

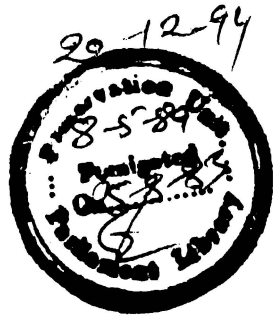
Monday, 3rd April, 1950



PARLIAMENTARY DEBATES

(PART I—QUESTIONS AND ANSWERS)

OFFICIAL REPORT



VOLUME II, 1950

FIRST SESSION
OF
PARLIAMENT OF INDIA
1950

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PARLIAMENTARY DEBATES
(PART I—QUESTIONS AND ANSWERS)

Mnoday, 3rd April, 1950

The House met at a Quarter to Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

COMPENSATION TO RELATIVES OF INDIANS SHOT IN SUMATRA

*1331. **Shri Sidhva:** (a) Will the **Prime Minister** be pleased to refer to the answer given to my Starred Question No. 578 asked on 14th December, 1949 and state whether the amount of compensation to be paid to the relatives of the three Indian Nationals who were shot by the paratroopers of the Royal Netherlands Forces has been settled?

(b) If so, what is the amount paid and if not, at what stage does the matter rest?

The Deputy Minister of External Affairs (Dr. Keskar): (a) The amount of compensation has been settled in so far as the dependents residing in Indonesia are concerned but not as regards dependents living in India.

(b) Some amounts have been paid but the Government has not yet received exact figures.

Shri Sidhva: Is there any difficulty in coming to a final settlement, Sir?

Dr. Keskar: As I said, a settlement has been reached with regard to those dependents of the persons killed who are in Indonesia and the Government has accepted and come to a settlement with the Dutch High Commissioner. But one or two persons killed have got relations in India and we have not been able to come to a settlement as regards the amount to be paid to them.

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH

*1332. **Shri Sidhva:** (a) Will the **Prime Minister** be pleased to state the total amount of grant paid to the Council of Scientific and Industrial Research for the year 1949-50?

(b) What is the amount proposed to be given for the year 1950-51?

(c) How many laboratories are under this Council and is any grant made by any State Governments towards these laboratories or Institutes?

(d) What was the total expenditure of the Council of Scientific and Industrial Research during the years 1948-49 and 1949-50?

The Prime Minister (Shri Jawaharlal Nehru): (a) Rs. 107.54 lakhs composed of (i) Recurring grant of Rs. 47.54 lakhs, and (ii) Capital grant of Rs. 60 lakhs for construction of laboratories and purchase of equipment.

(b) Rs. 140 lakhs composed of (i) Recurring grant of Rs. 65 lakhs, and (ii) Capital grant of Rs. 75 lakhs for construction of laboratories and purchase of equipment.

(c) 11 National Laboratories. No recurring grant is contributed by any State Government towards the Laboratories but some State Governments have made donations of valuable land and fine buildings.

(d) 1948-49—Rs. 72,02,800.

1949-50—Rs. 1,62,94,500 (Estimated).

Shri Sidhva: May I know whether there has been any cut in the provision for 1949-50 in the amount stated by the Prime Minister now?

Shri Jawaharlal Nehru: You mean the Budget for 1950-51?

Shri Sidhva: No, Sir, 1949-50.

Shri Jawaharlal Nehru: I think I will have to speak from memory. I think there was some cut. The figure I have given for the next year has been arrived at after such a cut has been imposed.

Shri Sidhva: What part of the work of this Institute is affected by that cut?

Shri Jawaharlal Nehru: May I point out one thing? The figures have not been finalised and therefore they are not quite clear. Though there has been a cut in the State grant, the Institute has been getting fairly considerable sums from private sources for buildings, etc., so that the total figure is much higher than the State grant itself. So, as a result of a re-arrangement, etc., the Institute's work, I am happy to say, has not suffered much in any direction.

Shri M. A. Ayyangar: May I know if any portion of the amount that has been spent is utilised for carrying on the information concerning industrial research in the various institutes to the industries so that they may progress?

Shri Jawaharlal Nehru: That is one of the primary objects of this Institute. That is the most important object of the Board of Scientific Research which is composed of the best and the most eminent scientists, industrialists and others. They consider these questions daily. Only a short while ago there was a meeting, and out of 100 items, probably 88 or 90 related to the subject pointed out by the hon. Member.

Shri M. A. Ayyangar: May I know if any portion of this recurring grant is granted to the various Universities or is the whole amount spent by the National Laboratories itself?

Shri Jawaharlal Nehru: The amount that has been provided for the National Laboratories is utilised for research work in Universities and by individual scientists and in various ways like that.

Prof. S. N. Mishra: May I ask whether some of the important appointments have been made in the Council of Industrial Research without any reference to the Union Public Service Commission?

Shri Jawaharlal Nehru: It has absolutely nothing to do with the Union Public Service Commission. It is not a paid service. Eminent people are appointed there for advice.

Shri Tyagi: Are the researches in this Institute to be conducted by the scientists who are in the pay of the Government or can private persons also avail themselves of the facilities in this Institute?

Shri Jawaharlal Nehru: There are any number of people who are not in the pay of the Government who have assisted in this way.

Shri A. O. Guha: In view of the fact that the industries are likely to get great benefit from these researches, have the Government approached the industries to contribute to the funds or have the industries made any contributions so far?

Shri Jawaharlal Nehru: If the hon. Member likes I will give the amounts that have been received by way of contributions. From Sir Dorabji Tata Trust, Rs. 8,30,000; Sir Ratan Tata Charities, Rs. 11,70,000; the Indian Steel and Wire Products, Rs. 1,00,000; the late Mr. D. P. Khaitan, Rs. 25,000; the Indian Metallurgical Association, Rs. 10,000; and Dr. Al. Rm. Alagappa Chettiar, Rs. 15,00,000.

These are some of them, immediately in front of me. There are many others too.

Shri R. Velayudhan: May I ask whether the Government had invited one Dr. Peters of the Recheater University for conducting research?

Shri Jawaharlal Nehru: The name sounds familiar. But I cannot answer the question without proper enquiry.

Shri Kamath: If the Union Public Service Commission has nothing to do with the appointments made in this Institute, who, may I know, is the appointing authority?

Shri Jawaharlal Nehru: Mr. Tyagi's enquiry was about the membership of the Council of Scientific Research and the Board of Scientific Research which consist of not paid employees, but eminent people. They are not employees. As for the others, many of them go through the process of the Union Public Service Commission. I am corrected by my hon. Colleague, that they do not. But, apart from this, sometime or other, this House will have to consider this question of appointments for special technical services, because, I am quite convinced after the experience I have had that special boards or special arrangements should be made for the selection of technical personnel. The Service Commission is an excellent Commission no doubt. But it is more or less for administrative services. Its outlook is administrative rather than technical, although they get the advice of technical people. Apart from other reasons, the delay involved is tremendous. Normally technical people should be employed as much as necessary with the help of businessmen and competent technical men, but when we employ them we get tied up with Government rules and we cannot get rid of them even if they are thoroughly incompetent. This question arises with regard to State-owned factories. It is an important question for consideration there.

Shri Shiva Rao: May I ask whether, on the side of industrial research, any attention has been devoted or proposed to be devoted to cottage industries?

Shri Jawaharlal Nehru: Certainly attention is proposed to be devoted and some attention has been devoted. But perhaps it may be said that as much attention as should have been devoted has not been devoted.

Shri S. C. Samanta: May I ask whether there is any provision to see that there is no duplication of the work done in other Ministries?

Shri Jawaharlal Nehru: Yes, various Ministries are connected with scientific research, for instance, Food and Agriculture, Industries, and I think one or two others too. There was some duplication of work. A Scientific Co-ordination Committee is there, consisting of representatives of various Ministries including the Ministry of Defence which also carries on important research work and they coordinate the research activities.

Shri Kamath: What, Sir, is the personnel of the Selection Board for the appointments to these laboratories and other research posts?

Shri Jawaharlal Nehru: I think they differ in various ways. There is not one Board for every thing. Perhaps my hon. colleague, Dr. Mookerjee may be able to enlighten us.

The Minister of Industry and Supply (Dr. S. P. Mookerjee): Whenever vacancies arise or new appointments have to be made, selection committees are appointed. The Chairman of the Selection Committee is the Vice-President of the C.S.I.R. and the D.S.I.R. and the Director concerned are *ex-officio* Members; technical experts or outsiders are also appointed. All appointments are passed through special selection Committees appointed for this purpose.

FISH IMPORTED FROM PAKISTAN

*1333. **Shri Sidhva:** (a) Will the Minister of **Commerce** be pleased to state the quantity of fish that was imported from Pakistan in 1948 and 1949, each year separately?

(b) From what parts of Pakistan was this fish imported into India?

(c) What is the total value of such imported fish?

The Minister of Commerce (Shri Neogy): (a) to (c). A statement giving the information is placed on the Table of the House. [See *Appendix VI, annexure No. 19.*]

Shri Sidhva: May I know what was the quantity of fish imported from Pakistan in the year 1949?

Shri Neogy: I have given in the statement the quantities in some detail for Eastern Pakistan and Western Pakistan. From Eastern Pakistan the quantity was 12,774 Cwts. and from Western Pakistan 23,943 Cwts.

Shri Sidhva: Is there any export duty on fish charged by the Pakistan Government?

Shri Neogy: That is so, since, I think, the last budget of theirs. Just for a year the export duty has been in operation, except when it was suspended between June and December 1949.

Shri Sidhva: Is it not a fact that by common arrangement this duty was abolished?

Shri Neogy: I do not think there was any understanding as regards the duty on fish, as far as I recollect. May be they suspended their duty when we did not levy export duty on Mustard Oil?

Shri Kamath: How much big fish has come recently from Pakistan?

Shri Neogy: Well, the hon. Member is perfectly aware how many.

INTRODUCTION OF EXTRA SHIFTS IN MILLS AND FACTORIES

*1384. **Seth Govind Das:** Will the Minister of Industry and Supply be pleased to state the number of sugar and textile mills, steel factories and coal mines where more than one shift had been introduced to increase production during the year 1949-50?

The Minister of Industry and Supply (Dr. S. P. Mookerjee): The information is being collected and will be laid on the Table of the House in due course.

सेठ गोविन्द दास : जिन फ़ैक्टरियों या जिन खानों में अभी तक एक शिफ्ट से ज्यादा शिफ्ट नहीं चलती, उन फ़ैक्टरियों तथा खानों में भी क्या एक से ज्यादा शिफ्ट चलाने की गवर्नमेंट कोई योजना बना रही है ?

Seth Govind Das: Are Government making any scheme for starting more than one shift in those factories or mines where only one is working at present?

Dr. S. P. Mookerjee: If raw materials are available and finance is available, then obviously more shifts can be introduced. Government cannot supply these.

सेठ गोविन्द दास : इस फ़ाईनेन्स के लिये तथा लेबर के लिये क्या कोई प्रयत्न किया जा रहा है ?

Seth Govind Das: Are any efforts being made to obtain this finance and labour?

Dr. S. P. Mookerjee: There is no special effort made by Government.

IMPORT OF HIDES AND SKINS

*1385. **Seth Govind Das:** Will the Minister of Industry and Supply be pleased to state:

(a) the quantity of hides and skins imported in the year, 1949-50; and

(b) whether it is possible to stop import of hides and skins completely by developing our own tanneries?

The Minister of Industry and Supply (Dr. S. P. Mookerjee): (a) Hides, raw—Nos. 63,532; Hides, tanned or dressed—Nos. 9; Skins, raw—Nos. 824,098; Skins, tanned or dressed—Nos. 28,979; (for the period 1st April to 31st October 1949).

(b) Yes, the imports are gradually being decreased.

सेठ गोविन्द दास : क्या गवर्नमेंट के पास वर्धा के गौ सेवा संघ ने और जो गवर्नमेंट ने एक कैटिल प्रोटेक्शन कमेटी बनाई थी, उन दोनों ने ऐसी कोई योजना रखी है कि जहाँ कंसन्ट्रेशन कैम्प बनाये जायें वहाँ मरे हुए जानवरों के चमड़े के लिये खास तरीके की टैन्nerियां स्थापित की जायें ?

Seth Govind Das: Have the Wardha Gau Seva Sangh and the Cattle Protection Committee that was set up by the Government submitted any scheme that wherever concentration camps be established special tanneries be also opened to utilize the hides of the dead animals?

Dr. S. P. Mookerjee: I could not follow the hon. Member's question. He can explain what he means by "Concentration Camp".

Mr. Speaker: The question is whether Government have on hand a scheme for starting tanneries on the lines of recommendations made as a result of certain experiments in Wardha by having concentration camps and using the skins of dead cattle.

Shri Tyagi: His emphasis was on the skin of the dead animal.

Dr. S. P. Mookerjee: I do not think there is any such scheme under consideration.

सेठ गोविन्द दास : क्या गवर्नमेन्ट को यह बात मालूम है कि गवर्नमेन्ट ने ही जो एक कैटिल प्रोटेक्शन कमेटी बनाई थी, उस ने भी गवर्नमेन्ट के सामने इस तरीके की योजना रखी है ?

Seth Govind Das: Are the Government aware of the fact that the Cattle Protection Committee that the Government had herself set up has also submitted a similar report?

Dr. S. P. Mookerjee: There has been no such discussion in my Ministry. It might have been in the Ministry of Agriculture.

Dr. Deshmukh: May I know from the hon. Minister the extent to which the quality of hides and skins in India has been spoiled by the activities of the hon. Member, Seth Govind Das?

Mr. Speaker: Order, order.

सेठ गोविन्द दास : इस की निस्बत क्या मैं एक सवाल कर सकता हूँ, क्योंकि देशमुख जी ने जो कहा है, उन्हें मालूम हो कि वह कितनी बड़ी भूल में हैं ?

Seth Govind Das: In this connection may I put a question so that Dr. Deshmukh may know that he is sailing under a grave misapprehension in respect of what he has said?

Mr. Speaker: It is not necessary. Order, order. It is not that all Members always state facts correctly. We may proceed further.

MANUFACTURE OF POWER ALCOHOL FROM MOLASSES

*1336. **Seth Govind Das:** Will the Minister of Industry and Supply be pleased to state:

(a) the number of sugar factories where arrangement exists for the manufacture of power alcohol from molasses; and

(b) the amount of alcohol manufactured in 1949-50 and its approximate value?

The Minister of Industry and Supply (Dr. S. P. Mookerjee): (a) Fourteen.

(b) Actual production in 1949 was 42,29,659 bulk gallons. Production during the period January to March 1950 is estimated to be about 12,00,000 gallons.

The approximate value of the production in 1949 is Rs. 28 lakhs.

सठ गोविन्द दास : यह जो अलकोहल तैयार हो रहा है, यह किस काम में आता है ?

Seth Govind Das: To what use is this alcohol that is being produced put ?

Dr. S. P. Mookerjee: Not for intoxication; nor for drinking purposes.

Shri Goenka: What is the total capacity of the factories for manufacturing alcohol in India?

Dr. S. P. Mookerjee: The actual quantity produced is 42,29,659 bulk gallons. It will be nearly about 60 or 70 per cent. of the total capacity.

Shri Alagesan: What is the percentage of pure alcohol mixed with petrol?

Dr. S. P. Mookerjee: 1: 4.

Shri Tyagi: Is it a fact that in connection with some agreements with petrol companies the manufacture of alcohol by molasses has been restricted to some limit?

Dr. S. P. Mookerjee: No, Sir. All the power alcohol that is now being manufactured is being utilised and I expect that the total production in 1950 will come to 60 lakhs of gallons.

Shri Tyagi: My question was whether there is any limit fixed for the manufacture.....

Mr. Speaker: He said: "No".

Shri Tyagi: He has said "No" to the use of alcohol. I am asking about the manufacture of alcohol and whether there is any limit? What is the ceiling limit put on the manufacture of alcohol or are the sugar mills free to manufacture as much as they choose?

Dr. S. P. Mookerjee: There is no limit, except, of course that we do not want to produce more power alcohol than what can be used, in the various States in India. There is some difficulty in the different States accepting this proposition. We have worked out a formula which will apply to almost all the States

Shri Tyagi: According to this new formula will the quantity of manufacture of alcohol be increased, and if so, to what extent?

Dr. S. P. Mookerjee: Our target for this year is 60 lakhs of gallons.

Shri Goenka: What is the percentage of purity of this power alcohol which is manufactured in this country?

Dr. S. P. Mookerjee: Sometimes neat power alcohol is used and sometimes it is mixed with petrol.

Shri Tyagi: Is it the policy of the Government to enforce the mixing of alcohol—(Interruption.)

Shri Goenka: What is the percentage of the purity of the power alcohol manufactured in this country?

Dr. S. P. Mookerjee: I have not got the actual percentage here.

Shri Deshbandhu Gupta: May I know whether it is the policy of the Government to allow every sugar factory freely to manufacture power alcohol?

Dr. P. S. Mookerjee: That is so.

Dr. Deshmukh: May I know what steps are being taken to see that power alcohol is manufactured in those States where prohibition has been introduced?

Dr. S. P. Mookerjee: We have communicated to the States that there should be no restriction imposed on the manufacture of power alcohol. If any special steps have to be taken, for preventing the use of alcohol, the States may consider.

Dr. Deshmukh: My question is this. I wanted to know the steps taken by Government to see that power alcohol is manufactured where alcohol was manufactured before prohibition.

Dr. S. P. Mookerjee: We have asked the States to encourage the manufacture of power alcohol in these units.

Shri Goenka: May I know why is it that we are manufacturing only 60 per cent. of our installed capacity? What steps are Government taking to see that 100 per cent. production is realised?

Dr. S. P. Mookerjee: Because there were no facilities for mixing and on account of the high prices, other States were not willing. As I said just now, in 1947, we produced 22 lakh gallons; in 1948, it was 35,40,000 gallons. In 1949, it was 42,00,000. In 1950, we expect 60 lakh gallons.

JUTE EXPORTED THROUGH CALCUTTA

*1337. **Dr. M. M. Das:** Will the Minister of Commerce be pleased to state:

(a) the quantity of jute and jute goods exported through the port of Calcutta during the years 1947-48, 1948-49 and 1949-50; and

(b) the revenue derived by Government from the export of jute and jute goods through the port of Calcutta in each of the years 1947-48, 1948-49 and 1949-50?

The Minister of Commerce (Shri Neogy): (a) and (b). A statement showing the quantity of raw jute and jute goods exported through the port of Calcutta and the export duty collected thereon during the years 1947-48, 1948-49 and the ten months April 1949 to January 1950, is laid on the Table of the House. [See Appendix VI, annexure No. 20].

Figures for February 1950, are not yet available.

Dr. M. M. Das: Is it a fact that to maintain the export of jute and jute goods from the port of Calcutta, the Indian Jute Mills Association is negotiating with the Pakistan Government for the import of 8 lakh tons of jute on a barter deal?

Shri Neogy: I do not know how these two are connected. I think the hon. Member refers to the Press reports that certain talks have taken place between certain officers of Pakistan and some representatives of the jute trade in Calcutta. If that is my hon. friend's point, I may say that a report of these talks has been made to Government and we are awaiting response from the Pakistan Government to our message which was sent on the 1st February 1950 that we would be prepared to have a conference for the purpose of discussing all pending trade questions comprehensively.

Dr. M. M. Das: May I know whether it is a fact that the Calcutta Jute Baler's Association and other jute interests have sent strong protests to the Government against such barter deal, and whether they have pointed out that four lakh tons of purchased jute has not been released by Pakistan to India?

Shri Neogy: Yes. Such protests have been received.

Dr. M. M. Das: May I know why Government allowed these *banias* to continue these barter deals without the consent of Government?

Mr. Speaker: Order, order.

Shri Jawaharlal Nehru: I do protest against this language being used against eminent citizens of this country.

Dr. M. M. Das: I withdraw; but I want to know why these jute interests were allowed to carry on these negotiations without the consent or permission of the Government?

Shri Neogy: No consent of Government is required for the purpose of carrying on informal talks between the jute industry and certain officers of Pakistan Government who have been specially charged with the supply of jute from Eastern Pakistan.

Dr. M. M. Das: Is it a fact that Government has refused to implement that agreement?

Shri Frank Anthony: On a point of order, Sir.....

Mr. Speaker: After this question is answered.

Shri Neogy: I have already given the answer that a report has been received by Government, and I have also indicated the circumstances in which the proposal may be considered by Government.

Mr. Speaker: What is the point of order?

Shri Frank Anthony: The hon. the Leader of the House protested against the use of the word *bania* suggesting that it was unparliamentary. The other day.....

Shri Jawaharlal Nehru: I did not suggest that.

An Hon. Member: He did not suggest that.

Shri Frank Anthony: Well, apparently that is what was meant. I would like to bring to your notice that a Member on the Treasury Benches used much more reprehensible language than one of the hon. Members was masquerading as a *bania*. No objection was taken to that.

Mr. Speaker: Order, order. Objection should have been taken at that time.

CLOSURE OF ENGINEERING CONCERNS IN CALCUTTA

*1338. **Dr. M. M. Das:** (a) Will the Minister of Industry and Supply be pleased to state whether it is a fact that about sixty engineering concerns have been lying closed in Calcutta for the last few months?

(b) If so, what are the reasons for this?

The Minister of Industry and Supply (Dr. S. P. Mookerjee): (a) and (b): According to the information furnished by the Government of West Bengal, six engineering concerns were closed in and around Calcutta mainly due to labour trouble. Of these, two have since resumed work.

Dr. M. M. Das: May I know whether any steps have been taken by Government to help those engineering concerns?

Dr. S. P. Mookerjee: Where it has been due to want of raw materials, we have tried to supply them more raw materials. Where it has been due to labour troubles, we have tried to settle these disputes. Government could not do anything more. Two have already re-opened.

Dr. M. M. Das: Have Government any information about such closure of Engineering firms in any other part of the country?

Dr. S. P. Mookerjee: As I said, on account of shortage of raw materials, some engineering firms had to close down. We have no special information from any other area.

Shri Deshbandhu Gupta: May I know whether any of these concerns were tools manufacturing concerns?

Dr. S. P. Mookerjee: I do not think so. One of these has gone into liquidation already.

Shri Deshbandhu Gupta: May I know whether it is a fact that the Tariff Board recommended some protection to the tools manufacturing industry about two years ago and no action has been taken on same and whether some tool manufacturing concerns have gone into liquidation?

Mr. Speaker: I am afraid, this does not arise. Next question.

CONSUMPTION OF COAL

*1339. **Shri Kesava Rao:** (a) Will the Minister of **Industry and Supply** be pleased to state how much coal is consumed in India per year?

(b) What is the *per capita* production of coal in India?

(c) What is the corresponding output of coal per worker in other countries?

The Minister of Industry and Supply (Dr. S. P. Mookerjee): (a) The average consumption in the country during the last two years was 24.4 million tons.

(b) .28 tons per worker per day in 1947.

(c) According to the details published by the United States Bituminous Coal Institute the output per worker per day was:

U.S.A.—5.4 tons (1946).

Canada—2.82 tons (1946).

Great Britain—1.20 tons (1947).

Belgium—0.64 tons (1947).

Czechoslovakia—1.19 tons (1947).

France—0.65 tons (1947).

Poland—1.34 tons (1947).

Germany—1.02 tons (1947).

Shri Kesava Rao: May I know whether there are large quantities of surplus coal in India, after consumption?

Dr. S. P. Mookerjee: No; the present stocks are quite normal.

Shri Kesava Rao: May I know whether there is any proposal to start new coal mines in the C.P.?

Dr. S. P. Mookerjee: No; not much progress has been made. Government has no intention of starting any new coal mines.

Shri Kishorimohan Tripathi: What are the reasons for the low *per capita* output in India as compared with other countries?

Dr. S. P. Mookerjee: The units abroad certainly are more mechanised. There is less productivity of labour in this country. It is very difficult to analyse all the circumstances. These two are the main reasons.

Pandit Munishwar Datt Upadhyay: What is the total coal production in India?

Dr. S. P. Mookerjee: In 1949 it was 30 million tons.

ESTABLISHMENT CHARGES ON SALT

*1340. **Shri Alagesan:** (a) Will the Minister of **Industry and Supply** be pleased to state what is the amount collected as 'establishment charges' by Government on each maund of salt and what is the total annual collection?

(b) What is the annual expenditure of the present Salt Department on establishment?

(c) What is the net saving under this head?

The Minister of Industry and Supply (Dr. S. P. Mookerjee): (a) Rs. -/3/6 per maund from Government factories and Rs. -/2/- per maund from licensed factories. The total annual collection was Rs. 57,44,000 during 1948-49.

(b) Rs. 48,28,000 during 1948-49.

(c) Rs. 9,16,000 during 1948-49.

Shri Alagesan: May I know what is the collection from the licensed factories?

Dr. S. P. Mookerjee: Collection from Government factories is Rs. 30,88,000 and collection from private factories is Rs. 27,06,000.

Shri Alagesan: May I know whether there has been any reduction in the establishment charges since the abolition of salt tax and if so to what extent?

Dr. S. P. Mookerjee: There has been some reduction. I have not got the details here; I can give the figures to the hon. Member, if he likes.

Shri Alagesan: Is it a fact that the present supervisory establishment is maintained only to collect this cess and if the cess is abolished, there will be no necessity for this establishment?

Dr. S. P. Mookerjee: I have referred the matter to the Salt Advisory Committee. They are considering it. We can take a final decision after a survey has been made.

Shri Alagesan: Are Government aware that large scale thefts are taking place from the salt factories in Madras and this has discouraged the production of salt?

Dr. S. P. Mookerjee: Cases of theft should be reported to the police. I do not know whether that was done or not.

IMPORT OF SURGICAL AND SCIENTIFIC INSTRUMENTS

*1342. **Shri Sivan Pillay:** Will the Minister of **Commerce** be pleased to state:

(a) whether there has been any change in the policy in granting licences for import of surgical and scientific instruments from abroad since April, 1949;

(b) if so, what the nature of the change in policy is;

(c) whether the list of items of such instruments for which Government proposed to issue licences after April, 1949 was prepared in consultation with any organisation of the medical profession or of the dealers; and

(d) what percentage of the demands of the country in respect of surgical instruments is being met by Indian manufacture and what percentage by imports from foreign countries?

The Minister of Commerce (Shri Neogy): (a) Yes, Sir, the policy was changed in June 1949.

(b) From a fairly liberal policy, licensing has been restricted to overall monetary limits and subjected to essentiality tests.

(c) Licensing policy for such items is formulated in consultation with the Directorate General of Health Services and the Directorate General of Industries and Supplies. No non-governmental Organisation of the medical profession or of dealers was consulted.

(d) Generally speaking about 10 per cent. of the country's requirements are met from Indian sources and the balance from imports.

Shri Sivan Pillay: Have Government received any representation from the Association of scientific and surgical instruments traders of Bombay for import licences for very essential scientific and surgical instruments and if so, what action have Government taken on this representation?

Shri Neogy: A representation was received from the Association mentioned by my hon. friend and necessary and possible action was taken to meet the points raised by the association.

Shri Sivan Pillay: May I know whether high power microscopes and other scientific instruments are being manufactured in India?

Shri Neogy: I do not know about other scientific instruments; but as far as microscopes are concerned we are guided by the advice of the Education Ministry and some imports are allowed.

Shri Goenka: What is the total amount of imports of surgical and scientific instruments?

Shri Neogy: I will have to ask for notice of that question.

सेठ गोविन्द दास : यह इन्स्ट्रूमेंट हिन्दुस्तान में और अधिक बनाये जायें, क्या इस के लिए कोई प्रयत्न हो रहा है ?

Seth Govind Das: Are any efforts being made to manufacture more of these instruments in India?

Shri Neogy: Well, I might tell my hon. friend that Sialkot was a very important centre for the manufacture of surgical instruments, and some of the refugees who have come away from Sialkot are trying to set up business, and all possible encouragement and assistance would be given to them.

Shri Kamath: How many firms are there in Bombay manufacturing these instruments?

Shri Neogy: I am afraid I do not know their number.

TEA-CHESTS

*1343. **Shri Damodra Menon:** Will the Minister of **Commerce** be pleased to state whether Government are taking any steps to encourage greater use of Indian-manufactured tea-chests and discourage imports of this commodity from foreign countries?

The Minister of Commerce (Shri Neogy): Yes. In order to safeguard the interests of the indigenous industry, import of tea-chests is allowed only to bridge the gap between indigenous production and the country's total requirement and that too, on condition that the importers will buy tea-chests from indigenous sources to the same extent as the quantity proposed to be imported from foreign countries.

Shri Damodra Menon: Have the plywood manufacturers of India represented to the Government that they are in a position to supply the entire demand for tea-chests in the country?

Shri Neogy: Yes, they tried to make that out. As a matter of fact that claim is in dispute to some extent.

Shri Ohalaha: What is the quantity of tea-chests manufactured in Assam?

Shri Neogy: I have got the figures separately just now before me.

Shri Goenka: May I know if there is any negotiation with Russia for the import of tea-chests and if so, what is the success achieved by Government in these negotiations with Russia?

Shri Neogy: It is not a question of negotiations. Certain enquiries were made from different countries, and Russia was one of those countries.

Shri Goenka: What is the result of.....

Mr. Speaker : Order, order, Mr. Menon.

Shri Karunakara Menon: May I know if there is any truth in the reports sometimes found in the papers that some European firms are surreptitiously importing plywood tea-chests from Scandinavia, Norway and Sweden?

Shri Neogy: I do not think there is any truth in that.

Shri Borooah: Have Government received any representation from the tea industry that the quality of the tea-chests manufactured in India is not up to the mark, and that this has had an unwholesome effect on the expansion of tea marketing in the U.S.A.?

Shri Neogy: Yes, these complaints have been made.

Shri Goenka: Sir, what is the result of...

Mr. Speaker: Order, order, let him put his question.

Shri Borooah: Is it a fact that the report from the Indian Trade Commissioner in the U.S.A. has corroborated this?

Shri Neogy: The hon. Member perhaps is referring to a rather old report; about a year ago, as far as I can recollect, such a report was made.

Shri Borooah: Sir, I am referring to a report published in *The Capital* in the last but one issue

Shri Neogy: I have seen that. It is a quotation from a report made about a year ago. I might add that as far as the question of improving the quality of the indigenous product is concerned, certain standards have been laid down by the Indian Standards Institution and inspectors have been appointed for the purpose of satisfying themselves that the indigenous products come up to the standard laid down.

Shri Goenka: What is the result of the negotiations with Russia in regard to the purchase of tea-chests?

Shri Neogy: There is no negotiation. As far as I am aware, Russia is not at the present moment in a position to supply tea-chests.

Shri Lakshmanan: How do the prices of the indigenous chests compare with those of the foreign ones?

Shri Neogy: I am speaking subject to correction; but the difference is not very great. Perhaps the indigenous tea-chests may be slightly dearer, but the difference is not very material.

Shri Buragohain: Has any measure of protection been given to the indigenous industry?

Shri Neogy: Oh yes.

EXPORT OF COIR MAT AND MATTINGS

*1344. **Shri Damodra Menon:** Will the Minister of Commerce be pleased to state whether any effort has been made to persuade the U. K. Board of Trade to place coir mat and mattings on Open General Licence.

The Minister of Commerce (Shri Neogy): Yes. Coir mat and mattings have already been placed on the O.G.L. in the U.K.

Shri Damodra Menon: What steps have Government taken to increase the export of coir mats and mattings to other countries, especially to hard currency areas?

Shri Neogy: We have issued instructions to the various Trade Commissioners to help as far as possible, in this matter, and again we have included these items in the trade agreements with certain countries.

Shri Damodra Menon: May I know whether our embassies in Canada and America are exhibiting coir mats and mattings for popularising them?

Shri Neogy: Well, when exhibitions take place, they are definitely exhibited.

Shri Karunakara Menon: What are the reasons for the slump in the trade in coir mattings at the present moment?

Shri Neogy: I do not think there has been a remarkable slump, judging from the figures that I have got here. For instance in April to November 1949, the exports reached almost a record figure.

Shri Goenka: May I know, Sir, if there is a purchase tax in the United Kingdom on these coir mattresses and mattings?

Shri Neogy: That may be so, I am not in a position to say definitely.

Shri Deshbandhu Gupta: Are our own embassies using these coir mattresses made in India?

Shri Neogy: I do not know.

PENSIONS TO DISPLACED RETIRED GOVERNMENT SERVANTS

*1345. **Sardar Hukam Singh:** Will the Minister of **Rehabilitation** be pleased to state whether the Government servants displaced from Sindh and N.W.F.P. who had completed the age limit of 55 years for retirement from service would be entitled to any pensions?

The Minister of State for Rehabilitation (Shri Mohan Lal Saksena): Yes, Sir.

Sardar Hukam Singh: Are they being treated as if they had opted for India as other displaced persons from West Punjab and Baluchistan?

Shri Mohan Lal Saksena: Yes, the agreement was that they will submit their claims to the governments concerned and the governments will set up two central organisations, one in Pakistan and the other in India; and these organisations will scrutinise the applications and claims and afterwards send, to the Provincial Governments under which they were serving, their recommendations for being confirmed.

UMBRELLA INDUSTRY

*1346. **Shri S. O. Samanta:** Will the Minister of **Industry and Supply** be pleased to state what steps the Government of India have taken to encourage the development of indigenous umbrella industry in India?

The Minister of Industry and Supply (Dr. S. P. Mookerjee): Government are encouraging the development of this industry by allowing liberal imports of raw materials and capital goods as well as transport facilities.

Shri S. O. Samanta: Sir, are umbrellas being manufactured in India and, if so, what are the names of the firms doing it?

Dr. S. P. Mookerjee: There are three important manufacturers of umbrellas, one is in Bombay and the other two in Calcutta.

Shri S. O. Samanta: Are there any restrictions on the import of raw materials?

Dr. S. P. Mookerjee: We are allowing liberal imports now.

Shri S. O. Samanta: Are indigenous umbrellas exported to other countries?

Dr. S. P. Mookerjee: Other countries are not prepared to take them.

Shri Rathnaswamy: Is Government contemplating giving any kind of assistance to any factory manufacturing umbrellas?

Dr. S. P. Mookerjee: As far as I understand, there is some difficulty with regard to some of the parts, mainly ribs, and we have allowed several plants and machinery to be imported into the country for this purpose. Arrangements are being made, so that as many of the parts as possible for the manufacture of umbrellas can be manufactured here.

Dr. Deshmukh: Are the Government contemplating to send any people to foreign countries to learn this trade, to study the manufacturing processes in China for example, and to arrange for Chinese ladies to visit India to advise Government in this matter?

Dr. S. P. Mookerjee: We prefer Japan for this purpose.

ALLEGATIONS AGAINST INDIA BY PROVINCIAL AHMADIYA MUSLIM ASSOCIATION OF TANGA

*1347. **Shri Kamath:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that an address was presented on 4th January, 1950 to the Governor of Tanganyika by the Provincial Ahmadiya Muslim Association of Tanga;

(b) whether it is a fact that the address contained false allegations against the Government and the Union of India; and

(c) what steps have been taken by Government to counter such propaganda abroad?

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

(b) Yes.

(c) Our Commissioner in East Africa is taking necessary action to counter such propaganda abroad.

Shri Kamath: May I know where our agency for publicity and propaganda is situated?

Dr. Keskar: In Nairobi.

Shri Kamath: Is it not part of diplomatic etiquette that an address of this nature is first shown to the Governor and only after his approval is it allowed to be presented to him?

Dr. Keskar: I do not know whether an address to the Governor by this Ahmadiya Muslim Association can be said to be a diplomatic function. I do not know on what principles can this be called a diplomatic function.

Mr. Speaker: Anyhow, this refers to some organisation in a foreign country.

Shri Kamath: What proportion approximately of the persons overseas who were called Indians before the 15th August 1947 now describe themselves as Pakistanis?

Dr. Keskar: That is a general question.

Mr. Speaker: I do not think he can ask for information about this. It cannot be legitimately raised on this question.

Shri Kamath: How is it.....

Mr. Speaker: Order, order. I would not allow it.

DISPLACED *Rahriwalas* IN NEW DELHI

*1348. **Lala Achint Ram:** (a) Will the Minister of Rehabilitation be pleased to state how many displaced *Rahriwalas* (hand driven carts vendors) were working in New Delhi before the ban was applied to them in 1949?

(b) How many have been provided with alternate sites to carry on their trade?

(c) How many have been given loans?

The Minister of State for Rehabilitation (Shri Mohan Lal Saksena): (a) 314.

(b) All have since been allotted either alternative sites or shops constructed by the Municipal Committee.

(c) Thirty-four of them had applied and have been granted loans.

लाला अचिन्त राम : क्या माननीय मंत्री जी बतलायेंगे कि जिन आदमियों को वहाँ दुकानें अलाट् हुई, उन में से कितने आदमी वहाँ बैठे रहे और कितने वहाँ से उठ कर चले गए क्योंकि वहाँ उन का काम नहीं चल रहा था ?

Lala Achint Ram: Will the hon. Minister be pleased to state as to how many persons to whom the shops had been allotted stayed at that place and how many shifted from there as they were not making both ends meet?

श्री मोहन लाल सक्सेना : शायद मेम्बर साहब को मालूम है कि वह नई दिल्ली के बारे में कह रहे हैं। जहाँ तक मेरी इत्तला है जिन के लिए दुकानें दी गई थीं वह सब वहाँ काम करते हैं।

Shri Mohan Lal Saksena: Perhaps the hon. Member is aware of the fact that he is referring to New Delhi. As far as I am aware all the persons to whom shops had been allotted are carrying on there.

लाला अचिन्त राम : क्या यह ठीक है कि जितने आदमी वहाँ गए थे उन में से सिर्फ ६० वहाँ रह गए हैं बाकी सब चले गए हैं ?

Lala Achint Ram: Is it a fact that out of the persons who had been sent there only 60 are now there and the rest have gone away?

श्री मोहन लाल सक्सेना : कम से कम मेरी इत्तला यह है कि ३१४ रेड़ीवाले थे जिनको जगह दी गई। उसके बाद मुझे मालूम नहीं कि कितने हैं और कितने चले गए।

Shri Mohan Lal Saksena: As far as my information goes 314 rehbiwales were given accommodation there. I do not know how many are still there and how many have left.

लाला अचिन्त राम : क्या गवर्नमेंट इस बात को जानने की कोशिश करेगी कि वह कहां गए और वह उनके रहने का इन्तजाम करेगी ?

Lala Achint Ram: Will the Government make efforts to find out as to where they have gone and will the Government make any arrangements to provide accommodation to them?

श्री मोहन लाल सक्सेना : मेरी समझ में नहीं आता कि उनको ज़रूरत होगी तो वह हमारे पास आयेंगे न कि गवर्नमेंट उन के पास जा कर दरियाफ्त करती फिरे कि वह कहां गए।

Shri Mohan Lal Saksena: I cannot understand this. If they would stand in need they would approach the Government, it is not for the Government to go out in search of them or to make enquiries as to where they have gone.

लाला अचिन्त राम : क्या माननीय मंत्री जी को इत्तला है कि जब अलाटमेंट हुआ तो अलाटमेंट करने से पहले उन्हें इत्तला दी गई कि जहाँ अलाटमेंट किया जा रहा

है वहां उन का काम नहीं चलेगा। लेकिन बावजूद उन के ऐसा कहने के एलाटमेंट हुआ और क्या गवर्नमेंट की जिम्मेदारी नहीं है कि उन को अच्छी जगह दें ?

Lala Achint Ram: Is the hon. Minister aware of the fact that when allotments were made then these persons had informed the Government that at the places where allotment was made to them they would not be able to ply their trade? But inspite of their protest allotment was made and so is it not the responsibility of the Government to provide them with better accommodation?

Mr. Speaker: Order, order. He is arguing. He made out that point in the previous debate also.

Pandit Munishwar Datt Upadhyay: What is the total amount of loans advanced to them?

گہانی جی - ایس مسافر : کیا مانڈیہ ملتری جی کو پتہ ہے کہ ان دیوی والوں سے بہت زیادہ کرایہ چارج کیا جاتا ہے جو بعض حالتوں میں ۵۰ روپیہ ماہوار تک چلا جاتا ہے -

Giani G. S. Musafir: Is the hon. Minister aware of the fact that these *rehriwalas* are being charged exorbitant rents and in certain cases the rent is as high as Rs. 50 per month?

श्री मोहन लाल सक्सेना : अगर सरदार साहब इस की इत्ला देंगे तो मैं इस की तहकीकत करूंगा ।

Shri Mohan Lal Saksena: If Sardar Sahib would kindly supply me with details then I will make an enquiry.

EVAQUEE PROPERTY CONTROLLED BY CUSTODIAN

*1349. **Lala Achint Ram:** Will the Minister of Rehabilitation be pleased to state

(a) the percentage of evacuee property taken control of by the Custodian on the basis of necessary information supplied by official and non-official agencies;

(b) the number of applications received from non-official informants in Delhi for the allotment of those premises according to the policy of Government; and

(c) the number of such applications, rejected on the ground that the information supplied by the applicant was already in the possession of Government?

The Minister of State for Rehabilitation (Shri Mohan Lal Saksena): (a) The required information is not available.

(b) 1,173.

(c) 1,084.

लाला अचिन्त राम : क्या माननीय मंत्री साहब के पास ऐसी कोई शिकायत आई है कि जिन आदमियों ने पहले इतला दी थी उन को मकानात नहीं मिले और दूसरों को मिल गए हैं, और इस से स्टॉक को ईमानदारी पर हर्फ आया है ?

Lala Achint Ram: Has the hon. Minister received any such complaints that the persons who had presented applications earlier did not get houses while others have been allotted houses and thus the honesty and the integrity of the staff has come into bad repute?

श्री मोहन लाल सक्सेना : जी हां, ऐसी शिकायतें आई हैं और इस का इन्तजाम किया गया है कि आइन्दा ऐसी बात न हो सके। जिस वक्त कोई दरखास्त देगा उस वक्त कोई अफसर लगाया जायेगा और उसे तहकीकात करने का मौका दिया जायेगा।

Shri Mohan Lal Saksena: Yes, such complaints have been received and efforts are being made that such things may not be repeated in future. Whenever anybody would file a complaint an officer would be deputed and he would be given an opportunity of making enquiries.

Shri T. T. Krishnamachari: May I ask the hon. Minister if he is aware that in certain cases in Bombay the property has been declared to be evacuee property but the Custodian of Evacuee Property has not taken possession of it and has left it in the possession of declared evacuees?

Shri Mohan Lal Saksena: While I would like to submit that this is a matter which does not arise from this question, I may say that on the question put by him, certain information was received by me and I referred the same to the Custodian, Bombay, and his reply was that steps had been taken to take over the property and to see that they were not sold at lower rates.

VISIT OF DIRECTOR OF SCIENTIFIC AND INDUSTRIAL RESEARCH TO ENGLAND

*1350. **Shri Kamath:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that the Director of the Council of Scientific and Industrial Research visited England recently; and

(b) if so, for what purpose?

The Prime Minister (Shri Jawaharlal Nehru): (a) Yes.

(b) For the work of the Department of Scientific Research, Council of Scientific and Industrial Research and the Atomic Energy Commission, more particularly to arrange for the despatch of equipment from the U.K. required for the Fuel Research Institute, Dhanbad, and the Central Glass and Ceramic Research Institute, Calcutta. Also for the Leather Research Institute, Madras. He was further required to help in the re-organization of the Indian Scientific Liaison Office in the U.K. and to discuss and settle certain questions relating to the Atomic Energy Commission.

Shri Kamath: For how many weeks did he stay in England?

Shri Jawaharlal Nehru: He has got back here.

Mr. Speaker: He asked "for how many weeks did the Director stay in England?"

Shri Jawaharlal Nehru: I think for about two weeks. May be a little more, 2½ or three weeks.

Shri Kamath: Is it a fact that the Director was deputed to the United Kingdom before the matter was referred to the Standing Finance Committee, which was subsequently faced with a *fait accompli* as regards the expenditure involved?

Shri Jawaharlal Nehru: I do not know. It is likely that no reference was made to them.

Shri Kamath: May I know why this procedure was adopted?

Shri Jawaharlal Nehru: Because it was a matter of urgency.

Shri R. Velayudhan: Is it a fact that an atomic scientist named Dr. Peters who was appointed by the Tata Research Institute was disallowed from entering into India?

Shri Jawaharlal Nehru: I do not know anything about it. If the hon. Member tells me more about it, I will enquire about it.

Shri Kamath: When was the Director sent to England?

Shri Jawaharlal Nehru: Last month. End of February or the beginning of March.

Shri Kamath: What was the urgency of the work involved?

Shri Jawaharlal Nehru: I am surprised at the hon. Member persisting on a matter that he knows nothing about.

Shri Kamath: I protest against this attitude of the Prime Minister.

Shri Jawaharlal Nehru: I am in charge of a certain work, and I think that a particular matter is urgent. How can I possibly state in answer to questions the urgency of atomic research or the matter of buying some equipment for supply to certain organisations. It is quite impossible for me to deal with it.

Shri Kamath: I was only asking why it was not referred to the Standing Finance Committee.

Shri Jawaharlal Nehru: It has got nothing to do with the Standing Finance Committee.

Mr. Speaker: An analogous point was raised two days ago and I said that when a Minister states that he exercises his discretion in a particular way, then one need not go further into the matter and cross-examine the Minister on that point. He alone is entitled to judge the urgency of a matter.

Shri Jawaharlal Nehru: This has nothing to do with the Standing Finance Committee.

Shri Kamath: Why not?

Shri Jawaharlal Nehru: If Government cannot do such things without the sanction of the Standing Finance Committee, the Government work will come to a stop.

Shri Kamath rose—

Mr. Speaker: Order, order. Next Question.

INDIANS IN HONGKONG POLICE FORCE DEPORTED TO INDIA

*1351. **Sardar Hukam Singh:** (a) Will the Prime Minister be pleased to state whether Government are aware that about 82 Indians serving in the

Hongkong Police Force were deported to India during 1941 on account of their anti-British activities, and were detained in Delhi Fort and in some Indian Jails?

(b) Have Government considered the advisability of absorbing these men in Government services?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Thirty-two Indians belonging to the Hong Kong Police Force were deported to India in 1941 but only six were detained and later on released. Four of them were for some time restricted to their villages.

(b) Government have received no such request.

Sardar Hukam Singh: I have received one copy of a representation from Mr. Ajaib Singh of Ludhiana, which he alleges to have sent to the Government. May I know whether a representation has been received from this gentleman?

Mr. Speaker: I do not think individual representations should be raised here. Members may take up such matters privately with the Minister concerned.

Sardar Hukam Singh: Is it a fact that six of those who were deported were arrested and detained or restricted, till they were released in 1946, by the Interim Government of India?

Dr. Keskar: I cannot give the exact date, but as I said, only six were detained and they were released after two or three years. I have not got the dates here.

ADVISORY COMMITTEE ON HINDU CODE BILL

*1352. **Shrimati Ammu Swaminadhan:** Will the Minister of Law be pleased to state whether any representatives of women's Organisations have been taken or are proposed to be taken on the non-official Advisory Committee to advise on the Hindu Code Bill?

The Minister of Law (Dr. Ambedkar): I take it that the reference is to the informal Conference proposed to be held for the ascertainment of representative public opinion both in and outside Parliament, on the Hindu Code Bill, in accordance with the announcement made by the hon. the Prime Minister on the floor of the House on 19th December, 1949 during the discussion on the Bill. It is the intention of Government to make the Conference as representative in character, as possible, and the Conference will certainly include representatives of Women's organisations.

Shrimati Ammu Swaminadhan: In view of the fact that the Hindu Code affects the women of the country more than the men—(Laughter). Sir, I would like to ask for your protection in this matter. Every time that any question of women's rights comes up in this House, there is general laughter, as if it is a joke. I do not mean it as a joke. I would like the hon. the Law Minister to tell us whether in view of the fact that the Hindu Code really affects women very largely and there are several women's organisations in India, they have been asked to send representatives to this Advisory Committee that is going to be called very soon.

Dr. Ambedkar: That is what the answer says.

Shrimati Ammu Swaminadhan: May I ask him for the names of the women's organisations from which he has invited representatives to come to this Advisory Committee?

Dr. Ambedkar: I am afraid I do not carry the names in my head, but my intention was really to call women's organisations which were, so far as our information went, not very favourable to the Code.

Shrimati Ammu Swaminadhan: May I ask when this Conference is going to be held?

Dr. Ambedkar: I believe on the 14th of this month.

Shri Deshbandhu Gupta: May I know whether, such Members of the House have also been invited, as are opposed to the Code?

Dr. Ambedkar: The Conference is divided into three parts. There are members who represent the Select Committee and members who represent the House. There are others who neither represent the House nor the Committee; they are outsiders.

Shri B. Das: May I know whether the hon. the Law Minister will advise the Government to hold a special Session of this House to pass the Hindu Code Bill?

Dr. Ambedkar: It is not necessary to anticipate it . . .

Mr. Speaker: Order, order. I will not allow that question.

Shri Deshbandhu Gupta. May I know whether the hon. Minister has received representations from several quarters suggesting that the conference should be postponed for a few days in view of the *Kumbha Mela* to enable those who may be going there at the time to attend?

Dr. Ambedkar: I have not received any representations but I have seen some statements in the newspapers.

Shri M. A. Ayyangar: May I ask the hon. Minister as to what principle he adopted in choosing Members from the Select Committee? Did he try to eschew those people who said anything against the Code?

Dr. Ambedkar: I do not think I had any predilection in my mind one way or the other.

Shri M. A. Ayyangar: May I know how many of those whom he selected from the Select Committee are in favour of the Bill, how many against it, and how many doubtful?

Dr. Ambedkar: I think some were in favour, some were doubtful and some were opposed to it.

PRODUCTION AND IMPORT OF BICYCLES

*1354. **Shri Bharati:** (a) Will the Minister of Commerce be pleased to state whether Government invited applications for bicycles under O.G.L. XI, concession scheme?

(b) How long have these applications been pending?

(c) What is the reason for the delay in disposal of the applications?

(d) Is it a fact that at present there is a very low stock of bicycles in the market, with the result, that the prices have gone up very high and even for these high priced bicycles are not easily available?

(e) How do Government propose to meet the difference between the requirement of the country and indigenous production?

The Minister of Commerce (Shri Neogy): (a) Yes.

(b) Under O.G.L. XI concession scheme, licences for bicycles were granted where firm commitments covered by irrevocable letters of credit or by way of advance payments, were made on or before the 4th May 1949. All applications, which were supported by such letters of credit have been disposed of. Other applications have been pending since July 1949.

(c) As a very large number of bicycles had been imported under the O.G.L. XI and as the volume of applications under O.G.L. concession scheme had covered a very large quantity of bicycles it was considered desirable to keep these cases pending to avoid overflowing of the market. Balance of payments considerations also necessitated the adoption of a very conservative attitude towards the grant of such licences, particularly in a case where abnormally large quantities had already been imported.

(d) and (e). Government are aware that the prices have gone up and the stocks are low. They have, therefore, decided in consultation with the States Governments, to allow the import of 100,000 cycles during January-June 1950. A Public Notice inviting applications is under issue.

Shri Bharati: May I know what is the total number of bicycles which were imported into this country? The hon. Minister said, "A very large number". I would like to know the exact number of bicycles which were imported when this liberal policy was in force.

Shri Neogy: In the complete year 1947-48,—I am giving the figures for the previous years too for purposes of comparison,—the import was 3,61,000 cycles. For the year 1948-49 the import was 3,39,000. But in the six months April-September 1949, the import was 8,30,610—more or less double the quantity according to the proportion of the previous years.

Shri Bharati: What is the total number of bicycles which were imported on account of letter of credit commitments, since May 1949 when the O.G.L. was cancelled?

Shri Neogy: I have given the figures for the six months, April-September 1949. I could not give these figures since May.

Shri Bharati: May I know what is the total annual requirement of this country?

Shri Neogy: I think I have given that figure more than once. However, for the year 1949-50, according to the Tariff Board report, the requirement was 3,50,000. For 1950-51 the country's requirements were calculated by the Tariff Board at 3,75,000.

Shri Bharati: What is the annual production of the indigenous industries—the rated capacity or the installed capacity?

Shri Neogy: The annual production was 64,740 in the year 1948 and 71,290 in the year 1949. I think the expected production for 1950 is larger; it may be in the neighbourhood of a lakh.

Shri Bharati: With reference to the answer that he gave that Government have decided to issue licences for one lakh of bicycles, does it include licences for spare parts of cycles also or only complete cycles?

Shri Neogy: Spare parts as included in terms of completed cycles.

STATEMENT CORRECTING ANSWER TO STARRED QUESTION NO. 957
OF 20TH MARCH, 1950 RE AVERAGE COST OF
EDUCATION PER STUDENT

The Deputy Minister of Communications (Shri Khurshed Lal): Sir, with your permission I would like to make a statement on behalf of the hon. Minister of Education. The hon. Minister of Education on 20th March, 1950, had to answer a question by Shri Kishori Mohan Tripathi regarding the average cost of primary, secondary and higher education per student. The question was No. 957. This question was preceded by question No 956 by Shri D. S. Seth also addressed to the hon. Minister of Education. When question No. 956 was called, the hon. Member, Shri D. S. Seth was absent, and you, Sir, passed on to question No. 957. The hon. Minister of Education did not notice this and by mistake, while answering question 957, read out the answer for question 956. The hon. Minister regrets the mistake and has asked me to give the correct answer to question 957 which I do now:

(a) (i) to (iii). The reply is in the affirmative.

(b) The average annual cost per pupil in the Provinces and Centrally-Administered Areas during the year 1948-49 was:

(i) in primary education—Rs. 18·8.

(ii) in secondary education—Rs. 52·9.

(iii) in higher education—Rs. 344·5.

(c) The question does not arise .

Shri Tyagi: Any supplementaries on this question?

Mr. Speaker: Order, order. I may tell hon. Members that what actually happened was that the answer to question 957 was not read out.

WRITTEN ANSWERS TO QUESTIONS

BENEFITS OF LABOUR WELFARE CENTRES TO HARIJANS

*1353. **Shri Balmiki:** Will the Minister of Labour be pleased to state:

(a) whether it is a fact that Harijans are not enjoying the benefit of Labour Welfare Centres and do not have the services of midwives due to feelings of untouchability in different States; and

(b) if so, what steps Government propose to take to enable them to have these benefits?

The Minister of Labour (Shri Jagjivan Ram): (a) and (b). Labour Welfare Centres are run by the State Governments. I am not aware of denial of facilities at these centres to Harijans workers but am prepared to bring the question to the notice of the State Governments who are doubtless aware also of article 17 of the Constitution of India.

IMPORTS FROM SOFT CURRENCY AREAS

*1355. **Shri Bharati:** (a) Will the Minister of Commerce be pleased to state whether it is a fact that Government have allowed import of musical instruments, toys and games, toilet brushes, motor cars, etc., from soft currency areas during the period from January to June, 1950?

(b) If so, what are the ceilings fixed for each of the commodities mentioned in part (a) above?

The Minister of Commerce (Shri Neogy): (a) In so far as the four items specifically mentioned are concerned, the answer is in the affirmative.

(b) The quota percentages fixed for licensing of these articles are however as follows:

Musical instruments—66 2/3 per cent. of half of best years' imports.

Toys and games requisites—100 per cent. of half of best years' imports.

Licences will be granted only for educational toys, aero models, tennis balls and golf balls.

Toilet brushes—10 per cent. of half of best years' imports.

Motor cars—The position was explained in reply to starred question No. 824 by Dr. Deshmukh on the 11th March 1950.

CEMENT FACTORY IN KURNOOL

***1356. Shri Sanjivayya:** Will the Minister of Industry and Supply be pleased to state whether there is a proposal to start a cement factory in Kurnool District of Madras State and if so, when?

The Minister of Industry and Supply (Dr. S. P. Mookerjee): A proposal to start a cement factory in Kurnool District was considered in March, 1948, and permission was granted to a private party. As, however, no progress was made towards execution of the scheme within the stipulated period, the sanction has lapsed. It is not proposed to revive the scheme as the output of cement in South India is quite adequate at present.

PASSPORTS FOR TRAVANCORE-COCHIN UNION PEOPLE

***1357. Shri Sanjivayya:** (a) Will the Prime Minister be pleased to state whether Government are aware of the fact that the citizens of Travancore-Cochin have to obtain passports for Ceylon and other foreign countries through the Madras Home Ministry and not from the Home Ministry of the United State of Travancore-Cochin?

(b) If so, what are the reasons therefor?

(c) When do they intend to transfer this power to the Travancore-Cochin State?

The Deputy Minister of External Affairs (Dr. Keskar): (a) to (c). Orders empowering the Rajpramukh of Travancore-Cochin to issue passports are under issue. The delegation of these powers was delayed due to certain constitutional and administrative reasons.

MANGANESE

***1358. Shri Sanjivayya:** (a) Will the Ministry of Industry and Supply be pleased to state the total quantity of Manganese produced in India during 1948-49?

(b) What quantity of it was used in India?

(c) What quantity was exported?

The Minister of Industry and Supply (Dr. S. P. Mookerjee): (a) Only about a hundred pounds of metal.

(b) Entire quantity.

(c) Nil

TRAINING CENTRE FOR DEMOBILISED SERVICES PERSONNEL AT TRICHUR

*1359. **Shri Iyyunni**: Will the Minister of **Labour** be pleased to state:

(a) whether there is a training Centre in Trichur, Travancore-Cochin for the demobilised services personnel?

(b) what is the strength of the trainees; and

(c) whether any retrenchment has been effected in the staff of the Training Centre and if so, when?

The Minister of Labour (Shri Jagjivan Ram): (a) Yes, Sir. There is a Training Centre for ex-servicemen at Maharajah's Technological Institute, Trichur, Travancore-Cochin.

(b) There were 94 ex-servicemen at the Centre on 28th February, 1950.

(c) Yes. Some retrenchment has been effected in the staff of the Centre, partly in the interest of economy and partly due to its reorganization for the training of civilians. The first retrenchment took place in November, 1949 and the second in March, 1950.

INVITATION TO MR. DAVID LILIENTHAL

*1360. **Shri J. N. Hazarika**: Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that Mr. David Lilienthal, ex-Chairman of the U. S. Atomic Commission, has been invited to India to study power development projects; and

(b) if so, whether he will be asked to help India in harnessing atomic energy also?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). Mr. David Lilienthal's advice has been taken in regard to the Damodar Valley Project in India. The Prime Minister and the Secretary-General met him in the United States and discussed various matters connected with river valley schemes in India. In view of Mr. Lilienthal's connection with the Tennessee Valley authorities, his advice was useful. He has not been invited to India, but if he should come we would be glad to meet him here and discuss various matters with him.

IMPORT OF WIRELESS SETS

*1361. **Shri Sarwate**: Will the Minister of **Commerce** be pleased to state:

(a) the number of wireless sets imported during the last five years; and

(b) the amount of import duty collected each year in respect of them?

The Minister of Commerce (Shri Neogy): (a) and (b). Two statements giving the required information are placed on the Table of the House. [See *Appendix VI, annexure No. 21.*]

CONSUMPTION AND EXPORT OF LINSEEDS

*1362. **Shri Balmiki**: Will the Minister of **Commerce** be pleased to state:

(a) the total annual consumption of linseeds in India;

(b) whether it is exported; and

(c) if so, how much and to which countries?

The Minister of Commerce (Shri Neogy): (a) and (c). Two statements are laid on the Table giving the information asked for. [See *Appendix VI, annexure No. 22.*]

(b) Yes, Sir.

IMPORT OF PATENT MEDICINES

***1363. Shri Deshbandhu Gupta:** Will the Minister of Commerce be pleased to state:

(a) whether the import of foreign patent medicines like Baby Gripe Water, are allowed or not;

(b) when the last import licence was issued for the same;

(c) the amount for which licences were issued in the year 1949 together with the names of firms to whom such licences were issued giving the value for each licence;

(d) whether it is a fact that similar products are manufactured in India on a large scale; and

(e) if so, what policy do Government propose to follow in future with regard to import of such products?

The Minister of Commerce (Shri Neogy): (a) Imports of only such patent medicines are allowed as contain one or more of the essential medicines (as mentioned in Appendix M of the Public Notice regarding import control regulations issued on the 25th February 1950) in prophylactic or therapeutic quantities.

(b) Last licence for import of Gripe Water was issued on 30th December 1949.

(c) Licences in favour of Messrs. M. G. Sahani and Company Delhi, valued at Rs. 66,667, Messrs. T. T. Krishnamachari and Company Madras valued at Rs. 11,40,000 and Messrs. M. G. Sahani and Company (Calcutta) limited Calcutta, valued at Rs. 1,20,000 were actually issued for the import of gripe water from the U.K. under the Open General Licence XV concession. It is not possible to furnish similar information in respect of other patent medicines without considerable expenditure of labour and time.

(d) Yes, Sir; but we have been advised by the Director General of Health Services that the quality of gripe water manufactured in India does not come up to the standard of the foreign product.

(e) The policy is under consideration.

VISIT OF DIRECTOR-GENERAL OF FOREIGN AFFAIRS, NEPAL

***1364. Shri Balmiki:** (a) Will the Prime Minister be pleased to state whether it is a fact that Major-General Bijai Shumshere Jung Bahadur, Director-General of Foreign Affairs, Nepal, is visiting India?

(b) If so, what is the purpose of this visit?

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

(b) To complete discussions on the proposed Indo-Nepal Treaty.

INDIANS IN KENYA

***1365. Shri Rathnaswamy:** Will the **Prime Minister** be pleased to state:

(a) the number of Indians settled in Kenya upto date;

(b) whether Indians in Kenya have representation in the local legislature; and

(c) how immigration laws are administered with regard to Indians?

The Deputy Minister of External Affairs (Dr. Keskar): (a) The latest figures are not available, but according to 1948 estimates the total number of Indians in Kenya is 90,528.

(b) Yes.

(c) The immigration laws of Kenya are in themselves not discriminatory against Indians. But it is reported that the present rules and regulations regarding immigration are being interpreted and acted upon in such a way as to discourage entry of India.

TRADE FAIRS HELD ABROAD

***1366. Shri Joachim Alva:** Will the **Minister of Commerce** be pleased to state:

(a) how many Indian Trade Fairs have been held abroad since August, 1947;

(b) how many of them were directly organised by our Embassies or Consulates, or encouraged by them when directly started by our Nationals abroad;

(c) what is the gross and net income derived from these Fairs; and

(d) what were the direct results in the shape of orders received as a result of these Fairs?

The Minister of Commerce (Shri Neogy): (a) One, namely the Indian Trade Fair at Singapore in 1948. In addition India has participated in nine other International Trade Exhibitions abroad, since August 1947 up to date.

(b) The Indian stalls in five of these exhibitions were organised by our Missions abroad. As far as I am aware, no such exhibition has been directly organised by Indian nationals resident abroad, other than staff belonging to Indian Missions. In organising such exhibitions our Missions, or officers specially deputed for this purpose from this Ministry have been helped to a certain extent, by other Indian nationals resident abroad.

(c) None. Participation in these exhibitions forms a part of external commercial publicity and has been financed from the Central Revenues. There has therefore been no income derived from these exhibitions as such.

(d) A large number of trade enquiries have been handled at these exhibitions. No information is, however, available as to the exact volume of orders actually placed as such orders are usually received by Indian exporters and are not routed through Government channels.

TECHNICAL TRAINING CENTRES IN BOMBAY

*1367. **Shri P. T. Munshi:** (a) Will the Minister of **Rehabilitation** be pleased to State how many persons have actually received training at Technical Training Centres in the state of Bombay and what is the nature of the training received?

(b) How many are still undergoing training and in what subjects?

(c) How many of such trained technicians have received Government employment, and when?

The Minister of State for Rehabilitation (Shri Mohan Lal Saxena): (a) and (b). Information is given in Table I and II, respectively placed on the Table of the House. [See *Appendix Vi, annexure No. 23*].

(c) Exact information is not available, but it is presumed that most of the trained personnel have secured employment either under Government or in private firms. 150 persons are reported to have been employed in Ambernath Ordnance Factory.

INDIAN INSURANCE COMPANIES IN PAKISTAN

*1368. **Shri Joachim Alva:** (a) Will the Minister of **Commerce** be pleased to state how many Indian Insurance Companies were operating in areas now constituting Pakistan at the time of partition?

(b) How many offices of theirs have been closed down in Pakistan now?

(c) Have they complained to the Ministry of Commerce about restrictions placed on their business?

(d) What is the present position of the Indian Insurance Companies in Pakistan in regard to the conduct of their normal business?

The Minister of Commerce (Shri Neogy): (a) and (b). There were at the time of partition 236 Indian insurers registered under the Insurance Act for transacting insurance business in undivided India. No details are available as to how many of these were actually transacting business before partition in the areas now constituting Pakistan. No Indian Insurance Company is doing new life insurance business in Pakistan subsequent to partition. A few of them are keeping skeleton offices for servicing old policies. One or two Indian insurers are, however, doing new general business in Pakistan.

(c) Subsequent to partition Indian insurers have to comply with the Insurance law in Pakistan, apart from continuing to comply with the Insurance law in India. This involved that for doing business in a territory which they were already covering prior to partition, they had to make fresh statutory deposits etc., as required by the Pakistan law. Representations were received by the Government to negotiate in this behalf with the Pakistan Government so as to secure some concessions for Indian insurers who wished to continue their business in Pakistan.

(d) As a result of certain discussions between the Governments, the Pakistan Government were prepared to allow some concessions to Indian Companies but these were not considered adequate by the Indian Companies, specially for transacting new life business in Pakistan. The present position, therefore, is that except for servicing old life policies and a few companies doing new general business, Indian insurers are not doing any appreciable business in Pakistan.

IMPORT OF MOTOR CYCLE RICKSHAWS AND TANDEM

*1369. **Shri M. V. Rama Rao:** Will the Minister of Commerce be pleased to state:

(a) whether it is a fact that the Government of India have issued import licences for the import of motor-cycle rickshaws and tandems from abroad; and

(b) whether it has been ascertained that these vehicles cannot be assembled in India utilising components available in the surplus stores for disposal?

The Minister of Commerce (Shri Neogy): (a) Yes. During the July-December 1949 period licences were granted for import of motor-cycles and motor cycle rickshaws; no licence was however granted for import of manually drawn rickshaws and tandems.

(b) Government are advised that these cannot be assembled in India in the manner suggested.

MAHATMA GANDHI'S STATUE IN KARACHI

*1370. **Shri Kamath:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that the life size statue of Mahatma Gandhi in the vicinity of the Pakistan Government Secretariat in Karachi has been damaged;

(b) if so the nature and extent of damage; and

(c) whether the matter has been taken up with the Pakistan Government and with what result?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). Yes. It is reported that on the night of the 20th-21st March, 1950 the statue of Mahatma Gandhi fell down from its pedestal and as a result of the fall both the arms were broken and the statue also developed cracks in two or three places.

(c) Our High Commissioner contacted the Pakistan Ministers, Messrs. Ghulam Mohd. and Shahabuddin, and has been assured that the statue will after necessary repairs be replaced at the original site as soon as possible.

COAL

149. **Shri Massey:** Will the Minister of Industry and Supply be pleased to lay on the table a statement showing:

(a) the total quantity of coal mined in tons—by grades (showing metallurgical coal separately) in India for the period 1st April to 31st March in the years 1944-45 to 1948-49; and

(b) the total quantity of coal despatched—by grades (showing metallurgical coal separately) to the following industries during the period 1st April to 31st March in 1944-45, 1947-48 and 1948-49:

(i) Railway (including coal from weigh-bridges), (ii) Royal Indian Marine and Admiralty, (iii) Bunker Coal, (iv) Cotton Mills, (v) Jute Mills, (vi) Iron, Steel and Brass Foundries, etc., (vii) Port Trusts, (viii) Inland Steamers, (ix) Brick, Tiles, Potteries, Cement Works etc., (x) Tea Gardens, (xi) Paper

Mills, (xii) Consumption at Collieries and wastage, (xiii) Electrical Power Houses (other than Railway Power House), and (xiv) Other Industrial Works and for domestic consumption?

The Minister of Industry and Supply (Dr. S. P. Mookerjee): (a) and (b). A statement is laid on the Table. [See *Appendix VI, annexure No. 24.*]

DESPATCH OF SLACK COAL

150. Shri Massey: Will the Minister of Industry and Supply be pleased to lay on the table a statement showing the number of tons of slack or dust coal despatched to industries given below, during the period from 1st April 1944 to 31st March 1945 and 1st April 1948 to 31st March 1949;

(i) Railways (including coal from weigh bridges), (ii) Indian Marine and Admiralty, (iii) Bunker Coal, (iv) Cotton Mills, (v) Jute Mills, (vi) Iron, Steel and Brass Foundries, etc., (vii) Port Trusts (viii) Inland Steamers, (ix) Bricks, Tiles Potteries, Cement Works etc., (x) Tea Gardens, (xi) Paper Mills, (xii) Consumption at Collieries and wastage, (xiii) Electrical Power Houses (other than Railway Power Houses), and (xiv) Other Industrial works and for domestic consumption?

The Minister of Industry and Supply (Dr. S. P. Mookerjee): A statement is attached showing the total quantity of coal despatched to the industries during the period asked for. Figures for despatches of slack or dust coal are not maintained separately. [See *Appendix VI, annexure No. 25.*]

EVACUEE PROPERTIES TAKEN OVER BY GOVERNMENT

151. Shri Sidhva: (a) Will the Minister of Rehabilitation be pleased to refer to the answer given to my starred question No. 314 asked on 6th December, 1949 regarding evacuee properties and state whether the statistics have been collected by Government?

(b) If so, how many evacuee properties, State by State, have been taken over by Government?

(c) How many properties have been surrendered after they were first declared as evacuee properties?

(d) What is the total amount realised from these properties?

The Minister of State for Rehabilitation (Shri Mohan Lal Saksena): (a) to (d). Yes. A statement giving the information received so far is placed on the Table of the House. [See *Appendix VI, annexure No. 26.*]

EXPORT OF GROUNDNUT

152. Seth Govind Das: Will the Minister of Commerce be pleased to state the amount of groundnut exported from India in the year 1949-50?

The Minister of Commerce (Shri Neogy): A statement is laid on the Table giving the information asked for [See *Appendix VI, annexure No. 27.*]

RENT FOR INDIAN EMBASSY BUILDINGS ABROAD

153. Shri Sanjivayya: Will the **Prime Minister** be pleased to state what is the amount spent by way of rent for such buildings as have been taken for housing the offices of our Ambassadors in countries where buildings have not been purchased by Government?

The Deputy Minister of External Affairs (Dr. Keskar): A statement is laid on the Table of the House. [See *Appendix VI, annexure No. 28.*]

Monday, 3rd April, 1950



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME IV, 1950

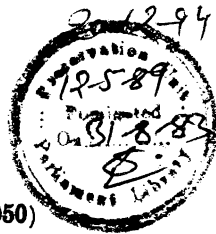
(1st April, 1950 to 20th April, 1950)

First Session

of the

PARLIAMENT OF INDIA

1950



CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers), 1st Session, 1950,—
In Volume IV,—

1. No. 3, dated the 4th April, 1950,—
Page 2507, line 19 from bottom for "tribal and other backward areas" read "scheduled castes".
2. No. 4, dated the 5th April, 1950,—
Page 2561, line one under clause 182, for "—ssion" read "submission".
3. No. 6, dated the 8th April, 1950,—
 - (i) Page 2647, line 11 from bottom for "so" read "to".
 - (ii) Page 2648, line 9 after "far" read "so".
 - (iii) Page 2670, line 11 from bottom for "coutry" read "country".
4. No. 7, dated the 10th April, 1950,—
Page 2710, line 13 from bottom for "its" read "to", and in last line for last word "we" read "were".
5. No. 9, dated the 12th April, 1950,—
 - (i) Page 2810, line 6 from bottom for "act" read "Act".
 - (ii) Page 2822, for existing line 19 from bottom read "into effect on 19th October, 1949 certain actions had been taken under the old".
6. No. 10, dated the 14th April, 1950,—
Page 2832, for existing line 19 from bottom read "(Occupancy or tenancy right not to be extinguished)".
7. No. 11, dated the 15th April, 1950,—
 - (i) Page 2896, line 24 after "not" insert "go".
 - (ii) Page 2900, line 7 for "express" read "expenses".
8. No. 12, dated the 17th April, 1950,—
 - (i) Page 2922, line 12 for "Shri Hussain Iman" read "Shri Hussain Imam".
 - (ii) Page 2923, line 4 for "all the said" read "all is said".

- (iii) صفحہ ۲۹۲۶ لائن ۴ میں -دمزدورہ کی جگہ ددھزارہ پڑھیں -

 - (iv) Page 2930, between lines 10 and 11 from bottom insert "[MR. DEPUTY-SPEAKER in the Chair]".
 - (v) Page 2934, line 1 for "49, 5000" read "49, 500".
9. No. 14, dated the 19th April, 1950,—
 - (i) Page 3020, line 9 from bottom for "re-established" read "re-establish".
 - (ii) Page 3022, line 19 for "away" read "way".
 - (iii) Page 3024, line 12 for "members" read "numbers".
 - (iv) Page 3025, line 18 for "placed" read "displaced".
 - (v) Page 3026, line 19 from bottom for "by 375" read "be 375".
 - (vi) Page 3029, line 28 for "by" read "ly".
 - (vii) Page 3031, line 12 after "Notified" insert "Area".
- (viii) पृष्ठ ३०३९, पंक्ति १२ में "जातना" के स्थान पर "जानता" पढ़ें और पंक्ति २२ में "जिस को की कि" के स्थान पर "जिस को कि" पढ़ें।
- (ix) Page 3044, line 20 for "Mr. Speaker" read "Mr. Deputy-Speaker".

10. No. 15, dated the 20th April, 1950.—

- (i) Page 3059, line 16 for "Article any" read "Article 327".
 - (ii) Page 3084, line 11 from bottom for "effected" read "effete".
 - (iii) Page 3087, line 26 against "9. Tripura" for "6" read "2".
 - (iv) Page 3104, line 8 for "Formauls" read "Formula".
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PARLIAMENTARY DEBATES
(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Monday, 3rd April, 1950.

The House met at a Quarter to Eleven of the Clock

[Mr. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-40 A.M.

ELECTION TO COMMITTEES

STANDING FINANCE COMMITTEE

The Minister of Finance (Dr. Matthai): I beg to move:

“That this House do proceed to elect, in such manner as may be approved by the hon. the Speaker, sixteen Members to serve on the Standing Finance Committee for the financial year 1950-51 along with the Minister of State for Parliamentary Affairs, who shall be a member *ex-officio* of the Committee, and that one of the Members to be nominated by the hon. the Speaker shall be the Chairman of the Committee.”

Mr. Speaker: Motion moved:

“That this House do proceed to elect, in such manner as may be approved by the hon. the Speaker, sixteen Members to serve on the Standing Finance Committee for the financial year 1950-51 along with the Minister of State for Parliamentary Affairs, who shall be a member *ex-officio* of the Committee, and that one of the Members to be nominated by the hon. the Speaker shall be the Chairman of the Committee.”

Shri B. Das (Orissa): I would like to ask the hon. Finance Minister for information on one or two points. So far the practice was that the hon. Finance Minister himself had been a Member of the Standing Finance Committee and had been also its chairman. What is his intention now? Does he want himself to be included as a candidate for the Standing Finance Committee so that the hon. Speaker may choose him as the chairman of that Committee? The old practice of the Finance Minister himself presiding over the Standing Finance Committee had proved very successful. He had the opportunity of himself examining the new demands of the various Ministries and at the same time seeing eye to eye with the various Members of the Standing Finance Committee. I do hope this motion does not exclude the hon. Finance Minister being a Member of this Committee, and, of course, if he is a Member, he should by virtue of his high office preside over the meetings of the Standing Finance Committee. I want to know what is his own idea and reactions and whether he would like to bear the burden in future.

Dr. Matthai: This is a matter which I had considered carefully and my own experience of the Standing Finance Committee during the past eighteen months has been that on the whole it would be a convenience and a help to the work of the Standing Finance Committee if the Finance Minister was not a Member, and certainly not the chairman, of the Committee. What I propose to do is this. As far as ordinary matters are concerned, that is more or less routine matters, that come up before the Standing Finance Committee, the

[Dr. Matthai]

Finance Ministry's point of view would be represented by one of the senior, more responsible officers of the Finance Ministry being present at every meeting to give the Committee whatever advice or information they may require. If there is any question of principle or policy involved, and if the Committee gives me intimation, I should certainly be prepared to present myself and to discuss any matters which the Committee might like to discuss with me. The reason why I have decided that on the whole it is better for the Finance Minister not to be on the Committee is this, that the Finance Committee has to meet probably more frequently than any other Standing Committee and because of the numerous commitments that I have as Finance Minister, it is not always possible for me to be present at every meeting of the Committee and it becomes necessary, therefore, occasionally to postpone meetings of the Committee where urgent matters come up for consideration.

There is also another point. Proposals of new expenditure which come before the Standing Finance Committee come with the previous approval of the Finance Ministry, and therefore the Minister is to some extent committed to the proposals. Therefore, if the Standing Finance Committee takes a different view, it places the Minister naturally in a somewhat embarrassing position. The Standing Finance Committee is necessarily an advisory Committee and if, on any important ground of policy, the Government of India are unable to accept any recommendations of the Standing Finance Committee at a succeeding stage, I am again placed in an embarrassing position. On the whole, therefore, I think it would be in the interests of the Committee that I am not officially identified with its decisions.

Shri T. T. Krishnamachari (Madras): May I say a few words on this matter as one who had considerable experience of the work of the Standing Finance Committee in the past? I quite appreciate the statement made by the hon. Finance Minister. Naturally, being the ultimate authority to accept or reject the advice of the Standing Finance Committee, he finds it embarrassing to be in the Committee. But there is another aspect of the Standing Finance Committee's work which I am afraid my hon. friend has ignored. The Standing Finance Committee has to act along with the Minister and it has to advise the Minister. If the personal contact between the Minister and the Standing Finance Committee is divorced, to that extent the work of the Standing Finance Committee would certainly suffer. I should also like to mention that in the past, when I had the pleasure of working with three Finance Ministers, or rather four, who were Chairmen, during the time I was a Member of the Standing Finance Committee, I think the Committee generally welcomed interference by the Finance Minister in explaining the steps taken by the Finance Department on any particular matter. Oftentimes it happens, as my hon. friend mentioned a few minutes back, that a decision is taken by Government and it comes to the Standing Finance Committee for approval. Actually the Standing Finance Committee may be faced with a *fait accompli*, but they can indicate that such action on the part of the Government is not warranted—which opinion often serves to avoid the mistake in the future. So, the relations between the Members of the Committee and the Finance Department is so close, and the encouragement that the Finance Minister gives the Members to express their opinion freely—with, I think, ultimate profit for the Finance Minister—is so valuable, that I think the new procedure would not merely take away from the dignity and the worth of the Standing Finance Committee, but I think the Finance Minister himself would suffer for the reason that he will lose touch with the Committee of the House with which he would be associated if he were a Member at least of that Committee. Whether he is the chairman or not is for him to decide, but I do think that his presence at the meetings of the Standing Finance Committee as often as possible would help the Members and also the

Government more than his being outside the Committee. Therefore, I would venture to submit that my hon. friend would please reconsider the issue and if necessary make an amendment to this motion. I might submit that if my hon. friend is in a position to consider this matter, it might be held over for a day and the motion can be voted upon tomorrow.

Dr. Matthai: With reference to Mr. Krishnamachari's point, I think I should explain the position. On examining the agenda to be placed before any meeting of the Standing Finance Committee, if there is any matter of special importance, then, of course, I would be present at the meeting to be able to place my opinion and my advice before the Committee. Personally, I think that in a Committee which has to take a decision independently of the views of the Finance Minister it is better that the Finance Minister is present in the capacity of an adviser, and I have no doubt in my own mind, having observed the working of the Standing Finance Committee, that this arrangement will, on the whole, conduce not merely to the expeditious despatch of work but also to the dignity of the Committee.

Shri Kamath (Madhya Pradesh): On a point of information, during the last twelve months were there many occasions when items involving expenditure beyond the budgetary Grant were referred to the Standing Finance Committee only after that expenditure had been incurred and if so, whether any change in procedure is contemplated during the next year?

Dr. Matthai: The procedure that we generally follow is this. There are certain matters in regard to which it might be necessary to provide funds very urgently in anticipation of the decision of the Standing Finance Committee. That necessarily is a matter in which Government must be in a position to exercise its own discretion. Moreover, any proposal for new expenditure which involves a recurring expenditure of less than Rs. 1 lakh a year does not go before the Standing Finance Committee. Most of these urgent matters like the deputation of officers that come up are within this limit and it would not be necessary for the Standing Finance Committee to waste its time on them. There are, of course, several proposals which involve considerable expenditure where it would be necessary for Government, in order to avoid losses, to the Public Exchequer, to take an immediate decision. Three or four proposals of that kind I have had to bring before the Standing Finance Committee recently and I am glad to be able to say that on explanations given by me the Committee were able to agree that the decision taken was correct.

Dr. Pattabhi (Madras): I rather think that it is a strange development in politics that there should be an exclusive tinge in a Resolution like this. All the other Resolutions relating to Standing Committees are mott upon the point about the Chairman, whereas here not only is a reference made to the Chairman but it is also suggested that the Chairman shall be nominated by the Speaker. A third factor is introduced into the transaction...

Mr. Speaker: I may just intervene at this stage. If the hon. Member will refer to the Rules, he will find that certain Committees are to be constituted under the Rules and the Rules provide that the Chairmen will be appointed by the Speaker. These are Committees which are not specifically provided in the Rules. So an independent motion in respect of them is coming before the House.

Dr. Pattabhi: That is why a particular Committee which has been excluded from the category of Committees in respect of which the Chairman is to be nominated by the Speaker is sought to be included by a Resolution of the House. The exclusion of this Committee from that category then was a deliberate and well-thought-out one. All the arguments that Shri T. T. Krishnamachari has stated may apply or may not apply, but to close the doors against

[Dr. Pattabhi]

the hon. the Finance Minister presiding is out of the way. Usually, in olden days, we used to hanker after a non-official Chairman. Now, when a non-official Chairman is appointed, we are hankering after an official Chairman. This is the reverse of things. Therefore, let us not bang the door one way or the other. The hon. the Finance Minister can come and preside if he is required to preside and if he chooses to preside and if he has the time to preside whenever it suits his convenience; otherwise, he may not come and there is no obligation. But this kind of banging the door beforehand is not a very nice innovation.

Shri Tyagi (Uttar Pradesh): It is always a pleasure for the Members of this House to sit in close proximity with the hon. the Finance Minister on any Committee only for his amiable nature, reasonableness and accommodating spirit. Therefore, the Standing Finance Committee will really feel it very much if he refrains from presiding over that Committee. But then, I think it is high time that the House agreed to the hon. the Leader of the House obliging the hon. the Minister of Finance by giving him an Assistant Minister to assist him in his job. I only just want to bring this to the notice of the hon. the Leader of the House so that it might facilitate matters. The Assistant Minister might look into matters which the hon. the Finance Minister says he is crowded with, and share his work. But before even deciding about this, I would like to have some more light about the functions of this Committee since the Estimates Committee also is going to come into being. Before the vote of the House is taken on the appointment of this Committee, I would like to know exactly what the functions of these two Committees would be and what is the difference between their respective functions. As I understand it, the Estimates Committee is to pass budgetary items of the expenditure. I do not know if that Committee is not to look into items involving expenditure of more than Rs. 1 lakh; if that is so, what else will the Estimates Committee do? I want to be quite clear about the functions of both these Committees. What is the nature of their work and what is the difference between their respective work? If that is explained to us, then we will be better able to appreciate the position.

Shri Goenka (Madras): This is a very important matter. I have been a Member of the Standing Finance Committee for some time now and by virtue of experience I may say that several occasions have arisen when, on matters of very great importance although the Members could not see eye to eye with the Finance Minister, we still discussed them, thrashed them out and came to a final conclusion. In the absence of the Finance Minister, I feel that the work of the Standing Finance Committee will only run into chaos. All the hon. Ministers are Chairmen of all the Standing Committees attached to their portfolios. This is the only unfortunate Committee, which is supposed to be the most important Committee of the House, which will be presided over not by the Finance Minister but by one of the Members of the House. If this happens, then I am afraid, Sir, that slowly all the Ministers will get out from the Chairmanship of their respective Standing Committees and the Standing Committees will become more or less a farce. I do feel that without the Finance Minister presiding and without a close contact between the Members of the Standing Finance Committee and the Finance Minister we will not really be able to do justice in the Standing Finance Committee. As I said, Members of that Committee would like to discuss matters at the Ministerial level and when the Minister is absent and various proposals from different Ministries come up before the Standing Finance Committee, you can imagine the difficulty. This is the only Committee where the proposals of all the Ministries come up for decision. I am fully aware that it is only an Advisory Committee, but even an Advisory Committee of the House must be treated on a different footing from the other ordinary Advisory Committees, of which the concerned Minister takes care

when it suits him and does not when it does not suit him. I do feel that when the Standing Finance Committee comes to a particular conclusion the Finance Minister is more or less bound by its decision, unless and until the Cabinet feels or he, in his better judgment, feels that he could not agree with it. In these circumstances, it will be very wrong for this House to accept this Resolution without the Finance Minister being the Chairman of the Committee. Apart from that, I do not appreciate why the Finance Minister who has been so good, so accommodating and so helpful should now desert the Standing Finance Committee. Has he got better love for the Estimates Committee than for the Standing Finance Committee? I do not know what is the reason. I do feel that both in the interests of this House and also in the interests of the various matters that come up before the Standing Finance Committee, the Finance Minister should not desert it at all.

Shri Karmarkar (Bombay): I am in entire sympathy with what the hon. the Finance Minister has said. Strictly speaking, as you know, in the British House of Commons there is nothing like, what we call Standing Advisory Committees. This practice arose here because our old Government was a bureaucratic Government. But since we have decided to keep them on under our new Constitution also, I think, Sir, due attention should be paid as to how best these advisory committees could work.

As we have been told the Standing Finance Committee deals with items of estimated recurring expenditure of more than a lakh of rupees. This Committee happens to be an important Committee and I should very respectfully say that no decisions of this Committee should be taken without very proper advice. Without dilating or entering into details I wish to say that I am one of those who believe that in a committee like this—as in the case of the other committees—it is extremely desirable, under our present circumstances, to have the guidance of the Finance Minister. But there is a small anomaly involved in this. The hon. the Finance Minister acting as the Chairman of this Committee may find his views at variance with the decision he may have to take as Member of Government. But even in spite of it, I would with due respect request the hon. the Finance Minister that he should continue to be on the Standing Finance Committee.

Dr. Matthal: May I, in order to cut short the discussion, intervene for a while? If I have your permission, I would withdraw this motion, for the time being. Government will re-examine the position in the light of the discussion and I will bring a fresh motion.

The motion was, by leave, withdrawn.

PUBLIC ACCOUNTS COMMITTEE

The Minister of Finance (Dr. Matthal): I beg to move:

“That the Members of Parliament do proceed to elect, in the manner required by sub-rule (3) of rule 143 of the Rules of Procedure and Conduct of Business in Parliament, fifteen Members from among their number to be Members of the Committee on Public Accounts.”

Shri Kamath (Madhya Pradesh): Why this slight change in language, Sir,—“Members of Parliament” instead of “the House”?

Mr. Speaker: It means nothing practically: just to avoid repetition, perhaps.

The question is:

“That the Members of Parliament do proceed to elect, in the manner required by sub-rule (3) of rule 143 of the Rules of Procedure and Conduct of Business in Parliament, fifteen Members from among their number to be Members of the Committee on Public Accounts.”

The motion was adopted.

ESTIMATES COMMITTEE

The Minister of Finance (Dr. Matthal): I beg to move:

"That the Members of this House do proceed to elect, in the manner required by sub-rule (2) of rule 145 of the Rules of Procedure and Conduct of Business in Parliament, twenty-five Members from among their number to be Members of the Committee on Estimates."

Mr. Speaker: Motion moved:

"That the Members of this House do proceed to elect, in the manner required by sub-rule (2) of rule 145 of the Rules of Procedure and Conduct of Business in Parliament, twenty-five Members from among their number to be Members of the Committee on Estimates".

Shri Tyagi (Uttar Pradesh): May I request the hon. the Finance Minister to enlighten the House as to what exactly are the functions of the Estimates Committee?

Mr. Speaker: I think we may better discuss this when the hon. the Finance Minister brings his motion regarding the Standing Finance Committee.

An Hon. Member: Mr. Tyagi perhaps wants to know the difference between the Standing Finance Committee and the Estimates Committee.

Shri Tyagi: I know the functions of the Standing Finance Committee.

Mr. Speaker: That is why I suggested that, as we do not know the particular form in which the motion regarding the Standing Finance Committee and its constitution will be brought, let us have that clarification at that time rather than have it now.

Shri Tyagi: How shall I judge the personnel of these Committees, unless I know its functions?

Mr. Speaker: The functions of the Estimates Committee are stated in the rules.

Shri Goenka (Madras): Now that this year's Budget has been passed, I would like to know what the functions of the Estimates Committee will be for this year.

Dr. Matthal: The proposal to appoint an Estimates Committee is really based on the practice which has been in force in the United Kingdom. What the Estimates Committee does in the United Kingdom is briefly this. The Budget estimates of expenditure for the latest year are examined by this Committee. They examine the estimates of each Ministry in great detail. As a matter of fact, I think the United Kingdom Estimates Committee takes about five years to cover the whole range of governmental administration. In other words, each year they take a few selected Ministries, and go into the estimated expenditure of each Ministry in detail. The services of the officers of the various Ministries concerned would be placed at their disposal for this work.

If the House agree to appoint an Estimates Committee for this year, I presume the way in which the Committee would work would be something like this. They will select about three or four Ministries for this year and will go in detail into the estimated expenditure in the Budget of 1950-51 and make a report on the expenditure proposed for each of the Ministries. The result of their report will not be that for 1950-51. Government will alter the expenditure which has been proposed, or the expenditure which has been accepted by the House already. The real importance of the report is that it will provide guidance to the Treasury and the Ministry concerned with regard to the basis on which proposals of expenditure should be framed for next year. In other words, the reports of the Estimates Committee would form the basis on which

proposals for expenditure in future years would be framed. Therefore, it does not affect the decision already taken either by Government or by the House with regard to 1950-51. In fact the Estimates Committee will work as an Economy Committee in continuous session. They are not concerned with the policy of Government, but within the frame work of the policy laid down by Government the Estimates Committee's business is to see that only the minimum expenditure is incurred for the purpose of fulfilling the policy of Government. That really is the position.

If I may explain, Sir, the Standing Finance Committee does not examine expenditure comprehensively, that is to say, it does not look at it from the point of view of economy in public expenditure as a whole. What they are expected to do is to give their views on each specific proposal of fresh expenditure. They do not examine the question of economy over the whole range of public administration. So the two bodies are essentially different and there is, I think, well-defined scope for the functioning of each of these committees. I hope I have explained the position clearly.

Shri Kamath (Madhya Pradesh): Is the Estimates Committee also an advisory body?

Dr. Matthai: The Standing Finance Committee is not really a Parliamentary Committee. It is a committee which is appointed by the House in response to the suggestion made by Government, who desire to have an advisory committee composed of Members of Parliament to advise them on new proposals of expenditure. The Estimates Committee is a Parliamentary Committee to advise the House and works under the direction of the hon. the Speaker.

Shri B. Das (Orissa): It has taken us 25 years to have an Estimates Committee formed on the floor of this House. However, I am very glad of it. I am grateful to the hon. the Finance Minister for explaining the distinctive functions of the Standing Finance Committee and the Estimates Committee. I, however, want to make one suggestion for his consideration. In a short time we will select some 55 Members with some financial sense as Members of these three committees. While the Public Accounts Committee looks into the overall financial expenditure for the previous years, the Estimates Committee will look into the expenditure for the current year and the years to come. And the Standing Finance Committee, as my hon. friend Dr. Matthai just now elucidated, will look into items of new expenditure for the year. It is better if the practice be set up that the Members of the Estimates Committee will contain two Members of the Standing Finance Committee and two Members of the Public Accounts Committee, so that the overall knowledge gained in the day to day work of the Estimates Committee will find reflection in the working of the Standing Finance Committee and the Public Accounts Committee. I hope that will not be barred, because it will actually prove helpful to the Government of India and the Finance Ministry if the experiences gained in the three Committees are pooled through the Estimates Committee.

Shri Kamath: In view of the slight difference between the constitution of this Estimates Committee and that of the Standing Finance Committee to which the Finance Minister adverted, and in view of the fact that this Committee will function under your direction, may I know whether its powers and functions will in any way be superior to or different from the powers and functions of the Standing Finance Committee?

Dr. Matthai: If hon. Members will examine the Rules of Business, they will find that the Estimates Committee is expected to work under directions given from time to time by the hon. the Speaker. This Committee is responsible to Parliament. Its Report is placed before Parliament, whereas the

[Dr. Matthai]

Standing Finance Committee is simply an Advisory Committee appointed on the initiative of Government. If you compare the relative dignity of the two Committees, may I suggest that the Estimates Committee is a Committee with a greater degree of dignity?

Shri Karmarkar (Bombay): On a point of clarification, Sir, may I ask with your permission as to whether the Estimates Committee will also examine the relevant phases of all expenditure?

Dr. Matthai: According to the Rules of Business the procedure to be followed by the Estimates Committee is a matter entirely for the Committee to decide under the general direction of the hon. the Speaker.

Mr. Speaker: The question is:

"That the Members of this House do proceed to elect, in the manner required by sub-rule (2) of rule 145 of the Rules of Procedure and Conduct of Business in Parliament, twenty-five Members from among their number to be Members of the Committee on Estimates."

The motion was adopted.

Mr. Speaker: I have to inform hon. 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. Committee on Public Accounts	10.4.1950	12.4.1950
2. Committee on Estimates		

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 Parliament House between the hours 10.30 A.M. and 1 P.M.

STANDING COMMITTEES FOR MINISTRIES OF AGRICULTURE, COMMERCE, COMMUNICATIONS AND DEFENCE

Mr. Speaker: I have also to inform the House that upto the time fixed for receiving nominations for the Standing Committees for the Ministries of Agriculture, Commerce, Communications and Defence, 15 nominations in the case of each of these Committees have been 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 Committee for the Ministry of Agriculture*.—(1) Shri Lakshmi Shankar Yadav, (2) Shri Beni Singh, (3) Chaudhari Ranbir Singh, (4) Shri Pidathala Ranga Reddi, (5) Sardar Sochet Singh, (6) Shri G. A. Thimmappa Gowda, (7) Maulvi Wajed Ali, (8) Thakur Lalsingh, (9) Shri Phani Gopal Sen, (10) Dr. Y. S. Parmar, (11) Shri Mathura Prasad Mishra, (12) Dr. Panjabrao Shamrao Deshmukh, (13) Shri A. K. Menon, (14) Babu Ramnarayan Singh, and (15) Shri Kishorimohan Tripathi.

II. *Standing Committee for the Ministry of Commerce*.—(1) Kaka Bhagwant Roy, (2) Shri N. Alexander, (3) Shri Chimanlal Chakubhai Shah, (4) Shri M. Shankaraiya, (5) Shri Krishnanand Rai, (6) Shri Syamnandan Sahaya, (7) Shri Sohan Lal, (8) Shri V. S. Sarwate, (9) Shri Prabhu Dayal Himatsingka, (10) Shri M. C. Veerabahu, (11) Shri Hussain Imam, (12) Shri Sita Ram S. Jajoo, (13) Shri Arun Chandra Guha, (14) Shri Suresh Chandra Majumdar, and (15) Shri P. Basi Reddi.

III. *Standing Committee for the Ministry of Communications.*—(1) Shri V. J. Gupta, (2) Shri K. Hanumanthaiya, (3) Moulavi Mahammed Haneef, (4) Shri Awadheshwar Prasad Sinha, (5) Shri B. S. Arya, (6) Shri V. C. Ahammedunni, (7) Shri B. B. Varma, (8) Shri Mihir Lal Chattopadhyay, (9) Shri Girija Sankar Guha, (10) Shri Brajeshwar Prasad, (11) Shri Sunder Lal, (12) Shri P. Kunhiraman, (13) Pandit Mukut Bihari Lal Bhargava, (14) Master Nand Lal, and (15) Shri V. M. Obaidullah.

IV. *Standing Committee for the Ministry of Defence.*—(1) Shri Manikyalal Varma, (2) Shri Frank Anthony, (3) Pandit Hirday Nath Kunzru, (4) Shri An Bahadur Gurung, (5) Shri C. M. Poonacha, (6) Sardar Jogendra Singh, (7) Shri Moti Ram Baigra, (8) Kanwar Jaswant Singh, (9) Sardar Bhopinder Singh Man, (10) Shri Awadheshwar Prasad Sinha, (11) Shri G. R. Ethirajulu Naidu, (12) Shrimati Uma Nehru, (13) Shri Joachim Alva, (14) Shri Jaspal Roy Kapoor, and (15) Shri Deshbandhu Gupta.

FOREIGN EXCHANGE REGULATION (AMENDMENT) BILL

The Minister of Finance (Dr. Matthai): I beg to move for leave to withdraw the Bill further to amend the Foreign Exchange Regulation Act, 1947.

The reason why I want to withdraw this Bill is this. This Bill was introduced during the November-December session of the Constituent Assembly. Since the inauguration of the Constitution and the Adaptation of Laws Order, it has become necessary to introduce a number of drafting changes in the original Bill. So it occurred to me that instead of taking up the original Bill for consideration here and wasting the time of the House on a number of drafting amendments, if I could withdraw this Bill and introduce all these changes in a fresh Bill and bring it before the House, it might save the House a lot of time.

Shri Sondhi (Punjab): But will it be done in this session?

Dr. Matthai: I expect to do it within a few days.

Mr. Speaker: The question is:

“That leave be granted to withdraw the Bill further to amend the Foreign Exchange Regulation Act, 1947.”

The motion was adopted.

AJMER-MERWARA TENANCY AND LAND RECORDS BILL—(contd.)

Mr. Speaker: We will now proceed with the further consideration of the following motion:

“That the Bill to declare and amend the law relating to agricultural tenancies, record-of-rights and certain other matters in Ajmer-Merwara, as reported by the Select Committee, be taken into consideration.”

Shri Biswanath Das (Orissa): In my speech on Saturday I have stated how the country, at this stage of our existence in Free India, expected to see the liquidation of *zamindaris* and intermediaries instead of legislation for tenancy reform. I had also quoted and explained how we ourselves had passed Resolutions in the Indian National Congress, as also given a pledge to the constituencies before the elections of 1946, to liquidate *zamindaris*. I had also stated how the National Planning Committee presided over by so great a person as the hon. Pandit Nehru, as also the Congress Agrarian Committee, have all recommended unanimously that these intermediaries should be liquidated.

[Shri Biswanath Das]

Having stated all those I now come to the grave injustice that has been done to the people of Ajmer-Merwara. It is known fact that these *Istimrardars* had only to pay a nominal revenue and were called upon to discharge certain military functions during the Moghul rule. During the Mahratta rule this so-called military service was practically given up. The tenancy rights were recognised by the administrators and these were freely exercised by the ryots, the agriculturists. That being the case, it comes as a rude shock to the people of this country that, after 80 years of their existence, the British Government should have constituted again permanently settled estates by means of a Regulation, the Regulation of 1872. Under that Regulation, *sanads* were issued and *zamindaris* which were constituted between 1793 and 1802, were again revived and the result was these new *zamindaris*. Soon after the inauguration of *zamindaris* in this unfortunate district, the Regulation of 1877 recorded the *istimrardars* as the absolute owners of the soil and tenancy rights were recognised as only the rights of tenants-at-will. That was a grave injustice done to these unfortunate people in these Centrally-Administered Areas. This only proves the truth that was so succinctly expressed in the report of the Simon Commission. This was possible because officers in charge of the Centrally Administered Areas had absolutely no experience of tenants and tenancy administration. They always looked to vested interests and in the result they gave decisions which were accepted by the Central Government. Under the circumstances it is not fair to the people of those areas, if today, Government comes forward with a measure of tenancy reform as against the liquidation of *samindaris*.

[MR. DEPUTY-SPEAKER in the Chair.]

Not being satisfied with the protection offered to those people, Regulation IV of 1877 was also passed to protect them even from debts incurred by the *Istimrardars*. This gave the go-by to claims of the creditors of the *Istimrardars*. Civil courts were barred to these creditors and they had to move the Chief Commissioner for relief. These facts go to show that the British Government were anxious, for reasons of their own, to protect and preserve the institution of *Istimrardars*. Why now in Free India should these people get any protection whatsoever?

My hon. friend in the course of his illuminating speech has stated that he has conferred certain boons to these people. I do recognise the legislation, that he has placed before us, does confer certain conveniences to these unfortunate people. But how are they to benefit by these conveniences knowing as we do the terrible limitations under which they have been working? That area, though long kept as a Centrally-Administered Area, though lakhs and lakhs of rupees have been poured into it for administrative efficiency and local development, can reasonably and fairly be said to be a backward area or the least advanced area comparable only to the partially-excluded areas. In the circumstances, even the few benefits conferred in terms of this Bill will, from my experience of thirty years of tenancy legislation and tenancy reform, I may say, be of no avail unless you confer two benefits on the ryots. The first is fixity of tenure and the second is fairness of rent. Judging by these two, I am afraid the legislation will not be very helpful to the people.

First let me discuss the question of fixity of tenure. My hon. friends will see that this Bill contemplates four classes of tenants and even provides for a fifth class called *Niji Jotdars* or owners of home-farm lands. All these five classes will function as agriculturists. Sir, I have bitter experience of the *samindars*. Instead of providing rules and regulations for home-farm lands for *Niji Jotdars*, the Government should at once institute an enquiry and decide

once for all what are the home-farm areas so that we will know the limited extent of land constituting home-farm lands. Unless you do this, I warn you that a fairly good fraction of the entire area of Ajmer-Merwara will be converted into home-farm lands. As it is, from the records available and from the publications so kindly issued by the Ministry of Agriculture, I see that very few *Istimrardars* have got home-farms or are cultivating their own lands. The moment you pass this law, every landlord will come forward with his claim that such and such land is home-farm land. In this unfortunate area you have not had a survey, nor record of rights. The records that you have are the records maintained by the *Istimrardars* and are their private property. They may or may not be available to you. The result will be that the ryot will be left without any recorded evidence. Heaven knows whether there have been receipts granted to them for the moneys paid. Every conceivable record will be in the hands of the *Istimrardars* and the ryots will have none. In this state of affairs coupled with the apprehensions, that he has with him the authorities above, I feel sure that the few rights that you confer on the ryot will not be available to him unless you first of all decide by an enquiry what are the *Niji-jot* lands of the landlord. If this is not done you will have, as in the *samindaris*, hundreds of claims and counter-claims for one and the same land ultimately helpful to *Istimrardar*.

I come to the subject of fixity of rent. These unfortunate classes of agriculturists are being divided into four heads, namely, occupancy tenants, non-occupancy tenants, exproprietary tenants and the hereditary tenants. Sir, I do not see why you should have four classes of rights and four classes of responsibilities with various kinds of interpretation to be put on these tenures. Why not have one class of tenants and if at all you have the *Istimrardar* as the rent receiver, why have this varied classification of rights? In Madras you have got one class of tenants. That is a right that is well understood. The classification puzzles the ryot without any corresponding benefit to the *Istimrardar*. In the interest of unification of tenancy and especially when you are practically having a legislation for the first time and when you are giving some recognition to the tiller of the soil or to the actual agriculturist, it is better that you class them into one category and give them whatever rights you decide to give. Then again, it has been decided by the Select Committee that these unfortunate ryots will have the right to inherit the land from father to son, but when the right of transfer is being given, I do not see any reason why an agriculturist should not have the right to transfer his land to another agriculturist. Sir, the right by itself is nothing to the under dog if he is not given the right to transfer. I do realise the difficulty of people having everything to do with commerce, trade and industry and nothing to do with agriculture, getting into land and getting into ownership of land or occupancy rights of land. If you confer the right of transfer only to such classes of people who are actual tillers of the soil or who are agriculturists I do think such a right of transfer is a necessity and ought to be provided in the Bill.

Then I come to the subject of survey. About survey, I am told that survey and settlement centres will be undertaken immediately. These rights are meaningless unless these rights are recorded, are defined and are laid down in the records, so that the under-dog who is not able to defend himself properly in a court of law, who cannot pay for legal assistance, and who is a person not well-versed with all the intricacies of law, will derive much benefit by these rights. Having said so much about the fixity of tenure, I come to the question of fairness of rent.

Sir, rent can in no sense be called fair if it is in excess of the economic rent of any area. Unfortunately, in this case there is provision for two classes of rent, namely rent in kind and rent in money. As for rent in kind, I have got many difficulties. With the thirty years' experience I have of the miseries

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of these tenants and the exactions that the system of rent in kind imposes on the agriculturists, I would utter a word of caution and if left to myself, I would always think of some sort of commuted money rent than to have rent in kind. 'Sir, rent in kind would create any amount of difficulties for the under-dog. About the quality and the quantity of the thing offered, it becomes so easy and so convenient a weapon in the hands of the zamindar as to reject an offer offhand under some pretext or the other.

Therefore the provision of law which is embodied in clause 27—I do not exactly remember the clause correctly—should make perfectly clear that in case there is any difference regarding payment of the produce rent, the ryot should have the option of paying such rent prevailing in the neighbouring lands. That is a fairly feasible and justifiable measure, and I do not see why the Select Committee did not consider this aspect of the question.

As regards the quantum of rent, all that the Committee has done is to fix specified proportions for specified classes of tenants, namely a tenant at will or non-occupancy ryot, to pay one fifth of the gross produce, the occupancy ryot something less as also the exproprietary ryot. I do not see why the rent that has been recommended in the Bill should be so high.

Referring to the land revenue policy of Government of India as early as 1902 during the Governor-Generalship of Lord Curzon, the history of which is so well known to hon. Members of this House, I might refer hon. Members to the quantum of rent prevailing in Ajmer-Merwara then. Lord Curzon and the Government of India then stated in reply to the late lamented R. C. Dutt and a galaxy of Civilians that if their demand is accepted, namely, if the demand of one-fifth of the gross produce is recognised as lawful rent payable by the ryots to the landholders, then the existing income of the State will be doubled. In the course of the tenancy legislation of 1884 the Government of Bengal had fixed the demand of one-fifth of the gross produce and at that time district officers of Bengal protested and stated "If you fix the rent at one-fifth of the gross produce, the zamindars will screw up the rent to that pitch with the result that the ryot who is now paying from one-tenth to one-fourteenth of the gross produce as rent will get easily one fifth. Therefore instead of benefiting the ryot it will ruin the prospects of the agriculturists." The Government of India say that the then rate of rent collected in Ajmer-Merwara by the zamindars is only 10 per cent. of the gross produce. If it was 10 per cent. of the gross produce in Ajmer in 1902, I have a right to know from the Select Committee and also from the Government the reason why one sixth of the rent in one case and one-eighth of the rent in another case should be regarded as fair in these hard days, when the cost of agriculture, the life and living of the agriculturist and the live-stock, have all gone up so high. In these circumstances, Sir, I feel that the term, fair rent has not been properly conceived by the hon. Members of the Select Committee, so as to give due benefit to the agriculturist. I feel, Sir, that much benefit will not, and is not going to flow from the report of the Select Committee which is before the hon. Members of this House.

Having stated so much as briefly as possible regarding fixity of tenure and fairness of rent, which are the two important aspects of any legislation, I proceed to certain other important aspects of this Bill, namely, the rule-making powers. Who is the rule-making authority in terms of the Act? It is neither this legislature nor the Government of India, but the Chief Commissioner of Ajmer-Merwara. Having known something about the leanings of these officials in the course of my long experience, I have very little confidence in them that they would use their discretion in favour of the under-dog. It has been my unfortunate experience that they always side with the vested interests and it has become one of their main functions and purpose to preserve the vested interests

which it is impossible to preserve. Under these circumstances, so great power as the rule-making power cannot be left in the hands of the Chief Commissioner of Ajmer-Merwara. Specially, I refer to item (h) in sub-clause (2) of section 203, conferment of occupancy rights. Is the Chief Commissioner of Ajmer-Merwara going to frame the rules which are to determine the conferment of occupancy rights? It will be a terrible thing for the tenants if these officials have to make the rules. Then, Sir, rules for the guidance of officers in cases for the determination, enhancement, abatement and commutation of rent: these are very important questions with regard to fairness of rent. Here again, I must say that these powers are very wide. I have no hesitation in saying that these powers will be utilised in favour of keeping up the interests of the *Istimrardars*. Then, Sir, rules defining the powers of various classes of officers and revenue courts: these are equally important provisions. I feel, Sir, that the rule-making powers that have been vested in the Chief Commissioner of Ajmer-Merwara need revision. If these quasi judicial functions are to be exercised by any one, it should be either by a Minister responsible to this House or with the approval of the legislature. I can on no account agree to the exercise of these powers by an authority, who, I have every reason to believe is solely interested in the up-keep of the vested interests.

I come to Schedule I. Schedule I lays down the rates of fees for house-sites and for grazing of agricultural husbandry. There may be some justification for the levy of a cess or some rates for house-sites. But, what justification could there be for the levy of rates for grazing Cattle. Grazing rights are very important rights and they have been recognised in all tenancy legislations. The ryots have a right to set apart a portion of the village land for grazing purposes. How could you think of agricultural husbandry without grazing lands? In these circumstances, I feel that the provisions in the Schedule are also not fair.

Lastly, Sir, I feel that the Select Committee should have done something to maintain the village services that are found to exist in this country. Village services are an important institution in our country and it is a part of our agricultural economy. If you do away with village services, how could you think of the agricultural economy of the village? Under these circumstances, I feel that the Select Committee should have maintained and strengthened the village services rather than interfered with them. Sir, that the hon. Minister with all his anxiety to do justice to the people will see that these people are not left to the mercy of the Executive. I know his anxiety, also the throbbings of his heart for the under-dog. While I have full confidence in his sense of justice and fairness, I have absolutely no confidence in the part, that the officials are going to play. I appeal to the hon. Minister and to the hon. Members of this House to see that the privileges of the tenants are fairly, distinctly and properly provided without ambiguity, so that the under-dog may be benefited.

Pandit M. B. Bhargava (Ajmer): I extend my wholehearted and unqualified support to this Bill.

Before I proceed with the examination and scrutiny of this Bill, I would like to deal, in the first instance, with an issue which is of supreme importance and which has been raised by my hon. friend Mr. Biswanath Das: that is the question as to the liquidation or elimination of the middleman, that is the Zamindar, or in our case, the *istimrardar*. When this Bill was introduced in this House, and when it was referred to the Select Committee, on 7th September, 1948, I myself had submitted that, keeping in view the general conditions in the country, and keeping in view that almost all the provinces of India are proceeding rapidly with the liquidation of middlemen and elimination of zamindari, it is but essential for this tract that this problem should be taken in hand. I may also like to inform the House that so far as the Provincial Congress Committee in Ajmer is concerned, so far as the Advisory Council to

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the Chief Commissioner is concerned, it has already come into grip with this problem of the elimination of the middleman between the State and the tiller of the soil. The Advisory Council of the Chief Commissioner of Ajmer, on the 7th July, 1948, adopted a unanimous resolution to the effect that it accepts the principle of the abolition and liquidation of the *jagirdari* and *istimrardari* systems in this area and it appointed a sub-committee consisting of the entire Advisory Council with myself as its Chairman, to lay down the terms and conditions on which liquidation of the zamindaries may be brought about in this tract at an early date. This committee, after examining the entire problem, its *pros* and *cons*, submitted an elaborate report on the 26th December, 1948. Now, Sir, as has been rightly pointed out by my hon. friend the last speaker from his own experience of administration, the attitude of the Chief Commissioner as also his subordinates on questions of this kind has always been very lukewarm. In fact, if the history of this tract is kept in view, since the advent of British rule it will be seen that if the Chief Commissioner who was for some time a representative of the Foreign and Political Department and then of the Home Department of the Government of India, had taken even sincere pains to go into the problems of the tenants, their harassment, their tyranny and their oppression would not have been of the kind that we see in the black history of the last century. In fact, these *Istimrardars* were a body of extremely influential persons, persons who had licence to manufacture, and who have even now the licence to manufacture wines for their personal consumption to an unlimited quantity, persons who can keep weapons without licence, without any limitation, persons who were given to the economic exploitation, the systematic and ruthless exploitation of their tenants for all the time. These influential *Istimrardars* who are even now claiming their status to be superior to that of the *taluqdars* of Avadh or the zamindars of U.P. who claim that they are more akin to the Ruling Princes and Nawabs and the Maharajas in the neighbouring Rajasthan States, these people by the assistance and collusion of the representatives of the administration in the tract have been abrogating a number of superlegal powers, a parallel to which it will be difficult to find anywhere else.

It was expected that with the advent of freedom in this country, with the establishment of the Republic, the attitude of the local administration, the attitude of the Chief Commissioner and of the Commissioner would certainly undergo a change for the better, would show sympathy towards the suffering tenantry and peasantry. But unfortunately I have to confess with shame that there has been little difference in their attitude, and if I quote one example that should suffice. When this Bill was introduced in the Budget session of 1948, when this Bill was referred for the consideration of the Select Committee that year, about the 6th or 7th of September, 1948, and the Select Committee made its report in the Budget session of the year 1949, an agrarian trouble was brewing. The tenants were being harassed. And when it came to light that owing to the pressure of legislative work in this House the Bill could not be proceeded with further in the Budget session of 1949, I pressed upon the hon. Minister of Agriculture to take up the matter and to promulgate by means of an ordinance...

Mr. Deputy-Speaker: All this history would have been useful before the reference to the Select Committee. But now, after it has come from that stage, I think the hon. Member would do well to address himself to any changes made in the Select Committee instead of going over this ancient history.

Some Hon. Members: It is already one o'clock, Sir. He can resume the speech after Lunch.

Mr. Deputy-Speaker: The House stands adjourned to 2-30 P.M.
The House then adjourned for Lunch till Half-Past Two of the Clock.

The House re-assembled after Lunch at Half Past Two of the Clock.

(MR. SPEAKER in the Chair.)

Pandit M. B. Bhargava: When the House adjourned for Lunch I was dealing with a very important point, namely that the local administration has been throughout pro-*Istimrari* and I was referring to a very recent typical example to strengthen the view that I expressed. My point was that when owing to the very strained relations between the tenants and the *Istimrardars*, since this Bill could not be taken up during the last Budget Session, I approached the hon. Minister of Agriculture to come to the rescue of the tenants, to give them as much relief as was possible by the promulgation of an Ordinance, which incorporated some of the very salient features of the present Bill, I regret to say that this proposal was met with the stoutest possible opposition from the local administration and it is to the credit of the hon. Minister—and here I must express not only mine but the sincere gratitude of the suffering peasantry in the area—that he took courage in both his hands and promulgated the Ordinance and thus gave the relief for which the tenants were clamouring for the last so many centuries.

The other issue which I was discussing before Lunch was the question of the abolition of the *Istimrari* and *Zamindari*. I pointed out that so far as the Advisory Council to the Chief Commissioner was concerned it had submitted a report on the point as early as the 26th December 1948. But the report, I regret to say, was thrown almost in cold storage inasmuch as it did not reach the Government of India for over six months and at the time when the matter was being discussed threadbare before the Advisory Council, the Chief Commissioner was not pleased to differ from that. What the present reaction is of the Chief Commissioner to the report of the Advisory Council on the question of the elimination and liquidation of zamindari is a great mystery, because on the 5th December 1949 on a specific interpellation by me the hon. Minister of Agriculture was pleased to state that the question of the abolition of zamindari will be taken up only after the present Bill is brought on the Statute Book. I would at this stage only confine my remarks to that. So far as the Advisory Council report is concerned it has incorporated a complete scheme by which the liquidation of zamindari can be brought about this year. There we have laid down a graduated scale of compensation running from five to twelve times on the model of the Bihar Abolition of Zamindari Act. It has been pointed out in the report that though the tenants in this area have been the victims of age-long economic exploitation, feudal tyranny and oppression, yet because the Congress has been committed to the liquidation of zamindari on the payment of equitable compensation they recommended that the liquidation may be brought about on the payment of compensation ranging from five to twelve times, on the lowest grade of net income of Rs. 2,500 up to Rs. 50,000. That scheme is now awaiting the consideration of the Government of India. That course, which is obviously the most desirable and which is in keeping with our pledges to the *kisans*, does not come in my way to extend the warmest welcome to this Bill, because I feel that this Bill with all its limitations—the most obvious one being the local conditions that were existing in this area immediately before the promulgation of the Ordinance in May 1949—it must be hailed as an epoch-making event in the History of Agrarian Reforms. It will be a landmark in the history of tenancy reform in my area. It must be acknowledged that for the first time the Ordinance and now this Bill will confer upon the tenants the fixity of tenure and the right to pay only just and equitable rent. Further all the sources of exploitation which have marred the history of the relationship between the landlord and

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the tenant have been amply safeguarded against in this Bill. Therefore despite its limitations, on the whole, this piece of legislation is a charter of economic and social freedom to the peasantry and tenantry of Ajmer-Merwara Province. Three fifths of that area consist of what are known as *Istimrari* estates.

Before the value of this piece of legislation can be properly appreciated by this House I must draw the attention of the House in a brief manner to the circumstances that existed before the promulgation of the Ordinance. So far as tenure in Ajmer-Merwara is concerned it is divisible into three categories which are locally known as *Khalsa*, *Jagir* and *Istimrari*. *Khalsa* and *Jagir* tenures consist of 402 villages in *khalsa* areas and about 54 villages in the *jagir* area. The total area of these two tenures is about 1,062 square miles. The problem of this area is comparatively less important than the problem that confronts the *Istimrari* area. Here the peasant proprietors are technically and locally known as *Biswedars* or self-cultivators and most of their holdings, notwithstanding the fact that the peasantry here is also heavily indebted to the money-lenders, still on account of the operation of the Land Alienation Act, have been intact and are still in the hands of the agriculturists. There is no question here of the recovery of the extra exactions in the form of *lag* and *neg*. This system of the recovery of *lag* and *neg* is of course prevalent in *jagir* villages. One great change that the Select Committee has made in the Bill is to extend the benefit of clause 62 which prohibits the recovery of *lag* and *neg* to the *jagir* villages, with the result that by this important and revolutionary change, the *jagir* villages and their peasantry will be benefited to the extent that it will no longer be possible for any *jagirdar* to make recovery of *lag* and *neg* in addition to the defined share of land revenue which the *jagir* villages have to pay to them.

As regards *Istimrari* area it consists of 338 villages with an area of 1,376 square miles. They have been subject to a very ruthless process of economic exploitation for centuries. The rate of rent or *batai* in most of this area is one-third but this was only on paper. The one-third in the form of *lag* and *neg* according to the report of Mr. C. J. Irwin who made an enquiry into the *Istimrari* tenure in the Province in 1937, numbers to 150. The result was that in the *Istimrari* area while on paper the tenant has to pay only one-third another one-third was scratched away from his hand in the form of *lag* and *neg* which number about 150. That should not be so for only in respect of the *rabi* crop the rent is payable by *batai* but not so in respect of the *kharif* crop. In *kharif* though the cash payment per *bigha* was very low a very large number of *lags* and *negs* were being recovered with the result that the *bighori* rent or rent in cash was multiplied by the number of *lags* and *negs*. That was the condition of these 338 villages in the *Istimrari* areas of the Province right up to the year 1947. Mr. Irwin who conducted the enquiry in 1937 had incorporated in his report a proposed tenancy legislation which intended to confer certain benefits upon the tenants, but that draft Bill along with the report was put in cold storage. The Local Government and the *istimraridars* were hand in glove with the result that that report did not see the light of the day till 1946 when, after repeated interpellations, it was placed on the Table of the House.

Up to 1947, all these illegal exactions, *lags* and *negs*, were in full existence. It was in 1947 that we agitated and contended for the first time that under the provisions of Sections 48 to 50 of the Ajmer Regulation II of 1877 it was not open to a Revenue Court to make recovery of these *lags* and *negs* in addition to the rent, and after obtaining expert legal evidence we were successful and got a decision in favour of the tenants to the effect that it was not open to the Revenue Courts to make the tenants pay *lags* and *negs* in addition to

the rent, under the provisions of Section 48 of the Ajmer Regulation II of 1877. Therefore, when the Revenue Courts came to the rescue, the *istimrardars* instituted in Civil Courts their claim for the recovery of *lags* and *negs* and these suits are still pending in a large number in the Ajmer Courts. Therefore, by the promulgation of the Ordinance, the recovery of *lags* and *negs* in any shape or form, in addition to the defined and prescribed rate of rent, was declared illegal and any recovery was made a criminal offence. Under this Ordinance, the rate of rent was also scaled down from one-third, one-fourth and two-ninths, to one-fifth, one-sixth and one-eighth respectively. This provision has been incorporated in the Bill.

Before I proceed to the scrutiny and examination of the improvements that have been effected by the Select Committee in the Bill, I would like to draw the attention of this hon. House to one thing.

Immediately before the promulgation of the Ordinance, two-thirds was being recovered either by way of rent or by way of *lags* and *negs* etc. For the first time, the Ordinance reduced the *batai* rent from two-thirds to one-fifth and made the recovery of *lags* and *negs* illegal. Therefore, when we have to judge the merits of this Bill, we have not to compare it with other progressive measures in the country but we have to judge its merits by the conditions immediately preceding the promulgation of the Ordinance which was the precursor of the present Bill. My respectful submission would be that looking at the local conditions and keeping in view the past history of the State, it is a distinct advantage that has been conferred upon the suffering peasantry of the State. I am glad to inform the House that the Ordinance was hailed as a blessing from the heaven by the suffering peasants. For the first time, they felt the dawn of freedom in the country.

Not only in respect of rent, but also in another respect great improvement was made by the Ordinance. That also finds place in this Bill. The ejection of the tenants otherwise than by due process of law was completely prohibited by the Ordinance. From 1942 onwards, the *Istimrardars* in anticipation of this pending legislation, without having recourse to the law courts, were ejecting tenants by force. The Administration was absolutely helpless, not because it could not help the tenants under the law but because it did not want to help them. So, both in the matter of the rent as also in the matter of affording security of tenure, this Ordinance did confer valuable rights upon the tenants.

Now, Sir, I would like to summarise in brief the great changes that have been effected by the Select Committee in the provisions of this Bill. The first and foremost improvement that was effected by the Select Committee was the deletion of Chapter III as it existed in the original Bill and its substitution by the present Chapter III, which has the caption "Niji Jot". The provisions of the present Chapter III run from clauses 10 to 16. Now, let us see what was provided in the original Chapter III. The original Chapter III dealt with "hawala" i.e. the home farm of the landlord, laid down that if the cultivated area of the village was 250 acres, 20 per cent. of it must be reserved for the home farm of the landlord and then a graduated scale was provided running up to 5,000 acres, with the result that it was open under the original Chapter III for a landlord to reserve an enormous area as his home farm. This would have meant the displacement of thousands of tenants from that area,—tenants who had been cultivating those lands for generations, though of course under very oppressive circumstances and by paying a very high rate of rent. What was the condition of this *hawala* land? Was it improved upon by the landlord by digging wells and making of *najis* etc.? No. But the rate of rent in respect of this area was 1/2 and there was absolutely no security of tenure. At the end of every year, it was open to the *Istimrardar* to eject his tenant or charge extortionist *nasarana* in addition to

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this half *batai*. The result was that every year thousands of tenants were either displaced or were made victims of very high extortions in the form of *nazarana*. This was the provision in the original Chapter III. This Chapter has been replaced by the existing Chapter III which, as I said, is a very great improvement on the original one. In fact, nothing better could possibly have been done.

What is the provision incorporated in clauses 10 to 16? It is provided that within six months of the commencement of the present Act, it will be open to any landlord to get, through the court, his *khudkasht* demarcated and *khudkasht* is defined in clause 4, sub-clause (16). Under this clause, only that land which is cultivated by a landlord, either by himself or by servants or by hired labour will be *khudkasht*. So, within six months of the passing of this Act, such landlords as are actually cultivating the land themselves or by servants or by hired labour can seek the assistance of the court to get their land demarcated as *khudkasht*. This demarcation will be made, you will be pleased to see, only after all the objections of the tenants and all others concerned are heard and decided upon by an officer. If the land is found to be a cultivated area, then the landlord will be entitled to possession of the land. But there is another restriction which is imposed by these provisions, and it is of a very important character, namely, that it will not be open to the landlord to rent this area. If he admits a tenant—and that will be only for a limited period of three years—he cannot charge more than the rent defined and prescribed in clause 64 of the Bill. Therefore, my submission is that nothing better could have been done in respect of the home farm and the criticism that has been levelled upon this Chapter by my hon. friend Mr. Biswanath Das is, I respectfully submit, not based on facts.

The second important improvement made is that in the original Bill the rate of *batai* rent was prescribed as $\frac{1}{3}$ in respect of hereditary and non-occupancy tenants; $\frac{1}{4}$ in respect of occupancy tenants and $\frac{2}{9}$ in respect of proprietary tenants. When the Bill was being referred to the Select Committee on the 7th September last, I submitted that this was a very high rate of *batai* to provide and suggested that it be reduced from $\frac{1}{3}$ to $\frac{1}{5}$ and from $\frac{1}{4}$ to $\frac{1}{6}$ and from $\frac{2}{9}$ to $\frac{1}{8}$. I am glad that the Select Committee unanimously agreed to reduce the rate of rent as suggested by me. Here, my hon. friend Mr. Biswanath Das was pleased to remark that even this rate is very high. I would therefore again like to draw the attention of the House to the local conditions. So far as *Kharif* crops are concerned, the rent is payable not by *batai* but by *bighori* which is very low, running from 12 annas per *bigha* to Rs. 2 per *bigha*. The scheme of this Bill as well as that of the Ordinance is that this *bighori* should be kept intact, that is to say, it is open to the tenant to pay the *bighori* or cash payment, which he would certainly prefer. Therefore, when you bear in mind that the *bighori* rent is very low, it will not be unreasonable to say that these rates of $\frac{1}{5}$, $\frac{1}{6}$ and $\frac{1}{8}$ are not very high, especially when you remember that the rent that was being charged immediately before the promulgation of the Ordinance was $\frac{2}{3}$ *batai*.

This was the second very important provision made in the Bill.

The third important change brought about by the Select Committee was the addition of a salient clause in the Bill which did not exist in the original Bill—I mean clause 40. This clause makes provision for the automatic liquidation of *zamindari*, even though this is only a tenancy Bill. It lays down that any tenant desirous of acquiring *biswadari* rights in his holding can make an application to the officer concerned who will be bound to entertain that application, to issue notice to all concerned, to hear objections and to order the acquisition of *biswadari* rights by such tenant on payment of

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compensation that has been laid down in clause 40, that is, twelve times. This is also a great facility and I hope by the time Government comes to the question of liquidation of *samindari*, the elimination of the middleman, it will be possible for the more fortunately placed tenants to take the benefit of clause 40 and to acquire *biswadari* rights in their own holding.

A similar provision has been made by the Select Committee in respect of acquisition of *biswadari* rights by another clause of grantees, that is clause 117 of the present Bill. It is provided that it will be open to any grantee to acquire *biswadari* right on payment of a nominal compensation which is four times the rent prescribed by clause 64. Now, Sir, one fact must be appreciated that in this area it was not possible for the Government to take to the immediate liquidation of *zamindari* for two reasons. Firstly, Sir, unfortunately there exist no records of rights in respect of this *istimardari* area. Neither survey nor settlement has been made of this area. The *istimardars* were powerful enough to come in the way of any survey and settlement operations being undertaken. In fact, when the last settlement of *khalsa* area was done from the years 1942-47 a part of the *istimari* area was surveyed by Mr. Sharma. But later on the Government of India gave up its intention to proceed with the survey and settlement operations. Now, I would like to draw the attention of the hon. Minister of Agriculture to this very important question. Even before this Bill is brought on the Statute-Book, there was nothing in law to prevent the carrying on of survey and settlement operations in this area and I was pressing in season and out of season for a survey and settlement of this area. The hon. Minister was, in fact very sympathetic and he made provision in the Budget but unfortunately though more than a year has passed, and though his order was that survey operations should commence at once, it was not possible for one reason or another to commence the operation. I would press upon the hon. Minister of Agriculture that most of the benefits that this legislation is intended to confer upon the tenants will be rendered nugatory unless and until rapid progress is made with the survey and settlement operations in this area. As far as my information goes, even the settlement officer has not so far been appointed. There is no reason why survey and settlement operations should not begin immediately, so that whatever benefits this piece of legislation is intended to confer upon the tenants may be conferred upon them as early as possible.

Now I proceed to examine the recommendations of the Select Committee and the important changes suggested by it. There is however one important fact to be borne in mind in this connection. As I had submitted, forcible ejections of tenants was proceeding with all the speed in anticipation of the present legislation which was meant to confer security of tenure upon the tenants. I had, therefore, suggested at the time of reference of this Bill to the Select Committee that some provision must be incorporated in this Bill so that the displaced tenants, tenants who were unfortunate enough to be driven out of their holdings, by force, may be reinstated. I am glad that the Select Committee was pleased to accept my suggestion and to incorporate clause 204 which lays down that all tenants dispossessed of their holdings from the 1st of June 1942 up to the commencement of this legislation otherwise than in due course of law, be entitled to be reinstated to their holdings, if those holdings still continue to be in possession of the landlord, and, if that is not so, they will be amply compensated in money. This is a very important change that has been made for the benefit of the tenants in this Bill.

Then, Sir, the next provision to which I would draw the attention of the House is clause 205 which lays down that after the commencement of this Act, no court shall entertain a proceeding for the establishment of enforcement of a claim prohibited by, or inconsistent with, the provisions of this Act. As was

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pointed out by me a few minutes back there are a number of cases still pending in civil courts for the recovery of losses as also for the recovery of exorbitant rents that were prevalent here. Now clause 205 provides that all these cases will automatically be quashed on the commencement of this piece of legislation. My submission is that the Select Committee has brought about changes in the original framework of the Bill which will be very beneficial to the tenants.

Before I proceed further I would like to examine the criticism that has been levelled as to the classes of tenants that have been introduced in this Bill. My friend Mr. Biswanath Das, for whom I have the greatest esteem and respect was pleased to state that it was absolutely out-of-date to introduce several classes of tenants in this Bill and according to him there should be only one class of tenants. I would respectfully submit that the local conditions here are also not taken into consideration. In fact, if such a provision is made, many of the tenants will be adversely affected.

What is the basis of the classification of tenants as incorporated in the provisions of this Bill? The relevant provisions are clauses 17-24. The scheme of the Bill is to divide the tenants into four classes. So far as expropriatory tenants are concerned, at present no expropriatory tenants exist at all in the *Istimrari* area of the Province because none of the tenants could even pretend to possess any proprietary interest in the holdings in view of reactionary section 21 of Regulation II of 1877 which lays down in clear terms that all occupants of a culturable or non-culturable area covered by the *sanad* of an *Istimrardar* shall be presumed to be tenants-at-will until the contrary is proved. As C. J. Irwin was pleased to remark in his Report, there has not been a single instance where the contrary has been held by the court to have been proved. Therefore, so far as this class of tenants is concerned, it is applicable only in respect of the *Khalsa* area, and there is very very cogent reason why this class should exist, because persons who were the original owners and cultivators of these lands, by the stress of adverse circumstances became poverty-stricken and lost their holdings either through usufructory mortgage or sold their holdings to the money lenders, but all the same they continued to be in occupation thereof and continued to cultivate them as tenants, paying a very high rate of rent. Therefore, it was only under the stress of adverse circumstances and owing to the laws of usury being in vogue that they were driven to part away with their proprietary interest.

What the Bill aims at is that this class of tenants, who were to all intents and purposes proprietary tenants, should be treated on a comparatively better footing than as 'tenants' and therefore a very low rate of rent is prescribed. And that is also the existing law in the Province, because it makes a distinction as to the expropriatory tenants and prescribes that such tenants will be liable to pay 33½ per cent. less rent than is payable by other tenants. So, this distinction has been made on very cogent reasons and is in keeping with the existing circumstances.

What is the reason for creating occupancy tenants and hereditary tenants? The reasons are incorporated in the relevant provisions and in the definitions of these two classes of tenants themselves. If you refer to clause 18, which defines occupancy tenants, it lays down that all tenants who have by their own investment improved their holdings, by sinking a well or by otherwise developing the land, should pay a comparatively lesser rent than is payable by others. In the *istimrari* area there are fields which have been improved upon by the tenants, in which wells have been sunk by the tenants, and there are areas which have been improved upon by the landlord, in which the landlords have invested money and have sunk

wells and otherwise made improvements to the land. Therefore, the tenants of these two areas should not in justice be treated on the same footing. Those tenants who have spent hard cash from out of their own pocket to improve the land are necessarily entitled to be treated on a better footing than the other tenants whose holdings have not been improved upon by the tenants themselves but at the cost of the money of their landlords or somebody else. Therefore, the scheme of the Bill is that occupancy tenants are those tenants who by their own money have improved the land, and they will be entitled to pay lesser rents as compared to the hereditary tenants, the other class of tenants.

Hereditary tenants will be all those tenants who may be in occupation of any area irrespective of the fact whether the area has been developed or improved upon by the landlord or not. For such tenants the provision is made that they will be liable to pay one-fifth of the produce.

My respectful submission therefore is that this classification of tenants is in accordance with the existing conditions and is bound to confer valuable rights on those persons—and for very valid reasons—who are termed as 'occupancy tenants'. And my submission is that this is a distinct improvement and is in keeping with the local conditions.

There is one other point to which I would like to draw the attention of the hon. House. Chapter XII of this Bill incorporates a scheme for the preparation of the record-of-rights as also for the determination of the rent-rate. Provision has been made in this Chapter that it will be open to the tenants to apply to the officer, after the rent-rates have been determined, to commute the rent payable by him in kind to cash. It is, again, provided for the benefit of the tenant in this Chapter that after having got it so commuted, after the lapse of three years, if he found by actual experience that it was working to his disadvantage, he may get it commuted again from cash to kind. These provisions have been made for very cogent and valid reasons. It has been argued by my hon. friend Mr. Das that to provide for payment of rent in kind in this piece of legislation is to expose the tenants to the process of oppression, tyranny and exploitation. I respectfully submit that here also the local conditions cannot be ignored. What is character of the area about which we are legislating? It has been remarked by Settlement Officers in Settlement after Settlement that the area is exposed to the vagaries of weather, that the area is so unfortunate as not to recall three consistent, continual years of good rainfall. Therefore, it has always been found to the advantage of the tenants to make payment in kind, which is dependent mostly on the rainfall. If the rents are commuted from kind to cash so as to make it obligatory on the tenant to make payment in cash, even if there is no produce at all the landlord will be entitled to recover it until the Government by notification remits the recovery. He will be entitled to recover irrespective of what may be the produce of the holdings. I would like to submit that this payment in kind has been in operation for centuries and has always been to the benefit of the tenants. Consequently, the scheme of the Bill is to continue that system, but at the same time to lay down a procedure by which it will be open to the tenant to convert the rent from kind to cash. Even later, if he finds from experience that that conversion was to his disadvantage, this procedure enables him to revert back to kind. This is a very good provision.

There is another innovation made in this Bill. The procedure in law courts, as has been pointed out by the hon. Minister in his introductory speech, has been rendered very very simple. The scheme of the Bill is that there should be a cheaper and speedy legal remedy open to a tenant. If you refer to the provisions of Chapter XV, you will find that clauses 169 to 197 lay down a suitable provision for the purpose. They provide that every order made by the

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tahsildar or the sub-divisional officer will go for confirmation to his immediate superior officer and at that stage it will be open to either party to appear through legal practitioners and make their submission in respect of the order passed by the original court. The scheme of the Bill, as I said, is to make provision for an appeal without payment and without any additional court fee over and above Rs. 2-8-0. This novel procedure confers very great benefit. The tenants in this area are illiterate and very backward and, that being the case, this provision for a simplified procedure would be of great advantage to them.

The other point referred to by my friend Mr. Das concerns clause 203 which confers the rule making powers on the Chief Commissioner. This according to him is very objectionable. I also join issue with him. I submit that the rule making power should not be left to the Chief Commissioner. It must remain with the Central Government, Sir, as far as I know, the hon. Minister of Agriculture has been kind enough to instruct the draftsman not only to prepare the draft of this Bill but also to draft all the relevant rules under the various provisions thereof. As far as my information goes, most of these rules are already drafted. I presume that when they are promulgated by the Chief Commissioner, it will be done under the instructions of the Central Government. I have full faith in the hon. Minister of Agriculture looking into these rules himself so that all of them will be beneficial to the tenants who are the weaker of the two parties.

Before I conclude I wish to refer to the provisions incorporated in clause 180 of the Bill and request the hon. Minister to take steps to press upon the Chief Commissioner the need for implementing the provisions of clause 180 at an early date. Under these provisions the Chief Commissioner has the opportunity to organise *panchayats* for each village or group of villages and invest them with all the powers that are exercisable by the tahsildar under the provisions of this Bill. I submit that left to the Chief Commissioner or the local officers, these provisions which are very beneficial will remain a dead letter. Therefore I would impress upon the hon. the Minister of Agriculture the need for personally seeing to it that the Chief Commissioner very soon implements the provisions of clause 180 so that *panchayats* may be constituted in the villages where the day-to-day differences between the landlords and tenants may be settled instead of these being taken to a court of law.

In the end I have to express my sincere thanks to the hon. Minister of Agriculture who has taken great pains in evolving this piece of legislation. The sub-committee and the Select Committee must have held about 40 sittings to thrash out this Bill in Committee. I have to thank the hon. Minister and express my gratitude to him also for the very keen interest he has been taking to rescue the suffering tenants by promulgating the Ordinance which conferred a great boon upon not only the tenants but upon the peasantry also and upon the rest of the poverty-stricken people at large. If the Chief Commissioner's advice had been adopted, if the hon. Minister had not been kind enough to pay heed to my request, the result would have been disastrous, inasmuch as the tenants would have been driven to listen to evil advices which are very abundant in every part of our country including my own parts. This is all I have to say.

Shri M. P. Mishra (Bihar): Both the Minister in charge of the Bill and the representative of the people, in this House, whom this Bill concerns have pleaded on behalf of the Government that because of the fact that the records of rights are not available, it was not possible for the Government to come in with a measure to abolish landlordism. I have with patience listened to them. I see that they have failed to carry conviction with the House. This Bill has

taken over two years to come back to it again after it was introduced in the Budget Session of 1948. For one year, we have been told, an Ordinance on the very lines of this Bill has been in existence. There was enough time at the disposal of the Government, if they were earnest about it, to prepare a record of rights and have a survey made in that place known as Ajmer-Merwara.

Sir, Ajmer-Merwara is a Chief Commissioner's Province but that is not larger than a district of any of the States in India. That is a very small place and it was easy enough for the Government to go through such a process of survey within a period of say, three months. From the speech of my hon. friend, Mr. Bhargava, it appears that that is not the difficulty but it is the administration of that place that stands in the way of abolishing landlordism outright at this stage.

I am afraid that the Government of India has not yet decided in its own mind about liquidating the intermediaries between the State and the tiller of the soil to which the Congress as an organization is pledged, according to the election manifesto. I say this from the experience to which the State of Bihar to which I belong was subjected. Our State had to face a great difficulty in the matter of abolishing landlordism or enacting its legislation on this score on account of the fact that at times the Government of India stood in its way. And whenever there was any difficulty it took our State Government months and months to find out the particular Department in the Government of India with which they had to deal with in regard to the zamindari abolition measure.

Sir, an impression has gone round in our State that it has fallen from the grace of the High Command here in New Delhi because our State Government are over-zealous in abolishing landlordism. But I take this opportunity to convey to the Government of India that it is high time they must take decisive action to enact this fundamental basic change in the economy of India. Without reforming the agrarian system of the country on a progressive and scientific basis no Planning Commission can bring about any change in or put the economy of the country on the road to freedom and prosperity—I assert.

India's agrarian question is Question No.1 and unless that is solved, no other problem can be solved whatever efforts or energy we put in. So the plea that the records of rights were not there or some immediate things had to be done for the tenants, which we have already done by promulgating an ordinance a year before, will not hold ground and I feel that it is high time that Government must make up its mind and abolish landlordism whether it is under them or under the State Governments. After all the Government of India has got the authority of supervision and suzerainty, if only from the point of view of the organization which is in power here, over the State Governments.

Otherwise, Sir, a feeling is already coming over the people that unless all these things are done in a bold manner, India may have to go the way of China and if we want to save India from going that way, as we must, we must abolish landlordism and here is an opportunity for the Government of India to do it. I wish, before we go through this legislation, the House must demand an assurance from the Government that soon after it is enacted, they will come out with a measure to abolish landlordism, to do away with intermediaries between the tiller of the soil and the State, in all the areas that are Centrally administered.

Shri A. P. Jain (Uttar Pradesh): As I rise to speak on this Bill, I am reminded of a similar measure which was passed by the U. P. Legislature about 12 years ago and which has contributed much to the framing of this Bill. When I compare the enthusiasm and keenness of that Legislature and the dullness of this House, I feel disappointed. It is in fact an anomaly that this legislature

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should be called upon to legislate on matters which are vitally of a local concern. The comparative want of interest which this House has shown in a measure of such a supreme importance by itself indicates the unsuitability of this House to deal with local matters and that immediately brings me to the criticism of Mr. Das, that the power of making rules should not be given to the Chief Commissioner.

[MR. DEPUTY-SPEAKER in the Chair].

Under the Constitution the Chief Commissioner constitutes the State Government in the case of the Centrally Administered Areas and naturally, the Chief Commissioner who corresponds to the State Government is in a better position to make rules and bye-laws with regard to matters of local concern and I dare say, Sir, that the tenancy laws as well as the rule-making power under it must be left to the State. In fact, I am not sure if the Central Secretariat is in a position to make proper rules for all the Centrally Administered areas. Andamans in one of the Centrally Administered Areas. There are about 8 or 9 other States, Tripura, Bhopal, Vindhya Pradesh etc. I am doubtful if Delhi is more competent to frame rules under the tenancy laws for all these places. Therefore I very strongly support clause 203 which gives the rule-making power to the Chief Commissioner and who, I believe will exercise those powers with all the responsibility that vests in the head of a State. I therefore, do not share any apprehensions of Mr. Das that these powers should not be given to the Chief Commissioner.

The hon. member who has preceded me as also Mr. Das have said much about the abolition of *zamindari*. I yield place to none in my enthusiasm to abolish the *zamindari* system. In fact, in my humble way I have made my contribution towards the abolition of *zamindari* in my State of U.P. I firmly believe that so long as the *zamindari* system is not abolished, the tenant cannot come to his own. In order that the tenant may attain stature, in order that he may develop to his full, it is necessary to abolish all the intermediaries between the State and the tiller of the soil, but then, Sir, there are certain preliminary conditions to the abolition of *zamindari*. We cannot abolish *zamindari* merely by saying that we have abolished *zamindari*. Under the Constitution which we have recently passed, it is necessary to give compensation to the landlords on the abolition of *zamindari*. How is that compensation to be assessed? Obviously it must have some bearing to the profits that the landlord is making. If we abolish *zamindari* before the conditions between the landlord and the tenant are stabilised on a rational basis, that is, until all the excessive rents which he has lately been realising are levelled down to a reasonable limit, it will mean that we pay much more to the landlord than he deserves. To illustrate this point a little more, my hon. friend, Mr. Bhargava a few minutes before said that the actual rent realized by the *istimardar* was two-thirds of the produce and the legal rent was one-third of the produce. We have reduced it to one-fifth. It will give a much larger amount to the landlord if we calculated the compensation on the old basis of rents i.e., on the one-third than what we would do on the basis of one-fifth. Then the hon. Minister has said and quite correctly too that Ajmer is a sort of backwater in our agrarian system. There has been no record, no survey and no settlement. In fact, Sir, the conditions of the old Moghul *Jagirdari* system worsened by the decay that took place during the later days of the Moghuls are still prevailing there. A sort of quit rent has been fixed and the State realises that rent in perpetuity. All the rest has been left between the *istimardar* or *jagirdar* and the actual tiller of the soil to settle. The actual tiller has in practice become the slave of the landlord. There are certain

regulations; but those regulations have been ineffective to protect the tenant. The abolition of *Zamindari* by itself postulates that there must be a regularised system of relationship between the land-lord and the tenant. I submit, Sir, that if we had not passed the Tenancy Law in the Uttar Pradesh in 1939, the abolition of *Zamindari* would not have been possible today. I also submit that if Bihar had not passed the Bihar Tenancy Law during the regime of the first Congress Ministry, it would not have been possible for Bihar also to abolish the *Zamindari* system today. Even then, Bihar is finding it difficult to abolish the *Zamindari* system, because it is unable to pay compensation in terms laid down by the Constitution. I submit that the abolition of *zamindari* will be a much easier affair after conditions have been stabilised on the basis of this Bill. I do hope and I wish to impress upon the hon. Minister that he should, as soon as possible, undertake another legislation for the abolition of *Zamindari*. This, I believe, is a necessary preliminary to the abolition of *Zamindari* and we cannot abolish *Zamindari* without passing this Bill.

I want to place before the House the background against which I wish the House to appreciate the observations that I propose to make. The object of a Tenancy Law is to regulate the relationship between the land-lord and the tenant. It prescribes the minimum rights which are made available to the tenant. It is open to the land-lord to give more rights than are prescribed in the law. Let us see what are the minimum rights that we have given to the tenant. Mr. Das was quite right when he said that every tenancy law has to be judged from two main standpoints: one, security of tenure and second, rate of rent. Everything else is subsidiary to these. I was sorry to see that an experienced legislator like my hon. friend Mr. Das, who has 30 years experience of the Tenancy laws and agrarian laws behind him, should say that we have not given security of tenure. The law is there. Every tenant has been given what is known as rights of occupancy. That and that alone is the security of tenure known to Tenancy Laws. There is no other "security of tenure" under the Tenancy Laws. Mr. Das again said that the law prescribes four categories of tenants: occupancy tenants, exproprietary tenants, hereditary tenants and non-occupancy tenants. Apparently, it is so; but any person who has at all carefully read the law will know that there are only two categories, the exproprietary, occupancy and hereditary tenants are of one category, namely tenants with rights of occupancy and non-occupancy the other category. There is absolutely no difference in the rights of hereditary, occupancy and exproprietary tenants except in the payment of rent. The question arises, why different rates of rent have been prescribed: one-fifth in the case of hereditary tenants, one-sixth in the case of occupancy tenants and one-eighth in the case of exproprietary tenants. This apparent discrepancy is based upon substantial equity and equality. My hon. friend Pandit Mukut Biharilal Bhargava referred to the definition of occupancy tenant. I do not want to read that definition and take up the time of the House. That definition says that a person to whom a land was let on condition of sinking a well or for otherwise improving the land will become its occupancy tenant. About exproprietary tenants, it is well known, and I believe everybody who has got anything to do with the agrarian side of our economy knows well, that the land-lord always keeps the best land under his own cultivation. He improves the land because he is economically in a position to do so. Suppose we had prescribed the same terms of rent for the hereditary, occupancy and exproprietary tenants; what would have been the result? If one *biga* of land produces five maunds of wheat under hereditary tenancy, the land being un-irrigated or semi-irrigated, the landlord gets one maund. An occupancy tenant, who is producing $7\frac{1}{2}$ maunds, from the same quality of land because he has built a well or made another improvement, if called upon to pay one-fifth would have to pay 1 maund and 30 seers. Will that be just? What sin has the Select Committee committed in making differentiation on the basis of investment which different kinds of tenants have made?

[Shri A. P. Jain]

Does anybody in this House contend that merely for the sake of arithmetical equality, we must sacrifice substantial equity and justice which accrues in favour of the different tenants who have made varying investments? That is all I have to say, Sir, about criticisms of Mr. Das on the categories.

Shri Hossain Imam (Bihar): Evidently, the hon. Member is referring to Mr. Biswanath Das.

Shri A. P. Jain: I am referring to Mr. B. Das.

Shri Hossain Imam: They are two different persons.

Shri A. P. Jain: Yes, Sir; I refer to Mr. Biswanath Das who said that the tenant has not been given security of tenure. Broadly speaking, the basis of the Bill is this. Whatever land is in possession of the tenant, the tenant becomes the hereditary tenant of that land, whatever may have been his rights before, unless he was a sub-tenant. Whatever land is in the possession of the landlord, I mean under the cultivation of the landlord, it becomes his *niji jot*. In cultivating *niji jot* the landlord has the same rights as the tenant has in his holding. They have got the rights to cultivate the land, and to let out the land, subject to the same conditions. In fact, before this Bill went to the Select Committee, there was a whole chapter on *hawala* which was very inequitous because it gave the landlord wide powers to acquire the land from tenants. We have completely removed that. Only so much of the land will become landlord's *niji jot* as is under his cultivation. In that respect, this Bill is a great improvement on the corresponding law in the Uttar Pradesh and also in Bihar; because, there, in the home farm, the landlord enjoys far greater concessions and advantages than have been given in this Bill.

Mr. Biswanath Das also complained that we have not given rights of transfer to the tenant. I hope he has seen the history of what the right of transfer has done to the lower classes of agriculturists. I am not talking of the big landlords. For the rich men, it is a great boon to have the right of transfer; but, for the poor man, it is a curse. May I remind, through you, Sir, my hon. friend of the agrarian unrest and distress that took place in the Sundhelkhand and Deccan because of the right of transfer.

Shri Biswanath Das: May I explain my position, Sir? I stated, if my hon. friend had correctly followed me, that transfer to the similar class of agriculturists should have been allowed. Otherwise, a mere right to heredity is nothing without the right of transfer.

Shri A. P. Jain: Only if my hon. friend had a little patience, he would have seen that I was coming to that point. Now, experience all over India has shown that this right of transfer, that this right of free contract known as *laissez-faire* has always been a curse for the poorer classes of tenants. My hon. friend said that he wanted that the transfer should be limited only to agriculturists.

Shri Biswanath Das: Similar class of agriculturists.

Shri A. P. Jain: Similar class of agriculturists. After the abolition of *istimrardari* and *jaqirdari*, all the cultivators of land will be similar class of agriculturists. But, even among the agriculturists, the experience of the Punjab shows that there has grown up a class of money-lender landlords. Does he want that the land should accumulate into the hands of a few? What is the use of abolishing the *Zamindari*? Look at the law for the abolition of *Zamindari* in the Uttar Pradesh. Look at the other laws for the abolition of *zamindari*? Under the new system, they are cutting down the right of transfer, and I say that it would be fatal for the smaller cultivator, the smaller owner to have the right of transfer, because he will not be able to defend his land. He will sell away his land for a song, for a paltry sum, on the occasion of a marriage or when

he is in need of money, and he will become a landless labourer. I believe, Sir, that the right to transfer is injurious to the small owner and very correctly it has not been given to him.

Now a few words about the rent rates. There are three provisions—sections 63, 64 and 147. To start with I was also a critic of section 63 much for the same reasons and on the same grounds as were mentioned by my hon. friend Mr. Biswanath Das. I appended a Minute of Dissent in which I have very strongly criticised sections 63 and 64 because therein a rigid rule of rents has been laid down, namely, in the case of hereditary tenancy the amount will be one-fifth of the produce of the land, in the case of occupancy tenancy it will be one-sixth and in the case of exproprietary tenants it will be one-eighth. When I saw that, I must confess that I was shocked. But later on, when I studied the conditions of the area and took the assistance of my hon. friend Pandit Bhargava, I must confess that I changed my opinion to a considerable extent. I say this because, when we undertake to legislate, we do not legislate in a vacuum. We legislate for the people, for the conditions and for the environments. What is the position today? Mr. Bhargava stated in the House and he knows the local conditions much better than any of us. He said that the ordinary rent in Ajmer-Merwara is two-thirds and the legal rent is one-third. We have reduced it to one-fifth. Where is the question, then of laying down a maximum limit, a ceiling limit so far as existing tenants are concerned, because the existing rent is much higher than one-fifth. Sir, about the future, I hope that the hon. Minister will see that the one-fifth or other limits are treated as the ceiling limit and not as the absolute rate. In fact, I do not want to repeat the arguments about the burden of proof and other things which I have mentioned in my Minute of Dissent. So far as the existing tenants are concerned, I have changed my opinion, and I feel that the law laid down in sections 63 and 64 is a perfectly sound and good one.

As regards cash rent, that is mentioned in section 147. I think it is a good clause as it says that the rent will be fixed after taking into consideration a number of relevant factors. The average rent spread over a number of years will form the basis of rent rates. And no rate of rent will exceed one-fifth of the total produce. I wish we could have included one item into the formula he has laid down, namely, that the cost of cultivation and the expenses to the cultivator would also be taken into account in fixing the rate. In the U.P. we did that and it has been working well. But that thing has been omitted from the formula. I wish the hon. Minister had included it. I have given notice of an amendment to that effect, but he has not seen his way to accept it. I would, however, earnestly request the Hon'ble Minister to look into it and to incorporate it, because I think it will do good to the tenant.

And then, full opportunity has been given under this Bill, to the tenant to have his rent in kind converted into rent in cash, or rent in cash converted into rent in kind. It has been said by Mr. Biswanath Das that he was horrified to find that this measure proposes to normalise the rent in kind. Sir, it is no use going on theories, because laws, as I said a moment before, are made for men and for conditions and environments. What is the position of the area for which we are making the law? There the land is poor. The rainfall is precarious. Now the experience has shown that where the land is precarious and the yield is not steady, there the rent in kind is always preferable. Wherever conditions are stable, where there is irrigation and the possibility of loss of crop comparatively few, there cash rents are an advantage. I am not only making a mere statement, because in case of precarious land there are recurring lean years when the tenant does not produce anything, and if he is called upon to pay the normal rent he will not be able to do so and there is the chance of his being evicted. Therefore, where the yield of the land fluctuates from year to year, there the rent in kind is always more advantageous, and that is why the rent

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in kind has been kept here, although the tenant is given the full liberty—he has only to file an application—to have it converted into cash rent. Sir, why should we sitting here in this House, many of whom are not at all conversant with the conditions in this area, impose a hard and fast rule that everybody will pay cash rent? Here is the man who cultivates the land, and let him decide for himself in what manner, in cash or in kind the rent should be paid. And that is what has been done here, and I do not see any defect in the provisions laid down.

Sir, I will not repeat those points which have been dealt with by my hon. friend Pandit Bhargava. He has spoken so thoroughly upon all those points that I will be only repeating what has already been stated. But I would like to say a few words about my amendments. I was guilty of giving notice of a large number of amendments,—more than a hundred of them—to this Bill. But perhaps the array or list of the amendments is not really so formidable as may appear from sheer numbers. My one main objection was about the rule regarding the procedure to be adopted in the court of law. The Bill as it has come from the Select Committee lays down that every order passed by the original court or the officer initially deciding the case will automatically go for confirmation before the next higher officer, and the person who has lost the case will file a written statement which will be treated as grounds of appeal and the person who has won the case will file another written statement which will be treated as the memorandum of cross-objection; and after hearing the lawyers on both sides the case will be decided. I felt that this, instead of helping the tenant will do him harm because in cent. per cent. cases there will be an appeal. And so I made a counter suggestion and I am happy that the hon. Minister has been pleased to accept it. He has given an amendment to the relevant clauses, namely, that the matter will come up for confirmation only in cases when any party moves for confirmation, and it practically provides now for a sort of appeal, an appeal which is cheaper and simpler and more in consonance with the prevailing conditions.

About court fees also I raised a point and that also has been accepted. About more than half of my amendments were connected with either the confirmation or court-fees and in both cases the hon. Minister has accepted my suggestion. About the others I hope when I move them, he will look into them sympathetically and where possible, accept them. On the whole, I believe that the Bill as it has emerged from the Select Committee is a very much improved measure. The Select Committee has given full thought and it has removed the objectionable features, and even compared with the corresponding laws in most of the other provinces, I say so with confidence—and I dare say I have seen practically all the tenancy laws of the different provinces in India—that it is a progressive measure, a measure of which anybody can be proud. But I do hope that it will pave the way for the next and final step for the emancipation of the tenant or the cultivator, *i.e.*, the abolition of

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zamindari.

Shri K. P. Sinha (Bihar): I would have also liked to congratulate the hon. Minister in the same strain as my hon. friend, Mr. Bhargava, has done, but my spirit sinks when I find that the provisions contained in the Bill do not meet the requirements of the tenants. The Bill is lacking in its practical approach to the problem. The provisions, when critically examined, show that only in words relief is sought to be given to the tenants. The one redeeming feature of the Bill is that there is recognition of the principle that these tenants could also acquire the right of proprietorship, but this too is fettered. However, something is better than nothing, and therefore for the present I accept this something and also the assurance given by the hon. Minister that in the near future this measure will be improved to meet the full requirements of the case. I therefore support the Bill in the circumstances.

Now, let us look at the various provisions contained in this Bill and see whether they would really meet the requirements of the tenants or not. Firstly, let us see what are the conditions of the land and the tenants in that locality. We have seen from the report that has been supplied by the Government that there are no irrigational facilities there and that the rainfall also is very scanty. In the circumstances, it has become a home for famine. It is in this place famine of grass, famine of rain and famine of grains occur every now and then. In circumstances of famine, we have heard stories of people living on grass and also occasionally on clay. But it is only in this region of recurrent famines we hear of people living on other men, i.e., men eating men.

Shri Bharati (Madras): Where?

Shri K. P. Sinha: In Ajmer-Merwara.

Shri Bharati: Even now?

Shri K. P. Sinha: Yes, even now. It is a strange thing, but it happens. We have also come to know from the reports that it is a common saying in Ajmer-Merwara that people never have two successive harvests. Naturally, the people in that area live in abject poverty. The landlords, not being sympathetic to the tenants, have been applying illegal and atrocious methods of recovering rent from the tenants. There are two ways of realising the rent from the tenants, one payment in cash and the other payment in kind. So far as collection in kind is concerned, the landlords see to it that there is undue delay in the appraisalment of the crops, because so long as the crops are not appraised, there cannot be any harvest, and any delay in the appraisalment causes considerable damage to the crops. Therefore these tenants, in order to get their crops appraised speedily, have to pay money to the servants of the landlords. Then these landlords use false weights in weighing the produce. Not only that, they also allow parasites to prey upon the cultivation of the cultivators. Not only that, in the case of *bighori* and *kuta* rent, the landlords also use short chains to see that a larger rental is collected for a smaller area. Not only this, the *begar* system is also prevalent there, i.e., the cultivators and their cattle can be used free of cost by the landlords, without payment of any money in return. Then, if the cattle of the tenants trespass any lands of the landlord, a heavy penal levy is made. The peculiar method is also prevalent that interest is charged not from the date of the harvest but even from the date on which the crop becomes ripe for harvesting. When one sees these conditions prevailing there, one often wonders how any grain is left in the hands of the tenants at all. Over and above this, there are different kinds of illegal taxes, called *lags* and *negs*. This has been stated by Mr. Bhargava and also admitted by the hon. Minister. If any heavy expenditure is incurred in the house of the landlord, if there is a marriage or some such function, the landlord can levy these taxes. These things were done not at the initiative of the landlords alone but under the connivance of the then British Government. These things would appear quite clear from the report of the Committee which was appointed in the year 1932. That Committee was appointed under the Chairmanship of.....

Mr. Deputy-Speaker: May I remind the hon. Member that all this history of this legislation is not quite relevant at this stage. All this might have been relevant in the first instance before reference to the Select Committee. After reference to the Select Committee, there is no need to go over the same ground once again. The hon. Member may point out that a particular thing ought or ought not to have been done in the Select Committee. To enlarge the scope at this stage is not correct.

Shri K. P. Sinha: I was elaborating those points only to show the conditions of the tenants there. Now, with your permission, I would read a few sentences from this report:

- “(1) The landlord to have ‘general power of control’ outside the regular laws of the land and should be placed in a position to collect their rent as arrears of land revenue.
- (2) No court should entertain any suit for decision of any dispute between a landlord and a tenant in regard to the interpretation of respective rights and obligation or dues.
- (3) Landlord’s servant be regarded as a public servant for the purposes of criminal law.
- (4) Ejection of the tenant will be carried out by the landlord. He can secure police help after informing the S.D.O.
- (5) The landlord could have the right of expulsion of any resident of his zamindari on the ground that his presence was prejudicial to the estate.”

The landlords in collusion with the then Government came to exercise their power over this territory just like a *Raja* and they used to be called *Rajas*. The landlord acquired the sole right over the soil of the land and by dint of this right he treated his tenants in such a way that he could oust them as he liked. He used to settle the lands for a year and he could oust his tenants within that one year. This has been the system of land tenure prevalent and under these conditions the tenants are living even today. The principle underlying the tenancy was that the landlord was the master of the soil and the tenants remained at the will of the landlord. The Congress is pledged to the removal of the difficulties of the tenants and the principle accepted by the Congress is that the tenants are the masters and the landlords have to be removed as intermediaries. This principle has been recognised in this Bill but it is fettered by so many clauses that it would be impossible for the tenant to acquire the position that is sought to confer on him. In the light of the principle accepted by the Congress that the tenants are the masters and the landlords should be removed, if the provisions of the Bill are examined one feels that they should have been framed in such a way that the tenants would be in a position to acquire the right of becoming the sole masters of the land. They should be given encouragement under the Bill to acquire money so that they can secure their position. Even after the Bill has come back from the Select Committee the provisions go to show clearly that the rights of the tenants have not improved nor their status in relation to the land. As regards the houses where they live they have not been given any right. There are two kinds of houses in this part of the land—one kind is in the residential parts of the villages and the other is on agricultural lands. So far as the village houses are concerned the right of residence therein is given but not the right of occupancy. In regard to houses on cultivable lands they have no rights and they can only remove their belongings when they go out. This provision in the Bill goes to show that it is not in the interest of the tenants but that of the landlords.

Similarly, the tenants have not been given the right to grow the crops of their choice. If the lands are theirs there is no reason why this right should be restricted. The reason given is that it is profitable to the tenants if they grow cotton and fodder on the lands but the landlords are losers. Hence provision is made in the Bill that the tenant can grow fodder and cotton only on one-fourth of the land. If he does on more than that he must pay double the rent. This safeguards only the landlord’s interest but not the interest of the tenants. The tenants should have been given the full right to grow over any part of the land anything they wanted.

They have not been given the right of transfer. Mr. Ajit Prasad Jais said that the right of transfer to a poor man is a dangerous right. I would submit

with great respect that the denial of the right of transfer means denial of ownership in the land. Therefore the denial of the right of transfer has very much affected the rights of the tenants on the land.

The tenants have not been given the right to divide their own holdings. If there are two or more brothers and on account of differences between them they want to divide the holding, they have been prohibited by this Bill, if after division the area is less than ten acres. This provision also is not in the interest of the tenants but in the interest of the landlord. Two unwilling parties cannot successfully carry on good cultivation and in such circumstances cultivation would be neglected. This will consequently bring forward arrears of rent and the landlord will ultimately come into possession of the land by virtue of the arrears.

Mr. Deputy-Speaker: Will it not lead to fragmentation?

Shri K. P. Sinha: There are similar provisions in the Bill which go to show that the proper spirit in the minds of the framers is missing in the Bill. All possible provisions have been made in the Bill to provide for the interests of the landlords. Under the circumstances the Bill does not go far enough to meet the requirements of the time. This is the only occasion when this House has got the opportunity to frame such a Bill. In regard to other tenancy laws they are matters for the State Governments concerned. In enacting this measure the provisions should have been so made that they should have served as a model for other parts of the country but in it only very limited rights have been given to the tenants.

Under these circumstances I support the Bill.

The Minister of Food and Agriculture (Shri Jairamdas Doulatram): I do not propose to take much time of the House, as I am anxious, if possible, to get this Bill through during this sitting. I want to assure the last speaker that there is nothing in the Bill which is going to affect adversely the condition of the tenants in Bihar. Though this Bill, when passed, is going to have effect only in Ajmer-Merwara, as my hon. friend Shri Ajit Prasad Jain explained, there may be something in this Bill for Bihar to copy.

I totally disagree with the interpretation put by the last speaker on some of the provisions of the Bill and I have no doubt that if it had been possible for him to have had fuller discussion with regard to the provisions of this measure and at an earlier stage, probably his views would have undergone considerable change.

I may inform the House that when the Select Committee was appointed I was very anxious that it should be very representative and I want to read out for the information of the last speaker and others as well the personnel of the Select Committee which has shaped the provisions of this Bill.

I might further inform the House that even subsequent to the report of the Select Committee, I have made substantial changes as a result of informal discussion with many of those who had moved amendments, and all that in the interests of the tenants.

The Members of the Select Committee were Pandit Mukut Bihari Lal Bhargava, Shri Lakshminarayan Sahu, Shri Mahavir Tyagi, Shri Ajit Prasad Jain, Ch. Ranbir Singh, Shri Brajeshwar Prasad, Prof. N. G. Ranga, Shri. H. V. Kamath, Shrimati G. Durgabai, Shri Kishori Mohan Tripathi, Shri Satis Chandra Samanta, Shri V. C. Kesava Rao, Prof. Shibban Lal Saksena, Shri R. K. Sidhva, Shri V. S. Sarwate, Shri Gokulbhai Daulatram Bhatt, Shri Ram Sahai, Begum Aizaz Rasul, Shri M. L. Gautam, and Shrimati Renuka Ray. Even where some friends put in Minutes of Dissent, subsequent to the report of the Select

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Committee I have given notice of several amendments to meet their point of view, and I have no doubt that the tenantry in Ajmer-Merwara which is affected directly by this legislation has welcomed, and will welcome the passing of this Bill.

I will only refer to a few points made by two of the prominent Members of this House, who have shaped the Bill much more than probably anybody else; and with their age-long experience of tenancy legislation and also knowledge of conditions of tenantry, the recommendations of Shri A. P. Jain and Pandit M. B. L. Bhargava always carried weight with me even against any opinion which might have been received from those officials who at great pains and with unremitting labour had framed this Bill.

I have no doubt that there has been delay with regard to the record of rights and no one is more unhappy than myself that the survey and settlement operations, and the preparation of record of rights could not be speeded up, but unfortunately, as in the case of many matters, financial consideration came in the way in the sense that I was not able to secure adequate finance for the purpose. But with the backing of the House, I do propose to make a fresh effort to see that we are enabled to complete the record of rights as speedily as possible.

Shri Ajit Prasad Jain was quite right in saying that as the constitutional Head of the State, the power of framing the rules will formally go to the State Governors, and in the case of Ajmer-Merwara to the Chief Commissioner; that therefore it would not be possible to make any amendment in the Bill that the Chief Commissioner will not frame the rules. But, as my hon. friend Shri Mukut Bihari Lal Bhargava said, the rules have already been drafted. They are with me and the Government of India are going to take pretty good care to see that appropriate rules only are framed and formulated by the Ajmer State Government.

A suggestion was made that early action should be taken with regard to Section 180 and that the *panchayats* should be constituted as speedily as possible so that they could exercise the powers which the Bill intends to give them. I propose to take up early that question also and see that action is taken as speedily as possible.

With regard to the main theme of the speeches of some of my friends with regard to the abolition of *zamindari*, it must be recognised, as my hon. friend Shri Ajit Prasad Jain explained, that the essential step of laying down certain unavoidable, inevitable provisions with regard to the tenants is preliminary to any Bill for the abolition of *zamindari*. As I indicated in my introductory speech, this Bill must be regarded as a step and an essential step, but still a step in that direction. I have no doubt that the time will soon come when Ajmer-Merwara also, in the matter of abolition of *zamindari*, will be on the same level as other Provinces.

Sir, I do not propose taking any further time in replying to the general debate, and I do hope that the House will agree to sit a few minutes beyond five and pass this Bill.

Mr. Deputy-Speaker: The question is:

"That the Bill to declare and amend the law relating to agricultural tenancies, record-of-rights and certain other matters in Ajmer-Merawara, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: What about the amendments? We have got a forest of them.

Shri Jairamdas Doulatram: May I say that there are a number of amendments which have been proposed by Shri Ajit Prasad Jain which I propose to accept. They are Nos. 22, 30, 35, 65, 66, 110, 156, 168, 169, 170, 171 and 214 in the final list. Then there is one amendment of Pandit Mukut Bihari Lal Bhargava also, amendment No. 7 in supplementary list No. 2. These I am accepting. Then there are a number of amendments of which I have given notice today; they are more or less consequential ones following from the amendments of which I had already given notice.

Mr. Deputy-Speaker: We have had enough general discussion on the Bill referring practically to most of the clauses. The hon. Members may move the amendments which are acceptable to the hon. Minister. We need not have any further discussion.

Shri Jairamdas Doulatram: I beg to move:

"That in clause 2, the following new sub-clause be inserted as sub-clause (1) and the existing provision be renumbered as sub-clause (2):

(1) The Ajmer-Merwara Agrarian Relief Second Ordinance, 1949 is hereby repealed."

This is a consequential amendment. I also move:

"That in clause 2, for the words 'Ajmer-Merwara' the word 'Ajmer' be substituted."

Mr. Deputy-Speaker: The question is:

"That in clause 2, the following new sub-clause be inserted as sub-clause (1) and the existing provision be renumbered as sub-clause (2):

(1) The Ajmer-Merwara Agrarian Relief Second Ordinance, 1949 is hereby repealed."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That in clause 2, for the words 'Ajmer-Merwara' the word 'Ajmer' be substituted."

The motion was adopted.

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.

Shri Jairamdas Doulatram: I beg to move:

"That in clause 3, before the word 'Regulation' the word 'Ordinance' and a comma be inserted."

Mr. Deputy-Speaker: The question is:

"That in clause 3, before the word 'Regulation' the word 'Ordinance' and a comma be inserted."

The motion was adopted.

Mr. Deputy-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.

Shri A. P. Jain: I beg to move:

"That in part (7)(c) of clause 4, the words 'to the lessee' be omitted."

Mr. Deputy-Speaker: The question is:

"That in part (7)(c) of clause 4, the words 'to the lessee' be omitted."

The motion was adopted.

Shri Jairamdas Doulatram: I beg to move:

"That in part (8) of clause 4, the words and figure 'or which is chargeable under section 87' be omitted."

Mr. Deputy-Speaker: The question is:

"That in part (8) of clause 4, the words and figures 'or which is chargeable under section 87' be omitted."

The motion was adopted.

Shri A. P. Jain: I beg to move:

"That in part (16) of clause 4, for the comma, occurring after the word 'proprietor' the words 'as such' be substituted."

Mr. Deputy-Speaker: The question is:

"That in part (16) of clause 4, for the comma, occurring after the word 'proprietor' the words 'as such' be substituted."

The motion was adopted.

Shri Jairamdas Doulatram: I beg to move:

"That in part (18)(b) of clause 4, for the word 'province' the word 'State' be substituted."

Mr. Deputy-Speaker: The question is:

"That in part (18)(b) of clause 4, for the word 'province' the word 'State' be substituted."

The motion was adopted.

Shri Jairamdas Doulatram: I beg to move:

"That in part (23) of clause 4, for the words 'Ajmer-Merwara' the word 'Ajmer' be substituted."

Mr. Deputy Speaker: The question is:

"That in part (23) of clause 4, for the words 'Ajmer-Merwara' the word 'Ajmer' be substituted."

The motion was adopted.

Shri A. P. Jain: I beg to move:

"That in part (24) of clause 4, the word 'his' be omitted."

Mr. Deputy-Speaker: The question is:

"That in part (24) of clause 4, the word 'his' be omitted."

The motion was adopted.

Shri Jairamdas Doulatram: I beg to move:

"That for part (30) of clause 4, the following be substituted:

'(30) "prescribed" means prescribed by rules made under this Act;'

Mr. Deputy-Speaker: The question is:

"That for part (30) of clause 4, the following be substituted:

'(30) "prescribed" means prescribed by rules made under this Act;'

The motion was adopted.

Shri Jairamdas Doulatram: I beg to move:

(i) "That in part (32) of clause 4, for the word 'province' wherever it occurs, the word 'State' be substituted."

(ii) "That in part (32) of clause 4, for the words 'Ajmer-Merwara', the word 'Ajmer' be substituted."

(iii) "That in part (37) of clause 4, the words and figures 'and a cess chargeable under section 87' be omitted."

Mr. Deputy-Speaker: I shall put these three amendments together. The question is:

- (i) "That in part (32) of clause 4, for the word 'province' wherever it occurs, the word 'State' be substituted."
- (ii) "That in part (32) of clause 4, for the words 'Ajmer-Merwara', the word 'Ajmer' be substituted."
- (iii) "That in part (37) of clause 4, the words and figures 'and a cess chargeable under section 87' be omitted."

The motion was adopted.

Shri Jairamdas Doulatram: I beg to move:

"That in part (41) of clause 4, for the word 'province', the word 'State' be substituted."

Mr. Deputy-Speaker: The question is:

"That in part (41) of clause 4, for the word 'province', the word 'State' be substituted."

The motion was adopted.

Shri Jairamdas Doulatram: There is a consequential amendment to part (35). I beg to move:

"That in part (35)(viii) of clause 4, for the brackets, letters and word '(a), (b) or (c)', the brackets, letters and word '(a) or (b)' be substituted."

Mr. Deputy-Speaker: The question is:

"That in part (35)(viii) of clause 4, for the brackets, letters and word '(a), (b) or (c)', the brackets, letters and word '(a) or (b)' 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.

Shri Jairamdas Doulatram: I beg to move:

(i) "That in sub-clause (1) of clause 5, for the fullstop occurring at the end, a colon be substituted."

(ii) "That after sub-clause (1) of clause 5, the following proviso be added:

'Provided that, except as provided in section 196, a legal practitioner or his clerk or employee, or a petition-writer shall not act as authorised agent of such landlord or tenant.'

(iii) "That in sub-clause (1) of clause 5, the brackets and figure '(1)' occurring at the beginning, be omitted."

(iv) "That sub-clause (2) of clause 5 be omitted."

Mr. Deputy-Speaker: The question is:

(i) "That in sub-clause (1) of clause 5, for the fullstop occurring at the end, a colon be substituted."

(ii) "That after sub-clause (1) of clause 5, the following proviso be added:

'Provided that, except as provided in section 196, a legal practitioner or his clerk or employee, or a petition-writer shall not act as authorised agent of such landlord or tenant.'

(iii) "That in sub-clause (1) of clause 5, the brackets and figure '(1)' occurring at the beginning, be omitted."

(iv) "That sub-clause (2) of clause 5 be omitted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

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

Shri Jairamdas Doulatram: I beg to move:

"That in part (iii) of clause 6, the words 'or fodder crop' be omitted."

Mr. Deputy-Speaker: The question is:

"That in part (iii) of clause 6, the words 'or fodder crop' be omitted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clauses 7 and 8 were added to the Bill.

Shri Jairamdas Doulatram: I beg to move:

"That in part (i) of clause 9, the words 'or fodder crop' wherever they occur be omitted."

Mr. Deputy-Speaker: The question is:

"That in part (i) of clause 9, the words 'or fodder crop' wherever they occur be omitted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

Shri Jairamdas Doulatram: I beg to move:

(i) "That in sub-clause (2) of clause 12, for the word 'was' the words 'has been' be substituted."

(ii) "That in sub-clause (2) of clause 12, for the word 'in' the word 'since' be substituted."

(iii) "That in sub-clause (2) of clause 12, the following be added at the end:
'and submit the record of the case for confirmation of the order passed by him to the Collector.'"

Mr. Deputy-Speaker: The question is:

(i) "That in sub-clause (2) of clause 12, for the word 'was' the words 'has been' be substituted."

(ii) "That in sub-clause (2) of clause 12, for the word 'in' the word 'since' be substituted."

(iii) "That in sub-clause (2) of clause 12, the following be added at the end:
'and submit the record of the case for confirmation of the order passed by him to the Collector.'"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Clause 13 was added to the Bill.

Shri Jairamdas Doulatram: I beg to move:

"That for clause 14, the following be substituted :

'14. *Status of tenant of niji jot.*—A landlord may let his *niji jot* subject to the same restrictions as apply to sub-letting by a hereditary tenant under section 27 :

Provided that if such landlord lets his land which is *niji jot* in contravention of the provisions of this section, such land shall cease to be *niji jot* and the person to whom the land is so let shall become hereditary tenant thereof."

Mr. Deputy-Speaker: I would ask the hon. Minister to give me a list of the agreed amendments, so that I may refer to the number. The question is:

"That for clause 14, the following be substituted :

'14. *Status of tenant of niji jot.*—A landlord may let his *niji jot* subject to the same restrictions as apply to sub-letting by a hereditary tenant under section 27 :

Provided that if such landlord lets his land which is *niji jot* in contravention of the provisions of this section, such land shall cease to be *niji jot* and the person to whom the land is so let shall become hereditary tenant thereof."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clause 15 was added to the Bill.

Shri Jairamdas Doulatram: I beg to move:

"That in clause 16, the brackets and figure '(1)' be omitted."

Mr. Deputy-Speaker: The question is:

"That in clause 16, the brackets and figure '(1)' be omitted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 16, as amended, stand part of the Bill."

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Clause 17 was added to the Bill.

Shri Jairamdas Doulatram: I beg to move:

(i) "That in clause 18, the brackets and figure '(1)' be omitted."

(ii) "That in part (b) of clause 18, the word 'or' occurring at the end be omitted."

(iii) "That part (c) of clause 18 be omitted."

Mr. Deputy-Speaker: The question is:

(i) "That in clause 18, the brackets and figure '(1)' be omitted."

(ii) "That in part (b) of clause 18, the word 'or' occurring at the end be omitted."

(iii) "That part (c) of clause 18 be omitted."

The motion was adopted.

Pandit Mukut Bihari Lal Bhargava: I beg to move:

"That in part (a) of clause 18, the following be omitted :

'on condition of his sinking a well, reclaiming or otherwise developing such land.'"

Mr. Deputy-Speaker: The question is:

"That in part (a) of clause 18, the following be omitted:

'on condition of his sinking a well, reclaiming or otherwise developing such land.'"

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.

Clause 19 was added to the Bill. *

Shri A. P. Jain: I beg to move:

(i) "That in sub-clause (1) of clause 20, after the word 'exchange' occurring in line 4, the words 'of specific areas', be inserted."

(ii) "That in sub-clause (1) of clause 20, for the words 'or a portion thereof, as the case may be' occurring in line 6, the words 'in such village or area', be substituted."

Mr. Deputy-Speaker: The question is:

(i) "That in sub-clause (1) of clause 20, after the word 'exchange' occurring in line 4, the words 'of specific areas', be inserted."

(ii) "That in sub-clause (1) of clause 20, for the words 'or a portion thereof, as the case may be' occurring in line 6, the words 'in such village or area', be substituted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

Clauses 21 to 26 were added to the Bill.

Shri Jairamdas Doulatram: I beg to move:

(i) "That in sub-clause (1) of clause 27, for the word, brackets and figure 'and (3)' the word, brackets and figure 'to (4)', be substituted."

(ii) "That in sub-clause (4) of clause 27, for the words 'the amount' the words 'one and one-fifth', be substituted."

Mr. Deputy-Speaker: The question is:

(i) "That in sub-clause (1) of clause 27, for the word, brackets and figure 'and (3)' the word, brackets and figure 'to (4)', be substituted."

(ii) "That in sub-clause (4) of clause 27, for the words 'the amount' the words 'one and one-fifth', be substituted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 27 as amended stand part of the Bill."

The motion was adopted.

Clause 27, as amended, was added to the Bill.

Shri Jairamdas Doulatram: I beg to move:

"That the second Proviso to clause 28 be omitted."

Mr. Deputy-Speaker: The question is:

"That the second Proviso to clause 28 be omitted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 28, as amended, stand part of the Bill."

The motion was adopted.

Clause 28, as amended, was added to the Bill.

Shri Jairamdas Doulatram: I beg to move:

"That for clause 28, the following be substituted :

"28. *Life tenancy of female, when extinguished.*—Notwithstanding anything contained in section 28, the surrender of her holding by a female tenant with life interest shall not extinguish her tenancy, unless such surrender is made with the written consent of her nearest reversioner."

Mr. Deputy-Speaker: The question is:

"That for clause 29, the following be substituted :

"29. *Life tenancy of female, when extinguished.*—Notwithstanding anything contained in section 28, the surrender of her holding by a female tenant with life interest shall not extinguish her tenancy, unless such surrender is made with the written consent of her nearest reversioner."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 29, as amended, stand part of the Bill."

The motion was adopted.

Clause 29, as amended, was added to the Bill.

Shri Jairamdas Doulatram: I beg to move:

"That in sub-clause (2) of clause 30 for the word 'non-occupancy' the word 'hereditary' be substituted."

Mr. Deputy-Speaker: The question is:

"That in sub-clause (2) of clause 30 for the word 'non-occupancy' the word 'hereditary' be substituted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 30, as amended, stand part of the Bill."

The motion was adopted.

Clause 30, as amended, was added to the Bill.

Clauses 31 to 36 were added to the Bill.

Shri Jairamdas Doulatram: I beg to move:

"That in sub-clause (2) of clause 37, after the words 'list of' the word 'his' be inserted."

Mr. Deputy-Speaker: The question is:

"That in sub-clause (2) of clause 37, after the words 'list of' the word 'his' be inserted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 37, as amended, stand part of the Bill."

The motion was adopted.

Clause 37, as amended, was added to the Bill.

Mr. Deputy-Speaker: Why not I adopt this procedure? After all, the House is supreme in this matter,—therefore may I suggest one course? If a list is given of all the agreed amendments, all of them can be put to the House and carried. Subject to those amendments all the other clauses can be carried.

Some Hon. Members: That is a very good suggestion.

Mr. Deputy-Speaker: After all, every amendment is put to the House only for the purpose of allowing an opportunity for discussion. But when these are all agreed amendments and there has been enough discussion, we can save the time of the House.

Shri Jairamdas Doulatram: If you like, I can give the numbers of these amendments.

Some Hon. Members: Do it tomorrow.

Some Hon. Members: No, do it now.

An Hon. Member: The list can be placed on the Table.

Mr. Deputy-Speaker: The House has to formally carry the amendments.

Shri Jairamdas Doulatram: Do you wish me to read the numbers, Sir?

Mr. Deputy-Speaker: They can be passed today. I give special permission to the hon. Minister to read out the numbers of the amendments. Then I can put them to vote and subject to those amendments the clauses can be put.

Shri Jairamdas Doulatram: The next amendment is to clause 40, No. 18 in Supplementary List No. 1.

An Hon. Member: There is another amendment to clause 40.

Mr. Deputy-Speaker: In the latest list, there is a typed amendment No. 6 to this clause. After all it is now 5 of the clock.....

Shri Jairamdas Doulatram: We can finish off today.

Mr. Deputy-Speaker. I am not prepared to agree to that. I want the hon. Minister to give me a list of the amendments. The Bill runs to 205 clauses. Even this is a very bad departure from the existing rules. I thought that as we have agreed to almost all the provisions after sufficient discussion, the rest is easy. But that is not so. This business would not take more than half an hour on the next day.

The House then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 4th April, 1950.