

Saturday,
7th February, 1948

THE
CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE) DEBATES

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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
1948



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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

Saturday, 7th February 1948

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

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

CONTRIBUTION TO REFUGEE RELIEF FUND BY LONDON OFFICE OF INDIAN RED CROSS SOCIETY

149. *Mr. R. K. Sidhva: Will the Honourable Minister of Relief and Rehabilitation please state:

(a) whether the London offices of the Indian Red Cross Society have contributed any sum for the relief of refugees;

(b) if so, how much;

(c) whether besides monetary help, they have sent any mission for this work; and

(d) in which Refugee camps this mission is working?

The Honourable Shri K. C. Neogy: (a) and (b). The Indian Red Cross Society has no offices in London. The question of its London offices contributing any thing for refugee relief work does not arise. If the Honourable Member means the British Red Cross Society, this Society has sent considerable quantities of urgently needed medical and other supplies to the Indian Red Cross Society for relief work among refugees.

(c) and (d). The British Red Cross Society has not sent any mission to work in the refugee camps.

Mr. R. K. Sidhva: Is there any other Mission that has come to India from abroad for this purpose?

The Honourable Shri K. C. Neogy: I do not think so.

REHABILITATION OF REFUGEES IN KURUKHSHETRA AND OTHER CAMPS

150. *Mr. R. K. Sidhva: Will the Honourable Minister of Relief and Rehabilitation please state:

(a) whether the Government of India have decided to rehabilitate refugees in the Kurukhshetra and other camps;

(b) if so, what are the definite proposals and how many of them have been brought into effect;

(c) whether Government are aware that many of the refugees from urban areas could be useful as artisans, traders, professionals and technicians;

(d) whether Government intend to have a new City built for these refugees or are desirous of absorbing them in other parts of India; and

(e) if so, whether Government have decided on any definite policy regarding the same?

The Honourable Shri K. C. Neogy: (a) Yes.

(b) The Honourable Member is referred to my answers to starred questions Nos. 48 and 49 on the 31st January and also to the statement made on the floor

of the House by the Honourable Prime Minister and by me on 3rd February last during the debate on the motion to refer the Rehabilitation Finance Administration Bill to a Select Committee. The Honourable Member is also referred to the comprehensive statement which I made on the floor of the House on the 29th November, 1947. Most of the schemes so far mentioned are either already in the process of execution or will be taken up shortly.

(c) Yes.

(d) and (e). The Honourable Member is referred to my answer to starred question Nos. 49 and 50 on the 31st January, 1948. All parts of the country will share the burden of rehabilitating the refugees. Allocation of refugees amongst Provinces and States is under discussion.

Mr. R. K. Sidhva: May I ask how many refugees are still in Kurukshetra?

The Honourable Shri K. C. Neogy: The number varies from day to day and I should not like to make a statement straightway. It is over two lakhs in any case today.

Mr. R. K. Sidhva: Are refugees still coming to Kurukshetra or have they been stopped from coming?

The Honourable Shri K. C. Neogy: They are coming. As a matter of fact, those who are now being evacuated from the North West Frontier Province are definitely allocated to Kurukshetra, and they are still coming.

کہاتی گورموکھ سنگھ مسافر : زیر بحث سوال کے ضمن (d) کے سہندہ

میں ہیں یہ پوچھنا چاہتا ہوں کہ جو Rehabilitation Standing Committee

نے سارے ہندوستان کے شہری (urban) علاقے میں ریفیوجی

(refugee) کو بسانے کا اندازہ لگایا تھا اور جس کے مطابق دہلی میں تین لاکھ

یو۔ پی۔ - میں پانچ لاکھ - سی۔ پی۔ میں دو لاکھ - بہار میں ایک، لاکھ بمبئی میں

تین لاکھ - اجمیر میں تین لاکھ - ستھیس وغیرہ میں دو لاکھ - اوریسہ میں

پچیس ہزار اور مدراس میں تیرہ لاکھ ریفیوجی (refugee) بسائے جانے تھے

اس کے متعلق کہا ڈاروائی عمل میں لائی گئی ہے۔

Giani Gurumukh Singh Musafar: Arising out of part (d) of the question under reference, I would like to know what action has been taken to implement the decision of the Rehabilitation Standing Committee in regard to the rehabilitation of refugees in urban areas throughout the whole of India and which had estimated these numbers to be resettled, viz., Delhi, three lakhs, U.P. five lakhs, C.P. two lakhs, Bihar one lakh, Bombay three lakhs, Ajmer three lakhs, States etc. 2 lakhs, Orissa 25 thousand and Madras one and a half lakh.

The Honourable Shri K. C. Neogy: The list to which my Honourable friend has referred was drawn up on a cursory consideration of the requirements and the possibilities of the different areas. The list has since been subjected to a careful scrutiny and it may be necessary to vary the figures in individual cases.

IMPORT AND CONSUMPTION OF PETROL BY GOVERNMENT OF INDIA

151. **Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Works, Mines and Power please state:

- (i) the terms and conditions under which orders for petrol are placed by the Government of India for the use of Government in the Dominion of India; and
- (ii) the names of the firms with whom contracts have been made for the purchase of petrol?

(b) What is the carrying capacity of petroleum tanks in Bombay, Madras, Calcutta and other parts of India?

(c) How many tankers arrived in each port of India during the year 1947?

(d) How much petrol is used for Government purposes in the Dominion of India?

(e) From which countries and which ports is petrol imported into India?

(f) What quantity was imported during the year 1947?

The Honourable Shri N. V. Gadgil: (a) (i) Supplies of Motor Spirit to Government indentors, are covered by long-term agreements with the Oil Companies in India. Supplies required from time to time, are drawn by authorised Direct Demanding Officers, who place Supply Orders direct, on the companies concerned against the long-term contracts. Prices are fixed half-yearly by the Government of India, and rebates at varying rates are allowed by the Oil Companies on all supplies made to Government.

(ii) Messrs. Burmah-Shell Oil Storage and Distributing Company of India Limited;

Messrs. Standard Vacuum Oil Co.; and

Messrs. Caltex (India) Ltd.

(b) Government do not consider it to be in the public interest to disclose this information.

(c) As petrol is imported by the Oil Companies direct, Government have no knowledge of the number of tankers which arrived in Indian ports during 1947.

(d) Average monthly offtake by indentors drawing supplies within the Indian Dominion against Government contracts is approximately 2 millions gallons.

(e) From Abadan (Iran and Bahrein Island).

(f) 59,394,193 gallons—for undivided India; separate figures for the Indian Union are not available.

Mr. R. K. Sidhva: The Honourable Minister has referred to a long-term agreement. May I know the nature of that long-term agreement?

The Honourable Shri N. V. Gadgil: They are long-term agreements.

Mr. R. K. Sidhva: What are the terms of the agreement?

The Honourable Shri N. V. Gadgil: Then I will have to produce the agreements themselves and in that case I require notice.

Mr. R. K. Sidhva: The main points in the agreement I wanted to know were whether there is any period and what are the rates and allowances granted to Government for the purchase.

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

Shri H. V. Kamath: Are Government contemplating to decontrol petrol?

The Honourable Shri N. V. Gadgil: Government always review the position from time to time.

Mr. R. K. Sidhva: The Honourable Minister stated that rebate is being given to Government contracts. May I know how much the rebate is?

The Honourable Shri N. V. Gadgil: The usual rebate.

Mr. R. K. Sidhva: What is the usual rebate?

The Honourable Shri N. V. Gadgil: Usual rebates are usual rebates

Mr. R. K. Sidhva: The Honourable Minister may say that he does not know. No rebate is given to an ordinary consumer. For wholesale dealers two annas per gallon is given. May I know whether the two annas per gallon as is given to wholesale dealers is given to Government or whether it is something more?

The Honourable Shri N. V. Gadgil: If the Honourable Member wants details I require notice.

Shri H. V. Kamath: Do Government visualize decontrol of petrol in the very near future?

The Honourable Shri N. V. Gadgil: I have already answered that question.

REGISTRATION AND REHABILITATION OF REFUGEES IN DELHI

+152. ***Shri Deshbandhu Gupta:** (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state the total number of refugees registered in Delhi under Government order?

(b) How many of these refugees have been rehabilitated so far in Delhi and how many of them have been sent out of Delhi?

The Honourable Shri K. C. Neogy: (a) 58,580 families comprising about 4 lakhs of refugees have so far been registered in Delhi,

(b) No definite information is available. Up to the 15th January 1948, the Delhi Employment Exchange found employment for 1,105 refugees and the Transfer Bureau found employment for 1,118. The Delhi police force has employed over 1,200 refugees. Many others have been fixed up in Government and other employment through their own effort, and no figures regarding them are available. Agricultural land in the De'hi Province has been allotted to 131 families. There are some cultivators at the Delhi camps and they could have been absorbed on land outside Delhi, but they are generally speaking disinclined to go out of the city.

REGISTRATION OF CLAIMS FOR PROPERTY LEFT IN PAKISTAN

+153. ***Shri Deshbandhu Gupta:** (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state how many claims for property in Pakistan have been registered with the Government of India?

(b) How many cases have been disposed of so far?

(c) What is the estimated value of property left behind by refugees and what is the total amount of claims so far made?

The Honourable Shri K. C. Neogy: (a) 50,438 claims have been tendered for registration with the Registrar of Claims, Delhi, upto 28th January, 1948. Similar information in respect of the claims registered in Ajmer-Merwara Province has been called for, and will be laid on the table in due course.

(b) 25,480 cases have been registered upto 28th January, 1948 by the Registrar of Claims, De'hi.

(c) It is not possible to give an estimate of property left behind by refugees until all the claims have been tendered for registration and disposed of. The amount of claims made in Delhi upto 28th January, 1948, is over Rs. 16 crores, and in Ajmer-Merwara about 6 crores.

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

NUMBER OF HINDU AND SIKH ABDUCTED WOMEN RECOVERED FROM PAKISTAN

†154. ***Shri Deshbandhu Gupta**: (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state how many Hindu and Sikh abducted women have been recovered so far from Pakistan territory?

- (b) How many have been so far restored to their families?
 (c) How many of them are now in Government rescue homes?
 (d) How many Muslim women were restored to Pakistan?

The Honourable Shri K. C. Neogy: (a), (b) and (d). The Honourable Member is referred to the reply given by the Honourable the Prime Minister to clause (c) of Starred Question No. 115 by Giani Gurmukh Singh Musafar on the 4th February, 1948.

(c) There are two rescue homes one at Amritsar and the other at Jullundur. At the former there were 90 recovered women and children on the 6th February and 613 at Jullundur. There is in addition a transit camp at Lahore where there were 222.

MIGRATION OF REFUGEES FROM EAST TO WEST BENGAL

155. ***Shri Rohini Kumar Chaudhuri**: (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state whether it is a fact that a large number of refugees have migrated from East Bengal to West Bengal?

(b) If so, what is their total number and what steps have been taken by the Government of India to give them relief and to rehabilitate them?

The Honourable Shri K. C. Neogy: (a) Yes.

(b) No figures are available. The Provincial Government is extending to the genuinely destitute among them the same measures of relief as they normally give to the indigent destitutes. Detailed information has been called for from the Government of West Bengal.

Shri M. Ananthasayanam Ayyangar: May I know the cost of the evacuation from East Bengal to West Bengal?

The Honourable Shri K. C. Neogy: I have no information—at least the Central Government has not had to incur any cost on this account.

Diwan Chaman Lall: Since no information is available regarding the number of these refugees, will steps be taken to register these refugees compulsorily?

The Honourable Shri K. C. Neogy: Not by the Government of India.

Diwan Chaman Lall: Will my Honourable friend make a recommendation to the West Bengal Government in this respect?

The Honourable Shri K. C. Neogy: As I said, we have asked for detailed information. It will be only on receipt of the detailed information that any step can be taken.

Shri Rohini Kumar Chaudhuri: Has the Provincial Government of West Bengal asked for any assistance from the Government of India in this matter?

The Honourable Shri K. C. Neogy: No such request has been received by the Ministry of Relief and Rehabilitation.

Shri M. Ananthasayanam Ayyangar: Is the evacuation due to any trouble that has arisen in East Bengal?

The Honourable Shri K. C. Neogy: Actually I answered a question of this kind on the last occasion. There are certain factors which have facilitated this exodus.

Shri M. Ananthasayanam Ayyangar: Is there any similar exodus from West Bengal to East Bengal?

The Honourable Shri K. C. Neogy: I am not aware of any counter exodus.

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

Shri Mihir Lal Chattopadhyay: Is the Honourable Minister aware of any exodus from West to East Bengal?

The Honourable Shri K. C. Neogy: As I have said, I have no information. I am awaiting information from the Government of West Bengal.

Shri Rohini Kumar Chaudhuri: May I know how Government come to know that actually a certain number of refugees have come?

The Honourable Shri K. C. Neogy: There have been communications, but no definite figures are available yet.

Shri M. Ananthasayanam Ayyangar: Are any attempts made by the West Bengal Government to rehabilitate them or at any rate provide for their accommodation, etc.?

The Honourable Shri K. C. Neogy: All that can be known when we hear from the West Bengal Government. As I said, we are awaiting information from the West Bengal Government.

EMPLOYMENT OF ABLE-BODIED PUNJAB REFUGEES

156. ***Shri Rohini Kumar Chaudhuri:** (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state what percentage of able-bodied men and women amongst the Punjab refugees have been provided with employment?

(b) What is the nature of such employments?

The Honourable Shri K. C. Neogy: (a) and (b). It is difficult to give any exact figures or percentages of "able bodied men and women" employed gainfully; but roughly twenty lakhs of persons have been settled in rural areas. A fairly large number have also found employment in urban areas.

Seth Govinddas: Is it a fact that some of these refugees who have been sent to different provinces, where the provincial governments wanted to give them certain work, have refused to take that work, and many of them have even left the provinces where they have been actually sent?

The Honourable Shri K. C. Neogy: I have had such reports.

Seth Govinddas: What is the Government going to do in this respect? When these refugees are transferred to different provinces, is it not proper that some definite undertaking should be taken from them that the work which is given to them by the Provincial Governments will be accepted?

The Honourable Shri K. C. Neogy: This will be considered.

Diwan Chaman Lall: Apart from the numbers who have settled in the rural areas, which number is given by my Honourable friend as twenty lakhs, may I ask whether he has any approximate figures of those who have settled in urban areas?

The Honourable Shri K. C. Neogy: I have not got the information at the moment.

Diwan Chaman Lall: May I ask whether there is any machinery available whereby we can get the numbers who have been so settled?

The Honourable Shri K. C. Neogy: I can call for the information. As a matter of fact such information is expected to be supplied from time to time by the Provincial Governments.

Diwan Chaman Lall: My question was whether there is any machinery in existence at the present moment.

The Honourable Shri K. C. Neogy: There is no Central machinery, but then provinces are, I am sure, competent to find out figures.

Diwan Chaman Lall: Is there any machinery in the province itself for this particular purpose?

The Honourable Shri K. C. Neogy: I am sure there is.

Diwan Chaman Lall: What is the nature of the machinery?

The Honourable Shri K. C. Neogy: The machinery, for instance, in the East Punjab Government is an organization which is responsible for the rehabilitation of refugees.

Diwan Chaman Lall: May I ask exactly as to how that machinery operates in order to place in employment urban refugees?

The Honourable Shri K. C. Neogy: That machinery operates in the manner in which it is expected to operate, namely it is expected to resettle people wherever possible.

Diwan Chaman Lall: Do I take it that during these months no information has been made available to my Honourable friend in regard to the numbers settled in the urban areas?

The Honourable Shri K. C. Neogy: Well, I have not got the figures just here. If the Honourable Member wants to have figures, I can produce them.

Diwan Chaman Lall: May I take it that figures have been supplied?

The Honourable Shri K. C. Neogy: Yes, some figures have been received.

Shri Rohini Kumar Chaudhuri: Is it a fact that educated men and women have been employed in relief work in Delhi and elsewhere on an allowance which is much lower than the ordinary scale of pay allowed to government servants doing the same kind of work?

The Honourable Shri K. C. Neogy: It is very difficult to give an answer to a general question of this character. If my Honourable friend were to refer to specific cases, I would be in a position to make enquiries, but I would tell my Honourable friend that to my knowledge some of the refugees have been appointed on salaries which compare not at least unfavourably with the salaries they obtained before they came out.

Shri H. V. Kamath: What are the various occupations that these able bodied men and women have been provided in urban and rural areas?

The Honourable Shri K. C. Neogy: I fear it will be a very long catalogue.

NUMBER OF REFUGEES DIED OF INFECTIOUS DISEASES IN COURSE OF EVACUATION

157. *Shri Rohini Kumar Chaudhuri: Will the Honourable Minister of Relief and Rehabilitation be pleased to state the total number of deaths amongst the refugees brought to India during the period 1st September to 31st December, 1947 and how many of these cases were due to infectious diseases, such as cholera, dysentery and small-pox?

The Honourable Shri K. C. Neogy: The figures readily available are the following:

KURUKSHETRA CAMP		DELHI CAMPS	
Period	5th November, 1947 to 24th January, 1948	Period	1st December, 1947 to 5th February, 1948
Cholera	98	Cholera	Nil
Dysentery	547	Dysentery	Nil
Small-pox	233	Small-pox	1
Other causes	2,288	Other causes	82

Information concerning camps in other provinces is being collected and will be laid on the table when available. Out of the refugees who came to India from Pakistan since the 1st September 1947, large numbers have already been settled on land and many are staying in urban areas and with friends and relations. Separate mortality figures relating to them are not available.

Shri Rohini Kumar Chaudhuri: May I know if the refugees on their arrival in a particular camp are vaccinated or inoculated against cholera?

The Honourable Shri K. C. Neogy: They are, as a general rule.

Shri Rohini Kumar Chaudhuri: But is it a fact that these steps were not taken in the Kurukshetra Camp?

The Honourable Shri K. C. Neogy: I do not think so, but then at earlier stages when the camp had not been properly organized, it is quite possible that vaccination or inoculation could not be undertaken prior to the admission of refugees to the camp.

Shri Rohini Kumar Chaudhuri: Is the Government aware that towards the end of November last, in the Kurukshetra Camp the small-pox patients were living with their relations in the same tent and they were not segregated?

The Honourable Shri K. C. Neogy: I do not think my Honourable friend's information is correct because I had been myself several times to the Kurukshetra Camp and I have seen segregation wards myself. What actually may have happened is that in the earlier stages cases were not detected, but then inspection squads go about the camps and find out the patients and have them removed to the segregation ward.

Shri Rohini Kumar Chaudhuri: May I inform the Honourable Minister that I myself went to Kurukshetra towards the end of November last and there actually received reports that small-pox patients were living together with their relations in the same tents?

The Honourable Shri K. C. Neogy: I am glad my Honourable friend detected such cases and I dare say he took necessary action to have them removed to the segregation ward.

Shri M. Ananthasayanam Ayyangar: May I ask if there are no longer these epidemics prevalent in the Kurukshetra Camp and the other camps here?

The Honourable Shri K. C. Neogy: I should not say that these cases are prevalent in an epidemic form in the Kurukshetra Camp and other camps. In most cases infection had been carried from outside by these patients and it was only after they reached the camps that the diseases were detected.

Diwan Chaman Lal: Is it a fact that adequate steps have now been taken in the Kurukshetra Camp?

The Honourable Shri K. C. Neogy: Definitely. I hope my Honourable friend will find it possible to pay a visit to Kurukshetra Camp.

RELEASE OF GOVERNMENT STORES OF BRICKS FOR USE OF REFUGEES

158. ***Giani Gurumukh Singh Musafar:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state whether it is a fact that about eighteen crores of bricks are lying stored at different kilns for the last so many years and have not been brought into use by Government?

(b) What do Government propose to do with these bricks?

(c) If these are of no use to Government because of their inferior quality, do Government propose to release the same for the use of refugees?

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

(b) and (c). Government wish to use them for their own housing schemes in the immediate future, but they are prepared to consider the release of some bricks of inferior quality which are surplus to their requirements. Necessary orders on this subject will issue shortly. Even now in some deserving cases release in small quantities is ordered.

CAUSES FOR INSTITUTION OF ENQUIRY INTO WORKING OF OFFICE OF CUSTODIAN OF EVACUEES PROPERTY

159. *Giani Gurumukh Singh Musafar: (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state the circumstances which led to the appointment of the Honourable Mr. Justice G. D. Khosla to enquire into the working and affairs of the office of the Custodian of Evacuees' Property?

(b) Has he submitted his report?

(c) If so, do Government propose to lay a copy of the same on the table of the House?

The Honourable Shri K. C. Neogy: (a) The problems of the custody, user and disposal of evacuees' property were unprecedented in their nature and extent. It was, therefore, necessary to review the progress of the work carried out by the Custodian of Evacuees' Property after the initial stages. As there were a number of complaints, both in the Press as well as directly to this Ministry, in respect of the work of the Custodian's organisation, Government decided that an officer of the status of the Judge of a High Court should be appointed to enquire into the allegations as well as into the general working of the office of the Custodian.

(b) Yes.

(c) No. Government do not consider it advisable to do so until after the disposal of judicial proceedings and investigations against some of the officers of the Custodian's establishment.

Shri T. T. Krishnamachari: Am I to understand that the Honourable Minister has initiated proceedings against the officers involved, as a result of that Report?

The Honourable Shri K. C. Neogy: Yes, that is a fact, as regards some officers.

Shri Mohan Lal Saksena: May I know in how many cases proceedings have been instituted?

The Honourable Shri K. C. Neogy: Two officers are under arrest; then there are other cases where investigations are proceeding involving a number of officers and other employees.

IMPORT OF BETEL NUTS DURING 1947 AND PROTECTION TO INDIAN GROWERS

160. *Shri S. V. Krishnamurthy Rao: Will the Honourable Minister of Commerce be pleased to state:

(a) the quantity of betel nuts for which import licenses were granted during the year 1947;

(b) the quantity actually imported;

(c) whether Government are aware that the price of betel nuts has gone down by 50 per cent., especially for the inferior varieties; and

(d) If so, what steps Government propose to take to give adequate protection to the Indian grower?

The Honourable Mr. C. H. Bhabha: (a) 86,490 tons.

(b) 43,170 tons.

(c) Details of arecanut prices in 3 markets from December, 1944 as far as available are laid on the table. This statement does not reveal that any serious fall in prices has taken place as suggested by the Honourable Member.

(d) Does not arise.

Average monthly wholesale prices of green and cured arecanuts at Trichur Market (Cochin State)

(Price per Imperial Maund)

Month	Year	Green Nuts	CURED NUTS											
			Arasal		Ailan		Choor		Chalakuudi					
			Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
December—January	1944	No Mar- ket.	94	5	0	61	8	0	90	10	0	97	3	0
June—July	1945	13 11 0	92	4	0	61	8	0	86	3	0			
December—January	1945	No mar- ket.	102	8	0	75	11	0	95	0	0			
June—July	1946	40 11 0	92	4	0	84	1	0	88	6	0			
December—January	1946	No mar- ket.	106	10	0	95	12	0	96	3	0	146	6	0
June—July	1947	31 13 0	131	3	0	100	13	0	133	12	0	161	5	0
November—December	1947	30 7 0	149	0	0	128	12	0	138	2	0	148	5	0

Monthly prices of arecanuts at Mangalore Market

(Price per Standard Maund)

Month	Year	Choll		Koka				New											
		From	To	From	To	From	To	From	To										
		Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.						
June	1946	67	4	0	69	8	0	17	4	0	29	8	0	60	0	0	68	8	0
December	1946	90	8	0	101	8	0	37	8	0	59	0	0	68	0	0	76	0	0
June	1947	93	4	0	108	4	0	30	12	0	49	12	0	81	4	0	95	8	0
December	1947	91	8	0	110	0	0	26	0	0	47	0	0	75	0	0	89	8	0

Average monthly wholesale prices of cured arecanuts of Palghat Market Malabar District

(Price per Standard Maund)

Month	Year	Choor			Ailan			Ottavettu		
		Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
June	1945	73	2	0	16	4	0	No Sales.		
December	1945	76	0	0	44	5	0	Ditto.		
June	1946	No Sales.			86	12	0	Ditto.		
December	1946	119	10	0	79	10	0	Ditto.		
June	1947	144	10	0	No Sales.			Ditto.		
December	1947	119	13	0	Ditto.			120	11	0

Shri S. V. Krishnamurthy Rao: Has not the Vice-President of the Arecanut Merchants' Association made representations giving the actual prices in the arecanut market and pointed out that they have gone down by nearly fifty per cent.?

The Honourable Mr. C. H. Bhabha: Some such representation has been received, but the prices that are available with the Government do not corroborate that statement.

Shri S. V. Krishnamurthy Rao: Will Government make any investigation and call for reports from markets?

The Honourable Mr. C. H. Bhabha: The details are already contained in the statement which I am placing on the Table of the House.

Shri S. V. Krishnamurthy Rao: May I know if any maximum is fixed for the annual import quota?

The Honourable Mr. C. H. Bhabha: No maximum is fixed; actually, the quantity imported is less than the quantity for which import licences were granted.

Shri M. Ananthasayanam Ayyangar: Has any limit been fixed below which if prices fall Government will take action by prohibiting imports?

The Honourable Mr. C. H. Bhabha: No, but Government will watch the situation and will review the position periodically.

Shri M. Ananthasayanam Ayyangar: What is the present price of betelnuts as compared to the previous prices?

The Honourable Mr. C. H. Bhabha: I have placed a statement on the Table of the House which shows that there has not been any serious fall in prices.

Shri M. Ananthasayanam Ayyangar: Is it wrong to say that the prices have gone down by fifty per cent.?

The Honourable Mr. C. H. Bhabha: They have not gone down by 50 per cent.

Shri B. Das: Did not the price of arecanut go up ten times the pre-war price during the war and is it not high time that arecanut should be reduced in price so that men like myself and my friend the Honourable Minister for Works, Mines and Power are able to get sufficient arecanuts?

The Honourable Mr. C. H. Bhabha: I have not compared the current and pre-war prices of arecanuts, so I am unable to answer that question.

SMUGGLING OF IMPORTED BETEL NUTS THROUGH PAKISTAN BORDER

161.*Shri S. V. Krishnamurthy Rao: Will the Honourable Minister of Commerce be pleased to state:

(a) whether Government are aware that the price of imported betel nuts is Rs. 12 to Rs. 20 per maund of 28 lbs. after paying an excise duty of Rs. 9/10/- per maund;

(b) whether Government are aware that this is due to the smuggling of imported betel nuts through the Pakistan border as Pakistan nuts;

(c) whether Government propose to impose import duty on Pakistan nuts; and

(d) if not, what steps Government propose to take to prevent the smuggling of imported betel nuts through the Pakistan border?

The Honourable Mr. C. H. Bhabha: (a) The average price of imported varieties at Calcutta in November 1947 was about Rs. 63 per standard maund of 80 lbs. I lay on the table the available information in respect of prices of imported varieties.

(b), (c) and (d). The Honourable Member's attention is invited to the reply which I have just given to his question No. 160. The information disclosed in the statement which I have laid on the table does not support the statement made by the Honourable Member that prices of betel nuts have fallen as the result of imports from Singapore or Pakistan.

Wholesale prices of Arecanuts at Calcutta market

(Price per Standard maund)

Month	Year	LOCAL VARIETIES											
		Hansa			Tathai			Moghai			Penang	Singapore	
		Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
December	1946	62	4	0	64	0	0	60	2	0	63	9	6
January	1947	53	12	0	55	12	9	60	3	0	62	8	0
February	1947	55	14	0	56	4	0	60	3	0	62	8	0
March	1947	56	2	0	56	12	0	63	0	0	63	14	0
April	1947	53	8	0	55	8	0	62	5	0	62	12	0
May	1947	58	6	0	57	12	9	59	3	0	62	1	6
June	1947	60	2	0	64	0	0	60	0	0	64	2	0
July	1947	62	1	9	66	3	0	61	12	0	65	0	0
August	1947	63	4	0	67	0	0	NO	SUPPLY			68	4
September	1947	61	14	0	64	2	0	Nil				61	4
October	1947	61	14	4	62	3	3	59	3	3	61	3	3
November	1947	59	0	0	59	12	0	57	10	9	63	0	0

Shri M. Ananthasayanam Ayyangar: Is it a fact that smuggling is going on in the Pakistan border, regarding betel nuts, as alleged in this question?

The Honourable Mr. C. H. Bhabha: Not to the knowledge of Government.

Shri S. V. Krishnamurthy Rao: Is Government aware that after Partition, especially in the South which has nearly 2,27,000 acres out of the total of 2,60,000 acres of arecanut gardens, cultivation had to be carried on very intensively and under very adverse circumstances?

The Honourable Mr. C. H. Bhabha: Government have no such information.

Shri M. Ananthasayanam Ayyangar: Will Government make enquiries?

(No reply.)

DISTRIBUTION OF TRACTORS IMPORTED DURING 1944—47 TO PROVINCES AND STATES

162. *Shri S. V. Krishnamurthy Rao: Will the Honourable Minister of Commerce be pleased to state:

(a) the number of tractors imported into India during the years 1944 to 1947;

(b) how they were distributed to the Provinces and States;

(c) for how many tractors the Government of Mysore had placed orders during each of these years; and

(d) how many they have been supplied during each of these years?

The Honourable Mr. C. H. Bhabha: (a) to (d). The Honourable Member is presumably referring to tractors imported on Government account. I lay on the table three statements giving the required information.

Statement I showing the number of tractors imported during the years 1944 to 1947 on Government Account

1944	37
1945	65
1946	65
1947	121
	288

Statement II showing distribution as between various Provinces and States of imported tractors

Provinces	No. of tractors supplied	States	No. of tractors supplied
Bombay	79	Rampur	5
United Provinces	39	Baroda	6
Bihar	7	Hyderabad	6
Madras	10	Travancore	2
Sind	25	Mysore	10
Punjab	35	Bindi	1
N.-W.F.P.	3	Bhopal	4
Bengal	16	Patiala	2
Assam	9		
Central Provinces	1		36
Baluchistan	6		
	230	Private Parties	4
			40
Army	9		
Imperial Agricultural Research Institute, New Delhi	2		
Indian Dairy Department, Bangalore	1		
Central Tractor Organisation, New Pusa	6		
	248		

Note.—In addition the Mysore State was supplied with 15 tractors from American Army surpluses taken over by the Ministry of Agriculture. Out of these the State retained 8 and returned the balance as unacceptable.

Statement III showing the number of tractors for which orders had been placed by the Mysore Government and the number supplied to them during the years 1944 to 1947

Year	No. of tractors ordered	No. of tractors supplied
1944	24	N/A
1945	N/A	N/A
1946	2	3
1947	N/A	7
Total	26	10

Seth Govinddas: Is it not a fact, Sir, that the requirements of Provinces regarding tractors were much larger than the actual number of tractors that have been supplied to them? If it is, by what time do the Government think that the requirements of all the Provinces would be met?

The Honourable Mr. C. H. Bhabha: The first part of the question is correct. As regards the second part, I cannot say definitely—it will depend upon the supply position from abroad.

Seth Govinddas: By what time do Government think that the new batches of tractors from abroad will be received, and in how many countries have orders been placed?

The Honourable Mr. C. H. Bhabha: I want notice.

Shri S. V. Krishnamurthy Rao: May I know the answer to (c) and (d) of the Question?

The Honourable Mr. C. H. Bhabha: There is a statement which shows the position clearly. As regards Mysore, so far ten tractors have been supplied; they have ordered for 26 tractors.

Shri T. T. Krishnamachari: May I ask the Honourable Minister whether his Ministry is working in close collaboration with the Ministry of Agriculture who are having under their charge the Central Tractor Organisation, or whether his Ministry acts unilaterally issuing import licences for tractors?

The Honourable Mr. C. H. Bhabha: All import licences are issued by the Commerce Ministry on the recommendation of the Agriculture Ministry who place these orders and the supply is made through the India Supply Mission.

Shri H. V. Kamath: From which countries were these tractors being imported during the last three years?

The Honourable Mr. C. H. Bhabha: I have no definite information, but mostly from America.

Shri H. V. Kamath: Do no other countries manufacture them?

The Honourable Mr. C. H. Bhabha: There are tractors manufactured in the United Kingdom too.

Diwan Chaman Lall: Is it a fact that an order has been placed for 300—400 light tractors?

The Honourable Mr. C. H. Bhabha: I should like to have notice. Actually no orders are placed through the Commerce Ministry and this question should have been put to the Agriculture Ministry.

Shri H. V. Kamath: Does not the U.S.S.R. manufacture tractors?

The Honourable Mr. C. H. Bhabha: I have no information

Seth Govinddas: Have any orders been placed with the U.S.S.R.?

The Honourable Mr. C. H. Bhabha: I do not think so.

Shri M. Ananthasayanam Ayyangar: At what stage do the plans stand to put up a plant for the manufacture of tractors in this country?

The Honourable Mr. C. H. Bhabha: Notice.

Shri S. V. Krishnamurthy Rao: May I know when these ten tractors were supplied to Mysore?

The Honourable Mr. C. H. Bhabha: According to the statement laid on the Table of the House, three were supplied in 1946 and seven in 1947.

Shri H. V. Kamath: When shall we start manufacturing tractors in our own country?

(No reply.)

Shri S. V. Krishnamurthy Rao: Is it a fact that the Government of Bombay "freeze" all the tractors that are imported through Bombay Port, for their own use?

The Honourable Mr. C. H. Bhabha: Some such order was passed by the Bombay Government recently but that was subsequently rescinded.

Raj Bahadur Sri Narain Mahtha: Are Government aware that the Government of Bombay have "frozen" a large number of tractors for which full price has been paid by a number of agriculturists who do cultivation on a large scale?

Mr. Speaker: That has been answered.

The Honourable Mr. C. H. Bhabha: Subsequently that order has been cancelled.

Raj Bahadur Sri Narain Mahtha: I have here a certain number of cases which.....

Mr. Speaker: The Honourable Member may not give information here; he may give it outside the House.

Seth Govinddas: Is it not a fact that if certain alterations are made in the machinery of the Gun Carriage Factory and the Ordnance Factory at Jubbulpore, then tractors can be manufactured in India, and have Government received any information in this respect?

The Honourable Mr. C. H. Bhabha: I have no information on the subject.

Shri S. V. Krishnamurthy Rao: As Mysore is a deficit State in the matter of food-stuffs, and as they have many schemes in view, will Government consider the desirability of supplying these tractors urgently to Mysore? ...

The Honourable Mr. C. H. Bhabha: That factor will be kept in view, Sir.

REMOVAL OF IMPORT CONTROL ON GOODS FROM STEELING AREAS AND BARTER FOR PURCHASES IN DOLLAR AREAS

163. ***Shri V. C. Kesava Rao:** (a) Will the Honourable Minister for Commerce be pleased to state whether it is a fact that import control on certain luxury goods such as motor cars is to be lifted in respect of purchases from the Sterling Area?

(b) Do Government propose to allow the purchase of goods on the barter basis from the Dollar Area?

(c) If the barter system is not generally applicable, do Government propose to prepare a list of commodities that they would allow to be purchased on the barter system and a list of those for which export permits will be granted?

The Honourable Mr. C. H. Bhabha: (a) No, Sir.

(b) and (c). While Government have on occasions themselves entered into barter arrangements for the procurement of food grains from abroad, they do not ordinarily propose to allow the purchase of goods by private parties on a barter basis in view of the difficulties involved and the opportunity for malpractices that such arrangements are likely to give rise to, particularly at a time when the utmost conservation of our dollar and other exchange resources is necessary in the interests of our national economy.

**APPOINTMENT OF SUPERANNUATED PERSONNEL IN RESETTLEMENT AND
EMPLOYMENT EXCHANGES**

164. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Labour be pleased to state whether Government are aware that superannuated personnel are being appointed in the Resettlement and Employment Exchanges?

(b) If so, do Government propose to lay on the table of the House a list of such personnel employed in these offices?

(c) Are not qualified persons available for these posts?

(d) What is the system adopted in filling officers' vacancies in these offices?

The Honourable Shri Jagjivan Ram: (a) On the presumption that the Honourable Member is referring only to the Employment Exchanges under the Director-General of Resettlement and Employment, the answer is in the negative.

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

(d) Recruitment of gazetted officers is normally made through the Federal Public Service Commission.

Shri M. Ananthasayanam Ayyangar: Arising out of answer to part (a) am I to understand that there are no superannuated men at all in the employ of the Resettlement and Employment Exchanges?

The Honourable Shri Jagjivanram: I have already given the answer.

**OFFICERS AND OTHER PERSONNEL PROSECUTED FOR CORRUPTION IN MINISTRY
OF WORKS, MINES AND POWER**

165. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Works, Mines and Power be pleased to state what is the number of prosecutions connected with corruption that have been launched against officers and other personnel under the Ministry of Works, Mines and Power?

(b) Do Government propose to consider the question of instituting an enquiry into the fortunes of these corrupt officials?

The Honourable Shri N. V. Gadgil: (a) The number of persons who have already been prosecuted and convicted, is three; the number of persons who were prosecuted but acquitted is two and the number of persons, whose prosecution has been sanctioned is fourteen.

(b) Yes.

CAUSES FOR STRIKE IN C.P.W.D. AND NUMBER OF PERSONS INVOLVED

166. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Works, Mines and Power be pleased to state the reasons for the strike going on in C.P.W.D.?

(b) What steps have Government taken to persuade the workers to return to work?

(c) What is the number of persons involved in the strike, trade-wise?

(d) What is the nature of the work which has been held up on account of the strike?

(e) Is it the intention of Government to employ new men in place of the strikers?

The Honourable Shri N. V. Gadgil: (a) No employees of the Central Public Works Department are on strike at present.

(b) to (e). Do not arise.

NUMBER AND NAMES OF TRIBUNALS APPOINTED BY MINISTRY OF HOME AFFAIRS

167. *Shri Mohan Lal Saksena: (a) Will the Honourable Minister of Law be pleased to state how many tribunals appointed by the Ministry of Home Affairs are still functioning?—

(b) Is it a fact that many of the members of these tribunals now belong to Pakistan?

(c) If so, what is the position of such members and have any substitutes been appointed in their place?

(d) Do Government propose to lay on the table of the House a statement giving the following information:

- (i) the names of the different tribunals;
- (ii) the number of cases tried, as well as of those disposed of; and
- (iii) the period for which each of the tribunals has worked and the costs incurred by Government in each case?

The Honourable Dr. B. R. Ambedkar: (a) It is presumed that the Honourable Member is referring to the Special Tribunals constituted under the Criminal Law Amendment Ordinance, 1943. The number of such Tribunals still functioning is four.

(b) and (c). There were three Special Tribunals with headquarters at Lahore some members of which now belong to Pakistan. Under the Indian Independence (Special Tribunals) Order, 1947, these Tribunals and the cases pending before them were reshuffled and one of the Tribunals was assigned to West Punjab with members belonging to Pakistan and the pending cases relating to Pakistan. The other two Tribunals with members belonging to India and pending cases relating to India were transferred to India and re-designated as the East Punjab and the Bombay Special Tribunals. One new member who is required to complete the composition of the East Punjab Tribunal has already been appointed by the East Punjab Government and the two new members required to complete the composition of the Bombay Special Tribunal are being appointed by the Bombay Government.

(d) A statement giving the information asked for is laid on the table.

STATEMENT.

Name of the different Tribunals	Date from which each Tribunal is working	No. of cases tried and disposed of	No. of cases pending disposal	Cost incurred in each case
1	2	3	4	5
First Special Tribunal, Calcutta	September, 1943	66	12	Information not available
Second Special Tribunal, Calcutta.	July, 1945	Nil	1	Ditto.
East Punjab Special Tribunal (late third Special Tribunal, Lahore).	May, 1945	54*	79	Ditto.
Bombay Special Tribunal (late 2nd Special Tribunal, Lahore)	February, 1945	6	2	Ditto.

*Including cases disposed of by the First Lahore Special Tribunal set up in September 1943 which is now designated as the West Punjab Special Tribunal.

Shri M. Ananthasayanam Ayyangar: Sir, how long will the Tribunals take to dispose of the pending cases?

The Honourable Dr. B. R. Ambedkar: I am quite unable to give any definite reply.

Shri Mohan Lal Saksena: Is it a fact that a number of cases are pending before these tribunals?

The Honourable Dr. B. R. Ambedkar: I believe it is true.

Shri Mohan Lal Saksena: Is the Honourable Minister for Law taking any steps to expedite their disposal?

The Honourable Dr. B. R. Ambedkar: Well, it is very difficult for a Minister of Government to expedite disposal of cases before the Tribunals. The main reason for the delay in the disposal of cases is the adjournment obtained by parties on various grounds. It is very difficult to prescribe any hard and fast rules for the grant of adjournments.

Mr. R. K. Sidhva: Are there legitimate grounds for these grant of adjournments?

The Honourable Dr. B. R. Ambedkar: I cannot say.

Shri Mohan Lal Saksena: Is there any definite periods for which these tribunals have been appointed?

The Honourable Dr. B. R. Ambedkar: No, Sir.

NUMBER AND CAPITAL OF LICENSED FIRMS IMPORTING MACHINERY, EQUIPMENT, ETC., DURING 1947

†168. ***Shri Deshbandhu Gupta:** (a) Will the Honourable Minister of Commerce be pleased to state the number, classification and capital of new industrial undertakings to whom licenses have been issued for import of machinery, equipment and components before and after August, 1947?

(b) What is the standard by which priority of a new industrial undertaking is judged?

The Honourable Mr. C. H. Bhabha: (a) I lay on the table a statement showing details of the licences granted before and after the 15th August 1947, for the import of capital goods required by various industrial undertakings. Information relating to the capital of these undertakings is not, however, readily available and the time and labour involved in the compilation of these figures would scarcely be commensurate with the results that are likely to be achieved.

(b) Applications for import of capital goods are decided as and when received and in scrutinising these applications a distinction is made only in respect of those industries for which expansion plans have been approved by Government. In the case of these planned industries, licences are granted only if the proposed undertaking fits into the approved plan of industrial expansion. Other cases are considered on the basis of their general essentiality and the usefulness of the undertaking to the country's economy.

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

Statement showing number of licenses granted for import of Capital Goods required by New Industrial undertakings connected with various Industries before and after August 1947

Industry	Number licensed before August 1947	Number licensed after August 1947
Iron and Steel Industry	4	..
Non-Ferrous Metal Industry	3	..
Machine Tool Industry	4	..
Electrical Power Machinery	3	1
Electrical Equipment	7	..
Automobile	3	..
Shipbuilding	1	..
Road Building	1	..
Cotton Textile Industry	39	4
Rayon	6	..
Jute	2	..
Other Textile	33	..
Hosiery Machinery	5	..
Chemical Industry	31	..
Drugs and Pharmaceuticals	1	..
Paper and wood pulp	8	1
Cement	8	..
Leather	5	..
Cinema	4	..
Soap	11	..
Paint	2	..
Ceramic	4	..
Glass Refractories	15	..
Miscellaneous Industries	90	8
Printing	3	..
Edible Oil Industry	55	..
Mining	8	..
Food & Drink Industry	24	..
Alcohol	3	..
Refrigeration and Ice Plants	83	8
Sugar Machinery	9	..
Match Industry	1	..
Plastic Industry	20	3
Agriculture Implements	13	..
Dairy Machinery	1	..
Fertilizer Machinery	..	1
	490	26

SHORT NOTICE QUESTIONS AND ANSWERS

ENCROACHMENT ON WESTERN BORDER OF KARIMGANJ SUB-DIVISION IN ASSAM BY PAKISTAN GOVERNMENT.

Shri Rohini Kumar Chaudhuri: (a) Will the Honourable the Prime Minister be pleased to state whether it is a fact that the Government of Pakistan have encroached on the Western Boarder of Karimganj Sub-Division in Assam?

(b) If so, what action has been taken by the Government of India to clear the encroachment and to check their further progress?

(c) Have Government received any information on the subject either from the Premier of Assam or the Secretary of the Karimganj Congress Committee?

The Honourable Pandit Jawaharlal Nehru: (a) and (b). The Honourable Member is presumably referring to the boundary dispute between Assam and East Bengal at Patharia Reserve Forest. We were informed by the Assam Government on January 26 that forces sent by the East Bengal Government

have trespassed into this forest which has been allotted to Assam by the Radcliffe Award and which is clearly shown within the territory of Assam in the map attached to the Award. We at once telegraphed the Pakistan Government asking them to withdraw their forces from this area and stated that failing withdrawal of the party, the Government of India may have to consider other action. We also suggested that until the boundary had been demarcated by a Joint Survey Commission consisting of the representatives of the two Governments Assam Government should be in undisturbed possession of this area. We have repeated the demand in a subsequent telegram dated February 2, 1948 and are waiting for reply from the Government of Pakistan.

(c) No communication on the subject has been received from the Secretary of the Karimganj Congress Committee.

Shri Rohini Kumar Chaudhuri: Has the attention of the Honourable the Prime Minister been drawn to the telegram, dated the 29th January 1948 from the Secretary of the Karimganj Congress Committee which reads as follows:

"Pakistan Government encroached about 42 square miles border Karimganj. Interviewed Assam Premier this morning. Pray immediate intervention."

Has the Prime Minister received a copy of this telegram?

The Honourable Pandit Jawaharlal Nehru: As I have stated in my reply, I have not been able to trace the telegram which the Honourable Member has mentioned. The Honourable Member will remember that in the course of the last few days we have received some thousands of telegrams. In fact, it has been difficult even to sort all of them—so many thousands have come—and it is quite possible this telegram may have come. Anyhow the facts are as given in my reply and we are fully alive to the situation. We have received full reports from the Premier and the Governor of Assam.

Shri Rohini Kumar Chaudhuri: Did the Honourable the Prime Minister have any opportunity of discussing this matter with the Governor of Assam during his recent visit to Delhi?

The Honourable Pandit Jawaharlal Nehru: Yes, we had a full discussion with the Governor of Assam on this matter during his recent visit to Delhi.

Shri Mihir Lal Chattopadhyay: Is the Honourable the Prime Minister aware of the fact that recently there have been instances of trespass by Pakistan troops into the Eastern frontier of Bengal.

The Honourable Pandit Jawaharlal Nehru: So far as I am aware, there has been no trespass by troops. I suppose my friend is referring to the Eastern border of India. There have of course been instances where armed police have trespassed into the territory of India. In fact, these minor incidents on the border occur from time to time on both sides and it is very difficult to keep a record of them. The House is aware of the fact that the boundaries have not been clearly demarcated, with the result that it is very difficult to say where they end, except with the aid of survey maps.

Seth Govinddas: As far as these borders are concerned, was there no such attack on the border of Jaisalmer and what has happened to that attack?

The Honourable Pandit Jawaharlal Nehru: That is another question, I think, which my colleague the Defence Minister will deal with. We were talking about the Eastern Pakistan, not the Jaisalmer border. There was a raid on the Jaisalmer side and it was repulsed.

Shri Mihir Lal Chattopadhyay: May I know whether the Armed Police are still in possession of the territories there?

The Honourable Pandit Jawaharlal Nehru: In this case,—Pataria? Yes.

PATHAN RAIDERS ATTACK FROM PAKISTAN ON INDIAN BORDER IN JAISALMER STATE

Mr. Speaker: There is a Short Notice Question by Mr. Deshbandhu Gupta, I find he is not present. Will any other member put the question?

I may read the question and the Honourable the Defence Minister may answer it.

(a) Will the Honourable Minister of Defence be pleased to state whether the attention of Government has been drawn to the fact that a number of villages near Jaisalmer were attacked by Pathan raiders from Pakistan on the 23rd January 1948?

(b) If so, what is the total number of casualties suffered and the amount of property looted?

(c) Why were the Government of India unable to prevent the raid in time?

(d) What steps are being taken by Government to prevent repetition of such incidents on the Indo-Pakistan border?

The Honourable Sardar Baldev Singh: (a) Yes.

(b) Exact details are not available but it is understood that 3 villages were attacked resulting in the death of 31 persons and the looting and burning of 136 houses.

(c) and (d). It is not in the public interest to disclose this information. I might say, however, that it is not always possible to prevent minor raids across the best guarded frontier in any country, but I should like to assure the House that Government are fully alive to their responsibilities in this regard and are taking all necessary precautions.

Shri T. T. Krishnamachari: May I ask the Honourable the Defence Minister whether his attention has been drawn to an information appearing in the newspapers today that the East Bengal Government are raising a volunteer Army of 150,000 and whether he can give an assurance to the House that the position in regard to the Indo-Pakistan frontier on the east is also adequately safeguarded by the Government of India.

The Honourable Sardar Baldev Singh: I have seen that report. I cannot say whether it is correct or not, but as far as the Government of India is concerned, we are taking every possible precaution for protecting the country.

Seth Govinddas: Have the Government received any information with respect to the Jaisalmer raid from the Maharajah's Government there, and, if so, what have they said as far as that raid is concerned?

The Honourable Sardar Baldev Singh: The information that I have given to the House is from all possible sources. It also includes information from the States Department.

Seth Govinddas: As far as the deaths are concerned, the Honourable Minister has said that 31 persons have died in that raid. May I know whether any compensation being paid by the Jaisalmer State Government to the bereaved families?

The Honourable Sardar Baldev Singh: I have no information.

Seth Govinddas: Will the Government move the Jaisalmer State Government to see that adequate compensation is given to the families of the persons who have died?

The Honourable Sardar Baldev Singh: I will make enquiries, Sir, but I am not sure whether the Jaisalmer State Government will give any compensation.

Shri H. V. Kamath: What is the total length of the Indo-Pakistan border, Sir, in the west?

The Honourable Sardar Baldev Singh: I do not remember off-hand, but I can give the information if my Honourable friend will ask for it later.

Shri H. V. Kamath: Is there any proposal to build fortifications on the border?

The Honourable Sardar Baldev Singh: The question as a whole is under examination and whatever precautions, whether by fortification or otherwise, are necessary they will, I am sure, be taken into consideration.

Shri Mohan Lal Saksena: Has protest been lodged with the Pakistan Government with regard to this raid, and if so, have they given any explanation for that?

The Honourable Sardar Baldev Singh: We did make a protest to the Pakistan Government and I think the reply received from them said that they were making enquiries.

Shri Mohan Lal Saksena: Do the Pakistan Government admit the fact that that raid was made by the soldiers and nationals of Pakistan?

The Honourable Sardar Baldev Singh: I have no information. They say that some people did go into Jaisalmer.

Shri Mohan Lal Saksena: Will the Government of India represent to the Pakistan Government to make a thorough enquiry about the persons who made that raid and also to see that the Pakistan Government gives them an undertaking that no such thing would be repeated in the future.

The Honourable Sardar Baldev Singh: The matter is under negotiation with the Pakistan Government and I do not know what reply has been received. As soon as a reply is received, I will inform my Honourable friend.

Shri M. Ananthasayanam Ayyangar: May I know whether the Government has any information regarding the number of raiders?

The Honourable Sardar Baldev Singh: I am afraid this information is not available.

Shri M. Ananthasayanam Ayyangar: May I know if any steps are being taken to raise a local militia or Home Guard to protect these borders and to see that no such raids occur hereafter?

The Honourable Sardar Baldev Singh: Those proposals are under consideration.

The Honourable Pandit Jawaharlal Nehru: May I add to the information given by the Defence Minister? So far as we know, these raids, especially this raid at Jaisalmer, was conducted by certain tribal people called Pavindas and others coming from the tribal area and Avam side. They were not regular soldiers nor were they normal inhabitants of the border. At the present moment, a vast number of these Pavindas and other tribal people are spread out over Pakistan areas and it seems that the Pakistan authorities are not easily capable of controlling them anywhere within even their territory, much less their border. So far as we know, a few hundreds of these Pavindas came down across the Jaisalmer border. These people, as the House will be aware, in the winter months, a large number of them, spread out all over India, doing some petty trade—money lending and sometimes misbehaving in extracting money from people and so on. Now these people have been prevented from coming to India this year. They have been concentrated in West Punjab and may be in Sind and they have misbehaved a great deal all over the place. There has been another big difference in that normally these people when they come down from their summer homes down to India in winter, they are deprived of their weapons. This time they have not been deprived of their weapons, so that they have got their rifles with them and it is easy for them with these rifles and with the general disorder that prevails round about to make these raids.

Seth Govinddas: My family have migrated from Jaisalmer State and I have got relations also there. From them I have received information that out of the people who invaded Jaisalmer border there were certain Pakistani soldiers belonging to the Pakistan Army. May I know whether the Jaisalmer State Government has written to the Government of India that some of the raiders were actual soldiers and there were not merely tribesmen?

The Honourable Pandit Jawaharlal Nehru: I am afraid I do not know.

The Honourable Sardar Baldev Singh: I too have got no information like that.

Shri Mohan Lal Saksena: May I know whether the raiders were soldiers or tribesmen and have the Indian Government written to the Pakistan Government that they are responsible for them or not?

The Honourable Sardar Baldev Singh: Of course, for all the raids that take place from Pakistan side, the Pakistan Government must be responsible.

Shri Mohan Lal Saksena: May I know whether the Government of India have made any claim for compensation and damages for the loss of life and goods suffered by those on the Indian border.

The Honourable Pandit Jawaharlal Nehru: Yes, Sir. We have made several claims in regard to this particular matter and we are still in correspondence. No particular claim has been put forward for compensation, but we had previously pointed on several occasions that we demand compensation whenever such a thing occurs.

Seth Govinddas: Will the Government make enquiries, Sir, from the Jaisalmer Government and find out whether out of the raiders some belong to the Pakistan Army?

The Honourable Sardar Baldev Singh: We are prepared to make enquiries.

Shri Ramnarayan Singh: May I know whether the raiders were driven back and whether they were pursued into the Pakistan territory and if so, how far?

The Honourable Sardar Baldev Singh: They were not pursued. They were driven out of Jaisalmer State by Jaisalmer Police, but they were not pursued into the Pakistan territory.

Shri Ramnarayan Singh: Why not?

Mr. Speaker: Order, order.

Shri Rohini Kumar Chaudhuri: Are there any casualty amongst the raiders.

The Honourable Sardar Baldev Singh: Not to our Government's knowledge.

Dr. B. Pattabhi Sitaramayya: May I enquire if Government are fully satisfied about the co-operation of the Prince of Jaisalmer State in this respect?

The Honourable Sardar Baldev Singh: Yes, Sir.

Shri M. Ananthasayanam Ayyangar: The Honourable the Prime Minister just now said that the raiders were there strewn over the entire Province of Pakistan and the Pakistan Government itself feels unable to check them. May I know what steps are being taken by the Pakistan Government to prevent these raiders and how it has become impossible for them? Is it only an excuse or is it a policy for them to dissociate these raiders along with their own troops and to raid and cause a lot of inconvenience and hardship to the border countries in the Indian Union?

The Honourable Pandit Jawaharlal Nehru: I do not know if my Honourable friend wants me to tell him what Pakistan Government's policy is in regard to this. We can make our own guesses from such information as we possess. Our policy naturally is to defend our frontiers and to repel any raid that occurs.

MINIMUM WAGES BILL—*contd.*

Mr. Speaker: The House had passed the motion for consideration of the Bill to provide for fixing minimum wages in certain employments as reported by the Select Committee. We will now proceed with the clause by clause consideration of the Bill.

Shri T. T. Krishnamachari (Madras: General): Sir, I beg to move:

"That in clause 2 of the Bill, for the words 'have been' wherever they occur, the words 'may be' be substituted."

Actually, Sir, these words have occurred six times in clause 2. The position really is that the time factor has not been taken into account and it may not be that this definition comes into operation only after the wages have been fixed but before that happens. Therefore I have suggested the words "may be" which only removes the probability of a lacuna. Sir, I move.

Mr. Speaker: Amendment moved:

"That in clause 2 of the Bill, for the words 'have been' wherever they occur, the words 'may be' be substituted."

The Honourable Shri Jagjivan Ram (Minister for Labour): The view of the draftsman and the Law Department is that "have been" is more appropriate than "may be" and therefore, I do not accept this amendment.

Shri T. T. Krishnamachari: I have no desire to press the amendment and beg leave of the House to withdraw it.

Mr. Speaker: Has the Honourable Member leave of the House to withdraw the amendment?

The amendment was by leave of the Assembly withdrawn.

Shri T. T. Krishnamachari: Sir, I move:

"That in part (b) (i) of clause 2 of the Bill, after the words 'major port', the words 'any corporation established by an Act of the Central Legislature' be inserted."

This is merely a provision against any future contingency. Corporations are now being brought into being by acts of this Legislature and they are all under the control of the Central Government. I feel that the Damodar Valley Corporation and corporations of that category should also be brought into the scope of the definition of sub-clause (b). Sir, I move.

Mr. Speaker: Amendment moved:

"That in part (b) (i) of clause 2 of the Bill, after the words 'major port', the words 'any corporation established by an Act of the Central Legislature' be inserted."

The Honourable Shri Jagjivan Ram: I accept it.

Mr. Speaker: The question is:

"That in part (b) (i) of clause 2 of the Bill, after the words 'major port', the words 'any corporation established by an Act of the Central Legislature' be inserted."

The motion was adopted.

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

"That for the words 'appropriate government' wherever they occur in the Bill, the words 'appropriate Government' be substituted."

The word Government should begin with a capital letter.

Mr. Speaker: As regards some of his amendments of the nature he has just sought to move. I think these are all matters of correct printing; further he is not moving an amendment to any particular clause, but it seems this is a suggestion to the printer in respect of all the clauses. I think his amendments are in the alternative either the 'G' should be capital at all places or it should be small at all places; it should not be small A at some and Capital A at other places. I think it may be left to the printer of the Bill.

Mr. Naziruddin Ahmad: I find some difficulty in accepting straightaway the fact that it is all due to printing mistakes. If there is any, I shall be glad not to press the amendment. The whole question depends on as to how the matter stood in the copy of the Bill which was signed by the Members of the Select Committee. If the signed copy is correct but the printed copy wrong, then perhaps the amendment may not be necessary. But the soundness of this view is doubtful. But if the original copy is wrong, then at any rate the amendment will be necessary.

There is again the other question. I have found the same mistake in 32 different places for which I have given notice. The question is whether the Bill that is printed and circulated before the Members is the Bill before us. If the House accepts the Bill as it is printed, I think that the printer has no authority to interfere with what has been passed. My personal feeling, of course, is that I shall be guided entirely by your ruling and the sense of the House.

Shri M. Ananthasayanam Ayyangar (Madras: General): His objection is to the Government being allowed to grow or contract as it likes.

Mr. Speaker: What I propose to do with reference to this is this. These amendments 1, 2 and 3 as also other amendments, in fact all his amendments, are all of that nature—, I would ask the draftsman to scrutinize these and correct the proofs accordingly. That is the only course possible. Otherwise what will happen is this: We will be spending our time over having a small 'G' or a small 'A' and still the printer will print it with a big 'A' or a big 'G'.

Shri M. Ananthasayanam Ayyangar: On that account the entire Bill will become inoperative.

Mr. Speaker: I do appreciate his anxiety that the printing of the Bill should be a very accurate and correct one. I think that disposes of all his amendments.

Mr. Naziruddin Ahmad: My amendments may be moved in one word.

Mr. Speaker: The extract of these proceedings will go to the draftsman, and the needful will be done in this matter. After all, it is not a matter of substance; it is a matter of putting correctly the draft. It is not a question of any changes in the Bill. It is only a question of correcting the proofs properly. Unfortunately, the standard of printing has so much deteriorated of late that, in spite of proof reading three or four times, there are mistakes; and incidentally, I may state to the House that, that is one of the reasons why it does not become possible to circulate Bills or Select Committee reports earlier. There are delays and inaccuracies in the Press. However, that is a different matter. Then I need not take up any amendments of the Honourable Member Mr. Naziruddin Ahmad. They are all disposed of by the observations made by me.

Mr. T. T. Krishnamachari: Sir, I beg to move:

"That in part (h) (ii) of clause 2 of the Bill, the words 'or under any scheme of social insurance' be added at the end."

As the clause stands at present the definition of wages would not include any contribution paid by the employer to any Pension Fund or Provident Fund. We have in contemplation now an employees insurance fund. It is quite possible that the Legislature might later on undertake other schemes of social insurance in which case there might be a definite liability, so far as the employer is concerned, to deduct a portion of the wages as contribution to this fund besides paying a contribution himself. The idea is that in the case of any such fund coming into operation the position must be reviewed. Sir, I move:

Mr. Speaker: Amendment moved:

"That in part (h) (ii) of clause 2 of the Bill, the words 'or under any scheme of social insurance' be added at the end."

The Honourable Shri Jagjivan Ram: Sir, I accept the amendment.

Mr. Speaker: The question is:

"That in part (h) (ii) of clause 2 of the Bill, the words 'or under any scheme of social insurance' be added at the end."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Shri K. Santhanam (Madras: General): Sir, I move:

"That in the Proviso to sub-clause (1) of clause 3 of the Bill, for the word 'where' the words 'in which' be substituted."

The word "where" does not seem to be very appropriate here. That is why I move this amendment.

Mr. Speaker: Amendment moved:

"That in the Proviso to sub-clause (1) of clause 3 of the Bill, for the word 'where' the words 'in which' be substituted."

The Honourable Shri Jagjivan Ram: Sir, I have no objection to the amendment.

Mr. Speaker: The question is:

"That in the Proviso to sub-clause (1) of clause 3 of the Bill, for the word 'where' the words 'in which' be substituted."

The motion was adopted.

Shri K. Santhanam: Sir, I move:

"(i) That in part (c) of sub-clause (2) of clause 3 of the Bill, after the word 'employees' where it occurs in line 3, the words 'doing a minimum prescribed work' be inserted"; and

"(ii) that to part (c) of sub-clause (2) of clause 3 of the Bill the following proviso be added, namely:

'Provided that where an employee is unable to do the prescribed minimum work by the failure of the employer in any manner, the employee shall be deemed to have done the prescribed minimum work.'

This is an important and substantial amendment which the House should carefully consider. As the clause stands, it is open to an employee who is engaged on piece-rate basis to go to the employer's place and do no work whatever and still demand a full day's wages. I want the employer to be protected against either a go-slow movement or a mere sitting-in strike. According to the clause as it stands, Government may fix a rate of wages on a time-work basis. They may say that he must get for a particular day a minimum day's wages. That is to prevent the employer from giving 2 or 3 hours' work so that in the piece-rate he may get only a part of the minimum wages. That is a necessary thing. But the employer also deserves to be protected. We should not go to the other extreme and say that whenever an employee comes and sits in a place the employer must be obliged to give a full day's wages. If the first part of my amendment stood as it is it might happen that the employee would go to the factory and the employer may not give him work or facilities for work, and therefore even if he sits for eight hours he may not be able to do the minimum work. Therefore in the second part of the amendment I have put in a Proviso which is very essential; otherwise it might give rise to serious abuses. All piece-rate people may claim without doing any minimum work a full day's wages. In this way the whole business may get into serious disorder and disintegration. I therefore submit that the amendment should be carefully considered and accepted. Sir, I move.

Mr. Speaker: Amendment moved:

"(i) That in part (c) of sub-clause (2) of clause 3 of the Bill, after the word 'employees' where it occurs in line 3, the words 'doing a minimum prescribed work' be inserted"; and

"(ii) that to part (c) of sub-clause (2) of clause 3 of the Bill the following proviso be added, namely:

'Provided that where an employee is unable to do the prescribed minimum work by the failure of the employer in any manner, the employee shall be deemed to have done the prescribed minimum work.'

The Honourable Shri Jagjivan Ram: Sir, my Honourable friend Mr. Santhanam's amendment, as is evident from his speech, proceeds on the basis that we are to deal with a dishonest lot of people. If that is the presumption I think parts (a), (b), (c), (d) should all go out. In piece-rate there is some guarantee that the labourer will do a certain piece of work and then he will get the wages. But in time-work there is no guarantee; and if you proceed on that basis that the labourer is a dishonest fellow that risk is greater in time-rate than in piece-rate. What we envisage in this clause is that the labourer who is working at piece-rate can be guaranteed a minimum wage per day or a particular period that may be settled, i.e., per week or per month, etc. So the risk that is pointed out is involved in everything, and more so in the time-rate. The man who is paid daily or weekly may come and sit and chat without doing anything, and he may get his wages. So if we proceed on that assumption all these clauses should be deleted. Sir, I cannot accept the amendment.

Prof. Shibban Lal Saksena (U. P.: General): Sir, I am really surprised at this amendment. The effect of it, if accepted, will be to nullify the whole clause. What will happen is that the employer will say always that the worker has not done the prescribed minimum. The thing is this; we have to visualise how things will work. At present it is well known that the employee has no safeguard, particularly in the agricultural season. This Bill will give him some rights. Even now it will be very difficult for him to know his rights and demand them. Therefore even if he does his full work there will be complaints against him and disciplinary action and other things. Our experience always is that wherever there are rights given to labour, the employers make standing orders and other orders and then tell the workers that they have failed to do this and that, and so on.

So if we put in this provision the net result will be that even what has been given in this will not be available to him. At present the employee is protected and not the employer who is already very strong. No employee getting one rupee or one-and-a-half rupees per day will go to Court and contest. If he goes slow he will not get any wage. I therefore think that Mr. Santhanam's anxiety is based on the theoretical hope that every employee will be able to defeat the words of the Act. That will not happen. There should be a guarantee and protection to the employee and not to the employer, and no employee can defeat the law by these methods. If there are "go slow" tactics, then an employer has his rules and the disciplinary courts. The most down-trodden people are being given certain rights and Members should not be of the opinion that these provisions are going to defeat the purpose of the Act. After all, I think the Bill has been very carefully drafted and every effort has been made to see that there is no hardship to the employer. The Minister has pointed out that if Mr. Santhanam's suggestion is adopted then it must apply to the other clauses too. Therefore, the anxiety expressed is not based on any experience in working labour organizations.

Mr. Nasiruddin Ahmad: I beg to support this amendment. It is based on a very sound principle. In fact minimum wages have been prescribed obviously for a minimum kind of work. Mere assurance of pay without an assurance of work would be doing the thing in a half-hearted fashion. There is a relation between pay and work and that is what this simple amendment seeks to establish.

[Mr. Naziruddin Ahmad].

Sir, rights and obligations are mutual and reciprocal. In these circumstances the amendment is a very proper one. All that it seeks to do is that the wage-earner does the minimum prescribed piece of work to earn the wage. Prescribed there means prescribed by Government. So Government will fix the minimum wages and also fix the minimum amount of work. This should go hand in hand and I think the amendment would remove a real lacuna.

Shri B. Das (Orissa: General): I support the amendment moved by my friend Mr. Santhanam. I was surprised and felt very much hurt when my Honourable friend, the Minister of Labour cast suspicions at the employers. I happen to be a share-holder of the Government of India and the Government of India happens to be the largest employer of railway labour. The other day I was grateful to hear from Mr. Shastri that he believes the railway workmen are not doing much work, and my Honourable friend, Prof. Saksena, who happens to control one section of the trade union on railways—I think the O. & T. Railway, now going to be abolished—also felt in his heart and agreed with us that railway workmen are not doing sufficient work for the money they earn. Why should we be thought of suspiciously when the labourer will not do his duty? It is true according to statistics of Government that railway labour is not working enough. And how is the Government going to compel that labour to work more if he is going to be guided by his socialist leaders outside the trade unions who advise workers to go into their workshops and not work but to follow their advice as they are assured by this "blessed" Minimum Wages Act that they will get their salaries in spite of sitting idle. I maintain, Sir, that something must be done to give the *quid pro quo* to the employers.

Yesterday I said that I did not think this Bill would be workable. Now the moment we start with discussions on clause 3, Mr. Santhanam points out a lacuna—a big lacuna over which one may ponder. I think many people here talk about the enterprise of an industrialist and laugh as if he is a Shylock extracting blood from the workers. But it is not so. Today all of us are members of this House representing a free India Nation. We are facing the problem that the railway workers are not doing proper work. They have multiplied their number. Technical men who were working lift by themselves, require now mates and these are now being made to lift the chisel and the hammer! These are outlandish ideas borrowed from western countries. I want the co-operation of the labour leaders in this House so that the Government will not fail in their efforts to industrialise. If there has been any failure on our side, I think it is the spirit of non-co-operation of the working classes that has led to the failure of the railway industries in India.

I therefore strongly support the amendment of my friend, Mr. Santhanam, and I do hope my labour friends and socialist friends in this House and outside will give the *quid pro quo* to the employer in this House and outside.

Shri M. Ananthasayanam Ayyangar: There is much force in the amendment moved by Mr. Santhanam. But I would like him to see and compare the provision made in Clause 17.

The object of the Bill is that two kinds of wages are contemplated and two others are auxiliary to them—

(a) time work and (b) piece work.

So far as time and piece works are concerned in sub-clause 2 of section 3, they are provided for by way of minimum rates in clauses (a) and (b). Minimum rate of wages for time work is in clause (a) and the minimum rate of wages for piece work is in clause (b).

In case of piece work, that is ten points or ten items (which may constitute a piece), or a particular quantity, assuming cubic feet may constitute a piece, the minimum for such piece in each industry is provided. In like manner we

have so many rupees per hour, or annas per hour, or week or day: that is time work and it is provided for in sub-clause (a), and piece work either by quantity or number is provided for in clause (b). The rates of wages are provided for. We will assume that one person is not able to do it. If one hour is the minimum for which the rate is fixed, and he works for less than an hour, is he to go empty-handed? Therefore some provision is made for a minimum so far as time work is concerned. Likewise, we will have a whole piece, say 10 cubic feet which has to be turned out. Let us assume he is able to do nine cubic feet and he has spent some time over it. Is he to go empty-handed? Therefore the third clause, clause (c) refers to the minimum rate per time.

If a piece of work consists of 10 cft. and a man does only 9 cft. it cannot be measure of piece but a measure of time. The man has spent sometime and he must be given the barest minimum. If a man is unable to do a minimum piece of prescribed work a guaranteed time rate is fixed, or a guaranteed remuneration according to time is fixed. You will find that advisedly the word "rate" is not used in sub-clause (c). A minimum rate of remuneration is fixed, not wages, in the case of employees employed on piece work for the purpose of securing to such employee a minimum rate of wages on a time work basis. It is assumed in sub-clause (c) that he is unable to render the full piece. The piece will certainly be the minimum for which a minimum rate will be fixed. If he goes below that minimum shall he go empty-handed? They say that a guaranteed time rate at least shall be fixed, which will be less than the piece work rate. If once again you say that it must be only in case he does a minimum piece of work or the prescribed piece of work, that will be begging the question.

Shri K. Santhanam: The Honourable Member's interpretation is not at all in conformity with the explanation given by the Honourable Minister.

Shri M. Ananthasayanam Ayyangar: I have my interpretation and the Honourable Minister has his. I should be glad to be corrected if I am wrong but merely to quote the Minister against me is not enough and I will not be satisfied.

Clause 3 refers to the fixing of minimum wages. As regards payment of wages what safeguards have been provided in the Bill to avoid either the workman slackening or the employers refusing to pay? There are three kinds of rate and three distinct provisions by way of different clauses— clauses 16, 17 and 18. Clause 15 refers to wages of worker who works for less than the normal working day: clause 16 refers to wages for two or more classes of work and clause 17 to minimum time rate wages for piece work. Clause 17 reads:

"Where an employee is employed on piece work for which minimum time rate and not a minimum piece rate has been fixed under this Act, the employer shall pay to such employee wages at not less than the minimum time rate."

This is the exact clause which my Honourable friend seeks to amend. "Under this Act" means the previous provision under which this minimum time rate is fixed. I shall give a concrete instance. 10 cft. may be the piece but the man may do only 9 cft. It takes him a certain amount of time and according to the time taken by him he shall be paid, though he may not complete the piece of work. The man will not go empty-handed, and he will be paid according to the number of hours he has put in, having regard to the number of hours he has normally to work to complete the piece. If a man attends his factory and spends sometime he is entitled to some rate, which is the minimum rate fixed: it is less than the ordinary time rate but the minimum he will be able to get. That I feel is the object of the Bill and this amendment will unfortunately go against that. Naturally all of us should be interested in seeing that a man who does not work ought not to be paid. This is not a penal act or code which tries to penalise the employer, who spends all his time and

[Shri M. Ananthasayanam Ayyangar]

energy and brings an industry into existence. It is neither to his advantage nor to the advantage of the community. Quite often it is the workman that has to be safeguarded as against the employer who has the whip-hand. It is for that purpose that this minimum rate is fixed. I believe that this amendment will not serve that purpose. My Honourable friend, I would request, might consider the matter again or I would leave it to the House to decide.

Shri K. Santhanam: Sir, I do not want to press my amendment. I beg leave of the House to withdraw it.

Mr. Speaker: Has the Honourable Member leave of the House to withdraw the amendment?

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

Shri O. V. Alagesan (Madras: General): Sir, my observations are confined to agriculture only. Yesterday a fear was expressed that the three year period referred to in the clause will lead to delay and benefit to the agricultural workers under the Act will be postponed. I may say that the provincial governments will rather jump at this legislation as it will enable them to act quickly. As my Honourable friend Shri Subramaniam pointed out yesterday, the provincial governments are confronted at every harvest with agrarian trouble and deadlock and they have somehow to improvise a method to deal with it. This Bill shows them the way and they will devise the machinery to settle these troubles smoothly.

Again in fixing the minimum wages the Honourable Labour Minister told us yesterday and also rightly laid stress on the point that if any industry, agriculture or otherwise is unable to pay even the minimum wages to the workers, it has no right to exist and he was rightly applauded by the House for that, because he enunciated a very wholesome principle. Taking the case of agriculture my Honourable friend Shri Bishwanath Das, ex-Premier of Orissa, yesterday made a very impressive and, I may say, excellent speech. He spoke with a rich experience in agricultural problems and made several important points. He said that most of the agricultural holdings are very small and it is a well known fact that they are uneconomic. I would request the Honourable Labour Minister to bear this in mind. We should insist on minimum wages to be paid to the agricultural workers; they should also get their due. Here it is a question of not one under-dog but two under-dogs, perhaps one slightly better than the other. I mean the small land-holder and the agricultural worker. In the absence of any legislation to liquidate all the uneconomic holdings and consolidate them into economic holdings, the position is rather difficult and this I think will be taken into consideration by the appropriate authorities while fixing minimum wages. I would even urge upon the Honourable Minister who has so much sympathy for the agricultural labourers, a class that has been neglected, ill-treated and ill-paid for ages, to take this fact into consideration, and persuade the government to bring forward a measure which will liquidate all uneconomic holdings and which will enable such people who have economic holdings to pay not only the minimum wages fixed but even slightly better wages. The Select Committee has removed the distinction between men and women workers and in my opinion they have not cited sufficient reasons for that.

Mr. Speaker: The Honourable Member is going into the wider question of the principles on which the minimum wages have to be fixed. That is going much beyond the scope of the clause before the House now. We have passed the consideration stage of the Bill and are now concerned with clause 3, which seeks to lay down the procedure to fix minimum rates of wages. Will he, therefore, restrict his remarks only to the provision of this clause instead of going into the general question?

Shri O. V. Alagesan: I submit, Sir, I had no intention of going into the general question. What I wanted to say was that in case this distinction is removed women may not be able to find employment in certain classes of work and it will be a hardship on them.

Prof. Shibban Lal Saksena: Although I do not want to move any amendment to this clause I want to draw the attention of the Honourable Minister to two things. In part (a) of sub-clause (1) of this clause a period of three years is prescribed for the appropriate governments to take action in the case of agricultural occupations and a period of two years for others. In the case of occupations which the Provincial Government may not notify under section 27 two years will begin from the date of the notification. I think that unless the Honourable Minister moves the Provincial Governments in the matter no action may be taken for two years. As I said I do not want to move any amendment. I only want to draw the Honourable Minister's attention to the fact that he has given too wide a latitude to the Provincial Governments. I wish he had given not more than six months' time, because things are already overdue and two or three years' period is I think an unconscionably long time.

Again, in part (b) of sub-clause (1) of this clause the time given for reviewing the rates is five years. I think that is too big an interval. I have not proposed any amendment, but I hope the Honourable Minister will by his energy make the Provincial Governments act more quickly in this matter. Yesterday we heard the speech of the ex-Priemer of Orissa. If there are any other friends of that nature they might take a very long time. I hope the Honourable Minister will see that his noble work is not nullified in that manner. I hope that although he has given a wide latitude of two or three years under part (a) of this sub-clause he will see that the thing is done quickly.

The Honourable Shri Jagjivan Ram: Sir, I did not expect that on part (c) of sub-clause 2 of this clause there would be so much discussion. The principle in that part of the sub-clause lays down that even for the workers who are engaged in piece work some remuneration may be guaranteed on a time scale basis. It may be said that some piece workers, if they do a specified piece of work, get Rs. 3 or Rs. 4 per day. But when we calculate we find that they get the Rs. 3 or 4 after they work for, say, 12 or 13 hours. The intention of this part of the sub-clause is that the piece rates may be so fixed as to conform to the minimum time rate. Therefore I do not find any difficulty in that. I, of all persons, have always been insisting that the labour leaders should make the workers realize their duties and responsibilities and not only their rights. I for one always maintain that the workers should conscientiously do their work.

My friend Mr. B. Das is always after Geneva or Washington in all question he brings us if the measures that the Government of India bring are copied on the lines of the measures in Western countries. We certainly do so in some cases where we find that those measures are beneficial to this country. But certainly we do not copy them blankly. In this provision there is nothing which has been copied from the Western countries. He brought the question of the railwaymen and others. That question was not at all relevant to sub-clause (3). In the railway most of the employees are not on piece rates but are on time scale. So the analogy was quite irrelevant. Anyway this provision is quite a necessary one.

The point that has been raised by my friend Mr. Shibban Lal Saksena deserves consideration. I may state for the information of the House that all the Provincial Governments are anxious to put this Bill into execution as soon as possible. Only recently I had a conference with the Provincial Labour Ministers at which this Bill was considered, apart from the opinions that we received from the Provincial Governments when the Bill was circulated. All these

[Shri Jagjivan Ram]

Ministers expressed their anxiety that the passage of this Bill should be expedited. About Orissa I may say this. Of all the Ministers that were present, the Labour Minister of Orissa was most anxious in this matter because Orissa to-day is facing more trouble in agricultural labour—even more acute than what they are facing in Madras. These are the two Provinces where the question of agricultural labourers has assumed a very acute form. I am sure the Provincial Governments will take up this question as soon as the Bill is passed into an Act.

As regards the question of revision, a period of five years has been fixed. But that is only the maximum period. It is open to the Provincial Governments to review the position when they find that there has been either a steep fall or a steep rise in the cost of living. It is open to them to revise the wages even after a period of six or three months. As I said, five years is only the maximum period.

I hope the clause will be passed unanimously.

Mr. Speaker: The question is:

“That clause 3, as amended, stand part of the Bill.”

The motion was adopted.

Clause 3 as amended was added to the Bill.

Clauses 4 to 18 were added to the Bill.

Shri T. T. Krishnamachari: I move:

“That in part (e) of sub-clause (2) of clause 19 of the Bill, the words ‘or as he may deem necessary for carrying out the purposes of this Act’ be omitted.”

Sir, the particular sub-clause reads like this:

“Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointed exercise such other powers as may be prescribed, or as he may deem necessary for carrying out the purposes of this Act.”

The discretion in regard to deciding what are the powers necessary for carrying out the purposes of this Act is normally vested in the Govt. Central or Provincial as the case may be but it is also being given to the inspector in part (e) of sub-clause (2). I think that must have been due to a mistake. Surely an inspector cannot be permitted to go beyond what is prescribed by the rules. Probably the Honourable Minister would be willing to accept this amendment.

Mr. Speaker: Amendment moved:

“That in part (e) of sub-clause (2) of clause 19 of the Bill, the words ‘or as he may deem necessary for carrying out the purposes of this Act’ be omitted.”

The Honourable Shri Jagjivan Ram: I accept the amendment.

Mr. Speaker: The question is:

“That in part (e) of sub-clause (2) of clause 19 of the Bill, the words ‘or as he may deem necessary for carrying out the purposes of this Act’ be omitted.”

The motion was adopted.

Mr. Speaker: The question is:

“That clause 19, as amended, stand part of the Bill.”

The motion was adopted.

Clause 19, as amended, was added to the Bill.

Clause 20 was added to the Bill.

Shri T. T. Krishnamachari: I move:

“That in sub-clause (1) of clause 21 of the Bill, before the word ‘amount’, the word ‘aggregate’ be inserted.”

If the Chair permits and if the Government is also agreeable, I would like to move that the words "per head" at the end should be deleted, because it is a question of dealing with aggregate wages of a number of people. It should therefore run "ten times the aggregate amount of such excess".

Mr. Speaker: Amendment moved.

"That in sub-clause (1) of clause 21 of the Bill, before the word 'amount', the word 'aggregate' be inserted, and the words 'per head' at the end be omitted."

The Honourable Shri Jagjivan Ram: I accept the amendment.

Mr. Speaker: The question is:

"That in sub-clause (1) of clause 21 of the Bill, before the word 'amount', the word 'aggregate' be inserted, and the words 'per head' at the end be omitted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 21, as amended, stand part of the Bill."

The motion was adopted.

Clause 21, as amended, was added to the Bill.

Shri K. Santhanam: It has been pointed out to me that while the amendment is quite acceptable, it may better be incorporated as sub-clause (1), and so with your permission, Sir, I move:

"In clause 22, for sub-clause (1)—the main portion—the following be substituted:

"Any employer who pays to an employee less than the minimum rates of wages fixed for that employee's class of work or due to him under the provisions of this Act, or infringes any order or rules made under section 13 of this Act, shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both."

Clause 13 was inserted in the Select Committee but they did not carry out the consequential amendments in the latter clauses, and as the clause stands now the penalty is only for infringing the right, but clause 13 provides machinery for fixing hours and for payment for days of rest, and other matters. In these matters also the employee requires protection and it is to fill up this lacuna that I have moved this amendment.

Mr. Speaker: There seems to be some confusion.

Shri K. Santhanam: The proviso stands as it is. I have not altered the proviso.

Mr. Speaker: Then I shall incorporate in the amendment the proviso also. Amendment moved:

"That for sub-clause (1) of clause 22 of the Bill, the following be substituted:

"(1) Any employer who pays to an employee less than the minimum rates of wages fixed for that employee's class of work, or due to him under the provisions of this Act, or infringes any order or rules made under Section 13, of this Act shall be punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both:

Provided that in imposing any fine for an offence under this sub-section, the Court shall take into consideration the amount of any compensation already awarded against the accused in any proceedings taken under section 20."

Mr. Naziruddin Ahmed: Sir, there is one inaccuracy in this amendment which I would like to point out. There is the expression "section 13 of this Act." The words "of this Act" are not necessary because under the general clauses Act "section 13" means "section 13 of this Act." These words should be omitted.

Mr. Speaker: Yes, the words "of this Act" may be deleted from the amendment as I have placed it before the House.

The Honourable Shri Jagjivan Ram: Sir, I accept the amendment.

Shri M. Ananthasayanam Ayyangar: Sir, I still think one small amendment is necessary. I should like to say that we should add the words "amount due to him" and say at the beginning "either the minimum rates of wages fixed or the amount due to him".

Shri K. Santhanam: That was given me by the official draftsman.

Shri M. Ananthasayanam Ayyangar: He is wrong. What is the use of quoting the official draftsman? As it stands, there is a lacuna regarding the "amount due to him". That is a lacuna and what is the good of not admitting it? The employer may give the correct rate but in calculating might give the wrong amount due. So the reference to the amount should be there.

Mr. Speaker: I believe the Honourable Minister is willing to accept this.

The Honourable Shri Jagjivan Ram: Yes Sir.

Mr. Speaker: I hope there will be no further amendments.

The question is:

"That for sub-clause (1) of clause 22 of the Bill, the following be substituted:

(1) Any employer who pays to an employee less than the minimum rates of wages fixed for that employee's class of work, or less than the amount due to him under the provisions of this Act, or infringes any order or rules made under Section 13, shall be punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both:

Provided that in imposing any fine for an offence under this sub-section, the Court shall take into consideration the amount of any compensation already awarded against the accused in any proceedings taken under section 20."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 22, as amended, stand part of the Bill."

The motion was adopted.

Clause 22, as amended, was added to the Bill.

Kazi Syed Karimuddin (C. P. and Berar: Muslim) Sir, I move:

"That for clause 23 of the Bill, the following be substituted:

23. Where any employer is charged with an offence against this Act, he shall be entitled to prove that he has used due diligence to enforce the execution of this Act and on such proof he shall be acquitted."

For prosecuting the employer under clause 22, there are three conditions laid down. Firstly, that a complaint is necessary and secondly sanction is necessary and thirdly the complaint should be instituted within six months from the date of the commission of the offence. Clause 23 lays down that if the employer is prosecuted and if the charge is proved against him, he has a right to make an application and to lodge a complaint that somebody else and not he is the real offender and on his complaint the other man will be prosecuted. This principle is very unsound. The Government lays down these three conditions to prosecute the employer but there is absolutely no condition for the employer to prosecute anybody else that he wants to prosecute. The employer, if he has any hiring can lodge a complaint against him, and the latter can come to court and say that he admits the offence. In this way the employer evades himself by putting up a scapegoat. Secondly the prosecutions can be vexatious also. If the employer is a richman and wants to evade the responsibility and wants to prosecute another man, under this clause he is entitled to prosecute and examine witnesses. I really do not understand as to why this duty of prosecution should not be shouldered by the Government. Before a prosecution is launched against an employer, there should be investigation, the investigating officer should try to find out as to who is the real culprit, the plea of the employer that somebody else and not he is the culprit should be examined and the Government should take the responsibility of prosecuting the employer or anybody else. Instead of this, the policy of drift and the policy of saving the employer, is embodied in clause 23. It will be just

like this, Sir. If a man is prosecuted of murder, he could come to court and say that somebody else and not he is responsible for this murder and the prosecution should allow him to examine witnesses against the other man and if he is convicted, then he is free; if he is not convicted, then the trial should go on. My submission therefore, Sir, is that a very unsound principle of law is embodied in Clause 23 and I trust that my amendment will be accepted.

Mr. Speaker: Amendment moved:

"That for clause 23 of the Bill, the following be substituted:

"23. Where any employer is charged with an offence against this Act, he shall be entitled to prove that he has used due diligence to enforce the execution of this Act and on such proof he shall be acquitted."

I should like to know, first of all, what the Honourable Minister has to say. Thereafter, other members may speak.

The Honourable Shri Jagjivan Ram: I am not going to accept this amendment, Sir.

Mr. Naziruddin Ahmad: Sir, I rise to support the amendment. In fact, the clause seems to have been inserted for the first time during the Select Committee stage and it seems that accepting its principle, even its draftsmanship has not been carefully considered. It has certain loopholes. First of all, it is initially unsound. The Bill has provided certain safeguards in prosecuting persons under the Bill. In fact, there is the condition that a public servant complains and a public servant gives a sanction, and then there is a period of limitation. These safeguards to a large extent afford a reasonable basis for a prosecution and, as has been pointed out by Mr. Kazi Karimuddin, that the prosecution by the Public Prosecutor or by the Police or the Government ensures fairness in the prosecution. But now, as soon as a man is prosecuted, after due enquiry, and what is very important, when the case is proved against him, when his guilt reasonably established, then he is given the right of purchasing his immunity by finding out a suitable scape-goat. It may be that he prosecutes an innocent man frivolously and if the scape-goat agrees to undertake the responsibility of admitting the offence, the scape-goat gets convicted. If the offenders' first victims is acquitted. Clause 23 does not debar the offender in danger from changing scene and prosecuting yet another man. He will say: "The man who is acquitted is not the real culprit but I now think somebody else is." The amendment however keeps the spirit of the Clause and prevents the above abuses. The whole Clause is based upon an unsound principle. There is no reason why there should be so much anxiety to protect an employer who has, *prima facie*, committed an offence. It was given out yesterday in support of this Clause that a man who can prove his innocence must be acquitted and it is supposed that this Clause 23 for the first time gives him that opportunity. But I submit that it is well known that irrespective of clause 23 a man who is innocent, against whom the case has not been proved with reasonable certainty, goes scot free. Clause 23 is thus unnecessary and mischievous. It may be due to an undue anxiety to save an innocent man but it may let off a guilty man and convict an innocent man. Again there are the uncertainties of such a procedure. It will lead to corrupt practices and encourage the securing of conviction of men who are really innocent but who may be a willing party in the prosecution. In the circumstances, I beg to submit that if the clause is to be retained, it should not be retained in the existing form but in the amended form as proposed by Mr. Kazi Karimuddin:

Dr. B. Pattabhi Sitaramayya (Madras: General): Mr. Speaker, Sir, I should like to say a few words in support of the amendment before the House. Before I do so I must explain my own position, because I was a signatory to the Report of the Select Committee. The Select Committee sittings of this House are so timed that they invariably collide with the sittings of another Committee which exactly sits in the same hours. I do not say that I was not present at the time at which this clause was passed. I have a vague recollection that I was present. I allowed the things to pass, possibly through inadvertence, and in

[Dr. B. Pattabhi Sitaramayya].

the Select Committee things are done in such a hurry and we have the disadvantage of the Honourable Minister not being present at the first two sittings. I believe, and I am apt to make a confusion between one Select Committee and another because we are called up to so many Select Committees in such quick succession,—that I cannot exactly say how guilty I am or whether I am guiltless. Be that as it may, even if I were guilty, I would like to make amends for this now in the House.

Sir, this Clause is an undersirable clause. It reminds me of the long years that I have spent in jail in which I found always about 300 people,—old, withered, wisened, emitting a musty and semi cadaverous odour, handling a small broom and trying to move it this side and that side, within a range of 6 inches and spending their morning hours from 7 to 8 on this work. Who are these gentlemen, I said, and I began to put myself into communication with them and asked them who they were. They said, "Sir, we are only innocent people. We have been sent by our Patel because our Patel is in the habit of making illicit liquor. After Prohibition has been introduced almost everybody addicted to drink is making illicit liquor but they have got certain men of my type. I have no wife or children and to me this is a better abode than my little hut and here my food is ensured." And in the Vellore jail, out of a population of 200,000 people there is invariably a strength of 300 to 600 prohibition prisoners. These people come very handy to the Patels. The Patels make pots of money by boiling pots of liquor and then they use these people as their proxies, and if a village Patel can do that, how much more can an employer who can command enormous sums of money not do the same? Besides, if we should go and put this instrument into his hands, things would be somewhat awkward. The other day, Sir, if I may quote the example in regard to the Commerce Department, the Honourable Minister for Commerce was so graceful as to withdraw Clause 10 of that Bill. Which was of a similar type and I hope the Labour Minister also will be pleased to withdraw this Clause.

بلڈت تھاکر داس بھارگو جناب والا ! میں اس دفعہ نمبر ۲۳ کو دیکھ کر بالکل حیران رہ گیا ہوں - اس دفعہ نمبر ۲۳ کے اندر 'employer' کے لئے جو view! point استعمال کیا گیا ہے - اس پر مجھے اعتراض ہے - اس کا مطلب یہ ہے کہ ایک آدمی کو آپ ایک فوجداری مقدمہ میں یہ کہتے ہیں کہ وہ ایک دوسرے آدمی کو بطور مجرم کے پیش کرے - میرے خیال میں یہ اس حد سے تجاوز کرتا ہے کہ جس حد کا بوجھ پھیل کر کسی شخص پر اس بارے میں ڈالتا ہے - اگر کوئی شخص بے گناہ ہے - اور اس شخص کو اپنی بے گناہی ثابت کرنے کے لئے دوسرے شخص کا جرم ثابت کرنا پڑے تو میں یہ کہونگا کہ یہ بے حد ناانصافی ہے - اور اس کی مثال کسی بھی قانون میں نہیں مل سکتی - اگر ایک شخص یہ ثابت کرتا ہے کہ **that he has used due diligence to enforce the execution of this Act.** اور یہ کہ دوسرے آدمی نے اس offence کے Knowledge Consent or Connivance کے بیغور کہا ہے تو اس کا مطلب یہ ہے کہ آپ بے گناہی ثابت کرنے سے بھی زیادہ بوجھ اس پر ڈالتے ہیں یہ ضروری نہیں کہ قانون کا ملکہ یہ ہو کہ due diligence دیکر معاملات ایکٹ کا بھی بار اسی پر ڈالا جائے - جب

کے اُس نے یہ بھی ثابت کر دیا۔ کہ اُس نے جرم نہیں کیا ہے۔ یہ تھبک ہے کہ اگر اُس کا بار اُس لئے ڈالا جاتا ہے کہ ہر ایک آدمی اپنے فرض کو ادا کرے تو وہ الگ بات ہے۔ لیکن اُس سے اس آدمی پر بہت ہی بے انصافی ہوگی جو کہ بے گناہ ہوگا اور اُس کو اول اپنے بے گناہی اور پھر لعلی اور پھر نہک چلی و دیگر معاملات ثابت کرنے پرے اُس بات کے پیسے نظر مہیں یہ ادب سے عرض کروں گا کہ اُس employer پر بے جا سختی مناسب نہیں ہے۔

Pandit Balkrishna Sharma (U. P.: General): Mr. Speaker, may I, on a point of information know, Sir, how the Honourable Member has been rather clever enough to impute into the clause which he is saying for instance, 'my reading of the clause is that it does not place any burden on the employer. It only gives him an opportunity'.

Mr. Speaker: The Honourable Member may argue the point later.

پندت تھاکر داس بھاگو : میں اُس اعتراض کو یوں سمجھتا ہوں۔ کہ ایک آدمی کو آپ dook میں کھڑا کر کے یہ کہتے ہیں کہ تمکو یہ رعایت دی جاتی ہے لیکن میں یہ عرض کروں گا کہ ہر ایک ملزم کو یہ رعایت دی جاتی ہے کہ وہ ثابت کرے کہ وہ بے گناہ ہے۔ لیکن یہاں پر اُس کے ساتھ ہی due diligence, in the execution of the Act کا لفظ استعمال کیا گیا ہے۔ لیکن یہاں پر بھی موقعہ دیا گیا ہے کہ وہ کسی دوسرے شخص کو پیش کرے اور ثابت کرے کہ اُس نے جرم کیا ہے۔ جناب عالی ! مجھے ایک شخص نے ایک سٹیٹ کے جہل خانے کے متعلق ایک صحیح بات بتائی ہے۔ اُس نے کہا کہ اِس سٹیٹ میں اگر کسی کو قید کیا جاتا ہے تو اُس قیدی کے بدلے اُس جہل میں ایک substitute رکھتا ہے۔ قیدی باہر رکھتا ہے اور اُس کے عوض میں دوسرا شخص قید میں چلا جاتا ہے۔ لیکن یہاں پر حالت اور بھی زیادہ بدتر ہے۔ ایسا کسی بھی civilized گورنمنٹ میں نہیں ہوتا ہے۔ جب یہاں پر یہ رعایت دی جاتی ہے کہ employer کسی دوسرے شخص کو پیش کرے تو یہ بھی ہو سکتا ہے کہ اُس کی اطلاع فلت ہو۔ اور جس شخص کو وہ مجرم ٹھہرانا چاہے وہ اصل میں بے گناہ ہو۔ موجودہ صورت میں یہ ہو سکتا ہے کہ اگر A کو عدالت میں charge کر دیا جائے تو وہ یہ کہے گا کہ یہ جرم میں نے نہیں کیا ہے۔ بلکہ B نے کیا ہے۔ تو A کو discharge کر کے B کو پکڑا جائے گا۔ اور اگر B ایسا کرے تو C کو پکڑا جائے اس کا مطالب یہ ہوا کہ وہ کام جو کہ پولیس نہیں کر سکتی اور سرکار نہیں کر سکتی کہ اصل مجرم کا پتہ لگایا جاوے اُس کام کو اُس بے گناہ employer کے اوپر ڈالا جاتا ہے۔

میں پندت بالکوشن سے یہ عرض کروں گا کہ اُس سارے سیکشن نمبر ۲۳ کا ماہصل یہ ہے کہ یہ اُس employer کا فرض بن جاتا ہے کہ جب دفعہ ۲۳ کا فائدہ اٹھانا چاہے تو وہ کسی ایسے آدمی کو پیش کرے جو دراصل بے گناہ ہو سکتا ہے۔ اور اُس کا نام دے کر اُس کو پھنسانے۔ اس قانون کے ہوتے ہوئے۔ یہ ہوگا کہ ایک

[پبلت ت تھاکر داس بہارگو]

آدمی جس نے جرم کیا ہو وہ اپنے آپ کو بچانے کے لئے ایک ایسے آدمی کو پیش کرے گا جو بے گناہ ہو سکتا ہے اس دفعہ کے اطلاق سے صرف یہ ضروری نہیں ہے کہ وہ ثابت کرے کہ اس نے جرم نہیں کیا ہے بلکہ اُسے یہ ثابت کرنا ہے that he has used due diligence to enforce the exclusion of this Act, and that the other person committed the offence with out his knowledge consent and connivance- وہ ایسا کرنے سے خود تو discharge ہوگا۔ لیکن ایک شخص کو جو بے گناہ بھی ہو سکتا ہے مجرم بتا کر سزا دلانے کی ذمہ داری اس کے ہوگی۔

ایسا قانون Public morals اور Public police کے خلاف ہے۔

(English translation of the above speech.)

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I am amazed to see the section 23. I object to the view point taken here with reference to the term 'employer'. It means as if in a criminal case you suggest to a person to offer an innocent man as a criminal. As far as I think, the section exceeds the limit of the provision of even the Indian Penal Code. If a person is innocent and to prove his innocence he has to prove the guilt of some one else. I would call it an extreme injustice which has no parallel in any legislation. Again, if a man has first to establish 'that he has used due diligence to enforce the execution of this Act,' and 'that the other party has committed an offence without his knowledge, consent or connivance, then all this means that you put unnecessary burden on him to prove his innocence. The intention of the law cannot necessarily be to put the onus of proof of due diligence and of other matters mentioned in the Act, on the man who has already proved his innocence. It may be true that the onus of proof is thrown on him so that every man must do his duty. If it is so, it is a different matter. But it will be a great injustice to the innocent man if he were to prove his innocence, his absence of knowledge, and his good behaviour etc. I beg to submit that it is not befitting to treat such an employer with unnecessary hardship.

Pandit Balkrishna Sharma: Mr. Speaker, may I, on a point of information know, Sir, how the Honourable Member has been rather clever enough to impute into the clause things which he is saying for instance, 'my reading of the clause is that it does not place any burden on the employer. It only gives him an opportunity'.

Mr. Speaker: The Honourable Member may argue the point later.

Pandit Thakur Das Bhargava: I understand this objection thus: as if you were to put a man in the dock and say to him "you are given this concession". I would say that every accused person is given concession of proving his innocence, but in the Section the phrase 'due diligence to enforce the execution of this Act' is added to the detriment of the employer. At the same time, he has been given an opportunity to offer some other person in his place and to prove that he is the only man who has committed the offence. Sir, I was told an interesting fact about a state prison. He said that if any person in the state is sent to the prison he sends then his substitute. The prisoner remains out of the prison, while his substitute remains inside it. But the situation as envisaged here is still worse. Such a law does not exist under any civilised Government. In view of this concession that an employer may offer another man as the offender, it is just possible that his information may be wrong, and that the man whom he wants to hold as the criminal may actually be innocent. Under the present circumstances it may happen that if 'A' is charged with an offence in a court he shall say that he has not done the offence but 'B' has done it. Then if 'A' is discharged, 'B' is caught and if 'B' says that 'C' is an offender, 'C' will be caught. This all means that the task of tracing the real culprit which

neither the police nor the Government can do is placed on the shoulders of the innocent employer.

I would say to Pandit Balkishna that the purport of the whole of section 23 is this that in case the employer wants to take advantage of it, it devolves upon him to offer such a man who may actually be innocent, and by giving his name he may entangle him. Under this law, an offender to save himself would offer such a man who may be innocent. It is not only necessary under this section for the employer to prove himself not guilty, but he has also to prove that he has used due diligence to enforce the execution of this Act and that the other person committed the offence without his knowledge, consent and connivance.

Thus by doing so he will be discharged, but he will take upon himself the responsibility of getting the other man who may be innocent punished by naming him as the offender.

Such a law is against both the public policy and the public morals.

Shri K. Santhanam: May I ask the Honourable Member whether someone should not be responsible? It is a case of appointment of labour.

Mr. Speaker: I would in this connection invite the attention of the Honourable Member, who is arguing, to the definition of the word "employer," that is one part of it and to the penal clause which we just adopted *viz* clause 22.

Shri M. Ananthasayanam Ayyangar: Without clause 23 he will be defeating his own purpose.

Mr. Speaker: I would invite the attention of the Honourable Members to the definition of the word 'employer' as also to the fact that the offence is committed without any prior intention on the employer's part. I think these are linked with clause 29. I am not arguing on merits but only giving a point for consideration.

It is time for the House to adjourn now and we shall resume discussion on Monday. The House will adjourn and re-assemble on Monday 11 O'clock.

The Assembly then adjourned till Eleven of the Clock on Monday, the 9th February, 1948.