused to take charge of the refugees of East Bengal or Western Pakistan.

Pandit Lakshmi Kanta Maitra: I never mentioned Western Pakistan.

Srijut Rohini Kumar Chaudhuri: So far as I am concerned, I claim to know something and I know that the Government is very sympathetic towards the refugees. As a matter of fact when there was an offer of certain refugees from Western Pakistan, the Assam Government only pointed out to the Government of India that there were certain difficulties. They were (1) food: we are a rice-growing province and not wheat; (2) climate: it was most unsuited to the people of the Punjab; and (3) safety of travelling from the Pakistan area.

At the end of 1947 and in the beginning of 1948, the House will remember how difficult it was for passengers to travel through Pakistan. These were the difficulties he pointed out. Nevertheless, he said if the Government of India rendered help, he would be prepared to take the refugees. As a matter of fact a place was selected for that purpose, so far as Eastern Bengal refugees are concerned. As will be admitted by the honourable Minister, we are now providing for no less than four lakhs of Eastern Bengal refugees and the Government of India has not paid a single penny to the Government of Assam for properly rehabilitating them.

Pandit Lakshmi Kanta Maitra: That is Muslim infiltration!

Srijut Rohini Kumar Chaudhuri: Not only Muslims, but the Hindus also have gone over. In Cachar in Assam, from Dibrugarh right up, these refugees have started small shops called *mani hari* shops. These Hindu refugees are maintaining themselves like that. Now the Government of Assam is expected to take the responsibility of providing suitable steps for rehabilitating them, giving them proper accommodation and giving them food also whenever necessary and also provide them with sources of employment. But we have very limited sources of employment in Assam. We cannot undertake to employ them but the Government of India ought to be able to find means to employ them and ought to advance money and ought to help them in order to enable them to be on their legs. That responsibility, I am afraid the Government of India is shirking and on the other hand they are putting all the blame on the people and the Government of the province.

Shri Jaspat Roy Kapoor (U.P.: General): I am one of those who has very wide sympathies for the refugees. But I am afraid, I cannot agree with the previous speakers, excepting of course, my honourable friend, Mr. Rohini Kumar Chaudhuri, because the other honourable speakers have painted a very dark picture of the situation. They have tried to make out that nothing substantial has been done for the relief and rehabilitation of the refugees, that they have been neglected by the Government, that there is no imagination and planning, and therefore all that has to be said is to condemn the Government, but not say one word of praise for the work they have done so far for them.

Pandit Lakshmi Kanta Maitra: Everybody has paid a tribute.

Shri Jaspal Roy Kapoor: Yes, I know in what way the praise has been given. But so much has been said in condemnation of the Government that the feeling is likely to go about that very little has really been done for their relief and rehabilitation.

Pandit Lakshmi Kanta Maitra: We should simply give undiluted praise!

Shri Jaspal Roy Kapoor: I do not say that undiluted praise should be given. Government should be criticised but not uncharitably condemned and criticised. That sort of criticism is not helpful at all. I know, Sir, that this problem of relief and rehabilitation has been engaging our attention for the last one year and more and although admittedly, as the honourable Relief Minister himself said the problem has not yet been satisfactorily solved, yet we must admire the energy and the enthusiasm with which the honourable Minister has been applying himself to this difficult and great task. In this noble and humanitarian work he has been ably assisted by the devoted officers of his Ministry, and he has also had the advantage of the ripe judgment and the wide administrative experience of the Honourable Shri Gopalaswami Ayyangar who has been carrying on difficult and delicate negotiations with the Pakistan Government. If only a fraction of this problem has been solved, the fault is not either of the Ministry of Relief and Rehabilitation or of the honourable Minister who is in charge of it. It is due to the vastness and the complexity of the problem, and it is also due to the fact that the third party, namely the Pakistan Government, has been adopting all along a very unfair and unjust attitude but for which many a difficult and delicate problem like the sale and exchange of property, payment of Income-tax and realisation of rent of evacuee properties etc. would have been satisfactorily solved long ago.

Sir, we have been circulated this pamphlet giving a review of relief and rehabilitation during the last year and more, and we have also been circulated late last evening another pamphlet on the subject. These pamphlets enumerate the various good things that the Relief and Rehabilitation Ministry has been able to do so far. While I am glad to read all these achievements that they have claimed in these pamphlets I must submit that I did not feel happy when I came across the sentence at the very first page of this report which says that it has not been possible to include details about refugees from Eastern Pakistan. Sir, the problem of the refugees from Eastern Pakistan is assuming very large proportions. The number of these refugees has gone up to as much as 20 lakhs according to the information given by the Minister for Relief and Rehabilitation the other day on the floor of this House in reply to a supplementary question.

The Honourable Shri Mohan Lal Saksena: May I know what this report or document is to which the honourable Member is referring?

Shri Jaspal Roy Kapoor: This is from the Relief and Rehabilitation review which you have circulated, and I was referring to page 1. And when I say that the number of refugees from Eastern Pakistan is about 20 lakhs I am referring to the information which the honourable Minister gave the other day on the floor of this House in reply to a supplementary question. I was submitting that this number has been ever increasing. In the month of August last year this number was stated to be ten lakhs. In the month of November it was stated to be 15 lakhs. And now it is stated to be 20 lakhs. This shows that the exodus from East Bengal continues almost every month to the extent of about a lakh and fifty thousand. Nothing very substantial, I must admit here, has been done for the refugees who have come from East Bengal. In this matter I would submit that a complacent attitude is being adopted both by the

Central Government as also by the West Bengal Government. The situation in East Bengal is hardly satisfactory. Yet I find that the honourable Minister for Relief and Rehabilitation has stated on page 14 of the pamphlet circulated to us last evening that "fortunately, conditions have now stabilized and the exodus from East Bengal has stopped." I submit this is far from the fact. Those who are in the know of the situation say that the conditions there are very far from being satisfactory. In this connection I can do no better than draw the attention of this House to a recent statement made by Shri Satish Chandra Das Gupta, a very well known co-worker of Mahatma Gandhi which appeared on the 6th March in the *Hindustan Times*. The newspaper report reads:

"Mr. Das Gupta is carrying on the work initiated by Gandhiji there (that is in Noakhali). He said he expected improvement following the recent Inter-Dominion Agreement and the gradual implementation of its terms. As for Noakhali he was constrained to observe that the situation there had very much deteriorated during the past few months."

The report goes on to say:

"Mr. Das Gupta further revealed that Mr. Jeewan Singh, a worker, had been arrested about six months ago on the fantastic charge of abducting a Hindu woman for immoral purposes. Two weeks ago, one of the most trusted workers of the Gandhi camp, Mr. Viswaranjan Sen, and a co-worker were implicated in a murder case."

He goes on to say that the situation in East Bengal is so very bad for the Hindus that they cannot possibly be expected to stay there with any self-respect and security. That being the situation the question arises as to what must be done by the Central Government and the Provincial Government. So far as the Provincial Government of West Bengal is concerned, rather than taking extra measures to give more relief to the refugees who are coming in ever increasing number from East Bengal, this is what the West Bengal Government said in a communique which they issued in the month of November last. They said: "In case, the exodus continues at the present rate, financial difficulties may compel the Government of West Bengal to discontinue giving doles to any person with effect from December, 13, 1948." I do not know whether they have carried out this threat or not. As a matter of fact, after November 1948, five more lakhs of refugees have come to West Bengal. If unfortunately they have carried out this threat into practice I am sure the condition of the refugees in West Bengal must be a very pitiable one. As regards the responsibility of the West Bengal Government to rehabilitate them, this is what they stated in the same communique: "Government are anxious that refugees find work for themselves to earn their living." What sort of anxiety is this which expects that the refugees must fall back on their own resources? Later on they say:

"It is the immigrant himself who can through his own efforts find work suitable for himself." Now that is the sort of relief they are giving to the refugees in West Bengal and that is the sort of help that the West Bengal Government is prepared to give to the refugees. I submit that both the Central Government and West Bengal Government must take a serious view of the situation and must make immediate efforts not only to see that better relief is given to the refugees but they must make also see that the exodus from East Pakistan now ceases. We must make it plain to the Pakistan Government that if they cannot create conditions there in which the Hindus can live with security and self-respect they must certainly give us more land, as was contended by the honourable Deputy Prime Minister some time back. It is no use mincing matters. It is no use always saying goody, goody things. Sometimes we must say things plainly and boldly because if we do not say things plainly and boldly when it is time to say so we are likely to suffer very heavily. The Communist menace in Calcutta is already a serious one and if the refugees from East Bengal are not taken care of we shall be simply throwing them into the fold of the Communists which will be a great menace.

Sir, I was under the impression that the time-limit has been relaxed today.

Mr. Speaker: Having seen the effects of the relaxation it has to be restricted now at least in the case of the other speakers.

Shri Jaspal Roy Kapoor: I will then appeal to you on another ground and that is that I rarely inflict myself on this House.

Mr. Speaker: I want to give chance to at least one more speaker. My eye is on the clock. He must be given at least ten minutes.

Shri Jaspal Roy Kapoor: I shall finish within another five minutes.

Mr. Speaker: Let the honourable Member conclude his sentence. His last point was that the Communists will be given a chance by neglecting the refugees.

Shri Jaspal Roy Kapoor: Sir, I will only mention two or three more points and I will not elaborate on them.

There are a few other points which I would like to mention. From the census operations conducted they say that there are about 45 lakhs of refugees from West Pakistan. Previously they said that there were about 61 lakhs of Hindus and Sikhs in West Pakistan. 45 lakhs have been accounted for but what has happened to the rest? I would suggest that an enquiry should be made into this.

Secondly, there is the question of the allotment of refugees to the provinces. Some provinces, particularly the U.P. and Delhi, have received more refugees than the number allotted to them and we must be grateful to these two provinces. So far as Bombay and C.P. are concerned they have not received so many refugees as were allotted to them. In addition they have imposed humiliating restrictions with regard to their movement. I submit that these two provinces should be requested to withdraw the restrictions imposed on the refugees and accommodate as many refugees as have been allotted to them.

The last point is with regard to loans granted to the refugees. I find from the statement circulated that the loans are given in a very dilatory manner and secondly, they are not adequate enough for the refugees to rehabilitate themselves. Loans given after a long delay and in very small sums lose their purpose. Therefore I would submit that if loans are to be given at all, as they must be, they must be given promptly and in such amounts as may be of use to the refugees. Otherwise the whole money will be wasted entirely.

There are many other things to say but in view of the shortness of time which of course has been extended in my case by the courtesy of the Chair (for which I am very grateful) I could not mention all those points. In the end I would only submit to the honourable Minister for Relief and Rehabilitation to go a little faster. I know he has been going as fast as he possibly can but we only want to give him a little push so that he may go faster still.

سردار بہویندر سنگھ مان : صاحب صدر ! ایک مصیبت کی لمبی داستان ہے جسے میں عرض کرنا چاہتا تھا لیکن وقت کی تیزی کے پیش نظر کچھ اس کے خاص پہلوؤں پر اصرار تھا جسے عرض کرنا ۔ اس میں شک نہیں کہ تاریخ کی مثال میں ایسے کوئی وقت نہیں کہ چار پچاس لاکھ سے ساہ لاکھ آدمیوں پر ظلم و ستم ہوا ہو اور وہ اس سے مجبور کر دیئے گئے ہوں اور گھر سے بے گھر کر دیئے گئے ہوں ۔ مہرا خیال ہے کہ اس مسئلہ کو حل کرنے کے لئے اگر کوئی پلان (Plan) بنایا اور نکس کوئی ترکیب سے ہوتا تو یہ مسئلہ آسانی سے حل ہو جاتا ۔ مجھے اس کا افسوس

ہے اور اس چیز سے رنج پیدا ہوتا ہے اس لئے میں اس بات کے کہنے پر مجبور ہوں ۔ کہ ہمارے پرائم منسٹر پلڈت نہرو نے یہ بات کہی ہے کہ جہاں تک Refugees کے نقصانات کا تعلق ہے اس کی Legal یا Responsibility Moral ہم پر نہیں ہے ۔ میں کہتا ہوں کہ اس کی Responsibility آپ پر نہیں ہے تو کس پر ہے ؟ ملک کی تقسیم کو کس نے مانا ؟ مسام لیگ کے سامنے کس نے یہ بات منظور کی اور ملک کے ساتھ بے انصافی کی ؟ اور مسام لیگ کی فرقہ پرستی کے سامنے اور مسام لیگ کی چالوں کے سامنے کھٹکے کس نے تھکے ؟ آزادی کا سودا شرنارتھیوں کی لاٹوں پر کر کے اب ان کو دفنانے کی ذمہ داری نہیں لی جاتی ۔ میں سمجھتا ہوں کہ یہ ایک خطرناک مزان شرنارتھیوں سے ہو رہا ہے ۔ اگر ملک کی کسی عدالت کے سامنے یہ مسئلہ رکھ دیا جائے تو مجھے یقین ہے کہ اس کا فیصلہ یہی ہوگا کہ اس کی ذمہ داری آپ پر ہے ۔ اگر قانونی نہیں تو اس میں رتی بھر شک نہیں کہ اخلاقاً ضرور ہے ۔ ہمارے سوچا تھا کہ پاکستان بن گیا اور فرقہ پرستی کو رچھانے کا جو خوفناک دور تھا وہ ختم ہو چکا تھا ۔ لیکن اب جبکہ پاکستان بن گیا تو پاکستان سے جو کچھ سمجھوتہ ہوتا ہے تو اس میں بھی مسلم فرقہ پرستی کی جیت ہوتی ہے اور ان سے ہر ایک سمجھوتہ بہت دب کر ہوتا ہے ۔ اگر پاکستان کے ساتھ اسی طرح دب کر سمجھوتے ہوئے تو میں سمجھتا ہوں کہ کبھی ان سمجھوتوں کا نتیجہ اچھا نہ نکلیگا ۔ سنا تھا کہ ہندوستان کے لوگ سودا کرنے میں بہت ہوشیار ہیں لیکن اب تو ایسا معلوم ہوتا ہے کہ خسارے کے سودے کرنے میں بہت ماہر ہو چکے ہیں ۔ آپ اگر غور کریں گے تو آپ کو معلوم ہوگا کہ ابھی جائدادوں کے متعلق جو فیصلہ کراچی انٹر ڈومینین کانفرنس میں ہوا ہے وہ صرف شہری جائدادوں کا فیصلہ ہوا ہے جس میں پاکستان کا فائدہ ہے اور یقیناً وہی سمجھوتہ کر لینے کے جس میں ان کا فائدہ ہو ۔ وہ جانتے ہیں کہ ان کی کامیابی اس معاملے میں ضرور ہوگی جس پر وہ سمجھوتہ کرتے ہیں ۔ پاکستان نے طے کیا ہے کہ جو لوگ پاکستان چاکر اپنی جائداد بھیجیں وہ وہاں سے جائداد بھیج کر واپس نہیں آسکتے جب تک کہ انکم ٹیکس نہ ادا کریں یعنی جائیں اور وہیں قیعتی بنکر رہ جائیں ۔ جہاں تک سفری بلجباب میں اچھی زمینوں کا تعلق ہے وہ زمینیں زیادہ تر سکھوں اور ہندوؤں کی تھیں ۔ شہری جائداد کے متعلق تو آپ بات چیت کی لیکن جہاں تک دیہاتی جائداد کا تعلق ہے اس کے متعلق آپ نے کوئی انٹر ڈومینین کانفرنس میں فیصلہ نہیں کیا ۔ جہاں تک دیہاتی جائداد اور زرعی زمینوں کا سوال ہے وہ سب مسلمان دیہاتیوں کی ہی بن گئی ہیں اور ہندوؤں اور سکھوں کا سیکڑوں بیکھوں کی شکل میں پاکستان کے اندر بے انداز سرمایہ پڑا ہوا ہے جس کا قطعی طور پر کوئی انٹر ڈومینین کانفرنس میں فیصلہ نہیں ہوا ۔ لہذا ان سمجھوتوں اور معاہدوں چلنا میں ذکر کر رہا ہوں ان سے وہی پرائمر کمزور چلی آرہی ہے ۔ جہاں تک exchange of population کا تعلق ہے یہ سمجھ

[سردار بھوپندر سنگھ مان]

میں نہیں آتا کہ تبادلہ آبادی کیسے ہو سکتا ہے۔ جب تک تسلی بخش تبادلہ جائداد نہ ہو جہاں East Bengal کا تعلق ہے وہاں سے لاکھوں آدمی یہاں آئے ہیں اور کچھ واپس چلے گئے ہیں لیکن انکی تعداد بہت معمولی ہے۔

جو لوگ اپنی جائدادیں East Bengal میں چھوڑ کر آئے ہیں انکی جائداد کے لئے کوئی فیصلہ انٹر ڈومینین کانفرنس میں نہیں ہوا۔ ہم سے کہا جاتا ہے کہ وہاں کے حالات بہتر ہو رہے ہیں۔ اسکا مجھ کو یقین نہیں کہ وہاں کے حالات بہتر ہو جائیں۔ اسلئے میری سمجھ میں نہیں آتا کہ آپ پاکستان سے ہر ایک سمجھوتہ اسقدر دب کر کیوں کرتے ہیں۔ سردار پٹیل نے کہا تھا کہ اگر آبادی کا ناس یا استان سے جاری رہا تو پاکستان کو اتنی زمین ہندوستان کو دیلی پڑے گی۔ باوجود اس بیان کے بنکال سے ۲۰ لاکھ آدمی دھکیل دئے گئے۔ کیا میں پوچھ سکتا ہوں کہ اُس مطالبہ کا کیا بنا؟

صاحب صدر! ابھی تک ایک بہت بڑی ہندوؤں اور سکھوں کی لڑکیوں کی تعداد پاکستان میں ہے جنکو ابھی تک وہاں سے نہیں نکالوایا گیا ہے۔ جب تک ہماری ماں - بہنیں - بیٹیاں - پاکستان میں ہیں اُسوقت تک یہ بدنامی کا دھبہ ہمارے اوپر رہے گا۔ میں جناب صدر! آپکو بتا سکتا ہوں کہ میرے پاس خط آیا ہے کہ فرنٹیر پروانس میں ایک لڑکی تھی وہ وہاں سے بھاگ کر پنجاب آئی اسلئے بتایا ہے کہ فرنٹیر میں بہت سی لڑکیاں ہیں۔ اگر اس مسئلہ کیطرف غور کیا جائے اور اسکو اہمیت دی جائے تو بہت کچھ یہ خاں دور ہو سکتی ہے۔ پاکستان اور ہندوستان کے تعلقات اتنی دیر تک خوشگوار نہیں ہو سکتے جب تک ان معصوم اہلاؤں کی بددعا ہمارے درمیان کھڑی ہے۔

صاحب صدر! مدراس گورنمنٹ نے کہا تھا کہ ہم دس ہزار Refugees اپنے صوبہ میں لے سکتے ہیں۔ لیکن وہاں زمینیں اچھی نہیں ہیں جس سے وہ کھیتی کر سکیں۔ کیا وہاں انکے لئے جگہیں Reserve نہیں کی جا سکتیں کہ ۵ سال تک صرف Refugees کو کچھ فیصہ شدہ Services دی جائیں گی۔ اسطرح سے ۲۵ پرسنٹ سرسبز زمین Refugees مدراس میں بسائے جا سکتے ہیں۔ مدراس کے لوگ مختلف صوبوں میں ہیں کیا وجہ ہے مدراس میں اور صوبوں کے لوگ نہیں جا سکتے۔ سارے ہندوستان نے آزادی کا فائدہ اٹھایا ہے کوئی وجہ نہیں کہ اسکی ذمہ داریوں کو بھی سارا ملک ذمہ نہ اپنے کلاؤں پر لے۔

صاحب صدر! آخری بات جو میں آنریبل منسٹر صاحب سے کہوں گا انہوں نے پہلے ایک بیان میں کہا تھا کہ سب سے بہتر طریقہ جو ہے وہ یہ ہے کہ "Pure living and high thinking"۔ جو بات کی خدا کی قسم لاجواب کی۔

ہمارے پڑھے لکھے نوجوان تانگہ چلاتے ہیں چھوٹے چھوٹے Tea-stall رکھے ہوئے ہیں۔ سنگتوں کا دس نکل نکل کر بیچنے لگے۔ بڑے بڑے مکانوں کو کھو کر چھوٹیوں اور کیمپوں میں پڑے ہوئے ہیں چھوٹی چھوٹی معصوم لڑکیاں شام کو اخبار بیچ کر گزارہ کرتی ہیں۔ اور پھر بھی آپ یہی کہتے رہیں گے کہ "Pure living and high thinking"

یہاں خاک تک نہ رہی لحد میں امیر باقی

انہیں مرنے کا ہی نہیں اعتبار آتا

حضور! مجھے یہ کہنے میں جھجک نہیں کہ ریلیف اور ریہیبیلیٹیشن کی وزارت کو اتنا کمزور طریقوں سے چلایا گیا ہے کہ اب یہ وزارت صرف ایک بنک کی صورت میں بن کر رہ گئی ہے اور اب اسکا فرض صرف قرضہ دینا رہ گیا ہے۔ تمام لیڈر شپ اور کنٹرول اس کے ہاتھوں سے نکل کر صوبوں اور ریاستوں کے ہاتھوں میں چلا گیا ہے۔ اور صوبے ریلیف کے کاموں میں محض پراپیگنڈا اعداد و شمار دیتے ہیں۔ مجھے یقین ہے کہ پھر بسانے کا کام خیراتی سطح سے اٹھا کر قومی سطح پر لایا جائے اور تمام ملک کی اجتماعی ہمت اور کوشش سے ہی خوش اسلوبی سے حل ہوگا۔

(English translation of the above speech)

Sarder Bhopinder Singh Man: Sir, I wanted to narrate a long woeful tale, but owing to lack of time, I will only make passing reference to its important aspects. There is no doubt in it that History does not record any such example when torture and repression had been inflicted upon fifty to sixty lakhs of people and they would have been compelled to leave their hearths and homes. I think that if any plan had been formulated to handle this problem and the evacuation carried out in a systematic manner, then it could have been easily tackled. I regret this and it pains me. I am, therefore, compelled to say that our honourable Prime Minister has stated that so far as the losses sustained by the refugees are concerned, the moral and legal responsibility therefore does not devolve on the Government. I would like to know who else is responsible for this? Who agreed to the partition of the country? Who accepted this in connivance with the Muslim League and did injustice towards the country? Who yielded before the fanaticism and tactics of the Muslim League? The bargain of freedom was struck on the corpses of the refugees, and now no responsibility is taken to cremate them. I feel that this is a dangerous joke which is being cut with the refugees. If this question is placed before any court in this country, I am sure it will give the verdict that the responsibility for this rests with you. If not legal, at least there is no iota of doubt in it that it is surely moral. We had thought that after Pakistan was established, the evil days during which the demon of communalism had been appeased would be over. But now when Pakistan has been set up, and whatever agreement is arrived at with the Pakistan Government it has the tinge of victory of the Muslim communalism and every agreement is made in a subdued tone. I feel that if agreements are continued to be made with Pakistan in such a manner, nothing good will come out of it. We had heard that the people in India are subtle bargainers; but now it so looks that they transact business at a loss. They have become very experts. If you look to this, you will find that the recent agreement arrived at the Inter-Dominion Conference held in Karachi relates to the urban property only which is definitely advantageous to Pakistan. They will certainly make that very agreement which is beneficial to their

[Sardar Bhopinder Singh Man]

interests. They know that they are sure to gain on whatever point they enter into an agreement. The Pakistan Government have decided that those people who come to Pakistan for selling their properties cannot return until they clear of their Income-tax dues. It means that they should go there and remain there as prisoners.

So far as the rich lands in the West Punjab are concerned, these were mostly owned by the Hindus and Sikhs. You negotiated in respect of urban property; but you did not conclude any agreement in any of the Inter-Dominion Conferences with regard to the rural properties. So far as the rural property and agricultural lands are concerned, these have become the property of the Muslims living in the rural areas. Several hundreds of *bighas* of land belonging to Hindus and Sikhs—the value of which cannot be estimated—is lying in Pakistan and in respect of which no decision has been made at all in the Inter-Dominion Conference. Therefore, these agreements and compromises to which I am alluding to, manifest the same old weakness. So far as the exchange of population is concerned, I fail to understand how can this be practicable so long as satisfactory exchange of property is not agreed upon.

So far as East Bengal is concerned, lakhs of people have come over here and some have gone back; but their number is very small. Moreover, no decision could be arrived at in the Inter-Dominion Conference in respect of those persons who have migrated from East Bengal after having left their properties there. We are told that the conditions there are improving. I am not quite sure if the conditions there can improve. Therefore, I fail to understand as to why you enter into every agreement with Pakistan in such a subdued tone. The Honourable Sardar Patel had stated that if the mass exodus of population continues from Pakistan, then Pakistan shall have to cede to India a proportionate tract of land. Despite this statement, twenty lakhs of people have been driven out of Bengal. May I know as to what happened to that demand?

Sir, even upto now a very large number of Hindu and Sikh girls are in Pakistan and they have not as yet been recovered. So long as our mother, sisters and daughters are in the captivity of Pakistan, this shall ever remain as a blot on our honour. Sir, I may tell you that I have received a letter that a girl from N.-W.F.P. who managed to escape and come to Punjab has told that there is a very large number of girls detained in the Frontier. If this matter is considered and some importance attached to it, then a lot of existing friction can be removed. The relations of India and Pakistan cannot become pleasant so long as the curses of these innocent afflicted girls hover over us.

Sir, the Government of Madras had stated that they can absorb ten thousand refugees in their province. But there the lands are not good which they can cultivate. Why cannot some reservation of posts be made for the sake of refugees there so that for five years to come they shall be provided with certain specific posts? In this manner, refugees can be rehabilitated in Madras by absorbing them against 25 per cent. of the services. The people of Madras are living in different provinces. What is the reason that people from other Provinces cannot be settled in Madras? The whole of India has derived benefit from independence. There is no reason why its responsibilities should also not be shouldered by the entire country?

Sir, lastly, I would like to tell the honourable Minister that he had previously stated that the best way out is "Pure living and high thinking". What a unique counsel! Our educated youngmen are plying *tongas*; they are

running petty tea stalls; they have started to sell orange juice. After having lost magnificent houses, small girls are living in camps and huts and earn their livelihood by selling newspapers in the evening. And even then you will go on saying, "Pure living and high thinking".

"Yahan khak tak na rahi lahad men amir baqi
unhein marne ka hi nahin aitbar ata"

("That even the dust of my grave does not remain behind, but he is not assured of my death").

Sir I will not hesitate to say that the Ministry of Relief and Rehabilitation has been run in such a weak manner that it has now assumed the form of a bank only; its duty being confined to give loans. The entire leadership and control has gone out of its hands and vested in the Provincial Governments and States. The Provinces merely furnish statistics of the propaganda and relief work done by them. I would urge that the rehabilitation work should be raised from the charitable to the national level and a satisfactory solution of the problem achieved by concerted action and endeavours of the whole country.

Mr. Speaker: I may call upon the honourable Minister of State for Rehabilitation at 3-30. He wants about half an hour. We may sit up to 5-30, if necessary, but not beyond that, because as I have very often said, we have to take into account the strain thrown on the Assembly Office staff.

Sardar Hukam Singh (East Punjab: Sikh): Sir, I am grateful to you for having given me this opportunity. Though I will not be able to dilate on all the points at any great length, it will certainly give me an opportunity to touch certain points on which I feel very earnestly.

The honourable Minister of State for Rehabilitation has got circulated a statement to us. I got it this morning and I have studied it as other Members have done. It certainly give us some consolation. Some of us felt rather perturbed over the statement of the honourable the Prime Minister that there was no legal or moral responsibility on Government to rehabilitate these refugees who have come to this side. But it does give us some consolation when we read this statement that the Government concedes that it takes upon itself to provide shelter and gainful occupation for every refugee family. That is all that the refugees want. The refugees insist that there is responsibility, moral as well as legal, on the part of this Government because as has been stressed by my honourable friend Sardar Bhopinder Singh Man, this refugee problem is the direct outcome of partition and when you have taken the responsibility for partition, you have necessarily to take responsibility for the refugee problem as well.

Now this statement says that it is the policy of Government to provide shelter as well as gainful occupation for every refugee family. If any statement was needed, we have got it, and we have no complaint. But such statements have already been made before, but not much has been done up to this time.

I now come to the question of rehabilitation, and let me take rural rehabilitation first. I will only make a passing reference to it. It has been said that no agreement has been arrived at so far with Pakistan. I must say at the outset that in all these agreements, as has already been said, the initiative lies with the Pakistan Government. If they choose they come to an agreement; if they do not there it remains. And why should they choose to come to an agreement and why should they implement it, because we are the sufferers. As far as lands are concerned, we have got here 17 lakhs acres less

[Sardar Hukam Singh]

than what we have left there. Therefore, it does not pay them to come to an agreement so soon. They would avoid it; they would evade it. The question is whether we can force them to come to an agreement and pay us compensation. My humble submission is that this Government is in duty bound either to force the Pakistan Government to make up this loss of the displaced persons or to compensate them from its own funds. If this loss is not made good, imagine the extent to which the refugees would suffer. Just imagine these refugees in distress. I can only quote a very proverbial saying in Punjabi, though it may look vulgar: A buffalo fell into a well; they thought as it was troublesome, let us emasculate that. The refugees are in distress; now a 95 per cent. cut is being applied on them.

My second point is urban rehabilitation. We have been told that it is rather complicated. What has been done there? We have been told that 4,000 houses have been built in East Punjab, 2,000 in Delhi, and 6,000 plots have been allotted. I would suggest in this way it would take years to rehabilitate these refugees. If this continues, as it has been allowed to continue in the past 18 months, I can assure you this problem would solve itself in another year, and there would be no refugee problem left. The practical step that I can suggest at this moment is that the Government should allot a plot to every refugee family immediately, or say up to the 15th of August. There are enough vacant sites lying. Convince them that it belongs to these refugees and that they have the ownership in it. It must be given free; no cost should be charged from the refugee. Then, see what initiative he has got. Let him make one room for himself. Half the refugee problem will be solved if you could just give him a plot and some assistance to build something on it. Then, there are the loans. Ten crores have been intended to be advanced to the refugees. One crore has been sanctioned; but 40 lakhs have actually been advanced. Sixty lakhs of refugees getting forty lakhs of rupees, that means ten annas a man to rehabilitate and to start new industries. You can very well judge what benefit they must have derived and what occupation they must have taken up with this amount. Then, we are told that the Government has done much for the education of the children. The number is there. If you take that into consideration, about 5,000 of them, certainly you would be alarmed to see how infinitesimal a figure that is. Is it not a mockery that out of such a large number, so few have been given assistance?

There is another thing that I can suggest. Instead of advancing loans like that, if the Government had taken it into its head to rehabilitate those Banks which were working in Western Pakistan and had given advances to them much good would have come out of it. Now all these banks are under liquidation, most of them; they have paid 40 per cent. of the money and another 30 per cent. is to be paid over a number of years—they would be able to stand on their legs with some assistance. By thus being revived, they may be able to help the refugees to start some other industries. My submission is that by reviving these banks, the Government would be reviving certain industries which would help in rehabilitation of these refugees.

Then, there is one point that I want to stress about the teachers. It was definitely told here that the length of their service and their experience would be taken into consideration and that the pay that they were getting in Pakistan would be given to them. That has been agreed and even stated on the floor of this House in reply to a question; but in practice it has not been done. They are getting much less. About the orphans, minors and widows, the less

said, the better; nothing has been done about them. I may say that the refugees have suffered privations; but they have not debased humanity so far. They had not extended their begging hand towards other citizens. But, I am afraid there is a limit to everything. Already, instances are there where young girls are selling their bodies and their honour to get two meals. If nothing is done for another six months, certainly, this demoralisation would have its effects on the whole country. I must submit that we should be ashamed of the outcome of this catastrophe.

Now, the future policy is laid down in this statement. My honourable friend Mr. Jaspat Roy Kapoor complained that there was criticism against the Minister. But, the Minister says in his own statement that there are handicaps. What are those? He says that there are provincial politics and vested interests; non-cooperation of Ministers is also hinted there. Then there is the antipathy of the provinces and the refusal of some of the States to place houses at the disposal of the refugees. If everybody is non-cooperating with the Minister, I do not think that the Minister can succeed with all this policy and professions that he has laid down. He has given us the programme that he wants to follow. But, he has not indicated what are the fresh steps he is taking so that he could succeed where the Government has failed in the past. There is nothing new in the statement that would help him in removing those handicaps.

Then, the honourable Minister has taken exception to the statement of Acharya Kripalani that only five per cent. of the refugees had been rehabilitated. This is all right. It may be wrong. But, when we come to his own statement, he says 14½ lakhs have been housed. I wonder how he has come on this figure. I must certainly tell him this. Certain instances have been already revealed how these people have been housed, how they are living in small rooms of eight feet by ten feet and how they fare in them. I may give him one instance of which I had to take notice. A respectable family, I found living in a room six feet by eight feet. There were seven or eight members. What had they done there? That is most interesting. They had one cot (*palang*); they had raised it on earthen pillars two or three feet high. They had placed all their things on the *nylang* and they used to lie below that on the floor. This is how they have been housed and they are living in this hut, I should say. I must say one thing. There are some Government servants who are having certain relations of theirs in their quarters. There are some other persons who are living with their relatives. Such persons cannot be said to have been rehabilitated at all. The figure given by the honourable Minister is not correct, I might say.

I must point out one thing, that is, the absence in the statement itself of any recovery of abducted women. Certainly, I think this is a closed chapter now. As my honourable friend the previous speaker has pointed out—that is a matter for shame for us. Refugees whose sisters are there cannot have a life of peace, however you may rehabilitate them. We may say that there were at least 30,000 women that were abducted. On 6th December 1947, at Lahore an agreement was reached for the recovery of these women and it was said that they would be returned. Then, there was a joint recovery appeal. Restore Women and Children Week was celebrated from the 16th to the 22nd February 1949. What was the result? Out of these 30,000 women, we have got 5,648. That is the result. This report says plaintively that the Pakistan Government's attitude was not helpful. Five districts, Rawalpindi, Jhelum, etc., were declared closed and no recovery could be undertaken. Then there is an apology that follows that it was reported that a large number of non-muslim women were removed to N.W.F.P. and trans-border area. This closes the sad chapter. Therefore, I think that it has

[Sardar Hukam Singh]

not been mentioned in the present statement at all. The Government has no other programme to follow so far as the recovery of these abducted women are concerned.

Shri Basanta Kumar Das (West Bengal: General): Sir, I shall confine my remarks to the refugees of East Bengal only. Owing to shortness of time, I cannot do further than that. I wish only to refer to the report that has been circulated amongst us by the honourable Minister. It is said in the report that conditions in East Bengal are now stabilized and the exodus from East Bengal has stopped. It is now estimated that there are about 16 lakhs of refugees from East Bengal. I find there is some confusion about the figures and I wish to quote some figures from the reply given by the honourable Minister on the 11th of February and it will be clear to the House how the figures regarding East Bengal refugees stand.

In his reply to a question on the 11th of February, the honourable Minister stated that the number of refugees that arrived from East Bengal are as follows:

Assam	2,50,000
West Bengal	15,60,000
C.P.	591
Bihar	2,234
U.P.	2,000
Orissa	542
Ajmere	8
Tripura	45,000
Cooch-Bihar	10,165
	18,70,535.

I think these are all ~~given~~ figures and no census figures have been taken, because in the most recent report that I have already referred to, the figure has been quoted as 16 lakhs. But the honourable Minister gave this figure as 18,70,535 on the 11th of February last.

I only wish to refer to a letter from the West Bengal Government, in reply to certain queries that I made. This question of the problem of refugees of East Bengal was never discussed in the Standing Committee, and I had, therefore, no course left, but to write to the West Bengal Government for certain information. I shall only read, because of shortness of time, certain of my queries and their replies thereto. Whether any estimate has been placed before the Central Government informing them of the requirements regarding money, materials or other things for carrying out the relief and rehabilitation work according to the plan of West Bengal Government? What has been the response from the Central Government? The reply is: Estimates of expenditure on a five year basis amounting to nearly Rs. 300 million was sent to the Conference called by honourable Minister Finance (Central) at New Delhi in July last.

As for the response they say: Ways and means advance of 40 lakhs have been made. Subsequently a loan of five crores have been advanced. Of course, this is not mentioned in the letter. We have come to know of it later on.

The next query was: Have any employments been secured for refugees

in the Central Government or in the Provincial Governments through the intervention of the Central Government or otherwise? The reply is: The Ministry of Relief and Rehabilitation was requested in our No. 2400 F.K. dated the 29th May 1948 and in subsequent reminders. No favourable response has been received.

The next query was: Is there any difficulty for finding space for refugees in the neighbouring provinces and is the intervention of the Central Government necessary in the matter? The answer is: Yes, there is difficulty. The Central Government's intervention is necessary in the matter of allocation of refugees to neighbouring provinces and allotment of funds for rehabilitation in these provinces.

Government of India have agreed to settle 200 Bengali refugee families in the Andaman Islands.

This is the situation about the allocation of refugees to neighbouring provinces. My honourable friend Mr. Maitra referred to this matter this morning very eloquently and I need hardly say that the Central Government should override any opposition that the Provincial Governments may offer in order to make their allocations go on in their own way.

The next query was: What is the present situation regarding the influx of refugees from East Bengal? What number has gone back to Pakistan and is there a tendency of further movement? The answer is: Fresh arrival during the week under 5th February, 1949—900.

The exodus is still going on, I think, because the figure that was given was for the week under the 5th February, 1949.

Some people (number not definitely known) have gone back. Many refugees have maintained contact with East Bengal and visit their homes periodically. Some have gone for collection of dues and crop during harvesting. No steady homeward flow noticeable.

I wanted to know about their requirements for building materials and other things. They have appended a report to this. They wanted cement, steel, C.I. sheets, etc., Tubewell pipes, A.C. sheets, tents, tarpaulins, blankets, Mazri Garments, tailoring materials, shirtings, etc., milk powder, sewing machines, asbestos Cement Ridging, C.I. Ridgings. The materials that have been supplied to them are: Cement up to week under the 5th February, 1949 was nil. This letter is dated the 12th March. Subsequently cement has been given for West Bengal, but up to the 12th March, they received nothing. Some C.I. sheets were granted. Tubewell pipes received is 1,34,190 rft. As regards blankets they got 1,00,000 pieces. They got nothing regarding milk powder, sewing machines, asbestos cement ridging and C.I. Ridgings.

I think these figures will give an indication of the situation about the rehabilitation of refugees. It has to be noted, Sir, that only the money that is going to be advanced as loan will not be enough. Without the building materials, those refugees cannot be rehabilitated. The question of rehabilitation should be dealt with in a manner in which the West Bengal Government can find themselves in a ready way to fulfil their promises and the Central Government should fulfil their promises to the refugees also.

There are other things to which I might have referred, but I would only point out that the speed and the manner in which the work has so far been carried is clear from the answers to my queries that I have received from the West Bengal Government. I would submit, Sir, that the Central Government should take up this matter more urgently and with greater vigour;

1954 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [26TH MARCH 1949]

[Sardar Hukam Singh]

otherwise, this problem cannot be solved by the efforts of the West Bengal Government alone and after so many months if this is the situation there and only this amount has been advanced recently, I think, the speed has been extremely slow and therefore it is that the situation there in West Bengal has been so bad.

Sardar Bhopinder Singh Man: Sir, in the course of my speech this morning I forgot to refer to two points. Since the honourable Minister is going to reply, with your permission I will state those two points so that he can give information in regard to them also. The first point is that the principles governing the transfer, etc. of evacuee property may be extended so as to cover all parts of India. The second point is that the vast property of Muslims who have migrated to Pakistan from any part of India such as Choudhari Khaliquzaman, Liaquat Ali and the late Mr. Jinnah himself have not been declared evacuee property. I want to know why.

The Honourable Shri Mohan Lal Saksena: I am sure many Members who desired to speak at length have been disappointed by the comparatively short time allowed to them. But I hope the points they wanted to make have been adequately stressed. I will try to reply to them one by one, leaving the general points to be dealt with at the end, if time permits.

Mr. Sidhva, in the course of his 35 minutes' speech raised certain points which I will dispose of in 5 minutes. The most important point made by him was that we have to do a lot of rehabilitation work. Nobody disputes it. It is common ground between us. He then made reference to a co-operative society. The other day he complained that I had not granted an interview to a certain individual in this connection. When he came to see me, I found that he was a person who had seen me five or six times. In regard to this man, Mr. Sidhva told the House that he wants nothing but land. That is not the case. This person wants 2,000 acres of land, 75 per cent. of which is agricultural land, to be acquired by Government at the rate of Rs. 1,000 per acre. If this agricultural land is now placed at the disposal of this person, Mr. Sidhva himself will rise in this House and ask: 'Why, when there is shortage of food, this agricultural land has been given for non-agricultural purposes?' My honourable friend then said that there is any amount of land available in Delhi. He forgot the fact that Delhi is the capital city and that there is a plan about its future development. Certain areas are reserved for certain Ministries such as Health and Education for the expansion of the Medical College, for the construction of a College for Nurses and so on and certain areas have been earmarked for the Foreign Enclave and similar purposes. Therefore, the Ministry for Relief and Rehabilitation has no easy task in finding lands suitable for the purpose in view. It is not as if any land that can be seen can be occupied and given over to displaced persons.

In regard to the Housing Society I may also mention that they wanted the Government to provide water-supply and lay-out roads.

Dr. Bakhshi Tek Chand: No. Only road development they wanted.

The Honourable Shri Mohan Lal Saksena: They want the Government to acquire lands at Rs. 1,000 per acre and...

Dr. Bakhshi Tek Chand: May I just point out.....

The Honourable Shri Mohan Lal Saksena: I have only been given half an hour for the reply.

Dr. Bakhshi Tek Chand: They have agreed to pay for the water-works and other things themselves.

The Honourable Shri Mohan Lal Saksena: I do not know what the honourable Member is referring to. My information is that they want everything to be done by the Government. (Interruption)

Mr. Speaker: Let the honourable Minister proceed.

The Honourable Shri Mohan Lal Saksena: This money is to be given to them by way of loan. They want bungalow-plots of the size of half an acre while we are not able to give house-plots one-eighth of an acre in extent to others. They are most of them retired persons. If they want big plots they can have as much as they want 20 miles outside Delhi.

There is another reason why the request of these people should not be granted. The East Punjab Government has been telling us that if we granted such facilities to displaced persons here in Delhi, they would not go to Punjab and settle there. We have to take that point of view also into consideration. Delhi can at best provide for 2½ lakhs of displaced persons. But there are four lakhs of them. Some of them have, therefore, to go out. We shall have done a great job if we are able to find land for 2½ lakhs of them. Therefore it is not possible for us to give lands to the Co-operative Society *en bloc*. We are prepared to give loans to members of the co-operative Societies individually. (Interruption) It is not as if this Ministry has got special powers and can carry on independently of other Ministries. It has to function through the other Ministries. If any matter concerning Health has to be disposed of, we have to consult the Health Ministry and if any matter relating to construction of buildings, etc. has to be finalised, the C.P.W.D. has to be consulted. Then, as every step taken involves the expenditure of money, the Finance Ministry has in all cases to be consulted. So if there is any delay in expediting matters the reasons are these and not want of earnestness on the part of the Ministry of Rehabilitation.

My honourable friend Mr. Achint Ram suggested that if the work of this Ministry could be taken over by the Honourable Sardar Vallabhbhai Patel, things could be done quickly. That is so. As a matter of fact, before this Ministry was created, this work was being done by the Home Ministry. This Ministry was created only when it was found that this involved too much work on the Home Ministry.

Shri R. K. Sidhva: That was only for service.

The Honourable Shri Mohan Lal Saksena: Mr. Sidhva was saying that he would be able to influence the Pakistan officials to do things in a more helpful way.

Shri R. K. Sidhva: I never said 'influence the Pakistan Officials'.

The Honourable Shri Mohan Lal Saksena: I understood it like that.

Mr. Sidhva wanted that they should be helpful in seeing that ownership of municipal plots left behind by evacuees should not be disturbed. That was the chief object of the agreement.

Shri R. K. Sidhva: That is what I wanted.

The Honourable Shri Mohan Lal Saksena: What about requisitioned plots? If any of these plots are requisitioned, there is provision for determination of compensation by a Board in which our representatives have a voice. It was unfortunate that Mr. Sidhva could not be invited to it. One of the Members is a displaced person, Mr. Bhimsen Sachar. At the next Conference there may be other representatives.

[Shri Mohan Lal Saksena]

Then, Mr. Sidhya said that there was a sign board in the Karachi Registrar's office that no registration of Hindu or Sikh properties will be made. Perhaps, he is aware that under the Evacuee Property Act no such property can be recognised without being confirmed by the Custodian. It appears that in Pakistan the Custodian for Karachi was appointed only lately and he was not functioning, and therefore pending that, I do not know whether there is still the sign board or not, but this had been brought to our notice and we took up the matter and arrangements have been made. A Deputy Custodian will be appointed by the Pakistan Government who will look into those cases and registration will be made.

Mr. Lakshmi Kanta Maitra referred to the slight difference in treatment in regard to displaced persons from East Pakistan and West Pakistan. I have said in my statement that there has to be made some difference. Just now Mr. Das pointed out that there are displaced persons in West Bengal who are coming and going, who are still managing their property. It is not like West Pakistan where the management of those properties of displaced persons who have come this side has ceased and it is vested in the Custodian.

Pandit Lakshmi Kanta Maitra: There are some people like that. They are not all.

The Honourable Shri Mohan Lal Saksena: Never mind. Therefore, they can, if they want to go. Just now, in the recent agreement between the two Dominions, Minority Property Management Boards have been established both in West Bengal and in East Bengal. Therefore, we have to make some difference. It is not as if any displaced person has come away from East Bengal and we cannot take the responsibility of rehabilitating him.

As regards Andamans, I may point out that the Andamans are not what they were represented to us. As a matter of fact, we have had two or three reports about the possibilities of Andamans. We are having our timber supply from the Andamans and he may remember that a deputation consisting of representatives from different provinces, led by the Minister of Relief and Rehabilitation, West Bengal, visited Andamans and their report was that to begin with we can rehabilitate at least two hundred families straightaway, and he wanted that they should be sent immediately.

Pandit Lakshmi Kanta Maitra: You could not catch the spirit of my observation. I did not say it in that spirit.

The Honourable Shri Mohan Lal Saksena: After all, the Andamans is a good colonisation project and if we can rehabilitate them by sending them there, I do not think it should be treated in the way or referred to in the way that has been referred to by my friend.

Pandit Lakshmi Kanta Maitra: You can find out other islands in the Indian Ocean to rehabilitate them.

The Honourable Shri Mohan Lal Saksena: There is no question of finding. The possibilities of Andamans as a colonisation project are great and we have received applications not only from representatives of West Bengal for sending their displaced persons, but there are other persons who are not displaced persons, who have also applied for being sent there. Therefore, we are examining the possibilities of the development of the Andamans and we have yet to decide whether it has to be developed on an agricultural basis or industrial basis, and we hope that full advantage of the possibilities of Andamans would be taken.

Then, he said that there was a contradiction for arrangements being for primary and secondary education only in camps and not in other places. As a matter of fact, wherever displaced persons have settled down in towns and other places, they are supposed to be reading in the local municipal or district board schools and we help the municipality or district boards. In regard to these camps it is not proposed to liquidate them altogether. They will be converted into work centres or self-supporting colonies and as such there will be schools and even after these persons are removed from one place to another for rehabilitation, these schools will be re-started there and arrangements will be made for primary and secondary education.

As regards secondary education, we were just considering this question. He must be aware that we are already giving help to students reading in 9th and 10th classes. We are also giving help to college students, but there is no provision for students from the 5th to the 8th. We have examined what will be the cost. It comes to about Rs. 66 lakhs a year. Then there was difficulty about finding buildings, etc. Therefore, the idea was that even if we could not make arrangements for regular schools, we might make provision in the camps themselves, where there are teachers and we can make arrangements for imparting education for these four or five classes. He must be aware that twenty or twenty five years ago we were advocating night schools, when we used to impart training to those persons who could not afford to go into regular schools. If that could be done there, why not do it in the case of these young men, if we are not able to make arrangements for reason of finance or paucity of buildings.

As regards Assam and Bihar, I am sorry that I have to confess that there is some difficulty. I propose to go there and settle things, but I am told on the one hand that this question should be treated on a national basis. At the same time the question is raised about provincial basis on ground of language. I know that there is a feeling in Assam that if a large number of Bengalis come there, Assam will cease to be an Assamese province and will become a Bengali province. Similar fears there may be in the minds of Biharis. We have to overcome them and persuade them. All the same, I would beg of my Bengali friends not to raise any controversy about Bengali and Bengali speaking areas. It is not as Mr. Kishini Kumar Chaudhuri has said that the Government of India has been reluctant to provide funds. We have offered the funds. We have asked them to start camps and they have refused to do so. They say, "In other places you have started camps and have wasted so much money. We have not started camps and they have been rehabilitated on their own". We are not sure of the exact position there, and therefore, very soon my officers and I will be going there to see as to what schemes of rehabilitation are there for displaced persons from East Bengal and how they are implemented. Money will be made available for that purpose as has been done in other cases.

Then there has been some controversy raised about the number of displaced persons from East Bengal. The fact is, as I stated in my question, that in West Bengal there are about 16 lakhs and therefore, this figure has been given as the number of displaced persons from East Bengal who have come to West Bengal. There is a slight mistake, I admit, because you know there are displaced persons from East Bengal who are in U.P., C.P. and other places, so while preparing this scheme account was taken only of those persons who were in West Bengal and I think that will satisfy my friend.

Pandit Lakshmi Kanta Maitra: We do not quarrel about that.

The Honourable Shri Mohan Lal Saksena: Mr. Agha Ram pointed out certain difficulties about the loans. He said that the policy was changed from time to time. I may make it clear once again that loans by themselves cannot rehabilitate people. After all, it is not every man who gets a loan will be

[Shri Mohan Lal Saksena]

rehabilitated. Cases are brought to my notices every day where people have received money and they are utilising it otherwise. Therefore, by simply giving loans, you do not rehabilitate people. So we decided at first that we should give loans on a co-operative or collective basis, that is, instead of providing a shop for each person and leaving him to decide as to what kind of trade or profession he has to carry on, we thought that this may be done on a collective or co-operative basis. Even so provision was made in this scheme for granting loans to individuals for the purchase of machinery, tools and equipment. There was also a provision that co-operative credit societies should be started and persons engaged in different professions could take money from these societies. But it was brought to our notice that in certain Provinces and States there was no co-operative societies' law, or there were other difficulties. It was also brought to our notice that there were certain professions, the members of which could not work on a co-operative basis. Therefore, in their cases, we have relaxed the original directive. Still the idea is that loans should be given to rehabilitate people where it is found that people are being rehabilitated in this way.

Then Bakhshi Tek Chand pointed out that we lacked a plan. I do not know what he means by a plan. He knows there is a plan for rural rehabilitation. The West Punjab Government has prepared such a plan and they are proceeding on that basis.

Dr. Bakhshi Tek Chand: West Punjab Government?

The Honourable Shri Mohan Lal Saksena: I am sorry. I mean the East Punjab Government.

My friend, Sardar Hukam Singh pointed out that they were going to get only 5 per cent of the land that they had in West Punjab. He must bear in mind that we have to divide the land that we have got and a formula has been worked out: if however the land were to be given to big landlords, say 50 per cent of what they had, then there would be no land left for the smaller people, who constitute 76 per cent of the people affected; and if these 76 per cent of the people can be satisfied, it would be a great achievement. It is not that we want to deprive people of their land; but it is not possible to give them more land. This basis is being examined by a Committee as permanent settlement is to be made in a few weeks time. I hope that whatever objections have been made against that scheme will be considered and disposed of.

Sardar Hukam Singh: Why not extend that basis to the whole of India?

The Honourable Shri Mohan Lal Saksena: Bakhshi again referred to the census of Delhi. In Delhi our difficulty is that we have about 3,70,000 refugees according to the census. This is no doubt an under-count and allowing for this I agree that we must take the number of refugees to be four lakhs. But he knows that in all our schemes we cannot provide for more than 2,50,000. He has also referred to the delays in the execution of different schemes, especially about Shahdipura and other such schemes. Again, we have provided for 3,000 or more plots in Shahdipura. But now we have been informed by the Defence Ministry that a part of the land which is adjoining the military barracks cannot be made available to us and therefore we have to reduce the number of plots there. On the other hand, another big plot of 800 acres under the Agriculture Ministry has been released to us and we hope to have more plots there, and whatever land we have lost here, we hope to make good there.

Bakhshi has also spoken of those persons on the roads. Delhi is the only province where people have been coming and there has been no check. I have ascertained from the officers of my Ministry and they inform me that after November or December, at the instance of Gandhiji, a census was taken of those persons on the roads and efforts were made to put them into tents and other places, and as a result of that there was no one on the road. After that many more people have come. This is our difficulty. If we cater for the displaced persons here and we provide greater facilities, more people flock here. Now we have to be more careful and we have to proceed in a special way. If people want help we must take them out and put them somewhere where there is plenty of land.

On the other hand, the Ministry of Health has been complaining that the health conditions in Delhi are getting from bad to worse and we have to take immediate measures to do something to improve them. Therefore, it is not that we are not desirous of helping every refugee who is here. When a person comes to my house and makes a complaint either about his family or some other difficulty, I feel like making some provision somewhere. But I am helpless. I am not denying that there are no cases. If honourable Members will only go round, they will find that there are such cases. If you decide that you have to provide for all, then as one of the previous speakers said, we will have to take the capital somewhere else. You cannot provide for the capital and four lakhs of people at the same time. All the same, we do assure them that we do not want to send out people if they can be rehabilitated here by themselves, or if they can find a house for themselves here. But we cannot take the responsibility for rehabilitating more than a limited number of persons in Delhi.

I now take up the question of our unfortunate sisters, about whom a Member said that the chapter is closed. It is not so. We have an organization called 'Enquiry and Search Service.' They have been functioning for the last six months. The recovery of abducted women is under External Affairs Ministry. My information is that even last month there were recoveries in Pakistan and in India.

As regards the closed districts, honourable Members are aware that these were closed because of the Kashmir operations. Now that those operations have ceased, we hope that these districts will also be declared open and that we will be able to have more recoveries now than before.

Prof. Shibbar Lal Saksena (U.P.: General): What is the result?

The Honourable Shri Mohan Lal Saksena: Result of what?

Prof. Shibbar Lal Saksena: Of this organisation for the recovery of women.

The Honourable Shri Mohan Lal Saksena: We are recovering women.

Prof. Shibbar Lal Saksena: When do you hope to recover all?

The Honourable Shri Mohan Lal Saksena: I have given the figures for the last month and the figures for the previous month.

Sardar Hukam Singh: There is no agency now.

Prof. Shibbar Lal Saksena: The feeling is that the matter has been put into the background.

The Honourable Shri Mohan Lal Saksena: Social workers are still working, but we have no liaison officers and now the police of the two Dominions are supposed to help, and if any information is supplied to Mr. Gopalaswami Ayyangar, I am sure immediate steps will be taken to do all that can be done to help the recovery of such women.

[Shri Mohan Lal Saksena]

My friend pointed out that practically nothing has been done in the matter of unattached women and children. I am sorry to know that according to him or someone else there are some of our sisters going about selling their bodies. I do not know why that should be when in Delhi we have three homes, and every girl or woman who wants to be trained and given board and lodging can be sent to these homes. Mrs. Matthai and other social workers are looking after them. If my honourable friend has got any such cases in view I would beg of him to get into touch with them or at least send the names and addresses to these social workers. They will go and persuade them to join these homes. (An honourable Member: 'Is it possible?') If it is not possible what can we do? We cannot provide for them wherever they are or want to stay.

Reference was made to compensation for the property left on the other side. It has been pointed out that it is because of the Partition that they had to leave their properties. I do not want to enter into a controversy over this but the honourable Members are aware of the facts. We were forced to accept the partition, because of the trouble that was there. People were already leaving homes and hearths and coming away. It was thought that by accepting partition favourable conditions would be created to enable them to stay there with safety and honour. It is possible that our calculations have gone wrong but to say that because we accepted partition and therefore all this trouble, will not be entirely correct. So far as the Government of India is concerned we feel that we have a moral duty to do all that we can for those persons who have come from Pakistan and to resettle them. But, it is not possible to rehabilitate them in the same professions or give them the standard of life that they were used to. Sardar Man was taking objection to my using the words "simple living and high thinking." What was the context in which this expression was used? I was referring to the way shown by Gandhiji. Gandhiji's way of life was 'simple living and high thinking'. My friend will not deny.....

Sardar Bhopinder Singh Man: A person getting a salary of Rs. 2,000 should not quote Gandhiji in that context.

The Honourable Shri Mohan Lal Saksena: I may not be able to follow Gandhiji but I can certainly always keep his ideal before me and try to follow it as far as possible. I know that many of the refugees have been used to a higher standard of living both in Sind and in the Punjab. Our friends were certainly used to a standard of life which was higher than that in U. P., Orissa, Bihar or Madras, where the standard is comparatively, much lower. I only wanted to say that every body desiring to be provided with service cannot be provided with jobs, or everybody wishing to get a shop cannot get a shop. After all if we want to distribute anything we must produce it. Even if all the shopkeepers were to be collected in old Lahore they will not be able to rehabilitate themselves. The problem is not only of money but of finding suitable occupations or vocations. The unfortunate part of it is that the Muslims who have gone away were living a life which could not at all be compared with the standard of life enjoyed by our friends there.

In the end I would like to assure the House that I do not propose to shirk my duty. It was suggested by Pandit Maitra that I was threatening of sneaking away or running away. I am the last man to threaten or to sneak away. During the last thirty years I have learnt one thing, stick to my job and hold on to it. What I said was that I would approach the task in all humility, earnestness, devotion and determination. I will be very glad and gratified if by the grace of God it is granted to me to see the early fruition of

my labours and see the liquidation of this problem. But I should be happier to be relieved earlier, if by some arrangement the speedier rehabilitation of the displaced persons could be assured. This is what I have said and I will continue to discharge the duties which I have undertaken with all the earnestness I can command.

Sardar Bhopinder Singh Man: The honourable Minister has forgotten to reply to the point relating to the extension to the whole of India of the Evacuee Property Act and why it has not been extended.

Lala Achint Ram: The honourable Minister has not also mentioned the condition of the refugee camps.

The Honourable Shri Mohan Lal Saksena: That was because of lack of time. As regards the extension of the Evacuee Property Act we have been advised that so far as the Government of India is concerned we could extend it only to the areas included in the Inter-Dominion Agreement. As regards the provinces we have already written to them to extend it. As regards camps.....

Pandit Thakur Das Bhargava: The honourable Minister told us that his Ministry wants to provide a plot or a house to every displaced family. The land is not to be created in the coming months or year. Will he assure us that before the 15th August every family will get either a house, a plot or a rented house in Delhi and elsewhere?

The Honourable Shri Mohan Lal Saksena: All I can say is that I will make an earnest effort. The honourable Member is our Regional Adviser for East Punjab and if he can assure me that he will be able to persuade the East Punjab Government to allot plots of land there even by September next I can assure him that before August next I will be able to persuade other Governments to make arrangements for providing the plots.

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

MOTION RE INFORMATION AND BROADCASTING

Shri Mahavir Tyagi (U. P.: General): Till what time will the House sit, Sir.

Mr. Deputy-Speaker: The House will sit till 5-30 P.M. but since the time allotted for the Relief and Rehabilitation Ministry has been exceeded by a few minutes, the House might sit till 5-40 P.M.

Shri Mahavir Tyagi: How do you propose to distribute the time between the speakers, Sir?

Mr. Deputy-Speaker: The honourable Minister will take half an hour to reply and Members will take ten minutes and in extraordinary cases 15 minutes.

The Honourable Shri Satyanarayan Sinha (Minister of State): Till 5-30 P.M. let the speakers go on, Sir, and then the Ministry may be called upon to reply.

Mr. Deputy-Speaker: If the House agrees I have no objection.

The Honourable Shri R. R. Diwakar (Minister of State for Information and Broadcasting): Sir, as we are sitting late today, I know that I should take as little time as possible. I propose that in the beginning I will take about

[Shri R. R. Diwakar]

seven minutes and in the end if it is possible for me to finish in 15 minutes, I shall try my best to do so.

Sir, I move:

"That the working of Information and Broadcasting be taken into consideration."

Sir, though the House has been generous in granting the Demands of this Ministry even without a debate and has thus evinced complete confidence, I thought it necessary that the working of this Ministry should be reviewed by the honourable Members before this Session ends. That is the reason for my making this Motion. I look upon this occasion as a co-operative attempt on the part of the Ministry and the honourable Members together, to find out as to how we can progress all along the line in the light of the scrutiny made and the criticism offered here. It is no doubt difficult for a developing Ministry of this kind to expand its activities without more money. For instance it may be easy to say that much cannot be done without better finances. But after all we have to work under conditions and limitations, and I think, where for want of funds, we cannot increase the quantity, we should address ourselves to improving the quality of our work.

I am equally conscious, Sir, that we have very little time on hand today. I, therefore, propose to take as little time as possible in order to give the most of it to honourable Members who, I am sure, will approach the subject in the same spirit in which I have proposed to do.

Sir, a fairly exhaustive note has already been circulated to the honourable Members a few days ago explaining the functions and organisation of this Ministry.

I now take this opportunity to make only a few points. I am fortunate that I had as my predecessor in office our distinguished Deputy Prime Minister Sardar Vallabhbhai Patel. Out of his experience as a great administrator he had already laid down sound and healthy traditions. Thus the path has been easy for me. One of the first steps that I took on assuming charge a few months ago was to examine the various publicity problems and arrange for a conference with Ministers of Information from the Provinces and States, to discuss matters of common interest, with a view to better co-ordination as between the Centre and the Provinces and between the Provinces themselves. There are various subjects in which not only the Centre but also the Provinces are equally interested, subjects such as nation-building, all-round development and re-construction.

One of the important things that we did in the Conference was to decide upon a common approach to this subject and the objectives of planned publicity. With the attainment of independence, India has been set on the road to peace, progress and prosperity. But these things can follow only if the people as a whole address themselves to the tasks ahead with intelligence and with due diligence. In this context, it is the primary duty of Government to help develop enlightened opinion on all matters of public interest. The fundamental principles which must inspire all publicity on behalf of a free, democratic country like India are a profound regard for truth and utmost respect for the opinions of its people. From this alone can arise that public opinion and that public support without which no democratic Government can function properly and efficiently. It is in this order of ideas that we have to think of publicity and the main objectives that must inspire it.

For the proper and efficient functioning of a progressive democracy, wide and planned publicity which would educate the people and make them conscious of their responsibilities as citizens, is absolutely necessary. Every popular Government must keep in touch with its masters, the people. It is today a function of Government to see that the people at large have the widest possible opportunity to form their own opinions based upon a fair and accurate presentation of facts. The work of this Ministry, therefore, is concerned with the presentation to the people of our country, of facts and information about the policies and activities of Government and to focus attention on what the Government is trying to do in the interests of the people and what it expects the people to do on their part and in their own interests. While I do not wish to repeat the contents of the note referred to, I should in this connection like to draw the attention of honourable Members here to some of the services rendered by the different media units of this Ministry.

The Broadcasting organisation today has 14 A.I.R. Stations and two services, Home and External. The Home Services are broadcast in 15 languages and there are 200 programme hours per day including 40 news bulletins. The External Services use eight more languages and broadcast 13 hours 20 minutes including 25 news bulletins. Today, according to licence figures, there are 281,046 domestic receivers, 21,679 commercial receivers, 1,870 community receivers and 505 school receivers, a total of 3,05,100. But as compared with other countries, we are rather low in listening sets. There are, however, encouraging signs of growth of listening interest. During the last 15 months the number of receiver sets has increased by a lakh. Whereas previously the average rate of increase in new licenses was only about 2,000 per month, it is now 9,000 per month.

Since the Radio is potentially a mighty medium for information, education as well as entertainment, efforts are being made not only to improve our services but also to increase the use of receivers both in the urban as well as in rural areas in the country.

Another important organisation is the Press Information Bureau which supplies news and other material to the Press and all other media of publicity. Though it is responsible for the publicity of all departments of Government, it is itself the most unassuming and the least publicised. It supplies material to 105 Indian and foreign correspondents. 1,100 newspapers get material direct from it. There are in all 2,500 recipients.

There is also the analysis section in this Department. It scrutinises about 100 important newspapers and supplies relevant cuttings to the respective Ministries.

There is then the Photographic Section which distributes about 6,000 prints a month to different journals. Progress is being made in planning better services to our language papers and also in the matter of supplying ebionoids to newspapers.

There are today four Regional Offices of the Bureau working in Calcutta, Bombay, Madras and Lucknow with Headquarters at Delhi.

The Films Division has been resuscitated recently and is aiming at producing 52 newsreels and 36 documentaries during the year. Distribution arrangements are being perfected and by May 1949 it is hoped to cover all

[Shri R. R. Diwakar]

cinemas numbering about 2,200, in India. Today, films are released only in English and Hindustani. But the plan is to dub them in Bengali, Tamil and Telugu as well. There would be further extension in dubbing in other languages later.

As regards the film industry as a whole, a thorough enquiry in this country is over-due—the last enquiry being held in 1928. A committee would be set up early to go into all the various aspects of the question.

Regarding censorship on account of an amendment of the Government of India Act in the last session of the Constituent Assembly, the way is now clear for legislation in this Parliament to establish central censorship of films.

As an immediate and important reform, a Bill is already pending in Parliament to enable censors to issue restricted Certificates so that certain films may not be open for children below 18.

There is a proposal to restrict the length of feature films to a maximum of 11,000 feet and also a proposal that all cinemas ought to show compulsorily some documentaries as a part of the country's programme to educate the people. These proposals are being examined and finalised in consultation with the industry as well as the Provincial Governments.

The Publications Division also has a record of service which is very useful though improvement is necessary and possible and is already being planned. Here too, this Section produces publications both for external circulation and internal consumption.

There are journals, one in English, three in Hindi and three in Urdu.

For external distribution, there are two magazines one in English and one in Arabic.

In addition to journals, 34 books, booklets and pamphlets were issued during 1948 and six are in the press, while 15 more are under preparation. Most of our publications are priced and those who have seen them have appreciated them.

One of our many difficulties today is the want of a quality printing press. Negotiations are afoot to secure such a good press for use. If they are successful, this Department will be capable not only of printing all its own publications, but would also be able to help other Ministries in bringing out quality publications in time and in addition save several lakhs in printing charges alone.

The Advertising Consultant's Branch deals only with display advertisements of different Ministries through Press, posters, folders, calendars, etc. It is the Advertising Consultant for other Ministries. Planning, preparing estimates, designing and production of plates are some of the functions of this Section. During 1948, 7,840 insertions covering 1,73,961 column inches were given to the Press. 39 posters were designed and 6,87,000 copies of the same were issued. 1,080 slides were prepared and shown. The print order of folders, brochures, etc. was to the tune of over five crores.

There are certain smaller sections, such as the Reference and Research Section, the Army Publicity Section, etc., which have definite assignments of their own. The former of these shall have to develop early enough if more efficient service is our aim.

Now I may refer in a few words to our relations with the Press in this country. I am gratified to say that, with the steadily expanding press of this country, especially the language press which is fast progressing in stature and influence, our relations have been very cordial and close. I should like to take this opportunity of thanking the All-India Newspaper Editors' Conference, whose advice we have frequently sought and whose response has been generous in all problems connected with Government's relations with the Press. In addition, at the Headquarters, we have endeavoured to ascertain and to meet the requirements of the numerous accredited correspondents of both the Indian and the world Press. Similarly, the assistance of the various Advisory Committees that are there to assist the various stations of All-India Radio have been most helpful. The task of a new Government which has only recently come into its own, and had had to pass through numerous ordeals, and has yet to face many more, is not easy. The task of interpreting its policies and of carrying its message to the masses is not less difficult. But there is no doubt that with the support and assistance of the Press in the country, the task has been easier and was made lighter.

I shall be failing in my duty if I close without a word of appreciation for the band of workers in this Ministry whose loyalty and devotion has been instrumental in carrying out successfully its plans and programmes. It is my constant hope that, armed with the sympathy and support of this House, assured of the hearty co-operation of the Press and helped by the loyal workers in this Ministry, we shall be able to succeed in our primary duty of providing basic and factual information, of stimulating thought and of promoting unity and solidarity among our people with a view to build up the strong democratic secular State for which we all stand.

With these few words, Sir, I commend the Motion to the House.

Mr. Deputy-Speaker: Motion moved:

"That the working of Information and Broadcasting be taken into consideration."

Pandit Balkrishna Sharma (U.P.: General): Sir, I have heard the opening remarks of the honourable Minister for Information and Broadcasting with rapt attention, and I wish to congratulate him on the future programme which he has set before him for completion, and on possible developments that he wants to effect in the various branches of this Ministry.

Today, with paucity of time, it is not possible for me to do justice to more than one or two of the departments of which the honourable Minister for Information and Broadcasting is in charge. I would first like to take up the Department of Broadcasting, and would like to offer certain criticisms and certain suggestions for the consideration of the honourable Minister. When we take an overall picture of what is known as the All-India Radio, we have to take into consideration its chequered career. We must not forget that the All-India Radio was once a private concern subsidized by the then Government of India. Slowly it developed into a full-fledged Government Department. Now, the very history of it, the very process of development of the Department, is enough to convince us that the sort of men, whose services were required to further the task to which either the Director of the private concern or the Government which took it over, set themselves, were men of a special, peculiar type. The only consideration before them, when broadcasting was a private concern, was nothing except to amuse the people and thereby create in them a desire for possessing radio sets and make the concern a success in

[Pandit Balkrishna Sharma]

a commercial way. When it was taken over by the Government of India, they were not very greatly concerned with anything as to how this Department affected the people of this country culturally, educationally, ethically or spiritually. They were not concerned with that. The only consideration before them was to have, here and outside, propaganda about India which would paint John Bull in the best possible colours, and therefore that peculiar type of cadre was recruited for that Department. That is the history of it.

Sir, if today the Honourable Mr. Diwakar feels any difficulty in carrying out his ideas into practice, then it is not he who is responsible for it—it is unfortunately the history of the Department. One may say it is true of every Department. It is true of the Home Department, of the Foreign Department, of the Education Department, of every Department because after all we have taken over the administration of the country in all its details as it was left by the British, and therefore it can also be said that it is no use falling foul of one particular department. But to me it appears that there is a great deal of difference between what we may call the Broadcasting Department and other Departments. The Broadcasting Department directly comes in touch with the people and if that Department is not working efficiently and with those ends in view which such a Department should have before it, and if we find difficulties in working it on proper lines, then the very fact that it is a historical mistake cannot absolve us from the responsibility of correcting that mistake. Somehow, it has been a conviction with me that the men who organised this Department, men like Fielden, for instance, had very little of Indian national feeling in them. They were anti-national and naturally they used the Information and Broadcasting Department for the purpose of carrying on anti-Indian and imperialist propaganda. That tradition, I beg to say, still persists. There was that tendency at that time to exclude every young man who had the least possible nationalistic feelings in him, however capable he might be. I know of so many cases where men who were approved by the Public Service Commission were chucked off by the Department because the police reported that they were men who had nationalistic leanings; thus they were not considered desirable at that time and were chucked off. The tendency of excluding from the services capable young men who were in the least suspected of nationalistic feelings continued till very late in the day and, in a way, continues even till today. You will be surprised to know this; this continues even till today. The powers that were holding sway over the department at that time have so created the situation that even if we want to get away from the tentacles that they have spread, we will find it difficult. I think my honourable friend the Minister in charge of this department will have to do that work. It is a herculean task; but that task he will have to do. I have often dinned into his ears,—I have been in correspondence with him on these matters,—I have told him, that nothing short of cleaning the Augean stables will meet the situation. I hope he will rise to the occasion and clear this Augean stable. The disease from which this department of Broadcasting has been suffering in the past can be called the disease of denationalitis. There was denationalising influence all round; every one of the officers and men of the Department suffered from that, so that, the men in charge of that department had nothing absolutely in common with the man in the street or with the sentiments of the people in this country.

Now, the question is, should we permit such a condition to continue. I think if we permit this to continue, we will do so at our own peril. Because, after all, this Information and Broadcasting Department can, and should,

be a very great instrument or propaganda of all that is good, of all that is true, of all that is of permanent value. If we really wish to give to this country and to the world that which is best in our Indian thought, in our Indian culture, in our Indian tradition, in our Indian philosophy, if we really want that we should use this department for the moral regeneration of this country, then, I say, we will have to bring about a change in the personnel of the department without which you cannot do that. Today, Sir, you as a Congress leader, and through you I can say, the honourable Minister for Information and Broadcasting as a Congress leader, could appreciate that our country is passing actually through a moral and spiritual crisis. This filthy lucre has made men's minds absolutely corrupt. Mammon has corrupted our souls. One great danger which is as pernicious and as ferocious as this, is what I may call the so-called scientific socialism which is stalking in the land. That with all its materialistic philosophy is also eating into our very vitals in the name of bringing about the regeneration of the under-dog, and giving him economic emancipation. Now, are you going to make the All-India Radio an instrument in fighting this disease, which has spread its tentacles in our country? You may say that you as a political party cannot permit your department of broadcasting to be used for the purpose of carrying on propaganda against one particular political party in the country. But, I say, Sir, it is not against any one particular political party that I ask you to carry on propaganda. I want that we must carry on propaganda of the right type of fundamentals and principles in our people and therefore if I ask you to make use of this Information and Broadcasting Department for the purpose of setting the whole country ablaze with Gandhi, with his spiritual glory and with his moral loftiness, I am sure, I am not asking you to do anything which is against the principles on which the foundations of a democratic secular state have been laid here.

Sir, I crave your indulgence for giving me a few minutes more. Because, as I said, the subject is vast and the honourable Minister while reading his statement took about more than 20 minutes and with my halting speed, I cannot be expected to cover even half the ground that the honourable Minister has covered, within the short time of ten minutes allotted to me.

Mr. Deputy-Speaker: Fifteen minutes have already been taken by the honourable Member from 4.20 to 4.35.

Pandit Balkrishna Sharma: When I say that the honourable Minister has to see to it that this Department is put to its proper use, then, it also means that in the future, in the matter of recruitment, in the matter of promotions, in the matter of appointment of the high officials of the department he has to adopt a different course from the one which has been followed so far. Because, I think that is the sort of thing that would help. If I begin here giving some instances as to how this blessed department is being worked, the honourable Minister will be surprised. All sorts and manner of bastard music is given by this All-India Radio. Times without number we in the Advisory Committees have said and passed resolutions that this sort of monstrosity should not be inflicted upon our people and that in its stead, there should be something by way of giving to the people some ethical, moral, philosophical instructions. They would not hear it. I said, have something of the Gita, have something of the Upanishads, have something of the Koran, if you like. But, they said, no; ours is a secular state. I was informed that, when the resolutions passed by our committee were sent round for opinion to the Station Directors, one very great Station Director wrote back: this is a secular state, we can have nothing to do with the Gita. For

[Pandit Balkrishna Sharma]

in the life of me, I cannot understand the meaning of secularism. Every proposal which the Committee makes is turned down by the upholders of the secular state over there. We are the people who did something for the establishment of the secular state in this blessed land; but now there are those people who pose themselves to be the sole guardians of this new secular state. Now, as I said, look at your music that you are giving. Look at the way you are training your artistes and the way you are treating them. From top to bottom, Sir, everything is rotten and you have to change it. Look at your External Services? What are they after all? You give in your External Services those third-rate musical records which you borrow from the B.B.C. or Indian External Services giving the records borrowed from the B.B.C. or English music—where is the fun, I say? Are we projecting Indian culture? What is this? Do we want India's soul, India's traditions India's culture, to be reflected in our External programmes and if we want it, then certainly we cannot have anybody in charge of that programme which is neither Indian nor Pakistani nor anything. That individual, who was prepared to go to Pakistan, is now the Director of our External Services. One another gentleman recently recruited—I think my honourable friend did not know him while recruiting—was used by the former British Government as its stooge and he has been made a very high official in the Department. I am not going to name him. Sir, but the fact remains. Then there are people who have been promoted because the Advisory Committee.....

Mr. Deputy-Speaker: May I suggest to the honourable Member that all these facts regarding individual appointments can be brought to the notice of the Minister and discussed with him before they are raised in this House. A number of such matters can be raised, but it is impossible for the honourable Minister to answer or do justice to them. Further, it would not be right to discuss individual cases before they are brought to the honourable Minister, if possible.

Pandit Balkrishna Sharma: I thank you very much, Sir, for just warning me in regard to this and I accept your warning. I am not going to place any instances of individual nature before the House. What I wanted to impress upon the honourable Minister is that now has come the time when we shall have to bring about a change in the policy of the governance of this Department and that policy cannot be changed unless we learn the habit of just jumping the hedges, the departmental hedges, for instance. "We cannot simply do anything and the Secretary writes like this and therefore the thing has to be sanctioned." That sort of thing has to go. I consider that on this Department depends the making or marring of the future of this country and of this Government and therefore, I think that we must be very careful in running this Department and all sorts of departmental hedges have to be either finished or have to be jumped over. That is what I wanted to impress on the honourable Minister.

As I said, there is this question of language and we have a circular so far in vogue in various stations. We have got the percentage of language programmes fixed in Hindi, Urdu and Hindustani and Lucknow, Delhi, Bombay and I think even Calcutta, all these stations have got a fixed programme and that language circular is there. For instance in Delhi the proportion of the language is 40 Hindi, 40 Urdu and 20 Hindustani. (An Honourable Member: "What is this Hindustani, Hindi, Urdu?") Well, I myself have not been able to understand it. The difficulty before me has been all along as to what this Hindustani is; I am not going to enter into this bigger question as to whether

Hindustani is a language or not. I will refer the honourable Minister to look to the meaning of the word Hindustani in the Oxford Dictionary. Hindustani is defined as a language which our masters created with a sprinkling of Persian and Arabic words and which is nothing but Persianized Hindi. That is what the Oxford Dictionary gives as the meaning of Hindustani. It is thus that the Hindustani language is defined over there, so that Hindustani is nothing but Urdu. Now this Circular has become absolutely outmoded and absolutely useless. I would beg of you to do away with that circular and to do away also with this name. It is absolutely no language. Of course I can accept that Urdu is a great language and Hindi is a language, but Hindustani is no language. At that time Hindustani was devised to be that thin end of the wedge through which Urdu-e-Mualla will get on and that is what Hindustani is to us today and therefore, I request you to get this circular changed. It is no use our department working under this handicap and the name also must go. There is no reason why when Pakistan has adopted Urdu as its national language we should fight shy of the word Hindi. Though formally we have not adopted Hindi as our National language, yet with the help of our South Indian friends, with the help of our Bengalee friends and with the help of our Punjabee friends, we will have Hindi adopted in our Constitution and, therefore, we will only thank you if you adopt the name a little before the Constituent Assembly adopts it. These are some of the suggestions which I wanted to place before you and I thank you very much, Sir, that you have been so indulgent to me for allowing me so much time for placing my views before the House.

Shrimati G. Durgabai (Madras: General): Sir, this Ministry of Information and educated people. Sir, in the new set up of things, we are supposed to this is a Department which was very much exploited in the regime of the British and it was mostly used for the recreational activities of the wealthy and educated people. Sir, in the new set up of things, we are supposed to have made a radical change in the policy of this Ministry. This department is charged with a very heavy responsibility that responsibility being the liquidation of illiteracy and also to prepare the common man to be a better type of citizen.

Now, as I have already said, it has got a duty to instruct, educate and guide the people. Therefore, naturally, it has got also a duty of being advised and also guided by the people in the country. Firstly, I suggest, that the Standing Committee which is associated with the working of this Ministry should be made a real committee and also we should give it a few more powers, not only to advise, but also to see that the recommendations and the proposals made by the Standing Committee are implemented. Of course, though the honourable Minister in his first introductory remarks has not sought the co-operation of the Standing Committee, the members of the Standing Committee, I am sure, are quite anxious to extend their help and also guidance to the working of his Ministry.

Sir, I wish to deal with one of the Division's work under this Ministry, that is the Films Division. Sir, this Division was revised with great hopes during the year 1947-48 with an annual budget grant of Rs. 34 lakhs. Month after month advertisements appeared calling for applications for technicians, controllers, distributors, directors, deputy directors and what not. A host of people were recruited. Technical staff was recruited and accommodation was found for them at a cost of nearly Rs. 74,000 per annum. Equipment worth four to five lakhs was purchased. We do not mind spending

[Shrimati G. Durgabai]

money on objects that give good results. I am sure this House would never grudge similar appropriations this year also if it is assured of success in its efforts. Now what have we got in return for this huge expenditure?— Only a few documentary films and news-reels have been produced by this Division to justify this enormous expenditure. In spite of the great facilities and the privileges which this Division enjoys the success that it has achieved compared to what has been spent on it is practically nil. I am of opinion that this huge paraphernalia has not produced any satisfactory results.

Now may I ask what is the policy of the Government with regard to this Division? Is it intended that this Division should devote itself exclusively to Government's publicity? Or is it intended that it should produce educational and cultural films? To a question which, you Mr. Deputy-Speaker, put to the Education Minister last year, as to whether this Division was producing educational and cultural films.....

Mr. Deputy-Speaker: I do not remember to have put that question.

Shrimati G. Durgabai: I am sorry it was a question put by the present Minister himself. This morning I read a report of a speech delivered by the Health Minister complaining that the activities of her Ministry were neglected. She wanted to give publicity to health activities, but no films were supplied to her and she was forced to get nine films from foreign countries and some were also lent to her. Therefore it is a matter for shame that, having our own Film Division, we were not able to supply the required films to the Ministry of Health. I have heard that the Education Minister also to extend the activities of his Ministry by providing visual education. I do not know whether any such films are available with this Division. I suggest that an Advisory Committee should be associated with this Division to constantly advise it on the subjects it has to deal with and also to supervise the work of this Division in the matter of the release of films in the quickest possible time and also to keep the Branch in touch with the public reactions with regard to the particular films exhibited. I hope the Government would constitute such a committee and give it adequate powers to deal with the subject. As I said, we are poor people and cannot waste a single rupee. We want to realise full value of every rupee that we spend. If this Division is a failure I do not know whether I should attribute it to natural causes and if so I should be sympathetic. But if its failure is due to inefficiency, indecision and clumsy management I should ask the honourable Minister to set right matters and not give room for complaints of this kind.

I am glad that the provincial Governments are restricting the length of films. It is good, but the Government should impose on the exhibitors a condition that they should exhibit also the shorts produced by the Film Division. (Interruption).

Mr. Deputy-Speaker: I would request you to see that I am not interrupted.

Next, Sir, I want to suggest that the setting up of a Central Board of Film Censors and a Committee to enquire into the film industry are very welcome.

I find that for the News Service Section there is a proposal that news correspondents should be sent to foreign countries in order to have a better and wider coverage of news. This proposal is made in the interests of improving our external publicity. In the beginning there was a proposal to have a few correspondents in particular countries to publicise our national activities in the

capitals of Europe and America. I do not think that that expenditure is a fruitful one. We have got the *Press Trust of India* now in partnership with *Reuters*. Why not we utilise this organisation for our purpose? The Ministry may devise ways and means of controlling and also nationalising it if necessary.

In this connection may I remind the House of what I said last year on this matter? "With the inauguration of Regional Stations at Vijayawada and other places, the need for catering local news is all the more great." Without perfecting the internal news organisation there is no good in our aiming at external publicity, though I realise that there is necessity to simultaneously improve our external publicity also. But, as I have already said, this is already under the general management of the *Press Trust of India* and also with the *Reuters*. We are extending rural broadcasting, but we have not devised ways and means of gathering news of local importance. The news of a co-operative started in a village or the anniversary of an educational institution in a taluk centre will be of greater educational value than any number of radio talks. The provincial papers do not carry these news because of its restrictive nature. The All India Radio should step in here and come forward with broadcast and coverage news. Very little time is allowed for local or provincial news. The greater part of the time allowed is taken for broadcasting *verbatim* the speeches of Ministers. Not even mention is made of either the work done by any particular institution or group of workers. I feel that the All India Radio should become the instrument for popularising constructive work done by institutions and groups of workers. Its policy has to be changed in this regard. We are having more regional stations, but correspondingly there is no increase in the community radio-sets. I agree with the proposal of the Economy Committee that before starting a medium wave station the Government should take an assurance from the province concerned that it would be responsible to instal the full quota of community sets in that area. The Economy Committee has complained.....

The Honourable Shri R. R. Diwakar: We are not supposed to have seen the report of the Economy Committee as yet.

Shrimati G. Durgabai: I have got only one point to refer to. There is a good deal of criticism with the way in which patronage is distributed through appointments. This is a very serious matter. I wish that all I have heard in regard to this is not true. But really, if it is true, it is high time that the Government realised its responsibility and tried to take every step necessary to dispel that kind of criticism which is widespread. It is said that provincialism, nepotism and other "isms" come into play in the matter of these appointments and that the appointments are not properly made at all. Therefore, I urge upon the Minister that he should unequivocally declare 5 P. M. that the appointments for the gazetted posts would be made only on the recommendations of the F.P.S.C. In this connection, the Standing Committee has made certain proposals with regard to the other appointments and those proposals also should be adhered to. The Standing Committee has made a proposal that these Selection Boards which are hitherto associated only with the official element should hereafter be made more representative and also include non-official elements; preferably with a non-official as its Chairman. These proposals should be adhered to by the honourable Minister.

Shri Ramnath Goenka (Madras: General): Sir, before I deal with the subject I would like to clear one doubt in the mind of my sister who has just

[Shri Ramnath Goenka]

spoken. She said that *P.T.I.* was an organisation in partnership with *Reuters*. Far from it. She said, if necessary, Government will control it. She further added, if necessary, it will be nationalised. It is a hundred per cent. national institution owned by the newspapers of this country. It is hundred per cent. controlled by Indians and the Press of India.

Shri R. K. Sidhva (C. P. and Berar: General): Where does *Reuters* come in?

Shri Ramnath Goenka: I will come to *Reuters* very soon. It is controlled by the Press of India.

The Honourable Shri R. R. Diwakar: But that is not nationalisation.

Shri Ramnath Goenka: There is no question of the Press of India or any of its news agencies being controlled by any Government, whatever the Government of the day may be. The Press will keep their independence in spite of the Government. It has kept so in the past and it will try its best to do so in the future.

Now, so far as the *Press Trust of India* is concerned, Mr. Sidhva asked, "Where does *Reuters* come in?" *Reuters* come in only to the extent to which we get their news in London. We have our own desk—our own office—in London and it is that office which control the import and export of news in and out of India. It is the news which we gather from *Reuters* and other sources such as our own Special Correspondents in the various parts of the world, and when such news is got in London, it is we who send out news to India and see that it is what is required for India and what is suitable to be exported out of India. That is the function of the *Press Trust of India*. *Reuters* only come into the picture to the extent to which we get their news in bulk in our London office for our use. We use such news as we want and we reject such as we do not want, and we use the *Reuters* organisation in all parts of the world for the dissemination of Indian news in the various parts of the world. This *P. T. I.* organisation, although it has formally come into existence, it has not yet established its various correspondents in the various parts of the world. They have not yet established correspondents in the India zone. In fact, they have not yet opened their London desk.

Shri B. L. Sondhi (East Punjab: General): Are we discussing *P.T.I.*?

Shri Ramnath Goenka: The *P.T.I.* is a very important subject for Information and Broadcasting Ministry and therefore, you better know something about it.

Shri B. L. Sondhi: I am trying to learn.

Shri Ramnath Goenka: Having said that, I must pay my humble tribute to Sardar Vallabhbhai Patel, whose guidance and assistance has brought about the establishment of this *Press Trust of India*. Two and a half or three years ago, when the Indian Press wanted to negotiate with *Reuters* in regard to the internal service only—because there is no part of the world where the internal news service of any country is managed by a foreign news agency; it was only this unfortunate country in which the internal service in the country was managed by a foreign agency—when at that time, we wanted to negotiate with *Reuters* for the internal service only, it was Sardar Vallabhbhai Patel—he was not then a Minister—it was his advice which stopped us from encumbering our future for several years to come. It is his advice which has brought about the existence of the *Press Trust of India* and I may say that this country is very proud to have their own news agency, not only for this country but for all parts of the world.

Now, I will first take Broadcasting. I entirely agree with what all has been said by my friend Mr. Sharma. May I cite a simple example to corroborate what Mr. Sharma said? In 1946 November—I want you to mark the date—in 1946 November, a Selection Board was established.

Shri B. L. Sondhi: Is it a capitalist venture?

Shri Ramnath Goenka: You wait. You are an agent of the capitalists and you know better.

Mr. Deputy Speaker: I would not like this interruption at all. I would ask the honourable Member to be a little more patient.

Shri B. L. Sondhi: But I only wanted to know whether it is a capitalist venture.

Shri Ramnath Goenka: What do you mean by "capitalist"? You know more about capitalism than anybody else in this House.

Mr. Deputy Speaker: Order, order.

Shri Ramnath Goenka: Excuse me.

Mr. Deputy Speaker: There is no need for heat. This is a very interesting subject—Information and Broadcasting. It must be full of information and interest. There is no need to lose temper.

Shri B. L. Sondhi: I only want information, whether it is a capitalist venture or not. He is losing his temper.

Mr. Deputy Speaker: The honourable Member is provoking the honourable Member.

Shri Ramnath Goenka: Sir, I do not want to go into that aspect. I will just refer to the Selection Board. In November 1946 a Selection Board was appointed by the Government of India in which one of the members was my friend Mr. Deshbandhu Gupta. In June 1947 a meeting of this Board was called for the selection of the candidates for posts in the All India Radio. When they came to the meeting, they were told that no meeting is going to be held. During the whole of the year 1947 no meeting was held. In 1948 July, twenty months after the Board was constituted, they got a letter that their services were no longer required. Without having a single meeting of the Selection Board the Selection Board ended. And what happened in the meantime? Several persons—very high appointments—were made by the officers in charge of the All-India Radio or by the Ministry, I cannot say who. Now, when we took up this matter in the Standing Committee, after it was brought to our notice that there was so much of favouritism, nepotism and the like, we begged of our honourable Minister and we unanimously decided, that a Selection Board should be appointed and in that Selection Board three should be non-officials and two should be officials. If there were three officials, and two non-officials, one of the non-officials should be the Chairman. But if it was two officials and three non-officials, then an official may be Chairman. (An Honourable Member: "So it was a bargain"). It is not question of bargain. It is the balance of power between each one of them. The result was that no such Board has been appointed so far. It has been referred to the Home Department. I do not know how that Board was constituted in 1946 and why it was dissolved and why this Board cannot be reconstituted. Are we to take the permission of the Home Department at every step? Unfortunately there is a lacuna and that lacuna is fully taken advantage of by this Ministry. The lacuna is this, that contract appointments can be made by the Ministry without going before the Public Service Commission. Although in the normal course of things they are supposed to go before the Public Service Commission, if they appoint anybody on contract basis, they can do so with impunity. Then, Sir, temporary

1974 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [26TH MARCH 1949]

[Shri Ramnath Goenka]

appointments can be filled in by this Ministry or any other Ministry without consulting anybody. Hence what they do is this. They go on filling up temporary appointments and go on extending it year after year and after one and a half years or two years of service, for which period they extend unnecessarily, they put in an advertisement and when that advertisement appears, hundreds of people from all over India apply for the job and this gentleman who is a temporary employee in the All India Radio also applies for the same job. The representative of the All India Radio is before the Service Commission at the time of the selection of this candidate. He naturally says that this man has been working for the last two years. He is an angel on earth and they would like this man to be selected. I am not suggesting that the Public Services Commission do not use their discretion in the matter. I am not casting a reflection on them. But if I were a member of the Commission, and if first-hand information is given to me by the Department that requires that person and it is said that the man is completely O.K., it will be something very foreign to expect from that Public Services Commission that they should select someone else rather than this person who has been recommended by All India Radio.

Dr. P. S. Deshmukh (C. P. and Berar: General): Is that not a well-established method of recruitment in almost every department and Ministry?

Shri Ramnath Goenka: I cannot speak with any authority in regard to any other department of this Government. But so far as this Department is concerned, I have made enquiries and I stand by every word of what I have said.

Shri Mahavir Tyagi: We also stand by you.

The Honourable Shri R. R. Diwakar: I stand by you!

Shri Ramnath Goenka: Thank you. I would not have referred to this matter in the House because we had taken up this matter in the Standing Committee of Information and Broadcasting but for the fact that the Minister himself did not agree to our proposal though it was a unanimous one. He said he would have to refer this matter to the Home Department. But if we were prepared to agree to there being three officials, including the Chairman, then there would have been no difficulty.

We have come to a point of time when this officialdom should not haunt us all the time. This bureaucracy must not dictate to us all the time. It is unfortunate that we are carried away by the dictates of this bureaucracy. This is not a subject in which one would like to say very much except that I would expect the honourable Minister to make a statement here and now, that this selection system will be arranged for and no further appointments in Information and Broadcasting will be made unless the names of the candidates are first submitted to the proposed Selection Board.

One thing more I would like to say about Broadcasting. It is in connection with the central news organization. This collects news for the dissemination to the public in the four broadcasts which they give during the day and night time—one at 8 A.M., one at 1 P.M., another at 6 P.M. and the fourth at 9 P.M. for ten to fifteen minutes each time. You will have noticed yourself, Sir, that a lot of this time is spent upon disseminating the speeches of the Ministers. I have personal knowledge of the fact that even the sub-editors and editors in the All-India Radio are afraid to cut down the speeches of Ministers because usually the Secretary to the Minister telephones and says, 'Look, the Minister has spoken. Give full publicity.' So a lot of time is taken over by these speeches.

But the point is: How many people do they employ for this news collection? Forty-three persons! Who are they? They are a Director, an Assistant Senior Director, a Chief News Editor, eight News Editors, twenty-five Assistant News Editors and seven Sub-Editors: this is apart from the vernacular translators for the vernacular broadcasts: forty-three in all! Newspapers which give more than 100,000 words of fresh news day in and day out—and as a matter of fact even the best newspaper office have not more than 20 to 25 newsmen. So, just for 40 to 45 minutes broadcasts the All India Radio have as many as forty-three persons.

So far as foreign news is concerned, the All India Radio takes no initiative because they relay what is given to them or doled out to them by the B.B.C., and whether it is national or not, whether it injures the interest of my country or not, the All India Radio does not seem to worry.

During the Hyderabad agitation the B.B.C. were doling out some of the anti-National news and that news All India Radio used to broadcast. It is at the most concerned with internal news, most of which is taken up with the speeches of Ministers and for that they have 43 persons employed.

Mr. Deputy Speaker: Is not the speech also news?

Shri Ramnath Goenka: It is very much of news, but.....

Mr. Deputy Speaker: The honourable Member's time is up.

The Honourable Shri R. R. Diwakar: That is news!

Shri Ramnath Goenka: That is news inside the House!

I want to say something else in regard to broadcasting. Powerful stations are being established by the U.S.A. in Manila and by the British in Singapore. Those powerful stations are going to broadcast all over the Middle East, the Far East and the Near East and once those stations are established and if we do not change our policy in regard to the dissemination of news and give all types of news through the All India Radio, you can take it from me that we will be squeezed out of existence so far as the All India Radio and the nearer countries are concerned. This is a warning which I would like to give to the Minister.

I must say a few words in regard to the Press. The Press has always been co-operating with the Government, and particularly with our National Government. But there are certain grievances of the Press which I would like to express on this occasion. Ministers make speeches on matters of policy but copies of those speeches are not given in time to Press correspondents. Hence what actually happens is that some scrappy report is sent out and when that is published the whole effect of the total speech delivered on a matter of policy is lost. I would like to see that the honourable Minister does everything in his power to put this right. He should either see that the Minister concerned hands out an advance copy of his speech on matters of policy, or if there is no advance copy steps should be taken to see that immediately the full text of the speech is made available to the Press; for once a scrappy report is published, people do not take any interest in the long and full record of the same.

Shri K. M. Munshi (Bombay: General): Sir, I do not want to compare my friend, the honourable Minister, with the devil, but even he must, like the devil, have his due paid, and if not he, his department. I completely disagree with my honourable friend who spoke last that the All India Radio, particularly the Delhi Station, did not render sufficient service in the cause of Hyderabad; I take this opportunity to place on record my deep appreciation of the great services which the Delhi Radio did in respect of the Hyderabad affair. And

[Shri K. M. Munshi]

if it was true of ancient Greek heroes that their battle cry was sufficient to bring down the battlement of Troy, I can equally say with truth that the voice of the Delhi radio did more than bring down the battlements of Hyderabad long before the police action.

I confess, Sir, I am not a radio fan. I have little time and no inclination to sit down before a machine and let it talk to me. But during those days it was my only companion in the solitary grandeur in which I lived in the Agent General's house at Bolarum and therefore I know the Delhi radio fairly well.

There is another due which I think ought to be paid to the department. On the 15th August the man who for several years was the dictator of the Broadcasting Department walked away to Pakistan with many of his artists in his pocket. I know, because I was in contact with this Department since the days of Sir Akbar Hydari, the whole Broadcasting Department was if I may say so, in a mess. The experts had gone, the Director was gone and there were only a few experts left. This dislocated the service and it was then that the present department, as we know it today, was built up. I know it was a task, a very difficult task and they have done it well.

The only question on which I would like to make a couple of suggestions is with regard to the language problem. I am closely associated with this problem since the days of Sir Akbar Hydari, when as President of the Hindi Sahitya Sammelan I was in constant contact with him. I have been on the Hindustani Committee too. I share the views of my honourable friend Pandit Balkrishna Sharma that the old ratio of 40 per cent Hindi, 40 per cent Urdu and 20 per cent Hindustani requires to be revised. In what manner or what shape that is for the Ministry with its experts to decide. It is an anti-deluvian ratio and the sooner it disappears the better. No doubt the language of the news has considerably improved during the last two years. There was a time two years ago when the news relay was entirely foreign to the bulk of India. On our side few people ever turned on the radio to hear the news in what was then called Hindustani. Today it is in a language which can be understood largely. But happening to be a literary man, I do humbly protest against the jolting, martistic and what I may call un-literary shape in which the news is broadcast. It seems to be thought by the persons concerned that if you put a Persian word and paraphrase it by a Sanskrit word, or if you just jumble up one line which is Hindi-ised with another line which is Urdu-ised they have done their duty. News is not merely news but it is also propaganda; it is very subtle in its psychological influence on the man who hears it; and it is essential that the news should be redrafted or re-written by somebody who has the touch of a creative literary artist to make it an appealing thing. It should not appeal merely to your curiosity but also to your sub-conscious self. In that respect I should therefore request my honourable friend to give directions or take steps to see that the news is purveyed in a much more artistic fashion than is done at the present moment.

There is one thing to which I should like to draw the attention of my honourable friend. I am always sorry when I have to differ from my honourable friend Pandit Balkrishna Sharma, who I find is not here. That is regarding what he said about the Bhagvat Gita and the *Bhajans*. Now as a solitary man living under the strain of Hyderabad I had occasion to hear the radio more often than I normally would. I want to tell the honourable Minister that if a man listens to the radio he listens not merely for things that would save his soul or enable him to go to heaven through constant repetition of devotional songs sung in a highly acrobatic voice. He also wants to be entertained, and I do hope and trust that the radio will be made the instrument not merely of carrying us

to heaven but also making a heaven in this life by making it attractive. Therefore I do ask him to consider this point of view. Let us have some more of life, if you like in the music that is broadcast. The overloading of the musical programme with classical music may appeal to the experts, but I do wish that it is more human, because I look upon broadcasting as a nation-making agency. The songs which it sends out would go round like some of the popular songs of the cinema, to all people of all classes of society and in all places. Take some of the popular cinema songs. They have gone round the whole country. I have heard some of the songs of the cinema in Kashmir as well as in Madras. Similarly the songs broadcast should be such as to capture the imagination and the sub-conscious self of the whole nation, so that they co-ordinate the nationalistic impulses of the whole country. Therefore I think they ought to be broadcast by persons who are human and whose desire to go to the other world is less emphatic. Let us have a little more earthly music, music with a zip, music with a lilt.

There is one thing which I want to say and if the honourable Minister has got the information he may give us. When I last presided over the Gujarati Parishad last December there was in my part of the country considerable agitation why the Ahmedabad radio station had not been set up. I should like to point out that there is considerable amount of agitation over this.

On the question of publication I have only one remark to make. I have been seeing some of the publications. Two of them are absolutely first rate. One is the *March of India*. It is wrong to believe that it is only intended for consumption in foreign countries. I would suggest that there should be an Indian edition, may be on cheaper paper. It is one of the finest magazines that the Department has produced and there is no reason why it should not be circulated in India also, if the subscription is lower. I am sure a large number of people will be able to take it: there will be much advertising and possibly it will pay for itself.

Then there is the other Hindi paper, *Aj Kal*. It is conducted extraordinarily well and it has got a very large circulation. There is only one suggestion I want to make. It is conducted no doubt in Hindi and Urdu. I am concerned more with the Hindi edition. Perhaps the honourable Minister will remember that with the blessings of Gandhiji the late Prem Chand, the great novelist of U. P. and myself started a paper, a monthly, in which in Hindi we gave the current literature of all the provinces in India—from Gujarati, Marathi, Tamil, Telugu, Canarese, etc. That magazine had a short career but it did extraordinarily well. *Aj Kal* has tremendous possibilities and if its size is enlarged and if it publishes in Hindi the latest literature current in the different provinces, it will become a forum and a pool of all-India literatures and thus pave the way for a national institution. Luckily the honourable Minister has got a well known folk lore expert, a Punjabi by birth, whom I know very well. Under the inspiration of Gandhiji he went on foot to almost all the provinces and collected folk songs of practically all the languages in India. He knows, I think, many languages too and it would not be difficult to convert the *Aj Kal* into a national institution, where the very best in current literature of the country, not merely in Hindi, is reflected. In this way we would be creating a great institution for nation-making.

Sir, these are the only suggestions I have to make.

Mr. Deputy Speaker: If the House is agreeable I will extend the time till

6-30 P.M.

Shri Mahavir Tyagi: Sir, the importance of the Department of Information and Broadcasting is analogous to the importance of the tongue in the human body. Just as a man speaks through the tongue so also the nation speaks through this Information and Broadcasting department.

Mr. Deputy Speaker: I may remind honourable Members that the rule definitely says that as soon as quorum is wanting the House shall adjourn.

Shri K. M. Munshi: We should really adjourn at half past five and take this up on another day.

Mr. Deputy Speaker: There is no other day fixed. I would request honourable Members to be in their seats.

Shri Mahavir Tyagi: I was saying that just as in the physical plane the body requires violet rays to grow, in the same manner in the intellectual plane the mind also wants some rays of good thinking and some healthy ideas to grow. And it has to get these rays from those persons who are better developed. So the Information and Broadcasting Department is not to broadcast things objectively alone; it has some subjectiveness in it. Without that the Department to me would lose all its charm. It has to lead and it is through the microphone that it has to lead the nation one way or the other. I want to know whether in this Department of Broadcasting there has been any healthy lead and if so what it has been. What are the objectives for which the Department stands? That has never been clarified. Are we only to provide the nation with a source of recreation or are we to lead them and if so whereto? What are the principles, economic or social, to which we are leading our nation? What is our goal? That has to be clarified.

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

I will take these questions one by one and as the time is short I will only narrate my points. The first point is about Information. There are, as you will see, about 62 Hindi dailies in India and 28 English dailies; and Hindu-stani papers in all are about 1,100 and English about 180. But the Information Department has got a personnel in which there are 95 English knowing officers and only just a few about nine Hindi knowing officers. It was the high policy of the British Empire to demoralise and Anglicise us, so to say, and to ruin our culture in Asia and foist their's on us. After *Swaraj* it is for us now to develop our own culture, but what we see is that we are following the same old process of emphasising the foreign values of morals and culture, and we are being fast Anglicised. What is there of our culture that is preached through the radio or the Information department? I am afraid on this point we are failing. I am not surprised over my honourable friend Mr. Munshi—he is coming from Hyderabad and it seems that despite his advanced age he has become more colourful and now wants that life must have some colour and not be confined and to going to heaven; he now wants heaven to come to him. Shall I tell him the kinds of song that are relayed? I am sure the honourable Minister will deliver the goods within one year as he is brave enough and will be able to tackle the Department properly. But will the House have the indulgence in knowing in what manner they are singing to us? The men in charge are in fact spoiling our songs. If a nation loses its standard of music if we lose ours—Eastern and Indian music—what is to happen? We have preserved it from times of yore and even during the time of the Muhammadan rule in this country we had great court singers. But now the artist has gone under. It is the clerk who has gone up and the artist has been laid low. There is no artist in the whole Department. Will you be surprised, Madam, to know that there is not a single artist in the whole Radio Department? Artists are not

government servants. They are borrowed and hired on daily or monthly wages and it is the hired music which we are giving to the nation. How can art thrive? I am opposed to the whole set up of the Radio Department and its organisation. Because even in a daily paper or other press agencies it is the editorial staff which is supreme in the matter of policy. But here it is not so. In the Broadcasting it is the clerk who is supreme. It is the man who manages the secretariat who is supreme, and art has no place. Who gives the ideas is the under-dog. You want artists to be paid Rs. 50 or Rs. 60 a month on a contract basis from year to year. In artists I include all journalists, story writers, singers, dancers, actors, etc. But a clerk who goes there raw from the college, because he is a first divisioner in something which the British thought proper for him to be trained in, gets the job of a Programme Assistant or something like that. And he calls the tune to be sung and dictates how it is to be sung, though he has never sung a song in his life. This is the music that comes from the radio. His taste is gaudy and vulgar. How can one who does not know music know what is the high standard of music? It is these clerks who direct our artists. And they are also paid higher pays. Art will go down in *Swaraj* if it is not revived and encouraged. Surely this is not the way to encourage art. Artists have no place here; even journalists are not there in control. They are also under-dogs. Look at the content of and the manner in which the songs are sung over the radio. I have taken one instance. This is what my honourable friend Mr. Munshi will be pleased to hear in this old age—it is colourful.

बहार आई रे कोयल कूक उठी दिल में हूक उठी

बहार . . . ॥ १ ॥

गोरे गोरे गाल मोरे, गालों पे लालियां,

नैन काजर वाले, मदिरा की प्यालियां,

जोवन वालियां, हो मतवालियां गाये हूक उठी

बहार . . . ॥ २ ॥

आजा तोहें जोबनवा की सैर करा दूँ, नैना के बीच तोहें बंगला बना दूँ

रंगविरंगी दुनियां दिखला दूँ आजा हूक उठी

बहार . . . ॥ ३ ॥

Shri K. M. Munshi: What is wrong with it? It is quite all right.

Shri Mahavir Tyagi: It may be all right for my friend (his cheeks are red; mine are brown; I resent colour. It is obscene. You will find hundreds of letters being received in the Radio Office from parents of small children who have protested against the sort of songs which they could not tolerate in the company of their daughters and sisters. The artists must be put together and they must have the upper hand and not the clerks. Let them be free to express and develop their genius. Creative art requires freedom. From the Director General down to the lowest clerk it is the clerk who is having the upper hand. There is not one among the bosses who is a dancer or a singer or who knows music. There is none even a journalist.

Shri K. M. Munshi: What about the Minister?

Shri Mahavir Tyagi: The Minister is a Minister and he ministers. I am sure he knows more about dancing than his Director-General.

As regards expenditure, the capital outlay sanctioned at present is 96 lakhs. I oppose this expenditure. I think no more expansion of the Department is necessary now. The present size is enough for us. On account of the financial stringency I am opposed to any further expansion. It is enough if we improve our quality.

[Shri Mahavir Tyagi]

The total expenditure of Broadcasting is 1,82,82,000 out of which only 32 lakhs is spent on artists; the rest goes to clerks and other managerial hands. There is one staff training unit which spends Rs. 1,70,000 per year. This has been newly opened. It is used for these first-divisioners who do not know the ABC of programmes. They will now be taught the tastes. I do not want to name, but the principal of this Staff Training Unit is one who knows some theory of Western Music, but he does not know Hindi, neither does he know Indian culture, nor Shastras, nor our music, nor our journalism; all the same he is a principle of the training unit. Then there are instructors in this unit. There is one—I do not want to name him—but he is the son of a Member of the Federal Public Service Commission, who was engaged previously on Rs. 50 but is now one of the Instructors.

Shri Ramnath Goenka: Madam, is he right in referring to individual cases?

Shri Mahavir Tyagi: No, Madam, I am only saying that the staff is not up to the requirements.

Shri Ramnath Goenka: But his reference to "the son of a Member of the Federal Public Service Commission" is hardly fair.

Shri Mahavir Tyagi: Do you mean to say I shall be bound by courtesies? You must face facts. The nation wants you to face the facts and face them squarely. If you can face them properly they must be expressed. Where else shall I go and express myself? This is the place where I can have my say and I must have my say.

Mr. Chairman: The honourable Member is requested not to refer to individuals.

Shri Mahavir Tyagi: Thank you, Madam. I will not refer to individuals and I withdraw that reference.

I must submit that the staff of the training unit has no talent of the nature of which you want them to have; therefore this unit must be scrapped; it is only newly created just to preserve and maintain a few friends who have been taken in without the consent of the Federal Public Service Commission. About 200 of them were taken in that manner and afterwards consent was canvassed. This is the manner in which the administration is being run.

Madam, in the days of Bokhari, in 1942, we had one Station Director, now there are two Station Directors. Then there was one Assistant Station Director, now we have three. I am speaking of Delhi alone. Then there was one Programme Executive, now we have five. There were four Programme Assistants now there are 16 each getting Rs. 400. Transmission Assistants we had none, now we have six. Programme Secretaries there were none, now there are eight. The artists who give performances are about 200. The biggest pay which is given to your arch-artist—I must name him. Thakur the remark being—complimentary. An artist who had given an exhibition to all artists who come here from abroad, he was enrolled with Mr. Bokhari at Rs. 50 a month! Mr. Bokhari is now the Director General of Radio Pakistan but the biggest artist, whom you have, is being controlled by clerks and he gets only Rs. 370 a month on contract basis! In this way the other artists generally get hardly Rs. 50, 60 or 70 a month. They are not Government servants. They are engaged on contract basis, they are hired; it is all hired art. This is the position in which the artists work, then how can they give their best? If you want me to laugh, you pay me four annas and ask me to laugh. How can I? Laughing is no such an easy thing. If I laugh it all artificial. So also these hired artists' music is all artificial. Emotions also must go in

waves with your broadcasts and these wooden people cannot do it unless they have the power to invent quality. The men responsible for the department have no creative genius.

Now about language; six Information Officers have been sent to U.P. The editor of a Hindi paper *The Bharat* wanted some information and addressed a letter to the Information Officer Lucknow. That letter was sent to Delhi to be translated because none of the men sent to U.P. could reply. That is the position. There is also a radio station in Lucknow. May I know how many of your staff people know Hindi? Men who do not know the local languages are posted to various provinces. In how many stations are there Directors who do not know the language of the Province? There are so many instances, but I will not burden the honourable Minister with all of them. I will give one instance of the ignorance of Hindustani. Lady Mountbatten was here—a respectable lady—and when she left India she broadcast a message, a very good message. She was very good to us all. She broadcast a message and it was translated into Hindi as follows:—

"Men apna adha badan yahin chore jati hun".

It means I am leaving half of my body behind. She must have said I am leaving half hearted or something like that, but in Hindi it was translated as I stated. This is the manner in which things are being translated. I submit an overhaul from top to bottom is the urgent necessity of this Department.

One complaint which is a standing complaint is that in the matter of giving advertisements, three-fourths of the paper-reading public in India, that is the Hindustani-knowing people, do not get these advertisements. They are mostly given in English papers and among them also in selected ones. The advertisements are from the Public Service Commission but people knowing Hindi have, it seems, no place there. Villagers are never informed that there is any post for a candidate. It is only a few people in towns who get information about advertisements. People and press are very much dissatisfied on this account.

Madam, I know the honourable Minister is not fully aware of what is really happening. This is the occasion when we will bring to his notice how we feel. I am sure he will do the needful. I congratulate him for the first part of his speech, but I am rather disappointed at the latter part in which he said he was grateful to his staff—he did not know what actually they were doing.

Shri Kusum Kant Jain (Madhya Bharat): I wish to draw the attention of the House, first of all, to the policy of the All-India Radio in establishing new broadcasting stations. From this report, I find that at present 14 stations are working in India and the Government of India intend to establish a few more pilot stations in India. I come from a States Union and I am disappointed to find that none of the pilot stations are going to be established in any of the States or States Unions. The House knows very well that after the independence of India, the differences of 'Indian India' and 'British India' are no more and gradually the word 'State' is, I think, going to be removed from the history of India. So, I would like to draw the attention of the honourable Minister for Information and Broadcasting to this fact: when he plans any scheme for establishing new radio stations, the Indian States and States Unions should in the future be treated in the same way as Provinces and they must be given preference. The Government perhaps is aware that so many States Unions have already requested the Ministry of Information and Broadcasting that a broadcasting station must be opened in their regions. I would cite the case of Madhya Bharat. Our Prime Minister, Pandit Liladhar Joshi, the other day requested the honourable Minister for Information and Broadcasting to open

[Shri Kusum Kant Jain]

even a pilot station in Madhya Bharat. I do not want to go into the details of the geographical position of Madhya Bharat. I would simply request the honourable Minister to see that Madhya Bharat is a place where a Broadcasting station must be established as early as possible. In the meanwhile, I would request the honourable Minister that during this interim period till a new broadcasting station is established, opportunities must be given to the people from such areas where there are no radio stations, to speak from the Delhi Radio station or somewhere near about. I am glad to know that last month, the honourable Prime Minister of Madhya Bharat was given a chance to speak on the All-India Radio at Delhi and I know that his talk was liked very much by those people who are interested in the recent constitutional developments in the Indian States, and specially in Madhya Bharat.

Then, I would like to draw the attention of this House and specially of the honourable Minister for Information and Broadcasting to the treatment which is being meted out to language journalists. During the British regime, the language journalists were always treated very badly; but when we are now living in an independent India, I do not see any reason why the language journalists should be given step motherly treatment. I have been told reliably that in the matter of accreditation, language journalists have to suffer much and that their cases are kept pending for a very long time. I would request the honourable Minister to see that during his regime no language journalist suffers like that.

I would like to give one more instance regarding the treatment that is given to the language journalists in respect of translations which are being sent to language newspapers daily. They are always out of date, because, I learn that there is not adequate staff in the Ministry of Information and Broadcasting to arrange simultaneously the release of English as well as language matters and when it reaches the correspondents of the papers concerned, it is always out of date. I would urge upon the Minister to make proper arrangements in that respect. As regards the photo publicity section, I do not know much, but I have a complaint about a paper *Nai Duniya* which is being published from Madhya Bharat Union. It is an accredited paper now. Since very long, the application of *Nai Duniya* is pending before the department up till now, it has not been taken on the mailing list.

As regards the Press Information Bureau, of which I have personal experience, that Bureau is not well equipped. I would like to draw the attention of the honourable Minister that the Bureau of the United States here at Queensway, or in Bombay are rather much better than the Press Room of the Information Department. Looking to the stature of our Government, and looking to the dignity of our Government, the Press Room must be quite up to date.

In respect of the advertisements also the language journalists suffer. Just now, our honourable Minister has given us some idea of advertisements released last year. But I reliably know that Indian language papers are not treated on a par with English papers in respect of advertisements and I am sorry to say that the agencies through which the Government of India release their advertisements, give a rough treatment to the language papers' representatives. I would therefore submit that the lion's share of the advertisements should be given to the language papers and specially Hindi papers should be given priority.

In respect of accommodation, I have been told that journalists have to suffer much in Delhi. When we think of building a diplomatic colony in Delhi, when we think of building so many other colonies, why not our Ministries think of building a Fleet Street in Delhi where our fellow journalists may live comfortably and do justice to their profession. It is not necessary to go into details, because our honourable Minister who is in charge of this department was once a journalist himself and I hope he will give priority to such schemes.

One other example of the treatment meted out to language journalists. Recently the Government of India sent an Inter-Dominion delegation to Karachi wherein only two representatives were selected, one from the *Hindustan Times* and the other from *Amrit Bazar Patrika*. Why was not a language journalist chosen to go to Karachi? The honourable Minister might say that it was the All-India Newspaper Editors Conference which selected the representatives. But, the honourable Minister might very well instruct the All-India Newspaper Editors' Conference that out of the two at least one must be a Hindi journalist or a Hindi editor. These are a few of the examples which I wanted to enumerate. I hope the honourable Minister will look into it so that next year, we need not complain about the difficulties of the language journalists.

I shall say one thing more regarding the Central News Organisation of the All India Radio. Just now, there was the Hyderabad question. We were all very anxious to know the result of the application of Hyderabad to the UNO. It was the BBC that gave us the news first; the All-India Radio then followed the suit. These are some of the points that I wanted to bring to the notice of the House.

आनरेबल श्री० आर० आर० दिवाकर : मैं हिन्दुस्तानी में बात कहूंगा और मुझ से कहा गया है कि मैं हिन्दुस्तानी में अपना भाषण दूँ। अगर मैं हिन्दुस्तानी में भाषण दूंगा तो इस हाउस को भी फायदा होगा। २० मिनट तक भी बैठने की जरूरत नहीं होगी। मैं हिन्दी में अपना भाषण दे रहा हूँ तो कुछ लिमिटेशन हो सकेगा क्योंकि मैं इतनी साफ हिन्दी नहीं बोल सकता हूँ।

मैं आनरेबल मैम्बरों को धन्यवाद देना चाहता हूँ कि मैं ने जिस स्प्रिट से सब बातों को लिया है और कहा है, उसी स्प्रिट से उन्होंने भी इन सब बातों को लिया है। उन्होंने जो सूचना दी है और बातें बतलाई हैं मैं ने उनको सब अच्छी तरह से नुन लिया है। जब तक मैं हूँ और जो मेरे डिपार्टमेंट के बरकर्स दें उनके सहकार से मैं जितना काम कर सकता हूँ उतना मैं काम करने की उम्मीद रखता हूँ। जैसा मैं आनरेबल मैम्बरों का सहकार चाहता हूँ उसी तरह से मैं अपने विभाग-वालों से भी चाहता हूँ। इसलिये जैसा कि मेरे मित्र श्री० महावीर त्यागी ने कहा है उस दृष्टि से मैं उनके साथ बर्ताव नहीं कर सकता हूँ। वह तो बुरा बर्ताव है। मैं समझता हूँ असहकारी बर्ताव अच्छा नहीं होता और मैं इसको पसंद नहीं करता। मैं सहकारी बर्ताव चाहता हूँ। मैं किसी को लौटा देना नहीं चाहता।

[श्री आर० आर० दिवाकर]

मेरे मित्रों ने इस हाउस के सामने जो विचार रखे हैं उन में कोई कोई बातें कुछ गलतफहमी की वजह से कही गई हैं उन बातों पर ही ज्यादा गौर कर के दो बातों में यहां पर कहना चाहता हूं। यहां पर जितनी बहसें हुई हैं उन सब पर मैं बहस नहीं कर सकता हूं क्योंकि मैं समझता हूं कि रिप्लाय में आरग्यूमेंट के लिये बहुत कुछ गुंजाइश नहीं है। तो इस दृष्टि से मैं डिपार्टमेंटों की एक-एक बात लेकर जो मेरे मित्रों ने कही है उनके बारे में मोटी मोटी बातें बतलाने की कोशिश करूंगा। ए० आई० आर० के बारे में दो तीन बातें हमारे सामने आईं और परसनेल के बारे में कही गईं। परसनेल के बारे में ठीक कहा गया है कि सु-संस्कृतता जिसको कि इंडियन-संस्कृति कहते हैं, उस क्वालीफिकेशन होने से वहां पर काम अच्छी तरह से चल सकता है। लेकिन हमें यह सोचना है कि इंडियन-संस्कृति भी एक ऐसी चीज है जिसके लिये हमको मापदण्ड चाहिये। जहां तक मैं जानता हूं इंडियन संस्कृति इतनी विशाल है, इतनी विस्तृत और गहरे पैमाने पर खड़ी हुई है कि वह किसी को बाहर नहीं भगा सकता है। हमें यह देखना है और सोचना है कि हमारी जो पौलिसी है, हमारा जो प्रोग्राम है वह ठीक तरह से हम जब तक चला सकते हैं और चलाने में कामयाब हो सकते हैं तब तक हम को जो उसमें काम करते हैं उन का काम करने में सहकार मिल रहा है। हम किसी को संस्कृति का मानदण्ड लेकर जज करेंगे यह बहुत कठिन बात है। इसका अर्थ यह नहीं कि जो एन्टी इंडियन हैं, एन्टी नेशनल हैं उन के लिये ब्राडकास्ट में ही क्यों, मैं तो समझता हूं कि हिन्दुस्तान सरकार के किसी भी डिपार्टमेंट में उन के लिये जगह है ऐसा मैं नहीं मानता।

दूसरी बात ऐप्वाइन्टमेंट के बारे में आती है। ऐप्वाइन्टमेंट करने का जो तरीका है वह तरीका सब डिपार्टमेंटों के लिये एक सा ही है। मैं नहीं समझता कि खास कर इस डिपार्टमेंट और आल-इण्डिया रेडियो में कोई खास दूसरा तरीका है। इन डिपार्टमेंटों में कोई भिन्न तरीका ऐप्वाइन्टमेंट करने का है, यह मैं नहीं मानता हूं। लेकिन हो सकता है कि कभी-कभी कोई-कोई बात ऐसी हुई हो कि आज ठीक तरह से नहीं चल रही है। मैं आप को इस बात का विश्वास दिलाता हूं कि मैं वहां पर हूं और जो मेरे डिपार्टमेंट के सेक्रेटरी वगैरह हैं वह जरूर इन कामों में मेरी मदद करेंगे कि कहीं भी कोई अय्याय हुआ हो, कोई बात अन्डर-हैंड डीलिंग से की गई हो, कोई फेवरिटीज्म किया गया हो या किसी प्रकार का नैपोटिज्म किया गया हो तो उसको दूर करने के लिये, उसको हटाने के लिये मैं समझता हूं सब लोग मेरी सहायता करेंगे। इस बात के लिये मुझे पूरा विश्वास है।

तीसरी बात यह कही गई कि गीता और उपनिषद वगैरा जो कुछ हैं उनका प्रचार नहीं होता। जहां तक मुझे ख्याल है गीता का बहुत कुछ पाठ चलता है। हां, हो सकता है कि वह रोजमर्रा नहीं होता हो। लेकिन इस बारे में हमें यह भी सोचना चाहिये कि जहां तक हो वहां तक वह ब्रोडकास्ट नीति की दृष्टि से, संस्कृति की दृष्टि से ठीक हो और उस में एक रिलिजस कलर न आ जाय। रिलिजस कलर आ जाय तो बहुत कुछ दिक्कत पैदा हो जायगी। रिलिजन के लिये फिर एक तरह से कम्पीटीशन हो जाती है और उस में फिर टाइम देने की तकलीफ होती है। इस लिये जहां तक हो सकता है शुद्ध संस्कृति की दृष्टि से और नैतिक दृष्टि से जो कुछ कहा जा सकता है वह धार्मिक ग्रन्थों से क्यों न हो, मैं समझता हूं वह कहने के लिये अच्छी तरह से कोशिश हो सकती है। अगर इस नीति को सब लोग मान लें तो इसमें कोई दिक्कत नहीं हो सकती। अभी जो प्रोग्राम है वह तू टेस्ट लेने से मालूम हो सकता है। कोई कहते हैं कि उसमें ज्यादा एन्टरटेनमेंट नहीं है। दूसरे कहेंगे कि उसमें क्लैसिकल-म्यूजिक नहीं है। तीसरे कहेंगे कि शब्द और भाषा सब कुछ है मगर ट्यून ठीक नहीं है। इस तरह की टीका-टिप्पणी हो सकती है। लेकिन यह सोचना चाहिये कि रेडियो तो रोज ८ घंटे, १० घंटे काम देता रहता है। साल भर में हम सिर्फ १० रुपया लाइसेंस फी दें और चाहें कि ८ घंटे और १० घंटे हमें जो होना वही चीज सुन लें। यह बात तो ठीक नहीं है। तो मैं समझता हूं कि मान लेना चाहिये कि दूसरों के लिये भी रेडियो में बहुत से प्रोग्राम होते हैं। कहीं अपने लिये प्रोग्राम नहीं होता तो दूसरों के लिये वह एन्टरटेनमेंट हो सकता है। अगर आप खुशी से उस को सुनना चाहते हैं तो अच्छा है लेकिन कोई मजबूरी नहीं है। मैं जब बम्बई गया था तो मुझ से कहा गया कि अब भी हिन्दुस्तानी में न्यूज रिले करते हैं तो वह हिन्दुस्तानी में नहीं होनी चाहिये। तो मैं ने कहा कि हिन्दी सुनें, हिन्दुस्तानी क्यों सुनते हो हिन्दुस्तानी म्यूजिक हिन्दुस्तानियों के लिये है और हिन्दी में जो कुछ होता है वह हिन्दी वालों के लिये है तो इस तरह से हम अभी भाषा के ऊपर आते हैं।

भाषा का जो सवाल है वह काफी जटिल है। वह यहां के मेम्बरान अच्छी तरह से जानते हैं। तो मुझ उस पर कुछ बहस करने की जरूरत नहीं है। मेरे दिल में तो यही है कि हिन्दुस्तान में एक ही राष्ट्र भाषा हो जिसको हम राष्ट्रीय भाषा कह सकें और हमारे यहां की जो और बारह पंद्रह भाषायें पढ़ी हैं उनके साथ मिली जुली हो और संस्कृत से

[श्री आर० आर० दिवाकर]

जो कि हमारी मातृक भाषा है, उस से भी हम कुछ स्फूर्ति ले सकें। यह तो मैं एक नागरिक के तौर पर मानता हूँ और मैं इसका बिल्कुल समर्थन करता हूँ। लेकिन आज होता क्या है कि कांस्टीट्यूट बनने वाली जैसी हमारी कांस्टीट्यूशन बनाने वाली बाड़ी ने भी उसका अभी कुछ निश्चय नहीं किया। यह निश्चय नहीं होने से क्या हुआ है? आल इंडिया रेडियो जैसा एक गवर्नमेंट डिपार्टमेंट है उसके लिये इस विषय में कुछ नीति तय करने का बोझ अपने सिर पर लेना मैं समझता हूँ कुछ ठीक नहीं हो सकेगा। हाँ, हो सकता है कि आप कहें कि उन्होंने लीड क्यों नहीं ली। लीड लेने की बात नहीं है। आल इंडिया रेडियो हो, या ब्राडकास्टिंग और इन्फोरमेशन डिपार्टमेंट हो वह लीडरों से बनी हुई चीज नहीं है। लीड तो दूसरों को देनी है। जब लीड दी जायेगी, जब अच्छे अच्छे काम किये जायेंगे और अच्छे अच्छे इन्वेन्ट्स होंगे। तब इन्फोरमेशन देने की और ब्राडकास्ट करने की बात आती है। तो लीड देने का बोझ इस डिपार्टमेंट पर डालना मुझे अच्छा नहीं लगता और वह गवर्नमेंट को भी नहीं जंचेगा। तो इतना हो सकता है कि जो कुछ नीति एक बार बनी है उस नीति पर चलना चाहिये। और उस नीति में कुछ फर्क यहाँ तहाँ हो तो उसको रोकना, यह बात जरूर इन्फोरमेशन और ब्राडकास्टिंग से हो सकती है। लेकिन लीड देने की बात बड़ी जिम्मेवारी की चीज है और खास करके जो चीज बहुत कंट्रोवर्सियल हो उसके बारे में लीड देना थोड़ी कठिनाई की बात है।

दूसरी बात डीक्यूमैन्टरी फिल्म सेक्शन के बारे में आई है। यह सही है कि अगले वर्ष ३४ लाख रुपये उसके लिये सेक्शन हुये, लेकिन ऐसा नहीं समझना चाहिये कि वह ३४ लाख सब खलास हो गये और काम तो कुछ नहीं हुआ। ऐसी बात नहीं है। खास करके वह काम १९४८ के नवम्बर में शुरू हुआ। यह काम पहले क्यों नहीं हुआ इसके लिये कुछ ज्यादा यहाँ घटाने की जरूरत नहीं है। यह एडमिनिस्ट्रेटिव बात है, और एडवाइजरी कमेटी में इसके बारे में कुछ ज्यादा बातचीत हो सकती है। लेकिन नवम्बर में वह काम शुरू हुआ और केवल ७ लाख रुपये खर्च हुआ है। पर्सोनल और एकोमोडेशन की जो बात है वह सब यूनिट इकट्ठा करने की इस में जरूरत होती है। हम ऐसा नहीं कह सकते हैं कि घर में किचन बना और एकदम आर्डर कर देने से हमारे टेबुल पर खाना आ गया। केवल किचन बन जाने से ऐसा नहीं हो सकता, किचन के साथ और दूसरी कई चीजें बनानी पड़ती हैं। उसी तरह इस डीक्यूमैन्टरी

फिल्म में भी बहुत कुछ चीजें इकट्ठी होनी चाहियें। जब वह सब इकट्ठी होती है तब उस से काम निकलता है। इस डिपार्टमेंट में जितने काम करने वाले सहकारी हैं वह इस बात की कोशिश कर रहे हैं और उन को मालूम है कि यह काम जल्दी-जल्दी करना चाहिये। लेकिन कुछ डिफिकल्टीज आने से यह काम थोड़ा रुक गया था।

अब फिल्मस के बारे में जो दो तीन बातें और हैं उन के लिये मैंने पहिल ही बता दिया है और वह रिपोर्ट में भी आ गया है। वह बातें हैं फिल्म इंडस्ट्री की इन्क्वायरी, सेंट्रल सेंसरशिप और रेस्ट्रिक्टेड लाइसेंस और चौथी बात थी एजुकेशनल फिल्मस की। अभी जो डीक्यूमैन्टरी फिल्मस सेक्शन है वह दो बातें अपने सिर पर लिये है, एक न्यूज फिल्मस और दूसरी डीक्यूमैन्टरी फिल्मस। यहाँ जो भिन्न-भिन्न मिनिस्ट्रियां हैं वह जो काम हमारे पास भेजती हैं वह काम हम लेते हैं और कर डालते हैं। अब खास करके एजुकेशनल फिल्मस के ऊपर कुछ एम्फेसिस दें यह बहुत कठिन है क्योंकि हमारे पास जो छः यूनिट्स हैं उन सिक्स यूनिट्स से ही हमें काम लेना पड़ता है। तो वह काम कुछ ढंग से लिया जाता है। कुछ यूनिट एक्सटरनल पब्लिसिटी के बारे में काम करती हैं और जो कुछ रहता है वह जो पंद्रह सोलह मिनिस्ट्रियां हैं उनका काम करता है। कुछ खास तौर पर कल्चरल काम भी रहता है जैसे टेम्पल्स के बारे में और स्कल्पर के बारे में। तो इस तरह वह सब काम करना होता है। लेकिन यदि एजुकेशन मिनिस्ट्री भी कुछ काम दे या हेल्थ मिनिस्ट्री भी कुछ काम दे तो वह भी जरूर होगा इसमें मुझे कोई शक नहीं है।

अब उसके डिस्ट्रीब्यूशन की भी बात आती है तो डिस्ट्रीब्यूशन कुछ अच्छी तरह से पहले नहीं चला क्योंकि डिस्ट्रीब्यूटर्स और डिस्ट्रीब्यूटिंग सेंटर्स हमारे तय नहीं हुये थे। जब वह काम पूरा होगा तब मैं समझता हूँ कि हिन्दुस्तान में जो आजकल २२००० सिनेमा थियेटर्स हैं उन सब थियेटर्स में हमारी फिल्म जायेगी। आज हम सिनेमा थियेटर्स को मजबूर करें कि तुम डीक्यूमैन्टरी फिल्म दिखा दो तो वह कहाँ से हो सकता है। क्योंकि हमारे पास डीक्यूमैन्टरी फिल्म इतनी नहीं है। उन को सब को भेजना मुश्किल है। हम उनको भेज नहीं सकते। जो फिल्म हैं वह हम भेज रहे हैं। बाहर के देशों में भी कुछ भेज रहे हैं। दस पंद्रह देशों को या कुछ ज्यादा देशों को वह भेजी गई है और भी भेज रहे हैं। यह मसाला डाल कर यहाँ रखने के लिये तो बनी नहीं है। तो बात यह है कि जब हमारे यहाँ फिल्मस ज्यादा होंगी तब हम सबों को मजबूर कर सकते हैं और इसके लिये कुछ रेंट्स, टाइम यह सब बातें भी प्रोविशियल गवर्नमेंटों

[श्री आर० आर० दिवाकार]

के साथ और इंडस्ट्री के साथ बोलचाल करके तय करनी होती है। तो इस तरह यह काम चला है और मैं समझता हूँ कि आगे बढ़ कर यह अच्छी तरह से चलेगा। अभी इसमें एडवाइजरी कमेटी की भी बात आयी। हमने विचार किया है कि वह जो कहें वह करें, वह तो जरूर होगा ही लेकिन और डोक्यूमेंटरी फिल्म्स जितनी निकलेंगी उनके बारे में भी न केवल उनके प्रोज़ल लिये जायेंगे बल्कि जो कुछ प्रोग्राम होगा उस प्रोग्राम के बारे में भी जो कुछ सजेशन आवेंगे उन के अमल के बारे में जितना अमल कर सकते हैं उतना अमल इस डिपार्टमेंट से होगा, ऐसा मैं समझता हूँ।

ए०-आई० आर० न्यूज़ कारेसपोण्डेंट्स के बारे में जो कुछ कहा गया उसके बारे में काफी चर्चा हमारी एडवाइजरी कमेटी में हुई है। वही यह बता दिया गया है कि जहाँ तक पी० टी० आई० से काम ले सकते हैं तो कुछ ऐसी जरूरी नहीं है कि दूसरे भी लोग हम एन्वाइन्ट करें ही। लेकिन चूँकि खास कुछ रिक्वायरमेंट्स हैं और वह रिक्वायरमेंट्स अभी पूरी नहीं होतीं तो दूसरी बातें करनी पड़ेंगी। अब न्यूज़ में आनरेबिल मिनिस्टर्स की स्पीचेस् बहुत दी जाती हैं यह भी कुछ फ्रैंड्स ने बताया। यह हो सकता है। लेकिन इसके लिये केवल जो न्यूज़ देने वाले गवर्नमेंट की ओर से हैं वह ही जिम्मेवार हैं ऐसी बात नहीं है। मैं ने इसके बारे में कुछ सोचा है और कुछ आबजर्व भी किया है। वह यह है कि अभी हमारी गवर्नमेंट का जो फोटोग्राफिक यूनिट किसी फ्रंक्शन में जाता है तो वहाँ दूसरे भी न्यूज़पेपर वाले आठ दस आदमी रहते हैं। अब बात यह होती है कि जो वह दूसरे आठ दस आदमी रहते हैं वह भी वही काम करते हैं। वह प्राइम मिनिस्टर का या और किसी मिनिस्टर का कोई फोटो लेते हैं तो वह उन का फोटो न्यूज़ वेल्यू के लिये लेते हैं न कि केवल मिनिस्टर का फोटो है इस दृष्टि से। जो ऐसा समझते हैं वह भूल करते हैं।

केवल गवर्नमेंट की यूनिट ने वह फोटो लिया तो वह पाप है, ऐसा नहीं हो सकता। जो कुछ न्यूज़ वेल्यू या तो जजमेन्ट जो है, वहाँ जो ऐसे दूसरे आते हैं, न्यूज़पेपर वाले, वह जो कुछ काम करते हैं, वह जिस दृष्टि से देखते हैं, उसी दृष्टि से हमारी यूनिट ने भी देखा तो उसमें कुछ पाप है, ऐसा समझना ठीक नहीं होगा। हाँ हमारे सब लोगों की यह राय हो कि मिनिस्टर्स का ब्लैकआउट करें, तो यह भी हो सकता है।

Pandit Balkrishna Sharma: Even the newspapers are partial. I do not think they will publish my or Shri Sidhva's speech but they will certainly publish Shri Diwakarji's speech.

आनरेबिल श्री आर० आर० दिवाकर: Because the readers want it. Ultimately we are the sinners.

अब नान् आफिशियल् बोर्ड और एन्वाइन्टमेंट इस बारे में बहुत कहा गया है और बहुत सा तो हमने स्वीकार कर लिया है और एडवाइजरी बोर्ड में अभी बात चली है। तो इसके बारे में यहाँ बहस करना और एडमिनिस्ट्रेशन के बारे में वाद-विवाद करना यहाँ मुझे अच्छा नहीं लगता। फ़ेडरल पब्लिक सर्विस् कमीशन और उनके एन्वाइन्टमेंट्स के बारे में मैं समझता हूँ कि उस पर यहाँ बहस करना कुछ ठीक नहीं है और अब टाईम भी नहीं है और उससे कुछ फ़ायदा भी नहीं होगा। और मेरा ख्याल है कि उसके बारे में हमारी स्टैंडिंग एडवाइजरी कमेटी जो है, वहाँ ही उसके संबंध में बात करें।

श्रीमान् मुंशी जी ने जो दो चार बातें कही हैं और उस में ब्रिकबैट्स तो काफी दिये हैं मुझको, लेकिन साथ ही साथ बुकेज भी दिये हैं। मैं उनको ज्यादा टाईम दे रहा हूँ सिर्फ इसलिये कि उन्होंने मेरी तारीफ़ की है, ऐसी बात नहीं है। बल्कि एक ऐक्सपीरियन्सड और वेटरन लिटरेरी आर्टिस्ट होने के नाते उनकी बात काफी महत्व रखती है। जैसा उन्होंने कहा कि हम रेडियो के पास केवल धर्म सीखने और आत्मा को शांति देने के वास्ते नहीं जाते। मनोरंजन भी आवश्यक है। वह हमारे जीवन का एक अंश है। यह सही है।

अभी अहमदाबाद स्टेशन के लिये मैं समझता हूँ कि अप्रैल के बीच में बहुत कुछ इन्तज़ाम हो जायेगा। खास तौर से दिक्कत जो थी, वह वहाँ की बिल्डिंग के लिये थी और उस के डिटेल्स के बारे में यहाँ और ज्यादा कहने की आवश्यकता नहीं है।

अभी त्यागी जी ने आर्टिस्ट्स और उनके राईट्स की बात कही और दो तीन बातें उन्होंने बड़े जोर के साथ कहीं। उनपर विचार करना है। उन्होंने ब्राडकास्ट एक्सटेन्शन के बारे में भी कहा है और वह भी हमारे ध्यान में रखना है। हमें आगे बढ़ना है, और केवल इतने मौजूदा ब्राडकास्टिंग स्टेशनों से काम नहीं चलेगा। यदि दुनिया में हमें आगे अपना कदम बढ़ाना है तो ब्राडकास्टिंग की उन्नति के बिना किसी क्षेत्र में भी हम आगे नहीं बढ़ सकेंगे। अब आर्टिस्ट और क्लर्क का कन्ट्रास्ट उन्होंने बतलाया है और आर्टिस्ट को ब्रेनट्रस्ट की जरूरत होती है ऐसा कहा है। उस का लिटरेरी ब्रेन होता है और उस के हाथ में सारा मैनेजमेंट दे दिया जाय, ऐसा भी कुछ सुझाव दिया है। यह कुछ हद तक सही है, लेकिन यह जरूरी नहीं है कि हमेशा स्टेशन डायरेक्टर एक आर्टिस्ट ही हो। यह मुमकिन है कि कोई शक्स आर्टिस्ट न होते हुए भी ठीक तरह से आगेनाईज कर सके। मैं खुद आर्टिस्ट नहीं हूँ, लेकिन आर्ट चीज़ क्या है और उस को कैसे बढ़ाया जाता है और उस को कैसे उत्तेजन दिया जाता है, यह मैं आर्टिस्ट न होते हुए भी थोड़ा बहुत समझ सकता हूँ। मैं इस बारे

[श्री आर० आर० दिवाकर].

में कोई दावा नहीं करता और जो आर्टिस्ट मेम्बरान इस हउस में मौजूद हैं, उन से मैं इस बारे में कपीट नहीं करता, लेकिन ताहम में आर्ट क्या है, यह थोड़ा थोड़ा जानता हूँ और इसको ठीक तरह से आर्गेनाइज कर सकता हूँ। मैं यह समझ सकता हूँ कि फ़्लानी चीज़ बुरी है क्योंकि इस में आर्ट नहीं है और फ़्लानी चीज़ अच्छी है, क्योंकि उस में आर्ट मौजूद है। सब से अच्छा तो यह हो सकता है कि आर्टिस्ट में आर्गेनाइज़र के भी गुण हों। दूध में शक्कर डालने से अच्छा ही होगा। उस को कौन बुरा कहेगा। अच्छा जो यह कहा गया कि किसी रेडियो स्टेशन से रिप्लाइ के लिए पत्र दिल्ली भेजा गया, उस में यह हो सकता है कि वहाँ के आफ़ीसर उसका रिप्लाइ देने को काम्पीटेंट नहीं थे।

जहाँ तक हिन्दी भाषा का प्रश्न है मैं समझता हूँ कि हिन्दी भाषा की अच्छी प्रगति होने की जो इच्छा रखते हैं उन को उस हिन्दी को सुनने को तैयार रहना चाहिये जो कि अहिन्दी लोग बोलते हैं। अगर ऐसा नहीं होगा तो हिन्दी अच्छी तरह नहीं बढ़ेगी। ऐसा कहने से काम नहीं चल सकता कि यह तो हिन्दी प्रोग्राम है, इसको आर्गेनाइज करने के लिए अहिन्दी आदमी क्यों रखा गया है। वह खुद हिन्दी अच्छी तरह से, व्याकरण के अनुसार शुद्ध हिन्दी, जैसी कि हमारे बालकृष्ण शर्मा जी बोलते हैं वैसी नहीं बोल सकेगा, लेकिन जैसी मैं टूटी फूटी बोल सकता हूँ वैसी बोल सकेगा। देखना यह है कि वह आर्गेनाइज अच्छी तरह कर सकता है या नहीं न कि उसकी मातृभाषा हिन्दी है या नहीं। यह देखना ठीक नहीं है।

अभी जैन साहब ने स्टेट्स के बारे में दो चार बातें कहीं। स्टेट्स मिनिस्ट्री का कुछ निश्चय हो जाय तब उस के बाद हम कुछ काम कर सकते हैं। हम यहाँ वहाँ थोड़ा थोड़ा पीसमील काम नहीं करना चाहते। हमें थोड़ा रुकना होगा।

उन्होंने फ़ोटो पब्लिसिटी, एकोमोडेशन वगैरह छोटी छोटी बातों के बारे में कहा, लेकिन एक बड़ी बात लंग्वेज प्रेस के बारे में कही। जैसा कि मैं ने अपने भाषण में कहा है, लंग्वेज प्रेस का स्टैचर, उसका इन्फ़्ल्यूएंस, बढ़ रहा है और मेरा दिल भी चाहता है कि उसको रिहैबिलिटेड किया जाय। वह तो स्वयं एक रिफ़्यूजी प्रोब्लेम् सा है। "They were foreigners in their own country, but fortunately now I think the time for complete rehabilitation has come." खुश किस्मती से यह भी हो रहा है और उन का स्थान भी बन रहा है।

Mr. Chairman: There is no quorum in the House, the bell will be rung.

The Honourable Shri R. R. Diwakar: So, shall I sit down?

Mr. Chairman: Just for a few minutes.

(The bell was rung and quorum obtained)

आनरेबिल श्री आर० आर० दिवाकर: तो मुझे कुछ ज्यादा कहना नहीं है। मैं ने आप को पहले ही कहा था कि मैं हिन्दी में बोलने लगूंगा तो मुझे कुछ ज्यादा समय लग जायगा। तो मैं अभी कह रहा था कि न्यूज़, फ़ोटो और एडवर्टाइज़मेंट इन तीनों के बारे में जो कुछ न्याय्य हो वह करने की आवश्यकता भी है और उसकी कोशिश ज़रूर की जायेगी ऐसा मैं आप को कह सकता हूँ।

यह बातें कह कर, आप ने जो टीका टिप्पणियाँ कीं और जो सूचना दी उस के लिए फिर एक बार धन्यवाद देकर मैं अपना स्थान ग्रहण करता हूँ।

(English translation of the above speech.)

The Honourable Shri R. R. Diwakar (Minister of State for Information and Broadcasting): I will speak in Hindustani as I have been asked to deliver my speech in Hindustani. If I would deliver my speech in Hindustani then the House also will be benefited. It would not be necessary to sit for 20 minutes even. As I am delivering my speech in Hindustani there would be some limitations because I cannot speak Hindi fluently.

I wish to thank the honourable Members that they have also taken these things in the same spirit in which I have taken them and made references to them. I have heard very carefully whatever information they have given and the suggestions they have made. So long as I am here I with the co-operation of the workers of my department hope to do as much work as I can possibly do. As I desire to have the co-operation of the honourable Members of the House in the same way I seek the co-operation of the workers of my department. Therefore, I cannot treat them in the manner as has been suggested by my honourable friend Shri Mahavir Tyagi. That treatment is a bad one. I think that the non-co-operative attitude is not a proper one and I do not like it. I want the spirit of co-operation. I do not want to send back anyone.

The views that the honourable Members have put before the House contain some statements that have been made out of some misunderstanding. Mainly concentrating my observations only to those items that have been misunderstood I wish to say a few things here. I cannot discuss here all the points on which discussions have already taken place because I think there is not much scope for arguments in reply to these allegations. With this point of view I will try to give out the salient points taking into account one by one those departmental matters that have been referred to by my honourable friends. About the A.I.R. some two or three things came before us and they pertain to certain personnel of the department. About the personnel

[Shri R. R. Diwakar]

it has been rightly said that by prescribing a qualification of a good cultural background that is to say of Indian culture the work there can be carried on quite satisfactorily. But we have to think that even the Indian culture is such a thing for which we require a measuring rod. As far as I know the Indian culture is so vast and has been developed on such an extensive and deep foundation that it cannot drive out any body from its folds. We have to think and see that we can properly work out and can be successful in bringing into effect our policy and our programme only so long as we are getting in our work the co-operation of the people working in the department. It would be very difficult for us to judge anybody with the measuring rod of cultural achievement. It does not mean that such people who are anti-Indian have any place in the department of Broadcasting, or, I think, in any other department of the Government of India. I do not think so.

The second thing that arises is about the appointments. The method of making appointments is similar for all the departments. I do not think there is some other special method particularly for this department and the All-India Radio. I do not accept that for these departments there is some different method of making appointments. But it is just possible that ever and anon some such things may have happened that may not be working properly today. I assure you that I am there and I think the Secretaries and other persons of my department will surely help me to remove any injustice that might have been done in an underhand manner, and eliminate any case of favouritism or nepotism. I am fully confident of this thing.

The third point that has been put forth is that texts from Gita, Upanishads and other religious books are not broadcast. As far as I remember some broadcasts from Gita are made. But it is possible that this may not be done everyday. But in this connection we have to consider this point also that the broadcasts must be suitable from the cultural as well as political view-point so that they may not get any religious colour. If religious colour were to come in the broadcasts then many difficulties would crop up. As a result a sort of competition among the religions is set agoing and then arises the difficulty in apportioning time for them. Therefore, all that is possible from the cultural and moral point of view, be it from the religious books, can be broadcast. I think efforts can be made to broadcast that in a better manner. If every one were to accept this policy then there can be no difficulty. The programmes can be set after ascertaining the taste of the people. Some say that the programmes lack entertainment, some would say that they are wanting in classical music while some would say that voice and language are quite all right but the tune is not what it ought to have been. Such comments can be made. But this should be kept in mind that radio works from eight to ten hours per day. It is not proper for us to wish that for eight to ten hours per day we may go on hearing such thing as we like simply by paying rupees ten per year as licence fee. I think that you should acknowledge the fact that radio also caters for other people's tastes as well. A programme may not appeal to us but for others it can be a piece of entertainment. If you like to hear it with pleasure, so far so good, else there is no compulsion. When I had gone to Bombay there the people told me that the news are still relayed in Hindustani; they ought not to be relayed in Hindustani. There I asked them to hear Hindi and not Hindustani. The Hindustani music is meant for the Hindustani speaking people and whatever is broadcast in Hindi is for the Hindi speaking people. And so now we come to the question of language.

The question of language is an intricate one. The honourable Members here very well know this fact. Hence it is not necessary for me to discuss the question here. In my heart of hearts I desire that there should be only one national language in India, a language which we may call our national language, which may be in harmony to the numerous languages that are found in this country and for which we may be able to get some inspiration from Sanskrit as well, which is our parental language. As a loyal citizen I not only accept this view but fully support it. But what the position today is that our Constitution making body i.e. our Constituent Assembly has not yet arrived at any definite decision. What is the result of this indecision? I think it would not be proper for the All-India Radio, which is a Government Department, to take upon itself the responsibility of defining the policy. But no doubt this can be asked as to why the All-India Radio has not taken any initiative and lead in this matter. It is not a question of taking any lead or initiative. The All-India Radio or the Information and Broadcasting Departments cannot become leaders. The lead is to be given by others. When a proper lead will be given, when good works will be undertaken, when good events will come to pass, only then the question of giving information or broadcasting them arises. I do not think it proper to lay the burden of giving a lead upon the shoulders of this department and this will not appear good to the Government also. Therefore, only so much can be done that the policy that has already been laid down should be followed. Any deviation that might occur here and there in the policy can of course be checked through the departments of Information and Broadcasting. But the question of giving a lead is a matter of great responsibility, and it is particularly very difficult to give a lead in such a matter that might be very controversial.

The other thing has been said about the Documentary Film Section. It is a fact that 34 lakhs of rupees were sanctioned for this thing last year. But it must not be taken for granted that all those 34 lakhs of rupees have been spent and no work has been done. The things are not so. The work was actually begun in November 1948. It is not necessary to give here reasons as to why the work was not begun earlier. This is an administrative affair and this matter can be discussed in detail in the Advisory Committee. The work was begun in November and only seven lakhs of rupees have so far been spent. As far as the question of personnel and accommodation goes a grouping of all the units for this purpose is felt necessary. You cannot expect your meals to be served on the table at your order by simply constructing a kitchen. This thing cannot be achieved only by making a kitchen. Besides the kitchen several other things have got to be constructed. In the same way for these documentary films a number of things have to be collected. When all these things are gathered together only then the purpose can be served. All the personnel that are working in this department are trying for this and they know that they should do this work in the quickest possible manner. But due to the cropping up of some difficulties the work was somewhat impeded.

I have already explained the few other points that have been raised about Films, and the reply has also been included in the report. These points related to the enquiry of the film industry, the question of Central Censorship, restricted licences and Educational Films. The present Documentary Film Section has to bear two responsibilities, one of news films and the other of Documentary Films. We undertake and do all that work which is sent to us by the different Ministries. So it is quite difficult for us to give more emphasis on educational films only, because we have to take work from all those six units that we have. They are made to work on certain lines. One unit does

[Shri R. R. Diwakar]

the external publicity work and the rest cater to the needs of the 15-16 Ministries of the Government. Particularly some cultural work concerning temples and sculpture is also undertaken. So in this manner the work is to be done. But if the Education Ministry or the Health Ministry were to give some work then, I have not the least doubt, that also will be performed.

Now comes the question regarding the distribution of these Films. The distribution work did not proceed satisfactorily in the beginning because our distributors and the distributing centres had not been settled. When this will be decided then I think our films will be exhibited in all the 2200 cinema theatres that are in our country. If today we were to force the cinema theatres to exhibit our films then how can the scheme work because we have not got so many documentary films with us. It is difficult to send films to all of them. We cannot send films to them. Whatever films we have we are sending. We are sending some films to the foreign countries as well. These films have been sent to some 10-15 or more foreign countries and we are sending more also. They have not been made in order to keep them here like pickles. Now the thing is that when we will have more films we can get them exhibited in Cinemas. The rates, time and other things have to be settled with the provincial Governments and the people in the film industry after lengthy discussions. In this way the work has been started and in future it will proceed satisfactorily. The name of the advisory committee has also been mentioned here. We have decided to act upon its suggestions. The suggestions will no doubt be followed. But as regards those documentary films that will be made not only its proposals will be invited but whatever suggestions will come forward about the future programme, I think we will try to give those suggestions, as far as it would be possible for this department, a practical shape.

The advisory committee has discussed in details all that has been said about the A.I.R. correspondents. It has been told there that for as much work we can take from the P.T.I. it is not even obligatory for us to appoint some other person. But as there are some particular requirements and when they are not met with then we will have to resort to other means. Some friends suggested that at present in the news broadcasts an undue bias is given to speeches delivered by the honourable Ministers. It may be so. But it is not at all proper to think that only the personnel of the Government News Department alone are responsible for this. I have thought over this problem a great deal and have made certain observations as well. I have observed at present if the photographic unit of our Government goes to some function then eight to ten photographers of the other news-papers also are found there. Now the thing is that those eight to ten persons also do the same work. If they take a photo of the honourable the Prime Minister or any other Ministers, then they do so for its news-value only and not merely with the view-point that it is a photo of some Minister. If somebody thinks so then he is mistaken. If only the Government unit takes that photograph then it is a sin. It cannot be so. It will not be proper to think that it is well nigh a sin if our unit also were to form judgment on the news-value of any thing as the news paper people do, or else our unit also were to see all those things from the view point of the newspaper men. But of course if all of us hold the opinion that a black out of the Ministers should be done then this can also be done.

Pandit Balkrishna Sharma (U.P.: General): Even the newspapers are partial I do not think they will publish my or Shri Sidhya's speech but they will certainly publish Shri Diwakar Ji's speech.

The Honourable Shri R. R. Diwakar: Because the readers want it. Ultimately we are the sinners. Now much has been said about non-official boards and appointments. Much of it I have accepted and as the matter has now come before the Advisory Board, so it does not look nice for me to discuss this point here or to raise a debate on the administration issue. I do not think it proper to discuss here at this stage the question of the Federal Public Service Commission and the appointments made by it. There is also no time and the discussion will be of no use. I think this matter may be discussed in our Standing Advisory Committee.

My honourable friend, Shri Munshi, has said a few things. Along with numerous brick-bats he has given me bouquets as well. It is not correct to think that I am devoting more attention to his speech because he has praised me. But being an experienced and veteran literary artist his opinion carries much weight. As he has said we do not hear radio simply to learn something about *Dharma* or to give peace and tranquility to our soul. It is also important to have some entertainment as well. It is true that entertainment is an important part of our life.

As regards the Ahmedabad station I think some arrangements would be made by the middle of April. The main difficulty there was that of some suitable building and so it is not necessary, to give more details here. Just now Shri Tyagi ji made a mention about the artists and their rights. On a few points he laid an extra emphasis. We have to consider over those points. He has said something about the extension of broadcasting and we have to keep that also in our minds. We have to progress and only so many broadcasting stations will not keep the work going. If we have to make progress in this world then without developing our broadcasting system we will not be able to make any progress in any sphere of action. He has drawn a contrast between an artist and a clerk and has said that the artists require some brain-trust. He has said that as the artists have literary brains, therefore, he has suggested that the management also be placed in their hands. This is correct to some extent but it is not essential that always an artist be appointed as Station Director. It is possible that some one without being an artist may be able to organise the department properly. I am not an artist, but without being an artist I, to some extent, can understand what art is, how it is promoted, and how it is stimulated. I do not lay a claim in this respect and I do not compete with the artist members of this House. But still I, to some extent, know what art is and can organise it properly. I can understand that a certain thing is bad as it does not contain any art and that thing is good because it is artistic. The best would be if the artists possessed the qualities of a good organiser as well. The milk will of course be sweetened by mixing sugar with it. Who would speak ill of it? It has been said that a letter was sent from some Radio station to Delhi station for a reply. Possibly the officers there were not competent to give a reply.

As far as the question of Hindi language goes I think that they, who desire on all round development of the Hindi language, must be prepared to hear that Hindi which the non-Hindi speaking people speak. If it would not be so then Hindi will not spread far and wide. Such allegations that this being a Hindi programme, why a non-Hindi knowing man has been appointed to organise it, will not work. He would not be able to speak good Hindi or grammatically correct Hindi as my honourable friend Pandit Balkrishna Sharma speaks, but he will be able to speak dis-connected Hindi as I can. We have to see whether he can organise the department efficiently or not. It is not proper to see whether his mother tongue is Hindi or not.

Just now Shri Jain said a few things about the States. When the States Ministry would come to any definite decision only then we can do some work. We do not want to do piece meal work here and there. We will have to wait.

[Shri R. R. Diwakar]

He made a mention of small things like photo-publicity, accommodation and other things, but he said some important things about the language press. As I have made a mention in my speech the stature and the influence of the language press is increasing and I also wish that it may be rehabilitated. But this problem itself is a refugee one. "They were foreigners in their own country, but fortunately now I think the time for complete rehabilitation has come." Rather fortunately this also is being done and their place is also being made.

Mr. Chairman: There is no quorum in the House, the bell will be rung.

The Honourable Shri R. R. Diwakar: So shall I sit down?

Mr. Chairman: Just for a few minutes.

(The bell was rung and quorum obtained)

The Honourable Shri R. R. Diwakar: I have not to say much. I had told you in the begining that when I would begin to speak in Hindi then it would take more time. As I was just saying that it is also necessary to do whatever is proper and legitimate as regards photo, news and advertisement and efforts will surely be made. I can assure you on this point.

After saying so much and thanking you once more for the information given by you and for your criticism I beg to resume my seat.

ELECTION TO STANDING COMMITTEE FOR MINISTRY OF AGRICULTURE

Mr. Chairman: I have to inform the Assembly that upto 12 Noon on Thursday, the 24th March, 1949 the time fixed for receiving nominations for the Standing Committee for the Ministry of Agriculture, 11 nominations were received. Subsequently one member withdrew his candidature. As the number of remaining candidates is thus equal to the number of vacancies, I declare the following members to be duly elected: Shri Kishorimohan Tripathi, Shri Upendranath Barman, Babu Ramnarayan Singh, Ch. Ranbir Singh, Shri A. K. Menon, Dr. P. S. Deshmukh, Shri H. Siddaveerappa, Shri Satis Chandra Samanta, Mr. Mohd. Tahir, Shri C. Subramaniam.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Monday, the 28th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Monday, 28th March, 1949

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

QUESTIONS AND ANSWERS

(See Part I).

11-45 A.M.

ELECTION TO STANDING COMMITTEE FOR MINISTRY OF AGRICULTURE

The Honourable Shri Satyanarayan Sinha (Minister of State): I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one member to serve on the Standing Committee to advise on subjects with which the Ministry of Agriculture is concerned, until the end of the next financial year vice Shri Satis Chandra Samanta resigned."

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one member to serve on the Standing Committee to advise on subjects with which the Ministry of Agriculture is concerned, until the end of the next financial year vice Shri Satis Chandra Samanta resigned."

The motion was adopted.

ELECTION TO STANDING COMMITTEE FOR MINISTRY OF COMMUNICATIONS

The Honourable Shri Satyanarayan Sinha (Minister of State): I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one member to serve on the Standing Committee to advise on subjects with which the Ministry of Communications is concerned, until the end of the next financial year vice Shri U. Srinivasa Mallayya resigned."

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one member to serve on the Standing Committee to advise on subjects with which the Ministry of Communications is concerned, until the end of the next financial year vice Shri U. Srinivasa Mallayya resigned."

The motion was adopted.

Mr. Speaker: I have to inform the honourable Members that for the purpose of receiving nominations for the election of one member to each of the two Standing Committees for the Ministries of Agriculture and Communications, the Notice office will remain open upto 3 p.m. today and that the election, if necessary, will be held on Tuesday the 29th March, 1949. The election by means of the single transferable vote will be held in the Assistant Secretary's room (No. 21) in the Council House, between the hours 10-30 A.M. and 1 p.m.

ELECTIONS TO STANDING COMMITTEES FOR MINISTRIES OF INFORMATION AND BROADCASTING AND LABOUR

Mr. Speaker: I have also to inform the Assembly that upto the time fixed for receiving nominations for the Standing Committees for the Ministries of Information and Broadcasting and Labour, ten nominations in the case of the first and eleven nominations in the case of the second were received. Subsequently one Member in the case of the second withdrew his candidature. As the number of remaining candidates is thus equal to the number of vacancies in each of these committees, I declare the following Members to be duly elected:

I. Standing Committees for the Ministry of Information and Broadcasting.—Dr. H. C. Mookerjee, Shri Arun Chandra Guha, Shri Ram Nath Goenka, Shrinati G. Durgabai, Dr. Dharam Prakash, Shri Sri Narayan Mahtha, Pandit Balkrishna Sharma, Shri R. B. Vijaivergiya, Shri V. Ramiah, and Begum Aizaz Rasul.

II. Standing Committee for the Ministry of Labour.—Maulana Hasrat Mahani, Dr. H. C. Mookerjee, Shri Damodar Swarup Seth, Shri Nandkishore Das, Shri Gopikrishna Vijayavargiya, Shri Harihar Nath Shastri, Shri Khandubhai K. Desai, Shri V. C. Kesava Rao, Shri Gokulbhai Daulatram Bhatt, and Mr. Homi Mody.

DELHI HOTELS (CONTROL OF ACCOMMODATION) BILL.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): Sir, I beg to move for leave to introduce a Bill to provide for the control of accommodation in certain hotels in the province of Delhi.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the control of accommodation in certain hotels in the province of Delhi."

The motion was adopted.

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

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): Sir, I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

This is a simple, short non-controversial measure. In the case of trials in certain cases of public servants for misconduct or misdemeanour, we have found that material witnesses were not in India. They were either in Pakistan or in some other country.

Pandit Hriday Nath Kunzru (U. P.: General): We are not able to hear.

The Honourable Sardar Vallabhbhai Patel: I am sorry. This Bill to amend the Criminal Procedure Code is a non-controversial, short simple measure. In the case of several trials of public servants, we found that material witnesses were not in India; they were either in Pakistan or in some States or outside either in England or in the Dominions, and it was impossible to bring home guilt to the accused in the trial in the absence of relevant material evidence in those cases. Therefore, we felt that the defect of the Act for the time being should be remedied by the promulgation of an Ordinance as there (1998)

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

1999

was no other way to proceed with the trial of those cases. Therefore, an Ordinance was passed to make admissible the evidence of these witnesses recorded outside. That Ordinance now expires in May 1949, and as there is no provision authorising the courts in India to recognise this evidence, and in order to substitute the Ordinance by permanent legislation, we have brought this simple, short measure. Sir, I move that the Bill be taken into consideration.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

Srijut Kuladhar Chaliha (Assam: General): Sir, I do not want to make a speech, but I do want to understand a little. There is a provision in sub-clause (2) of clause 2 that when a witness resides in a tribal area, the commission may be issued to an officer exercising the powers of a District Magistrate, and in (4) we find that where the commission is issued to an officer exercising the powers of a District Magistrate in a tribal area, he may delegate his powers and duties to any officer subordinate to him. There is nothing very difficult there, but our difficulty is this, that when a witness is examined, in a tribal area, we do not get any defence lawyer to go there and permits are not allowed, and when one is examined in a far away place like Naga Hills or Kohima, no defence lawyers are available, and permits are not allowed by the District executive for anybody to go there. Therefore executive instructions may be issued by the Home Ministry that in every case where a witness is examined in a tribal area where there is no defence lawyer available, permits should be allowed to defence lawyers to go there and cross-examine witnesses. Otherwise, great injustice will be done, because the evidence will be one-sided. There is always some difficulty for defence lawyer to go there. Therefore, in such case, as a matter of course permits should be allowed. I would therefore request the honourable Minister to see that executive instructions are issued to officers who are to execute these commissions; otherwise, great injustice will be done to accused who are charged with criminal breach and other offences. I think this aspect of the question should be taken note of.

The Honourable Sardar Vallabhbhai Patel: The point raised by the honourable Member will be taken into consideration.

Mr. Speaker: The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

The motion was adopted.

Mr. Speaker: We will now proceed clause by clause. There is one amendment to clause 1. So I will put the other clauses together.

The question is:

"That clauses 2 to 6 stand part of the Bill".

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

The Honourable Sardar Vallabhbhai Patel: Sir, I beg to move:

"That in clause 1 of the Bill, for the brackets and word '(Amendment)', the brackets and words '(Second Amendment)' be substituted."

We have already passed one amendment in this House. So the word 'Second' may be substituted.

Mr. Speaker: The question is:

"That in clause 1 of the Bill, for the brackets and word '(Amendment)', the brackets and words '(Second Amendment)' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

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

The motion was adopted.

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

Mr. Speaker: The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

The Honourable Sardar Vallabhbhai Patel: Sir, I move:

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

Mr. Speaker: The question is:

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

The motion was adopted.

GOVERNOR-GENERAL'S SALARY (EXEMPTION FROM TAXATION) BILL

The Honourable Sardar Vallabhbhai Patel: Sir, I beg to move:

"That the Bill to provide for exempting the reduced salary of the Governor-General from taxes on income, be taken into consideration."

This is another Bill, which is also a very short one, which arose at the instance of the Governor-General. He wrote to Government about his salary, which till then was provided in the Schedule, according to which Rs. 2,50,000 were annually provided as salary for the Governor-General. He drew the attention of the Government. There was also some controversy going on in the public about it. Taking all these facts into consideration, Government came to the conclusion, considering all the relevant facts, that the Governor-General's salary should be fixed at Rs. 5,500 as suggested by him and that it should be free from any taxes. As it was found necessary and advisable to set at rest all these controversies, we passed an Ordinance and we now wish to substitute it by this piece of legislation. I hope there will be no controversy here also.

I move that the Bill be taken into consideration.

Mr. Speaker: Motion moved:

"That the Bill to provide for exempting the reduced salary of the Governor-General from taxes on income, be taken into consideration."

Shri H. V. Kamath (C. P. and Berar: General): Mr. Speaker, I should have been very happy, Sir, had a Bill of this nature been brought before this House soon after one of our revered leaders, Sriji Rajagopalachariar, took over or assumed charge of the high office of Governor-General of this country, of Free India, towards the end of June 1948. It would have had then a

tremendous psychological effect which it may not evoke today. The honourable the Home Minister has remarked in his speech that there was a lot of controversy going on in the Press and among the public, and the Bill introduced now might give the impression that it was partly because of that controversy that this measure has been brought before the House. This could have been obviated had a Bill like this, where our highest dignitary of the State voluntarily foregoes a part of his former income, been brought before this House during the last Session that is in August, because in July there was no Session: and the whole nation would have appreciated and would have really hailed it as a Gandhian measure in tune with the spirit of Gandhism in which we have been brought up and for which we have suffered during the last thirty years or more. But, Sir, it was not to be. However, the Bill is before the House and we all welcome it with all our heart.

There are, however, Sir, one or two points mentioned in this Bill on which I would request the honourable the Home Minister to throw a little light. I was rather upset to read, even in this Bill which has been moved to-day, the second sentence of the objects and reasons of the Bill: namely,

"After a careful consideration of His Excellency's proposal, Government agree to accept it and further decide that having regard to the high office and dignity of the position of the head of the State the salary drawn at the reduced rate of Rs. 5,500 per mensem should be free of taxes."

I do not know exactly what is at the back of the Minister's mind as regards the meaning of the sentence, but as worded here, it would mean that the dignity of our Governor-General would suffer, be it in ever so small a measure, if the salary drawn at this rate were not free of taxes. Is it the Government's contention that the salary of a high dignitary, if subject to income-tax, would detract from the dignity of the holder of that office? I think during the last Budget Session when the Bill for salaries of Ministers was introduced in this House, the point was raised, or perhaps on an earlier occasion, whether the Ministers' salaries would be subject to income-tax or not. There was some little dispute about that matter, but ultimately it was agreed that it was quite straight and honest to legislate and provide that the salaries of Ministers should be subject to income-tax as the salaries of everyone else in this land. That would introduce an element of equality in our present constitutional ethics, economics and political morality, which I think everybody is anxious to secure.

After all, Sir, when all is said and done, what is dignity? What is meant by the dignity of the State? Does it merely consist in the amount of salary or allowances that the head of the State actually draws, or is it supposed to consist in something else? To my mind, it consists, in the strength of the State—the political, economic, moral and spiritual strength of the State—and also the respect and the regard, the affection which it commands from the other nations of the world. If the yard-stick of dignity of the State were the salary of the head of the State, then I think on this earth today Stalin would be very undignified. I understand that during the pre-war years—I do not know the latest position—Stalin in Russia used to draw as his personal salary an amount equivalent to about Rs. 200 in our currency. We here are not concerned with the allowances of the Governor-General. We are anxious that he should get all the allowances possible—sumptuary allowances and all the allowances of his establishment. But this salary is a personal salary and my contention is that if it is sought to be sustained or supported on the plea of the dignity of the State, then certain difficulties will arise. Herr Hitler, in Germany, before his unfortunate end, drew, I understand, no salary whatever. Stalin drew a little salary but Herr Hitler drew no salary at all. He was provided with everything he wanted for his entire chancellery expenses. But as his personal salary, he drew not a single mark.

[Shri H. V. Kamath]

The Prime Minister in the last Session of the House in August, when a question was put to him in this connection, referred to this matter in these terms:

"The Governor-General is the head of the State, the representative of the State, and he has to keep up a certain dignity to provide for the guests who come; to hold big official entertainments and the like. Therefore, while it is desirable of course to reduce expenditure wherever possible, it is also desirable that the dignity of the State should not suffer."

I agree. Sir, so far as the items mentioned here, such as providing for 12 Noon guests, to hold entertainments, all these are comprised in the allowances that are so sumptuously allowed to the Governor-General in the list that was given at that time, namely,

Sumptuary allowance	...	Rs. 3,750 p.m.
Expenditure on contract allowance	...	Rs. 29,166 p.m.
State conveyance and maintenance of motor cars	...	Rs. 5,250 p.m.
Establishment	...	Rs. 50,500 p.m.

We do not want to reduce a single pie of these allowances if they are absolutely necessary. But to seek to justify a salary, however high or low it may be on the plea of dignity of the State, goes rather against the grain. It jars upon one's sense of values.

After all, the British regime fixed this high salary for the Governor-General not for the dignity of the State. We are entirely mistaken if the British Government fixed it only from that consideration—the dignity of the head of the State. But it was more from consideration of the pomp and panoply of Imperial power. They wanted to impress the populace, the common man, with this huge establishment—a man drawing Rs. 20,000 a month, whose salary is higher than the salary that any other dignitary in the world draws! That is the idea behind that fixation. But after the passing of the British rule, by the Grace of God and by the efforts of all of us, a new dispensation was ushered in and it was expected on all hands that in India a salutary change would be made. It has been made today and it is very welcome.

Here again I certainly do not approve of this little clause having been introduced here. It has been made income-tax-free, apparently because of the high office and the dignity of the office of the head of the State. Any other reason might have been given. Some other reason perhaps may be there as to why it has been made income-tax-free. But as it has been put here it conveys the unfortunate impression that to pay income-tax detracts from dignity. I suppose even you, Sir, as the Speaker of this supreme legislature, pay income-tax and I am sure nobody in this House will contend that thereby the dignity of the Chair has suffered in any way. Your salary has not been made income-tax-free. The Prime Minister pays income-tax, the Home Minister pays income-tax and we are all sure that their dignity has not suffered in any way by the payment of income-tax.

This has also by the way created an impression that though the figure of Rs. 5,500 as the agreed salary of the Governor-General appears reasonably low, it is not quite so straight. Some uncharitable and malicious critics have worked out the whole thing and tried to ascertain the figure of the salary, had it been subject to income-tax. This is very unfortunate. We do not want this thing to happen but certainly we cannot prevent malicious people from indulging in their favourite pastime. One of the papers in India went so far as to write editorially, on the front page, that all this is not quite

honest. They have worked out the figure and stated that Rs. 5,500 tax free actually amounts to Rs. 14,138/13/4 per month, subject to income-tax and supertax, according to the present rates. We do not certainly grudge giving even this much to the Governor-General, if our Government is of the opinion that he is in need of it. But the whole matter should have been presented to this House in a much more acceptable manner and the House, as I said, would have certainly welcomed it, had it come earlier. But today, as it has come, I would have wished that this matter of the dignity of the State had not been brought in, because to my mind dignity consists in quite other essentials, of the mind and of the soul.

We in India from time immemorial have glorified and held up to the world the sublime ideals of *Sanyasa* and *aparigraha* and we have taught to the world that this is the highest conception of the dignity of the human being. If in spite of this ideal of *Sanyasa* and *aparigraha* our own leaders tell us today that to maintain the dignity of the head of the state he is to be paid so much salary, and income-tax-free also, certainly it is a bit too hard to swallow.

• The second point is that in the statement of objects and reasons it is stated in the first sentence thus:

"His Excellency the Governor-General had some months ago raised the question of an immediate reduction in his salary and proposed that it might be fixed at Rs. 5,500 a month, which is the salary of the President of the Union under the new Constitution."

I have got a copy of the Draft Constitution with me. I would only request the Home Minister to tell the House whether in conformity with what has been adopted in this measure brought before the House the Governors of the various provinces too would henceforth draw the salary that has been proposed for the Governors of States in the Draft Constitution. It stands to reason that if the Draft Constitution is taken as the basis for fixing the salary of the Governor-General, then certainly so far as Governors are concerned we might as well adopt the figure proposed for the Governors of the State in the Draft Constitution. It is fixed in the Draft Constitution at Rs. 4,500 per month for Governors. (An Honourable Member: "What are they getting now?") They are getting Rs. 6,000 and over.

As regards freedom from income-tax the second schedule to the Draft Constitution does not state whether the various salaries mentioned there—not only of the President, and of the Governors but also of the Prime Minister and other Ministers—will be income-tax-free or otherwise. But considering that today the Prime Minister's salary is subject to income-tax I think the same analogy would apply and must hold good in the case of the salary of the Governor-General, and Governors of States. I would like to know whether the higher salaries of the Governors are subject to income-tax or not. If they are subject to income-tax they will be less than the Governor-General's salary. But if a Governor drawing Rs. 6,000 does not pay income-tax, it will lead to the unfortunate anomaly of the Governor drawing a higher salary than the Governor-General. I do not mean of course that the dignity of the Governor-General would thereby suffer, because my conception of dignity is quite different.

There is another point in this connection. The Secretary of a Minister draws Rs. 4,000 and there are other officers drawing more than Rs. 4,000 who are subordinate to the Minister, who draws only Rs. 3,000 plus 500 sumptuary. Does that mean that the officer who draws 4,000 is higher in position and status than the Minister who draws only Rs. 3,000? As I have said, our Indian tradition, our culture, our genius, our philosophy are entirely different. Swami Vivekananda when he went to America, when he was penurious and

[Shri H. V. Kamath]

languishing in the streets, when he was almost starving to death, he was hailed as the most dignified representative of the Indian nation in the Parliament of Religions. Gandhiji when he went to England as the sole representative of India at the Round Table Conference, in his bhikshu's costume was acclaimed as the most dignified and revered representative at the Round Table Conference. Swami Dayananda Saraswati in our own country used to go about in the *kaupeena* and he was looked upon as one of the greatest personalities in the country. I therefore say that we must adhere to such a conception of dignity as is not regulated by the salary that an officer or dignitary draws.

It may be argued by some that the Members of this Assembly too should not draw such high allowances. Sir, I am in entire agreement with this view. In the event of its being decided that the Members of this House should draw a salary, the allowances must be reduced considerably, because it has been felt since we became a free country that Members of this House too as in Parliaments of all free countries of the world, must be given regular salaries. A good number of them have to maintain perhaps two establishments—one here and the other at home. (An Honourable Member: "Not all!") Not all of course,—and therefore it is necessary and desirable that Members too should be paid a regular, though not a high, salary, because dignity is not regulated by that consideration. They may be paid Rs. 600 or 700 and a nominal allowance of Rs. 10 or 15. That would be fair and to the satisfaction of all. Today there is a controversy and every time we see somebody writing in the papers that an M.C.A. draws an allowance of Rs. 45 and an unfortunate impression is conveyed. They forget that the Members draw it only for three or four months and the rest of the time when they do work in the constituencies they get nothing.

I would only refer to one more matter that has been mentioned in this Bill. In Clause 2 of the Bill which seeks to exempt the reduced salary of the Governor-General from Income-tax there are a few words in brackets, namely:

"in respect of the salary due to him (whether paid or not)"
and it is repeated in the end:

"and the salary so due (whether paid or not) shall not be included in his total income."

I suppose it is the usual legal phraseology. But I would like to know whether by this is meant that it is possible the Governor-General may not draw the salary. Because, it will be certainly completely in consonance with the traditions of the Gandhian philosophy which has again been the outcome of the highest Indian philosophy that even if the salary is sanctioned to the Governor-General he may elect not to draw it at all. Does it mean that or is it mere legal parlance?

I will only end by saying that the dignity of the head of the state must be maintained by all means and in all ways, but certainly not by these adventitious aids. I do not know whether we subscribe to the philosophy of the sophisticated cynic's maxim.

Sarve gunah kanchanamashrayante

I do not know whether that philosophy is applicable to us today. I do not personally accept that. That was the saying of a cynic, a satirist perhaps.

I have no doubt the honourable Home Minister who has guided and led us along the path of suffering and sacrifice during the last thirty years and more does not accept such a view of money as being conducive to or as a necessary adjunct of the dignity of an individual. It is high time we bade goodbye to such notions of dignity. Our philosophy, I am sure, supports the other ancient precept:

Keyurani na bhushayanti purusham hara na chandrajwala

na snanam na vilepanam na kusumam na lankrita mardhaja

Vanyeka samalankaroti purusham ya samskrita dharyate

Kshiyante khalu bhushanni satatam vagbhusham bhusham

All these *bhushanas* or decorations of salary etc. will wither away but the varieties of the mind and spirit persist, and they are eternal. I hope that we in Free India will measure the dignity of our leaders, our Governor-General and ourselves, not by the money we possess, not by the salaries we draw, not by the allowances that are sanctioned to us but by the higher principles and ideals that have animated our *Rishis* and sages in the past, for which India has stood through the ages, and which India will preach to the world in the present and in the future.

Sir, I support the Bill.

Prof. K. T. Shah (Bihar: General): Mr. Speaker, Sir, I rise with some misgivings to oppose this Bill. I am afraid that there is a chance of being misunderstood when one raises one's voice in protest against proposals like the one now before this House. I hope it is unnecessary to make it clear that there is no trace of personal equation or feeling involved in this case. If, as I do, I oppose this Bill, it is exclusively on the ground of principle, which I think ought to be held sacred, ought never to be taken any exception to.

The three points of principle which I think are involved in this matter may be briefly stated as firstly the actual figure of the salary and its co-relation with the dignity of the state, the principle, secondly, of exempting it from Income-tax, and, thirdly, for not counting that income in the total taxable income derived from other sources by the Governor-General.

As regards the first I realise that the ideal of voluntary, free, gratuitous public service is dying out; and those of us who render such service—whatever satisfaction they may get in their own conscience—are only regarded as fools by those who do not appreciate, or cannot believe that people can for years render selfless honorary public service, doing the greatest labour of their lives. It is a great credit to the English people in their history that the bulk of the Government, until quite recent times, was conducted by honorary public servants, the so-called Justices of the Peace, who administered almost all the items of local government in that country from the fourteenth till the nineteenth century. Even those who came to govern the country from the capital, were until about forty years ago,—Members of Parliament, I mean,—were not paid. Their services were honorary, and they were not regarded as less dignified and important members of the community than those who received salaries from the public purse.

Even in more matter of fact or materialistic countries, like the United States, that ideal has remained, even in the present days, of rendering whatever service one can to the country which provided all the opportunities for leading a happy life, and the ideal is not dead. It is well known, for instance, that President Hoover, though he accepted the salary while he was in office for four years, on the first day of his retirement refunded to the public exchequer 300,000 dollars which he had received as salary while acting as President. The

[Prof K. T. Shah]

principle was that while he was an office-holder he received the salary, if only to show that he was amenable to public discipline and the rules of conduct imposed upon public servants of that eminence; and that, therefore, while occupying the post he received, the amount of salary, but took it, as it were, in trust, and refunded it when he ceased to be an office-holder, regarding the opportunity of service that he had during that period as his great and only reward.

There have been others too, and in a still more materialistic age, who do not consider the amount of salary they derive from public purse as their measure of dignity, or as their return for the services rendered.

We are living in a mercenary age; but even in this age there are people who regard the opportunity of serving one's fellow-men as by itself sufficient return, and not think their dignity compromised or affected because they happen to receive a salary not commensurate with the post they occupy. Mr. Kamath has given illustrations even in this country of officers drawing much higher salaries than their superiors, the Ministers. That, I am quite certain, does not in any way affect the dignity or position of the Ministers *vis-a-vis* their subordinates, the Secretaries, or others who may be drawing much higher salaries.

Salary is really, after a certain limit, no indication either of the quantity of the labour rendered or the quality of the work done, or the importance or dignity of the person holding a post, or of the post occupied. What it would amount to is just a recognition of the other principle that the labourer is worthy of his hire. In cases like this I think it is also a measure to see that the person concerned is liable to all those rules of service, of decorum and decency, which posts of that character convey. All through the war, for instance, I mean the last war, there were many—some of them the most important—public servants in the United States or in Britain, who rendered the highest service wholly free of charge, and were in fact known as “a-dollar-a-year-man”. That is to say they received one dollar for all their services for one year. Lord Halifax, for instance, a previous Governor-General and Viceroy of this country, acted all through the War as Ambassador of the United Kingdom to the United States, taking not a penny in salary. His private income may be anything, but it does not affect his taking a salary from the State. The point remains that there have been others on the other hand who have taken a salary in addition to whatever income they have. We have no dearth of people who, notwithstanding having crores upon crores, have no hesitation, not only in taking salary, but in defrauding the State of their income-tax and other receipts so that the size of the private income is no indication of the man's moral stature, or his outlook upon how to defraud the public instead of how to serve the public.

That, therefore, Sir, is no answer to the point I was making that the particular individual received or not received a salary because he has very high private income. To my mind the very existence of high private income is an offence against society. There should be no high private incomes, and there should be no room for such invidious discrimination as is made on the ground of the possession of the private income. The possession of private income is not an insurance against public rectitude; and therefore that, I hope, will not be an argument which will be used again.

A point that ought to be noticed in this connection is the relation between the salary of the head of the State, for instance, and the income of the average citizen. The average income in this country, even in these days of high

prices, cannot be more than Rs. 10 or 15 per month. It used to be much lower, it is perhaps three or four times as much today. But even so I think it cannot exceed Rs. 14 or 15 per month. If the figures that Mr. Kamath gave the House just now, as some cynic or some critic having worked it out, suggested that this salary of the Governor-General if liable to income-tax would amount to Rs. 14,000 or 15,000 per month. Hence, Sir, that disparity between the income of the average citizen of Rs. 15 per month and the Governor-General's salary of Rs. 15,000 per month, is so vast that in any State claiming to have a society based on democracy, a society of equals, must call for adverse comments. I repeat that I do not believe in large private incomes of any kind. But I still less like this wide disparity between the average income of individuals in a given society, and the official income of the head of that society. For it induces a certain wide difference in outlook in the actual life led by those parties, so that those who receive such high salaries or large incomes live in a world entirely different from the world of their fellows. It was one of the complaints that we used to make against the foreign rulers in this country, that the average salary drawn by the foreign officials in those days was far in excess, and out of all proportion to the average income of an average citizen in India. The Governor-General, under the new Constitution does not cease to be a citizen. And hence this wide gulf between the average income of the individual in this country and the income allotted under this Bill to the Governor-General is to my mind a blemish in the society of equals that we propose to found under the new Constitution.

This brings me to my second principle, namely the objection to the exemption from income-tax which under this Bill is given to the Governor-General. It has been pointed out that the exemption to the Governor-General will amount to a difference almost twice as much in the salary had it been subject to the income-tax. To that extent it may be regarded as a loss or gain to the State according as you look upon this matter. But there is this point to be considered that whether Governor-General or President under the new Constitution as he would be called, he does not cease to be a citizen. And the invidious discrimination that is proposed in this Bill between the salary of one individual who happens to be the Governor-General for the time being, and of all the other citizens who have incomes within taxable limits, this invidious discrimination will be a blemish which we ought not to countenance. There are other heads of the State too in other parts of the world. The illustrations which my friend Mr. Kamath gave may not be very happy in this atmosphere wherein, after all, the size of income is some indication of the respect in which one's fellow-citizen is held.....

Shri H. V. Kamath: Is that a justification?

Prof. K. T. Shah: I am only speaking in terms of the atmosphere in which those illustrations were given, or the background. But that is not to say that I do not agree to those illustrations being quite opposite.

Shri H. V. Kamath: That is all right.

Prof. K. T. Shah: All I am saying is that they may not be palatable or acceptable or quite agreeable in those conditions to which I referred just now. But there are other considerations. There are more respectable heads of States—by respectable I mean of course as commonly understood—who do not enjoy the exemption of the kind which is now proposed to be given here. The President of the United States, if my memory does not fail me, now suffers from the present income-tax to such an extent that his official salary or his real income comes to perhaps one-third of the salary which he is nominally supposed to receive. From 75,000 dollars he hardly gets 24,000

(Prof. K. T. Shah)

dollars in his hand at the prevailing rate of taxes. But so far as I am aware there has been no attempt recently to bring up his income somehow to the higher figure, so that he can remain in the dignity and importance due to the first citizen of the country in the United States of America.

Even the King of England, though his Civil List may not be liable to income-tax, is not claiming any exemption from taxation for his other income from other investments and properties. That ought to be a much more apposite example than the other one I quoted just now, for the simple reason that no one knows what is the exact size of the income of King of England apart from his Civil List,—what he derives from his investments or properties may be known only to his manager or to his broker. It is a fact that he never claims any refund for any kind of taxes that he pays on the ground of the size of income including the Civil List or without it. And that, in spite of the fact that the King of England, while technically at any rate, is not only the Head of the State, but is the fountain source of all power. He is the person in whose name all taxes are levied and collected. Therefore he is the owner and proprietor in a sense in which I trust the Governor-General or the President of India will never be the owner and proprietor of this country, its lands and other things.

That makes it quite evident that a Bill like this has very little of either principle or precedent to commend itself. If the sole desire is that the Governor-General or the Head of the State in India should be enabled to maintain his position and carry on his duties in as much comfort and with as much amenities and facilities as might be necessary, by all means give him all those facilities separately. By all means provide him with accommodation free of charge, with other facilities and entertainment and conveyance allowances if you like, with martial bands and musical concerts, everything free of charge; give him seats free in your opera houses, seats free in your theatres, seats free in your picture palaces; let him go and attend any picture in any place that he wants free of charge. I think it would be right to provide all this from the public purse. But, the salary that you give him cannot be the measure, and must not be presented as a measure of the dignity and importance of the post. Therefore, whatever your other reasons may be for offering this figure, I think we should not correlate it in any way with anything that amounts to the disparity which I have mentioned above between the average income of an individual citizen and that of the Head of the State.

It should not involve the invidious discrimination that this exemption from taxation involves. And it should still further not be a privilege of the kind which is made out in the Bill, that is, exemption also from further taxation by not allowing the salary to be included in the total income, so that the rate may be high. Elsewhere, under the Income-tax law, even if any income is not charged to Income-tax, the amount is nevertheless taken into account so that the rate may be properly fixed. Here, you make a further exception, and that I think is utterly unwarranted.

I put forward these views, Sir, before this House not, as I started by saying, with no desire to suggest anything personal against the highly honoured occupant of the Governor-General's chair today, but only because I think that matters like this should not be allowed to go by mere silent voting, or by even an implication that all those who did not speak, supported or, at any rate, acquiesced in a matter like this. Sir, I oppose the Bill.

Babu Ramnarayan Singh (Bihar: General): Sir, it is after a great controversy in my mind and heart that I have decided to speak.

Sir, I felt that duty to the country must predominate over all considerations. What I am going to speak is not by way of opposition; I know opposition will be merely futile. I only wish to speak by way of an earnest appeal, by way of a respectful reminder to our great leaders, our comrades and to all Congressmen in this country.

In 1931, in the Congress at Karachi,—I remember you also might have been present, our great Sardar was present, I was also present—we decided that the highest salary in this country ought to be Rs. 500/-. Circumstances have changed. The other day the honourable the Finance Minister said that the value of Rs. 500/- in pre-war days is now equal to at least Rs. 2,000/-. I may agree to this. But, considering the situation and the financial conditions of our countrymen, we know that about 90 per cent. of the people of this country do not know what two meals a day are. Excepting the high salaried Government servants, some doctors and lawyers and some businessmen and traders, you will not find in the country one out of a lakh whose income is Rs. 500/- a month. The country is so very poor. The system which is in vogue now, everybody knows, was established by a foreign Government whose only object was to exploit the country, to rob the country. All public servants of the country ought to be maintained by the public, but in accordance with the standard of the common people of the country. In a country where the people are starving, high salaries, I am constrained to say, is rather a disgrace. I wish that all patriotic men ought to be in the service of the country and they must be maintained as I said before; but they must not be rich at the cost of the common people. They must be maintained; that is all. This monthly salary of Rs. 5,500 is already too much. I remind again all our leaders, all our comrades that dignity lies in obedience to our previous commitments and previous announcements and previous statements, and not in violation of them. If the Bill is passed, there will be some gain to His Excellency the Governor-General. But, according to our ancient heritage, dignity lies not in gain, but in sacrifice. Our Sardar, our Pandit Jawaharlal Nehru and many of our leaders are great men, certainly great men and we are proud of them. But, they are great not because they have any fortunes, but because they had once kicked all fortunes in the cause of freedom of the country. I shall appeal with all the emphasis at my command to the Sardar, and to all Congress men in this country that our Governmental system must be regulated according to our commitments given to the country at Karachi.

I am not going to say much. I feel some emotion in my heart, but I feel that my duty to the country demands that I should speak and I should appeal and appeal most earnestly that we must remember Karachi Congress, we must remember the salary fixed there and we must not be guided by what has been done by a robber Government in the past.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Mr. Speaker, Sir, this is a very delicate subject. I should, however confine myself to clarification of the real point in issue in this Bill. I would like to know what was the net amount received by the Governor-General on the present scale of salary, Rs. 2,50,000 per annum minus the amount of tax payable on account of this salary. That would depend on his other incomes. I would like to know what would be the net annual amount received by His Excellency on account of the salary less the income-tax. At present his salary is Rs. 2,50,000 and the present salary proposed is Rs. 66,000. So deducting this from his nominal salary, there is a net nominal saving to the State of Rs. 1,84,000. It would be important for us to know what was the amount of tax

[Mr. Naziruddin Ahmad]

by which this apparent saving would be reduced. In fact to pay any one a salary and to make it free from income-tax would be highly misleading. It would be perfectly straight-forward to give the Governor-General a pay of Rs. 10,000, 14,000 or 15,000 and make it subject to income-tax. There is no point in exempting any salary from income-tax. It would be introducing an anomaly in our income-tax system. I submit, therefore, that the House and the country would be entitled to know what would be the net difference between the present scale of salary with tax and the proposed scale of salary without tax and that would give us a measure of the exact amount of saving made by the State. So far as I understand, the Governor-General agreed to receive a pay of Rs. 5,000 and the proposal for exemption from income-tax, it appears, did not come from him. This proposal has come from the Ministry. But before agreeing to accepting the Bill, it would be proper for us to know what would be the net difference measured in rupees, annas and pies.

The Honourable Sardar Vallabhbhai Patel: Sir, I have heard the criticisms with great attention. While I fully appreciate the desire for fixing the salary of the Governor-General's post at the level which would be appropriate and in consonance with the conditions of our country, I must remind the House that we have in another capacity, meeting in the Constituent Assembly, considered this question and fixed the salary which we have fixed and which I placed before the House today. The consensus of opinion is the guide in these matters. In spite of the desire of some Members to bring down the salary, which they consider would be adequate, and looking to the conditions of our country, in a matter of this nature, I do not think we will be able to fix any amount which will not be open to criticism from any quarter. There can be no complete agreement on this question. I have heard with great interest the examples, quoted by some of the honourable friends, of Hitler or *Sanyasi* or a *Sankaracharya*; it is very interesting indeed; I do not know what property Hitler left when he died or what was his property when he was deposed. Whatever it was, I agree entirely that in this country sacrifice is respected more than riches, but in this country there never have been *sanyasis* as heads of the State. Heads of States have bowed their heads before a *Sanyasi* and therefore, *sanyasis* have got away from the glamour of office or responsibility. Two things are entirely different. Now it has been suggested that it would have been straightforward.....

Shri H. V. Kamath: My point was not about the *Sanyasi* as such, but the relation between dignity and salary, that is all.

The Honourable Sardar Vallabhbhai Patel: I have understood your point and, therefore, I thought that you also understood my point.

Shri H. V. Kamath: I have.

The Honourable Sardar Vallabhbhai Patel: The dignity of the State in the present set-up is a different thing from the dignity which the sacrifice in this country carries with it. Perhaps, the House is aware of my own feelings in this matter that if we have to change the whole set-up, which we have inherited only recently, if we have to make a change and to fit in with the ideals which were put in in the Congress Resolution in Karachi or with the oft-quoted ideals which are known as the Gandhian Ideal, then what I would suggest is that we should not live in this place, but go some other place and build a capital which is in consonance with the conditions of our life. If I have to go to the Government House, I must go from one end to the other to find out a room it is such a long and huge thing that the walls of the House frightens me and when I get an invitation to

go there I get shivers because I do not like to look at the place; yet we are not contemplating a change overnight. If I could succeed in persuading my colleagues and the House, I would certainly like to leave this place and go somewhere else, because the whole set-up in such that in spite of our efforts to come down to the level of our conditions, we find it impossible to do so. I would like to go as far as possible to meet with the wishes or even a single individual of this House in fixing the salary of the highest office in our country because that will set a standard and the standard if we have to bring down to the level, will have to be changed all round for that we must go into entirely different surroundings. I agree that it may be possible for some individuals to draw less salary, but looking to the totality of circumstances, placed as we are today, in the set up in which are working, we came to the conclusion after considering all the facts that this salary we think is adequate for the present.

After all, the Governor-General's salary is not a permanent thing. We can reduce it at any time we like. But, in the present conditions and under the present circumstances, we think that this is the proper thing to do. I resent any suggestion that there is anything underhand in saying that the Governor-General's salary shall be free from income-tax. If it was so, it would not have been brought before the House in this manner. The honourable Member can much better calculate the income-tax deductions than any Member in this House and yet he asks, what would be the salary if the income-tax is deducted. He knows it. A member who is very punctilious about commas and semi-colons and other things knows this. But he wants a serious thing to be reduced to a joke. This is a serious matter. To fix the Governor-General's salary is a very heavy responsibility. It is not an individual's case at all. We are not discussing the case of the present incumbent or anybody. We are discussing what, under the present circumstances, we all think should be the salary and emoluments of the Head of the State at present. Well, we have officers here drawing a certain salary. You know the highest salary an officer draws. You know the salary of a Governor and his allowances. I have had complaints from some of the Governors that the allowances they get are all exhausted and that they are not able to meet the charges for which such allowances are meant. I am telling them that in India few people are able to make up their budgets and that they must try hard to see what they can do in the matter.

In this particular case I wish to say this that we can only fix the salary according to the consensus of opinion in the House, and taking the consensus of opinion in the Constituent Assembly we are fixing the salary of the permanent incumbent.....

Shri H. V. Kamath: That has not been fixed as yet.

The Honourable Sardar Vallabhbhai Patel: The honourable Member was absent on that day. I am referring to Draft Constitution.

Shri H. V. Kamath: The Schedule has not been adopted.

The Honourable Sardar Vallabhbhai Patel: The honourable Member may take it from me that that Schedule is going to be adopted.

Shri H. V. Kamath: That is a different matter.

The Honourable Sardar Vallabhbhai Patel: Therefore, as I was saying, the consensus of opinion is in favour of the proposals made. Of-course individuals may differ. But I may say this: Nobody, not even the present incumbent would like to draw more. We have often quoted Gandhiji's ideal in this respect. Our Governor-General knows as much as anybody else what he should do.

[Sardar Vallabhbhai Patel]

I do not wish to prolong this debate. I appeal to the House to accept the proposal that has been made in this Bill by the Government.

Shri H. V. Kamath: May I know whether the Governors' salaries are tax-free?

Mr. Speaker: The honourable Member will find it in the Schedule.

The question is:

"That the Bill to provide for exempting the reduced salary of the Governor-General from taxes on income, be taken into consideration."

The motion was adopted.

Mr. Speaker: I find that there are no amendments. So I shall put the clauses one by one.

The question is:

"That clauses 1 to 3 stand part of the Bill."

The motion was adopted.

Clauses 1 to 3 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sardar Vallabhbhai Patel: I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

Mr. Speaker: Though it is time for us to adjourn for Lunch, we will dispose of the other Bill also before we adjourn.

CRIMINAL LAW (REMOVAL OF RACIAL DISCRIMINATIONS)

BILL

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): I move:

"That the Bill to provide for the removal of certain existing discriminations in favour of Europeans and Americans in the criminal law of the Provinces of India, be taken into consideration."

Sir, this also is a non-controversial measure. The House is aware of the past history of these provisions in our criminal law. These were distinct and permanent proofs of our subjection to foreign rule. Now that the country is free these proofs of racial discrimination against which there has been a good deal of agitation and resentment must disappear from the Statute Book.

The House is aware that a Bill of this nature was brought forward by a non-official Member of this House. Its scope was restricted to the Criminal law only. On that occasion I had promised this wider measure to remove racial discrimination from all existing laws. This Bill seeks to amend the Code of Criminal Procedure, the Indian Extradition Act and the Limitation Act, all of which contain discriminatory provisions. We seek to omit 'penal servitude', because we feel that there is no reason why Europeans and

Americans should have a different treatment from that of children of the soil. Before the law everybody must be equal without distinction of caste, creed or religion or anything of the kind. All people are equal before law and the court of law. And all laws must be equally applicable to all. The law is no respecter of persons. Therefore I move that the Bill be taken into consideration.

Mr. Speaker: The question is:

"That the Bill to provide for the removal of certain existing racial discriminations in favour of Europeans and Americans in the criminal law of the Provinces of India, be taken into consideration."

The motion was adopted.

Mr. Speaker: As there are no amendments I shall put all the clause 1 to 7 together.

The question is:

"That clauses 1 to 7 stand part of the Bill."

The motion was adopted.

Clauses 1 to 7 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sardar Vallabhbhai Patel: I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

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

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

MOTION RE REPORT OF INDIAN RAILWAY ENQUIRY COMMITTEE

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): Mr. Speaker, Sir, I beg to move:

"That the Report of the Indian Railway Enquiry Committee be taken into consideration."

In doing so, I propose to give myself only a few minutes by way of introducing this subject to the House. Originally, it was intended that the whole of today with the exception of the Question Hour would be available for discussion of this Report, but, as matters have developed, we have only this afternoon to deal with this matter. The Report is a fairly sumptuous document. It does not make, if I may say so, any startling pronouncements, nor does it make any very revolutionary recommendations. It is the result of patient and painstaking investigation of facts with regard to the working of Railways.

As honourable Members will have noticed, the terms of reference to this Committee were rather of a very wide and very indefinite character. They seemed to concentrate on asking the Committee to make proposals for improving the net earnings of Railways, and economies and improvements in efficiency were contemplated only with a view to produce this result, namely,

[Shri N. Gopalaswami Ayyangar]

improvement of the net earnings of Railways. Of economies of a concrete character which might be translated by Government immediately into practice, you will probably not find much recommended in the course of this Report. But the Committee has brought out a number of points and made a series of recommendations which, if worked out in concrete detail and implemented in practice, might produce economies in expenditure, what is more, greater efficiency in operation and thus tend to the result of increasing the net earnings of Railways.

Well, Sir, I wish to repeat at the outset of my remarks my acknowledgement of the services rendered by this Committee in undertaking this investigation. The Committee was presided over by my honourable friend Pandit Kuzru and, if I may say so, the whole tenor, the temper and even in some cases the language of this Report bear the impress of his personality. Let me add, that I am particularly anxious to acknowledge this, because of one fact, that he learnt the art of dealing with public affairs of this description at the feet of a master of statistical analysis and economic judgement who made a great name in the India of his day. There are many things which in my life have happened not exactly in accordance with my wishes, but one of my major regrets is that when forty five years ago an opportunity presented itself to me of learning at the feet of the same master, a number of circumstances conspired to deny me the advantage of accepting that invitation. That is one of my major regrets. I see the characteristics of what he laid down for himself in the investigation of public affairs are writ large in this report. There is a certain restraint and a sense of responsibility in the contents of this report. There is, if I may say so, an anxiety to acknowledge good work done, even efforts made at improvement, attempts made to conquer odds and obstacles in the way. There is also the tendency to state things clearly, emphatically and firmly where the consensus of acts compel such statement either of a judgement or of an opinion or the making of a recommendation. We see it all through this Report.

Now, in judging or in trying to study this Report, we have got to take all this into consideration. I want to tell the House at once that today the House is not engaged in trying to pick holes in the administration of any particular Ministry. It is rather engaged in the more serious study of the problems relating to Railway administrations in general, the facts relating to that Administration, not with reference to any particular Ministry, but with reference to the Administration as a whole, and what is necessary for improving that Administration and bringing it up to a standard which would stand comparison with Railway administrations in the rest of the world. That, I take it, will be the chief objective which the debate that will follow will have before it.

Now, Sir, it would be difficult for me, and I do not think the House will expect me, to take it through the whole of this Report in anything like detail. This Report is based upon facts which were ascertained during the years 1946 and 1947 and part of 1948 and it so happened that, as I presented the Railway Budget some time ago, I brought certain of the facts up to date and gave the House an account of what had happened during practically the first ten or eleven months of 1948-49.

I do not wish to repeat anything that I said in the course of my budget speech. Honourable Members would have noticed that that speech was not to a small extent influenced by several of the recommendations which are contained in this report.

There might be a temptation again for honourable Members of the House to get back to the usual topics which they speak on during any debate on the Railways; the class III passengers, the classification of accommodation, corruption, railway priorities, and the like. But I hope today honourable Members will concentrate on some of the more important problems, such as the financial position of the Railways, the question of the regrouping of Railways in the country, the question of what would be the proper central set-up for running this railway administration at an efficient level, and things of that kind.

With regard to some of these points, I have already indicated the views of Government. In the first place, I have said that the question of regrouping of Railways and the reorganization of the central set-up are problems which bristle with difficulties, require some very careful study before Government can arrive at conclusion, and that study is going on and I am looking forward to this debate for some honourable Members to throw out bright ideas which I shall be able to adopt and implement in the course of that study and before I reach final conclusions.

Now the main recommendations of the Committee have been summed up under 175 heads, as honourable Members would have noticed. Some of these so-called recommendations are only mere conclusions or findings. A certain number of others are matters on which individual railway administrations have to take action and they have all been remitted to railway administrations for taking such action, and in order to see that that action is taken promptly, we have called for a consolidated report from each railway administration to be submitted to the Railway Board somewhere about the beginning of July next. But we have not stopped there. We have also had before us the necessity of securing both promptitude and uniformity in the action that individual railway administrations should take in respect of these matters and recently orders have been issued that when action is taken by a railway administration it should immediately be communicated to the Railway Board so that the Railway Board may be in a position to judge for itself whether that action is correct or that that action is one which could be followed on every other railway, and whether it is necessary to require a particular administration to modify or readjust the action that it has taken.

Apart from these two categories, there are about 97 of the items involving 132 individual recommendations which have to be dealt with by the Railway Board itself and the Government. Of these, the House will be interested to learn that 54 have been already under the consideration of the Railway Board and the Government, and orders have been passed in a number of those cases. About 38 have reached a stage when they could be submitted for orders and these orders will be passed in the course of the next few days. There will be about 78 remaining which will have to be examined and put up for consideration by the Government. The procedure that we have followed in this connection is that we have an officer on special duty in the Railway Board for the purpose of dealing with this report. He is exclusively confined to this work. It is his business to see that every one of these recommendations is examined in the proper way and is submitted for the orders of Government. Now our idea is that we place these orders in batches at the disposal of the public and Government, and I welcome this early opportunity of the House meeting for the purpose of considering some of these recommendations, so that we may have the benefit of such views as honourable Members may give expression to.

2016 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [28TH MARCH 1949]

[Shri N. Gopalaswami Ayyangar]

There is one chapter in the report—Chapter 2 I believe—which sums up the results of the working of Railways in this country. It gives a list of the items in respect of which there has been demonstrable deterioration. It has also listed a few items where there has been some improvement. Now in appraising the value to be attached to this particular chapter, I would ask honourable Members to remember that these comparisons are based upon facts which cover practically the whole of the period covered by the war, the partition, and the after-math of the partition. I do not think the Committee intended, and I do not want the House to get away with the idea, that this gives us any final picture of what our Railways are like even at the present moment. Since these things were said in the report there has been improvement in several particulars and I should also like the House to remember that India is by no means alone in regard to the deterioration which you notice in the working of Railways.

Take one point: the question about the operation ratio which is not I believe specifically referred to in that particular chapter. I have had a few figures collected about how our own operation ratio compares with the operation ratio of the Railways in several other countries. I have here a statement which shows that in the year 1947-48 the operation ratio for Indian Railways was 76.2. If we included depreciation it was 82.50.

Compare it with Railways in other countries. The following are the ratios relating to some of the countries:

The Canadian National Railways.	90.63
The South African Railways	76.06
Western Australia Railways	109.34
South Australian Railways	107

There are other figures also. On the Canadian Pacific Railway, which I believe is a company-managed railway, the ratio is 87.38. On the U. S. A. Railways, Class I, the ratio is 78.27. If you compare these figures in a broad way there is nothing in respect of which we need feel particularly disappointed.

With regard to other matters also, such as over-crowding, arrears of repairs or renewals, a phenomenal increase in gross earnings and expenses, difficulties in importing capital goods for rehabilitation, difficulties experienced with regard to foreign exchange for these purposes—these are all factors which I find are very common all over the world and not peculiar to India. In fact, improvement and rehabilitation in other countries also are going on at a slow pace and in some cases at a much slower pace than we are going at, because of these factors which are prevalent all over the world.

With regard to power, our locomotives, our coaches, our wagons, I think you have already heard the story of what we have been doing in recent months for the purpose of bringing them to a condition which we might congratulate ourselves on. On the question of locomotives I have already given you a full account. In regard to coaches we are contemplating the establishment of a coach-building factory in the country. In regard to wagons we are trying to step up production in the country. We have been somewhat handicapped in the matter of getting steel but we have taken steps for the purpose of stepping up the allocation of steel for railway purposes and so on.

On the financial side I must admit two facts. One is that as between one railway administration and another there are discrepancies or differences which cannot all be explained away by any reasons peculiar to particular railways. It is my intention that these differences should be investigated in detail, so that we bring practically every railway administration to the level of the most efficient of all the railway administrations.

In the second place, I do think with the Committee that railway administrations do not get that amount of financial advice in regard to schemes, in regard to control of expenditure, even in regard to audit, that they must expect and as a result we have conditions which require a certain amount of thorough overhauling. This also, I think, will be undertaken in the course of the coming year.

Sir, I have already taken about 25 minutes. I think I am stealing more time from honourable Members than I ought to on this occasion. I think I shall leave matters here, so that, if honourable Members bring out any points on which a reply from me is necessary you will, Sir, I hope, give me an opportunity for a few minutes to reply to them.

Mr. Speaker: Motion moved:

"That the Report of the Indian Railway Enquiry Committee be taken into consideration."

I am reserving about half an hour for the honourable Minister's reply.

The Honourable Shri N. Gopalaswami Ayyangar: Honourable Members might object to that. 15 minutes would do for me.

Mr. Frank Anthony (C. P. and Berar: General): May I know, Sir, how many minutes you propose to allow me?

Mr. Speaker: My idea is to allow 15 minutes.

Mr. Frank Anthony: Sir, it must have been impossible for any Member in this House to have studied this report with the care and attention that it deserves. Personally I feel that the appreciation that has been expressed by the honourable Minister of the members of the Committee was certainly due to them. It is axiomatic to say that the subject is a vast one and this report is a heavy volume. I have no doubt that a great deal of care, thought, energy, time and endeavour of the members, particularly of the Chairman, must have gone into the bringing out of this report.

However perfect the report may be, whatever the amount of care that may have been bestowed on it, it is inevitable, human nature being what it is, that it must be fallible in certain respects and I propose to deal with what I consider to be certain lacuna and certain recommendations which I think are not acceptable. I propose further to deal only with recommendations in Chapter 10 dealing with staff.

I feel that the most serious defect with regard to these recommendations is the recommendation with regard to staff. The Committee finds that the rules regarding discipline and appeal are satisfactory and require no change or modification. Quite frankly, I cannot understand how the Committee has arrived at this recommendation. It is axiomatic that in this House from the time of stalwarts like Mr. N. M. Joshi, a hardy annual has been the sustained criticism against what all labour leaders and those associated with railway labour have regarded as obsolete and illusory provisions relating to labour contained in the Discipline and Appeal Rules of the State Railway Establishment Code. I propose to deal only with those rules in so far as they affect the non-gazetted staff.

[Mr. Frank Anthony]

I feel that one of the main reasons for the increasing dissatisfaction among the non-gazetted staff is the perpetuation of these rules relating to discipline and appeal. I have dealt liberally with hundreds of cases of appeal—perhaps the number runs into thousands—and what I am saying I say from an inside knowledge of how these rules with regard to discipline and appeal are applied and usually applied. Further as a lawyer, quite often I have stood aghast at the way in which these rules are applied, involving a repudiation of what I consider are elementary principles of justice and fairplay.

To begin with there is no absolute right of a departmental enquiry. If you will refer to rule 1707 of the Establishment Code you will find that even where the charge involves the penalty of dismissal there is no absolute right to a departmental enquiry. The person concerned has to ask that he should be heard in person. And I know of cases where railway-men, because of their ignorance of the technical character of this rule, have not asked to be heard in person. If they do not ask to be heard in person then the rule gives the discretion to the officer dealing with the case not to hold a departmental enquiry, which means that if a railway-man is ignorant and does not satisfy the technical requirements of this particular rule and does not specifically ask that he should be heard in person, he can be dismissed from service without a departmental enquiry. I feel that in all cases where a man is charged with dereliction of duty involving dismissal, he should have an absolute right to a departmental enquiry, whether he asks to be heard in person or not. You should certainly not leave this, what I regard to be an inalienable

3 P.M. right, within the discretion of the officer concerned. Further, I think that in all cases where dismissal is involved not only should there be an absolute right to a departmental enquiry but there should be a right to be represented by a lawyer. I do not know what the position is with regard to other departments. But I feel that it is not sufficient to give, as is given in the present Establishment Code, a right to be accompanied by a kind of *amicus curiae*, a friend of the accused. What happens? Either the railway-man represents himself, utterly ignorant of the elementary procedure required to defend himself or he is accompanied by a friend who occupies the same subordinate position that he does and that friend cannot do justice to him. The friend is afraid to bring out facts which may be of vital help to the person concerned because it may involve a certain rigorous cross-examination of some superior officers. Sir, in this respect I feel that it would be salutary, if this rule is immediately amended so as to give him in all cases where the person concerned has been presented with a charge involving dismissal, the absolute right to a departmental enquiry and also give him the right to be represented, if he so wishes, by a lawyer.

I now come to another provision in the Rules, relating to non-gazetted staff, which is bitterly resented. For many years I have spoken in caustic terms against this provision. It is the provision contained in Rule 1708—Removal from Service. This provision gives the Railways a much wider right to remove a man from service and on more extended grounds than the right to dismiss a railway employee. For instance under this rule a man may be removed for inefficiency, he can be removed for repeated minor offences and several other things. It has been my grim, bitter and unfortunate experience to know of cases, over and over again, where this rule has not only been invoked but flagrantly abused. The Railways must have something to justify dismissal. Further, dismissal can be challenged in a court of law. Removal cannot be challenged in a court of law because it forms part of the contract of every railway employee. With the result I have found it—I am sorry to say—being resorted to as a cowardly, dishonest device. If the Railways do not like a person, though they have nothing really against him, they remove him. That

is not all. This provision gives the right to remove without assigning any reason. To my mind it is something monstrous. I know of cases—I have dealt with them—of men who have worked for twenty, twentyfive and thirty years. They have not only been removed but removed without the Railways giving a single reason for their removal. It is an utterly dishonest device. I do not believe that even during the days of the Spanish Inquisition such sweeping and dictatorial powers were given to anybody.

One even worse feature is this. Not only can a railwayman be removed without any reason being assigned, but he is removed without any kind of enquiry. While with regard to a charge which invokes dismissal he has, not an absolute right to departmental enquiry but a very substantial right, with regard to removal there is no right to a departmental enquiry. If he has had less than seven years service he has absolutely no question of a right to a departmental enquiry before his removal. If he has put in more than seven years service then the matter is left entirely to the discretion of the officer concerned. I am sorry to say that the railway officers have been nurtured in unfortunate traditions of incompetence, of laziness and sheer dictatorial complexes with the result that this discretion has been used by them to ensure that they will not have a departmental enquiry. The result is that men, as I said, who have put in twentyfive years of good service are removed without a departmental enquiry, without any reason at all being given to them by the Railways for their removal.

With regard to this particular chapter I have one word more to say. There is this right of appeal given to persons who are punished. But there is a provision—it is in rule 1720—that all appeals must be submitted through the officer who has punished the person concerned. I am the last person to suggest anything which will even remotely undermine discipline or official prestige. But this rule has been abused, and abused to the detriment of persons who have been punished. This rule not only requires that the appeal should be submitted through the person who has imposed the punishment but it further requires that that officer need not submit the appeal if the language is either in a disrespectful or improper form. With what result? It is inevitable that most appellants will question the impartiality of the officer who has punished them. The officer who has punished them, as soon as he receives an appeal which challenges his impartiality and which suggests that he is unfair, stigmatises it as improper in language and disrespectful and sits on the appeal with the result that the procedure for appeal becomes illusory. These, I feel, are the most serious defects in this chapter relating to staff.

I now come to what I consider to be another serious defect. At page 159 of the Report the Committee has recommended that there should be qualifying examinations or tests for each category of staff. I want to make it abundantly clear that I am all in favour of the most rigorous tests being applied before persons are promoted from one category to another. But what I wish to underline here is this unfortunate fetish for paper qualifications and written tests. It may be my own personal opinion, but I feel that the increasing inefficiency, particularly in the lower cadres of the Railway Department, is due largely to this increasing emphasis on paper examinations and paper tests. Today, I find the Railways are gradually stepping up the paper qualifications required from persons whom they want to recruit as firemen and even as *Khalasis*. If this tendency is persisted in I can see a time when, because of the increasing persistence on first class Matriculation certificates and even on first or second class Degrees, your firemen and guards and drivers instead of being people who are capable of doing hard physical jobs well and efficiently, will be bespectacled, round-shouldered, pigeon chested, desk-bound youths. Make up your mind as to what you want. I know that on the Railways today have Graduate guards and most of the Guards are third class Graduates who have failed in their attempt to secure employment in every other avenue of

[Mr. Frank Anthony]

life: in desperation and as a last resort they become guards on the railway. They regard the job of a Guard as something derogatory. They look down on the job and they look down on everyone else who has not got a degree. They look down on the public. This tendency is being increasingly emphasized. I would ask the Minister for Railways to go into this matter carefully. Do not sacrifice efficiency, particularly in the lower rungs, and capacity to do a good job of work with practical ability—do not sacrifice all these at the altar of this fetish for paper examinations.

There are two other matters which I shall deal with very briefly. The Committee has also recommended that merit-cum-seniority should be the guide to promotion to Class III selection posts. Sir, I strongly differ from this recommendation. I want the honourable Minister to understand the reasons for my opposition. I am not asking him for one moment to dilute the standards of efficiency in the Railway administration; my own feeling is that they have been more than sufficiently diluted. In principle, this basis of merit-cum-selection sounds very well, but what is actually happening? I am not over stating the case when I say that this system has already been widely abused, it is being increasingly abused, it is corroding and destroying the morale of the Railway Administration from top to bottom. The other day a senior Bengali Railway official came to see me and he complained bitterly. He said two years ago the B.N.R. represented the finest Railway in India; camaraderie and brotherhood existed between all the officials. Today, in place of that he complained—he as a Bengali complained—Bengali-isation of the service in the B.N.R. seems to have become the guiding motive. All non-Bengalis are being made to feel that they have no place in the Bengal-Nagpur Railway service. They feel that the old trust, camaraderie and esprit de corps, all these today are being increasingly substituted by mistrust: people carrying tale one against the other; back-biting and other tendencies are creeping in which are helping to relax this particular Railway Administration. My own feeling is that these various characteristics are supervening in all the other, what were formerly, Railway Companies.

Sir, under these circumstances, I feel that it would be fatal to extend a principle which is good as a principle but which unfortunately is being so grossly abused in practice. Today selection on the Railways is a weapon for flagrant nepotism and favouritism. I have repeatedly asked that we revert to the old system of seniority-cum-selection. What can be the objection to this old system? After all, we judge things not by the slogans or the idealism that they involve, we judge them by the results they produce. Under the old system of seniority-cum-selection, the Railways attained a standard of efficiency which it might take us a whole generation to recapture. Today, under the so-called system of merit-cum-selection not only is the morale of the administration being destroyed but also of the men. Take a ballot—I am prepared to stake my position in the Legislature on it—take a ballot from the railwaymen and I am quite certain that 90 per cent of them will unhesitatingly vote to this effect that selection today has become a ramp and because it has become a ramp it is destroying all sense of morale and all sense of duty which the men at one time throughout the Railways were proud to possess.

Sir, I have one last word to say about the Class II officer. I feel that this Report has done him a very grave and serious injustice. And what distresses me very much is that this Report should quote the opinion of the Railway Board, and that opinion distresses me beyond words. That opinion has been expressed in these words: that a Class II man can rarely exhibit the qualities necessary to place him in Class I, that he has not the initiative and the freshness of outlook of a Class I officer. Sir, this is Brahminism par excellence. It is unfortunate that the Class I officer today should display this kind of caste

complex. He feels that he is the Brahmin or the Maha-Brahmin of the Railway service. He feels that by allowing the Achat or untouchable of the Railway service—the subordinate who has worked his way up—to rub shoulders with him on an equal status will pollute him. That is the only reason why a recommendation of this sort could have been made, why the unfortunate language that has been adopted should have been subscribed to by this Committee. Sir, I do not know whether the Railway Minister has sufficient experience to endorse it, but I consider, without qualification, that your Class II men represent the lynch-pin of your Railway administration. Today, with your chokras and your beardless youths getting accelerated promotion, distinguished by qualities of arrogance on the one hand and inexperience on the other, unable to command the respect of your Class III and Class IV men, it is your class II men who keep your Railways going, and this kind of language is not the kind of language that I expect the Railway Board to use with regard to them. Sir, I feel that by not only accepting the perpetuation of the Class II service but by agreeing to extend it to all the services, you have done a great disservice. You have struck a serious blow at the continuing strength and morale of the Railway Administration. I would ask the Railway Minister seriously to reconsider this matter. Either that, or let your Class II men retire prematurely and you will find the answer that they will give you to this kind of treatment that you are seeking to mete out to them.

Shri Khandubhai K. Desai (Bombay: General): Sir, I will keep in mind what the honourable Minister has said, that while discussing this Report we should not once again repeat the arguments we made in the last Railway Budget debate.

The Kunzru Committee's Report is certainly a thorough-going and complete Report. As far as statistics are concerned, as far as facts are concerned, I must admit that it places before the country the full background in order to come to definite conclusions. However, when we come to consider the recommendations made and the conclusions which they have arrived at, I cannot say the same thing. The recommendations, in my opinion, are halting and to certain extent disappointing. The Committee does not want the Railway Administration to take immediate steps with a view to improve the Administration. The overall impression left on my mind after going through the Report very carefully is that as far as the present railway operational working is concerned, the Committee is entirely dissatisfied with its financial structure. It has no good word to say about its operation, about its performances; there is no economy; the purchase of stores also requires overhauling, the production has fallen and discipline and loss of production are found throughout in all the workshops. This is not the record about which any body can take pride. It is a criticism against the present Railway Board.

With such disappointing findings to which they have come to, the recommendations which they have made are, in my opinion, very halting, very conservative, and, if I may say so, they have been made more or less in a hesitant mood. I quite appreciate the hesitant mood because they have to deal with the capital structure of the Railways which runs into nearly Rs. 700 crores, and with the new projects that the Railway Administration have placed before us it will be easily in the neighbourhood of Rs. 900 crores within the next year or two. I may place before this House the fact that the total investments in our Railways more or less even exceeds the total investments in most of the major industries in the country like textiles, jute, coal or any other industries. So the total Railway investments are more than the investment in all the industries put together.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Pandit Thakur Das Bhargava (one of the Panel of Chairmen)].

[Shri Khandubhai K. Desai]

It certainly requires superhuman energy, superhuman intelligence and superhuman initiative to manage the finances running into nearly 700 crores of Rupees. I feel, Sir, that the present Railway Board is not superhuman. It may have served its purpose for the last 20 or 25 years since it has been brought into existence after the Government have begun taking over the Railways one after another. But, now, a stage has come when, in my opinion, no Railway Board would be humanly able to manage such a large and country-wide railway administration as a centralised institution. The Committee has recommended that a railway authority with central powers should be instituted at the Centre. I totally differ from that view. I personally feel that if we want our Railways to work with efficiency, with competence, and with a view to giving convenience to our people, we should go towards decentralisation. Regrouping of Railways should not be delayed. We have got today about 26,000 route miles of Railways both broad gauge and metre gauge. About 10,000 additional route mileage will come to the Government for administration from the States, if not today, in the near future. Therefore, at this stage, the Government has to consider how to administer and manage about 36,000 miles of railways. I think time has now come when, instead of waiting for five years as the Committee has suggested, immediate steps should be taken to re-group the Railways on a zonal basis. A railway line running a distance of 800 or 900 miles is hardly in my opinion a unit which could be managed efficiently. All the railway lines that may come under a definite square area in a particularized zone, whether it is a broad gauge or metre gauge should be managed by one zonal authority. This zonal administration should as far as possible be autonomous. The Railway Ministry at the top should only be a policy making Ministry and a co-ordinating Ministry with such powers of superintendence as is necessary. The Railway Ministry at the top should be assisted not by a Railway Board, but by a technical organisation so that it may be guided properly. Otherwise, normally, our Railways should be managed, as I said by five or six zonal authorities completely autonomous. The present inefficiency, indiscipline or loss in production in my humble opinion is due to this system of top administration, which even though it has the desire to do so, is not capable of permeating to the lowest unit and delivering goods to the country.

Sir, I have got another suggestion to make. Our Workshop organisation should be made entirely separate. All the workshops in our country, whether manufacturing locomotives, or manufacturing coaches or carriages or wagons should be under one organisation. This should not be attached to any zonal administration or to any particular railways. The Committee, I think, has observed that there is no costing as far as the railway workshops are concerned. In my opinion, no costing is possible so long as the workshops are attached to any particular railway administration. The railway workshops should be entirely run on a business basis. The railway workshops should be separated from the individual administration or zone. These zonal railways should be charged for any repairs which they want to be made in their rolling stock or for the engines which they buy or the carriages they purchase on the basis of business transactions. In my opinion, this is the only arrangement which can bring about greater efficiency, greater economy and healthy competition.

Sir, the Committee has stated that there are no less than 256 types of locos, 106 types of coaches, and 84 types of wagons. They have suggested that as far as possible, the locos, carriages, coaches and wagons should be standardised, and these types should be reduced. In order to achieve that object, I believe that the Railways should be regrouped as I have suggested,

and the workshop organisation should be made entirely separate, so that the new workshop organisation can effectively concentrate on the objective without hindrances or narrow outlook.

Coming to the financial structure of our Railways, I feel that the country cannot afford to have any complacency. As it has been pointed out, the financial condition of our Railways is really poor from the business point of view. We have got at our disposal only Rs. 74 crores of depreciation fund. That means, on the average our rolling stock and other assets should be today 90 per cent. new. Is it so? We know that this is not true. Very considerable portion of our assets requires replacement and renewal but we have got only 74 crores of Rupees in our fund. This fund is quite inadequate and poor for our purpose. The suggestion which the Committee has made that during the next five years Rs. 22 crores should be taken towards the depreciation fund is no doubt a welcome suggestion. But, I think it would not be sufficient to strengthen our finances. They have themselves stated that we will require nearly 25 per cent. augmentation in our carriages in the broad gauge and about 50 per cent. augmentation in the metre gauge, apart from the replacements which they place about 25 per cent. In order to meet all these extra charges at the existing highest prices of replacements, I feel that a larger depreciation fund to the tune of 30 or 35 crores would be necessary for the next five years and a higher depreciation charge than the existing charge for subsequent years. This is a serious matter and I hope it will be considered by the Railway Minister. It has also to be remembered in this connection that during the next 5 or 6 years, we would not be replacing our rolling stock at the usual price but the price we would have to pay will be anywhere from 2½ to 3 times.

Then, Sir, the Committee has stated that a lot of saving can be made as far as the fuel is concerned and they have suggested a target of 2 crores out of 15 crores which Railways are spending today. The Industry Department is managing the collieries. I think those collieries should properly be managed by the Railway itself and not by the Industry Department, if an effective economy is to be made in this direction.

Then with regard to stores, I have only one point to make. The purchase of stores is being done today by three agencies. Excluding rolling stock, stores are purchased to the tune of 16 crores and the Railway, in my opinion is the biggest buyer and therefore, they should set up their own organization for purchasing stores. It is stated that Railways have to pay about 2 per cent. commission for inspection and for purchase to the Civil Supply Industry Department. This Commission is unnecessary. (Interruption.) I will finish in a minute or two. I will make a suggestion and with regard to the relation of our Railway administration with its employees and then resume my seat. There is something inherently wrong in dealing with the questions that arise from day to day between the employees and the administration. Much of the discontent and dissatisfaction can be removed if the Railway Administrations set up zonal tribunals for the employees so that these tribunals can deal with questions which arise from day to day and the suggestion which the Committee has made for appellate tribunal may be considered as an additional facility, but the appellate tribunal will not be able to deal with this question effectively so as to remove the discontent. If the zonal tribunal is established before which any employee who has got any grievances to make can go and get justice done, then I think much of the discontent and dissatisfaction that is prevailing today may be removed and I am sure that the immediate institution of such zonal tribunals will go a long way in improving the efficiency of our Railways.

With these words, Sir, I commend the suggestions I have made to the honourable the Railway Minister.

Shri B. Das (Orissa: General): Sir, when the Interim Ministry took over the Railway Administration from the old Government from Sir Edward Bessell, who became first a member of the Wavell Cabinet, everything was difficult and left in absolute rickety conditions. No replacement took place, rails were torn from the lines and sent to different parts of the Empire and even carriages and locomotives were sent away. In that condition of deteriorating stocks, Mr. Asaf Ali appointed a High Power Committee under the chairmanship of Mr. K. C. Neogy. Later on, Mr. K. C. Neogy had to leave that Committee and join the full Independent Cabinet. Thereafter our esteemed friend, Pandit Hriday Nath Kunzru was appointed the Chairman of this Committee, and as I remarked on another occasion, he had produced a most valuable report which will be studied not by the administrators themselves, but by legislators on the floor of this House, so that in course of time we may set up a proper railway administration in this country.

Sir, I was one of those who always opposed a Statutory Railway Authority, because the Europeans and the then Government of India at that time i.e., during 1930-1934 wanted to take away completely the Railway Administration from the control of this Legislature. Therefore, I was very much interested to read the chapter which my honourable friend Pandit Kunzru's Committee has suggested about the Central Controlling Authority. There are some weighty arguments there, but I am a bit disillusioned under my own Swaraj Government. We have created the Damodar Valley Corporation Authority. We find it is restive; it is not amenable to audit control and financial control of the Government of India. Then we have the Delhi Central Electricity Authority over which the Government of India has no control. Five or six institutions or bodies elect one director—each liable to the limit of Rs. 50/-, and even the Auditor-General has no control over the Delhi C. E. Authority. Now the biggest corporation or Authority happens to be the Indian Railways. I do not want to go into the history of the Railways but for a very long time the Railways were paying crores and crores of rupees in dividends which they were borrowing from the revenues of the Government of India up to 1924-25. I find some of the Members of this House are restive over the contributions to the General Revenues, but they forget or do not know that the Railways should be run on as a commercial concern and must pay income-tax to the Government and pay for assets belonging to the State. The Damodar Valley Corporation and the Delhi Central Electricity Authority pay income-tax to the State. If the Railways decide to pay, if this House decides that the new Railway Board that we will create will pay proportionate income-tax on their earnings, I and those of my opinion will revise our views whether we need any contribution to the General Revenues. This aspect of the matter must be taken into consideration remembering that most of the land—23,000 miles they have got—they have almost got it for a song. In those days Government lands were given free and various other amenities and favours were shown to those company managed railways and the benefit of which my honourable friends, the Railway Minister and Mr. Santhanam are enjoying. Knowing that spirit of criticism they will understand why the tax-payers must have a contribution in lieu of income-tax on the earnings of the Railways. I have something more to say on this Central Controlling Authority.

I have been considering after reading this report and reading various other administrative reports from other countries why we should not revive again the question. The Railway Administration had become too heavy. The staff that were 4 lakhs before the war had become 8 lakhs now and we cannot dismiss a single man on the staff because my honourable friends (the labour leaders) there will create a howl; they claim zonal recruitment boards and so many boards but they do not want to produce on a man-hour basis. The suggestion is let Mr. Jai Prakash Narain be invited by my honourable friend

Mr. Gopalaswami Ayyangar; let us view the question from both sides and why the workers of our Railways, the biggest State Industry that we possess should not produce on a man-hour basis; let the scale of wages they will earn be fixed, so that our Government should not become bankrupt. Then the labour population's howl that they must get more wages from the State Industry will lessen and they will come to realize that they must respond to the spirit of the times and increase production in our Railways.

Personally, I feel that we should split up our Railways. In Canada there is a privately managed commercial Railway company; there is also state-owned railway running side by side. I am not asking my honourable friend to advocate it immediately. Let us sleep over for the next five years; let us try to think loudly and find out whether we will not go back again to the commercial system of management of our Railways. Any commercial company will be run by Indian industrialists and not by foreign exploiters.

About recruitment of staff on railways the Kunzru Committee has not come to any final decision. But viewed on the whole, I feel we should not split up our Railways, but reduce the number of Railways. By splitting up, we will have to set up a lot of General Managers, Secretaries and other paraphernalia which in turn will require the setting up like our additional Ministries in the Secretariat and by which expenditure will go on this account to 4 to 5 lakhs of rupees for each Ministry or each General Manager's office. My honourable friend Mr. Gopalaswami Ayyangar differed on this question during the general discussion. But then this situation is not of my making. While I am critical of the railway situation and have been critical during the last 25 years, my friend has taken a hand in it only for the last one year. We differ. I agree to differ from my honourable friend. I should like to have adequate depreciation provided for. Then there will be no contribution available for making to the general revenues. Let there be *quid pro quo*. Then we will examine the question of depreciation put forward by the Railway Ministry. I have since revised my view and I accept the recommendation of the Kunzru Committee for a provision of 22 crores. If that eventuality...

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): I want to know whether the honourable member is willing that the 22 crores a year for the next 5 years should be allowed for depreciation?

Shri B. Das: Is it not so? What is the recommendation of the Kunzru Committee?

The Honourable Shri K. Santhanam: 22 crores for five years.

Shri B. Das: I accept that. Let there be no difference on that. But there should not be any whisper that nothing should be paid to the general revenues by the Railways as was expressed by some of the critics on the floor of the House.

I had hoped that my friends in the Railway Ministry will see that we have intensive manufacture of locomotives, coaches, underframes etc. and that after two years we would not have to go in for purchasing these from the United States or Czechoslovakia. The question which my honourable friend Mr. Gopalaswami Ayyangar rightly touched this afternoon is a thing that has sapped the credit of India. We have the example of Japan to emulate which realised its aim to be self-supporting quite quickly. We should not spend money on capital borrowing programme and our friends the labour leaders should advise their followers to go in for intensive production.

I find that in the 15 minutes allowed I am unable to survey the entire field of railway administration. I feel satisfied today that our interest is common. There is identity of interest between those who criticise and those

[Shri B. Das]

who are in charge of the administration. When there is that identity of interest, I do expect the spirit in which we offer our observations will be appreciated and understood and not misunderstood as in the o'd days when we attacked the Railway Board and the Railway Administration. Sir, I am a great optimist. I believe if there is intensive development programme in the Railways we need not buy even a crore worth of stores from outside, not to talk of so many crores worth of locomotives.

I do hope that my honourable friend will place the Kunzru Report before the Railway Standing Finance Committee and ask them to deliberate a whole week and produce a comprehensive report on its recommendations. I have only 15 minutes to talk about my reactions on the report. I do hope the honourable Minister will give the House another opportunity to express its views when the report of the Railway Standing Finance Committee on every item of the recommendations will be available. Otherwise we will have to take our opportunity next year to examine them.

Shri Jaspal Roy Kapoor (U.P.: General): Mr. Chairman, I wish the terms of reference of the Railway Enquiry Committee had also included the question of amenities and facilities for passengers. Railways are public utility concerns and, as such, I think that while efforts must be made to run them with profit, yet the question of facilities and amenities to the passengers must be the primary concern of the administration. As it is, however, the terms of reference of this Committee were only two. Firstly, as to how the net earnings of the Railways should be increased and, secondly, to find out what the surplus staff in the Railways is and how best it could be absorbed in the Railways.

I want to associate myself with the remarks that have been made by the honourable the Railway Minister expressing a sense of gratitude for the labour that has been put in this work by the worthy Chairman of the Committee Pandit Hirday Nath Kunzru and the members thereof. This Committee carried on an extensive tour all over the country, examined a large number of witnesses and took about two years to complete its work. For all that, the Chairman and the members are entitled to our gratitude. I wish, Sir, I could, along with the expression of gratitude, offer my congratulations also to the Committee on the results of their work. I am sorry, Sir, I cannot do that. After having spent so much time and money and energy on this work, they should have made definite and precise recommendations as to what measures should be adopted to effect economy and what measures should be adopted to bring about an improvement in the administration. The report is an absolutely disappointing document in that respect. There is no precision and there is no definiteness in most of the recommendations it has made. Its opinions generally lack definiteness and precision and, it seems to me the Committee has been halting, wavering and indecisive. After having discussed the various questions in all their pros and cons, when it comes to the point of making definite recommendations, what do we find? They simply give up the question altogether. They either say that the consideration of the question should be postponed for a number of years, or they say that further analysis of the position should be made, of course, meaning thereby by somebody else, or they say in a very convenient way that much can be said on both sides of the question. That sort of report is hardly helpful to us. If they had made their recommendations in a definite and precise manner it would have been helpful to us. Simply to put together in a very beautiful form the various facts that were brought to their notice by the Railway Board or by the subordinate officials is all very well so far as it goes, but if we cannot make proper use of it or if we cannot come to certain definite conclusions from it or we cannot make any definite suggestions as to how things should be improved, the labour has almost practically been lost in my opinion.

Take the question of the re-grouping of Railways. This is a question which is engaging the attention of the Railway Board and the whole country. What does the Committee say on this question? They say that consideration of this question should be postponed or put off by so many as five years. There would have been some meaning if they had made definite recommendations on this question and had said that in the course of these five years preparations should be made to implement those decisions or recommendations. But they do not say that. They only say that the time is not ripe and the whole question should be put off for five years and after that period, it would be time for us to see how the various Railways should function.

Sir, the question of the E.P.Ry. is a burning question. It is a question, the solution of which cannot brook delay. But then, all that the Committee say with regard to it is that a workshop should be constructed. That is a suggestion which will strike the meanest intelligence. Further on they add, as if it is a very great recommendation or suggestion that workshop should not be far away from the E.P.Ry. It should be on the E.P.Ry. or near about it. That is all they have suggested about the E.P.Ry. This is hardly any solution of this important question. I submit that it is necessary for us here and now, within the course of a few months, to find a definite solution of this question. I would suggest that the E.P.Ry. should be amalgamated with the E.I.Ry. To my honourable friend Pandit Kunzru this may appear to be an astounding suggestion. He may say that the E.I. Ry. is already big enough and if E.P.Ry. is amalgamated with it, it will become unmanageable. May I respectfully draw his attention to the fact that before the partition, N.W. Ry. had a mileage of over 6800 and it worked efficiently well, and if now the E.P.Ry. is amalgamated with the E.I.Ry. the total mileage would be very much less than that, only about 6300. Why then should it be presumed or apprehended that E.P.Ry. when amalgamated will not be able to function properly. But in that case, one thing will have to be done. The Head Office of the E.I.Ry. will have to be shifted from the extreme corner in Calcutta to some central place and that central place appears to be Allahabad or somewhere near about. Even now, it is impossible for the E.I.Ry. with its Head Office at Calcutta to exercise proper supervision over the Railway far away in the extreme west corner of the U.P. I suppose it come up to Ghaziabad. (Shri R. K. Sidhva: 'But there are divisional offices.') Of course, there are divisional offices, but certainly it would be a very much better arrangement for more effective control if the head office is situated somewhere in the Centre and that centrally situated place appears to be either Allahabad or Lucknow or somewhere near about. This is my suggestion with regard to the regrouping of the Railways, in a small measure. Of course, it is a big question and I am sure the honourable the Railway Minister and his worthy colleague the Honourable Shri Santhanam putting their heads together will be able to find out a satisfactory solution for it.

Next, I come to the question of economy in fuel. With regard to this also we find that the Committee has not been able to give us any definite suggestion. They have of course said that there should be economy in the consumption of coal and that coal consumption figures are considerably increased. They say on page 93 that the expenses on fuel alone on the Indian Govt. Railways excluding the N.W. and B.A.Rys. amounted to Rs. 502 lakhs in 1938-39 and Rs. 14,64 lakhs in 1946-47. Then they say on the next page, "as the fuel bill of the railways is large, it is unnecessary to stress the importance of economy in the use of this 'commodity.'" On the next page 95, they say:

"Under goods services including proportion of mixed, there has been a marked deterioration on almost all the Railways. We have investigated the causes of this deterioration and find that inferior grades of coal available for railway use in recent years had certainly affected consumption figures and led to deterioration."

[Shri Jaspat Roy Kapoor]

Then they say: "The scope for economy under this head is of the order of Rs. 2 crores." Having said all that, we would have expected them to make certain definite proposals as to the manner in which economy can be effected.

I have only taken seven minutes.

Mr. Chairman: No, you have taken 13 minutes.

Shri Jaspat Roy Kapoor: I will conclude within a few minutes.

But when it came to making definite recommendations, they began to waver and thought that it would not be perhaps safe on their part to make any definite recommendations, and practically they give up their case when they say:

"At the same time we must sound a note of caution. While fuel economy is vital and any appreciable savings would be extremely valuable, over-emphasis on fuel economy may lead to reduction in speed of movement of trains and loss of time. It can also lead to delays to traffic if, as has happened, drivers make excuses to avoid taking out engines known to be 'Coal Eaters'."

Now, Sir, this is hardly a recommendation. I wonder what they want us to do, whether they want us to take effective measures to bring about economy or not. "One of the causes for the increase in coal consumption and expenditure on fuel is poor quality of coal", they say. Well, it may be so, but I would suggest that one of the important causes of the extra expenditure on coal is that there is a good deal of pilferage going on. Of course, pilferage of coal there has always been; there is hardly any railway employee on the track who does not consume the railway coal; that is a different matter—it has been there ever since. But during the recent years, there has been great pilferage of coal due to the fact that coal is very much in need in industrial centres and the transport of coal is not on a proper basis. Near about the industrial centres through which the goods trains pass, a lot of coal is thrown out by the drivers and their assistants—a mile this way and a mile that way of the station, and that is picked up and sold in the market by persons who are in conspiracy with these drivers. Something must be done to put a stop to this evil. I would suggest for the consideration of the honourable Minister that a few watchmen should be placed on either side of these important industrial stations so that the pilferage of coal may not be to such a large extent. There is one point more to which I would refer, and that is the question of surplus labour and surplus staff on the Railway. 4 P. M. ways, because that is one point which has been specifically referred to the Railway Enquiry Committee, and here too I find that absolutely no definite and specific recommendation has been made. There is a great divergence of opinion between the majority of the members of the Committee and Shri Guruswami. While the majority of the members of the Committee say that there is a good deal of surplus staff both in the workshops and in the offices and stations, etc., Shri Guruswami says that more staff is needed.

Shri Harihar Nath Shastri (U. P.: General): Because it was beyond the scope of the Committee to go into this question.

Shri Jaspat Roy Kapoor: I do not know, Sir, how this question was beyond the scope of the Committee because one of the terms of reference is, if I may draw attention of my honourable friend...

An Honourable Member: It was taken out subsequently.

Shri Jaspat Roy Kapoor: "Ascertaining the extent of staff surplus to requirements and suggesting practical methods of absorbing them in railway service" was a definite term of reference and in regard to this they have made no definite recommendations. They say that this is a complicated question and it needs further scrutiny and enquiry. Now, Sir, these honourable gentlemen just tell us after two years that this is a question which needs further enquiry and must be gone into in greater detail presumably by some others.

I therefore submit, Sir, that this Enquiry Committee report has not been helpful to us in any substantial manner. Of course it is helpful to us inasmuch as the compilation of facts and figures go and I would therefore submit, that a small Committee might be appointed—of course not to go round the country—to go into the details that have been furnished by this Committee—a sort of departmental committee—to which some Members of this Assembly may be attached. They may sit in the office and scrutinise all the facts and figures and make recommendations to the Railway Board which may be of some use.

Shri R. K. Sidhva (C. P. and Berar: General): I am really thankful to the honourable Minister for giving an opportunity to the House to discuss this important record. I would have preferred, however, if he also gave us the findings of the special officer that he has appointed to enable the House to understand what are his views, so that we may take a dispassionate view between the report of the Kunzru Committee and the special officer's recommendations, and then the House would have been able to give recommendations with the help of which the Government could come to a definite decision.

But that is not available. Meanwhile, the honourable Minister in his preliminary remarks stated that several of the recommendations of the special officer who was appointed have been complied with and there are 78 items remaining to be considered. If that is so, I am sorry that already the recommendations of the officer have been adopted, although we are not aware what those recommendations are and now we have to give our views on 78 items and I do not know which are they. However, I shall only touch on two or three points on which the Committee has given its views and to which I do not agree and they are in relation to the fares of the suburban electric trains and the composition of Advisory Committees. In paragraph 187 it says: "We consider that the scale of charges for season tickets in the Bombay area is too low and should be reconsidered. We understand that the Board are examining the level of season tickets generally." I am very sorry, with due deference to the Committee members that they have not gone into the question very carefully why these seasonal ticket fares are less in Bombay than anywhere else otherwise I am sure they would have advocated their continuance on other Railways as well. If any attempt is made to increase the fares of seasonal tickets, you will destroy the economic structure of Bombay. Those who know, they will tell you that in Bombay there is a suburban service and people, clerks, workers and businessmen reside nearly 15 to 20 miles from Bombay and they come every day into the city for their vocations. Notwithstanding this service it has the best tramway service in India; notwithstanding that it has the best bus service and the best electric train service in India, for which I compliment the Railway Board, and despite the overcrowding, if any attempt is made to decrease the railway fare, I can assure you that these workers—these so many people who come to work by these trains—will be badly disorganised.

The Honourable Shri N. Gopalaswami Ayyangar: You mean if any attempt is made to increase the fares!

Shri R. K. Sidhva: We understand that the Board are examining the level of the seasonal tickets generally. I suppose it is a hint that it is very low and when it is very low, it seems the Committee is in favour of increasing the fare. I would submit that these fares should not be touched. On the contrary if you really want the services to be popular and to give relief; if you really want the economic condition of these workers not to be disturbed, then these fares should not in any way be disturbed.

The Committee have made really useful suggestions as regards the increase of these electric trains on the G.I.P., the B.B. and C.I. and the S.I. Railways. I agree with their views. The following figures will startle you as to the great advantage the people take of these suburban trains. From 1938, on the B.B. and C.I. the increase in 1947 is 139 per cent.; On the G.I.P. the increase is 132 per cent. compared with 1939; On the S.I.R. the increase is 187 per cent. of passengers compared with 1939. From these facts you can see how popular these trains are and how popular these fares are. If any attempt is made to disturb them, I can assure you that there will be great howl in this country.

Again, from the figures which the Committee have given, we find that the trains are running at a profit. On the B.B. and C.I. in 1946-47 the earnings per train mile were 4.49 and the cost 1.30. On the G.I.P. the earnings per train mile were 3.25 and the cost 1.39. On the S.I.R. the earnings per train mile were 3.04 and the cost 0.86. Even the cost justifies that these fares should not be disturbed and that the suburban services are a boon to the public.

Coming to the advisory committees, I am sorry I cannot agree with the views of the Committee regarding the recommendations made in rather four or five pages of this Chapter. It is a very important matter and having been on the Advisory Committee of the N.W.R. for 17 years, I can say this, that these local advisory committees have been very useful. Although they are advisory in nomenclature, they have been able to force the administration to do something for the passengers, and I can say from my experience of so many years, that these advisory committees in various places and in various divisions have been responsible for improving water supplies, the lights, the time-tables, the platforms, the window tickets, the third-class waiting rooms, and having special booking offices, more third-class trains and special vendor stalls. I can say that these local advisory committees are responsible for lots of the improvements made from time to time and if there is any idea for reducing or minimizing the importance of these local advisory committees, or even the Central Advisory Committee, I can assure you, Sir, the administration won't be in a position to understand the situation as these Members understand it. The Committee has stated that the C.A.C. is a big committee, a cumbersome committee and its number should be reduced. The membership of the Central Advisory Committee is 20. Really speaking ten persons are members of the C.A.C. and ten are from the Finance side who are automatically members of that committee. They have also representation on the Local Advisory Committee which has been composed with very great consideration and there is justification for it. The Committee asks why should the C.A.C. be composed of the Members of this House. They say that there should not be representation of the municipalities, port trusts, etc. After all they are elected members in the municipalities. They are members of the public and they have some knowledge of the subject. It has been mentioned here that larger representation should be given to the Passengers associations but the Committee recommends that larger representation should be given to industry and commerce. My experience is that while they are useful in their way they have always been looking to the interests of commerce and industry alone and ignore the travelling public. I can safely say that without contradiction. If you disturb the representation

to the travelling public, from whom the immense earnings are derived, it will not be doing any real service to them, which we are anxious to do, in the Central Advisory Committee. I would emphatically impress upon the honourable Minister that he should not be guided by these suggestions but that he will bear in mind the very useful work done by the Committee. I do not say that because I am a member of this or that committee. I say it from what I have seen. Why should it be stated here that Members of this House should not be represented on the C.A.C. Are we not representative Members here? Do we not represent our constituencies? These 20 Members represent the various constituencies in the whole of India. I therefore suggest that no change should be made in the composition of the Committee.

It has been suggested that there should be frequent meetings of the Committee. I entirely agree. We have been advocating in both committees that there should be at least six meetings in the year against three meetings now held. We also feel that a little latitude should be given to the Members in the new set up. I am sure the honourable Minister is considering the question and the matter is already on the anvil and we are going to take decision on the matter of expanding the constitution of the local Advisory Committee and giving them more power. With the knowledge that he possesses and his experience I hope the honourable Minister will not disturb in any way the composition but on the contrary he will see that the representation is extended. I do not mind giving more representation to industry and commerce. They are very well represented already but they should not in any way reduce the number of representatives of passengers associations and also by indirect method local members representing these bodies. I do feel that this is an important matter. Let it not be understood that the House is in full agreement with the Committee's report. On some matters they may be. On this matter I hope that the two suggestions I have made will be borne in mind seriously by the Government.

Pandit Hirday Nath Kunzru (U. P.: General): Sir, the opinions that have been expressed by honourable Members with regard to the report of the Indian Railway Enquiry Committee, if correct, would go to show that the Committee had not understood a single point correctly, that honourable Members here without making any detailed investigation on any point are perfectly right on every point and that the duds who were members of the Committee after having all the facts before them arrived at manifestly wrong conclusions.

Some Honourable Members: No conclusions.

Pandit Hirday Nath Kunzru: Some honourable Members have complained that the conclusions are wrong: others wiser than them have thought fit to protect themselves by saying that the Committee has made no definite recommendations. The honourable Members who have made this complaint could not have had the time of course to read the report. I do not think they have read even all the recommendations, a summary of which is given at the end of the report. Had they taken the trouble to do so or had they been able to find time from more urgent preoccupations to read the main recommendations they would have easily come to know that there were very definite recommendations made by the Committee on a good many points. For instances with regard to the workshops, the operating efficiency of the Railways and the desirability of having a separate cadre for the commercial department and providing special training for these officers and with regard to the staff the Committee has made definite and detailed recommendations. As regards certain points on which the Committee has not been able to suggest immediate action or has not been able to arrive at a definite finding, had the honourable Members read either the report or the summary of the recommendations and conclusions they would have found what the reasons for these recommendations and conclusions were.

[Pandit Hirday Nath Kunzru]

Take for instance the establishment of a Central Railway Controlling Authority. Is it possible for anybody who has seen the effect of the war and the partition on the Railways to recommend that before things have become much more stabilised than they are at the present time a radical change in the method of managing the railways should be made? Again, take the question of the staff. The honourable Member who spoke on this subject has not taken the trouble to read those paragraphs in the report where this matter has been dealt with. The Committee was unable to arrive at any definite conclusions on this subject partly because the railway administrations did not supply the required information and partly because the Railway Board issued a communique, while the Committee were preparing the report, that as a result of the Adjudicator's award not merely would no reduction in the personnel be possible but an addition to the staff would be required. In view of these facts it was impossible and futile for the Committee to arrive at any conclusion on this subject.

Sir, it is not possible for me to deal with the other charges which were brought by some honourable Members against the general outlook and the recommendations of the Committee. But I should like to say a word or two about what fell from my honourable friend Mr. Anthony. I am afraid that his vehemence and violence of language will defeat their own purpose.

Mr. Frank Anthony: I was very mild.

Pandit Hirday Nath Kunzru: If this is my honourable friend's mildness I should respectfully suggest to his clients to change their counsel, for such a counsel can ultimately do them no good.

Sir, the Railway Enquiry Committee received evidence with regard to the interests of various classes of railway workers, not merely from the Railway Administrations or the superior railway officers but also from the representatives of the railwaymen. I have yet to come across a single representative of the railwaymen who would be prepared to throw overboard the principle that promotion from one class to another should depend not on seniority but on merit and selection. The very fact that there are separate grades should be obvious to show anybody that promotion from one grade to another should depend on merit and not on the length of service or absence of any adverse criticism. A selection post is so called because you do not select the senior-most man for it but the best person from among a number of meritorious persons. Selection implies a certain amount of competition.

Mr. Frank Anthony: What is wrong with seniority-cum-selection? You have avoided that issue.

Pandit Hirday Nath Kunzru: My honourable friend forgets that a new principle cannot be invented for him or his clients.

Mr. Frank Anthony: It is as old as the Railways.

Pandit Hirday Nath Kunzru: This principle has been applied to all the services and it is a well recognized and well established principle.

Mr. Frank Anthony: It is well abused.

Pandit Hirday Nath Kunzru: My honourable friend was very happy in the past because the Members of his community were favoured by the British Government. I do not want that they should labour under any disability. I want them to have the full rights of Indian citizens. If there were any discrimination practised against them by the Railways I should be prepared to join with him in protesting against it.

Mr. Frank Anthony: Are you aware that under this system third-class degree Anglo-Indians have been promoted against first-class degree Anglo-Indians? It is not a question of Community.

Pandit Hirday Nath Kunzru: My honourable friend's remark shows that his heart is not against the principle but he disputes the judgment of the selecting authority. Such complaints are often made by unsuccessful competitors.

My honourable friend Mr. Khandubhai Desai speaking about the discontent among the railway workers on account of the manner in which promotions had been made said that no appellate tribunal would be able to make the workers contented and that promotions must be so made as to be regarded as just by them. What he said was true within limits. But frankly speaking, in the vast majority of cases where promotions are made by selection I have found in my experience that there is dissatisfaction with the decision of the selecting authority whether the men belong to the subordinate services or the Provincial Services on the higher services.

Mr. Frank Anthony: May I ask honourable friend what experience he has of railway selection?

Pandit Hirday Nath Kunzru: Sir, I am an Indian. I have had something to do with selection in other departments and the principle adopted in the case of the Railways is not one whit different from that adopted in the other departments. My honourable friend has to show that there are some special reasons why rules that for the time being adversely affect a group of persons in whom he is specially interested should be changed in their favour.

There was one other point of his to which I should like to draw attention. He seemed to suggest—I am not sure that I heard him correctly but he seemed to me to suggest—that a railway worker against whom any serious action was proposed to be taken should be allowed to be represented by counsel. We considered this subject very carefully. We saw that the railway worker was in no worse position in this respect than men in the secretariat of the Government of India. Besides we thought that it would in the end do no good to the railway workers if they were allowed to engage lawyers. Since the Trade Unions are conversant with the grievances of the workers the Committee took the view that a member of the Union to which a worker belonged could accompany him in order to represent his case, and the Committee did so in consideration of the interests of the workers themselves.

Sir, I should now like to put two or three questions to my honourable friend the Minister for Railways. I hope that my honourable friend will announce the decisions of the Railway Board at least in regard to some of the major recommendations of the Committee. He has himself told us that the Railway Board and his Ministry have passed orders, I think, on about twenty recommendations of the Committee. I do not know what those recommendations are or what the decisions of the Ministry are. I hope that when he winds up the debate he will be good enough to give us this information. I should, in particular, like to ask him what action Government have taken on the recommendations of the Committee relating to the better utilisation of power and the establishment of a commercial organisation on every Railway which would have a separate cadre and the members of which would receive special pay. I hope honourable Members are aware of the recommendations made by the Committee with regard to the repair and maintenance of engines and the miles run by an engine per day. I shall not quote any figures because I placed the most important of them before the House during the Railway Budget debate. But I may point out to the House that the deterioration in the workshops is so considerable

[Pandit Hirday Nath Kunzru]

that an improvement of about 34 per cent. on the broad gauge and 71 per cent. on the metre gauge would be required for the production to be equal to the maximum attained during the last 10 years. This is a matter of importance and indeed urgency and I should like to know what action Government propose to take with regard to it. Again, with regard to the better utilisation of power, I pointed out during the Railway Budget debate that the engine miles per day had fallen substantially. I know that the turn-round of wagons has improved and that the Railway Board are taking certain steps to improve the operating efficiency of the Railways, but the proper utilisation of power is the key to the solution of many of our transport problems and I hope that whatever improvement may take place in the turn-round of wagons, the honourable the Minister of Railways will not underrate the importance of taking adequate steps to see that proper methods for the better utilisation of power are followed in future.

As regards the commercial department, I have already stated the points on which I should like to ask for information from my honourable friend.

Lastly, I should like to know the decision of the Government with regard to the training of officers belonging to the various classes from Class I to Class III on which stress has been laid by the Committee. This, too, is a matter of cardinal importance and it should receive the early and full attention of Government. The Committee has not suggested that the workers in Class IV should receive any formal training, but it has suggested that opportunities should be given to them to acquire such knowledge as will promote their advancement. It has in particular suggested, with regard to the workers employed in workshops of various kinds, that they should be given elementary practical training in the use of tools. It has in this connection, suggested the establishment of a basic training school on the same lines as that established by the Tata Iron and Steel Factory at Tatanagar. The Committee had the advantage of seeing this school and of discussing the work done in it with the management of the Factory. It was greatly impressed both with the character of the training and the results achieved. I have no doubt that the recommendations made with regard to the training of the supervisory subordinate staff and the officers will receive the consideration of Government. I am not certain, however, that the recommendations that we have made with regard to the establishment of a basic training institute for certain categories of workmen and for giving adequate opportunities to other workmen to acquire such knowledge as will enable them to advance their interests will not be overlooked. It might be regarded as a minor matter, but I should like to impress on my honourable friend the Minister of Railways that this matter impress on my honourable friend the Minister of Railways that this matter tant matter with which he is, I am sure, concerned is the contentment of the railway workers and nothing will promote contentment so much as a knowledge on the part of the railway workers that by their own exertions they can improve their chances of obtaining promotion in their own grades and of being able also to rise from their own grade to the next higher grade.

Sir, it is late and I know my honourable friend the Minister of Railways will require half an hour to reply to the observations that have been made by various Members. There is a great deal that might be said with regard to some of the observations that have been made by honourable Members, particularly in connection with the views expressed by my honourable friend Mr. Khandubhai Desai with regard to the undesirability of establishing a central controlling authority and having instead zonal authorities. But these questions are so big that it is impossible for me to deal with them now. I should have liked to have the time to discuss the position taken up by my honourable

friend Mr. Desai but I have no doubt that his suggestions will receive the serious consideration of the Government along with the recommendations of the Committee. I should, however, like to say that the suggestion made by him received the anxious consideration of the Committee. The question of the form the future Railway Administration should take was considered repeatedly and very carefully by the Committee. It considered the recommendations of the Acworth Committee in this connection, but, in view of the present situation, the problems that have to be dealt with and the practice of developing what might be called Autonomous Public Service Boards in England for the management and control of socialised services, the committee has thought that a central controlling authority would be able to perform the duty of managing the State Railways much more effectively than the zonal authorities suggested by my honourable friend Mr. Khandubhai Desai.

Sir, I should like, before I sit down, to thank the honourable Minister of Railways for the much too generous reference he made to the part played by me in connection with the preparation of the Committee's report. I am not so vain as to imagine that I deserve even one-tenth of the praise that he so kindly bestowed on me. If there is anything of value in the report, it is due to the labours of my colleagues, two of whom were distinguished railway officers. The fact that the Committee had expert knowledge at its disposal and that it worked as a team was responsible for such good points as some indulgent Members might occasionally find in it.

The Honourable Shri N. Gopalaswami Ayyangar: Mr. Chairman, in the few minutes I shall allow myself at this late hour, I shall refer to some, if not all, of the points that were raised by the different speakers in the House. First, my honourable friend Mr. Anthony. He took great exception to that portion of the report of the committee which dealt with discipline. He seemed to disagree with almost everything that the Committee has said in that connection. The particular thing which seems to have angered him is that the Committee not only said something, but quoted something which the Railway Board had said. I do not know if the merit of a particular recommendation of the Committee should be lessened in its value merely because it so happened that the Railway Board had agreed with the Committee's point of view or the Committee agreed with the Railway Board's view previously expressed. The merit of a particular recommendation stands on its own legs. He referred to two or three points. On the question of promotions, I think he has been, if I may say so, conclusively answered by my honourable friend Pandit Kunzru and I do not propose to add a word to what Pandit Kunzru has said in answer to him. The other points one with regard to the question of persons accused of indiscipline first being told of the charge against them, then being given an opportunity of personal hearing and lastly at that hearing being represented by counsel. The last point of the three has been answered by the Chairman of the Committee: that is to say, that the railway servants enjoy the same privileges in regard to this matter of being represented by somebody interested in him, as government servants of a similar type in other departments enjoy.

With regard to the other matter, namely, that often times his case goes by default because he does not know that he has a right to be heard and to ask for a departmental enquiry and therefore does not put forward a claim, I do not know if this is a general grievance. But, if it is, if I find after an enquiry that such a thing does happen generally over the Railways in the country and generally people accused of things do not know that they could ask for a departmental enquiry, I shall certainly consider the question of directing that in every case a charge is brought against a railway servant, one of the first things that should be done should be to give him intimation that he has a right to ask for a departmental enquiry. I hope that this would satisfy my honourable friend if, as I said, it is a general grievance.

[Shri N. Gopalaswami Ayyangar]

He then referred to rule 1708. I know that amongst the railway servants this particular rule is considered obnoxious. People who suffer by the application of that rule feel that injustice has been done to them because they are dismissed out of service without their being told what it is they are dismissed for. I concede the position that a thing like that if it is adopted as a matter of general application is one to which the greatest exception can be taken. I may inform my honourable friend that at the present moment I have under consideration the question of how best this particular rule might be modified in order to do justice to the person who will suffer by it and I hope we shall evolve some procedure which will remove those aspects of the practice that has hitherto been the subject of so much condemnation. On the question of Class II officers, I am afraid, I cannot agree with my honourable friend, Mr. Anthony. I rather agree with the recommendation that the Committee has made in this connection. It would take me sometime to develop this argument, but I am sure that my honourable friend Mr. Anthony will recognize that, if I came to this conclusion, it has been after giving consideration to all that he has said on this subject, not only during the time I have been here, but during the time that I have not been here.

There was a good deal that was said by my honourable friend, Mr. Khandubhai Desai, and some of the points that he made were clearly weighty. On the question of zonal authorities, we have not yet taken a decision, nor have we taken a decision on the recommendation which has been made by the Committee itself. As I have repeatedly said, this matter bristles with so many difficulties that we should consider it very carefully indeed, before we reach a decision, but I can assure my honourable friend that whatever he has said today on this subject, will receive my most anxious consideration.

I am very glad really that my honourable friend, Mr. B. Das finally ended up his argument today by saying that he agreed with the Committee that the Depreciation Fund should be replenished and that during the next five years a payment of 22 crores should be made to it in each of these five years. I am glad of his acceptance of a concrete suggestion made by the Committee. I thought his argument the other day could not have led to a conclusion of that sort. I am glad that he has reached that conclusion today.

On the question of payment of income-tax on railway earnings, it raises a very large issue. You have got to remember that the state owns the railway organisations in the country. No doubt some earnings are made and there is a certain amount of interest to be paid and so on and if we are going to accept the proposition that the Railway should contribute, to State revenues, the whole amount of the income-tax on the income that it may make, very probably, you will find that General Revenues would not get even the contribution that they get now.

Mr. Sidhva referred to some delinquencies on my part, namely, that I did not detail all the orders that we have passed on certain recommendations of the report, so that I might have given him an opportunity of sitting in judgement on those orders during this debate. I am not certainly taking away his right of sitting in judgement over them. If only he will exercise some patience he will get an opportunity of doing so, after we have published them. The reason why I did not detail these recommendations at the inception of this debate is that I had so little time even to make the preliminary remarks and if I had attempted to refer to all the orders that we have so far passed, I do not think Mr. Sidhva would have had an opportunity to speak during this debate.

On the question of Local Advisory Committees, Mr. Sidhva himself has pointed out that we have the matter actively under consideration, that we are going to take decisions in consultation and in collaboration with him at a meeting to be held very soon. Now, I hope he will press his points as vigorously there as he has done here and if the body which has to take that decision agrees with him we will certainly give effect to that. Now, Sir, I think it is getting very nearly my time. There are some reflections which have been forced upon me by the speech of my honourable friend Pandit Kunzru. It is a matter of some disappointment to me, that on account of what certain honourable Members may have said, it ought to have been necessary for him to stand up in defence of himself and his report during this debate, but I don't see what else he could have done when observations of that sort were made. I wish that honourable Members could have been a little more generous with the Committee and its achievement than some of them have been during this debate. And whatever one may say in disagreement with certain of the recommendations made by the Committee, I think perhaps it was going a little too far to say that the Committee came to no conclusions, that it was absolutely indefinite and inconclusive and so on and so forth. I think the material that we have in this report is of sufficient importance, accuracy and judgment that for some years to come, we shall turn back to this report for some of our facts and figures, some of the history that has preceded the collection of such facts and figures and this report will be something on which we can base a few general principles in the steps we have to take for improving railway administration in the country.

There are one or two things on which my honourable friend wanted some information. The first was the question of the evolution of a separate commercial organisation. I have to say to my honourable friend at once that the Government are considering the recommendations of the Committee in this connection and we have not yet reached a final conclusion on this matter. All that I can say at present is that what the Committee has said will be given full attention to before we reach our conclusions.

With regard to the power position, I think he first referred to a part of the report where it is said that the Railways should work to an average of about 110 miles per day, per engine on line, against a figure of about 90 today. The Committee must realize however, that while the Railway Board agree that this particular target could be achieved, it could not possibly be attained immediately overnight. As new engines come into use, they will be capable of longer average daily mileages than the old engines they replace. A larger number of old engines will be scrapped than are received. While, therefore the individual engine mileage will improve, the number of engines on line will decrease, the two factors together tending to improve the miles per day, per engine on line.

I do not wish to weary the House with more statistics and figures and I would say only one word about the power condition to which the honourable Pandit Kunzru referred. It is true, as the Committee has so insistently pointed out, that the output in railway workshops has demonstrably deteriorated. Our problem is really to correct the trouble that now exists. But the condition precedent to this correction, the major condition precedent if I may call it so, is that labour should play up. I think the Committee itself has referred to this point in more than one place in the report. For this purpose, I think there is something which the labour leaders could contribute. I think the Committee itself has, in one place, appealed to the leaders of the country to take a hand in this matter and impress upon labour the need for giving of its best. They may do so. But what I think is very much more important is that the leaders of labour should contribute a great

[Shri N. Gopalaswami Ayyangar]

deal more than they do to bring about this state of things. Until we can be assured of what we may expect as the output of labour per man per day, it becomes difficult to plan our programme as regards the improvement of the power position in the future. The Railway Board has been faced with this difficulty of estimating the future man-day output. It is assumed, no doubt, it will improve and return, in say a period of ten years, to the 1938-39 figures. There is thus no case for the permanent expansion of the existing shops to carry the present day load. Modernisation of some of these workshops is, however, a different issue. Now, apart from this question of long-term programme, certain tentative temporary expedients have been adopted for the purpose of providing relief for the next few years. Amongst these are the utilisation of non-railwayshop capacity to the greatest extent possible. An officer has been placed on special duty for six months to explore all un-used capacity and to plan for nationalisation. Secondly, efforts have been made, and seem to be succeeding, to obtain a greater allotment of steel. We have had discussions with the officers of the Ministry of Industry and Supply and it has been arranged that our demands for steel should be given very high priority and that a certain minimum will in any case, be guaranteed. We hope that this promise on the part of Industry and Supply will materialise in the coming year. We shall do all that lies in our power to see that it materialises.

Then, large orders have been placed for new locomotives as the House already knows. These will greatly relieve the load of attempting to maintain locomotives beyond their scrapping age.

Lastly, on the question of spare parts we have fully taken into account all that the Committee has brought to notice in this report and partly as a result of that and partly as a result of the investigation which had been carried out by the Railway Board itself, a mission of two or three officers is about to proceed to Europe to draw up contracts with firms to supply manufactured locomotive parts direct to the Railway Administrations. But the main thing is, as I have already said, the need for improving the efficiency and morale of workshop labour. I think, Sir, I have covered most of the points raised.

Pandit Hriday Nath Kunzru: May I ask my honourable friend whether he will circulate the decisions of the Government from time to time to honourable Members? This was done in the case of the Wedgwood Committee. I hope it will be done in this case too.

The Honourable Shri N. Gopalaswami Ayyangar: I think I have already answered a question in the House to the effect that batches of these orders from time to time will be placed in the Library of the House.

ELECTIONS TO STANDING COMMITTEES FOR MINISTRIES OF AGRICULTURE AND COMMUNICATIONS

Mr. Chairman: I have to inform the Assembly that upto the time fixed for receiving nominations for election of one Member to each of the two Standing Committees for the Ministries of Agriculture and Communications, one nomination in the case of each of these Committees was received. As the number of candidates is equal to the number of vacancies in each of these Committees, I declare the following members to be duly elected:

Standing Committee for the Ministry of Agriculture.—Sardar Jogendra Singh.

Standing Committee for the Ministry of Communications.—Shri Brajeshwar Prasad.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 29th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Tuesday, 29th March, 1949

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

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

ELECTION TO STANDING COMMITTEES FOR MINISTRIES OF EDUCATION, LAW, RELIEF AND REHABILITATION AND TRANSPORT (OTHER THAN ROADS).

Mr. Speaker: I have to inform the Assembly that up to the time fixed for receiving nominations for the Standing Committees for the Ministries of Education, Law, Relief and Rehabilitation and Transport (other than Roads) eleven nominations in the case of the first, five nominations in the case of the second and ten nominations in the case of the remaining two were received. Subsequently one member in the case of the first withdrew his candidature. As the number of remaining candidates is thus equal to the number of vacancies in each of these Committees, I declare the following members to be duly elected:

I. *Standing Committee for the Ministry of Education.*—Maulana Hasrat Mohani, Shri Moturi Satyanarayana, Shri Brajeshwar Prasad, Dr. Raghu Bira, Shri A. V. Thakkar, Shri Lakshminarayan Sahu, Prof. Yashwant Rai, Shri Balwant Sinha Mehta, Shri T. Channiah and Shri V. C. Kesava Rao.

II. *Standing Committee for the Ministry of Law.*—Mr. B. Pocker, Dr. Bakshi Tek Chand, Shrimati G. Durgabai, Shri Chimanlal Chakubhai Shah and Shri C. Subramaniam.

III. *Standing Committee for the Ministry of Relief and Rehabilitation.*—Dr. Bakshi Tek Chand, Lala Achint Ram, Mr. Z. H. Lari, Shri Jaspat Roy Kapoor, Shri Basant Kumar Das, Giani Gurmukh Singh Musafir, Sardar Hukam Singh, Shri Prantal Thakorlal Munshi, Sardar Bhopinder Singh Man and Shri Gokal Lal Asava.

IV. *Standing Committee for the Ministry of Transport (other than Roads).*—Mr. K. T. M. Ahmed Ibrahim, Shri Satis Chandra Samanta, Ch. Ranbir Singh, Shri Yudhisthir Misra, Shri P. Kunhiraman, Shri Santanu Kumar Das, Dr. Dharam Prakash, Dr. P. S. Deshmukh, Shri Ram Chandra Upadhyaya and Shri Lal Mohan Pati.

INDIAN FINANCE BILL

Mr. Speaker: The House will now proceed with the legislative business. The House knows that two days are fixed for the Finance Bill and at 5 o'clock tomorrow there will be the guillotine.

Mr. Tajamul Husain (Bihar: Muslim): Mr. Speaker, before we proceed with the business of the day, I would like to know, and in fact most of the

(2039)

2040

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [29TH MARCH 1949]

[Mr. Tajamul Husain]

members would like to know, the exact date this present session of the Parliament will end, as we members have to make arrangements for reservations by air or by rail.

Mr. Speaker: As I have very often stated to the members of this House, whenever they want to raise any question, they should first consult me in my chamber and just invite my attention to the question, and perhaps the information could be given there, and if any further consultation with, for example, the Honourable the Leader of the House or the Whip is necessary, I would do so. I cannot answer all questions of this kind off-hand here and questions of this type should not be raised here. I again repeat that honourable members should see me beforehand. Anyway, we are going up to the 7th of April, that is certain, and reservations should be made after the 7th of April.

Shri L. Krishnaswami Bharathi (Madras: General): That does not help us.

Shri B. Das (Orissa: General): On a point of information, Sir, what about the statement by the Honourable the Prime Minister at 10-45.

Mr. Speaker: It will be made at 5 P.M. Last night the agenda was circulated in which it was stated that the Prime Minister will make a statement at 5 P.M. today.

Shri B. Das: I am sorry for the mistake.

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

"That the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949, as reported by the Select Committee, be taken into consideration."

What I propose today, Mr. Speaker, in placing this motion before the House is to summarise briefly the main questions which have been raised in the report of the Select Committee and in the Minutes of Dissent regarding the proposals in the Finance Bill and Government's reactions to these questions.

I take first of all the question of the abolition of the Capital Gains Tax. Briefly the argument for abolishing this tax is that in regard to the great majority of people who are interested in investment, the motive for investment is a two-fold motive; partly it is a question of the return that you expect on investment and partly also in the generality of cases, it is the capital appreciation that you expect. Since one of the main purposes of the Budget proposals which I have placed before the House is to stimulate the formation of capital and investment, we consider that to the extent that the Capital Gains Tax reacts upon the functioning of this motive of capital appreciation, it is a hindrance to capital formation. Secondly, the whole justification for a tax of this kind from the budgetary point of view is the revenue that it is estimated to yield. The Capital Gains Tax, since it was introduced two years ago, has yielded considerably less revenue than has been anticipated. The revenue that we except for the coming year is about a crore of rupees, and considering the adverse psychological effect it generally has had upon investment, we consider that the revenue yield is incommensurate with the other consequences of the tax. Therefore, we have proposed its abolition.

The arguments against abolition as they have been brought out in the minutes of dissent on this subject are these. The first point is that we have granted fairly liberal depreciation allowances. We have granted also fairly substantial reliefs in the matter of income-tax to new industrial concerns. It is, therefore, suggested that as a result of these different forms of assistance which Government have granted to new industrial concerns, the shares of these industrial

concerns are likely to go up considerably and if, therefore, a time comes within this period, when a company which has had the benefit of these concessions granted by Government decides to transfer or sell its business on the basis of the market value of its shares, then that concern reaps a profit which is largely the result of concessions granted by Government rather than the result of any initiative or effort put in by the party concerned. If the Capital Gains Tax is abolished, it is contended that all this extra profit that is derived in an unearned manner are likely to escape taxation. My answer to that is that all these concessions which we have provided are concessions which relate almost entirely to new companies. If you take the position of new companies in regard to the acquisition of capital goods and the building of factories with reference to the availability of material, I suggest that within a period of a few years, it is extremely unlikely that new companies will reap profits at a level where this kind of problem which has been indicated in the minutes of dissent would arise. I therefore, do not think that it is a consideration of sufficient practical importance.

The second objection to the abolition of Capital Gains Tax is again based on the liberal depreciation allowances that we have provided. The point there is that the plant and machinery in respect of which these higher depreciation allowances are given would be written down in value to such an extent that the margin between that and the market value of used plant and machinery would be so considerable that if a business concern decided to transfer or sell its plant and machinery, it is likely as the result of these depreciation allowances to get an amount of profit, which would be considerably in excess of what economic considerations by themselves would have justified. There again, therefore, it is said that un-earned income would escape taxation if the Capital Gains Tax was abolished. As far as this point is concerned, as I indicated to the House in my reply to the general discussion on the Budget, I think it will be possible for us by suitable amendments of the Income-Tax Act to provide against the misuse of depreciation allowances in that manner and I think, legislative proposals to that effect, I would be in a position to place before the House at a very near date.

There is one thing in regard to the objection which has been generally raised against the Capital Gains Tax, which I must put before the House. In the manner in which abolition of the Capital Gains Tax is set out in the Finance Bill, the whole of the legal machinery relating to the Capital Gains Tax remains intact. The only change that has been made in the Finance Bill is this: that only the capital gains which have accrued between the first of April 1946 and 31st March 1948 are liable to taxation. But the whole of the rest of the machinery, the complicated legal machinery for which provision has been made, still remains intact. Therefore, if after a few years, the problem, which honourable Members who signed Minutes of Dissent anticipate, arises, it would not be difficult for the House to re-introduce the Capital Gains Tax, because the whole machinery is still there. Balancing therefore one set of circumstances against another, I would ask the House to accept my proposal for abolishing this tax.

The next important point is the reduction in super-tax. It has been said over and over again in the course of these discussions that the concession that we have provided would be confined to about 500 assesseees. I would like to correct the information which has been placed before the House by honourable Members. The number of assesseees on the basis of which we have estimated the probable revenue from super-tax, assuming the existing rates to continue, is a little over 1,200. I do not think however it alters the substance of the arguments.

[Dr. John Matthai]

My main argument for reducing the super-tax is this: I consider, in the present circumstances of this country from the point of capital formation, and from the point of industrial development, that the maximum rate of Re. 0-15-6 in the rupee is an absurd rate. If you look at it in comparison with a country like the United Kingdom, which probably is the country with the longest tradition of capital formation and industrial development today, our maximum rates are quite as high as the rates in the United Kingdom. If you compare it with the United States of America, our maximum rates are at least 10 per cent. higher than the maximum rates there. I personally consider that the time has come, in view of the urgent need of promoting the formation of capital and promoting industrial development, for us to gradually bring down these rates.

I tried my best to see whether the reduction in the higher ranges could be made in such a manner that a larger number of people would benefit. But the House must remember that I was faced already, with a deficit. Therefore I had to take that into account in estimating the loss of revenue to which I could put the country in the matter of relief. It was for that reason that I was unable to do anything. I want, and the Government want, to let the country know that, as far as the level of direct taxation is concerned, we have passed the peak and that the policy of the Government hereafter is going to be to provide relief in the matter of direct taxation in order that capital formation and industrial development may both be promoted.

There is another point. From the point of view of administration during the past three or four years I find that we have reached a stage where the point of diminishing returns has certainly been passed. All is avoidance and evasion of taxation to a very large extent is bound up with the excessive rates at which we have fixed our direct taxation, and I think that if we go on with a system of taxation based upon these high rates, the tax yield would rapidly diminish.

Pandit Hirday Nath Kunzru (U.P.: General): Was there no tax evasion before the war?

The Honourable Dr. John Matthai: There was tax evasion before the war, but not on anything like the scale on which it has been practised since 1944. It has prevailed at all times in the history of our income-tax, but not to the extent to which it has been practised since roundabout 1943-44. This is closely bound up with rates at which direct taxation has been levied.

I want to make one more point. Our present system of direct taxation is practically the shadow of war profits projected into post-war times. If you have a maximum rate of Re. 15/6 in the rupee, the assessee would be able to get only six pies in the rupee out of his income. If his total profit is of the order of a crore of rupees, six pies in the rupee would still mean a considerable amount. But when the general level of profit has come down, this proportion of six pies in the rupee leaves him in the aggregate with a negligible income which would give no incentive. We have now to recognise that the shadow of war profit upon the investment market has disappeared. Unless that fundamental change in the situation is taken into account we shall not find a proper solution for this problem of investment.

Now, Sir, with regard to the postal rates the Select Committee has made a suggestion, in the majority report, that there ought to be an air surcharge. The Government have reviewed the position in the light of the Select Committee Report and find that there are certain serious practical objections to the proposal contained in the Select Committee's report. Government therefore for the present do not consider that it would be desirable to accept this proposal.

made in the Select Committee's report. Their position is that the proposals regarding postal rates should stand as they do in the original Bill. I have no doubt that my honourable Colleague the Minister for Communications will be glad to answer any point that may be raised in regard to this matter.

Then, Sir, with regard to jute, honourable Members will have noticed that we are extending the export duty on raw jute to the coarser kinds of raw jute known in the market as Bimlipatam jute. This coarser variety has been exempt from export duty. But we think that the time has come to extend the export duty to this class of jute, largely for the reason that there is at present great shortage of jute and we feel that it is necessary, in the interests of the consumers in this country, that a certain amount of restriction should be put upon the export of this class of jute from the country. We also feel that by lowering the prices it would be possible to encourage its use in India. Another matter our customs have been reporting for a considerable time now is that in the matter of the export duty it is difficult on administrative grounds to distinguish between one class of jute and another. For all these reasons we have decided that the export duty should be extended to Bimlipatam jute.

My honourable friend Mr. Modi has raised his lone voice on certain issues to which I would like to make a passing reference. He has suggested that the export duty on cloth should be abolished altogether. We have already reduced it since last October from 25 per cent. to 10 per cent. I regret I am unable to accept the suggestion. The financial implications of it would be serious.

Secondly he has suggested that the administration of the excise duty on cloth should be simplified. He has not quite clarified the point. But I gathered from what he told me during the Select Committee sittings that he would like the administration of the excise duty to be put on the basis on which it stood at the time the old excise duty was in force. The essence of this is that the figures of output would be supplied by the producers on the basis of which the excise duty would be levied. At that time there was no Central Excise Department dealing with a variety of excise duties as we have now and therefore that kind of arrangement was useful. But since we have a whole machinery for the administration of excise duties, I really do not see how any distinction could be made between the administration of excise duties in regard to other classes of articles and the administration of excise duties in regard to cloth. Then he has made same suggestion about aviation spirit, that the rebate that is proposed to be given in the Budget is not sufficient. After all, that is an executive matter and the question of rebate will have to be determined from time to time with reference to the financial resources of Government and the actual requirements of aviation.

Sir, I come to the question of the Hindu undivided family. The Select Committee has proposed in the report that the exemption limit in regard to income-tax as far as a Hindu undivided family is concerned should be raised from Rs. 3,000 to Rs. 3,500. In connection with that, a minute of dissent has been recorded by several honourable Members. I have examined the main points raised in this minute of dissent and I have come to the conclusion that in the interests of this particular class of assessee, it is necessary that Government should consider raising the limit from Rs. 3,500 to a higher figure. My own view—and that is the Government view also—is that if a suitable amendment is moved in the course of the discussion on the Finance Bill which will reduce to a minimum the possibility of this exemption limit being misused, Government would be prepared to raise the exemption limit from Rs. 3,000 to Rs. 5,000. May I, in passing, give a rough indication of its reaction on the general Budgetary position? I have not been able to get accurate estimates made, but I think

[Dr. John Matthai]

that if this particular amendment is accepted, that is, raising the limit to Rs. 5,000, I should be able to meet the loss of revenue implied in it out of the little surplus that I have already provided and out of the increased revenue that I expect from the extension of the export duty on raw jute to coarser jute. I expect therefore that the Budget would still remain a balanced Budget with possibly a small token surplus.

That, Sir, more or less covers the more important points raised by the Select Committee and in the dissenting minutes. The other changes that have been made, I think, are purely verbal and routine and I do not wish to take the time of the House discussing them. Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949, as reported by the Select Committee, be taken into consideration."

Shri B. Das.

Shri R. K. Sidhva (C. P. and Berar: General): Before you allow the discussion to be started, I want a little clarification, Sir. In the Select Committee's report on clause 3 it is said:

"While approving of this clause and the First Schedule to the Bill, we consider that where the sender desires his letter to be sent by air mail, and not by the usual method of transport convenient to Government, an additional air mail fee of half-an-anna per tola should be charged."

Now, clause 3 says:

"For the year beginning on the 1st day of April, 1949, the Schedule contained in the First Schedule to this Act, shall be inserted in the Indian Post Office Act, 1898, as the First Schedule to that Act."

Now my point is that the Schedule as it stands does not make any mention of the Select Committee's recommendations. It is just possible that the House would not agree with the view of the Select Committee. Now, what would be the effect of the Select Committee's note on clause 3? I sent an amendment to your office and the Secretary tells me that there could not be an amendment to the clauses. I quite see the force of the argument, but supposing the House passes the Schedule, what will be the effect of this clause, if this clause remains without any change, then it will be known that the House has given executive power to the Government to levy the additional charge. Therefore, I want to know what is the position. I have sent an amendment which has probably not been put on the Order Paper. You kindly guide me; otherwise, it will be really ...

Mr. Speaker: I will consider the point when we come to clause by clause discussion. That will be the best time and place to consider this suggestion. At present we are considering the motion generally.

Shri R. K. Sidhva: But what about my amendment, it may not lapse.

Mr. Speaker: I will see to it. That does not mean that I will necessarily accept it, but I will see that I consider the matter.

Shri B. Das: Sir, I support the proposition of the honourable the Finance Minister that this House should pass the Finance Bill as it was introduced, perhaps with the addition of a very minor recommendation which he threw out to the House for certain amendments on the low level of income-tax. In the last two years, this august House has introduced the practice of referring the Finance Bill to the Select Committee. I do not like that idea. Sufficient time is wasted, sufficient days of labour are wasted and we do not go any further in our idea of clarifying the financial position of the Government of India or reaching a more stable or sounder position of the finances of the country. Why then waste the days in the Select Committee? Why then waste a further repetition of the discussion on the Finance Bill? I think we should revert to the old practice. Above all, the Treasury Benches—our Finance Minister—has our support, as is evidenced by the fact that he is there elected by us. He is ably guided by his Ministry. If there are deficiencies or there are difficulties, let us level that charge against the Finance Ministry in general discussion and in the discussion on the Finance Bill. Why should we try to show that we are wiser than our permanent Finance Ministry, who introduce the Budget and the taxation proposals after discussing them days and days and I know the poor Finance Minister starts worrying his head as to how to balance his Budget next year even from the month of November. So it is better that we drop this attitude of our mind and we should stop referring the Budget to the Select Committee next year. This House passed the demands for grants and it provided an expenditure of roughly Rs. 323 crores for the year 1949-50. Now, in the Select Committee the taxation has been proposed to be reduced. It is not fair to the Finance Minister. He does not belong to the former alien Government where we took up the attitude that "No voting of proposals without redress of grievances." If there are any grievances against him or against our selves, we all share those grievances that we have against the present troubles and difficulties that we are going through. I hope the members of the House will consider and next year they won't refer the Finance Bill to a Select Committee.

I have read most of the minutes of dissent by various members of the Select Committee. Some are more socialistic than the speeches that were delivered on the floor of the House, nor am I convinced from the notes that are appended that they went into the merit or the reasons why and how that money must be provided for the Government to function.

Talking on this Finance Bill, I find another friend of mine, the ex-Finance Minister Mr. Shanmukham Chetty, has made a speech in the Rotary Club at Coimbatore and it was published in the Press only yesterday. He makes certain pertinent remarks and observations which this House should bear in mind. We may not agree with the conclusions or the alignment of his conclusions, but we have to respect the opinion of one who has devoted many many years of his life to a study of the fiscal policy of this country and who is considered an authority in the financial world of India. Sir, my friend, Mr. Shanmukham Chetty has rightly said that the capital formation proposals as included in the budget are not helpful. Naturally, we have heard it from the capitalists and industrialists that they are not satisfied, but the fact is that the critics here and outside must remember that we must build up the credit of this country. We must develop the industrial resources and increase production so that inflation may be fought and stopped and if that be so, we should try to draw in the tight money market. We need not think as certain people are thinking in this House and outside, that we should get all the money for our capital requirements from U. K. and U. S. A. Many are attracted by U. S. A. But I am not very much attracted with U. S. money being invested in this

[Shri B. Das]

country. I think that when many many millions of U. S. dollars are invested in India, we will find ourselves almost in the same irksome position as we were in with our former British masters. At least the Englishman had the politeness and gravity of manners built up on hundreds of years of diplomacy. The people of the United States have years ahead to grow old. They are too young, hasty, rash and rude. They have years to learn to talk in diplomatic language which the Englishman always did in the past.

As regards inflation, my friend, Mr. Chetty, has observed that India's economy is a cereal economy, because if India grows something like 6 to 7 million tons less cereals all our economy is shattered. For that we are all responsible, not the Finance Minister who is ready to provide Rs. 130 crores for food to keep the wolf of hunger away from our doors. But India has not been able to grow more food. The money is available for grow more food campaign at the disposal of his colleague, our friend, Mr. Jairamdas Daulatram. But somehow the money does not produce the cereals nor the corn. The money is frittered away as soon as it is handled by hundreds and hundreds of high officials that are employed by the Agricultural and Food Ministry. The assurance of the Ministry of Agriculture that by 1951 we will not import any grain or corn from abroad is a very fine ideal to have and for that we legislators have a bigger responsibility than the Government. We must follow it up and advise our people in the country-side to tighten their belts and not to consume any foreign grain. If as a result of the 1904 difficulties in Bengal, people shouted slogans like "Boycott British Goods": "Boycott foreign goods" and we kindled our patriotism with the cry of independence on that slogan of "Bande Mataram", then I say that today the time has again come. Let us go without food. Let us starve but we are not going to consume foreign goods at the loss of our national credit. Every year our debt position is getting bad enough.

Talking of the debt position, the unproductive debt which was 229 crores in 1938-39 has gone up to 788.87 crores for the year 1948-49 and will be 815.49 crores in 1949-50. Year after year before the last War, I have analysed the genesis of this 229 crores of unproductive debt. Most of it was due to British supremacy. They utilised India's money in the China War, the Boxar War, the Burmese Wars, the Egyptian War, the Afghan Wars and in the conquest and maintenance of the Aden principality. Some of it may have been borrowed money but if the honourable the Finance Minister analyses the position from records in the archives of the Finance Ministry, he will find that most of it is due to the British idea of conquest of Asian countries and palming off the expenditure to India. If we helped England in her becoming one of the biggest and mightiest Empires before the last War, we also helped England with another 500 crores during the last war—because if the 1948-49 figures come to 788 crores, most of the 500 crores of additional unproductive debt is due to the inflated policy during the War in addition to the acquisition of materials and stores at controlled pre-war prices throughout the War. We have saved England's freedom. England is not a slave of the German Empire today and not yet a slave of U.S.A., which it may be in a few years hence. But this 560 crores of additional unproductive debt is mostly the result of England's handling of India's finances. I am alarmed that next year the unproductive debt will be 815 crores. It means that we are going to borrow some 30 crores more of unproductive money. It is unfortunate we do not get public loans. The Reserve Bank is charging interest on Treasury Bills but that is a small matter. But there is going to be a further addition of 30 crores—an unproductive loan. This is alarming. We must increase our national prosperity. I do not want to increase our national taxation any further. But we must so balance our budget

that we should not pay interest on loans which are not meant for productive purposes. If England and the U.K. bled us white in the past, the National Government will see to it that we prosper well. This peculiar position that we are facing is perhaps the result of circumstances to which the biggest financier in the world now.....

The Honourable Dr. John Matthai: On a point of information, will the honourable Member kindly tell me what are the kinds of unproductive loans that he has in mind?

Shri B. Das: I would like him to refer to page 43 of the Explanatory Memorandum on the Budget of the Central Government for 1949-50 where he has:

"Balance of total interest-bearing obligations not covered by above assets."

which show that it was 229 crores in 1938-39 and will be 815 crores in 1949-50.

I was only analysing how that position came about. I sympathise with my friend and also with myself that we are in this unfortunate position. I am aware of the fact that most of the postal savings banks deposits had never funded money for all these years when that comes to be done it will be added to this part of unproductive loans. It is for us legislators who are members of the Congress Party to see that the Government is prosperous and does not incur any inflated expenditure which adds up to our loans and to our interest charges. We must see at the Centre that this peculiar situation is put an end to and therefore we need not criticise specific taxation proposals as if they are going to do harm. We have to look at the picture as a whole.

I find in the papers that my friend Mr. Shanmukham Chetty has laid down one or two other dictums which are the cause of the present state of capital formation. He blames the advocates of nationalisation. He blames the Provincial Governments for the acquisition of zamindari by the issue of bonds. If bonds were given to zamindars for compensation then capital would be shut down. I think everybody will agree with Mr. Shanmukham Chetty that capital would be shut down. Unless money is circulated no money will be found by the industrialists when they promote companies, or when my honourable friend the Finance Minister issues his next loan or treasury bills. Therefore there should be efforts over greater circulation of money and it would be inopportune to introduce socialistic ideas or measures at the present juncture into our national economy.

I was amazed to read in the speech of Mr. Shanmukham Chetty that the Madras Government had thrown away about 18 crores for ideological purposes in spite of repeated warnings by the Central Government. I am referring to this because I find that at present the Provincial Governments, particularly their Finance Ministers, are harbouring fanciful ideas about provincial credit and India's national credit. They think that they can incur any expenditure: they think that they can issue any loan in bonds and still maintain the solidarity and soundness of India's national credit. It is not so. Madras has many learned members on the floor of this House, including the honourable Finance Minister. Also there are members of Bihar. I hope they will take note of this warning and persuade their colleagues in the Provincial Ministries and Legislatures to be circumspect, so that be it a proposal for the nationalisation of industry, or be it nationalisation of zamindari, they will see that they do not jeopardise our national credit.

Sir, I give my wholehearted support to the proposals that the Finance Minister has placed before the House. I hope that the House will take note of my suggestion that the Finance Bill should not in future be referred to a Select Committee, whereby most of the time is wasted and doubts are thrown at the administration of the exchequer. The chancellor of the exchequer or the

[Shri B. Das]

Finance Ministry should be allowed free scope to develop, in their own scientific way, proposals of taxation and expenditure. We should not criticise them outside this Assembly in the Select Committee, and ultimately we find that the result of all that was zero.

Mr. Speaker: Before we proceed further with the discussion I should like to have a point or two cleared. As I stated once before, I do not propose to have any strict time limit but I have in my mind a limit of 15 minutes for each speaker and I hope honourable Members will kindly adhere to it. How long do we propose to go on with the discussion on the motion for consideration? At 5 P.M. tomorrow we are going to apply the guillotine and perhaps before that, some time will be necessary for clause by clause discussion of the Bill, at least for the purpose of moving some amendments. I understand that if suitable amendments are moved the honourable Finance Minister might accept them. Mr. Sidhva has raised a point which requires consideration. I am not giving my opinion thereon now; some time is required for that. We may keep all this in mind so that we can adjust the general discussion accordingly. I have no idea of curtailing the discussion but I should like to know approximately what time will be taken up by the discussion on the consideration motion.

Pandit Hirday Nath Kunzru: The time for the general discussion should be up to 1 o'clock tomorrow afternoon. On the other point to which you have referred, namely, the question of the amendments to the proposals in the Select Committee Report, I think there will be very little discussion. The reply of the Finance Minister one way or the other will settle the matter. But I do not think in the circumstances in which we are placed there can be much discussion on the issues raised by the amendments. There may be one or two people who may want to express their opinions. I have no doubt that the Finance Minister will not allow the discussion to proceed further and will get up immediately after a member has moved his amendment and cut short the discussion by saying whether he accepts it or not.

Mr. Speaker: I shall reserve half an hour for the honourable Minister's reply.

The Honourable Dr. John Matthai: About 20 minutes will be quite sufficient.

Shri M. Ananthasayanam Ayyangar (Madras: General): As suggested by Mr. Kunzru the general discussion may be over by 1 o'clock and the honourable Minister may start to reply by 12.30 tomorrow to reply to the general debate. At 2-30 we can start with the amendments. As each amendment is moved the honourable Minister will either accept or reject it.

Mr. Speaker: If as anticipated by Mr. Kunzru, there is not going to be much discussion on the amendments it is no use stopping the general discussion at 1 o'clock. We can extend the discussion beyond 2-30 P.M. That is what I have at the back of my mind. We shall keep one hour for the amendments.

Pandit Thakur Das Bhargava (East Punjab: General): We can have an agreed amendment on the Hindu joint family.

Mr. Speaker: We can take up amendments from 4-30 to 5 P.M. in anticipation that the honourable Finance Minister will not have to give again a general reply after the consideration motion.

Pandit Thakur Das Bhargava: At the third reading stage some speeches may be made and allowance must be made for that.

Mr. Speaker: I do not think it is quite necessary. If honourable Members want it I have no objection and I am prepared to allot the time.

Dr. P. S. Deshmukh (C. P. and Berar: General): 3 to 4-30 will be ample for the amendments.

Mr. Speaker: At 3-30 the consideration motion is to be put to the vote. Discussion will go on till 3 P.M. and I am reserving 30 minutes for the honourable Minister's reply.

Pandit Hirday Nath Kunzru: The Finance Minister has stated that he would require only 20 minutes for his reply. It is obvious therefore that he does not propose to reply to us seriously. Frankly speaking I think I have understood his attitude. If that is his attitude need he take the trouble of replying to the debate at all? The general discussion may proceed a little longer.

Mr. Speaker: His attitude, as I understood, is to leave for general discussion as much time as possible—not that he need not reply.

The Honourable Dr. John Matthai: Regarding this particular point that Pandit Kunzru raised, when I decided to limit myself to twenty minutes it was because I felt that the Bill has been discussed several times and it would not be necessary to expatiate in the way I did at earlier stages of the discussion and that I should compress my arguments into as small a space as possible from the point of view of saving the time of the House.

Mr. Speaker: So up to 3 P.M. tomorrow we shall have the general discussion by Members and at 3 o'clock I shall call the honourable the Finance Minister to reply. The time that remains after that may be utilised towards the amendments and discussion at the third reading stage.

Prof. K. T. Shah (Bihar: General): I had not taken part in the first stage, when this Bill was represented to the House and referred to Select Committee, partly because I did not desire to inflict myself too often upon the patience of the House, and partly also because I felt that, within the time available for discussing such a huge budget, and all the items comprised in it on the side of revenue and expenditure, as well as the capital budget, it would be impossible to deal with it at all satisfactorily. For such a survey perhaps the whole time allowed for that purpose would be insufficient.

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

The budget runs into several hundred crores, three or four times the amount the Central Government used to spend about ten years ago. And today this House is not bound by any of those restrictions which under the Government of India Act, 1935, prevented us from discussing more than half the budget. The number of Members also was perhaps half the present size. Yet the time allowed for Budget discussion in all its phases used to be much more than the time now at the disposal of this House for discussing problems of policy, and problems of detail which are contained in a budget of this kind. Questions of policy may be discussed at suitable occasions, when particular opportunities arise either by way of Resolution, or by way of legislation come before this House. Questions of detail, however, cannot be considered except perhaps on occasions like this when, however, restrictions of the kind that we have make it almost impossible for us to offer any really helpful criticisms which might be useful, if not for the current, at least in the coming, budgets to the Finance Minister himself.

It is patent, indeed, that there is no organised opposition in this House; and that perhaps facilities the imposition of restrictions of the kind I have been referring to. But because there is no organised opposition which opposes for its own sake, and because there are a few lone voices which might offer some friendly criticism—even if it is not regarded as friendly—I think it

2050 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [29TH MARCH 1949]

[Prof. K. T. Shah]

would be somewhat unfair and unjust that those persons should not have as full an opportunity as may be possible under the circumstances under which we have to work.

Having said this, and without taking any further time on the point which might be laboured at any great length, I would go on to say that I have no cause, after perusing the Select Committee's Report, to change the opinion which I expressed at the time of the general budget discussion in the first place. The provision now sought to be made for meeting the expenditure this country has to meet in the coming year is in my opinion utterly unnecessary, unjust and uneconomic both to the taxpayer and to the revenue collecting authorities themselves as I will try to show in a few minutes.

The complaint has often been made that the art of estimating seems to be at a discount in the present Ministry, and estimates have varied very substantially from their original to their revised stage, and from the revised to the actual stage. This is a complaint, strange to say, which has proceeded from extreme ends of this House, from a representative of the capitalist class who may have his own reasons to find fault with this, and from the other end also which feels that if budgeting is at all to be respected, if budgeting is at all to be something of an art, the laxity shown in these papers sent to us, and in the record of the last two years or so, does call for some adverse criticism.

Explanation, I am aware, has been offered for this variation by the honourable the Finance Minister. As far as that explanation goes it may be accepted by those who are deterred by difficulties of the kind that the Finance Minister mentioned. But I feel that these difficulties are by no means new, or peculiar to the present set of circumstances. Such difficulties have always been there in some way or another; and it has not really been an original point for the Finance Minister to say that "because of these difficulties I have to admit of variations running into something like 25 per cent. over first estimates". That to my mind at any rate sounds a very lame plea.

I mention this point particularly on this occasion because had the estimates been more accurate, had the collection of revenue as well as the watch on expenditure been more stringent, more rigid, more adequate, and effective, I for one feel that the occasion for taxation and increase of burdens, and the possibility of wastage that we may reasonably suspect in these figures, would not have arisen.

It has been said, Sir, for instance,—it was in fact mentioned in reply to one of my own questions—that the arrears of taxation in the Income-tax alone represented something like Rs. 38 crores. My own information was somewhat different. It suggested arrears of something like Rs. 68 crores. But even accepting the figure given by the honourable the Finance Minister, that suggests the vast room there is of tightening up the methods of revenue collection, even on existing rates, which may avoid the hiatus that we find today between revenue and expenditure. In fact the deficit would have been much greater but for the fact, on the admission of the Finance Minister himself, of a heavy collection of taxes on income made during this year with the help of some Ordinance or legislation that has been enacted for summary paying up of income-tax. A few days ago one read in the papers that even in the current year, since the budget was presented, something like 15 crores more collections have been made. That is good as far as it goes. But I feel that the very fact that there should be room for such large amounts of arrears outstanding is by itself an index of laxity that ought to be curbed at the source.

This leads me to another point of the same character in regard to taxation or tax-collections proper. We all know that there is such a thing as tax

evasion, apart from legal tax avoidance. A special machinery has been set up to see to it that the tax evasion that has hitherto been practised is brought to book, and the arrears due to the state are collected. We have, after a year if not more, of setting up this machinery, received only an interim report relating to the procedural matters that may be of benefit hereafter and that too mostly on the legal side.

On the actual side, however, estimates seem to vary grotesquely between two to three hundred crores on the lowest side to something like 800 crores of tax-money evaded, of which there can be no prospect of collecting even 50 per cent. I am not making myself responsible for either figure at the moment; but I think it would be generally agreed that there is a vast scope in which the evaded tax can be collected and the necessity for increasing burdens or wasting our accumulated resources avoided.

The highest authority in that regard seems to have represented that the machinery at their disposal was not sufficient to enable them to bring to book the principal offenders in this matter; and that, therefore, further powers, further authority, further means be placed at their disposal, or permitted by legislation or otherwise, which would enable them to secure the arrears in due time. I do not know how far that matter has progressed, how far the representations made by the highest authorities have been listened to; and whether we shall act in the near future, before depression comes upon us, as the Finance Minister seems to fear, and before most of these people are able to show a clean slate in bankruptcy having nothing to pay, so that we might whistle for the arrears due to the State in their regard. Be that what it may, I think here is a point in which the methods of collection alone require to be more tightened up, made more rigid, so that the chance of evasion as well as underpayment may be removed.

I have come across another instance which also requires consideration at the hands of authorities. It is, for instance, well-known that for articles exported, let us say from the United Kingdom, there is a domestic price and there is an export price which is quite different and much lower. A motor car—I forget the name of the make—is selling in England at £460. Its imported price here is something like Rs. 4,500 c.i.f. That definitely avoids—I deliberately use the word avoids because it is legally permissible—tax to the Indian exchequer to the tune of something like Rs. 800, had it been sold at its proper and correct price. I have not been able to ascertain why this gap should be permitted, that the export price and the price on import c.i.f. in this country should have such a wide divergence to the grave prejudice of the Indian exchequer. And I do not know whether the same cars do not sell, actually when they come upon the market, at a much higher rate so that the consumer also is taxed by the producer. This matter, I hope, will be considered in its proper aspect by the authorities concerned. I only mention it because it is one of several items that I could mention, if I had time enough, whereby the tax collection, whether by rules made in that behalf, or by the law available or by the actual practice, is not as adequate, as stringent, as effective as it should be.

The entire system of taxation, Sir, needs to be reconsidered from the standpoint of our present situation, from the standpoint of our present requirements, from the standpoint of our present views regarding social justice, equity as between fellow citizens, and incidence of taxation. We have been promised—still we are in the stage of being promised only—a proper Taxation Enquiry Committee. I hope that a proper committee of this kind will be appointed before too late, and that it will function, that not only will its report be presented but also considered and a recommendation made so that effective action is taken thereon, and not merely the matter being taken into general consideration as we had the example yesterday

[Prof. K. T. Shah]

evening. General consideration takes us no further. The point, however, that is important to note in this connection—and I hope those concerned will not think me merely a theorist in suggesting this point—is that, unless taxation is correlated to expenditure, unless every pie collected is not only properly accounted for but also properly spent, that is to say, unless harmony is established between our needs and our resources, taxation would run the very serious risk of being unjust, inequitable, falling on wrong shoulders, bringing in more than what may be necessary or leaving more than is justified to be left in the hands of the tax-payer. At the same time, may I say, with all respect, that at the present time the theory that seems to be most in favour with the taxing authorities is, not taking what may be required from the tax-payer for the State, but taking on the theory of taxable capacity being equal to the squeezable capacity of the tax-payer—as much as you can squeeze out of him. Now, such a remark coming from a person like me might be liable to misrepresentation or misconstruction. I am not speaking, indeed, of those money bags who do avoid taxation on a larger scale, and evade on a still larger scale; and who nevertheless go on crying that they are being taxed out of existence. I am not a subscriber to that view. I feel on the contrary that our finance authorities seem to have surrendered at discretion to those elements; and it is for the money-bags to accept it. Whether or not they are going to accept that surrender remains to be seen. They are making their own conditions.

I would like the Finance Minister to consider this other matter. There is what is called in economics the law of satiable want, but for many there is what is known as insatiable want. There is no limit up to which people will go on acquiring and accumulating money, and whether from good source or bad is indifferent to the money-bags. That being so, they become some sort of insatiable monsters, who are never satisfied, to whom no amount of sacrifice would suffice, and whom therefore it is, in my opinion at any rate, absurd to try to appease. We are, however, obliged to do so, because those in power have somehow an unconscious sympathy with that class; so that their first thought, their earliest proposal seems to be to give relief to them. They hope by such means all the terrors that those classes held out to us on the pretences of shyness—or is it coquetry?—of Capital, all the pretences of it being unwilling to come forward for furthering production would be warded off. Time and again, and however, these bogies are trotted out to make us grant them relief upon relief, so that they may be coaxed into public service or increasing the production of national wealth.

I confess I have yet to see the concrete results of these reliefs materialising, and the objects with which the reliefs are granted coming to stay and becoming actual facts with us. I have not yet seen in any particular form that, directly due to these reliefs, the production machine has been geared up, and the speed has been somehow increased. If there had been some increase it is due to other factors besides the relief; and, therefore, the relief as such seems to me to be a mere gratuitous present at the expense of other tax-payers.

And that brings me to the most outstanding illustration of the taxable capacity, being regarded as equivalent to the squeezable capacity, in the minds of our present authorities. That, of course, is the obvious question of the proposed increase of postal rates. No explanation that has been vouchsafed to this House has appeared to me at all meeting the points that are urged by those who opposed these rates. I know there has been a sudden *volte face* in this House, from the discussion on the Budget when it was first presented, and subsequently when the General Discussion took place on demands for grants and on the introduction of this Bill. I fail to understand

the miracle that was worked overnight, so to say, whereby the tone was completely changed, from a frontal attack in massed columns upon the increased-rate of post cards to a tame surrender and acceptance of the inevitability of raising the price of the envelope and the post card. After all, the agriculturist has also money, we are told, and let him pay the money! Now that we have remitted the salt tax, there is no reason why we should not increase the postal rates! That is a logic which fails to convince me, I am willing to admit.

Sir, it seems to me more grotesque than anything else, when I realise that it is a matter of recouping for the public exchequer from a monopoly service the utmost that can be obtained from the poor user of the post office. I raised a question as regards the basic principle of these rates and I was told that this is a matter of policy. A matter of policy cannot naturally be discussed in the Question hour, not even answered. That being so, I had to remain silent when I got that reply. I do not know even now what is the intention of our authorities as regards taxing through the post office, through the railway, and through the public utilities in general. The postal and other public utility services should render real service to the community, and should not be a source of attrition, a source of exhaustion, and exploitation that the worst exploiters ought to avoid.

It is clear to me that in this public enterprise we have come to a stage at which charges are frankly made on the cost of production basis, even though the cost of production has to include all sorts of real or fancied items, a list of which we have not yet got. Everyone familiar with commercial accounting would be able to tell you how you can put in or take out a number of things either to inflate the profits or to reduce the profits.

I am prepared to hold up my judgment in this behalf until I get all the items that the honourable the Finance Minister has up his sleeves, to tell us that he has added the cost of collection, that he has added the cost of delivery, that he has added the cost of sorting, that he has added the cost of transport, that he has added *pro rata* the overhead charges including a part of his own salary, the debt charges, the defence charges, and all the other one hundred and one charges that must come *pro rata*, I do not say wholly upon the—post card, so that the post card comes to 9½ pies. On that basis, our Government is so charitable, so generous, so openhanded that it has charged nine pies instead of 9½ pies. There cannot be a greater height of generosity to the public; there cannot be a greater measure of charity; the honourable the Finance Minister, the good Christian that he is, has come forward with this offer. Charity begins at home, and charity covers a multitude of sins; including the mistake in accounting and the sleepless nights and sleepy days. The cost of production proper is admitted now to be much less than, on the first day, out of sheer slip of the tongue, the Finance Minister seriously told us it was. But, he does not tell us today, whatever be the position as to its cost of production, the total cost, and its ratio to the average income *per capita* in this country, and the comparative position with regard to similar charges in other countries. In the interval of a fortnight or so, he has forgotten all these very important and relevant matters, so that the House is bereft of his sage advice, high authority and charitable opinion in this matter, giving us the comparative position between what a man getting Rs. 15 per month at the most has to pay as compared to a man, who is perhaps getting Rs. 300 per month, has to pay elsewhere.

In these circumstances, I feel that, according to the old-fashioned ideas—I deliberately say old-fashioned, because my honourable friend says that he has dropped all this old convictions, and those who labour under their convictions in the law of economy are naturally regarded as old-fashioned—one would have thought that the law of Increasing Returns in these postal rates ought to suggest to the honourable the Finance Minister and his colleagues that the lower the charge, the greater is the output, and necessarily a greater surplus if you

[Prof. K. T. Shah]

want; and the higher the charge, the lower the turn over. You deliberately deter the service from being used to the maximum it should be used, if you go on raising the charges for this elementary public service. It is not only a tax on communication; it is a tax on knowledge, it is a tax on the spread of education, it is a tax on the facilities that the people should have of exchanging their views, so that they by mutual intercourse and freedom of expression, may grow wiser and become better citizens, which the authorities desire them to be.

Sir, apart from that, it would be perfectly right and just if you are going to charge actually for service rendered. What is the cost of service that you are going to render by the all up air mail system? In the whole of this country, there are hardly about 200 air stations, including of course the defence department stations. You are now going to rely upon the flying clubs to deliver within areas of ten miles or 15 miles of the principal air ports. Instead of receiving the postal letters within ten hours or twelve hours or twenty-four hours, we will be receiving them in as many minutes. I do not know how many of us would be happier by that difference, assuming it is true. I think this is the main excuse that has been put forward for raising the rates for postal communications. I ask, have those authorities considered such a factor as monsoon in this country—there is a monsoon in many parts of the country every year,—and the utter impossibility of dropping postal bags from above without risk of getting it completely wet, so that no one would be able to read any line. I know, of course, there may be water-proof bags, that they may be properly sealed and there may be specially made cases. Then, this would add to the cost also, and we would have the honourable Finance Minister come again to us.....

Shri R. K. Sidhva: They are not meant to be dropped down from heights.

Prof. K. T. Shah: They are coming down to the ground? The lives of those to fly these machines are of no value? That does not matter in any way to the honourable legislators, who think that these things, after all, can be done if there is only the will to do. I wish them all success in this desire to achieve a great advance over all the most advanced countries of the world. Because, I do not know anywhere else where this system of carrying everything by air prevails. Even in the United States—I speak subject to correction from the all-knowing and all-powerful Minister, there is no all-up air carriage of mails. I must say that I am not aware of the possibility of carrying by air all postal letters to every village even in the United States. We are, of course, much more advanced than the United States. We have much greater facilities; we have many more planes, more air strips, more weather stations, more landing facilities, better radar equipment, and all those that we want. We are naturally far more advanced than the United States, and therefore we naturally charge for the service rendered. Today we say we will carry 25 per cent. of the mails; tomorrow we will carry 50 per cent. If we do not, we will come to this House and ask you for a little more to carry 45 per cent. You will only be deceived by your disappointment. You are not even giving good service for the money you charge. In this way you would be perpetuating a deliberate fraud upon the public by pretending to say that you will carry all articles by air, when it is physically impossible—I challenge the Minister—to carry all the mails in this country by air.....

Pandit Balkrishna Sharma (U.P.: General): I rise on a point of order, Sir. Nobody has said that all the mails will be carried by air.

Prof. K. T. Shah: The honourable Minister said so.

Pandit Balkrishna Sharma: Then, he has not understood correctly. What is all this? This is unparliamentary.

Prof. K. T. Shah: Why this is unparliamentary, I fail to see.

Mr. Deputy-Speaker: Order, order. The honourable Member has already taken twenty five minutes. The Speaker is standing and the honourable Member must resume his seat. The honourable Member started at 12-35, and it is now past 1 o'clock. He has already taken more than 25 minutes, and I am holding on the House in the hope that he will conclude. He must conclude now.

Prof. K. T. Shah: I know that mine is a lone voice in the House silenced by either ridicule or outvoting.

Pandit Balkrishna Sharma: Not a lone voice but the voice of a cantankerous crank.

Prof. K. T. Shah: But I must say this: I see no justification for making this charge upon the people who will not get the service for which they are going to pay. That being so, I remain utterly unconvinced by all the explanations that have been given about the utility of raising the postal charges. The postal charges should be the lowest. I have no time to go into the expenditure side of the Budget, which, had it been attended to properly, all the necessity for raising this taxation would not have occurred at all. I will end by saying—even though whatever I say may be ineffective—if you go on making charges for which you do not give good service, you will not be living up to the ideals of a good state. After all, it has been said by the greatest of the sages that the taxpayer public is like a cow. If you know how to milk it properly, then you may get the best nourishment out of it. If you go on squeezing, you know what would happen.—

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

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

Sreematty Annie Mascarene (Travancore State): I wish to raise a point of order please. Is it in order for a member to refer to another member as a cantankerous crank?

Seth Govind Das (C.P. and Berar: General): Is it a parliamentary expression?

Mr. Speaker: I shall consider whether it is parliamentary or not, but certainly it is not proper to use that term one way or the other.

Sreematty Annie Mascarene: If such a reference is made, is it not the duty of the honourable Member to withdraw it?

Mr. Speaker: It is therefore that I said I could not be sure as to what exactly the implications of that word can be; I am sure that 'cantankerous' is not an unparliamentary word, but about the word 'crank', I am doubtful. I must know the implications of the whole thing.

An Honourable Member: You were absent this morning.

Mr. Speaker: I wish the honourable Member had raised the point when the Deputy-Speaker was in the Chair, but I will look into this and let her know. Any way, if I find that it is unparliamentary I shall see that it is expunged from the proceedings.

Seth Govind Das: The honourable Member should also withdraw these unparliamentary words.

Mr. Speaker: I shall then also ask the honourable Member to withdraw them. The best course is that members should use very moderate language. I generally feel that strong expressions should be avoided.

Pandit Thakur Das Bhargava: Sir, we have just heard the very spirited and interesting speech of Prof. K. T. Shah, during the course of which some members did not like what he was saying. I am not concerned with that aspect of the matter, but I must say that whatever falls from the lips of Prof. Shah is always entitled to our consideration and we always attach due importance to it. But after hearing him and after hearing his indictment against those members who according to him have changed their opinions, I must say that he is entirely mistaken in thinking that something has taken place overnight, as a result of which many members have changed their opinion. As between the two Professors, Professor Shah and the old Professor Dr. Matthai, we had not to choose so far as the personality was concerned, because both of them have got charming personalities, but we had to weigh the arguments given by them. Is it true that the first impression which many of the members got when we heard the speech of the honourable the Finance Minister, which he delivered at the time of the Budget was that this increase in the rates was not acceptable to the members; it was the first impression, but after hearing the various grounds on the various occasions on which he had occasion to speak, I think, I am perhaps voicing the feelings of the majority of members that we are mentally convinced that the reasons given by him are absolutely sound. Originally the proposal before us was that since the letters and the post-cards were to be carried by air, the increase was to be made. As a matter of fact, Sir, I understand the position is quite different. The way in which I look at the question is this. On account of various circumstances which are too obvious the Budget is not a surplus budget. The Kashmir operations, the Hyderabad Police action, the refugee problem and the great cost of importing foodgrain—these are matters which admit of no doubt and in spite of these, if we find a Budget which is not a budget which imposes very onerous taxation upon us is a matter for congratulation. Judging from this background, I look at this question of increase of rates in postal charges as a normal affair. I was in the House, Sir, in 1928 when the proposition was that the price of the pice postcard be raised and I remember the speeches which we on these benches made when this was done. Whenever the increase of taxation on the ordinary people is sought to be increased, it is always usual for the members who represent the public to raise their voices, but when we are convinced that such increase is justified, we ought to be courageous enough to admit that there is a case for increase, and today there is a case for increase, I am perfectly convinced. The difficulty was that previously to start with, this proposition was not explained in the way in which subsequently it was explained, but then I do not see the difference if valid and undubitable arguments are given now though they were not given on the first occasion, that makes no difference at all. The choice is whether you want 2,000 more post offices in the country or you want the same rates to continue. According to me, Sir, the poor man does not at present utilise the post-card; it is not a question of taxing the poor man at all. It is a question of taxing the poor middle-classes and not the poor man at all. The poor illiterate man does not use the post-card or letters or even your Postal Department. Therefore, I beg to submit that if the choice were given to me whether the postal facilities are to be widened, so that a larger body of men may take advantage or the rates are to be increased, I will certainly make the choice that the increase from 2 pice to 3 pice may be maintained as it was before.

In regard to the abolition of the capital gains tax also the grounds given by the honourable the Finance Minister are very sound. They appeal to our reason and I don't see any wrong in seeing this tax abolished. When the tax was originally imposed, I remember the days, there was such a great howl in the country, because it was an innovation from the past and because in all countries except America such a tax was unknown and in our own history of taxation such a tax was unknown. We have forgotten those days and when

it comes to abolition, then we raise a hue and cry. The truth of the matter is that for some people when they see money, there is a great temptation to keep it. I know of a lawyer, Sir, if money was laid on the table for his fees, though he was a lawyer who charged very exorbitant fees otherwise, when money was shown to him, he would succumb to the temptation. When last time the Transfer of Property (Payment of Taxes) Bill came before us the fact that the Income-tax Department were able to extort Rs. 40 lakhs from certain tax-dodgers, that alone was sufficient for some people, and their mouths watered. They went so far as to say that it is a good device to extort taxation. In the same way since we see the money—two crores—we think anyhow that this money should be kept. It is a wrong policy. After all the right policy of taxation is you tax in such a manner that the taxes are recovered from people who ought to pay it. Now, Sir, I see nothing wrong in the upper limit of tax, i.e., from 15 annas 6 pies to 14 annas being decreased. I do not see any objection at all. I would rather say that you should decrease it still further. In this country the rich man as well as the poor man has right to live. We have passed in the Constitution Act Section 13 that every person has a right to hold individual property. Let it not be understood that I want that the richer classes should not be taxed as they should be and that the burden on the poor should be increased. But at the same time we should not kill the goose which lays the golden egg. If really you want industrialisation of the country, you must create conditions in which more production is possible. If you do not allow such conditions to be brought about, you will be doing an absolutely wrong thing. That is the real position. If anybody opposes this argument he should come forward and convince us as to how this argument is wrong. As long as it is right we are bound to support this relief, in higher income levels.

As regards the concession which is going to be given to the joint Hindu family I have got to submit this. I am very glad and I should congratulate the honourable the Finance Minister that he has been pleased to recognise the justice of the claim of the poor undivided Hindu families. I am very glad that I have no need now repeat the arguments I used to advance on former occasions. Now the question is how to tackle this problem. We have made a breach in the wall. The principle has been accepted that it is not a concession but justice to the Hindu joint family. It is unfortunate that this question has come up at this stage when the honourable the Finance Minister cannot go into the question deeply and do full justice to the Joint Hindu family. I realise that. But I would take this occasion to submit for his consideration that we are only accepting the new proposition about increasing the taxable minimum of the Hindu joint family, only as a present remedy for this year alone. The real remedy is not to make any discrimination in this respect between Hindus and non-Hindus. We want that all the nationals of this country should be treated alike in the matter of taxation. I am for a uniform policy of taxation. We would welcome any device by which it could be brought about. In my opinion, in the matter of taxation, I should suggest that all Hindus should become non-Hindus. It will look paradoxical, but I would submit that last year the proposition accepted by the honourable the Finance Minister was that every coparcener in the family should be allowed a deduction which is allowable in the case of an individual. He made a speech on 18th March to this effect and said that he would refer the matter to the Taxation Commission. The matter was accordingly referred to the Commission, but that body unfortunately could not rise to the occasion and make an enquiry into this matter. The letter which they addressed after they were commissioned to find out how joint Hindu families should be treated in the matter of taxation and the way in which they approached this question were both faulty. In a few minutes I will read out their forwarding letter and the questionnaire they sent to all of us.

[Pandit Thakur Das Bhargava]

It would appear that they say in this letter that though they have a technical right to go into the question, yet they regard it as their scope of enquiry and duty to view the question from the principle of avoidance of taxation. They thought that they were not commissioned to find out in what manner the joint Hindu family is to be taxed. From item No. 5 of their questionnaire it is clear that they have not approached this question from the right standpoint. For this reason they did not get many replies and no proper guidance, and they could not suggest the correct solution. As their report is a confidential document I will not refer to it in greater detail and shall content myself with this reference for the present. Previously, as well as in this report, the approach made was to see that the taxable minimum is increased. I submit that the social unit called the joint Hindu family was never founded in or introduced into our society with a view to levy tax upon them. Whenever it suited the Government it has always treated the Hindu joint family as if it were divided. Now, if a Hindu dies and the heir collects the debts of the dead, he has to pay court-fees like the others, whereas in a joint Hindu family no such fees should be chargeable as in a Mitakshara family death is of no consequence. In 1924 the taxation Inquiry Committee held that the joint Hindu family should be treated as if it were a divided family. Now the Estate Bill is again coming before us. The Select Committee Report of the Bill has not been circulated. But in the original Bill, under sections 5, 6 and 12 the provisions of the Bill treat the Hindu joint family as if it were divided. Whenever they want to get taxes from us they treat the joint Hindu family as though the Hindu joint family did not exist, but when it comes to giving some sort of concession, they take away the rights which such families have enjoyed for so many years. Now I am asking what is the justification for treating the Dhayabhaga family as a Hindu undivided family. According to theory and practice in Dhayabhaga families the rights to property are definite and ascertained. Now, according to section 9 of the Income-tax Act, when there are definite and ascertained rights to property, then no taxation can be levied on the basis of jointness. Well, if this is true, there is no justification whatever to tax the Dhayabhaga family as a Hindu undivided family. In regard to Mitakshara families also, we know that the real Mitakshara families do not exist in the Punjab and in the United Provinces. According to the original concept no undivided Hindu families exist in which there is jointness in estate, worship and property. As a matter of fact it was held as far back as 1889 and in 1919 that no such family exists in the Punjab. Where a son is not born with any right to property, no such family existed. Now, after the operation of the Hindu Code and the gallant and valiant efforts made by Dr. Ambedkar to kill the joint family, no Mitakshara family will be left alive and in future there will be no Hindu joint family at all. Where is the justification for a joint Hindu family taxation law and its being categorised as a unit of taxation? If there is no joint Hindu family and if there is any trace of it left it is going to be finished for all time by the Hindu Code. There is no justification for having this provision for the Joint Hindu family in the Finance Bill. We do not want any discrimination in favour of the joint Hindu family. We should treat the Hindus, the Christians and the Muslims alike. The right of birth is practically abolished today. There is no survivorship there. Dr. Deshmukh's Act of 1937 has finished the question for us. There is again right of representation and the principle of survivorship stands shattered. In such circumstances where is the joint Hindu family? When all these happens as a result of the trend of individualistic tendencies of the age, we are forced to the conclusion that it is futile to tax joint Hindu families. The proposition which is advanced by those who are in favour of taxing the Joint Hindu family is absolutely wrong. When the honourable Minister goes through the recommendations of the Investigation Tribunal, he will find that the recommendations are absolutely futile and based

I was referring you, Sir, to a letter which they have sent, and with your permission, I will read out a few lines from it. They say:

"Although the words 'on all matters relating to taxation of income' would seem to suggest a very wide scope for the enquiry, the Commission read them in the light of the preamble of the Act which refers to the 'purpose of ascertaining whether the actual incidence of taxation of income is and has been in recent years in accordance with the provisions of the law.' Therefore, they are principally concerned with topics of legal avoidance, evasion and the causes which led to the tax not being levied or collected through defective machinery of the Department. The Commission have, therefore, prepared a questionnaire copy of which is enclosed herewith, and they will be grateful to have your views and the views of your association on the points mentioned in the questionnaire."

So, the question was not how a Joint Hindu family should be taxed, or should be taxed at all or not. This question was never referred to the persons to whom the questionnaire was sent and they should not have sent their opinion at all.

Now, Sir, I beg to submit that today, without going into the main question as to what would happen to the Joint Hindu family, because that is a matter which we shall discuss subsequently when the new Bill is brought forward, today the position is that if you want to give a remedy, what is it you have got to do. The suggestion made by the Select Committee was that the taxable limit should be increased to Rs. 3,500 and the honourable the Finance Minister has been kind enough to raise the amount to Rs. 5,000. But then how to get over the difficulty? The difficulty will be that by including all the Hindu families, some of the members of the Hindu Joint family whose incomes are separate may come and say, "Since I have a minor son, therefore, I am entitled to be treated differently from my non-Hindu brethren." With a view to finding a solution for this difficulty, some of us conferred together. We came to the conclusion that two safeguards should be provided; one, that only such families should be included as get some income from the ancestral property, and two, if the income is the result of the fusion of the incomes of more than one member, that is to say, if there are two earning members, in that case the least concession which can be claimed is at least Rs. 6,000. I am content with Rs. 5,000 also, as the Honourable Minister cannot find money in this Budget. I know it is a deficit Budget. So I agree. I agree even to increase in the postal charges, because there is a deficit. Therefore, I agree to Rs. 5,000 and in regard to all families in which these two conditions may be satisfied, I do not want any sort of preference for Hindus over our non-Hindu brethren. Such a formula should be accepted. In asking this concession for the Joint Hindu family, I want to make it clear that I do not want any sort of concession to be given to a member of the Joint Hindu family. Take away your section 14 which is very illusory and meaningless. I submit that logically in the super-tax also such a concession should be given, because we have this concession in the business profits tax. There the limit is Rs. 1 lakh and 2 lakhs. Previously, in the super-tax the limit was Rs. 75,000 and 50,000. Now you are raising the limit from Rs. 3,000 and 5,000. So in the super-tax also logically this concession should be allowed. But when the country is so hardpressed and the Budget is really a deficit Budget I will not unduly press this claim this year as the honourable the Finance Minister who has been so kind as to recognise the justice of the claim. After a lapse of 90 years, he is the first Finance Minister who has come to the aid of the Joint Hindu family. I therefore thank him very much and I should say that though he says he is not a politician, to me he seems to be a magician. He has satisfied all parties and he has given us such reasoning that he has really captured our imagination and I may frankly confess that this Finance Bill which he has brought forward is one which in my humble opinion all of us should accept without any sort of mental hesitation.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, in the speech on the general consideration of the Bill, Mr. B. Das has referred to the recent

[Mr. Naziruddin Ahmad]

practice of sending the Finance Bill to the Select Committee. He has come to the conclusion that it tends to cast a suspicion on the Government. We greatly missed him in the Select Committee because he was more seriously occupied, but if he had been there, he would have been entirely disillusioned. In fact, I believe that the system of taking the Finance Bill to a Select Committee is a very good practice. Before that, the House indulges in long talks, practically disconnected, and the Select Committee is a place where the different views may be focussed and the members have an opportunity of hearing the Finance Minister in a friendly discussion and I believe that no member has any suspicion, but every one tries to express his views and the Minister tries to accommodate every one as far as possible. So I believe, though it comes from an experienced member, the experiment which we have begun should be continued, and the system of sending the Bill to the Select Committee would rather solve much of the difficulty and confusion that is created.

With regard to the Bill, I have one or two points to suggest. In clause 2 of the Bill, we propose the discontinuance of the salt duty for another year. There is a considerable amount of sentiment on this subject. In fact, it is out of respect and love for the sentiments of the great Father of the Nation that this clause 2 continues from year to year in our Finance Acts. I however submit that the principal object with which this discontinuance was introduced has been frustrated. The idea of the Father of the Nation was that this was a tax which was levied on the poorest and if the tax was removed, it would be to the benefit of the poorest section. As a matter of fact, we find that although the tax has been remitted for a few years, the price of salt has remained the same. The poor man has never got the benefit. On the other hand, there has been a recent tendency of the price going up further. So the poor man got nothing by way of benefit which was the obvious purpose of the discontinuance of the duty. Not only that, the Exchequer loses Rs. 9 crores judging according to older, pre-partition standards. I submit that the reasons for this intended benefit not reaching the poor man are very simple. I believe, according to pre-partition standards, Rs. 9 crores was the tax paid by about forty crores of people. The result was that each man's share of tax amounted to about Rs. 3 1/2 annas in the year and thus every man had to pay something like three pies per month, i.e., one-tenth of a pie per head per day. If a man goes to a shop to buy a little quantity of salt for two or three days the amount of tax relief would be so minute and mathematically so incomprehensible to him that neither the shopkeeper can give him any relief nor can the poor man get any relief. So the benefit which was intended to be given to the poorer section has not materialised. It is therefore that I suggest that Clause

3 P.M. 2 be entirely omitted and the tax should be imposed: not that I want to tax the poor. They are in fact paying their full quota. What has happened is that the intermediaries alone are being benefited by the exemption. If we impose the tax again we take away the benefit from the intermediaries without in the least affecting the poorer classes. I suggest that the tax should be imposed for the very purpose of helping the poor and my suggestion will be this. If we impose this tax the exchequer will get something like Rs. 9 crores. I do not know what it will come to according to present standards but it would be a very large sum and this would not be paid by the poor people at all. It will be paid by the salt dealers, small or great. So these are the persons who will be hit by the imposition of the tax and the original purpose of benefitting the poor will not be affected. I therefore suggest that this amount of 9 or 10 crores, or whatever it is, be spent for the benefit of the poor. It may be in spreading primary education or village reconstruction or in any other way. So this tax should really be used for the purpose of the poor. There is no use continuing something out of sentiment when the very object of the sentiment is being frustrated. My suggestion would be that this tax should be reimposed and it should be

spent particularly for the improvement of cottage industries or in other ways for the poor. Nine or ten crores per annum would be a large sum which would benefit the poor. It may be that we make it payable to the Gandhi Memorial Fund and this may be spent by the organisers of that fund for suitable purposes.

The other matter to which I wish to draw the attention of the House perhaps affects a smaller class. It is in clause 4, items (j) and (l), namely, the proposal to increase the tax on flashlights, on photographic instruments, apparatus and appliances I submit, Sir, the increase of this tax affects a class of persons who are the most innocent of persons in the world. Of all photographers professional photographers constitute only one per cent. of the consumers. The large trade of photography is carried on by at least 99 per cent. of amateur photographers. I believe, Sir, that this innocent class should not be further taxed. I submit, Sir, that these poor people have to make it a pleasure on their part to wait upon the whims of the great people—just to wait till they smile or till they indulge in a particular pose; then to give the exposure and then to present them with copies and feel happy! Sir, I beg to submit that no lover, nor the most beloved person in the world, waits so dotingly upon these people. I believe such an innocent class should not be taxed. It is taxing art, and the love of people for this art and if you tax these, why should you stop? Why not tax knowledge, intelligence, mathematics, science, ability? In that case, most of the members of the Treasury Benches would be taxed because they are very able men.

Shri Mahavir Tyagi (U.P.: General): Do not tax our brains!

Mr. Naziruddin Ahmad: I submit, that under these circumstances, the proposed increase of tax on photographic goods should be relaxed. In fact, photographers wait not only upon the great but also on the small. They wait upon the pleasures of animals, on the moods of Nature—whether Nature is in a reposeful attitude or in a violent attitude, such as in cases of flood, fire and tempests. In these circumstances, the honourable Minister should consider whether he would not abandon this idea of increasing the taxation on photographic goods.

With regard to the general aspect of our financial system, much has been said in the House as to taxing the rich, the capitalist class and so forth. I find that there is a great deal of confusion prevalent in the House. We have not been able to get over our slogan habits in this respect. The Honourable Minister of Finance said the other day that 90 per cent. of the shareholders in our public companies belong to the middle classes. So if you tax industries on the ground that you are taxing capitalists, your vengeance falls upon the middle class shareholders. In fact, capitalists are not seriously interested in their business by way of dividends. Their activities lie in a different direction. They earn their profit through commissions and other means. They are very little concerned as shareholders. If you impose any taxation it punishes the poor middle class investors. If you show any relief you do not show it to the capitalist class but really to the middle classes. If, however, any taxation is to be imposed, or any punishment has to be given to the capitalist class, there is a way of doing it—not by affecting the profits but by curtailing the commissions of these big capitalist classes. If you could do so that would be touching the capitalist classes. The capitalists are ethereal beings, extremely clever and they know how to allude your grasp. While you propose to punish the capitalists they know that the real punishment goes to the middle class investors and they smile under their sleeves because you do not really touch them, though you propose to punish them. So they enjoy the joke and they remain absolutely quiet. Any concession given to the shareholders is regarded as a concession to them. It is not the capitalists who control the investment market. It is the large section of middle-class investors who subscribe to the shares. When it is said that the capitalists are not co-operating with the Government, I think the statement requires considerable

[Mr. Naziruddin Ahmad]

qualification. I believe that many honourable Members do not realise the situation that it is not the capitalists who control the investment market but a large section of the middle classes. The investments in India was to the extent of Rs. 800 crores. On account of previous profits the shares went up to the extent of three, four or five times. During the war they went up further when these shares were freely transferred. Now transferability is a very healthy sign in the stock market. The present holders,—most of them—have bought them at high prices and when it is said that the dividends amount to 30 to 40 per cent. it is hardly realised that at the present market prices, at which most shareholders have bought them, the investment comes to 4 per cent. or 3-1/2 per cent. and at the most 5 per cent. In these circumstances the question of dividend limitation should be approached with a considerable amount of caution. In fact by some of the acts of the present Government and some ill-considered statements indulged in this House and outside the House, it has come to this that the share values have fallen to the extent of two-thirds. The share values today are only one-third of what they were two or three years before. Ninety per cent. of the middle class shareholders have lost their capital to the extent of 66 per cent. In these circumstances to expect that capital would be supplied in large quantities by the middle classes would be to indulge in a joke. I submit that the upper classes are not in the least affected.

With regard to dividend limitation it is believed that it is an anti-inflationary measure. If that is so why should your activities be directed towards the middle class shareholders alone? If you want to punish the capitalist I have nothing to say. If you try to punish the other income groups I have nothing to say. But you select a particular class of people who are really poor and whose small investments have gone to nothing and you are asking them again to bear the burden. The imposition of taxation to fight inflation is to reduce the purchasing capacity of the people. If that is a benefit why should not Government impose a limitation on the incomes of government servants, ministers, members and others? Why should you select a particular class? If anti-inflation is a desirable object the remedy should press all along the line equally, impartially and equitably. If you try to reduce the income of the shareholders in public limited companies, in logic the incomes of all other persons should be reduced to a corresponding degree. If you cannot do that you should not use this in order to tax a particular class. These are matters which require careful consideration.

I submit that I quite realise that there has been a change of attitude in the House and I believe that the House will further consider the matter. The more they consider the matter in detail the more they will be convinced about the injustice of the thing. In fact, on the pretext of punishing the capitalists you are really punishing a class of investors who have been the most hard hit.

There have been some whispers also that this class of people who buy and sell shares are something like speculators and therefore bad people. I submit that speculation is a very healthy thing, not gambling. In fact by the habit of speculation, large losses and gains are shared and distributed over a large class of people. In this way they act as a buffer in equalising the inequalities among the people.

I submit that it is too late to incorporate these ideas into the present budget. I hope the House will carefully consider all these things. I would request the Finance Minister to make careful investigations as to what percentage of the shareholding is owned by the middle classes, how they would be affected in our attempt to tackle the capitalists, how far the present slump is due to the inertia or impoverishment of the middle classes, etc. These are very necessary investigations and I hope the Finance Minister will come before us next year with ready made figures

Shri Padampat Singhania (U.P.: General): Sir, there are two points on which I would like to make a few observations. First I would like to speak about cash balances. The Finance Minister said that he has been spending money out of cash balances. So far as the present budget is concerned he has balanced the budget. I submit that cash balance is not surplus cash balance but they are balances against which charges are already made by the Government. They are expenses just like your military or other expenses which Government cannot reduce. Against those expenses advance taxes had been collected and this money is the cash balance. There are so many other assets against which liability is there. I would therefore suggest to the Finance Minister that he will very kindly look into the matter and see that such cash balances as had been collected, against which the Government has already created the liability, are not allowed to be spent for any other purpose. Otherwise what will happen, if that money is allowed to be spent for other purposes? If you spend the cash balances for day to day expenses the result will be that the Government will have to issue new currency and our position will become very serious. Therefore I would request the honourable Finance Minister to consider this point which has been made the other day by one of the Members of this House.

The next point which I would like to refer to is bearer bonds. The other day the honourable Finance Minister said in his reply that bearer bonds mean allowing more tax evasion. In the set up of the House as it is today I do not believe anybody will come forward to do something by which there will be more tax evasion. I would like to explain a point of view for the consideration of the honourable Finance Minister. The idea behind bearer bonds is this. So far as black market money is concerned, which has evaded taxation, that money has already been invested in the bearer bonds or notes issued by the Government of India. If these notes are converted into bearer bonds issued by banks the result will be that at that point the money will be ploughed back into the industrial development of the country, and at the time when interest is paid on the bearer bonds the tax will be deducted at the source and the Government will get the revenue due. I would like the Finance Minister to consider the question of allowing banks to issue bearer bonds. It will not mean any further evasion of taxes through these bonds.

Sir, I do not like the tax on cloth and I want to express my opposition to the proposal. When Mahatma Gandhi pleaded for the abolition of the salt tax his idea was that along with the abolition of the tax there should be reduction of government expenses. So if you abolish the salt tax, do not tax cloth also but try to reduce the expenditure. Without that it will not be possible to give any relief to the man in the street.

There is one more point which I would like to touch upon. For the last two or three years every time the Budget was placed before the House a certain feeling was created in people who are paying a higher rate of incometax that relief was being given to them. I do not know what relief has been given to them. At the end of the speech delivered by the honourable Finance Minister we find more abuse than any relief given to them. It will be one or two crores of rupees which they will get and I do not know whether they are going to get it at all. I would request the Honourable the Finance Minister to issue instructions to his Department to make out a list of the cases in which relief has been given and to put before the House what exactly has been the relief given to capital. Because, without relief the House expects the share market to go down and the capitalist is held responsible for every bad thing. That was the position when the budget was presented. I can assure the

[Shri Padampat Singhania]

honourable the Finance Minister and honourable Members of this House that so far as we are concerned we will carry on with our work. We are not afraid of these speeches because the honourable the Prime Minister has told us that these speeches have no meaning, that we should be prepared for many more strong speeches, that we should go on with our work and we should create such conditions by which it is possible for the people to do something in this country.

Shri H. V. Kamath (C.P. and Berar: General): On a point of information, Sir, has the Prime Minister said so?

Mr. Speaker: Let him proceed.

Shri Padampat Singhania: One thing more regarding introduction of foreign capital in this country. According to the present requirements of the nation it is desirable that we should have foreign capital. But I would certainly put a request that no foreign capital should be allowed in this country with any preferential treatment over what has been given to the other Indian industrialists. Because, if you give any such preferential treatment the result would be very much against the Indian business. All that we have got to see.

Shri Khandubhai K. Desai (Bombay: General): Sir, we are now at the final phase of the budget discussion and the honourable the Finance Minister will probably heave a sigh of relief after about twentyfour hours. In this budget discussion we have passed through a weary course of discussions, reference to a Select Committee and emergence from the Select Committee of the Finance Bill practically in the same form as was presented to the House in its initial stage. As far as I am concerned I had no intention to take part again in this debate but I think that I will be failing in my duty if I were not to place before the honourable the Finance Minister the reactions on my mind after the explanations he has given regarding the two minutes of dissent to which I was also a signatory. Of course I support the Bill as it has emerged from the Select Committee for all its merits and demerits. The question will naturally arise why I support it for its demerits. I do support the Bill for its demerits because enough has been said on this Finance Bill and all angles and points of view have been placed before this House and before the Finance Minister; and we live to learn. Some of us have placed before this House our apprehensions in the matter. Let us hope our apprehensions may be wrong and the honourable the Finance Minister is right. Therefore I support the Bill even for its demerits wholeheartedly because if what the Finance Minister has in mind does not prove to be true then it is a good lesson for him for the future; if it comes out to be true then it is a good lesson for us.

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

After all, the science of finance and economics is not very exact. It is hardly a science in that sense. It depends upon certain unpredictable human actions and reactions and the psychological effect of it on one section of the community or the other section of the community. So one cannot be too much dogmatic about any Finance Bill or any economic conclusions to which one may reach.

Coming to the explanation which the honourable the Finance Minister has given regarding the abolition of the Capital Gains Tax I must again reiterate that it has not brought any conviction to me. It may be my misfortune. But I must frankly admit that it has not brought any conviction to me. I do not for the life of me understand how the abolition of the Capital Gains

Tax is going to increase the formation of capital. What it will do is that it might give some fillip to certain speculation, but how is new capital going to be formed? In this budget discussion a new economic terminology has been utilised and that is 'capital formation'. Our country in the next ten or twenty years will be faced with this big howl of capital formation and anything that is going to be done or undone will be under the cover of this new slogan "capital formation." Personally as one who has studied economics to some extent I feel that capital formation, if the terminology is quite correct—or if some capital is to be available for some investment for productive purposes—is going to be achieved it can only be done by more production. Any capital that will come can only come from surplus production and nothing else. The speculative part of it will not form new capital. It is likely that an old concern today might be sold away for an amount which is appreciated and for which the state will not get any tax under this Bill. But that does not bring in new capital. The capital is the same old capital. But the real objection in my opinion is not only to the abolition of the Capital Gains Tax as such, but Capital Gains Tax abolition coupled with double depreciation allowed is something unheard of. Not only is it unheard of but it is something which saps the very finances of our nation for the future. I will just illustrate it by one small example. I put up a factory in the year 1948 with an investment of Rs. 30 lakhs.

Shri B. Das: I am glad to hear that.

Shri Khandubhai K. Desai: I am giving only an illustration. I will be given on this Rs. 30 lakhs 30 per cent. depreciation allowance which will be tax-free. So it is double depreciating and mind, at the present high prices of capital goods. So, after three or four years, as far as my books are concerned they will show my capital value to be nil. Of course it has got its own worth because the capital goods which I have put up in my factory will give me service for the next 20 years or 25 years, and therefore I will sell my concern and business after four or five years to somebody at, say, about Rs. 25 lakhs and I will get out of the tax; I have not paid the tax for the first four or five years, I will not have to pay tax even then. This, in my opinion, is one great demerit of the abolition of the Capital Gains Tax, coupled as I say with the depreciation amount.

It was stated by the honourable the Finance Minister at the beginning of the discussion today that for a year or two the new concerns will not be making profits and therefore the question of depreciation whether at double the rates or three times the rates will not arise. I may concede that for the time being; but no concern which was put up in 1948 will go on making losses for the next five years. In a way, after a year and a half or two years, the concerns which are newly put up under the present conditions when we have shortage of commodities, are naturally bound to make substantial profits. So, this is one point to which I would like to draw his pointed attention.

Mr. B. Das says that there were irresponsible discussions here and in the Select Committee. He said that members must know that Government must be run and money has to be found. Certainly we are prepared to give the money, we are prepared to finance the Government, but it must be financed in a way which is equitable. The burden of taxation must fall on the shoulders of those who can bear that burden. But the present position is that on the one side relief is being given to those who do not deserve it, who are not satisfied with it;—they are even laughing at it. One big Business-man told me: "We have been successful to a certain extent; we have created such a scare and such a panic in the mind of your Government that they go-

2066 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [29TH MARCH 1949]

[Shri Khandubhai K. Desai]

out of their way to give us the depreciation which we never dreamt in our wildest dreams". That is the position. You can see it from the reaction which my honourable friend Mr. Singhanian has placed before you: "You go on talking, you abuse us, it does not matter; we have got what we wanted to some extent, and we will go on doing what we like and we will again get something in the future".....

Shri Padampat Singhanian: Not what we like.

Shri Khandubhai K. Desai: It has not satisfied them. So, if it has not satisfied them, why should our Finance Minister who represents the finances of the poor man in this country, who ought to go to the assistance of the poor man of the country, instead should he go out of his way with his big bag and say, "Look here, I am giving you six crores"? They say, "We do not want your six crores. What is this six crores? We are living in hundreds of crores. What is this paltry amount? It does not satisfy us". So, he must turn his mind inward for introspection. Economist as he is, conscientious as he is I am sure he will get light. The discussions that we had in this House will be considered by him and then he will see whether the way he has chosen for increasing the production of this country, for bringing about the economic recovery of our country, the step he has taken or his predecessor has taken are not going the wrong way about and they require to be retraced.

Sir, I suppose and hope that all the discussions that we had in this House are not fruitless, are not in vain. As far as supertax was concerned, what we stated was that at least some gesture should have been made. The trend of the Government's economic policy should have been enunciated in the formation of this Budget. It should have laid down that the two slabs which are between Rs. 50,000 and a lakh should have been removed and over 50,000 the supertax of 7 annas should have been straightaway raised to 9 annas. Still, relief would have been there because instead of 15 as. 6 ps. supertax and incometax together, it would have been 14 as. and therefore there would still have been some relief. Even then the Government policy would have declared that any earnings over Rs. 50,000 per year would be unnatural and it will be heavily taxed. Then we would have shown, in my opinion, some sort of trend of Government's policy so that it would have galvanized the energy, the initiative and the enthusiasm of the common man in the country. Let me assure the Finance Minister and this Government that the common man in the country forms 95 per cent of our population and unless you galvanize them into energy and initiative, I don't think you can have the economic recovery..... (*An Honourable Member:* "And they live in the villages"). Yes, they live in the villages. When I am speaking I am not speaking only for the industrial labour, I am speaking for the general masses which include every human being in this country.

Sir, with these few words I support the Bill wholeheartedly, and particularly in view of the fact that there is one silver lining to the whole Budget and which the honourable the Finance Minister declared in the beginning. That is that he has got in mind—not only that he has got in mind, but Government have decided that as a policy—that the structure of taxation should be investigated with regard to the national income, its distribution among the sections and cross-sections of the society, so that a proper system of taxation can be evolved which will not only be equitable but will give the Government the money it wants, at the same time going a long way to take away the burden from those on whom it should not be placed and to put the load on shoulders which can bear it. This, in my opinion, is a good test for those

who have cried in the last two or three years that they have been ruined and clamoured for unwanted relief. If they do not play the game, I can assure them that neither the Government nor this House nor the country will have any sympathy for them, will not assist them. If the big business fail to do their duty now the people will say that these are all bad boys of this country who should be treated as bad boys and not as good boys. With these words, I wholeheartedly support this Bill.

Shri Mahavir Tyagi: Sir, I want to refer first to the second paragraph of the Report of the Select Committee. In fact, it has given cause for great dissatisfaction to the House. It was unfortunate that when the honourable Minister for Finance delivered his Budget speech in the House he casually mentioned that the postal rates were being enhanced because there was the intention on the part of the Government to take postal articles by air mail. On account of his speech a consternation has spread all over the country that this enhancement is being made probably because of the plan to convey all mail by air. In fact, later on, when the Honourable the Minister of Communications spoke, he told us frankly that the enhancement had no relation with the taking of the dak by air and that the enhancement was independent of the air mail service. Therefore, if that thing had been fully understood, my honourable friend Prof. K. T. Shah would not have got so much perturbed today. The real position is this. There has been an overall enhancement in the postal rates, on envelopes and postcards. Along with this enhancement, the Ministry of Communications has come out with an offer or with the information that on the one side while they were enhancing the rates, they were trying to give facilities to the postcard and letter writers, to the effect that their letters will reach destination sooner because of two things. One, that in villages where there were no post office, new post offices will be opened. The other, that wherever the dak could be carried by air, it shall be carried by air mail. Whichever of the benefits you could take advantage of, it was there. The enhancement of the charges was independent of these privileges. Therefore, the enhancement should have been discussed on its own merits, and not in relation with the above facilities, when every other expense is enhancing. I do not think there will be any cause for complaint or grouse about this little rise in the postal rates.

But, I have, Sir, an over all complaint, so to say, against the whole taxation. I do not oppose the Bill; there is no occasion of opposing it now, when I have already been a party to the sanctioning of the budget. He can laugh at me. But people will laugh at him, when they would know that the budget is passed by the House, but the money is not provided for. If the Budget were not passed, I would have also opposed this enhancement. All the grants have been voted and the House stands committed to all the items, every one of them. It is no use for any of my friends now to be laughing at this taxation Bill. We have asked him (Honourable Finance Minister) to spend; we must find the money. Even so, I am opposed to this large expenditure, and I want to use this opportunity to impress upon the honourable the Finance Member two things. One is that, he will please, in the coming year at least, give us an undertaking that not a pie more than what we have sanctioned shall be spent. It has been a bad practice in the past that budgets are sanctioned after prolonged discussions, but later on at the end of the year when, they give an account of expenditure, they come out with so much of extra expenditure and ask for supplementary demands. This should not be allowed to

[Shri Mahavir Tyagi]

go on now. Only he would be a successful Minister who does not put up supplementary demands. It is his job to see that expenditure is met within the money sanctioned. The lesser the supplementary demand, the more efficient the Minister is. Our Finance Minister is one of the most efficient ones that I have seen. From the discussions in the House, I see that he is not only a sportsman, in taking criticism in the best humour, but he repels all sorts of attacks in such a nice and cool manner that nobody feels aggrieved even when he gives slashing replies in repartee. We feel mostly convinced although he did the worst for us. He does not lose his temper; he only smiles. I want to impress only one thing on him, and I think the House agrees with me, let us start good tradition: namely: that not a pie shall be spent next year over and above the sanctioned amount. This is a matter about which I would like to have an undertaking from him.

Shri M. Tirumala Rao (Madras: General): Even for a good purpose?

Shri Mahavir Tyagi: Yes. There are chances to curtail their expenditure; instead of taxing the people, they could meet extra expenditure by effecting economy.

Another thing is this: The expenditure has gone up from 92 crores in the pre-war period to 323 crores this year. I expect the Finance Minister to see that the budget is reduced next time by at least 100 crores. It is the privilege of the House to decide as to how much money they want to incur annually on the running of the Government. I would propose that since the expenditure has gone up to 323 crores, we cannot all of a sudden reduce it to the pre-war level. Now, the dearness allowances and all other such extra-expenditure have to be incurred. I propose within one year the expenditure should be reduced by at least 100 crores for the next budget. In the absence of that, I would only repeat that the budget is inflationary and that we are extravagant in our expenditure.

Shri M. Tirumala Rao: In what items you want reduction?

Shri Mahavir Tyagi: There are so many items. The Honourable Minister knows them. I will also suggest one or two instances: In the first place, I would like to say about the inflated number of services. During the war, they went on adding to the number of services. We do not want them now. Their number must be cut drastically. It is no use your appointing an Economy Committee. I do not expect much from that Committee. It requires a sort of a surgery Committee which should operate on the whole secretariat and make drastic cuts.

Pandit Balkrishna Sharma: A butchery committee rather, than a surgery committee.

Shri Mahavir Tyagi: Even if it is a butchery committee, it would not be harmful. A complete pruning is required. I submit that the bushes and the branches of Government have now grown very wild and they badly require pruning. Whatever you may call it; Sir, they are wasting my time.

I may, without fear of being ridiculed, say that all these civil aviation schemes and all other similar schemes of luxury are against the spirit of the day. We are running on a deficit balance; our trade balance is also against us. From where will all this money come? All these extravagant and luxury schemes of civil aviation must be stopped. I would press upon the Government that they may still consider if they can stop these schemes. I say the

same thing about the Radio expansion schemes. Then, I come to the purchasing missions. This is a queer idea. I have never heard of permanent purchasing Missions. These were created by the British to give their agents in foreign countries a chance of earning commissions on our purchases in foreign countries. Instead of "Swadeshi," we are fast becoming "videshi" in our industrial and commercial outlook. Because we have to pay the balances, we must go on exporting more and more. This is the line we have adopted today. We have always stood for self-sufficiency and *swadeshi*. But, no idea of *swadeshi* seems to inspire our faith any longer. Will the honourable the Finance Minister say in his reply as to where he has exerted his influence in the matter of expenditure to see that all *swadeshi* things are purchased. Essential Supplies not available here have of course to be purchased from foreign countries. In that case, however, they engage foreign agents. Have you seen or read of any other country engaging foreign agents and giving four to five crores to foreign agents? I can quote instances where foreign company agents in India submitted tenders for the supply of goods here, but their offers were not accepted. Our secretaries chose to go to foreign countries and settled bargains, with the result that foreign agents earn to the extent of four or five crores every year. This huge amount could be earned by our own citizens at home. If Indians were given the privilege to tender on behalf of those foreign countries here in India, they would be prepared to supply you in India on the very same terms as you are paying them. The result would be that our own citizens would earn about 5 to 6 crores every year, which at present foreigners are getting. I think it is a grave question; we are throwing our money outside in the foreign countries. When the foreigners are prepared to tender here, we could effect purchases here in India and all that talk of corruption that comes from across the seas would also cease. I submit, Sir, there are so many other items where drastic curtailment of expenses can be made. Before, I close, I again repeat that all expenses should be limited to the amount for which sanction has been given and not a pie more. And curtailment of expenditure must be made at least to the extent of 100 crores of rupees during the year, do it from where you may.

The one recommendation that the Select Committee has made while approving of the clause for the enhancement of postal rates was this: That an air-mail fee of half an anna per tola should be charged on letters carried by air. I am glad that it has not been accommodated in the Bill. But since it is the decision of the majority of the Select Committee, I am afraid the honourable the Finance Minister or the honourable Minister for Communications, who have become very miserly these days may jump at this suggestion and may begin to ask the public to give extra charge on air mails. There is no such an unwise man in India who, knowing that his dak will in ordinary course be carried by air-mail, will fix another extra 2 pice stamp on it so that it can be carried by air-mail. It will be carried by air-mail where there is an air-service. That is plain. The Government has announced it. To expect the people even then to pay 2 pice stamp over it so that it can be carried by air-mail, is something which is ridiculous. I hope the honourable Minister will make an announcement that he will not be guided by this recommendation of the Select Committee and with these remarks, Sir, I resume my seat and I hope next year the Honourable the Finance Minister will give a better account of our finances.

The Honourable Mr. Rafi Ahmad Kidwai (Minister of Communications): Sir, I thought when the Communications Budget was under discussion, I had explained the reason for the raising of the postage rates and I had congratulated myself on convincing the House of the desirability of our raising the rates.

[Mr. Rafi Ahmad Kidwai]

but my honourable friend, Prof. K. T. Shah who was not present on that day again started a discussion today, as if anything has happened in between the introduction of the Budget and today. He again criticised the increase in the rates on the ground that if given effect to, it would necessitate the sending of all the mail by air. I had explained the reasons for the increase in the rate and also for the proposal to send all the mail by the air services whenever it is possible. I shall repeat the reasons for the increase in the rate.

I had on that occasion given the House some figures how the reduction in the number of postcards has affected the finances of the Postal Department. I referred to the figures for the last 10 years as to how many letters the Postal Department was sending every year and how many post-cards. I have got the figures before me from 1938-39 to the current year. In 1938-39 516 million letters were handled by the Department while the number of postcards was 378 millions. Till 1942-43 the same proportion continued and in 1942-43 557 million letters were handled while the number of post-cards handled was only 474 millions. Between 1943-44 and 1944-45 the increase in the number of letters over the previous year's letters was 11 per cent. while the increase in the number of post-cards was only 10 per cent. In 1943-44 letters handled by the Department was 636 millions while in 1944-45 they were 710 millions, an increase of 11 per cent. The number of post-cards sent in 1943-44 was 550 millions and in 1944-45 it was 604 millions, an increase of a little less than 10 per cent. The increase between 1944-45 and 1945-46 in the carriage of letters is 14.5 per cent. while in the same period the increase in post-cards was only 14 per cent.

Then the price of the post-card was reduced and we see the effect in the next years. The increase in the letters was only a little less than 5 per cent. while the increase on the post-cards went up to 13 per cent.

Now in 1947-48 the number of letters in the Divided India was 720 millions, while the number of post-cards has gone up to 762 millions that is, the number of post-cards was larger than the number of letters. In 1948-49, i.e., in the current year, while the number of letters is estimated to be 781 millions, the number of post-cards has gone to 850 millions.

Then I come to our postal income. In 1945-46 the Postal Department was run with a profit of 484 lakhs and on the reduction of the post-card rate next year, this profit went down to 19 lakhs, i.e., from 4 crores 84 lakhs to 19 lakhs. The increase in pay on the recommendation of the Pay Commission was responsible for this big decline and partly the reduction in the post-card price. In the next year, that is, 1947-48 the Postal Department was run at a loss and between the 1st April 1947 to 14th August, the partition day, the Department incurred a loss of 10 lakhs. Then after the partition there were some disturbances and people wrote more letters and we made a profit of 62 lakhs. Now in the current year, the estimated loss is to be 56 lakhs and that is after deducting the income we earned from philatelic stamps. Next year, our loss is estimated to be 224 lakhs. That has been the reason for proposing the increment in the rates. My honourable friend, Prof. K. T. Shah, economist as he is, will agree, whether it is a State enterprise or private enterprise, the cost of the services must be met from their purse. Prof. Shah questioned our figure about the cost of post office that was given out by the honourable the Finance Minister. I repeat that on most of the articles that the postal Department is handling we are losing money. I have got a chart before me

which lays down what the money is that we are spending on each article. I gave some figures the other day and I shall repeat them. On every letter we are spending 10 pies while we are earning 18 pies. On bearing letters we are spending 0-1-4 while we are making 3 annas. These are the only two articles on which we are making any profit. On other heads we are losing money. I am prepared to seek the help of Professor Shah who is a good statistician and good at figures to sit down with the concerned staff of the department and examine the question whether we are not losing on post cards. If he would suggest any economies in the cost of the post cards, etc. I would be prepared to accept his advice and try to introduce them.

Shri L. Krishnaswami Bharathi: May I know if this includes the telegraph charges and all that?

The Honourable Mr. Rafi Ahmad Kidwai: No, it does not. Before the war we were losing money on our telephones and telegrams and making money in the Postal department. Now the condition has been reversed. We are earning profits in telephones and telegraphs and losing money on other items. 4 P. M. This time in the Postal, telephones and telegrams we would have made a profit of 550 lakhs, but half of that has gone to make up for the loss in other directions. If our present rates continue and there is no rise in the number of letters then our losses in the Postal department will absorb all the profit of the Telecommunications Department.

Shri S. V. Krishnamoorthy Rao (Mysore State): May I know the increase in income anticipated as a result of the enhanced rates for cards and covers?

The Honourable Mr. Rafi Ahmad Kidwai: I think the honourable the Finance Minister has given those figures in his Budget speech.

Dr. P. S. Deshmukh: I would like to draw the attention of the honourable Minister to page 2 of the Explanatory Memorandum. There he will find an estimate of 78 lakhs as "nett contribution to general revenues" during the year 1948-49 and the revised figure is "373 lakhs". The expected budget surplus for contribution to general revenue is, without recourse to any enhancement, calculated to be 168 lakhs. I do not know how the figures which he has given now can be reconciled with these.

Secondly, I would like to quote the paragraph in which this matter has been referred to by the honourable the Finance Minister. He says on page 15:

"The revenue from the Posts and Telegraphs Department is expected to amount to Rs. 30.26 crores and working expenses and interest to Rs. 28.63 crores, leaving a surplus of Rs. 1.63 crores. As in the current year this surplus will be shared equally by general revenues and the department which will get a rebate of interest on its share of the accumulated profits, expected to amount to about Rs. 10 crores at the end of the budget year."

So, Sir, according to these figures there is no question of any deficit in this Department. On the other hand there is a huge surplus which comes back to the ordinary revenues of the State by way of contribution.

The Honourable Mr. Rafi Ahmad Kidwai: That is exactly what I said. I said that in the Postal Department in the current year we are losing 56 lakhs and on the telegraphs side we expect to earn a profit of Rs. 188 lakhs and on the Telephones we expect to earn a profit of Rs. 260 lakhs.

Now I shall give the losses in the Postal department. We expect to have a surplus budget this year half of which will go to the general revenues. But, as I said, as the number of post cards is rising every year, more rapidly than

[Mr. Rafi Ahmad Kidwai]

the number of letters, next year our loss will be Rs. 224 lakhs and more of our Telephone and Telegraph income will be adjusted to meet this loss. Therefore perhaps next year we will have no profit.

I may also inform the House that there is a just demand and a great demand for postal facilities in the rural areas. The new post offices opened every year work at a loss and that loss is made up by the revenues of the Department. If the Postal Department loses revenue it will be difficult to extend postal facilities to the rural areas.

Now I will deal with the question of air transport. The sending of letters by air wherever possible has nothing to do with the increase in the rate. As I said during the general discussion of the Budget, the air services are losing money. Last year one or two services earned some profit, but that was because they were utilised for moving in the refugees from Western Pakistan and then they were employed on the Kashmir operations. This year they did not get such work and therefore even the above mentioned two air services which last year showed a profit of 15 lakhs are going to lose 12 lakhs this year. Two of the operating companies have gone into liquidation. We should not expect these services to continue to lose money. Every one in this House will realise the importance of developing civil aviation. These are meant not to provide facilities for the travel of wealthy people, as has been stated, but for use during emergencies. Every one of us has seen how we were able to evacuate large number of refugees from Pakistan when road and rail transport was not available. Every one of us realises that but for the fact that the planes were available it would not have been possible to send troops to Srinagar in time to save Kashmir. I think that, except Shri Mahavir Tyagi, every one realises that we should have at our disposal as many planes and as many trained personnel as possible. It will not be possible to train the necessary personnel and keep them idle. If the personnel are kept idle and the planes are kept idle then when we need them most, we will find them unserviceable. Therefore the only way every country can build up a reserve of Air Force is by developing civil aviation. I had thought this year of coming before the Finance Minister and asking for some subsidy. Then I thought, instead of doling out the money, I could give them some work and pay for it. That is why I have made that proposal. Not that most of the people using post offices will be benefited by this, not that every one is impatient to get his letter or send his letter by air or in a hurry. If the idea was so, then I would have had no objection to reduce the price of envelopes from two annas to six pice, because that is the only item on which we are making a profit, but the proposal has been made in order not to give room for an impression that people belonging to the better section have been left untouched. We have therefore suggested an increase and when we send it by air it will be a subsidy. If the House does not want it, it can be reduced, but then I should warn that I will have to come before the House for a subsidy which in the first year will perhaps be the amount that we expect to realise by this increase. Every other country is paying them in this way, and I know that even after paying these air rates as subsidies, if they find that the air companies have incurred some old loss, then they increase the rate with retrospective effect. This year America has done it. So far as the increase in postcard price is concerned, it has nothing to do with the proposal for air mail. We are incurring loss on the postcard and we are incurring loss in other respects too. On every money order sent out, if it is for less than Rs. 40, we are incurring loss. Most of the poor men send out money orders

worth Rs. 10, 15 or 20. The Postal Department has to spend according to our calculations more than 8 annas per money order, and as you will see, on a money order for Rs. 10 we get two annas, on Rs. 25 perhaps we get six annas, and this means we are incurring loss. If I had come forward with a proposal to increase the commission on money orders, then that would have hit the poor man harder than this post card price which affects very few people in the villages. I know in villages there are people, there are families, who do not receive even a single letter in a year. Therefore, to say that it will affect the villager is not correct. Only 30 per cent. of the postcards are sold in the village post offices; all the rest 70 per cent are sold in the urban areas. I know that the increased postal rate on cards will affect the middle class people, but it cannot be helped if we want to meet the cost of the postcards and if we want to extend the postal services to areas where they do not exist, we will have to accept this increase in the cost of postcards.

Shri R. K. Sidhva: What about clause 3?

The Honourable Mr. Rafi Ahmad Kidwai: I have said before and I say again that our intention is to send all the mail wherever possible by air. Some people think that out of the mail we would pick up 25 per cent and send them by air and the balance 75 per cent will go by ordinary mail. That is not so. To wherever we can take mail by air, all the mail will be sent by air. It has been suggested by the Select Committee that we should levy an additional surcharge as air surcharge. Perhaps, the proposal was made under the apprehension that this alone would ensure transit by air; otherwise, it would be included in the 75 per cent. That is not the position. I may further tell the House that the surcharges by air are not regulated by this Bill. The Postal Act authorises Government to regulate surcharges and had it not been proposed to send all the possible mail by air, I would have accepted the Select Committee's suggestion. But now it is superfluous. We have already got this express delivery system and any letter that is sent "express delivery" will not only be sent by air wherever it is possible, but will be delivered by special messenger. Therefore, I do not think we need to have this surcharge.

Shri Mahavir Tyagi: What about bearing letters? Will they also go by air and if they are returned, come back by air?

The Honourable Mr. Rafi Ahmad Kidwai: Of course.

Sreematty Annie Mascarene: Sir, "There is no undertaking without finance", said Kautilya, the ancestor of Finance Ministers. Ever since the days of Kautilya, all his successors have been the most unfortunate of people and the most unpopular of Ministers. It has been their unhappy lot to balance the income and expenditure. When the income exceeded the expenditure, the Government of the day came in for a share of the credit. When the expenditure exceeded the income, the Finance Minister was committed to the Guillotine of public opinion. That has been the history of Finance Ministers and our Finance Minister is no exception to the rule. Deficit Budgets, loans and taxation are characteristics of a war time finance. We have to lay Deficit Budget, loans and taxation even in time of peace. This is not a singular occasion when such a state of affairs existed. The Budget of 1932-33 clearly shows a deficit of Rs. 19 crores. If you look into the history of Budgets from 1932 onwards, you will find that the Budgets are of tenebrous deficit than surplus, except in 1937 and 1938 when we had a balanced Budget. The reason is that from 1932 onwards, or rather, from the 1st World War down to the present day, economic conditions in the world have been fluctuating on account of political conditions. That being the case, the Budget of this current year had to be a deficit one, and the means of making

[Sreematty. Annie Mascarene]

up the deficit are just the same as those that were followed years ago. I heard the Finance Minister saying the other day that he could have easily escaped all criticisms had he resorted only to loan. Perhaps, he said it just for the sake of argument, for as an economic expert, I know he would not exclusively depend upon loans, for that would lead, or rather, aggravate the economic crisis and inflation that we are fighting today. Therefore taxation had to be resorted to as a support to the edifice of a loan. Now we are looking into the kind of taxation we are going to impose on the nation. The abolition of the excess profits tax has been looked upon as a favour to the capitalists. The history of the capital excess tax in the U.S.A. and in England give us two different opinions. In U.S.A. that tax on the whole amount of profit has been criticised as a house with so many doors that evasion is too common and exceptions are too many. In England, the administration of collecting the tax and bringing it to account has been found so difficult that it was almost discouraged year by year. The facts and figures are given in an essay which reads: "No satisfactory method can be devised and this in itself is a strong argument against the tax on capital gains. It can therefore be surmised that no great loss of revenue would result from the abolition of that part of the income tax. In the very nature of things, there must be a considerable evasion of the tax on such counts while every taxpayer claims of capital losses he may have."

My own objection to that tax, Sir, is not based on these grounds. My objection is that it goes against the fundamental principle of taxation, namely, certainty. Here is a measure of taxation that is no source of revenue to a Government suffering under financial stringency as a result of which we are forced to adopt the line of extra taxation measures based on war-time finance. Then again with respect to the surtax and super-tax, I am of opinion that those measures have been adopted today as a policy to stem the economic crisis that is holding the country in its grip. Now, Sir, many an opinion had been ventilated on the floor of this August Assembly that these taxations more or less show an inclination towards capitalists. If anything to me was most shocking, Sir, it is this. When I looked into the history of Congress government during the last 18 months what struck me most was not capitalism, but the great measures to break the neck of capitalism. The biggest capitalist in India today is the Nizam of Hyderabad. The capitalists were the Princes and the zamindars. Where are they today? Isn't it the first step in the nationalization of land that the Congress Government has adopted? If we cannot explain that policy that way, how are we to explain it?—Bringing the States and their Princes to kneel before democracy! The Nizam, with his status and dignity, with his pageantry and paraphernalia! Today, where is he? The zamindars, where are they? Is it encouraging the capitalists or bringing them down to the level of democracy?

Now, Sir, the abolition of the capital gains tax and the reduction of extra super-tax is calculated again to bring down the industrialists to their knees. What awaits the zamindars and the Princes, awaits the industrialists; only Government today is humouring them for the moment to produce and supply the nation with consumer goods. Let them remember that they are building up their fortunes on an igneous rock with subterranean rumblings and grumbings, the discontented, molten matter, boiling and foaming up creeks and crevices threatening to blow up the whole edifice in one great conflagration. The day is not far to come.

To be honest, Sir, I am a believer in Russian economics, of making and producing one's own food, one's own machinery and one's own clothes and making the nation self-sufficient and able to stand on its own legs. But I am not a believer in revolution and bloodshed: what Russia worked out in 30 years at the sacrifice of 17½ millions of people, and an ocean of bloodshed, India will work out through legislation in a shorter period and under more peaceful conditions. We know well today that the advent of democracy has released many discontented and reactionary elements. Under these conditions, to run a Government that has to confront major problems of a growing nation, like feeding of the nation with Rs. 160 crores,—worth of food like defending the nation on the frontier at great cost and expense, like restoring peace and steering the organization of the State,—like organizing an India that was left dilapidated, mutilated, exploited, terror-stricken, famine stricken and miserable.—To do all this, we want finance, and who should bear the burden but the nation? Can we classify the nation and say the poor, the rich, the middle class and so on, at this juncture? I deem it the duty of every man in the nation,—every man in India,—to contribute his mite to mould the shape of things to come.

Thus, my reasons for supporting the Bill, Sir, are these. It is not because the Finance Minister happens to be a Christian and I a Christian! It is not out of territorial sympathy, as the remarks that fell from the lips of that distinguished person, that shocked me and made me despair for the future of the organization. Those are not the reasons that make me today stand up before the honourable Members and ventilate my opinion on the Finance Bill.

Sir, there has been many a remark about imports. Rs. 58 crores worth of machinery alone is being imported for the Damoodar Valley project. Well, Sir, when we look into our own industrial organization and the production of the land it is found that we are unable to produce the requisite quality of steel and iron to fill up our machinery. Therefore, until we have our own machinery, and until we are able to build our own machinery for all purposes, we will be forced to import machinery from abroad so that the nation's wants may be supplied.

For these reasons, if calculations are correct, the economic crisis that followed the last war is also going to follow this war and we may have to hold up progress due to financial stringency and tax the nation continuously for a year or two more. Sir, the Finance Bill that was presented to this House has been subject to many a criticism. I do not disagree with any of them because some people look at the Finance Bill and its immediate effect on the nation, some look at it from the point of view of its effect on the shape of things to come, and it is among the latter that I belong to. Judging India's achievements during the past 18 months I feel proud that we are the only nation in the world that has achieved a mighty thing in the history of the world. Imagine 330 millions of people starting off on an adventure that was never tried by any other nation in the world—of launching self-government on the ocean of democracy, at the end of the greatest war in history, when passion was high, when reason and emotion were at a discount, when cries like equality and liberty were ringing the most intoxicating music in our ears—at this juncture we launched into a grand scheme, the greatest that the world has ever tried, by a country that is three times as big as the United States of America and half as big as Europe. For the first time in the history of the world such a grand scheme is being launched upon and for a few years more the nation must sacrifice till we are able to build up the nation of our ambition, where peace and contentment will prevail.

श्री. रामचन्द्र उपाध्याय : सभापति जी. इस बात से कोई इन्कार नहीं कर सकता कि आज हिन्दुस्तान एक आर्थिक संकट से गुजर रहा है और देश को

[श्री रामचन्द्र उपाध्याय]

सबसे अधिक उत्पादन की आवश्यकता है। इस के लिये पिछले साल का हमारा अनुभव हम को बताता है कि उत्पादन बढ़ाने के मामले में हमारी सरकार और हमारा राष्ट्र ज्यादा उन्नति नहीं कर सकें। इस का कारण क्या है? मैंने माननीय सदस्यों की स्मृति में और सब ने उस रिलीफ की आलोचना की है जो कि फ्रांसेस मिनिस्टर ने इंडस्ट्रियलिस्ट्स को दिया है। लेकिन उन्होंने क्रियात्मक रूप में यह नहीं बतलाया है कि देश की इंडस्ट्रीज को बढ़ाने के लिए गवर्नमेंट को क्या स्टेप लेना चाहिए, अगर वह स्टेप जो उन्होंने लिये हैं गलत हैं। हमारे फ्रांसेस मिनिस्टर साहब ने यह उचित समझा कि इंडस्ट्रीज बढ़ाने के लिए उद्योगपतियों को कुछ रिलीफ दिया जाय और मैं समझता हूँ कि चाहे हम को थोड़ी देर के लिए बरा भी लगे और हम को पब्लिक की आलोचना भी बरदाश्त करनी पड़े पर हमारे पास और कोई जरिया नहीं है जिस से हम देश में Industries बढ़ायें। लेकिन मुझे इस में शक है कि ऐसा करने से भी हमारे फ्रांसेस मिनिस्टर साहब को देश का उत्पादन बढ़ाने में कामयाबी मिलेगी। शेयर और स्टॉक एक्सचेंज के मार्केट को देखने से ऐसा मालूम होता है कि अभी कैपिटलिस्ट और उद्योगपतियों को इस में तमिली नहीं है और यह चाहते हैं कि जहां तक हो गवर्नमेंट को बचावें और जितनी और रियायतें गवर्नमेंट से ले सकते हैं लें। मैं मानता हूँ कि इंडस्ट्रीज की तरक्की की जरूरत है और इस के लिए जो कुछ रियायतें हम दे सकते हैं वह हम दें और यह बात भी ठीक है, जैसा कि अर्थ सदस्य ने फ़रमाया है, कि इस वक़्त हमने कैपिटलिस्ट्स और इंडस्ट्रीज पर काफी टैक्स लगा रखा है। लेकिन इसका मतलब यह नहीं है कि हम कैपिटलिस्टों के हाथ की बटनवली घन जायें। इसलिए हमारे फ्रांसेस मिनिस्टर साहब को यह चाहिए कि वह कैपिटलिस्ट्स को यह वार्निंग (warning) दे दें कि जो रियायतें हम ने उनको दी हैं अगर इस से वह संतुष्ट नहीं हैं और अगर अब भी उद्योगों की तरक्की नहीं होती तो आगे हम उन को और रियायतें नहीं देंगे। गवर्नमेंट ने इस मामले को बहुत पहले से साफ़ कर रखा है कि इंडस्ट्रीज के राष्ट्रीयकरण का उन का कोई इरादा नहीं है। और हमारे उप-प्रधान मंत्री जी ने इस बात को बार बार दुहराया है। फिर भी यदि आप उद्योगपतियों से बात करेंगे तो ऐसा मालूम होता है कि उन को डर है कि अगर वह अभी इंडस्ट्रीज में पैसा लगा देंगे तो आगे चल कर सरकार उन को नेशनलाइज कर देगी। मैं यह जानता हूँ कि सरदार पटेल ने यह कहा है कि हमारे पास इतने आदमी नहीं हैं कि हम राष्ट्रीयकरण कर सकें। मैं भी समझता हूँ और यह बात ठीक है कि हमारा राष्ट्रीयकरण का कोई इरादा नहीं है। लेकिन अगर दो या

तीन साल तक ऐसी ही हालत चली गई तो यह निश्चय है कि हम बराबर झुकते नहीं जायेंगे और हमें राष्ट्रीयकरण करना ही पड़ेगा। इंग्लैंड और दूसरे देशों की हालत आप ले लीजिये जितने भी उद्योगधंधे हैं उन सब को मालदार लोग ही केवल नहीं चलाते, उन को चलाने वाले लोग तो हम और आप और अन्य लोग हैं जिन के दिल के अन्दर देश प्रेम है और अगर मौका आया तो वह हमारी सरकार के साथ होंगे न कि करोड़पतियों के साथ। इसलिए हमको कैपिटलिस्ट्स और उद्योगपतियों से कह देना चाहिए कि अगर इन रियायतों के पाने के बाद भी वह कैपिटल को आगे नहीं लायेंगे और इंडस्ट्रीज को नहीं बढ़ायेंगे तो इस के आगे हमारी सरकार कोई और रियायत नहीं दे सकेगी।

अलावा इसके हमारी सरकार का जितना ध्यान बड़ी बड़ी इंडस्ट्रीज की तरफ है उतना ध्यान काटेज इंडस्ट्रीज की तरफ नहीं है, और वह यह समझती है कि देश का जितना फ़ायदा और देश का जितना उद्योग बड़ी बड़ी इंडस्ट्रीज से बढ़ सकता है उतना काटेज इंडस्ट्रीज से नहीं। लेकिन मैं बतला देना चाहता हूँ कि यही सही नहीं है। मैं मानता हूँ कि हमारी सरकार का और हमारे फ्रांसेस मिनिस्टर साहब का ध्यान इस बात की तरफ जरूर है कि काटेज इंडस्ट्रीज को बढ़ाया जाय, लेकिन कहना कुछ और करना कुछ और है। जितना ध्यान वह बड़ी इंडस्ट्रीज की तरफ देते हैं उतना काटेज इंडस्ट्रीज की तरफ नहीं देते। लेकिन काटेज इंडस्ट्रीज के बढ़ाने से ही देश का ज्यादा फ़ायदा है और देश को ज्यादा भलाई है। इसलिए मैं आप से निवेदन करता हूँ कि जितनी भी ज्यादा कोशिश हो सकती है वह काटेज इंडस्ट्रीज की तरफ करें इसी में देश का भला है और यही हम आमानी से कर भी सकेंगे।

इस सम्बन्ध में मैं यह भी कहना चाहता हूँ कि यही काफ़ी नहीं है कि हम इंडस्ट्रीज से ही उत्पादन बढ़ावें हमें ज़मीन से भी उत्पादन बढ़ाना चाहिए। इस बारे में श्री० बी० दास ने कहा था कि हमें अभी ज़मीनारी अग्रीकल्चर नहीं करना चाहिए। मैं समझता हूँ कि यह बात बहुत ग़लत है। अगर आप किसान के पास जायें और उस से पूछें तो आप को मालूम होगा कि दरअसल ज़मीन की उत्पत्ति कम होने का कारण यह है कि ज़मीन का जो काश्त करने वाला है, उस को ज़मीन पर कोई हक़ हासिल नहीं है। इस के लिए सब से पहली बात जो गवर्नमेंट के लिए जरूरी है वह यह है कि गवर्नमेंट किसानों को ज़मीन पर पूरे हक़ दे; और फ़्यूडल सिस्टम को ख़त्म करे। क्योंकि ज़मीन की उत्पत्ति तभी बढ़ेगी जब उस का जोतने वाला यह समझेगा कि यह ज़मीन हमेशा के लिये उस की रहेगी।

मैं आपका ध्यान इस तरफ भी दिलाना चाहता हूँ कि राजस्थान सब से बड़ा प्रदेश बनने वाला है और वहां की रियासतें इंडस्ट्रीज में काफ़ी

[श्री रामचन्द्र उपाध्याय]

पिछड़ी हु हैं। उस का एरिया काफी है, पापुलेशन काफी है और वहां के रिसोर्सेज भी काफी हैं लेकिन उन की उन्नति नहीं हो पाई है। इसलिए वहां के मिनरल रिसोर्सेज और दूसरे रिसोर्सेज से पूरा फायदा उठाया जाय और वहां उद्योगों को जितना ज्यादा बढ़ाया जा सके बढ़ाया जाय। लेकिन मैं कहूंगा कि बड़ी इंडस्ट्रीज की तरफ ज्यादा ध्यान न देकर क्यूटेज इंडस्ट्रीज को बढ़ाया जाय और अगर सारे देश में सम्भव न हो तो केवल एक प्रदेश में यानी राजस्थान में ही इस का अनुभव किया जाय और वहां क्यूटेज इंडस्ट्रीज ही की तरफ ज्यादा ध्यान दिया जाय।

अब मैं साधारण टैक्सों के सम्बन्ध में कुछ कहूंगा। आजकल इनप्लेशन के जमाने में हम को खास तौर से यह देना पड़ेगा कि इस से कौन सा वर्ग ज्यादा दुखी है और उस पर टैक्स अधिक न बढ़ाया जाय। गांव में रहने वाले किसान लोग और मालदार आदमी यानी व्यापार करने वाले लोग इनप्लेशन से दुखी नहीं हैं बल्कि सुखी हैं। आप जानते हैं कि लड़ाई के पहिले गांवों के किसानों की कितनी खराब हालत थी। जो कुछ अनाज वह पैसा करता था उससे उसका भी गुजारा नहीं हो सकता था। उभ की हालत यह थी कि उन को अपने जेवर और अपने मकान को बेच कर अपने बच्चों का गुजारा करना पड़ता था। लेकिन दूसरी लड़ाई के बाद, सन् १९४१ और सन् १९४२ ई० के बाद, उस की हालत बचल गई और वह अपने को सुखी अनुभव करने लगा। तो मेरा कहने का मतलब यह है कि इनप्लेशन से गांव के ८० फ्रीमदी लोग तो खुश हैं। उन की हालत आज बहुत अच्छी है और उन के पास कुछ पैसा भी इस समय है। अगर सरकार कोई टैक्जेशन लाये तो वह उस के भार को सहन करने के लिये भी तैयार हैं। मगर मध्यम वर्ज के लोग टैक्स नहीं दे सकते।

जहां तक पोस्टल रेट्स के बढ़ाने का सवाल है मैं गवर्नमेंट के इस निश्चय से सहमत हूं। इसका कारण यह है कि इस समय हर चीज की कीमत चौगुनी हो गई है और चीजों के दाम दिन पर दिन बढ़ते ही चले जा रहे हैं। फिर पोस्ट-कार्ड लिफाफे की कीमत पुरानी ही क्यों? मगर गवर्नमेंट ने अपने ऐलान के साथ जो यह बात कही है कि काफी डाक हवाई जहाज के जरिये ले जाई जायेगी और सरकार देश में बहुत से डाकखाने खोलेगी इससे ग्राहक फ्रुमी हो गई है। लोग कहते हैं कि सरकार की इस कार्यवाही से २० फ्रीमदी लोगों को फायदा होगा और ८० फ्रीमदी लोग इस से फायदा नहीं उठायेगे। दरअसल यह एक अलग चीज थी और सरकार किसी भी वक्त इस बात का ऐलान कर सकती थी और वह उस के लिये ज्यादा अच्छा होता। आप सीधा यह कहते कि डाक की दर कम है इसलिए हम बढ़ाने हैं मगर आमदनी बढ़ेगी उस से हम देश में डाकखाने बढ़ायेगे और जहां तक मुमकिन होगा हम डाक हवाई जहाज के जरिये ले जायेगे। अगर कीमत की तरफ ही देखा जाय तो सरकार जो

लिफाफे और पोस्टकार्ड के दाम बढ़ा रही है वह बेजा बात नहीं है बल्कि ठीक बात है।

जहां तक इन्कम टैक्स का सवाल है उस के लिये मैं दो बात कहना चाहता हूं। इस समय की हालत से सब से ज्यादा कष्ट में अगर कोई है तो वह मिडिल मैन है। आपने उस को जो रिलीफ दी है वह बहुत ही अच्छी चीज है। इस से आप का नाम इतिहास में अमर ज्यादातर इस वजह से हो जायेगा कि हिन्दू ज्वाइन्ट फ्रैमिली को रिकगनाइज किया है।

मैं इस इन्कम टैक्स के बारे में दो एक बात कहना चाहता हूं। अक्सर यह देखा गया है कि बहुत सा रुपया सरकार को इस इन्कम टैक्स से नहीं मिलता। मेरे एक मित्र किसी बड़ी फर्म में नौकर थे और जो कुछ दिन हुए वहां से नौकरी छोड़ कर आये हैं। मैं उन से पूछा कि आप क्यों नौकरी छोड़ कर आये। तो उन्होंने कहा कि वहां पर बेईमानी करते करते काफी दिन हो गए। वहां पर दो दो और तीन तीन एकाउन्ट्स बुक रखी जाती थीं। जिस से कि इन्कम टैक्स वालों को धोका दिया जा सके। इस तरह से फर्जी एकाउन्ट्स बुक खोल कर काफी रुपया वह लोग सरकार से दबा लेते थे। मैं इस तरह से बेईमानी बर के रुपया नहीं कमाना चाहता हूं। पैसा थोड़ा ही मिले मगर वह ईमानदारी से हो वह बहुत अच्छा है। इसलिए मैं आप से अर्ज करना चाहता हूं कि इन बेईमानियों को रोकें और सख्त कदम उठावें। इन्कम टैक्स यदि आप अब भी ज्यादा समझते हैं तो और कम कर दें मगर जितना भी रखें पूरा वसूल करें। ऐसा करने पर भी यदि वसूली ठीक की गई तो आप की आमदनी घटेगी नहीं बल्कि बढ़ेगी।

एक बात मैं राजस्थान की रियासतों के बारे में कहना चाहता हूं। वहां अभी तक किसी क्रिस्म का इन्कम टैक्स जारी नहीं है। इन्कम टैक्स जारी होने के डर से व्यापारी फर्जी एकाउन्ट बना रहे हैं ताकि वह इन्कम टैक्स से बच जायें। वहां इन्कम टैक्स न होने से गवर्नमेंट को काफी नुकसान हो रहा है और स्टेट की सरकार को भी कोई फायदा नहीं है। भारत सरकार को चाहिये कि वह जल्दी ही राजस्थान की सरकार को लिखे कि वह इस ओर जल्दी से जल्दी कदम उठावें।

इसके अलावा आपने आइल-सीड के एक्सपोर्ट ड्यूटी को कतई हटा देने का विचार रखा है उसके लिये मैं आप को सुधारकवाद देता हूं। मेरी रियासत में बहुत आइल-सीड पैदा होता है। देश के बाहर न जाने से और दाम कम होने की वजह से रियासत की जनता को काफी नुकसान होता था। अब एक्सपोर्ट होने की वजह से आइल-सीड की कीमत बढ़ेगी और किसानों को ज्यादा पैसा मिलेगा और उन की हालत और सुधरेगी।

[श्री रामचन्द्र उपध्याय]

मैं आप से अन्त में यह बात कहना चाहता हूँ कि हमेशा कमाने की दिशा से खर्च करने की दिशा मुश्किल होती है। इसलिये आप अपने एडमिनिस्ट्रेशन में जितनी भी कमी कर सकें वही करें। इसके अलावा मैं एक चीज सजैस्ट (suggest) करता हूँ। जिस समय पाकिस्तान कायम हुआ था तो उस समय वहाँ सरकार ने अपने मुलाजिमों से यह अपील की थी कि जितना भी हो सकता है अपनी तनखाह में अपने आप कमी करें और सरकार का हर तरह से हाथ बटावें। तो वहाँ पर लोगों ने खुद वाकिफ्टरी अपनी तनखाहें कम कीं और इस तरह से पाकिस्तान सरकार ने खर्च में कमी की। मैं समझता हूँ कि हमारी सरकार को भी इस तरह की कार्यवाही करनी चाहिये। इस से पैसा भी बचेगा और लोगों को यह महसूस होगा कि यह हमारी सरकार है हम को भी उस के लिये सब तरह की कुरबानी करनी चाहिये। अभी तक हमारी सरकार ने इस तरह का उत्साह या जोश पैदा नहीं किया। मुझे आशा है कि सरकार इस मार्ग की तरफ चलेगी।

हमारी बात जो मैं सजैस्ट करना चाहता हूँ वह स्माल-सेविंग-स्कीम के बारे में है। इस में जो कुछ कोजिव हो रही है उस से हमारी सरकार का काम नहीं चलेगा। गांव बाटों के पास इन समय कुछ पैसा है। मैं यह नहीं कहता कि वे बहुत मायदाह हैं। मगर उन के पास जरूर थोड़ा पैसा है जिसे वे जमा करा सकते हैं। सरकार गांव वालों को बचत के तरीके सिखाने के लिये घर घर में प्रचार करे और प्रांतीय सरकारों को इस के बारे में हिदायत करे। अगर इस तरह पूरी तरह से कोजिव की जायेगी तो सरकार को अपने स्माल-सेविंग-स्कीम में काफी फायदा होगा और किसानों की हालत सुधरेगी। भारत सरकार जो भी कार्यवाही इन काम के करने के लिये करेगी उस में देश का और इस हाउस का समर्थन होगा।

इन अफ़्तों के साथ मैं फ़रवेंस बिल का समर्थन करता हूँ।

(English translation of the above speech)

Shri Ram Chandra Upadhyaya (United State of Matsya): Sir, no body can deny this fact that India is at the moment passing through an acute economic crisis and increased production in the country is a paramount necessity. In this connection our experience in respect of the past years tells us that our Government and nation could not make any appreciable progress in stepping up production. What is the reason for this? I listened to the speeches made by the honourable Members and all of them have unequivocally criticized the relief granted by the honourable Finance Minister to the industrialists. But none of them have suggested as to what practical step should be taken by the Government to step up production in our country in case the step taken by the honourable Minister is not right. Our Finance Minister thought it advisable that some relief should be given to the industrialists which may serve as an incentive for the encouragement of the industries. I realise that how much unsavoury we might feel for a little while and how much criticism from the public we may have to face, yet we have got no other means by which we may encourage the industries in our country. But I doubt that even by doing this, our Honourable Finance Minister will be

successful in increasing the production in the country. From a reaction of the Share and Stock Exchange Market, it is observed that the capitalists and industrialists are not satisfied with this and they want to overwhelm the Government and squeeze as many concessions as possible. I admit that the development of industries is a vital necessity, and we should give the maximum possible concessions to achieve this end. This is also true, just as the honourable Finance Minister has stated that we have at present sufficiently taxed the capitalists and the industries. But this does not mean that we should become puppets in the hands of the capitalists. Therefore, our Finance Minister should give a warning to the capitalists that if they are not satisfied with the concessions which we have given to them now and in spite of this the industries are not developed, then we shall not give them any further concession in the future. Government have already clarified this point long before, that they do not intend to nationalize the industries, and our honourable Deputy-Prime Minister has re-affirmed this on many occasions. Notwithstanding all this, if you talk to the industrialists, you will find that they apprehend that if they invest their capital in the industries at present, Government will nationalise them in the near future. I know this that the honourable Sardar Patel has stated that we have not got adequate man-power with the help of which we may embark upon nationalization. I also realise this and it is a fact that we do not intend to nationalize. But if such a state of affairs is allowed to continue for two or three years, then it is a certainty that we shall no longer follow a policy of appeasement and will have to undertake nationalization. Take the case of England and other countries. All the big industries are not run by the capitalists alone, but it is the people like us who manage these—the people whose hearts are instilled with country's love and when the time comes, they will side with our Government and not the capitalists. Therefore, we should tell the capitalists and the industrialists that if in spite of all these concessions granted to them, they do not bring forth their capital and develop the industries, then our Government shall not be able to give any more concessions. Apart from this, our Government is not devoting the same amount of attention to the cottage industries as they are doing in respect of big industries, and they are under the impression that the country cannot derive so much benefit from the cottage industries as it can from the big industries. But I would like to tell them that this is not quite correct. I admit that our Government and the honourable Finance Minister are certainly inclined towards the development of cottage industries; but they do not translate their words into action. They do not attach the same amount of importance to the cottage industries as they do in the case of big industries. But it is the development of the cottage industries alone that will prove more beneficial and conducive to the interests of the country. Therefore, I would urge that the maximum possible endeavours should be made for development of the cottage industries. This would prove beneficial to the country and thus we will be able to accomplish this without any much difficulty.

In this connection, I would also like to say that we should not feel content by increasing the production through industries alone; we should also increase production from land. With regard to this, my honourable friend Mr. B. Das had pointed out that we should not abolish the Zamindari System at the moment. I think that this is absolutely wrong. If you go to the peasant and enquire from him, then you will know that in reality the obvious reason for the fall in production from land is due to the fact that the cultivator has not got any hold upon the land. The first and foremost thing that should be done in this direction is that the Government should confer upon the peasants full right to hold the land and abolish the feudal system. The production

[Shri Ram Chandra Upadhyaya]

from land can be increased only when its cultivator realises that he will have a permanent hold over it. I would also like to invite your attention towards this aspect that Rajasthan is going to be formed as one of the greatest units, and the states comprising it are very much backward in industries. It has got a vast area and population, and adequate resources which have not, however, been developed. Therefore, the mineral and other resources existing there should be fully exploited and the industries there should be developed to the maximum possible extent. But I would urge that we should not concentrate our attention on the big industries alone, but should develop the cottage industries also; and if it is not practicable in the whole of this country, an experiment should at least be made in one unit viz., Rajasthan and more attention should be devoted there towards the cottage industries.

Now, I would like to say something with regard to the general taxation. During the present days of inflation, we shall have to see particularly as to which of the class is more affected, and further tax should not be imposed upon them. I believe that the peasants living in the villages and the rich classes viz., the traders are not feeling the pinch of inflation, but on the contrary they are prospering. You know that during the pre-war days, the village peasants were living in a very poor condition. The peasant could not make his both ends meet with the quantity of the food grains produced by him. He was in such a bad condition that he had to sell his ornaments and house in order to provide a living to his children. But after the Second World War i.e., from the year 1941-42 onwards, his condition changed and he began to flourish. So, what I mean to say is that at least 80 per cent. of the village people are feeling happy over inflation. Today they are in a decidedly better condition and have also got some money with them. If the Government imposes upon them any taxation, they are even prepared to sustain the burden thereof. But the middle class people cannot afford to pay the taxes.

So far as the increase in the Postal rates is concerned, I am in full agreement with the decision arrived at by the Government. This is due to the reason that at present the price of every article has risen four times, and the prices are rising day by day, and in view of this, why should the postcards and letters continue to be sold at the old rates. But some misunderstanding has arisen as a result of the announcement made by the Government that an adequate quantity of mails would be carried by air and a large number of Post Offices will be opened in the country. The people say that by this action of the Government, only 20 per cent. of the population would be benefited; and the remaining 80 per cent. will not be able to derive any benefit out of it. As a matter of fact, this is quite a separate thing and Government could make an announcement in this respect at any moment and it would have been a better course. You should have said straightaway that the postal rates are less and we raise these as it will increase the income by means of which we shall open more Post Offices throughout the country, and carry the mails by air as far as possible. If you look towards price alone, then you will find that the Government are fully justified in raising the price of letters and postcards.

So far as the question of Income-tax is concerned, I would like to say one or two things. At present it is the middle class people who are the most hard-pressed. The relief which you have given them is considerably advantageous. This will immortalise your name in the history mainly for the reason that you have recognized the Hindu Joint Family.

I would like to say one or two things in regard to Income-tax. It has been generally seen that a major portion of the Government's revenue does not accrue from this Income-tax. One of my friends who was employed in a certain big firm has recently come after having left the service. I enquired of him as to why he had left the service. In reply he stated that he had to act there dishonestly for a pretty long time. Duplicate and triplicate Accounts Books were maintained by means of which the Income-tax Department could be dodged. So in this manner, those people used to evade payment of a lot of money by opening fictitious Accounts Books. He therefore, did not like to earn money by resorting to dishonesty. One might earn less, but that must be procured by honest means and that is much better. Therefore, I would request you to take some drastic steps to check these dishonest practices.

If you still feel that the rate of recovery of Income-tax is high, then you may reduce it further. But whatever rate, you fix, you should strictly enforce the recovery. By adopting such a course, if the amount is realized properly, it will surely add to your revenues rather than decrease it.

One thing which I would like to say is in connection with the state of Rajasthan. No sort of Income-tax is in force there even upto now. Being afraid of the introduction of Income-tax, the business-men there are preparing fictitious accounts so that they may be able to escape taxation. The Government are sustaining a tremendous loss on account of the non-existence of Income-tax there and the Government of the State also are not deriving any benefit out of it. The Government of India should therefore, forthwith get into touch with the Rajasthan Government and ask them to take immediate steps in this direction.

Apart from this, you have decided to withdraw the entire duty on the export of oil seeds. For this, I would congratulate you. In my state, the oil seeds are grown in abundance. The people in the State had been suffering a heavy loss on account of the reason that this commodity could not be exported abroad and the consequential fall in its price. Now when the oil-seeds will be exported, its price will rise and the cultivators will get more money and their condition will improve further.

Lastly, I would like to say that the art of spending is always more difficult than the art of earning. Therefore, you should make as much reduction in your administration as possible. Besides this, I would suggest one thing. When Pakistan was set up, the Government there issued an appeal to its employees at that time that they should voluntarily forego a reduction in their salaries as far as possible and help the Government in every way. As a result of this, the people there voluntarily agreed to a reduction in their salaries being made and thus the Pakistan Government effected a saving in their expenditure. I think that our Government should also take similar action. This will not only result in the saving of money, but will bring home to the people that it is their own Government and they should make every possible sacrifice for its sake. Upto now our Government have not given any such encouragement or incited the people to resort to this course. I hope the Government will launch this line of action.

Another thing which I would like to suggest is with respect to the Small Savings Scheme. Whatever efforts are made in this direction are quite inadequate and these will not help our Government. The people in the villages have at present got some money with them. I do not mean to say that they are very rich. But they have surely got some amount of money. They can deposit this. The Government should carry on house-to-house propaganda in the villages by explaining to the people of the various methods of effecting

[Shri Ram Chandra Upadhyaya]

'savings', and issue necessary instructions in this connection to the Provincial Governments. If efforts are made in this direction in right earnestness, Government shall surely gain a lot in the prosecution of their Small Savings Scheme, and it shall also improve the condition of the peasants. Whatever action the Government of India takes to implement this scheme, it shall have the support of the whole country as well as this House.

With these words, I support the Finance Bill.

Mr. Deputy-Speaker: Dr. Panjabrao Deshmukh.

Dr. P. S. Deshmukh: I will speak afterwards.

Mr. Deputy-Speaker: If an honourable member does not wish to speak when he is called, he loses his chance and loses it during that debate.

Dr. P. S. Deshmukh: If I am going to lose my chance, I am prepared to speak now. Sir, on the whole I think the number of speakers is gradually diminishing and with that diminishing return, since we are discussing finance, I hope you will give me some time tomorrow also. We have had a very long discussion on this postcard business and we have heard more than one speech from the honourable Minister for Communications trying to justify the enhancement in the postcard rate. After all he has said I am afraid I am not converted to his view and I have still some weighty reasons to advance in support of any opinion. The first reason is that I do not see why the honourable Minister should be so hard on the poor postcard writers. He is not content with making an over-all profit. He wants that those who are fond of writing postcards alone, should pay for the whole cost and must see to it that the service is self-supporting. Actually, as he had to admit, and in spite of the fact that the Postal Department is a public utility concern which is not supposed to make any profits, it does contribute to the exchequer a very substantial amount.

In the year 1948-49 it was expected to contribute only 78 lakhs. We have criticised the method of budgeting and I think the criticism is fully justified. The sums budgeted for under Posts and Telegraphs themselves afford a fine illustration. We see that instead of the budgeted figure of 78 lakhs for 1948-49 we have the revised figure of Rs. 3.73 crores as the net contribution to general revenues. In the next year—I do not know for what reasons, they have not yet been stated—the net contribution to general revenues is expected to be Rs. 1.63 crores. If the present trends are to continue, and I see no reason why they may not, I am certain the surplus in the Posts and Telegraphs Department available as the net contribution to General Revenues would not be less than about Rs. 5 crores. Supposing the budgeted figures or the figures given by the honourable the Finance Minister are correct and our reasonings are wrong, even then so long as there is no deficit in the working of the Department as a whole, I do not think it is justifiable that the honourable Minister should come forward with a proposal to increase the postal rates and the honourable Minister for Communications should lend him support. So long as there is no deficit, he should not mind if the people who send telegrams or write envelopes are contributing to the man who is in the habit of writing more postcards. The honourable Minister has given us the figures of how many postcards have been written, how many people have resorted to envelope-writing and what has been the deficit on each particular item. The deficit is not much. I could have understood it if out of the Rs. 30 crores revenue that he gets from the Posts and Telegraphs Department a substantial portion, say 2 crores, was at the present moment being spent on the post cards. If this

were so I should have agreed that there was some ground for consideration. The deficit for 1947-48 was however only ten lakhs and in the current year it is estimated at only 55 lakhs. The Honourable Minister estimates that next year we are going to be faced on account of this postcard habit with a deficit of Rs. 2.25 crores. I do not know if the estimates are well based; I for one would not concede that they are. After all there has got to be a certain amount of guessing in framing budgets. But even this cannot excuse what we have before us. If there was any correct budgeting we would not have found the difference in some cases of five times as much as the figures enters in the current year's budget. That being so, I am perfectly justified in saying that this is a guess-work which is absolutely incorrect and I cannot therefore agree that we are going to be faced with a deficit of Rs. 2.25 crores, on account of the postcards. In any case I am inclined to think the Honourable Minister has erred on the side of being somewhat too pessimistic. I would say even now that the increase in the postal rates should be withdrawn.

If we examine the whole Budget, we will find that as far as the customs duties are concerned, as against our budgeted figure of revenue of Rs. 61 crores we actually got Rs. 91 crores, an increase of 50 per cent. Now we are budgeting only for Rs. 81 crores. There are items of import like machinery, tobacco, spirits and liquors where the honourable Minister has reduced the expected revenue by crores of rupees. For instance on the machinery item the budgeted figure for 1948-49 was only Rs. 4.50 crores. As against it we got Rs. 6.90 crores. Yet he is expecting only Rs. 4.50 crores. God knows for what reason! Probably he may have justification with respect to certain items but there are at least a dozen other items where he has cut down the expectations by lakhs of rupees during the next year. There are many items where there is going to be an increase in the duty. In spite of all this he has budgeted for reduced revenue over the revised figures for 1948-49. He has in my opinion presented a somewhat too pessimistic a picture than I consider either justifiable or warranted. If this aspect was kept in view, I am sure the honourable Minister would have saved himself the stringent criticism that the House felt compelled to level against him. If he had been more optimistic, I am sure the revenues are going to be far larger than he has budgeted for, he would have saved himself both the adverse criticism that he had to put up with and the need to bring forward the unpopular measures for raising the rate of postcard and other duties and taxes.

[At the stage, Mr. Speaker resumed the Chair.]

Sir, next I would like to say that so far as economy is concerned, the House was really disappointed. My friend Mr. Tyagi was in a very optimistic mood this morning when he suggested that even after passing the Budget the honourable Minister should be able to cut down the expenditure by Rs. 100 crores. I think that certainly is too high an expectation which cannot be expected to be fulfilled; but it should not be impossible for the honourable Minister to see that there are economies to the extent of at least Rs. 15 to 20 crores. (Mr. Mahabir Tyagi: "Do you want to keep the defence expenditure so high?") I am not in favour of keeping the defence expenditure so high. I am not in favour of keeping on people in service who are considered and can be declared to be superfluous. I for one would like economies effected all round, but to reduce the whole expenditure by as much as one-third of the total amount to obtain a hundred crores is I think too much of a good fortune to be expected at the hands of any Finance Minister. In any case this Budget does not bear any trace of an effort to enable economies. If both the possibility and urgent need of retrenchment and economy were borne in mind I am

[Dr. P. S. Deshmukh]

sure there should have been provision made for a lump sum reduction in the whole Budget by about Rs. 10 to 15 crores. In that case it would not have been necessary to increase these rates and taxes. The two things which I don't like very much are the rise in rates of postcards and the petrol duty.

Petrol consumption, and motoring are in the opinion of some people a luxury. So long as the railways are not in a position to meet all the transport needs of the country and so long as we find that as a whole the means of transport are highly unsatisfactory this rise in the petrol duty can not be very much of an advantage. So many things are held up on account of transport difficulties, so many troubles have arisen because of the lack of means of transport and this addition to the petrol tax is not likely to mitigate the evil but enhance it.

I would like to draw the attention of the House to an argument which was advanced by my friend Mr. B. Das. He does not like any money to be taken from the profits of the Railways for the General Revenues. I for one strongly object to it and I think it is a very good idea that the Railways should contribute to the General Revenues. In fact, I do not know why the honourable Minister has permitted the re-classification on the railways. By this he has thrown away crores of rupees revenue that would have accrued to the general finances. We know that at the present moment the third class rates have reached the limit whereas the rates charged for the inter class previously are now charged for the second class. If the classes were so altered as not to alter the rates of first and second class, I am sure much larger revenue would have accrued to the Central Exchequer. Many in this House may probably not share my view, but in any case if the finances were so bad the honourable the Finances Minister would have been fully justified in keeping on the classification that existed. And what have the Government earned by doing this. No one is satisfied nobody is thankful for this relief. In fact there is severe criticism of Government for this new classification which has caused so much dislocation and discomfort to the travelling public.

STATEMENT RE THE PROPOSED CONFERENCE OF DOMINION PRIME MINISTERS IN LONDON

The Honourable Pandit Jawaharlal Nehru (Prime Minister): With your permission, Sir, I should like to make a brief statement in regard to a matter 5 P. M. which is attracting a great deal of public attention, and in which this House is greatly interested. This is in regard to the proposed Conference of Dominion Prime Ministers to be held in London next month.

The suggestion to hold such a Conference originated from the Prime Minister of the United Kingdom as he felt that personal talks between the Prime Ministers of the various Dominions of the Commonwealth would help to clear up the situation in regard to future constitutional arrangements. It is always a difficult matter to fix a date which is convenient for a number of persons on whom falls the burden of responsibility in their respective countries. Ultimately a date was fixed. It was not easy for me to think of leaving the country even for a brief period, but I decided, in consultation with my colleagues, to accept this invitation.

The Prime Minister of the United Kingdom is making the following statement in regard to this Conference in the House of Commons in London today:

"Commonwealth Prime Ministers will meet in London on April 21st. The Prime Ministers of Australia, New Zealand, South Africa, India, Pakistan and Ceylon will be able to attend. The Prime Minister of Canada is doubtful whether he will be able to come

PROPOSED CONFERENCE OF DOMINION PRIME MINISTERS IN LONDON 2057.

himself. But, if not, Mr. Pearson, Secretary of State for External Affairs will represent Canada.

Matters not fully discussed at the October meetings of Prime Ministers, involving certain constitutional questions, will be considered at a short series of private meetings. They are expected to last a week."

I propose to leave India on the 19th of April, reaching London on the night of 20th April. I hope to be back in India by the beginning of May.

As has been indicated in the U. K. Prime Minister's statement, which I have just read out, the chief subject for discussion will be certain constitutional questions relating to the commonwealth. There has been some speculation in the Press about other subjects also being discussed at this Conference, but no other subject, so far as I know, has been included in the agenda. I need hardly add that the general line to be pursued by us at these talks in London will necessarily be in conformity with the policy which I have repeatedly laid before this House and the country.

The House is aware that the U. K. Prime Minister has sent a personal representative of his, Mr. Gordon Walker, Under Secretary of State for Commonwealth Relations in the United Kingdom, to Delhi for some preliminary conversations on this subject. I have already met Mr. Gordon Walker and expect to meet him again before he leaves Delhi.

Shri H. V. Kamath (C. P. and Berar: General): May I invite your attention, Sir, to the fact that my question on this subject yesterday remained unanswered, and I was in effect asked to await the honourable Prime Minister's statement this afternoon. May I, Sir, therefore request you to be so good as to let me proceed further with my question either now or on a subsequent occasion, say, the day after to-morrow? I leave it to your discretion and judgment.

Mr. Speaker: Yes. The honourable Member requested me yesterday. I am putting that question for oral answer on the 31st. It will come on that day.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Wednesday the 30th of March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Wednesday, 30th March, 1949.

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

QUESTIONS AND ANSWERS.

(See Part I)

11-45 A.M.

ELECTIONS TO STANDING COMMITTEES FOR MINISTRIES OF HOME
AFFAIRS AND INDUSTRY AND SUPPLY

Mr. Speaker: I have to inform the Assembly that the following Members have been elected to serve on the Standing Committees for the Ministries of Home Affairs and Industry and Supply:

I. *Standing Committee for the Ministry of Home Affairs.*—Pandit Balkrishna Sharma, Shri Deshbandhu Gupta, Shri R. K. Sidhva, Giani Gurmukh Singh Musafir, Pandit Mukut Bihari Lal Bhargava, Shri C. M. Poonacha, Shri Jainarain Vyas, Lala Achint Ram, Mr. Muhammad Ismail Knan and Dr. Y. S. Parmar.

II. *Standing Committee for the Ministry of Industry and Supply.*—Shri U. Srinivasa Mallayya, Shri Mohanlal Gautam, Shri T. A. Ramalingam Chettiar, Shri M. Ananthasayanam Ayyangar, Acharya J. B. Kriplani, Shri Ram Nath Goenka, Shri Bikram Lal Sondhi, Shri H. V. Kamath, Shri R. L. Malviya, and Mr. Homi Mody.

ELECTIONS TO STANDING COMMITTEES FOR MINISTRIES OF
STATES AND WORKS, MINES AND POWER, DEPARTMENT OF SCIENTIFIC
RESEARCH, STANDING FINANCE COMMITTEE AND COM-
MITTEE ON PUBLIC ACCOUNTS

Mr. Speaker: I have also to inform the Assembly that upto the time fixed for receiving nominations for the Standing Committees for the Ministries of States and Works, Mines and Power and the Department of Scientific Research, Standing Finance Committee and Committee on Public Accounts, 12 nominations in the case of the first, 10 nominations in the case of the second, five nominations in the case of the third, 14 nominations in the case of the fourth and 11 nominations in the case of the fifth were received. Subsequently two members in the case of the first withdrew their candidature. As the number of remaining candidates is thus equal to the number of vacancies in each of these committees, I declare the following Members to be duly elected:

I. *Standing Committee for the Ministry of States.*—Sreematty Anni Mascarene, Shri Sita Ram S. Jajoo, Shri H. R. Guruv Reddy, Mr. K. A. Mohamed, Shri Raj Bahadur, Shri V. S. Sarwate, Shri B. N. Munavalli, Shri A. V. Thakkar, Shri T. Siddalingaiya and Shri S. M. Ghose.

II. *Standing Committee for the Ministry of Works, Mines and Power.*—Shri Gokulbhai Daulatram Bhatt, Shri B. Das, Shri O. V. Alagesan, Shri Jaipal Singh, Shri K. N. Desai, Shri Basanta Kumar Das, Shri Kala Venkata Rao, Mr. Tajamul Husain, Shri Mihir Lal Chattopadhyay and Shri Harihar Nath Shastri.

[Mr. Speaker]

III. *Standing Committee for the Department of Scientific Research*.—Shri Satish Chandra, Srijut Kuladhar Chaliha, Shrimati Ammu Swaminadhan, Mr. E. John Philipposse and Shri T. A. Ramalingam Chettiar.

IV. *Standing Finance Committee*.—Shri Surendra Mohan Ghose, Prof. N. G. Ranga, Pandit Thakur Das Bhargava, Shri B. Shiva Rao, Shrimati Renuka Ray, Shri U. Srinivasa Mallayya, Shri B. L. Sondhi, Shri M. Ananthasayanam Ayyangar, Shri Biswanath Das, Shri B. P. Jhunjhunwala, Shri Deshbandhu Gupta, Shri Ram Nath Goenka, Pandit Govind Malaviya and Shri S. V. Krishnamoorthy Rao.

V. *Committee on Public Accounts*.—Shri B. Das, Kazi Syed Karimuddin, Shri Krishna Chandra Sharma, Shri Upendranath Barman, Shri Mahavir Tyagi, Prof. Shibban Lal Saxena, Shri L. Krishnaswami Bharathi, Prof. N. C. Laskar, Shri R. Sankar, Shri Raj Bahadur and Prof. K. T. Shah.

FIXATION OF SATURDAY, THE 2ND APRIL, FOR OFFICIAL BUSINESS

Mr. Speaker: Before the House proceeds with the legislative business, I have to invite their attention to a request made to me, that I should fix Saturday the 2nd April for the transaction of official business as there is a great congestion of urgent official business. The Chief Whip is not here but I presume the House is not going to sit beyond the 7th.

Shri R. K. Sidhva (C.P. and Berar: General): Yes, Sir, that has been decided.

Mr. Speaker: I have no information to the effect that it is clearly understood that the House is not going to sit beyond the 7th.

Shri H. V. Kamath (C.P. and Berar: General): Is that question of sitting beyond the 7th still open?

Mr. Speaker: I have no information yet. That depends, of course, on the progress of business; and the allotment of Saturday is also a question connected with the question as to whether we should sit beyond the 7th or not. I should like to have information on that point.

The Honourable Dr. John Matthai (Minister of Finance): I should be able to give it in the course of the day, if I may.

Mr. Speaker: Yes, so that I may finally decide whether we allot Saturday or not. Of course, if Members want it and Government want it for their business, I shall not come in the way of allotting it. I shall exercise my discretion.

Shri H. V. Kamath: My only submission is that if we are sitting beyond the 7th, we may not have Saturday the 2nd, too for transacting official business.

Mr. Speaker: Therefore, I kept the question open. Let there be an official statement—it is better if it is made at 2-30 P.M. today.

The Honourable Dr. John Matthai: Yes, Sir. I shall make it at 2-30 P.M.

INDIAN FINANCE BILL—contd.

Mr. Speaker: The House will now proceed with further consideration of the following motion:

"That the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949, as reported by the Select Committee, be taken into consideration."

Dr. P. S. Deshmukh (C.P. and Berar: General): Before I begin my speech, Sir, I would like to express my profound thankfulness to Providence for having saved the life of Sardar Patel yesterday almost by a miracle. I would not like to take any more of the time of the House on the point although there is so much that can be said with regard to Sardar Patel, what we owe to him and how indispensable he is for this new Indian Nation, at least for the next few years to come. (*Hear, Hear*).

Sir, when I closed my speech yesterday, I was replying to the contention of my honourable friend Mr. Das that no part of the income derived from the Railways should be taken over for General Administration. The Indian Railways, Sir, are our biggest national industry and if it is incapable of shouldering some part of the burden of the finances of this country we might, I think, well despair about rationalisation. Secondly, at least during the last eight or nine years the Railways have been maintained through unlimited sacrifices in the shape, especially, of sufferings and harassment, of the general public. To this dark cloud of unbearable inconveniences suffered for a prolonged time by the people, the only silver lining is that the Railways are contributing something to the General Revenues of the State. Otherwise, for all that we suffer, for all that the general public undergoes, there is no consolation whatever available to them. My complaint, in fact, is that the Railways have not been contributing a much larger share than they are doing at the present moment.

Sir, I have referred to the fact that the honourable the Finance Minister has not exercised a strict control on his colleagues. If he had done so, I am sure the whole lot of supplementary Demands with which he is going to come to this House would not have been necessary and that might have also saved us from the proposed taxation. Take for instance the question of the subsidies we are bearing because of the imported foodgrains. In my opinion, the bearing of these subsidies is wholly unnecessary, and in any case they have not given us any results. In fact, a good many of these foodgrains are imported at rates which are much lower than those prevailing in the country, and I have been told that in some Provinces at least these imported foodgrains are sometimes sold at higher rates than that at which they are imported. With the declaration that we are not going to import any more food after the year 1951, I hope the Finance Minister will take up the question of retrenchment in the Ministry of Food. That Ministry was created during war time and as is the case with all the Central Government Departments, every time a department is created it automatically grows with unprecedented speed. If we were to take into account the growth of the Food Ministry and the huge staff that there is in the Disposals Directorate, the honourable Minister could have easily and certainly saved us crores of rupees. He must impress upon the Ministers that more staff does not mean more efficiency. In fact, there are many instances, I am told on competent authority, where simply because of the fact that there are too many people in certain Departments, the efficiency instead of going up suffers.

There are one or two suggestions which I would like to make so far as other Departments are concerned, since I did not have an opportunity of speaking on those occasions. Along with the supplies of food that we are concerned about, our Government ought to be concerned about the mental development of our country also. Here we find that from foreign countries, especially Russia and the United States, thousands of books and pamphlets of all sorts are pouring in, and they are making it a point to sell them at the cheapest possible prices. This is a thing to which our Government should pay some attention, because all this propagandist literature is not suitable for Indian conditions and Indian needs. As against this, the Indian producers of books and periodicals are finding it very difficult to make any headway. They

[Dr. P. S. Deshmukh]

are working under great handicaps. I will give one instance. The newsprint which is sold in India at Rs. 750 per ton is sold in other parts of the world at £28-10-0. The world rate is 2½ times less, according to my information. It is no use having many sub-editors and other members on the staff without any experience of journalism when there are no facilities provided for the journalists and publishers in the land.

Shri Deshbandhu Gupta (Delhi): May I know from the honourable Member as to wherefrom he has got this world rate of £28-10-0?

Dr. P. S. Deshmukh: This is absolutely correct. In fact there was a complaint made by the Journalists' Association in England where they were buying at the rate of £48 per ton and it was brought to the notice of the Government of Great Britain that instead of buying at the world rate of £28-10-0, they were asked to pay £48. So I would ask the honourable Minister to see that our authors and publishers who want to place their views before the country are not handicapped by the high price of paper and the high cost of printing.

So far as the Services are concerned, I would like to mention that there are many complaints—and most of them are justified—that provincialism and communalism prevail on the largest possible scale both in recruitment and promotions. These things have gone to appalling proportions, I am told. So it is as well that the attention of the Government is drawn to this so that they may put an end to this evil which is capable of considerable mischief.

As regards the new classification on Railways, I have already said, that large sums of money are needlessly lost to the Central Exchequer. And yet I do not see any intention anywhere of the saving in travelling allowances that should and must accrue to the Government. For instance, the present first class fare per mile is only 24 pies as against the 30 pies that was there. I am sure since first class and second class rates have gone down, a large saving must have accrued to the Government under this head; but we have not been able to see any indication of it anywhere, in the budget.

The country was very much concerned about capital not coming out for investment in new enterprises and government loans. I think this House has to take some responsibility for this state of affairs. Some of my friends, under the impression that capitalism is at the bottom of all evils, uttered threats and used strong language against our capitalists. I do not have a soft corner for the capitalists as such, and it is true that there is undue concentration of wealth in India in the hands of some 500 to 1,000 people. But there is a psychology behind investments and it is very probable that all of us may have to revise our views and our attitude if we want to help the Government to have greater sums in the Treasury to carry out the nation-building programme that they have in view.

Now referring to the proposed increase in the rate for post cards, it seems to me that there is no justification for it. The honourable the Communication Minister told us that, instead of giving a subsidy to civil aviation, we should give it indirect help. I welcome the offer of help to civil aviation. I do not agree with my friend Mr. Tyagi that civil aviation is a luxury and should be put down; but at the same time I deprecate this method of encouraging civil aviation. It is a well recognised principle among all nations that some sacrifice is justifiable when a scheme or plan has to be put into force in the interests of the country. It is better however to tell the nation what the Government are paying for the maintenance of a particular industry in the shape of subsidy rather than give help in this underhand way.

I hope that, in spite of the fact that the honourable Minister has not been able to economise in the past, he will see that the Ministries are not at liberty to spend crores and lakhs as they wish. In the past his Department has been a little too careful in small matters and very liberal in big matters. In many cases affecting travelling allowances, etc. where the amount involved is small, the papers go from Secretary to Secretary and Ministry to Ministry, while expenditure involving lakhs of rupees is passed without much comment. There are many instances where Government departments, with a little more care, could have saved lots of money.

In the case of Indian students who have gone for studies abroad, large additional funds were required and granted for their stay. Later on, when it was found that they could not get accommodation they were brought back by plane. This expenditure on plane journey was found to be less than the cost of their stay there.

Shri M. Ananthasayanam Ayyangar (Madras General): I heard with great attention the speeches of both of my honourable friends Prof. K. T. Shah and Shri Khandubhai Desai for whom I have very great regard. Both of them have misunderstood the Budget and the financial proposals.

Mr. Khandubhai Desai was very frank. He said he did not understand what was meant by the expression capital formation. He then went on to say that the abolition of Capital Gains Tax during this period would not improve the capital formation. My friend Prof. Shah was merely destructive in his criticism. I am yet to hear from him any constructive proposal. I did not see it either in his first speech or in his second speech. Sir, I do not want to create an alarm. But facts have to be faced. None of these friends of mine, nor even the House has really appreciated the situation at present. We passed a Budget the other day for an expenditure of 500 crores during the coming year—300 crores to be met from revenue and 200 crores from capital. Now, this capital expenditure of 200 crores has to be raised, in ordinary circumstances, by loan, because it is intended for development purposes. All that sum is not for expenditure during the next year. The expenditure will be spread over a long period of years. That is the object of raising capital by way of loans for such development purposes. Now, how is this sum of Rs. 200 crores to be raised? The honourable the Finance Minister intends raising only Rs. 17 crores out of these 200 crores in the open market by floating a loan. 67 and odd crores are to be got from conversion loans and 131 and odd crores by drawing upon the slender balances with the Reserve Bank of India.

That is the position to-day. What are our balances with the Reserve Bank to-day? In 1947/48 it was 366.79,00,000. At the end of January 1949 it came down to 215,95,00,000 and I am told it has now come down to 205 crores to-day. (Shri Ramnath Goenka: 'Less than that') Therefore the balance to our credit to-day is about 200 and odd crores. If during the year we are going to draw upon these balances to the tune of 131 crores, the balances left to our credit will be about 70 crores. (Shri B. L. Sondhi: '58 crores actually.') So we are in a dangerous margin. What will be our position next year? In the current year the Government of India wanted to float a loan to the tune of 150 crores in the market. It was able to get only 55 crores. That is why the Finance Minister prudently wants to raise only 17 crores in the open market. 55 crores has dwindled to 17 crores and we do not know what its fate will be. Is it at all possible for any Finance Minister next year at this time to come under the same circumstances and say with any confidence that he will be able to go to the capital market or to embark upon any development programme? I say with all respect, unless things change, until the money market improves, we will have to put a big full stop to our development programmes. Not only here but in the provinces also. The position in the provinces is not a

[Shri M. Ananthasayanam Ayyangar]

little better. Our position is much better than the provinces. What is the remedy? It is no good merely beating the air and say that the Finance Minister has changed his views and convictions and become overnight a capitalist. If the needs of the hour require it, I would ask him to become a *pucca* capitalist. If we change over to Socialist Regime absolutely where all industries, banks, insurance companies, etc. are taken over by the State, it is only from the right hand to the left hand. Still we have to draw money from the market. Therefore the position is appalling. Now we have no plan. It is only Mr. Shah here who wound up that Association which drew up an elaborate plan and the plan itself runs over 30 volumes and the plan is very ambitious and it will cost us, if we are to implement it, some thousands of crores of rupees. Even in the beginning we have no money. Does he say 'We shall start a Capital Levy'? It is not allowed in any country. I am sure with his knowledge as a Professor and outside as a Politician, he would not allow or advise a Capital Levy in this country. In exceptional circumstances soon after the war when war boom is still on, the money is mopped off in a particular year. Now as the Finance Minister said money is practically disappearing and we are going to face a slump very soon. Under those circumstances it is out of question. There is one other suggestion—it was not made on the floor of this House—as to why not change over from cheap money to dear money. Even that is unthinkable. If the Government of India comes in the market and pays five per cent instead of three per cent., no doubt money will come. But what will happen to bank rate and the further corners in the villages? What is the rate that will be allowed by the ordinary money-lender? Do you want it to soar to 30 and 40 per cent. and disturb their economy? Even that is unthinkable. What is the alternative? The Finance Minister has said 'Certainly I will try to induce these people to come back'. But there is unnecessarily a lurking suspicion in the minds of honourable Members here that money is shy or coercive but not dry. I want to submit that the money market seems to be more dry than shy because a man could not be shy. Even persons with *gosha* are trying to discard it. Now the pulse is felt by the value of Tatas Deferred and Indian Iron. Tatas ruling price was about 2300 some time ago in 1946/47 and now it has come down to 1478 and so the reduction is £40. Indian Iron which was at 60/- per share has now come down to 24/3. So the price of stocks and shares that were available was valued at 1300 crores previously and to-day on account of various circumstances, adventitious and otherwise, they have come down to 300 crores. The bank was loaning upto 90 per cent. on gilt-edged securities, 75 on Ordinary Securities and so if we assume that the industrialists were able previously to get 1000 crores for this 1,300 crores worth and used to carry on with that their transactions and also invest in Government loans and also for helping industries. But the same 1300 crores on account of the Liaquat Ali Khan's budget, on account of Pakistan separation and Kashmir problem and the Refugee problem, our talk inside and outside this House—we take a particular step and say this ought to be our Industrial Policy and the various Ministers go about saying that is not the policy, I am the policy dictator—all these unfortunate methods have reduced the 1300 crores capital to 300 crores. To-day the industrialists are not able to get more than 75 per cent. of this 300 crores. How are we going to make up? They are not able to get 250 crores. Do you say it is dry or shy? When hunger stalks the land there is no shyness. Have you heard in Bengal some of the girls when they were on the verge of starvation, they threw overboard their sex? Therefore let us not accuse them. We are on a critical stage and I am glad the Finance Minister throw overboard those principles which he was preaching of course as a Professor and also learnt as a Professor. When circumstances necessitated he has realised and come forward with a proper proposal. What are the concessions

he has shown? They are, for a period of five years, he will allow some depreciation more than ordinary. Another is, from 6/12/6 he has reduced the super-tax to 6/14/-. I would go further and say 12 annas but let me not induce in the minds of my friends a longing for 12 annas. Fourteen is enough. Third is Capital Gains Tax. My friend Mr. Khandubhai Desai said how does Capital Gains Tax induce the formation of capital? There is an apprehension that currency alone is money. Currency is not money, that is an appreciation of currency. From 188 crores before war in 1938-39 it is 1200 crores to-day. Currency has no doubt increased 10 times but money has gone down. Money in a country is by cash bank credit not by currency. Currency is one and bank credit is another. To-day bank credit has shrunk. Security in Bank has come down from 1300 crores to 300 crores and bank credit has therefore shrunk to 25 per cent. My friend in Ahmedabad applies himself to wage-earners whose wages are still at the top. That is actually disturbing our economy. Let him go to villages. Therefore I say you must give every inducement for them to go to banks. Therefore property will appreciate in value, and that property will come out, and more and more money will move into the banks, more and more money will come into the market and in that way become available to the government and also to industrial concerns.

And then Sir, lastly—Sir, I know the honourable the Finance Minister is waiting and my eyes are on the clock, but I will not take long, I will finish in two or three more minutes. I ought not to transgress the rules myself. Lastly, Sir, there is another aspect which seems to be creating some difficulty—the Democles' sword which we ourselves forged some time back, the Income-Tax Tribunal. Now, these people might have made lot of profits during the war—enormous profits were made as a matter of fact. And they have evaded taxation during the war. And now we have set up this Commission which would not go either forward or backward. Sir, sometimes, if you want to make a donkey go forward, you have to push it backward. Of course, I am not comparing it. The analogy is not on all fours. But what is the use of keeping this Democles' sword? Assume that there is so much of hidden money. How are you going to draw it out? Assume they had not paid taxes. But what is the good? Let us allow that money to come out and let it be utilised in the industries. Again and again people are asking, if you allow depreciation, five years hence, how are you going to tax the money? I am sure my head is not so barren. I feel confident that when the money comes out, we can catch it. Indeed, except making a man into a woman, we can do everything else. By a mere bit of paper, we can say it is Rs. 25,000, or anything else we want. So Mr. Goenka need not be perturbed by the Capital Gains Tax. Therefore, I say, let us accept the various proposals that have been made. The money is there. And so far as the Income-tax tribunal is concerned, let them, within say, six months, compound it all and take something, and allow the money to come out into the open and be utilised by the industries. I say, once and for all, let us get rid of this idea that these are persons who have committed some heinous crime—murders or something of that sort. Let them rear up their heads once again.

And then, Sir, I am sorry that the honourable Finance Minister did not associate any one of us in the recent talks about the sterling balances. The sterling balances have been bundled up. Internally we have no money. That is the position. Externally, we have the money in the sterling balance. Let us raise on the security of this money, let us raise money in the United States of America; let the Government of the United Kingdom be the guarantors. Let us get into some such agreement, and let us get the necessary capital goods. Therefore, let these steps be taken immediately, and then internal money also will come out.

[Shri M. Ananthasayanam Ayyangar]

Lastly, so far as the Marshall aid is concerned, it has been asked by many, "Are we to go in for this aid? Are we to go with the begging bowl" and so on. But why not? We are talking of associations with the Commonwealth in some form or other. We were yesterday talking about some constitutional devices. What is the harm? We cannot be alone in the world. Therefore, if it is possible, let us get assistance from other countries also. England took so much loans from foreign countries, and now she is getting the Marshall Aid. Has England become a beggar? In a very short time England has regained her export trade and rehabilitated herself.

So I say, this is a problem which has to be attacked on all sides, not on one side.

And then, so far as the post-card is concerned, my honourable friend Mr. Kidwai committed a mistake by saying that he would carry all the mail by air. He ought to have said, we have to pay nine pies instead of six pies for a post-card because of the present crisis. As soon as the crisis is over, the cost also will come down. It is just for the emergency. And also, as against this increased cost, let him open two thousand rural post-offices in a short time. That will be propaganda enough all over the country. If necessary, I can go to the country at large and say that even though there is this increase in the cost of the post-card, you will have rural post-offices close at your doors. You will have the post-office savings banks, current deposits etc. etc. and so many other facilities. And our people will appreciate it. They are cultured enough to do that. After all culture does not mean the three R's. I am sure the bulk of the population will stand by the honourable Minister if only he comes with the right excuse for bringing forward these proposals.

There is then the income-tax limit of Rs. 3,500. Of course, people with large families, like myself would have been glad if the limit had been Rs. 5,000. But I am told the honourable Finance Minister has appointed a small committee consisting of my friend Pandit Thakur Das Bhargava and two others and I hope this committee will consider the question fully and that social justice will be done this year; and God is there for next year.

Srijut Kuladhar Chaliha (Assam: General): Sir, this is a subject which is technical and few people take interest in it. For the last 75 years there has been the jealousy of the provinces for having allocation of funds from the Centre. There were difficulties and in order to resolve them, two members of the Finance Department went to Australia to find out some means or solution. Their report was not available until yesterday evening and it was not circulated to the Members of this House. But anyway, I shall take up only the case of my province of Assam. Sir, I think from Assam the Centre has taken Rs. 75 crores and the allocation made to the province is so meagre that it has a very just grievance. And I shall tell you one thing. The other day, somehow or other, without consulting the Province, its jute export duty was reduced to 20 per cent from the 67½ per cent made under Sir Otto Niemeyer Award. The same is the case with tea and with other excise duties. Without consulting the province, the percentage of 67½ per cent has been reduced to 20 per cent—an injustice which can hardly be borne by the province. I think they have addressed the Centre about this injustice. They feel that Rs. 40 crores out of the Rs. 75 crores should be allotted to them, for the schemes approved by the Centre.

Sir, in the general pool we have Rs. 275 crores and it has to be distributed. Mr. Nehru and Mr. Adhikari went out to Australia and tried to find out and study the conditions there and see how the finances of the different States there

were adjusted and how the Centre was dealing with the matter. And they have now laid down certain fundamental propositions. They have found out that there in Australia they had incessant quarrels between the States and the Centre. Therefore in 1933 they instituted what was known as the Commonwealth Grants Commission. The object of the Commission was, first to receive applications made by the States to the Commonwealth for the grant of financial assistance. Secondly they deal with any matter referred to them on grants or financial assistance, by the Governor-General, and thirdly any matter referred by Parliament to the Commission regarding how financial adjustments should be made among the different provinces. Under these three heads applications are received and on receipt they start considering them on the basis of three criteria. Firstly, they see if a minimum of efficiency which the Centre wants the provinces to keep up is maintained. If they find that it is not maintained, they allow the application. Secondly, weaker states are given special grants, because they find that they are not able to function, not in a prosperous manner, but in a manner where normal requirements are satisfied. Thirdly, they also look into the financial position of the provinces and how they are affected by taxation. If the same principles are applied here, we will be able to arrive at a solution which will be just for distributing the Rs. 275 crores we have got. What is done now is that the Centre does not look into the sources of income; they merely take the area of collection. I find that almost 52 per cent of the income-tax and other excise collections are made in Bombay and Calcutta, although their population is 27 per cent. From Assam, I think all income-tax is collected at Calcutta, though the industries and firms are located in Assam. Therefore, a certain amount of injustice is perpetrated. A formula should be worked out taking into consideration the area plus population plus collection. I know it is difficult to arrive at a formula, but if we take these three things into account, we shall be able to arrive at a proper formula. Mr. Adhikari and Mr. Nehru have said that a Finance Commission should be tried in India, as a Commonwealth Grants Commission will not be suitable to our country. If such a Finance Commission is appointed and it takes into account the provinces, the area and the amount collected and also in cases where the provinces require certain things which they cannot get from the Centre, the Commission should recommend it to the Centre, so that there may be harmony between the provinces and the Centre.

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

So I suggest that such a Commission should be established in India in the Centre to allocate the funds among the provinces. Otherwise, the jealousy will continue for ever and we will always feel that some people who have got better representatives, better judges and better advocates get money whereas provinces like Assam, Orissa, Bihar etc., do not get their due. Even in the present case, Assam is given only Rs. 30 lakhs, whereas Orissa is given Rs. 40 lakhs. We have not been able to understand how it is allocated and why we have been deprived immediately from 67½ per cent. to 20 per cent. I should like that the Finance Minister should look into this thing and set up a Finance Commission.

Now, there is another point. If a province is not able to use the sum allocated to it due to their inability to contribute an equal amount, it lapses and we do not get it at all. We have to beg the Centre again. In Australia, they keep it to the credit of the province and not only that, they send men from the Centre to see that the schemes and plans are properly worked out. I therefore suggest that our Central Government should have this Finance Commission and they should also have some sort of organisation—not a very expensive one—but one which will go and supervise and see that the money is spent for the objects for which it was allocated. I think if this suggestion

[Srijiit Kuladhar Chaliha]

is accepted and the Commission is established and functions under the Finance Ministry, the injustice will be less acute than in the past. According to the advice of these gentlemen, the sum of Rs. 275 crores should be allocated taking into account the per capita income, per capita revenue and expenditure and the population and area. If this suggestion commends itself to the Finance Minister and allocations are made on that basis, our expectations will be realised and small provinces will not feel that bigger provinces knock off a larger share of the divisible pool.

I do not like to speak on subjects which have been so well dealt with by others regarding post-cards, but coming from the villages, I do feel that the increase will hit the poor people. I know, of course, the reason for the increase. But all the same, coming from remote distant villages, where postal services are rare, I feel that if it is at all humanly possible, the matter should be reconsidered.

As regards the "all-up" air mails, very few people will understand in the villages what is the benefit of carrying "all-up" mails and I feel that this enhancement to 2 annas is rather hard. (*An Honourable Member*: 'At least the Assamese would realise it.') Quite right. But we are thankful to the honourable Minister for having raised the taxable limit in respect of Joint Hindu Families to Rs. 5,000. We are thankful for the little mercy shown.

Having said this, I must say that we will give our best support to the honourable Minister, because he has done his best under very difficult circumstances. It is very difficult to get capital nowadays and even key industries are finding it difficult to get finance. So everywhere, as the Deputy Speaker has said, the money has dried up and gone somewhere and we are not getting money for new ventures or even for running the old industry in a proper way. So it was just right that we should give some inducement by abolishing the capital gains tax. Of course as a villager, we feel that it should not have been abolished. I am inclined to agree with Mr. Khandubhai Desai that he is voicing not only the views of the people, but he voices also properly the point of view of the villager.

Having said this, I thank you.

Shri B. P. Jhunjhunwala (Bihar: General): Mr. Deputy Speaker. It is very easy to criticise any budget which may be placed before the House. Any item can be taken and can be criticised. But if we had to take an overall view of the thing, I doubt whether there is anything in the budget which can be conscientiously criticized, barring an increased charge on Post-cards and Envelopes to be carried by ordinary mail, or whether it can conscientiously be said that the Finance Minister is becoming a capitalist or is unjust to the core.

Sir, I am looking at the budget from one point of view: namely, whether any tangible result on nation-building programme even in near future has been envisaged. I do not mind even if there is more expenditure than what has been allowed. The only point from which I want to look at the budget at present is whether the work done by the Government justifies this expenditure and this taxation. If the people are taxed more if there is more expenditure and if the burning problems of the day are solved, then it does not so much matter to the country whether we have to pay more or whether we give something more to the secretariat staff or people here and there. But the grouse arises when we find that apart from the routine work there is nothing tangibly forthcoming to give us a hope that even in the near future we shall be able to fight the different burning problems of the day.

The first problem to fight is the inflation. Sir, I have been hearing the Finance Minister very carefully and all the Ministers on various subjects but I remain unconvinced that from what they have said there is any hope that in the near future we shall be able to fight this inflation. The most important thing necessary to fight inflation for the present is to produce in this country as much as possible such materials as are required for our day to day use and which are essentially necessary. Sir, when I look to this thing, I find that there is no assurance coming from any of the Ministers that we shall be able to produce all these articles and bring down the cost of living.

I was looking to the figure of the cost of living here compared with the cost of living in the United Kingdom. Sir, in the United Kingdom in May 1948, the cost of living figure was 112 while in India it was more than 325. Sir, I hear that the recent figure has still gone up in India, while in England, which has suffered so much from war, the figure of the cost of living is going down. The one thing which I have said is that our Government does not pay attention for more production of such materials which tell upon the cost of production and I have said when I was speaking on food problems and also on industry that it is possible to do it, with the available materials in this country of ours. The only thing required is that we have to change our approach. We have to feel convinced: we have to feel confident of our potentialities that we can do it and not to be sceptic about it. But the difficulty is that those who are at the helm of affairs have got some preconceived ideas and they cannot get rid of these ideas. They look only to the outside world and to all industrial developments; but as I have said before, and I say even now, unless we industrialise ourselves on the same basis as the other countries are doing, we cannot exist; and that problem we should not give up. But it does not follow that we should give up or we should not mind the problems which can be easily solved.

Sir, I was saying that we have got some preconceived ideas which we cannot get rid of. The other day when I was speaking on food, and when I was saying that with the available materials, and with ordinary and even old-time agricultural implements, and with the seeds and the power which these cultivators have got, we can produce, I make bold to say that even with those old types of implements which require ordinary repair and with the good seeds transported and made available to the cultivators production can be increased by 15 per cent. This was said even by a foreigner. I am just not remembering his name. He contended that the Government of India apart from looking to the big schemes, should pay attention to the small things and they will find that they will be able to increase their production by 15 per cent and there will be no necessity for importing foodgrains which is impoverishing our country.

When I raised this point, and when I gave him the instance of the experiment I had made in a field where all these things were properly given there was a produce, when compared with the adjoining field, of 15 per cent more. Nothing extraordinary was done. Only the proper seed was given as also the proper implements and bullocks to the cultivator. What the honourable Agriculture Minister said was that in addition to these things there was the intellect also. We seem to have a very poor opinion of our illiterate villagers. Illiterate though they are they possess more agricultural knowledge than the people whom you send to them to spread the result of your research in Delhi. These pre-conceived ideas in the mind of the people at the helm of affairs cannot be got rid of and hence these steps are not taken to improve the production.

I shall give another similar instance. These things might appear most ordinary but they go a great way in solving our food problem. I was looking-

[Shri B. P. Jhunjhunwala]

through the report of the Ministry of Industry and Supply. It was said there that the production of sugar was greater and the reason given by them is that the cane price in 1947-48 was increased to Rs. 2. I could not understand this. When the price of Rs. 2 was announced all the cane had already been planted and there was no fresh cane planted. Only the available cane was there, though the cultivators got more for it. We have been telling every year the U.P. and Bihar Governments that if they want to properly organise the industry they should fix the cane prices in time before the planting, so that the people can take advantage of that. Instead of doing that they will do it just after the crop is ready and the result is that we do not get more production. The poor cultivators plant the cane in abundance for subsequent years because of the high price allowed on existing crop and then when there has been sufficient cane the Government comes in and reduces the cane price to Rs. 1/8 or 1/4 with the result that the cultivators are put to great loss, and the whole industry gets disorganised. As I was saying the authorities at the head take something into their heads it is very difficult for them to get rid of it, because of the superiority complex of their wisdom.

The other day when I was speaking on industry I pointed out to the honourable Minister that 4.5 crores had been spent till now and out of this the two most heavy items of expenditure were machinery and building. On that he said that 1.5 crores were spent. I requested the Minister to tell me how the 2.50 crores had been spent. Instead of replying that question he simply replied "In spite of my repeated assurances to the Member speaking he still thinks that there will be no production of fertilisers soon and he lightly said that the cost of production would increase to Rs. 200/- per ton from the estimated cost of Rs. 125/- per ton" and said that he was sorry for me. I do not mind if he was sorry for me but the proper thing to be explained was how those 2.5 crores have been spent and how the cost would increase from Rs. 125/- to Rs. 200/- which appeared to him ordinary thing but was a heavy permanent burden on the country. Any businessman or anybody at the head of affairs will keep the facts at his fingers' ends and explained how out of the 4 crores 1.50 crores were spent on this and 2.50 crores were spent on something else. This is the way in which things are being done. I am not saying this from the point of view of criticism or finding fault with anybody but, as I have said, we have inherited habit of keeping quiet on things and not trying to find the remedy—which it is difficult to remove before we find ourselves in the ditch, when it is too late to remove the same.

Last year when the Finance Bill was under discussion and the removal of the supertax on sterling and dollar companies was being discussed it was said that one of the reasons for removing that was that we were giving very substantial amounts to the tune of crores as a refund to such people who have got income below the taxable limit. This was a very substantial amount and by this amendment we were getting rid of it. I discussed this point with the authorities concerned and said that he was wrong in his estimate. I said that it was all right to have this amendment and to pass it in this way but then to come here again and reimpose some other tax will produce a very bad psychological effect upon the foreigners whose capital we require. When I put a question as to how much the amount of refund was, the answer came that it was only 20 or 25 lakhs and the Finance Minister this time had to come with a proposal to impose an additional capital tax of two annas, which I had suggested in my speech then. I do not say that this should not be imposed. My only point in bringing this matter up before the House is that the authorities concerned should in time realise and should not be over confident of their wisdom especially when something is pointed out to them as to what they are going to do in future, what will be its psychological effect and what other effect it will produce.

One point more and I have done. I am not committed either to the socialistic or the capitalistic point of view. The only thing needed, as the Deputy Speaker has pointed out, is as to how to produce more and the Government, whether it takes a socialistic or capitalistic view, should be strong and should not waver. The Finance Minister has removed the capital gains tax and he has given his reasons. Mr. Goenka and Mr. Khandubhai Desai opposed it. They had their own reasons. I am not going into the merits of it. The reason given by the Finance Minister that he wants to have capital formation and he wants to create confidence among the investors, so that they will save money and invest. But while meeting the argument the honourable Minister said if we find in the future that this tax is workable and we can realize it from those people then after two or three years we can reimpose it. I say you reimpose it or do whatever you like after two, three or four years, after we have made up our production. But why say it now? The psychological effect that the Minister has produced goes away.

With these remarks I support this Bill. As I have said, it is very easy to criticise, but before doing so we should look to the difficulties in which our Finance Minister is placed.

Mr. K. T. M. Ahmed Ibrahim (Madras: Muslim): Mr. Deputy Speaker, Sir, the consideration of the taxation measures of the Central Government and the Provinces will convince anyone that most of them are bound to act as a heavy burden on the common man, especially the lower and the middle class people. If we look into the proposed taxes of my Province and of the Central Government we find that almost all the necessities of life are proposed to be taxed. The only thing that is left out seems to be air and I do not know when that also will be taxed. Turmeric, chillies and everything is being taxed. Here the postal rates are sought to be enhanced. You, Mr. Deputy Speaker, said that the prices of all necessities of life have risen and therefore it does not matter if the villager pays half an anna more for the postal service. It is true that the prices of all necessities of life have risen. But what is the purchasing power of the villagers? Have this Government or the Provincial Governments done anything to increase substantially the purchasing power of the villagers? Have you done anything to improve substantially the standard of living of the villagers? It is true that the cost of living index rises from day to day, but how are these people to meet this rise in the cost of living? Has anything been done? Such being the case it is no argument to say 'after all you are paying more for these necessities of life; so you pay half an anna more for this also'. The postal service has in these days become one of the necessities of life and how are they, the poor people, to find this additional half an anna? What I would suggest is—and it has been suggested by other honourable Members also—increase the postal rates with regard to those who use the postal service for enriching themselves, for increasing their profits, that is by sending them by air mail; but so far as the surface mail is concerned, retain the old rates. It is no argument to say that since the villagers have to pay more for their necessities of life let them pay half an anna more for the postal service also. It is no argument. They are not able to find the wherewithal to obtain their necessities of life and it is not advisable and proper to tax them more for this also.

Next I would refer to the tax on the export of cloth. It has been said that this country has not been able to export in full to various countries the quota of cloth that has been allocated for the purpose. Still this export duty is being retained. Do we not want to earn more foreign currency to meet our expenses abroad? In that case should we not increase our exports? If we want to increase our exports the articles which we export must be able to

[Md. K. T. M. Ahmed Ibrahim]

compete with the articles which go to those countries from other foreign lands. If they are not able to stand competition surely you will not be able to export your goods. Looked at from this point of view it is absolutely necessary that this export duty on cloth should be removed. In this connection I would make a reference to the present plight of the handloom industry of this country, especially of my Province. The handloom industry has survived, developed and progressed not on account of internal consumption but on account of foreign trade. I would quote only one instance to show how the stoppage of foreign exports affects this industry. When during the last war, on account of Japan's aggression on Burma and Malaya the export of handloom cloth to those countries was stopped the weavers suffered heavily. They had not even the necessary means for their maintenance and the Madras Government had to make provision for them under the Famine Code.

Mr. Deputy-Speaker: Is not the export duty confined to mill-made cloth?

Mr. K. T. M. Ahmed Ibrahim: I am aware of it. I am urging on the Government to take steps to increase the export of handloom cloth.

Mr. Deputy-Speaker: The honourable Member may continue his speech after Lunch.

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

The Assembly reassembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. B. Mavalankar) in the Chair.

STATEMENT OF GOVERNMENT BUSINESS

The Honourable Shri Jawaharlal Nehru (Prime Minister and Leader of the House): Sir, regarding the duration of this session, so far as Government is concerned we should very much like to complete the work of this session by the 7th of April. If by any chance some very important work is left over and the House is so willing we are prepared to extend the period by two days. But we should like so to organise our work as to finish by the 7th.

Shri M. Tirumala Rao (Madras: General): May I know whether Government have any intention of further prolonging the session beyond the 7th—because the management of business is not in our hands?

The Honourable Shri Jawaharlal Nehru: It is not our intention.

Pandit Mukut Bihari Lal Bhargava (Ajmer-Merwara): May I know whether the Ajmer-Merwara Bill will be taken up in this session? It won't take more than one or two days.

The Honourable Shri Jawaharlal Nehru: I understand that the Ajmer-Merwara Bill is likely to take at least five days—may be six—and although we would like to take it up it is rather difficult to deal with it in this session.

Mr. Speaker: Practically the position is that we may have to extend the session by a couple of days if the state of Government business so requires, and in addition we should have Saturday also. That is what it comes to. Very well then, I will allot Saturday for official business.

Seth Govind Das (C.P. and Berar: General): May I know whether the Hindu Code Bill is going to be taken up in this session or in the next session, because on that the other Bills and the other work will depend?

Mr. Speaker: That is for the Government to consider. I am allotting it for Government business, and whatever business Government puts in, will

come up. If they put Hindu Code Bill it will come; if they don't, it will not come up.

Shri Mahavir Tyagi (U.P.: General): Are you taking Saturday also?

Mr. Speaker: That is the request made to me and I wanted to know about the possibilities of going beyond the 7th. If there was no possibility of going beyond the 7th, I should have said that we should sit on Saturday. But it seems there is a possibility both ways.

The Honourable Shri Jawaharlal Nehru: We should try our utmost to finish by the 7th—but I cannot rule out absolutely the possibility of going beyond that. I think in that event it might be desirable, if I may say so, to sit on Saturday.

Mr. Speaker: That is why I said in view of the possibilities of all the three days being required, there is no other alternative but to allot Saturday. We will sit on Saturday the 2nd April.

INDIAN FINANCE BILL—contd.

Mr. K. T. M. Ahmed Ibrahim: Sir, I was referring before Lunch to the necessity of helping the handloom industry. The other day the honourable the Finance Minister himself said that this industry will very soon have to face grave danger.

The Honourable Dr. John Matthai (Minister of Finance): I did not say that "it will very soon have to face grave dangers"—that is not my phrasing at all.

Mr. K. T. M. Ahmed Ibrahim: In effect it means that. I would like to know what steps Government have taken to prevent this industry from being destroyed. This industry, as I said, has survived on account of its foreign export trade. What are the steps that the Government has been taking to encourage the export of handloom cloth? Has their policy been consistent and uniform? On the other hand the policy of the Government towards this cottage industry has been halting and vacillating. Last year exports of handloom cloth to Pakistan were permitted, and hoping that that policy would continue weavers were manufacturing cloth which could be sold and which was in demand in Pakistan alone. But suddenly exports to that country were stopped with the result that there is an accumulation of cloth of the value of more than Rs. 5 crores which, as I said, can be sold only in Pakistan. It is true that recently there has been some relaxation with regard to this matter, and 5 crores yards of handloom cloth are allowed to be exported to Pakistan. But in actual practice nothing has been done and it is not possible now to export any yard of handloom cloth to that country. Now the handloom weavers are in a very difficult plight. They were getting yarn sufficient only for ten days in a month and with that yarn they were manufacturing the cloth with the hope of meeting their monthly needs with the income they would derive thereby. But even the cloth manufactured out of this ten days yarn has now accumulated. From this one can understand the miserable plight of the handloom weavers. Therefore I would appeal to the Government to take steps first of all to see that this accumulated stock is cleared and then to see that exports to other countries are also encouraged. They must be told definitely that they would be allowed to export to particular countries. The difficulty arises when there is a sudden change of policy. On account of this vacillating policy, on account of the fact that the policy is changed from time to time the poor handloom weavers have suffered a great deal and I would appeal to the Government to see that their suffering is put an end to by following a consistent policy which would ensure certainty to the industry.

In this connection I would also refer to a press note which was issued this morning regarding the export of sewing thread to Pakistan. On account

[Mr. K. T. M. Ahmed Ibrahim]

of the removal of control so far as sewing thread yarn is concerned, the spoolers who manufacture this thread are put to very great difficulties. Some of the agents and sub-agents are not selling at normal rate the yarn required for the purpose with the result that those who are engaged in manufacturing this thread are put to very great difficulty. They have made representations to the Provincial Government and also to the Provincial Textile Commissioner but their representations have not in any way been effective. This is a matter which the Central Government must consider seriously. Many of these spoolers who are engaged in manufacturing sewing thread are put to difficulty on account of the fact that this yarn has gone into the black market; it is not available to the spoolers who are engaged in this industry for a long time.

I shall now come to the tanning industry which is the third largest exporting industry in the whole of India and the largest exporting industry in the Province of Madras. This industry now suffers from troubles both internal and external—internal on account of the labour trouble. The House may be aware that during the past about two months there is strike going on in the several tanneries in Vanujambadi in North Arcot District. These tanneries have been manufacturing leather of a very high grade quality. The Madras Province produces the largest amount of leather in the whole world and the quality produced is the best in the whole world. It is therefore very necessary that sufficient steps should be taken to safeguard this industry from the intransigent and hostile attitude of labour.

Again, on account of certain inherent difficulties in the method of marketing that has been adopted by the industry, it is suffering a great deal. To find out new methods of marketing and also new fields for marketing the product of the industry, the Government of India sent a delegation in 1947 to the United Kingdom, America and certain countries of Europe. That delegation has submitted its report. I understand that it has made concrete proposals for the better protection of this industry and for effecting sales of the product of this industry in countries other than England. I would like to know whether any steps have been taken in pursuance of that report, whether that report has been considered by the Government and whether the proposals made therein have been accepted or rejected by the Government. This industry is, as I have said, the third largest exporting industry in the country and if it suffers it will surely react heavily on the economy of the Province and the country as a whole.

With regard to the mineral resources of the Province of Madras, I would like to add one word. It is now admitted that the mineral resources of Madras are very rich but they have not been properly surveyed. Whenever the attention of the Provincial Government is drawn to the matter, we are told that a proper survey could not be effected on account of the fact that the Government of India has not got the necessary personnel. Sir, this is a matter which should be looked into. Adequate steps should be taken to survey the mineral resources of the Province and to exploit such mines as have been discovered already. For example, lignite has been found in South Arcot, iron ore has been found in Sandur and Salem and aluminium ore, bauxite, etc. in Salem District. If these mineral resources are exploited the prosperity of the Province will advance by leaps and bounds. I do not know why the Government should be adopting a snail-slow policy with regard to this matter.

Another matter I would like to urge upon the Government and that is with regard to the contribution made by the Centre to the Provinces. So far as my Province is concerned, it has been suffering heavily on account of the very small contribution that is being made to it from the divisible portion of

the income-tax. Before partition, Madras and U.P. were getting 16 per cent. each. Now after partition, as a result of the Conference of the honourable the Finance Minister with the Provincial Finance Ministers, the proportion for Madras has been fixed at 18 per cent. while U.P. gets 19 per cent. The amount of income-tax collected from my Province exceeds more than twice or three times the income-tax collected from the U.P.; still the percentage which is given to Madras is less than what the U.P. gets. Is the percentage based on the amounts of collection from the Provinces or is it based on requirements? From both these points of view Madras deserves a larger percentage than the U.P., especially now when the prohibition scheme is being carried out and the zamindari abolition scheme is to be given effect to soon. Therefore, I urge that the right of Madras to a larger amount of contribution should be seriously considered by the Government.

Another point which I desire to urge is that on account of the situation in Malaya and Burma, several Indians in those countries, could not return to India during the last war. Those who came had to leave all their properties there and the Central Government gave allowances to these refugees and also to the dependants of those who could not return to India. Now I understand that in many districts the Madras Government is taking steps to collect the allowances paid to them, as a result of instructions received from the Central Government. Sir, those people have not begun life again, they have not the means of maintenance at all. How are they to repay these allowances? If their position is properly considered the Government must continue to pay them allowances until they settle down in life. Any way it would be impossible for them to repay the allowances already paid to them. I request the Government that the allowances paid to them be wiped out and if possible further allowances be paid to these unfortunate people who have left those countries and come here penniless leaving everything behind.

Pandit Mukut Bihari Lal Bhargava (Ajmer-Merwara): Mr. Speaker, Sir, the Finance Bill has been discussed for several days in this House. As it has emerged from the Select Committee it is almost of the same character as it was when we referred it to the Select Committee. The taxation proposals that stand incorporated in the Bill formed the subject-matter of comment by me at the stage of General Discussion and I do not, therefore, want to repeat the same arguments here. My impression then was, and now is, that the effect of the Budget, in spite of all that has been said for the merits and demerits of the proposals incorporated therein, is to make the rich richer and the poor poorer. The only relieving feature is the recommendation of the Select Committee to raise the exemption limit of the joint family units to Rs. 3,500 which the honourable the Finance Minister has kindly consented to further raise to Rs. 5,000. That is a relief that was long overdue and it will be welcomed throughout the country.

Leaving the taxation proposals here, as has been the tradition of the House on such occasion to ventilate the grievances of the constituencies, I feel it my duty to draw the attention of the Central Government to the miserable condition prevailing in my own Province. Whenever any question about material and moral advancement of the people in the sphere of education or health is raised on the floor of this House, always the reply is given by the Central Government and its Ministers that that is a Provincial subject. But may I ask whether it is not the duty of the Central Government to raise the material and moral standards of the peoples of the Centrally-administered areas of which Ajmer is one? It has always been very unfairly treated in every matter; in education, in health, it is one of the most backward territories of the country and still it gets the smallest attention that is being given by the

[Pandit Mukut Bihari Lal Bhargava]

Central Government. The whole of the budget which is spent on the Centrally-administered areas is being swallowed up by Delhi which is of course the pet child of the Central Government. Even in the present Budget, only Rs. 11 lakhs have been provided for education and health. It is a very poor sum. The condition of the dispensaries and hospitals in the Province of Jammu-Merwara is miserable. The staff is inadequate, the medicines and the injection tubes are insufficient. This point had been raised by me several times on the floor of the House in the form of interpellations etc., but without any effect. I would like that, so far as this backward tract is concerned, the responsibility of the Central Government is direct. The Centre must devote its attention to it. It has been kept aloof from Rajputana geographically, historically and for political reasons and the Central Government cannot escape its responsibility for the moral and material backwardness of the people of this tract. I hope the matter will receive attention.

My other grievance is about the unfortunate condition of the peasantry. The peasantry of this unfortunate province has been downtrodden and has been subjected to centuries of oppression at the hands of the feudal chiefs. There is a very moderate piece of legislation which for the first time contemplates to give a certain degree of security of tenure, assessment of fair rent and the prohibition of illegal exactions by means of an amendment of the existing Tenancy Law. It was hoped that it will be brought on the Statute Book as early as possible. It has been on the anvil of the legislature for over a year and even in this session I was disappointed to find that it has been shelved. A number of civil and criminal cases connected with tenancy matters are there. There have been cases of riots and forcible ejections and their number is swelling day by day. It is high time that the Government seriously considers this matter. If no timely action is taken the situation may get out of control. Even if it is not possible for the Government to bring up this legislation on the Statute Book in this session, I would seriously and respectfully request them to consider the advisability of promulgating the salient features of this Bill in the form of an Ordinance, because the circumstances are of an emergent character.

Leaving this matter at that I would like to point out to the Central Government to concentrate their attention on the question of the salt industry. The salt duty was abolished after a good deal of agitation. Because salt had always been in the forefront of our struggle for freedom, on the attainment of freedom salt duty was abolished and everybody in the country thought this action will make salt available to the people at a nominal price, or at cost of production. Unfortunately this anticipated result has not been achieved. The other day an honourable Member suggested the re-imposition of the salt duty. I would respectfully submit that it is nothing but a counsel of despair. In fact salt is such a vital commodity for the people that it is essential that it must be made available in abundant quantity to the people. Even today, unfortunately, we are not self-sufficient in salt. The total production during the year 1948 was about 600 lakhs of maunds and out of these, 155 lakhs of maunds were produced in Government factories and the rest in private owned factories. During the year 1948, we imported foreign salt to the extent of 117 lakhs of maunds costing no less than 287 lakhs of rupees. It is a pity that despite the insufficiency in production of salt, the Government are not taking adequate measures to make India self-sufficient in this vital commodity and are not giving due encouragement to those engaged in this trade and industry to make India self-sufficient in salt as soon as possible.

On 23rd April 1948 the Government of India issued a circular by which it was intended to encourage the free manufacture of salt in the country. It was

notified that any person or group of persons manufacturing salt over an area not exceeding 10 acres need not obtain any licence and that the provisions of the Salt and Excise Act of 1944 will not apply to them. Relying upon this notification, the people on the sea coast invested large sums of money in setting up small factories of the size of 10 acres. But, after seven months, a departmental clarification of the previous notification intended to encourage free manufacture of salt came in and whatever concession was given in the previous notification was withdrawn with the result that those who had invested large sums of money for the development of this small industry came to grief. The salt production by them had increased the total output by 20 per cent. and the article was in no way inferior to that produced in Government factories. But still we find that an Association in Tuticorin has submitted a representation which shows how this departmental clarification by the Government of India has caused surprise. Similarly, the production of salt in Dharangadhra, has been seriously jeopardised by the zonal scheme of distribution recently introduced by the Government of India. In Dharangadhra, salt to the tune of 1,00,000 tons per annum is being produced. But what you find is that, under the zonal scheme of distribution, 12,000 tons of salt only has been allocated for being despatched from Dharangadhra to the territory in Central India. From time immemorial, Bihar, Nepal, Nepal Terai, etc., were getting salt from Dharangadhra. This natural market for this salt has been closed and replaced by another artificial market in Central India. So the producers who have no less than 1,00,000 tons of salt in a year have to distribute only 12,000 tons of salt to Khandwa under this zonal scheme. The natural consequence of this arrangement will be great discouragement to the producers.

Similarly, in another place, we find that this monopoly system of district agents appointed by the Government has resulted in great hardship. During the last session of the Assembly, on 3rd February 1948, it was admitted by the Finance Minister in answer to a question that salt was being sold in some parts of the United Provinces at the rate of Rs. 3 per seer. It is indeed regrettable that a commodity which is being produced at 4 annas per maund is sold at the exorbitant price of Rs. 3 per seer. Unless and until this monopoly system of distribution is done away with and every person in the country is allowed freedom of importing salt from the producing area, the condition cannot possibly be improved. Salt is a very vital commodity not only for human beings. It is needed for cattle food and also for industrial purposes. It is parent substance for a number of industrial chemicals like sodium sulphate, caustic soda, etc. Therefore I would respectfully submit that the question of production and distribution of salt must be attended to by the Government and arranged on a scientific basis, and free manufacture of salt should be encouraged in every part of the country. The only restriction that should be placed is that it must be of such a quality that it should be fit for human consumption. Barring this, no other restriction should be placed on the manufacture of salt. Unless and until this step is taken, India will not be self-sufficient in salt. Even the quantity that we are consuming today is hardly sufficient for good living. Perhaps the consumption of salt per capita

3 P.M. is the lowest in India. It is 8 lbs. per capita. I therefore submit that this matter will receive due consideration at the hands of the honourable the Finance Minister and the honourable Minister for Industries and Supplies.

Shri Deahbandhu Gupta: While speaking at an earlier stage on the Home Ministry but I had described this year's budget as a compromise budget. I am glad that the honourable the Finance Minister has given further proof of his compromising spirit by agreeing to a long-standing demand of the Hindu Joint Families though partially; but, Sir, compromises are not always good. Some times they bring into glaring contrast certain injustices and I feel that while

[Shri Deshbandhu Gupta]

the honourable the Finance Minister has partially conceded this demand, it is not based on equity and justice. Judging from that point of view I find no justification for not applying the same principle to super-tax which he has now agreed to apply to income-tax. I am sure, judging purely from the point of view of equity and justice, he will agree that there can be half-way house in a matter like this. If it is just to give that concession to income-tax payers, it is equally just to give it to super-tax payers. But I am aware of his difficulties. I know that he has not only to see to the requirements of justice and equity but he has also to find the necessary finances for running the Government. I would not therefore press this demand at this stage and I also know that it will not be much use my doing so. But it will suffice for my purposes if the honourable the Finance Minister who has immortalised himself in a way by agreeing to the removal of a long-standing grievance of the Hindus realises the justness of the claim, and gives an assurance to this House that in the next budget he will see that full justice would be done to the Hindu Joint Family. I may say that really speaking it is not a concession it amounts merely to the removal of a long-standing grievance. (Pandit Thakur Das Bhargava: 'This is merely an attempt.') My friend Pandit Thakur Das Bhargava who has all along been fighting the battle of the Hindu Joint Families corrects me by saying that it is merely an attempt in this direction. I agree with him and stand corrected. There is another glaring example of injustice which I would like to point out for the consideration of the honourable the Finance Minister. I refer to the discrimination made against some industrial concerns in the matter of giving relief depreciation to them in respect of machinery plant imported and fitted by them prior to 1st April 1948 but after the termination of the war. I tried in vain in the Select Committee to persuade him to do justice to all such industrial concerns as were pioneers in industry and took the risk of importing new machinery and plant soon after the termination of war. The relief that he proposes to give by way of special depreciation on new machinery and plant is a big one and I may even say that it is a generous one. This applies to machinery and plant which is imported after 1st April 1948 and this concession is applicable for 5 years. I would like to know from the Finance Minister as to what particular sanctity is attached to 1st April 1948. As a matter of fact he will agree, that the prices of plant and machinery are now falling and those who imported machinery soon after the termination of war paid higher prices for them than those who have imported machinery and plant after April 1948 or will do so hereafter. Therefore it is only fair that the consideration shown in the case of machinery and plant imported after 1st April 1948 should apply to machinery and plant which were imported soon after the termination of war or say after 1st April 1946. There is no reason to my mind as to why those who paid higher prices for their machinery and plant and who in fact took the lead in getting new machinery and plant as soon as possible after the termination of war should be deprived of this relief which is now being given to other industrial concerns. I would like to impress the justness of this claim on the Minister even at this late stage and I hope if he will consider it from the point of view of equity and justice, he will agree that at least for three years if not for a period of five years, i.e., from 1st April 1948 those who imported machinery and plant after April 1946 should also be treated alike. Besides being fair this will give encouragement to those who always take lead in such matters and I can assure the Finance Minister that if he does so he will not have to repent for it. There is yet another point to which I want to invite the attention of the honourable the Finance Minister. I congratulate the Income-tax Department for having collected big arrears during this year—I

feel they do deserve our congratulations for collecting about 15 crores in an year. They have made a good job of it and while I congratulate them for that I wish to point out that in their drive for collection of arrears there have been instances where firmness has not been combined with courtesy. After all, Sir, the Income-tax Department is a revenue paying department and under the new set-up of things, we have got to make the people who pay income-taxes feel that they are not being unnecessarily harassed and that they are paying what is due to their own National Government, and that the National Government is not the same which its predecessor used to be. I would advocate the strongest measures for collection of arrears and of every pie of income-tax, but I would ask him to consider the desirability of calling Conferences of the authorities of Income-tax Department from time to time and impress upon them the necessity of showing the Income-tax payers due courtesy and consideration while dealing with them. By consideration I don't mean that they should not collect the full amount of money that is due but that they should be treated with courtesy. They should not be unnecessarily harassed and put to inconvenience—on account of the inefficiency of the Department, for instance—called from time to time for explaining the same points. Perhaps the Minister is aware that sometimes notices for the payment of arrears of three to four years are served but practically no time is given to them for making the payment. I have personal knowledge of cases where notices for collection of income-tax took about 10 days to reach the assessee after the orders had been passed and where they were required to deposit the tax for 3 to 4 years within a day or two. I think this causes unnecessary hardship and inconvenience to the people who are required to pay taxes not for the last time but who, we hope, will continue to pay taxes in the future as well. It appears that the Income-tax Department has not got the necessary staff for the purpose. The general efficiency in respect of serving notices and doing other such things is not upto the mark. I feel much of this hardship and the cause for complaint can be removed if the honourable Minister takes a lead in the matter and agree to call from time to time Conferences of big Income-tax Officers and impress upon them the desirability of dealing with the public in a different manner.

I congratulate my friend Mr. Ananthasayanam Ayyangar who has very strongly and in his own inimitable eloquent manner put the case, this morning, of those who have been sinners in the past. I am no advocate of the sinners and I hold no brief for them. But I feel that when a malady becomes general, it has to be treated in a manner different from the ordinary line of treatment. The Investigation Commission has been able so far to lay its hands only on 1,200 cases and it is not known whether even these cases the Commission will be able to deal with finally in an year or so. Sir, my own estimate is, and I think the House will agree with me in this, that cases of tax dodging are not in hundreds, but in thousands. When the question of appointing this Commission was discussed in the House, it was thought that this would prove to be a big boon, and that tax dodging would stop thereafter. But I think, and perhaps the honourable the Finance Minister will also agree with me, that our hopes have been belied. Not only has the Commission been able to investigate about half a dozen cases, but even in those cases the exchequer has not realised the dues so far. Therefore, let me, in all humility, suggest—and I agree with my friend Mr. Ayyangar in this—that some method should be found out to induce the flow of this black money into the proper channels of business and industry. Therefore, my suggestion is,—and that is not a new suggestion,—that for the past sins, some date line should be fixed and Government should come to a decision as to what percentage of the concealed money should be charged from those who assure that they will behave in future; they should then be given a chance, a dog's chance to begin with a clean slate.

[Shri Deshbandhu Gupta]

They should be asked to pay certain portion of the money that they have collected, during that time, at a flat rate of say, 50 per cent. or 60 per cent. or whatever percentage the Government might fix. I am sure that if the honourable the Finance Minister takes courage and follows this course, this will not only bring large amounts of money but will prove to be the best anti-inflationary measure. He will, in this way, get crores and crores of rupees in no time, without incurring any expenditure on collection. Moreover, this will put a stop to the corruption which has become almost a kind of second-nature to many people after the war. How many concerns are there—to-day—I ask which do not have double accountings—perhaps they can be counted on our fingers. Most of the Members of this House who have any connection with business or industry know and I am sure the honourable the Finance Minister himself knows it better than anybody else, that there is large number of firms and business houses, and individuals who had been corrupted during the war, are still maintaining double accounts. Although we have been in office for more than a year now, we have not been able to persuade such people to declare their gains and get their money to flow into the proper channels of business and industries. I therefore, appeal to the honourable the Finance Minister to give serious thought to this aspect of the question. He should not be scared away by slogans, or yield to people who do not take a realistic view of things, and who think that it is enough to call names to some people and be satisfied with the appointment of the Investigation Commission. I think it is time Government and the honourable the Finance Minister took courage in their hands and devised some such method as would bring crores and crores of rupees into the coffers of Government and also put a stop to the corruption which has become almost perpetual.

Sir, I do not wish to take any more time of the House. I hope that the points that I have placed before the House and before the honourable the Finance Minister will receive his due consideration, and that before long the people will feel that there has been a real change after the attainment of freedom in the atmosphere of the country and by next year, due to the steps taken by the honourable the Finance Minister present corruption would have disappeared.

Sardar Hukam Singh (East Punjab: Sikh): Mr. Speaker, Sir, at this far end of the debate, I will confine myself to only two or three observations. In the first place, let me deal with the loan programme of the Government. Our Finance Minister, and also his predecessor, so far as I can judge from the speech that he made here on the floor of the House, were moved by the motive that greater inducement should be given to industrialists to start new business and for surplus capital to flow into fresh industrial enterprises. It was felt even by Mr. Shanmukam Chetty, Sir, that the budget proposals of 1947-48 had retarded the growth of industries in our country and had impaired our industrial development. So with this idea, he formulated his budget proposals and gave certain concessions in income-tax, in excess profit tax and in the income-tax on small companies and so on. So far as loans were concerned, provision was made for Rs. 150 crores. But very little was actually subscribed—something like Rs. 30 to 40 crores. Therefore, this year, our Finance Minister having felt that the concessions given were not enough to induce industrialists to come into the field and start fresh business, in this Budget, has offered concessions to the industrialists, and I think the Government is justified in pursuing that path. Such high incidence of taxation can be justified in a country where industries are fully developed. But in a country where we have to start from the very beginning, certainly this incidence that we have in India is an impediment to the growth of industry. Therefore, we have

given further concessions this time. Rather it is said that Government has surrendered to the capitalists. We have abolished the capital gains tax. We have reduced the income-tax and super-tax and given increase in the depreciation allowances. Of course, this policy I do support. But I fail to understand one thing. We have given these concessions and our object is that capital should flow into the market, and fresh industries should be started, and also that we should get more capital in our public loans. This being so, there is no reason why we should provide only Rs. 75 crores, and that too, as one of the distinguished speakers said this morning, Rs. 68 crores might be converted and only Rs. 17 crores would be left with us. And I feel that the industrialists, after hearing these budget proposals have applauded these proposals and they have given it their appreciation and they have said that they have got what they wanted. And if this be true, then certainly I fail to understand why we should budget only for Rs. 17 or 18 crores loans. Either our Finance Minister has not got confidence in his own proposals, that they would go far enough and bring in that capital that he wants, or he has no faith in the industrialists, in their appreciation of his proposals or in their applause. If he has no confidence, or faith in them, then we need not give them this Rs. 6 crores to get about Rs. 17 or 18 crores. That might be withdrawn and instead, relief may be given to the poor man. Why should the poor man suffer for the sake of these industrialists, as they have not yet come to our aid. If he has no confidence in his own proposals, he ought to come out with further proposals so that our aims and objects might be achieved. This is one thing that I wanted to submit.

The second thing is about the commercial Departments. It was said here that our Railways are not yielding us the profits that they should. The profit that we have been told has come to the Indian Exchequer is only Rs. 4½ crores. The Honourable Minister for Railways told us that in addition to it there was the interest they had earned. Certainly, interest is there, but profit has to be counted after interest is paid. Whatever the nature of the concern, either Government or private, it should first take into account interest on its capital and then only profit is to be counted. Now, these concerns, may be they are utility services, are run on commercial basis. We have to see what is the reason for the profit being so small. There too, I may submit that the profit we are getting is only due to the fact that we are allowing so much overcrowding, we are not giving amenities to third-class passengers, therefore this profit is there. If we give them proper facilities and amenities, certainly this profit also would not be there. So the only alternative that we have is to reduce our expenditure, and that has not been done in this Budget.

The third thing that I want to stress is the road transport. I am convinced that any Government managed business or agency can never run as efficiently or for the good of the people as a privately owned enterprise. Leave aside these Railways. We might take the Delhi Transport Service, D.T.S. as they call it. We were told a few days ago that the monthly income of this Service was about 4½ lakhs and the expenditure was 3½ lakhs, but even in that expenditure, the capital investment, the interest, the depreciation, etc., has not been taken into account. If these things are also accounted for, the profit would be very little. Then, so far as private owners are concerned, they are allowed to charge six pies per mile as fare from the public. They supply proper amenities. But I want to submit that when the Government have declared that there is sufficient scope for private enterprise for the next five or ten years and they have assured the industrialists that they would not be touched for some years to come, this industry of bus-owners, of private operators in transport, are afraid of the Democles sword hanging over their head of its being nationalised. The provincial governments are pursuing

[Sardar Hukam Singh]

their programme of taking over this industry and what is the result? These persons are not replacing their old vehicles, amenities to the public are not being looked after, because they fear that this industry may be taken over in a very short time. I think the way in which the provincial governments deal with this matter can be made clear by an illustration of a fact which I read only yesterday. The East Punjab Government had placed an order and bought about 166 vehicles for their transport, and these vehicles have been lying there near the Jullundur Secretariat for about a year or even more and so far as the papers give out, the advice of the Central Government had been taken and they have been declared useless for service. 166 vehicles, probably worth about 16 lakhs have been kept there for over a year and then declared unserviceable because they had weathered storm, rain and sun for the whole of the time. This is the state of things, how the provincial governments deal with these matters. Public servants do not feel any sense of responsibility and unless a man has a feeling of ownership in an enterprise, he does not put his heart into it, and that is the trouble. Therefore, my request is, so far as transport is concerned, as we have given this assurance to other industries, so should Government—Provincial and Central—give a similar assurance that this industry will not be touched and will be allowed to carry on for a few more years. What is the advantage of it? Certain operators came to me. They give this undertaking that if the Government gives them a guarantee like this for another three years, they are prepared to pay one pie out of these six pies that they are getting, that is, one-sixth of their earnings, to Government Exchequer. Government would get all the money that they want and they would provide every amenity to the public, make travelling comfortable and do all the things that Government requires. Now, we have raised the duties on petrol, tyres and all these things. We are making travelling even dearer, but in spite of it, they are prepared to assure the Government that even if they are taxed, they are prepared to pay one-sixth of their gross earnings, which would bring a substantial amount to the Government.

The Honourable Dr. John Matthai: The discussion has ranged over practically all the general issues which have been raised in the course of the discussion on the General Budget at various stages and the discussion has covered also several of the points which were brought to the notice of my honourable colleagues in connection with the debates on the estimates of the various Ministries. What I propose to do, Sir, within the time at my disposal, is to refer very briefly to some of the more important considerations which have been raised in this debate.

One of the points raised is whether the procedure of setting up a Select Committee to examine the financial proposals is one which is desirable or sound. It is not a matter on which I can express any final opinion, because the final deciding authority is the House. But I think, from my experience of taking part in the proceedings of Select Committees on financial proposals, that while on the one hand there are disadvantages of the kind that my honourable friend Mr. Das referred to, there are at the same time certain advantages. The principal one is that it enables the representatives of Government and of the House to have a free informal, unfettered discussion of the considerations that underlie the Budget, and I do think at the end of it, although they are not able to resolve all the conflicts that exist between them, they are able to understand and appreciate each other's point of view. To that extent, I am in favour of this arrangement, but as I say, I have no right to express any final opinion at this stage.

Sir, a question was raised about the Income-tax Investigation Commission by several honourable Members. The position is that the Commission has

now done a great deal of spade work in connection with the methods adopted in practically all the cases that have been referred to it for evading taxes. Now that the general spade work has been completed, I feel that the progress of the work would be much greater hereafter. Meanwhile, we have already made provision by Ordinance for the voluntary settlement of these cases by agreement between the Commission and the parties.

I hope that the parties whose cases are before the Commission would take advantage of the provision that we have made, and it is my hope and my desire that some basis would be found which will be reasonable in the public interest and fair to the assessee—some basis on which as large a number of these cases as possible could be settled voluntarily.

Pandit Thakur Das Bhargava raised the question of the Hindu undivided family. Because the matter is coming up in the form of an amendment, and I have already stated Government's position with regard to the question of an exemption limit. I want to make it quite clear that this is a temporary relief and that any decision that we come to today is without prejudice to the decisions that we may take on a final and more comprehensive examination of the whole position. That comprehensive examination would involve two issues: one, whether the joint family is to be regarded as a special entity for income-tax purposes; and two, if so, what exactly is to be the basis and method of taxation.

My honourable friend, Mr. Naziruddin Ahmad raised the question of the salt duty. I do not want to go into the question of the salt tax, because I have no intention of re-introducing the salt duty. But there is a point that he made to which, in fairness to him and to the House, I should give a reply. He said that as soon as the duty was abolished instead of the price of salt coming down, exactly the contrary happened and the result has been so unexpected that that constitutes a sufficient argument for going back upon the decision. I think it is important to remember that the salt tax was removed at a time when economic conditions were greatly dislocated and all the disorganization that took place in the economic structure of the country necessarily reacted upon the salt industry at the time.

There is one more point I would like to mention. When the Interim Government took this decision, I was then, as Finance Member, largely responsible for this decision. The decision that we arrived at was based on two considerations: Firstly that the duty was to be abolished and secondly, along with the abolition of the duty, Government should take every possible step for expanding production of salt and for improving its quality. In pursuance of the second part of our decision we sent a special officer, with wide knowledge and experience of salt production to America and England to enquire into the possibilities of putting the salt industry on a more efficient basis. By the time these investigations were completed, the Finance portfolio of Government passed into the hands of the Muslim League section of the Coalition Government who had no particular interest in this matter. Therefore when the final decision was made and the matter was placed before the House, these considerations which were an essential part of the original scheme, were lost sight of. The duty having been abolished, the Finance Ministry lost interest in the question of salt. Salt however still remained a part of the Finance Ministry but no one was responsible for seeing that the salt industry was developed in the manner originally contemplated. That accounts for a large part of the disorganization that took place. My honourable colleague the Minister for Industry and Supply is very alive to this issue and I have not the slightest doubt that in a short time we should be in a position to put the salt industry on a more satisfactory footing.

[Dr. John Matthai]

Mr. Singhanian, who makes his rare appearances in this House, raised a number of points with regard to cash balances, bearer forms, the excise duty on cloth and foreign capital. All these issues have been discussed over and over again in this House when he did not care to be present, and I do not propose further to go over the ground again.

My honourable friend, Mr. Khandubhai quite rightly said that capital formation is entirely bound up with the question of production. I agree with him. Production is at the root of this problem. But I find that, when Mr. Khandubhai talks of production, he seems to have the idea that production is a matter that depends on the employer only. Production is equally the responsibility of the constituency that he represents, Labour and I wish occasionally that Mr. Khandubhai would make an appeal to labour in this country to do its part a little more effectively.

My honourable friend, Mr. Tyagi raised the question of economy in public expenditure. I am glad he did it because, while I know the limits to which we can carry this process of economising, I think it is all to the advantage of the Government, the House and the country, that this question should be brought to the fore and stressed as often as possible because that is the only way in which a democratic Government can be made to do its job properly. He said that next year I should not come up with any supplementary demands. That was his first suggestion. Secondly that within the next year, 1949-50 I should reduce public expenditure by Rs. 100 crores. I regret to say that I am not in a position to give an undertaking on either of these points. (Shri L. Krishnaswami Bharathi: 'At least to some extent'.) My honourable friend, Miss Mascarene made the point that there was to be no class distinction recognised in the present state of industrial production. I agree with her. That is a consideration that we ought to keep in mind a great deal more than we are inclined to do. This business of production, and industrial investment, and capital formation: all these have come to a critical stage where the only way in which we could handle them effectively is by the community regarding itself as a single entity for this purpose.

My honourable friend, Dr. Deshmukh asked me why the estimates of customs revenue for 1949-50 are on a lower scale. Well, our estimates of customs revenue are based on three considerations: First of all, what is the foreign exchange available; secondly, what is likely to be the internal demand: whether the demand has reached saturation point in certain lines; thirdly, what is going to be the reaction on indigenous production. We took all these three factors into account and the best estimates we could make have been embodied in the budget.

With regard to the question of general contribution to revenue, I think Prof. K. T. Shah raised the issue with regard to post offices. The general question that has been raised is whether it is right that Government, while running public utilities should use them for the purpose of revenue by taxation. It is a very difficult question to answer. But I think that if we are interested by gradual stages or rapid stages in nationalizing industries, the question of replacing the revenue that you are likely to get by way of taxation is one which we have to take into account. The problem in all its nakedness was raised in Russia where practically the whole industrial system is State-owned. What they do is to levy what is called a turnover tax: that is to say to fix the price of products of the nationalized industry at a level which will not only merely cover the cost of production, but something extra, as a contribution to the State.

I am grateful to the Deputy Speaker for his exposition of the present financial and monetary position. I could not improve on it. I am in agreement with him and that is the basis of the budget proposals that I made.

My honourable friend Mr. Chaliha raised the question of the allocation of grants and loans to provinces. The points that he raised are: first, what is to be the basis on which assistance from the Central Government is to be provided for provincial governments; secondly, what is to be the basis on which the provincial share of the income-tax is to be distributed among the various provinces; thirdly, what is to be the basis on which the provincial share of the export duty on jute is to be distributed among the provinces. These are all difficult questions. The Government of Assam, the province with which my honourable friend is directly concerned, have been writing rather strong letters to me. I am putting it very mildly. Other provinces have also been writing to me with equal vehemence. I am at present in a position where it is impossible for me to steer my course one way or the other and my own mind has been working rather in the direction that my honourable friend Mr. Chaliha has suggested, that probably the best way of finding a solution for this extremely difficult and almost intractable problem is to have something like a Finance Commission appointed which would set this question at rest, at any rate, for a period of years. I am not making any definite announcement. All that I want to indicate is that my mind is working along the direction that was suggested by Mr. Chaliha.

My honourable friend Mr. Jhunhunwala asked me a question on inflation: "Why is it that in India the level of prices is so high and the cost of living is so high, whereas other countries like the U. K. are able to maintain their cost of living at a much lower level?" My friend Mr. Jhunhunwala would not have raised that question if he had been in the habit of looking behind the figures that he see in these publications. I have been exercised a great deal in my own mind as regards the comparative position of India in the matter of the cost of living. I am in the habit of studying the figures contained in the monthly bulletin issued by the United Nations. They give the cost of living figures for nearly 60 countries. Out of these 60 countries I should say more than half have a cost of living, as compared with pre-war time, which is higher than ours. There are about 15 Asiatic countries included in it. Among those Asiatic countries there are three countries which have the lowest cost of living, more or less the same—Ceylon, Egypt and India. All the other countries have a higher cost of living than ours, so that I do not think on a comparative basis we have any reason to be seriously perturbed or worried. The inflation problem is a difficult problem and I do not want to minimise its importance but when Mr. Jhunhunwala says that on a comparative basis we have to hang our heads in shame, I think he is going a little too far.

Taking the case of the United Kingdom there are three conditions that differentiate the position of the U.K. from the position of India. In the first place there is the vast amount of food subsidy 500 to 600 crores a year. And remember they have got all the productive equipment that they need for producing most of the consumer goods that they require which we have not. Remember also that it is a small country which makes it less difficult to enforce a system of control than in a vast country like ours. So that the difference between India and England is not quite so glaring as you might think it is from a superficial examination.

The other honourable Members who took part in the debate referred mostly to local problems and many of these problems are such as might well have

2116 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [30TH MARCH 1949]

[Dr. John Matthai]

been raised when the estimates of the Ministries were under discussion. With regard, for example, to the position of certain industries, or the Centrally administered areas and so on, I am not in a position to answer them, because I am not directly concerned with these ministries.

Dr. P. S. Deshmukh: There was no time: there was no opportunity to speak.

The Honourable Dr. John Matthai: My honourable friend Mr. Deshbandhu Gupta raised the question of giving retrospective effect to depreciation allowances. That point was raised by him in another place and I was not in a position to accede to it at the moment and today I am not in a position either to accept the suggestion. There is a certain amount of force in what he says but considering the financial limitations under which we are working today what we are concerned with is more incentive than equity and if incentive is the primary consideration, then it is the future rather than the past that ought to be our main consideration. It is, taking I regret to say, a practical but not necessarily an ethical point of view but I sometimes have to make compromises which I cannot very well defend.

My honourable friend Sardar Hukam Singh raised the question of the borrowing programme which I have suggested for 1949-50. If market conditions improve I propose to go in for a bigger loan than 85 crores. It does not in the least mean that because I have set a low figure I have no faith in my proposals. I have faith in my proposal and I do hope that the response will be better than the signs so far indicate. If that is so I do intend to make the fullest possible use of any improvement that may occur.

Mr. Speaker: The question is:

"That the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Speaker: There are two amendments which I believe the Government has accepted.

Some Honourable Members: There is only one.

Mr. Speaker: There is some amendment regarding export duty.

The Honourable Dr. John Matthai: That has already been incorporated in the revised Bill, Sir.

Mr. Speaker: What about the other amendments? Do honourable Members wish to move them?

Shri Lakshminarayan Sahu (Orissa: General): Yes, Sir.

Mr. Speaker: What I was considering about was the position about the agreed amendment which comes under the Third Schedule. I hope that by 5 P.M. we would have reached the Third Schedule, so that the amendment may be moved before 5 o'clock.

Pandit Thakur Das Bhargava (East Punjab: General): You may allow me to move the amendment without any speech, so that it may not be ruled out as out of time. If I get time later I shall make my speech.

Mr. Speaker: Instead of taking up any clause first out of turn, let us proceed clause by clause as far as we can and in case necessity arises, then preference might be given to the Third Schedule and the amendment can be moved.

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

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I do not wish to move my amendment but I wish to speak against the clause. I have already spoken in connection with the general discussion that I object to the tax being discontinued at this stage. The honourable Minister has kindly replied to the point but has not replied to the particular point of the discontinuance of the tax. The salt industry would not be put to a heavy strain. The tax is so nominal: it is 1/10th of a pie per head per day.

It is so nominal that it is never felt. Neither any addition nor any subtraction of the tax has any practical meaning whatsoever to the poor man's daily budget. I find that salt was taxed during the rule of our ancient Hindu Kings it was taxed also in the time of Muslim Kings and during the British period for a long time. So this is a tax with which India has been associated from time immemorial, and this is a tax which will be tolerated by all. If the tax is imposed and the amount collected is spent for the poor, it would be really for the benefit of the poor. The clause as it is, means no benefit to the poor but benefit to the intermediaries. This point, I submit, has not been answered. Sir, I submit that this clause 2 should not be accepted.

The Honourable Dr. John Matthai: Sir, I oppose it.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Dr. P. S. Deshmukh: I had given notice of an amendment to clause 3 because I thought that the rates of postcards and envelopes should not be raised and that instead of that, if we are really short of revenues, the surcharge for their being carried by air should be raised. Even now, looking at the Schedule I feel considerable apprehension as to how the thing would be managed. For instance, the parcels are going to be carried at the rate of six annas per pound whereas if one were to travel by air one has to pay from here to Nagpur ten annas per pound. I am sure the Department will have many difficulties; I do not think the whole question has been at all thoroughly examined. I know it for a fact that the losses that would be incurred by the Railway Department have not at all been calculated; carrying of mails by air would make the Railways lose quite a bit. Then again, the whole load, I fear, would be absolutely unmanageable. Either the Department will have to be absolutely honest about their declaration and carry everything irrespective of cost or they will have to resort to cunning device. If you consider the newspapers which at present are carried from Madras to Delhi or Bombay to Calcutta at one pice per newspaper, I am absolutely certain it will either be unmanageable or it will not turn out to be at all profitable.

Sir, if in spite of the fact that we want reconsideration of this question of enhancement of rates the Ministry does not find it convenient to withdraw this increase. I would at least appeal to the Ministry that no sooner they find that it is either unmanageable or that there is the principle of diminishing returns coming into operation, they will be bold enough to go back to the old practice of merely imposing a surcharge on those letters which go by air and not insist on this ill-thought-out and ill-considered scheme.

Sir, I do not oppose the clause but I would be very grateful if my remarks are borne in mind.

Shri Khurshed Lal (Deputy Minister of Communications): Sir, I think my honourable friend is under a misapprehension. All that was stated was that we shall carry by air all first-class mail. First-class mail includes letters and postcards. So far as parcels are concerned, we have maintained the old rates and it is always open to us to have a surcharge if we carry them by air. To that extent my friend has got it wrong. We only undertook to carry by air first-class mail and that too only wherever there was an air route.

Dr. P. S. Deshmukh: You have got discretion even in this matter? I see!

Shri Khurshed Lal: We have always got discretion under Section 7 of the Post Office Act and it is under that section that we have been having so far a surcharge on air mail.

श्री लक्ष्मी नारायण साहू : उपाध्यक्ष महाराज, मेरे मित्र डाक्टर पंजाब राव ने जो संशोधन का प्रस्ताव किया है मैं उसका समर्थन करता हूँ।

Dr. P. S. Deshmukh : I have not moved it.

मिस्टर डिप्टी स्पीकर : उन्होंने संशोधन का प्रस्ताव नहीं किया है।

श्री लक्ष्मी नारायण साहू : Still, I can speak on it.

इसके बारे में मैं यह कहना चाहता हूँ कि हम लोग बिज़नेसमैन को खुश करने की कोशिश करते हैं और हम लोगों को डर रहता है कि हम बिज़नेसमैन के साथ झगड़ा कर के कुछ नहीं कर सकते। हम लोगों ने अभी सुना है कि जिन केसों को इनवेस्टीगेशन कमीशन ने किया है उनको भी छोड़ा जा रहा है। जब हम यह सब काम बिज़नेसमैन को खुश करने के लिये करते हैं और गरीब से गरीब आदमी पर ज्यादा पैसा लगाते हैं, जो कि पोस्टकार्ड और लिफाफा लिखता है, जिस से कि एयरमेल के खर्च को पूरा किया जाय, तो यह सब बहुत अच्छा नहीं लगता है। मैं कहना चाहता हूँ कि पोस्टकार्ड और लिफाफा का मूल्य जितना हो सके कम करना चाहिये। जब हम पोस्टकार्ड दो पैसा और लिफाफा एक आने को कर देंगे तो देश में बहुत आनन्द होगा और बहुत आदमी चिट्ठी लिखने लगेंगे। हम वह काम नहीं कर रहे हैं और हम कहते हैं कि हम देश की निरक्षरता को दूर करेंगे और साक्षरता बढ़ायेंगे। कैसे निरक्षरता दूर हो सकती है, और साक्षरता बढ़ सकती है जब तक कि हमारे अर्थ सचिव इस बात को नहीं समझते हैं। हमारे बिज़नेसमैन हम को मदद नहीं देते हैं, वह हमारे साथ हाईड और सीक (hide and seek) का खेल खेल रहे हैं। वह छिप जाते हैं और हम उन को पकड़ने की कोशिश करते हैं। वह हम को लुभाते हैं कि हम कुछ पैसा और छोड़ दें। तो ऐसा करने से हम सब बरबाद हो जायेंगे। तो मैं अपने फाइनेन्स मिनिस्टर साहब से यह कहना चाहूँगा कि जो प्रिंसिपल वह एक दफा तै कर लें उस पर चलें। इनवेस्टीगेशन

कमीशन को पूरे फ़ोर्स से काम करने देना चाहिए। यह बहुत अच्छा नहीं लगता है कि जो चीज़ें एयरमेल से जायेंगी उन के लिये गरीब लोगों को पैसा देना पड़े। जिनकी चीज़ें एयरमेल से जायेंगी उन को तो पैसा नहीं देना पड़ता पर दूसरों को देना पड़ता है, यह अच्छा नहीं मालूम देता। इसीलिए मैं इतना कहता हूँ।

(English translation of the above speech).

Shri Lakshminarayan Sahu: Mr. Deputy-Speaker, Sir, I support the amendment moved by my honourable friend Dr. P. S. Deshmukh.

Dr. P. S. Deshmukh: I have not moved it.

Mr. Deputy-Speaker: He has not moved any amendment.

Shri Lakshminarayan Sahu: Still I can speak on it. In this connection, I would like to say this much that we people try to appease the businessmen and we are afraid that we cannot achieve any thing by displeasing them. We have been told just now that those cases which have been detected by the Investigation Commission are also being let off. When we do all this to please the businessmen and tax the poorest person to the maximum possible extent—the person who writes a post-card and letter—to make up the expenditure involved in the carrying of mails by air; then this does not look very nice. I would say that the price of the post-card and letter should be reduced to the maximum possible extent. When we lower the price of the post-card and letter to six pies and one anna respectively, then it will tend to give country-wide relief, and a great majority of the people will take to letter-writing. On the one hand, we are not doing this, and, on the other we assert that we shall wipe off illiteracy from the country. How can illiteracy be removed and literacy increased so long as our honourable the Finance Minister does not do anything about it? Our businessmen do not co-operate with us—they are playing with us the game of hide and seek. They hide themselves and we try to catch them. They prevail upon us to allow them some further remission. By following this course, all of us shall be ruined. Therefore, I would urge the honourable Minister to strictly follow the principle which he lays down once for all. The Investigation Commission should be allowed to work with full force. It does not look quite proper that the poor should be made to pay for those articles which will be carried by air. The persons whose articles will be carried by air have not to pay the money, but others will have to bear the burden. This is not proper. It is, therefore, that I urge this.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

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

"That part (j) of clause 4 of the Bill be omitted."

and

"That part (l) of clause 4 of the Bill be omitted."

Sir, these parts relate to enhancement of tax on photographic goods. I submit it is very unkind to enhance this tax.

The Honourable Dr. John Matthai: I have great personal sympathy with my honourable friend but he will appreciate my personal sympathy could not stand in the way of my public duty.

Shri Jaspal Roy Kapoor (U. P.: General): Could not Mr. Naziruddin be exempted from the operation of this tax?

Mr. Deputy-Speaker: In view of what the honourable Minister has stated, does the honourable Member wish to press his amendments?

Mr. Naziruddin Ahmad: Sir, I shall value his sympathy and would not like to press my amendments.

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 and 6 were added to the Bill.

Sardar Hukam Singh: I move:

"That part (b) of clause 7 of the Bill be omitted."

Sir, no lengthy speech on my part is required in support of this motion. We are always complaining on the floor of this House that there is transport bottle-neck. We have not got sufficient transport and I am afraid that if this amendment is not adopted, we will be depriving the people of a large part of motor transport facilities. If the tax is as high as is proposed it would create hardship to the people. The poorer man will have to pay more for his journeys by road and his expenses will be raised.

Mr. Deputy-Speaker: Motion moved:

"That part (b) of clause 7 of the Bill be omitted."

The Honourable Dr. John Matthai: I do not accept the amendment. With regard to this duty on motor spirit and the duty on tyres, I have given very careful consideration to it. I understand what the honourable Mover has said about transport. The position is this: If you take the extent to which railway fares and freights have had to be raised in recent years, you will find that even after these duties are imposed, the extent to which the cost of road transport will be raised will be less than the increase in the railway fares.

M. Even the level of railway fares and freights today is considerably below the general index number as compared with the level before the war, and the cost of road transport will still be below the railway fares. Therefore there is no case for this amendment.

Mr. Deputy-Speaker: The question is:

"That part (b) of clause 7 of the Bill be omitted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

श्री लक्ष्मी नारायण साहू: उपाध्यक्ष महोदय, मैं इतना कहना चाहता हूँ कि उड़ीसा को ज्यादा इन्कमटैक्स नहीं मिलता है और अभी जो शेयर मिलता है वह बहुत कम है। आप जानते हैं कि उड़ीसा में करीब २५ रियासतें मिल गई हैं।

मिस्टर डिप्टी स्पीकर: आप मेहरबानी करके अंग्रेजी में बोलते तो फाइनैन्स

मिनिस्टर साहब खूब अच्छी तरह से समझ सकते ।

श्री लक्ष्मी नारायण साहू: इसलिये इस समय वहाँ पर जो स्टैन्डर्ड आफ लिविंग है वह बहुत कम है और इस से उड़ीसा का स्टैन्डर्ड आफ लिविंग कभी नहीं उठ सकता। उस की हालत बराबर गिर रही है। मैं इसलिये चाहता हूँ कि जो स्टेट्स इस समय उड़ीसा के साथ मिल गई हैं तो उन का हिस्सा अब बढ़ना चाहिये। अगर आप उन का हिस्सा नहीं बढ़ाएंगे तो वहाँ का स्टैन्डर्ड आफ लिविंग नहीं बढ़ सकेगा और वहाँ के लोगों को कष्ट होगा और वह सब हम लोगों को अच्छा नहीं मालूम होगा। इसलिये मैं मिनिस्टर साहब से यह चाहता हूँ कि वह उड़ीसा का शेयर जरूर बढ़ाएंगे।

(English translation of the above speech).

Shri Lakshminarayan Sahu: Mr. Deputy-Speaker, Sir, I would like to say this much only that Orissa is not allocated an adequate amount of the Income-tax revenue and the share which it gets at present is quite meagre. You know that about 25 states have merged with Orissa.

Mr. Deputy-Speaker: If you kindly speak in English, the honourable Minister will be able to understand it fully well.

Shri Lakshminarayan Sahu: Therefore, the standard of living prevailing there is very low, and on account of this the standard of living of Orissa can never be raised. Its condition is deteriorating day by day. I, therefore, urge that now when States have been merged with Orissa, its proportionate share should be increased. If you do not increase its share, then the standard of living prevalent there cannot be ameliorated and its inhabitants shall be put to great difficulty, and all of us would dislike it. Therefore, I would request the honourable Minister to increase the share of Orissa.

Shri B. P. Jhunjhunwala: The only thing I want to say is that, though large profits are made in the Province of Bihar, the share of income-tax given to it is very little, because of the fact that the head offices of Messrs. Tata and Co. and other big industrialists carrying on business in Bihar are in Bombay or Calcutta. And as such these big industrial concerns which are established in Bihar and give huge profits are taxed in their head offices and so Bihar gets very little share of income-tax, though she is entitled to much more. I request the honourable the Finance Minister to consider this question favourably, and give the due share to Bihar.

Shri Arun Chandra Guha (West Bengal: General): Calcutta contributes a good portion of the income-tax and both from the point of view of collection and of the population, West Bengal should get a greater share of income-tax. I hope justice will be done to West Bengal.

Dr. Mono Mohan Das (West Bengal: General): During the general discussion of the Budget.....

Mr. Deputy-Speaker: The honourable Member will be very brief.

Dr. Mono Mohan Das: I will finish within ten minutes.

Mr. Deputy-Speaker: At the third reading stage, the honourable Member can speak on any point.

Dr. Mono Mohan Das: I do not want to speak at this stage, Sir.

The Honourable Dr. John Matthai: All these points which have been raised with regard to Orissa and West Bengal will be taken into consideration.

Mr. Deputy-Speaker: The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clauses 9, 10, 11 and 12 were added to the Bill.

Prof. K. T. Shah (Bihar: General): I beg to move:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Letters', for the words 'two annas', the following be substituted:"

The Honourable Dr. John Matthai: If I may interrupt for a minute, I would point out that the House has accepted clause 3 of the Bill. The first Schedule is included therein.

Mr. Deputy-Speaker: We have now come to the First Schedule. Merely because clause 3 has been accepted it cannot be said that the First Schedule has been adopted. The honourable Member may move his amendment.

Prof. K. T. Shah: I beg to move:

(i) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Letters', for the words 'two annas', the following be substituted:

"One anna and six pies, provided that if any letter be marked in any way as intended by the sender to be carried by air-mail, a pre-paid surcharge of six pies for every tola or fraction thereof, shall be made."

Sir, my other amendments run more or less on the same principle, and, in order to save the time of the House, if you will permit me, I would move them all at once and make one speech.

Mr. Deputy-Speaker: The honourable Member may move all the amendments one after the other beginning with No. 19.

Prof. K. T. Shah: I beg to move:

(ii) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the second entry under the head 'Letters', for the words, 'one anna', the following be substituted:

"Six pies' provided that if any letter be marked in any way as intended by the sender to be carried by air mail, a prepaid surcharge of six pies for every tola or fraction thereof, shall be made."

(iii) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, after the second entry under the head 'Letters', the following proviso be added:

"Provided that no letter or postcard which originates and is destined for the same place, or within the delivery radius of the same post office, or within a delivery radius of less than one hundred miles from a post office where there is an air-port, shall be deemed to be intended to be carried by air-mail, and no surcharge shall be levied or collected on any such letter on any account of the means of carriage adopted in that behalf."

(iv) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Postcards', for the words 'nine pies', the following be substituted:

"Six pies provided that if any postcard be marked in any way as intended by the sender to be carried by air-mail, a pre-paid surcharge of three pies per postward shall be made."

(v) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Postcards', for the words 'one and a half annas', the words 'one anna' be substituted."

Shri Lakshminarayan Sahu: Sir, I would like to move my amendment. I will not speak on it.

Mr. Deputy-Speaker: Yes, you may move it.

Shri Lakshminarayan Sahu: Sir, I beg to move:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Postcards', for the words 'nine pies' the words 'six pies' be substituted."

Mr. Deputy-Speaker: Prof. Shah. Ever since the Budget was introduced we have been dealing with this question. Therefore on this matter as far as possible there will be very few speeches and the speeches shall be very short in duration.

Prof. K. T. Shah: Sir, I will follow your sage advice as persistently as I can.

Shri B. Das (Orissa: General): I would like the learned Professor to give us some idea of the financial implications of his amendments.

Prof. K. T. Shah: When the honourable the Finance Minister has not been able to supply us with statistics, it is impossible for me to give the statistics. I will however try to do what I can.

These are all amendments which follow the principles that I hold to be sacred, viz., that the public utility service of the kind of the Post Office should not be turned into a profit-making concern for the State. I was under the impression, and I confess I was led to that impression by remarks which fell from the Finance Minister himself, that this was a fore-runner of the probable scheme whereunder in the near future all first-class mails will be carried by air. It seems, however, from what the honourable the Minister for Communications was pleased to say yesterday, that I seem to have missed some points between the date the budget was presented and subsequent enlightenment that was given to this House by the honourable Ministers concerned in collaboration or otherwise. The point, however, that I am making is that because we had, in my opinion, not adequate equipment, adequate service and adequate carriers for this purpose, it would be improper, unjust, and unsupported by any grounds of substance, to make such a charge for a service that will really be available to all. I now find on the enlightenment that the honourable Minister for Communications has given that in effect this is not really an extra charge for extra service rendered but that it is simply to recoup what he considers to be a probable loss on the postcards. Now that is a matter on which on principle I cannot possibly agree with the honourable Minister. Because I do not think that a monopoly public service like the post offices should be regarded as a thing which must at every time the Finance Minister is unable to make both ends meet, on account of lack of control or insufficient control over expenditure, he must have resort to the post card and such other poor men's privileges to be taxed in order that the delinquency of the Exchequer should be made good. It is bad enough to say that the post offices because it is running at a loss or because of the total finances of the country such a deficit should be made good by such a charge but it is worse in my opinion at least to say that every Department should be expected to make profit on its running. Even in business

[Prof. K. T. Shah.]

where there are several Departments every Department is not expected to make the same or a substantial profit on its running. I put it to the honourable the Finance Minister himself who has claimed—according to the Press—to have been a successful businessman himself—I will put it to him in a big concern like the Iron and Steel Co.—of which I believe he was once upon a time a Director—and elsewhere—is every Department at Jamshedpur and in Bombay and elsewhere to be regarded as successful only if it showed a surplus on its own account? If that is the practice in the businesshouses where he has been a prominent figure, I confess it is one of those matters of economic theories to which I still remain an unrepentant believer and cannot adopt a new theme that my honourable friend is putting before this House in the enthusiasm of everything new to be adopted. I am personally of opinion that by raising these charges you are not really going to solve either the difficulties of your budget or what is worse, to make the post offices what it is really intended to be. It is much better I venture to say that the post offices should make a loss on the aggregate and therefore utterly indifferent in each Department, Post Card, Letters, M.O.'s and V.Ps. It is utterly unnecessary to worry about the post offices in the aggregate making a loss if it renders the widest public service possible. I go further and say that the lower the charges you have, you will be able to get the greater turn over and therefore even if you have an increase in your cost of production, on the whole you can possibly be making profit. Therefore if you don't start with a move to make profit out of postages but with a view to increase and improve and widen your services and make it as widely accessible to all people, there is every hope that by the very fact of the reduction of the charge, you will be able to show a better turnover and therefore better and greater monetary surplus than you can expect otherwise. Sir it should not really be judged by the amount of profit in this matter.

Mr. Deputy-Speaker: The honourable Member need not repeat. There is no time.

Prof. K. T. Shah: I am very sorry but it seems to me that.....

Mr. Deputy-Speaker: The honourable Member himself said he is repeating.

Prof. K. T. Shah: If you wish me not to repeat these arguments even once, I shall try to go over these points. But the point I am further making is that in this particular instance since you are not going to render a greater service and you are making the additional charge frankly in order to fill up a gap, I think it is unjustified.

Shri Jaspat Roy Kapoor: The honourable Minister has also said that he will utilize the revenue realized therefrom for the purpose of opening new post offices in rural areas.

Prof. K. T. Shah: To which I also object. And therefore my particular amendment. If any one wants to have the luxury of sending his communication by air, by all means make him pay for the extra service that you render. There I see no objection. But to make a general increase without calling it a surcharge, is I think, highly objectionable. All the more so because we are not really exhausting all the directions in which economy could be made. If you had come and asked for this increase in an all-round description, because you have exhausted all the directions in which economies could be made I might have understood that, and however reluctantly, I might have even agreed to it. But as it is, I am by no means satisfied that you have exhausted all the directions in which economies could be effected, either in the Budget

as a whole or even in the work of the post-office, that you have made all the necessary economies and that it is now impossible to find any other means, and so you have come to ask for this increase. In fact, in the same Budget, you are making concessions, grant gifts to those who least need it, and who are the least thankful to you for making these concessions. Yet, you are paying these concessions to the capitalists, these remissions to the super-tax payers and so on, in order to make the rest of the country pay for it. I have not got the statistics which I was led to believe I would get. But if I remember correctly, the figure quoted yesterday was that about 80 crores of post-cards are being carried. The Minister said it was 820 millions. I will take it roughly as 80 crores of post-cards. At the rate of half an anna it comes to 40 crores annas which amounts to Rs. 2½ crores. Increase it by 50 per cent at one stroke and you make an increase of 1.25 crores of rupees. I say this is disproportionately high, not only in itself but in comparison with the reduction that you give to the super-tax payers. For 10 per cent reduction to them, you are here increasing the charge by 50 per cent; which on no canons of economy, of equity or justice, can I think be defended. Even with my last voice I will protest against this kind of mulcting of the public on the ground that prices have increased and all that. You have increased the prices, and still you say therefore the people are better off and therefore they can jolly well afford to pay for the luxuries of others. You say that one particular department is not making a profit and you raise the charge on the post-card. This is highly objectionable. You cannot quote a single example in which post-offices in any liberal advanced country are being run on a profit-making basis, to bring in profit for the exchequer which otherwise finds itself in difficulties. Neither in the United States of America nor in England nor anywhere else in the world where postal traditions are much longer, can you find any such thing; nowhere else is this permissible, this frequent expedients of the Finance Minister. This, Sir, to my mind is, a sad irony, that the last British Finance Minister in this country should restore the six pence post-card and the first Indian Finance Minister should undo it. This, Sir, is a tragedy which I cannot speak of in words. To me, it is not merely an anomaly but an exacerbating cruel irony, that our liberal Minister of Finance, our national Minister of Finance who professes to have such deep-seated sympathy—and I have no doubt about his sincerity and sympathy for the poor man, should at one stroke increase the cost of the post-card, without precedent, parallel or principle, and that too without rendering any extra service. Develop your post-offices, I say, develop your other services, and I am sure you will be able to get more than what you expect to get by this sudden, almost arbitrary increase in the postal rate. There is another instance—the carrying of money-orders. You have, as I pointed out on another occasion, a disproportionately heavy charge on the carrying of small sums by money-order which only affects the poor man. Why not have some method by which post-office savings bank accounts could be transferred by them? That will bring in by interest alone sufficient to make up this deficit, which you are thinking of meeting by increasing the charge on the post-card and by adding and adding to the cost of the charges. I think about 143 crores of rupees were carried by money-orders, according to the memorandum we received. If this much or even half of it had been deposited in the post-offices, and remittances made, you could have made much higher savings on interest alone at 1 per cent interest. It would have brought in one crore of rupees, and what is more, you will be rendering a greater service to the poorest class of people who will value it most. But apparently my words fall on deaf ears. There seems to be an impenetrable wall. Naturally as the saying goes, "None so blind as will not see, and none so deaf as will not hear." I have, however this satisfaction, I have the satisfaction of having raised my voice and registered my protest against this

[Prof. K. T. Shah.]
utterly indefensible, and uneconomic raising of postal charges. I therefore, Sir, commend my amendment to the House.

Mr. Deputy-Speaker: I shall now place the amendments before the House.

Amendments moved:

(i) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Letters', for the words, 'two anna,' the following be substituted:

"One anna and six pies, provided that if any letter be marked in any way as intended by the sender to be carried by air-mail, a pre-paid surcharge of six pies for every tola or fraction thereof shall be made."

(ii) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the second entry under the head 'Letters' for the words, 'one anna', the following be substituted:

"Six pies provided that if any letter be marked in any way as intended by the sender to be carried by air-mail, a pre-paid surcharge of six pies for every tola or fraction thereof shall be made."

(iii) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, after the Second entry under the head 'Letters' the following proviso be added:

"Provided that no letter or postcard which originates and is destined for the same place, or within the delivery radius of the same post office, or within a delivery radius of less than one hundred miles from a post office where there is an air-port, shall be deemed to be intended to be carried by air-mail, and no surcharge shall be levied or collected on any such letter on any account of the means of carriage adopted in that behalf."

(iv) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Postcards', for the words 'nine pies' the words 'six pies' be substituted."

"Six pies provided that if any postcard be marked in any way as intended by the sender to be carried by air-mail, a pre-paid surcharge of three pies per postcard shall be made."

(v) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the second entry under the head 'Postcards', for the words 'one and a half annas', the words 'one anna' be substituted."

(vi) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Postcards', for the words 'nine pies', the words 'six pies' be substituted."

Now the amendments and the clause are all open to discussion. Pandit Kunzru.

Pandit Hirday Nath Kunzru (U. P.: General): Mr. Deputy-Speaker, I oppose the proposed increase in the postal rates in the Finance Bill. I do so, Sir, first because the combined Posts and Telegraphs Department is not running at a loss. It is true, that the surplus will be less next year than in the current year, nevertheless the Department will be working at a profit. It is not right to say that because one of the articles with which this Department deals namely, the postcard is not being sold at an economical price, therefore not merely the price of that article must be raised, but along with that, that of another article namely, the letter too. Sir, there are business concerns which combine two or three services. But if they are running as a whole at a profit, that is all that is expected of them. I doubt whether Government or the public would approve of the raising of the price of anything manufactured by a company that was dealing in three or four other articles also and was making a profit on the whole.

The second reason why I oppose the increase is that in no country in the world have the people been compelled to send their letters by air mail. Even in America, that compulsion is not applied. I do not see why Government

should go out of their way in this country to compel the unfortunate people who have to write letters to send them by air mail, especially when it is clear that a good proportion of the letters cannot be sent by air. This increase may be in the interests of the unfortunate company which, at the instance of the Communications Minister, is flying letters and postcards by night at a heavy loss, but it is certainly not in the interests of the public who have never demanded that all first class mail should be transported by air.

My third reason is that if the increase in the postal rate is not resorted to, no part of the deficit will be left uncovered. Government expect that the increase in the price of postcards and envelopes will yield a revenue of Rs. 2.84 crores. Let us see whether the Finance Minister may reasonably expect to get more money than this in the course of the year, money that he has not taken account of in his Budget.

Mr. Deputy-Speaker: Am I to understand the honourable Member to say that the original Schedule ought to be restored, that is, the surcharge of six pies in addition to two annas? I am not able to follow the honourable Member.

Pandit Hirday Nath Kunzru: Is the Chair putting me that question? My answer is that I stand for the present system.

The Honourable Mr. Rafi Ahmad Kidwai (Minister of Communications): May I point out that by accepting article 3, we have done away with the present system and substituted the new Schedule. Now, if the suggestion is that we should go back to the present system. I think it is inconsistent with the latest position.

Mr. Deputy-Speaker: I have already said that so far as the Schedule is concerned, we are committed to the Schedule by merely accepting clause 3. Therefore, the amendments are open to discussion and I only appeal to the honourable Member that all these matters have been said and under the existing rules guillotine will be applied at 5 o'clock and there are some more amendments to be moved. So I would appeal to the honourable Member to state any new points, if there are any. I will be the last person, having regard to the experience of the honourable Member, to suggest to him the way in which he should place matters before the House. A number of points have been thrashed out for a long time on this matter.

Pandit Hirday Nath Kunzru: I am sure the Chair will acknowledge that I have not taken a minute of the House either today or yesterday, but if the Chair still feels that the discussion should not go on, I will sit down.

Mr. Deputy-Speaker: The honourable Member should not misunderstand me. These matters were placed before the House by other Members. That is all I am saying. The honourable Member may go on. I would only request him to state his points and conclude.

Pandit Hirday Nath Kunzru: I am trying to be as short as possible. I was saying a little while ago that even if the increased postal rates were not agreed to by the House, there would be no uncovered deficit. The reason for it is this. The agreement arrived at at the International Wheat Conference in New York will enable Government to save a substantial sum of money over the subsidies given to the provinces in respect of the sale of wheat. I understand that the new rates will enable Government to save about Rs. 2½ crores. Then, Sir, the recommendations of the Economy Committee which, I am sure, will submit its final report to the Finance Minister very soon will enable Government to save a substantial sum. The previous Finance Minister budgeted for an interim saving of Rs. 2½ crores. I think we may safely assume that the eco-

[Pandit Hirday Nath Kunzru]

homies that will result from the labours of the Economy Committee in the course of the next year will not be less than Rs. 3 crores. (Shri H. V. Kamath: 'We can only hope.') You will thus see that Government will, in the course of the year, get at least Rs. 5½ crores more, which is nearly double the amount that they expect to get from the increased postal rates.

Lastly, Sir, I would like to point out that the Income-Tax Investigation Commission, if it concludes even a portion of its work in the course of the next year, will enable Government to get a few crores more by way of income-tax. Nobody knows the total amount of income-tax that has been evaded, but considering the fact that in the opinion of the Government the problem was of such a magnitude as to require investigation by a Commission, I think we shall not be wrong in assuming that the Commission will enable us to realise a large sum that the Exchequer might have been 'defrauded' of. I think, putting this additional revenue at a modest figure, it will not be less than three times the increase expected from the new postal rates. There are other ways too in which Government will get additional revenue, but I do not want to deal with them now. The new sources of income to which I have drawn attention are sufficient for my purpose, and I think that now the burden lies on the Government to show that unless this increase is allowed, the finances of the country or the financial solvency of the country will be jeopardized.

Sir, this is a very objectionable proposal. Even during the war and before that during the period of depression so far as I remember, the price of the envelope was never raised to two annas, but now when there is nothing in our financial situation to require this increase, this Government is compelling us to pay two pice more for each envelope. I think that this increase is utterly iniquitous and should therefore be opposed by every means in our power.

Mr. Deputy-Speaker: The question is:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Letters', for the words, 'two annas', the following be substituted:

'One anna and six pies, provided that if any letter be marked in any way as intended by the sender to be carried by air-mail, a pre-paid surcharge of six pies for every tola or fraction thereof, shall be made'."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the second entry under the head 'Letters', for the words, 'one anna' the following be substituted:

'Six pies, provided that if any letter be marked in any way as intended by the sender to be carried by air mail, a pre-paid surcharge of six pies for every tola or fraction thereof, shall be made'."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, after the second entry under the head 'Letters', the following proviso be added:

'Provided that no letter or postcard which originates and is destined for the same place, or within the delivery radius of the same post office, or within a delivery radius of less than one hundred miles from a post office where there is an air-port, shall be deemed to be intended to be carried by air-mail, and no surcharge shall be levied or collected on any such letter on any account of the means of carriage adopted in that behalf'."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Postcards', for the words 'nine pies', the following be substituted:

'Six pies provided that if any postcard be marked in any way as intended by the sender to be carried by air-mail, a pre-paid surcharge of three pies per postcard shall be made'."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the second entry under the head 'Postcards', for the words 'one and a half anna', the words 'one anna' be substituted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Postcards', for the words 'nine pies', the words 'six pies' be substituted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the First Schedule stand part of the Bill."

The motion was adopted.

The First Schedule was added to the Bill.

Mr. Deputy-Speaker: The question is:

"That the Second Schedule stand part of the Bill."

The motion was adopted.

The Second Schedule was added to the Bill.

Pandit Thakur Das Bhargava: Sir, I move:

"That in Part I-A of the Third Schedule to the Bill for the words, "The limit referred to in the above proviso shall be Rs. 3,500 in the case of every Hindu undivided family, and Rs. 3,000 in every other case", the following be substituted:

"The limit referred to in the above proviso shall be—

(i) Rs. 5,000 in the case of every Hindu Undivided Family which satisfies as at the end of the previous year either of the following conditions namely:—

(a) that it has at least two members entitled to a share on partition who are not less than 18 years of age; or

(b) that it has at least two members entitled to a share on partition neither of whom is a lineal descendant of the other and both of whom are not lineally descended from any other living member of the family; and

(ii) Rs. 3,000 in every other case'."

In moving this amendment, I want to make two or three things clear. The first thing has been made clear by the honourable the Finance Minister himself. This amendment does not commit those who want that the Hindu undivided family should not be taxed as such to any principle of taxation based on the lines of this amendment. Similarly, I must make it clear that it does

[Pandit Thakur Das Bhargava]

not commit the Government to anything at all. As the report of the Investigation Tribunal is coming before us for discussion, as the matter was referred to it by the previous Finance Minister, it is *sub judice* in a sense and the House and the honourable the Finance Minister and the country will go into the question and the question will be finally settled as to whether the Hindu Joint Family as such should be taxed, and if so, in what manner.

Now, this amendment is merely a symbolic gesture of the acceptance of the fact by the honourable the Finance Minister that today the Hindu undivided family is not being treated in the proper way. This amendment only touches families which are paying taxes on less than Rs. 5,000; so in regard to families who pay on more than Rs. 5,000, they are not touched. Therefore, I cannot justify this amendment. Similarly, except as a compromise this amendment does not speak about supertax. I gave notice of many amendments on other basis in respect of both income-tax and supertax but I am not moving any one of them as in the present financial condition of the country it is not a practical proposition to ask for relief on the basis of justice or logic or on the basis that H.U.F. has been unjustly treated for the last 90 years.

Now, I have been given to understand, even at present, that in regard to Hindu undivided families, the separate incomes of the members are separately assessed by the income-tax department. According to the law, they could even assess such incomes in a joint manner. But I am given to understand that in practice they are not doing so. I would therefore ask the honourable the Finance Minister to give us an assurance that this practice will continue, because if the income-tax people want to extort more money, they will care neither for the law nor the practice.

As regards the other aspects of this amendment, I would only submit that while making a compromise we have taken good care to see that it does not give any sort of preference to a Hindu over a non-Hindu and therefore we have excluded even such Hindu undivided families who are paying income-tax on less than Rs. 5,000 also as could possibly abuse this concession. It contemplates two cases, firstly when there are two adult sharers and secondly when there are two sharers adult or otherwise provided they form the nucleus of separate branches. The essential condition is that the income of the family must be less than five thousand Rupees. Therefore this amendment so far as it goes, does not do full justice to the Hindu joint family: or what to speak of full justice, it does not do even the least possible justice so far as supertax is concerned. According to me it is not less than Rs. 20 crores which are being charged from the Hindu undivided family on a basis which cannot be justified and is not applicable to non-Hindus. For the last 90 years this has been the practice and Sir George Schuster, Sir Basil Blackett, Mr. Liaquat Ali Khan and Mr. Shanmukham Chetty have been telling us during the last twenty years that the Taxation Enquiry Committee will be appointed and it will go into the question and do justice. But such a Committee is not likely to be appointed soon. I must thank the honourable the Finance Minister that though by the acceptance of the amendment, he is not doing us even one-hundredth part of full justice, yet at the same time he is surely making a gesture—putting us on the road to justice. The acceptance of this amendment makes a breach as it were in the wall and commits the Government to see that the Hindu joint family is taxed properly in future because according to me the only remedy in this state of things in which we have been for such a long time is that the Hindu joint family is not taxed as such at all. I want that every Hindu, Christian, Muslim and every other person in the country should be treated on the same basis. I do not want this differentiation. This taxation on the Hindu undivided

family as such has been in the nature of a poll tax. I do not want such a thing to continue any longer. Therefore by placing this amendment though I know I cannot justify it on principle or expediency but merely as a gesture I am accepting the proposition of the Department. I beg of the Finance Minister to give the assurance that I have requested him to make so that the position becomes absolutely clear.

Mr. Deputy-Speaker: Amendment moved:

"That in Part I A of the Third Schedule to the Bill for the words, 'The limit referred to in the above proviso shall be Rs. 3,500 in the case of every Hindu undivided family, and Rs. 3,000 in every other case', the following be substituted:

"The limit referred to in the above proviso shall be—

- (i) Rs. 5,000 in the case of every Hindu Undivided Family which satisfies as at the end of the previous year either of the following conditions namely:—
 - (a) that it has at least two members entitled to a share on partition who are not less than 18 years of age; or
 - (b) that it has at least two members entitled to a share on partition neither of whom is a lineal descendant of the other and both of whom are not lineally descended from any other living member of the family; and
- (ii) Rs. 3,000 in every other case'."

Mr. Naziruddin Ahmad: Sir, I have a small drafting amendment.

Mr. Deputy-Speaker: To this?

Mr. Naziruddin Ahmad: Yes. It would be acceptable. I find that the words "Undivided Family" have been capitalized. The House has shown tendencies of a capitalistic nature. They should be spelt with small letters.

Apart from this, I strongly support the principle of this amendment. I feel that injustice was being done to joint Hindu families. For this reason I also agree to sign the joint dissentient minute in support of this amendment.

The Honourable Dr. John Matthai: With regard to the undertaking and assurance that Pandit Thakur Das Bhargava sought from me regarding the assessment of the separate income of members of joint families, I have not the slightest hesitation in making him the assurance on the lines that he indicated: that is to say, the separate incomes of the members of joint Hindu families will be separately assessed, and therefore the income of the joint family will be assessed in respect of the income derived from the common property of the joint family. That is the practice which we have followed under the principles underlying our income-tax law and it is our intention to continue this practice hereafter.

[Dr. John Matthai]

I am grateful to Pandit Bhargava for not pressing his other amendment in regard to supertax. He has rightly said that we are not in a position on financial grounds to consider it and may I repeat here what I said in the course of my reply to the general debate that the decision that we are taking today is both on my part and on Pandit Thakur Das Bhargava's part without prejudice to whatever decision the House may arrive at hereafter.

Mr. Deputy-Speaker: The question is:

"That in Part I-A of the Third Schedule to the Bill for the words, 'The limit referred to in the above proviso shall be Rs. 3,500 in the case of every Hindu undivided family, and Rs. 3,000 in every other case', the following be substituted:

"The limit referred to in the above proviso shall be—

(i) Rs. 5,000 in the case of every Hindu Undivided Family which satisfies as at the end of the previous year either of the following conditions, namely:—

(a) that it has at least two members entitled to a share on partition who are not less than 18 years of age; or

(b) that it has at least two members entitled to a share on partition neither of whom is a lineal descendant of the other and both of whom are not lineally descended from any other living member of the family; and

(ii) Rs. 3,000 in every other case."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

The Third Schedule, as amended, was added to the Bill.

Shri Lakshminarayan Sahu: Sir, I move:

"That in sub-clause (2) of clause 1 of the Bill after the words 'Provinces of India', the words 'and all acceding States' be added."

The Honourable Dr. John Matthai: To save the time of the House I may explain the point. The point is that this Act should apply to the provinces and the acceding States. Under the terms on which the acceding states have acceded, it is true that customs duties have been included in the matters covered by the Instrument of Accession but excise duties are not. So long as that is the position it is not possible for us to include acceding States here.

Shri Lakshminarayan Sahu: In view of the honourable Minister's explanation I do not want to press my amendment.

Mr. Naziruddin Ahmad: Sir I have an amendment for the omission of the word 'Indian' in clause 1.

The Honourable Dr. John Matthai: That has been the practice all along.

Mr. Naziruddin Ahmad: This was no doubt the practice all along. This was so so long as the British were here and that was to distinguish the Acts of India from other colonial Acts. Since the departure of the British we have discarded the word 'Indian' in our Acts. There are a large number of Bills pending before the House, for instance the Chartered Accountants Bill. We do not say the Indian Chartered Accountants Bill. The word 'Indian' is sufficiently understood.

Mr. Deputy-Speaker: Has the honourable Member considered the provincial Acts, such as the Madras Act, the Bombay Act, etc?

Mr. Naziruddin Ahmad: That is to distinguish them from the Acts of one province from another and from the Central Act. So far as we are concerned we have been consistently omitting this word in all other Bills. That is a relic of our past bondage of two hundred years.

The Honourable Dr. John Matthai: Sir, I do not accept it now but I will have the suggestion sent to my honourable colleague the Law Minister later on.

Mr. Deputy Speaker: That means next year, evidently.

The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. Deputy Speaker: The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

The Honourable Dr. John Matthai: Sir, I move:

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

Mr. Deputy Speaker: The question is:

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

The motion was adopted.

NEWS RE SAFETY OF THE HON'BLE SARDAR VALLABHBHAI PATEL AFTER AIR ACCIDENT NEAR JAIPUR

Mr. Deputy Speaker: I would like to inform the House that the Honourable Mr. Gadgil has just returned from Jaipur and has brought us the good news that our Deputy-Prime Minister is hale and hearty. By God's grace he has had a narrow escape. We thank Providence for having spared him and may he be spared for a long number of years to serve the country. He will soon be with us tomorrow. So let honourable Members be in good cheer.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Thursday, the 31st March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Thursday, 31st March, 1949

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

QUESTIONS AND ANSWERS

(See Part I)

11-30 A. M.

PAPERS LAID ON THE TABLE

AUTHENTICATED SCHEDULE OF AUTHORISED EXPENDITURE FOR 1949-50—

OTHER THAN RAILWAYS

The Honourable Dr. John Matthai (Minister of Finance): Sir, I lay on the table in pursuance of section 35 of the Government of India Act, 1935, as adapted, an authenticated schedule of authorised expenditure for the year 1949-50 in respect of expenditure other than Railways.

In pursuance of the provisions of sub-section (1) of Section 35 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, I, Chakravarti Rajagopalachari, Governor-General of India, do hereby authenticate by my signature the following schedule of expenditure from the revenues of the Dominion for the year 1949-50:

SCHEDULE

Service. Administration or Area to which Demand relates	Amount (in thousands of rupees)		
	Voted	Charged	Total
A.—EXPENDITURE MET FROM REVENUE.			
1. Customs	1,46,74	..	1,46,74
2. Central Excise Duties	3,45,78	..	3,45,78
3. Taxes on Income including Corporation Tax	1,87,06	..	1,87,06
4. Opium	1,04,77	..	1,04,77
5. Provincial Excise.	3,30	..	3,30
6. Stamps	1,06,21	2,86	1,09,07
7. Forest	35,10	..	35,10
8. Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works met from Revenue	12,15	91	13,06
9. Indian Posts and Telegraphs Department (including Working Expenses)	27,66,49	96,08	28,62,57
10. Cabinet	12,55	7,87	20,42
11. Constituent Assembly	8,00	..	8,00
12. Constituent Assembly of India (Legislative)	20,53	..	20,53
13. Ministry of Home Affairs	54,97	..	54,97
14. Ministry of Information and Broadcasting	98,67	..	98,67
15. Ministry of Law	8,24	..	8,24
16. Ministry of Education	33,76	..	33,76
17. Ministry of Agriculture	24,91	..	24,91
18. Ministry of Health	7,82	..	7,82

(2135)

Service, Administration or Area to which Demand relates	Amount (in thousands of rupees)		
	Voted	Charged	Total
A.—EXPENDITURE MET FROM REVENUE.— <i>contd.</i>			
19. Ministry of External Affairs and Commonwealth Relations	51,17	..	51,17
20. Ministry of Finance	94,50	..	94,50
21. Ministry of Commerce	60,72	..	60,72
22. Ministry of Labour	23,97	..	23,97
23. Ministry of Works, Mines and Power	12,05	..	12,05
24. Ministry of Communications	6,09	..	6,09
25. Ministry of Transport	36,91	..	36,91
26. Ministry of Food	46,29	..	46,29
27. Ministry of States	10,39	..	10,39
28. Ministry of Defence	35,82	..	35,82
29. Ministry of Industry and Supply	23,57	..	23,57
30. Ministry of Relief and Rehabilitation	10,00	..	10,00
31. Payments to other Governments, Departments, etc., on account of the administration of Agency Subjects and management of Treasuries	18,73	..	18,73
32. Audit	2,33,95	81	2,34,76
33. Administration of Justice	3,83	6,88	10,71
34. Jails and Convict Settlements	2	..	2
35. Police	30,64	..	30,64
36. Ports and Pilotage	42,73	..	42,73
37. Lighthouses and Lightships	9,32	..	9,32
38. Ecclesiastical	18	..	18
39. Tribal Areas	1,04,00	..	1,04,00
40. External Affairs	2,59,40	..	2,59,40
41. Survey of India	69,86	..	69,86
42. Botanical Survey	1,63	..	1,63
43. Zoological Survey	3,56	..	3,56
44. Geological Survey	36,65	..	36,65
45. Mines	15,38	..	15,38
46. Archaeology	28,71	..	28,71
47. Meteorology	84,97	..	84,97
48. Department of Scientific Research	85,92	..	85,92
49. Other Scientific Departments	1,81,40	..	1,81,40
50. Education	93,41	..	93,41
51. Medical Services	29,59	..	29,59
52. Public Health	69,05	..	69,05
53. Agriculture	88,83	..	88,83
54. Civil Veterinary Services	26,66	..	26,66
55. Industries and Supplies	3,91,95	..	3,91,95
56. Salt	1,29,50	2,40	1,31,90
57. Overseas Communication Service	76,42	12,50	78,92
58. Delhi Transport Service	63,68	1,52	65,20
59. Telephone Factory	6,60	1,91	8,51
60. Aviation	2,53,00	..	2,53,00
61. Broadcasting	1,82,32	..	1,82,32
62. Commercial Intelligence and Statistics	59,65	..	59,65
63. Census	7,00	..	7,00

Service, Administration or Area to which Demand relates	Amount (in thousands of rupees)		
	Voted	Charged	Total
A.—EXPENDITURE MET FROM REVENUE.— <i>contd.</i>			
64. Joint-Stock Companies	4,57	..	4,57
65. Indian Dairy Department	8,17	..	8,17
66. Miscellaneous Departments	1,69,37	..	1,69,37
67. Currency	92,22	2,20	94,42
68. Mint	1,28,47	..	1,28,47
69. Civil Works	4,95,30	16,16	5,11,46
70. Central Road Fund	2,20,00	..	2,20,00
71. Territorial and Political Pensions	22,72	..	22,72
72. Superannuation Allowances and Pensions	2,40,46	4,88	2,45,34
73. Stationery and Printing	1,88,84	..	1,88,84
74. Miscellaneous	35,71,23	15	35,71,38
75. Expenditure on Refugees	9,85,17	..	9,85,17
76. Defence Services-Effective-Army	1,32,64,38	..	1,32,64,38
77. Defence Services-Effective-Royal Indian Navy	8,64,17	..	8,64,17
78. Defence Services-Effective-Royal Indian Air Force	13,69,41	..	13,69,41
79. Defence Services Non-Effective charges	13,41,31	2	13,41,33
80. Grants-in-aid to Provincial Governments	2,25,00	70,00	2,95,00
81. Miscellaneous Adjustments between the Central and Provincial Governments	62	..	62
82. Resettlement and Development	3,55,95	..	3,55,95
83. Civil Defence	1,74	..	1,74
84. Pre-Partition Payments	10,00,00	..	10,00,00
85. Delhi	1,85,73	43	1,86,16
86. Ajmer-Merwara	65,71	34	66,05
87. Panth Piploda	30	..	30
88. Andaman and Nicobar Islands	1,08,21	40	1,08,61
89. Relations with Indian States	51,29	..	51,29
Charged—Interest on Debt and other obligations and Reduction or Avoidance of Debt	..	39,29,34	39,29,34
Staff, Household and Allowances of the Governor General	..	17,85	17,85
Federal Public Service Commission	..	15,94	15,94
B.—EXPENDITURE MET FROM CAPITAL			
90. Capital Outlay on Forests	34,95	..	34,95
91. Capital Outlay on the India Security Press	28,82	..	28,82
92. Capital Outlay on Indian Posts and Telegraphs (Not met from Revenue)	4,13,41	..	4,13,41
93. Indian Posts and Telegraphs—Stores Suspense (Not met from Revenue)	1	..	1
94. Capital Outlay on Industrial Development	13,14,62	..	13,14,62
95. Capital Outlay on Civil Aviation	2,92,00	..	2,92,00
96. Capital Outlay on Broadcasting	96,00	..	96,00
97. Capital Outlay on Currency	4,16	..	4,16
98. Capital Outlay on Mints	87,95	..	87,95
99. Delhi Capital Outlay	1,50,50	29	1,50,79
100. Capital Outlay on Civil works	4,06,18	..	4,06,18

Service, Administration or Area to which Demand relates	Amount (in thousands of rupees)		
	Voted	Charged	Total
B.—EXPENDITURE MET FROM CAPITAL—contd.			
101. Commuted Value of Pensions	23	..	23
102. Payments to Retrenched Personnel	1	..	1
103. Defence Capital Outlay	3,20,00	..	3,20,00
104. Capital Outlay on Schemes of State Trading	7,89,60	..	7,89,60
105. Capital Outlay on Development	33,41,56	..	33,41,56
106. Payments to Government of Pakistan for unique Institutions	92,02	..	92,02
C.—DISBURSEMENTS OF LOANS AND ADVANCES			
107. Interest-free and Interest-bearing Advances	20,09,83	58,25,00	78,34,83

NEW DELHI;
The 24th March, 1949.

C. RAJAGOPALACHARI,
Governor General of India.

ELECTION TO NATIONAL FOOD AND AGRICULTURE ORGANISATION LIAISON COMMITTEE

The Honourable Shri Jairamdas Doulatram (Minister of Food and Agriculture): Sir, I beg leave to withdraw the following motion moved by me on the 7th February 1949:

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct five members to serve for a period of three years on the National Food and Agriculture Organisation Liaison Committee constituted under the Resolution of the Government of India in the Ministry of Agriculture, No. F. 16-72/47-Policy, dated the 8th November 1948".

In asking leave to withdraw this motion I wish to explain the position briefly. Last time when this motion was moved a number of suggestions were made by the House with regard to changing the composition of the Liaison Committee. In view of those suggestions the Standing Advisory Committee of the Ministry of Agriculture met and considered the suggestions and the proposals which emerged as a result of discussions in the Standing Committee have been incorporated in the new constitution of the Committee. Under the new Constitution the Secretary will not be the Chairman of the Committee but the Minister of Agriculture will be the Chairman of the Committee. The number of members who will be elected has been increased from five to seven and when important matters have to be dealt with the Provincial Ministers of Agriculture and the Ministers of Agriculture of the Indian States will also be invited to the meetings.

(At this stage the Honourable Sardar Vallabhbhai Patel the Deputy Prime Minister entered the House.)

Mr. Speaker: It gives me great pleasure to accord hearty welcome to-day in this House to Sardar Vallabhbhai Patel. The excruciating anxiety and the intense suspense for his safety felt throughout the length and breadth of the country, for those two fateful hours on Tuesday night, have demonstrated what place he holds in the heart of everyone in the land. I am sure I am voicing the feelings of all, not only in this House, but the whole country when I say, we are all thankful to Providence for having saved his life, and we pray that he may be spared for us all, for long years and with robust health.

The Honourable Shri Jairamdas Doulatram: I was explaining that the changes which were suggested by the House have been incorporated in the new Constitution of the Committee. Therefore I will beg leave to withdraw this motion and then later on make a motion in terms of the recommendations made by the House and accepted by the Standing Committee and incorporated in the New Constitution for the Committee.

Mr. Speaker: I do not think I need read the motion. Has the Honourable Minister leave of the House to withdraw the motion?

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

The Honourable Shri Jairamdas Doulatram: Sir, I beg to move the following:

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, seven members to serve for a period of three years on the National Food and Agriculture Organisation Liaison Committee constituted under the Resolution of the Government of India in the Ministry of Agriculture No. F. 16-72/47-Policy, dated the 8th November, 1948 as amended by the Ministry of Agriculture Notification No. F. 16-72/47-Policy, dated the 10th March 1949".

Mr. Speaker: Motion moved:-

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, seven members to serve for a period of three years on the National Food and Agriculture Organisation Liaison Committee constituted under the Resolution of the Government of India in the Ministry of Agriculture No. F. 16-72/47-Policy, dated the 8th November, 1948, as amended by the Ministry of Agriculture Notification No. F. 16-72/47-Policy, dated the 10th March, 1949".

Shri H. V. Kamath (C. P. and Berar: General): Sir, I have to say a word or two on this motion. I have regretfully to bring to your notice that a copy of the amended Government Resolution No. F.16-72/47-Policy, dated the 8th November, 1948, referred to by the honourable Minister, has not been circulated. It has not reached me anyway.

Shri B. L. Sondhi (East Punjab: General): We have not got it either.

Shri H. V. Kamath: On the last occasion when the first motion, which has been withdrawn today, was moved, the Resolution was circulated to members. In this case, we have not been supplied with the Government Resolution and without it, how can we proceed with the discussion on this motion? I do not know why the departure has occurred in this instance.

Mr. Speaker: Papers once circulated are not re-circulated over and over again.

Shri H. V. Kamath: That was a different Resolution. This is a new Resolution.

The Honourable Shri Jairamdas Doulatram: The changes have also been circulated.

Mr. Speaker: The question is:

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, seven members to serve for a period of three years on the National Food and Agriculture Organisation Liaison Committee constituted under the Resolution of the Government of India in the Ministry of Agriculture No. F. 16-72/47-Policy, dated the 8th November, 1948 as amended by the Ministry of Agriculture Notification No. F. 16-72/47-Policy, dated the 10th March, 1949".

The motion was adopted.

ELECTION TO STANDING COMMITTEE FOR ROADS

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Sir, I move:

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, twelve members to serve, under the Chairmanship of the Minister for Transport on the Standing Committee for Roads for the year commencing 1st April, 1949. The Minister of State for Transport and the Government Chief Whip shall, in addition, be ex-officio members of the Committee".

Mr. Speaker: The question is:

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, twelve members to serve, under the Chairmanship of the Minister for Transport, on the Standing Committee for Roads for the year commencing 1st April, 1949. The Minister of State for Transport and the Government Chief Whip shall, in addition, be ex-officio members of the Committee".

The motion was adopted.

Mr. Speaker: I have to inform honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely,—

	Date for nomination.	Date for election.
National Food and Agriculture Organisation) Liaison Committee.	1-4-49	4-4-49
Standing Committee for Roads.		

The nominations for these Committees will be received in the Notice Office upto 12 Noon on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's room (No. 21) in the Council House between the hours 10-30 A.M. and 1 P.M.

ELECTIONS TO STANDING FINANCE COMMITTEE FOR RAILWAYS, CENTRAL ADVISORY COUNCIL FOR RAILWAYS AND CENTRAL COMMITTEE OF THE TUBERCULOSIS ASSOCIATION OF INDIA

Mr. Speaker: I have also to inform the Assembly that upto the time fixed for receiving nominations for the Standing Finance Committee for Railways, Central Advisory Council for Railways and the Central Committee of the Tuberculosis Association of India, eleven nominations in the case of the first, eight nominations in the case of the second and two nominations in the case of third were received. As the number of candidates is equal to the number of vacancies in each of these committees, I declare the following members to be duly elected:

I. *Standing Finance Committee for Railways.*—Shri Khandubhai K. Desai, Shri L. S. Bhatkar, Srijut Rohini Kumar Chaudhuri, Mr. Frank Anthony, Pandit Lakshmi Kanta Maitra, Mr. Naziruddin Ahmad, Shri Jaspat Roy Kapoor, Shri R. K. Sidhva, Shri M. Tirumala Rao, Shri Arun Chandra Guha and Pandit Balkrishna Sharma.

II. *Central Advisory Council for Railways.*—Shri Sitish Chandra, Shri O. V. Alagesan, Prof. Shibban Lal Saksent, Shrimati Ammu Swaminandan, Shri B. N. Biyani, Shri Gokulbhai Daulatram Bhatt, Shri Moturi Satyanarayana and Shri Nandkishore Das.

III. *Central Committee of the Tuberculosis Association of India.*—Shri T. A. Ramalingam Chettiar, Dr. B. Pattabhi Sitaramayya.

DISPLACED PERSONS (LEGAL PROCEEDINGS) BILL

The Honourable Dr. B. R. Ambedkar (Minister of Law): Sir, I beg to move for leave to introduce a Bill to make special provision for the relief of displaced persons in respect of certain legal proceedings.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to make special provision for the relief of displaced persons in respect of certain legal proceedings."

The motion was adopted.

The Honourable Dr. B. R. Ambedkar: Sir, I introduce the Bill.

ESTATE DUTY BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to present the Report of the Select Committee on the Bill to provide for the levy and collection of an estate duty in the provinces of India.

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1948-49

Mr. Speaker: We will now proceed with the Demands for Supplementary Grants.

Shri R. K. Sidhva (C. P. and Berar: General): Sir, I rise on a point of order. Section 36 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947 reads thus:

"If in respect of any financial year further expenditure from the revenues of the Dominion becomes necessary over and above the expenditure theretofore authorised for that year the Governor General shall cause to be laid before the Dominion Legislature a supplementary statement showing the estimated amount of that expenditure, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein."

Now, as regards the last portion if you refer to Section 33 which has a bearing on Section 36, it reads thus:

"*Procedure in Financial matters.*—(1) The Governor General shall in respect of every financial year cause to be laid before the Dominion Legislature a statement of the estimated receipts and expenditure of the Dominion for that year, in this Part of this Act referred to as the annual financial statement."

Now, my relative objection is clause 33(2) (b) which says: "the sums required to meet other expenditure proposed to be made from the revenues of the Dominion."

Now, Sir, the procedure that has to be followed in the Supplementary Grants should be identical to that followed in the Annual Budget, that is to say, before the money is spent in the Supplementary Budget, the decision of the House has to be taken. As is clear from clause (b) "proposed to be made", no amount can be spent without the sanction of the Legislature. It may be argued that this has been the practice all along. But two wrongs do not make one right, Sir. I contend that the privilege of the House has been denied to express an opinion on this expenditure of Rs. 118 crores, which the House is now asked to endorse. I, therefore, seek your ruling on this important matter. No matter whether today is the last day, no matter what may happen if it is not passed today, it is a matter of privilege of the House and also a highly important legal matter. I expect that you will uphold the privilege and the right of the House, by giving your ruling that this expenditure before it has been incurred—which I do feel has been spent, because today is the last day, the 31st of March—before this money was spent, the House should have had an opportunity to scrutinise it and therefore the House has been denied the privilege that it is entitled to. I therefore desire your ruling on this matter.

Shri M. Ananthasayanam Ayyangar (Madras: General): I have heard both the points raised by my honourable friend, Mr. Sidhva. As regards Section 36 and Section 33 that he referred to from the Government of India Act, I would only submit that they relate to procedure and nothing else. That is as a budget estimate is placed before the House as recommended by the Governor-General, these Demands for Grants have also been recommended by him. The procedure for granting these Demands by the House, voting on Demands, etc., will follow the same procedure as is adopted for the procedure as laid down so far as the original Demands are concerned. They do not touch the other point as to whether the money should be spent.

The other point is that there are rules which have been framed under the Government of India Act which provide for supplementary or excess amounts. No economist or financier, or even a Finance Minister, however capable, can anticipate to the last pie what exactly will be the amount of expenditure that he will have to incur before the year is out and completed. Under these circumstances, some amounts will have to be spent in excess of and some below the estimated expenditure. Whenever amounts are spent in excess there is a provision that subsequently sanction has to be obtained for the excess expenditure necessitated under unforeseen circumstances and as such they have to come to this House, so far as there are new needs to be met, such as matters of policy which may arise in the course of the year—all these matters will be placed before the Standing Finance Committee, their approval obtained, the money spent, and a motion for formal sanction will be placed before this House.

Therefore, provision has been made for supplementary Demands under the rules. The rules have been framed under the Government of India Act and they have the same validity as sections of the Government of India Act.

Therefore, on neither of these grounds is this objection valid.

Shri B. Das (Orissa: General): These Demands are not excess Demands. Demands are excess when the year is over and the Public Accounts Committee draws attention of the House to them.

Regarding the supplementary Demands, we are following the old tradition of the former bureaucratic rulers who spent as they liked and they did not take the sanction of the House during the year in which the money was spent. Sir, we have no alternative but to sanction the Demands that are going to be placed, demand after demand today.

From next year, the salutary procedure that the Finance Minister should follow is that each Ministry should be made to follow up its expenditure. As soon as a Demand is going to be exceeded, he should in the Autumn Session of the House bring forward his supplementary budget estimates so that the House grants them before the money can be spent thereon. This practice is followed in the United Kingdom where the Treasury follows the course of expenditure and controls it. Although we have got a National Government and various national Ministries, still the Ministries have no tradition to follow up regarding the expenditure on each Demand. As a matter of fact, neither has our Treasury nor our Finance Ministry got any system of close financial control over expenditure. I do hope that from next year that practice will be introduced.

Mr. Speaker: I do not think I need be very long in giving the reason for over-ruling the point of order that has been raised by Mr. Sidhva. The answer has, in part, been supplied by what the Deputy-Speaker has stated. What Section 36 means is that the procedural part shall be as in the previous

sections. If the honourable Member were to refer to the language of sections 33 and 36, he will himself be able to find the difference and will be able to appreciate that the point of order really cannot arise. Section 33 speaks of a "statement of the estimated receipts and expenditure". There, of course, no expenditure is incurred. But they are estimates of expenditure and they are required to be placed before the House for its sanction.

Shri R. K. Sidhva: But see clause (b).

Mr. Speaker: I am coming to clause (b), namely "the sums required to meet other expenditure proposed to be made from the revenues of the Dominion". But these are estimates. Clause (b) is part of sub-section (2) which says "The estimates of expenditure embodied in the annual financial statement shall show separately..." So they are to be shown separately.

When we come to section 36, the section clearly says:

"If in respect of any financial year, further expenditure from the revenues of the Dominion becomes necessary over and above the expenditure theretofore authorised for that year,"

If any expenditure becomes necessary over and above what has been authorised then "the Governor-General shall cause to be laid before the Dominion Legislature a supplementary statement showing the estimated amount of that expenditure..." such statement is laid before the House.

Shri R. K. Sidhva: And the provisions of the preceding sections will apply?

Mr. Speaker: Yes. The further part is with regard to procedure.

The matter is further covered by the rules as pointed out by the Deputy Speaker. As regards the point of propriety which Mr. Das has raised it is a different matter. It is a matter of merits, into which I do not think I need go.

Shri R. K. Sidhva: But can the rule over-rule the Act?

Mr. Speaker: I have not studied the question as to whether the rules go contrary to the Act. I am not going to consider it. But here, we have estimates of expenditure that are found necessary to be incurred and they are coming before the House. I do not think there is any substance in that point of order.

So what I propose to do is to put in those Demands in respect of which there are cut motions.

Shrimati G. Durgabai (Madras: General): I do not intend to move the cut motion of which I have given notice but I wish to speak on it generally.

Shri R. K. Sidhva: So shall all these Demands be discussed or only those for which notice of cut motions has been given?

Mr. Speaker: I shall follow the procedure of placing before the House those Demands in respect of which cut motions have been put. Every Demand, of course, can be discussed if the House so likes. There is no question about it. But we have as many as 65 Demands and, if I were to put each Demand separately, we would hardly have the time to do it. Therefore, the procedure will be to have those Demands in respect of which motions will be moved.

In case the honourable Member does not wish to have any cut motions moved, then, of course I shall select the Demands, that the House may like to discuss, instead of discussing all the demands at the same time. I shall

[Mr. Speaker]

take those Demands one by one and at 5 o'clock I shall proceed to place the Demands before the House, without any further discussion. If I were to allow a general discussion, it would mean a general discussion of the same subjects which were discussed for fifteen days.

Shri Mahavir Tyagi (U. P.: General): Could you permit a question or two to be put to clarify points arising from speeches?

Mr. Speaker: The procedure will be this: let a particular Demand be selected. Then the honourable Member can raise questions in respect of that Demand. The honourable Minister could then reply and the Demand will then be put to the vote.

Pandit Hirday Nath Kunzru (U. P.: General): I want to have the position clarified with regard to the rights of the Members in the discussion of this important matter. You have told us that in case the Members who have given notice of cut motions decide not to move them, you will select the items that in your opinion the House might discuss profitably and that as regards the rest they will be put to the vote without any discussion. Is it permissible under the rules for the Speaker to prevent any member of this House from speaking on any of the Demands for Grants included in the list before us? The House may, generally speaking, be interested in certain matters only but there may be one or two other members who are interested in certain other items and I should like to know under which provision of the Government of India Act or of the Rules and Regulations made under it the Speaker can prevent any member of this House from expressing his opinion on the items in which he is interested. We are not discussing an ordinary Bill the amendments to which can be selected for discussion by the Speaker.

Mr. Speaker: There seems to be some misapprehension on the part of the honourable Member. I did not say that I am going to select any Demands for discussion. I clearly stated that such Demands in respect of which honourable Members wish to say anything will be selected by them and I shall place them before the House and in regard to the other Demands, I shall simply place them for the vote of the House. I was only making a suggestion. Possibly the honourable Member missed the first part of what I said.

Pandit Hirday Nath Kunzru: If that is the position it is clear that the thing depends on the wishes of the House and not of the Chair.

Mr. Speaker: I have already said so and I do not know how the honourable Member carried the misapprehension. However, it is good that he raised the question, so that the position is now clarified. I said members may select any particular Demand. After all, these Demands have to be put through within a certain time. I may make that position also very clear. Today is the last day of the financial year and in view of the necessity of finishing this business by today, it is desirable that we select certain Demands which the House would like to discuss and as regards others I may simply put them to the vote.

Pandit Hirday Nath Kunzru: With regard to the last point mentioned by you, Sir, I should like to say that if Government have to bring forward supplementary Demands to be met from revenue to the tune of 115 crores, it was their duty to place these Demands before us much earlier. They cannot come before us on the last day of the year and then invoke your assistance in order to complete the discussion that very day. I think this

is a procedure which we have every right to protest against. We are going to deal with supplementary Demands to the tune of 115 crores. Is there any justification whatsoever for putting these Demands on the last day of the year before the House? Why could not the Government have placed these Demands before us earlier?

Pandit Lakshmi Kanta Maitra (West Bengal: General): - They had more important matters like the Hindu Code Bill!

Pandit Hirday Nath Kunzru: I do not care what other measures there were before the House. It is for the Government to regulate their own business and they cannot get rid of their responsibility in regard to so important an item by saying that they had other important matters to deal with. If they find that the present procedure does not give them sufficient time for the discussion on financial matters let the procedure be changed both in connection with the Budget and in connection with the supplementary Grants. But we have every right to demand that we should be given the fullest time for the discussion both of the Finance Bill and the supplementary Grants. I hope that you, Sir, as the guardian of the rights and privileges of this House will see that both the present procedure and practice are so modified as to give this House every opportunity of controlling the financial policy of the Government and the expenditure incurred by it.

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): There is one thing, Sir, which I should like to say. All these figures are shown in the Demands for Grants in the revised estimates. This is only a formality of coming for sanction. The budget estimate, the revised estimates and the estimates for 1949-50 are all shown in the 12 Noon Demands for Grants. It was open to every member to refuse to give any grant for 1949-50 on the ground that the Demands for 1948-49 have been exceeded. Therefore this is only a constitutional formality to come up for sanction. It is not intended as if.....

Honourable Members: No, no, no.

Pandit Hirday Nath Kunzru: May I ask you, Sir, whether, in connection with the discussion of the Budget or the Finance Bill for 1949-50, we would have been within our rights in considering the revised estimates for 1948-49 and saying that we refused to allow certain additional expenditure?

Shri E. K. Sidhva: Sir, I submit that the procedure followed by the Ministries is rather peculiar. We were supplied only day before yesterday at 9 p.m. with this book. This gives very meagre information, only two or three lines, under each Ministry and the expenditure under each Ministry is in lakhs of rupees and the total is 116 crores which we are asked to give them today and endorse the expenditure.

My honourable friend Mr. Santhanam said that this is only brought here as a formal thing. I cannot understand it. If that is so then why do you bring it before the House. We have passed the new expenditure for the coming year. This is for the current year. They have incurred the expenditure without our sanction and they want now our endorsement within a few minutes or a whole hour or a day. It would be unfair on our part to express our opinion on 116 crores of expenditure. It is not a small amount.

Again, I was trying to study this book as much as possible during the time at my disposal. I would have given the whole night to it but I find that there is no information. There are only three or four lines under each Ministry. If you go through it you will find that it relates to the salary of the staff, establishment allowances and other charges, and these come to lakhs of rupees.

[Shri R. K. Sidhva]

We seek your protection, Sir. You are the protector of this House. I do respectfully suggest to you, Sir, that you must tell the Ministry straight and frankly that it is not the procedure to come to the House and ask for its vote on 116 crores with so little time and information. My friend Mr. Santhanam if he had been in my place, I am sure he would have expressed himself in stronger terms. I do not want to quote his speeches but if you will allow me I am prepared to quote from his speeches as to what his line of action all along has been. Let the Ministry take the responsibility. To come to the House on the 31st of March and ask for the vote of the House for 116 crores is not fair.

My friend Mr. Tyagi wanted to put some questions but how many questions is he going to ask. Every item requires questions to be put and information sought. Therefore I submit, Sir, that you must be a little frank with the Ministers in this matter. We have to come to you, Sir, to place our grievances.....

Mr. Speaker: Instead of taking time in this discussion, let us utilise the time we have in going into the merits of the case. I should like to hear the Finance Minister about this point under discussion.

The Honourable Dr. John Matthai (Minister of Finance): Sir, I think the point that my honourable friend Mr. Kunzru raised is a valid one and I personally think that we ought to have been in a position to place these Demands before the House in sufficient time for the House to examine the basis on which the Demands are made. But the practical difficulties that stood in the way of the Ministry are briefly these.

All these supplementary Demands represent the excess of the revised estimates over the budget estimates. These revised estimates are not finalised until a little past the middle of February, so that the earliest date on which I can consider these Demands is the middle of February. But when it comes to the middle of February the Ministry is entirely occupied with the budget work. My time and the time of the Ministry are almost fully occupied with that work. It ought to be possible for us, in view of the importance of the matters involved in this, to arrange the time in such a way that the House would have more time than we are able to give them under the present procedure relating to supplementary Demands.

To some extent, therefore, I am prepared to accept the responsibility personally, because when the work in connection with the Budget for 1949-50 arose I was occupied for nearly nine days on end in this House with the Banking Bill, and having been my first Budget it became necessary for me to give more than the time which a more experienced Minister might have given to the Budget work of 1949-50.

I had another difficulty. There was a great deal of work that I had to place before the Standing Finance Committee. I managed to get as many meetings as the members of the Committee and I could find time for. All these matters had to be placed before the Standing Finance Committee. That of course meant a little more delay. But I quite admit the validity of the contention put forward by Pandit Kunzru and by Mr. Sidhva, and all that I can say is that when it comes to placing supplementary Demands again before the House I will see to it that the House is given sufficient time for examining them.

Shri H. V. Kamath (C. P. and Berar: General): In this connection, Sir, may I suggest that for the future at any rate we should not adhere to the

schedule that prevailed for the old Central Assembly in the days of the British regime, and that in Free India we should meet more frequently as in England and America and sit longer than we do today?

Mr. Speaker: In view of what has fallen from the honourable the Finance Minister, we may cut short this discussion. I can only state that we have, under consideration, the Rules of Procedure. The House knows that a Committee has been appointed and I had invited suggestions. There are suggestions in respect of financial matters which I myself have forwarded to Government and they are under their consideration. I think if we could come to some conclusions about the revision of Rules in respect of financial matters, very probably the points raised by honourable Members will be met by the revised Rules. I can assure honourable Members that I am myself very keen on this point and my proposals have followed the lines, some of which are indicated by honourable Members here.

So, without discussing this any further let us now go over and see what procedure we follow. I would like to ask whether any honourable Member wishes to move any cut motion. I find Shrimati Durgabai does not wish to move her cut motion.

Shrimati G. Durgabai: I do not intend to move my cut motion but I wish to speak on that particular Demand, that is Demand No. 34.

Shri R. K. Sidhva: I want to speak only on 57-A and not on 83.

Mr. Speaker: Are there any other Demands on which honourable Members would like to speak, so that I may put these Demands one after the other?

Pandit Hirday Nath Kunzru: I cannot find out the number of the Demand exactly.

Mr. Speaker: I shall first place Demand No. 34 and discussion on that Demand may go on. In the meanwhile, honourable Members may consider and let me know.

Pandit Hirday Nath Kunzru: I shall let you know later.

Mr. Speaker: Anyway, I take it that we are finishing this at 5 o'clock. I shall now place Demand No. 34.

DEMAND NO. 34—ADMINISTRATION OF JUSTICE

Mr. Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 2,46,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Administration of Justice'."

Shrimati G. Durgabai: Sir, I realise that the scope of the subject for my discussion today is very much limited and the supplementary Grant is asked by the Ministry on two or three items, that is Federal Court and also expenditure connected with the trial of offences under the Criminal Law Amendment Ordinance, 1943. I assure you that as far as possible I wish to confine myself to the limited scope I have already mentioned of this subject.

The House is aware that equality in the eye of the law and equal protection of laws are two cardinal principles of democracy. It is but right that they have formed a part of the Fundamental Rights Chapter of our new Constitution. Fundamental rights are justiciable rights and therefore they are enforced by courts of law. Any person on a breach or violation of his right can go to the courts and move the courts for the redress of his grievances.

[Shrimati G. Durgabai]

Even the right to move the Supreme Court is a Fundamental Right guaranteed by the Constitution. If these rights are to be real and effective and administration of justice is to be adequately done we have got to afford equal opportunities to all, rich and poor, high and low—to all equally. If these opportunities are not there then these rights have absolutely no meaning. If we judge it with this background the administration of justice today—how we have it in India—we have to say that justice as at present administered is very expensive and also very slow and uncertain. It is only a man with a long purse that could have recourse to the law courts today.

In the short time at my disposal I wish to state the reasons for this very expensive and very slow administration of justice. These are some of the reasons: the exorbitant court fee that is charged today is the first thing. Even for a special leave application to come to this Federal Court which is very soon becoming a Supreme Court we have been charged Rs. 250. And for the civil appeals a scale of *ad valorem* fee is being charged. Secondly there are the high expenses incurred in connection with securing legal assistance. Thirdly there is the dual system existing at some places like Bombay, Calcutta and Madras. Fourthly all the judgments, all the law reports and law text books are written in English which is not quite intelligible to the litigant public. Lastly there is a lot of delay in the disposal of these cases. Not only in the law courts but even in the Federal Court we have found that several appeals are pending and they require to be quickly disposed of. I suggest that the remedies could be found in two or three ways. One is that a simple system of laws could be found which can be handled with a robust commonsense. I understand that only seven per cent of the cases involve intricate questions of law; the others are either money suits or cases on facts. These cases could be handled by the local people with commonsense who are acquainted with the facts of the case.

I would also suggest that the State should sponsor a national legal service to assist persons of limited means. This service should assist people of limited means not only in the lower courts but also in the Federal and Supreme Courts. Britain has made remarkable progress in this direction. Their Legal Aid and Advice Act passed recently is a remarkable achievement of the Labour Government. I wish that our Provincial Governments do something similar, of course with such modifications as local conditions may require, to make this kind of facility available for all people.

The delay and high expenses involve are, in my opinion, due to this reason. There is so much confusion today in the existing laws. So much time of the Courts as also of the litigant public is taken up on account of their not being able to understand the Statute Law clearly. Our Evidence Act is a wonderful enactment but still certain modifications have got to be made. Even the Criminal Procedure Code has got to be modified in several ways. Sir Hari Singh Gour, when speaking here last, appealed and urged on the Law Minister for immediately appointing a Statutory Law Revision Committee. Periodical revision of Statute Law is recommended by the Committee of Macaulay. I understand a Committee was appointed and it did some good work, but later on, as Sir Hari Singh Gour put it, it died a natural death, but while answering a question of Sir Hari Singh I have heard the honourable Minister expressing full sympathy with the idea. He said he would certainly recommend that kind of a Committee to come into existence again to rectify and also clarify the Statute Law existing today. Therefore, Sir, I repeat and reiterate and remind him of this promise of Dr. Ambedkar to see that the Committee comes into existence. Sir, today serious anomalies and inconsistencies exist. The Indian Independence Act has also created a very curious position. A scrutiny of existing laws has got to be made. Various subsidiary

laws have got to be made. Adoption of laws has to be made in conformity with the re-distribution of powers executive and legislative. All this requires handling by an expert body, therefore there is all the more reason and justification for appointing this Law Revision Committee.

I have already stated that the administration of justice has become very costly. The common man must know that it is within his means to go to the law Courts with the knowledge that justice will be done within his means. I have already referred to the delay in disposals and the exorbitant court fees that are being charged. But there is another reason also for this, the absence of Resident Bar in the City where the Supreme Court or Federal Court is existing. The Honourable Mr. Gadgil is not here, but I would have urged upon him that in order to have a Resident Bar he should see that accommodation is made available to these people. Appeals have to be adjourned because lawyers have to come from mofussil stations. There is another reason also for the high costs, namely printing of records. This should be done away with. Sometimes nearly one or two years time is involved before the appeals could be printed and got ready. I would suggest that the papers printed in the lower courts should be made available or the typed copies could be made available.

I have to mention one point. I understand that here in the Federal Court there are nearly 52 appeals pending today because there is not adequate personnel. I would urge this upon the Government. There is only one sitting at present. There may be a second Bench also constituted immediately to have quicker disposal of these cases. I have also to bring to the notice of this House that there is no library worth the name attached to the Federal Court. We cannot really get any book that is useful to us.

Mr. Speaker: I might make the position clear to the honourable Member. I thought she will curtail her remarks but I find she is generally discussing the policy of the whole Administration. What is relevant to the supplementary Demand is not the policy—she had an opportunity of discussing the policy during the General Budget. The scope of discussion here is restricted to the particular expenditure for which sanction is sought. Therefore, honourable Members might restrict their remarks only to the additional expenditure incurred under the Demand and not go through the general policy of the Administration.

Shrimati G. Durgabai: With due respect, Sir, I submit that the Federal Court is one of the subjects for which a supplementary Grant is demanded. I am confining my remarks only to the working of the Federal Court. I stated that it is not quite adequate in view of the growing responsibility and the volume of work of this Court. I have practically finished my remarks on that.

There is one more subject, that is regarding the expenditure connected with the tribunals established under the Criminal Law (Amendment) Ordinance of 1948. I would have protested against incurring this expenditure any further but for the fact that I have noted from the report supplied to us that these tribunals are going to be wound up very soon. I am glad to hear that no further cases are allotted to these tribunals. These are war time tribunals. When the report gives us an idea that soon they are going to be wound up, that cases of bribery and corruption entrusted to these tribunals are perhaps fast decreasing, there is no further necessity for enlarging the scope of their work, or increasing their number. But I am very glad to hear that they are going to wind up very soon and that no further expenditure is going to be incurred on these tribunals. If there are any such cases left they can easily go to the common law Courts functioning for such cases.

[Shrimati G. Durgabai]

Sir, in conclusion I would urge upon the Minister to see that a national legal service on the lines suggested by me is established to give assistance to people of limited means. Something should be immediately done in that direction.

Dr. P. S. Deshmukh (C. P. and Berar: General). Sir, I wholeheartedly endorse the remarks made by my honourable friend Mrs. Durgabai so far as this Ministry is concerned. Of course, I bow to your ruling that the remarks should be confined only to the extra expenditure with which the demand is concerned. But since this Demand did not come up before this House for discussion, you will probably allow a certain latitude in indicating as briefly as possible what this Ministry would be expected to do for independent India.

The subject of revision of the procedure that obtains in India was one which was discussed previously namely last year and it was impressed upon the Ministry that it is time that we make efforts to evolve a more expeditious procedure by which the law's delays, if not eliminated, at least would be considerably diminished. Under the hope that this Demand would come up for discussion, I had given notice of a cut motion for discussion of the pre-trial system. The system, as has been pointed out by Mrs. Durgabai, has made tremendous progress in England and is producing excellent results in the U.S.A. It is not a revolutionary system inasmuch as it conforms fully with the existing laws or procedure and does not dislodge them. It only brings the parties to the real issue in the case most expeditiously without wasting time on adjournment and long and somewhat irrelevant statements and counter-statements of parties. I think, Sir, the people of India do desire and deserve a more expeditious system of law-giving and I am sure, Sir, that if the honourable Minister will pay attention to this fact, there will be considerable amount of good that could be achieved, because, we know, Sir, as a fact that there is considerable harassment of the litigant public under the present circumstances. I have two cases at present pending in the Nagpur High Court. They were started over ten years ago and yet it will probably take another four years before they are ripe for hearing and disposed of by the High Court. Both are cases of adoption and the plaintiffs are getting tired as they are getting old and cannot enjoy the property. One of them has no son and supposing he dies, the whole process of his adoption and the idea of saving the ancestors from damnation by performing the Shraddha and other things for them would remain entirely unfulfilled. This is the situation not only so far as the Nagpur High Court is concerned, but everywhere, Sir, and this delay also brings about many other evil results.

Then, Sir, I would also like to point out that very soon we must put our shoulders to translating all these laws into the various Indian languages as well as one common Indian language. We have not decided the Indian language, but we will have to start making preparations, so that English is substituted in the law courts by that language at an early date. In my opinion law courts are and will be one of the principal means of giving real impetus to the study of Hindi and the other Indian languages. Otherwise, the medium of instruction that we want to change from English to the Indian languages will be indefinitely delayed. Unless we change the language of evidence the judgment at least in the Sessions Judges' Courts all over India and make it Hindi or Hindustani or whatever it is, it will take a long time before we adapt our languages to the needs of the Law Courts.

Then, I would like to point out that the procedure and the laws in force, not so much the laws, as the procedure, would probably bear a thorough examination in the light of our independence. I have a strong feeling that much of

the present procedure was very well suited to the needs of the British Governors of India. But so far as Free India is concerned, I am sure, Sir, that by amending the procedural law considerably, it would be possible to eliminate the delays the wide-spread evil of perjury and also to reduce the cost to the litigant public.

So far as the Federal Court is concerned, I hope the Government would not be slow to enlarge it. It is going soon to take the place of the Supreme Court of India. From that point of view also, it is necessary that we should enlarge the Federal Court, and we should also try and give every opportunity to the legal talent in the country to prepare itself for this important task of doing justice and upholding the Constitution of India.

Shri B. Das: Sir, I wish to inform the Treasury Benches that I wish to take up Demands Nos. 74 and 82-A.

Srijut Kuladhar Chaliha (Assam: General): I want to speak on Demand No. 74.

Mr. Speaker: That is a different matter, but the Demand is No. 74. I might inform honourable Members that I have got requests for taking up Demands Nos. 19 and 40, from Mr. Lakshminarayan Sahu and for Demand No. 41 from Thakkar Bapa.

Dr. P. S. Deshmukh: I would propose No. 83.

Mr. Speaker: I am taking the proposals in the order in which they have come to me.

Shri R. K. Sidhva: Sir, I want to discuss Demand No. 57-A—Delhi Transport Service.

Mr. Speaker: I think then, I should first call upon the honourable Law Minister to reply to Demand No. 34. I have to put it to vote. I thought the honourable Member wanted to speak on that.

Shri R. K. Sidhva: No, Sir.

The Honourable Dr. B. R. Ambedkar (Minister of Law): Sir, this item 'Administration of Justice' really belongs to the Home Ministry, because they are in charge of the subject, but I am sure, we must today at least spare the Sardar of the trouble that would be involved in replying to this debate. I am, therefore, taking the responsibility on my shoulders. I must also say that I have had no previous consultation with him and so, I do not know, whether I would be exactly representing the views of the Home Ministry on the subject that I am speaking.

Sir, this question of the law's delay is a long cry that we have been hearing in this country and the Government of India, if I remember correctly, at one time appointed a Committee—the Civil Justice Committee—and some of the recommendations made by that Committee were incorporated both in the Civil Procedure Code as well as in the Criminal Procedure Code with the object of avoiding delay in the matter of coming to conclusions so far as litigation was concerned. At the same time that unfortunately has not in any way softened the complaint which we are now hearing about the law's delay. In my judgment and I think both my honourable friends, Dr. P. S. Deshmukh and Shrimati Durgabai, who have had considerable experience of practice in the Courts will agree that much of the delay that takes place in litigation is really due to the clients themselves. So far as my experience goes, in law courts every client on an appointed day instead of coming prepared either with the witnesses or with the documents or some other subpoena that has been issued by the court, comes with nothing except a petition asking for a postponement. If the postponement is not granted, he either abandons his pleader thinking that he has no influence with the judge, because he has not been able to get the adjournment or postponement or he becomes thoroughly dissatisfied

[Dr. B. R. Ambedkar]

and the court has to consider whether in the interests of avoiding delay his application should be rejected. It may be that in view of the ignorance of our general mass of population they cannot be expected to be prepared with everything at the appointed time, and if they are not given time, even though their cause may be very just, it may be lost.

Secondly, so far as the procedural law is concerned, there is all the method and all the rules necessary for avoiding delay. If our people who want to litigate about matters of dispute were more expeditious, more efficient and more alert in collecting their evidence, they themselves would avoid a great deal of delay that takes place in the matter of litigation.

Dr. P. S. Deshmukh: What about the delays in the High Courts?

The Honourable Dr. B. R. Ambedkar: Well, the delays in the High Courts also to a large extent are due to this fact. My honourable friend probably does not know, as I happen to know, that many of our people believe in astrology. When they are told that their case is fixed on a particular date, they first go to the astrologer to find out whether that is an auspicious day, and if they find that it is not an auspicious day, they run up to Bombay and get in touch with the Office of the Registrar of the High Court, sometimes bribe the clerks heavily in order to take the case off the board on that particular day. I know many such cases. Therefore, we have done so far as procedural law is concerned to avoid delay.

Shrimati G. Durgabai: Is not delay due to the printing of the records which takes a very long time?

The Honourable Dr. B. R. Ambedkar: Well, I suppose, in view of the fact that the Privy Council has laid down that all cases which come to them must have the records printed, the High Court has to follow that rule. Probably the Supreme Court hereafter may follow a different rule, we cannot say.

With regard to the lower judiciary, there is certainly much room for improvement. I quite agree that our judicial stations so to say, the towns where the Sub-Judges sit are sometimes very far away from the villages, and the villagers have to incur large expenses for travelling from their villages to the places where they are situated. I have sometimes thought whether it would not be desirable for our Sub Judges or some others subordinate to the Sub Judges to go on what we may call circuit. You can have a circuit of six or seven villages which this man can visit from week to week, and hear the cases right in the villages. That, I think, is a feasible thing. I must say that that is a matter which is entirely within the power of the Provincial Governments. It is they who can re-organise the judiciary in terms of my suggestion if they think that that is a suggestion worth accepting.

With regard to the question of court fees, that again is a matter which is entirely within the purview of the Provincial Governments. If the Provincial Governments think that court fees are so fixed that they are beyond the capacity of the litigants, it is for them to lower the court fees and give relief to the litigant public in that manner. With regard to the question of legal aid, there is no doubt that there is a necessity for doing something in that behalf. As every one knows, the British Parliament has recently passed an Act making it a national responsibility to provide aid to a litigant who is unable to find money for his litigation. However valuable that step might be, it seems to me that having regard to the economic capacity of the people of our country, it would be perhaps impossible, to place such a burden upon the

national revenues of the country. There is no doubt that some other method might be found whereby some amount of partial relief may be given to people who are indigenous and who have important questions of law to be settled.

Something was said with regard to the Law Revision Committee. It seems to me that there is a certain amount of misunderstanding about that matter. There is no doubt in England there is a Statute Law Revision Committee; but its function is a very limited one. I have with me the Statute Law Revision Committee Act passed in 1927. It is an Act which is passed from time to time by the Parliament. The object of the Statute Law Revision Act is to delete from the Statute book laws which have become spent, whose purposes have been served and which are not in force, and things of that sort. It is only to clear the dead wood, so to say, from the Statute book of laws which have become unnecessary. Here, I find that the Statute Law Revision Committee was appointed in 1921. Although the intention of the Government of India when they appointed that Committee was very much the same as embodied in the British Statute, it somehow took upon itself quite a different species of work namely to suggest to the Government certain laws which they themselves drafted. I do not know whether that sort of a thing is necessary. Because, the drafting of laws is entirely a matter for the Government and the drafting is entirely left to the draftsmen who are engaged in the Law Department. From that point of view, therefore, the Law Revision Committee does not appear to me very necessary unless it is found that the Law Department, by reason of the shortness of its personnel is not able to depute somebody whose duty would be to see what laws have been spent, what are unnecessary and what laws have gone out of force. However, I shall keep the suggestion in my mind when the Government has the time to deal with this question.

With regard to the Federal Court, the question has been raised that the number of Judges is small for the work that is now pending before the court. The question was also raised that the Federal Court is not equipped with a library such as a Federal Court should have. I have not the least doubt in my mind that the Government of India will never be callous to the requirements of the Federal Court and of its library equipment. I have no doubt that this matter will be discussed when the Federal Court will be converted into the Supreme Court. There is not a very long time between the transference of the Federal Court into the Supreme Court. Consequently, these reforms which have been suggested with regard to the personnel of the Federal Court and its library equipment can well be delayed until the formation of the Supreme Court. I have no doubt about it that the Government of India will bear in mind the requirements of the library, as well as the number of Judges that may be necessary to dispose of this work.

Mr. Speaker: I am putting the Demands to the House.

The question is:

"That a supplementary sum not exceeding Rs. 2,46,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'administration of justice'."

The motion was adopted.

Shri M. Tirumala Rao (Madras: General): I request you, Sir, to add Demand No. 11 also. I want to offer some remarks about the Constituent Assembly.

Shri M. Ananthasayanam Ayyangar: I submit, Sir, that Demands 74, 77, and 78 may be taken together and Demand No. 82-A separately.

Mr. Speaker: I doubt whether all this could be taken up. However, I am marking them in the order in which they have been proposed.

Dr. P. S. Deshmukh: I suggest that Demands Nos. 57-A and 83 may be taken together.

Mr. Speaker: Shall I place both of them together? Is Mr. Sidhva agreeable to this?

Shri R. K. Sidhva: I have no objection.

DEMAND NO. 57-A—DELHI TRANSPORT SERVICE

Mr. Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 45,58,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Delhi Transport Service'."

DEMAND NO. 83.—DELHI

Mr. Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 74,11,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Delhi'."

Pandit Hirday Nath Kunzru: Did you say, Sir, that Demands Nos. 74, 77 and 78 be discussed together? I did not hear it.

Mr. Speaker: Yes; Mr. Ananthasayanam Ayyangar made a request that Demands 74, 77 and 78 be discussed together and Demand No. 82-A separately.

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

Shri R. K. Sidhva: Sir, I am discussing Demand No. 57-A which is for Delhi Transport Service. This subject was not discussed at all either during the budget discussion or during the Demands for Grants. This Demand relates to an amount of Rs. 45,58,000 being the recurring expenditure on the Delhi Transport Service, which has been taken over on the 14th of May, last year from the G.N.I.T. I congratulate the Government for taking over this concern which was mismanaged and ill-administered by the private concern without any control. By the Government taking over the concern they have served two useful purposes, one is it has become the property of the State and it has come under State control and the second is the State has benefitted financially to a very great extent. I cannot tell exactly what the net profit would be. The honourable Minister would enlighten us but I am sure from the report and the figures that I read somewhere this concern is going to bring to our coffers a fairly good sum every year. So far therefore, Government's action in this direction to run this transport service is most welcome. I however warn the Ministry that after taking over this concern they should be very vigilant as regards its maintenance. In the days of G.N.I.T. the whole of the bus fleet came to a collapse for the main reason that there was no proper supervision or maintenance of the buses. These were ramshackle buses which are even now running as compared with our buses. Their bodies were constructed like an animal's cage and no consideration was given to the comfort of the passenger nor was any consideration paid regarding the heavy fares charged nor to the overcrowding of passengers which was everyday increasing and the administration gave deaf ears to the constant complaint of the public of the city. The subject matter was receiving, I am glad, the attention of the Government and at one stage I was apprehending that Government was giving it to some other concern with some nominal share of the State but ultimately I am glad that that scheme did not prevail and Government took the entire concern. Now I find Government have immediately ordered for new buses and some have actually been put on the roads and some bodies are under construction and some are still on the way. So far so good.

But I have to state that from the manner in which I see the maintenance of these buses, if proper attention is not paid, the deterioration will come very soon and the entire capital will be wiped out. As far as I know there is no supervision and there is no responsible person to look after the fleet of transport services which is being run. Crores of rupees are invested and will be invested hereafter and unless we have an up to date workshop and garage together with efficient staff to look after its upkeep, its deterioration will come very soon. As it is I find that it is nobody's business to see that in what condition these buses go after an evening's work into the workshop or garage—if there is any—and in what condition they are brought out in the following morning. I therefore suggest to the honourable Minister that an efficient and responsible man should be sent immediately to Bombay. The Bombay State Bus Service is one of the most wonderful services that runs in the whole of India and I do not mind any expenditure that that officer might have to incur in this connection. If he is asked to stay there for a month, if he is really a responsible man and if he understands something of the transport services of Bombay, let him learn and let him see how the bus service runs there. There is, in other parts of India, nothing to compare with the body of the Bombay Buses. I do feel—I have seen in Calcutta—that some of the modern type of buses that have been introduced recently in Bombay are of the finest type like that in Switzerland. Unless a man is deputed he will not be able to understand what the service requires. He will be able to see how this service is done, what type of garage is kept, how maintenance is done and how conductors and Inspectors are asked to check and treat the passengers with courtesy and also to see that there is no leakage in the traffic of the passengers. What I find to-day is there is a great deal of leakage in our passenger fares. Although some improvements may have been made and what is the improvement? At certain stations the passengers are asked to pay for the tickets on the roadside before alighting thinking that that would remove any kind of leakage. Actually it leads to delay. The passengers go to bus to minimise the time and they want rapid service. Some time is taken in giving them tickets on the roadside. I do not know whether the Minister has travelled by these buses. If he had done, he would have seen that much time is lost. It is not that the passengers alone lose time, it means waste of petrol and mileage and ultimately it will be a loss to the State. I therefore feel that there are no proper types of conductors. They have no uniforms, no bags to put in the amounts, there is no system of checking the ticket which is most important. Somebody turns his finger to indicate from what place to what place. Get punching machinery for tickets. Give them proper uniforms. Now nobody knows whether he is a conductor or an inspector or one of the passengers. There is no supervision. I should say and the stopping stations are not indicative and the buses are kept badly. Nobody knows here as to how to keep the buses. This is a necessity otherwise it will be a loss to State. It is no use merely purchasing new buses and placing orders and putting them on the road without seeing how they are being maintained and how its efficiency has been kept.

The second thing is now they have placed orders for petrol-run buses. I would request them to place future orders with the diesel oil. All Bombay buses are run with diesel oil as swiftly, most economically as petrol-run buses. The other day I put a question to the Minister whether our buses are run with diesel oil. Probably he did not know what it is and he was surprised. Whenever there is shortage of petrol, this trouble has never arisen in Bombay. They have run most efficiently. They have self-starters with diesel oil and therefore it would be economical and more profitable with diesel oil. I do not know whether the present engines could be converted into diesel oil engines. That experiment may be made because I am told hundreds of new types that

[Shri R. K. Sidhva]

are already ordered are of the petrol type and we should see whether they could not be converted into diesel oil. Otherwise the orders may be cancelled and new orders placed for diesel oil engines. I am sure if anybody is sent to Bombay, he will surely recommend that that type of bus will be more economical, the best for the convenience of passengers and for the revenue.

Then, Sir, I do not know whether it is advisable, I have not gone through it, but I think a small Board is also very necessary.

Shri M. Tirumala Rao: They have constituted a Board.

Shri R. K. Sidhva: Have they? If so, I have nothing to say. I suggest a small Board of three members, who may be officials, so that they may look after this thing. They should be men with some knowledge about transport service. The Minister has a lot of things to do, and although the ultimate responsibility is on him, in a matter like this where crores of rupees are invested, he should be assisted by a Board who would look after the day to day affairs. Who is looking after it at present, I want to know? Where is the office? I am told it is somewhere in Connaught Circus; some Traffic Manager is sitting there or some such thing. Nobody knows about it. The public must know about it. Where is your garage? Where is your workshop? All these things must be properly known. It is a public service and public must be well acquainted. Therefore, while I congratulate the Government, I submit that they should see that this service runs still more efficiently and brings in larger revenue than was the case during the G.N.I.T. days, when the G.N.I.T. squeezed the public without giving any return to the passengers.

As regards fares, I do submit that this matter requires consideration. Fares were fixed by the G.N.I.T. without any consideration. In Bombay where the best service is available, the fares are most reasonable and cheaper than here. Sometime ago a Press report said that the Ministry was considering this question. I do not know what stage this consideration has reached. Delhi is a place of distances. For a certain distance where one anna would be quite sufficient, they are charging something like two annas. The maximum is somewhere round about ten annas. From Lodi Road to Sabzi Mandi, if you take the fares together, it comes to eleven and a half annas which is certainly heavy. I have never seen cycle traffic of such magnitude as obtains in Delhi in any other city. Take even the largest populated city of Calcutta or Bombay. There is not so much cyclist traffic there. Why is there so much cyclist traffic in Delhi? Because there is no transport facility. The clerks in the Secretariat have to come from miles and there is no facility; so they have to keep cycles and maintaining a cycle also costs something. There is no good bus service; there is bad service. Therefore, I do maintain that the fares should be reasonable; they should not be exorbitant. After all, buses are meant for the poor, small, middle class people, who work in office and who have to come from a far distance. From that point of view, of course keeping the margin of profit reasonable, the fares must be brought down. Has the honourable Minister given any consideration on this matter? If he has, I would like him to enlighten the House on the matter. This matter is agitating the passengers very much. They have given a little improved service. I do not say greatly improved service, but a little improved service. Some more buses have been introduced. But much remains to be done and this year they have to give very much more attention to this matter.

I repeat once again before I conclude my remarks, that somebody must be sent to Bombay for this purpose or let him be sent anywhere else the Minister likes, but Bombay is the best place. Unless somebody is sent there, nobody will be able to put this matter right. With these words, I conclude, Sir.

Shri M. Tirumala Rao rose—

Shri R. K. Sidhva: I have finished only Demand No. 57-A. The Honourable Speaker said that after this Demand No. 83 is also to be discussed. So I have to speak on Demand No. 83. I would not take much time.

Mr. Deputy-Speaker: The honourable Member may rise again after Lunch when the Speaker is in the Chair, and if he calls, he may speak.

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

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

Shri B. Das: May I enquire if the debates on these supplementary Demands will be closed today? If so you will have to allow us to move all the demands we want to discuss. Please set a time limit because Mr. Sidhva has only spoken on the first motion.

Mr. Speaker: I thought the honourable Members are aware by now that, in all such debates they should have consideration for other Members and limit their speeches to fifteen minutes at the maximum. Dr. Deshmukh took five to seven minutes. I now propose to put further Demands because a request has been received for Demands Nos. 19, 40, 41, 74, 74, 82-A, 83 11, 74, 77 and 82; and taken by groups they are I believe six. So I do not think I should allow speeches longer than fifteen minutes. Mr. Sidhva's idea is to have a second speech. I cannot allow it. Both the Demands were taken up together to give him the chance of making a common speech.

Shri R. K. Sidhva: I did not get up.

Mr. Speaker: That is all right. So the question does not arise. I do not know whether Members wish to speak on the Demands on which Mr. Sidhva spoke.

Shri M. Tirumala Rao: With regard to Demand No. 57A I want a few minutes. With regard to the Delhi Transport Service, the time has come now when greater attention has to be bestowed because Government has taken over the service. Surely, Delhi's transport service is the worst in the whole of India. Compared with Calcutta, Bombay and Madras, Delhi is the fourth largest city, and I may say that Delhi's transport service charges are the highest and it provides the least amount of conveniences to the public. Probably in the days of stage coaches, there used to be three classes of travellers but there was no division for the classes. But at certain stages they used to ask first class people "sit tight in the coach"; second class people "get down and walk" and third class people "get down and push". Most of buses of the Delhi Transport Service are in such a rotten condition that they provide only amenities for third-class variety of people, where you have to get down and push. Corruption is rampant so much that the bus conductor will not issue a ticket till the last minute and at the time when you get out he stands at the door, collects the money from you without issuing you a ticket. I have observed this for some time and I have myself been a victim of such a system.

With regard to the expenses here: pay of officers, Rs. 19,300; pay of establishment rupees one lakh; allowances and honoraria—I may say that the word "honoraria" is an affliction which you find in regard to every department and most of the items covered by the supplementary Grants are for extra officers. It is strange how in spite of the rigid control which the Finance

[Shri M. Tirumala Rao]

Department is supposed to exercise over the rest of the departments, every department has managed to practise more or less civil disobedience against the Finance Department and incur large items of expenditure which are brought forward here as supplementary Demands.

Then again, the words "Miscellaneous and other charges" is a chronic thing. In the mofussil there used to be contingencies or charges of collectorate officers. There was an item for the cost of milk for the cat. Why is the cat reared up? It was in order to catch the mice that are destroying the records in the offices. That is one of the contingent items for maintaining a cat in the offices.

Shri R. K. Sidhva: What is the amount?

Shri M. Tirumala Rao: I have no idea of the amount. It depends on the cat! But there seems to be more active and more vociferous bipeds that creep into the expenditure columns of the Government by way of "Miscellaneous" expenses and in regard to which it is very difficult to get at the details.

I therefore request my honourable friend, Mr. Santhanam, to see how the present bus transport service is operating in the Madras City. I can say that it is one of the most comfortable and cheap services that has been organised by the Government. I have also seen the latest new buses now purchased by the Central Government for Delhi. A man of low height or of lesser height than myself cannot stand erect in the bus. (Interruption). Yes, you come and I will show you. When you stand the roof touches the head. In all the buses about 35 seats are provided and standing room for about 10 or 15 people in the corridors. There should be sufficient space between seat and seat in the corridor to enable there to be sufficient standing space for passengers during the peak hours. The model company run buses in Madras has one entrance and an exit at either end of the bus, with a comparatively broad corridor and with comfortable seats. I have seen the Bombay buses of which my friend Mr. Sidhva has spoken, though of course the number of buses plying in Bombay City is not sufficient for the volume of traffic demand for bus services. In Madras also they are improving a lot. They have built up a huge workshop. I have seen the workshop here at Rajghat where all the buses are sent. There is a huge amount of scrap and dustbins side by side with the buses, and once the buses are sent there, it is difficult to distinguish which is the dustbin, which is the bus and which is the scrap!

I submit, Sir, that Delhi with its growing needs and its population of nearly eleven lakhs, and with an influx of 4-5 lakhs of population and its long distance, is ill-served with transport. There is no poor man's transport except the terribly crowded dangerous tram which runs through Chandni Chowk and other overcrowded places. If trams also come under your control, the first thing you have to do is to abolish the trams in the Chandni Chowk, at least for hygienic purposes, because the tram is the worst carrier of disease because of their overcrowded and dirty condition. With regard to public safety, there is bound to be some accident or other for every tram that passes through Chandni Chowk and the honourable Minister must have been there recently, at least before he became a Minister. But he must now go there again and see the horrible conditions of the trams there.

There should be a comprehensive scheme. The distance between the Lodi colony at one end and the Kingsway colony at the other end of the city is a matter of 12 to 14 miles. The circular electrical railway that my friend Mr. Gadgil has in mind is still in the dreamland. For practical purposes you should connect the whole of Delhi by a fleet of 300 or 400 buses, well served by efficient conductors, good mechanics and engineers and above all an efficient managerial staff. For this you should invite some experts from Madras and ask them to draw up a scheme and you can see how it works. The famous G.N.I.T. bus service was known as the "Goes Never In Time" service and not as Gwalior Northern India Transport. People had to wait for hours together to go to their offices or return. They tell us that they had to spend at least two hours to catch a bus before they reached their homes in the evenings.

As regards other amenities I need not tell my honourable friend, for he has practical knowledge of these things. This is a Demand which was not included in the general budget before and as the expenditure is incurred I hope my honourable friend will bestow his best attention to see that the Delhi Transport Service is cheap and within reach of the middle and lower class people.

Dr. P. S. Deshmukh: Sir, there has been a sufficiently long discussion so far as the transport in Delhi is concerned. One is really staggered to see the condition of transport in the capital of India and it is but natural that we should draw the pointed attention of the Government and the honourable Minister in charge to the desirability and the necessity to alter the situation as early as possible. My friend Mr. Sidhva has suggested that some officer should be chosen and sent to Bombay to study the system of transport there. I think it would be far less costly if a Bombay officer is brought here and asked within three months to put the whole thing in proper order. I do not know what Madras has specialised in but so far as trams are concerned I think Calcutta has probably the best tram system. They are also sufficiently frequent and well managed. (Interruptions):

I have seen buses both in Calcutta and Bombay. I prefer the Bombay service. The staff is efficient and the fares are very reasonable. The fares in Delhi are absolutely exorbitant and should be reduced by half almost immediately. I do not know the exact figures of the working of the Delhi Transport system by Government. I am anxiously awaiting to see the results, economic and financial, during the time the Government has been working the service. I hope it shows a substantial profit and it is worthwhile making this a state organisation.

The next thing I would like to draw attention to is the lighting system in Delhi as well as its sanitation. So far as taxis are concerned the complaint I am sure is universal. I do not know why taxis in Bombay are so good. It is also the case in Calcutta and I do not see why in Delhi alone they should have lagged behind, I hope not merely for want of meters. There are innumerable cars available nowadays but the mere paucity of meters should not have held up the progress. Also it should be possible to manufacture this wretched little thing in India. I do not see any reason why it is not possible to do so. The taxis are in a hopeless condition. Whenever one approaches a taxi one has to prepare oneself to pay Rs. 12 to 15. Without that sum you can hardly stop in a taxi. (Interruptions). Then in many places the lighting system is very bad, as though the lights are put up to show the lamp posts only and not for lighting the road for the public. I think the whole system will have to be altered. The pillars will have to be replaced by those of some other kind so that the lights will hang down and shed their light on the road instead of looking upwards and lighting the sky without any benefit to any human being. As regards sanitation there is much that is to be desired.

I would like to make a suggestion so far as the transport of the whole country is concerned. There are innumerable vehicles with the Defence

[Dr. P. S. Deshmukh]

Ministry still lying uncared for in so many places and some of them are probably with the Minister for Industry and Supply. I do not think there is anything wrong or impractical in my suggestion, if I say that all these vehicles should be utilised for increasing the transport all over India. As we know the transport difficulties give rise to so many other evils, I think this suggestion ought to appeal to the honourable Minister. So long as the vehicles are in working condition they can always be available to anybody who wants them. What is the fun in keeping them under the sun, rain and wind for such a long time and allowing them to deteriorate. If we have a huge fleet of these transport vehicles throughout the country it will be of considerable assistance to the railways and to the nation. All the complaints that we make now regarding overcrowding and goods not being transported in time, etc., will disappear and we will also be utilising the wealth of the nation that is going to waste to a very considerable extent all over the country. The ugly and intolerable sight of these vehicles standing for years and years, absolutely uncared for, with their tyres on and with mud besmeared all over, makes me feel that the nation's wealth is being unnecessarily wasted. I would like the Government to make an investigation into this sorry state of affairs and see who is to be really blamed for wasting so much of good and useful material. It would be a very useful means of increasing our transport facilities and the whole nation would be grateful to the person who would tackle this question.

The Honourable Shri K. Santhanam: Sir, I do not think you would like me to take much time of the House. I propose merely to mention certain points which have been raised by my honourable friends so far as this Demand is concerned. This Demand arose simply because the decision to take over the G.N.I.T. was reached after the last Budget and could not be included in it. Therefore it is merely a normal expenditure. It is not an extra expenditure incurred beyond the budget. When the G.N.I.T. was taken over the Standing Finance Committee made a condition that as soon as possible a Statutory Corporation should be constituted. Steps have been taken to that effect and a Bill has been drafted and will be introduced. We would like to have the corporation going as early as possible. Meanwhile an Advisory Committee has been constituted to advise the transport authorities with reference to the working of the Delhi Transport Service. This committee consists of a students' representative, a representative of the press, a representative of the secretariat staff and also representatives of the merchants and it has been given wide functions to advise on all matters relating to the Delhi Transport Service.

Shri M. Tirumala Rao: Are there any ladies on that committee? In Madras they have taken one or two ladies for consultation and giving advice with regard to accommodation for ladies in the buses.

The Honourable Shri K. Santhanam: So far as ladies are concerned we have not given special representation, though they are entitled to come in as one of the representatives either as a student or as a journalist or in any other capacity.

The fares are being considered but in this connection I may inform the House that Delhi ought not to be compared either with Bombay, Madras or Calcutta, where the traffic is continuous. Here our buses have to carry traffic only for two hours in the morning and two hours in the evening. All the rest of the day they have to run without full load or empty. Therefore if we charge the same rates as Bombay the Central Government will have to subsidise heavily and if honourable Members of this Assembly are willing to sanction an amount of the order of 30 or 40 lakhs we can bring down the fares

to the Bombay level. Therefore we propose to keep the fares to the lowest possible level consistent with the commercial running of the Delhi Transport Service.

I shall give a few facts regarding the working of the buses. 189 buses were taken over from the G.N.I.T. out of which 55 had to be scrapped. Since May last 108 buses have been added and there are 93 more to be added in order to complete our programme during the coming year. Therefore when our programme is completed over 300 buses will be running in the City of Delhi which we consider to be adequate for the present needs. Last year there was a profit of Rs. 5.42 lakhs and in the coming year it is expected that there would be a profit of Rs. 12.2 lakhs. The capital invested so far is Rs. 51 lakhs. My honourable friend Mr. Sidhva will be interested to know there is already one diesel bus working in the Delhi Transport Service and 75 more diesel buses are to be ordered. We wanted to get more but they were not available in the country and we could not get them quickly from foreign countries. There will be 75 diesel buses put on the roads during the coming year. We have got four workshops, three for running repairs and one for heavy repairs. Since taking over, five new routes have been added and it is proposed to add two more routes in Delhi and twelve suburban routes. Thirteen lady conductors have been appointed and I hope as a result, courtesy towards passengers has greatly increased. If we find that the remaining male conductors do not take a lesson we will replace them all with ladies. My honourable friend Mr. Sidhva may be interested to know that punching machines have been ordered but there is delay in getting the machines. We shall introduce all the latest devices. I may inform him that our Manager has been to Bombay thrice. He has already acquainted himself with the working of the Bombay buses and we are trying to adopt all the improvements adopted in Bombay. I shall have no objection to sending him to Madras as advised by my honourable friend Mr. Tirumala Rao to see the working of the bus service there also.

Shri M. Tirumala Rao: He will greatly benefit by that.

The Honourable Shri K. Santhanam: I think many of the criticisms, especially of my honourable friend Mr. Tirumala Rao, must have been born of his experience of the G.N.I.T. which happily has come to an end. But I do not think that at present, except those sections of the population who have to come to the Secretariat between 10 and 11 and who have to return probably between 5 and 6, others have much complaint. The students have got very good service and they have no complaints whatsoever. The students get concession tickets for Rs. 10 a month. The ordinary public also have got concession tickets which comes to the whole fare less 25 per cent. We have also got special services—one service to Rajghat on Fridays and one bus has been put at the service of the Assembly Members to come from the Constitution House to the Assembly Chamber.

I hope the record which I have given will be considered reasonably satisfactory for the working of seven or eight months and I wish to invite those Members who are interested in it to go over and see things for themselves. I have instructed the General Manager of the D.T.S. to call on those Members, take them and show them the workshop and every other arrangement so that their criticism may not be wholly antedated.

About the other transport namely taxi, it is not really my concern but that of the Home Ministry which is responsible for the Delhi Administration. But I may inform honourable Members that meters are being fitted to all taxis. I think by now probably this fitting may be completed, or probably it will be.

[Shri K. Santhanam]

completed very soon. Steps have been taken and more meters have been secured. Recently I had a talk with the Delhi Transport Officer and now he is introducing also a motor rikshaw which will be much cheaper than buses and all the fares will be regulated.

An Honourable Member: What about tramways?

The Honourable Shri K. Santhanam: As for tramways, we have not taken them over for the simple reason that they are not worth taking over. Either we must be prepared to reorganise the entire tramways or to scrap them. For scrapping them it is not necessary for us to take them over. It is to be done by a decision of the Delhi Administration—by the Chief Commissioner or by the Home Ministry—and therefore it will be a policy decision before we can take them over and offer a greater target for the criticism of the honourable Members.

I do not want to take more time of the House and I hope the House will pass this supplementary Demand.

Dr. V. Subramaniam (Madras: General): What steps are being taken for providing waiting sheds for passengers?

The Honourable Shri K. Santhanam: I am sorry I forgot to mention that. A Calcutta firm has come forward to construct free of charge and maintain waiting sheds in many of our bus routes in lieu of certain advertisements. They have done it for the Calcutta bus service. We have tentatively agreed to give them a trial. It will not cost us anything and the passengers will get shelter.

Mr. Speaker: The question is:

"That a supplementary sum not exceeding Rs. 45,58,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March 1949, in respect of 'Delhi Transport Service'."

The motion was adopted.

Mr. Speaker: The question is:

"That a supplementary sum not exceeding Rs. 74,11,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Delhi'."

The motion was adopted.

Mr. Speaker: I am now taking up Demands Nos. 74, 77 and 78. They are all to be taken together.

DEMAND NO. 74.—DEFENCE SERVICES, EFFECTIVE—ARMY

Mr. Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 17,61,45,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Defence Services, Effective—Army'."

DEMAND NO. 77.—DEFENCE SERVICES, EFFECTIVE—SUPPLIES AND STORES

Mr. Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 20,65,36,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Defence Services, Effective—Supplies and Stores'."

DEMAND NO. 78.—DEFENCE SERVICES, NON-EFFECTIVE CHARGES

Mr. Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 1,14,52,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Defence Services, Non-Effective Charges'."

Shri M. Ananthasayanam Ayyangar: Sir, Demand No. 74 relates to Defence Services, Effective—Army and the amount is Rs. 17,61,45,000; Demand No. 77 relates to Defence Services, Effective—Supplies and Stores and the amount is Rs. 20,65,36,000; and Demand No. 78 relates to Defence Services, Non-Effective Charges and the amount is Rs. 1,14,52,000. The total comes to nearly Rs. 39 crores. This is the supplementary Grant for which the vote of the House is wanted. If we turn to the note that has been circulated regarding these Demands at page 51 you find:

"This increase is due mainly to the employment of larger number of troops during the year than was provided for due to the Kashmir operations and the police action in Hyderabad. No provision was made in the Budget for this expenditure as it was not possible to foresee the duration of the Kashmir operations and the events that led to the police action in Hyderabad."

Likewise, Demand No. 77 relates to Kashmir and Demand No. 78 to the large number of pensions sanctioned during the year, pertaining to the casualties of the last war."

Sir, I do not mean to say that whatever one could not reasonably anticipate during the previous year ought not to be brought up by way of supplementary Demands. What I say is that whatever could reasonably have been anticipated must have been provided for as far as possible. On this question, we in the Standing Finance Committee passed this resolution:

The Committee viewed with concern the very large disparity between the original and the revised estimates and considered that even after making full allowance for the various special factors accounting for increased expenditure there was considerable room for improvement in preparing the Budget estimates. They desired to impress on all the Ministries the need for ensuring that all foreseeable expenditure is included in the Budget estimates so that large variations may not occur in the future."

I hope that this will be strictly followed by the honourable Minister especially after he gave an assurance to that effect this morning. Now, under the unusual circumstances, having regard to the unforeseeable expenditure regarding the Kashmir operations and the police action in Hyderabad, this additional expenditure might have been necessitated. Under ordinary circumstances we would not allow such an expenditure of Rs. 116 crores—it comes to nearly 50 or 40 per cent. of the original estimates. This percentage has exceeded all the estimates till now made. Normally the supplementary estimate will be only ten per cent. of the original, and that is reasonable. That much may be expected by way of excess expenditure or new services during the course of the year. Now, under abnormal conditions, no doubt 40 per cent. or more will have to be granted, but for the future I hope that the honourable the Finance Minister will certainly take this point into consideration and implement the decision of the Standing Finance Committee.

So far as Defence expenditure is concerned, having regard to the fact that 50 per cent. of the expenditure in any year is Defence expenditure, we found that the Finance Committee as it is constituted may not have time to go through the Defence expenditure item by item. On this question, the Standing Finance Committee resolution observed: "A sub-committee of the Standing Finance Committee to be elected for the next year should examine in detail the Defence Estimates for 1949-50". I would place this suggestion before the House. A sub-committee of the Standing Finance Committee should be appointed called the Defence Sub-Committee, which must sit long enough, from day to day, as long as it is necessary, assisted by a senior officer

[Shri M. Ananthasayanam Ayyangar]

of the Military Accounts Department—an Accountant-General, preferably—who must assist and prepare the estimates and then place them with technical knowledge and skill so that we are able to scrutinise the various estimates. This House has no time for scrutiny; even the Standing Finance Committee constituted of twenty members or so, which meets more often than any other Standing Committee of the House, even that Committee is not able to spare sufficient time. Therefore we recommended in the Standing Finance Committee that a sub-committee must be appointed to go into this question. I hope that the honourable the Finance Minister will see that before we disperse at the end of the Session, a sub-committee of the Standing Finance Committee is appointed for the purpose of scrutinising Defence Estimates. We will start off straightaway with the assistance of an officer of his Department and another who knows military expenditure and also a high official of the Defence Department.

Shri Mohan Lal Gautam (U. P.: General): Why not have a Sub-Committee of the Standing Committee for Defence?

Shri M. Ananthasayanam Ayyangar: Yes, I accept the suggestion of the honourable Member, but what I suggested was not a sub-committee of the Standing Committee for Defence alone—it is a sub-committee of the Standing Finance Committee assisted by one member from the Standing Committee for Defence. If one member of the Standing Defence Committee goes as an expert he may also be co-opted and become a member of the Sub-Committee.

As regards the delay in placing these matters before us, the honourable Minister gave us an assurance. But it is not as if all these matters came up for consideration at the same time. This Rs. 116 crores was not placed before him for consideration at one time. From time to time various Departments found the necessity to spend something more and they came up for consideration from time to time. When this Session commenced, why should not the Finance Minister have placed these matters before the Standing Finance Committee? As and when these supplementary Grants come to him, let them be placed piecemeal before the Standing Finance Committee. The Committee made the following suggestion:

"Supplementary Demands for Grants should be placed before the Committee as soon as possible after the presentation of the Budget to the Legislature so as to give the Committee greater time to examine the proposals; such Demands may be placed before the Committee piecemeal if all of them are not ready at the same time."

I will add that after placing those Demands which come up for consideration, piecemeal before the Standing Finance Committee, as and when the Standing Finance Committee dispose of these Demands, they may be placed piecemeal before this House. We met in February or towards the end of January and we go on till the first week of April. Before the 31st March let there be sufficient time for us to consider these Demands also.

Sir, in conclusion, I cannot say that these items for which Demands are made are not necessary. Apart from denying the grant of these Demands, we congratulate the honourable Minister for the successful way in which the police action in Hyderabad has been done. We also expect we will succeed finally and fully in Kashmir, that Kashmir will completely be with us, that the plebiscite will turn completely in our favour. I am whole-heartedly supporting these Demands, though with the observation that in future we must have an opportunity to scrutinise these Demands early enough and that they must be placed before us early in the Budget Session.

Shri B. Das: Sir, I am glad that the Standing Finance Committee had been able to discover the lacuna of irregularity in expenditure by the various

Ministries. Although we have got a national Government, it has not yet settled down to the principle that there should be parliamentary control and parliamentary sanction over expenditure. If our national Government was a democratic Government it would have been ashamed to bring before this House for sanction at the far end of the Session an expenditure which they had illegally incurred, an expenditure of nearly Rs. 116 crores.

Sir, I rose to speak on this Demand because I wish to analyse Demand No. 74 amounting to Rs. 17,61,45,000 where the expenditure took a period of eight or ten months. Such expenditure was not anticipated even in January or February or March 1949. The Kashmir issue arose long ago. In August 1948 this House met, but the Defence Minister never thought it his duty to bring forward supplementary estimates before the House. Sir, the French Parliament has got a very salutary rule. It passed an Act whereby by the law of 10th August 1922, a Minister who incurs expenditure without the endorsement of a Controller is held civilly and criminally responsible. I may add no prosecution of a minister ever took place. Sir, I do hold the Treasury Benches responsible for spending money without the sanction of Parliament. Unfortunately as my honourable friend, Dr. John Matthai has already said that such practice was never observed in India under the former Government, but that happens to be the practice followed by the United Kingdom Government. The money is voted and the Controller of Accounts or whatever the particular designation of the Treasury officer is. I forget at the moment, he sees that the money is spent within the amount of sanction. When more money is required, the Treasury again brings it before the House of Commons and the House of Commons sanctions more expenditure. But this procedure has never been adopted here. Sir, in this way, we are making the institution of Audit a mere farce. The Auditor General has to see that money has been sanctioned by Parliament and money has been spent under the sanction of this House. A sum of Rs. 116 crores has been spent and this House is giving a general approval, and I will also give my sanction to this expenditure, but that creates a state of irregularity due to revolt of the various Ministries against the control of the Finance Ministry and against the treasury control. Let us hope that will be ended from today. Today is the 31st March; we are ending the old year. Let us hope from the next year, whenever any Ministry is going to exceed the amount sanctioned by this Legislature in time, it will go to the Finance Ministry and get their sanction, go to the Standing Finance Committee, get their sanction and get it ratified by this House. I would not like my friends in the Treasury Benches to follow the old, old traditions and make us feel that we are living in an age of bureaucracy and not of democracy. I am grateful to you, Sir, for certain observations that you made that the Committee which is examining the rules of procedure will examine under your chairmanship the whole question of financial control and rules will be so amended that there will be no laxity of treasury control over the various Ministries. Sir, rules as far as they go are all right, but what about practice? I had the opportunity of examining the finances of every Ministry. On going through the statements we find there is extravagance of expenditure in every Ministry, even though the Ministers themselves are supposed to control their respective Ministries.

Mr. Speaker: Order, order. In view of the shortness of time, may I suggest to the honourable Member that he need not dilate on that point. Enough has been said and even acknowledged by the Treasury Benches.

Shri B. Das: Sir, I do hope that the honourable Finance Minister will take us into his confidence and see whether the Government is functioning in

[Shri B. Das]

a democratic spirit without arrogating to themselves executive powers over expenditure and will accept the control of this House over financial sanction of our expenditure.

Pandit Hriday Nath Kunzru: Sir, the three Demands relating to the Defence Services amount to about 39½ crores, which is nearly one third of the expenditure voted by the House last year. I may go further and say that the total amount that we are asked to vote now by way of supplementary Grants is also about one third of the total expenditure voted by us. This shows that the position requires careful consideration both of the Defence Ministry and of the House. We know the reasons that have led to the increased expenditure on Defence. But I want to know whether the Defence Ministry and the Finance Ministry could not have foreseen many months ago that the expenditure would exceed the amount sanctioned by the House. The total amount of money would be spent on the Defence Services would be 100 crores. This would mean that roughly speaking about 13½ crores was spent every month and the whole of the money voted by the House must, therefore, have been very nearly exhausted by the end of December. Why was it then that we were not informed of the matter earlier?

In England the procedure is that every department reviews its expenditure in autumn and if it finds that the expenditure for the whole year is likely to exceed the amount sanctioned by Parliament, it informs the Treasury of the fact. The Treasury then scrutinises the request made for additional funds by the department concerned, and sends up the matter to the Supply Committee of the House of Commons in February and March. I should like to know what is the procedure followed here in regard to the control of expenditure. Does the Finance Ministry satisfy itself and keep itself informed of the trend of the expenditure periodically? If so, what steps does it take to control it and at the same time to keep this House informed of the fact that the expenditure is likely to exceed the budget estimates? I am prepared to grant that however carefully the estimates may be prepared, there will be some difference between the actual expenditure and the Budget Demand but when there is likely to be a large variation between the budget figures of expenditure and the estimated actual expenditure, then I think the matter ought to be placed before us much earlier than is usually done.

Lastly, I should like to know under what authority the Auditor General pays money in excess of that sanctioned by the House? My honourable friend, Mr. B. Das has said that in England the Controller and the Auditor General will not allow any expenditure without the vote of the House of Commons. I myself do not know what the position in England is, but I take it that what my honourable friend Mr. Das has stated is correct. If that is so, are we to conclude that the executive here can by its own authority compel the Auditor General to pay money, not voted by the House or does the Auditor General in order to accommodate the Government himself act in a manner not warranted by the law? If the executive possesses the power to authorise expenditure over and above that sanctioned by the House, then it might as well sanction the whole expenditure itself. It appears from what has happened that the control of the House over the expenditure is illusory. If the executive can by its own fiat compel the Auditor General to pay and if it can by its own decision add 33 per cent. to the expenditure voted by the House, the popular representatives cannot be supposed to have any real control over the finances of the country. If, however, the executive possesses no such control and the Auditor General advanced the money in an accommodating spirit, without the sanction of the law, he is obviously acting illegally. In either case, the matter is a serious

one, and I hope that the Finance Minister will explain the position to us so that we may be able to see whether any steps could be taken in order to tighten the control of this House over expenditure and to ensure that as far as possible, that is barring emergencies, no money is spent without the vote of this House.

The Honourable Dr. John Matthai: Sir, although the issue involved in this Demand is the question of expenditure with reference to the Defence Services, the problem that has been raised is a general problem of wider import. In the first place, I should like to say that I am entirely in agreement with the suggestions put forward by the Deputy-Speaker. The position is, frankly, unsatisfactory. There are two ways in which, I think, we can meet the requirements of the case. In the first place, I think, as soon as the Finance Ministry realises that the actual expenditure is going to exceed the expenditure for which the Legislature has given authority, the Finance Minister ought to inform the Standing Finance Committee. That, I regret to say, was not done; but it is my intention that it ought hereafter to be done. I agree also with the Deputy-Speaker that one way in which the control of the Standing Finance Committee over these matters could be made more effective is by constituting sub-committees which could specialise in the expenditure relating at any rate to the more important spending services. That, as far as the procedure which I propose to follow hereafter is concerned. But, I want to say, what I said earlier today, that for the rather embarrassing situation in which the House has been placed by these formidable Demands being placed on them on the last day of the Financial year, to a large extent the responsibility is mine. Considering the difficulties in which I was placed when I took charge of the Ministry of Finance, at the end of September or early October, when the Government and the country were faced with the very urgent and difficult problems relating to inflation, practically all my time was taken up with the issues arising from those problems. It was only towards the end of the year that I was in a position to apply my mind to these other problems. Therefore, I say to a large extent, the responsibility for the present position, is mine.

As regards the general question which has been raised, there are really two aspects to it. There is, first of all, the question of estimating expenditure for budget purposes. There is, secondly, the question of keeping the Legislature and the Committees of the Legislature informed of the progress of expenditure. With regard to the first question, the year has been a very difficult and exceptional year. If the House will examine the figures relating to the various Supplementary Demands, the House will find that out of a total revenue expenditure of 88 crores, very nearly 75 to 80 crores is accounted for by expenditure of a very special and almost unforeseeable character. The defence services, the question of food subsidies, the question of refugees' relief and rehabilitation and pre-partition liabilities, these between them account for very nearly 75 to 80 crores. I am going to deal with these items later in order to explain to the House what precisely is the difficulty that arose. Now, if you leave these items out, what is left you will find bears a ratio to the estimated budget expenditure of somewhere about five per cent. The Deputy-Speaker was prepared to admit that ten per cent. would be a permissible ratio for discrepancies. If you make allowances for these unforeseeable factors, the margin left is only five per cent. I took the trouble to find out the corresponding discrepancy in the previous years and I found, making allowances for these unforeseeable factors, the estimate has not been too bad.

Of course, the House might ask even with regard to what one calls unforeseeable items of expenditure, "were they really so unforeseeable?" I would like to explain the position with regard to these items of expenditure.

[Dr. John Matthai]

Take, for example, defence. At the time the budget estimates for 1948-49 were framed, I think it is correct to say that the developments which actually occurred in relation to Kashmir, and the developments which occurred in regard to Hyderabad, the greater part of it, could not have been foreseen.

Pandit Hirday Nath Kunzru: Kashmir could have been foreseen.

The Honourable Dr. John Matthai: Not to the fullest extent; that is my point.

Pandit Hirday Nath Kunzru: You were too optimistic; that is clear.

The Honourable Dr. John Matthai: If you take the question of relief and rehabilitation, the question was in a state of flux at the time the budget estimates were framed.

Dr. P. S. Deshmukh: May I raise a point, Sir? I think this justification of unforeseeable character is not of so much consequence. The real question which my honourable friend has asked to which we would like to hear the answer is, how, without the sanction of this House, did the Accountant General or the Auditor General make payments to this extent. That is the crux of the problem. What procedure is there by which the supervision of this House can be more effective? Otherwise, if you can spend 80 crores, you can as well spend 330 crores. That is the question on which we are more interested.

The Honourable Dr. John Matthai: My honourable friend has not correctly sized up the question. There are two sides to the problem. If the budget estimates were fairly correct, the question of unauthorised expenditure would not arise. If the question of unauthorised expenditure actually arose, then the question of procedure also becomes important. First, there is the question of estimating and secondly there is the question of procedure. I am now on the question of estimating. I would ask my honourable friend to be a little more patient.

If you take the question of relief and rehabilitation, at the time of budgeting, in February 1948, I do not think the Government had sufficient data for appreciating the extent to which the expenditure on relief and rehabilitation was likely to develop. A certain amount was foreseeable; but to the fullest extent it was not really possible on the data then available. Take the question of food subsidies; there is an excess of about thirteen crores.

Shri B. K. Sidhva: For the expansion of the Relief and Rehabilitation Ministry, there is an expenditure of 1,45,000. What has come in by way of expansion?

The Honourable Dr. John Matthai: I am explaining the overall position, which my honourable friend has not been following. The overall position is that under Relief and Rehabilitation, we are asking for a supplementary Demand for nine crores in excess of the authorised expenditure.

Shri M. Ananthasayanam Ayyangar: Mr. Sidhva has not noticed Demand No. 73 for rupees nine crores and odd.

The Honourable Dr. John Matthai: We may leave Mr. Sidhva alone for the time being.

Now on food subsidies what has happened is this. We are asking authority for extra expenditure of very nearly 12½ crores. What was done in the budget of 1948-49 was to provide food subsidies for the whole of the calendar year. Therefore into the estimate for 1948-49 the expenditure for nine months only was entered. Why they estimated the expenditure for

a calendar year is a little more than I can explain at present. But that is not the main point. The main point is that it was some time last October when the question of resuming control on food came up it was decided that the amount of subsidy that we gave to provinces should be raised from 2/3rd of the margin between import prices and indigenous prices to 3/4ths. It was also then that we decided that the States also should be given assistance to the extent of 50 per cent. That meant a considerable increase in expenditure which could not be foreseen at the time the budget was estimated.

With regard to pre-partition liabilities that was a matter which was under constant discussion between us and Pakistan Government. The original understanding was that these liabilities would be met currently by the two Governments but that somehow could not be achieved and ultimately a position was reached when we found in respect of most of the services that were rendered to the undivided Government they had to be met by us. It was really the obligation of Pakistan to meet their share of it but since most of these services were rendered to the undivided Government by our people, we felt it would be inflicting hardship on them if we delayed payments. Therefore in their interest we decided to accept the liability ourselves. A certain portion of it will ultimately go to Pakistan. Not that I am suggesting for a moment that the whole of the expenditure was unforeseeable but there was a very large part of it which was unforeseeable.

Now I come to the second question. As soon as the Government realised that expenditure was exceeding the sanctioned amount I admit straightaway it was the business of Government to have brought this to the notice of at least the Standing Finance Committee. That was not done and that was an omission.

Dr. P. S. Deshmukh: They should have got the sanction. Mere information will not do.

The Honourable Dr. John Matthai: It was impossible for us to bring definite proposals before the House because as I explained earlier the precise revised estimates could not be prepared till the beginning of the current financial year. You cannot bring a proposal before the House based on rough approximations.

Shri Mahavir Tyagi: When are they usually prepared every year? Was it an exceptional case this year or every time the difficulty arises?

The Honourable Dr. John Matthai: As a matter of fact the procedure followed this year is exactly the same as has been followed in the past. The reason why the House has been so excited over this matter and quite rightly is because of the scale of Supplementary Demands. That is really what has brought the thing to this pitch but the procedure that has been followed is precisely the procedure that has been followed in previous years. We do not get a clear picture of the revised estimates until somewhere about the middle of February. So I cannot bring definite proposals before February. By February we are right in the thick of the budget. That is really the problem. What is necessary is that the House and the Government and may I say, you, Mr. Speaker, should devise among ourselves some procedure which would make it possible for us to prevent unauthorised expenditure. I am not in a position at present to say what exactly is the procedure that we can follow but some procedure should be adopted which would prevent expenditure of this kind incurred by Executive without authority of the Legislature. That is absolutely essential and I will see to it that some procedure is devised which will make it impossible for a situation of this kind to recur. That is as far as I can carry the matter.

2170 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [31ST MARCH 1949]

Pandit Hirday Nath Kunzru: How does the Auditor General sanction the amount?

Shri R. K. Sidhva: Has he the authority to sanction the expenditure without sanction of this House more than the amount passed in the budgeted items?

The Honourable Dr. John Matthai: Am I to understand that I am asked, to speak for the Auditor General?

Pandit Hirday Nath Kunzru: I want to know whether there is any law authorising the Executive to instruct the Auditor General to make when necessary payments over and above the amounts sanctioned by this House or whether there is any law authorising the Auditor General to sanction the payment of excess expenditure in his discretion?

The Honourable Shri K. Santhanam: May I offer a suggestion?

Pandit Hirday Nath Kunzru: I want a reply from the Finance Minister.

The Honourable Shri K. Santhanam: I am not speaking as the Minister for Transport but I am speaking as a member of this House. I wish only to draw the attention of Pandit Kunzru that making a supplementary Demand does not mean the amounts have been paid. Large amounts are to be paid yet. They are due but not actually paid and the Auditor General comes in only at the time of payment.

Mr. Speaker: The position as I have understood it is this. It is not so much the question as to what amount is yet to be paid. Assuming the amount so paid is one rupee, still the question is how was it paid without the sanction of the House or was it paid in spite of the Auditor General. That is also a position which is not made clear in the questions put. The alternatives are: Either the Auditor General has some authority to pay; if so, what is that authority? Or he has no authority and therefore he has not sanctioned it.

The Honourable Dr. John Matthai: The position is that Government have incurred this expenditure in anticipation of the sanction of the Legislature.

Mr. Speaker: I think the position is quite clear. The subject may be one for comments but not for any further information. So I am placing these Demand before the House. As I have said in the morning, the question of the revision of the rules of procedure is under consideration and some sort of financial procedure will have to be settled and I have already made a reference to this aspect in the suggestions which I have sent to Government. I need not repeat again the same thing.

The question is:

"That a supplementary sum not exceeding Rs. 17,61,45,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Defence Services, Effective—Army'."

The motion was adopted.

Mr. Speaker: The question is:

"That a supplementary sum not exceeding Rs. 20,65,36,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Defence Services, Effective—Supplies and Stores'."

The motion was adopted.

Mr. Speaker: The question is:

"That a supplementary sum not exceeding Rs. 1,14,52,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Defence Services, Non-Effective Charges'."

The motion was adopted.

Mr. Speaker: Shall I now take up Demand No. 41? It relates to External Affairs. I am asking Thakkar Bapa. He wishes to discuss the tribal areas affairs, perhaps.

Shri A. V. Thakkar (Saurashtra): No, Sir, it refers to a different subject altogether.

Mr. Speaker: Then I will take 19 and 40.

Shri Ananthasayanam Ayyangar: May I request you to take up Demand No. 82-A—Pre-Partition Payments?

Mr. Speaker: If I were to do it, it will be for my own convenience.

Shri M. Ananthasayanam Ayyangar: Your convenience is the convenience of the House.

DEMAND NO. 82-A—PRE-PARTITION PAYMENTS

Mr. Speaker: Very well. I shall put 82-A.

Motion is:

"That a sum not exceeding Rs. 20,61,27,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Pre-Partition Payments'."

Shri M. Ananthasayanam Ayyangar: I am trying to take only items which cover large amounts. Just now we have disposed of Defence Services amounting to Rs. 59 crores. These pre-partition payments come to twenty and odd crores. On page 55 of the blue book that has been circulated to us, it is said: "This sum is required to meet expenditure during the current year on pre-partition liabilities initially met by India. Pakistan's share will be added to its partition debt to India." Now, I understand that this will be added to the Rs. 300 odd crores of debt which Pakistan owes to India. The arrangement seems to be that this debt will be paid to India over a period of fifty years in instalments. The property of refugees who have left Pakistan comes to Rs. 100 crores. When is Pakistan going to pay all this debt to us? Why should we add to this liability? Why should we not negotiate with them that at least Pakistan's share of these Rs. 20 crores should be paid to us immediately without adding to the partition debt which is really unfathomable. We paid some time ago Rs. 15½ crores towards their share of the salary that is to be paid to various officers here. We have undertaken to pay all that and hereafter recover the debt in instalments, in dribblets, from Pakistan. When we have undertaken so much liability ourselves, why should we not insist upon Pakistan somehow paying this money in cash? It may not be that all the Rs. 20 odd crores has to be paid by Pakistan. Their share is only 17 or 18 per cent. and will come to rupees five or six crores. Having regard to our deficit Budget, owing to which we have agreed to tax even some of our necessities such as cloth etc., why should we not insist upon cash payment of this rupees five or six crores? That is one aspect.

Secondly, I do not know if final arrangements have been made between ourselves and Pakistan regarding financial matters. If there are still outstanding matters to be settled, this House must be associated with such negotiations. Even with regard to such matters as Sterling Balances, International Monetary Fund, International Bank etc. Members of this Assembly have been associated in the talks. But so far as Pakistan is concerned, although this House has been very greatly agitated over the matter

[Shri M. Ananthasayanam Ayyangar]

and half or even three-quarters of the Question Hour is spent on it, still not one Member of this House has been associated with any of these talks with Pakistan. If any more conversations or talks are to take place between this Government and Pakistan regarding financial matters which are outstanding, I want this Government to give an assurance today that Members of this House from among the Standing Committees associated with each Ministry will be included in the talks. If they relate to Commerce Ministry, members of the Standing Committee attached to Commerce Ministry may be included. If they relate to Finance, members of the Standing Finance Committee may be associated. Otherwise, it will be doing injustice to this House, which alone is competent to put this Government in office and also to vote Grants for expenditure incurred by it. We are rather touchy about the way in which Pakistan is walking away with our dues. So far as these Rs. 20 crores are concerned, it must have been insisted that Pakistan must pay its share of rupees five or six crores in cash. They are not coming to reasonable terms. It is rather unfortunate that our sister Government is adopting such an attitude. Hereafter at least, I want the Finance Minister to give us an assurance, that if there are any further talks carried on on financial matters, he will associate members of the Standing Committees in those talks.

Pandit Thakur Das Bhargava (East Punjab: General): Has it been agreed that this part of the Pakistan's liability will be added on to the debt of Rs. 300 crores?

The Honourable Dr. John Matthai: May I explain? Out of this total of Rs. 20 and odd crores, it is only with regard to the payment of the services to the undivided Government that Pakistan has got to bear a share. This Rs. 20 crores is made up of Rs. 15 crores in payment of services and so on rendered to the old undivided Government. About rupees five crores is really the share of income-tax which we have got to pay to the parts of Bengal and Punjab which are now in India. That rupees five crores cannot be passed on to Pakistan. Therefore, it is only the first item, namely, services rendered to the undivided Government constituting Rs. 15 crores, in respect of which Pakistan has to share. There, their share would be 17½ per cent. Therefore, out of this Rs. 20 crores, it is only rupees three crores or so that the Pakistan Government has to pay. Originally the idea was that this expenditure would be incurred currently by the two governments, but the negotiations were prolonged and we found that the people who were going to suffer by the delay in payments were people in the Dominion of India to whom the payments were due. These rupees three crores are still under discussion but it looks as if it would go into the general debt settlement. What the total of that debt settlement would be we are not yet in a position to determine, but when a question was put to me during question hour a few weeks ago, I gave a rough estimate that it may be of the order of Rs. 300 crores and the payment of it would be spread over a period of 50 years beginning with 1952. That is the position.

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

Pandit Thakur Das Bhargava: However, as it appears that these rupees three crores have not been tacked on to Pakistan's debt to us, it may be just as well to ask the Pakistan Government to pay it in cash.

The Honourable Dr. John Matthai: As a matter of fact, we are making every effort to see that as much of this debt is paid in cash as possible, but if agreement on it is not reached at present, it is difficult for us to proceed. That is why we have come for this sanction.

I think you, Sir, raised another point with regard to the association of non-officials. I do not like to give any categorical assurance on this matter on behalf of the Government. I have no authority for doing so, because Government have not considered it but in view of the statement of the Prime Minister made the other day that the distinction between 'official' and 'non-official' has lost a good deal of its significance under the present set-up, I would like to have a little time for considering this matter.

Shri Mahavir Tyagi: Does that mean that when officials are taken into confidence we may be satisfied that they are as good as non-official members of this House and be content?

The Honourable Dr. John Matthai: In these Inter-Dominion Conferences which have been held so far, India has been represented by Ministers, and the whole question is whether the House is going to make a distinction between them and non-official members of the House.

Shri Mahavir Tyagi: No; but then after the Ministers went there and after they came back after negotiations, they did not take the Members of this House into confidence and tell them what actually happened. That is the complaint.

The Honourable Dr. John Matthai: As far as these Ministries are concerned, whether the matters have been placed before the Standing Committees attached to the various Ministries I am not aware, but I am prepared to look into this question and I will have the matter brought to the notice of the Honourable the Prime Minister.

Mr. Deputy Speaker: The question is:

"That a supplementary sum not exceeding Rs. 20,61,27,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of pre-partition payments."

The motion was adopted.

Mr. Deputy Speaker: The next two Demands are Nos. 19 and 40.

Dr. B. V. Keskar: Could we take up demand 41 also with these?

Mr. Deputy Speaker: The Minister wants that Demand No. 41 be taken up with Demands Nos. 19 and 40.

Shri Lakshminarayan Sahu (Orissa: General): I have no objection.

Mr. Deputy Speaker: I shall then take up Demands Nos. 19, 40 and 41.

DEMAND NO. 19.—MINISTRY OF EXTERNAL AFFAIRS AND COMMONWEALTH RELATIONS

Mr. Deputy Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 12,82,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of External Affairs and Commonwealth Relations'."

DEMAND NO. 40.—TRIBAL AREAS.

Mr. Deputy Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 36,16,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Tribal Areas'."

DEMAND NO. 41.—EXTERNAL AFFAIRS

Mr. Deputy Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 63,85,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'External Affairs'."

श्री लक्ष्मी नारायण साहू : माननीय उप-वाचस्पति जी, मैं पहिले एक्स-टर्नल एफेअर्स और कामनवैल्थ रिलेशन्स के विषय में कहूंगा और फिर पीछे ट्राइबल एरियाज़ के बारे में कहूंगा ।

हम देखते हैं कि हमारा खर्चा एक्सटर्नल एफेअर्स और कामनवैल्थ रिलेशन्स पर बहुत बढ़ जाता है । हम लोग कहते हैं कि हम को आज़ादी मिल गई है इसलिए हम को सब देशों के साथ परिचय और सम्बन्ध होना चाहिये । इस लिए हम सब जगह जल्दी जल्दी एम्बैसेडर और दूसरे आदमियों को भेजते हैं । लेकिन मैं कहता हूँ कि जितने बड़े बड़े देश हैं जैसे अमरीका और इंग्लैण्ड वहाँ से उन देशों के इतने एम्बैसेडर हम लोगों के यहाँ आये हैं या नहीं जिन के साथ हमारा ताल्लुक है । मैं देखता हूँ कि हम लोगों ने बहुत से देशों के साथ सम्बन्ध बना लिया है, उन देशों के साथ भी जिन के साथ सम्बन्ध न रखने से भी काम चल सकता है और हम लोग सुनते थे कि हम लोग जो खर्च करते हैं वह उस स्टैंडर्ड तक नहीं आता है, इसलिये शायद हम लोगों के एम्बैसेडर को तकलीफ होती है । मैं कहना चाहता हूँ कि पहिले तो यह करना चाहिये कि इतनी जल्दी जल्दी सब जगह में एम्बैसेडर नहीं भेजना चाहिये । जहाँ नितान्त जरूरी हो वहाँ भेजना चाहिये, और जो एम्बैसेडर बन कर जाते हैं उन का ख्याल कैसा है यह भी देखना चाहिये । पहिले तो मैं एक किताब की ओर आप का ध्यान दिलाना चाहता हूँ । यूरोप लुक्स एट इंडिया । उस में से दो तीन बातें आप को सुना देना चाहता हूँ । उस से मालूम होगा कि उन की हिन्दुस्तान के बारे में और आप लोगों के बारे में क्या धारणा चली आती है । कुछ बदली होगी पर फिर भी कुछ कुछ वही भावना चली आती है । यह तो हम बार बार सुना करते थे कि ब्रिटिश एम्पायर में सूरज कभी नहीं डूबता । अभी तो ब्रिटिश एम्पायर सैट हो गया है । हम देखते हैं कि यूरोप के बड़े बड़े आदमियों का ख्याल हम लोगों की तरफ कैसा था । एवोडुबाएस लिखता है "Caste Hindu is a thief and a casteless Hindu is a rogue" और हैंगल जो कि इतने बड़े दार्शनिक थे वह लिखते हैं "Instead of morality and rational thinking, India is a prey to superstitious beliefs and magic practices", मैं कहना चाहता हूँ कि हम लोगों के जो एम्बैसेडर होकर जाते हैं उन को भी ऐसा ख्याल है कि जो हमारा देश है वह बहुत नीचे गिरा हुआ है । मैं इसीलिए चाहता हूँ कि हम लोगों का जो एम्बैसेडर होकर जाय उस का ख्याल इस तरह का होना चाहिए कि जो इस देश का दर्शन है उसी के अनुसार वह

वहाँ व्यवहार करें । उन को ऐसा बरताव करना चाहिए कि दूसरे देश वालों को इंडिया की चीज़ें समझ में आवें । हम तो अभी देखते हैं कि जितने आदमी जाते हैं वह यह देखते हैं कि किस तरह हमारा स्टैंडर्ड यूरोपियनों के माफ़िक होगा और कहते हैं कि हम स्टैंडर्ड पर नहीं आ पाये हैं । इसलिये हमारा खर्च बढ़ जाता है । हम देखते हैं कि हमने जितने एम्बैसेडर भेजे हैं उन पर रुपया बहुत खर्च हुआ है, लेकिन हम नहीं जानते कि उन्होंने क्या काम किया है । जो रिपोर्ट एक्सटर्नल एफेअर्स और कामनवैल्थ रिलेशन्स विभाग की तरफ से मिली है उस से पता नहीं चलता कि उनका क्या अचीवमेंट है । हम यह सुनते हैं कि फ़ैशनेबिल रहने के लिये पैसा ज्यादा नहीं होता है और शायद बहुत फ़ैशनेबिल होने के लिए ज्यादा पैसा मांगते हैं । वह हवाई जहाज़ों में उड़ते हैं और उड़डोयमान् जीव बन गये हैं । हम तो कहते हैं कि हम को स्वराज्य मिल गया है और हम इंडिपेंडेंट हो गये हैं, लेकिन मैंने एक दफ़ा पहिले भी कहा था और फिर भी कहता हूँ कि अभी हमारे टाक्स चल रहे हैं कि हम ब्रिटिश कामन वैल्थ में रहें या न रहे । हम देखते हैं कि साउथ अफ्रीका हमारे साथ क्या बरताव कर रहा है । आस्ट्रेलिया, यू० एस० ए०, कनाडा में हम लोगों के साथ वह बरताव नहीं किया जाता जो कि आदमी को आदमी के साथ करना चाहिये । यह जो एम्बैसेडर जाते हैं वह कैसे काम करते हैं यह हम लोगों को जानना चाहिये । हम को यह बात अच्छी नहीं लगती कि हमारे जो एम्बैसेडर वहाँ जायें वह भी इसलिये दारू पियें कि दूसरे देशों के लोगों के साथ ऐसा किये बिना ठीक काम नहीं चल सकता है । हम लोगों का दर्शन क्या है यह सब आदमियों को वहाँ बताना चाहिये । एक्सटर्नल एफेअर्स विभाग की यह पालिसी होनी चाहिये कि वह दूसरे देशों को बताये कि इंडिया का ख्याल क्या है । हम लोगों को सैल्फडिल्यूजन हो गया है और हम समझते हैं कि दूसरे देश कितने अच्छे हैं और हम कितने नीचे हैं । मैं टाल्सटाय से आप को यह सुनाना चाहता हूँ । उन्होंने सन् १९०७ में सी० आर० दास को एक चिट्ठी में लिखा था

"It strikes me particularly in India that here is a physically and mentally highly gifted nation of 200 million inhabitants under the yoke of a small circle of complete strangers who from the point of view of morality and religion, are immeasurably inferior to those they have conquered."

तो मेरा कहना यह है कि जितना रुपया मांगा जाता है और जो भिन्न भिन्न देशों में सम्बन्ध स्थापित करने के लिये मांगा जाता है, उस के लिये हम मना नहीं करते, लेकिन हम को देखना चाहिये कि हमारे देश

[श्री लक्ष्मी नारायण साहू]

का जो स्टैंडर्ड आफ मारेलिटी है वह हमारे प्रतिनिधि बाहर जाकर दिखलाते हैं या नहीं। जब तक यह नहीं होगा तब तक हम लोगों का बड़ा अपमान होगा। अब तक लंडन हाई कमिश्नर के यहां यूरोपियन आफिसर्स हैं। उन को जल्दी से जल्दी हटा देना चाहिये। यहां जितने आदमी दूसरे देशों से आते हैं वह अपने देशों से आदमी लाते हैं। यहां के आदमी वह नहीं लेते हैं। तो हम क्यों उन को वहां रखें। उन को हटा देना चाहिये। इस के बारे में बहस भी हो गई है।

हम लोगों का इन्डियन कल्चर है, तो जो हमारे बड़े बड़े आदमी योरोप और बड़े बड़े देशों में हैं उन को यह चाहिये कि वह हमारे इन्डियन कल्चर को बढ़ायें और इस के लिये वे ठीक रास्ता दूसरों को दिखायें। जैसे हमारे गांधी बाबा ने लंगोटी पहन कर हमारे कल्चर को बढ़ाया तो उस में उन का मान नहीं घटता। इसी तरह से हमारे रामानुज और 4 P.M. परमहंस ने भी अपना दर्शन दिलाया। विदेशों में जाकर हमारे इस कल्चर को बढ़ाना चाहिये। हम लोगों ने विदेशों में जाकर वहां का कल्चर ग्रहण किया और अपने कल्चर को खो बैठे।

दूसरी बात जो मैं यह कहना चाहता हूं वह यह कि हमारे देश से बहुत से डेलीगेशन बाहर के मुल्कों में जाते हैं। हर मिनिस्ट्री से अलग अलग डेलीगेशन दूसरे देशों को जाते हैं तो मैं यह चाहता हूं कि एक्सटर्नल डिपार्टमेंट को यह चाहिये कि वह उन के बीच में एक योग-सूत्र हो। उन लोगों को एक ही प्रकार की हिदायत मिलनी चाहिये ताकि वह दूसरे देशों में जाकर हमारे देश की भलाई करें और श्रद्धा के साथ हमारे देश के बारे में बतलायें। यहां से वह एक ही साथ जाते हैं मगर वहां उन का आपस में ही परिचय नहीं होता है। तो इस बात की तरफ जरा ख्याल रखना चाहिये।

इस के बाद मैं ट्राइबल एरिया के बारे में कहना चाहता हूं। जहां तक ट्राइबल एरिया का सम्बन्ध है, आसाम की ट्राइबल एरिया है आबोर, नागा और लुशाई की ट्राइबल एरिया है, नाथ ईस्ट फ्रॉंटियर की जो ट्राइबल एरिया है उन के लिये हम कुछ पैसा रखते हैं। लेकिन उन लोगों की अच्छी तरह से सहायता करने के लिये, उन लोगों को साइकौलोजिकली यह मालूम हो जाय कि हमारे बारे में सब तरह का खयाल करते हैं हम लोगों को वहां पर जाना चाहिये। हमारे यहां से दूसरे देशों के लिये पार्लियामेन्टरी डेलीगेशन जाते हैं और वहां की बातें सीख कर ले

आते हैं। मगर हमारे जो ट्राइबल एरिया के लोग हैं, जो एबोरजिनल ट्राइबल एरिया है वहां पर अगर हम अपने पार्लियामेन्टरी डेलीगेशन भेजेंगे तो इससे हम लोगों को बहुत फायदा होगा। जो हम खर्चा करते हैं उन लोगों के लिये उसके बारे में भी हम को मालूम हो जायेगा और बहुत अच्छा सुधार हम देख कर कर सकेंगे। इस हाउस के मੈम्बरों को भी उनकी हालत के बारे में काफ़ी ज्ञान हो जायेगा। मैं यह चाहता हूं कि वहां पर जो ट्राइबल एरिया को जो एडमिनिस्ट्रेशन आफिसर हैं उस को वहां पर जाना चाहिये ताकि उन लोगों को यह ख्याल तो हो कि हमारी खर्चाल के लिये अफसर आते हैं।

ब्रिटिश गवर्नमेंट के जमाने में जनता की ओर से किसी को जाने की वहां पर इजाजत नहीं थी। मिशनरी लोग वहां पर प्रचार के लिये जाया करते थे। जब हमारी अपनी सरकार हो गई है हमारा ख्याल वहां पर जाना लाजिमी है। अब हमारी सरकार को चाहिये कि वहां पर प्राइमरी एजुकेशन देना चाहिये और उन लोगों के लिये मैडीकल सहायता भी पहुंचानी चाहिये।

हिल टोप्स में जहां पर एबोरजिनल ट्राइबल रहा करते हैं तो मुझे वहां के लोगों से मालूम हुआ कि योरोपियनों से मिलकर वहां के लोगों को सिफलिस हो गई है और यह बीमारी करीब ६० और ६५ फ्री सदी लोगों को घायल कर चुकी है। तो मैं यह चाहता हूं कि उनको मैडीकल सहायता देने के लिये हर प्रकार की कोशिश करनी चाहिये।

एक बात मैं और कहना चाहता हूं और वह यह है कि जो ईस्टर्न फ्रॉंटियर के ट्राइबल के आदमी हैं, नागा, लुशाई वगैरा जो सब हैं और जो वेस्टर्न फ्रॉंटियर के ट्राइबल हैं, और पहाड़ में दूसरी जगह में जो tribes हैं, उन के लिये अलग अलग Heading रखना अच्छा नहीं मालूम होता है। यह तो सब ट्राइबल हैं। जैसा कि अभी उड़ीसा में हो गया है कि वहां पर जो उड़ीसा की स्टेट्स थी वह और आगे का उड़ीसा उन सब को मिला कर करीब ३५ लाख एबोरजिनल हैं। वहां पर जो बैकवर्ड हरिजन हैं.....

Mr. Deputy-Speaker: So far as the supplementary Demands are concerned the scope for discussion is very limited. Under each demand if an expenditure has been incurred for a particular purpose, the honourable Member can only refer to the excess or abnormal expenditure relating to that item. He cannot go over the general question as to how the tribal area is to be improved, etc. That should have been done under the General Budget. No matter of policy can be raised now, unless the items relate to a new subject or service which

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was not contemplated in the old budget. If it is a case of an old service he cannot dilate upon the policy of that old service. This is mainly the cost of 20 additional platoons of Assam Rifles raised during the year.

श्री लक्ष्मी नारायण साहू : मेरे कहने का मतलब यह है कि यह जो अलग

ट्राइबल एरिया के बारे में हेडिंग्स (headings) हैं वह नहीं होना चाहिये। सब आदिवासी tribal हैं इतना कह कर मैं सप्लीमेंट्री ग्रान्ट्स जो हैं उस को मंजूर करता हूँ।

(English translation of the above speech)

Shri Lakshminarayan Sahu: Sir, I shall speak in the first instance about the External Affairs and Commonwealth Relations and then about the Tribal Areas.

We notice that our expenditure over the External Affairs and Commonwealth Relations has gone up a great deal. We say since we have got freedom we should form contacts and relations with all countries. Hence, we make haste in sending ambassadors and other persons everywhere. But I ask have such big countries as America and England, with which we have relations, sent similar number of ambassadors here? I find that we have formed connections with several countries, even with those with whom we need not have had them and might easily do without. We used to hear that the expenditure made by us did not reach up to the requisite standard and that our ambassadors felt handicapped on that account. I want to say that in the first instance we should not be so hasty in sending ambassadors everywhere. We should send them only where it is indispensable and we must also see what views are held by persons who go out as ambassadors. I should, in the first instance, like to draw your attention to the book 'Europe looks at India'. I should like to relate a few things out of it to you. That would show what impression they are carrying about India and about you people. It might have changed a bit but still it continues to be somewhat similar. We used to hear it again and again that the sun never sets in the British Empire but the British Empire itself has gone down now. We see what opinion was held about us by the big ones in Europe. Abbe Dubois writes "Caste Hindu is a thief and a casteless Hindu is a rogue". And, Hegel, who was such a great philosopher, writes, "Instead of morality and rational thinking, India is a prey to superstitious beliefs and magic practices." I want to ask whether those persons who go out as our ambassadors also have the idea that this country of ours is gone down to such low depths. That is why I want that the mental outlook of the person who goes out as our ambassador should be such that he might conduct himself there in consonance with this country's philosophy. They should behave in such a manner that people in other countries might understand India's attributes. At present we find that whatever people go out have a tendency to see by what means their standard might reach up to that of the Europeans. And, they say they have not been able to come up to that standard. That is why our expenditure mounts up. We see that we have had to spend a great deal on the ambassadors that we have sent out already, but we do not know what work they have done. The reports we have received from the External Affairs and Commonwealth Relations Department do not give any indication what their achievement is. We hear that they have not enough money to enable them to lead a fashionable life and that possibly they demand more money so as to be able to live more fashionably. They fly in airplanes and have become flying creatures. We say we have achieved *Swarajya* and that we have become independent, but, as I have remarked once before and would say again, we are still having talks as to whether we should or should not remain in the British Commonwealth. We see what treatment is being meted out to us by South Africa. In Australia, U.S.A. and Canada we are not ac-

corded the kind of treatment that a man should accord to man. We people should know in what manner do these ambassadors work. It does not appeal to us that our ambassadors should drink simply because they cannot pull on properly with the other people unless they do so. They all must show there what is the philosophy that we stand for. The External Affairs Department should have the policy to bring home to other countries the idea that India stands for. We people have come to suffer from a self-delusion so that we think how very superior other countries are while how low we are. I want to read out to you a passage by Tolstoy which he wrote in the course of a letter to C. R. Das in 1907:

"It strikes me particularly in India that here is a physically and mentally highly gifted nation of 200 million inhabitants under the yoke of a small circle of complete strangers who from the point of view of morality and religion, are immeasurably inferior to those they have conquered."

What I want to convey is this that we would not refuse the grants that are demanded—the grants demanded for the sake of establishing liaison agencies in the various countries—but we must see to it whether or not our representatives out there present a true picture of this country's standard of morality. Until that is done we people would be exposed to indignity. To this day there are European Officers employed in the office of our High Commissioner in London. They must be removed as early as possible. Whatever people come here from other countries bring with them men from their own countries. They do not take people from here. Why should, then, we keep them there? They should be removed. There has been a discussion too on that point.

We people have our Indian culture and hence, it is incumbent upon the eminent people we have in Europe and in other big countries to advance that culture and show the proper way in that direction to others. Our Gandhi Baba wore a loin cloth yet, with all that, he advanced our culture, without incurring any ignominy thereby. In the same way, our Ramanuja and our Parnahansa also propagated our philosophy. When we go to foreign countries we must propagate our culture there. We people went to foreign lands and imbibed their culture losing our own.

Another thing that I want to mention is this that a number of delegations proceed from our country to foreign countries. Separate delegations go to other countries from the various Ministries. I want that the External Affairs Department should serve as a link between them. All those people must receive the same kind of instructions so that on going to other countries they might be able to do good to our own and to talk about it with reverence in the presence of others. They sometimes proceed together from here but there they do not even get introduced amongst themselves. This is, therefore, a matter to be attended to.

Now, I want to speak about the tribal areas. As for the tribal areas, such as those of Assam, i.e., the Abor, Naga and Lushai tribal areas and the north-east frontier tribal area, we set apart some money for them. But, with a view to help those people properly and to bring it home to them psychologically that we have every kind of regard for them, we people should go there. Parliamentary delegations do go out from here to other countries and come back after learning their ways. We should, however, gain a lot by sending our parliamentary delegations to our people living in the tribal areas—the tribal areas inhabited by the aborigines. We would also come to know about the expenditure which we incur over those people and having seen it we should be in a position to make good improvements. Moreover, the members of this House would also come to have good knowledge about their condition. I want that the Administration Officer for the tribal area should go there so that they might at least have a feeling that officers come to look after them.

[Shri Lakshminarayan Sahu]

During the British regime nobody from amongst the public was permitted to go there. Missionaries went there for propagation of their faith. Now that we have come to have our own Government it is essential that we turn our attention to that side. Our Government should now provide for their primary education as also for medical aid to them.

I have learnt it from people living on hill tops inhabited by aboriginal tribes that the people there have got infected with syphilis as a result of contact with Europeans and that about 60 to 65 per cent of them have fallen a prey to this disease. I would like that no efforts be spared to render them medical aid.

There is one thing more that I wish to say. It does not look proper to have separate headings for the tribal people of the eastern frontier, such as the Naga, Lushai etc., and those on the western frontier and other tribes living in other places, on the hills. They are all tribal people. This is what has been done in Orissa recently. There are about 35 lakh aboriginals altogether in the Orissa States and the former province of Orissa. The backward Harijans there.....

Mr. Deputy Speaker: So far as the supplementary Demands are concerned the scope for discussion is very limited. Under each demand if an expenditure has been incurred for a particular purpose, the honourable Member can only refer to the excess or abnormal expenditure relating to that item. He cannot go over the general question as to how the tribal area is to be improved, etc. That should have been done under the General Budget. No matter of policy can be raised now, unless the items relate to a new subject or service which was not contemplated in the old budget. If it is a case of an old service he cannot dilate upon the policy of that old service. This is mainly the cost of 20 additional platoons of Assam Rifles raised during the year.

Shri Lakshminarayan Sahu: What I want to say is that there should not be a separate heading about these tribal areas. All Adibasis (Aboriginals) are tribal. Having said that I concede the supplementary grants.

Srijut Kuladhar Chaliha: Sir, the main thing is that Rs. 36.16.000 is demanded mainly for the cost of the twenty additional platoons of Assam Rifles, raised during the year, special expenditure on air-lift at Agartala, grant of army scales of rations to the personnel of the Assam Rifles and the non-realisation of the lump sum for economy. The increase in Assam Rifles was known very long ago. It was not a sudden expenditure. This sum could have been provided for in the ordinary budget. You decided to increase the platoons of the Assam Rifles as far back as two years ago and it was approved. I do not understand why it should come here all of a sudden at the fag end of the year. Such expenditure could have been very easily provided for and could have been brought before the House six months ago. As such under ordinary circumstances we should have refused this expenditure. However under the extraordinary circumstances now we will have to approve of the expenditure, more so because the Finance Minister puts things in such an attractive way that you cannot oppose him. He disarms all opposition by the manner in which he puts things before us. If I want to oppose him I find it difficult for I feel that by the manner he puts them his arguments are right and mine are wrong. All the same we should be very careful in granting expenditure of this sort which was known for months before. As soon as Burma became independent it became necessary that the Assam Rifles should be increased. As such I do not see any reason why this should be brought in as a supplementary Demand for Grant. I trust that this will not be done in future so that the Finance Minister may not be put in an awkward position as he has been put during the whole of today.

Shri M. Tirumala Rao: Sir, I do not want to make a speech but rise only on a point of information. There seems to be a sort of sense of proportion observed by the External Affairs Department in exceeding the original Grant. They have taken 12 lakhs which is 1/3 of 36 lakhs. And for the External Affairs Department they have taken 63 lakhs from an original grant of two crores. I would like to have a little explanation regarding postage, telegrams and telephone charges, which come to Rs. 7,40,000. I am quite conscious that the External Affairs Department's activities have extended all over the globe in both the hemispheres. Still I am afraid they seem to have suspended the ordinary communication through post offices and air mail and all communications seem to have been carried on by telephone or telegraph. Otherwise this item would not have bloated to the extent of 7,40,000, unless the world is in a state of great difficulty, turmoil or war, when ordinary means of communication should be suspended and communication should be carried on through some code on the telephone or telegraph. This item needs some explanation.

With regard to "other charges". This is an invisible and inexplicable item which consumes a large portion of the budget.

Again I find under Prime Minister's Secretariat Rs. 48,700 towards pay of officers, Rs. 40,600 towards pay of establishments and Rs. 83,200 under other charges. I would like that some light is thrown on this matter also either by the Finance Minister or by the Deputy Minister.

With regard to Demand No. 41 my difficulty is enhanced there. On page 30 you find Other Charges Rs. 8,98,100. Other Expenses Rs. 6,17,500, and under item K. 3 Other Charges Rs. 7,21,500 etc. The Other Charges come nearly to Rs. 40 to 50 lakhs. We should like to see hereafter when they give these explanations at the foot of every Demand that some more light is thrown so that we need not take up the time of the House in asking these questions.

Shri A. V. Thakkar: Sir, when this booklet was placed in our hands I was under the impression that there has been some mistake in putting the terms "Supplementary Grants" as its title. Supplementary Grants are generally put before the House in the middle of the year whenever found necessary. But now that the matter has been fully explained by the honourable Finance Minister I do not wish to go into it.

Coming to the subject of External Affairs the excess under this one head has been over 30 per cent and not five per cent, as the Finance Minister explained, with regard to all other matters except Defence and Relief and Rehabilitation. It means that we are going rather fast in the matter of opening Embassies and Legations and High Commissioners' offices and all that. We should go slow. We are a poor country after all and we have not got enough money for self-development yet. We are not yet able to develop internally. Before we expand internationally let us expand nationally and do something towards our backward communities who number not less than 30 per cent of the total population of the country.

Shri Mahavir Tyagi: Sir, I am afraid I shall not be able to add much to the debate, but I want to impress upon the Deputy Minister for Foreign Affairs that taking account of all that we have achieved in foreign countries it looks to me quite admirable that we have won over to our side the press of foreign countries—the British press and also some of the important American press. But barring this paper sympathy—the sympathy of the press—I do not know whether we have achieved anything very concrete. In foreign relations the most important thing is security against war and making allies and friends with foreign countries; and one most important thing, with which we

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Shri Mahavir Tyagi: Sir, I am afraid I shall not be able to add much to the debate, but I want to impress upon the Deputy Minister for Foreign Affairs that taking account of all that we have achieved in foreign countries it looks to me quite admirable that we have won over to our side the press of foreign countries—the British press and also some of the important American press. But barring this paper sympathy—the sympathy of the press—I do not know whether we have achieved anything very concrete. In foreign relations the most important thing is security against war and making allies and friends with foreign countries; and one most important thing, with which we

[Shri Mahavir Tyagi]

come in contact in our day to day life, is our trade and commercial relations; and the third is the question of the security of our nationals outside. As far as the last thing is concerned I hope our Deputy Minister will agree that we have not had a very fair weather last year. Wherever there were Indians, after we got freedom, they were not happy. They were happy about us but not happy about themselves. So long as the British were here perhaps they had more sanctions, and perhaps on account of the fear of the British power our nationals were more secure. Does our honourable Minister realise that either unfortunate circumstances have happened or there were circumstances beyond our control that our nationals, everywhere practically, are in grief today except perhaps in England, about which I do not know, there our students and others might be happy. But in Africa, in Malaya, in Burma, in Ceylone, in the east, west and in the centre—no good news comes from any country. It is ultimately your responsibility to see that our kith and kin who are outside are happy. I submit they are not. I therefore want to bring on record and to bear on your mind the fact that your prime responsibility is to bring security and happiness to them. Our leadership and our country being known as the leader of Asia and the world does not help us a long way. It is only the strength of arm at home that will sustain us. It is all right the press talking 'India leads'. In what matter are you leading? Are you leading the nations even in bringing about peace? We are not. I am afraid. We do not count. Even in U.N.O. and at other places, wherever there came a case for voting, most of the countries where we had emissaries, Consuls-general and others never cared for our representations and they went their own way and on many occasions—and important ones—we also got defeats. So I address myself what have we done. I can understand and appreciate the idea of our becoming a leader of the world. But how does the leadership help us? We are not a fighting country. We are not a big Power like Britain or America. We are not aspiring even to balance other Powers. We have no race prejudice and we are not an Imperialist country. We have no aims on foreign countries. What does it matter to us whether those countries fight or they do not, except so far as our security is concerned which we must at all cost, secure. Otherwise, in their matters, why should we dabble? Our policy too is not very clear. To you, it is clear all right, because your relations are "diplomatic", therefore, you express yourselves in a diplomatic language. I can understand it, but the layman in this country must also know as to what your foreign policy is, we are members of the Commonwealth. It is all right that we are. But at the same time we are claiming everyday that we are neither on this bloc nor on that,—we are in the middle. Then again there is the talk of our co-operating with the British forces to fight together the Communist menace in the East and so many other things in the Press. We do not exactly know how our foreign relations stand. We have had no military alliances with anybody—not one so far. So what is there which our representatives are doing outside except propaganda? I assure you propaganda does help us but only when there is war. In peace time propaganda does not help so much as our actual existence at home helps us. In the matter of trade we have had our adverse balances. We have to pay and export and go on exporting so that we shall have nothing left with us. We have to export and also go on importing with our adverse balance of trade. In these circumstances I should submit that we must go slow.

We had quite a lot of pleasure because we had all the Asiatic countries here. But what could they do to us; I am not yet fully appreciative of our so called leadership especially in Asia, leaving apart the world. All the Asiatic countries came here. Did they agree to stand by us in time of peril? Are they going to be with us together? Are we really a Power in India? Can

they stand by us with big forces? When time comes, they will form their own independent alliances and we shall be left to our own resources. I submit that all these Conferences and other activities are all right when we are strong. The papers give us a good name and the British and American people and others talk well of us. But actually speaking it does not help us much. I do not want to take more time of the House. I only wanted to point out that with such Conferences we are not yet in a position to have the aspired leadership. Let us not hanker for a bigger leadership than what we deserve. The leadership will come to us; it will thrust itself on us if we are just strong enough to shoulder that leadership. So I would ask you and through you our honourable Prime Minister not to go much after foreign countries but to look more about Indian affairs at home. There was a suggestion which he made once and I would ask you, Sir, to remind him about that. He once thought of giving External Affairs to some other Minister—I do not know how—but he wanted to have these two namely External Affairs portfolio and the Prime Minister's portfolio separated.

Mr. Deputy Speaker: I am afraid all these matters do not arise on this supplementary Demand. They are general matters of policy.

Shri Mahavir Tyagi: All right, Sir.

So, I submit that more staff has been added in the External Affairs Ministry. It would have been better if this portfolio were separated so that this staff.....

Mr. Deputy Speaker: The staff will increase if the portfolios are separated.

Dr. P. S. Deshmukh: He is complaining that though the staff has increased the portfolios are not separated.

Shri Mahavir Tyagi: With regard to this Demand No. 41, there was nothing extraordinary which had happened. I could understand the Finance Minister if there were unforeseen circumstances and needs had cropped up, but in foreign countries no extraordinary needs cropped up. Why did we not envisage the expenditure of Rs. 63 lakhs at the beginning of the year? Enough care has not been taken at the time of annual budget, even in this Department which belongs to the honourable the Prime Minister. Even his secretariat has not been quite accurate in giving him approximate estimates. It would have been better if we did just as they do in England. They prepare their supplementary estimates in the month of July and envisage the extra expenditure to be incurred in each Department. In my Province of U.P. the supplementary Demands are passed first; they are prepared, circulated and discussed before the budget is introduced. The Provinces are doing much better that way. So, I would suggest that the honourable the Finance Minister may really look into the question of changing the present rules whereby the extra expenditure comes up for sanction after the Budget has been passed.

I went to the Library to find out what the rules and regulations were about the framing of the Budget. I was given a pamphlet of three or four pages, but I could not get any Budget Manual. In the Provincial Assembly libraries, for instance in U.P., there is a big Budget Manual wherein it is mentioned on which dates the Secretaries are required to submit their extra demands, when it will reach the Finance Ministry, how the budget is to be prepared etc. There are clear regulations. I do not know if there are any here—if there are any, at least they were not available in the Library. If there are any, I would like to look into them and suggest what best can, in my opinion, be done. But from all the sides the House has supported the Demand made by my friend Mr. Das that these supplementary Demands must come in advance and nothing should be spent without the sanction of the House.

One more point, Sir, and I have finished. In Pakistan they have made a rule with regard to all those Government servants who got lifts from lower to higher grades because of foreigners going out and Hindus coming this way.

[Shri Mahavir Tyagi]

The rule is that one will get either his original basic pay which he was getting before freedom, plus 33 per cent, or the pay of the higher grade, whichever is less. This is the rule applied there. If Pakistan can apply that rule, we, being equally sovereign, can also apply it here. We have instances here where people, within these two years or so, have got double the pay. One getting Rs. 800 before is now getting Rs. 2,000. There is no limit to this. I must submit that if the public is to be satisfied on the question of expenditure in the Secretariat, there must be some such rules formulated whereby we can regulate as to how much a man can get extra within two years. A man's pay should not be suddenly doubled or made 300 or 400 per cent more. After all, there should be a limit to a man's rise, and if the man rises within two years to his highest limit, he will have no incentive to work for a better future. Therefore, I submit some such rules should be formulated and according to them our expenditure in service and in the Secretariat must be controlled. The same rule should apply to the services in the Foreign Affairs Ministry.

Shri Biswanath Das (Orissa: General): Sir, I do not agree with my honourable friend who has just spoken that ours is a small country. I do feel that ours is a great country. Our reputation is great and internationally we have achieved today in its short span of 1½ years what other countries have not been able to achieve in course of decades. But even a great country has its limitations and I agree with Thakkar Bapa in believing that we do need more bread than international reputation. It is in this view of the question that I would survey as briefly as possible the external policy with regard to these grants. Of course, in the course of our discussions today we very much miss the honourable the Prime Minister; we could have given impressions to him as to the feelings of the honourable Members of this House. But I have no hesitation to say that the Deputy Minister will please convey the feelings of this House.

Sir, in the course of an interpellation this morning, my honourable friend the Deputy Minister, on behalf of Government, admitted that even Ambassadors and Consuls have not been getting the necessary money needed by them. In the note that was circulated by the Defence Ministry a point has been made that they have not been able to supply the necessary military attaches to our Embassies. A new country like ours, if it has to get international reputation, will have to depend for that reputation more on the way in which we are able to defend ourselves. However philosophically big or great India may be, in the ways of modern warfare she is a pygmy before the giants. That being the position, military attaches should be posted in important countries like America and England. Of course, I certainly do not contemplate countries which have got iron curtains around them. But those countries in which we could have a peep as to the organisation or the resources or developments effected in the country, to those countries it will certainly be useful if we attach a military attache to our Embassies. But the note circulated by the Defence Department goes to show that even in important embassies, they have not been able to appoint trade attaches. My honourable friend the Commerce Minister seems to have a rival organization of his own in having a Trades General or a Trade Commissioner? The whole external policy looked from the point of finance—I am leaving diplomatic relations—seems to lay more stress on the question of quantity as against quality. Sir, I feel that that is a wrong policy and that policy needs mending. We are great and we are bound to be great. The future of the world rests with China and India. That being the position, we will have to prepare ourselves. I can see that position, but along with our preparation, we must have to proceed cautiously, keeping in view the security of the country and the needs of the country more than anything else.

Sir, having stated so far about the needs, I will go to the question of expansion of embassies. During the last one year, there has been expansion of embassies both in Europe and in America as also in countries of the Middle East and Near East. Sir, Europe is a country of small distances. I see no reason why we should have so many embassies in small countries like the Baltic States and also in small countries like Switzerland and Czechoslovakia. Cannot we apply the same principle that has been applied by the Commerce Ministry, namely, to have one man to take charge of the different small consulates? If not you may start consuls and.....

Shri H. V. Kamath: On a point of correction, may I say that we have no embassies in the Baltic States?

Shri Biswanath Das: Yes, Sir. The Scandinavian countries.

Shri H. V. Kamath: It is not a Baltic State.

Shri Biswanath Das: It borders the Baltic Sea. You may call it the Scandinavian countries. It matters very little. I know and no correction is needed. Sir, in this view of the question, I feel that a general embassy or in one or two places in Europe and small consulates in different and small countries ought to suffice. The same applies equally well to America. We have opened an embassy in Argentina. How are we benefited? In the United Nations Committees every time the Argentine delegates speak and vote against us. Then look at the Middle East countries. We have got embassies in about two or three places. Why should you have in a small country like Persia consuls or agents in three different places besides an embassy? These are expensive matters; and I think a country which is struggling for its own existence and which has to stabilize its own independence has to go slow. I would, therefore, cry, not halt, I would not say, but I would certainly called to go "slow" and in this view of the question, I would appeal to my honourable friend the Finance Minister to exercise his good offices to prevail with the honourable the Prime Minister.

Having stated so far about general embassies and small attaches, I come to the question of the sort of co-ordination between the Department of Commerce and the Department of External Relations. What is the sort of co-ordination you are having? Are you going to have layer upon layers? The Commerce Department will have a layer of its own with its Trade Agents and the External Affairs Department have another layer, sometimes having co-ordination with the other and sometimes "not". These are bound to be costly experiments and I think it will end in dissipation of much of our money and energy.

I would therefore beg of the honourable the Prime Minister to keep in his view the need not only of slow going, but also insisting upon a thorough co-ordination wherever possible. Let us train up a set of diplomats and along with it also a set of commercial attaches to work in the very embassy which we start in a State, so that.....

The Honourable Shri K. C. Neogy (Minister of Commerce): That is exactly what the present position is.

Shri Biswanath Das: Well, if that is exactly the present position, why then are you having a separate establishment for yourself, as the Trades General or Trades Commissioner in Europe? That does not explain the matter but creates enough puzzle for us.

We say that we have got our freedom from England, but are we really having our freedom? What is your expense in Britain? The annual bill that

[Shri Biswanath Das]

the High Commissioner has placed before you is about 50 or 55 lakhs. You are today having the whole Purchase Organization in Great Britain. I would reason with the External Relations Department to have the office shifted from England to India. Let this Purchase Organization's work be done here.

Shri M. Tirumala Rao: Do you mean that the High Commissioner's office should be abolished? What do you mean by shifting the office from England to India?

Shri Biswanath Das: If my honourable friend had followed me in full or had patience to hear me, he would not have come to this puzzle. I have never stated that the High Commissioner's office should be shifted from England to India. What I did say and continue to say is that the Purchase Mission that is located in England should be shifted to India. How they would benefit us? That freedom must be real and that freedom must be insisted. Why should the Purchasing Mission be located in England? If any British firm wants to supply us, let it apply; let us advertise and get so long as we want to purchase from England or any other country.

Having stated so far about the Purchasing Mission in England, I come to our embassy in Russia. Sir, we have given the best possible house. We have placed the Travancore House at the disposal of the Russian Embassy, but are we getting a part of the conveniences that we afford to the Russian Embassy? What is the great State of U.S.S.R. doing for us? Sir, our Embassy is put to the greatest and gravest inconvenience of having merely a few flats till recently but nothing compared with the accommodation that we have given to U.S.S.R. I think if diplomatic relations have to be kept up, each State should give corresponding conveniences to the State that gives them all the necessary conveniences. Sir, on the death of Mahatma Gandhi the feelings that were exhibited in U.S.S.R. have not been very happy. Referring to trade relations, I must say that ammonium sulphate that we purchased from Russia was at the maximum price paid to any country compared with the purchase prices that we paid to England. Under these circumstances, I see very little reason in having an embassy opened so soon after our gaining of independence in the U.S.S.R. Sir, I learn that the other countries that are connected with the U.S.S.R. are also anxious to open embassies. They may be anxious and we may agree to invite them, but there is a time. I would plead with the External Relations Department to consider our financial aspect and the benefits that accrue to the country on the opening of an embassy before an embassy itself is opened. Sir, having stated so much,.....

Mr. Deputy-Speaker: I am sure the honourable Member would like to hear the honourable Minister say a few words in reply.

Shri Biswanath Das: Certainly. I shall finish, Sir.

Mr. Deputy-Speaker: Other members also may like to speak.

Shri Biswanath Das: I have a lot to say, Sir, because we did not get a chance during Budget debates to give vent to our feelings in matters relating to the External Affairs Department. The time allotted was hardly one day, and as such, it was not possible for honourable Members to express themselves on the questions relating to the External Affairs Ministry. We are anxious to hear the Government point of view. Therefore, I take my seat.

Shri H. V. Kamath: Sir, I would not take more than two or three minutes.

I am sorry I cannot agree with my honourable friend Mr. Biswanath Das in his view that we need not have opened an embassy in the U.S.S.R. I do not know from what considerations he has made this statement. Because, after having opened an embassy in Washington, we would have laid ourselves open to a lot of misunderstanding if we had spurned any approach from the U.S.S.R. We have already declared our policy as an independent if not a neutral policy

so far as foreign affairs go and if we had opened an embassy in Washington and refused to open an embassy in the U.S.S.R., certainly it would have given rise to misunderstanding that we were somehow or other aligning ourselves with a particular power bloc.

Shri Biswanath Das: May I suggest, Sir, that I never stated that we should have refused to open an embassy in the U.S.S.R. All that I said is that there was no need for us to seek to open an embassy in the U.S.S.R.

Shri H. V. Kamath: It comes to the same thing.

Mr. Deputy-Speaker: I understood the honourable Member to say that such a big house as the Travancore House ought not to have been given to the Soviet Embassy.

Shri Biswanath Das: Equally so.

Shri H. V. Kamath: In effect, it comes to the same thing. I do not propose to refer to that again.

While I agree with my honourable friend Thakkar Bapa that we must pay more attention to prosperity at home than prestige abroad, yet, considering that distances and frontiers have now been annihilated and we are moving fast towards one world, I think we cannot afford to sit with folded hands, almost cutting ourselves off from the rest of the world. There are important centres, political, economic and otherwise in the world outside with whom we have got to establish contacts. The only point that we have to consider is with whom we should establish contacts and where priority must be given. I believe here to a certain extent our External Affairs Ministry is going to be guided by the recommendations of the Economy Committee, submitted to the Ministry recently. So far as the opening of new embassies is concerned, we are going at a rather slow pace. That is a welcome feature and I think next year when the budget is presented for the External Affairs Ministry, we shall not be confronted with such an increase as 30 per cent. of which my honourable and esteemed friend Thakkar Bapa complained.

I have only one point to make and that is this. Out of the amount which has been asked as supplementary Demand, it would be interesting to find out how much was applied to payments in connection with the various delegations and missions that we have sent abroad—naturally, that was not foreseen at the time when the last budget was presented—how many such missions and delegations were sent and how many might have been, if not avoided, at least cut short in their personnel. There were complaints early last year that certain delegations included all sorts of miscellaneous *personalia*, members, alternate members, delegates, advisers and various other categories.

Shri R. K. Sidhva: What is the meaning of alternate members?

Shri H. V. Kamath: He may very well refer to the Minister himself for enlightenment on this point.

There is the other point. It is a truism to say that foreign policy is a projection abroad of the policy at home and also that we must maintain a continuity in our foreign policy. At the same time, I may also say that we must also maintain as far as possible continuity in the tenure of our ambassadors abroad. So far as Washington is concerned, the tenure of our Ambassadors has been hardly continuous. Within the last 18 months or so, we have had frequent changes. The first ambassador came back perhaps in less than a year—or just over a year's time. Then we had no ambassador at all. We had only a Charge d' Affaires, which was hardly fair to a great power like the U.S.A. to represent our country through a Charge d' Affaires. After him, an ambassador

[Shri H. V. Kamath]

was posted who is now coming back to our country. This, to my mind, appears rather a bad precedent to set up, so far as our foreign appointments are concerned. I hope at least the new ambassador or rather ambassadress that is going to Washington now will stick to her post for a fairly good length of time and thereby save the expenditure on frequent postings, transfers and changes.

While I am on that subject, I may be permitted to state that I feel in my mind that a part of the—I would not say animus—hostility rather, criticism that we have incurred in the Soviet Press may be due to the fact that our ambassador has not been able to stay there continuously for the whole period. If she had stayed there continuously for a long period, I am sure by force of her personality, she would have been able to establish friendly relations with the Soviet Government.

Shri B. Das: Marshal Stalina never even gave her an interview.

Shri H. V. Kamath: I say precisely because she did not stay long enough in his capital. We find from the records that out of the 18 months.....

Mr. Deputy-Speaker: May I say to the honourable Member that we must confine ourselves to the Demand No. 41 or the Demands that have been moved, expansion of new embassies. In respect of Russia, it is not a new diplomatic mission. Therefore, the conduct of any ambassador or the manner in which he or she has been doing, these are not relevant to the financial proposal that is before us.

Shri H. V. Kamath: I was under the impression that we are considering the supplementary Demands in general.

Mr. Deputy-Speaker: I was only reminding the honourable Member that it was not a general discussion and that the honourable Member will confine himself to the relevant issues.

Shri H. V. Kamath: I was under the impression that we were considering the supplementary grants in respect of External Affairs in general.

Mr. Deputy-Speaker: No. We are on Demand Nos. 19, 40 and 41. It is not a general discussion.

Shri H. V. Kamath: Then, Sir, as regards the opening of new embassies, I have already stated that so far as new embassies are concerned, we are going slow. As regards the old embassies,.....

Mr. Deputy-Speaker: The honourable Member said he will take only two minutes.

Shri H. V. Kamath: I am concluding in one minute. As regards the old embassies, the other day the Prime Minister told us something about the foreign staff employed in our embassies. I suppose this must have entailed considerable expenditure by way of supplementary Demand. He said that there was a proposal to replace them as early as possible. The employment of foreign staff in our embassies abroad is undesirable from many points of view. Soon after the statement was made, I may tell you and the House that I was inundated with a number of letters from friends in this country saying that it was astounding for them to hear the Prime Minister say that suitable candidates are not available here, and, especially persons who are willing to go abroad on the terms on which foreigners have accepted these appointments. They say that they are willing to accept the appointments on even a lesser pay than what is being paid to the foreigners who are serving abroad. I hope that the honourable Minister will bear this consideration in mind when he proceeds with the replacement of foreigners, very undesirable

and fateful foreigners in some cases, in our embassies and that this long felt change will be introduced very soon, and that all our embassies will be staffed by our nationals from top to bottom,—all our embassies, consulates and missions abroad.

Dr. B. V. Keskar (Deputy Minister of External Affairs): Sir, at the very outset I regret that the items of extra expenditure that we have put before the House are not more detailed so that many criticisms levelled by many friends here would have been satisfied. I hope that in the future we would be able to present more detailed and more thorough items so that they will be satisfied on what particular items the amounts have been spent. There have been criticisms of many types. I do not propose to reply to points of general policy as it would take too much time and the time at my disposal is short.

Mr. Deputy-Speaker: The honourable Minister will so adjust that at 5 o'clock we finish.

Dr. B. V. Keskar: What I find in all these discussions is there is a running vein of criticism which is common to most of the speeches and it is this. Their first point is we have opened unnecessary Embassies and secondly, there has been unnecessary expenditure in these Embassies. I take the first. It is hardly two years that this country is free. I do not think that any Member of this House would dispute that in a free country it is absolutely essential to have Embassies and Missions abroad. Without such Missions it is not possible for a free Nation to function in the International World anywhere. It is not a question of prestige, it is not a question of propaganda, it is not a question of leadership of Asia or of the world. It is a question of our existence in this world. Every country whether poor or rich has to have Missions in the world. Naturally I sympathise and appreciate the advice given by my honourable and respected friend Thakkar Bapa that we must go slow and that we must not spend too much money in such things when our country is poor. I really appreciate it. I say here to-day and I said sometime before that the complaint has always been from most of our Missions that they are very inadequately staffed, that they are not able to spend on many facilities which would increase their competence and efficiency simply because we cannot provide them with that much money. We have always been issuing warnings that they must spend less and less. But keeping in view this policy of economy we have always to see that we have got Missions in the world not only for the purpose of maintaining contact with the outside world for political purposes but also for our commercial purposes. We import from other countries and we export to other countries. How do honourable Members expect us to carry on that efficiently if we had no contacts all over the world. So I am sorry if I am not able to agree with my friends that we must have less Missions abroad or that we must have no Missions abroad.

With regard to extra expenditure that we have had to incur for which we are asking sanction, I would remind the House that the cost of extra expenditure of such items are for the opening of Embassies in important places like Paris, Cairo, Kabul, Turkey, New York and such other places. Here also I may be asked whether we could not have provided for them in the budget last year. I may say that it was not possible. We were free only for a year or less and it was not possible for us to see the rate of expansion that our Foreign Missions would take. We could not say how long it would take for us to establish Embassy in a particular country. It depends not only on our approaching the particular country but also on the particular country accepting to have a Mission from us. Well, the rate has exceeded our expectations. More and more countries have been eager to have contacts with us. In fact the complaint has been that many countries which have been insisting for

[Dr. B. V. Keskar]

the last so many months and even a year or more that we should have Missions established in their midst, we have no missionary from India. There are many countries which are—I should say—not only disappointed but very angry with us. There are countries which have got their representatives here and we have got no representative there. They have been pressing us continuously but we have been unable to satisfy them. We have only been able to assure them that as soon as possible we will have a Mission established in their country. So on the whole I am quite satisfied that we have tried to spend our money as economically as possible and we have tried to establish as many Missions as are only necessary for our International existence. I would say only this that even in the Missions as they are to-day we will make every effort that the greatest possible economy is exercised in expenditure and no money is wasted, and that greatest scrutiny of expenditure is made. Auditors are being appointed to look into the expenditure that is done in all these Embassies and Legations and Missions and we hope that in the grant that is made we will be able to make savings by more economical methods and greater scrutiny.

There was a point raised with regard to Tribal areas and Assam Rifles. I have only one word with regard to this. The expenditure on Assam Rifles for the exercise of which this grant is being asked was at the great insistence of the Governor of Assam who is our Representative with regard to Tribal areas in Assam. First he made a very insistent request and we turned it down saying that this was not necessary but later on we got a more insistent request saying that he will not be able to keep peace on the Frontier if they have not sufficient armed strength. We were therefore compelled to increase the strength of the Assam Frontier Rifles. Later on towards the end of the year there came another insistent demand that the strength that has been given was not sufficient and it should be further increased. So what I mean to suggest is that we were forced to increase the strength and personally I am satisfied that the Governor of Assam who is our representative there was doing what he considers best in the circumstances and this increase was justified.

With regard to the question of Europeans in the London High Commissioner's Office to which an honourable friend referred, there is a large number of Englishmen employed in the High Commissioner's Office. The question had come up here one day with regard to a supplementary question and it was then explained and I would only repeat what I said then that—we are taking steps to replace non-nationals in our establishments as quickly as possible. I assure honourable members that within a very short time they will find that there will be no non-nationals in our establishments abroad.

Mr. Deputy-Speaker: Demands Nos. 34, 57-A, 83, 74, 77, 78 and 82-A have been disposed of. I will now put all the other Demands to vote.

The question is:

"That the respective supplementary sums not exceeding the amounts shown in the third column of the Order Paper, except in the case of heads of Supplementary Demands Nos. 34, 57-A, 83, 74, 77, 78, 82-A be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of corresponding heads of Supplementary Demands entered in the second column thereof."

The motion was adopted.

[As directed by Mr. Deputy-Speaker the motions for Demands for Supplementary Grants which were adopted by the Assembly are reproduced below.—Ed. of D.]

DEMAND No. 1.—CUSTOMS

"That a supplementary sum not exceeding Rs. 25,27,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Customs'."

DEMAND No. 2.—CENTRAL EXCISE DUTIES

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Central Excise Duties'."

DEMAND No. 3.—TAXES ON INCOME INCLUDING CORPORATION TAX

"That a supplementary sum not exceeding Rs. 10,64,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Taxes on Income including Corporation Tax'."

DEMAND No. 6.—STAMPS

"That a supplementary sum not exceeding Rs. 15,89,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Stamps'."

DEMAND No. 7.—FOREST

"That a supplementary sum not exceeding Rs. 5,32,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Forest'."

DEMAND No. 10.—CABINET

"That a supplementary sum not exceeding Rs. 1,82,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Cabinet'."

DEMAND No. 11.—CONSTITUENT ASSEMBLY

"That a supplementary sum not exceeding Rs. 4,06,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Constituent Assembly'."

DEMAND No. 13.—MINISTRY OF HOME AFFAIRS

"That a supplementary sum not exceeding Rs. 16,40,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Home Affairs'."

DEMAND No. 16.—MINISTRY OF EDUCATION

"That a supplementary sum not exceeding Rs. 1,24,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Education'."

DEMAND No. 19.—MINISTRY OF EXTERNAL AFFAIRS AND COMMONWEALTH RELATIONS

"That a supplementary sum not exceeding Rs. 12,82,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of External Affairs and Commonwealth Relations'."

DEMAND No. 20.—MINISTRY OF FINANCE

"That a supplementary sum not exceeding Rs. 5,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Finance'."

DEMAND No. 21.—MINISTRY OF COMMERCE

"That a supplementary sum not exceeding Rs. 12,43,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Commerce'."

DEMAND No. 24.—MINISTRY OF COMMUNICATIONS

"That a supplementary sum not exceeding Rs. 57,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Communications'."

DEMAND No. 25.—MINISTRY OF TRANSPORT

"That a supplementary sum not exceeding Rs. 5,79,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Transport'."

DEMAND No. 26.—MINISTRY OF FOOD

"That a supplementary sum not exceeding Rs. 16,08,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Food'."

DEMAND No. 27.—MINISTRY OF STATES

"That a supplementary sum not exceeding Rs. 4,33,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of States'."

DEMAND No. 28.—MINISTRY OF DEFENCE

"That a supplementary sum not exceeding Rs. 3,71,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Defence'."

DEMAND No. 29.—MINISTRY OF INDUSTRY AND SUPPLY

"That a supplementary sum not exceeding Rs. 1,70,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Industry and Supply'."

DEMAND No. 30.—MINISTRY OF RELIEF AND REHABILITATION

"That a supplementary sum not exceeding Rs. 1,45,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Relief and Rehabilitation'."

DEMAND No. 32.—PAYMENTS TO OTHER GOVERNMENTS, DEPARTMENTS ETC. ON ACCOUNT OF THE ADMINISTRATION OF AGENCY SUBJECTS AND MANAGEMENT OF TREASURES

"That a supplementary sum not exceeding Rs. 18,67,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Payments to other Governments, Departments etc. on account of the administration of Agency Subjects and management of Treasuries'."

DEMAND No. 33.—AUDIT

"That a supplementary sum not exceeding Rs. 38,75,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Audit'."

DEMAND No. 35.—JAILS AND CONVICT SETTLEMENTS

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Jails and Convict Settlements'."

DEMAND No. 36.—POLICE

"That a supplementary sum not exceeding Rs. 7,88,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Police'."

DEMAND No. 37.—PORTS AND PILOTAGE

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ports and Pilotage'."

DEMAND No. 38.—LIGHTHOUSES AND LIGHTSHIPS

"That a supplementary sum not exceeding Rs. 1,25,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Lighthouses and Lightships'."

DEMAND No. 39.—ECCLESIASTICAL

"That a supplementary sum not exceeding Rs. 33,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ecclesiastical'."

DEMAND No. 40.—TRIBAL AREAS

"That a supplementary sum not exceeding Rs. 36,16,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Tribal Areas'."

DEMAND No. 41.—EXTERNAL AFFAIRS

"That a supplementary sum not exceeding Rs. 63,85,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'External Affairs'."

DEMAND No. 42.—SURVEY OF INDIA

"That a supplementary sum not exceeding Rs. 8,78,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Survey of India'."

DEMAND No. 44.—ZOOLOGICAL SURVEY

"That a supplementary sum not exceeding Rs. 50,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Zoological Survey'."

DEMAND No. 48 A.—DEPARTMENT OF SCIENTIFIC RESEARCH

"That a supplementary sum not exceeding Rs. 4,57,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Department of Scientific Research'."

DEMAND No. 53.—AGRICULTURE

"That a supplementary sum not exceeding Rs. 72,35,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Agriculture'."

DEMAND No. 54.—CIVIL VETERINARY SERVICES

"That a supplementary sum not exceeding Rs. 6,30,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Civil Veterinary Services'."

DEMAND No. 55.—INDUSTRIES AND SUPPLIES

"That a supplementary sum not exceeding Rs. 5,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Industries and Supplies'."

DEMAND No. 57.—OVERSEAS COMMUNICATIONS SERVICE

"That a supplementary sum not exceeding Rs. 12,09,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Overseas Communications Service'."

DEMAND No. 57-B.—TELEPHONE FACTORY

"That a supplementary sum not exceeding Rs. 95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Telephone Factory'."

DEMAND No. 59.—BROADCASTING.

"That a supplementary sum not exceeding Rs. 5,25,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Broadcasting'."

DEMAND No. 61.—CENSUS

"That a supplementary sum not exceeding Rs. 1,58,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Census'."

DEMAND No. 63.—INDIAN DAIRY DEPARTMENT

"That a supplementary sum not exceeding Rs. 79,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Indian Dairy Department'."

• DEMAND No. 64.—MISCELLANEOUS DEPARTMENTS

"That a supplementary sum not exceeding Rs. 74,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Miscellaneous Departments'."

DEMAND No. 65.—CURRENCY

"That a supplementary sum not exceeding Rs. 2,71,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Currency'."

DEMAND No. 66.—MINT

"That a supplementary sum not exceeding Rs. 11,89,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Mint'."

• DEMAND No. 67.—CIVIL WORKS

"That a supplementary sum not exceeding Rs. 11,50,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Civil Works'."

DEMAND No. 71.—STATIONERY AND PRINTING

"That a supplementary sum not exceeding Rs. 35,16,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Stationery and Printing'."

DEMAND No. 72.—MISCELLANEOUS

"That a supplementary sum not exceeding Rs. 12,98,45,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Miscellaneous'."

DEMAND No. 73.—EXPENDITURE ON REFUGEES

"That a supplementary sum not exceeding Rs. 9,11,32,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Expenditure on Refugees'."

DEMAND No. 82.—CIVIL DEFENCE

"That a supplementary sum not exceeding Rs. 1,08,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Civil Defence'."

DEMAND No. 84.—AJMER MERWARA

"That a supplementary sum not exceeding Rs. 26,68,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ajmer Merwara'."

DEMAND No 85.—PANTH PIPLODA

"That a supplementary sum not exceeding Rs. 17,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Panth Piploa'."

DEMAND No. 86.—ANDAMAN AND NICOBAR ISLANDS

"That a supplementary sum not exceeding Rs. 10,30,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Andaman and Nicobar Islands'."

DEMAND No. 87.—RELATIONS WITH INDIAN STATES

"That a supplementary sum not exceeding Rs. 7,63,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Relations with Indian States'."

DEMAND No. 92.—CAPITAL OUTLAY ON INDUSTRIAL DEVELOPMENT

"That a supplementary sum not exceeding Rs. 2,55,61,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Capital Outlay on Industrial Development'."

DEMAND No. 95.—CAPITAL OUTLAY ON CURRENCY

"That a supplementary sum not exceeding Rs. 5,90,11,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Capital Outlay on Currency'."

DEMAND No. 96.—CAPITAL OUTLAY ON MINTS

"That a supplementary sum not exceeding Rs. 4,83,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Capital Outlay on Mints'."

DEMAND No. 99.—COMMUTED VALUE OF PENSIONS

"That a supplementary sum not exceeding Rs. 1,17,23,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Commuted Value of Pensions'."

DEMAND No. 101.—DEFENCE CAPITAL OUTLAY

"That a supplementary sum not exceeding Rs. 11,34,08,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Defence Capital Outlay'."

DEMAND No. 102.—CAPITAL OUTLAY ON SCHEMES OF STATE TRADING

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Capital Outlay on Schemes of State Trading'."

DEMAND No. 103-A.—PAYMENTS TO GOVERNMENT OF PAKISTAN FOR UNIQUE INSTITUTIONS

"That a supplementary sum not exceeding Rs. 5,07,98,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Payments to Government of Pakistan for Unique Institutions'."

The Assembly then adjourned till a Quarter to Eleven of the Clock on Friday, the 1st April, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

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

Friday, 1st April, 1949.

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

QUESTIONS AND ANSWERS

11-45 A.M.

(See Part I)

ELECTION TO ALL-INDIA COUNCIL FOR TECHNICAL EDUCATION

آنریبل مولانا ابوالکلام آزاد : جناب میں تحریر کرتا ہوں کہ اس اسمبلی کو چاہیئے کہ اس طریقے سے جو آنریبل سپیکر منظور کریں - اپنی تعداد میں سے ۵ آدمیوں کو چننے کی کارروائی انجام دیں جو آل انڈیا کاؤنسل فار ٹیکنیکل ایجوکیشن کے ممبر قرار پائیں گے - اس ممبری کی معیار تین برس کی ہوگی اور کاؤنسل کے دوبارہ بننے کی تاریخ سے شروع ہوگی اور یہ کارروائی گورنمنٹ آف انڈیا کے اس ریزولوشن کے مطابق کی جارہی ہے جو ۳۰ نومبر سنہ ۱۹۴۵ء کو منسٹری آف ایجوکیشن میں منظور کیا گیا تھا اور پھر جس طرح کہ اس میں ترمیمیں کی گئی تھیں

श्री महावीर त्यागी: जनाब, क्या मैं दरयाफ्त कर सकता हूँ कि इस टैक-नीकल एजुकेशन कमेटी का क्या काम होगा और आप का वह रिजोल्यूशन जिस के मुताबिक इस को कायम किया गया है वह रिजोल्यूशन क्या है किन्तु किन मुआमलात में यह कमेटी काम करेगी और क्या क्या काम इस के सुपुर्द होगा। और इस कमेटी के मेम्बरान अलावा असेम्बली के कौन दीगर असहाब होंगे और किन तबकों से उन का तक्रर होगा।

Mr. Speaker: He is not answering any question.

Motion moved:

"That the Members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, five persons from among their number to be members of the All India Council for Technical Education for a period of three years to be reckoned from the date of re-constitution of the Council under the provisions of the Resolution of the Government of India in the Ministry of Education No. F.16-10/44-EIII, dated the 31st November, 1945, as subsequently amended."

آنریبل مولانا ابوالکلام آزاد : پوری تفصیل اس وقت بیان کرنا ضروری نہیں معلوم ہوتا کیونکہ ریزولوشن گورنمنٹ آف انڈیا میں چھپ چکا ہے اور اس میں یہ تمام تفصیلات موجود ہیں - اس کاؤنسل کے بنانے کا مقصد یہ تھا کہ ٹیکنیکل تعلیم کو

[مولانا ابوالکلام آزاد:]

اور آگے پڑھانے کے لئے اور اونچے درجہ پر لانے کے لئے ایک اعلیٰ درجہ کی ایجنسی پیدا کرنی چاہئے اس کا کاسٹی ٹیوشن اس طرح کا بنایا گیا کہ پانچ ممبر اسمبلی کے لئے جانے ہیں۔ ایجوکیشن ایڈوائزرز گورنمنٹ آف انڈیا: ایک ایک نمائندہ پراونشل گورنمنٹوں کا: 5 ریپریزنٹٹو ریاستوں کے: چودہ نمائندہ انڈسٹری، کمرس اور لیبر وغیرہ کے: سینٹرل ایڈوائزری بورڈ آف ایجوکیشن کے دو ممبر: انٹر یونیورسٹی بورڈ کا ایک ممبر: دو ممبر اور گورنمنٹ آف انڈیا نامی نیت کرتی ہے جو دوسرے انٹریسٹس کو ریپریزنٹ کر لے ہیں۔ اس طریقے سے یہ بورڈ بنتا ہے۔

Mr. Tajamul Husain: Sir, there are two motions before the House; one as moved by the honourable the Minister for Education in Urdu and the other as read out by you in English. We want to know, Sir, which of the two is the original.

Mr. Speaker: Both are originals.

श्री महावीर त्यागी: जनाब वाला, मैं यह तजवीज करना चाहता हूँ कि इस को अभी जल्दी न चुना जाय और इस के इन्तखाब करने से पेशतर यह बेहतर होगा कि अब तक इस बोर्ड ने क्या कार्रवाई की है वह हाउस के सामने आ जाय, क्योंकि यह मज़मून मेरे लिए बिल्कुल नया है और मैं सहसूस करता हूँ कि चूँकि इस में सबों के काफ़ी नुमाइन्दे हैं इसलिये इस पर ओ गौर कर लिया जाय कि क्या यह मुनासिब न होगा कि अलग अलग सबों की हुकूमतें इस तरफ़ खर्चा करें और तवज्जह करें और वही इन कामों को चलायें और इस वक़्त इस बड़ी कमेटी को बनाकर हम अपने ऊपर इतना बड़ा खर्चा न लें। अगर इन अमूर पर गौर करने के लिए मिनिस्टर साहिब इस को कुछ दिनों के लिए मुत्तवी फरमावें तो बेहतर हो और हाउस ज्यादा अच्छी तरह जान सके कि इस कमेटी ने अब तक क्या किया है और क्या काम इस कमेटी के सुपुर्द किये जायेंगे। ताकि उस को मद्देनज़र रख कर हम लोग अपने मمبرों को मुत्तख़िब कर सकें।

آنریبل مولانا ابوالکلام آزاد - میں نہیں سمجھتا کہ اس اسٹیج پر کارروائی ہو سکتی ہے۔ ۲۹ اپریل کو پچھلی کمیٹی کا زمانہ ختم ہو جائے گا۔ اور اس کے بعد نئی کمیٹی بنائی جائے گی۔ ہاؤس کے سامنے یہ سوال نہیں ہے کہ یہ کونسل آئندہ قائم رکھی جائے یا نہ رکھی جائے؟ صرف یہ سوال ہے کہ وہ اپنے حصہ کے پانچ ممبر چن لے۔

مسٹر تجمل حسین - اس بورڈ کے بنانے اور چلانے میں گورنمنٹ کا کتنا خرچہ ہوگا۔

آنریبل مولانا ابوالکلام آزاد - میں بیان نہیں کر سکتا۔ لیکن اس بارے میں جو گورنمنٹ کے قاعدے بنے ہوئے ہیں اس کے مطابق ممبروں کو الؤنس دیا جاتا ہے۔

(English translation of the above speech)

The Honourable Maulana Abul Kalam Azad (Minister of Education) Sir, I beg to move:

"That the Members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, five persons from among their number to be members of the All India Council for Technical Education for a period of three years to be reckoned from the date of re-constitution of the Council under the provisions of the Resolution of the Government of India in the Ministry of Education No. F.16-10/44-EIII, dated 30th November, 1945, as subsequently amended."

Shri Mahavir Tyagi (U. P. General): Sir, may I know what will be the functions of this Technical Education Committee and what are the provisions of that Resolution under which this has been set up? What are the terms of reference of this Committee and what would be its functions? Who would besides the Members of this Assembly be the members of this Committee and nominated from what bodies?

Mr. Speaker: He is not answering any question. Motion moved:

"That the Members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, five persons from among their number to be members of the All India Council for Technical Education for a period of three years to be reckoned from the date of re-constitution of the Council under the provisions of the Resolution of the Government of India in the Ministry of Education No. F.16-10/44-EIII, dated 30th November, 1945, as subsequently amended."

The Honourable Maulana Abul Kalam Azad: It is not necessary to give full details at the moment because the Resolution has since been published in the Government Gazette and all these details are available therein. The object of the constitution of this Council was that a high class agency should be set up for the purpose of developing the technical education at a high standard. Its constitution provides for the nomination of five Members of the Assembly; the Educational Adviser to the Government of India; one representative from each of the Provinces; five representatives from States and fourteen members representing the Industry, Commerce, Labour etc.; two members of the Central Board of Education, one member of the Inter-University Board and two more members are to be nominated by the Government of India who represent other interests. This is the constitution of this Board.

Mr. Tajamul Husain (Bihar: Muslim): Sir, there are two motions before the House; one as moved by the honourable the Minister for Education, and the other as read out by you. We want to know, Sir, which of the two is the original.

Mr. Speaker: Both are originals.

Shri Mahavir Tyagi: Sir, I would suggest that this election should not be made so soon and before doing this, it would be better if a report of the activities of this Board is brought up before the House, because this is quite a new subject for me and I think that since it consists of many representatives from the Provinces; it should also be considered whether it will not be proper that each Provincial Government should spend money towards this direction and they should themselves manage these affairs and we should not incur this heavy expenditure by setting up such a large Committee at present. It would be better if the honourable Minister agrees to postpone

[Shri Mahavir Tyagi]

this for a couple of days so that we may consider these aspects and the House could acquire an adequate knowledge as to what work has been done by this Committee heretofore, and, what sort of work will be signed to this Committee, and thus enable us to elect the Members amongst ourselves after keeping all this in view.

The Honourable Maulana Abul Kalam Azad: I do not think if this can be postponed at this stage. The tenure of the previous Committee will expire on 29th of April and after that date a new Committee should be set up. The question before the House is not that whether this Council should be reconstituted or not. But the question is that it should elect five Members representing its quota.

Mr. Tajamul Husain: What expenses will be incurred by the Government in the constitution and working of this Board?

The Honourable Maulana Abul Kalam Azad: I cannot say. But the members are paid an allowance in accordance with the rules and regulations framed in this connection.

Mr. Speaker: I am putting the motion to the House.

The question is:

"That the Members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, five persons from among their number to be members of the All India Council for Technical Education for a period of three years to be reckoned from the date of re-constitution of the Council under the provisions of the Resolution of the Government of India in the Ministry of Education No. F.16-10/44-III, dated the 30th November, 1945, as subsequently amended."

The motion was adopted.

ELECTION TO COMMITTEE TO REVIEW CONVENTIONS RE SEPARATION OF RAILWAY FROM GENERAL FINANCE

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, nine Members to serve on the Committee, of which the Honourable the Minister of Transport and Railways and the Honourable the Minister of Finance will be *ex-officio* Chairman and member respectively, to review the working of the Convention adopted under the Central Legislative Assembly Resolution dated the 20th September 1924 for the separation of Railway from General finance, to examine the constitution and administration of the Railway Depreciation Reserve Fund, the Railway Betterment Fund and the Railway Reserve Fund as well as other ancillary matters and to make recommendations before the 31st December, 1949."

I do not wish to say anything much by way of commending this motion to the House. I dealt with this matter at some length in my speech on introducing the Railway Budget, and I gathered the impression that, in the course of the debate, the suggestion that I had made in my speech, namely that I would invite the House to set up a committee of this sort in the course of this Session, was well received. In implementation of the statement I made then, I move this motion.

Mr. Speaker: Motion moved:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, nine Members to serve on the Committee, of which the Honourable the Minister of Transport and Railways and the Honourable the Minister of Finance will be *ex-officio* Chairman and member respectively, to review the working of the Convention adopted under the Central Legislative Assembly Resolution dated the 20th September 1924 for the separation of Railway from General finance, to examine the constitution and administration of the Railway Depreciation Reserve Fund, the Railway Betterment and the Railway Reserve Fund as well as other ancillary matters and to make recommendations before the 31st December, 1949."

ELECTION TO COMMITTEE RE SEPARATION OF RAILWAY FROM GENERAL FINANCE 2201

Shri B. Das (Orissa: General): I did not come to the same conclusion as the Honourable Shri Gopalaswami Ayyangar on the discussions on the Railway Budget that the House wants to review the working of Convention by a Committee of this sort at an early date. Four days ago we discussed the report of the Indian Railway Enquiry Committee. On going over its recommendations I found that the Kunzru Committee has recommended that a Convention Committee need not be set up at an early date. On page 141 of the Report, they say: "We feel that owing to the uncertain factors involved in the present situation, it is not possible to make any recommendation in respect of a revision of the Convention which might not be rendered impracticable by future events."

I read it out the other day and I will read it again this morning. But this Resolution is asking the Committee to go into the question of the Railway Depreciation Fund also. Only three or four days ago we discussed that Railway Enquiry Committee Report. I want the House to note what the Committee says on page 148: "As in the present unstable conditions, no fixed principles can be laid down for making allocation to the Fund, we content ourselves to recommending that an annual contribution to the Fund for the next five years be made at about 22 crores per annum." Even though I opposed that idea a few days earlier I support the recommendation that Rs. 22 crores every year be placed at the disposal of the Railway Minister for the Depreciation Fund for the next five years. I want the House to consider it and I hope my honourable friends Shri Gopalaswami Ayyangar and the Finance Minister will timely express their views whether the present is the opportune time when we can go into this question. Pandit Kunzru's report came out only a couple of months ago. If within these two months the conditions have become stable I will not object to this motion. But my reaction is that conditions have not become stable and have not returned to normalcy so that a committee of this House can give its final verdict on the question of the Depreciation Fund and on the Separation Convention.

Shri B. K. Sidhva (C. P. and Berar: General): I am rather surprised at the attitude of my honourable friend Shri B. Das. I do not know what he is driving at. The matter is simple. During the discussion of the Railway Budget the House advocated that the time has come to revise the Resolution of September 1924. It was a practically unanimous view. And the Railway Minister only wants that this question should be examined. Such being the case I do not know why Mr. B. Das thinks that the time has not yet come for taking up this question.

Mr. Speaker: What Mr. B. Das was saying was that he does not understand why it is thought that the time has come.

Shri B. K. Sidhva: It is rather depressing. After having said that the time has come for this, he now says that the time has not come. The honourable Minister has brought in the motion at the right moment, before the Session is concluded. If we are to wait till August for this, we will have only a few months to go into the matter. If this Committee is appointed now it will have sufficient time to examine the question from all aspects and come to decisions. I commend the motion for the acceptance of the House.

Pandit Hriday Nath Kunzru (U. P.: General): Mr. Speaker, I am afraid that as you have already said, Sir, Mr. Sidhva has criticised my honourable friend, Mr. Das without either hearing or understanding what he has said. Mr. honourable friend, Mr. Das has raised a very important point. The Indian Railway Enquiry Committee felt that an enquiry would be needed in connection with the separation of railway finances, the fixation of the amount that ought to be contributed to the Depreciation Fund and so on, but after considering the matter came to the conclusion that unless the

[Pandit Hirday Nath Kunzru]

course of trade and business generally and of prices was clearer than it was towards the end of last year or is now, an enquiry would yield no useful results. Any recommendations made by a Committee of the kind that is proposed to be appointed now may become inapplicable to the circumstances that may develop in the course of a year or two. It is obvious, Sir, that any Committee that examines the separation of the Railway from the General finances would have to go into the question of the amount that ought to be paid into the Depreciation fund. The exact amount that should be paid over a series of years would depend on future prices. I do not think anybody can say at the present time what will be the cost of the materials that the Indian Railways require, say the next year or the year after. I do feel, therefore, that the appointment of the Committee suggested by my honourable friend the Minister of Transport is rather premature. It is true that the House would like the matter to be settled. We all would like that we should come to a speedy conclusion on the subject, but the circumstances in which a sound conclusion can be come to do not exist at the present time. It seems to me, therefore, that the appointment of such a committee will not lead to any useful result. Now, we ask what is to be done if such a committee is not to be appointed? So far as the Depreciation Reserve Fund goes, Government may or Government can, if they feel next year that the prices have risen and that the contribution to it should be more than Rs. 22 crores, ask the Legislature to increase the contribution.

As regards the division of the surplus between the General finances and the Railways that again can be decided by *ad hoc* committees appointed by agreement between the Minister of Transport and the Minister of Finance. Such a thing has been done in the past and I see no reason why this arrangement should not be repeated in future. I think the consideration of these matters every year will be preferable for the time being to the appointment of a Committee that is meant to settle it finally.

Shri Khandubhai K. Desai (Bombay: General): Mr. Speaker, Sir, I have no intention to intervene in this debate, but I am compelled to do so after Pandit Kunzru has placed before this House, in my opinion, certain assertions without giving any reason whatsoever that the time is not opportune. He has not said why the time is not opportune.

Pandit Hirday Nath Kunzru: I referred to the course of trade, business and prices.

Shri Khandubhai K. Desai: Now particularly these remarks coming from him as one who has gone into the whole question of finances and placed before this House assertively that the financial conditions of our Railways are not very happy I feel the honourable the Minister for Railways would have failed and it would have been a dereliction of his duty had he not come before this Parliament to ask for a Committee to go into the question of the Depreciation Fund and other financial considerations with regard to the Railways. I had occasion to point out these things in various debates that our railway finances are in a very bad condition and the sooner it is done, it is better. I, therefore, wholeheartedly support the motion before this House, so that the report of the Committee which the honourable the Railway Minister is proposing will be before us much earlier, so that we will be able to take into consideration the report before the next Railway Budget is prepared. I support it, Sir.

Shri M. Ananthasayanam Ayyangar (Madras: General): Two points have been raised by my honourable friend Pandit Kunzru. Firstly, that the

prices are in an unsettled condition and until they settle down, there is no need to go into the enquiry of depreciation. Sir, I looked into this Blue Book that was circulated to us, the Report of the Railway Enquiry Committee. I do not know why this matter was not referred. On page 2 of this report the terms of reference refer only to economy in all branches of railway administration and any other means. Therefore, it does not appear either of these matters, the financial convention between the railway and the General Administration on the one hand and also the amount that is to be allocated for depreciation on a scientific basis and on an average basis and so on have not been directly referred. They have incidentally referred and given certain opinions which they have come to in respect of this matter.

So far as depreciation is concerned, I agree with him that the fluctuations of the market are so heavy that it may not be possible for us to ascertain what exactly the prices will be in two or three years, but my own impression is that the enquiry does not depend so much upon the prices as on what basis we have to ascertain the depreciation.

I was a member of this committee; two years ago a committee was appointed; before that another committee had been appointed. This matter has been considered from time to time for nearly three or four years now. We looked into this matter and before we concluded our deliberations, that committee was somehow dropped and hereafter there is a proposal to have a third committee. The point is this: Depreciation on what basis? Today we levy depreciation setting apart 1/60th of the capital at charge. There is a charge against this method; it is considered to be a blind method. 1/60th on what basis is set apart year after year? I know personally Mr. Guruswami, the President of the Railwaymen's Federation and he had been constantly attacking and threatening Government with strikes. Almost every year, there is a threat of a strike. There is a ballot; some unions take the ballot also in their favour and on what ground? It is that too much depreciation is allowed.

Secondly there is the allocation for depreciation on a scientific basis. The honourable Railway Minister is unable to answer it. You are unnecessarily giving away from Railway finances to the General Revenues. Therefore, it is absolutely improper. I would ask my honourable friend Pandit Kunzru to answer them. This Committee will certainly answer them for this reason. Then instead of a flat rate of 1/60th on the capital at charge, there is another method of trying to find the life of all these assets. One Mr. Sankara Ayyar who was the financial commissioner of these Railways and who had a long experience was specially deputed to go into this matter and find out the life of the various assets.

But unfortunately the previous Governments made it appear that they introduced very many good reforms in this country, but before they took one step, they would merely pay the man his salary and ask him to keep quiet and then pull him out after some time. So Sankara Ayyar did not proceed with the determination of the life of the assets. Now, the life of an engine is not going to change within four or five years. When a particular type of engine is brought, we will have to determine on a scientific basis what is its life—thirty years, forty years and so on. If such a scientific basis is approved by the Committee, we know that the depreciation should be, say, one-thirty fifths if the life of the engine is thirty five years and so on. Or it may be done in a telescopic manner as is done in America, that is to say, to start with it may be one-thirty fifths and gradually go on reducing it until ultimately you come to the last year. These are the three ways of determining depreciation. Therefore, the question of prices does not come into this matter at all. My honourable friend, I fear, was not here.....

Pandit Hirday Nath Kunzru: This remark of my honourable friend is wonderful.

Shri M. Ananthasayanam Ayyangar: He will wait and see what further wonders I am going to achieve. Certainly, he thinks what we have been doing in this country, myself and persons belonging to my ilk, is wonderful. My friend has not forgotten that within a few years of agitation we did the wonder of obtaining freedom. Similarly, we expect to achieve more wonders in this country. So that, so far as wonder is concerned, I am not going to answer my friend. I leave him to be in the wonder land.

So far as prices are concerned, my honourable friend was not in this House; he was in the other House. I will even answer that point. When the European Member was here, I forget his name, the man who was last in charge of Railway Administration, the merchant from Calcutta, (An Honourable Member: "Benthall?")—Yes, Benthall: thank you for your suggestion—he said in his Budget speech about depreciation, what would happen to the replacement cost? At the time of purchase depreciation depends upon the purchase value, one-thirty-fifth, one-sixtieth or whatever it is of the original capital at charge, but if you replace it, the cost today is twice or thrice. I need not go into details. Even for that there is a solution. Whatever my honourable friend may think, by getting up into the air, diving into the sea, talking here and elsewhere, these things are not going to be achieved. He may wonder when we find a solution even for this. For the present, he may wonder what other things we are going to achieve or not going to achieve.

As regards the separation convention, I am very particular about finance. Day in and day out, even on the floor of this House, there are a number of people who are wedded to this. My friend says "Appoint an *ad hoc* committee". On what basis? *Ad hoc* basis? The Railway men complain, "Why are you taking away more to the general revenues?" If item after item of our national resources are brought under a socialist economy and they are managed by the State itself, we will lose all income-tax. What are we going to get and how is the State to be run? It is for that purpose, if not anything else, I want a committee to go into this and they should come out with their decision in this regard. It will then be time for us, after the Committee has gone into this matter, to say whether it is a waste or whatever it is. Instead of my honourable friend sleeping over it as some of his predecessors have done—I am not accusing my honourable friend Dr. Matthai who has been there only a short time, but some of the others who started similar committees and then dropped them in the middle—I am sure my honourable friend will pursue this matter and if Pandit Kunzru with his experience has any objections let him come and place them before the House and it is for the House to accept or reject or modify the recommendations in such a manner as to make it acceptable. This is a welcome measure. It is not come a day too early. It is already late. I am glad he has introduced it now.

Shri Biswanath Das (Orissa: General): Sir, I heartily congratulate my honourable friend for this Resolution and I call it a very responsible and democratic method because he has chosen to come forward with a resolution so soon after the debate in this House which was practically unanimous on this question. My honourable friend Pandit Kunzru, for whom I have got a very high regard, wants to have, if at all, an *ad hoc* committee as and when required. On an important question like this, I would beg of him not to think of an *ad hoc* committee. The objection has been partly met by my honourable friend Mr. Ayyangar. Sir, the Government has to face fire both from the

railwaymen union and also from Members of this House. Both have to be humoured and explained. If that is to be done, it can only be done by a responsible body elected by Members of this House carrying the influence and prestige of the House.

Having stated so much about the committee which ought to be a committee of this House, I come to the question of its necessity. True it is that we have not been—at any rate speaking for myself—I have not been able to do full justice to the voluminous Railway Inquiry Committee Report which was so late placed in our hands. I have my protests and I think I will be failing in my duty if I do not record them. We in this House have been working like school boys. Hardly have I worked so hard even as student in my lower classes. Sometimes I have to come at 9 o'clock and it is 6-30 P.M. when I return home. That being the position, is it possible for honourable Members of this House to go through a huge volume of 300 pages of printed matter which, for close attention, requires at least ten days? Unfortunately, all these reports have been placed in our hands during the session. We had the indigenous Medicine Enquiry Report which is equally a big volume and there are so many other reports of committees, standing committees and select committees. Under these circumstances, it is hardly fair to expect us to go through such a voluminous and import report of a very serious nature within so small a time. The very fact that it comes from so responsible a person as my honourable friend Pandit Kunzru goes to attach a very great importance to the report. We have regard for him and more regard for his recommendations which have come out of due deliberation. Under these circumstances, I do not say and I will never say that the report is useless or unnecessary or unfair or anything of the kind, but I do say that a committee such as this is necessary in the sense that Government has to come to some decision before the close of the current year, namely 1949-50. If that is to be done, how else could you expect Government to proceed, unless you the Government, taking into account the views expressed in the House, and come to decisions on the various points raised and recommended in the report. I think my honourable friend Pandit Kunzru will agree with us that instead of Government themselves coming to conclusions on each of these points, it is fair, necessary and desirable that they should have the co-operation, help and decision of a committee appointed by this House so as to give it prestige and influence and necessary backing of this House. Therefore, it is necessary.

Then, I come to the second reason why it is necessary. The Railway Convention that was presided over by late lamented Sir B. N. Sharma is one of about twenty four or twenty five years—nearly two *yugas* ago. It is all old history and there are many questions which have to be reviewed. Conditions have now entirely changed.

Wherefore all these call for review. The question is not confined only to the Railway Depreciation Fund and various other funds connected with the Railways, but also refers to certain other ancillary questions connected with these things. I have always been puzzled when I look into the various funds that you have in the Railways. I think the time has come when a simplification of the constitution of these funds is necessary.

Secondly, caution must be taken as to the amount of annual allotment that has to be made to these various funds.

I refer my honourable friend to the railway budget speech of the honourable Benthall. In his speech of 1946 he gave a glowing picture of the Railways. From his picture we thought that the recovery would be very early. No one hardly expected that the recovery would be so difficult, so continuous and so long. In fact, in the same speech he stated that it was not necessary to make very big purchases. As a matter of fact we now see that for the

[1ST APRIL 1949]

[Shri Biswanath Das]

Railways big purchases are necessary, including engines. It becomes difficult under the circumstances to assess the life-time of the various items necessary to run your Railways. A newer approach to the question becomes necessary. Under these circumstances, I feel that the method of approach that has been decided by the Ministry is the right approach. Business questions have certainly their bearing. I should feel that after the enhancement of fees and fares, the business aspect of the question recedes into the background, because the Railways under the enhanced fees and fares are assured of a steady and substantial income. If business improves Railways are bound to improve and we will get more income. Sir, I have always claimed that Railways should contribute more to the general revenues. I do not agree at all with those friends who feel that Railways should have nothing to contribute to the general revenues.

These are very important questions which need discussion and deliberation and a committee of this nature is very necessary and desirable. I would therefore implore my honourable friend, Pandit Kunzru and my honourable friend Mr. B. Das not to oppose the motion.

Shri B. Das: I do not oppose the motion.

Shri Biswanath Das: I am glad and I equally understood him that this was not an opposition. He only wants to utter a word of caution. I take it that this is the position also taken up by Pandit Kunzru. Under these circumstances, I strongly support the motion and I feel that it is a very useful and necessary one.

Shri Mahavir Tyagi (U. P.: General): I admire the good intention of the honourable Minister for Railways for he has been prompted so soon after the budget discussion to bring in to practice what was suggested by the House. When I say the honourable the Minister of Railways, I include,—as in law man includes woman—in parliamentary parlance, the Minister of State. They are both anxious to bring into quick practice the suggestions made on the floor of this House for the improvement of their department. I know, Sir, they are very anxious to improve matters and hence this proposal. I welcome it. However I have a few remarks to make for their consideration for whatever they are worth. I hope they will consider them too.

Firstly, the Railway Enquiry Committee has finished its deliberations. I do not know how many lakhs have been spent on the committee which has submitted its report. In going through the report I find that it has at some places to a greater extent and at other places casually, reviewed also these questions and on some of them they have gone a good length and they have taken into consultation and discussion and confidence the experts of the Railways too. So practically the other committee will be more or less revising the same procedure. That is one of my views.

I have become very keen after the budget discussions to see that no extra money is spent on committees, deputations or missions—purchasing or diplomatic. I want expenditure to be spent directly in governmental matters under the administration and time and money should not be spent over consultations or discussions as far as we can avoid them.

So my one impression is that as the Committee which the honourable Minister is going to get appointed will go over the same field of enquiry which the Railway Enquiry Committee has already done. So why not consider those recommendations in the department and be content. Besides, the House has already provided you with the co-operation of so many of our

ELECTION TO COMMITTEE re SEPERATION OF RAILWAY FROM GENERAL FINANCE 2207

honourable Members who can sit with you in the Railway Standing Committee and the Railway Finance Committee. After all, they are our accredited representatives. The honourable Ministers for Railways and Finance could sit with them for the purposes of this Committee. The Railway Finance Committee and the Railway Standing Committee could do the job better because they have been dealing with the department's needs and requirements. Why not extend the work of these Committees? Sit for a longer time and then discuss matters with them and make suggestions. I want to know if the appointment of this Committee can be avoided and the work done in the Standing Committee along with the Railway Finance Committee. If that is possible, then I think this Committee will not be necessary because it would mean a duplication of the work. If a new committee is appointed, all its findings and recommendations will have to be considered for final disposal by the Standing Committee.

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

So I would suggest that the Standing Committee take up the job and do the work. But I do not agree with my friend, Mr. Kunzru, that the matter should be postponed. It should be immediately done. I think the idea of a Finding Committee is good. If the work can be done otherwise, why go into the business of having a Committee? But if the honourable Minister feels that the Standing Committee will not do the work and he requires some more enquiry to be conducted, or an extensive going out into the country is necessary, then a committee has to be appointed, I will not mind the expense. I will agree with the appointment of the Committee. But, then there comes the question of the terms of reference. These were not the only salient points or questions discussed on the floor of the House. There were many other important questions which have been left out from the purview of this Committee. For instance, I would suggest if there be a Committee for Railways it should consider some concrete plans for the reform of the department, and the first question should be whether the Railways should be reorganised on a zonal basis or the same organization as it is today should continue.

This question of reorganisation will tell upon the finances one way or the other. If you are going ultimately to reorganise, why not include it in the terms of reference of this very Committee. If the Railways are reorganised on a zonal basis it will make a lot of difference.

Mr. Deputy Speaker: It was one of the terms of reference of the previous committee, which was asked to report as to whether and how economies could be effected on the various railway administrations. Therefore the Minister has brought forward this motion separately to look into this convention.

Shri Mahavir Tyagi: The wording of the motion is:

"To review the working of the Convention adopted under the Central Legislative Assembly Resolution dated the 20th September 1924 for the separation of Railway from general finance:

To examine the constitution and administration of the Railway Depreciation Reserve Fund and the Railway Reserve, and as well as other ancillary matters....."

It is not for a reorganisation of the Railways that the Committee is to be appointed but to examine the Railway Depreciation Reserve Fund, as also the Reserve Fund—and the Betterment Fund, unless you include under "ancillary matters", matters of vital importance like reorganisation of the Railways.

Shri M. Tirumala Rao (Madras: General): There is already a report on that submitted by the Kunzru Committee.

Shri Mahavir Tyagi: These matters are also discussed by that Committee. I thought that the honourable Minister wanted to take the House into his confidence and take advantage of the knowledge of honourable Members so that he may put into effect their suggestions. If only financial matters are involved the Finance Minister is also there and they would know what the effect of these measures will be. If we reorganise the Railways the Finance Minister will have to be asked to co-operate and for that another committee shall have to be appointed. So why don't you add this also in the terms of reference of this Committee, so that they can have an overall picture and all the financial considerations may be dealt with all together.

There was another idea of substituting the Railway Board with some statutory authority. That is also a vital question. That will also cause financial changes one way or the other. These are also questions which will have financial repercussions on the Railways. If a Committee is to be appointed will the honourable Minister take into consideration these questions and enlarge the field of reference of the Committee, so that there may not be any need of another committee to implement the suggestion.

As regards the appointment and the members of the Committee I not only support but welcome the idea.

The Honourable Shri N. Gopalaswami Ayyangar: Sir, I do not think I need take up much time in replying to this debate, which was perhaps more prolonged than I had anticipated on the very innocent motion of mine.

I think the main issue that has been raised is not so much the necessity for a Committee as the necessity for an enquiry into certain financial questions connected with the administration of Railways. Most honourable Members are agreed that such a committee is necessary. We must have definite, implementable recommendations from a Committee which could bestow its thought to a matter of this kind. The only thing that has come in the way is the report of the Indian Railway Enquiry Committee on this matter. So far as this particular committee is concerned I need only refer honourable Members to the fact that the Convention was adopted nearly a quarter of a century ago. At the time it was adopted it was intended that the working of this Convention should be reviewed practically every three years. An attempt was made in 1928 which proved abortive. We did not do anything at all till about 1942-43. And then we appointed a committee which only made a recommendation for the time being and we slipped into the present position of determining the question of the contribution to general revenues on a purely *ad hoc* basis.

Here I must correct my honourable friend, I mean you, Sir, when you seemed to imply that all the wickedness in not bringing into existence a committee of this sort was to be ascribed to people before Dr. Matthai and you seemed to give him an exemption—a sort of thing which he failed to do but which you were prepared to excuse. What I would like the House to remember is that during Dr. Matthai's time a committee was appointed for the purpose of reviewing this Convention and but for the fact that there was transfer of power in August 1947 and the old Legislative Assembly went out of existence we should have had that committee sitting for sometime. It would have made recommendations which if we had adopted, perhaps my motion today might not have been necessary.

What I wish to point out is that the necessity of reviewing the resolution which was adopted in 1924 has been felt throughout this long period of almost a quarter of a century and we have not reached any conclusion. We did expect that we would have some firm and definite recommendation from the Indian

Railway Enquiry Committee about this matter which might have rendered unnecessary the appointment of this Committee. But as it so happened the Indian Railway Enquiry Committee took the view that the present conditions are so uncertain that they would rather recommend that we should not attempt a review of the existing position for some years to come. However, so far as that is concerned Government are firmly of the view—and I am glad the House is with me in that matter—that this is a question which we cannot delay any longer. The question of placing railway finances on a satisfactory basis is too important to be postponed merely on the ground that conditions are uncertain. Conditions have been uncertain in the past and even if we reach, say within the next year or two, conditions which appear to be less uncertain we cannot altogether rule out the prospect of the conditions becoming uncertain once again after that. After all what is it that this Committee is intended to do? It is not going to say that so many crores of rupees should be paid into the Depreciation Reserve Fund and so many crores of rupees should be paid every year as a contribution to general revenues. No Committee is likely to say that. It will only examine the principles on which the amounts to be paid to these funds can be determined on a proper basis every year. It will not leave either the railway finances or the general finances in the uncertain position of not knowing what each could expect to get or to retain out of the railway revenues. That is really the matter which this Committee will have to tackle. I think that is a question which requires immediate tackling and I have suggested that the tackling should be done by a Committee of this House.

My honourable friend Mr. Tyagi raised a pertinent question as to why when Railways had the benefit of the advice and assistance from other Committees which had been constituted for the purpose of helping railway administration it should be necessary to appoint a separate Committee for going into this question. My first answer to that is that the problems that we shall remit to this new Committee are problems which concern not merely Railways but general finances, and it is necessary that the Committee that we constitute should be sufficiently representative to be able to understand and pronounce judgment upon the somewhat conflicting views that may be presented to it by those who espouse the cause of the general finances and those who would espouse the cause of railway finances. That is why we would not have a Committee whose duty it is to assist the Railways alone to constitute a Committee of this sort but we want the whole House to be represented on this Committee. And by the whole House I mean that portion of the House which is not peculiarly charged with the task of looking after Railways alone.

The second thing that he did ask is that I must consider the question of enlarging the terms of reference to this Committee so as to include matters which are not strictly financial but which are administrative—which are matters relating to the reorganisation of the whole of the railway administration and so on. I quite see the point that administrative decisions do have a bearing upon the financial position of the Railways. But there is a clear line which has to be drawn between what might be considered administrative aspects of railway administration and what might be considered to be purely financial questions. I consider that this Committee will deal not with those larger aspects of administration which are more administrative than financial: it should limit itself to those aspects which are more financial than administrative. That is the position I would like to place before the House.

I do not think there is really any other point which I need meet on this occasion. Mr. Das of course referred to the Depreciation Fund. I quite appreciate all that he said, but I think that after we receive the report of this

[Shri N. Gopalaswami Ayyangar]

Committee and after we get the principles on which the contribution to the Depreciation Fund should be made in the future and the Government and the House accept that position, his difficulties as regards the Depreciation Reserve Fund will disappear altogether.

Pandit Lakshmi Kanta Maitra (West Bengal: General): May I put one question, Sir? I want to know from the honourable Minister one definite thing. I think many Members are aware, and the honourable Minister is aware, that this is the third time that an attempt is made to have a Committee like this to go into the whole vexed question. The first one was at the time of Sir Edward Benthall, it was shelved; the second time it was in the Honourable Dr. Matthai's time in 1947;—a Committee was appointed to sit; it was shelved and nobody knew what happened to it. And now for the third time my honourable friend has come with this. I want to know if the honourable Minister is satisfied that at the present moment he has been able to get sufficient data to go into all these questions. I know the importance of the question. He must fix the principle of the Depreciation Fund, the Amortisation Fund, Renewals and so on and so forth. Most of these have been done in a haphazard way after partition and after the situation that has been created as a result of partition. Is the honourable Minister now in a position to be able to furnish the Committee full and necessary data by which accurate decisions could be arrived at?

The Honourable Shri N. Gopalaswami Ayyangar: My answer to that question is that when the Committee which was appointed on a motion by my honourable colleague here was about to set to work a great deal of material was collected by the Railway Board.

Pandit Lakshmi Kanta Maitra: I am told they had been taken away after partition. Most of the records are missing, that is what I am told.

The Honourable Shri N. Gopalaswami Ayyangar: I have seen printed copies of some of these papers myself. I do not think the Railway Board has now been incapacitated by loss of records from producing the kind of material that this Committee would require for its consideration. I can assure the honourable Member that all the material that he may require will be produced and the officers concerned would be set to work from now, and before the first meeting of the Committee we shall place as much material as it is possible to collect at their disposal. If more material is required by them after they meet that also will be collected. That is why I have fixed the period at something like nine months during which there will be some time for collection of additional material and the Committee also will have ample time to consider that material. I want this Report by December next because I want to use that Report for the purpose of fixing the Budget for the following year.

Mr. Deputy Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, nine Members to serve on the Committee, of which the Honourable the Minister of Transport and Railways and the Honourable the Minister of Finance will be *ex-officio* Chairman and member respectively, to review the working of the Convention adopted under the Central Legislative Assembly Resolution dated the 20th September 1924 for the separation of Railway from General finance, to examine the constitution and administration of the Railway Depreciation Reserve Fund, the Railway Betterment Fund and the Railway Reserve Fund as well as other ancillary matters and to make recommendations before the 31st December, 1949."

The motion was adopted.

Mr. Deputy Speaker: I have to inform honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely:

	Date for nomination	Date for election
1. All India Council for Technical Education.	2-4-49.	5-4-49.
2. Committee to review the working of the Railway Convention.		

The nomination for these Committees will be received in the Notice Office upto 12 Noon on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's room (No. 21) in the Council House between the hours 10-30 A.M. and 1 P.M.

HINDU CODE—*contd.*

Mr. Deputy Speaker: The House will now proceed with the further consideration of the following motion moved by the Honourable Dr. B. R. Ambedkar on the 31st August, 1948, namely:

"That the Bill to amend and codify certain branches of the Hindu Law, as reported by the Select Committee, be taken into consideration."

Pandit Lakshmi Kanta Maitra (West Bengal: General): Sir, before you call upon my honourable friend Mr. Naziruddin Ahmad to continue his speech I feel constrained to bring to your notice once again the irregular manner in which this motion is being brought to this House from time to time. I think very few of us knew up till yesterday that this Bill was coming up again for consideration. As a matter of fact the House was under the impression that so heavy was the pressure of urgent government business that no day could be found for it. In fact several Members of this Parliament who came over here to participate in the deliberations on this subject went back under the impression that this matter was not going to be taken up again in this session. I can particularly mention an honourable Member, Pandit Govind Malaviya, who came over here and who wanted to speak for a very long period of time, and when he was assured that the matter was not coming up.....

Several Honourable Members: Assured by whom?

Pandit Lakshmi Kanta Maitra: Most people knew. It was not a case of ordinary business of this House. No single Member of Government stands up and says, "I give you an assurance that this will be discussed". Nothing like that. Everybody got the impression from Party talks and elsewhere that the matter was not going to come up at any rate in this session. (*Interruption*). That being so, if it is taken up now it will be showing very scant courtesy to the House. I feel this Bill is of such a controversial nature that I do not think that you should allow this Bill to be proceeded with in the way in which it is being done repeatedly in its different stages. Sir, it is for you to consider the point of view which I am placing before the House. The House is attenuated, and because the whole Budget discussion was over most Members were under that impression—and quite reasonably. When they had no idea of the change suddenly to spring a surprise by bringing in a motion like this at this late stage, of the session, is, I think, hardly fair.

An Honourable Member: We want your decision, Sir.

Mr. Deputy Speaker: But there is no point of order here.

Shri Mahavir Tyagi (U.P.: General): But then I want information as to how long the discussion are proposed to be held. There are friends in my Province who had requested me to inform them when the Hindu Code Bill comes for consideration. I could not inform them because I did not know whether the

[Shri Mahavir Tyagi]

Bill will be considered only for today or for tomorrow or any other day or till the end of the session. So, Sir, will you now be in a position to tell the House how long we are going to discuss this Bill so that if there is time for them to come, I might inform them.

Mr. Deputy Speaker: I am in full sympathy with what Pandit Maitra has said, but I do not find any way out of it. As far as I am aware—I have been here for a number of years in this Assembly—when any matter of such importance where a number of people are interested, comes up, the agenda for the next week would be at least read out on the previous Friday. I have been accustomed to some procedure. Evidently it was not expected that there would be time for this Bill, but it was put in when one day was extended and time found for today and tomorrow. That is why previous notice could not have been given. I believe the honourable Members would try to take as good advantage of it as possible by sending telegrams, etc. and get other Members. Therefore, so far as Mr. Tyagi is concerned, if he thinks that other Members outside are interested in the proceedings, I may say that the proceedings will be broadcast this evening or tomorrow morning and then they will come to know of it.

An Honourable Member: How can they come tomorrow?

Mr. Deputy Speaker: They can come by aeroplane! It is not for the Chair to decide how they can come. All that I can say is that on an important matter of this nature, certainly Government must have given proper notice; it is not as if Government could lose sight of this important matter. The general public is interested, a large number of the Members from the Provinces and States are not here. Even if they were here, it cannot be expected that everybody should be expected to read all the books and carry all the information for use at a moment's notice. These are the disadvantages but I am sure the honourable Members will try to do as best as they can of the opportunity. Nobody can guarantee how long the discussion will go—it may conclude this evening or go on till tomorrow.

Shri T. A. Ramalingam Chettiar (Madras: General): What is the programme for this Bill?

Mr. Deputy Speaker: It is entirely in the hands of the House. I do not think we can have a cut-and-dried programme. It is for the House to see whether it is necessary to continue discussion, and if there is sufficient debate to close it as early as possible.

Shri Mahavir Tyagi: Sir, I will put the question the other way round. May I know if there is any other Government Bill for the rest of the Session or this Bill is the only work before us, so that I can make out how long this Bill will go?

Mr. Deputy Speaker: As the honourable Member will see from the Order Paper, there is so much other work. This no doubt happens to be the first Bill for the day but tomorrow other Bills will come which are on the list. We need not spend any more time on this question.

Mr. Naziruddin Ahmad.

Shri B. Das (Orissa: General): Will you please fix a time-limit for speeches?

Mr. Deputy Speaker: I cannot fix any time-limit on a controversial matter of this kind. I shall try, so long as I am in the Chair—certainly the Speaker will do it better—to see that repetition is avoided. That is all that I can do, and I shall, to the best of my ability, avoid all irrelevant matters being brought in. Subject to this, I would like to give as much freedom as possible.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Mr. Deputy Speaker, it is a strange irony of fate that apart from the interrupted nature of the debates on this Bill, it has been decided by Government that the chequered career, of this Bill and the intermittent debate should, after an interval be seriously resumed on the All-Fools' Day. On the last occasion, when I pointed out that the Bill was sent to the Select Committee in a great hurry on the 9th of April last, some honourable member reminded us that 9th April was very near the 1st of April. Somehow or other this Bill is associated with the 1st of April. On this day, we are accustomed from time immemorial to deal with each other in a playful spirit. We issue bogus invitations, bogus marriages are announced and various other bogus things are done.

Shrimati Ammu Swaminadhan (Madras: General): Sir, has this got anything to do with the Hindu Code? Just now you said that no irrelevant matter will be allowed. Has all-fools' day anything to do with the Hindu Code?

Mr. Deputy Speaker: I have not heard the honourable Member sufficiently to come to a conclusion as to whether it is irrelevant or not.

Mr. Naziruddin Ahmad: Sir, I was merely emphasizing the unsatisfactory manner in which the Bill is being brought up from time to time. A Bill of this importance and magnitude requires that it should be sat over continuously by honourable Members.

Pandit Lakshmi Kanta Maitra: Spat over?

Mr. Naziruddin Ahmad: Sat over. Pandit Maitra thought "spat over". I did not mean that. I submit, Sir, a Bill of this magnitude requires that Members should sit over it continuously for a long time. The disadvantage of considering this matter at long intervals is that Members lose the thread of argument and it is very difficult for them to appreciate what has already been said so as to connect with what is said on each occasion. I submit, therefore, that this is not dealing seriously with the Bill or with the House.

On the last occasion when I was dealing with the history of this important legislation, I pointed out that the first mistake was committed in 1937 with the passage of the Hindu Married Women's Rights to property Act, 1937.

The mistake was to have rushed to the legislature and without sufficient consideration to have passed a Bill of that complicated nature. In fact, an honourable Member of that House at that time, Mr. Deshmukh, had a happy idea and without giving sufficient consideration to the subject, he came to the House and the House in a generous mood passed the Bill. By that Act, certain women were given the right of direct inheritance along with the sons, grandsons and great-grand sons. They were given independent right. They were not merely Hindu women's rights, but absolute, transferable and inheritable rights. Soon after that, a distinguished lawyer from Bengal—Mr. Rishindranath Sircar—drew attention to certain difficulties which would arise in connection with the Act. Mr. Rishindranath Sircar is a distinguished lawyer and author of a text book on the Hindu Married Women's Right to Property Act, and connected Acts. He pointed out certain inherent difficulties which would arise in connection with the Bill, and in 1938, the Act had to be amended by Act, XVI of 1938. The trouble, however, did not cease there and difficulties arose afresh. A further difficulty arose by the Act as it was amended in 1938. By the Act even as amended, right was given to the widow of the deceased, the son's widow, grand-son's widow and the great-grandson's widow and considerable difficulties arose as to the position of the daughter. In fact, there was a great deal of controversy and Mr. Sircar again pointed out the difficulties of the situation created so far as the daughter was concerned. This question was agitated throughout the country, and we find about half a dozen Bills were submitted to the Legislative Assembly to clarify the position of the daughter, to

[Mr. Naziruddin Ahmad]

give her also that right, along with the son, grandson, and the widows of the various persons. Those Bills were presented to the House and they were on the agenda. I believe experienced Members of this House, like Pandit Lakshmi Kanta Maitra will be able to recall the situation with which the Government was faced, when it had a large number of Bills before it—about six Bills. Sir Reginald Maxwell, the Home Member, at that time pointed out in the House that it was always a bad thing to rush legislation on social matters, without adequate consideration. And the difficulty was more and more increased as there were more and more legislations. He was, therefore, in full sympathy with the position taken by those members, and he agreed to have the matter examined properly, from every point of view, before legislation was undertaken. This led to the birth of the Rau Committee. That Committee prepared a Draft Bill and sent questionnaires to various people, and considered and analysed the answers and they prepared another Bill. But before proceeding any further with their work, they were met with an initial difficulty. They found that there was another blunder in connection with the Acts of 1937 and 1938. They were of opinion that the Act of 1937, as it was amended by the Act of 1938 did not apply to agricultural land. The difficulty arose in this way that the first Act of 1937 was passed by the Legislative Assembly when agricultural land was a subject no longer cognizable by the Centre.

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

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

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

Sreematty Annie Mascarene (Travancore State): I wish to raise a point of order. May I know whether it is the duty of a Member of this House to attend the session of the legislature throughout?

Mr. Speaker: It is hardly a point of order. A member need not attend any discussion if he does not like to do so. But I will make one observation. If a member makes a speech in support of or in opposition to a Bill, it is his duty to remain present in the House to hear the reply.

Sreematty Annie Mascarene: If he is absent for a few days and then comes back and complains that he is not aware of the agenda of the House, can that be excused, Sir?

Mr. Speaker: He will be judged by his statement before the House.

Mr. Naziruddin Ahmad: Before we parted for lunch today I was dealing with the first part of the history of this legislation. The Act of 1937 and the amending Act of 1938 led to difficulties with regard to the daughter and a large number of Bills were brought forward to clarify her position. At that stage the Government agreed to have the matter examined and appointed the Rau Committee. The Rau Committee soon found that the legislature had no jurisdiction to pass the Acts so far as agricultural land was concerned. The point arose in this way: Agricultural land was in the Legislative List of the Centre under the previous Constitution. The Bill was passed by the Lower House in March 1937 when it was functioning under the old Constitution. The Upper House passed it sometime in April when the new Constitution of 1935 had come into force. So, when the Bill was passed by the Upper House it had no jurisdiction to legislate for agricultural land. The amending Act of 1938 was passed when none of the Houses had this jurisdiction. These were capital blunders committed by the Legislature of the time. The Rau Committee referred the matter for opinion to the Federal Court. The Federal Court gave a ruling that the House had.....

The Honourable Dr. B. R. Ambedkar (Minister of Law): The history is wholly wrong.

Shri L. Krishnaswami Bharathi (Madras: General): How could the Rau Committee refer to the Federal Court?

Mr. Naziruddin Ahmad: Is it wholly wrong?

The Honourable Dr. B. R. Ambedkar: Yes, wholly wrong.

Mr. Naziruddin Ahmad: In what respect?

The Honourable Dr. B. R. Ambedkar: I will deal with it in my reply.

Pandit Lakshmi Kanta Maitra: He is substantially correct.

Mr. Naziruddin Ahmad: The Rau Committee reported to Government and the Governor-General referred the matter to the Federal Court. I was wrong only in a minute technical detail. I repeat: The Rau Committee referred the matter to the Federal Court through the appropriate channel—the Governor-General. Is that wrong? I was absolutely right and never wholly wrong. (Interruption).

Mr. Speaker: The honourable Member may proceed.

Mr. Naziruddin Ahmad: The point was thus referred by the Rau Committee to the Federal Court and they gave the ruling that the Legislature acted *ultra vires* so far as agricultural land was concerned. That was a capital blunder which was revealed at the time. As soon as the ruling of the Federal Court was known I came upon the scene. My connection with the Hindu Code is not casual or recent. I am in a position to show to the House that I took legal steps in connection with this legislation as far back as 1941. I was then a Member of the Bengal Legislature and I submitted a Bill even before the first report of the Rau Committee was out. As soon as the judgment of the Federal Court was known I introduced a Bill in the Bengal Legislature to apply the Act to Bengal so far as agricultural land was concerned. That was the first attempted legislation of the time in this connection in India.

Mr. Tajamul Husain (Bihar: Muslim): May I know from my honourable friend if at that time he was in favour of the Hindu Code Bill from what time did he change his mind?

Mr. Naziruddin Ahmad: The Hindu Code Bill was not even born at the time. At that time, like many others—many more famous men as far even as the topic was concerned, it turned out later that I had taken a wrong step. In fact I wanted to extend the Act to agricultural land in Bengal. That was the object of the Bill which I submitted to the Bengal Legislature. It was circulated for opinion throughout Bengal and a large body of public opinion was in favour of the Bill. Everybody at the time like me thought that that Bill was right.

Mr. Tajamul Husain: Sir, the honourable Member has not given his reasons why he changed his mind.

Mr. Speaker: That is not relevant at all. He may change his mind any number of times.

Mr. Naziruddin Ahmad: The Honourable Member should try to wait. The House will be pleased to note that the Bill was submitted by me in 1941, 14th July, and that a very large section of Hindu public opinion in Bengal was then in favour of it. Then the Bill was placed on the agenda for a Select Committee. I have got a copy of the agenda paper with me, dated 25th September 1942. I was then in a position to get it passed by the Bengal Legislature where the Hindu-Muslim-Coalition party had a large majority. The Party by a majority

[Mr. Naziruddin Ahmad]

had decided in favour of the Bill and it was going to be sent to a Select Committee. By that time, however, Hindu opinion had been sufficiently crystallised against the Bill. I was told that serious difficulties would arise if the Bill was passed. Many people, including myself, then realised that if the Bill was passed, the position of daughters and others would lead to chaos. In the meantime the Rau Committee report had been published and the Bill drafted by them was before the country. A large number of meetings were held in connection with it in 1941 and 1942. There was a meeting held in my native place of Burdwan and many similar meetings were held throughout Bengal condemning the main Bill. Though I had the requisite majority in favour of my Bill, I did not proceed with it as it was a Matter affecting the Hindu community alone and it was opposed by them. I felt that it was no good passing a measure by sheer majority of persons who were not affected by it. I was never in favour of the Hindu Code Bill, though I was for a time in favour of my own Bill. This will I hope satisfy my Honourable friend Mr. Tajamul Husain. I asked the Hindu members to let me know what to do and they were against my Bill and so the Bill was dropped. I am not afraid in the least to make this admission that everybody thought and even the Rau Committee thought that a Bill foreshadowed by my Bill should be introduced to extend the Act of 1937 in every local legislature to Agricultural land. I also fell in line, but then I found this volume of Hindu opinion against my Bill. No Province has ever applied the Act of 1937 to agricultural land. Thenceforward, Sir, a large number of meetings have been held in Bengal and the Rau Committee Bill has been uniformly condemned.

Now with regard to this Rau Committee's report, they prepared a Bill, that is the "Hindu Code Bill—Part I intestate Succession" and that was introduced in the Central Legislative Assembly and that was sent to a very strong joint Select Committee of both Chambers of the Central Legislature. I have got a report of the Select Committee with me. It was very strongly supported on one side, but equally strongly opposed on the other, and this Bill as reported by the Select Committee came to the Legislature once again. The Rau Committee had in 1941 reported that the Hindu Code Bill should be taken up by compartments. It is a very important point and I wish to draw special attention to the fact that the Rau Committee actually reported that the Hindu law should be taken up by compartments, succession, marriage, guardianship and others. They said at page 23 of their report of 1941:

"The recommendation which we should like to stress most strongly is that relating to the preparation, in gradual stages, of a complete code of Hindu law beginning, as we have said, with the law of succession, to be followed by the law of marriage and in due course by the other topics of Hindu law. It is true that even these large groups are to some extent inter-connected; but it will be easier for the draftsman to see what he is doing if he deals, for example, with the whole law of succession than with isolated rules relating to the property rights of widows. This plan would also offer a better chance of agreed solutions on disputed points, for the larger the field, the more room there is for compromise. The aim should be, as far as possible, to arrive at agreed solutions and to avoid anything likely to arouse acrimonious controversy. This need not mean any real slowing down of the pace of reform; for true reform proceeds by persuasion rather than coercion."

At page 11, they say:

"We do not suggest that all parts of the law should be taken in hand at once. The... law of succession... may be taken up first, then the law of marriage; and so on. After the law relating to each part has thus been reduced to statutory form the various Acts may be consolidated into a single Code."

That was the report and in pursuance of their report they submitted their Bill relating to the Hindu Code Part I, intestate succession. Before the Bill relating to succession as settled by the Joint Select Committee came up before the Assembly, the Joint Select Committee had itself recommended that it is no good passing this part alone, but that they should have a true picture of the entire Hindu Code as it will stand, as the different parts are inter-dependent and in this way, they recommended that this Bill should not be passed and a

truer and a more comprehensive view of the Hindu law should be taken. In their report the Select Committee say:

"We think that steps should be taken to resuscitate the Hindu law Committee and to encourage the formulation and enactment of the remaining parts of the proposed Code in the interval which is to lapse between the present Bill when passed comes into force. It may well be found that the present Bill will require before it is allowed to come into operation, readjustment and amendment in the light of the decisions taken in connection with the other branches of the Hindu Law."

So they recommended that the House and the country should have a fuller picture. The Hindu Law Committee which had been dissolved was thus revived and they were asked to give us a picture of the other branches of the Hindu Law. The first thing which they did was to produce another Bill, the "Hindu Code Part II—Marriage." The second Bill was produced by them and later on they produced the other parts. The point which I am trying to emphasise is that these were separate self-contained Bills. The law of Inheritance was absolutely self-contained and separate and was capable of being enacted separately. The law of Marriage also could be enacted separately. There are three other parts which were in separate parts though printed in one volume was circulated. Then after obtaining opinion, they introduced some changes also by way of supplement. The House will, therefore be pleased to note the real meaning and purpose of completely separate Bills printed in the same book as separate self-contained subjects with separate numbering. The Law Ministry, however, it seems mistook the purpose of the separate parts with separate numbering. In fact in the report of the Select Committee on the present Bill, the members of the majority say that separate numbering and separate parts was a thing unknown and purposeless, and therefore they wanted to blend the different parts into one complete whole with consecutive numbering. That is clearly mentioned in the report. That is the reason why they produced a Hindu Code which they thought was self-contained and more logically arranged. The purpose of the Rau Committee of separate enactments and their subsequent consolidation was entirely missed.

The first point, which I should like to take in this connection is that the changes made by the Departmental Committee set up by the Ministry of Law went beyond the purpose of the original Bill, or rather the different Bills. In fact the blending of the different parts of the original Bill into one is the thing which has created a lot of difficulties and has made confusion worse confounded. As was suggested by the Rau Committee, the better thing would have been to pass separate parts separately, so that there will be the least objection and the attention of the House as well as of the country could be focussed upon individual subjects, though they may have a comprehensive view of the entire Hindu Law. Now the blending of the different parts or Bills into one whole with running numbers has placed us in this difficulty that we find in the House that there is hardly any Member who has spoken; who is completely in favour of the consolidated Bill as it has emerged from the Select Committee. Some are in favour of the marriage provisions; others are in favour of the inheritance; with regard to guardianship and other things, there is the least objection. Separate Bills as in the original scheme would have simplified matters and reduced our troubles.

Pandit Lakshmi Kanta Maitra: Maintenance portion is the best; all the rest is rubbish.

Mr. Naziruddin Ahmad: Maintenance portion, as Pandit Maitra reminds us, is the least objected to. So if the parts were kept separate, then the House would have been in a position to deal more easily with individual subjects. The subject of maintenance is not controversial. It does not affect the religious structure of the society. It does not wound the religious feelings and age-long beliefs of the Hindus and it could have been passed at once. That was the reason for the separate treatment. But the Departmental Committee

[Mr. Naziruddin Ahmad]

rather, missed the purpose of the separate treatment and blended the whole thing into one.

Sir, I would point out that in the second Rau Committee report also, the Bill was prepared in different compartments. They repeated their advice that it should be taken up separately. The Bill was intended to be taken up in parts separately, and should be dealt with individually.

Mr. Tajamul Husain: Why don't you bring amendments to this effect?

Mr. Naziruddin Ahmad: My honourable friend by the interruption means to say "I shall mix up things in any way I like, and it is for you to bring suitable amendments to separate them." It is impossible. If you cook meat, fish and vegetables together and ask a vegetarian to separate them by means of an amendment and then take the vegetables alone, that would be to putting the cart before the horse. The Bill has mixed up distinct and separate categories of law into one complete whole.

Shri L. Krishnaswami Bharathi: No, no. There are separate chapters.

Mr. Speaker: The honourable Member is expressing his own view and other honourable Members will have an opportunity of expressing their own views. What is the good of interrupting? It will only prolong his speech.

Mr. Naziruddin Ahmad: The sections of one part have been lifted from that and placed in another part.

Shri L. Krishnaswami Bharathi: On a point of order, Sir. Am I not entitled to correct, when his statement that it has mixed up different chapters is open to correction?

Mr. Speaker: That way he will be entitled to correct again. There should be no interruptions. I think we are unnecessarily impatient. Whatever our views in respect of the Bill, for or against, we must give a patient hearing to the opponent and try to meet his points. I am going to give the fullest opportunity to every one. So let there be no interruptions.

Mr. Naziruddin Ahmad: I am very grateful for this direction. The point is that the definitions and other clauses in each part were absolutely separate. It is easy for any one who has the patience to compare the original Bill presented by Mr. Jogendranath Mandal to the House with the revised Bill to see the difference.

An Honourable Member: Who was Jogendranath Mandal?

Mr. Naziruddin Ahmad: He was the previous Law Member. If any one compares the old Bill presented by him and the present Bill, it would be easy to see that portions from different parts have been transplanted to other parts. The act seems to be absolutely *bona fide*, but it was not based upon a full appreciation of the purpose of the separate treatment of the subjects. In fact, the Select Committee was presented with a re-drafted Bill by the Ministry of Law. That I submit would be likely absolutely to mislead the Select Committee. It is this document which was printed on the 17th July 1948. It was prepared ready-made for the handy use of the Select Committee before it ever met and the Select Committee was presented with this Departmental Bill. I have already dealt with one point, that in this intermediate Departmental Bill a serious departure has been made, namely, different parts have been mixed up into one whole so to make it impossible to put separate parts back to their original shape. It can be done by a research student, not by Members of the House without any such tendencies or inclinations. I submit therefore that the first mistake was committed by the Departmental Committee in mixing up entirely separate subjects. This introduces a serious and unprecedented constitutional innovation.

Then, Sir, the Departmental Committee has introduced very serious changes in their Departmental Bill. It will be extremely important when we consider the bearing and the effect of this Departmental Bill on the proceedings of the Select Committee. The Departmental Bill, as I shall attempt to show introduced many very important changes, though I must point out that neither the honourable Minister for Law nor the Members of the Select Committee nor the Members of the House seem to be aware of the seriousness of the changes effected. In fact, the Minister for Law on the last occasion when he spoke in the present session in support of the motion for consideration pointed out the substantial changes made in the Bill. But he was careful to insist that all the changes had been made by the Select Committee. I took careful notes of his speech and this can be verified from the official reports. He pointed out with commendable thoroughness the departures made in the final Bill from the original Jogendranath Mandal's Bill. That shows that the honourable Minister was totally unaware of the serious changes made by his Department in the so called Bill submitted to the Select Committee. In fact, I asked a Short Notice Question of the honourable Minister as to whether the Departmental Committee had been authorised to make any substantial changes in the original Bill. The answer was that they had no such authority. On the other hand, the Minister for Law took the entire responsibility for the changes if any on himself. To a supplementary question of Mr. Ramnarain Singh the Minister for Law stated "I introduced no changes". In fact, the point was whether the Departmental Bill had made any substantial changes, and he made it absolutely clear that he had made no such changes and that the Select Committee alone had made the changes. The entire House seems to be of the opinion that the Select Committee made the changes and that no substantial changes were made by the Departmental Committee. On the last occasion when I was on my legs, I was repeatedly asked to point wherein the Departmental Committee had made substantial changes. It is important that I should refer to this, because it shows that the Members of the Select Committee or the House or even the Minister for Law was not aware of any substantial changes really made, and I submit therefore that if I can show that substantial changes were really made by the Departmental Committee and very rarely by the Select Committee. It would open up before the House important considerations. The Select Committee were given a ready-made new Bill and the assurance in the report of the Select Committee is that it contained no substantial changes and that the changes were re-arranging the clauses, their re-numbering and such formal changes as are purely of a drafting nature. This is the assurance we get in the report of the Select Committee. I would therefore like to point that those substantial changes were made by the Departmental Committee. It is not easy to trace the changes and I cannot blame any honourable Member for failing to notice them. I had to prepare a comparative chart, not of the numbers alone, but of the clauses and sub-clauses of the three Bills side by side. I asked for a copy of the Departmental Bill, but it was not supplied. I submit, Sir, that the Departmental Bill is a very important document and should be supplied to the Members. We have been supplied with a report of the evidence of witnesses before the Select Committee, but the most important document which played such a large part in the framing of the final Bill, has not been supplied. It was with the greatest difficulty that I have procured

3 P.M. a copy, not from the Department, but through the courtesy of an honourable Member. Then, Sir, I prepared a comparative statement in parallel columns of the appropriate provisions of the original Bill and the corresponding provisions of the Departmental Bill and the final Bill, and I find it extremely difficult to explain the real significance of the changes except by reference to the comparative chart.

I am trying to get the Bills in parallel columns printed. I am sorry it could not be completed and it could not be placed in the hands of the Members for

[Mr. Naziruddin Ahmad]

their convenience. But I shall refer to the substantial changes made one by one. In doing so, I shall refer to the very important changes made by the Departmental Committee. It is on a consideration of the changes by the Departmental Committee that this point will be decided. I shall refer to the changes made by the Departmental Committee which has been officially denied by the Department and also unknown to the Members in the House. The House will be pleased to consider certain clauses of the original Bill.

It is in part I, clause 2, sub-clause (3) (a). The clause corresponding to this is clause 2 of the departmental Bill, sub-clause (2). The original Bill says:

"It shall be presumed until the contrary is proved that the whole of this Code applies to every person who is not a Muslim, Christian, Parsi or Jew by religion."

The original Bill was thus a mere rule of presumption. But in the departmental Bill it is no longer a rule of presumption but a positive rule of law. In the original Bill it was to be presumed that if a man was not a Muslim, Christian, Parsi or Jew he would be "presumed" to be a Hindu. That would not be a rule of law but a rule of presumption. In the Departmental Bill this is changed to stand like this:

"This Code also applies to any other person who is not a Muslim, Christian, Parsi or Jew by religion."

The difference between the two is that under the original Bill any man who is not a Muslim, Christian, Parsi or Jew, would merely be presumed to be a Hindu and would be presumed to be governed by this Act. In the Departmental Bill, it is said that

"the Code applies also to any one who is not a Muslim, Christian, Parsi or Jew."

I submit, Sir, this is introducing a substantial change. While it was a rule of presumption in the original Bill, it is now a positive rule and not one of presumption, that the Hindu law applies to any one not being Muslims, Christians, Parsis and Jews.

In the proviso it is said:

If it is proved that the Hindu law does not apply to anyone, the Hindu law will not apply."

I think it is most unsatisfactory way of stating things. The final Bill applies it to them and this with the proviso, has changed the law.

Sir, I submit that this has introduced a serious change. I am not concerned with the policy of the law. But I am concerned with the changes in the Departmental Bill of which the Select Committee seem to be unaware.

Then, Sir, coming to another part of the Bill. In the Departmental Bill.....

Mr. Tajamul Husain: May I have your permission to raise a point of order?

Mr. Speaker: Yes.

Mr. Tajamul Husain: My learned friend, Mr. Naziruddin Ahmad has been trying to show before the House that the Departmental Bill was considered by the Select Committee and not the original Bill and he does this after your finding of fact and ruling that the original Bill was considered by the Select Committee. I want to know your ruling now.

Mr. Speaker: I have been hearing his argument and I feel he is speaking in support of his amendment that the Bill be circulated for purposes of opinion and the other amendment is for recommitment to the same Select

Committee. Therefore, though my ruling stands, I think he is trying to make out a case that there has been such a substantial departure from the original Bill as introduced by Sjt. Jogendra Nath Mandal, both in the scheme as well as in the content, that it is necessary now to recirculate or recommit it to the same Select Committee. His point, as I have understood till now, is that the original scheme of the Rau Committee in the first Bill was that the various parts of law should be taken in different compartments. It was possible to separate one from the other, but in the present scheme, the whole having been made as an organic whole, it is difficult now to take certain parts that the people agree to and drop out other parts, with which the people do not agree. How far he is right is another matter. Therefore he says that it is necessary to recirculate the Bill for opinion. That is how I have understood the point till now. I do not think he is contradicting my ruling.

Mr. Naziruddin Ahmad: Not in the least. Sir, it will be too late in the day even to suspect that I have questioned your ruling. The ruling was on a point of law. It was very technical in nature. My point of order was based upon some assumptions which could not clearly be proved.

Mr. Speaker: The honourable Member may proceed with his argument.

Mr. Naziruddin Ahmad: I substantially agree that my point of view is that. But it is something more too. In fact, it is my purpose to show that if the honourable the Minister of Law, who is responsible for the Departmental Bill, and the Members of the Select Committee were not precisely aware of the substantial changes made in the Departmental Bill, can it be said that legally and also in fact they have substantially considered both? They technically considered both, but did they as a matter of fact adequately consider them? The question no longer arises as a matter of law on account of your ruling, the justice of which I respectfully accept. But the point I am stressing is that though they considered both, they were faced with the obvious difficulty that there was a Bill presented to them which was said to be a mere re-draft of the original Bill and a re-arrangement of things of the clauses, with the express guarantee that no substantial changes had been made and yet in fact substantial changes had been made. My point is that though technically the Select Committee consider both the original Bill and the Departmental Bill they did not and could not, as a matter of fact, give sufficient or adequate consideration to these undisclosed changes. My purpose is to make out a case for recommitment of the Bill to Select Committee or for circulation.

The next change made by the Departmental Committee of a substantial nature is in clause 2, sub-clause (4). The change introduced here was made by the Departmental Committee. The change is absolutely new and it was not in the original Bill and is a substantial change. This was introduced by the Departmental Committee in the Bill and not by the Select Committee. That is the most important point. The Departmental Bill provides:

"(2)(4). Notwithstanding anything contained in the Special Marriage Act of 1872 (III of 1872) this Code shall apply to all Hindus whose marriages have been solemnised, under the provisions of that Act prior to the commencement of this Code."

The original Bill did not contain anything like this and the original Bill left those who were married under the Special Marriage Act of 1872 to be governed by that Act. That is divorce, maintenance and other provisions applying to those who were married under that Act would be governed by the provisions of the Special Marriage Act, 1872, which are entirely different. How different from the present code is not very material. The present sub-clause however wants to make out that those marriages under the Special Marriage Act of 1872, which took place before the Code comes into force, would be governed not by the Special Marriage Act but by this Code. I submit that

[Mr. Naziruddin Ahmad]

this is a substantial departure or change introduced in the Departmental Bill and it was introduced by the Departmental Committee and was merely accepted by the Select Committee as a matter of course. This is a substantial change—whether it is good or bad, whether it is *bona fide* or not is not the point but a substantial change has been effected by the Departmental Committee and the Select Committee was not specifically informed of the change made. Though there are references to clauses of the original Bill, etc. given in the margin, still this sub-clause is absolutely new without any indication whatsoever that this was a change. Changes in sub-clauses have not been indicated. In fact in ordinary Bills coming out from a Select Committee all changes made by the Select Committee are either underlined or sidelined. The Select Committee has stated that this practice is unnecessary, because marginal references have been given. I submit that marginal reference is only to the clauses but this sub-clause (4) is absolutely new. The reference to this sub-clause is Part I, Section 6, page 2 and Schedule I, page 30. The change effected is neither indicated here either by reference or by suitable marking arrangement. At least it is a change of a substantial nature and the attention of the Select Committee was not in any manner specifically drawn to it, nor the nature of the change is indicated. That is change No. 2. I am dealing only with the more substantial and important changes. There are many. I hope at a future time to make available to Members as well as the public a publication which will clearly show the real changes introduced by the Department and the changes really introduced by the Select Committee. I again insist that the Select Committee made very few changes and most of the substantial changes introduced were made by the Drafting Committee.

I come to another part of the Bill. In the original Bill, Part I, clause 3, which deals with the operation of the Code in relation to previous customs and usage, it is provided:

"In regard to any matters dealt with in this Code its provisions shall supersede any custom or usage not hereby expressly saved."

The original Bill would supersede only "customs or usages" not thereby expressly saved—all customs not specifically recognised by the original Bill would be superseded. Let us look at the corresponding provisions in the Departmental Bill which also was accepted without question by the Select Committee. I may point out that the change was effected by the Departmental Committee and not by the Select Committee. In the Departmental Bill it is clause 4 which corresponds to clause 4 in the Final Bill. The marginal note is "over-riding effect of the code" which is much different but I lay no emphasis on this note as it is not part of the Bill. The Departmental Bill says:

"Save as otherwise expressly provided in this Code any text or rule or interpretation of the Hindu Law or custom or usage or any other law in force immediately prior to the commencement of this Act shall cease to have effect as respects any of the matters dealt with by this Code."

The verbal changes are not important but you will please consider that several important new matters have been introduced by the Departmental Committee. "Any text, rule or interpretation of Hindu law" and later on "any other law in force immediately prior to the commencement of this Code" are absolutely new. Let the House pause for a minute and consider the seriousness of the change. All custom and usage not specifically recognised by the original Bill would be absolutely gone. But the Departmental Bill would include also within its mischief any text, rule or interpretation of Hindu law. This is something which is entirely different from usage and custom. In fact any text of the sacred books, the *Vedas* and *Smritis* any rule or interpretation of the Hindu law, that is to say, all ruling of the High Court, the Federal

Court and the Privy Council, all authoritative expositions of the original Sanskrit texts or the interpretations by the highest judicial authorities must perish as also any other law in force immediately prior to the commencement of this Code. The sacred texts and the rich case law for over a century and a half would be abolished altogether by a stroke of the pen. "Any text, rule or interpretation of Hindu law" probably includes all things. "Any other law in force immediately prior to the commencement of this Code" would probably be included within the passage, but I submit that the Departmental Bill would try to illegalise, if I may be permitted to use the expression, all texts, interpretation of Hindu law or rule not specifically recognised by the Bill, and they will all be gone. I submit this is a substantial change.

Shrimati G. Durgabai (Madras: General): On a point of order, is the honourable Member within his rights to question the competency of your ruling? When he calls this Bill as the 'Departmental Bill' he is making very great insinuations against the Members of the Select Committee. The Members of the Select Committee have gone fully into the Bill and they have noted all the changes. He can no longer argue on the point by referring to it as the Departmental Bill. We want your ruling as to whether he is in order.

Mr. Speaker: I am afraid it is hardly a point for ruling. These are observations which, I appreciate, irritate some Members; but I do not think the honourable Member, when he uses the expression 'Departmental Bill' suggests thereby that the Members of the Select Committee did not consider the points. He is, as I have been noticing, using the expression 'Departmental Bill' for the sake of brevity instead of saying each time "the Bill which was drafted by the Department for the benefit of the Select Committee Members." I do not think it goes anything further than that and we should not read any meaning into it. 'Departmental Bill' is only a short phrase for that. As I once pointed out—I do not know whether the honourable Member was present—when another honourable Member of the House raised this point, the point that he is making out is that the changes made by the Select Committee are substantial. And if the changes are substantial then he is certainly within his right to say that the Bill should be re-committed or re-circulated. That seems to be the point though he is going his own way, doing so in a very elaborate way which he could do in a shorter time.

Shrimati G. Durgabai: My point is he is imputing ignorance to the Select Committee Members.

Mr. Naziruddin Ahmad: Not in the least. I am imputing, not ignorance, but carelessness naturally following from the Departmental Bill which gave them no clues to the changes. (Interruptions).

Mr. Speaker: Order, order.

Mr. Naziruddin Ahmad: I withdraw the expression "ignorance". But they were affected by a mistaken faith in the Departmental Bill. (Interruption). Even if this is not yet apparent to him I am sorry for the honourable Member that he is still suffering from the obsession.

Mr. Speaker: Let the honourable Member proceed on a different line; let him say that they should have given more attention to this subject.

Mr. Naziruddin Ahmad: That is what I mean. In fact for my argument I do not require any hard expression—I rely more upon reason than upon an expression. If I have used any expression which is hard, even if not unparliamentary, I withdraw it. The point is we shall again begin with

Mr. Speaker: He need not repeat it; he may proceed further.

Mr. Naziruddin Ahmad: The other point is that not merely have substantial changes been made without sufficient or any clear notice to the Select Committee.

Shri L. Krishnaswami Bharathi: That is what we want to object to. He cannot say so. We knew it fully well.

Mr. Naziruddin Ahmad: If the honourable Minister for Law is unaware of the change and if honourable Members are repeatedly asking me to point out the substantial changes it shows that they are unaware of them and accepted the changes *bona fide* without knowing them. I think the changes were introduced by some over-zealous draftsman who thought of improving the Bill and he introduced some *bona fide* changes without realising that he was thereby making a new Bill altogether, and nobody saw through it.

The Honourable Dr. B. R. Ambedkar: I must really protest against this. It is a grave reflection on the Draftsman. My friend is almost suggesting that after the Select Committee had considered everything the Draftsman took it into his head to make changes in the Bill. I very strongly protest against it.

Shri L. Krishnaswami Bharathi: And we protest against the way in which he is insinuating against the Select Committee Members.

Mr. Speaker: Changes made after the Select Committee report?

The Honourable Dr. B. R. Ambedkar: That is what he is suggesting.

Mr. Speaker: He means "before."

Mr. Naziruddin Ahmad: Yes, Sir, I am absolutely certain that I said that the changes had been made before the Select Committee met.

Mr. Speaker: There appears to be some misapprehension.

The Honourable Dr. B. R. Ambedkar: I have no idea. If I understand my friend's speech it simply means that the Select Committee blind-foldedly signed the Report without going into anything, or it means that after the Select Committee had done its work the Draftsman took it into his head to introduce some changes. It cannot have any other meaning.

Mr. Naziruddin Ahmad: As to whether the changes were made *bona fide* or in a careless or *mala fide* manner it is not material for us to go into.

Mr. Speaker: The honourable Member's point is that changes which he believes to be substantial are made.

The Honourable Dr. B. R. Ambedkar: I am quite prepared to hear my friend setting out *seriatim* the changes which he thinks the Select Committee has made. Assuming that certain changes were made by the Select Committee I would like to know whether that in itself would be a sufficient ground for re-circulation.

Mr. Naziruddin Ahmad: Not at all. I never said that they were made by the Select Committee.

Mr. Speaker: What I was suggesting to the honourable Member was that assuming that certain changes which are of a substantial nature in his opinion have been made, his case is strong enough for pleading and he need not say whether the changes were made out of ignorance or *mala fides*. The Select Committee with an open mind and considering the whole thing could have made the changes. Still he thinks that they are of a substantial nature and, therefore, the Bill should be re-circulated. All people need not agree that these changes which he believes to be substantial are necessarily substantial. Opinions may differ.

Mr. Naziruddin Ahmad: The honourable Minister for Law said that it is for me to show what changes were made by the Select Committee. I have

been at pains to show that I am not drawing the attention of the House to changes made by the Select Committee at all. That is I believe the mistake which is haunting the mind of the honourable the Law Minister.

The Honourable Dr. B. R. Ambedkar: Nothing of the kind.

Mr. Naziruddin Ahmad: In fact he has been insisting that the changes were made by the Select Committee. The changes I have been mentioning so far are changes made not by the Select Committee but made by the Departmental Committee.

Mr. Speaker: Order, order, there the rub comes in. Whosoever made the changes so long as the Select Committee has accepted them they are changes by the Select Committee and not changes made by somebody else without the knowledge of the Select Committee. He need not make that kind of insinuation or assertion. By whomsoever they were made—even at the instance of a single Member or the Law Minister or the Drafting Committee or anybody else—he should proceed on the assumption that these changes are changes made by the Select Committee and he should proceed to show that they are substantial.

Mr. Naziruddin Ahmad: My difficulty is I cannot stop at that. The honourable the Law Minister insists that the changes were introduced by the Select Committee and not by the Drafting Committee. That would make it absolutely clear that the Select Committee faithfully and *bona fide* accepted the changes introduced by the Drafting Committee. If that is so the Select Committee did not apply its mind to it when accepting it, knowing it to be a change. If the Select Committee did not know, as the honourable the Law Minister does not know, that these changes were introduced by the Departmental Committee, they accepted technically, but not with full appreciation, all the changes made. That is the point which makes my case stronger. It is not merely the changes made by the Select Committee willingly but the changes made by them of a substantial nature without realising that they were accepting any changes which makes the case stronger. In fact, they obviously assumed that the Departmental Bill was a mere re-draft without any substantial change. This is corroborated by the fact that even the Law Minister supposes that I am pointing out changes made by the Select Committee. That is why I am constrained to argue that the Select Committee's attention was not specifically drawn to the changes. On the other hand they took the Departmental Bill as a substantial reproduction of the original Bill without any substantial change. I can say that without casting any reflection; we can always argue mistakes or oversights or *bona fide* errors. I need not put the point better than that.

Sir, I submit that the Members of the Select Committee or the Minister for Law need not be very sensitive about this. It is a matter of record. In fact, even the honourable the Law Minister admitted that he introduced no change and he assumes that I am pointing out changes made by the Select Committee. They have been adopted as your ruling must be accepted, they must have accepted these changes. But the question I am pointing out is that the consciousness or the legal mind was not directed towards these because they were not aware of it. The honourable Minister insisted the other day on a question that the Departmental Committee introduced no substantial changes. The substantial changes are there and they were not indicated in the Departmental Bill. Therefore, there is no question of insinuation.

Mr. Speaker: Let us not go into that question again.

Mr. Naziruddin Ahmad: This is one substantial change. Sir, I thought I was treading on very solid ground. If any offence is meant to the Members of the Select Committee by pointing out obvious matters, I am very sorry.

Shri L. Krishnaswami Bharathi: You cannot insinuate against Members.

Mr. Naziruddin Ahmad: What insinuation? That they made mistakes? To err is human. I was only suggesting that the Members of the Select Committee were human beings.

Shri B. Das: On a point of order, Sir. Can the honourable Member go on pointing out the defects of the Select Committee for three months continuously. The point was raised and settled. Whether I accept his words or not is a different question, but the honourable Member cannot go on talking in the filibustering attitude which my friend Mr. Baijnath Bajoria took some years ago on my Bill to amend the Child Marriage Act. He quoted *shastras* and read from the *Mahabharata* and other books. Here the poor Select Committee is being hammered by my friend Mr. Naziruddin Ahmad for the last three months. This is not a law court. Sir, you ought to ask him to produce his views that the Hindu Code Bill should not be passed. Why should we go on interminably talking against the Select Committee? As the oldest Member of this House, I cannot understand it.

Mr. Speaker: The honourable Member may indicate only the substantial changes.

Mr. Naziruddin Ahmad: Yes, Sir.

Sir, I object to my speech being called a filibustering speech. I think the honourable Member goes a bit too far. It seems that he has locked up his mind absolutely and he is not in a mood to hear.

Sir, may I ask you to consider this and see if I am in the least irrelevant or wrong? Unless the change is substantial, palpably, obviously it rules out texts of the Hindu Law and rule of interpretation by the highest Courts. The original Bill did not contain anything of the sort and the change was introduced by the Departmental Committee. Is it not, in all fairness, a substantial change? Mr. Das cannot listen to legal matters. He is good in financial matters but in legal matters he is rapidly approaching his second childhood.

Shri B. Das: We are here to legislate. We are not here to understand the interpretation of lawyers or High Court Judges. (*Interruption*).

Mr. Naziruddin Ahmad: Sir, much depends on the substantial changes. Have not these been introduced by the Departmental Committee? On that issue the whole case depends. If it was introduced by the Departmental Committee and if it is a substantial change, then the Select Committee was not informed of it. It has been repeatedly made clear that the Select Committee considered the Departmental Bill and not the original Bill. If this is insinuation, I am sorry I shall have to discharge my duty faithfully but absolutely fearlessly though very respectfully. I submit the Select Committee was absolutely cajoled into believing that the Departmental Bill was a substantial reproduction of the original Bill, and even the honourable the Law Minister is persuaded to believe that there was no change. It is not insinuation, it is a fact. Who has made the changes? If it were the Law Minister, then he would have been aware of it. Is it somebody else? Then is it improper for me to point out that somebody else has made the changes? I say he has done it by mistake or *bona fide*. Would it be proper for me to suggest that

these changes were made fraudulently? I do not suggest anything of the sort. The only thing I could do is to assume that these things were done *bona fide*—just a little flourish of the pen to improve upon it. “Why merely rule out customary law? Let us abolish all the rulings of the Privy Council.”

Sir, criticism is proper. If any language I have used is improper, I withdraw it. But what about the criticism?

Shri L. Krishnaswami Bharathi: Let us hear the other points.

Mr. Naziruddin Ahmad: Why be anxious? Why not listen to this?

Mr. Speaker: Order, order. We cannot carry on the discussion of the Bill in this manner. There are Members who want to support the Bill and others who want to oppose it. Let everyone have his say in any manner he likes, without being offensive or speaking unparliamentary language. That is the only objection. Otherwise, at every stage there will be interruption and those who want to support the Bill will be the sufferers in the long run, because time will be spent in unnecessarily carrying on this kind of discussion. The honourable Member will have his say and if he says that the Select Committee did not give attention to this or that or that these points were not examined by the Select Committee, where is the ground for taking insult in that? He is perfectly entitled to say so. But he should not insinuate something else; that is what I have to guard against. But I believe he is entitled to express his views.

There is another point also to which I was going to invite the attention of the honourable Member. He says that because the Law Minister is unaware of a substantial change, therefore somebody else introduced the change. There is another aspect to it. If the point which he considers substantial is not considered by the Law Minister as substantial, then the honourable Law Minister is perfectly entitled to say that he is not aware of any substantial change. Therefore, it does not necessarily mean that some other party in ignorance or behind the back of the Minister, introduced it in the Select Committee. Let the points be substantial and let the controversy be limited to the question as to whether the points are substantial or not. That I believe is the chief point in dispute.

Mr. Naziruddin Ahmad: I stand subject to correction. It may have been done by the Law Minister without realising or without believing this to be a substantial change. But the matter is exactly where it was. These are substantial matters, whether introduced by the Law Minister consciously, or by anyone else unconsciously, in any manner. It is not proper for us to argue on that. But by one stroke of the pen all texts, rules and interpretations of the Hindu Law have been abolished. The effect of this will be that all learned rulings of the Privy Council, the Federal Court and the High Courts are all gone, by one stroke of the pen. In fact, if this is not seriously interfering the original Bill, I do not know what is. There may be difference of opinions. But to one approaching the question absolutely impartially, and with a free mind, there would be no difficulty in agreeing with me that this is very serious interference with the Original Bill.

Shrimati G. Durgabai: Please speak of other substantial changes.

Mr. Naziruddin Ahmad: This is dealing very lightly with a very serious matter. But I say these are very serious changes which verge on interpolation, *bona fide* or *mala fide*, it does not matter.

[Mr. Naziruddin Ahmad]

Then, Sir, the next change made by the Departmental Committee is to remove the definition of 'caste' in Part I, clause 5, sub-clause (b) which contained a definition of caste. This has been entirely omitted.

Mr. Speaker: What clause does the honourable Member refer to?

Mr. Naziruddin Ahmad: I am referring to Part I, clause 5, sub-clause (b) which has the definition of 'caste'.

Mr. Speaker: Is he referring to the original Bill?

Mr. Naziruddin Ahmad: Yes. And that definition has been entirely omitted in the Departmental Bill without any indication being given anywhere about this omission. There is a mere reference in the margin to the original clause. This sub-clause has been omitted, and there is no indication to be found of it. I submit, Sir, that the Select Committee's attention was not specifically drawn to this omission, and whether these are substantial matters or not, there cannot be much difference of opinion. At any rate the Select Committee was entitled to be told that these changes were made; whether these are substantial changes or not may vary from individual to individual. But the Select Committee was entitled to know that these changes were made. But they were not told.

And then we come to sub-clause (f) of the same clause and here we find that the definitions of *Gotra* and *Pravara* have been omitted. And then in sub-clause (j) the definition of *Stridhan* has also been omitted. Therefore the definition of Caste, the definition of *Gotra*, the definition of *Pravara*, and the definition of *Stridhan* are entirely omitted. What effect this would produce on the Bill, cannot be explained shortly on the floor of the House.

Shri A. Thanu Pillai (Travancore State): May I know from the honourable Member whether even if the definition is not of a term required in the law, it should be defined?

Mr. Naziruddin Ahmad: I think the honourable Member is not proceeding as cautiously as he should. In fact, whether a definition is wanted or not wanted is not the question. A definition was in the Bill and that was removed by somebody, without any authority. The Departmental Committee removed it, and the attention of the Select Committee, who was alone competent to remove it, was not drawn to this fact.

Shrimati G. Durgabai: The Select Committee takes full responsibility for it.

Mr. Naziruddin Ahmad: This was not considered by the Select Committee.

Shri M. Tirumala Eao (Madras: General): Are you sure that the compositor did not omit it?

Mr. Speaker: Those who interrupt can also be called obstructionists. If interrupted he will take longer time over it.

Shri L. Krishnaswami Bharathi: I may cut short further arguments by saying that the Select Committee's attention was actually drawn to all these things. The honourable Member is unnecessarily harping on this point. That the attention of the Select Committee was not drawn. But as a Member of the Select Committee I may say that all these points were fully considered, all aspects of the matter were considered by the Select Committee. Therefore the honourable Member need not go over this matter over and over again.

Mr. Speaker: I will say that even if the question has been fully considered, the honourable Member is perfectly within his right in giving his views. Honourable Members will see that he is making a case for re-committal of

the Bill to the Select Committee, and for this he has been putting forth his arguments. The Select Committee might have given full, adequate, proper, reasonable attention, but in his opinion, it has been inadequate. Therefore he is insisting that the attention given has been inadequate and the Bill should be re-committed to the Select Committee. That is the line of argument he is following; and if he is following that particular line of argument, he must maintain that stand. As regards the fact of adequacy just as the Select Committee Members cannot be absolute judges of the fact, as to whether the Bill was given proper or adequate attention, similarly, his judgment also is not final. But he is placing his opinion. Let us proceed on that basis. Otherwise there will be no end to this discussion.

Shri L. Krishnaswami Bharathi: I was only referring to the question of fact.

Mr. Speaker: It is a question of opinion. What the honourable Member supposes to be a question of fact, is actually a question of opinion. Adequacy of attention or not is a question of opinion and not merely a question of fact.

Mr. Naziruddin Ahmad: The question is the adequacy of consideration.

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

Mr. Naziruddin Ahmad: Sir, I have been interrupted almost continuously the other day, and again a series of interruptions are made to-day.

Pandit Lakshmi Kanta Maitra: I am supporting you all along.

Mr. Naziruddin Ahmad: There is my friend Mr. Bharathi. Is he right in telling the House what took place in the Select Committee? If so, I have equally strong authority, also from the Members of the Select Committee themselves to the contrary. It would be very wrong to compare one Member's statement with that of another and I would rather draw a veil on what happened in the Select Committee. The honourable Member need not assure us that the Select Committee has considered everything. If he is so sure, I am equally sure that for many reasons, adequate consideration could not be given.

Shri L. Krishnaswami Bharathi: I was talking only about myself.

Pandit Lakshmi Kanta Maitra: You could not understand things.

Mr. Naziruddin Ahmad: In fact, it is not the case of one man. It is the whole Select Committee and not a one-man affair. If one man has followed, it does not mean that others also have followed it.

Pandit Lakshmi Kanta Maitra: Yes, one swallow does not make a summer.

Mr. Naziruddin Ahmad: Exactly, "One swallow does not make a summer". If there is one man of the Select Committee who believed that no change was made, that would be enough to make out a case for recommitment of the Bill to the Select Committee. And I again submit that these are very serious changes. And then how many of them? My friends wonder how many changes there are. I can show them many, many such changes. Take the...

Shrimati G. Durgabai: In the meantime, on a point of information, may I ask whether the changes made by the Select Committee are absolutely binding on this House. Cannot the House accept the changes or reject them?

Mr. Naziruddin Ahmad: I submit with all respect that it is irrelevant to ask if the Select Committee's changes should be accepted or rejected by the House. The Select Committee can make any change and the House can

[Mr. Naziruddin Ahmad]

make further changes too. The House can make changes. There is no doubt about it. But the point is that the Select Committee for some reason did not or could not or failed or omitted to discharge its duties fully. If that is so, the right to go fully into the question rests with the House and it is for this reason that I appeal from the Select Committee to the larger House. There is of course the still larger house, the entire electorate of India. I now come to clause 7 of the original Bill. (Interruption). I think some Members have lost their heads.

Mr. Tajamul Husain: I must strongly protest against the statement that the Members have lost their heads. I raise this point of order seriously. He must withdraw it unconditionally.

Mr. Deputy Speaker: I think it was not necessary for the honourable Member to say all that.

Mr. Tajamul Husain: Let him withdraw it. Was he in order in making that statement? He has all along been making violent gestures against honourable Members.

Mr. Deputy Speaker: I do not think it is proper for the honourable Member to say that the Members have lost their heads. It detracts from the dignity of the House. At the time I must say this: I have been noticing one Member or other using language which may not be liked by the person addressed. There must be some amount of patience shown. There should not be interruptions either by the spoken word or by signs. Therefore when the honourable Member is turning over the pages of some of his papers, if they interrupt him he will miss it and their interruptions are likely to ginger him up.

Mr. Naziruddin Ahmad: Sir, I was told across the table that I had lost my head.

Mr. Deputy Speaker: The honourable Member has lost his thread--the thread of his argument.

Mr. Tajamul Husain: May I know whether he has lost his sacred thread?

Mr. Naziruddin Ahmad: I will proceed with my arguments, Sir.

Clause 2 of the original Bill gives the definition of 'son' thus 'Son' includes a *dattaka*, *Kritrima* or *godha* son, etc. but not a *dasiputra* and others. This has been entirely omitted in the Departmental Bill.

Shri L. Krishnaswami Bharathi: When an honourable Member reads out something, should he not do so correctly?

Mr. Naziruddin Ahmad: I find that this has been omitted. If it is anywhere in the definition or in any other part of the Bill, my attention may kindly be drawn to it.

Mr. Deputy Speaker: The honourable Member who just now interrupted the speaker has been again and again giving advice. Mr. Naziruddin Ahmad may be a bit slow in making the references he desires to make. He need not be interrupted.

Mr. Naziruddin Ahmad: I submit that the definition of 'son' has been omitted. If I am wrong, the mistake may be pointed out to me.

Dr. P. S. Deshmukh (C.P. and Berar: General): I think the honourable Member is wrong.

Mr. Deputy Speaker: If honourable Members go on interrupting in this way it will be impossible to conduct the business of the House in an orderly manner. Mr. Naziruddin Ahmad may go on without putting questions to other honourable Members.

Mr. Naziruddin Ahmad: As I said the definition of 'son' has been omitted as also the illustrations found in Part II, sub-clause (3) of clause 2 in regard to intestate succession. Four illustrations have been omitted. These are substantial changes. I am only trying to draw attention to the nature of the changes made. According to me these are omissions of a very serious nature. They are not omissions of a drafting nature. I am not questioning the right of the Select Committee to improve the Bill, or to make these omissions. These changes, however, were made not by the Select Committee but by the Drafting Committee and the attention of the Select Committee was not particularly drawn to these omissions.

Then I come to another important part of the Bill to show the very serious changes introduced by the Drafting Committee. In Part II, clause 4 of the original Bill, the list of heirs has been given. It says that the inheritable property of a male intestate shall devolve according to the rules laid down in this part: (a) upon the enumerated heirs referred to in section 5, if any; (b) if there is no enumerated heir, upon his agnates, if any; (c) if there is no agnate, upon his cognates, if any; and (d) if there is no cognate, upon the heirs referred to in section 10, if any.

Mr. Deputy Speaker: I do not know if the honourable Member has got a copy of the Hindu Code Comparative Tables, which was circulated to all honourable Members. The original Hindu Code as drafted by the Rau Committee has been revised in the Ministry of Law and the changes made have been indicated there. I would therefore suggest that the honourable Member need not labour this point. I think he has spent sufficient time over the first 4 P. M. point. I personally think that the point is sufficiently clear and of course illustrations can always be multiplied. If it is a point here and there, the House will take it into consideration. There are certain points which when made are sufficient in number. I agree they can be made clearer, but the changes made in the tables, are sufficient.

Mr. Naziruddin Ahmad: Sir, the list is neither complete nor accurate and does not indicate the changes made. In fact the remarks against the original clauses of the original Bill and as to the changes are extremely meagre. I have now come to a very important change, namely the inheritance. It has been so changed as to make it impossible to recognise with the new Bill or the departmental draft nor is it a substitute for the original Bill at all. I submit that with regard to the inheritance a larger number of changes had been made.

I shall show first of all that in clause 4 of the Bill in Part II (a) regarding the enumerated heirs; I am in a position to show that serious changes have been made in the enumerated list. In the original Bill was one and in the revised draft by the Departmental Committee they are completely different. The original arrangement has been made entirely topsy-turvy and then it is said that if there are no enumerated heirs the property devolves upon agnates. The definition of agnates is well-known. That was in the original Bill, but in the Bill as revised by the Departmental Committee the word 'agnate' is now very much restricted. So in case of the enumerated heirs failing the agnates, even the distant agnates would be entitled to be heirs according to the Hindu law, according to the Muslim law and every other law and that was according to the original Bill. But in the revised draft by the Departmental Committee the word 'agnate' has been seriously modified to be within certain degrees. So agnates which are beyond those degrees would have been entitled to inheritance under the old Bill, but under the Departmental Bill, they would be shut out. Similarly, cognates are also restricted in the Departmental Bill and this

[Mr. Naziruddin Ahmad]

is a substantial change as it eliminates the distant Agnates and distant cognates. Then, Sir, in clause (d) of 4, the words preceptor and others are entirely eliminated. The scheme of inheritance in clause 4 of Part II of the original Bill is changed at every step and very serious changes have been made and the enumerated heirs have been changed. The agnates have been restricted; the cognates have been restricted and the other clauses have been entirely eliminated. I can quite understand that these changes may be legitimately made on a full consideration by the Select Committee, but these were changes not by the Select Committee, but by the Departmental Committee and Members asked me "Tell us what are the changes made?"

Mr. Deputy Speaker: Am I to understand from the honourable Member that if the Select Committee Members all got up and they address themselves to that, will the honourable Member be thoroughly satisfied with what has been done by the Select Committee.

Mr. Naziruddin Ahmad: The point is that the Select Committee Members were not made aware of the changes.

Mr. Deputy Speaker: It serves no useful purpose. It is not a question of law whether this House has got jurisdiction over the Select Committee's piece of handiwork. It has been decided and sufficiently discussed to show that the Select Committee has looked into every one of the clauses to come to a conclusion. But on matters of substance, the old law has been widely changed. There is some substance in that. Those are the matters on which the honourable Member should address the House I do not say that all that has been said is out of place, but sufficient has been said.

Mr. Naziruddin Ahmad: To many Honourable Members sufficient has not been said. It is said that these are not substantial changes and I shall take care to point them out. The difficulty is that the changes are too numerous to ensure the attention of the House. In fact the changes are very serious and very various and very substantial and my point is that they were introduced, not by the Select Committee and whether they accepted them or not is a different matter. My thesis is that they were presented with a ready-made Bill with the assurance that no substantial changes had been made and so the attention of the Select Committee was not sufficiently drawn to that matter. Now, let us consider the actual changes in the list of inheritance. In fact in the original Bill the list of inheritance is to be found on pages 4, 5 and 6 in the body of the Bill. This has been bodily lifted from this place in the Departmental Bill and transported to the Seventh Schedule. While the other parts remain in the body of the text, the list of inheritance, strangely and for unaccountable reasons, removed. It is not very easy to compare the original list with the new list as it appears in the Seventh Schedule; there have been serious and substantial changes. The honourable Minister wanted to know what are the changes made.

The Honourable Dr. B. R. Ambedkar: I am quite aware of them. So far as I am concerned, you need not spend your labour in enlightening me at all.

Mr. Naziruddin Ahmad: If these are intentional changes, then what is the point in saying that no changes were made by the Drafting Committee, and that all the changes were made by the Select Committee, and for the Select Committee say: "We confined our attention to the Departmental Bill". Therefore, it follows that their attention was not drawn to this. It is a very simple conclusion.

The Honourable Dr. B. R. Ambedkar: Give it in your own way.

Mr. Naziruddin Ahmad: It seems to me that the honourable the Law Minister found himself in an inconvenient position and somehow or other, though the mistake is admitted, it is not done pointedly. In fact changes of a substantial nature were made. I was asked on the last day by the honourable Law Minister himself: "Let us know what are the changes made by the Drafting Committee", and now he says: "I know everything". Of course he must have studied them later on, but these changes are of a serious nature. They were introduced not by the Select Committee, but by the Departmental Committee and the question is how far the Select Committee did actually notice them. At least in the note of dissent Dr. Bakhshi Tek Chand says: "We confined our attention to the Departmental Committee Bill and not to the original Bill" because they were assured that in the Departmental Bill they did not introduce any substantial changes at all. So taking this into account, I do not know where to go. In fact, if that is not a serious irregularity and a matter requiring attention of the House, I do not know, what is. When the Department has committed an error of judgment, I think it is better and proper to admit it than to say: "I know all this but no changes were made; every change was made by the Select Committee" and when I say that the Select Committee did not make the changes and they were made by the Departmental Committee then it is said: "I know it". Then we ought to know where does the Department stand? If the Department makes a change.....

Shri B. Das: This is not a law court for us to hear point by point. The honourable Member should make a speech and sit down.

Mr. Deputy Speaker: The honourable member, Mr. Das made this statement when the Speaker was in the Chair. It is a law court in some sense and not a law court when he wants to impress upon honourable Members as if he is arguing a case in a court of law. In any case we ought not to interrupt him. That kind of talk ought to be avoided as far as possible.

Shri B. Das: We are talking among ourselves.

Mr. Deputy Speaker: The honourable Member has no right to talk when another honourable Member is on his legs and he ought not to disturb.

Shri B. Das: He is talking at us.

Mr. Deputy Speaker: You ought not to talk. No honourable Member has the right to talk while another honourable Member is speaking. He ought to listen and not cause noise in the House.

Shri B. Das: You understand the exasperation. I am ready to get out, but the honourable Member's speech should not exasperate Members of this House.

Mr. Deputy Speaker: This is wrong. No honourable Member's speech ought to be called exasperating, unless he uses bad language or unparliamentary language. We may or may not agree, but the honourable Member is putting his case before the House. Nobody has a right to dub an honourable Member's speech as exasperating.

Shri B. Das: I accept your verdict. But he used terms such as "fraudulent" about the Law Minister.

Mr. Deputy Speaker: The honourable Law Minister is sufficiently strong to take care of himself.

Mr. Naziruddin Ahmad: I beg to submit that the honourable Members are the original clause.

Mr. Deputy Speaker: Are there any matters of substance by which the honourable Member can induce the House to change its mind?

Mr. Naziruddin Ahmad: There are substantial changes. I shall have to point out these things. In fact, I shall have to go on enumerating a large number. The best thing is to admit the mistakes or listen patiently. I must enumerate all the points and if I repeat my argument or be irrelevant, I can be called to order. In Part II, clause 5, there is Class I. Sons, widows, daughters and so forth. A change has been effected in this by the Departmental Committee. Son of a predeceased son of predeceased son has been newly introduced in the corresponding part of Class I in the 7th Schedule in the Departmental Bill. In fact, the Schedule has been so far removed from its place in the original Bill that it is not easy to notice it unless the two Classes are placed side by side, to find out the change. In fact, the son of a predeceased son of a predeceased son did not find a place in the original, but it has been introduced in the Seventh Schedule of the revised Bill by the Departmental Committee.

Then we come to the other lists. The first in the list in the original Bill after the enumerated heirs in item No. 2 is daughter's son. In the Departmental Bill, the daughter's son has been brought further down. Then comes the father and the mother. According to the original Bill, the mother would have been entitled to inherit in preference to the father. Here the father and the mother have been placed together in the Departmental Bill and their order has been changed and whereas under the Departmental Bill they inherit together under the original Bill the mother would have inherited first to the exclusion of the father, and in the absence of the mother the father would have inherited. The daughter's son as has already been pointed out, has been brought down further in the Departmental list. It should be obvious to any one who cares to consider this matter that these are substantial changes.

Then we come to Class III of the original Bill. The brother's son's son who was first in the list of Class III in the original Bill has been entirely lost sight of in the Departmental Bill. If this was deliberate and intentional, then we would have got some indication of it in the report of the Select Committee or in the speeches. I want to know if this is a substantial change. It may not be substantial to a man who is not the brother's son's son, but to the brother's son's son, it is a substantial change, because in the absence of other heirs he would have been entitled to property.

Next in the list comes the sister. We have now the brother and the sister inheriting together in the Departmental Bill. The brother who was very high up in the list in the original Bill has now been transferred and brought down to Class III and is inheriting with the sister. (Interruptions)

Am I to stop my argument?

Mr. Tajamul Husain: The honourable Member has no right to speak to another honourable Member. I object to it very strongly, Sir.

Shri Lakshminarayan Sahu (Orissa: General): There is no quorum it seems.

Mr. Deputy Speaker: There is quorum.

Mr. Naziruddin Ahmad: Supposing a man dies leaving a brother and a sister. Under the original Bill the brother would have inherited, the sister would have been postponed; but under the Departmental Bill the brother and the sister inherit equally. The brother is now brought down on a line with the sister having been superseded by 11 others in the list. I submit this is introducing very substantial changes.

Then we come to brother's son. He was very high up, in Class I. He is by the Department brought down to Class III along with sister's son. If a man died leaving a brother's son and a sister's son, under the original Bill, the brother's son would have inherited, but under the Departmental Bill the brother's son and the sister's son inherit together. I submit these are very substantial changes.

Then I come to Class IV of the original Bill. In Class IV of the original Bill, a man dying leaving a father's mother and a father's father have been treated differently in the original Bill and the Departmental Bill. Between the father's mother and the father's father being the heirs under the original Bill, the father's mother would have been preferred; the father's father would have been postponed. But under the Departmental Bill both have been put together and they inherit together. I ask whether this is not a substantial change.

Then, Sir, we have a certain class of heirs in Class IV, items (1A), (1B), (1C) and (1D). These were introduced by an amendment of the original report by the Rau Committee. In the original Bill, if there was a father's widow and a brother's widow, the father's widow would have been preferred to the brother's widow. In the Departmental Bill the father's widow and the brother's widow inherit together. I submit this is a very substantial change—whether good or bad, it is not the point. Then coming to two other heirs in the supplementary list introduced by way of amendment of the Rau Committee brother's son's widow and brother's son's son's widow are entirely omitted in the Departmental Bill. In the original Bill they would have inherited one after the other. In the Departmental Bill they are omitted. There is nothing corresponding to this in the Departmental Bill.

Then coming to item 2, Class IV, the father's father is very low in the original Bill but he has been brought up very much higher in the list prepared by the Departmental Committee.

Then Sir, we come to the father's brother and also to father's sister. Father's brother is No. 3 in the list. Father's sister is sixth in the list. So in the original Bill, if there was the father's father and the others, the father's father would be preferred. Then comes the father's brother, father's brother's son, father's brother's son's son and then the father's sister. In the Departmental Bill the father's father and the father's sister have been brought together, the latter being brought higher up.

Then there is a large list of heirs which has been entirely omitted. Nos (4), (5), (7), (8) and (9) are heirs in the original Bill. They are nowhere in the Departmental Bill. They are entirely eliminated.

I know, Sir, that it is a tedious business to refer to this but I am discharging a duty and I undertook to supply every Member with a copy of the comparative statement which is in course of preparation. I shall ask the Members to verify each change and I shall be most glad if I am proved to be wrong.

The Honourable Dr. B. R. Ambedkar: I hope it shall be supplied free of cost.

Mr. Naziruddin Ahmad: If the Government thinks I am a charitable institution then I shall be glad to deserve the hope.

Mr. Deputy Speaker: Had it been supplied earlier all this time would have been saved!

Mr. Naziruddin Ahmad: The pity is that my printing press is worse than the Government printing press.

Mr. Deputy Speaker: If the suggestion had been made to the honourable the Law Minister, he would have had it printed.

The Honourable Dr. B. R. Ambedkar: Certainly, I would have had it printed.

Mr. Naziruddin Ahmad: I have the manuscript ready. I shall be glad if the honourable the Law Minister would publish it.

The Honourable Dr. B. R. Ambedkar: Now it would be of no use because you have said the same thing on the floor of the House.

Mr. Naziruddin Ahmad: Now we come to Class V of the original Bill. By strange accident—I should be afraid to insinuate anything—everything in it has been omitted in the Departmental Bill. It contains nine classes of heirs and four other supplementary heirs. Thirteen heirs in Class V of the original Bill have been entirely omitted, whether by mistake...

The Honourable Dr. B. R. Ambedkar: Very deliberately!

Mr. Naziruddin Ahmad: But then why did the report of the Select Committee say that no substantial changes were made? If these were omitted deliberately, then the only point is whether these are substantial changes. The House has been assured by the honourable the Law Minister that no substantial changes were made. That these changes were made deliberately is now admitted. The question now therefore is whether these are substantial changes. But we have been assured that no substantial changes have been made.

The Honourable Dr. B. R. Ambedkar: That is a matter of opinion.

Mr. Naziruddin Ahmad: Then the question turns upon this: whether these are substantial changes. It may not be very important from the point of view of the law-giver but it may be important to the heir. If you disturb the order of heirship in the slightest degree, it is a substantial change. Up to this time we had been assured that the changes that were made were only of a drafting character. The report of the Select Committee is that the Department made no substantial changes. The report is so clear and emphatic and they emphasize the points so clearly, that they say no substantial changes have been made—only renumbering and some merely verbal changes were made and that for this reason that the usual method of indicating the changes by side-lining or under-lining the changes had not been adhered to in the Departmental or the Final Bill.

Now the question of questions at last boils down to this: Whether these are substantial changes? What is the test for this? Upsetting of heirs' lists is not a substantial change? I submit it is. If it is that I am arguing too much, arguing as if in a Law Court—if any honourable Member thinks it is so—then it seems that the seriousness of the changes has not been fully appreciated.

Mr. Tajamul Husain: Except by you!

Mr. Naziruddin Ahmad: It is very unfortunate that this should be appreciated only by one man! Of course there is a highly paid department and a highly qualified Law Minister, who is able to appreciate the slightest differences and I am sorry that I have had to undergo all the trouble and expenditure of time and money to find out and explain all this. It has not been a very easy matter and the difficulty was further enhanced by the fact that the Department which introduced all these changes could not make available to me a copy of their draft Bill. It was after a great deal of searching that I could procure a copy. So the search has been prolonged and the consideration has

been prolonged and it has been for me a very difficult matter. I do not mean to say that any other Member is not capable of appreciating it, but few have the time or the inclination to go through them. And why should they? Isn't it the duty and the obvious privilege of every Member—and I say this in defence of Members—to rely on the Ministry of Law, to rely upon the express guarantee in the Select Committee report that no substantial changes have been made? I think they would be fully justified and when an honourable Member said that none expect me knew this, I cannot blame him. The blame lies with the Department. Now, is that the end of these changes? By no means.

Come to Class V-A. It was introduced by the Rau Committee by an amendment of their earlier Bill. They have noted that this Class V-A should be introduced after Class V. Class V-A has been entirely omitted. I humbly suggest that it is an inadvertent omission, but inadvertent or intentional, it is absolutely damaging to the integrity of the Bill.

Then, Sir, we come to Class VI.

(Interruptions.)

Mr. Deputy Speaker: The honourable Member will go on.

Mr. Naziruddin Ahmad: Then we come to Class VI, items (1) and (2)—mother's mother and mother's father. The mother's mother would be preferred to mother's father under the original Bill but they have been put together in the Departmental Bill. So they now inherit equally together. In item (3) of Class VI, the mother's brother and mother's sister inherit—the latter after the former under the original Bill, but under the Departmental Bill they inherit together. Under items (4) and (5) mother's brother's son has been entirely left out in the Departmental Bill. Items (7), (8) and (9)—mother's sister's son, mother's brother's daughter, mother's sister's daughter are also entirely omitted.

Then item (3) in Class VI is also entirely omitted.

This concludes the list of inheritance in which there are no less than 20 transpositions, additions and omissions. Heirs have been entirely eliminated either intentionally or deliberately but this does not appear from the Select Committee's report. I have been repeatedly asked by honourable Members of the Select Committee in the House to point out where the differences lie. I do not want to blame any honourable Member for not noticing them. On account of the transposition or removal from their original places the changes would not be obvious. And there is the guarantee in the report of the Select Committee that there is no substantial change. These were changes through the Departmental Bill and may have escaped the attention of the Select Committee. At least their attention was not drawn to them in the Departmental Bill. There is a very respected and capable Member, Dr. Bakhshi Tek Chand who says in his minute of dissent that the Select Committee confined their attention to the Departmental Bill, because they were assured that no substantial changes had been made. I would ask Dr. Bakhshi Tek Chand whether his attention was drawn by the Department or Dr. Ambedkar to these things. These large omissions and transpositions of places would not have been noticed by any Member unless he goes through the laborious process of comparing the two like a laborious lawyer.

Dr. Bakhshi Tek Chand (East Punjab: General): I would like to draw the attention of my honourable friend to page 9 of the report where my note of Dissent is printed. I have given there some of the substantial changes, at any rate changes which I considered to be substantial—and because of which I had suggested that the Bill should be recirculated for eliciting public opinion or in any case recommitted to the Select Committee. At page 9 the broad

[Dr. Bakhshi T k Chand]

points on which changes had been introduced in the redrafted Bill, have been mentioned though not in such great detail as the honourable Member is doing today in his speech. It is not correct to say that no member of the Select Committee noticed them. Of course nobody had the industry or the patience which the honourable Member has, but the matter did not escape their attention. As he has mentioned my name I feel it my duty to bring this fact to the notice of the House. In the Note of Dissent I have referred to the changes in the order of inheritance which I considered to be substantial, and in regard to which I am in entire agreement with my honourable friend.

Mr. Naziruddin Ahmad: I am extremely grateful for this clarification. A respected member with the highest judicial experience thinks that these are substantial changes and he thought that they were so substantial that the Bill should be recirculated. That is the thing which I am asking for. There is at least one Member of the Select Committee who thought the changes to be substantial. He noticed them, but was his attention specifically drawn to them?

Pandit Thakur Das Bhargava (East Punjab: General): Mr. Balkrishna Sharma has also signed it.

An Honourable Member: He has had no judicial experience.

Pandit Lakshmi Kanta Maitra: He has had social experience.

Mr. Naziruddin Ahmad: Pandit Balkrishna Sharma is also of the same opinion. It is however enough to quote the name of Dr. Tek Chand. His authority and position will not be seriously enhanced by the addition of any other names. These respected Members felt that these are substantial changes and therefore thought that the Bill required recirculation. There are changes in other parts of the Bill which would require herculean labour to find out.

In view of these changes made by the Departmental Committee and in view of the weighty remarks of Dr. Tek Chand that these were very substantial changes I think the matter should not admit of any doubt that the Bill should be sent to the Select Committee to reconsider these changes or to recirculate it.

An Honourable Member: The same Select Committee.

Mr. Naziruddin Ahmad: I have no objection to the same Select Committee. It consisted of men absolutely good and true, men with judicial and legal experience and who are practical authorities on those branches of the law. In fact, all kinds of talents were represented in the Select Committee. I have the fullest confidence in the Select Committee and I have not lost my faith in it. My point is that these matters should be carefully scrutinised and each change carefully weighed and deliberately accepted. Substantial changes have been quickly and deliberately introduced. We are assured by the Law Minister and again by the Select Committee that no substantial changes have been made. On the one hand we have the opinion of the highest legal talent in the House saying that these are substantial changes and on the other, another legal luminary says that he has deliberately introduced these changes and at the same time, that he has introduced no substantial changes. That is the guarantee under the signature of Dr. Ambedkar himself. So the Select Committee is hopelessly divided within itself. If two such eminent authorities differ on a broad matter like this I think the matter requires reconsideration by the Committee and that is what I ask for. Though the Law Minister thinks that these were not substantial changes only an unsophisticated House would agree with him. A man's right to inherit is a substantial right. To

say that changes therein are not substantial changes would be to say something that is palpably and obviously wrong. I submit therefore that the changes being substantial and the guarantee being that no substantial changes have been made, on this ground alone the Bill should be sent back to Select Committee or for circulation with the positive direction that their attention should be directed towards these changes and they should consciously, intelligently, wilfully accept or reject them. There are other substantial changes.

Shri B. N. Munavalli (Bombay States): He is simply repeating the same arguments.

Mr. Deputy Speaker: I thought he had concluded that topic. If he has no other topic he may sit down.

Mr. Naziruddin Ahmad: I have other very serious changes. The point I would like to know is for how long the honourable Law Minister would insist on saying that there are no substantial changes.

Shri Khurshed Lal (Deputy Minister of Communications): Till you have finished.

Mr. Deputy Speaker: Does the honourable Member with his experience as a lawyer ever expect the mover of a Bill to admit that what he has done is wrong?

Mr. Naziruddin Ahmad: Sir, I bow down to this weighty observation of yours. But this is not a law court for us to take sides. It is a Legislative Assembly where we have no sides. We may express our opinions honestly but we do not take sides for the sake of fees: we are not committed to one side or another. I submit that in the Legislature, a Law Minister responsible to the Legislature should make it his duty to make an admission if he is wrong. I therefore have a faint hope that this accumulation of errors, of changes, would induce in a slight degree the Law Minister to admit that he had made substantial changes and thereby to make further progress of my argument absolutely unnecessary. But in view of the fact that the honourable the Law Minister stands to his gun like a good fighter—he has been a fighter all his life and he is famous for his grit and moral quality—as he stands to his gun, I have to submit to him more and more changes just with a faint hope to induce him ultimately to concede.

Shri Khurshed Lal: I do not wish to interrupt, but is it his intention to go on in this manner till he has made the Law Minister admit that he has made a mistake?

Mr. Deputy Speaker: Why the Law Minister alone? Possibly other Members also agree with him for he has carried the House with him.

Shri B. Das: How do you say so, Sir? We can howl him down.

Mr. Naziruddin Ahmad: It is not so very easy. Sir, I have been threatened with being howled down. I am yet to see a Member who can howl me down here—I have yet to see him. I respectfully invite anyone to howl me down. He will find that I do not even require the microphone to be heard in the House in the midst of howlings.

Mr. Deputy Speaker: I suggest that the challenge need not be accepted on the floor of the House.

Mr. Naziruddin Ahmad: He will not find it safe to challenge me outside the House.

Mr. Tajamul Husain: You did not like us to interrupt and therefore I want your permission first to seek a point of information. The point I want to know from my honourable friend is that today is the 1st of April. Is that the reason why he is taking up the whole day on this Bill?

Mr. Naziruddin Ahmad: That question should be addressed to the Honourable Law Minister for bringing the motion on the All Fools Day!

Mr. Deputy Speaker: Whether it applies to anyone or not let the honourable Member proceed with his speech.

Mr. Naziruddin Ahmad: Then we come to the next clause of Part II of the original Bill.

Dr. Mono Mohan Das (West Bengal: General): Sir, it appears the honourable Member is not prepared.

Mr. Naziruddin Ahmad: I could not catch the honourable doctor.

Mr. Deputy Speaker: He may go on. I hope he will conclude his speech at least today.

Mr. Naziruddin Ahmad: I do not know.

Mr. Deputy Speaker: I would only say that enough has been said so far on this point about changes of substance. After all it is not the honourable Minister in charge of the Bill who alone need be satisfied. He holds his point of view.

The Honourable Dr. B. R. Ambedkar: The House will decide.

Mr. Deputy Speaker: Yes, the House will decide it ultimately. Therefore the honourable Member need not take further time in driving it home to one individual Member however important he may be. He may try to carry the House with him. As I have already said, enough has been said in regard to the matter of substantial changes. I thought he was going to refer to other matters of substance like marriage, divorce, adoption. I do not think the honourable Minister would be dogmatic and I am sure that though in respect of this he may have strong views he would like to wait and see how far there are arguments on the other side, and he may be convinced. I thought the honourable Member would come to matters of substance. A long time has been spent on this point already.

Mr. Naziruddin Ahmad: I must frankly express my gratefulness to the Law Minister for listening to me so patiently. I submit that I have other points indicating changes which I shall show briefly.

Mr. Deputy Speaker: Leave along the changes. There are changes. I may put it this way. I am not letting down a secret and there is no secret from the House as I conceive. When a matter comes before the House after having been referred to Select Committee, the Select Committee might commit a mistake and it is open to the Members to say that it is wrong and the wrong has to be corrected. Except one or two matters as for example what each Member said in the Select Committee which ought not to be placed before the House as things are in a fluid condition and it would result in a disturbance and antipathy, I may say this. So far as the Select Committee is concerned any draft may be considered. The draft was of the Ministry here. At the outset it is said in Para. 2 of the Select Committee's report here:

"The draft Hindu Code, as introduced in the Legislature, did not receive any Departmental scrutiny prior to its introduction, and the Ministry of Law (which certainly includes the Minister of Law at its head), which had an opportunity to examine the Bill during the period between the end of the last session of the Legislature and the beginning of the present session, have now produced a revised draft....."

The draft was placed before the Select Committee and the ruling of the Speaker is that the original Bill that was sent to the Select Committee, along with the draft—which we will assume is the complete list of all the amendments which the Law Minister wanted to introduce—was all considered by the Select Committee. It is open to the honourable Member to say that the Bill and the clauses in it are wrong, that they upset society and that sufficient attention was not paid to the changes that were effected in the Select Committee to the original Bill. I think that would help the House to come to a conclusion regarding either the whole Bill or individual clauses in it on matters of substance. We have already spent a lot of time over this matter. It is necessary that on this matter there may be clarification and I do not think anyone here wants to dogmatise upon a particular matter.

The Honourable Dr. B. R. Ambedkar: I might say openly that I have not an empty mind but I have an open mind.

Mr. Deputy Speaker: That is what we expect.

Mr. Naziruddin Ahmad: I am very grateful to him. Sir, I come to another branch of the Bill. I would like to draw the attention of the House to clause 102 of the Departmental Bill which corresponds to clause 101 of the final Bill. This was introduced for the first time by the Departmental Bill. The Select Committee made some changes, but the Departmental Committee had introduced a serious change. It is provided in the Departmental Bill that if there was a male and a female in the same line, the male shall take double of the female. In the final Bill their shares are made equal. As regards the justice of the final Bill, it does not matter, but I submit this new introduction is a departure.

Mr. Deputy Speaker: Even if there are, say, 100 departures, is it necessary to exhaust all the 100 departures? Only some ten or fifteen—even these are many—by way of illustration will be enough. He may take a few departures and say that for these reasons the matter should be sent back to the Select Committee or sent round for eliciting public opinion. I thought the honourable Member concluded that portion referring to various items where there is a departure. There are departures and the list which has been circulated contains a list of departures extending over thirteen pages, though it does not state how the departures have been made.

Mr. Naziruddin Ahmad: Departures have not been noted.

Mr. Deputy Speaker: True, they have not been noted in the manner of departures. It is admitted there are departures but only some important items may be taken for the purpose of showing that on account of these departures the Bill should be sent to the Select Committee or to another Select Committee or that it must go round the country for opinion. I think we are taking too much time on this.

Shri B. Das: Sir, I said that all along.

Mr. Naziruddin Ahmad: I can quite appreciate the exasperation of one or two Members.

Shri B. Das: Sir, he is using the same word!

Mr. Naziruddin Ahmad: Sir, I draw attention of the House to clause 103 of the Departmental Bill which corresponds to clause 102.....

Mr. Deputy Speaker: I have already pointed out with reference to this.

Mr. Naziruddin Ahmad: This is an important matter.

Mr. Deputy Speaker: I can only suggest to the honourable Member. I cannot argue for him. I can only say that instances need not be multiplied. According to him there are a sufficient number of instances, but if he thinks he has forgotten one point which is more important than others then he may point it out.

Mr. Naziruddin Ahmad: Clause 103 of the Departmental Bill corresponding to clause 102 of the final Bill restricts the agnates to five degrees. The change restricts the heirship to five degrees only. In case there are no enumerated heirs, then according to the Hindu Law the property will go to the agnate, but the definition of agnate has been seriously curtailed and reduced to five degrees. In the next clause, clause 104 of the Departmental Bill corresponding to clause 103 of the final Bill, cognates are also similarly restricted to five degrees. This is a serious departure from the conception of the Hindu Law and from the original Bill. Any agnate, however distantly connected, would be an heir in the absence of preferential heirs. With regard to cognates also, in the absence of agnates any cognates, however distantly connected, would be heirs. So, with regard to cognates the change is entirely new. With regard to agnates it is a serious departure from the original clauses. They merely described that in the absence of enumerated heirs they go to agnates, and in the absence of agnates they go to cognates.

The Honourable Dr. B. R. Ambedkar: Cognates or agnates?

Mr. Naziruddin Ahmad: Cognates.

I submit these are serious changes. According to Dr. Ambedkar there are not serious because he has made the changes.

Shrimati G. Durgabai: Serious and substantial changes!

Mr. Naziruddin Ahmad: Substantial if you like. I think they are not merely substantial but also serious. *Serious* goes a degree further. In fact, this restricts the right of heirship of certain people.

Mr. Deputy Speaker: Is the honourable Member not closing at five? Enough has been said on this topic.

Mr. Naziruddin Ahmad: No, Sir. Not enough to convince some of the Members. I want to absolutely convince them.

Shri Churshed Lal: Then you will have to argue till doomsday.

Mr. Deputy Speaker: If he has not been able to convince for five hours now, he will not be able to convince him at the end of another five hours.

Mr. Naziruddin Ahmad: The honourable the Law Minister has, though not a vacant mind, an open mind and he will in the long run be convinced.

An Honourable Member: He will ponder over your speech tonight.

Mr. Naziruddin Ahmad: Clause 10 of the original Bill has been entirely omitted in the Departmental Bill—absolutely forgotten. In fact in the Hindu law, as in the Muslim law, in the absence of enumerated heirs, in the absence of agnates, cognates, other unrelated heirs succeed. They are the preceptors, *acharyas*, *shishyas* and *sahabrahmacharis* and pupils under the same tutor, are the heirs. According to the Departmental Bill, the respect for *acharya*, respect for *sahabrahmachari* and consideration for them is entirely thrown overboard. This again is a serious change. The cumulative weight of these serious changes as well as many numerous others will I hope succeed in ultimately winning over the Minister of Law to my side.

Then we come to clause 109 of the Departmental Bill and 108 of the final Bill. This provision is absolutely new. In that clause some new heirs have been introduced which were not in the original Bill.

With regard to succession to *stridhan*, some changes have been made. And then in Part II, clause 14, where heirs stay together.....

Mr. Deputy Speaker: If the honourable Member is likely to conclude soon, 5 P.M. we will stay on for a few minutes more.

Mr. Naziruddin Ahmad: No, Sir.

Shrimati G. Durgabai: We will stay on for five minutes more, if the honourable Member will conclude.

Mr. Deputy Speaker: I shall leave it to the speaker.

The House now stands adjourned to 10.45 A.M. to-morrow.

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

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Saturday, 2nd April, 1949.

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

QUESTIONS AND ANSWERS

(No Questions: Part I not published)

ELECTION TO NATIONAL FOOD AND AGRICULTURE ORGANISATION
LIAISON COMMITTEE AND TO STANDING COMMITTEE FOR ROADS.

Mr. Speaker: I have to inform the Assembly that upto the time fixed for receiving nominations for the National Food and Agriculture Organisation Liaison Committee and the Standing Committee for Roads, 7 nominations in the case of the first and 12 nominations in the case of the second were received. As the number of candidates is equal to the number of vacancies in each of these committees, I declare the following members to be duly elected:

I. *National Food and Agriculture Liaison Committee*.—Dr. P. S. Deshmukh, Sardar Bhopinder Singh Man, Shri K. Hanumanthaiya, Prof. N. G. Ranga, Shri Satis Chandra Samanta, Prof. N. C. Laskar and Shri Kala Venkata Rao.

II. *Standing Committee for Roads*.—Shri S. Nijalingappa, Dr. V. Subramaniam, Shri B. N. Munavalli, Shri C. M. Poonacha, Shri Ram Chandra Upadhyaya, Shri Kusum Kant Jain, Shri Kishorimohan Tripathi, Srijiut Kuladhar Chaliha, Sardar Hukam Singh, Shri Krishna Chandra Sharma, Mr. T. J. M. Wilson and Lala Raj Kanwar.

TAXATION LAWS AMENDMENT BILL

The Honourable Shri K. C. Neogy (Minister of Commerce): Sir, I move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922, the Indian Finance Act, 1942, the Excess Profits Tax Ordinance, 1943, the Indian Finance Act, 1946, the Business Profits Tax Act, 1947, and the Taxation on Income (Investigation Commission) Act, 1947.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Income-tax Act, 1922, the Indian Finance Act, 1942, the Excess Profits Tax Ordinance, 1943, the Indian Finance Act, 1946, the Business Profits Tax Act, 1947, and the Taxation on Income (Investigation Commission) Act, 1947."

The motion was adopted.

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

INDIAN RAILWAYS (AMENDMENT) BILL

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Railways Act, 1890.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Railways Act, 1930."

The motion was adopted.

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

INFLUX FROM PAKISTAN (CONTROL) BILL

The Honourable Shri Mohan Lal Saksena (Minister of State for Relief and Rehabilitation): Sir, I beg to move for leave to introduce a Bill to control the admission into, and regulate the movements in, India of persons from Pakistan.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to control the admission into, and regulate the movements in, India of persons from Pakistan."

The motion was adopted.

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

HINDU CODE —*contd.*

Mr. Speaker: The House will proceed with the further consideration of the motion that the Bill to amend and codify certain branches of the Hindu Law, as reported by the Select Committee, be taken into consideration.

Shri Mahavir Tyagi (U.P.: General): May I know, Sir, till what time we will discuss this Bill, for there is some Government business and so we want to be sure as to how long the consideration of this Bill will take? Now filibustering is going on at this stage and all the Members are anxious to speak and they may not get any chance to speak for two or three days. I would like to know, Sir, as to how long they are going to discuss this Bill, for the present.

Mr. Speaker: It is difficult for me to say as to how long a particular Bill is going to be discussed. It much more depends upon the Members themselves. All I can say is that excepting perhaps one day, i.e., the 4th, I think all the days in the next week are allotted to Government business; and it is a matter for Government to say as to what Bills they want to bring or not to bring before the House and it depends on the priority with which they look upon the different measures.

Shri Mahavir Tyagi: May I through you, Sir, request that the Government might be pleased to take over urgent business first and leave the consideration of this Bill to the end or let us know definitely as to which Bills are to be taken, so that we can come prepared for the next Bills. We are anxious to participate in the discussion of the other Bills.

Pandit Lakshmi Kanta Maitra (West Bengal: General): Sir, the question raised by my honourable friend, Mr. Mahavir Tyagi has really got some importance. I quite appreciate the observation made by you just now that in such a matter the House decides how long a Bill should go on and this necessarily means that when there are a sufficient number of speakers and they want to continue for a sufficiently long time, they may continue. This is what I understand to be meaning of that observation. Of course, I quite see that it is not in the hands of the Chair to say how many days are going to be allotted. At the same time, I think, the Chair would realize how difficult it is for Members who want really to speak on this motion and debate it fully that they know at

least if any more Bills are going to be taken up during this session. I was submitting yesterday at the very beginning when this motion was taken up that most of the Members had the impression that this Bill was not going to be taken up again in this session. As a matter of fact when a Bill of this importance and magnitude, was to be brought again for consideration, we expected that sufficient notice would be given to the Members in time. It was not done. The whole importance of my contention arises in this way that if we are to know that this Bill will be discussed and that it will continue only up to day, we can understand, but if on the other hand we are given to understand that additional days would be provided in this session, it becomes another matter. Members who want to speak for, or against it, would not be able to come and participate in the discussion. We started yesterday and many honourable Members had already left, for instance, Mr. K. M. Munshi came here to speak on this motion and he went away and there were many Members who wanted to speak one way or the other on this important Bill and if the House could get to know through you—it is for you to say—it is possible for you to do so—that some additional days are going to be provided, that will be really helpful; otherwise, we do not know where we stand with regard to this important Bill.

Mr. Speaker: I should like to know if the honourable the Law Minister is in a position to enlighten us.

The Honourable Dr. B. R. Ambedkar (Minister of Law): The only thing that I can say is that this Bill will be debated. What would be the next stage, I am quite unable to say, because the question of the arrangement of the business of the Government is entrusted to a Committee of the Government, which is called "the Priorities Committee". That Committee have assigned these days to this Bill. This Committee will be meeting in the afternoon and be taking its own decision. I am unable to say anything further than that.

Pandit Lakshmi Kanta Maitra: In view of this, I would submit respectfully to the Chair that the Chair has sufficient inherent powers to see that this procedure is not adopted with regard to this Bill unless sufficient notice is again given, to the honourable Members when this motion comes, it is certainly within your competence to say: "I am not going to allow this motion to come, because that prejudices the right of honourable Members to participate in this important debate." That the honourable Minister cannot make up his mind, is exactly my grievance from the very beginning about the way in which the consideration of this Bill is taken up from time to time during this session. This itself has been a subject of great adverse comment on my part as well as other honourable Members. Even today the honourable the Law Minister is not in a position to say if any other day is going to be or not going to be allotted for this important Bill. If that is so, I hope you will sternly turn down any proposal brought at the end of this week if a motion for consideration of the Bill is brought on a very short notice.

Mr. Speaker: Any way that question is at present hypothetical. Today we are going on with the Bill.

Pandit Mukut Bihari Lal Bhargava (Aimer Merwara): It is obviously very unfair that the Government are not able to make up their mind even today. On 30th March you were pleased to ask the Leader of the House as to what the position was. A specific question was put by Mr. Maitra as to whether the Hindu Code was going to be taken up or not. No answer to that query was given by the Government Bench with the result that on the 31st, for the first time, we knew that the Bill was going to be taken up. Mr. Chaudhuri who wanted to participate in the debate left for Assam on the presumption that this Bill would not come before the House. It is therefore obviously unfair to the Members that it should be brought up in this fashion. The Chair has ample power to protect the rights of Members.

Seth Govind Das (C.P. and Berar: General): You will remember that on that date the Leader of the House announced that very probably we would be adjourning on the 7th April. I raised the question whether the Hindu Code Bill was going to be taken into consideration in this session or not and you, Sir, said that it was not your business to say anything in that matter and that it was for the Government to arrange their business for the House. Now, at this fag-end of the session, when many Members are absent, it is not proper to proceed with a controversial Bill of this nature. I would join with the Members who have just spoken and submit that the protection of the rights and privileges of the Members of this House is your responsibility and you have that right vested in you. Therefore I would request you to say to the Government that at this fag-end of the session and without giving sufficient notice to Members it is not proper to proceed with this Bill. I would request you at least to adjourn the debate on the consideration stage of the Bill this evening, so that this business may be taken up in the next Session of the Assembly, when we meet in the autumn.

Mr. Speaker: Just at present the question is a hypothetical one, because the Law Minister does not say that he proposes to continue the debate. The question as to when, if at all, the consideration motion is to be discussed further, (*Interruption*) depends, as he said, upon the decision of the priority Committee. I shall try my best to see that all equitable and reasonable demands of Members for debate are acceded to as far as it lies in my power in the House. On the question of the arrangement of Government business, I think, it is a bit too much to ask me to interfere. The Government are the best judges of priority of their business. As regards this particular Bill, I do not think anything further need come from them, in view of what is said in the House. I believe they are responsive to the feelings of Members. I do not think we need go any further into this matter. We may proceed with the motion under consideration.

Shri H. V. Kamath (C.P. and Berar: General): May I know from you, Sir, who has the last word on the arrangement of business here?

Mr. Speaker: So far as Government business is concerned, it is the Government. I have nothing to do with the arrangement of business so far as priority is concerned.

Seth Govind Das: The ultimate authority rests with you. They can bring any business they want to put before the House. But, after all, the ultimate authority is yourself.

Mr. Speaker: At present, it suits the honourable Members to vest it in me. I think that responsibility is too great for me. I am not acquainted with all the details and the needs of the Government administration. I do not think I can interfere with their discretion to adjust their business in matters of this kind. The best way is for honourable Members to let the Government feel the pressure of their opinion. Then the things will be adjusted. All I can do is to see that a reasonable debate takes place. From that point of view I shall certainly do what I can.

Seth Govind Das: We are requesting the Government through you.

Mr. Speaker: There are many other channels for Members to do so.

Shri Arun Chandra Guha (West Bengal: General): We should be informed now as to when the House is going to be adjourned. If this is not done we would find it difficult to make arrangements for our business.

Mr. Speaker: As regards that, the position was made clear by me the other day. I requested the honourable the Prime Minister to give the information and he said that this may go on for a day or two. It is not possible for him also to say definitely, because there may be some urgent measure 11 A.M. which they might wish to put through, without stifling discussion. So that matter also rests with the Members. But I may say that we are not going to sit beyond the 9th April.

Shri Arun Chandra Guha: In that case, urgent matters may be taken up first.

Mr. Speaker: That is a matter of opinion as to urgency.

Maulana Hasrat Mohani (U.P.: Muslim): To remove this difficulty of Dr. Ambedkar I would make a suggestion. I think that any legislative measure involving social reform should not be made part of official business. I could understand a Bill of this kind involving social reform being introduced by Shrimati Durgabai or Shrimati Renuka Ray. To thrust an official Bill of this nature on an unwilling public is absolutely unreasonable. I would therefore invite my honourable friend to take courage in both hands and, realising that discretion is the better part of valour, postpone consideration of this Bill and withdraw the Official Bill leaving it to be sponsored at some future date by an ordinary Member who, in consultation with public opinion, may bring forward measures of this kind involving social reform.

Mr. Speaker: The honourable Member need not further argue the matter. It is enough he has made a suggestion.

Mr. Muhammad Ismail Khan (U.P.: Muslim): As the honourable Minister told the House, the priority for this Bill has to be determined by the Cabinet Committee. Surely we are entitled to know from him whether he is going to urge for priority for this Bill or not.

The Honourable Dr. B. R. Ambedkar: I do not wish to add anything. All that I want to say is that the Government has no intention of getting this Bill passed by a snap vote.

Mr. Speaker: Mr. Naziruddin will finish his speech now. I do not wish to impose a time limit on speeches. He has spoken the whole of yesterday and I believe had spoken for 48 minutes on the previous occasion. The time taken in all comes to 3 hours and 28 minutes, to be more exact. I am not measuring his speech by the length of time taken. What I would like him to do is to take into consideration the fact that the present is a general motion for taking the Bill into consideration. It will not, therefore, be either in order or proper to go into the details of every clause. The honourable Member's argument, as I understood it yesterday, is that there are some substantial changes made in the Bill and that, therefore, the measure has to be considered anew or that public opinion has to be consulted in the matter. For developing that argument he need not go into each and every clause of the Bill and suggest that every change made is a substantial change. He need only point out, by way of illustration, a few instances of really substantial changes made. I think that should be enough for the purpose of his argument at the present stage. When the Bill comes up for discussion clause by clause, he will have every facility to move any amendment he likes.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I am grateful to you for that suggestion. I dealt with substantial changes yesterday but today I shall confine myself to a few more substantial changes. (*Interruption*).

Mr. Speaker: There is one difficulty that I feel about interruptions. They distract attention from the original point and my hands are weakened in pulling up the speaker and bringing him up to the proper scope of relevancy in debate. If there are no interruptions, therefore, the matter will be shortened.

An Honourable Member: But it becomes very dull.

Mr. Speaker: Of course it gives relief from dullness but too much of it is dangerous for the House. Therefore let there be no interruptions or side remarks because they sidetrack the issue.

Mr. Naziruddin Ahmad: I shall confine myself, Sir, to a few more substantial changes introduced by the Departmental Draft. I shall turn to part III of the original Bill and draw attention to sub-clause (2) of clause 126 of the Departmental Bill which corresponds to sub-clause (2) of clause 124 of the Final Bill. It is a new sub-clause which introduces a new principle, namely, that any transfer of property would not defeat the right of maintenance paid therefrom. In fact, maintenance has been made a statutory charge on the property. Whether good or bad, it is a new matter which has been introduced not by the Select Committee but by the Departmental Committee.

Then turning to part III-A of the original Bill which deals with succession, clauses 1 and 2 which are important substantive provisions have been entirely omitted in the Departmental Bill and of course also in the Final Bill. I will not deal with them in detail but leave them for consideration by the Honourable Minister.

Then coming to clause 131 of the Departmental Bill (clause 120 of the final Bill), sub-clause (1) which deals with maintenance is a new matter which introduces a very substantial change. Again clause 133 of the departmental Bill (clause 132 of the final Bill) lays down certain tests; they introduce an innovation of a very substantial nature. Part (b) of sub-clause (2) of this clause is an innovation which corresponds to clause 6(1) of the original Bill, part III-A.

Then parts (g) and (h) of sub-clause (1), part III-A in the original Bill are also important provisions which have been entirely omitted in the Departmental Bill and also in the final Bill. Again parts (g), (h) and (i) of clause 133(2) of the departmental Bill are very important and are entirely new.

In part III-A the proviso to sub-clause (1) of the clause 6 in the original Bill has been omitted in the Departmental Bill rather unceremoniously. This is omission of a very important matter.

Sub-clause (2) of clause 134 of the Departmental Bill (clause 133 of the final Bill) deals with marriage expenses of an unmarried daughter. This is a new provision which was not in the original Bill.

Then I come to clause 7 of part III-A of the original Bill dealing with the maintenance of a widow residing outside the family house. This has been omitted in the departmental Bill and also in the final Bill.

Therefore in part III-A of the original Bill, there are sins of omission and commission of an important character. I refer to them because I wish to rely not only on the individual changes made but also on the cumulative effect of those changes.

Then I come to part IV of the original Bill dealing with marriage and divorce, corresponding to Part II of the departmental and final Bills. I shall deal only with the salient points. Provisions about marriage have been entirely and radically changed and require some detailed consideration. With regard to sacramental marriage the form of that marriage prevalent in Hindu society is well known. The original Bill left those forms to be applicable according to custom and social practice. There was no provision in the original Bill for registration of a sacramental marriage as a condition of the validity of the marriage. I shall try to show that the Departmental Bill has introduced such changes. They may be unconscious but the change to me appears to be that no marriage will

be valid unless it is registered. Registration has not been made optional as in the case of Muslims, but in this case by the Departmental Bill the optional character of the old formalities have been interfered with and the validity has been made subject to registration: otherwise, as I shall try to show, the marriage would be invalid.

The original Bill, Part IV dealt with this subject. In clause 2 it was laid down that there shall be two forms of Hindu marriage, namely, the sacramental marriage and the civil marriage. Leaving aside the civil marriage, with which I am not at present concerned, "there shall be two forms of Hindu marriage—sacramental marriage and civil marriage". That is what was provided in the original Bill. The forms were left to the well-known custom and well-known requirements of Hindu marriage and provide nothing for registration. The House will be pleased to consider the corresponding provisions in the Departmental Bill. The original Bill merely said that the sacramental form of marriage will be one of the forms of marriage. Details were left to the discretion of the parties.

In Clause 6 of the Departmental Bill which also corresponds to Clause 6 of the final Bill, the following provision is made:

"Save as otherwise expressly provided herein, no marriage between Hindus shall be recognised as a valid marriage unless it is solemnized either as a sacramental marriage or as a civil marriage in accordance with the provisions of this Part."

The original provision was that marriage might be performed in the sacramental form in the usual religious form well known to Hindu society, but in the departmental Bill it is said that no marriage shall be valid unless it is performed in accordance with this Part.

Let us consider the provisions of this Part. We come at once to another part of the Bill, namely, clause 6 of part IV of the original Bill corresponding to clause 9 of the departmental Bill as well as the final Bill. (*An Honourable Member:* 'Please note that Dr. Ambedkar is away.') Clause 9 deals with registration of sacramental marriage. In the original Bill it was stated:

"For the purpose of facilitating proof of sacramental marriage, rules may be prescribed for the entering of particulars relating to such marriages in such manner as may be prescribed in the Hindu Civil Marriage Certificate book kept under section 6 of this Chapter."

Babu Ramnarayan Singh (Bihar: General): On a point of information: may I know who is listening to the debate on behalf of the Government?

Mr. Speaker: There must be someone!

Shri L. Krishnaswami Bharathi (Madras: General): I am taking notes for him.

Mr. Naziruddin Ahmad: The Minister should, in courtesy, be here.

Shri B. L. Sondhi (East Punjab: General): The Law Minister is there—just coming.

Mr. Naziruddin Ahmad: The original clause provided for rules made by the Government for the entering of particulars in a register for the purpose of facilitating proof: that is, it left the validity of marriage absolutely intact. It gave additional facility in the matter of proof that particulars of marriages might be registered in the Hindu Civil Marriage Certificate book and this could be provided by rules. This was only to facilitate proof. This was not a compulsory condition, nor any condition affecting the validity of the marriage. All that was laid down was a very usual rule, a very salutary rule, that particulars might be entered in a register and that might be prescribed in the rules. It would be only for the purposes of facilitating proof. It would not affect the validity

[Mr. Naziruddin Ahmad.]

of the marriage at all. In fact a marriage of which the particulars are not entered in this register would be perfectly valid, but registration would offer, or, supply a ready-made method of proof of marriage, and a certified copy of the entry would be taken judicial notice of by a Court of law and much evidence would be dispensed with. But in the corresponding clause in the Departmental Bill, it is like this:

"For the purpose of facilitating the proof of any sacramental marriage, the Provincial Government may by rules provide (and here the sting comes at the tail)—

(a) That particulars relating to such marriages shall be entered in the Hindu Marriage Certificate book....."

In fact the compulsion is not yet complete, but only begins here.

Then, Sir, we come to clause (b) of the Departmental Bill. Sub-clause (3) of clause 6 of the original Bill says:

"The making of such an entry shall not be compulsory."

I shall ask you, Sir, to consider the corresponding language of the Departmental Bill. The original Bill—I shall repeat with your permission—is

"That the making of such an entry shall not be compulsory."

Shri Mahavir Tyagi: Does it mean that the married parties will go to the Registrar's House?

Mr. Naziruddin Ahmad: According to the original Bill, the making of such entries is not compulsory. That is absolutely clear. But let us consider the corresponding provision of the departmental Bill:

"The making of such entries shall be compulsory."

Shri Jaspat Roy Kapoor (U.P.: General): In which place?

Mr. Naziruddin Ahmad: I shall come to that later on. "Which place" is also mentioned. It is at very inconvenient places!

So the original law was that by rule particulars of marriages might be entered in a book for the purpose of facilitating proof. "but the entry shall not be compulsory". But in the revised clause in the departmental Bill, the particulars shall be entered and the making of the entries shall be compulsory in such cases.

And then, what is more, there is sub-clause (2) and clause 9 of the departmental Bill which reads:

"In making the rules under sub-section 1, the Provincial Government may provide that a contravention thereof shall be punishable with fine which may extend to Rs. 100/-."

The position is a little vague as to whether the compulsory character attaches to the registering officer or is addressed to the party. But more of this later on.

Shri Mahavir Tyagi: Which clause are you referring to?

Mr. Naziruddin Ahmad: Clause 9(2) of the Departmental Bill, as well as to clause 9(2) of the final Bill. In fact it gives authority to the Provincial Government to impose a fine for not complying with it or even a vague suspicion that parties who fail to register or have them entered, will also come within the mischief of this provision. But the matter has not been left in doubt and it is clear later on.

Mr. Speaker: The validity of the marriage is not affected, in which case, where is the substantial change? It is only a matter of detail which, it would

be as well for the honourable Member to speak on, when we come to clause by clause consideration of the Bill.

Shri Mahavir Tyagi: It is a matter of importance, Sir. In that case it is a great change. The parties will have to be directed to the house of the Registrar instead of the House of the father-in-law.

Mr. Speaker: The scope of the present discussion is with reference to changes in the substantive law as proposed by the Rao Committee and as adopted by the Select Committee. A minor detail of registration is made compulsory. So far as validity of the marriage is concerned, it is not affected at all. I do not want any discussion on that. I do not say as to whether the change is desirable or not but for present purposes a discussion on that would be outside the scope.

Mr. Naziruddin Ahmad: I would like to refer to one or two sentences in that connection as well as on the final Bill. Clause 138—Power to make rules—(2) sub-clause (ii) reads:

"The cases and areas in which particulars of sacramental marriages shall be compulsorily entered, and the punishment for any contravention thereof;"

This provides for compulsory registration. I am coming to the question how it affects the marriage. (An Honourable Member: It is in the discretion of the provincial government.) It is in the discretion of the Provincial Government no doubt. But the Government is given a new power which it may enforce.

I come back again to clause 6 of the departmental Bill. It also corresponds to clause 6 of the final Bill.

"No marriage between Hindus shall be recognised as valid unless it is solemnised either as a sacramental marriage or as a civil marriage in accordance with the provisions of this Part."

According to the clause in the original Bill these formalities were not required. The "provisions of this Part" in the departmental Bill require compulsory registration of the marriage. In fact sacramental marriage and civil marriage are brought on a par with each other. In civil marriage of course registration is compulsory. The combined effect of the change of phraseology in clause 6 of the departmental Bill as well as the compulsory requirement of registration would make it appear that a marriage which is not registered—of which particulars are not entered which is made compulsory under this clause—would be an invalid marriage. No marriage shall be valid unless it is done in accordance with this Part.

Shri L. Krishnaswami Bharathi: Where is it?

Mr. Naziruddin Ahmad: That is my interpretation which is submitted for the consideration of the House. In fact it may be farthest from the mind of the honourable Law Minister to effect this result. He made it quite clear in his speech that the provisions relating to marriage are not compulsory but rather optional. It may be that the effect was unintended. But whether intended or not, the effect is the same. No marriage shall be valid unless it is performed in accordance with this Part, which also carries the liability of a fine for an omission. However reluctant the House or even the author of the Bill may be to put this interpretation, it is yet a question of interpretation and it is not a question of sentiment. The point is whether this interpretation is valid. If that is so, it introduces a very important change. To provide, though indirectly that a marriage would be invalid unless it is registered would be a dangerous proposition and it would lead to wholesale breaches of the law. The registering officer may live miles away from parties living in inaccessible regions, and at this stage of the civilisation of our country, especially for the backward people, this provision would be absolutely tyrannical and meaningless.

Shri L. Krishnaswami Bharathi: If you would permit me, Sir.....

Mr. Speaker: Let there be no discussion on the merits of the argument.

Shri L. Krishnaswami Bharathi: Only for the purpose of clarification that I rise.

Mr. Speaker: If we enter into clarification and further discussion, it would be an unending speech. The point is that the honourable Member is putting his interpretation. I have drawn his attention to the fact that, it does not affect the validity of the marriage. If he wants still to persist in that line of argument, let him do so. That will cut short the speech.

Shri L. Krishnaswami Bharathi: If you would permit me, Sir, there is only one point which he may clarify. The clause begins with the words "For the purpose of facilitating the proof of any sacramental marriage....."

Mr. Speaker: That point is quite clear to my mind. I put it to him though not in that form. I pointed out to him that this does not affect the validity of the marriage at all. Still he thinks it does. How can we go on convincing him? Let him proceed now. That would be the shortest way of having his say before us. Otherwise we shall have to discuss with him every provision in respect of which, he is giving his inferences. When honourable Members are hearing his speech in silence, it does not mean that they are accepting his interpretation. He may proceed to the next point now.

Mr. Naziruddin Ahmad: I come to clause 8 of the departmental Bill.

Mr. Speaker: It would be better if the honourable Member gives references to the final Bill as it is before the House and then point out the change. Otherwise I cannot follow. He is referring to three or four Bills.

Mr. Naziruddin Ahmad: I have been starting from the original Bill. Of course it is clause 8 in the final Bill also. In clause 4 of Part IV of the original Bill it is said:

"A sacramental marriage may be solemnised in accordance with the customary rites and ceremonies of either party thereto."

In the revised draft clause 8, sub-clause (1) says:

"A sacramental marriage shall not be complete and binding on the parties unless it is solemnised in accordance with such customary rites and ceremonies of either party thereto as are essential for such marriage."

Sir, I do not think it is a point of argument—this is by mistake. But the point which I wish to submit is that I do not insist on this interpretation as a necessary logical consequence but I believe it is introduced unconsciously and there is a certain amount of doubt as to the validity of the marriages. I know that the feeling of every lawyer, judge and statesman would be against the invalidity of the marriage on this ground of registration. But that is political; the approach should be entirely legal and constitutional. What is the interpretation? If you do not perform your marriage in accordance with these new provisions the marriage will be invalid. It follows therefore, whether we agree with the justice of the provision or not, it follows to my humble mind that unless the particulars of the marriage are entered in the register the marriage itself would be invalid. I submit that for the consideration of the House.

I have already referred to the provisions in regard to the making of the entries, that the making of the entries shall be compulsory.

Mr. Speaker: That he has said; he need not repeat it.

Mr. Naziruddin Ahmad: Is it compulsory for the parties or for the registering officer?

Mr. Speaker: That is a matter of detail into which we need not go at present.

Mr. Naziruddin Ahmad: All right, Sir. (*Interruption*)

Mr. Speaker: Let there be no asides.

Mr. Naziruddin Ahmad: But, Sir, I have a quick ear and this is not conducive to good debate. My learned friend who is an experienced parliamentarian should not try to discourage speeches. He should forget that he was addressing the old Council when the British were there. He should remember that he now belongs to a party which is ruling and I belong to no party at all but am an individual who is opposing.

Mr. Speaker: Let us not carry on this discussion.

Shri B. Das (Orissa: General): Do you want us to keep our mouths shut?

Mr. Speaker: Mr. Das. The remedy is open. We can afford to be deaf on such occasions and proceed further. I also hear many whispers when the debate is going on, but I do not take any notice of them.

Mr. Naziruddin Ahmad: Sir, you are in a more fortunate position.

Mr. Speaker: Let us now proceed. What is the next substantial point?

Mr. Naziruddin Ahmad: I now come to another part—Part V of the original Bill relating to Minority and Guardianship. Clause 3 thereof has been entirely omitted in the final and departmental Bill. I need not go into the details of the clause, but this is a substantial clause which has been omitted. That is introducing a serious change. There are other unimportant changes and I will not deal with them.

I now come to the Part relating to Adoption, that is Part VI of the original Bill. Clauses 1 and 2 thereof have been omitted. In departmental Bill clause 55—also clause 55(1) of the final Bill—there is a sub-clause (3) which is new. Then again in Part VI of the original Bill sub-clause (1) of clause 19 is omitted. A new clause has been introduced with entirely different conditions. In departmental Bill clause No 68, which also corresponds to clause 68 of the final Bill, sub-clause (1) is a new clause. And the Proviso to this sub-clause of clause 68 of both the Bills is also new. Then again sub-clause (3) of clause 19 of the original Bill with two conditions is entirely omitted in the final Bill. Sub-clause (5) of this clause again has been omitted. So also clause 21 of the original Bill—Part VI—has been omitted. Then again clause 25 of the original Bill in Part VI, with two sub-clauses and two other parts, is entirely omitted.

I submit that these are most important changes made by the Departmental Bill. Although it is clear that some honourable Members of the Select Committee realise that there were substantial changes introduced in the departmental Bill that may have been a later realisation in view of the guarantee that no substantial changes have been made. In fact their attention may not have been specifically drawn to it and there is a danger that all these details may not have been fully considered by them. That would not have happened if they had confined their attention to the original Bill and proceeded clause by clause or if they had sat first and given a direction to the Department to prepare.....

Mr. Speaker: The honourable Member is again covering the same ground; he has covered it yesterday.

Mr. Naziruddin Ahmad: Sir, I do not wish to repeat the grounds. In these circumstances I submit that the simple point is that this is a very substantial matter which has prejudiced the fair and full consideration of the Bill by the Select Committee.

[Mr. Naziruddin Ahmad]

I do not wish to cast any aspersion on the Members of the Select Committee, but without a proper comparison of the clauses it would be extremely difficult for the Members of the Select Committee to follow all the changes.

We then come to the other matters in connection with this Bill. The question of inheritance is agitating the mind of the country for a long time. The position of the daughter is the most contentious provision of the Bill that I can think of. In fact, I was asked why it was that I was refusing to my Hindu sisters what I have given to my Muslim sisters. The reply is very simple. Under the Muslim Law, the daughter has been given a share. We are not permitted to question the wisdom of that Law; that Law has got to be taken along with various other circumstances, historical, social and others which justify that. There is a kind of justice which has been tolerated and accepted by the Muslim society for 1350 years. But our Hindu sisters have tolerated their lot for about three to four thousand years under a different system. A comparison between the two systems so far as the daughter's position is concerned, would not be quite relevant. In fact, the two systems of law approach the matter from different points of view and they depend upon different historical accidents. Under the Muslim Law, the system of inheritance was taken from the old Arabian customs. It arose out of obvious and inevitable circumstances. In Arabia there were no immovable properties, all was desert, and the properties consisted of movables. When a man died.....

Mr. Tajamul Hussain (Bihar: Muslim): On a point of information, may I ask this. The honourable Member says that in Arabia there was no immovable property. What about the houses?

Mr. Naziruddin Ahmad: The question is needless. I will ask the honourable Member to read a very learned book of Von. Kromer, a German authority, on "The Orient Under the Caliphs". That book will give the desired information. There is a translation of it by the Late Mr. Khuda Baksh. It is the only book on the subject. It has dealt the entire subject from a specialist's point of view. I will humbly ask my honourable friend to read that book for further elucidation, but I am not concerned with giving the entire details of it in the House because that is not quite relevant.

I was submitting that my learned friend's question as to there being absence of immovable property does not really arise. Arabia consisted, certainly, of immovable property also but most people had no immovable property. (Interruption). No further interruption. I have been asked by the honourable the Speaker not to mind interruptions but it is difficult to close one's ears to what is happening.

An Honourable Member: Close your mouth.

Mr. Naziruddin Ahmad: I shall as soon as I feel satisfied that I have discharged my duty and as soon as I feel that the majority do not want to hear me, I shall certainly do it.

Sir, in that book the whole history has been given. When a man died, he left a bedstead or some clothing or a horse or camel and things of that sort, and according to old Arabian customs they were divided among the near relatives. No trouble arose. The Qoran does not give any specific share to each individual. The present system of inheritance is a growth of the old Arab custom and amended and changed by Muslim doctors, especially by that great authority on Muslim Law, Abu Hanifa and others. I need not go into that. All that I was concerned in saying was that the Muslim approach is a matter of history. Whether good or bad is not to the point, and the fact that I oppose the share of the Hindu daughter is not because I am unwilling to give my Hindu sisters what I would give to my Muslim sisters. If what is good to a Muslim depends upon ancient customs and sentiments, what is good to a Hindu should also depend upon the ancient customs and sentiments of the Hindus. When

the Arabs conquered the areas surrounding the Mediterranean difficulties arose because they acquired immovable property. It is a matter of history that they felt the difficulty of a large number of shareholders inheriting the property leading thus to disruption. Then it was that the system of *wakf*, which we now find today, was thought of. Some passages in the Holi Book were developed by Muslim divines and they tried to develop the law of *wakf*. That was how they wanted to counteract the evil effect of division. In India the law of *wakf* was further developed by Indian courts and especially by the Privy Council and this to a large extent thwarted the application of the *wakf* law in domestic purposes. It is well-known that Mr. Jinnah, in 1913, brought a Bill in the House and got an Act passed—the *wakf* Act—which recognised the validity of certain *wakfs* which were regular in practice among the Muslims. This was an attempt to counteract the evil effect of infinitesimal divisions. The Muslim approach to the division of property is entirely different. The outlook of a Muslim is individualistic. In fact, the infinitesimal division induces in them separatist tendencies. Brothers do not live in the joint family for long; they quickly divide. We have seen a separatist tendency of a large scale in recent Indian history. So, the approach of a Muslim is individualistic whereas the approach of a Hindu is from the family point of view. The Hindu lives in a family. There the unit is the family and they approach the women's rights from the point of view of a family. The Muslim approach is different. In fact women in a Hindu family are not unequal to men, the question of inequality as has been pointed out does not really arise; they are equal to men in every way but each has a recognised part in the economy of the Hindu family. That is the way of approach of the question. Although I do not question the authority of this House to legislate on any matter, I question only the propriety of this House entering into this legislation without discussing and going into details of the system under which the Hindu civilisation has lived. The position of a Hindu widow should be considered from that angle and if on adequate consideration it appears that the system is rotten, it is for the Hindu society to change it. It is not for me to change it. It is up to me only to point out certain things which come to my mind as a Member of the Legislature; it is not my vote that will carry; the vote of the majority will carry. I have a duty to submit certain points as they appear to me. I submit therefore that the Hindu Law is not unjust to the female. It has done full justice to the female considering her as a part of the family system where she has a part to play. In fact, in this Legislature we have different parts to play. There is no question of inequality or discrimination. We have all parts to play. In these circumstances I submit that the position of the Hindu women has to be considered from this point of view. The division amongst Muslims has gone too far. How the share of a daughter leads to disruption of the family is worthy of consideration. As soon as a man dies, leaving sons and daughters, the daughters at once inherit their shares. They are married and in a majority of cases they are transported to different families. In fact, inter-marriage in Muslim law is a device to counteract infinitesimal division. There is again a provision that in case a person having a share transfers the property to an outsider, the original co-sharers have been given the right to re-purchase the share on payment of the price. But as every lawyer knows, a suit for pre-emption is hedged in with so many legal difficulties that it hardly succeeds. The *Wakf* is another attempt to counteract this tendency. The share to a Muslim daughter has not conduced to the solidarity of the family property.

Mr. Tajamul Hussain: I do not wish to interrupt, but as it is a case of Muslim Law, I am interested in it. I want to know from my honourable friend whether he does not approve of the inheritance as enunciated under Muslim law?

Mr. Naziruddin Ahmad: I should submit that the question does not arise.

Mr. Tajamul Hussain: If is for the Speaker to say whether it arises or not.

Mr. Naziruddin Ahmad: Even then, I shall not be drawn into a controversy over this. How the Muslim family deteriorates and disintegrates, is a matter of long experience to us, as also I believe to many lawyers like yourself. When a daughter is married, for some time family amity keeps them together, but a time comes when the daughter comes to her father's house and a misunderstanding arises between the daughter and the brother's wife. Women differ on more unsubstantial matters than men. They being more sensitive differ.

Shri Mahavir Tyagi: You are casting aspersions on women.

Mr. Naziruddin Ahmad: It is not casting aspersions. It is analysing their character. The sentimental nature of women makes them more attractive, more interesting and more loving. If women were as hard-hearted, as strong, as rugged, as we are, life would have been impossible. In fact, it is the beauty of feminine nature that they are so different from men. It is the union of two distinct types that makes life bearable and happy. So it is not by way of disparagement that I was making this remark.

When the daughter gets offended with her sister-in-law, she goes back to her husband and says "I want my share." Then the trouble begins sooner or later. It has happened in every home. The sister's husband comes to his brother-in-law and demands a share and it is refused and then he wants to sell the share to the brother. The brother of course would not be willing or able to pay the full price demanded, so this man goes to another man in the village and sells the property for a small cash and a promise of more after the trouble is over. Then some physical demonstration of new rights begins. A criminal or civil case follows. From ordinary injury to murder, from registration proceedings to partition proceedings and so on. Lawyers will be thankful if this Bill is passed, because it will give them a considerable amount of business. Litigation begins and does not end in five or ten or twenty years. Litigation after litigation follows in bewildering succession and the whole village is rent with party factions. If there are only several brothers, they can live together and manage the properties together, although their wives may quarrel with each other. Brothers hardly quarrel. In this way the Hindu joint family system goes on. There is nothing inherently different between a Muslim family and Hindu family except in this. Muslims have been habituated to think of partition and individualistic life. The Hindu is habituated to joint and corporate life. Probably, very few of my esteemed Hindu friends can visualise the real difficulty that would arise out of the daughter's share. In fact, it is never a gain to the daughter. There is a corresponding loss to counterbalance the gain. Suppose out of a litigation and a share a daughter is enriched to that extent. She goes to her husband's house and has her own sons and daughters. All that she takes from her brother, her daughter will take from her sons. Instead of considering the women individually and separately, if we consider her as part of family life, then the gain is not counterbalanced by the loss. I submit that the daughter's share will introduce endless complications and litigation, quarrel and misunderstanding and what not. In fact, it is my unhappy experience that no prosperous Muslim family has lasted for three generations. This and other things make them poor. The point is not whether the system is good or bad. Muslims have accepted it as part of their religion and will accept it so long as the majority do not think it is bad. So far as Hindus are concerned, they have accepted their system and unless the majority are convinced that that system under which they have been thriving and been made so prominent, a system which has outlived many ravages of foreign invasions, unless they are convinced that that system is bad, there should be no interference. My point is that comparison between the Hindu sister and Muslim sister would be

extremely dangerous, because their positions are not analogous and actually there are differentiating elements which arise from different histories, considerations and environments. Therefore, there is no simple analogy between the position of the Hindu sister and the Muslim sister. I think the effect of a daughter's share must be considered dispassionately in all conceivable aspects. It is not a net gain to the daughter herself. It leads to fragmentation. I would not have referred to this in detail but for the fact that on 9th April when the Bill was sent to Select Committee, I referred to this mischievous tendency and Mrs. Hansa Mehta expressed surprise that the daughter's share would lead to litigation or fragmentation of property. It is due to the fact that perhaps the mischief which we have experienced has fortunately not been experienced in the Hindu society. It is for this reason that there was a possibility of misunderstanding, and that is why I have referred to this matter. I submit, Sir, that the position of the daughter must be considered in the context of Hindu ideas and of Hindu families. Every one is affectionately disposed towards her. She is well married, and at the time of marriage various gifts are made, there is the dowry and besides that large properties too are sometimes given. And she is a welcome guest in her father's house. But if you give her a share, then the relations between the brothers and sisters will no longer be one of affection, but it will turn into one of business, one of hostile and clashing interests. In fact, love will be extinct, if the daughters' shares are allowed to penetrate the folds of Hindu society. Sir, these are some considerations which I believe should be considered dispassionately.

Shri Mahavir Tyagi: What is your experience?

Mr. Speaker: Order, order.

Mr. Naziruddin Ahmad: My experience is that we have become impoverished. If Hindu society thinks that impoverishment is a virtue they are welcome to accept the system. After all we hear talks of introducing a classless society of absolute equality. It will be the equality of poverty and indigence. But I do not complain of my system. And after all, this is not the place to discuss it. I only submit here that the whole subject must be considered deliberately by Hindu society and not merely viewed in the light of equality of brother and sister. That is too much of a slogan. We as serious legislators in this House should not be taken in by slogans. Here I have only given a slight hint on some of the aspects. There are many other matters but it is impossible for me to deal with all aspects. It may be that I have over-emphasised certain minor aspects, and left out others. But these are only a few observations which may make people think and not rush on, so far as the daughters are concerned.

And now comes the question of equality. Is not the woman sometimes superior to man in certain aspects? I believe that she is in many spheres superior. She is the mistress of the house. She is the mistress of her husband's soul, his purse, his property, his inclinations, his whims everything is controlled by her. I submit, therefore, that the woman should not consider herself as ignored, merely because she is not being given a share. In fact, her position is unassailable in the family. What woman is there who is not respected and loved in the family? Does she require anything personal? Does she require anything herself, apart from the welfare of her husband, of his brothers and of her children and the children of her brothers? That is the Hindu system. Whether it is good or bad, it is not for me to discuss.

An Honourable Member: Quite right.

Mr. Naziruddin Ahmad: It is for the Hindu community. It is for that community to say whether the system which has lasted for over four thousand years.....

Babu Ramnarayan Singh: More than that.

Mr. Naziruddin Ahmad: It is for them to say whether it is really so rotten and so rickety—to quote Dr. Ambedkar—that it requires overhauling, that it requires breaking up and re-setting, in fact whether a problem akin to that Relief and Rehabilitation has arisen in Hindu society. I feel that it is nothing of that sort. The problem is merely an intellectual upheaval. It is an abstraction of legal theory. It is an unnecessarily fine question of equality that is at the root of this division, of all this discussion and so much hostility. The whole thing is a simple affair. Are you satisfied with your family system? Does it give you satisfaction? Has that system saved you from the ravages of time?

Dr. Mono Mohan Das (West Bengal: General): And that has increased the number of Muslims in the country.

Mr. Speaker: Order, order.

The subject before us is not the structure of society. We are discussing only certain provisions in the Hindu Code. So let us not go into too many details or go on to other questions. Otherwise I will have to ask the honourable Member to discontinue.

Mr. Naziruddin Ahmad: If you allow shares, to the daughter, there will be wholesale evasions, and lots of cases relating to wills will come up. When the father dies, there will be wills. In fact, it will lead to lots of litigation. The sons will try to retain the property in their own hands and it may be that the dying father may be prevailed upon to execute a will under duress, or wills may be manufactured. Such things do happen. In fact, these are certain matters which have got to be considered.

Sir, then there is the general aspect of inheritance. In fact, this a matter which should be carefully considered.

Then I come to another part of the Bill, namely, marriage. In fact, with regard to monogamy, I submit that monogamy is good in theory, and good in practice also. And I also believe that numerous people would not have two wives. One is costly and troublesome enough. In fact, two wives would be a rarity. It is a rarity. I do not find two wives very common. It is extremely rare. It is only confined to very exceptional cases. Exigencies of political or economic conditions make it impossible for any one to marry two wives. But the point is whether we should try to introduce monogamy by legislation or by public opinion. There may be a tendency on the part of some men to marry two wives, not for the sake of caprice, but for the sake of having a son. According to the Hindus, a son is needed to save the father from a certain *Naraka*, called *Puth*. A person who saves you from *Puth* is called *Puthra*, the son. Otherwise the man goes to a certain hell called *puth*. It is a religious necessity according to the Hindus to have a son and to have a son means that if the wife is barren, he tries to marry another. It has happened within my experience, and it may be within the experience of many others that a second marriage of the husband has been brought about because the first wife is barren. I have seen very happy families, where the senior wife without a child actually induced or compelled the husband to marry a second wife, and the senior wife considered herself absolutely happy with the family. A similar belief that a son is desirable is also prevalent amongst the Indian Muslims in Bengal.

Mr. Tajamul Husain: I want to put a question for my information and for the information of other honourable Members: I understand that a Hindu father must have a son for his own salvation. Does a Hindu mother also require a son for her salvation? If she does, she should have the right of polyandry.

Mr. Speaker: We may have a fund of information outside the House. In the House, let us confine ourselves to the Hindu Code.

Mr. Naziruddin Ahmad: I submit, therefore that polygamy is not as dangerous as it is supposed to be in point of view of abstract logic and abstract legislation. It has got to be considered in a particular context. If there is a desire on the part of a Hindu husband to have a child and for that purpose to marry again, and if he cannot do so for the existence of the first wife, it may lead to divorce proceedings. The provision of monogamy and the prevention of a second wife during the lifetime of the first wife or during the existence of the marriage with the first wife may lead to divorces. We must not think it to be fanciful. In fact this has happened even in European countries in our history. Napoleon Bonaparte married a loving wife, Josephine. He had no children and Napoleon wanted a heir to the throne of the vast empire which he created by his own genius and what did he do? He divorced the first wife, although his love for her was intense, but the desire for a son and the perpetuation of the family got the better of him and he married a Princess and he thought by that princely alliance with the Princess of Austria he would consolidate his power for ever and he would be happy with both. This is a historical example.

The Honourable Dr. B. R. Ambedkar: What happened to Napoleon?

Mr. Naziruddin Ahmad: He died in St. Helena—an unhappy man.

The Honourable Dr. B. R. Ambedkar: If he had not desired the founding of an empire, he would have lived otherwise.

Mr. Naziruddin Ahmad: Sir, This is an example from history. If a Hindu is prevented from marrying for the purpose of a son, if he thinks that a son is necessary, and if he believes his wife would not give him the son, then he would think of some evasion. He will in many cases enter into a morganatic marriage. Can you prevent a man from entering into a morganatic marriage or to commit a technical crime in the full religious belief that what he is doing is just and proper according to his own conscience? This would be interfering with sentiments of a people deeply immersed in religious thoughts and religious beliefs. In these exceptional cases therefore the matter should not be dealt with by legislation, but rather on public opinion. Polygamy is dwindling from within and the process must not be artificially hastened in order to create evasions. Absolute prohibition of polygamy is a defect and a practical difficulty in the way of the Bill. If a man requires, a second wife, what prevents him from crossing over to Pakistan? (*Shri Mahavir Tyagi:* 'What about a second husband?') The second husband is also prevalent in some places. Mr. Tyagi is well aware of this. Polygamy would be prohibited in India and you will refuse to recognise it, but the man must have a son and what prevents him from bringing the married wife—the second wife married in Pakistan—to his house and it may be that the first wife may be consenting. Would you then pass a law which is against deep-rooted sentiments and beliefs of the Hindus. There are serious matters to be considered. This is hardly a subject for drastic legislation going against the very principles, the fundamental ideas of the Hindus. The matter should be very carefully considered before we should indulge in a drastic law of this kind and then there is the provision of a penalty, legal punishment in case of a second marriage. I submit that we should not pass a law which would not be popular with our masses, which would inevitably lead to violations and evasions. We know the fate of the Sarda Act. The first effect of the Sarda Act was that many

[Mr. Naziruddin Ahmad]

millions of infantile marriages were performed before the law would come into force. The first effect was to bring about the very mischief which it was the purpose of the law to prevent and then what is the story today. Supposing a man has a marriageable daughter, not up to the age standardized by the Sarda Act and suppose a suitable bridegroom is available, can you morally blame the father or the guardian if he contracts the marriage for the minor daughter? Would it be merely indefensible simply because it may offend against the theoretic legal sense or the political sense of the man? Current practices should not be made impossible all at once by law. Old practices are in consonance with the faiths and inclinations of the people. The Sarda Act has largely failed and public opinion is so strong in this respect that there is hardly any prosecution against the alleged violation of the Sarda Act today. In fact legislation had been imposed by way of amendment and there are some difficulties in the way of a complainant. The first difficulty is that he must deposit the costs, which will be forfeited in case he loses his case and other additional difficulties are put in the way. What has happened? Infantile marriages are still prevalent. Nobody supports infantile marriages, but it could not be stopped by criminal prosecutions or by force, unless it is supported and backed by popular sentiment. Amongst the upper educated classes infantile marriage is practically out of the question, but just look at the poor people. If unmarried girls of the poorer classes, not coming up to the marriageable age are to be left unmarried without the care and protection of a husband, it would not be a very safe thing to allow and it may be that many abuses and difficulties will arise if such girls are left without the protection of a husband. The result would be that if she is forced to wait till she attains the statutory age, a husband would not be readily available and she cannot be married readily, and this will lead to all sorts of abuses. I submit, Sir, that remembering the fate of the Sarda Act, we should also consider the idea of compulsory monogamy under all circumstances in all its rigour and without any reasonable exceptions. I think, Sir, the matter is one of serious practical consideration and not a matter of theories and slogans. I now come to the question of divorce. Divorce is not a panacea for all family unhappiness. There is hardly a man who does not have mis-understandings with his wife and there is hardly a family which does not suffer on this score. Life would be unbearable if the relation between husband and wife was all happiness. Such happiness would be no happiness. Unless happiness is punctuated by moments of unhappiness and quarrel, it will be no happiness. In fact it is these misunderstandings which are followed by re-union—*virah* and *milan* in these misunderstandings which are followed by re-union—*virah* and *milan* in our society—that conduces to happiness. So, misunderstandings are sometimes necessary. I am addressing these remarks to all experienced men. Only a man would be happy all his life. If he is intelligent and has a personality there will be differences of opinion, but in the long run, the wife will prevail. Therefore if you leave the couple to live together for a time, misunderstandings will be blown away as the autumn clouds. I submit therefore that we should not hastily provide for divorce.

Now, the analogy of the Muslim custom is brought in. "A Muslim can divorce his wife, so, why should not the Hindu have the same right? A Christian can divorce his wife; why should not the Hindu do so too?" I may point out that the three systems are entirely different and differ radically in these matters. A Muslim is not free to divorce his wife for practical reasons. He has unrestricted right to divorce, but he has to find the necessary dower money which is usually far beyond his means, because even if it is worth only Rs. 10,000, his dower would be something like Rs. 50,000 or a lakh. It is expressly provided in the Muslim Marriage Law that dower is a check on the Muslim husband's unrestricted right of divorce. So there is a very effective practical check on every Muslim husband, however, dissatisfied he may

be with his wife, against divorcing his wife. In fact this is considered to be a sufficiently deterrent condition to prevent many bold husbands from attempting a divorce. If a Hindu husband is dissatisfied with his wife, we should allow some time for the dissatisfaction to blow away. If you widen the door and make divorce easy, the result will be the parties will rush to Court and benefit the very lawyers who are anathema to a section of the House. Those who have experience of divorce proceedings in Court know what sordid details are narrated there. They are such as should not be heard by any decent man. Adultery is to be proved to the letter, otherwise divorce will not be allowed. The unhappiness is so complete in divorced families that divorce is not a panacea for family unhappiness. If the Hindu wife or husband is given the right to rush to court, the effect will be that temporary misunderstandings which may be healed by lapse of time will result in life-long unhappiness. In attempting to remedy existing problems, you will only create many new problems.

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

If resort to Court is provided what will happen is that, the male will take advantage of this provision more than the female. It is sheer nonsense to suggest that an aggrieved woman would get relief in divorce proceedings, as it is very likely that she will be the victim herself. The husband will more often go to Court alleging this and that wrong mentioned in the Bill and get an *ex-parte* divorce. Those who know our society can imagine what possibility is there for a woman to go to Court and disprove the allegations made against her. Who will defend the case of a woman whom the husband wishes wantonly to discard? It is the man who will more often rush to Court. Then again, the tendency to rush to Court will be accentuated if the wife is barren and there is a desire to have a son by another marriage. Now, supposing a man gets divorce against his wife, what will happen to the woman? Where would she go? After being divorced, she would be without a husband, and without moral and physical means of livelihood? Who would be friend that woman? The sponsors of the Bill? I do not think they will come forward. Would she go to her brother? No. Has she not antagonised the brother by taking a share of the family property for the benefit of the husband who has discarded her? The result will be that her father's relations will be entirely apathetic to her sorrows. Then how will she maintain herself?

The Honourable Dr. B. R. Ambedkar: She will marry Naziruddin Ahmad

Mr. Naziruddin Ahmad: I do not think, Sir, that any divorced woman with any sense of taste in her, would select me. I think the honourable Minister would be a better selection.

Mr. Deputy Speaker: God forbid that any such thing should happen. Let us not make personal references.

Mr. Naziruddin Ahmad: It was not meant to be heard seriously by the Chair.

Mr. Deputy Speaker: But I am serious. The honourable Member invited that remark by the honourable Minister when he asked: 'Where is that woman to go?'

The Honourable Dr. B. R. Ambedkar: As he was expressing so much commiseration, I suggested that for the benefit of his own mind.

Mr. Naziruddin Ahmad: I did not resent it. I fully enjoyed the joke. But jokes apart, I ask seriously and again, where she is to go? Take the case of a divorced European woman. She has resources. She is educated. She can get a job. She can be a shorthand-typist. She can get a job in one of our Embassies and can get a free lift in a plane and a pay as well as allowances. Such women are absolutely free. They can make friends with strangers. They are trained and accustomed to rely on themselves.

[Mr. Naziruddin Ahmad]

So a civilised European woman can stand on her own legs and her position is different from that of our women, not the advanced fashionable ones but poor unfriended women discarded by the husband and fathers' relations. It is not easy, as the Law Minister jocosely said, for a divorced woman to get a husband; even if she is willing, a suitable husband is not to be readily available. So her position would be extremely difficult and such women would be the worst victims of the system of divorce. Then allegations in Court would be too serious to be thought of. Proceedings in Court in such cases are sordid in the extreme and it would be impossible for us, in the present state of our society, to allow the husband and wife to rush to Court.

Then there is another aspect. There are among tribal and other people a kind of customary divorce which involves very simple formalities. They get divorced very cheaply and expeditiously but if they are forced to go to Court, it will mean that they could not do it for financial and other reasons and divorce, which they can get easily according to their own custom, will be forbidden to them. You want to complicate matters when you want to achieve uniformity. The law may be theoretically uniform but it will work hard against the poorer people. In the name of easy divorce people will rush to Court when time would have effected a reconciliation; domestic happiness will be shattered and the parties and society will then repent for ever. To impose this artificial law upon the simple ways of living of these poor people would be very hard; it will make things costly; every decree would have to be supported by a decision of the High Court and it would be a costly affair. Instead of all this I submit the parties should be left to themselves. To introduce divorce in this way, making the same for all classes of people in different stages of civilisation and training would be highly mischievous. It is customary for people here to quote Sanskrit slokas to support or strengthen their arguments. I will also attempt one.

"Aja juddhe, hrishi sradhhe, prabhate megharambarah,
Dampati kalahaschaiba, babharambhe laghukriah."

When two goats fight, they stand on their hind legs and a severe impact of the horns seems imminent, but the actual clash is very slight; when a million *hrishis* meet for a *sradh* with great ceremony, only a minute quantity of food suffices, the thunder clap of the morning cloud looks menacing, but it ends in no heavy rain; and marital quarrels, though seriously and menacingly begun, end in nothing serious.

In Domestic quarrels natural and social forces should be allowed to work to bring about reconciliation.

Instead of divorce you should give them time. The question of divorce is not all one way traffic. It has got to be considered from every point of view. The honourable the Law Minister advanced a very novel argument that as 90 per cent. of the people are *Sudras* and these 90 per cent. of the people practise divorce, it is just meet and proper that the law of the majority should be made also applicable to the remaining 10 per cent. This is not legal logic. It is not acceptable. The Muslims are microscopic minority in India. Should that be a reason for converting all the Muslims into Hindus or imposing upon them the laws of the Hindus and to cremate their dead bodies, for example, according to the Hindu custom? Or take the other example. The Hindus are in a minority in Pakistan. Would the Hindus call it justice if the Muslim law is forced upon them—if according to the customs of the majority the Hindus are made to bury their dead? Therefore, the argument of the majority is nothing.

With regard to the statement that 90 per cent of the people have their system of divorce, the *Hindu* of Madras, in an editorial, said that so far as Madras is concerned it is a "damnable lie" or something of the sort and that it is entirely inapplicable to the Scheduled Classes or the *Sudras* in Madras.

May I now speak from my experience in Bengal. There are many distinguished Members from Bengal, particularly Pandit Maitra. He will correct me if I am wrong. Is it the custom amongst the 90 per cent *Sudras* in Bengal to.....

Pandit Lakshmi Kanta Maitra: That is sheer nonsense!

An Honourable Member: He is not a *Sudra*?

The Honourable Dr. B. R. Ambedkar: Maitra, a *Sudra*?

Mr. Naziruddin Ahmad: We live amongst them. Is it customary among the majority of the *Sudras* to resort to divorce?

Babu Ramnarayan Singh: In some cases.

Mr. Naziruddin Ahmad: Certainly. But that does not make it the rule of the 90 per cent *Sudras*. Some Assam Members whisper from behind that it is. I hope Assam grows tea and also divorce! But Bengal produces tea without divorce. I submit Sir, that the argument of the majority is based on a mistaken notion. The facts are not true. It may be that in Bombay it is very prevalent and for that reason the honourable the Law Minister might have been impressed with the applicability of the theory in other parts of India. Therefore, the assertion that 90 per cent of the people accept divorce is not based on facts, and even if it was true that should not be made applicable to those who do not observe that system. That argument would fail and should not be used to support the result. A system of straight divorce or a uniform divorce, through a uniform procedure and rule would produce hardship in those cases where a simple form of divorce is prevalent by custom, and would produce unhappiness and disruption in families where divorce is not prevalent. In these days of easy approach to the law Courts, it would be the wealthy classes that would seek the so-called advantages of this procedure rather than the poorer classes. Therefore, divorce, if it is to be provided, must be provided with the consent of the people. At any rate the second marriage may be permitted with the consent of the first wife under special circumstances. Polygamy is fast dying out and should not be stepped by legislation. This may lead to divorce proceedings, or a man may cross over to Pakistan or to Burma, or to Malaya or to other places and take a second wife and come back. So if society is not sufficiently advanced and educated and sufficiently alive to the need of monogamy and divorce, a provision of this nature would not be accepted by them and would lead to evasions in many cases. Court proceedings should not therefore be encouraged. Again, if divorce proceedings are frequent, it will lead to considerable amount of unhappiness.

Shri Khurshed Lal (Deputy Minister of Communications): May I know if divorce is so bad, then would the honourable Member support the abolition of divorce in Muslim law?

Mr. Naziruddin Ahmad: Although a Member of the Select Committee, the honourable Member was absent from the House when this matter was argued earlier. I think the honourable Member should concern himself more with further increase in the rate of postcards than intervening in the debate in a scrappy manner. This matter has already been very elaborately argued out in the absence of the honourable Member.

Shri Khurshed Lal: Is 'postcards' relevant in this?

Mr. Deputy Speaker: It is better that we divorce ourselves from 'postcards'!

Shri Ramnath Goenka (Madras General): I think you should move for changing the *Shariat Law*!

Mr. Deputy Speaker: Let there be no personal remarks. One remark of such a nature always leads to another.

Mr. Naziruddin Ahmad: Removal of the *Shariat* Law would interfere with the existing law. The introduction of monogamy and divorce among the Hindus would be an interference with the existing law. Therein lies the difference between the two. In fact you must not readily interfere with accepted law and therefore the analogy of the Muslim law should not be applied.

Shri H. V. Kamath: Does he accept everything that exists or does he want a change in anything at all?

Mr. Deputy Speaker: The House is not concerned with changes other than in the Bill.

Mr. Naziruddin Ahmad: The question of change is an academic question. The question of changing the law has been as old as history. In fact there are temperaments who try to make changes simply because it is a change. They would effect a change on the mere ground that it is a change. There are others who will never agree to any change because any change is a innovation. This was discussed in a classical passage by Macaulay and he said that the best brains lie near the border line, between the two extremes. So a change in the law is not to be adopted merely for its own sake. Again, a strict adherence to the old law, irrespective of all considerations would be equally bad. The position is that you must march with the times and the overriding consideration would be that you must take the people with you. I am referring to moral right. Legal right we have. We have ample legal right to break any law we like and create any law we like. That legal right is assumed. I do not question it. But what moral right have you to effect a change.....

Babu Ramnarayan Singa: No.

Mr. Naziruddin Ahmad:.....affecting large classes of people—30 crores—without their consent? I am not here to oppose all changes. I am here to oppose any change which is not sanctioned by public opinion. What moral right have you to introduce drastic changes without their sanction?

Shri L. Krishnaswami Bharathi: We have got their consent: we represent them.

Mr. Naziruddin Ahmad: You then raise a very important constitutional question. This House was elected for the purpose of drafting the constitution.....

Mr. Deputy Speaker: I am afraid so far as the constitutional issue is concerned there is already a ruling by the Chair. This is a sovereign body which can legislate on anything. If the honourable Member has other grounds he can go on.

Mr. Naziruddin Ahmad: I do not dispute the authority of the House. We have the right to destroy the Hindu society or Muslim society and blend them into something new devoid of religion. That right is never for a moment in dispute. But the question is are the people behind this law?

Some Honourable Members: No, no.

Some other Honourable Members: Yes, yes.

Mr. Naziruddin Ahmad: I believe they are not behind the law, they are against it. (An Honourable Member: They are for it.) How do you know

they are for it? A matter of this gigantic magnitude should be placed before the electorate. That is the constitutional procedure. In fact the day before yesterday Mr. Osborne told us that he could not agree to add certain things unless the matters were specifically brought to the notice of the electorate and permission is given by them. In fact they cannot do any such thing. They consider themselves incapable of proceeding in a constitutional manner without the consent of the electorate. But we are so far advanced that we can afford to disregard the opinion of the electorate. In fact at one time it was argued that the dilatory method is meant to defeat the purpose. If there is any election the Hindu Code would not be passed. This session the argument has been entirely the reverse. They say that they have shown that the electorate is with us. It is with their sanction that we have brought this Bill. It is neither with their sanction nor with their consent that you have brought forward this legislation.

How did this law start? It was framed under the authority of a foreign government which was then desperately fighting for its own existence. English power was threatened with total extinction. It was a life and death struggle for the British. It was in these times that a Home Member, Sir, Reginald Maxwell appointed the Rau Committee. So the thing was conceived under the pressure of a global war when the existence of England was at stake. When the Bill was prepared it was introduced by Mr. Jogendra Nath Mandal, the Minister of Law of the Interim Government. At that time the country was being ravaged by destructive struggles, enormous loss of life and disturbance to public peace on an unprecedented scale, when the then Minister knew the temporary character of the tenure of his office, when his thoughts were already focussed on Pakistan and when he was no longer interested in the Bill, it was under those circumstances that the Bill was presented before the House. In fact Pakistan was more than a conception at that time: it was already a reality. It was at that time that the Bill was introduced in the Assembly.....

Mr. Deputy Speaker: I find that there are a number of people on the waiting list. The honourable Member has already taken one and a half days. When is he likely to conclude? Has he any idea himself?

An Honourable Member: In this House nobody has any idea.

Mr. Naziruddin Ahmad: Even the Law Minister has no idea. In fact this remark arose out of interruption. I may take some time.

Shri L. Krishnaswami Bharathi: How long? The House is anxious.

Mr. Naziruddin Ahmad: The House was entitled to know how long the Bill would be considered and there was no reply and therefore my position is more difficult.

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

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

Shri H. V. Kamath: Sir, there does not appear to be a quorum in the House.

Mr. Speaker: I think there is a quorum.

Mr. Naziruddin Ahmad: Sir, when we rose before Lunch I was dealing with the question as to whether it will be proper for this House to pass this legislation. With regard to the constitutional power of this House I have

[Mr. Naziruddin Ahmad]

no doubt that we are constitutionally competent to pass a law of this nature. The question really is whether we have the moral right, or whether it would be morally proper for us to pass this law. The whole question would be whether this House has been authorised directly or indirectly by our constituencies to agree to this law. Some honourable Members say that the people are behind the Bill. My impression is that the people are not behind the Bill. The number of objections which are already on record is great. I believe that objections are pouring into the Legislative Assembly Department and they are so numerous that they could not be classified or docketed or dealt with in any systematic manner. They are pouring in on a gigantic scale. That shows the intensity of public feeling. The question is whether we in a democratic society, in a Legislature constituted on a democratic basis, should pass the law without ascertaining the opinion of the public. As I was submitting the Bill owes its conception to an alien Government which was, at the time of its inception fighting for its own existence and was busy and otherwise occupied. The Bill was submitted to the House by a Minister of Law who was Minister of the Interim Government at a time when that Minister was contemplating a departure to Pakistan and had no interest in the Bill at all.

Shri H. V. Kamath: He is repeating what he said in the morning.

Mr. Naziruddin Ahmad: Now the present Bill was continued by the honourable Minister, Dr. Ambedkar, when India was very much occupied with a large number of serious problems. It is evident, as it appears from the admission of the Minister of Law himself, that the present Bill was merely continued without any adequate thought. It was only when it was sent to a Select Committee that it occurred to the Minister of Law that the Bill had not been properly drafted, that it required amendments—whether substantial or not is a different matter, but it required amendments all through. So he himself set down to redraft the whole Bill. In fact the product of that Committee is a book called "The Hindu Code" which is almost exactly the same as the present revised Bill, and it purports to be "a Bill to amend and codify certain branches of the Hindu law" by "Dr. B. R. Ambedkar, Minister of Law". So what was a Bill submitted by Mr. Jogendra Nath Mandal was informally transformed into a Bill by Dr. Ambedkar. The point I was driving at is this that the Bill had not at any time received any consideration or any adequate consideration before the Government first tried to sponsor it. In fact as soon as it was apparent that the Bill was not properly drafted, that it required to be re-written wholesale and that it required to be changed in a large number of particulars, that was the moment to withdraw the Bill. But without withdrawing it the Minister of Law made numerous changes and presented a new Bill. This shows that the Bill was never considered in detail. If it is a fact that even the Government had to change its mind to make serious alterations in the body of the Bill it shows that the Government with its enormous resources were unable to accept it—much less has the country accepted it.

Now, Sir, the present Constituent Assembly was elected for a specific purpose.

Mr. Tajamul Husain: I am afraid the honourable Member is repeating the same thing.

Mr. Speaker: I do not know whether he said this.

Shri L. Krishnaswami Bharathi: He said it in the morning.

Mr. Naziruddin Ahmad: I had hardly begun it. This House was not elected for the purpose of passing this legislation.

Mr. Tajamul Husain: Sir, he said exactly this. It was in your absence.

Mr. Naziruddin Ahmad: Let me develop my point. The question is whether we had been authorised in this direction. In fact the authority of this House is based upon an indirect election; there was no direct election.

Shri H. V. Kamath: He said the same thing earlier and the Deputy-Speaker gave a ruling also, on the point.

Mr. Speaker: I leave it to the honourable Member, if he has said it because I do not know.

Mr. Naziruddin Ahmad: Sir, I want to elaborate it.

Mr. Speaker: Then, of course, no elaboration is necessary. He may go to the next point.

Mr. Naziruddin Ahmad: We rose at that time for Lunch.

Mr. Speaker: The point seems to be very clear and it does not require any elaboration that this House was not elected by direct election, that the election has been indirect, that it was elected for a specific purpose, namely of making a Constitution, and therefore it should not go into this kind of legislation at this stage—that is the point. It hardly requires any elaboration. If it is the idea of the honourable Member to carry on for a long time, I shall be unable to support him.

Mr. Naziruddin Ahmad: The point is that as soon as I began I was contradicted by Mr. Krishnaswami Bharathi.

Shri L. Krishnaswami Bharathi: On a point of personal explanation, Sir, I never opened my mouth at that time.

Mr. Speaker: Whether a particular Member asserts or denies a particular thing, it has no effect so far as the real fact goes. If he has authority he has, if he has not he has not. Mere assertion by one Member in one way or the other really does not make any difference. He may just state his point without going into detail.

Mr. Naziruddin Ahmad: The question is that it is not so obvious.

Mr. Speaker: It is obvious.

Mr. Naziruddin Ahmad: No, Sir, To Mr. Bharathi it is not obvious.

Mr. Speaker: The honourable Member need not care to convince one Member who refuses to be convinced. He is addressing the whole House. He should know the House consists of Members, who have some level of understanding.

Mr. Naziruddin Ahmad: It is not the understanding that I deny, it is the mind being locked up—that is the difficulty. Some people are unwilling to be convinced.

Mr. Speaker: They cannot be convinced. Let us not take our time to convince them. The honourable Member may take his next point.

Mr. Naziruddin Ahmad: You would be pleased, therefore, to consider that we have no moral authority to pass the law. In fact, the Government framed a Bill and then sent it out for circulation. I refer to appendix II at page 41 of the second Hindu Law Committee Report. "The Bill as framed by the Rau Committee was sent for circulation and the Bill was sent to a large number of public bodies and individuals of weight and authority and their opinion was sought". It is made absolutely clear in this notification dated 5th August 1944

[Mr. Naziruddin Ahmad]

that the Hindu Law Committee intend to revise the draft in the light of public opinion as elicited by them in writing and orally. This is very important and should supply a key to unravelling the present matter. The Bill was submitted for public opinion and it was clearly stated therein that the Bill would be revised in accordance with public opinion. What was the public opinion? The public opinion at one stage of the matter is contained in the "Written Statement submitted to the Hindu Law Committee, volumes I and II". I believe this opinion has never been adequately considered by the Members of the House or it was never considered by many Members of the House. When these opinions were received they were analysed and then oral evidence was also invited and a large number of witnesses were examined. That is to be found in the "oral evidence tendered to the Hindu Law Committee, dated 1945". These volumes, if analysed and carefully read, would show that public opinion which was consulted was very preponderatingly against the Hindu Code. Therefore, it follows that the Hindu Law Committee proceeded to adhere to their own views and revised the Bill here and there not in accordance with public opinion, but in spite of it. The effect of this evidence has been carefully analysed in the dissentient note by Dr. D. N. Mitter, the ex-Judge of the Calcutta High Court, who was also a Member. In fact, he was written an elaborate minute of dissent. I do not wish to go over this matter, but he has analysed this opinion under different headings, namely whether we should have codification or not, whether the marriage law should be changed, whether there should be divorce and so forth. He has analysed the opinions and the evidence, for and against under each head, and I submit his report deserves careful consideration at the hands of the House. The opinions are again classified according to Provinces as according to subjects. With regard to the effect of the evidence, according to Dr. D. N. Mitter the opinion on each point is preponderatingly against the Bill for codification, for divorce proceedings and for other matters. The opinion of the public was directly against the codification. These opinions and evidence are preponderatingly against the principles of the Bill. The Hindu Law Committee Report is only a majority report. It was definitely opposed by Dr. D. N. Mitter but the other Members thought it fit to stick to their original Bill amended in slight respects here and there, not according to public opinion, but according to their own ideas. I therefore submit that the Bill has been framed in direct defiance of public opinion. That is the basis upon which my argument stands. Though Mr. Krishnaswami Bharathi said that the public opinion is behind the Bill, I venture to submit that public opinion is against it.

An Honourable Member: Question.

Mr. Tajamul Husain: No, not at all. It is for the Bill.

Mr. Naziruddin Ahmad: So far as the written opinion is concerned, it is definitely against the Bill.

I submit, therefore, that public opinion has not been properly consulted as a democratic Government ought to do. In fact, this Bill is a negation of democracy and it is conceived under circumstances which no longer prevail today. A full-fledged democracy is now in operation and public opinion should be taken into account and followed in giving effect to legislative proposals. I submit, therefore, that so far as written opinion goes it is against the Bill, but what about the unwritten opinion? We have a large number of protests lodged in your own office and we hear of proceedings of large number of meetings. In fact, we had meetings in the very heart of this city. The meetings were largely attended and many honourable Members and also the honourable Minister for Law were invited. Some Members attended but the Minister for law did not.

Babu Ramnarayan Singh: He did not have the courage to attend.

Mr. Naziruddin Ahmad: He did not think it necessary to attend, because it seems to me that public opinion is not the criterion or his guide so far as this Bill is concerned. In fact, Dr. D. N. Mitter gave a clear analysis of the opinion. The honourable Minister for Law said that he would quote an earlier writing of Dr. D. N. Mitter to contradict him.

The Honourable Dr. B. R. Ambedkar: What did the honourable Member say, I did not follow?

Mr. Naziruddin Ahmad: That he would quote an earlier writing of Dr. D. N. Mitter to contradict his present report. We have his earlier writing as well as his later writing and I have considered both.

The Honourable Dr. B. R. Ambedkar: His later writing I have not seen. What is it?

Mr. Naziruddin Ahmad: Later writing is in the report.

The Honourable Dr. B. R. Ambedkar: That you call later writing. I thought it was something after this.

Mr. Naziruddin Ahmad: The question is what was his earlier writing and what was his present writing and is there any change and if so what. He had long ago written a pamphlet.

The Honourable Dr. B. R. Ambedkar: A pamphlet?

Mr. Naziruddin Ahmad: A book.

The Honourable Dr. B. R. Ambedkar: I thought you said pamphlet just now.

Mr. Naziruddin Ahmad: Give it any name you like. I do not quarrel with the name.

The Honourable Dr. B. R. Ambedkar: How big is that book? Have you any idea?

Mr. Naziruddin Ahmad: You will have it in the Library.

The Honourable Dr. B. R. Ambedkar: You called it a pamphlet. How big is that pamphlet?

Mr. Naziruddin Ahmad: If I am to be cross-examined, I should be put in the witness box and I will then answer.

The Honourable Dr. B. R. Ambedkar: I should like to know that my friend has ascertained the facts before he refers to them. If it is a pamphlet I should be very much surprised. The book is a book of 700 pages, somewhere about that.

Mr. Naziruddin Ahmad: The most important thing is not the size, but the view expressed therein.

The Honourable Dr. B. R. Ambedkar: Yes, what was the view?

Mr. Naziruddin Ahmad: The view expressed therein was that the rights of Hindu women should be better safeguarded and given better rights. I cannot repeat everything to the honourable Minister because I do not like to trouble the House and I do not like to speak louder than what I am doing. In the present opinion he has opposed the Bill and the honourable Minister evidently had his earlier writing in view and that is taken advantage of by the majority Members. I submit that the reason for the change of opinion

[Mr. Naziruddin Ahmad]

has been given by Dr. D. N. Mitter himself. If change of opinion is a crime, blind adherence to an opinion, although it is proved to be wrong, is a worse crime than change of opinion based on reason. Dr. Mitter clearly expressed an opinion in favour of giving more rights to women. I have read the passage in Appendix II that the Government gave an undertaking to the people that the Bill will be re-shaped in accordance with public opinion. That was the thing that troubled Dr. Mitter. In fact, he found that his individual opinion was far ahead of public opinion in India which was definitely against it. So he has referred to this passage in the notification declaring the intention of Government to change the law in accordance with public opinion. Dr. Mitter was faced with a volume of opinion against the Bill and he changed his opinion. This is a legislation which affects the whole country and it was this reason which induced him to go against the Bill, because this is the public opinion. There is no illogicality in giving up one's personal opinion in deference to public opinion. I believe the honourable Minister and other Ministers too have their personal opinions, but they have to subordinate them for the collective good. We have often heard Ministers speaking against their personal conviction. This is neither improper nor wrong. It is perfectly natural. Here Dr. D. N. Mitter had accepted a position of great public responsibility with the express object of ascertaining public opinion and changing and re-shaping the Bill in accordance therewith. I ask: is there anything improper if Dr. D. N. Mitter changed his opinion? He accepted a job, and what was it? To ascertain public opinion, and public opinion was against the Bill. He himself was present when the evidence was taken and there is one passage in the report on oral evidence which is very significant which has been specifically referred to. When the Committee was in Lahore and was sitting...

The Honourable Dr. B. R. Ambedkar: They were greeted with black flags?

Mr. Naziruddin Ahmad: No black flags; something more. A large number of ladies, thousands—I do not remember the exact number—I do not wish to trouble the House with the exact number.

Mr. Speaker: What year was it in?

Mr. Naziruddin Ahmad: It was in 1945 in connection with this enquiry. They went to Lahore and a large number of ladies came and absolutely blocked the progress of evidence. They said, "We do not want it. It is not to our benefit. It is against our idea."

Babu Ramnarayan Singh: Hear, hear.

Mr. Naziruddin Ahmad: In fact, the situation was so grave, that this gentleman when he was faced with the sad spectacle of thousands of ladies opposing the Bill, he could not proceed and it was difficult to repress them and their sentiment and so further evidence was absolutely stopped. This is what he has referred to. If he is guilty of inconsistency, he is certainly to be credited with some amount of honesty.

Babu Ramnarayan Singh: Hear, hear.

Mr. Naziruddin Ahmad: Does consistency lie in sticking to one's opinion although it is proved wrong? This is inconsistency. This is doggedness. This is neither good nor fair. This gentleman when he found that not only male opinion but female opinion was absolutely against him, he said he was also against it. Would it be fair or proper on anybody's part to quote that stray personal opinion of his? If so, one could quote writings and speeches

of the honourable Minister himself against him. This would not be fair. Every writing and speech has to be taken in the context. It may often happen that we have to act in public capacity and therefore, for that purpose, we have to sink our personal opinion. So Dr. Mitter acted patriotically and courageously in giving up his personal opinion in deference to the opinion of the public. In this Dr. Mitter performed a patriotic and obvious duty, and no blame should be attached to it. On the other hand, the other respected Members, what did they do? I do not wish to be hard upon them, but they all of them, though they promised that the Bill would be considered in the light of public opinion, they stuck to their own opinion, and actually taunted Dr. Mitter for having changed his opinion. Is it to be, Sir, that we should never change our opinions? If that be so, then mankind would cease to be rational. We have got to change our opinions.

Mr. Speaker: Order, order. May I tell the honourable Member that on each point he need not necessarily go into the general principles and all the details. He may just invite attention to the point and then go to the next point; because if he carries on like this—he has now gone on for nearly two days—there will be no end to this discussion. And I do not propose to allow him to go on in this manner. He must bring his remarks to a close within a reasonable time, and I think another fifteen minutes would be quite reasonable.

Mr. Naziruddin Ahmad: I bow down to your decision. I hope, Sir, that these fifteen minutes will be entirely mine.

Mr. Speaker: Yes, he may finish by 3-15.

Mr. Naziruddin Ahmad: Next I want to emphasise the fact that we are a democratic body. We are working as a democratic body. We cannot say that democracy is unfit for our society. It is democracy that has brought us into being. That democracy was sufficient to wrest power from the British Government. That democracy is sufficient to empower us to frame our Constitution. And I say that democracy would be intelligent and competent enough to understand its own interests in the matter of the Hindu Law. Therefore there should be no shirking, no by-passing, no flouting of public opinion. Where is the harm in ascertaining public opinion? In fact, the Bill, I submit, has been mutilated. It has been interpollated upon. I do not mean to say there has been dishonest interpollations, but honest interpollations, but they are not the less interpollations. There have been interpollations in the Bible—honest interpollations. There are great authorities pointing out that fact. So, I say, there are interpollations in the Bill. The Bill, however, was presented to the Select Committee with the guarantee that there was no serious change, and that some changes made had been noted by the Members. Yet, is it possible, or practicable, Sir, for any one unaided to note all the changes? In fact, all these changes, it is impossible to take note of. And therefore, the Select Committee was told, and they were asked to take it, that the Departmental Bill was merely a reproduction of the original Bill, and that no substantial changes had been made, and therefore, they failed to note and consider the changes. That is not their fault. In these circumstances, the Select Committee, although they tried their best, unconsciously, I submit, they must have omitted to note many important changes, on account of the guarantee. And then, Sir, if that is so, if there are so many changes, and when these changes are substantial, then the guarantee given by the majority of the Select Committee that the Bill was not so changed as to require re-publication is only the usual guarantee. They said that the Bill had not been so altered as to require, under Standing Order 41 (5), any re-publication and that the Bill be passed as amended by the Select Committee. This is only the usual stock certificate. I ask in all seriousness, is it contended, in the light of the disclosures of changes made,

[Mr. Naziruddin Ahmad]

that the Bill has not been substantially altered? On the original Bill we have not got public opinion, and what public opinion we procured, was against it. We have, therefore, got to ascertain public opinion. And then, the Bill was sent to the various Provincial Governments for opinion. The opinions of the various Governments have not even been referred to in the House. They are collected and circulated to the Members. I shall, however, confine myself to the opinion of the Government of Bengal. I assert without fear of contradiction that in Bengal the opposition is the greatest. You propose to abolish the *Mitakshara* system of inheritance and do honour to Bengal by accepting their theory of family life. In Bengal you have the greatest objection.

An Honourable Member: Objection is from everywhere.

Mr. Naziruddin Ahmad: Of course, from everywhere there is objection, but the greatest objection is from Bengal. It is the most persistent, and so very authoritative. The whole of Bengal, including some educated and cultured ladies think that the Bill is not wanted there. In fact, many ladies like the wife of the late Sir Asitosh Mookerjee, the mother of Dr. Mookerjee, here, lady Ranu Mookerjee, wife of Mr. B. N. Mookerjee, and a host of other ladies have opposed this move.

Dr. Mono Mohan Das: Who are the other ladies please? Please name them also.

Mr. Naziruddin Ahmad: I have to respect the request of the Chair to finish soon. I cannot give my honourable friend preference over the request of the Chair. Sir, the names are there in the report. My honourable friend's request to name them shows that he has not read the report. It is a pity that this volume of opinion has not been read. It is a pity that the Department has not supplied the report to all. It is a pity that private Members have to undergo all the labour and expense to collect the information and to supply the House with the information. But the names are on record, and it is useless for any member to ask questions about facts which are on the record. It is a pity that I have got to refer to this matter.

Well, Sir, I was submitting that there is lot of opposition in Bengal. There are five High Court judges of the Calcutta High Court—and one of them now adorns the Federal Court—and they are against it. Their opinion is to be found in the Report also, and it is referred to in Dr. Mitter's report. Then there are ex-Judges of the Calcutta High Court. One of them is Mr. N. C. Chatterjee, and he is now a Judge of the High Court, and he was against it. The Hindu Mahasabha was then under the Presidentship of Dr. Shyama Prasad Mookerjee and it opposed the Bill, evidently, with the consent of the President, Dr. Mookerjee on a major matter like this. And then there is Dr. R. B. Paul, a distinguished jurist of continental fame, and he has opposed it. Their opinions are before us. In fact, in the face of all this opinion in Bengal, I am surprised that a Member from Bengal should have asked for names.

I submit, therefore, Sir, that the Bill should go out to the public for eliciting public opinion. If Hindu opinion is against it, why should you thrust upon it a law which is not wanted by them?

An Honourable Member: It is dictatorship.

Mr. Naziruddin Ahmad: Yes, it is sheer dictatorship. There is the fear that if it is sent to the public before the elections, possibly it will lead to complications. But do you know what complications will come up if you pass it before the elections? The illiterate people will get furious. This Bill will dislocate their lives. It is not easy for them to change their lives all at once

under the dictator's command. Even in Russia, Lenin did not go so quickly or remorselessly as we seem to be going here, in utter disregard of public opinion. There is in Russia a desire and a pretence to respect public opinion. But here there is no such thing. It is sheer dictatorship born of fear that if the Bill goes to the public it will be rejected. I find it is asserted that the public are in favour of it. If so, why not the public arm you with the authority to pass the law? Sir, it is injurious to the Hindus in general; it is injurious to the ladies in the larger interests and it is injurious to the public at large, and it is no use forcing your opinion upon an unwilling public. Had it not been a matter of personal interest any one is entitled to enforce his opinion, but having come here as the Minister of Law in a democratic Government and basing their authority on public opinion, is it fair and proper for them to flout that public opinion and to bypass it, to circumvent it or avoid it? It is a devious method, a circuitous course which is not warranted by any system of democratic Government. Why should you not go to the people if the law is favoured by them? Are the people so backward in their ideas that they will not be able to determine what is good or bad for them? The question is not what is good in the abstract, but, what is good in the circumstances, and that depends on local conditions. There are certain practices which are considered to be good and there are others which are not and you make everybody uniform; you are trying to make all the people uniform. The honourable Minister for Law should try to make everybody as intelligent and as forceful as he is. Why should you stop at inequality; inequality is not bad. It is nature that there should be inequality in diversity. India is a big continent; it is composed of various provinces which are bigger than the continental countries and it has developed according to its own genius and each province has a distinct culture of its own and why should you by one stroke of the pen remove all this and make the law the same? In fact the great Hindu law-givers, they were extremely...

The Honourable Dr. B. R. Ambedkar: This is only a peroration and not an argument.

Mr. Naziruddin Ahmad: They had tolerance and they did not enforce their law by force. A study of *Manu Smriti* will show that he never enforced his law. He said that the law should be enforced subject to the custom of the locality. That will be found by any one who has read it and therefore, the Hindu law-givers did not like the law should be uniform. Their method of propagation of their law and their civilization was not by force, but rather by persuasion and they allowed free scope—I speak with authority, having read the whole thing; they allowed their law to spread on their own merit, not by their force. Local custom plays not only an important part now, but played an important part in the time of *Manu* and that is the reason why law is different today. It is an organic method according to local circumstances that leads to this difference of opinion. In fact differences are not bad. It is not a small country; it is a big country with all the attributes of a continent and this diversity as a matter of fact should not be done away with without adequate and careful thought.

Sir, Mr. Kamath compared the present Bill to a new *Smriti*, Dr. Ambedkar's 138th *Smriti*. I think this is not a *smriti* at all. the *smriti* proceeds from the *srutis*. There is a pretence to agree with the principles of these *srutis*. This is a Bill which is not a *smriti*, but a new *Veda*. (Pandit Lakshmi Kanta Maitra: 'It is *rismriti*!') It is *Vismriti* i.e., forgetfulness of the past. All sacred laws and customs, rules, laws, decisions, principles of the Privy Council are brushed aside by one stroke of the pen by Dr. Ambedkar himself in defiance of the report of the Rau Committee. Everything is gone. It is *Vismriti* as Pandit Maitra with good humour suggests. It is *vismriti*—absolute forgetfulness.

[Mr. Naziruddin Ahmad]

It is a new *Veda*. There are four *Vedas*, the *Sama Veda*, *Rig Veda*, the *Yajur Veda* and *Atharva Veda*. I think the new *Veda* should be called *Dr. Amba Veda* and this is the fifth *veda* in utter defiance and disregard of all the four *Vedas* which it supersedes. Sir, I thank you.

Pandit Mukut Bihari Lal Bhargava: Mr. Speaker, Sir, we have been discussing the Hindu Code Bill from yesterday. We had discussed it in February also. Before I proceed to discuss the merits of this measure, which is admittedly of a highly controversial nature, which aims at the utter demolition of the structure of Hindu society, I would like to put on record my emphatic protest against the way in which the Government is pursuing this measure of vital importance, a matter of life and death to the Hindu Society. It is well known that this Bill was rushed through in the legislature almost on the last day, that is, on the 9th of April 1948, when it was not discussed even to the extent that a very ordinary measure is usually discussed in this House. Further, in this session, we find that instead of giving consistent consideration to this matter the Government on the plea of want of time due to the Budget session, wishes to rush this Bill through this House. I would ask respectfully, though humbly, is it fair to the House that a measure of this vital importance, an equal of which, I submit, has never been on the anvil of this legislature since its inception should be rushed through in this manner? However, it is for the Government to decide and I feel it my duty to sound a note of warning to the Government that it should pause and consider as to what is the haste and hurry about this matter, and why in preference to a number of very important and emergent measures, this Bill is being rushed through. I would ask what will happen to the Hindu Society if the Hindu society could survive the onslaught of centuries of foreign aggression and foreign rule? Will it die out of existence if this measure is not brought on the statute book? I submit, Sir, this unusual haste and hurry is due to the fact which was hinted by my learned friend Mr. Naziruddin Ahmad, that my honourable friend, the Law Minister is now sure that the public opinion of Hindus is behind the measure. I take courage even to submit, Sir, that the weight of public opinion is against the measure. What is the criterion to judge whether the public opinion is in favour of this measure or against it? The only criterion that can possibly be applied to is: What is the weight of opinion that has been on record? I should submit in all humility that the weight of opinion that was sounded by the Rau Committee was predominantly against every section of this measure. Consequently, Sir, without any fresh sounding of public opinion, it would be presumptuous on the part of any person, including the Law Minister, to claim that this measure has the support of public opinion in the country.

The question arises where is the necessity and what is the utility of the codification of Hindu law? Who demands the codification of Hindu law? We know, codification is essential only in two conditions. If on a particular point there is a serious conflict of judicial opinion, it becomes essential for the legislature to intervene and clarify the ambiguity. This is one condition. The other condition is that public opinion wants to have a change in the law. These are the only two conditions which could justify the attempt at codification of Hindu law. In this particular case, I would submit that neither of the conditions exist. So far as the main principles of the Hindu law are concerned, I venture to submit that they are well understood and well settled. In many text-books of Hindu law the principles of it as deducible from *Smritis* and *nibandhas* as usually interpreted and construed by the judicial courts in India, have been published. It will be quite obvious that on every intricate point of Hindu law there have been clear interpretations. It has been pointed out by the Law Minister, in his speech while moving for the consideration of this Bill, that Hindu society or the joint families as was originally conceived in Hindu law,

have by judicial opinions been shorn of their characteristics. But does this afford any justification for this Code? The judicial opinion of the Privy Council and of the High Courts have by now laid down the principles which are not open to any doubt at this stage. Whether it may be the powers of the *karta* or manager of a joint Hindu family when he happens to be a non-father, whether it may be the powers and functions of a manager of a joint Hindu family as father, his rights and powers stand well defined in Hindu law. The disputed doctrine of the pious obligation which for some time was the subject-matter of serious conflict of opinion between the different High Courts and the Privy Council has also been settled. And we know what are the duties of the son and we know the extent of his liability for the debts of his father. Similarly in the sphere of marriage, etc. the Hindu law is quite definite. The question then arises, is there any opinion and overwhelming public opinion in the country which requires the Government to codify the Hindu law? My respectful submission is that there exists none and there is no justification for this attempt at codification of Hindu law.

So far as the history of codification goes, this is not the first time that an attempt has been made. I would respectfully invite the attention of the House to the various efforts that have been made during the British rule for the codification of Hindu law and submit that on each such occasion the matter was deferred and for very cogent and sound reasons. As early as 1833, a Commission was appointed by Royal Charter. In the year 1853 a Law Commission was appointed. The reports of these Commissions published in the year 1856 turned down the proposal for the codification of Hindu law on the ground that it would be a vain attempt and that it would stunt the growth and development of Hindu law. Similarly, in the year 1861 and again in 1921 the Secretary of State for India in the former case and the Governor-General of India with the sanction of the Secretary of State in the latter case appointed Law Commissions. Their decision on the point of codification was identical with the findings of the Law Commissions. On 23rd March 1921, one distinguished Member of this House tabled a non-official resolution requiring the appointment of a Commission for the purpose of codifying Hindu law. When that motion was debated in this House the Department of Law was in the hands of a very distinguished scholar on Hindu law and a jurist of eminence; I mean Dr. Tej Bahadur Sapru. The motion whether codification was essential or not, was necessary or not, would be to the good of Hindu society or not, was hotly debated. I would respectfully invite the attention of the House and of the honourable the Law Minister to the reply given on behalf of Government by Sir T. B. Sapru who was himself an authority on Hindu law. He pointed out that the codification of laws, of the personal laws of the community was not an easy matter, that it was a stupendous task and one which would entail the best energies of the best legal talents for centuries. He invited the attention of the House to the German Code which was drafted and codified after 50 years of labour, from 1834 to 1896 and to the fact that no less than three Commissions drafted the Code. He pointed out that it was not until 1896 that the final form of the German Code was reduced to writing and after a continuous hard struggle for and against codification between the two sections of eminent German jurists represented on the one hand by Savogry and on the other by Thebaut and that even then it took no less than 4 years. Thus, it was only in 1900 that the Code drafted after almost 50 years of continuous labour was sanctioned by the Imperial German Government. Similarly, Sir, the Swiss Code in the continent of Europe as well as the other Codes were the result of continuous efforts for a number of years by the best legal talents of the country. Compare those territories and their condition with the conditions of India and the ancient history of India and the continuous streams of law that have been flowing into the development of Hindu law from ancient times up to the present time. I would submit that it will be a vain effort to codify the Hindu law. It will be futile to

2278

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [2ND APRIL 1949]

[Pandit Mukut Bihari Lal Bhargava]

attempt codification of the personal laws of the Hindus. What is the source of this law I would respectfully ask. It is obviously not human in the sense that no human power ever attempted to promulgate Hindu law. The sanction behind the law was not of a sovereign power but a moral sanction of learning and the result of meditation of the sages. It is difficult to trace its origin; the *smritikars*—138 as they are said to be—did not purport to create the law. They based their *smritis* on the *Vedas* and we know the *Rig Veda* is the oldest book in the world. Even Vigneshwar and Jimuta Vahana, the learned authors of the two main treatises which have held sway in India, did not attempt to codify the Hindu law or create new law for society; they only based their commentaries upon the *smritis*. And during the long years of British and Muslim rule what has been done is simply an interpretation of the well known principles of Hindu law. Now why should there be any codification of Hindu law? If the German and Swiss nations—which are so insignificant compared to India—took 50 or 60 years to bring about a satisfactory code to control their relations, why should we in India, where the origin and sources of Hindu law are shrouded in mystery, try to codify the law? We are told that it is sought to introduce uniformity in this land of diversities; the other reason advanced is that women in Hindu society have been subjected to age-long oppression and tyranny at the hands of men from which they have to be relieved. With regard to uniformity I submit that it has not been achieved in this present measure and cannot be achieved at all.

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

Even in regard to the law of succession, in cases where the rule of primogeniture exists by custom or in case of grants or *inams* they have said that the rules of succession as laid down in this measure would not apply. Similarly in clause 7 although marriage between *sapindas* has been prohibited, it is said that it will be subject to local custom and so allowed where it prevails by custom. So the ghost of uniformity which haunts the draftsman of this measure is still there, and the so-called freedom from slavery of women ends in nothing. I submit that those who want to deal with Hindu law and the place of women in Hindu society should look at the question not through Western glasses but through the glasses of our own civilisation. We must know how our own law-givers approached these very difficult and intricate questions. The views prevailing in eastern and western countries on these questions are diagonally opposite. Our life, we believe, has connection with our past life and will have connection with our future life; and therefore the rules of law will stand on a special footing. That is why our sages approached these questions from the point of view of the well-being of Hindu society as a whole. And in attempting to frame our law we have to keep in view the ideals that motivated our law-givers in framing the law in a particular manner. Unless we can do that we cannot appreciate its value.

Sir, I would not mind if the Law Minister had honestly declared that this measure stands on its own merits, moulded on his ideas of Hindu society as it now exists. But what has pained me is that he asserts that its provisions are in consonance with the accepted principles of Hindu law. It is well known that Satan can quote the Bible. I submit that every provision of this measure—whether in relation to marriage or divorce, adoption or inheritance—goes against the fundamental principles of Hindu law. Then the result that I envisage is not a very happy one. In fact every House in Hindu society will be converted into a hell in which there will be a quarrel between the brother and sister, between the husband and the wife and between the children and their father. The very fundamentals of Hindu society are sought to be demolished by this law. It is a question of vital concern and there must be a plebiscite on it or a referendum to find out whether public opinion in the country is in favour of this measure or against it.

I was submitting that there was no necessity for the codification of Hindu Law. The question then arises whether the uniformity that is sought to be achieved by the enactment of this law will be achieved if it is brought into force? What is our experience of the statutory law? The Government of India in the year 1923 appointed a Civil Justice Committee and that Committee after going through the various statutes made a recommendation that the Transfer of Property Act, the Contract Act, and the Law of Evidence should be modified and their revision should be taken in hand by the Legislature at an early stage. Has the Legislature found time for it? What is the result? The result is that the law is being administered in accordance with the provisions, which according to the authority itself, has outlived the utility for which they brought it into existence. That will be the condition if the Hindu Code is brought on the Statute Book and is made a rigid code upon which the rights of the people will depend. The Hindu law will lose its vitality, its elasticity, its adaptability to the prevailing conditions and will be reduced to immobile rigidity. May I know whether the object of reducing conflicts and of fighting differences of opinion will be achieved by the codification of Hindu Law? I dare to suggest it will not and our experience of the various pieces of legislation leads one to support my conclusion.

Take for instance, the Hindu Law Remarriage Act which was enacted in 1871. Now, Sir, it is a very simple piece of legislation but has there been a unanimity of opinion in respect of the construction of the various provisions of that Act?

Shrimati G. Durgabai (Madras General): Are you opposing the Widow Marriage Act also?

Pandit Mukut Bihari Lal Bhargava: I hope my friend will have the patience to hear me. We must learn tolerance and patience for opposite opinions. My point was that mere bringing in of an enactment does not lead to uniformity or to the resolution of a conflict of opinion. Even in the interpretation and the construction of the provisions of this Hindu Widow Remarriage Act of 1872, we find that there is a serious conflict of opinion between different High Courts about the construction of section 2. The question arises whether a woman who remarries according to customary law loses her rights in the property of her husband. This is the point, and we have the opinion of the Allahabad High Court and Oudh Chief Courts to the effect that merely because she remarries according to custom she does not lose her right in her previous husband's property. The other High Court has taken the other view. Similarly, in this Act there has been a serious conflict of opinion upon the interpretation of the simple word "sister". Some High Courts say that the word "sister" does not include a "half sister": while the Nagpur Chief Court, after an elaborate consideration of this word came to the conclusion that it is included. My submission is that in view of the above, the difficulty that exists today in the construction of the Hindu Law will not come to an end by the fact that the Hindu Code Bill is there.

Shri L. Krishnaswami Bharathi: Do you mean that the conflict should be permitted to continue?

Pandit Mukut Bihari Lal Bhargava: I say that even if this Bill becomes an Act, the conflict will be there and it will be open to the High Court to interpret its different provisions in a different way. The divergent opinion and the divergent points with regard to the Hindu Law will not be resolved because it will be open to the High Courts and to the Supreme Court to give their construction on any particular provision and the conflict is bound to arise as our experience of the previous legislation shows. My respectful submission is that it is a vain and futile attempt to codify the Hindu Law and any attempt in that direction is bound to deprive Hindu Law of its mobility, its elasticity and its vitality, which by no stretch of imagination is advisable in the present circumstances.

2278 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [2ND APRIL 1949]

[Pandit Mukut Bihari Lal Bhargava]

attempt codification of the personal laws of the Hindus. What is the source of this law I would respectfully ask. It is obviously not human in the sense that no human power ever attempted to promulgate Hindu law. The sanction behind the law was not of a sovereign power but a moral sanction of learning and the result of meditation of the sages. It is difficult to trace its origin; the *smritikars*—135 as they are said to be—did not purport to create the law. They based their *smritis* on the *Vedas* and we know the *Rig Veda* is the oldest book in the world. Even Vigneshwar and Jimuta Vahana, the learned authors of the two main treatises which have held sway in India, did not attempt to codify the Hindu law or create new law for society; they only based their commentaries upon the *smritis*. And during the long years of the British and Muslim rule what has been done is simply an interpretation of the well known principles of Hindu law. Now why should there be any codification of Hindu law? If the German and Swiss nations—which are so insignificant compared to India—took 50 or 60 years to bring about a satisfactory code to control their relations, why should we in India, where the origin and sources of Hindu law are shrouded in mystery, try to codify the law? We are told that it is sought to introduce uniformity in this land of diversities; the other reason advanced is that women in Hindu society have been subjected to age-long oppression and tyranny at the hands of men from which they have to be relieved. With regard to uniformity I submit that it has not been achieved in this present measure and cannot be achieved at all.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar.)] Even in regard to the law of succession, in cases where the rule of primogeniture exists by custom or in case of grants or *inams* they have said that the rules of succession as laid down in this measure would not apply. Similarly in clause 7 although marriage between *sapindas* has been prohibited, it is said that it will be subject to local custom and so allowed where it prevails by custom. So the ghost of uniformity which haunts the draftsman of this measure is still there, and the so-called freedom from slavery of women ends in nothing. I submit that those who want to deal with Hindu law and the place of women in Hindu society should look at the question not through Western glasses but through the glasses of our own civilisation. We must know how our own law-givers approached these very difficult and intricate questions. The views prevailing in eastern and western countries on these questions are diagonally opposite. Our life, we believe, has connection with our past life and will have connection with our future life; and therefore the rules of law will stand on a special footing. That is why our sages approached these questions from the point of view of the well-being of Hindu society as a whole. And in attempting to frame our law we have to keep in view the ideals that motivated our law givers in framing the law in a particular manner. Unless we can do that we cannot appreciate its value.

Sir, I would not mind if the Law Minister had honestly declared that this measure stands on its own merits, moulded on his ideas of Hindu society as it now exists. But what has pained me is that he asserts that its provisions are in consonance with the accepted principles of Hindu law. It is well known that Satan can quote the Bible. I submit that every provision of this measure—whether in relation to marriage or divorce, adoption or inheritance—goes against the fundamental principles of Hindu law. Then the result that I envisage is not a very happy one. In fact every House in Hindu society will be converted into a hell in which there will be a quarrel between the brother and sister, between the husband and the wife and between the children and their father. The very fundamentals of Hindu society are sought to be demolished by this law. It is a question of vital concern and there must be a plebiscite on it or a referendum to find out whether public opinion in the country is in favour of this measure or against it.

I was submitting that there was no necessity for the codification of Hindu Law. The question then arises whether the uniformity that is sought to be achieved by the enactment of this law will be achieved if it is brought into force? What is our experience of the statutory law? The Government of India in the year 1923 appointed a Civil Justice Committee and that Committee after going through the various statutes made a recommendation that the Transfer of Property Act, the Contract Act, and the Law of Evidence should be modified and their revision should be taken in hand by the Legislature at an early stage. Has the Legislature found time for it? What is the result? The result is that the law is being administered in accordance with the provisions, which according to the authority itself, has outlived the utility for which they brought it into existence. That will be the condition if the Hindu Code is brought on the Statute Book and is made a rigid code upon which the rights of the people will depend. The Hindu law will lose its vitality, its elasticity, its adaptability to the prevailing conditions and will be reduced to immobile rigidity. May I know whether the object of reducing conflicts and of fighting differences of opinion will be achieved by the codification of Hindu Law? I dare to suggest it will not and our experience of the various pieces of legislation leads one to support my conclusion.

Take for instance, the Hindu Law Remarriage Act which was enacted in 1871. Now, Sir, it is a very simple piece of legislation but has there been a unanimity of opinion in respect of the construction of the various provisions of that Act?

Shrimati G. Dargabai (Madras: General): Are you opposing the Widow Marriage Act also?

Pandit Mukut Bihari Lal Bhargava: I hope my friend will have the patience to hear me. We must learn tolerance and patience for opposite opinions. My point was that mere bringing in of an enactment does not lead to uniformity or to the resolution of a conflict of opinion. Even in the interpretation and the construction of the provisions of this Hindu Widow Remarriage Act of 1872, we find that there is a serious conflict of opinion between different High Courts about the construction of section 2. The question arises whether a woman who remarries according to customary law loses her rights in the property of her husband. This is the point, and we have the opinion of the Allahabad High Court and Oudh Chief Courts to the effect that merely because she remarries according to custom she does not lose her right in her previous husband's property. The other High Court has taken the other view. Similarly, in this Act there has been a serious conflict of opinion upon the interpretation of the simple word "sister". Some High Courts say that the word "sister" does not include a "half sister": while the Nagpur Chief Court, after an elaborate consideration of this word came to the conclusion that it is included. My submission is that in view of the above, the difficulty that exists today in the construction of the Hindu Law will not come to an end by the fact that the Hindu Code Bill is there.

Shri L. Krishnaswami Bharathi: Do you mean that the conflict should be permitted to continue?

Pandit Mukut Bihari Lal Bhargava: I say that even if this Bill becomes an Act, the conflict will be there and it will be open to the High Court to interpret its different provisions in a different way. The divergent opinion and the divergent points with regard to the Hindu Law will not be resolved because it will be open to the High Courts and to the Supreme Court to give their construction on any particular provision and the conflict is bound to arise as our experience of the previous legislation shows. My respectful submission is that it is a vain and futile attempt to codify the Hindu Law and any attempt in that direction is bound to deprive Hindu Law of its mobility, its elasticity and its vitality, which by no stretch of imagination is advisable in the present circumstances.

[Pandit Mukut Bihari Lal Bhargava]

My next point is a very important one. How did the present legislation originate and did the circumstances in which it originated justify its being pursued any further? I would respectfully invite your attention that in the year 1941 the Hindu Law Committee was appointed and it considered the question of the codification of Hindu Law by compartments and two Bills were prepared by this Committee. One was the Bill concerning the Intestate Succession of Hindus and the second was the law relating to Marriage. When these two Bills came before the Legislature there was a joint meeting of the two legislatures (at that time our Legislature was of a bi-cameral character) and it was decided that it would be better if the Hindu Law was enacted as a whole rather than by compartments, and with this object in view the present Rau Committee came into existence.

Now, Sir, when a lady Member addressed the House—of course a zealous enthusiast in favour of this piece of legislation—she said that this piece of legislation had been before the country for a number of years—say for 10 years, and the Rau Committee has examined thousands of witnesses and has had an extensive tour of the country. I respectfully submit that there was little truth in the declaration made by the lady because let us examine what was the quantum of evidence that was before the Committee. And what was the weight of that little quantum of evidence? The Rau Committee which came into existence on the 20th January 1944 drafted a Bill which was circulated to selected and distinguished lawyers for opinion. After their opinions had been received the Committee decided that the draft which they had originally prepared should be circulated throughout the country. The Bill was translated into Indian languages and about 6,000 copies were distributed. Opinions were invited on the 5th August 1944 and the opinions were to be submitted by the 31st December 1944. After the opinions had been received the Committee toured the country. I would like the House to note the extensiveness of the tour undertaken by this Committee. It visited the leading towns and cities of the provinces and as far as I remember it is not more than a dozen—Allahabad, Bombay, Calcutta, Poona, Patna, Lahore and others. This was the extensive tour of the Committee. What is the population of these few leading towns and cities as compared to the total mass of population of the country? Can the tour undertaken by this Committee for the purpose of examination of witnesses in these cities by any means give an indication of the real feeling of the country on this Bill?

What was the extent of the evidence recorded? Let us see. In all 121 witnesses and 201 associations represented by about 257 persons gave evidence. This was the total evidence taken. May I venture to ask a very pertinent question: Is this by any stretch of imagination sufficient evidence, considering the vastness of the country and considering the fact that the real India, the real Hindu India resides not in the cities but in the villages. They are agriculturists who represent 90 per cent. of the population. Can it be pretended by any stretch of imagination that the examination of witnesses by this Committee was in any way sufficient and commensurate with the vastness of the country and with the great divergences of opinion prevailing in the different provinces? I respectfully submit that it was not.

Let us further analyse the result of that evidence. My submission is that on every basic point which forms the basis of the present code the opinion was predominantly and overwhelmingly against any change. Look at for instance one basic doctrine that is propounded within the four corners of this piece of legislation—introduction of simultaneous heirship of sons, daughters, widows, etc.

Mr. Deputy Speaker: A widow is a simultaneous heir today under the existing law.

Shri L. Krishnaswami Bharathi: Even that he is opposing now. Perhaps he wants it to be repealed.

Pandit Mukut Bihari Lal Bhargava: For the introduction of simultaneous heirship of daughter with son the witnesses number only 78 and the number of those against was 215. Regarding conversion of widow's limited estate as a female heir into an absolute estate the opinions for were 49 and against 107. In case of divorce opinions for were 112 and against 119. In case of adoption and the changes that are introduced opinions for were 36 and against 38. On other points the opinions against change were overwhelmingly larger than for it. Where is the justification, I ask, for pursuing this legislation?

Some Honourable Members: No justification.

Pandit Mukut Bihari Lal Bhargava: It is claimed by a number of Members of this House that public opinion is overwhelmingly in favour of this piece of legislation.

Shrimati G. Durgabai: What about monogamy?

Pandit Mukut Bihari Lal Bhargava: I will come to that also at the proper stage. My submission is that if this is a democratic legislature, if this legislature claims to legislate in consonance with the predominant volume of public opinion in the country, the only course for it is to throw out this piece of legislation, because whatever public opinion there was in the country distinctly points out that it is against it. I am sorry I have not got with me the particular newspaper in which the opinion given by the Law Minister was published. It was a few days before we commenced the consideration of this measure in February and he took his stand not upon the quantum of evidence in his favour, nor upon the public opinion in his favour but upon its quality. That was an open admission by no other than the Law Minister himself that the weight of public opinion so far as number was concerned was against him. If it is a fact that a few individuals, however distinguished they may be, because they wish this legislation to be thrust upon the country, it cannot be accepted. The only criterion of public opinion is the public opinion taken by the Rau Committee. There is absolutely no other criterion upon which it is open to any Member of the House to say that public opinion is in favour of this piece of legislation and not against it. Similarly we are receiving a number of representations from different bodies.....

Babu Ramnarayan Singh: Daily.

Pandit Mukut Bihari Lal Bhargava: ... from different distinguished high courts and other civil judges also, from Bar associations in different parts of the country. As far as I have been able to go through the opinions very few persons, I find, favour the enactment of this piece of legislation and public opinion is overwhelmingly against it.

The next point is this. Even assuming that public opinion is not so far of a decisive character where is the necessity of pursuing this legislation in the present legislature? As has already been pointed out, and I will not repeat the argument, but I would respectfully submit that the present legislature is to frame the Constitution as also to legislate on emergent matters about which legislation is absolutely essential. It can by no stretch of imagination be asserted that the Hindu Code Bill is a piece of legislation that the Government should not pursue this piece of legislation in the teeth of public opposition in the country.

[Pandit Mukut Bihari Lal Bhargava]

I would now proceed with the examination and scrutiny of the various provisions incorporated in this piece of legislation. As I had remarked I feel—and I feel honestly—that the fundamentals of the provisions that stand incorporated in this piece of legislation are fatal to the existence of Hindu society as envisaged by our sages and therefore it is my painful duty to oppose this measure tooth and nail provision by provision. The question arises what are the basic changes that are sought to be brought about in Hindu society through the medium of this piece of legislation and how far those contemplated changes are in consonance with Hindu ideology and Hindu ideals. My respectful submission is this Hindu Code may well be styled as Islamic Code rather than a Hindu Code.

Shri A. Karunakara Menon (Madras: General): That is the reason why our friend Mr. Naziruddin Ahmad is opposing it.

Pandit Mukut Bihari Lal Bhargava: Of course this remark cannot apply to me. I feel as keenly as the learned member on it. Now, Sir, the main question is about the Second Part of this piece of legislation under the head Marriage and Divorce. These are incorporated in clauses 5 to 51. Let us see how far the type of marriage that is envisaged in these provisions of the Bill is akin to the Hindu conception of marriage. My respectful submission is that the show of a sacramental marriage provided in clause 7 of this Bill is of an absolutely different character than what is the conception and ideal of Hindu marriage. It is only a camouflage to conceal the real type of marriage that is envisaged. Otherwise the incorporation of the provisions in clauses 10 and 21 would not have been there. To Hindus—and I think there cannot be any dispute on this point—there is no two opinion on the subject. Of course if we aim to dare Hindu ideals and ideologies, if we intend to say good-bye to them, then it is another matter. To a Hindu the marriage is sacramental and as such indissoluble. It is a religious bond of unity between the couple. It is not a union for such purposes which may be brought to an end at any time. It is not a contractual relationship. It is a relationship that has got some spirituality about it. By no stretch of imagination can it be brought to an end by the sweet whim and caprice of any of the parties. That is the conception of Hindu marriage. I would challenge any *smriti* or citation of any scripture, so far as Hindu scripture is concerned, which would negative this idea of sacramental marriage and will propound any other sort of marriage that is understood by *smritis*. Therefore my submission is that so far as the provision about civil marriage in this Chapter on Marriage and Divorce as incorporated in clause 10 is concerned it is absolutely foreign to Hindu law and should not find a place therein. Civil marriage has been in vogue in this country ever since 1872 when Act III of 1872 came into force. It was further amended in the year 1929. Civil marriage as envisaged by that piece of legislation must continue. But it should not find any place whatsoever in the Hindu Code. I want to ask why should civil marriage find a place in the Hindu Code. Is it in consonance with any *smriti*? I ask this question because you claim that there is nothing revolutionary, nothing radical in this measure, and that in fact everything is just in accordance with Hindu conception, ideology and ideals. It is a post-herous claim which I must refute. My submission is that the incorporation of a provision like clause 10 in this Bill, which envisages marriage of a civil type, is absolutely unknown and foreign to Hindu ideals. Previously I have asserted that this form of sacramental marriage is only a camouflage for the other type of marriage and it is quite obvious if a reference is made to the provisions of clauses 7, 10 and 21.

So far as clause 7 is concerned it lays the conditions for sacramental marriage. Here I respectfully invite the attention of the House to clause 6. This says that it will not be open to the parties to contract any marriage if they happen to be *sapindas*. If we proceed to clause 10 which lays down the requisite conditions of a valid civil marriage it omits the provision contained in sub-clause 6, of clause 7 therefrom and restricts it to the other five sub-clauses of clause 7. Thereby a marriage between *sapindas* is perfectly valid if it happens to be a civil marriage under clause 10. This is the difference or gap between the validity of the sacramental marriage and the validity of the civil marriage. What does clause 21 lay down? It says that it is open to the parties who have entered into a sacramental marriage of the type envisaged in clause 7 to later on go to the Registrar and ask him to register it as a civil marriage and the poor Registrar will have no option. What is the legal effect of these three provisions read together? Whatever sanctity is attached to the sacramental marriage is eliminated. Mind you, one of the requisite conditions of a valid sacramental marriage is that there should be no marriage between *sapindas*. This condition does not exist in section 10 and the poor registrar, in spite of the fact that the sacramental marriage was an invalid marriage because of this, has to register it as a civil marriage. Therefore, the camouflage, the curtain of a sacramental marriage is lifted here and the effect of invalidity, because it was a marriage between *sapindas* is circumvented by this device. I ask, is it in accordance with Hindu ideals of marriage? Will not all persons be inclined, wherever they choose, to celebrate a marriage between *sapindas*? They can do it as a sacramental marriage and subsequently go and cure the invalidity by undergoing civil marriage.

We come then to provisions of Section 9. It has been stated that even the sacramental marriage must be entered into a marriage certificate register and that if it is not so entered the defaulter may be punished under the law. As regards its validity, it is very doubtful whether it will be valid or not. Of course, the Rau Bill did not go so far. The Rau Bill left it at the option of the parties to either get an entry made in the register or not. The only object with which such a provision was incorporated in the Rau Bill was to facilitate the proof of marriage. But that object has been told good-bye in the present Bill. What is stated here is that it will be open to any Provincial Government to make the registration of sacramental marriages compulsory. The provision of section 6 says that a marriage, in order to be valid, must be in accordance with the provisions of the Bill. If not, then it is not a valid marriage. Therefore, the conclusion is irresistible from the reading of Sections 6, 7, 10 and 21 that any marriage which has not been registered by the married couple in the certificate register will be invalid. I respectfully submit, what are the legal consequences flowing from this sort of a provision? Are they not repulsive to the very ideal of Hindu society, to the very injunctions of the *shastras* which lay down that a marriage solemnly entered into is an indissoluble tie and cannot be brought to an end? Here if the married couple was foolish enough not to get an entry made to that effect in the register, their marriage will be invalid.

Coming to the next important provision in this Bill, that is, the provision regarding divorce. The question arises about past practice and we were quoted the *smritis* of Narad and Parasar by the honourable the Law Minister to prove that divorce did exist in the Hindu society. I respectfully submit what has been pointed out by Mr. Dwarka Nath Mitter, the dissenting Member of the Rau Committee, before whom these very scriptures were put forward; he has interpreted them not merely on his own knowledge of Sanskrit but upon the knowledge of learned pandits. He says that the only and the reasonable interpretation and construction of Narad and Parasar is that

[Pandit Mukut Bihari Lal Bhargava]

there can be a breaking of relationship only up to the betrothal stage, not after the actual marriage had taken place. Therefore, it is no use relying upon the *smritis* to establish the practice of divorce.

One of the arguments advanced by the honourable the Law Minister, and repeated by Pandit Thakur Das Bhargava, was that divorce already exists in 90 per cent of the Hindu society. According to Pandit Thakur Das Bhargava, not only in 90 per cent of the Hindu society but even in 95 per cent it exists. I would respectfully ask, if what you say is a fact, where is the necessity of enacting any piece of legislation on divorce? You are expected to legislate for the majority and not for a hopeless minority. The divorce of the form you have introduced in this piece of legislation will make the life miserable of the 90 or 95 per cent of the Hindu society amongst whom you say divorce already prevails, because according to the provisions of the present Bill it will be incumbent upon each party to the marriage, before it can resort to divorce, to go for the dissolution of marriage before a competent court of law. As has been pointed out by one of the gentlemen who wrote a dissenting note to this Select Committee Report, in most of the parts of the country among the agriculturists divorce is resorted to in a very simple manner by the execution of a deed of relinquishment or in any other manner, before the *panchayat* of the village. You must take into consideration the effect your legislation will have upon the agriculturists who form 90 per cent of your population. What will be the effect if clause 34 is brought on the Statute Book? Every couple, every Member, every party to the marriage will be compelled to knock at the door of the court of law, to go to the district court and also in appeal and till that takes place no divorce can come into effect. I submit this will not be to the advantage but to the great disadvantage of the overwhelming majority of people amongst whom you say the custom of divorce prevails. Therefore, by enacting provisions of this type you are not helping the hopeless minority of 5 per cent but you are putting to disadvantage the majority of 90 per cent. Therefore, until and unless your provisions undergo a drastic change and amendment they should not and ought not to be brought on the Statute Book. I now come to the question of adoption. Here also the learned author and the draftsmen of this Bill have ignored the fundamental conception underlying adoption in Hindu law. As far as my meagre knowledge goes, adoption is not recognised by any other law. In Muslim law it was in vogue by custom, but even that has been brought to an end by legislation. According to Hindu conception, the life of a Hindu is so inter-mixed and inter-mingled with his religious conceptions and religion that it is impossible to separate the two.

Shri H. V. Kamath: Is the honourable Minister for Law resting or meditating?

The Honourable Dr. B. R. Ambedkar: I am hearing the honourable Member.

Pandit Mukut Bihari Lal Bhargava: I was submitting that adoption in Hindu law rests upon religious belief which says that it is essential for the salvation of the soul of a departed man that he should have a son who may be able to give him oblations so as to make him attain *moksha*. So if you are going to legislate about adoption, you must keep in mind the underlying conception. Otherwise, you eliminate it. If you keep it, you keep the spirit underlying the doctrine of adoption. (*An Honourable Member:* 'What is the spirit?') What are the criteria you have fixed in this Bill for validity of adoption? While the Hindu law says that the eldest and the only son cannot be taken in adoption, instead of retaining that very salient principle, you want to reverse it and say that even the eldest and the only son can be adopted. (*An Honourable Member:* 'It is unfair.')

Babu Ramnarayan Singh: It is due to ignorance.

Pandit Mukut Bihari Lal Bhargava: It cuts at the very root of the conception of adoption, because according to Hindu law there must be the eldest or the only son to attend to the oblations for the departed natural father.

Similarly, what are the qualifications you have laid down in this Bill for a boy to be taken in adoption? The three conditions laid down are that his age must be below 15, he must not be married and he must be a Hindu. I would respectfully submit that by putting a provision like this, you are putting the Hindus in great trouble, because according to the well known conception and custom of Hindu society relating to adoption marriage is not a disqualification, nor is age a disqualification. Why, I ask, are you imposing these limitations? Has your experience of the administration of law in the past convinced you that these restrictions are necessary? As far as my meagre knowledge of law goes, there has been no case where any difficulty has arisen. In fact, law by custom has recognised the validity of the adoption of a married boy. Similarly, whatever his age may be, the adoption is valid. What are the difficulties experienced that make the change in the existing law necessary? It cannot be disputed that when you attempt any change you must have cogent reasons; otherwise, you must recognise the existing law.

Then, about the effect of adoption. You have given a good-bye to every well-established custom of Hindu law. The Rau Bill proposed that the effect of adoption would be to divest ownership of property vested within three years of the adoption. The present Bill goes further and it says that as soon as adoption takes place, there will be no question of divesting of property. From that date, half will go to the widow or the man and the other half to the boy. My respectful submission is: why do you want to bring in a novel doctrine of adoption? Where is the reason for it? Has any difficulty arisen in the past?

Then the question of disruption of the Joint Hindu family. To me it appears that a most vital and fundamental change is sought to be brought about. Why should the time-honoured institution of Joint Hindu family be an eye-sore to you? It has been said that the Joint Hindu family as it was originally conceived has been shorn of its true characteristics by a galaxy of case law. I admit. But if the institution of Joint Hindu family is an institution worthy of respect, then your duty is not to bring it to an end because it has been dilapidated in the days of foreign rule, but to legislate for removing the difficulties and defects that have cropped up in the Joint Hindu family institution and restore it to its previous position. We should have restored it to its previous vigour. That has not been done. I have not heard a word from the honourable the Law Minister pointing out any fatal defects that existed in the joint family system. His only point is that true characteristics have been shown off by case-law and therefore, the institution should be put an end to. I say it is a counsel of despair. That is a view which, at least I for myself cannot support. To me this joint family institution is an institution of which any nation in the world can well be proud of. It is an institution, Sir, which anticipated the socialistic and communistic form of society centuries before our time. It is an institution, Sir, where even the invalid and the disabled members of the family have equal right to the corpus of the family. It is an institution which.....

Srijut Kuladhar Chaliha (Assam: General): It is not prevalent in Bengal.

Pandit Mukut Bihari Lal Bhargava: Bengal, as far as my meagre knowledge goes is partly governed by *Mitakshara* and partly by the *Dayabhaga* system.

An Honourable Member: No, all by *Dayabhaga* system.

Pandit Mukut Bihari Lal Bhargava: Therefore, Sir, my point was that the axe of legislation should not have been applied by the learned Law Minister to cut at the very root of the joint family tree, if it does not rest on such firm and solid foundations as it did at the time of our ancestors. Legislation should have been undertaken to protect it. In the time of the British, because we were subjected to foreign rule, and they were not at all interested in keeping in tact our time-honoured institutions. In fact, they had contempt for them. When our own national government has come into power, is it too much to expect that they should attempt to revive and restore this time-honoured institution to its previous glory rather than destroy it. I submit, Sir, by this Bill, the Hindu Joint Family is being shattered to pieces. What the Rau Committee proposed was not so fraught with danger as what is proposed in the provisions of this Bill. I invite attention to clauses 86 and 87 of the present Bill. The Rau Committee in clauses 1 and 2 of Part III-A only laid down that on the demise of a coparcener in the family, the right in the property will not devolve by survivorship but will be by succession. That is intended to keep intact the coparcenary for at least one generation. Even that was not tolerated or liked by the present Select Committee and some of its members, including the Law Minister, with the result that what sections 86 and 87 lay down is that there will be automatic disruption of every joint family existing in India, simultaneous with the enforcement of this Act.

Shri L. Krishnaswami Bharathi: There is difference between joint family and joint property.

Pandit Mukut Bihari Lal Bhargava: I am coming to that.

Pandit Lakshmi Kanta Maitra: They are trying to put you off the rails. You go on, please.

Pandit Mukut Bihari Lal Bhargava: The Bill provides in clauses 86 and 87 that no court of law will take cognizance of any claim on the basis of birth, on the day this Bill comes into force, and further, that every joint family will be deemed to have disrupted so that joint tenancy would be converted into tenancy in common, simultaneous with this legislation. But I ask, why do you want this? Is there any uncertainty in the law to-day, in the existing Hindu Joint Family law? I respectfully submit there is none. Everybody knows what is meant by coparcenary and what are the incidents of coparcenary property. Why do you want it to be partitioned? My respectful submission is that this is against what was provided even by the Rau Committee. And public opinion, scanty as it was, was taken not upon the Bill as it exists to-day, but upon the Bill as was drafted by the Rau Committee. Therefore there is absolutely no information why a point of such vital change in the structure of the Bill has been brought about.

Now, what are the advantages of a joint Hindu family? What are the advantages of having coparcenary property? I submit that.....

Shri B. N. Munavalli (Bombay States): Are there no disadvantages?

Pandit Mukut Bihari Lal Bhargava: Of course, there are disadvantages, if everybody wants to go on living in a selfish way, entirely for oneself, without any regard to their relatives. But if you look at society in the way in which the *Smritis* wanted us to, we should renounce something for others also, for the other members also, to sacrifice something to make the family, a Joint Family then there is no disadvantage. There is every advantage and no disadvantage. My submission is that it cannot possibly be accepted by every Hindu Family.

One of my friends here reminded me that *Mitakshara* is not governing Bengal and Assam. But Sir, you must keep the whole country before you and.....

Pandit Lakshmi Kanta Maitra: The joint family is also there.

Pandit Mukut Bihari Lal Bhargava: You are dealing with a population of 300 millions—of 30 crores—and a population that is extending from Kashmir to Cape Comorin, a population that extends from Gujrat to the farthest end of the country. And you want to disrupt the status of of the joint family system, and that will affect over-whelmingly vast population. Therefore, you must think thrice before doing such a thing as will disrupt such a vast population. In this legislation you want to disrupt the family. If it is decrepit, if it is dilapidated, if it is, as one of the Members said, in such a condition that we need not even shed tears about it, let it die a natural death. Why should you apply the axe of destruction and bring about its end?

Then Sir, I proceed to the question of inheritance. Now, here I have got the greatest grievance. As my friend Mr. Naziruddin Ahmad said, the Rau Committee Bill was substituted by a departmental committee Bill and in this departmental Bill innovations were introduced. Clause 94 lays down that property will be excluded from the rules of succession laid down in this Bill. It is in the original Rau Bill it was that every piece of Agricultural property will not be governed by the rules of Succession laid down there, because under the Government of India Act it is not within the purview and jurisdiction of the Central Government. The Rau Bill did not say that there will be any exception in the case of the Centrally Administered Areas, which are under the direct control and supervision of the Government of India.

Now, Sir, in the departmental Bill the words "in the Governors provinces" were introduced with the result that every agriculturist in my province of Ajmer-Merwara as also in the provinces of Delhi and Coorg, which are the Centrally Administered areas and even the agricultural property situated in these provinces will be governed by the rules of succession laid down here. Look at the anomaly that is sought to be perpetrated by this piece of legislation. The law that will govern the bulk of property will be absolutely different in the Governors Provinces, while it will be just the contrary in the Centrally Administered areas. Is it the uniformity which is aimed at by this unique piece of legislation? Whether this will be in consonance with the ideal of uniformity or it is the opposite of it, may I respectfully ask? My submission is that all the rules of Succession that you have laid down in the provisions of the Bill if they are applied to the agricultural property in my province—and I can speak with some knowledge of my own province and the people inhabiting my province—I submit the law will be obeyed more in infringement than otherwise, because the rules of succession that you have laid down are so contrary to the established usage and custom of the people, that they will not accept them as a rule governing them, even at the risk of their lives. What are the rules of succession that you have incorporated in this Part VII Chapter 2 and Schedule VII. Are they in accordance with the accepted principles of Hindu law either as propounded by *Mitakshara* or by *Dayabhaga* and where is the indication of it? What is the basis you have taken for inheritance? You say it is 'natural love and affection'. So far as propinquity and consanguinity is concerned in the case of inheritance, one of the fundamental principles of Hindu Law is violated. One of the fundamental principles of succession in the Hindu law is that it depends upon the capacity and the liability of the descendants to offer

[Pandit Mukut Bihari Lal Bhargava]

shraddhas to their parents. This is the fundamental capacity which has to be taken into any law of inheritance. Of course, the view was that we are not going to care for Hindu Law; that is a different matter; then delete the word 'Hindu' from there, I have no objection, but if you are to incorporate the fundamentals of Hindu Law, the first thing that you have to take into consideration in the principles of inheritance, is the capacity and the liability of the descendants to offer *shraddhas* to their ancestors, and this is the basis of the *Dayabhaga*.

The Honourable Dr. B. R. Ambedkar: All of them can offer *shraddha* for you and get the property.

Pandit Mukut Bihari Lal Bhargava: What is the reason for the promulgation of this novel Rule of succession? Brother and brother's son has been relegated to a very, very inferior position. Brother and brother's son comes after daughter's daughter, daughter's son, son's daughter. Is it in accordance with the accepted principles of Hindu Law? Is it likely to bring peace to the family (*Many voices:* 'No, no.') Will it not disrupt the family? Will it not create perpetual disturbance, discord in the members of the family? This is inconceivable. According to the Hindu society even today, though it has been the subject of outrage for centuries, even today there is love and affection between brother and brother. When I make certain observations, I keep the agricultural population in view. You go to any village and you will find that 9 out of the 10 families live jointly. The brother is living with brother. He is not separate and as soon as you give the right of inheritance to daughter's daughter, to daughter's son in preference to the brother or the brother's son my respectful submission is that the society will not tolerate or even if it tolerates, the peace and quiet that exists today will disappear in no time. Therefore, you have to be very wise before laying any novel rules of succession so contrary, so repugnant to the accepted principles of Hindu law.

Now, I come, Sir to the doctrine of bringing daughter in the category of simultaneous heir with son.

The Honourable Dr. B. R. Ambedkar: I thought he had said something about it. No elaboration is needed.

Pandit Mukut Bihari Lal Bhargava: Now, Sir, it has been argued that the daughter had a specific share in the inheritance of her father according to the scriptures and the reliance is placed upon Manu and Yajnavalkya, but my cursory knowledge of these Hindu law texts is that whatever share is allotted is in the case of an unmarried daughter and we have no objection at all, even today to allot any share to an unmarried daughter. The question arises even today, what is the position? Can anybody deny that? Not one daughter among thousands remains unmarried. The daughter is given, according to the status of the family, the best education and is treated on the same footing as the sons. When her marriage takes place she is given a dowry according to the status of the family. On marriage her relationship to the brothers is not cut off. As far as my experience goes, she is invited for every function in the family and on occasions of marriage in her parent's family a quota is assigned to her according to custom. Can anyone say that resort to a court of law will bring peace and tranquillity in the home? Such a step will only aggravate the situation and the provisions in the Bill for resort to court are there to our utter shame. We do not want that our daughters and sisters should go to a court of law. It was never contemplated by our sages that they should seek the help of the law. The position assigned to our daughters in the family is of such a unique character that it is difficult to find a parallel to it anywhere. Even after marriage, as I was saying, the daughter has a

definite share in the family budget for festive occasions. The question was asked, whether she can go to a court of law to enforce her rights? Sir, if in a family the father or the brother of a girl is unmindful of his duties to her, he is looked down upon by the community. According to the well-established custom, every daughter of a family must be present at the time of her brother's marriage. I may tell honourable Members that there is a particular ceremony which must be performed by the sister and her husband before the bride and the bridegroom can enter the house. These are time-honoured customs. We give the daughters a definite position. What will you gain by giving her a share in the family property? One of the justifications for the reform is that there must be absolute equality between a son and a daughter. May I know is there any equality in fact? Is it not a sham equality that you are going to assign to the daughter? The conditions are absolutely different. The daughter has to go in due course to a different family. The son has not to go. These are the conditions inherent in the situation. Therefore, whatever law you make must be suited to the conditions and not in violation of them. If you make a law in violation of these conditions, the society will go to pieces.

Now, what is the percentage of property owners in Hindu society today? It is a very relevant question because, according to the existing custom not only the father has the moral obligation to arrange for the marriage of his daughter, but even the brother, whether he inherits any property or not, thinks it his moral duty to arrange for the marriage of his sister in the absence of his father.

Shrimati G. Durgabai: Do you think he would not discharge his moral duty if he allows his sister a share?

Pandit Mukut Bihari Lal Bhargava: The honourable Member is talking of a share, while I am talking of a family without property. What will become of the sister in such a family? You may go to any village or town. You will find cases where the father is dead and the unmarried sister is living with her brother. This brother thinks it his moral duty to arrange for the marriage of his sister and he even borrows money for this purpose. Unless and until he has discharged that sacred trust he never thinks of himself.

Mr. Deputy Speaker: Is the honourable Member likely to finish soon?

Pandit Mukut Bihari Lal Bhargava: I require one hour more, Sir.

Mr. Deputy Speaker: Then the House stands adjourned.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Monday, the 4th April, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES
(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Monday, 4th April, 1949.

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

QUESTIONS AND ANSWERS
(See Part I)

11-45 A.M.

ELECTIONS TO ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
AND TO THE COMMITTEE TO REVIEW WORKING OF RAILWAY
CONVENTION

Mr. Speaker: I have to inform the Assembly that upto the time fixed for receiving nominations for the All-India Council for Technical education and the Committee to review the working of the Railway Convention, five nominations in the case of the first and nine nominations in the case of the second were received. As the number of candidates is equal to the number of vacancies in each of those committees, I declare the following members to be duly elected:

I. *All India Council for Technical Education.*—Shri Biswanath Das, Prof. Yashwant Rai, Pandit Lakshmi Kanta Maitra, Mr. Mohammad Ismail Khan and Dr. P. S. Deshmukh.

II. *Committee to review the working of the Railway Convention.*—Shri M. Tirumala Rao, Pandit Thakur Das Bhargava, Shri M. Ananthasayanam Ayyangar, Shri Ramnath Goenka, Shri B. Das, Pandit Hirday Nath Kunzru, Shri R. K. Sidhva, Shri Mohan Lal Gautam, and Shri Khandubhai K. Desai.

DISPOSAL OF THE BUSINESS OF THE HOUSE

Mr. Speaker: We will now proceed to the legislative business.

Shri R. K. Sidhva (C. P. and Berar: General): Before you start with the business of the day, Sir, may I submit, the other day, the honourable the Leader of the House stated that as far as the Government is concerned, it was not necessary that the House should sit beyond the 7th. Today is the 4th. There are 26 Bills yet. I submit to you, Sir, that the House is entitled to know how long we are going to sit, which of the Bills are going to be disposed of within the 7th, and are we going to sit after the 7th. There are only three days more. I hope you will kindly enquire from the Leader of the House and find out for the benefit and information of the House.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): The position, Sir, is this. Certain Bills must be gone through. If the House co-operates, the Bills will be gone through by the 7th. If they are not gone through, then it becomes incumbent to make a request to you to extend the session by a day or at the most two.

Mr. Speaker: That does not satisfactorily explain the position. The expression about the co-operation of the House is very vague. The Government must make it clear and say that these particular Bills must be gone through before the session ends. They must say which are the Bills which the Government want to put through and as regards the others, they may take their own course. The House is entitled to know this.

The Honourable Shri N. V. Gadgil: That statement will be made tomorrow.

An Honourable Member: Has the Priorities Committee met?

Mr. Speaker: Whatever that may be, he is going to make a statement tomorrow. Then the House will know definitely which Bills will be put through. That will have some effect on the co-operation also.

Shri Biswanath Das (Orissa: General): Sir, I was under the impression that we have always been co-operating and will always co-operate.

An Honourable Member: That is not in dispute.

Shri Biswanath Das: Since the question has been raised by the honourable Minister, may I know in what manner co-operation is required?

Mr. Speaker: I think we shall be going into an irrelevant debate on that question. That has been settled by my asking him to clarify the position in regard to the Bills which have to be put through.

Shri H. V. Kamath (C. P. and Berar: General): On a point of information, Sir, the Honourable Dr. Ambedkar stated on Saturday morning that the Government Priorities Committee was meeting in the afternoon and so naturally, we expected an announcement this morning. Now we are told that there will be an announcement tomorrow. I do not know the reason for procrastination on the part of Government.

Mr. Speaker: To settle the priority amongst the 26 or so Bills is one thing. To settle which particular Bills are to be put through is another thing. The honourable Member is referring to the latter question. We must know what Bills require to be put through, according to the Government. The two are entirely different questions.

Seth Govind Das (C. P. and Berar: General): Am I to take it, Sir, after the statement as to which Bills will be taken into consideration, even if those Bills are not disposed of, we shall adjourn on the 9th or we shall sit till all those Bills which are set forth for disposal are disposed of in this session? That is the real point.

Mr. Speaker: As I understood the position from the Leader of the House two or three days back: in any case, we are not sitting beyond the 9th. That is my understanding. We are not going to sit beyond the 7th if the specific Bills which the Government desire to put through are disposed of by the 7th.

Shri Deshbandhu Gupta (Delhi): Sir, before you take up the agenda, I submit, there are six Bills for introduction today. They come last. May I request you, Sir, if the movers of the other Bills have no objection, that these Bills may be taken up first, because it will take hardly two or three minutes for this.

Seth Govind Das: This question comes up before the House again and again. As far as a Government is concerned, they always introduce their Bills first, and other business comes afterwards. As far as non-official

members are concerned, they have to introduce them after the whole agenda is completed and sometimes, these Bills are not at all introduced. As my honourable friend Deshbandhu Gupta has just said, it hardly takes two or three minutes for each Bill to be introduced if they are given priority. If no member has objection, they may be taken up first.

Mr. Speaker: The real difficulty is about the Rules of Procedure, Rule 16. Honourable Members will see that priority is fixed by the Rules. I quite appreciate that Bills for introduction should be permitted first as it is more or less a formal business. But, that will be a matter for consideration. The Rules are being amended now and honourable Members may suggest changes so far as Rule 16 is concerned. Now, so far as Rule 16 is concerned, I have not got the power of suspending the Rule.

Pandit Thakur Das Bhargava (East Punjab: General): Sir, it is not that you are being requested to suspend Rule 16. If the other members who have got precedence in the list have no objection, then, there will be no objection to these Bills being introduced now.

Shri M. Ananthasayanam Ayyangar (Madras: General): May I say a word, Sir? It will create a very difficult precedent, for this reason. Now, there are already certain Bills which have passed the introduction stage, which are at the consideration stage and notice of motions for reference to Select Committee, etc., is being given. If these new Bills are allowed to come in now, they will begin to run the race with the others, and in the ballot, they will have a chance in preference to these Bills. Are we to go on adding new Bills without disposing of those Bills which have passed the initial stage? The position is like this: After one hundred members have tabled Bills and motions, the next man wakes up at a late hour and wants to run the race along with the others. It is not without so much of experience that this Rule has been so framed. Let the member come early; let him take proper steps. The man who sleeps ought not to be allowed to come in at a late hour and start running the race. There is wisdom in the Rule. Anyway, as the rule stands, we cannot go behind it today. Even otherwise, it would not be correct.

Pandit Thakur Das Bhargava: If all the members agree, there can be no objection.

Shri M. Ananthasayanam Ayyangar: I do not agree.

Pandit Thakur Das Bhargava: Let it be put to the House. I agree to the introduction of the Bills now.

Mr. Speaker: As he has pointed out, apart from the reason for the Rule, which will be considered when the Rules and the amendments are being considered. The chief difficulty now, is an unanimous agreement. Of course, in this case, the House does not seem to be unanimous, and the present case is out of the question. Even in the case of an unanimous agreement, honourable Members seem to forget that there are absent members. We must have some consideration for those who are absent. They are entitled to presume what the order of business will be adhered to and we cannot change the order in their absence, particularly when the question is covered by the Rules. I think the best course would be to consider whether the Rules should be amended or not, instead of proceeding on agreement as suggested.

Shri H. V. Kamath: One last point: are we to understand, Sir, that the Hindu Code Bill stands over till the next autumn session or for an extra ordinary session?

Mr. Speaker: I have no information; but, tomorrow we will get the information as he has promised to say what Bills the Government wish to carry on further in this session.

Shri T. A. Ramalingam Chettiar (Madras: General): Is it not open for a member to move that a particular subject be taken before the others, by means of a resolution? He can move a resolution even now that a particular item may be taken up first before the others.

Mr. Speaker: That is again a different matter. That would raise the question as to how far it is possible to change the order among the particular class of Bills. Among a particular class of Bills, which are grouped for purposes of priority, that question may be permissible and by common agreement it may be allowed; but, so far as different classes of Bills and the different stages at which they are, are concerned, I think, it is difficult to override the Rules.

INDIAN CATTLE PRESERVATION BILL

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

"That the Bill to preserve the milch and draught cattle of the country, be continued."

Mr. Speaker: The question is:

"That the Bill to preserve the milch and draught cattle of the country, be continued."

The motion was adopted.

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL

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

"That the Bill further to amend the Child Marriage Restraint Act, 1929. (*Amendment of Sections 3, 4, 5, 6, etc.*), the Bill further to amend the Child Marriage Restraint Act 1929, (*Amendment of Sections 2 and 4*) and the Bill further to amend the Child Marriage Restraint Act, 1929, (*Amendment of Section 10, 11 and 13*), as reported by the Select Committee, be taken into consideration."

These three Bills have been consolidated into one Bill by the Select Committee that was appointed to consider these Bills. The report of the Select Committee is unanimous about these three Bills except in regard to a small question. The changes which these three Bills seek to make in the original Act of 1929 are three or four in number. In the first place, one of the provisions of the Bills seeks to make it compulsory for the Courts to give sentence of imprisonment, in regard to infringement of law under sections 4, 5 and 6. It seeks to enhance the punishment also from one to three months. It seeks to create discretionary power in section 3 to either give imprisonment for 15 days or give a sentence of fine. The other change which the Bill seeks to make is that the age of 14 is raised to 15 in the case of girls and in the case of boys from 18 to 20. The third innovation that the Bill seeks to make is that the offence is made cognizable and a Circle Inspector is only allowed to investigate such offences and the offence is made bailable; also in regard to procedure to previous provision with regard to bonds is done away with. In regard to the provisions of the Bill, the question regarding registration and bonds have been deleted by the Select Committee.

There is one other question, which is fairly material which has not been agreed by the Select Committee. In one of the Bills the proposal was that an amendment to the definition of the word 'child' be made in so far as a man of 45 years or more should not be allowed to marry a girl of less than 18

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL

2295

years. This has not been agreed to by the Select Committee. Now, Sir, since there are no amendments to this Bill, I do not want to take up the time of the House, because there are other important Bills before the House, and I will be very brief in speaking about these five changes. With regard to the first change, Sir, that is the change of age from 14 to 15 and 18 to 20, when the Bill was circulated, there was consensus of opinion in the country that these changes be made. The age of 14 when the Sarda Bill was enacted really went against the opinion of the orthodox people, who wanted to have the marriages solemnised before the girl attained puberty. That thing having been got over and the Rubicon having been crossed, there can be no object to amending the age to 15. Therefore, the general opinion in the country was that the age may be increased and similarly in the case of boys. What the effect of this amendment would be, I would leave the House to draw its own conclusions, because I had much to say before this Bill was referred to the Select Committee in regard to this matter and I do not wish to take up the time of the House by stating what advantages will accrue to the country at large as a result of these changes of all these ages. In regard to the clause dealing with imprisonment also, I am very glad that the whole country has received this change in a manner which is very heartening. Those who are serious about this matter and know about the extent of the evil are fully convinced that unless and until this change is made and the imprisonment made compulsory, the Sarda Act will remain a dead letter. It is therefore absolutely necessary that this imprisonment should be made compulsory.

As regards the question which is a very important question, that is of offences being made cognizable, there was a difference of opinion in the Select Committee, but the majority agreed to make it cognizable. Last time when this Bill was sent for circulation, our Deputy-Speaker took me to task for not having moved this particular amendment in 1929 and he was of opinion that unless and until this was made cognizable, it will not have the effect which those who wanted to see the child marriage abolished wanted to have and there were many other opinions received when the Bill went for circulation that this offence should be made cognizable. In the original Bill in 1946, I thought that people will not agree to make it cognizable as according to me the Police was not absolutely free from corruption and there would be interference in domestic affairs, but on re-consideration, and after seeing the opinion of many people and thinking over the question again I came to the view that unless and until this offence was made cognizable, we will not be able to cope with the situation. At present about 50 per cent. of the girls of the country are married below the age of fifteen. This was the opinion of the Age of Consent Committee in 1929. After that, there has been some change in regard to this and marriageable age has to an extent risen, but so far as the rural areas are concerned, and the backward communities are concerned, there is absolutely no doubt that at least 40 per cent. of the girls in the whole country are married before they attain the age of fifteen. If the marriages take place so early as that, there is absolutely no doubt in my mind that prepuberty consummation and consummation soon after puberty do take place. This is a very great crime and one is shocked to find that such heinous crimes are committed in our country.

Now, Sir, the question is, if you put these things in the balance, viz some interference in domestic matters and also the fact the police is not absolutely free from corruption, if we place these two things on one side of the scale and the other things viz prepuberty and soon after puberty consummations on the other side of the scale, I am certain that every person with a sense of responsibility would think that it is better to make the offence cognizable. The Select Committee have further agreed

[Pandit Thakur Das Bhargava]

to make it investigable by a Circle Inspector. So far as the Circle Inspectors are concerned, I can say from very long experience at the Bar that they are generally free from corruption. Now the police are not so corrupt as before. I know that the Circle Inspectors belong to a very responsible class; they are above the sub-Inspectors and they are generally free from corruption. When the offence is also bailable, the question becomes very simple whether the marriages has been solemnized and what the ages are and these questions in a majority of cases will be such as will admit of no doubt. Therefore, my submission is that when we have provided other safeguards in this Act, it will not be found that in these cases there will be some sort of domestic trouble etc.

In regard to cases generally so far as investigation is concerned, we have first of all provided that the Circle Inspector alone will investigate the case and secondly, in cases where complaint is brought, the previous provision that a preliminary investigation will be necessary have been kept up. That thing has not been changed, so that in cases of complaint, this will be a safeguard. The court will first hold a preliminary inquiry and after it has satisfied itself in a *prima facie* manner it will issue summons to call the accused. Similarly when the police will make an investigation and after the police are satisfied with the case, then alone the case will be brought to the court, so that there will be no chance of false cases. We have made a provision that so far as the bonds are concerned they are to be done away with and in view of the provisions under section 250 of the Criminal Procedure Code we have provided sufficient safeguards against false cases. Similarly so far as preliminary enquiry is concerned previously it was the practice for a first-class magistrate to make the enquiry. Now he will direct a second-class or third-class magistrate to make such inquiry.

This change is consequential and has been made. I therefore submit that, in regard to all the matters which have been decided by the Select Committee there is an improvement in the Bill. So far as the question of marriages between the ages of 15 and 18 is concerned, I have given notice of an amendment which I will move when the time comes. I do not want to take more time of the House.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Child Marriage Restraint Act, 1929, (Amendment of Sections 3, 4, 5, 6, etc.), the Bill further to amend the Child Marriage Restraint Act 1929, (Amendment of Sections 2 and 4) and the Bill further to amend the Child Marriage Restraint Act, 1929, (Amendment of Sections 10, 11 and 13), as reported by the Select Committee, be taken into consideration."

Shri V. S. Sarwate (Madhya Bharat): I have given notice of certain amendments. Will they be taken up after the general discussion?

Mr. Speaker: I have got with me a copy of his amendments. I may tell the honourable Member that they seem to be beyond the scope of the Bill and therefore not in order. First of all, his amendments are for amending certain sections of the original Act and not clauses in the Bill as it is coming before the House. Secondly they are not within the scope of the present Bill. But I am prepared to consider this matter when we come to the clause-by-clause stage. Then, he may urge whatever he has to say about these.

Dr. B. Pattabhi Sitaramayya (Madras: General): Sir, I was a member of the Select Committee. We had a fairly good discussion upon several points that are comprised in the Select Committee Report. One point which occasioned keen difference of opinion was the question of making the offences cognizable. I was against it, but I have not written a Minute of Dissent for

the simple reason that I was ardently hoping that I might be able to persuade the Mover to accept that change himself, nor have I given notice of any amendment. Therefore I can only depend upon my hope that I can persuade the Mover to accept this change in the Select Committee Report.

To make this offence cognizable is to throw an apple of discord into society. Legislature is gradually encroaching upon the preserves of social authority. On a previous occasion, possibly when the Mover was introducing this Bill, I had stated that we must bring into existence some kind of Social Authority in the country which had really once existed. But the authority that has functioned in recent times did not want to interfere with social customs and manners for various reasons. The English people had firmly stood against the recognition of changes in social customs. That is what accounted for the Sarada Bill. The Punjab High Court had held post-puberty marriages illegal. In all self-governing countries the progress of law and custom would initiate social reform and, where there is a king, the king would set the example and the subjects would follow without questioning it. But, in this country, the king being an alien and there being no common points in regard to social customs and manners, there was necessarily a wide cleavage between authority and society; in other words, between law and public opinion.

You have three sanctions in society: law which enforces order by means of brute force; public opinion which is merely the individual conscience sublimated though the sublimated represents the greatest common measure of individual advancement in thought and progress. But individual conscience is the highest authority which transcends public opinion and law and reserve to itself the liberty of moving much farther than the collective opinion of society. In all these three stages India's progress had been obstructed and it became necessary for the Legislature to step into the affairs of Society. Really speaking, I said on that occasion, Sir, that we must bring into existence a kind of Social Authority of a sufficiently representative character which should initiate social legislation and when that legislation is so introduced, the political authority, namely the Legislature, should accept it almost entirely without any changes. I then quoted the example of the Economic Council of Germany where economic reforms were initiated and the Reichstag accepted them. I also quoted the example of the Ecclesiastical Council in England where the Church Council's recommendations are adopted by the House of Commons and the House of Lords without any change whatever. If that is so, it is time for us, to take stock of all circumstances and then go slowly just on the occasion of our having attained freedom, instead of using our new-born freedom for effecting social reforms of this kind in our land where we have varying degrees of heterodoxy. To hasten slowly in regard to social matters is not a bad procedure at all.

Now, with regard to this Bill I do not say that the House should wait till such Authority on Social matters is brought into existence. All that I say is that, as the Bill is only a slight widening of the bounds of marriageable age, we might adopt it gradually. We must be able to adopt these changes from the present limits of 14 to 18. We are progressing up to 15 and 20. The disparity of age between 20 and 15 is larger than the disparity of age between 14 and 18. I always thought that 18 was a poor lower limit for the bridegroom. That being so, I welcome this change to 20. But the main point is, who is to take notice of the breaches of this law. In my own town of Masulipatnam there came into existence a voluntary body which took interest in social reform. In the early stages of its career it held the balance even between law and the law-breakers of society. They initiated prosecutions. They won the goodwill of the collector and were able to bring to book some of the

[Dr. B. Pattabhi Sitaramayya]

offenders. But, in course of time, richer people who committed breaches of the law come into the field and temptations came in the way. Then it so happened that the collector discovered that the good offences of those gentlemen in the interests of public progress were not altogether unselfish and promptly he turned the blind eye to the complaints of those people and the society thereafter became practically dead. For ten years now that society has been dormant. If these are the temptations that beset the path of a few gentlemen who with commendable and patriotic spirit, constituted themselves into a society for the maintenance and observance of social reform laws, what will be the position when the police is given authority to intervene in the matter? They will create havoc in society. I cannot believe that, after the establishment of independence, the police have suddenly changed so much in their moral character that you can rely upon that character for the proper enforcement of the law within the bounds of absolute correctness. It is wrong to arm the police force with power to intervene in social matters. It will be a weapon placed in their hands in order to persecute people and turn it to pecuniary gain to themselves.

I do not say that all the police are bad but if even 10 per cent. of the cases come into the hands of unscrupulous police it is a terrible tyranny for people in society. After all it is a pious wish that we express, namely, that all people should observe this law. We make this law knowing that it will not be observed; we know the strength of conservative society which tends to adhere to its old ways. While some of the so-called higher castes have taken to this law as a salvation to them to escape from the tyranny of child marriage, other people have not been touched by it at all and they proceed as if there were no such law. They are illiterate, uneducated. These uninitiated people are altogether unsophisticated; they do not know anything about the law and if the police are let loose upon these poor and helpless people in the villages there will be absolute misery for the people. I therefore hope the honourable Mover will not make this a question of prestige or of success already attained but will reconsider the position in view of the helplessness of the vast number of people in the villages who are liable to break this law in ordinary practice.

Of course it is wrong for us legislators to say that we are enacting a law when it is not going to be observed, but it is no use being blind to facts. We are trying to convert a nation of 30 crores of people to new standards of morality and propriety in regard to marriage laws; and in a country where marriage for the average man and woman is considered the proper thing, with the kind of public opinion that prevails here we should not deliberately create an instrument of tyranny and oppression in the hands of the police in regard to a new additional field of social activity. I therefore beg the honourable Mover to reconsider his position and, if possible, make this little concession.

Of course I am not slow in recognising the supreme necessity for introducing social reform. I need not repeat that I have been rather heterodox and even a heretic for the last 50 years of my life, ever since I was 19 years old. But I will say also that there is a hardship created in regard to this offence. Even if you make it cognizable I hope you will allow an interregnum of two years in order to enforce the cognisable portion of the law. I have a grandchild of 14; supposing I have fixed up her marriage; it is a bilateral affair and not a unilateral one and we have to reckon with the bridegroom's party. Suppose we have fixed the marriage day three months hence; in the meantime your law comes into force. It creates a difficulty and the other party is not willing to wait; and marriages cannot be merely postponed like the hearing of cases in law courts. Therefore I say there will be very many difficulties in the enforcement of this measure; but my difficulty primarily is one of avoiding tyranny being exercised over the village people.

श्री रामचन्द्र उपाध्याय : सभापति जी, मैं इस बिल का स्वागत करता हूँ मगर चन्द अलफाज अर्ज करना चाहता हूँ। पं० ठाकुर दास भार्गव जी ने इस मुद्दे में जान डालने की कोशिश की है। इसमें शक नहीं कि मुद्दे में अगर जान आ जाय तो सारा देश इसका स्वागत करेगा। लेकिन इसमें मुझे दो तीन बातों की ओर ध्यान दिलाना है।

पहिली बात जो पं० ठाकुरदास भार्गव ने चाही है कि मेल की उम्र १८ साल के बजाय २० साल कर दी जाय। मैं अर्ज करूँगा कि इस उम्र को सारे समाज के लिए नियत करना एक बहुत कठिन काम है। यह हो सकता है कि शहरों में लिखे पढ़े लोग इस उम्र को २० के बजाय २१ वर्ष भी मान लें और शायद वह शहरों में कामयाब भी हो सकें। लेकिन देहातों में जहाँ पर पढ़ने और लिखने का बहुत कम इन्तजाम है और जहाँ पर ज्यादातर जनता बे-पढ़ी होती है वहाँ पर यह कहाँ जाय कि वह २० साल तक शादी करने तक के लिए इन्तजार करें बहुत ही नामुमकिन बात है। मैं समझता हूँ कि पंजाब में भी इसी तरह की दिक्कत का सामना पं० ठाकुरदास महसूस करते होंगे। इसलिए तमाम मुल्क के लिए १८ साल से २० साल उम्र रख देना यह बिल्कुल नामुमकिन चीज है। अगर आप इस मुद्दे को फिर से उठाना चाहते हैं तो मैं आपसे कहता हूँ कि इस समय उम्र १८ साल ही रहने दी जाय। अगर आपको उसको उठाना ही है तो उसको धीरे धीरे बढ़ाइए। जिस तरह से हमारा देश धीरे धीरे तरक्की कर रहा है उसी तरह से इसको भी बढ़ाइए।

मैं आपका ध्यान इस ओर भी दिलाना चाहता हूँ कि हमारे समाज में इस बात का पता लगाने के लिए कि किस शस्स की उम्र कितनी है, हमारी सरकार के पास कोई साधन नहीं है। जैसा कि आप अदालतों में देखते हैं कि किसी की उम्र को साबित करने का पहिला तरीका यह होता है कि मेडिकल सर्टीफिकेट से उसकी उम्र साबित की जाती है। अगर मेडिकल सर्टीफिकेट का ही सहारा लेना है तो मैं कह सकता हूँ और साबित कर सकता हूँ कि पं० ठाकुर दास भार्गव की उम्र ३० साल की है। तो मैं समझता हूँ कि यह साधन बिल्कुल गलत है।

दूसरा तरीका यह हो सकता है कि बर्थ और डेथ का रजिस्टर रखा जाय। मगर जब तक मुल्क भर में ऐसे रजिस्टर न रखे जाय यह उपाय भी बेकार है। तीसरा तरीका यह है कि जवानी शहादत हासिल की जाय। मगर इससे भी हमें कामयाबी हासिल नहीं हो सकती है। २० साल की उम्र रख देने पर हर शस्स इस कानून का मुजरिम होगा और एक दूसरे से हमदर्दी रखेगा और कभी गवाही नहीं देगा।

[श्री रामचन्द्र उपाध्याय]

अगर हमको इस चीज में कामयाबी हासिल करनी है तो हमको सारे देश में इसके लिए प्रचार करना होगा और पब्लिक ओपीनियन बनानी होगी। लोगों को यह बतलाना होगा कि वह कम उम्र में अपने लड़के और लड़कियों की शादी न करें। हमको शहरों में और गांवों में जाकर लोगों को इसके बारे में शिक्षित करना होगा कि हमें जल्दी शादी नहीं करनी चाहिए। मैं इस राय के खिलाफ हूँ कि इस कानून को काबिल दस्तन्दाजी पुलिस न बनाया जाय। फिर तो कानून बनाना ही बेकार है। यदि कानून का कुछ असर हो सकता है तो उसके काबिल दस्तन्दाजी पुलिस बनाने से ही हो सकता है।

लेकिन मैं थोड़ी देर के लिए यह भी मान लेता हूँ कि इसे काबिल दस्तन्दाजी आप सब मान लेते हैं। लेकिन पुलिस का साथ कौन देगा, साथ तो गांव के लोग ही देंगे। और अगर गांव के लोग या शहरों के लोग ऐसा साथ देने के लिए तैयार नहीं होते हैं तो उसकी क्या वक़्त होती है। तो हर हालत में जब कि लोग इस चीज के लिए तैयार नहीं हैं तो आप इस मसले को और पूरी तरह से विचार कर लें, और १८ साल से २० साल बढ़ाने पर जोर न दें।

हिन्दू कोड बिल के बहस के वक़्त भी ऐसे बहुत से सवाल आए थे जिससे साफ़ मालूम पड़ता है कि लोग अपने दफ्तरों में बैठे हुए समाज सुधार करने के लिए तैयार हो जाते हैं। लेकिन अम्बेदकर साहब ने गांव में जाकर लोगों की मेंटेलिटी को नहीं देखा, देश की मेंटेलिटी को नहीं देखा कि देश क्या चाहता है और क्या नहीं चाहता है। देश किस चीज के लिए तैयार है और किस चीज के लिए नहीं है। मगर भार्गव साहब ने तो देखा है इसलिए मैं ठाकुरदास भार्गव साहब के साथ होते हुए भी यह कहता हूँ ऐसी चीजों से पूरा काम चलने वाला नहीं है जब तक कि लोग इसमें साथ देने के लिए तैयार न हों।

अन्त में मैं आपका ध्यान, ठाकुरदास भार्गव साहब का ध्यान, इस ओर दिलाना चाहता हूँ कि यह बात मेरी समझ में नहीं आई, शायद वह समझा सकें, कि नाबालिग की डेफ़ीनीशन में बताया है कि "a minor is a person under eighteen years of age" और चाइल्ड की डेफ़ीनीशन में वह चाहते हैं कि यह बजाय १८ के २० साल कर दी जाय। लेकिन इस तरह से तो चाइल्ड मेजर हो जायगा। इस चीज की मैं अभी तक नहीं समझ पाया। इसलिए इस चीज को अगर वह जरूरी समझें तो उममें तर्मीम कर लें और अगर जरूरी न हो तो वह मुझे इसको समझा दें।

(English translation of the above speech.)

Shri Ram Chandra Upadhyaya (United State of Matsya): Sir, I welcome this Bill but wish to submit a few things. Pt. Thakur Das Bhargava has tried to infuse life in this dead thing. There is no doubt that if this dead thing were to come to life again then the whole country will welcome it. But I have to draw attention towards one or two points.

The first point relates to Pt. Thakur Das Bhargava's request for raising the age of consent from 18 years to 20 years. I would submit that it is very difficult to enforce this age limit for the entire society. It is just possible that the educated persons living in urban areas may agree to have 21 years instead of 20 years and it is also possible that they may be successful in the urban areas. But in the rural areas, where there are meagre arrangements for education and where the masses are generally illiterate, if it is asked of them to wait for 20 years for even performing the marriages then it would be highly improper to do so. I think Pandit Thakur Das must be experiencing and facing such difficulties in Punjab also. Therefore, it is highly improper to raise the age limit from 18 to 20 years for the whole country. If you wish to give life to this carcass then I ask you to let the age remain 18 years for the present. If you have to raise the age limit then increase it gradually. As our country is making gradual progress in the same way raise the age limit gradually. I wish to draw your attention towards this point also that our Government has got no means at her disposal to ascertain the age of a certain individual of the society. As you see in the law courts that in order to prove a certain person's age the first method that is adopted is that the age is proved on the basis of a medical certificate. If we have to fall back upon the medical certificate then I can say and prove that Pandit Thakur Das Bhargava's age is 30 years. So I think that this method is totally wrong.

Another method can be that a Births and Deaths register be maintained. But unless such registers are maintained throughout the whole country this method also is useless. The third method is that age may be established on the basis of oral evidence. But we cannot achieve success by this method also. By enforcing this 20 years age limit every one will become an offender under this law and so he will have sympathy with others and will never come forward to give evidence.

If we have to achieve success in this matter then we will have to give it the widest possible publicity throughout the whole country and will have to create public opinion. We will have to ask the people not to marry their sons and daughters in young age. We will have to go to towns and villages and educate the masses not to perform early marriages. I oppose the opinion that the offences committed against this law may not be made cognisable. Then it is useless to pass such laws if the law can have any effect then it can have effect only by making the offences committed under the law cognisable.

But for a little while I assume that you all agree to make it cognisable. But who would side with the police? The villagers are expected to give help. If the people living in towns and villages are not prepared to give help then what respect the law can command? Then in every case if the people are not prepared for this thing then you should give this matter a thorough consideration and do not press for this raising of the age limit from 18 to 20 years.

During the discussions on Hindu Code Bill many such points came up which clearly showed that the people get ready to introduce social reforms while sitting in their offices. But Dr. Ambedkar has not studied the mentality of the people living in rural areas. He has not studied the mentality of the country. He has not studied what the country wants or what the country does not want; for what things the country is prepared and for what things the country is not prepared? But Shree Bhargava has seen these things. Therefore, I, in spite of supporting Shree Thakur Das Bhargava, submit that such schemes cannot work successfully so long the people are not prepared to give them a lending hand.

In the end I wish to draw the attention of Shri Thakur Das Bhargava towards the fact that I have not been able to follow this point, perhaps he might

[Shri Ram Chandra Upadhyaya]

be able to explain it, that the definition of a minor has been laid down as follows, "a minor is a person under 18 years of age," and he wants that while defining a child the age limit be raised from 18 years to 20 years. But in this way a child will become a major. As yet I have not been able to understand this thing. Therefore if he thinks it to be of vital importance then he may make changes and if the changes be unnecessary then kindly explain to me this anomaly.

Shri M. Ananthasayanam Ayyangar (Madras: General): I welcome this Bill. I supported it before its reference to Select Committee. I am glad it has come through the Select Committee with modifications, except in one or two respects, which must be acceptable to the House. Even with regard to this there should be some difference of opinion and the honourable the Mover may consider the suggestions made by Dr. Pattabhi Sitaramayya.

Before coming to that, I shall explain why the provisions of this Bill increase the age limit in the case of boys from 19 to 20 and in the case of girls from 14 to 15 for marriage. This follows the Manu Code. Manu said that no male should marry before the age of 32. So far as girls are concerned, he felt that 15 would be a proper age. By the time she begets a child she should be 17 or 18. There will then be a number of children and they will be strong children. Our conception on marriage was for the purpose of not satisfying sexual desires but more for the purpose of creating a progeny for ourselves—a progeny healthy and strong so that they may take charge of the administration and continue the race. (Interruptions). Yes, take charge of the Government and all departments of public life and continue the race and the line. Therefore it is not merely a desire of one or the other coming together, however big or incompetent or incapable. No one has got a right to leave a liability behind him or her so that they may have to be maintained by the State or society. It is for that purpose that rules have been made restricting marriage. Monogamy is permitted and bigamy is prevented. Manu feels that a man before 30 will produce strong children, whereas if a woman is married late, she may not be able to produce children at all. Therefore he prescribes that 15 may be a proper age, or it may be even 18 but not after 18. Now 15 is not a bad age. The country has reconciled itself to whatever objections there may have been to raising the age to 14. But after the Sarda Act, marriages are celebrated with girls even at 17 or 18 because it is difficult to get bridegrooms. But before the Sarda Act there were no spinsters. It was the obligation of the parents, and in their absence of the eldest member of the family that the girl was married before she attained the age of puberty. That we should not have child marriages and create child mothers is a wholesome principle. Fourteen years of age was fixed as the age then. Therefore, 15 is not an upper limit. As a matter of fact girls today do not even get married at the age of 15. I have only one objection to making this offence a cognizable offence. It might be though I do not know, that Pandit Thakur Das Bhargava might have referred to the Deputy Speaker as having said that it must be made cognizable.

Pandit Thakur Das Bhargava: May I refer you to your speech at page 2822.

Shri M. Ananthasayanam Ayyangar: I am not disputing that statement. I do not say that I remember it. But I am suggesting this course. In this Bill imprisonment has been made a compulsory punishment. Before this Bill was introduced it is quite possible that I might have said so. I did want to make this Act rigorous. It should not be left to the individual sweet will to come in and blackmail and get some money. Nowadays people pay bridegroom prices and set apart marriage expenses. Before 13, the girl is given in wedlock. The marriage is not invalid in the old law nor in the amendment; but

but persons are liable for punishment. But what is the punishment? It is Rs. 1,000. A man who is incapable of finding Rs. 1,000 is not going to pay. A man who can pay will set this apart for marriage expenses. I agree that some kind of imprisonment should be included so that the father can go to jail the moment he gets his daughter married. But I have some hesitation in making it a cognizable offence.

My friend, Thakur Das Bhargava, knows what is a cognizable offence. It is only the person who is interested who informs the police, of course in murder cases it is the duty of the police to go into the case but not so in the case of ascertaining the age. The girl may be tall and one will not be able to say whether she is 14 or 15. So it will not be easy to come to a conclusion even if the case is a cognizable one. The party who is interested will have to invoke the aid of the police and the police will then have an enquiry. My honourable friend, I hope, will consider this in the Bill. They say that it is still open to the party to file a complaint with the magistrate. But we do want to see that any Act passed by the Assembly is effective and does not get useless. Therefore, provision is made by way of imprisonment. Should we place one more weapon in the hands of officers? I suggest that it must be left to society at large.

So far as child marriage is concerned in the upper classes, I can talk with some knowledge and experience for my part of the country. With respect to Northern India, I do not know. Child marriages in our part of the country is a thing of the past. No child marriage takes place. We are coming to a stage where the girl will insist on the father going and getting a husband for her because after she has waited for 14, 15, 16, 17 or 18 years, she knows what it is to be a mother and therefore she insists on getting married. Therefore it is that child marriages in upper classes have disappeared. So far as lower classes are concerned, I do not think making it cognizable will be useful. There must be societies or associations organized for propaganda in villages. It must be left to them to put up proper cases before the Magistrate and to bring such cases to the notice of the Courts. So far as the provision making this a cognizable offence is concerned, I do not like that it should be so.

Then wisely, in the Select Committee, that clause saying that a man of 45 ought not to marry a girl below 18 has been done away with. It is said that our Ancients made experiments or researches in this field also. I do not want to repeat the *shloka* of Manu. It is to this effect that as you breed particular kinds of horses for racing and bulls for stud-bulls, likewise when men and women come together at the right time they will produce good children. If from a particular age a woman may not be able to beget children, and 45 is not a age for a man to marry because he would become impotent I may say that this provision has been given up in Select Committee and I hope my honourable friend will not threaten us with another Bill. It is for that reason that I was not prepared to give any preference to his Bill.

So far as registration of marriages is concerned, there is a provision in the Hindu Code, and if it is necessary we can certainly adopt that.

As regards the provision for preventing consummation, it is an idle dream. I do not know why Pandit Bhargava insists upon preventing the husband and wife from coming together or talking to each other. It would be an impossible feat.

Pandit Thakur Das Bhargava: That is a misconception. I am not standing between the husband and the wife if the age in both the Bills is the same, viz., 15.

Shri M. Ananthasayanam Ayyangar: I am glad that the Select Committee has not allowed this provision for preventing the consummation of marriage. I take exception only to this that the offence ought not to be made cognizable. Otherwise it is a wholesome measure. It is not too early. We have given

[Shri M. Ananthasayanam Ayyangar]

sufficient time to the country and to the community as a whole to get accustomed to this. In the usual course 15 years is the age already in vogue and therefore the provision is not oppressive. As regards punishment imprisonment has been made compulsory and it is a sufficient deterrent. I would request the Mover of the Bill not to insist upon making it a cognizable offence in the Bill. Sir, I support the motion for consideration.

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

चौधरी रणवीर सिंह : मैं बाबू टाकुर दासजी के कानूनी मसविदे का समर्थन करने के लिये खड़ा हुआ हूँ। मैं यह समझता हूँ कि अगर इस कानून को एक डेड लैटर नहीं बनाना है तो इसके लिये निहायत जरूरी है कि आप इसको कागनिजेबल आफ़ेन्स करार दें। इस सिलसिले में यह कहा गया है कि कुछ सोसायटियाँ इस कानून को कामयाब बनाने में मदद कर सकती हैं। मैं आपको यह बताना चाहता हूँ कि जब शारदा ऐक्ट पास हुआ था तो तमाम देश के अन्दर बड़ा जोश था। मेरे पिता चौ० मातुराम जी ने शारदा ऐक्ट के तहत देश में सबसे पहले एक आदमी के खिलाफ़ दावा दायर किया था। उनके दिल में भी बड़ा जोश था जैसा कि आज मेरे दूसरे भाई समझते हैं, उनका भी यही ख्याल था कि कोई मार्गजनिक सोसायटी की मदद कारगर हो सकती। लेकिन एक केस लड़ने के बाद ही वह इस नतीजे को पहुँचे थे कि यह ख्याल बिल्कुल कारगर ख्याल नहीं था और इससे कोई फ़ायदा नहीं था।

दूसरी बात में एक देहात के रहने वाले की हैसियत से आपसे यह कहना चाहता हूँ कि अगर देहात में आपको इस कानून को कार्य रूप दिलाता है तो यह बिल्कुल जरूरी है कि यह कागनिजेबल आफ़ेन्स हो। देहात में एक किस्म का समझौता हो जाता है जिसके कारण और तकरीबन, जैसा कि बाबूजी ने बताया है, ४० परसेंट बिलो ऐज (below age) शादियाँ होती हैं। यह बात बिल्कुल दुस्त है। वह इसलिए कि हर एक गांव में आपस में देहात में कुछ इस किस्म का रिश्ता होना है कि गांव की तकसीम पानों में हो जाती है और पानों की ठोलों में। और उनके आपस के रिलेशन्स होते हैं। अगर फ़र्ज कीजिये कि मैं अपने लड़के और लड़की की शादी ठीक उमर के बाद करता हूँ लेकिन मेरे ठोले का दूसरा भाई हो सकता है कि ग़लती करे। तो उस ठोले के भाई की हैसियत की वजह से मैं स बात के लिये मजबूर होता हूँ कि गांव में अगर दूसरा या तीसरा आदमी कोई ग़लती करता है तो मैं उनके खिलाफ़ दावा दायर न करूँ क्यों कि मुझे ख्याल है कि मेरे भाई मुझे तंग कर देंगे कुनबा सामने आजायगा। इसलिये अगर इसको कागनिजेबल आफ़ेन्स नहीं बनाइयेगा तो यह नामुमकिन

चीज़ है कि यह कानून देहात में कारामद साबित होसके। एक बात यह भी है कि कागनिजेबल आफ़ेन्स में पुलिस ही वकील होती है और वकील का खर्चा पुलिस के जिम्मे होता है। नानकागनिजेबल आफ़ेन्स में जो आदमी खबर देता है उसीको अपना वकील करना पड़ता है और तमाम खर्चा उसी को वदार्शित करना होता है। इसलिये आप ख्याल कर सकते हैं कि जब किसी आदमी को कोई आर्थिक इंटररेस्ट न हो तो कोई क्यों अपने आप से वकील खड़ा करके किसी के खिलाफ़ मुकदमा लड़ेगा। इसलिये मैं समझता हूँ कि, जैसा कि सभापति महोदय अपने अपने इलाके के बारे में बताया कि आज कुछ जातियों के पढ़ेलिखे आदमियों के लिये इसकी कोई खास आवश्यकता नहीं है क्योंकि वह तो शादियाँ इस-ऐज के बाहर ही करते हैं। यह बात बिल्कुल सही है, उनके लिये इसकी कोई आवश्यकता नहीं है। लेकिन अगर कागनिजेबल आफ़ेन्स की आवश्यकता है तो उन्हीं के लिये है कि जो आज तक इस चीज़ पर राजी नहीं हुए हैं। और उन्हीं के उपर इसका असर पड़ेगा। यह अच्छा है कि देश में इसके लिये एटमासफ़ीयर पैदा किया जाय। लेकिन बहुत सारे ऐसे भी कायदे और कानून बने हैं जिनके बारे में एटमासफ़ीयर पहले नहीं बनाया गया था। इसलिये आपको तो यह देखना है कि यहां पर जो यह कानून है इससे देश का फ़ायदा होता है या नहीं। अगर देश का फ़ायदा होता है तो उसके अन्दर एक दिन के लिये भी देर नहीं करनी चाहिये। बल्कि सच तो यह है कि आम देहातियों के यह समझ में ही नहीं आता और न उनको पता होता है कि कागनिजेबल या नानकागनिजेबल दफ़ा होती क्या है। गांव में तो यह होता है कि जब किसी छोटी उम्र के लड़के या लड़की की शादी ऐसे समय होती है जब कि वहां थानेदार भी हो या मैजिस्ट्रेट भी हो और उनको कोई रोकता नहीं और न उनको कोई सज़ा देना है तो वे इसको बड़ा मजाक सा समझते हैं क्यों कि वह इसको तो समझता ही नहीं कि यह कोई जुर्म है जब तक यह कागनिजेबल आफ़ेन्स न हो तब तक पुलिस दस्तन्दाजी नहीं कर सकती। इसलिये मैं यह समझता हूँ कि अगर आप यह चाहते हैं कि यह कानून आनर हो, इसका कोई खास मतलब निकल सके और यह लाभ लोगों तक पहुँचे तो इसको जरूर कागनिजेबल आफ़ेन्स करार देना चाहिये।

आयु के बारे में जैसा कि मेरे एक राजस्थानी भाई ने कहा मैं उनसे सहमत नहीं हूँ। मैं समझता हूँ कि १८ या १९ या २० की आयु कोई बहुत ज्यादा आयु नहीं है। बीस की आयु लड़के के लिये और १५ की आयु लड़की के लिये अवश्य होनी चाहिये। इसलिये मैं बाबूजी के बिल का पूरे तौर पर समर्थन करता हूँ और मैं समझता हूँ कि इसकी अजहद जरूरत है। और जो कागनिजेबल और नानकागनिजेबल की बात है उसके लिये यह बहुत जरूरी

[चौधरी रणवीर सिंह]

है कि यह कामनिजेबल हो। अगर आप चाहते हैं कि देहास के अन्दर लड़के लड़कियों की शादियाँ जो छोटी उम्र में होती हैं उनको आप रोकना चाहते हैं तो वह तभी रोक सकते हैं जब आप इसको कामनिजेबल आफरेन्स करार दें।

(English translation of the above speech)

Ch. Ranbir Singh (East Punjab: General): I have stood up to support the Bill moved by Babu Thakur Dasji. I think that if you would not have this law turned into a dead letter it is very essential that you should declare the breach of this law to be a cognizable offence. It has been said in this connection that some societies could help in making this legislation effective. I would like to remind you that when the Sarda Act was passed there was a great deal of enthusiasm in the country. My father, Chaudhri Matu Ramji, was the very first in the country to institute a case against a person under the Sarda Act. He too had great zeal for it in the same way as some of my brothers have it today. He too was of the view that the help of some public society could prove effective. But, after having fought just one case, he came to the conclusion that this idea of his was not at all right and that it was all futile.

The other thing that I would say to you in the capacity of a villager is this that if you would like to have this law enforced in villages it is most essential that any contravention of this law be made a cognizable offence. A kind of compromise is struck in villages whereby, as stated by Babuji, nearly 40 per cent. of the marriages solemnised are below age. This is quite correct. It so happens that in the countryside a kind of relationship exists amongst the people living in a village that the village comes to be divided into *panas* and the *panas* into *thholas* and they are all inter-related. If, for instance, I solemnise the marriage of my son or daughter after he or she has attained the proper age it might so transpire that another member of my *thhola* does the wrong thing. Now, as a member of that *thhola* I am under a constraint not to institute proceedings when another person in the village acts wrongly because I realize that the members of my brotherhood would make things difficult for me and that the entire family would stand up against me. Hence, if you do not make it a cognizable offence it is impossible for this law to work effectively in the villages. Moreover in the case of a cognizable offence the police itself is the prosecutor and the expenses incidental to the prosecution are borne by the police. In the case of a non-cognizable offence the person who lodges the information has to engage his own counsel and he alone has to stand the entire expense. You can, therefore, very well imagine that when a person has no pecuniary interest there is no reason why he should engage counsel at personal expense and prosecute a case against another person. You, Sir, have stated with respect to your own constituency that there is no particular need of it in the case of the educated members of certain communities, because they normally perform their marriages after a certain age-limit. It is true they have no need for it. If there is any need of the offence under this law being made cognizable it is for just those people who have not so far been able to reconcile themselves to its provisions and it is they upon whom it will have its effect. It is good that an atmosphere be created for it in the country but a number of laws and rules have been made already for which no atmosphere was created in advance. Hence, all that you have to see in the present case is whether or not this legislation will be conducive to the good of the country and if you find that it is so you must not defer it for a single day. The truth is that an ordinary villager does not know and is incapable of understanding the distinction between a cognizable and a non-cognizable offence. What happens in villages is this that when the marriage of a young boy or girl takes place under such circumstances that a sub-inspector is present or even a magistrate is present but

nobody checks them nor takes them to task they are inclined to regard it as great fun because they are unable to understand that it is an offence and unless it is a cognizable offence the police cannot intervene. Hence, I think that if you want that this law should be honoured, that it should serve a certain purpose and that the people should be benefited thereby the offence under it must be made a cognizable one.

With regard to age I do not agree with what has been stated by a brother from Rajasthan. I think that 18 or 19 or 20 is not much of an age. The minimum age for the boy must be twenty and that for the girl fifteen. Hence I give my full support to Babuji's Bill and I feel that it is badly needed. As for the controversy about the offence under it being made cognizable or non-cognizable it is imperative that it be made cognizable. If you want to put a stop to the practice of child marriage in villages you can do so only if you make it a cognizable offence.

Prof. Shibban Lal Saksena (U.P.: General): Sir, I heartily support this Bill which has been moved by my honourable friend Pandit Thakur Das Bhargava. Our learned Dr. Pattabhi Sitaramayya has voiced his objection to making the offence cognizable. As one who is very intimately connected with the masses in the villages and who has seen the havoc caused by early marriages, I feel that while there is substance in what Dr. Pattabhi has said we have to weigh two things. On one side there is the havoc which has been brought on account of this Act remaining a dead letter and early marriages continuing as they have continued so far and on the other there is the police having the chance of taking vengeance or using this weapon to make money from ignorant people. Between these two evils we have to make a choice. I personally feel that we cannot for very long postpone reforms just because the police who have to enforce them are corrupt. I think we are making efforts to make the police less corrupt and see that they are fit to carry out the laws of a free country. Very soon, I think, the police will improve and we will have a police of which we will be proud. I am afraid the present police is still the old police and we cannot expect the leopards to change their spots in a year or so. So when I have to choose between two evils, to see that this Act remains a dead letter or to see that the people are harassed by unscrupulous police, I still choose that this Bill should be passed as it is and this evil of early marriage is out-rooted. In 1929 this Act known as Sarda Act was passed. Twenty years have passed and if you see the statistics the number of prosecutions are very few.

As my honourable friend Ranbir Singh Choudhury was pointing out if this section relating to the offence being cognizable is taken away from this Bill who will care to spend the money and file a suit in a court and then pursue it in a court, making an enemy of the person who might be an influential person in the village and entering into a life-long feud? None will like to do it. I do not think there are men like my friend Pandit Bhargava in every village who will pursue the thing for twenty years whatever happens to them. Normally such persons do not exist in the villages. I therefore feel that the time has come when this offence must be made cognizable. Even in those cases wherein the police may harass people I think it will have a good effect in this way. The villagers are ignorant and this Act will not reach them. When one or two cases arise and when some unscrupulous police officer harasses one parent who has married his daughter at an early age then the result will at least be that in that locality and in at least hundred neighbouring villages nobody will dare to marry his daughter at an early age. So far the Act has been a dead letter. People are aware of the consequences but nobody cares. So even when an unscrupulous officer harasses a parent—even though the motive may not be good—the result will be that in that whole area, in that tehsil and at least in hundred neighbouring village nobody will dare to do it. For a year or two there will be

[Prof Shibban Lal Saksena.]

I think that after a year or two people will become self-conscious and they will not marry their daughters at an early age. When once they come to know that if they do so it will result in their being landed into jail then the evil will be rooted out.

I personally feel that the health of the nation is more important than anything else and I hope this Bill which has now come to the stage of being passed will be passed today. It will be a great day in the annals of this country when this Bill is finally passed and I hope that it will be passed as it is. The learned doctor has warned us that we cannot ignore the warnings of elders. Still I feel that young men as we are we do not want that this reform should wait for long. I would rather take the risk of unscrupulous police harassing some people. I think it will put a great responsibility upon people to see that nobody harasses people unnecessarily. People will come out with such instances when police harass people there will then be occasion to pursue those police officers who misuse the provisions of the Act, who try to eke out money by such things. And probably Government with its authority will be able to see that the police is not able to harass people and in a year or two this danger will go away. I therefore think that this Bill must be passed as it is.

If this important provision is taken away then the fate of this Act will be the same as was the fate of the Sarda Act and it will be a dead letter. Then the twenty years' labour which my honourable friend Pandit Thakur Das Bhargava has put in will be of no avail. I therefore feel that we should not be afraid of unscrupulousness of the police. We are hoping that soon the police will also change; we are also hoping that soon the mass consciousness will also rise. Then the people cannot be so easily harassed by the police and the police will be afraid of harassing them. Seeing things as they are, hoping that soon people will become strong enough to resist the unscrupulous actions of the police, hoping that the police will become better in our Free India, and also hoping that people will also learn the utility of this Act and will not insist on marrying their daughters at an early age I think that this should be passed as it is. There is no danger in making the offence cognizable and we should not be afraid of police unscrupulousness. If we fear police unscrupulousness we must not do so many things: we must not have rationing and all these other things. But we do all those things knowing that the police is unscrupulous and there is corruption. To say that merely because the police is unscrupulous we should not pass this great Act which is so essential for the health of the nation is not I think proper. I therefore think, although I have to disagree with elders like our Congress President and yourself, Sir, that the hope which inspires my honourable friend Pandit Thakur Das Bhargava, myself and other friends who have supported the Bill will see to it that people are not harassed.

My own feeling is that the villager has changed a lot of late. There is the Panchayat Act and with the Panchayats being formed and all these things coming into existence the police will not be able to have the sway over the villagers and harass them with this measure over their heads. We must take a bold stand and we must not whittle down this Act to become wholly useless and ineffective. We should pass this Bill as it is.

I hope that the warnings which our elders have given here will only help us to see that there is no harassment of people and we might have a review of the cases where people are harassed by the police and punish such officers so that they may not do such things in future. This is possible and it is not a thing which cannot be surmounted. But if we take out this section I am sure nobody will go to the court to file a case against the offender and enter into a family feud in the village. The provision is very good and the Bill must be passed as it is.

The age sought to be raised is not very high. It is only fifteen years. I think that even this is low for a country like ours and I think that sixteen years should be the minimum age for girls to be married. I hope that this fifteen years will be passed without any difficulty. I also hope that the Bill will be passed into an Act today and that the great efforts of my honourable friend Pandit Thakur Das Bhargava who has pursued it with such tenacity over a period of twenty years will be successful. Sir, I support the Bill.

Babu Ramnarayan Singh (Bihar: General): Sir, I heartily support the measure and congratulate my honourable friend Pandit Thakur Das Bhargava. This Child Marriage Restraint Act has a long history behind it. It was passed in the year 1929 in the fulfilment of a national need. At that time the Britishers were ruling in this country and we, Congressmen, under the leadership of our late lamented Pandit Motilal Nehru the Great were in the opposition. As a result of the combination of the Congress party and the Government party on this point the Bill was passed. At that time there was a great agitation in favour of the Bill and also some agitation against the Bill. The Bill was finally passed. But, Sir, as you know, and as everybody in the House knows, up till now this has remained a dead letter. It has done some good no doubt by way of propaganda. Sir, you said that in your part of the country it is a matter of pride to say that there is no child marriage in the upper class of society. So is the case, to some extent, in our part also, but that is only in a small circle where we have got education—in the rest of the society child marriage is going on as freely as before. So, this amendment is certainly necessary if we are anxious to stop this sort of marriage.

As regards making this a cognizable offence, you also have expressed your opinion, Sir, that this is not desirable at present simply because the police is not what it ought to be. If you are not going to make it cognizable, then there is no use of this amendment; not only that, I say there is no use of this Act itself. We may rather repeal this Act. In order to make this Act effective, we have to make it a cognizable offence. I know that the police up till now, instead of being a means of protection and service, is a means of oppression. I know it. But that is the case with the whole Government machinery, what to speak of the police? I am one of those who do not want to give any power to any Department of Government so long as it has not been declared to the satisfaction of the people that the Government is pure. I hold that view, and very strongly. But now, as the case is, we are doing so many things, we are passing so many Acts, we are giving so much power to the Government, then we may run this risk also. As others have stated, there may be some sort of difficulty to the people through the agency of the police only in one or two cases, but this will serve as a deterrent. As I said, up till now this Act has served in certain parts of the society as a propaganda; it has succeeded as a propaganda. But that propaganda, when this will be made a cognizable offence, will be very active propaganda, and I am sure child marriage will be a thing of the past. Therefore, I hold this view that it ought to be made a cognizable offence.

As regards the age, I agree. A male over 45 years of age must not marry a girl of 18 years of age. I am sorry I did not give any amendment to that, but I want, if you agree and the House agrees, that it ought to be so amended that a male above 45 years of age must not be allowed to marry a virgin. He may be allowed to marry a widow, there is no harm in that—rather it is necessary—but a male of the age of 45 and above must not be allowed to marry a virgin of any age.

With these words, I support this measure again, and I wish that this objection suggested by yourself and my friend Dr. Pattabhi should be overlooked and this measure should be unanimously passed.

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

2310

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [4TH APRIL 1949]

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

श्री लक्ष्मीनारायण साहू : वाचस्पति जी, मैं मित्रवर पंडित ठाकुरदास जी भार्गव के संशोधन का समर्थन करता हूँ। लेकिन मैं पहले यह बात कहना चाहता हूँ कि इसको चाइल्ड मैरेज रिस्ट्रिक्ट ऐक्ट कहने से अच्छा नहीं होगा। मैं तो कहता हूँ कि इसे इन्डियन मैरेज ऐक्ट कहने से अच्छा होगा। जब हम चाइल्ड की उम्र इतनी बढ़ाते हैं तो वह चाइल्ड नहीं होता है। इसलिए मैं तो यह समझता हूँ कि इसे चाइल्ड मैरेज ऐक्ट कहने से अच्छा नहीं होगा।

दूसरी बात यह है कि हिन्दुस्तान में दो मत बराबर चले आते हैं। एक मत है कि सरकार जितनी समाज संस्कार की चीजें हैं उनमें हाथ न डाले। और एक मत है कि जब तक सरकार समाज सुधार का काम नहीं करेगी तब तक यह समाज उन्नति नहीं कर सकता। और इसीलिए हम देखते हैं कि गवर्नमेन्ट आगे का जो समाज था, और हिन्दू और मुसलमान समाज दोनों पर धीरे धीरे हाथ डाल रही है। क्योंकि यह जो मैरेज एज अभी बढ़ाई जाती है वह हिन्दू मुसलमान दोनों पर लागू होगी। इसलिए कोई ऐसा नहीं कह सकेगा कि मुसलमान का जो पर्सनल ला है, उसके ऊपर हाथ नहीं डाला या हिन्दू का जो पर्सनल ला है, उसके ऊपर हाथ नहीं डाला। गवर्नमेन्ट हाथ डालती है और धीरे धीरे वह समाज संस्कार के लिए कानून बनाए जाती है।

मैं एक बात और कहना चाहता हूँ कि एक मत ऐसा हो जाता है कि दुनिया में जैसे हिन्दुओं की जो विवाह की रीति है वह बहुत खराब है। लेकिन यह मत ठीक नहीं। क्योंकि मैं देखता हूँ कि जहाँ बाल विवाह अब तक है, और था, उन सब जगहों में विवाह के दो तरीके थे। एक तो होता था निर्बन्ध जब लड़की लड़के की उम्र ठीक हो जाती थी तो उस वक्त उसकी रिमैरेज होती थी। यह तो मेरे अपने जीवन का अनुभव है। मेरी शादी तब हुई थी जब मैं दस बरस का था। लेकिन जो पहले विवाह की बात मैं कहता हूँ वह विवाह है तो सही लेकिन असल में वह निर्बन्ध है - हम लोग उसको निर्बन्ध कहते हैं। लेकिन उसके बाद जब उम्र ठीक हो जाती है उस वक्त एक व्यवस्था की जाती है, उसको हम रिमैरेज कहते हैं या पुनर्विवाह। यह विवाह जो है वह ठीक विवाह है। और इसी लिए मैं कहना चाहता हूँ कि हम लोगों की जो पहले की रीति थी वह खराब थी ऐसा मैं नहीं कह सकूंगा खास कर उस टाइम को देखकर। अब हम लोगों का अपना हाल बदल गया है इसलिए हम दो विवाह, एक विवाह और दूसरा

पुनर्विवाह नहीं रखना चाहते हैं। और इसी लिए हम आज मैरेज की एज जो है उसे बढ़ाना चाहते हैं। मैं तो कहूंगा कि आप यह जो मैरेज की एज धीरे धीरे बढ़ाते हैं, उसमें और तेजी करने से अच्छा होगा। लड़की को उम्र सोलह बरस और लड़के की कम से कम पच्चीस होनी चाहिए। यही आदर्श विवाह होगा पहले तो हमारे यहां ऐसा था कि जो बच्चे गुरुकुल में जाते थे वह पच्चीस बरस की उम्र तक वहीं पढ़ते थे। उसको ब्रह्मचर्य अवस्था कहा करते थे। उसके बाद ही गृहस्थ आश्रम होता था। आज तो वह व्यवस्था मिट गई है। अब ब्रह्मचर्य आश्रम नहीं है। और हम लोगों ने पढ़ने का, शिक्षा का प्रबन्ध भी पूरा नहीं कर लिया है। अब १०० में थोड़ा पढ़े लिखे आदमी ज्यादा से ज्यादा १२ या १३ होते हैं और सब अनपढ़ हैं। तो हम तो इसे जल्द से जल्द करना चाहते हैं।

इसके साथ साथ मैं चाहता हूँ कि गांव गांव में मौलिक शिक्षा होनी चाहिए। जब तक यह नहीं होगा तब तक हमारे मैरेज की एज ज्यादा बढ़ाने से असली प्रैक्टिकल मुसीबत आ जाती है, और वह मुसीबत यह है कि एक लड़के की उम्र शादी के लिए हो गई। बाप मा फ्रिक् में पड़े। लेकिन उनके लिए कुछ काम नहीं है। गांव में जितनी काटेज इन्डस्ट्रीज थीं वह सब टूट गई, तो वे बेचारे कैसे जीवन बितायें। इसीलिए असली मुसीबत यह है। तो मैं चाहता हूँ कि जैसे हम लोग कोशिश करते हैं कि मैरेज की एज बढ़ा दें, तो उसके साथ साथ हम लोगों को यह सोचना चाहिए कि गांव में हर एक तरफ जो इन्डस्ट्रीज हैं उनको भी बढ़ा देंगे, और एजुकेशन, प्राथमिक शिक्षा कम से कम बाध्यतामूलक कर देनी चाहिए। तब तो यह समाज ठीक से चलेगा, नहीं तो बहुत सी अनमैरिड मदर्स हो जायेंगी, और यह एक दूसरी समस्या पैदा होगी। इस समस्या का मुकाबिला भी होना चाहिए तभी हम उचित विवाह की उम्र बढ़ा सकेंगे। उस समस्या को हल करना चाहिए और उसे प्रैक्टिकल तरह से देखना चाहिए, जब तक हम इसको नहीं देखेंगे तब तक हम कुछ नहीं कर सकेंगे। आज हम मैरेज की एज बढ़ाते हैं लेकिन विलायत में मैरेज की जो एज आफ कन्सेन्ट है वह लड़के के लिए चौदह बरस है

मि० तजम्मूल हुसैन : अब १४ बरस नहीं है, पच्चीस बरस है।

श्री लक्ष्मीनारायण साहू : और लड़की के लिए १२ बरस। मैं कहना चाहता था कि वहां कोई इतनी कम उम्र में विवाह नहीं करते हैं वहां कोई कोई तो हो सकते हैं लेकिन ज्यादातर १४ बरस और १२ बरस में शादी नहीं करता। ऐसा भी मैं कहता हूँ कि हम लोगों का जो खयाल है कि लड़के की शादी करनी है आठ बरस में या नौ बरस में तो शायद उनके साथ भी यही होता है कि वह मैरेज

[श्री लक्ष्मीनारायण साहू]

की लाइफ़ लीड करते हैं, तो ऐसा नहीं है, यह झूठ बात है। जब तक लड़के की ज्यादा उम्र नहीं होती, जब तक लड़की की ज्यादा उम्र नहीं होती, तब तक दोनों को मिलने का मौका नहीं मिलता। मैं अपने जीवन को लेता हूँ। मेरी एज जब अट्ठारह बरस की हुई तब तक मैंने स्त्री का मुँह भी नहीं देखा था। शादी तो हो गई थी। आप लोग जिसे मैरेज कहते हैं ऐसी मैरेज तो मेरी दस बरस की उम्र में हो गई थी, लेकिन मैंने तो स्त्री का मुँह भी नहीं देखा था। इसी लिए मैं कहता हूँ कि यह हम लोगों का खयाल था कि जो निर्वन्ध मैरेज है जिसे हम लोग मैरेज कहते हैं और सैकेन्ड मैरेज जिसे हम रिमैरेज कहते थे, ऐसा दो विवाह नहीं रखेंगे। उसमें से एक हटा देंगे, दूसरा रखेंगे। और ठाकुर दास भार्गव जी लड़की की जितनी एज बाना चाहते हैं मैं उससे भी ज्यादा बढ़ा दूँगा। और लड़के की १८ बरस नहीं २५ बरस कर देनी चाहिए। यह मैं चाहता हूँ। लेकिन साथ साथ उनको काम भी देना चाहिए और यह देखना चाहिए कि उनको कौन चीज़ देना चाहिए। जब तक यह नहीं होगा, तब तक देश की हालत बहुत खराब होती जायगी, ऐसा मेरा विश्वास है।

मैं और ज्यादा नहीं कहना चाहता हूँ, सिर्फ़ इतना ही कहना चाहता हूँ कि हम लोगों का जो स्टैण्डर्ड आफ़ morality का आइडिया था वह अच्छा था और उसे और बढ़ाना चाहिए। और इसी लिए काटेज इन्डस्ट्रीज़ और कम्पलसरी एजुकेशन को भी बढ़ाना चाहिए। जब हम गांव गांव में शिक्षा देंगे तभी लड़की की उम्र शादी के लिए बढ़ाना ठीक होगा। मैं केवल इतना ही चाहता हूँ और भार्गव जी का जो संशोधन है मैं पूरे जोर से उसका अनुमोदन करता हूँ।

(English translation of the above speech.)

Shri Lakshminarayan Sahu (Orissa: General): Sir, I support the amending Bill brought forth by my friend Pandit Thakur Dasji Bhargava. But, I want to say, in the first instance, that it would not be proper to call it 'Child Marriage Restraint Act'. I should say it would be better to call it the 'Indian Marriage Act'. When we raise the age of a child so much he no longer remains a child. Hence, I think it would not be right to call it the 'Child Marriage Act'.

The other point is that there have always been two views in India. One view is that the Government should not interfere in matters pertaining to social tradition. The other view is that until the Government takes up the work of social reform this society cannot make any progress. Hence we find that the Government is gradually laying its hands on the old order of society—both Hindu and Muslim—because this raising of the age of marriage now proposed would apply to the Hindu and the Muslim equally, so that nobody will be able to say that the personal law of the Muslim or that of the Hindu has been left alone. The Government does interfere and slowly and gradually goes on enacting legislation for social reform.

I want to say one thing more. There is a view current that the Hindu custom pertaining to marriage is very bad. This view is, however, incorrect because I find that wherever the custom of child marriage existed or still exists the marriage ceremony has been divided into two parts. There was, in the first instance, *Nirbandh*, and when the boy and the girl attained proper age their remarriage was then performed. This is my own life's experience. My marriage took place when I was ten years old. The first marriage that I have spoken of is marriage no doubt but in reality it is *Nirbandh*—we people call it *Nirbandh*. When, however, subsequently the couple attain the proper age a ceremony is gone into which we call remarriage or *Punarvivah*. This latter kind of marriage is the marriage proper. That is why I want to say that I should not describe our former custom of marriage as bad, especially in view of those times. Now that our conditions of life have changed we no longer want to have two marriage ceremonies, viz., the marriage and the remarriage and that is why today we want to raise the age of marriage. I should even say that it would be better if you go a little quicker in this age-raising for marriage which you are now doing so slowly. The age of the girl should be sixteen and that of the boy at least twenty-five. That would be the ideal marriage. Our ancient practice used to be that those children who went to study at the Gurukul stayed there for study up to the age of twenty-five. It was known as the period of *Bramacharya*. It was followed by *Grihastha Ashram*. That system is no more. The *Bramacharya Ashram* does not exist any longer. We have not yet been able to make proper arrangements for education. At present the percentage of moderately literate persons is at the most 12 or 13; the rest are all illiterate. We should like to increase the speed.

I also desire that along with this there should be arrangements for basic education in each and every village. Unless we do that we would have to come up against a practical difficulty by raising the age of marriage. That difficulty is this. A girl has reached the age for marriage. The parents are feeling worried but they have no work. Whatever cottage industries existed in the villages have all broken down. How should those poor people then make their living? This, then, is the real handicap. I therefore, want that just as we are making efforts to raise the age of marriage we should also, alongside with it, find the ways and means to develop the village industries on all sides. And, we should make education, at least primary education, compulsory. If that is done our society would go on smoothly; otherwise, there would be a number of unmarried mothers and this would give rise to another problem. This problem must also be reckoned with for then alone shall we properly be in a position to raise the age for marriage. That problem must be solved and it must be viewed from a practical standpoint, for unless we do that we shall not be able to do anything. Today we are raising the age for marriage but the age of consent for marriage in Europe is fourteen in the case of a boy.....

Mr. Tajamul Husain (Bihar: Muslim): It is no longer fourteen but twenty-five.

Shri Lakshminarayan Sahu:and 12 in the case of a girl. I mean to say that no marriages are performed there at such an early age. There may be a case here and there but generally they do not marry below the ages of fourteen and twelve. I would also say that when we say that a boy is to be married at the age of eight or nine it does not imply that he is intended to lead a married life. Until the boy attains a higher age and until the girl attains a higher age the two are not given the opportunity to come together. Take my own case. I did not even see the face of my wife until I had attained the age of eighteen. The marriage had been solemnised. What you people call marriage had, in my case, been performed when I was just ten years old, but I had not as much as even glanced at my wife's face. That is why I say that we people used to think that we would not have those two kinds of marriage, that is the *Nirbandha* marriage, which we called the 'marriage' and the second

[Shri Lakshminarayan Sahu] .

marriage which we called the 'remarriage', that we would abolish one of them and retain the other. I should like to raise the age in the case of a girl even higher than is proposed by Thakur Das Bhargavaji. And the age in the case of a boy should not be eighteen but should be made twenty-five. This is how I would have it. But, along with this, they must also be provided with work and it must also be seen what work they are provided with. Until that is done the conditions in the country would go from bad to worse. This is my belief.

I want to say no more but would say this much that the idea or standard of morality which we people possessed was good and should be improved upon. For the same reason impetus should also be given to cottage industries and compulsory education. It would be proper to raise the girls' age for marriage only when we extend the benefits of education to each and every village. That is all that I want and I give my full support to Bhargavaji's amending Bill.

Mr. Tajamul Husain: Sir, I have risen to support the Bill, although this Bill, in my opinion, does not go far enough.

At present, the marriageable age for a boy is 18. This Bill wishes to raise the age from 18 to 20. The marriageable age for a girl is 14 and that is sought to be raised to 16. In my opinion, Sir, there should be no marriage of a minor. A girl of 15 is undoubtedly a minor. I think it is absolutely wrong for the guardians to hand over their wards, whether a niece or a daughter, in marriage to somebody else whom she has never seen, whose age she does not know, whose age may be 50 and she may be only 15 years of age. Marriage should be a civil contract between a man and a woman. The man should choose his partner in life and the woman should choose her partner in life. Why should a third party, whether he be the father or grandfather, interfere in a matter like this, I fail to see.

The first thing that we should do, now that we are independent, is that we must give education to our boys and girls. A girl of 18 or 16 cannot be said to be mature in mind although she may be mature in body on account of the climate of this country. Let her have all the training that is requisite for a housewife and that training, in my opinion, cannot come before the age of 21. When the time comes, I will surely send my amendment that the age of the girls should not be under 21 and the age of the boy should not be under 25.

What do we find in foreign countries? Of course, we were at one time very advanced and cultured; but, nowadays we find the cultured people are across the seas. We have just now heard that in England a girl of twelve can marry. As far as I know, Sir,—I know because I am a lawyer—in England, a girl under 16 cannot have sexual intercourse even with her consent with a man. This is a serious offence and the man is liable to penal servitude for a number of years. Although the marriageable age in England is 16, no one will ever think of marrying at that age. A girl under 21 is treated as a mere child. No man will ever marry a woman unless the man is perfectly satisfied that he can support his wife and children. But, what happens here? There is a father and he has a girl of 15 or 16 years. He finds a boy of 20 or 30 years or something like that and gives her in marriage. The boy may be in the school and may not be able to pass his matriculation examination. He cannot get into Government service or take to trade. What would happen to his wife and children? He cannot support them.

This is a thing which we cannot now have in our country. We must become a great nation. We have no doubt about it that India is going to be the biggest country and a very powerful country; but it may take a little time. We

must have reforms; I am always in favour of reforms. I would therefore appeal to my orthodox friends, 'do not be so conservative now'. It was all right when we were under the rule of foreigners; we have forgotten our nationality. Now that we are independent, let us be free from everything that is bad. Do not give your girls in marriage. Give her education and training to become good housewives. Let her select her husband. I want she should be 21 years of age before marriage. She must be thoroughly educated so as to be able to choose her own partner in life. That is what we should do in India.

My next point is this. The Bill seeks to amend that instead of a fine in case of conviction, there should be simple imprisonment and fine. I think this should be done. A fine is not sufficient. There are rich people. They are not afraid of a fine; but they are afraid of imprisonment, even if it is simple imprisonment. If they are to pay a fine only, what does it matter. They can pay the fine and get their daughters married, when they are very young. I say, Sir, that this amendment should be accepted, even though it is simple imprisonment.

Lastly, Sir, I feel that the offence should be made a cognizable one. It was not cognizable before and you will find in cases of this nature, that when it is not made cognizable, the police can take no action. At present unfortunately, I see many people in my own country are so illiterate that if they marry their daughter who is a young girl under the age of 12 nobody will go and make a complaint against them, because everybody is getting married in the same way. Therefore, I feel that the offence must be made cognizable. The Police must take up these cases even without complaint. Even if they receive information through a person or through some friends that offences have been committed under this Act, they should proceed without a complaint. I feel therefore the word 'cognizable' is very important, and I think, Sir, it should be non-compoundable. If the offence is compoundable the parties after committing the offence, the complaint and the accused, the prosecutor and the person who has been prosecuted, will always compound or compromise the case among themselves and then appear in court after a few hearings and say: We have made up our differences and the case may be withdrawn or may be struck off the files. This should not be allowed. A case of this nature must be non-compoundable and the parties should have actually no power to compromise their own cases. It must be left entirely to the State, to the Police to see when an offence had been committed that those who are guilty of it must be punished according to law.

Srijut Kuladhar Chaliha (Assam: General): In spite of the fact that we have very great respect for the views of our revered leaders Dr. Pattabhi Sitaramayya and Mr. Ayyangar, it is very difficult to follow them in this matter whether the offence should be made cognizable or not. The history of British administration is a sad one and whenever we tried to legislate on social matters, they made it in such a way that it was more ineffective than we wanted it to be. It was always ineffective and they administered it in such a way that we could not make it effective in the country and it is one of the legislations that came on the statute book that remained absolutely dead from 1929 up till now, and we should now see that our consciences are to be roused and it should be made a cognizable one. There are many who are afraid lest it will be misused by some people. Therefore, it is a very wholesome provision that it should be enquired into by the Circle Inspector, who will have the advantage of consulting the District Magistrate and even if it is made cognizable a senior officer will have the advice of such persons who will not abuse power. Unless this is made cognizable, probably this statute will remain a dead letter again for another 20 years. We are trying to equal the great nations of the world.

[Srijut Kuladhar Chaliha]

When we go to the different foreign countries, when we hear of child marriage and other things, we hang our heads in shame. They point out many things which the British have very successfully and sedulously propagate it throughout the world that we have very bad social customs and we have a broken morality. We should try our best to come up to the proper level and we should be able to show to the world that our legislation is such that these things will not be neglected any further. Therefore, I think we should have no shilly shallying any more; so far we have been allowing the law to be broken and now the time has come, Sir, when we should see that the law is respected and no more treated as a dead letter.

With these few observations, I should like to support the provision that the offence should be made cognizable and we should not be made the laughing stock before the world because we do not like to enforce the law.

It has been said very often that in so far as marital ties, legislation, habits or customs, we are so superstitious that we are ashamed if somebody talks to us in a foreign country. We should, therefore, move forward; we should not move slowly as we did before and I feel that this legislation has come at a very proper time and I support Pandit Bhargava's Bill entirely. With these few remarks, I support the Bill.

Shri V. S. Sarwate: Sir, I entirely agree with the principle underlying this Bill, which is the prevention of child marriage and premature motherhood. Therefore, the best thing would be to so word the Bill that this purpose alone would be served and the Bill would not be needlessly delayed. As an honourable friend has already said, the marriage has two phases; one is the solemnization of the marriage and the second is the consummation. So what ought to have and should have been prohibited and prevented is the consummation of the marriage, whereas this Bill is wider in its scope and also prohibits solemnization. Now, Sir, some disadvantages of this widening has already been pointed out by another honourable friend. So I would not now again deal with them.

I would only place before the House certain other considerations which have to be taken into account and one of the considerations is the present condition of society. One would observe that under conditions of society as at present constituted, especially in towns there are innumerable incitements to amorous sentiments. It has so many incitements to what is called bodily passion. Go to any cinema and there would not be a scene without a kiss or embrace or love song. Civilization has also come to mean lip sticks and face powders. Even in schools girl students would not like to go to school without painting their lips or whitening their faces. Is it not time for us to think seriously whether a stop has not to be put to all this? Normally speaking every young man and every young woman has sufficient attraction for each other and there need not be any artificial beautifiers. Therefore, it is incumbent on society, especially the mothers and parents to exercise an influence which would be in the other direction.

In this connection, I may point out that if the solemnization of the marriage is performed at an early date it has certain advantages. There is a sense of security, a feeling that one has got a life-long companion, which ought to prevent the necessity of these attractions being added. As far as individuals are concerned, the object of a marriage is to have a good companion, whose nature is compatible, whose nature is readjustable so that both can live happily. If this is the object of marriage, then it must be admitted that the child marriage, gives more opportunities for the achievement of that object. Further child marriage gives better scope for affection to grow, for affection arises out of companionship, out of association, the opportunity to serve and to be useful to each

other. These opportunities are greater and larger if marriages are performed early rather than late. As marriages are performed late in life, natures and their readjustability are lessening and lessening. So the readjustability of each other has a better chance when the married couple get united early and have been in association with each other for a longer time.

The foremost objection to child marriage is that it is not a love marriage, and that it is a puppet show whereas grown-up marriages are based on love and therefore, they have a better chance of being successful and being happy. Any cursory observation would show that this is not the case in society. Grown-up marriages are as unhappy as child marriages. What is required in marriage is affection and that affection grows out of association, as I told just now, whereas in the case of grown-up marriages, what is called love is really a strong sexual urge, which they call love. As regards sex matters probably Havelock Ellis is an authority and a quotation from his book would bear repetition. He says in his *Studies in the Psychology of Sex* at page 6 thus: "Wide observation supports the Hindu view that girls become fit to be mothers on the first onset of menstruation."

As regards love I would quote one passage which had been quoted a generation ago. Ellen Key a prominent leader of the feminine movement, advocating free love, free divorce and motherhood without marriage observes: 3 P.M. Sexual morality is impossible without early marriage. Postponement leads to prostitution, spread of venereal diseases and the evils of self-abuse and abstinence. In early marriages only, the highest form of love is possible." This may appear to be strange to some but it is the truth. For, these reasons I would say that it would be better if the object underlying this Bill is made clear by the use of the word 'consummated' for the word 'solemnised'.

Mr. Naziruddin Ahmad (West Bengal: Muslim): I rise generally to support the Bill. But there are one or two matters which I think should not be passed without due consideration. There is a tendency in the House as well as outside to pass laws on mere sentiment. Laws are entirely practical subjects and we must look to their application in practical life. With regard to the high purpose which has actuated the author of the Bill I have nothing but praise and admiration. In fact, whatever subject Pandit Bhargava supports, he invests it with considerable authority and sanctity. It is therefore with considerable diffidence and with due respect for him that I would submit one or two points for careful consideration.

The marriageable age of the boy is being raised from 18 to 20. I have no objection to that. But as regards the attempt to raise the marriageable age of the girl from 14 to 15, I ask the House to carefully consider the implications. In fact 15 and 16 are the marriageable age in educated and respectable families. It is often even higher. The Members of the House belong to educated and respectable classes and therefore look at the problem from their experience. But I would ask the House to consider the age limit with regard to the poorer working classes. Girls of the poorer classes have to eke out a living by manual labour. To put the age-limit as 15 in their cases is not desirable and may be dangerous in certain cases. To allow a working class girl up to 15 years of age to go about without the protection of a husband, without the protection of wealth or education would be fraught with danger. You are preventing her from marrying till she is 15. It does not happen that immediately she attains her 15th years she gets a husband. She will have to wait probably a year or two or more. In the meantime she may be considered to be too old to be married. The result might be that in certain cases we would increase unmarried motherhood in our land among the poorer classes. We have to bear in mind the conditions of our society. Our people are not educated. It is necessary for the protection of society that all should be educated. We have not yet been able

[Mr. Naziruddin Ahmad]

to introduce even primarily education everywhere. Eighty-seven per cent of our people are illiterate. Economically they are nowhere. Most people do not get even two meals. We are deficient in the matter of food. In this economic deficiency and illiteracy, the raising of the age limit from 14 to 15 in the case of girls in all cases would not be desirable. But the House is in a mood to proceed on the impulse of high sentiment and it is not possible to stem the tide of high sentiment in the House at this stage. I therefore submit my view and warn the House of the serious consequences of the age limit being raised in the case of the poorer classes. We must visualise the reality and must understand the conditions in which the poorer classes live. This is my view. I do not wish to move any amendment, but I submit my view for the consideration of the House.

Then, with regard to the punishment that is proposed, I feel that it is drastic. But I think that if we want to enforce the law, the punishment should be drastic. I therefore fully agree with clause 4 dealing with punishment. But then I have serious objections and serious misgivings with regard to clause 6 which makes the offence cognizable. Having been a lawyer for number of years and having observed the methods of the police for more than a quarter of a century from close quarters, I submit that this provision will be fraught of great danger. It was submitted that the Sarda Act has been a dead letter. To a certain extent it is so. In fact, prosecutions are rare. But it would not be proper or true to say that it has failed. It has already raised the age-limit. The fear of prosecution has worked and this has acted in a large number of cases as a sufficient deterrent, though prosecutions are very rare. That shows that the people are not sufficiently advanced for such a reform. Now we want by this Bill to raise our social standard and civilization with the help of the rod and the whip and the Penal Laws. I submit that this would be too drastic a measure and that the remedy will be worse than the disease. Early marriage is an evil, but in certain cases it may be inevitable, especially in the case of the poorer classes. The effect of making the offence cognizable should be clearly understood and appreciated. Its effect would be that the police would have the right to make arrests without any warrant; and the consequence of a marriage would be that the bride and the bridegroom and their parents as also the priests and even the guests may be arrested; and it will not be confined to genuine cases only. If there is information that a girl immediately below 15 has been married that will at once set the police machinery in action. Although we have gained independence the police had not improved except in strength and in some cases, mischievous tendencies. They have shared our independence in that they are independent of all restraints. In fact they have become more powerful and in many cases a little more dangerous. The result of giving them this power would be to enable them to interfere in social matters where improvement should be left to public opinion. It is enough to make the offence punishable with imprisonment; that would be a sufficient deterrent. But to invest the police with indiscriminate and unrestricted powers would be absolutely and positively mischievous. Men who are accustomed to cases in criminal courts cannot fail to have noticed that in cases of riots and other similar offences, the police go to a village and effect wholesale arrests. Nothing, however, is on paper about a person being arrested. They are arrested only orally, that is, they are caught hold of, brought to the police and made to wait and then negotiations begin. And those who are lucky enough to please the police are released, and no record is kept. In this way a large number of innocent men are brought in and for fear of being arrested and sent to *hajrat* they sometimes purchase immunity by the payment of money. In this case if we give this power to the police the result would be that a large number of people would be arrested. And even if a girl is 15

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL

2319

or above, that may not prevent wholesale arrests, and the new power would be fraught with the gravest consequences.

I suggest, Sir, that social reform should be a matter partly for the Legislature and partly for society. We have not given our people sufficient education and enough food but we are very much liberal where inexpensive popularity is concerned. It is not enough to think in eloquent terms and feel great and magnanimous in regard to our laws and think that we have done justice. This social problem is largely economic, largely educational and largely a question of civilisation. I submit, therefore, that we must leave matters to society and must not grant unrestricted authority to the police in respect of family matters. It is enough that we have made the offence punishable with compulsory imprisonment and have made it also non-compoundable. That would be quite enough; in fact there is some sanction of law. Let this fear of punishment work as a deterrent, let the social forces also co-operate with it. It is not helpful to terrorise people into public morality; the result would be mischievous arrests, inquiries and searches on a large scale, and unhappiness and misery throughout the land. It may be that a section of lawyers who are now anathema to the House would be benefited; this would be another "lawyers' paradise," like the Hindu Code and—as is said—the new Constitution. In fact we must not multiply litigation and create trouble. The result would be to convert India into a vast prison house in which a very large number would be imprisoned. I submit that the law should proceed along with public opinion; public opinion should be an ally of law and law an ally of public opinion; they should go hand in hand for the public good. You must give the people education, clothing and food; otherwise these grandiose schemes will not improve matters. I have already said that I have great admiration and respect for the personality of the author and his high motives, but in these matters high motives often carry away their possessions, I submit this is a mischievous clause and should not be accepted.

With regard to the age limit of 15 years I have submitted that it will work as a hardship. It is said that in England the age limit is 20 or 21. But it is not correct; there the age limit is 16, as will be found in the Encyclopaedia Britannica, Vol. XIV, P. 952, as also in Halsbury's Laws of England, Vol. XVI, P. 564, where Art. 843 says: "Marriage between persons either of whom is under the age of sixteen is void." That is by the Act of 1929—the year of the Sarda Act—and it is 19 and 20 Geo. V, Ch. 36. Therefore even such an advanced country as England has not thought it necessary to raise the age to the point that we want to. Remembering the condition of the poorer classes I suggest that it should not be enhanced, and we should not be fired away by a desire for copying the West where they are proceeding cautiously.

Sir, I support the first reading of the Bill and ask the honourable Mover to consider the points that I have submitted.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power):

Sir, I have listened with great interest to the discussion on this motion. There are three definitely important points in the report of the Select Committee. One is about the raising of the age of the boy as well as of the girl. The second point is about the nature of the punishment. Whereas in the original Act the punishment is fine or imprisonment, what is being sought here is that the punishment will be substantial punishment plus fine. The third point is about the nature of investigation into offences under this Act. It is said that offences should be cognizable, bailable and non-compoundable.

I agree, Sir, that the intention of the honourable Member who is in charge of this Bill is undoubtedly good. I share his enthusiasm for social progress. I also share the view that now that this Government is a Government of the

[Shri N. V. Gadgil]

people, instead of taking a neutral attitude on such matters, the Government should take a definite and positive attitude. But in social matters, especially when they concern not a few, not a section, not a class here and there, but practically the whole community, it is only wisdom that we should move with a little caution.

In 1929 when the original Act was passed, the Government of the day, undoubtedly laid down a great principle. When it was sought to oppose this particular Bill by the orthodox section of the House, on the ground that this House had no jurisdiction to interfere in matters social and religious, it was definitely laid down that when there is a great and corroding evil and there is a promising remedy, it is the duty of the Government to remove it by legislation. Undoubtedly in the year 1929, the evil was very great and so great was it that even a foreign Government felt that it would be justified in interfering with what was obviously a social matter.

But things have definitely changed. In the course of the last 20 years, there has been a steady progress and understanding of this problem. No social reform can be abiding in its effect if it merely rests on fear and not on conviction. If honourable Members are anxious that people concerned should know that child marriage is a great evil, it is far better that it should be left to them to carry out this reform voluntarily than to make it a penal offence. In 1929 the original Bill was passed and then in the year 1936 there was an amendment, the amending Bill was brought by Mr. Lalchand Navalrai and a few days after, another Bill was introduced, and to some extent in a modified form was also passed. That credit went to my honourable and old friend, Mr. B. Das. The real remedy then, it was pointed out, was not to make the offence cognizable but provision should be made that a marriage in breach of the provisions of that Act would be considered invalid, null and void. That was a radical remedy. It was there pointed out that that was a radical remedy no doubt but not a promising remedy, and in the long run the consequences that would flow would be disastrous, the object of the social reformer would be frustrated. It was then agreed that the Bill was much in advance of public opinion and this particular provision was not pressed by the Congress Party which was then in opposition. But certain other matters were taken into consideration and one of them was that in the original Bill provision was made that if the marriage in contravention of the particular provisions of that Act was celebrated in British India, then only it was an offence. By the subsequent amendment, the jurisdiction became extra-territorial, in the sense that if the marriage against the provisions of this Act was celebrated at Chandernagore or in any territory outside British India it was also considered as an offence.

From stage to stage amendments have been effected always with a view to see that we are not considerably in advance of public opinion. The present position, Sir, is this. So far as the educated and upper classes are concerned, the problem is not of age of marriage: the problem is of marriage itself. I doubt whether girls are married even at 17 or 18. So that section of the community has practically little to gain from the contemplated piece of legislation. As regards the masses, what happened immediately after this original 1929 Bill was introduced, it will be very interesting to note, Sir, this was written by one of the newspapers from Bengal:

"A matrimonial wave is just passing over the country. Bride in embryo is being married to groom in the cradle. The Sarda Act is coming into force and the pig-tailed Pandits have sanctified juvenile marriage to stave off perdition. Poor girl! just learning to suck the feeding bottle being carried over to the wedding bower. Urchins are being snatched from the arms of their playmates to don the grab of a groom. As an emergency

measure the elastic Pandits have issued an edict whereby have certified the month of Chaitra to be the proper season for matrimonial alliances. Our Pandits have extended the limits this year. We are sure before the 1st April comes on there will be hardly left single unmarried man or woman in India."

Now what is being sought by this Bill is to raise the marriageable age of the girl from 14 to 15. I do not pretend to say that those consequences which were referred to in one of the issues of *Liberty* will follow. But the point is: Will this remedy the evil? If it is a promising remedy, I would be the first man to agree. The problem, as I stated, is confined to the masses, and in the rural areas among the agricultural community, my own experience is that in the course of the last 20 years, gradually the age has been increasing. Now it is 9, 10, 11 and 12. In my part of the country even among the masses no more are girls married when they are three or four. The age has fairly increased. Suppose if we increase it to 15: it is not going to have any effect. The effect that will be abiding and sure will be secured only by the advance of public opinion. When they are economically poor they do not think of marriage. When they are a little better off, the main item of expenditure is marriage and the other item of expenditure is the *shraddha* celebration of parents.

Now, the evil as it was existent 20 years ago is not so great. Therefore, I cannot call it so great and corroding an evil as to require interference at this stage. I should rather think that we should let things move on quietly: let public opinion be reconciled from stage to stage and ultimately even without an Act of this kind we will have marriages at the proper ages.

So far as the attitude of the Government is concerned I want to make it quite clear that Government will not agree to the raising of the age either of the boy or the girl as it has been reported by the Select Committee. The age of the boy is being raised from 18 to 20, which is a jump of two years. A boy is considered to be a good recruit for the army when he has completed the 18th year but according to this provision he would not be good enough to be a husband. Though there may be difference of opinion, in this country a boy of 18 is a fairly grown up boy and those arguments of health and other cognate matters are, I think, not relevant. Under the Law he attains majority at 18 and this Bill will be interference with his civil rights. When a boy has completed his 18th year what is the justification for raising the age of consent to 20. One of my honourable friends here quoted Manu and said that a man is considered to be good enough for marriage when he is 32. A man is also considered to be the best man if he does not marry at all: that is also one of the injunctions of Manu. So far as the injunction regarding age is concerned one has to consider the injunction of nature; if the race is to continue, if the instinct of reproduction is supreme in the human race, then let us understand it and adjust it in a fair and equitable manner. So it is our view that the original age limit as in the Act of 1929 as amended up to date, viz., 18 and 14 for boys and girls respectively, should remain.

The second point is about the punishment. In one case the offence is punishable with simply imprisonment or fine. Here it is sought to make that anybody acting in contravention of certain provisions of this law will not only be fined but will also have to undergo simple imprisonment in one case of 15 days and in the other case up to three months. When the punishment was only a fine the parents of the bride and bridegroom looked upon it as an addition to the dowry. They will now say that going to jail is a matter of prestige and it will give them the opportunity also to defy the law or perform *satyagraha*. I remember when what was known popularly as the Sarda Act was on the legislative anvil Mohammad Ali openly declared that he would be the first to perform *satyagraha* so far as the provisions of that Bill were concerned. So it is a matter for consideration of the House whether to pass

[Shri N. V. Gadgil]

an Act the provisions of which are sure to be disobeyed and disregarded by a large section of the Community and would tend towards the creation of an undesirable atmosphere in the country or whether they should not move rather cautiously or slowly for sometime, educating public opinion all along and go on progressively realising the great objectives of social reform which we have in view.

Babu Ramnarayan Singh: What about the Hindu Code?

The Honourable Shri N. V. Gadgil: Wait and see. One of the greatest of social reformers, Justice Ranade stated that in matters of social reform you must hasten slowly. My honourable friend Mr. Ramnarayan Singh asked what about the Hindu Code. The Hindu Code is a compilation of all matters relating to Hindu law into one code. That is one aspect of the code. The second aspect is one of merit. 'As far as merits are concerned even in the speech that I made the other day I stated that you must agree that the daughter must have something.....

Pandit Thakur Das Bhargava: Why? Is public opinion in favour of this change?

The Honourable Shri N. V. Gadgil: Even on that occasion when my honourable friend pressed repeatedly I read out an extract from a resolution passed by the Dharma Nirnaya Mandal. This Dharma Nirnaya Mandal is a body which consists of great scholars and social reformers including Mahamahopadaya Kane, the Vice-Chancellor of the Bombay University. That resolution contained the considered opinions of these statvarts, scholars and social reformers who gathered in a conference of all the social workers and representatives of all the social institutions in the Bombay Presidency. They passed a resolution that although some of the things in the proposed Hindu Code were not to their liking but inasmuch as they had been crying for this reform for over a quarter of a century, they thought they might take that risk and in the consideration stage it would not be impossible to adjust differences here and there.

So as far as I see there is nothing inconsistent in what I say now and what I said the other day. The point remains whether the punishment should be such (and it is a question for this House seriously to consider) that by passing this legislation it is bound to result in defiance and disregard of the law on a very large scale and whether the prevalence of such an atmosphere in the country is in the highest interests of the state. It is for this responsible House to consider this matter.

The third point was about the nature of investigation into offences under this law. So far as this particular point is concerned, after listening to the speech of the honourable Dr. Pattabhi Sitaramayya I should say that it is particularly a matter on which there should be no further discussion. How it will work in the country has been well illustrated in the speeches of some of the members just now. While the offence was non-cognizable men were not found wanting who in order to spite the nose of their opponents in the villages went out of their way to initiate proceedings and bring the bride and bridegroom into the court. To eliminate this evil a provision was made that some amount ought to be deposited and that the magistrate should be a first class magistrate or a Presidency Magistrate. But when you make the offence cognizable, even if you say that cognizance could be taken by a sub-inspector or a circle inspector, the usual charges will be made, viz., that if you give so much power to the police or the executive you can just imagine whether the chances of its abuse are not greater. So it is a serious matter and my own honest feeling is that if you make the offence cognizable you will be destroying the peace of the villages.

In elections now there are parties. Elections are being introduced into the small villages in province after province. There is legislation in provinces for the constitution of village panchayats not only for the purpose of managing their local affairs but for the purpose of doing some judicial work also. In some of the provinces the Acts have provided that civil cases up to a certain limit will be tried by the panchayats. They will also try some petty offences. I have never seen a general election without parties or without groups and without creating a warm atmosphere. Every one of us in the House, at any rate most of us, have very substantial experience of running elections. Election is a thing which turns friends into enemies and enemies into friends. When panchayats are to be elected in every village there will be at least two factions and the aftermath of the election does not end with the declaration of the election results. Sometimes the feud is considered practically hereditary or it remains for months together, if not for years. And if it happens that such provisions are made available to the goondas in villages I shudder to think what will happen to the peace of the villages. It is therefore definitely disastrous to have a provision as is contemplated in this Bill, viz., the introduction of a new section Section 9 (a). I should therefore in all humility, in all earnestness that I am capable of, request the honourable Members to seriously think about it. When the Hindu Code comes it will embrace all these points. Why do these things piecemeal here and there. This will be considered in much greater detail then.

Pandit Thakur Das Bhargava: Will the Hindu Code be applicable to Muslims and Christians?

The Honourable Shri N. V. Gadgil: Let us talk about Hindus: the Muslims and Christians will look after themselves.

This being the position I am constrained to say that it will not be in the best interests of the country to have this piece of legislation. At the same time if I had been convinced that the evil was so great and the remedy so promising the Government would certainly have come forward and given its support.

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

Shri B. P. Jhunjhunwala (Bihar: General): May we know whether the views expressed by the honourable Member are the views of the Government?

Mr. Deputy-Speaker: I understand them to be the views of the Government.

The Honourable Shri N. V. Gadgil: Definitely. How could I express my personal opinion?

Dr. P. S. Deshmukh (C. P. and Berar: General): I am rather sorry that I am compelled to take the attitude this afternoon which I am going to take. I have always prided myself that I was a social reformer and I do not think my zeal for social reform has abated in any way. When my honourable friend made his long speech last time I did feel that there was a reasonable case made out by him. But now, especially after my sojourn in America, I have completely altered my views so far as this Bill is concerned. That has also strengthened my opinion which I have already held with regard to the Hindu Code and I hope the fact that the House does not approve of the increase of age limits will also persuade the House not to agree to the Hindu Code as a whole.

[Dr. P. S. Deshmukh]

The age limit for marriages was fixed for a very important purpose. The purpose was to stop child marriages. The original Act was intended to eradicate this evil and although the evil might not have been completely eradicated there has been considerable advance in the society as a whole. The present proposal before the House is for an increase of one year in the age of the marriage of girls. Before we accept this we must be thoroughly convinced that we are going by this legislation to achieve a purpose which will be of real benefit to the society at large and would not cause any avoidable harassment.

The present age limit is fourteen for girls. If we compare the development especially of girls in India and in colder countries we will find that the girls in India develop and mature far earlier than they do in colder climates. The honourable Member, Mr. Naziruddin Ahmad, has read out chapter and verse to prove that the age of sixteen is good enough even for a country like England not only for the girls but also for the boys. Even that should be quite sufficient to persuade us, at least for a number of years to come, to experiment only with the age of fourteen and eighteen and not to go ahead of it.

I referred to my visit to America and that was the most important point on which I was somewhat anxious to speak before the House. It may be that my observation is incorrect, that my inferences and conclusions are not absolutely well founded. But so far as I could see, so far as I could discern and from the information I could gather the impression conveyed to me was that in America at least they are fed up and tired of marriages at advanced ages. They are gradually but perceptibly coming to marry younger and younger. I met not less than twenty people who married girls who were only eighteen years of age and when they were of the age of twenty or twenty-one. Not only were the boys and girls happier but their parents, who in many cases were old and who had the experience of their own boys and girls having married at advanced ages, also expressed tremendous satisfaction. According to them marriages at younger ages not only led to more happiness but continued to be more affectionate towards them than was generally the case before. To my mind it is quite simple why this should be so. In England also we know the people are not satisfied with the state of affairs in the society. The number of divorces that take place is alarming and that is also the case in America. They are busy finding out a remedy because this has led to disruption of families and disruption of society which is a matter of the gravest concern to all. The American people—at any rate a very large section of them—think that the solution lies in the boys and girls marrying at an earlier age than they have been doing so far. If they marry at an unduly advanced age the consequence is that both the girl and the boy have some past and that does affect their happiness. (Interruption). It is a fact, Sir, and I am not stating anything from my imagination. These are things which one likes it or not actually do happen. After the first tide of love has subsided and the first impulse of love has evaporated facts connected with the past of each other begin to affect the affection and then the whole trouble in the family begins. Inevitably this leads in many cases to divorces. This is how we have the colossal number of divorces.

So far as India is concerned wherever the people marry at advanced ages the increase of one year in the age of marriage although it looks harmless will lead to many other problems. The very fact that we have the age of fourteen or the girl means that up to the age of fourteen the parents have to guard and maintain her. There are many people who are labourers who do not

know what to do with their girls till they are fourteen years of age because there are not even sufficient number of schools where they could send them. In many cases want of money prevents them from taking advantage even where the schools are there. Even the present age of fourteen is a sufficiently difficult problem for the poorer people of the country. Increasing it by one more year will not, I think, either add to the happiness of the poorer people or eradicate in any more extensive degree the evils in our society. I have already related the experience in other countries of marrying at very advanced ages and if we wish to learn by the experience of other people we should not go too fast in this matter.

I feel somewhat sorry about my honourable friend who has laboured on this Bill for such a long time—I am sure of his earnestness, I am sure he is actuated by the best of motives—and I am really sorry that I should find myself in disagreement with him. But I think the day has not yet come when we ought to go so fast because the world, itself, and especially the western world, is coming more and more towards the ideals which we cherished but which we find are nowadays held to ridicule and contempt. There are many amongst us who think that the Hindu society has nothing good in it, that the joint family must be destroyed. On the other hand, if we go to foreign countries, we will find that they regard India as the only ray of hope of having a society that will be stable, that will have more family happiness than they have at the present moment. The whole of America, I find, is concerned about the lack of happiness in their families and in their societies, and they think that some day another Mahatma Gandhi will rise in India who will show them the proper way and they will follow the Hindu tenets, the Hindu principles of philosophy and social re-construction which will probably give them solace and satisfaction.

Pandit Thakur Das Bhargava: May I just beg of the honourable Member to tell me if he knows what were the views of Mahatma Gandhi with regard to the age of marriage?

Dr. P. S. Deshmukh: I am merely referring to him as a prophet born in India who gave a new philosophy to the world which is essentially oriental in nature, and not from the point of view of whether he agreed that 14½ years should be the age of marriage, or 14 years and 2 months or 15 years and 16 days or anything of that nature.

Now, with regard to the boys: I do not think it is necessary to raise the age to 20 because at the age of 18 the age of majority is completed, and if a boy is capable of looking after lakhs of rupees worth of property and is in a position to make legal and valid contracts of all kinds, then if my sponsors of Hindu Code want to make marriage more and more of a contract, why do you want to deny him the right to contract marriage? So far as Hindu law is concerned many enthusiasts are struggling to approximate as far as possible to the ideal of marriage being a contract and not to regard or keep it as a sacrament. If that is so and if we have given the boy of 18, perfect right to make any contract, why should it not be possible for him to perform this simpler contract of marriage? So, from that point of view also there is no need for this Bill at present. I hope my honourable friend instead of spending more time on this Bill will spare it for other Bills two of which stand in his own name. I am prepared to support one of them. (An honourable Member: "So very kind of you.")

With the object which I have just stated I do not wish to take any more time of the House. I am sorry the Honourable Mr. Gadgil took so much time in it; if he had said just that Government do not accept the Bill the whole thing would have been settled in a few minutes. Of course he did advance very

[Dr. P. S. Deshmukh]

cogent reasons for the view that he and the Government have taken. Sir, there are other important Bills. I myself have one Bill which I am very keen should get a chance today.

Pandit Thakur Das Bhargava: Sir, I have listened with great interest to the speeches delivered on this Bill, but surely I was not prepared to hear such views of the Government as have been just expressed in regard to this matter. It was simply a surprise to me. When the Bill was circulated, it was the Honourable Mr. Gadgil who supported the motion for circulation. When the Bill was referred to the Select Committee, Government did not take up this attitude which it has taken now. Why should the Government agree to circulation when they regarded that the basic principles of this Bill were not acceptable.

The Honourable Shri N. V. Gadgil: For eliciting public opinion.

Pandit Thakur Das Bhargava: If the Government elicit public opinion, Government should logically accept that opinion as true if the opinions are in favour of this Bill. I submit, Sir, when the Bill was referred to the Select Committee, I read out many opinions, and the public opinion which was received, was, I should say, almost conclusively in favour of this Bill. After having elicited that opinion, after accepting that opinion, after referring the matter to the Select Committee, now for the Government to come forward and say that they do not accept the same, is simply surprising.

Then again, I am very glad the Honourable Mr. Gadgil has spoken on behalf of the Government. As my friend has stated, if he had simply opposed the motion, we would have been in the dark. Now I believe Government will be consistent, to say the least, and when these observations which have been made by my honourable friend at this hour will be read out in the House at the time when the Hindu Code Bill comes back again, they will rue the day that they made these observations here.

Shri B. N. Munavalli (Bombay States): Why so much prejudice?

Pandit Thakur Das Bhargava: My friend says, why so much prejudice? I am in favour of the Hindu Code. I said it that day and I stand by the provisions which I supported in my speech. I know that the Hindu Code Bill is a landmark so far the codification is concerned, and there are certain provisions in it which I support, but at the same time I am not going to take up the attitude which the Government has taken. I am condemning that attitude.

Now, Sir, the thing which really breaks my heart is this, that the Government so far do not know how great is this evil in the country. I can understand that Mr. Gadgil may not know it, but the Government also do not know. That troubles me very much. I have been going about in the country with my eyes open; I accept that in the cities there has been some improvement, but I do not think that in the rural areas the improvement is very great. Even today at least 40 per cent of the girls in the country are married below the age of 15. When I think of what I saw in 1929, when I visualise that in this country there is pre-puberty consummation and consummation soon after puberty, I have nothing but to hang my head in shame. I am extremely sorry that our leaders do not realise the gravity of the evil. My regret is beyond expression. I cannot, as a matter of fact, express myself fully when I submit that it is too deplorable to think that the full effect of the evil is not realised. As the full effect of the evil is not realised, I can understand the stand taken by Government, but still when I think of the implications of what has

been stated by the Honourable Mr. Gadgil, my heart sinks. He says that the Hindu Code is acceptable because certain gentlemen, *mahamahopadhyayas*, have said that it is good. In this case, in 1929 when the Bill was on the anvil of the Legislature, I wired to Mahatma Gandhi to give us the benefit of his lead to the country and he said in reply that 25 for boys and 16 for girls is the proper age. I cannot think of any man greater than Mahatma Gandhi in this matter, and if this was his view, if we cannot live up to his standards at least we should, as far as possible, try to move in the direction indicated by him. But to say that 14 is the proper age is to go against the declared opinion of medical science in this country and abroad and is to fly away from the actual realities of life. Can you think of a stronger man or a more influential man or a more beloved man in this House than Sardar Patel? May I quote Sardar Patel against Mr. Gadgil? When the other Age of Consent Bill was coming up and he was in the chair in the Select Committee, he just asked me to accept 16 as the age of consent. I submitted 15 was sufficient; we are weak people. Sir, I know I am perfectly sure in my mind that had the whole matter been referred to Sardar Patel, these two Bills would have gone through. My difficulty is this. If in the other Bill we have got 15 as the age of consent, may I humbly ask whether it would be possible, whether it will be liked by public opinion in the country that this House should make 15 as the age of consent and 14 as the age of marriage? It is unthinkable. If the age of marriage is 14 we cannot have 15 as the age of consent without very great harassment to the people. My friend wants that the peace in the village should not be disturbed, but he wants to disturb the peace of the whole country because if 15 is the age of consent and 14 the age of marriage, I shudder to think what would happen to this country. I hope the Government, in that Bill also, will have the age of consent at 14. 97 per cent of the people were in favour of that Bill. The Report of the Select Committee is unanimous. How can I possibly accept the age of 14 in that Bill? I am at my wit's end when I understand that the Government are taking up this position regarding the age of 14.

As regards the other question of making this offence cognizable, I am glad that the Honourable Mr. Gadgil placed before us two conditions for concluding if this Bill should be got through. He said that if the evil is too great and the remedy is promising, there is a case for having that remedy. Sir, I may submit the evil is too great. If he wants to go with me to the country, I can assure him on this, he will simply be surprised when he comes to know that girls under the age of one and two are married. I have been giving such examples which have been coming to my notice, and any person in this House who has occasion to go to the villages will confirm me. In 1929 the figures were given that there were 3,96,000 widows below the age of 15. It is unfortunate that in the census of 1941 these figures are not given. Otherwise, I would have brought them to the notice of the House. I do not know what more evidence of the enormity of the evil the Government wants.

As regards the remedy, I am rather surprised that this Government which claims that it has done something to improve the position of the Police comes up and says that it should not be made cognizable. I can understand our revered Dr. Pattabhi or some other gentlemen who may have known only the black side of the Police saying that it is corrupt. But I cannot understand it of the Government. Why do you rely on the Police if it is corrupt. Scrap it if you cannot put your confidence in it. My humble submission is that so far as the Police is concerned, I can make bold to say that since our National Government took office, the Police has considerably improved. It is much less corrupt than it was before. My friend Mr. Naziruddin speaks with twenty five years of experience and tells us what happened during the riots. Well, as a practising lawyer for over forty years, I know what the Police is. A

[Pandit Thakur Das Bhargava]

Circle Inspector is much more honest than a Sub-Inspector or a Head Constable. We are not entrusting this work to a Head Constable or a Sub-Inspector; if we did, it would be a different matter. Ultimately, the court has to decide. Only two questions have to be settled: if there was a marriage and what was the age. Where does the corruption of the Police come in here? I do not want to say that Government do not want to stop this evil, but at the same time, I must say they have not taken a realistic attitude.

Then, again, what is the harm if this offence is made cognizable and there is compulsory imprisonment? After all, when my friend talks of the opinion of Dr. Pattabhi, may I remind him that in regard to compulsory imprisonment, he is of the same opinion as myself? Both he and Dr. Tek Chand have agreed that imprisonment should be compulsory. He does not accept this opinion. Also when he speaks of Dr. Pattabhi's opinion, may I tell him that Dr. Rajendra Prasad had said that the Hindu Code should not be allowed to go on? So the opinion of a Congress President does not matter in one respect; but in another respect, the opinion of the President of the Congress matters.

There are three questions involved in this matter: age, cognizable and compulsory imprisonment. When Government have taken up the attitude they have done, it means that they do not want to proceed with the Bill; they want to kill the soul of this Bill. If Government will allow a free vote on this Bill, free vote of every Minister and every Member of this House, I will go on with the Bill, because I am firmly of the opinion that the country wants it, the House wants it and every member wants it. But since they are not allowing a free vote and they want to utilise their own votes to kill this Bill, I am sorry I have no option left but to adopt a course which is not consistent with the further progress of the Bill.

With regard to the rest of the members who took part in the debate, I will say a word or two before I finish. Dr. Pattabhi, except in the matter of making it cognizable, supports the Bill fully. Mr. Upadhyaya was also in favour of the Bill. Similarly your goodself supported the Bill except in the matter of its being cognizable. As I submitted in my opening speech, you were too pleased to make a remark against my poor self when this Bill was being referred to Select Committee on 2nd April 1947, and though you perhaps did not know, I took my cue from your speech. You were pleased to say:

"But since 1929, when this Act was passed, if the power was given to the police and this offence made cognizable for the last 7 to 10 years, then the community would have become accustomed to put off marriages to the age of 14 or 15. If the first daughter is not married before 14, they have crossed the bar not only in their family but in the entire community, because on account of orthodoxy or religious scruples they cannot marry after the age of puberty. If it is made a cognizable offence and the man is prevented from celebrating such a marriage with respect to the first daughter, then he has gone over to the other side and thereafter no principle of orthodoxy can stand in this way."

I am not saying that since you have not agreed today, therefore, you have no right to change your opinion.

Mr. Deputy-Speaker: I do not know if I will be right in explaining, sitting as I am in a different seat. But I would like to say that my objection was with respect to the cognizable portion only.

The Honourable Shri N. V. Gadgil: Now, I would request the honourable Member to read what the Honourable Mr. Chairman said in 1936. He opposed the Bill tooth and nail at that time. I mean the present Deputy-Speaker.

Pandit Thakur Das Bhargava: This is a world of change.

Mr. Deputy-Speaker: That was a different Bill. Merely because Marriage or Child Marriage is referred to one Bill is not the same Bill as another.

Pandit Thakur Das Bhargava: This was the very Bill I am quoting from.

Mr. Deputy-Speaker: I am referring to the Bill of 1936.

Pandit Thakur Das Bhargava: I am not in a mood to complain about this change. Change is the order of life and if you change your opinion, it is all right. I make a sporting offer again. If Government wants this evil to be crushed out of existence, the only way in which they can do it is to make it cognizable for three years and see what the result is. If you give compulsory imprisonment, then people will come to realize that it is a real offence. Uneducated people, illiterate people, will only know them.

One argument was used by Honourable Mr. Gadgil that economically it is not sound. May I refer again to his speech wherein he said that he went to the people and told them.....

An Honourable Member: That was an election speech!

Pandit Thakur Das Bhargava: I am proposing the very same thing which he said in his speech.

Now, Sir, with regard to the speeches of the other honourable Members, Chaudhury Ranbir Singh has supported me. Mr. Shibban Lal Saksena has given a very good speech and supported me. Mr. Ramnarayan Singh who usually does not support any measure which goes against the people, feels convinced that this is the only way in which this Bill can work. Mr. Tajmulk Husain has supported. Mr. Chaliha has supported me. Mr. Naziruddin Ahmad, a great criminal lawyer that he is, is rather afraid and has become too conservative; he does not want to take any risks, but all the same, on the question of compulsory imprisonment, he has supported me. I find that Dr. Deshmukh is the only gentleman who has supported Mr. Gadgil in regard to the age. In regard to the age, I would request Government kindly to go through the report of the Age of Consent Committee—a product on which they spent something like Rs. 2,88,000 and at least read para. 358 of the report on which this Bill is based. On all other points, I can certainly accept a compromise. I can even accept an opinion which is adverse to my opinion. But I am afraid Government is certainly misguided in having 14 as the age. I am not agreeable to change my opinion unless they show that the entire medical science which says that no girl should be allowed to approach a husband unless she is 15, is wrong. But, I will never agree that the Government should take the age 14 as the proper age.

In regard to the age of 18, it is said that it is the recruitment age, and therefore, it is a good age for marriage. I do not think that there is any qualification like this in the case of recruitment. What has recruitment to do with eligibility for a marriage. Have we forgotten what our Vag Bhatta and Sushruta have said in this matter? In regard to the boy's age of 18 or 19 years, I will not be so dogmatic; but so far as the girl is concerned, I cannot compromise on this age of 14. It cannot be less than 15. But, since this is basically a matter of great importance, if the Government are not agreeable, I would humbly request you to this effect that so far as this Bill is concerned, it may be postponed to the next session. I shall proceed with the Bill clause by clause in the next session, because, I know that the Government will certainly take a different view if the Government will consider the point. It is unfortunate that the entire matter has not been gone into by the Government with the care that it deserves. It pains me, Sir, to say

[Pandit Thakur Das Bhargava]

all this. I cannot understand any Government in this world is capable of saying that 14 is the proper age of marriage for girls. Therefore, this is not the last word. I am optimistic. I know that the Honourable Mr. Gadgil is a patriot. I know that all the gentlemen on the Treasury Benches will take a different view when they come to consider in their moments of solitude that what they are doing is not good for the country. I therefore submit that at this stage this Bill may be allowed to be postponed.

Mr. Deputy-Speaker: I understood the Government to say that out of the three matters, so far as the age is concerned, 15 may be accepted; that imprisonment may stand; but only the offence ought not to be made a cognizable one. That is all. If so, will the honourable Member...

Dr. P. S. Deshmukh: They opposed everything.

Pandit Thakur Das Bhargava: So far as the age is concerned, will they agree to 15? Secondly, do they agree to compulsory imprisonment?

Shri Deshbandhu Gupta (Delhi): If that is the position of the Government, it may be left to the free vote of the House. If it is only the question whether the offence should be a cognizable one, a verbal amendment, at this stage, may be accepted and the Bill may be passed.

Pandit Thakur Das Bhargava: This is a very important matter. I would request you kindly to let us know the position. I do not want to take up this attitude against the Government. If the Government are agreeable to accept the age 15 for girls and make the offence compulsorily imprisonable, then, it is a case for us to consider what we should do.

Mr. Deputy-Speaker: Then, I shall put to vote the motion for consideration. I think the honourable Member has only made a suggestion, and he is not making a motion for withdrawal.

Pandit Thakur Das Bhargava: I withdraw that request, Sir.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Child Marriage Restraint Act, 1929, (Amendment of Sections 3, 4, 5, 6 etc.), the Bill further to amend the Child Marriage Restraint Act, 1929, (Amendment of Sections 9 and 10) and the Bill further to amend the Child Marriage Restraint Act, 1929, (Amendment of Sections 10, 11 and 13), as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: Then, we shall take up the amendments. Clause 2.

Dr. Bakhshi Tek Chand (East Punjab: General): Sir, clause 2 comprises two amendments, with regard to the age of the girl and the age of the boy. Will you put them to vote separately or together.

Mr. Deputy-Speaker: Yes; "for the words 'eighteen' and 'fourteen' the words 'eighteen' and 'fifteen' will be substituted."

Dr. Bakhshi Tek Chand: Will you take the vote separately for raising the age of the girl from 14 to 15 and of the boy to 20 in place of 18?

Mr. Deputy-Speaker: I do not think that is necessary. The honourable the Mover seems to have accepted the age for the boy as 18. He is more particular about the girl's age as 15. Is it the intention of the honourable

Member that clause 2 should read as follows:

"for the words 'eighteen' and 'fourteen' the words 'eighteen' and 'fifteen' shall respectively be substituted."

Pandit Thakur Das Bhargava: I agree to that amendment, Sir.

Mr. Naziruddin Ahmad: It should be formally moved.

Shri Deshbandhu Gupta: I shall move amendment formally, Sir.

Dr. Bakhshi Tek Chand: I move:

"That for clause 2 of the Bill, the following be substituted:

"2. In clause (a) of section 2 of the Child Marriage Restraint Act, 1929 (hereinafter referred to as the said Act), for the word 'fourteen' the word 'fifteen' shall be substituted."

That is all.

Pandit Thakur Das Bhargava: Sir, there is another amendment in my name to clause 2. I do not know what the attitude of the Government will be in regard to this.

Mr. Deputy-Speaker: Let me dispose of this amendment first.

Mr. Naziruddin Ahmad: I wish to speak on this amendment.

Mr. Deputy-Speaker: Let me place the amendment before the House. Amendment moved:

"That for clause 2 of the Bill, the following be substituted:

"2. In clause (a) of section 2 of the Child Marriage Restraint Act, 1929 (hereinafter referred to as the said Act), for the word 'fourteen', the word 'fifteen' shall be substituted."

Mr. Naziruddin Ahmad: I think the raising of the girl's age will work considerable hardship.

Mr. Deputy-Speaker: The honourable Member has said so.

Mr. Naziruddin Ahmad: I wish to make it known that this decision has been reached rather hastily. With regard to the boy, the age may have been increased. But, with regard to the girl, we are not facing facts. We are blinding ourselves to our own personal experience. I therefore oppose the amendment.

Mr. Deputy-Speaker: I shall now put the amendment to vote. So far as the other amendment is concerned, Pandit Thakur Das Bhargava may move it later.

The question is:

"That for clause 2 of the Bill, the following be substituted:

"2. In clause (a) of section 2 of the Child Marriage Restraint Act, 1929 (hereinafter referred to as the said Act), for the word 'fourteen', the word 'fifteen' shall be substituted."

Babu Ramanarayan Singh: Who has moved this amendment?

Mr. Deputy-Speaker: Dr. Bakhshi Tek Chand:

The motion was adopted.

Pandit Thakur Das Bhargava: In regard to this amendment, Sir, that is, a man over 45 years of age should not be allowed to marry a girl under 18 years, I do not know what the reactions of the Government would be.

The Honourable Shri N. V. Gadgil: That has been rejected by the Select Committee unanimously.

Pandit Thakur Das Bhargava: Since there is no time, I do not propose to move this amendment. But I reserve my right to bring forward another Bill in regard to this matter.

Mr. Deputy-Speaker: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Pandit Thakur Das Bhargava: Before the honourable Member. Mr. Sarwate, is allowed to move his amendment, may I raise a point of order, Sir? His amendment is out of order since the basic principle of the Bill itself is affected, whereas this is only an amending Bill and only certain sections have got to be amended. But he wants the amendment of the very Act, itself. He wants to say that instead of the word 'solemnization' the words "the consummation of marriage" to be substituted. This cuts at the very root of the previous Bill and therefore it is out of order.

Dr. P. S. Deshmukh: I support the amendment that has been moved.

Mr. Deputy-Speaker: The honourable Member has not moved any amendment. Pandit Thakur Das Bhargava has raised a point of order that this is not germane to the amending Bill. I would like to hear the honourable Member regarding this point of order.

Shri V. S. Sarwate: It is not against the object of the Bill. The object of the Bill, as I said before, is to prevent premature maternity.

Shri Deshbandhu Gupta: May I interrupt the honourable Member and remind the House that the honourable the Speaker had the same view this morning that this went against the very principle of the Bill.

Pandit Thakur Das Bhargava: He said so.

Mr. Deputy-Speaker: I am afraid there is a difference. Before the matter came up before him the Speaker felt that it might be his opinion. The matter has now come for consideration and has to be heard.

Shri V. S. Sarwate: As this is germane to the object of the Bill, there is nothing beyond the scope of the Bill and there is no irregularity in suggesting this amendment; it is perfectly within the four corners of the Bill.

Dr. P. S. Deshmukh: I rise to support the amendment.

Mr. Deputy-Speaker: Order, order. The honourable Member will kindly resume his seat.

Dr. P. S. Deshmukh: On this point of order, I submit that the contention is that this is a negative amendment. I strongly suggest that this is not the case because after all the intention of the honourable Member the Mover also is to stop child marriage, and early pregnancy etc., and that object is fulfilled. As a matter of fact, Sir, the way in which we are discussing this Bill is somewhat novel, because the Government absolutely clearly and unambiguously stated that it was not in favour of increase of any age whatsoever. So what we are trying to do now is by way of a compromise. So the Bill was completely killed. As a matter of fact, you have resurrected it and have brought it into existence by giving the honourable Member a chance to move his amendment for raising the age to 15. It would be in the fitness of things especially in view of what has occurred and in the view which has been held by Government as well as by the members of the House that this amendment ought to be allowed, because it does not negative, but substantially fulfils the purpose of the enactment.

Dr. Bakhshi Tek Chand: Regarding the point of order raised by Pandit Thakur Das Bhargava, the original Act—known as the Sarda Act—is styled: "Whereas it is expedient to restrain the solemnization of child marriage Bill". The Bill is to restrain the solemnization of marriages and not the consummation of marriages. With regard to solemnization, certain ages were fixed in the original Act. Pandit Thakur Das Bhargava by his amending Bill seeks to raise those ages and also to modify the punishment, as that was perfectly within the purview of the original Act and that of this Bill. Now my honourable friend, Mr. Sarwate says "omit all reference to 'solemnization' altogether and substitute the word 'consummation' in its place". This will be beyond the scope of the original Act as well as the amending Bill which Pandit Bhargava has moved, and I submit it is a very sound point of order which Pandit Thakur Das Bhargava has raised. If my honourable friend, Mr. Sarwate or any other member of this House wishes to introduce new legislation that marriages may be solemnised at any age but should not be consummated up to a particular age, he may bring a new Bill before the House and the House will consider it on its merits. So far as this amending Bill is concerned, I submit the substitution of the word 'consummation' instead of 'solemnization' can not be allowed. The amendments are out of order.

Mr. Deputy-Speaker: I agree with the point of order raised. The amendment seeks to alter the very nature not only of this Bill, but even of the original Act. The original Act was intended to restrain solemnization of child marriages as it is well known it is more difficult to prevent the consummation when once the marriage takes place and therefore the object will defeat itself and therefore it is restricted to solemnization. So far as this Bill is concerned, the amending Bill only relates to certain sections and in a particular manner and advantage cannot be taken of that amending Bill to introduce amendments to the original Act. These are matters which are not the subject matter of the amending Bill and on that also the honourable Member's amendments are out of order. Further in the order sheet the Honourable Mr. Sarwate wanted to substitute the word 'consume' for the word 'solemnized' in the earlier section 2 which is the definite section. Now he has given that up. All the other clauses that follow are consequential namely, 3, 4, 5, 6. He has continued the same expression namely for the word 'contract' the word 'consume' shall be used. From the preface to his very amendment it has struck me that all his amendments would be lost without a definition of that kind and we cannot understand what 'consummation' is. The word 'solemnization' will continue in the definition section and consummation will be there in the later sections and on these grounds, I rule his amendments as out of order, not only his amendment No. 3 but all the other amendments.

The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Mr. Deputy-Speaker: Clause 4. Pandit Thakur Das Bhargava's amendment is only consequential. I thought he gave it up. I suppose he is not moving it.

Pandit Thakur Das Bhargava: Not moving it.

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

The Honourable Shri N. V. Gadgil: The whole clause 6 goes.

Mr. Deputy-Speaker: The question is:

"That clause 6 stand part of the Bill."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Pandit Thakur Das Bhargava: Sir, I move:

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

I do not want to take up the time of the House but would beg of the House to kindly pass it as soon as possible.

Dr. P. S. Deshmukh: Referring to the way in which we have gone back on a decision which was more or less accepted, I wish to say that we have passed the whole thing in such a hurry. I am not sure if there are not incongruities in the way in which we have passed the various sections and since the attitude of the Government was made clear by the honourable Minister, Shri N. V. Gadgil, I think, Sir, the Bill should not be passed if necessary and if we think that any change is justified and the Government also agrees, there might be a fresh Bill which could be passed in one session. Therefore, I oppose the Bill.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

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

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1896, as reported by the Select Committee, be taken into consideration."

In regard to this Bill I have not to say much. The report of the Select Committee is unanimous and the report of the Age of Consent Committee is also absolutely unanimous on this point. Previously I could understand the Government's hesitation in agreeing to a Bill of this nature. But, since we have passed the other Bill and made the marriageable age 15, there is no point in not making the age of consent fifteen. So far as the powers of the husband are concerned, they are on the same level as they should be according to the accepted notions of the relations between husband and wife. Now, the age being the same, if we succeed in seeing that the marriageable age is observed, there will be no occasion for this Bill coming into operation against any person.

INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL 2335

In regard to this Bill there are two points to be noted in the report of the Select Committee. It did not agree to raise the age from 16 to 18 in regard to extra-marital relations. I am however of opinion on very good grounds that the age should be increased to 18. There is a large volume of opinion in favour of making it 18, instead of 16. For the purpose of sections, 366-A and 366-B the age is 18 and for the purpose of section 372 and 373 also the age is 18. The position is this: if a person entices away a woman or girl of the age below 18 and takes her to his home, then the law can be invoked against him under section 552. The girl can be set at liberty and the man punished under section 361 as amended by the Select Committee. But if a person goes to the ancestral house of a girl below 18 on being called and has intercourse with her he will not be guilty if the age is not increased to 18. So far as my amendment is concerned, I will see how the debate proceeds and then decide if I should move it. So far as the raising of the age from 13 to 15 goes, the report of the Select Committee is unanimous. And in this matter I have got the blessings of Honourable Sardar Patel also. When the Bill was sent to the country Sardar Patel told us that it was overdue, but he wanted the opinion of the country to be ascertained. When that opinion was received, it was found to be 100 per cent. in favour. I do not want to take up the time of the House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, as reported by the Select Committee, be taken into consideration."

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): In this matter the decision of the Select Committee is almost unanimous and therefore I have nothing to say about it. As regards the point raised by Mr. Bhargava in his Minute of Dissent, I do not think the Government will be able to accept it at this stage. I do not think I need say anything more.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Pandit Thakur Das Bhargava: I do not propose to move my amendment to clause 3. I however reserve my right to bring it by another Bill.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 and 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Pandit Thakur Das Bhargava: I move:

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

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

HINDU MARRIAGES VALIDITY BILL

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

"That the Bill to provide that marriages between Hindus, Sikhs, Jains and their different castes and sub-castes are valid, as reported by the Select Committee, be taken into consideration."

Sir, in so far as this Bill is concerned,.....

Mr. Deputy-Speaker: The honourable Member may go on slowly and audibly.

Pandit Thakur Das Bhargava: When this Bill was sent to the Select Committee the entire House supported it. There was not a single dissentient voice excepting one on the basis that the Hindu Code Bill was coming. My submission is that if this Bill is passed, it will pave the way for the Hindu Code Bill. The provisions in both are absolutely the same. Before this Bill was introduced, the Arya Marriage Validation Act under which a member of the Arya Samaj could marry any person even of a different caste was in force in India. In Punjab today there are marriages between Jains and Hindus and there is absolutely no objection to that and the off-spring of the union is allowed to inherit. In the society there is absolutely no criticism of such marriages. Among Sikhs and Hindus today marriages are being performed without any objection and society accepts such marriages as valid. The only question that remains in whether according to the tenets of the Hindu law such marriages are valid or not. In regard to marriages between different sections of the same caste we have already passed a law, as also in regard to sagotra marriages, etc. That is the present condition of the law. Now, what this Bill seeks to say is that if marriages between Hindus, Sikhs and Jains and between the different castes and sub-castes take place, they will be valid and shall be deemed to have always been valid. That is the only one provision. This is an enabling provision. It does not force any person to have form of marriage. It only gives him liberty to have such marriages.

I would remind the House that a Bill of this nature was moved by the late President Patel in 1921 on almost these very lines. Today we have proceeded further in the direction of social reform and today this is the demand of the country. The country demands a classless society and does not want any restrictions between castes and religions so that marriages between members of the different religions may be solemnised. Today if a person wants to marry a member belonging to some community or religion other than his own he has to take shelter under the Civil Marriages Act. After this Bill becomes an Act he need not have recourse to that Act. Certain restrictions and disabilities now exist in regard to such marriages and all of them will be removed under the provision of this Bill.

Since this Bill has received such a reception I do not want to expatiate on the advantages of such marriages. I can only say that Mahatma Gandhi recognised the need for this and he married his son in accordance with the principles laid down here: Swami Shirdhanand married all his children in castes other than in his own. Some of our other leaders have done so also. This is a Bill which will do good to our nation and this is a Bill of the first importance. After it is passed we will be able to say that we have given

effect to the principle of political equality in the Objective Resolution and other sections of the constitution whereas this measure if passed will constitute a Charter of social equality to all the different castes and religions.

Dr. P. S. Deshmukh (C.P. and Berar: General): Sir, I support this Bill. It is a reform which is long overdue and the House and the country will be grateful to the honourable Mover for bringing this Bill forward. There is a provision to give retrospective effect to the Bill which I think is absolutely necessary, and without which much of the benefit likely to follow from it would be lost. I therefore disagree with the note of dissent which you, Sir, have appended and I hope the provision about retrospective effect will be maintained.

As there are no amendments I suggest that we might save time by taking the whole Bill in a consolidated form and pass it.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): Sir, this Bill has the support of Government, which only illustrates how very progressive Government is. As the Bill is only permissive and undoubtedly of a progressive character, it would be foolish in this year of grace 1949 to say that marriages between different sub-castes among Hindus are bad. I am particularly happy that it was given to Dr. Deshmukh to see the day when a Bill making marriage of this character valid has been put on the statute-book and declared valid because he was a pioneer in this respect. So I hope that before the clock strikes Five this Bill will be put on the statute-book.

Shri Raj Bahadur (United State of Matsya): Sir, it has been aptly said that the Bill is of a permissive and enabling nature. It is also agreed upon in all sides that it was long overdue, and it is only meet and proper that it should be passed now. I feel that in the process of unification of our nation such measures are a dire necessity. I believe that for the complete solidarity of our nation we must eliminate the caste system, root, stalk and branch as early as possible. We know how during the course of our long history the caste system and caste prejudices have come in the way of our progress: In fact it has accounted for our slavery which extended for centuries. So when I say that this Bill is only of a permissive character I also say that I consider it only as a beginning in the right direction. It is not an end in itself but only a means to an end. I hope to live to see the day when there will be passed a more effective and stronger piece of legislation by this House enforcing that no young man or woman should be able to marry in the so-called caste to which he or she happens to belong. Until that is done it is almost impossible to unify the nation. I may, perhaps be saying this far in advance of the proper time, but I can emphatically state that that is the feeling among most of the people of my generation. We know how we have suffered because of the baneful effects of the caste system, and it was high time that we should take some step in this direction. Hence I welcome this humble beginning in the form—or the present measure which is on the anvil of legislation. I hope we would very soon have another measure which will be still more effective in unifying our nation. The honourable Minister Mr. Gadgil said that Government's support of this Bill shows the progressive nature of Government. I know they are progressive but I want them to be still more progressive and bring in some stronger pieces of legislation, at their own initiative.

Sir, I welcome this measure and support it whole-heartedly.

Shri Prabhu Dayal Himatsingka (West Bengal: General): Sir, in your note of dissent you say that marriage must be defined. I do not see why it should be defined because everybody understands what marriage is. I should like to understand your note of dissent.

Mr. Deputy-Speaker: What I meant was the marriage between people of different castes before this law would not be valid. For such invalid marriage no form of marriage has been given. It cannot be said that because they belong to different castes it cannot become invalid but they could not have gone through any form of marriage prescribed for these people. Therefore whatever might be the form of marriage it should be valid under this law. In the Shastras they did not provide for these inter-caste marriages because they did not contemplate such marriages. Therefore whatever form of marriage was gone through, whether under the Hindus Codes or not should be made valid. I will now put the question:

The question is:

"That the Bill to provide that marriages between Hindus, Sikhs, Jains and their different castes and sub-castes are valid, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Pandit Thakur Das Bhargava: Sir, I move:

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

Mr. Deputy-Speaker: Motion moved:

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

Pandit Thakur Das Bhargava: Your view Sir, that since the form of marriage is not given here, it is doubtful whether any person will be able to take advantage of it is not right. My submission is that we know what the forms of marriage are. Any form of marriage recognised by Hindu Law as applicable to Hindus, Jains and Sikhs will be regarded as a valid marriage.

Mr. Deputy-Speaker: Not to all Hindus!

Pandit Thakur Das Bhargava: The Hindu Law applies to Sikhs and Jains equally. Please consult page 59 of Gaurs Hindu Code and pages 88-89 of Maynes' Hindu Code. A number of instances are given on these pages to show that Sikhs and Jains are bound by the same law as the Hindus. So far as the question of the form of marriage is concerned, this is not doubtful. What the Bill aims at is this: that no marriage will be invalid on the basis that the parties are Hindus, Sikhs, Jains, or their Castes and sub-castes. It must be a marriage according to forms known to Hindu Law. This Bill goes to show that if the marriage.....

Mr. Deputy-Speaker: On the other hand they say that that is no marriage at all. Take the case for adoption. Giving and taking is necessary. Now there is no adoption recognised amongst Muslims and they may bring in some law saying notwithstanding anything hitherto, there may be an adoption. But the essentials of adoption are not there. It is not provided for in the Muslim law. Here it is not contemplated that one caste may marry another caste.

No specified forms of marriage have been prescribed for such inter-caste marriages. Then what is the form of marriage that will be applicable? And if any particular form is not applicable it may not be considered a marriage at all.

Pandit Thakur Das Bhargava: Even today marriages take place between Jains and Hindus and Sikhs and there is no objection to such marriages. They are solemnized according to known principles and forms. After all the Hindu Law is not so barren as not to provide forms of marriages. Marriages are recognised as good among the sub-castes. But the marriages between Hindus and sub-castes were not previously valid. But since that was passed all these are recognised as good and the forms are as they were before. The House is fully aware how Mahabir Swami fought in his days for the eradication of castes. The Gurus of the Sikhs fought in the same way as Mahabir fought. Jains and Sikhs do not accept any caste distinction in theory. They cannot but accept it because they do not recognise any caste. So far as the Hindus are concerned, our ancient Shastras did not recognise any such caste based on birth. Did not Lord Krishna say:

चातुर्वर्ण्यं मया सृष्टं गुणकर्म विभाग

("I have created all the four castes according to respective quarters and actions"). This we have in the Gita. So we are reverting back to our own practices and we are not making any new change.

Today I feel very satisfied that we are doing the right thing and all those who have gone before us will feel satisfied that in this age when the National Government was in office, they accepted, promoted and recognised the validity of this Bill. Now where is the man in this country who will say that the Government are not taking absolutely a national view in all such matters? The passage of this Bill is an example of Swaraj in practice. I submit that the Government have done the right thing in accepting this Bill and again I congratulate the House, and I cannot finish my speech without again reminding the House of the great service which our President Patel, whose picture I find there, did in regard to this aspect of our marriage laws. He is the original mover of this Bill and if tradition allows, I would like to call this Bill the Patel Hindu Marriages Validity Bill.

Today we are in a position to pass this Bill without a dissentient voice. I once again congratulate the whole House because they have taken this Bill in the right spirit.

Shri B. Das (Orissa: General): I congratulate my friend, Pandit Thakur Das Bhargava for having gained the triple crown of having had, as a non-official member, three non-official Bills passed on the same day. My honourable friend Dr. Hari Singh Gour, I am glad to see is also present today. He has been the father of all such social reforms.

Pandit Thakur Das Bhargava: He is the virtual father of these Bills.

Shri B. Das: I do not know what will be the result of this Bill but I somehow feel in these days of liberty and licence in our youth a lot of mischief is liable to be done but not being a lawyer I do not worry my head over it. It is for my friends Pandit Thakur Das Bhargava and other lawyer friends like Pandit Mukut Bihari Lal Bhargava and others to settle the points of law that may arise hereafter. I once again congratulate Pandit Thakur Das Bhargava on his triple success.

Mr. Deputy-Speaker: If honourable Members want to finish this Bill today they must be quick and speak for one minute each.

श्री लक्ष्मीनारायण साहू : वाचस्पतिजी, मैं इस प्रस्तुत विधि का स्वागत करता हूँ। लेकिन स्वागत करते हुए भी मैं इतना जरूर कहूँगा कि अभी आज हिन्दू, सिख और जैन आदि कास्ट्स और सब कास्ट्स जो हैं उनमें जो शादी होगी वह शादी अनुमतिसूचक कर दी गई है। लेकिन मैं तो सोचता हूँ कि इसमें मुसलमान और कृश्चियन भी होते तो क्या हर्ज था। उनके इसमें आ जाने से मुझे और भी आनंद होता क्योंकि आज तो सभी चाहते हैं कि जात पात खत्म हो जाय। हम लोग चाहते हैं कि सारे हिन्दुस्तान में कोई भी हिन्दू मुसलमान इत्यादि नहीं रहे। सब इन्डियन हों। इस लिये मैं चाहता हूँ कि यह शब्दावली और भी जोड़ देते तो अच्छा होता।

(English translation of the above speech.)

Shri Lakshminarayan Sahu (Orissa: General): I welcome this Bill. While doing so, I should like to say that now when the marriages between Hindus, Sikhs and Jains and their different castes and sub-castes have been made valid; I think that there was no harm if the 'Muslims' and 'Christians' too had been included in this Bill. It would have given me great pleasure if they had been brought within the scope of this Bill, because to-day every body wants that the Caste System should be abolished. We want that none should be called as Hindu or Muslim etc. throughout the whole of India. Every one should be called an Indian. Therefore, I feel that it would have been much better if these words had also been included in this Bill.

Shri Deshbandhu Gupta (Delhi): I join my friend, Mr. B. Das in congratulating my friend Thakur Das Bhargava on the great service that he has rendered by putting forth these Bills with such vehemence. I wish to point out that it has been emphasized that this is an enabling Bill. I wish to emphasize that full advantage should be taken of this and I do hope the country will take the fullest advantage of it and that it will not remain an enabling Bill and that we will see that all castes and sub-castes will inter-marry and thus bring to an end the curse of the caste-system.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 5th April, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE), DEBATES

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

Tuesday, 5th April, 1949.

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

QUESTIONS AND ANSWERS.

(See Part I).

11-45 A.M.

CLOSING DATE OF THE ASSEMBLY SESSION

Shri H. V. Kamath (C.P. and Berar: General): Before we proceed to the next item on the agenda, may I venture to remind you, Sir, that we are still completely in the dark about the closing date of this Session?

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): There are three days left according to the schedule. The Government do not propose to ask for any more days for the Hindu Code. It is unnecessary waste of time and therefore we do not intend to make any further effort for its consideration this session. But the remaining items of business consist of 24 Bills which, though small, are of a very urgent character. If the House co-operates I am sure we can finish them all in scheduled time. Therefore I will appeal to the House to accord full co-operation. Let us finish this session in scheduled time.

Shri H. V. Kamath: Has the House failed to give true co-operation so far?

Mr. Speaker: Let us not use the time in discussing that question.

Shri R. K. Sidhva (C.P. and Berar: General): The Honourable the Leader of the House raised an important matter about the Questions and you told Mr. Das to see you in your chamber. My submission is that, as the question has been raised on the floor of the House, it may be discussed in the House and the Members' difficulties taken note of by the Leader of the House.

Mr. Speaker: That can be done in the Chamber. Such of the Members as want to make any suggestion are welcome to discuss the matter with me. Let us take this step as the first step in co-operation.

PAPERS LAID ON THE TABLE

- (1) REPORT OF ACTIVITIES OF DEPARTMENT OF EXPLOSIVES
- (2) REPORT OF COAL MINES STOWING BOARD.
- (3) REPORT ON THE ESTATE OFFICE.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): I beg to lay on the table a copy of each of the following *Reports, namely:

- (1) A short Report on the activities of the Department of Explosives during the six years ending 31st March, 1947.
- (2) Annual Report of the Coal Mines Stowing Board for 1947-48, and
- (3) Report on the Estate Office, 1948.

*Not printed in the day's debates. Copies placed in the Library of the House.—
E.L. of D.

ELECTION TO CENTRAL TEA BOARD

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

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two members from among themselves to be members of the Central Tea Board in terms of sub-sections (3) (iii) and (4) of Section 4 of the Central Tea Board Act, 1949."

This Act was passed by this House only a few days back and it has since received the assent of His Excellency the Governor-General. I do not think I need say anything more.

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two members from among themselves to be members of the Central Tea Board in terms of sub-section (3) (iii) and (4) of Section 4 of the Central Tea Board Act, 1949."

The motion was adopted.

ELECTION TO CENTRAL ADVISORY BOARD OF ARCHAEOLOGY

آنریبل مولانا ابوالکلام آزاد: جناب! میں تجویز کرتا ہوں کہ اس اسمبلی کو چاہیئے کہ ایسے طریقہ سے جو آنریبل اسپیکر ٹھہرا دیں دو ممبروں کو چننے کی کارروائی انجام دے۔ یہ چناؤ سنٹرل ایڈوائزری بورڈ آف آرکیالاجی کی ان دو جگہوں کے لئے کیا جائیگا جو سری رنگنا تھ رام چندر دواکر اور سری ٹی۔ اے۔ آر۔ چیٹیاہ کے زرائع کرنے کی وجہ سے خالی ہو گئیں۔

The Honourable Maulana Abul Kalam Azad (Minister of Education): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two members to serve on the Central Advisory Board of Archaeology in India constituted by the Government of India vice Shri R. R. Diwakar and Shri T. A. Ramalingam Chettiar resigned from the Board."

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two members to serve on the Central Advisory Board of Archaeology in India constituted by the Government of India vice Shri R. R. Diwakar and Shri T. A. Ramalingam Chettiar resigned from the Board."

The motion was adopted.

Mr. Speaker: I have to inform Honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committee, namely:

	Date for Nomination	Date for election
1. Central Tea Board		
2. Central Advisory Board of Archaeology.	6-4-1949	7-4-1949.

The nominations for these Committees will be received in the Notice Office upto 12 Noon on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's room (No. 21) in the Council House between the hours 10-30 A.M. and 1 P.M.

WEST GODAVARI DISTRICT (ASSIMILATION OF LAWS ON FEDERAL SUBJECTS) BILL

The Honourable Shri Satyanarayan Sinha (Minister of State): I beg to move for leave to introduce a Bill to assimilate certain laws in force in different parts of the West Godavari District of the province of Madras.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to assimilate certain laws in force in different parts of the West Godavari District of the province of Madras."

The motion was adopted.

The Honourable Shri Satyanarayan Sinha: I introduce the Bill.

INDIAN SUCCESSION (AMENDMENT) BILL

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): I beg to move for leave to introduce a Bill further to amend the Indian Succession Act, 1925.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Succession Act, 1925."

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: I introduce the Bill.

ESSENTIAL SUPPLIES (TEMPORARY POWERS) AMENDMENT. BILL—concd.

Mr. Speaker: The House will now proceed with the further consideration of the following motion:

"That the Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration."

Shri Prabhu Dayal Himatsingka (West Bengal: General): On the last occasion when this Bill was being discussed I stated that in view of the existing provisions in the Essential Supplies Act it is not necessary that the Bill that has been introduced should be proceeded with or passed. As you know, the present Section 7, which is sought to be amended, provides that if there is any contravention of any order either on food stuffs or textiles, the accused shall be punishable with imprisonment which may extend to three years or with fine or with both and if the order so provides the article concerned shall be forfeited to His Majesty. What the honourable Minister seeks here is to change the word 'may' into 'shall'. He wants that wherever there is a contravention of the order, the court shall sentence the accused to imprisonment which may extend to three years and may also impose a fine. Therefore the intention is to take away the discretion that is left to the court. Here the amendment does not make any distinction or differentiation in the gravity of the offences. A violation of the control order as regards food supplies may be a minor offence in the nature of failure to file a return prescribed in time. Even in regard to this it is proposed that the court shall be bound to inflict imprisonment as a punishment irrespective of the nature of the offence. That is what I object to. If the honourable Minister thinks that the courts are not administering the present law as they should, that merely shows, that public opinion is not strong enough to compel the court or induce the court to inflict the punishment of imprisonment. If the law be made so stringent that the court is left with no option, the tendency of the court would be to acquit the accused, unless the offence

[Shri Prabhu Dayal Himatsingka]

be of a very grave nature. If it is of such a grave nature the court is expected to and I am sure the courts do inflict the punishment of imprisonment. If the honourable Minister had quoted facts or given us the number of cases where punishments have not been adequate to the offence and offenders are being encouraged thereby one could understand. Nor has any attempt been made to distinguish about the nature of the offences. If you want to make a punishment deterrent or produce the desired effect on would-be offenders, the offences that have been made punishable and the severer punishments provided therefor should be made known to the people. What has been happening here is this. The law has been there for the last three years and not one single copy of the rules and regulations is available anywhere. As a matter of fact in August last in connection with the amendment relating to offences in textiles I raised the question and at that time the honourable Minister for Industries gave an assurance that he will see to it that the control orders are made available. I wrote a letter in the beginning of this session and, Sir, you will be surprised to know that the answer was that they were not still in a position to place it in the hands of the public who wanted it. The honourable Minister has written to say that

"A comprehensive manual containing the control orders or statutory orders and rules and important circulars has been compiled and is now in the press. The difficulty is that the Government Press is unable to undertake the work because it is fully occupied, and private presses are unable to undertake the job."

The Honourable Shri Jairamdas Doulatram (Minister of Food and Agriculture): May I know whether the reference of the honourable Member is to a letter from me or from the Minister of Industry and Supply?

Shri Prabhu Dayal Himatsingka: I wrote a letter to the Minister of Industry and Supply and I also made an enquiry from the Minister of Agriculture. My letter was sent to the Ministry of Industry and Supply and the reply I received is dated the 18th March from Mr. K. Sen, Jaisalmer House, Government of India, Ministry of Industry and Supply. This is the letter that I have read out from.

My submission is that if you really want to make the law effective you must make it known to the public. It is no use depending on the maxim that everybody is supposed to know the law. True that everybody is supposed to know the law but if the offence is committed you do not want to punish him for punishment's sake but to see that he does not commit the offence in future. If that is the intention of the Government, certainly they should take steps to make the provisions of the law known. It is not the punishment that will stop this kind of offences but it is the extensive information that is made known to the people.

Let us see what is happening today in the different provinces and states. A tussle is going on as to who should be the Minister or who should be in power. Nothing is being done to educate the people or bring to bear on the people a certain amount of moral pressure or persuasion to make them fall in

12 NOON line with the Government or co-operate with it. Persons who are engaged in governing the Provinces and States are engaged in quarrelling among themselves. Today's newspapers mention three different places where ministerial quarrel is going on. What can you expect from the general public when they find this state of things amongst persons who are expected to set an example to the public and lead them on to the right path. At any rate, what is needed is that we should educate the people. Let them know what their duties are. It is no use promulgating laws which will make the government a laughing stock, because in most cases the offenders go undetected. Very few cases are brought to book and such cases are for minor offences such as a man carrying five seers instead of four seers of rice or ten seers instead of nine. There are

different provisions and offences in different provinces. If a member coming to Delhi, thinks that rice is not available in Delhi, and has rice in his own house and he may start say from Bengal with five seers of rice. It may be all right when he started from Bengal but crossing the Bengal border and coming into Bihar it may be an offence to carry five seers of rice according to a law promulgated there. Further up it may not be an offence in U.P. and when he arrives in Delhi it may be an offence again. I am sure if honourable Members present in the House have to make arrangements for their food they may be violating the law every day in the matter of rice and wheat. If my honourable friend Mr. Sidhva, who has tabled an amendment that the punishment must be seven years and the fine must not be less than Rs. 10,000, is also of the same view he is welcome. If he thinks that the offences are committed by big businessmen or industrialists and on that basis he has tabled his amendment, he will be sorry, because as he will find from the figures given by the honourable Minister these offences are mostly of a trivial nature. I would therefore request the honourable Minister to consider whether there is any necessity for proceeding with this Bill.

Shri R. K. Sidhva (C.P. and Berar: General): Sir, I rise to support the provisions of this Bill. My honourable friend Mr. Himatsingka asked what was the necessity for the honourable Minister to bring an amendment to the original Act. He said that there was already a clause in the original Act empowering the infliction of a deterrent sentence on an offender. He probably forgets that that clause has not had the desired effect upon the offenders who have been systematically flouting the provisions of the law which is supposed to be stringent but is not so in fact. In this very session in reply to a question the honourable Minister for Industry and Supply revealed that commodities worth 35 Lakhs of rupees from the city of Delhi only were discovered in underground godowns and illegal export and import trade channels were operated on from Delhi. He stated also that most of the goods were cloth, food, potatoes and several other articles. He further stated.....

Pandit Thakur Das Bhargava (East Punjab: General): May I ask if the honourable Minister said anything about foodstuffs?

Shri R. K. Sidhva: Potatoes come under food stuffs. 3,500 maunds of potatoes, if it is food stuff and 400 maunds of rice, if it is food stuff. There were also a lot of cloth. It is not food stuff but certainly it is a second important necessity as my friend knows. In all, 260 cases were detected and some 400 persons were arrested of whom 337 were convicted. And what were the sentences that the magistrate gave? Fines from Rs. 20 to 4,000. I do not know how many were fined Rs. 4,000. To a supplementary question he was not able to give me the answer. The imprisonment ranged from the rising of the court to four months rigorous imprisonment. How many were sentenced to imprisonment till the rising of the court and how many for ten days or one month and how many for four months, I could not know in answer to a supplementary question.

This very fact shows that despite the original clause, the Magistrates have been very lenient in awarding sentences. My friend, Mr. Himatsingka, will realize the necessity of the honourable Minister bringing forward this amendment. Personally, I would go still further and make the maximum period of imprisonment seven years instead of three years. If my friend were to read what is happening in foreign countries as regards any infringement of the Control Act he would be surprised and staggered. In certain cases they were hanged and in certain other cases the offenders were transported for life. This is a matter in which the Government is deceived by a certain class of people. I cannot say whether it is by the rich class or not. I have never specified it. But in such matters, the time has come when these people should realize what an amount of dis-service to society they do by infringing the provisions of the

[Shri R. K. Sidhva]

Act. Despite the sentence being for three years, it has had no effect on them. They do not care. I have been advocating that unless you confiscate their property, they will not come to their senses. To them, money is more dear than going to jail for three to four years. An effort has been made in this Bill that the property involved should also be confiscated. I welcome it. Again, in this Bill, a little latitude is given to the Magistrate. If you see the provision in clause 7 which is contemplated to be amended, it reads: "the Magistrate may fine". It is stated in the original Bill that he should be imprisoned and also fined. But again it is left to the discretion of the Magistrate. In the event of his finding that there is justification for a fine, he can fine but he must give reasons for it.

I do not want to go into the discretion of trying Magistrates. Sometimes, there may be a trivial offence and certainly a man should not be punished for a trivial offence by imprisonment of a long or short duration. Therefore the Magistrate has been empowered with this latitude. But in this matter, every year, we are bringing forward some sort of an amendment to the original Act on Essential Supplies and our experience has not been very happy. Our experience has been that despite these amendments from time to time, the effect on it has not been very satisfactory and I shall not subscribe to the views of my honourable friend, Mr. Himatsingka that public opinion has not been ascertained by the Ministry. Nor do I agree with him that because there are many ministerial quarrels, therefore these things should be permitted to happen. I am rather surprised. Does he mean to say that because Ministries are quarrelling such offenders should be allowed to go free and violate the provisions of the Act? What has this to do with the Ministries? Ministerial quarrels go on in all countries. But the provisions of the law have to be obeyed. His is a lame excuse. It is true that Government should have resorted to propaganda to elicit public opinion. I can appreciate that. But that does not mean that because it has not been done, therefore people should infringe the provisions of the Act which have been framed for the betterment of society. I therefore welcome the provisions of the Bill and I think my amendment, which I shall move when the time comes, is none too early in effecting such a change, although it is merely of a minor nature.

One point, of course, I welcome: as I stated before, it relates to confiscation of property and that is a great thing. It will go a great way if this is done. Out of this Rs. 85 lakhs of goods I asked the honourable Minister as to how much was confiscated. He could not tell me, though I have learned that it was of a few thousands of rupees only. If such kind of property is detected, all of it should be confiscated to the State. There should be no consideration as far as that is concerned and I want that clause be more stringent because that will have a deterrent effect on the offenders. With these words, I give my fullest support to the provisions of this Bill.

Dr. P. K. Sen (Bihar: General): There is only one point on which I wish to offer one or two observations and also to support my honourable friend, Mr. Himatsingka's amendment. He recommends that discretion of the Court shall prevail and there should be no fixed hide-bound law which the Magistrate, or the Court concerned has to administer. My honourable friend, Mr. Sidhva, says: no, we want to punish them adequately and therefore there should be no change at all. Make it "shall", so that in every case there shall be imprisonment.

But I may say, with great respect to my honourable friend, Mr. Sidhva, that his view as regards punishment is antediluvian. At the present moment, everywhere in the civilized world, there is an endeavour to make the law adjustable to the individual by what is called 'individualization' and that can

only be done in our present system by leaving discretion in the hands of the Court concerned to modulate the punishment. You can have either imprisonment or fine, or both—just as you like: just as circumstances of the case would really dictate. If on the other hand, we say, no, in every case it is such a heinous offence that it must be met with imprisonment, we shall come to grief. As a matter of fact, every day we find from experience that you cannot get a seer of rice or even half a seer from the ration shops. Even today I heard that the ration shop had declared that from next week there shall be no rice at all in their stock. Under these circumstances a man may have to take to dubious ways to get what he wants for sustenance of his life. For such action he should not be liable to be punished with imprisonment for three years, with or without fine. I do submit that this would be a very inflexible way of administering punishment. Punishment should not be so rigid, inflexible and hide-bound. It has got to be modulated according to the circumstances of each case. Hence I feel that the amendment is worthy of our acceptance.

Pandit Thakur Das Bhargava: If you will be pleased to consider the provisions of the original Act, you will see that the executive is armed with very extensive powers. In regard to this, one of the provisions—clause 14—runs:

"No order made in exercise of any power conferred by or under this Act shall be called in question in any Court."

If you are pleased to consider, along with this the provisions of section 3, which embraces in the first instance a general provision, you will find that it runs like this:

"The Central Government, so far as it appears to it to be necessary or expedient for maintaining or increasing supplies of any essential commodity, or for securing their equitable distribution and availability at fair prices, may by notified order provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein."

Nothing can be wider than this. Then when in the second clause this power was given a concrete form, even there it is divided into about eight or nine paras. and they too, are not specific. They are rather vague, indefinite, and one does not know what order may not be passed by any executive officer under them. But when you kindly see the range of these orders you will be pleased to note that they begin with the regulation "by licences, permits or otherwise the production or manufacture of any essential commodity" and they say that the order may provide "for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters" and also to

"produce for inspection such books, accounts, and records relating to their business and to furnish such information relating thereto, as may be specified in the order...."

So that the range of orders which can be issued under clause 3 is of a peculiar kind and is very extensive in its scope. But unfortunately when we come to section 7, where the punishment is provided for all these crimes, one is reminded of the story: "*Take ser bhaji take ser khaja, Andher nagari chopat raja*". If a person does not give any information he should be sent to prison for three years. If a person does not obey a rule which may be made for the supply of an essential commodity to a city or village, even then he may be let off with a fine. The law should have been made more specific or at least the punishment should have been differentiated. It is a general rule of jurisprudence that when you invest a court with a certain power in respect of any offence, you must differentiate between the degrees of its heinous aspect, whether it is more or less. The courts are empowered to pass from a sentence of death by hanging to one of fine and there are 511 sections in the Indian Penal Code. Without such a differentiation will it be fair? I find in almost every Bill which comes before us this is the defect and nobody cares to define what sort

[Pandit Thakur Das Bhargava]

an offence it is and what sort of punishment should be given. This is not the first time that I am recording my protest against this kind of procedure.

In regard to this particular question I have tabled an amendment to section 7, Clauses (a) to (j). I have tried to define in respect of certain orders under particular clauses the quantum of punishment to be given. In regard to ordinary offences the court should not be able to give as much imprisonment as in the case of very serious kinds of offences. We must differentiate between clauses (a) to (j) and apportion the amount of imprisonment to each.

In regard to the particular provisions before the House there was a previous amendment of this Act which dealt with cotton fabrics (Act LXIV of 1948) and in similar terms the Act was amended. In regard to food stuffs similar amendments are sought to be made. My submission is that so far as these are concerned I do not find any great difference of opinion between those who have sent in amendments and the original section. After all the proposed provision does not say that in every case imprisonment is to be given. On the contrary if there is a case in which the circumstances call for a fine only, the court is empowered to impose it. So far so good. I do not question the propriety of a provision like this. I understand that in regard to offences relating to food stuffs it may be necessary to instil fear in the minds of those who violate the law. Therefore a provision enforcing compulsory imprisonment unless the alternative of fine is called for is necessary. I have no objection so far as this is concerned. My objection is to make a general rule of this nature in regard to all the crimes about food stuffs. It is not only unnecessary but also mischievous in the extreme. I know that persons who carry one or two seers of *atta* are *chalaned* by the police and they are dealt with under the law. Mr. Sidhva said that the courts imposed fines ranging from Rs. 20 to 4,000 and gave imprisonment from the rising of the court to four months. He was not able to examine those cases and so could not say that the sentences were not fair. It may be that the offences in relation to which these sentences were given were of a minor nature. He gave instances of 400 maunds of rice and 3,500 maunds of potatoes and it may be that the sentences of four months imprisonment or Rs. 4,000 fine were in respect of those cases. These are the two examples only. No case has been made out before the House with statistics as to why this amendment is necessary. It has not also been proved that the courts have been lenient in such offenders, or that they had not given proper sentences. Even the honourable Minister thinks that in cases like this he wants to see that the law is not infringed; so that people would know that imprisonment would be given in every case. I would respectfully request him to see that if such an innovation is made in regard to offences in respect of orders under (c), (d) and (f) of section 3 that imprisonment may be necessary to be given but in regard to other matters relating to giving information and statistics this may not be insisted upon. The principle of law, I submit, is that where you can use a twig you should not use a *lathi* and it applies to this also. Therefore I have given some amendments to the section and I would beg the honourable Minister to kindly see them from this angle.

As regards forfeitures I quite see that the law amply provides for it. Even section 7 provided for it. In regard to clause 3 I see that it is a bit too hard and at the same time, I submit, it is not fully workable. If you see the proviso to section 3 the words are: "unless it is proved that the owner thereof knew that the offence was being, or was to be or was likely to be, committed." It may so happen that the owner is staying in Calcutta and his lorry may be plied in Delhi. The owner is not supposed to know but the driver may know and he may be in collusion with a smuggler or any person who wants to violate the

law. If the owner is ignorant there is no reason why he should be convicted. As a matter of fact this clause goes too far and it may not be workable in practice. Some device should be found under which you may be able to catch the driver and not necessarily the owner. Under the provisions of the law today abettors are guilty and can be punished and there is no reason why you should have a provision like section 7(a) because in practice it will not work. The severity of the sentence cannot make up for your lack of vigilance. As Mr. Prabhu Dayal Himatsingka pointed out, people are not even supplied with copies of these laws and people do not know in what way they have infringed the law. It is absolutely necessary that people should know what conduct on their part is penal. Unless they know this how can you expect them to behave in a legal manner. My humble submission is that instead of tightening these punishments you must tighten up your propaganda. You must see that people realise that it is an offence to behave in the manner indicated in the provisions of the Bill. This will give you better dividends rather than having seven years imprisonment or Rs. 10,000 fine which Mr. Sidhva was pleased to suggest. My final submission is that proper consideration should be paid to the apportionment of a fair amount of imprisonment in respect of the various offences mentioned in clause 3.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I regret I have to oppose the Bill altogether. With regard to the real purpose of this amending Bill there is in the House some justifiable confusion. The change proposed by clause 2 regarding punishment is merely to change an offence of one class into an offence of a different class altogether.

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

Clause 2 tries to replace clause (b) of proviso to sub-section 1 of section 7 of the Essential Supplies (Temporary Powers) Act. I find that that Proviso was introduced by Act LXIV of 1948 very recently. That Proviso dealt with an offence relating to cotton textiles while this Bill tries to provide for an offence relating to food stuffs. So it is not changing merely the discretionary character of the sentence but rather changing the offence altogether. I do not know whether there was any other amendment to the original Act; this is what I have been able to collect from the Library. The original Proviso to Section 7 dealt with the contravention of an offence relating to cotton textiles. I find that all the orders under Section 3 of the original Act relate to cotton textiles. But this amendment will convert this Proviso from an offence against cotton textiles to an offence against food stuffs—a different offence altogether.

I beg to point out that in the original Act there was the provision of sentence of imprisonment which was compulsory and here also they want to make it compulsory. I submit that this would be entirely out of the question. If we accept this Bill the effect of this will be to convert almost every honest citizen into a criminal. The real disease or the real difficulty in this problem is shortage of food stuffs. That is the real cause of the crime. That again is accentuated by much mismanagement of the controls. In fact the offences relating to food stuffs are, as a matter of necessity, being committed openly without anybody being caught. You do not get food stuffs in the control shops or at the controlled prices. Food is such a thing that a man cannot live without it. Even clothing could be dispensed with for some time but not food. So, by the very failure of the control and by the absence of sufficient control over these controls, a man in need of food is forced to go to the black-market. Black-market is no longer a black-market: it is an open market. I am informed by a very eminent member of this House that rice is being sold at much

[Mr. Naziruddin Ahmad]

over control price in Paharganj openly and I am assured that every second shop is a black-market rice shop.

Pandit Thakur Das Bhargava: Why rice alone? Wheat etc. are also sold—all food grains.

Mr. Naziruddin Ahmad: There is open black-market for all food grains. In fact any honourable Member including the honourable Minister, if he likes, can go and find out for himself, offences being committed openly relating to food stuffs. So on a diagnosis, the disease is not the offence committed by the people: the disease is firstly the absence of food stuffs, and secondly the failure of the Government to make food stuffs available at control prices and at all places. The offence is only the symptoms of the disease. In order to check this offence the first thing one has to do is to make available sufficient food stuffs to the ordinary people and to make them available at the control prices. If anybody is to be punished, and if rigorous imprisonment is a desirable thing in this connection it should be awarded to those who are responsible for the situation. Can you, as a man of the world, as a man of sympathy, regard a person as a criminal who goes to save the life of his child to buy a little food stuff in the black-market? Can you have the heart to punish him? What will happen is, and what has happened all along from the British period down to the Independence regime is that the big dealers in the black-market are never caught and never touched. They will go scot-free as they are going scot-free. Nobody will be able or willing to catch hold of them. The result is that the small dealers who have to buy these food stuffs at higher prices than the control prices themselves and who have therefore to sell them at above control prices will be caught, and along with them will be caught also the buyers, the persons who are forced to go to the shops and buy food stuffs at a higher price.

You will be pleased to consider that if you make selling an offence you necessarily make buying also an offence. Buying in the black-market against the Food Control orders would be an offence of abetment. It is instigating or facilitating the commission of the offence by the dealer. It is defined in Section 107 of the Penal Code and the punishment section is Section 109—abetment of offences. An offence as defined in section 40, paragraph (2) of the Indian Penal Code is an offence not only under the Penal Code but also under any other law. Therefore it comes to this that a buyer who is morally innocent and helpless, for whom it is impossible for anyone to withhold his sympathy, will be regarded as an abettor, abetting the shopkeeper in selling above control prices and he will have to be punished; the Court will be forced to give him also to rigorous imprisonment. I ask in all fairness is this just and fair?

The real trouble is the failure of the food grain policy. I do not blame the Government. I have also my sympathy for the Government. It is not an easy proposition. The honourable Minister is doing his best. It is impossible for anyone to fail to recognize it. But then the Government has failed for various reasons and for this failure you are not going to punish those who are responsible for the failure, and the big dealers and the officers and others, but you are going to punish the small dealer and the helpless buyer who are not friends of the police. I submit this Bill will be mischievous in its effect if not in intention. There is a desire to punish offenders but the punishment will fall upon small fries and the purchaser, and it will ultimately recoil on the very public for whose benefit the Law is sought to be enacted. The result of this would be that open black-markets will be driven underground and people will have to go in secret, pay more, take greater risks and buy the same thing.

The same offence will be committed without the people being caught and the police however numerous they might be will not be able to check those offences.

The co-operation of the public in a large degree is necessary in this respect. It is not the punishment that will save us. It is not an ordinary offence against morality, against our national sense of justice, it is not theft or any such thing which deserve to be punished with the greatest amount of rigour. You cannot punish a man, for buying food, with imprisonment and a shop-keeper for selling it. The result would be that food will become more scarce. Food will be available but at higher prices than hitherto prevailing. In these circumstances economically it will have an effect reverse from what is intended. I think the entire food policy is behind this Bill, the entire food policy is under trial and the officers concerned with this are under trial and not those others who are the by-products of the situation. I submit, therefore, that the Bill should be withdrawn and this legislation should not be enacted.

Shri B. P. Jhunjhunwala (Bihar: General): Sir, the other day the honourable Minister of Agriculture, while introducing this Bill for consideration, said that this is a very small Bill and it should not take more than five minutes to vote on it and get it passed. Sir, if it had been shown that because of want of any such provision in the existing law the controls have not been made effective, then it certainly should not have taken more time but that is not done.

My honourable friend Pandit Thakur Das Bhargava quoted the saying: "*Andher nagari chopat raja, Take ser bhaji, take ser khaja*" and spoke on the various sections of the Bill with reference to that saying. I do not want to repeat all that as the time of the House will unnecessarily be wasted. Those sections and the punishment under which the people are made to suffer for minor offences are most unjust. Sir, subject to the above remark no punishment is too great if it is inflicted on the real offender.

The other day, when dealing with the question of inflation, the honourable Finance Minister said that one of the reasons why we cannot check inflation is that the administration of control in this country is not successful while in other countries it is successful. When these controls were introduced under the previous regime, I do not know whether they had any real intention of administering the controls or not. While speaking on a similar measure introduced by the honourable Minister for Industry and Supply, I had quoted several instances where black-marketing was being carried on and where the officers in charge, instead of catching hold of those black-marketers, did the contrary. I had quoted a particular instance which, though I am reluctant to repeat it is necessary to repeat. In the midst of a market where lakhs of rupees worth cloth was being sold at black-market rates, and it was an open secret that it was sold like that, the officer in charge who was trying to check black-marketing could not or did not catch any of those black-marketers. But one night, at dead of night, he went into the house of a widow who used to carry on her living by selling some saris among the ladies, purchasing them from the shops or from elsewhere, and he got hold of those saris and cited a case of black-marketing which he had detected. I had quoted several such instances, but I do not want to repeat them here. Instead of looking to those offenders who had been dealing in black-marketing, he simply, in order to multiply his cases, caught hold of these small cases. My conclusion is that either these officers are most incompetent or their conduct is questionable. This was the way in which the administration of control was being done before, but the instance which I gave to you now was with reference to the present regime.

[Shri B. P. Jhunjhunwala]

Sir, while speaking on the previous measure, I had stated that I neither opposed nor supported it. I had been watching in several places and in several provinces as to how this control is being administered by the officers. I shall quote one instance. The other day a grain merchant of a sub-division was with me. He was relating a story that the Sub-Divisional Officer came to his town and called a meeting and warned the people about black-marketing threatening them with all sorts of things. The gentleman about whom I have spoken is a leading merchant of that place. When the meeting was over, the Sub-Divisional Officer met that merchant and told him, that the import of wheat in that place was prohibited and the merchant said, "Well, Sir, I have got so many bags of wheat with me and I am getting more. What to do?" The Sub-Divisional Officer said, "Well, carry on, these things are only for saying, and as a Government officer I have to do it. You kindly send one bag of wheat to my place also". These are the officers who are administering the controls.

In the previous regime there was some sort of friendship created between the administrative staff and the so-called big people who had vested interests. It still continues and has developed into a sort of natural affinity. I had thought that under the present regime it will change, but to my utter surprise and great pain I find that it has not changed. And officers who are addicted to such habits as in the instance I have quoted in the beginning, instead of being punished in any way are promoted.

How can you expect an improvement in the position simply by increasing the sentence or making it compulsory by means of this legislation, when you feel from the heart of your hearts that you cannot administer it? Instead of doing good, it demoralizes the people. It is not the case of only the small officers. Even in the teeth of public opinion that a particular person is of an undesirable or questionable conduct in regard to his business dealings, the highest authority gives him the permit or licence in preference to other honest men. When the high officer does it what can you expect from sub-ordinate staff. As my friend Mr. Naziruddin Ahmad pointed out, it is impossible for anybody to carry out your control. If a man goes and buys condensed milk in the black-market for his baby, will you punish him? If you punish him, what does it mean to the public? How do you protect them?

The Honourable Shri Jairamdas Doulatram: There is no control rate for condensed milk; it can be purchased in the bazar just as anything else.

Shri B. P. Jhunjhunwala: That is merely by way of illustration.

The Honourable Shri Jairamdas Doulatram: You must give an illustration which is in accordance with facts.

Shri B. P. Jhunjhunwala: What about sugar? What about rice? What about wheat?

Shri R. K. Sidhva: But sugar is not under control.

Shri B. P. Jhunjhunwala: Well, what about rice? What about wheat? I am very surprised—not only surprised but pained—to find that when I quoted an instance inadvertently, the honourable Minister questions me saying that condensed milk is not under control. He knows full well that there are so many other articles which are under control and which are being sold in the black-market and we the consumers have to purchase them in the black-market. Dr. Sen was saying just now that the punishment to such purchasers should be light. I would like to know whether there is any Member

of the House here who has not purchased articles from the black-market, and whether we are prepared to be punished?

Shri L. Krishnaswami Bharathi (Madras: General): Nobody dare punish us!

Shri B. P. Jhunjhunwala: That is my grievance. If you cannot administer the control, there is no meaning in putting up a mere show as the previous Government did. When we are not in a position to administer the control properly, the placing of such laws on the Statute Book and such things as permits, licences and others merely demoralizes the people. It was for this reason that Mahatma Gandhi said that it is in the interests of the country that these things must go in order to save the country from further demoralization.

Shri B. P. Jhunjhunwala: Sir, I am reminded of a couplet:

"Evil is a monster of such fiendish mein.
As to be hated, is to be seen,
Yet seen, too oft, familiar with its face:
We first endure, then pity then embrace."

Mahatma Gandhi saw this danger, and he advised us accordingly. Let us just introspect what our position is at present, towards what we are drifting. You cannot put your administrative machinery right; and you cannot catch hold of the real black-marketers—these two interests having developed affinity between themselves. Instead of that, in order to show to the public that you have so many cases, so many prosecutions, honest people are implicated. I shall give just one instance and then finish.

One merchant with whom some official got offended was prosecuted for selling some yarn, although under the then existing orders there was no case against him. Three members of his family were put in jail for one day. Then due to the intervention of the higher authorities, they were let out. This officer was of the standing of a District Officer, but even in such a case, no action was taken against such an officer. No way is being found to set right the administrative machinery and strike at their collusion with the actual black-marketers and actual offenders with whom they have developed a sort of natural affinity. In these circumstances, I would request the honourable Minister for Agriculture to think twice before going on multiplying these legislations which result in demoralizing people and making them criminal minded.

Several Honourable Members rose—

Mr. Deputy-Speaker: Has not enough been said about this? The Honourable the Home Minister wanted this Bill to be finished early and there are other Bills.

Shri L. Krishnaswami Bharathi: No, Sir. This is very important.

Mr. Deputy-Speaker: Mr. Krishnamoorthy Rao. He rose first.

Shri S. V. Krishnamoorthy Rao (Mysore State): I am rather surprised that there is so much opposition to this Bill.

Shri L. Krishnaswami Bharathi: It does not affect you.

Shri S. V. Krishnamoorthy Rao: In fact. . . .

Shri L. Krishnaswami Bharathi: On a point of order, Sir.

Shri S. V. Krishnamoorthy Rao: From the North Western districts of Mysore State from where I come...

Shri L. Krishnaswami Bharathi: On a point of order, Sir. May I know whether this Act affects Mysore State?

Shri S. V. Krishnamoorthy Rao: But this ordinance is enforced there. We have passed this ordinance.

Shri L. Krishnaswami Bharathi: This Ordinance does not apply.

Mr. Deputy-Speaker: What the honourable Member means is that a similar Ordinance is enforced there.

Shri T. A. Ramalingam Chettiar (Madras: General): That cannot be discussed here.

Mr. Deputy-Speaker: Is it not open to him to bring his experience to bear upon the working of this Act? A similar Act is in force in his State. Therefore, he is in order.

Pandit Thakur Das Bhargava: Before this Bill has been passed into law, I do not know how such an ordinance could apply there.

Shri S. V. Krishnamoorthy Rao: We have a similar ordinance in force there.

Shri L. Krishnaswami Bharathi: With compulsory imprisonment with a maximum of three years?

Mr. Deputy-Speaker: The honourable Member need not be disturbed. Is it not open to an honourable Member to draw upon his own experience of a similar piece of legislation? Why should he be interrupted?

Shri L. Krishnaswami Bharathi: I am not disturbing. Are we not entitled to know, for information, whether such a rule with three years compulsory imprisonment as maximum is in force in Mysore? Let him explain.

Mr. Deputy-Speaker: When a question is put, it need not be argumentative.

Shri S. V. Krishnamoorthy Rao: I beg to inform the House that an ordinance has been passed in Mysore that a magistrate should give imprisonment for such offences unless special reasons are shown.

Shri L. Krishnaswami Bharathi: How many years?

Shri S. V. Krishnamoorthy Rao: We are not concerned with the term of imprisonment. It all depends on the gravity of the offence. We blame the Government for not effectively checking black-marketing. We blame the Government that controls are not effective; we blame the Government for importing food stuffs to the tune of 130 crores. How can the controls be effective unless we give special powers to the Government to check black-marketing and smuggling? This Bill has been brought forward to place that Ordinance on the Statute Book. My learned friend quoted Mahatma Gandhi. Every one of us quotes Mahatma Gandhi. The Government did remove the controls; what happened after the removal of the controls? The Government was forced to re-impose the controls.

Babu Ramnarayan Singh (Bihar: General): Forced by whom?

Shri S. V. Krishnamoorthy Rao: By the merchants, by the black-marketers, and by the people who smuggle the food stuffs.

As long as we are short of supply, as long as we are compelled to import food stuffs from outside. I think the Government should have sufficient powers to enforce these controls. Nobody likes controls; I do not like the controls. But, the Government has thought that controls are necessary; as long as controls

remain in our country, I think sufficient powers should be given to check black-marketing and smuggling. We all know what sort of crisis we are passing through so far as food stuffs are concerned. Mr. Jhunjhunwala submitted to the House that vested interests should be caught hold of. I have tabled an amendment to the proviso to clause 3 that the burden of proving that the owner of the vehicle had no knowledge that the offence would be committed should be thrown on the owner himself, because in such offences, it is only the driver or the servant getting a small pay that is caught hold of and made the scape goat and the owner always escapes. No honest owner will lend his lorry or his vehicle for the commission of this offence unless he is a party to it. My learned friend suggested that the owner may be in Calcutta and some driver may be caught here. But, the person who is in Calcutta and who lends his lorry for the offence to be committed in Delhi, will always have some agent in Delhi who will be in control of his vehicles. If the substantive offence is proved, the presumption should be that the owner had knowledge that the offence would be committed.

Shri L. Krishnaswami Bharathi: Is the law the same in Mysore?

An Honourable Member: Is the offence committed by the agent?

Shri S. V. Krishnamoorthy Rao: The agent should be presumed to have had knowledge that the lorry is going to be used for the commission of the offence when the substantive offence is proved. What is the use of saying that the police must prove that the owner has knowledge of the offence? I know of instances where people have been caught hold of red-handed for smuggling of food stuffs, sugar and rice bags in lorries carrying charcoal and they have escaped with a mere fine. We cannot check this smuggling unless the real persons behind the commission of these offences are brought to book. Such provisions are necessary and I support the Bill in all its aspects.

Shri L. Krishnaswami Bharathi: He has not given his experience; we would like to know that.

Mr. Deputy-Speaker: To that extent he has obliged the House; there are others who want to speak.

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

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

Prof. Shibban Lal Saksena (U.P.: General): Sir, this Bill tries to give capital punishments for food offences. My experience of the working of the rationing laws in my province has been that the majority of the people who are arrested and convicted for these offences are poor people who carry small quantities of grain from one place to another for their own living and these people are put in prison and harassed. I have not yet known of any large number of really big merchants, who are really responsible for the black-market in these food grains being brought to book.

This Bill which we are passing and in which the punishment has been raised to three years and in which it has also been provided that the carriers by means of which this smuggling takes place should also be forfeited, will not achieve the desired result. I very much doubt if many lorries and other big vehicles will be confiscated. What will really happen is that many bullock carts of the kisans will be confiscated and they will be harassed. That is my practical experience from the interior of the Gorakhpur District where lies the border between the U.P. and Bihar and where I find many people carrying small quantities of grain for feeding their starving families.

[Prof. Shibban Lal Saksena]

Therefore, I am at a loss to know what to do, whether to support this Bill or not. The purpose is laudable, but I know from experience that it will not stop black-market, because the source at which the black-market begins is not affected by this Bill. I would not be exaggerating if I say that if every supply officer, in whose area black-market is found to exist, were held responsible for it and were given deterrent punishment, the black-market would stop. But by catching small people and giving them deterrent punishment, I do not think you will be really solving this problem.

I would have, in fact suggested that nobody who is found carrying small amount of grains, say upto 20 seers for consumption should be punished under this new law. That would at least save the people who commit these offences mostly out of ignorance and sometimes out of dire necessity. But the Bill will really be used against them in order to show that the number of convictions for food offences are so great. But if we analyse the cases we will find that no big fish has been caught and only the small people have been punished. Therefore, Sir, I am at a loss to know whether I can honestly support this Bill.

I really warn the Government that they will not be stopping the black-market by raising the punishment to three years. There must be some method by which they can attack the black-market at the root by purifying their own control department, which is charged with the duty of enforcing the food laws and unless they become more honest, and deterrent punishments are given to them for dishonesty, I do not think that this Bill will be very helpful.

Sir, I was the President during the year before last of the Rationing employees union in the U.P. All the rationing employees in the U.P. were members of the Union and they had their grievances about pay and other things. From direct knowledge therefor I can say that a premium is put on dishonesty in this department. Generally a corrupt officer wants his subordinates to be corrupt. Honest subordinates find it difficult to carry on and are very often dismissed as incompetent, or are victimised on false charges. Dishonest subordinates are seldom caught as they act in collusion with dishonest officers. Even if they are ever dismissed, they have already collected enough to fall back upon. There were cases where people who were dismissed had already earned several thousands, and sometimes even lakhs. Unless strong measures are taken that everybody who is enrolled in the supply department will have to give an inventory of all his assets and if and when he leaves that department and at intervals his assets will be checked to see that he has not made illegal gains. I do not think you can really control the black-market. Unless you have a service which is honest, which is really inspired by the ideal of administering these food laws with honesty, you cannot really eradicate the black-market.

Sir, we all know that the problem of food and its conservation is all important. We also know that our national plans could not be implemented because of our having to import 120 crores of rupees worth of grain from outside. In fact we have been promised that in 1951 we will not import food grains. The only thing possible, therefore, is that we must become self-sufficient during this period and for this purpose more than anything else, there should be scientific rationing all over the country. Things should be so ordered that no food is wasted and nobody is deprived of the required

quantity. If there is any scarcity, everybody should share it. That is what is being done in other countries. But in our country the position is such that many Members of the House have confessed to me that they themselves live on food got from the black-market. Who does not know that if a guest comes to his house he will have to purchase food from places from which they should not do. After this Bill is passed, every one of us will be liable to three years' imprisonment for feeding our guests in this manner. If honest and scientific rationing can be assured, everybody will help the Government in administering the food laws and in conserving and distributing the food that is available.

I, therefore, think that while I am afraid this Bill will not serve the purpose for which it is intended, *vis.*, to stop black-markets, I cannot oppose it, but would urge that it should be used against the big black-marketers. I ask the Government that they should issue circulars to see that petty cases in which the poor peasants might be involved should not be dealt with severely, but that if big officials or black-marketers are caught and if people are found to violate the provisions of this Act for their gain, they should be awarded deterrent punishment. With these words I commend the motion to the House.

Shri Biswanath Das (Orissa: General). Sir, I rise to support the Bill. Administration in essence is based on *Danda* (punishment). No administration is possible without *Danda*. Even in Mahabharata Shanti Parva, Bhishma has said very clearly that society, Government and State rest on *Danda*. *Danda* is necessary, and where conditions are deteriorating from day to day, deterrent punishment is called for and necessary. In this view of the question I support the Bill. But I have my own doubts and difficulties.

Sir, from the view expressed by the honourable Mr. Gadgil yesterday in the course of the discussion of a very necessary and healthy social reform provision in the Bill, adumbrated by my honourable friend Pandit Thakur Das Bhargava, it was clear that the Government are not willing to entrust the police officers with necessary powers. I do not know how that very Government, who were not willing to entrust certain powers to police officials within certain limitations, can now come forward with this Bill leaving to the executive tremendous powers which are capable of misuse and of immense mischief. I for my part am prepared to undergo any suffering for the misuse of such powers by the executive, provided there is a way out of this *impasse*.

Sir, I must tell you that black-market is the child of speculation. Have you been able to stop speculation? The Scheduled Banks which are controlled by the Reserve Bank and the Imperial Bank are advancing millions and crores of rupees to the merchants. Go to any *mandi* you will find that they are indulging in speculation with the money advanced by these banks. If my honourable friend could stop this speculation he will find that the powers, that he seeks to have under this Bill, will be unnecessary. I repeat that black-market is the child of speculation. Do away with the very cause against which you are fighting directly and indirectly. I would therefore request my friend to persuade and prevail upon the honourable the Finance Minister to see if he could call upon the Reserve Bank, the Imperial Bank and the Scheduled Banks to prohibit speculation so that black-market could be put an end to very soon.

My difficulty is not about giving him the powers he wants. It is otherwise and it is born of experience. Let me state it. Control is imposed in the transport of food grains from village to village and from *taluk* to *taluk*. How are you going to work this? I have my paddy lands in a place five or ten miles away from my residence. I have to bring my paddy to my house. Does this transport not come under the provisions of this Bill? It does. While therefore I am earnestly trying to bring my paddy for my own use, I will be

[Shri Biswanath Das]

the object of misery and trouble. (*Interruption*) I do not mind three years or any period. That is a thing which needs consideration.

Sir, again, I have seen that there are different rates prevailing in different districts. There is a lot of difference between the prices prevailing in the district of Puri and those prevailing in my own district of Ganjam. People generally go in train with four or five rupees, purchase grains from one place and bring and sell them in another place. This is done under the very nose of the railway officials and the police. These things will not be possible under the provisions of this Bill I know and I am glad about it. But what are you going to do for equalisation of prices within a province? Are you going to restrict the movement of cereals within the province and within the districts? These are points which require examination.

There is a State called Mayurbhanj in the province of Orissa the areas of which are so inter-mingled with Balasore that you have to cross the borders of the State to go to the Province though you cultivate your own lands and you carry your own produce to your own place of residence. Even within a district, to bring your produce to your house you may have to cross the borders of another district. Are you going to stop this movement of food grains also? Where is the provision for protection in the Bill for such cases which are not really offences? It will be necessary for the *kisan* to harvest his crops and bring them home for his own use, for sale or for supply to the Government. What is to be done in such cases? What is to be done?

There are other difficulties of a similar nature. I have no objection to giving all the powers necessary but, as Mr. Saksena said, we find that very few rich or well-to-do people are booked and it is only the poor who have suffered. As a prisoner in jail for three long years it was my misfortune to find that for excise offences small people were always punished and we were getting information that the manufacture and sale of illicit liquor is going on merrily as before; and that also with the connivance of officials. How can you think of taking possession of motor vehicles when it is well known—unofficially of course—that exports outside the provinces are being done with the full knowledge and concurrence of the police? I have no objection to giving the powers wanted but people who really deserve to be punished should not be allowed to escape.

Sir, this is nothing but a repetition of the Ordinance except this that you want to take away also the vehicles and the containers along with the goods. We do not mind giving these powers and more if necessary. But do fight and fight well black-marketers. My complaint is that the path you have chosen is not the right path and will not help you or meet the requirements of the situation. It would however be unfair for us to refuse power and not to give you this warning.

Mr. K. T. M. Ahmed Ibrahim (Madras: Muslim): Sir, it has been conceded that with regard to things in short supply there must be control in order that the available quantity may be distributed among all sections of the population. Hence control is imposed for the good of the people, but I am afraid that the provisions of this Bill are bound to act in a contrary manner, as an engine of oppression of the common man, specially the rural population whose life will be made miserable.

It is sought to punish with imprisonment people guilty of contravention of orders relating to food. No offence relating to food has been exempted, and therein lies the difficulty in regard to this Bill. It is true that there are certain grave offences which have to be dealt with in a stringent manner for the purpose of effectively and successfully carrying out the policy of control. For example, in regard to procurement, we have to see that maximum procurement is made so that maximum quantity of food grains may be made available to all. But there

are many other orders which are contravened not for pleasure or for hoarding or for making large profits, but in order to meet the barest needs of human beings.

In these days of tight money market people cannot buy in the black-market for the mere pleasure of hoarding. We know that the quantity prescribed by the ration rules is not very often enough to keep the body and soul together upon, and so the common man is driven to the necessity of purchasing in the black-market whatever is needed for himself and his dependants. Secondly the quality of the food stuffs supplied in the ration shops is often so bad that people are not normally tempted to buy them; in very many cases they are unfit for human consumption. Therefore out of sheer necessity people are often forced to contravene some of these orders relating to food stuffs; further they are forced to do so because of the failure of Government to provide them with the barest necessities of life, which it is the elementary duty of Government to do. . . .

That is how the difficulty arises. It is the duty of Government to give the people good food and thereby ensure their good health; but no one can say that the food now given to the common man is such as would keep him in good health. Therefore I say that Government also contribute to a certain degree to these breaches of orders by the common man. And the Government are tackling the question in the wrong way; they are attacking the symptoms and not the disease. The actual disease is that the ordinary citizen is not able to get the necessary amount of food grants that he requires; and it is this disease which has to be diagnosed and treated in the proper manner.

Of course Government have been trying their utmost to get food from outside and also to increase the production within the country through the Grow More Food Campaign. But their efforts have not been quite effective and successful so far. In order to stop this black-marketing and contravention of orders enough food grains have to be made available in the country. On account of the failure of the Government to do so the poor man suffers; the rich people are able to get all that they want in the shape of tinned foods etc. So the proper thing to do is to see that enough food of the proper quality is made available to the people.

Then about procurement it is said that the peasant and the farmer are not willing to surrender all the food grains that you want. That is true; but the reason for that is that the prices of all the necessities of life have gone up tremendously and the peasant has to purchase them with the money that he gets out of the sale of his grains. Therefore it is necessary that he should be paid the proper value for his grains; otherwise he is forced to sell his produce in the black-market. So the proper thing is that the farmer and the peasant must be paid an adequate price for their produce.

In this connection I must point out that the Government is not prepared 3 P. M. to give our peasants even the price which they are prepared to give for the food grains which are imported from abroad. When you are prepared to pay a higher price for the food grains which you get from outside why cannot you pay the same price for the food grains produced in the country, so that our peasants can get the necessary money to purchase the necessities of life?

Therefore, I say that by this Bill the Government seeks to tackle the symptoms and not the disease. Besides, generally the ordinary man will suffer and his life will become miserable. He cannot see his children starve and so he purchases some food stuffs, and for this it is being proposed now to sentence him to imprisonment.

[Mr. K. T. M. Ahmed Ibrahim]

But I have no objection if certain grave and serious offences are made punishable, for example those with regard to procurements. I must reiterate that the prices offered by the Government, are not quite adequate. Still, in order to make the peasant part with the surplus food grains, we may make some stringent provision. But to make punishable with imprisonment a contravention of every food order, will make life miserable and instead of acting to the good of the people, will work as engines of oppression. Therefore, I submit, the provisions of this Bill should be confined to certain major offences, just as those relating to procurement.

Further even lawyers are not able readily to find out exactly the position regarding the food orders. Orders are promulgated from time to time and we have to search the Government Gazettes from page to page to find out the exact position in regard to particular matters. Such being the case, how can we expect the common man to know all these orders and act in such a manner as not to contravene the orders. It has been suggested in the Provincial Legislatures that the Government should publish every month the orders that would be in force during the month. Even that is not done.

Therefore such stringent provisions should not be made in this manner and they should at best be confined to certain major offences so that the ordinary man, the masses, the illiterate people may not be forced to suffer imprisonment for actions of a less grave nature which they are compelled to do in the circumstances I have already explained.

Babu Ramnarayan Singh: Many of us yet had to speak on the subject.

Mr. Speaker: There has now been sufficient discussion and no other Member has been able to catch my "legal" eye!

Babu Ramnarayan Singh: Will you listen to me? I rose several times.

Shri M. Tirumala Rao (Madras: General): This is an important Bill which has to be worked out by the Provincial Governments and there are so many lacunæ in it.

Mr. Speaker: Whatever it may be, I do not want any further argument. I find that ten speakers have participated in the debate. The point is a very small one. The same arguments are being advanced by different speakers though, more or less in different languages. There should be a limit to such a debate.

Shri L. Krishnaswami Bharathi: How else can we bring the views of the House to the notice of Government?

The Honourable Shri Jairamdas Doulatram: I feel that on the whole I made a mistake in speaking very briefly when moving this Bill. Though the motive for that brief speech was to save the time of the House for the important and heavy agenda which was before it, I find that as a result of that brief speech, the contents of the Bill and the implications of the provisions have not been properly placed before the House. Let me first give a little history of this legislation.

When at the last session this same Bill was under amendment, it was a question of empowering the courts with regard to the breach of laws of control of cloth. At that time, this same Act, which is not a Provincial Act has been in operation for the last seven or eight years in one form or another: first in the form of Defence of India Rules, and then in the form of this Act since 1946; and the provinces have been administering this Act all these years. When control over cloth was reimposed last year, an amendment of this Bill

became necessary. At that time the amending Bill provided for compulsory punishment for three years for the breach of laws of control of cloth. There was no option left to the court to impose any penalty or fine. Whatever the paltry nature of the offence, the Legislature—this same Legislature—gave power to the same courts to impose nothing but a sentence of imprisonment, the maximum period of that imprisonment being three years. Some Members of the Assembly at that time asked what about food? What are you going to do to see that the control orders for food also get the same measure of support? At that time Government made it clear that when food control comes to be imposed, Government will take adequate steps to empower the courts. Food control was imposed in October. Soon thereafter, we issued an Ordinance empowering the courts to give punishment of imprisonment for three years. Realizing the difficulties and the imperfect character of our administration—which I frankly admit—I did not want that we should have the same provision with regard to food control as we had and as the Legislature also sanctioned for cloth control. So I made a provision giving power to the Court, in view of the circumstances of each case, to decide whether the sentence which it imposed would be of imprisonment or of fine. But because of the continuous criticism which has been voiced in the Legislature against the way in which courts imposed fairly light sentences by way of fine, we laid emphasis in this new Ordinance on imprisonment as the normal thing and placed on the Court the responsibility of explaining why in a particular circumstance they felt that the need of justice would be better met by a sentence or fine and not of imprisonment.

Let me therefore clear this misunderstanding. The court is not compelled or obliged by this Bill to impose a sentence of imprisonment whenever there is a breach of the food laws. The court has got to go into the circumstances of the case and if it finds that the ends of justice would be better served by merely imposing a sentence of fine then the court will record the reasons for imposing only a fine.

I find my honourable friend Mr. Naziruddin Ahmad, who created so much sympathy for very exceptional cases which he painted, has given notice of an amendment under which the court has no option except to impose a sentence of imprisonment. Under his amendment the court must sentence anyone who commits a breach of the food law to imprisonment, the maximum being three years. What I wish to place before the House is this. Let us so deal with the situation as on the one hand to see that the courts are encouraged and empowered to be fairly firm and strong in dealing with cases of breach of food laws and on the other hand let us not by anything that we say here create an atmosphere of sympathy for those who do break the food laws. We realise that in rural areas there might be conditions under which the circumstances of an offence by a particular individual are such that the court ought not to sentence him to imprisonment. Also it is a fact that this law has been in operation for six months: it is not that we are enacting a new law. We are only giving the form of law to an Ordinance which has been in operation for six months and during all those six months the amount of tyranny or oppression exercised, in my opinion, is not as it has been painted here. I believe there is quite a large number of cases, perhaps hundreds and thousands, of cases of poor people going about and functioning in their own way without any action being taken against them. I realise too that the administration of our laws is not perfect. There are many loopholes and many occasions when all that should be done is not being done. I realise too the anxiety of members who come from the provinces and who know the condition of things in the provinces. I understand their anxiety that in connection with the administration of these laws hardship should not be inflicted but at the same time justice should be done. The only way that I can think of is that while empowering the courts with the powers on which the members of this House have been usually insisting, we should take steps to see that the administration and

[Shri Jairamdas Doulatram]

the executive function much better than they do today. If members feel that they could give any kind of aid or assistance I would certainly suggest to the provincial governments to consider whether in this matter, as also in some other matters, the local members of the legislature or other public representatives should not be associated with the administration of the food laws, in the sense that they periodically review the action that has been taken, give their advice and comments on the manner in which control orders had been administered and what improvements are possible and certainly give to the Central Government the result of their experiences in the course of those meetings and discussions. I cannot think of any other step by which the administration can be checked unless we make a radical change in the personnel of the administration. Lakhs of low paid officers are scattered in the villages. New reliable officers in lakhs would have to be recruited from somewhere. Do we expect to be able to do this and then administer our control laws justly, fairly and impartially and without corruption? I feel that there are difficulties inherent in the situation and we can only provide certain measures, not in themselves completely satisfactory, but yet which may help us to improve the administration of the food laws. But so far as the courts are concerned public opinion, on the contrary, has been insisting that in quite a number of cases fairly influential people are let off with only a sentence of a fine. This type of criticism has been repeated in the press and we have heard echoes of it also in this House. Therefore we made it on the whole an usual thing to sentence a breaker of law with imprisonment and at the same time gave discretion to the court in special circumstances to impose only a fine. We have put no limits to the amount of fine. In special cases it may be as high as Rs. 10,000 as proposed in the amendment of one of the honourable Members or it may be as light as rupees ten in the case of a person who is financially not in a condition to be able to pay more. While giving to the courts a certain amount of discretion, with regard to the executive and the administration we can take whatever steps we feel desirable and practicable to see that conditions are better than they are today.

There are several amendments.....

Shri B. L. Sondhi (East Punjab: General): What about section 3?

The Honourable Shri Jairamdas Doulatram: As regards section 3 of the Bill, as a result of the recommendation of one of the provincial governments we have gone a step further than we had done in the case of cloth control. We have provided that even the vehicle and the animal which are used in connection with the breach of the laws may also be forfeited. There is one amendment which suggests that where an owner has no knowledge that his particular vehicle is being used or as was suggested the owner is in Calcutta and his driver is using the vehicle without the knowledge of the owner. I am prepared to accept the amendment by which it will be possible to see that only a person who has knowledge of the offence suffers under this law and the vehicle is forfeited only when we can assume that the owner had knowledge that it was operated to commit a breach of the law....

Shri R. K. Sidhva: That would be changing the whole object of the Bill.

Shri M. Tirumala Rao: When do you expect the forfeiture of the vehicle? Only after the conviction?

The Honourable Shri Jairamdas Doulatram: Yes. This is a matter which can be discussed when the amendment is moved. What I was trying to say was that while we are empowering the courts with larger powers with regard to the breach of the laws relating to cloth, it would be psychologically, in my humble opinion, wrong policy to make it appear that with regard to

the food laws and black-marketing in food or other breaches including offences by officials we are lax. Cases have occurred in which officials have been taken to task and punished for acting against the orders under the food laws. So I suggest that psychologically, in my opinion, it would not be proper policy if we weaken the hands of the courts in dealing with breaches of the food laws.

With regard to the administration I have no doubt that much remains to be done and one suggestion which I have placed before the House can be considered and in consultation with the provincial governments we can try to implement it.

I feel that the amendments do not so deal with the principle of the Bill. On the other hand the intention of some amendments is to stiffen the provisions of the Bill. There are amendments suggesting that in place of three years being the maximum the sentence should be of five years. There is an amendment that the maximum should be seven years. On the other hand there are amendments which lighten the effect of the provisions of the Bill. For instance, my honourable friend Pandit Bhargava has suggested that we reduce three to two years and in some cases even to six months.

There is one consideration that I want to place before the House. This is, as I said once before, not a Bill which is coming to the House only now for enactment. It is only in place of an ordinance which has been in operation for six months. For six months the food laws have been administered under that ordinance. At the end of six months if you make a change from three years to two years or one year or six months, the psychological effect will be that the Government is not in earnest in the discharge of its duties for the purpose of stiffening the operation of the food laws. It was because of the reaction in my mind when the amendments to the Textile Control Bill were proposed and passed by the legislature that I felt that we must also have an equally stiff law. On the contrary in view of the difficulties of the poorer people and the conditions in the rural parts of the country I gave that restricted discretion to the court both with regard to the punishment as well as with regard to the forfeiture of the vehicle.

Therefore, in special circumstances where it finds that injustice will be done it will have the power not to impose a sentence of imprisonment or to forfeit the vehicle which has been used.

Sir, I therefore suggest that the House may now take up the consideration of the Bill clause by clause.

Babu Ramnarayan Singh: One question. For the past few days there is no rice available in the ration shops. There are people, especially children, who cannot do without rice. What arrangement has been made or is going to be made to make rice available?

Another question. There is rice in the bazar—there is any amount of it available. In the meantime will he allow the sale and purchase of the rice by people?

The Honourable Shri Jairamdas Doulatram: My honourable friend Mr. Biswanath Das also raised a similar question. May I say that these are questions of the actual contents of the orders? There is no provision in the Bill which says that a person who purchases rice will be punished. The orders are undergoing change from month to month as circumstances require. Orissa for instance today prevents a person from bringing from his own land his own paddy to his village which is probably in another part of the district. All these orders are susceptible of change. I have no objection to the orders being examined and where we find that the orders are working hardly to get the orders changed. But whatever orders are in force

[Shri Jairamdas Doulatram]

at a particular moment, so far as the court is concerned its powers will remain as they are. But the orders can be changed.

Babu Ramnarayan Singh: Another question.

Mr. Speaker: Order, order. We are again dwindling into a sort of discussion with question eliciting information. All hypothetical questions of this type can be put endlessly. One can imagine very hard cases in which there will be cruelty by the enforcement of law. The honourable Minister has explained that sufficient discretion can be given to the courts and imprisonment is not compulsory. Let the court look to all the details. The court will decide whatever is just. Even if imprisonment is compulsory I do not see what prevents a court from not awarding only imprisonment till the rising of the court. That is what they may do. Therefore it is more or less a question which will be decided by taking into consideration each individual case. Any questions asking for information on that point will lead us nowhere so far as the substance of the provisions of the Bill are concerned. That is how I think about this and I do not think any questions are really called for.

Shri L. Krishnaswami Bharathi: There is one thing. It will be better if we know something about the working of this Ordinance in the six months. It will help us to know in how many cases there have been actual imprisonments. If the honourable Minister has received reports from the Provincial Governments as regards the working of the Ordinance in the six months it will be in force he may enlighten us on this point.

The Honourable Shri Jairamdas Doulatram: I am afraid I have not got these figures from the Provinces in respect of the working of the Ordinance in the last five months. But Members are in touch with their Provinces and I suppose they also know how it has worked. No serious outcry has reached us so far. But in some Provinces there might have been some hardship.

Shri B. L. Sondhi: What about Delhi?

Shri L. Krishnaswami Bharathi: I only wanted information if he could give us.

Mr. Speaker: Even if he gives information it can be construed both ways—if there are more number of cases of imprisonment then it may be said that the oppression is very great, or it can be said that there are not sufficient number of cases. So let us proceed to the substance of the Bill rather than go into these details.

The question is:

"That the Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration."

The motion was adopted.

Mr. Speaker: We will now take up the Bill clause by clause. Honourable Members will now get an opportunity of putting further questions, and that will be more regular. I shall first try to clarify the ground and see what amendments are going to be moved. Of course, we have had a sufficient discussion of a general nature and therefore no further arguments are necessary in the matter of these amendments. I will see what are the amendments that are going to be moved.

Pandit Thakur Das Bhargava: I want to move Nos. 10 and 16 in the Consolidated List.

Shri R. K. Sidhva: I wish to move Nos. 6, 7 and 15. The others are consequential amendments.

Mr. Speaker: About consequential amendments he may tell me when we come to those amendments.

Mr. Naziruddin Ahmad: I am not moving any of my amendments.

Shri Prabhu Dayal Himatsingka: It is a small amendment but a necessary amendment and I therefore want to move No. 12.

Mr. Mohd. Tahir (Bihar: Muslim): I want to move Nos. 13 and 23.

Shri Biswanath Das: If the honourable Minister assures me that he will examine the question I do not want to move any amendment.

The Honourable Shri Jairamdas Doulatram: Yes, I will examine it.

Shri Biswanath Das: Then I am not moving it.

Mr. Speaker: There is an amendment by Seth Damoder Swarup.

Srijut Kuladhar Chaliha (Assam: General): It is a verbal amendment for substituting the words "the Indian Union" for the words "His Majesty".

Mr. Speaker: I do not know how far it is permissible legally.

Shri S. V. Krishnamoorthy Rao: I would like to move No. 22.

Mr. Speaker: So the amendments that are proposed to be moved are Nos. 6, 7, 10, 12, 13, 15, 16, 22 and 23 in the Consolidated List.

We shall now take clause 2. Amendment No. 6 standing in the name of Mr. Sidhva.

The Honourable Shri Jairamdas Doulatram: With regard to No. 6, this amendment means that both imprisonment and fine become obligatory.

Mr. Speaker: I may make one thing clear. The honourable Minister may reply at the proper time. Now he may just state which amendment he is going to accept—he may not state the reasons.

The Honourable Shri Jairamdas Doulatram: I am not accepting amendments Nos. 6, 7, 12, 13, 15, and 23. I am prepared to accept Nos. 10, 16 and 22. No. 23 is covered by No. 22, and so I am not accepting it.

Mr. Speaker: The position is that the honourable Minister is inclined to accept Nos. 10, 16 and 22. I take it that he has found the wording all right, but if necessary he will examine and change the wording to suit the language of the Bill.

Amendment No. 6, Mr. Sidhva. Does he object to have a fine of more than Rs. 10,000? I think he better drop the amendment.

Some Honourable Members: He is not willing to move it, Sir.

Shri R. K. Sidhva: All right, Sir.

Mr. Speaker: Very well, what about No. 7? That is about Rs. 10,000.

Shri R. K. Sidhva: No. 7 is harmless. The honourable Minister in his reply stated that he is inclined that the fine should be raised.

The Honourable Shri Jairamdas Doulatram: At present there is no limit to the fine—it can be Rs. 20,000. But your amendment says that it shall not be less than Rs. 10,000. If a poor man commits a breach of law, he cannot be fined less than Rs. 10,000.

Mr. Speaker: The honourable Member does not appear to be keen on moving it. We shall go to the next amendment. Pandit Thakur Das Bhargava, amendment No. 10.

Pandit Thakur Das Bhargava: Sir, I beg to move:

"That in clause 2 of the Bill, in part (i) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted:

"the ends of justice will be met in the opinion of the Court by a sentence of fine only."

When I submitted my amendments, I thought that it will be better if Section 7 were substituted by this amendment but on reconsideration I found that perhaps it may not be in order. At the same time I do not find any justification for me to attempt to amend the original section in this amending Bill. When I consider that I wanted to substitute the imprisonment to two years, I thought that two years is more than enough but after hearing the honourable Minister I am constrained to say that his reasoning seems to be correct and if the punishment is decreased it will have a bad psychological effect. So, I did not move amendment No. 1. But in regard to No. 10 as also in regard to the other amendments, if you permit me I may move them now, because they relate to clause 2. "I will now move also No. 16.

Mr. Speaker: Yes.

Pandit Thakur Das Bhargava: Sir, I beg to move:

"That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted:

"such direction is not necessary to be made in respect of the whole or as the case may be a part of the property."

As I submitted during the motion for consideration, in my humble opinion the principle of this Bill is very sound. It gives the court full powers to award fine if it pleases, imprisonment if it pleases, but to start with the court must look to the enormity of the offence if possible in awarding imprisonment, and if this is not possible and if the ends of justice could be met with fine only then the court is armed with this power. I support the principle of this section. Only the wording is made better in these amendments, because these words are very unusual: "unless.....a sentence of fine is adequate and that imprisonment is not called for....."

Similarly, in regard to amendment No. 16, the present words will not convey the meaning as much as the words which I propose to substitute. The words are: "unless.....the direction should not be made....." These words do not lay the proper emphasis. The words "such direction is not necessary", mean that in every case this forfeiture shall happen unless the court finds that it is not necessary to do so. Therefore, the real principle and the real direction which the honourable Minister has in mind will be better implemented by the substitution of these words. Therefore I move these two amendments.

Mr. Speaker: I am consolidating the two and putting them as one amendment.

Amendment moved:

"That in clause 2 of the Bill, in part (i) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted:

"the ends of justice will be met in the opinion of the Court by a sentence of fine only."

and

That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted:

"such direction is not necessary to be made in respect of the whole or as the case may be, a part of the property."

Shri R. K. Sidhva: Sir, I am rather surprised at the attitude of the honourable Minister in accepting these two amendments. It nullifies the very object of this Bill if these amendments are accepted, more especially after his speech in reply to the debate on the motion for consideration, that he would like to see at least deterrent punishment to be given. He also stated that it would be misunderstood by the Court if the House is going to make any necessary changes. This is a fundamental change. I do not know whether the honourable Minister has realised the effect of this amendment if it is to be accepted.

What does it say? It says that the Magistrate can for certain reasons impose only fine. After all, magistrates are not immune from favouritism. He will merely say that the Legislature desires only fine to be imposed and he would not give any reason before inflicting any kind of punishment. If the original wording stands, he would consider that under the Act he shall have to give detailed reasons why he is not giving imprisonment and only fine.

Mr. Speaker: Order, order. I might make one point clear. So far as the second amendment is concerned, the words "unless for reasons to be recorded" are retained. They are not deleted.

The Honourable Shri Jairamdas Doulatram: In both of them, these words are retained.

Mr. Speaker: Yes, in both of them they are retained. So the court has to record the reasons.

Pandit Thakur Das Bhargava: And recording means recording in writing. There is no other way.

Shri R. K. Sidhva: But I understand you are removing the words "in writing".

Mr. Speaker: But the honourable Member will see that the court has to "record" and the record can only be in writing. So what it comes to is really a paraphrase put in a better manner.

Pandit Hirday Nath Kunzru (U. P.: General): How will the clause read if the amendment is accepted?

Mr. Speaker: It will read like this:

"sentence any person convicted of such contravention to imprisonment for a term which may extend to three years and may, in addition, impose a sentence of fine unless for reasons to be recorded the ends of justice will be met in the opinion of the Court by a sentence of fine only."

Shri M. Tirumala Rao: What is wrong with the original draft?

Shri Raj Bahadur (United State of Matsya): The words "is of the opinion" vests in a court a sort of discretion which must be there in every circumstance. If we eliminate these words, it would mean that we are divesting the court of this discretion. I think the words "in writing" should also be there. Obviously record need not necessarily mean record in writing. It may mean record in photography, pictures or the like.

Mr. Speaker: The honourable gentleman is spinning too fine. The honourable Minister may examine the wording. I think some inter change of words is necessary. It may be something like this:

"unless for reasons to be recorded the court is of opinion that the ends of justice will be met by fine only."

The Honourable Shri Jairamdas Doulatram: We can change it on those lines.

Shri R. K. Sidhva: The idea is very clear in the original wording. I do not know why the honourable Minister wants to make the change. He must explain to us.

The Honourable Shri Jairamdas Doulatram: Yes, I will explain why I agree to the change. If you will read the language of the original, you will find first of all that the words "in writing" are superfluous. When a thing has to be recorded it cannot be recorded verbally; it has to be recorded in writing. This was a mistake in drafting which was pointed out. With regard to the other portion, the wording in the original was "the court is of opinion that in the circumstances of the case a sentence of fine is adequate and that imprisonment is not called for". This was a repetition of the same idea. When a fine is adequate, obviously it means that a sentence of imprisonment would be excessive. It was pointed out that this was a repetition of the same thing and does not carry the thing further, so the amendment as it has been proposed is in a better legal form. "The ends of justice will be met" is the common expression which we use in judicial terminology. The original was prepared in the Department and since it was not quite so legalistic as the proposal made by Pandit Bhargava, I agreed to accept it. It makes absolutely no difference in substance. He has to record the reasons and he has to see that the ends of justice will be met by fine only.

Shri R. K. Sidhva: When you say that it shall be only fine, it makes a material change. It is not only the phraseology.

Mr. Speaker: I should not argue the matter on the merits with the honourable Member, but as a lawyer I think that it makes no change whatever and perhaps the alteration as suggested will make better reading. So, if the honourable Minister agrees, I would suggest that the clause may read as follows:

"unless for reasons to be recorded it is of opinion that a sentence of fine only will meet the ends of justice."

I think that makes very happy reading.

The Honourable Shri Jairamdas Doulatram: Yes, Sir. I accept it.

Shri R. K. Sidhva: With due deference to you, Sir, I would like to be enlightened. From a lawyer's point of view you said and I would not certainly contend it, but when you say that it makes no difference, I want to point out how it makes a difference. The original says:

"unless it is of opinion in the circumstances of the case that a sentence of fine only is adequate and imprisonment is not called for."

Now, Sir, the mention of the words "imprisonment is not called for" is very important. The court has to record reasons why imprisonment is not called for. If you ask these words to be deleted, and merely say that only fine will meet the ends of justice, he will not give the reasons for not awarding imprisonment. So I submit the original is more appropriate.

Mr. Speaker: The honourable Member will see that restricting the punishment to fine only is the same thing as not awarding imprisonment. The reasons for both are identical. Therefore, that ground is more widely covered, particularly in view of equitable considerations of each case, if this expression that "a sentence of fine only will meet the ends of justice" is used. I think this is a happy wording.

The Honourable Shri Jairamdas Doulatram: Yes, Sir. I agree.

Mr. Speaker: So, that was one part and the second part would be—instead of "record in writing" "record" will be substituted—this is how it will read:

"direct that any property in respect of which the order has been contravened shall be forfeited to His Majesty, unless for reasons to be recorded such direction is not necessary to be made in respect of the whole or as the case may be a part of the property."

Pandit Hirday Nath Kunzru: I think the words "it is of opinion" has to be inserted here. It has to be vetted in certain words.

Mr. Speaker: Yes. I think it will be better to say:

"unless for reasons to be recorded it is of opinion that such direction is not necessary to be made in respect of the whole, or, as the case may be, a part of the property."

Does the honourable Minister accept?

The Honourable Shri Jairamdas Doulatram: Yes, Sir.

Mr. Speaker: I will put these two amendments in the amended form.

The question is:

"That in clause 2 of the Bill, in part (i) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted:

"it is of opinion that a sentence of fine only will meet the ends of justice, and".

The motion was adopted.

Mr. Speaker: The question is:

"That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted:

"it is of opinion that such direction is not necessary to be made in respect of the whole, or, as the case may be, a part of the property."

The motion was adopted.

Shri Prabhu Dayal Himatsingka: Sir, I move:

"That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, between the words 'contravened' and 'shall', the words 'or a part thereof' be inserted."

Sir, this is a small and consequential amendment, I should think. The section as it reads as follows:

"direct that any property in respect of which the order has been contravened shall be forfeited to His Majesty unless for reasons to be recorded it is of opinion that such a direction is not necessary to be made in respect of the whole or as the case may be of a part of the property."

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

[Shri Prabhu Dayal Himatsingka]

My amendment seeks to add the words "or a part thereof". If the amendment is accepted.....

The Honourable Shri Jairamdas Doulatram: I accept that amendment, Sir.

Mr. Deputy-Speaker: Then, I will put the amendment.

The question is:

"That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, between the words 'contravened' and 'shall', the words 'or a part thereof' be inserted."

The motion was adopted.

Shri R. K. Sidhva: Sir, I shall move amendment No. 13.

Mr. Mohd. Tahir: Sir.....

Mr. Deputy-Speaker: Mr. Tahir also wants to move. His name stands first. He will move.

Mr. Mohd. Tahir: Sir, I beg to move:

"That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for the words 'His Majesty', the words 'Government of India' be substituted."

Mr. Naziruddin Ahmad: A similar amendment moved by me sometime ago was rejected.

Pandit Thakur Das Bhargava: This amendment was rejected in another Bill and the words "His Majesty" were retained.

The Honourable Shri Jairamdas Doulatram: I am not accepting the amendment; I shall give the reasons.

Mr. Deputy-Speaker: It is not likely to be accepted; why should it be pressed?

Mr. Mohd. Tahir: I wish to move it, Sir. This amendment of mine is more of a constitutional nature than a legal one. The clause as it exists at present, if accepted, will surely mean that the proprietary right of India still vests in the King of England, which position I am not prepared to accept. It is a different matter that we may have some friendly or economic relationship with the King of England. But, it does not mean that the proprietary right of our country should vest with His Majesty. Therefore, I press my amendment, Sir.

Mr. Deputy-Speaker: Amendment moved:

"That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for the words 'His Majesty', the words 'Government of India' be substituted."

The Honourable Shri Jairamdas Doulatram: Sir, I agree with the principle of the amendment. But, for certain legalistic and technical objections, I cannot accept it. As the House is aware, the words "His Majesty" are contained in the Government of India Act in more than one place. The words "His Majesty" occur because at present the constitutional relationship has not changed. We are still within the Commonwealth. Even if this amendment is accepted, in section 16 of this very Act, the word "Crown" will still be there. The fact is, even if the words "His Majesty" remain there, the owner of the property would be the provincial Government. But if the amendment

is accepted, the owner of the property will be the Government of India and not the provincial government. Whereas under the Act, all the fines would automatically go to the provincial government, by accepting this amendment, all the forfeited property will go to the Government of India. It is because of these technical difficulties that I am not accepting the amendment, though I accept the principle of it. The words occur in numerous Statutes and they will have to be removed one day and we will come forward with an amendment then.

Shri R. K. Sidhva: I want to speak, Sir.

Mr. Deputy-Speaker: Not necessary. This point has been brought up when almost every Bill comes up. Why should we spend more time on this?

Shri R. K. Sidhva: I want to say that this has been accepted in one Bill.

Mr. Deputy-Speaker: No, I will put the question straightaway.

Mr. Mohd. Tahir: One point of information, Sir.

Mr. Deputy-Speaker: No more information, please.

The question is:

"That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for the words 'His Majesty', the words 'Government of India' be substituted."

The motion was negatived.

Mr. Deputy-Speaker: I will put clause 2.

The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Shri S. V. Krishnamoorthy Rao: Sir, I beg to move:

"That in clause 3 of the Bill, for the proviso to the proposed section 7A of the Essential Supplies (Temporary Powers) Act, 1946 the following be substituted:

"Provided that the Court trying an offence under this Act may exempt any such package, covering or receptacle or any such animal, vehicle, vessel or any other conveyance from being forfeited to the Government of India if it is proved that the owner thereof had no knowledge that the offence was being or was to be or was likely to be committed."

Sir, as the proviso now stands, the burden of proof is put on the prosecution to show that the owner had knowledge that the vehicle was or was likely to be used for the commission of the offence. When the substantive offence is proved under clause 7, I submit that the burden of proof should be on the owner to show that he had no knowledge, because in many of these cases, it is only the driver or the person who drives the cart that is punished.

Mr. Deputy-Speaker: I think the honourable Minister accepts the amendment. The amendment speaks for itself.

Mr. Naziruddin Ahmad: Here a small amendment is necessary, Sir. In this case he says "being forfeited to the Government of India" and I think it should be "forfeited to His Majesty", if we are to keep up to the usual form.

If we have to reject Mr. Mohd. Tahir's amendment, I think we should introduce the words "His Majesty".

Shri S. V. Krishnamoorthy Rao: I accept that amendment.

Mr. Deputy-Speaker: Amendment moved:

"That in clause 3 of the Bill, for the proviso to the proposed section 7A of the Essential Supplies (Temporary Powers) Act, 1946, the following be substituted:

"Provided that the Court trying an offence under this Act may exempt any such package, covering or receptacle or any such animal, vehicle, vessel or any other conveyance from being forfeited to His Majesty if it is proved that the owner thereof had no knowledge that the offence was being or was to be or was likely to be committed."

Pandit Thakur Das Bhargava: Sir, the original section says: "The court shall declare that a person had a particular knowledge before it forfeits certain properties, receptacles etc." My honourable friend on the contrary wants that as soon as there is a conviction, the very fact of conviction is sufficient to bring home to the owner of that vehicle or animal that he himself is also guilty of the charge.

Shri S. V. Krishnamoorthy Rao: I am sorry, it is a rebuttable presumption. It does not mean that the owner is guilty of the charge.

Pandit Thakur Das Bhargava: Only my honourable friend has been kind enough to the owner in this respect that he gives him an opportunity to prove to the contrary. In all criminal cases the burden is always on the prosecution and I do not see why we should make an exception in this case. The honourable Minister wanted in his Bill that the burden should be on the prosecution and my honourable friend has come to his help and wants to say that the burden should be laid on the owner. He is in fact out-heroding Herod. My humble submission is that in all these offences relating to emergencies this has been the tendency and I have been always fighting against this tendency. If you will kindly see section 8 of the original Act, the words are:

"Any person who attempts to contravene or abets the contravention of any order made under section 3 shall be deemed to have contravened the order."

If the owner is in league with the person who is smuggling he is an abettor under section 8 and if the thing is proved against him, he will be punished like the principle and then, if the idea is that the owner is to be punished, he ought to be punished in person rather than in his property. If the case cannot be brought home to him, then he is quite innocent under the law.

It may happen that the owner who owns ten lorries is in Calcutta and he just pays a man who looks after. One lorry is being plied in Delhi and another in Muzzafarnagar and a third in Saharanpur. That man does not know what the driver is doing. In all criminal cases there can be no offence by agency. It is an accepted principle that if a driver or even his agent does intend to do something wrong then those persons are themselves liable and not the owner and it must be proved that the owner knew certain things before his property can be forfeited. This is the usual criminal law of this country and I do not know what is at the back of my honourable friend's mind. As a matter of fact when a person hires a lorry, the driver also does not necessarily know the purpose of the hiring unless he accepts a part of the profit, then only it can happen that a driver can also be implicated, but to speak of the owner who may not be present there, he cannot be prosecuted. If it can be proved that the owner knew, then he can be prosecuted, under section 8. No case has been made out for changing the burden of proof and putting it on the accused, which is, I should say, a very exceptional thing in criminal cases.

Shri Prabhu Dayal Himatsingka: Sir, I beg to oppose this amendment. It is a novel thing that we are proceeding with here. It should be the duty of the Legislature to protect the interest of the subject and in the present days

the powers of the Executive are more than what they were under the Defence of India Act. It is the duty of the Legislature to see that such powers are not extended, but rather kept within certain limits.

As my honourable friend, Pandit Thakur Das Bhargava has said, it will be a novel procedure of criminal jurisprudence to punish an owner or rather to throw the burden of proving his innocence on him instead of throwing the burden on the prosecution. I request the honourable Minister to think as to what extent he is going to by accepting this amendment. It may be very easy for him to have certain convictions, but this will lead to various complications. Of course, the trains all belong to the State now; otherwise, the honourable Minister for Railways will be deprived of his wagons every day. We do not know what is in contravention of certain laws and what is not, and all these things will have to be forfeited.

It is a very dangerous thing and I do hope that the honourable Minister will apply his mind and not simply accept an amendment like this.

Mr. Naziruddin Ahmad: I wish to support the amendment.

Mr. Deputy-Speaker: Some have supported and others have opposed it. I think the original itself is all right. Let us hear the honourable Minister.

The Honourable Shri Jairamdas Doulatram: I think we are unnecessarily debating this matter. I find that the amendment is placing too much responsibility of proof on the owner. Therefore, I am not accepting the amendment. I will accept the original wording.

Shri S. V. Krishnamoorthy Rao: Sir, I beg leave of the House to withdraw my amendment.

Mr. Deputy-Speaker: Has the honourable Member leave of the House to withdraw his amendment?

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

Mr. Mohd. Tahir. Sir, I beg to move:

"That in clause 3 of the Bill, in the proviso to the proposed section 7A of the Essential Supplies (Temporary Powers) Act, 1946, after the word 'knew', the words 'or had reasons to know' be inserted."

I hope that the honourable Minister in charge will duly consider this amendment and will accept it, because it will remove the difficulties that have been felt by several of our friends such as Pandit Thakur Das Bhargava. Supposing, for instance a lorry is plying at Delhi and the owner is at Calcutta. How is to be proved that the owner was in the knowledge of the offence that was committed in Delhi? Sir, knowledge is a mental condition and unless it is supported by circumstances and reasons, it is very difficult to prove that the man really had the knowledge and unless it is supported by circumstances and reasons the offence cannot be proved. Therefore, it is but necessary that this amendment should be accepted. If it is accepted, Sir, then the provision in the Bill will read as follows:

"Provided that no Court trying an offence under this Act shall declare any such package, covering, or receptacle or any such animal, vehicle, vessel or other conveyance forfeited to His Majesty, unless it is proved that the owner thereof knew or had reasons to know that the offence was being, or was to be or was likely to be, committed."

I therefore, think that this amendment is reasonable and should be accepted.

Mr. Deputy-Speaker: Does the honourable Minister accept the amendment?

The Honourable Shri Jairamdas Doulatram: No, Sir.

Mr. Deputy-Speaker: Amendment moved:

"That in clause 3 of the Bill, in the proviso to the proposed section 7A of the Essential Supplies (Temporary Powers) Act, 1946, after the word 'knew', the words 'or had reasons to know' be inserted."

Mr. Naziruddin Ahmad: I beg to support this amendment. The proviso as it stands, makes it possible to forfeit the property only on one condition that the Court is satisfied that the owner actually knew that the offence was being or was about to be committed. From a practical point of view it would be impossible while trying the accused to get evidence that the owner (a third person) knew that the offence was being committed. I submit that, at the trial, the owner is a third person in so far as the offence is committed by the drivers and others. I submit that if this condition is to be proved it would be as good as deleting the proviso altogether. The only object of the proviso is to drag in the owner, the real person who carries on the illicit trade with the knowledge or approval of others who are only scape goats. In the Motor Vehicles Act we have provision for awarding punishment to the owner in case the driver commits an offence. If a similar provision is not there in this Act you will let the real black-marketer escape and punish his dupes and intermediaries. If you want to tighten the proviso these words are necessary. Without these words the proviso will be of no use. The amendment of Shri Krishnamoorthy Rao also would strengthen the proviso. In these circumstances, the amendment should be accepted.

Pandit Thakur Das Bhargava: The object of the mover of this amendment is to make the hold on the owner more secure. After hearing Mr. Naziruddin Ahmad I realise that what he wants is that if a person is neglectful and does not properly instruct his agent, he should be punished for his negligence. He wants that the owner should be punished for not giving proper instructions. Now, what do these words 'or had reasons to believe' indicate? The principle of criminal jurisprudence is that unless a man is proved to be guilty he should be considered innocent. The Evidence Act also lays down that if there are very good grounds for a court to believe that a person knew, even without actual proof to that effect, it shall hold that he knew. If you put in these words 'or had reasons to know' even in the absence of good proof, a person could be found guilty. I submit that according to the true principles of criminal jurisprudence for a person being held guilty it is absolutely necessary that the guilt should be proved against him. 'Had reasons to know' is a weaker expression than the question of knowledge. We are providing for imprisonment and for forfeiture of property if it is proved that the person who owned the property knew true fact.

If my friend fears that the drivers, etc., will not be prosecuted, there is no ground for it. As I just read out from Section 8, they are guilty of abetment. Similarly, if the owner knew he will be guilty of abetment and all his property mentioned in the clause will be forfeited. Only in cases where it is actually proved that he actually did not know or had some suspicion but not enough suspicion, he will be allowed to go scot-free. I do not know what the Member wants when he says that we should further strengthen the law. It is not by strengthening the stranglehold that we will make a law successful. The conditions necessary for the success of the measure have already been indicated by the honourable Member who spoke earlier. I, therefore, oppose this amendment.

The Honourable Shri Jairamdas Doulatram: I oppose the amendment. The courts will have to infer from the circumstances the knowledge of the owner and take action.

Mr. Deputy-Speaker: The question is:

"That in clause 3 of the Bill, in the proviso to the proposed section 7A of the Essential Supplies (Temporary Powers) Act, 1946, after the word 'knew', the words 'or had reasons to know' be inserted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri Jairamdas Doulatram: Sir, I move:

"That the Bill, as amended be passed."

Mr. Deputy-Speaker: Motion moved:

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

Shri M. Tirumala Rao: Sir, I do not want to take up much time of the House. The Government have asked for drastic powers in this Bill and they have got them. But we must draw attention to the responsibility which lies on their shoulders as to how the various sections of the public and also the Government themselves have failed to effectively control black-marketing and also the various leakages that have been there from the very beginning with regard to food administration. It is not enough if the people are asked to have a moral conscience. You must also be careful about the moral conduct of the army of officers administering rationing and control throughout India. I may tell you of smuggling going on in my own part of the country. It goes on systematically in train between Thadepalligudem and Vizagapatnam, a distance of 160 miles. Every day 150 half-bags of rice are carried openly by smugglers. It comes to 23 tons of rice. This goes from a surplus district to a deficit district. Nobody can check them. Nobody will control them. It is a daily business going on with the fullest co-operation of the police and the railway officials. It is only the railways that can transport such huge quantity. If you want to control this smuggling and transport you will have to take effective action under this Act against the railway officials.

Again, roundabout Bezwada there are hundreds of people coming everyday with small quantities of rice to the city and earning three or four rupees a day. It is a regular profession of some 400 people. The same thing is happening in the Madras city. I do not blame the people carrying on this business.

Another thing is that there are very many big people involved in smuggling. In the District of Guntur, a man practising the so-called learned profession, owning five or six lorries, regularly carries on this business between 8 P.M. and 5 A.M. His lorries laden with rice from surplus area go to deficit areas and the rice is sold there at black-market rates. The district officers and the police officers know this. They are friends of this person and they meet in the Officers' Club. This is happening with regard to particular classes. You know, Sir, that two lorry-loads of yarn were sent out from a mill belonging to a gentleman who is considered to be a very big philanthropist, a multi-millionaire and a

[Shri M. Tirumala Rao]

favourite of Government. He was caught redhanded but the police would not take the case to court. You are arming the magistrates with power but they must see that the big fish are caught and properly dealt with. It is not enough to have drastic powers in your statute-book; it requires a vigilant Government and a little moral conscience on the part of the people to make the provisions of this law successful. Government have undertaken to feed the people; my honourable friend Shrimati Ammu Swaminadhan was not able to catch the Speaker's eye, otherwise she could have said something about this. Today I could not get rice. Yesterday I sent my servant with a ration card; he told me there was no rice but there was enough of it in the black-market. Either we have to starve or get rice from unauthorised people in the black-market. These unauthorised sales are going on under the very nose of the Government of India, and I therefore request Government to see that the provisions of this Bill are properly worked until our difficulties are tidied over.

Shrimati Ammu Swaminadhan (Madras: General): Sir, there are just one or two things that I want to say so that the honourable the Food Minister may try to make things better. Firstly, it is not enough to have all kinds of Ordinances and laws but Government should be more vigilant and see that these powers are properly exercised. My honourable friend Shri Tirumala Rao said just now that today in Delhi under the very nose of the Government of India you can get as much rice as you want; it is not called black-market rice but 'uncontrolled rice'. I did not know that there was any rice which was 'uncontrolled' but my servants tell me that whenever we cannot get rice in the ration shops we can get this 'uncontrolled' rice. I personally do not buy it because I do not want to encourage black-marketing but if this happens in Delhi how can you control it in far-away villages? It is no use blaming the officials in the villages; surely the Government of India should see that in Delhi itself these things do not happen. You can get charcoal, rice, *atta* and everything else in the black-market, only the poor people who cannot afford to pay black-market prices cannot get anything. And who are the people who are punished? It is always the poor man or woman who buys in small quantities to save their children from starvation. Recently, as a jail visitor, I went to the Vellore Women's Jail and I found that more than half the women prisoners there were those who were punished for buying or selling in the black-market. And how much rice were they buying or selling? They said it was a small quantity in each case. While rich people go scot-free and get all that they want it is the poor who are punished because they buy in the black-market out of sheer necessity to save their children from starvation. It is time Government saw that the proper people are punished and the black-market business is stopped for ever, instead of punishing one or two poor men and women. As long as the rich people go scot-free and can get all that they want this black-market is not going to stop. In the pavements of Delhi you can buy anything you want. If you cannot stop it here you cannot stop it in other parts of the country.

Sir, I support this Bill and hope that its provisions will be properly applied and not allowed to remain a dead letter.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

PAYMENT OF TAXES (TRANSFER OF PROPERTY) BILL

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

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

All that I want to do at this stage is to sum up very briefly the more important changes which have been made by the Select Committee in the original Bill. The main purpose of the changes that the Select Committee has made has been—if I may say so—to tone down the rigour and to narrow the scope of the original measure. The first change is that the Bill now operates only in respect of immovable property. The original Bill, as the House will remember, applied also to movable property with the exception of stocks, shares and securities. Secondly the Bill now applies only to transferors who are either evacuees or who are intending to leave the country to settle outside the country in the opinion of the Income-tax Officer, Custodian of Evacuee Property or the Collector. Originally, as the House will remember, practically every transfer had to obtain a tax clearance certificate before a registration authority would register the document. Thirdly, in regard to taxes the operation of the Bill will be confined to transfers of immovable property which have been irregularly made and only with effect from the date on which the Ordinance came into operation, and not retrospectively from 15th August 1947 as in the original Bill. The fourth change is that there is provision made for appeal from the orders of the Income-tax Officer to the Commissioner of Income-tax. One other change that has been made by the Select Committee is to provide that any proceedings under the Ordinance would continue even after the expiry of the Ordinance.

These are the changes which have been made by the Select Committee. There is one statement in the Select Committee's report to which I should like to invite the attention of the House; it is in the second sub-paragraph of paragraph 2:

"In this connection some of us feel that a provision corresponding to section 44G of the Pakistan Income-tax Act requiring a tax-clearing certificate from every non-national leaving the country should be introduced into our law with immediate effect."

The Committee considered that it would not be suitable to put a provision of that kind into this Bill and so they suggested that separate provision should be made for it. This has been done in the Income-tax Amendment Bill which is now before the House.

Mr. Deputy-Speaker: Motion moved:

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

Kazi Syed Karimuddin (C. P. and Berar: Muslim): Sir, I move:

"That the Bill as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon by the 1st June, 1949."

It is recorded in the debate when this Bill was sent to Select Committee that the Honourable Mr. Neogy had stated that he had agreed to withdraw this Bill.

Shri B. K. Sidhva (C. P. and Berar: General): That is an old story.

Kazi Syed Karimuddin: Although an old story, it has to be repeated here to show that there is no foundation why this Bill should be brought before the

[Kazi Syed Karimuddin]

House. The reasons were not given by him and the only thing stated by him was.....

Mr. Deputy-Speaker: As I understand the position, the scope of the Bill is what has been agreed upon after its reference to Select Committee. I am sure this point must have been urged before reference to Select Committee and this point cannot be urged now unless there are certain things which the Select Committee have substantially changed. I think the honourable Member is basing his argument on the assurance that is supposed to have been given by the then Finance Minister that he would not press the Bill. But I am afraid that it is out of date.

The Honourable Shri K. C. Neogy (Minister of Commerce): That could not bar the progress of any measure for all time. I could not have meant that for all time to come no such legislation could be brought before the House.

Mr. Deputy-Speaker: The motion for "circulation ought not to be a dilatory motion. If the honourable Member has any other substantial ground he may put it forward.

Kazi Syed Karimuddin: It was stated by Mr. Neogy that he had agreed to drop the Bill and no reasons were assigned.

Mr. Deputy-Speaker: It is exactly on that point that exception has been taken.

Kazi Syed Karimuddin: Sir, the honourable the Finance Minister in his speech today has stated that the Bill is now only applicable to those who want to leave this country and settle outside India. According to the statement of objects and reasons, the object of the Bill is to safeguard the loss of revenue in the case of persons who dispose of their properties with the intention of leaving India and settling somewhere else. But in the provisions of the original Bill there was no such mention. The provisions as they stood then, before the Bill was sent to Select Committee, contained no mention of the scope and the application of the provisions of this Bill being applicable to those who leave this country or who intend to leave or who want to settle down outside India. Therefore if the Select Committee has taken away the provisions of Clause 2 and has made it applicable only to those persons who intend to leave this country, then I submit that this is a substantial change, and this change was not authorised when the Bill was referred to the Select Committee. Consequently, it is necessary that the Bill should be circulated for public opinion. Because of the grievances made by several Members of the House that it was not working properly in the case of the majority community or in the case of those who were not leaving the country, the Select Committee reported that it should be only made applicable to those persons who were going to Pakistan or leaving India to settle down there.

Now there is another Bill which is before the House dealing with the rush of people coming from Pakistan. Now if the provisions of this Bill are accepted, the result will be that every Muslim who wants to dispose of his property here will be suspected by the Custodian or the Income-tax Officer or the Collector, and the result will be that in the case of every Muslim in this country who had no intention to go and settle down outside India, he will be a suspect and in his case a certificate will be necessary. Therefore, I contend that the honourable the Finance Minister has not looked to the grievances of those against whom this worked a hardship and these provisions have been made applicable to a particular community and as income-tax rules today are, the harassment will be very great; the corruption will be very great and it will be very difficult to get certificates from the Income-tax Officer.

Sir, the Custodian and the Collector are not given any special grounds on the basis of which they should make a report or issue a certificate that a man is leaving the country. It only depends on their sweet will and how they think of a particular person. The result is that as soon as a Muslim wants to alienate his property in this country, it will be presumed that he is leaving this country and a certificate will be necessary as prescribed in Section 3 of this Bill. Therefore, even in the case of those who want to dispose of their property, there should not have been any provision regarding a certificate issued by the Collector, the Income-tax Officer or Custodian. If, according to the provisions of section 4 you apply them to the Muslims of this country, it would be impossible for them to alienate their property even in case they do not want to leave the country but want to be here.

Therefore, the application of this Bill to a particular community will be to the detriment of that community and there is no justification for it because according to the Government people are coming from Pakistan to this country and very few people are going there from here. This Bill is the result of a similar Ordinance which Pakistan issued and my submission is that for a few people who are likely to come to India, such a sweeping Bill, affecting every Muslim in this country, should not have been brought forward.

Mr. Deputy-Speaker: Amendment moved.

"That the Bill as reported by the Select Committee be circulated for the purpose of eliciting opinion thereon by the 1st June, 1949."

Pandit Thakur Das Bhargava (East Punjab: General): This is a dilatory motion according to our rules. When a Bill emerges back from the Select Committee, if at that time a motion of this character is made it is a dilatory motion and unless there is a good ground given by the mover, the Chair is authorised not to allow this motion.

No ground has been given by the honourable the Mover of this motion. On the contrary the grounds that have been given are such as would stand in the way of a motion like this. He has read out to you from the objects of the original Bill that it was meant to safeguard the loss of revenue in the case of persons who dispose of their properties with the intention of leaving India. At the time of the consideration of the Bill, opinion was expressed in this House by many Members, including myself, that this Bill went beyond the scope of the objects mentioned in this Bill. Therefore when the matter was sent to the Select Committee it was just and proper that this Bill should have been amended in the manner it has come from the Select Committee. At this stage I will be guilty of want of gratitude to the honourable the Finance Minister if I do not submit to the House in what manner this objection was accepted by him.

Sir, it is unfortunate that those in charge of the Income-tax Department do not behave rightly towards the people of this country. As a matter of fact the income-tax department is an earning department. We want it to prosper. What will happen to the nation-building activities if those who have to pay evade payment. I admit therefore that every person who should pay should pay to the income-tax department what is due from him. If the income-tax department does its duty well I am sure they will earn twice the income they are earning today. At the same time it is no part of the duty of the income-tax people, that when they get an opportunity, to enact laws they should mulct the people in an illegal way. The object of the Bill was only to get revenue from those who wanted to go away from this country, if they had to pay tax. That was a laudable object. But with this handle they brought about a Bill by which every person was debarred from alienating his property, unless he paid his tax. By what they were doing perhaps they did not realise they were dislocating all business. People would not be allowed to transfer

[Pandit Thakur Das Bhargava]

their properties and get money. At the same time the price of properties was depreciated. As a matter of fact it was our national government that sought to do it. If the previous government had done a thing like this there would have been such a hue and cry that the Government would have come to know that the effect of the Bill was to their cost. When it came before the Select Committee the honourable Finance Minister stuck to his guns and told the income-tax people that this was not the manner in which they should be allowed to get more money. I congratulate him on that score. I further wish that the spirit of the honourable Finance Minister would imbue the income-tax department as well and they will become real servants of the people. We would then give them all our good will and wish them prosperity and expect them to behave towards the people of the country as their servants. The people on the other hand would consider them as their protectors who take from them their legitimate dues and do not try to extort money from them in an illegal manner, which is the complaint which my friend has made. Is the complaint right? He wants the Bill to be re-circulated even though the right thing has been done. I submit that he has made out no case for re-circulation to elicit public opinion.

My friend has made the complaint that this will act as a hardship towards the Muslim community. As a matter of fact so far as the Muslim community is concerned the Bill does not speak of the community at all but speaks of persons who want to go away and settle elsewhere. It is true that in fact it will apply to those people who want to go away and Hindus are not likely to go away. But what about Christians and Parsis who may want to go elsewhere and the Bill may also apply to people in other parts of the country. It is not discriminatory at all and it cannot apply to any Muhammadan who does not want to leave the country. If a Muslim stays here he is as much protected by the law as at present obtaining in India as any Hindu or any other person. I have not been able to understand how this Bill will create suspicion in the minds of Muslims who do not want to leave the country. My friend has drawn much more on his imagination than on actual facts.

My friend says that very few people are going and if that is so it will apply to very few people and where is the complaint then? On all these grounds this is a dilatory motion and should not be allowed to be made and should be over-ruled. If my friend persists in the motion the House will be well advised in throwing it out.

Mr. Deputy-Speaker: Is it necessary that we should have an elaborate discussion at this stage on the Bill?

Shri T. T. Krishnamachari (Madras; General): Sir, there are one or two matters on which I would like to speak, considering the fact that I spoke at length at the time this Bill was referred to a Select Committee and the fact that some heat was generated at that time because some honourable members found fault with the manner in which the ordinance is being administered. I am not a *persona grata* with the honourable Finance Minister as I believe he thinks that some of us are even beneath contempt. Nevertheless I think it is only fair for me to acknowledge that the Finance Minister was good enough to see the mistakes committed by his department and therefore co-operated with the members of the Select Committee in amending the Bill in such a manner that the abuses to which it lent itself have been now abrogated. This fact in itself evokes a note of warning which it would be well to take note of. I do not know if the members of the House are aware that several provincial governments had protested when the ordinance which this Bill seeks to confirm, in part at any rate, was made applicable to some of the provinces, where the need for the application of the ordinance was not very great. I know for a fact that the Madras Government protested and the protest of course was not heeded. In the meantime the whole machinery of registration of

documents relating to urban property was brought to a standstill and there were many questions in the Madras Assembly as to what action the Madras Government had taken in the matter. Even now people are not aware that the ordinance has lapsed and this Bill which is to replace the ordinance is one which would not affect normal transfer of property in this country but would only affect those persons who dispose of their properties with the intention of leaving India and settling down elsewhere.

I have been asked by several people while I was in Madras whether the ordinance was still in force. The point is that when a measure of this sort is brought to replace the measure that has lapsed the inconvenience caused by the previous one still continues, because the Government have not gone a step further and publicised the fact that the amended measure would affect a limited class of persons and not all those whom the original measure affected. I would like to convey this particular request to the Government; that having seen as they have done in this particular case the evil of hasty legislation, whether by means of bringing a legislation proposal before the House and getting it passed or by means of using the emergency powers which they have in their hands,—having demonstrably seen the evils arising out of such measures—they should hesitate before bringing forward measures of this sort. Even before this particular measure was taken up the other Bill that was being discussed in the House this morning one observed that it has a painful feature of our day-to-day work, that the Government often comes forward with measures before the House which are rather sweeping in character, which had not been examined by their legal department, on which the collective wisdom of the Cabinet as a whole had not been brought to bear and on which the opinion of the provincial governments had not been ascertained and nevertheless people are exposed to risks resulting out of the hasty legislation merely because some Minister wants that in order that he should not be behind hand in regard to enforcement of a particular type of control he should have powers adequate or probably more than what is necessary.

I would make this request to Government that they take to heart the lesson of this particular ordinance and the Bill which seeks to replace it and see that in future no measure is brought before the House or is enacted by means of an ordinance, unless it is scanned and looked into by proper authorities and they should see that the department concerned should not exercise such powers as exceed the original intentions behind the measure. The honourable Finance Minister was good enough to admit that his department had more or less used these powers against people whom it was not originally intended to harass. What is the compensation to these people who have been put to loss, by way of delay in the transfers of property and the resultant loss in income and various other harassments, merely because some minion of Government, had misused those powers which were intended for a totally different purpose. I think in any other country where the laws are of such a nature as afford a remedy against Government, the public would have obtained that remedy by going to a court of law. But here we in this country accustomed as we are to centuries of oppression under foreign rule, accept anything that the Government does, right or wrong, the practice of dumb servility prevents our asserting our rights even under a popular Government. It is a popular government which has used the power (which the former government had often made use of) with a nonchalance. That is amazing without any consideration for the people or even enjoining their officers to see that the ordinance is not misused.

While I will oppose the motion made by my honourable friend Mr. Karimuddin I think that he has got a perfect right to feel that this measure operates against a particular community. I am afraid it is. The Hindu community

[Shri T. T. Krishnamachari]

in Pakistan will be affected by a similar measure there but that is merely because of the circumstances of the case. While, I perfectly sympathise with him I am afraid there is no way out of it. I think the Select Committee with the aid of the Chairman have made adequate provision to see that no person who is normally not likely to leave the country is affected which is all that could be done under the circumstances. Such care as we can take consistent with our own powers of imagining contingencies as will arise has been taken in this measure and I do hope that the honourable Finance Minister will give an assurance that he will ask the department to be very very careful and make use of the measure only in cases where the loss of revenue to government is reasonably large and not where it is a matter of few hundreds or thousands of rupees, so that people may be saved from harassment, even though it means a small loss of revenue to the Government. Subject to this I oppose the motion made by my honourable friend Kazi Karimuddin and support the original motion.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I beg to point out that although the difficulties are alleged now to have been removed, the difficulties as a matter of fact remain in the Bill as before. The trouble pointed out by many honourable Members in the House was that the operation of the Bill would not be confined to those who are trying to leave or who have left in order to evade Income-tax, but it would affect all and therefore it was sent to the Select Committee to cure those provisions. I will try to show that whatever may be the pious opinions expressed as to the removal of these difficulties the situation remains absolutely unchanged. If honourable Members look at clause 2—I shall not read it but give only the gist—it is said that this Act shall apply to those who on account of civil disturbances or other reasons leave or have left, or who in the opinion of the Income-tax officer or the Custodian of Evacuee Property have transferred their properties. Clause 2 which defines the purposes of this Act is absolutely clear.

Then comes the operative part, namely clause 3. Has the clear definition of the purpose in clause 2 been kept absolutely clear in clause 3? It is said that if a man 'to whom this Act applies' presents a deed for registration about his immovable properties then it should not be registered unless there is a certificate of a proper authority. The question is so far as the registering officer is concerned what does this expression "to whom this Act applies" really convey? In clause 2 it is said that this Act applies to certain persons. That is clear. But that is 'in the opinion' of the Income-tax officer or the Custodian of Evacuee Property or the Collector. But the persons who form the opinion are not the registration officer but some other person. Therefore the expression "to whom this Act applies" will not be clear at all or be self-explanatory to the registering officer. A man comes to a registering officer to have his document registered. It may be thought that if he is a man "to whom the Act applies", then of course the document should not be registered and the document will be refused unless the proper certificate of payment of Income-tax and other dues is produced. But how would a registering officer find out whether the transferer is a person to whom this Act applies? Although there has been an attempt to define the position in clause 2, so far as the operative part, namely clause 3 is concerned this definition has not been carried into effect. It may be clear to the Income-tax officer that a man owes something. It may be clear to the Custodian of Evacuee Property or the Collector that the man is leaving, he owes some Income-tax and other dues and that he has not paid them. But to a registering officer nothing would be known. It will be impossible for him to know that the man is leaving or that any tax is due from him or that the Act would apply to him. So far as he is concerned he

will think—"here is a man who is trying to register a document" and he will ask him: "Are you a person to whom this Act applies?" He will say 'No.' The registering officer will then say 'I do not take the responsibility, you better get the certificate'. So the position is even now exactly where it was. Although the Select Committee has attempted to clear the position, so far as the operative part of the Bill is concerned, the position is not at all clear.

I have an amendment which would be placed at the proper time. But I would ask the honourable Minister and the Members to consider the point that the hardship consists in the registering officer refusing to register unless the certificate is produced. This position in practice remains exactly where it was. The definition is there but it remains a pious wish and the registering officer will be left without any means to know, and the party will be left without any means to satisfy him, that he is not a person to whom the Act applies. In these circumstances I submit that clause 3 should require redrafting. That is all that I have to say.

Shri L. Krishnaswami Bharathi (Madras: General): I only rise to answer the speaker who just preceded me. He referred to the question as to how the registering officer can know this is a person to whom the Act applies. There is no difficulty at all. If my honourable friend Mr. Naziruddin Ahmad had carefully gone through part (ii) of clause 2 he would have known that. I would only like to invite his attention to this. Clause 2 reads:

"This Act shall apply to any person....."

(i) who, in the opinion of any of the Income-tax authorities specified in sub-section (1)..... is likely to leave the Provinces of India with the intention of settling in any place outside the Provinces of India, and in respect of whom a declaration that he is a person to whom this Act applies has been received from any such Income-tax authority, Custodian of Evacuee Property or Collector by the registering officer of the area in which any property belonging to such person is situate."

Mr. Deputy-Speaker: That is only an alternative—"or". Part (i) is an independent one. Part (ii) is the second category. His objection is to the first category.

Shri L. Krishnaswami Bharathi: This does not apply to part (i). Part (ii) refers to a person named in the letter to the registering officer as a person to whom the Act applies. It is only such cases that clause 3 will apply. There is no difficulty. All other persons about whom the registering officer has not received any declaration stating that "this is a person to whom this Act applies" can have their documents registered. There is no difficulty in their cases.

Mr. Naziruddin Ahmad: What about sub-clause (i) of clause 2?

Honourable Dr. John Matthai: With reference to the last point that was made by Mr. Naziruddin Ahmad the position is this. There are two classes of people one of whom belongs to the definitely ascertainable class defined in terms embodied in this Bill and the other are people in respect of whom prior notice has been received by the registering officer from the Income-tax authorities. One is a definitely ascertainable class; the other is a class in respect of whom prior notice is received, so that in actual practice there is not likely to be any serious practical difficulty. It is only when this Bill comes into force the Collector of the district will send the Registration Department with a list of the people who are likely to leave so that the question of administration may not create

[Dr. John Matthai]

With regard to what my honourable friend Mr. T. T. Krishnamachari said I quite appreciate that in matters of this kind we do run the risk of piecemeal and hasty legislation. When there is an emergency and an ordinance is issued to meet it, it is possible that sometimes due care and precaution is not taken. I quite appreciate the danger of the situation. In regard to the application of this Ordinance to provinces Mr. Krishnamachari referred to Madras. It was applied to Madras after the approval of the Madras Government had been obtained and that procedure was applied in every case where the ordinance was extended. It is not that the Central Government acted on its own responsibility in this matter.

With much of what Pandit Bhargava said I am in complete agreement. But I am afraid I do not altogether agree with some of the things he said about the Income-tax Department. They have a very difficult and thankless job. And I think they deserve a little more sympathy than Pandit Bhargava is prepared to extend to them.

Mr. Deputy-Speaker: I will put the amendment to the House.

The question is:

"That the Bill as reported by the Select Committee be circulated for the purpose of eliciting opinion there on by the 1st June, 1949."

The motion was negatived.

Mr. Mohd. Tahir (Bihar: Muslim): Sir, I want to speak.

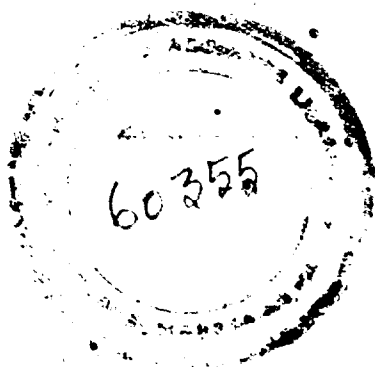
Mr. Deputy-Speaker: Enough discussion has taken place on the amendment and also on the Bill. I am now putting it to vote.

The question is:

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

The motion was adopted.

The Assembly then adjourned till a Quarter-to Eleven of the Clock on Wednesday, the 6th April, 1949.



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