

Monday,
1st March, 1948

THE
CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE) DEBATES

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SECOND SESSION

of the

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
1948



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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

Monday, 1st March, 1948

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

STARRED QUESTIONS AND ANSWERS.†

ORAL ANSWER

[501*—515*]†

TROUBLE OVER DISARMING AN R.I.A.S.C. BATTALION IN ALLAHABAD CANTONMENT

516. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of Defence please state whether it is a fact that some trouble occurred in Allahabad Cantonment when the local military authorities attempted to disarm an R.I.A.S.C. Battalion which had arrived there from Bombay?

(b) Is it a fact that some soldiers of the said Battalion resorted to firing and refused to surrender their arms?

(c) Is it a fact that six Battalions of the Kumaon Regiment at Allahabad exchanged fire with the mutineers, disarmed them and put them under arrest?

(d) Do Government propose to make a detailed statement regarding the cause of this mutiny?

The Honourable Sardar Baldev Singh: (a) and (b). Yes.

(c) The 6th Battalion of the Kumaon Regiment was employed in this connection but they did not resort to firing.

(d) No. The persons mainly responsible for this incident are being tried by Court Martial and the matter is therefore *sub judice*.

LEASES OF CANTONMENT LANDS

517. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of Defence please state whether it is a fact that Cantonment land is being given in various Cantonment limits in India by Executives of Cantonments to selected persons, at a nominal rate?

(b) Is it a fact that in some cases lands have been given on 25 to 50 years' leases at a nominal rate of rupees 1 to 3 per square yard, whereas the rate for the adjoining lands in Civil limits is ten times as much?

(c) Is it a fact that there are various kinds of leases of lands, existing at present?

(d) Do Government propose to review the whole Cantonment land problem with the object of avoiding loss in Government revenues?

(e) If not, why not?

The Honourable Sardar Baldev Singh: (a) and (b). No.

(c) Yes.

(d) and (e). These questions do not arise in view of the answers to parts (a) and (b).

Mr. R. K. Sidhva: What is the term of the lease if the answer to parts (a) and (b) are in the negative? I would like to know how many years' lease is given in this Cantonment Area?

The Honourable Sardar Baldev Singh: Buildings leased are of three kinds: those granted in perpetuity; 30 years' lease not renewable; and 30 years lease renewable up to 90 years.

†For answers to these questions, see pages 1378-88 of these Debates.

Mr. R. K. Sidhva: In view of this long-term lease which has been given to them, do Government reconsider the terms of these leases?

Mr. Speaker: Which leases? Existing or future?

Mr. R. K. Sidhva: Future.

The Honourable Sardar Baldev Singh: As regards the question of giving leases in future, we are not ordinarily giving for more than 30 years. As regards the leases already given for more than 30 years, it is difficult for us to do anything about them.

Mr. R. K. Sidhva: What is the rate generally charged per square yard for a 30 years' lease?

The Honourable Sardar Baldev Singh: I would require notice of that.

Mr. R. K. Sidhva: Is not it a fact that the price of land for 30 years is ten times more than the area adjoining the civil authorities?

Mr. Speaker: Order, order. I do not think that is in order.

Mr. B. Paker Sahib Bahadur: May I know on what principle lessees are selected for these leases?

The Honourable Sardar Baldev Singh: The recommendations are received from the Local Authorities and considered by the Department.

Mr. B. Paker Sahib Bahadur: What is the principle on which the Local Authorities are expected to make recommendations as regards these leases?

The Honourable Sardar Baldev Singh: The principles have been already laid down.

Mr. R. K. Sidhva: May I have some idea as to how many such leases have been issued in the Cantonments?

The Honourable Sardar Baldev Singh: I could give the reply to this question if the Honourable Member will put a question.

Mr. B. Paker Sahib Bahadur: Where are these principles laid down?

The Honourable Sardar Baldev Singh: The principles laid down are available from every Cantonment Officer.

GOVERNMENT EMPLOYEES BEFORE AND AFTER WAR

518. ***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Finance please state the number of officials both gazetted and non-gazetted and also the number of subordinate staff which existed before the War (September 1939) and the number in 1946 and 1947?

(b) Do Government intend to retrench the staff employed during the War?

(c) If not, what are the reasons for retaining them?

The Honourable Shri R. K. Shanmukham Chetty: (a) The attention of the Honourable Member is invited to my reply to his Starred Question No. 333, dated the 19th February, 1948 in which it was stated that the information when available will be placed on the table of the House.

(b) and (c). Considerable reduction in the staff recruited in connection with purely War Time activities has already been effected. The Economy Committee, which has been recently constituted, has been requested to scrutinise the matter further and to make suitable recommendations.

Mr. R. K. Sidhva: Can I have an idea as to what is the total number retrenched so far?

The Honourable Shri R. K. Shanmukham Chetty: The information is being collected. But I can give the Honourable Member some idea, though I should warn him that these figures should not be taken as very accurate:

	Gazetted officers	Non-gazetted officers
Ministry of Finance	18	152
Military Accounts Dept.	67	9,935
Ministry of Supply and Industry	1,361	27,510
Ministry of Labour	358	29,140
Ministry of Commerce	21	167

Mr. R. K. Sidhva: When were they retrenched?

The Honourable Shri R. K. Shanmukham Chetty: Since the termination of the war.

Shri H. V. Kamath: As against the retrenchment in these Ministries has the staff in other Ministries been expanded?

The Honourable Shri R. K. Shanmukham Chetty: Whether there has been any expansion in any particular Ministry, I would like notice of that question.

Shri M. Ananthasayanam Ayyangar: Is there any departmental committee in each department to gather material as to the personnel and how economy may be effected for material for the Economic Committee?

The Honourable Shri R. K. Shanmukham Chetty: That is being done departmentally.

Shri M. Ananthasayanam Ayyangar: Will the matter be placed before the several Standing Committees of the Assembly before they are finalised and placed before the Economic Committee?

The Honourable Shri R. K. Shanmukham Chetty: I cannot say what is to be done about them.

Shri M. Ananthasayanam Ayyangar: So far as the Finance Standing Committee is concerned, will the Finance Minister see to it that whatever material is gathered, is placed before the Finance Committee before it goes to the Economic Committee?

The Honourable Shri R. K. Shanmukham Chetty: I shall consider that.

Mr. B. Paker Sahib Bahadur: May I know whether the Government will be pleased to lay on the table of the House the report of the Committee on Retrenchment?

The Honourable Shri R. K. Shanmukham Chetty: When it is ready, yes.

Shri Deshbandhu Gupta: Has any of the retrenched staff been absorbed by Government or other Departments?

The Honourable Shri R. K. Shanmukham Chetty: It is the general policy of the Government to see that as far as possible men who are retrenched are absorbed in some other useful occupation, including Government service. A special machinery has been set up for this purpose.

Shri Deshbandhu Gupta: Can the Honourable Minister give a rough idea of the number of people so set off?

The Honourable Shri R. K. Shanmukham Chetty: No I cannot give it.

Mr. R. K. Sidhva: I wanted the same answer to a similar question: Could the Honourable Minister give an idea of the percentage of the "set-offs"?

Mr. Speaker: He wants notice of that.

Shri M. Ananthasayanam Ayyangar: How far has the Economic Committee progressed?

The Honourable Shri R. K. Shanmukham Chetty: I think they really had their first meeting two or three weeks back.

Shri M. Ananthasayanam Ayyangar: Are any of the members finding it difficult to spend their time for the legitimate purpose of the Committee and want to be relieved?

The Honourable Shri R. K. Shanmukham Chetty: I am not aware of it.

Shri H. V. Kamath: What is the kind of machinery to absorb these retrenched staff in other departments?

The Honourable Shri R. K. Shanmukham Chetty: When there is any proposal for a large-scale retrenchment in any particular department, then the other departments are informed about it and a very detailed examination is made to see whether it is possible to absorb them in any other manner.

Shri M. Ananthasayanam Ayyangar: Has the Honourable Minister given any time limit within which the Committee should conclude its deliberations and recommendations?

The Honourable Shri R. K. Shanmukham Chetty: I have not given any particular time-limit to the Committee because I know that the Committee is fully alive to the urgency of the problem. But I have told them that as they finish their enquiry into each Ministry's affairs, they should send a report so that we may take action.

PENSIONS TO DESCENDANTS OF EX-RULERS OF INDIAN STATES

519. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of States please refer to the statement given in reply to Mr. Mohanlal Saksena's starred question No. 580 asked on 3rd December, 1947 showing the nature of pensions and amounts involved in the provision made for the descendants, relatives and dependants of the former Rulers of territories in India and state whether Government propose to review the question of the payment of these pensions to the descendants etc. of the former Rulers under the new set up and conditions in this country?

(b) Are there any agreements between the States and the Rulers for the payment of these pensions?

(c) If so, are they to continue in perpetuity?

(d) What are the advantages to Government, at present, in the payment of these annual pensions?

The Honourable Sardar Vallabhbhai Patel: (a) to (d). Full information in regard to the nature and amounts of the political pensions is now being collected and on receipt of this information the question of continuance of these pensions will be examined. Each case will have to be considered on its merits.

Mr. R. K. Sidhva: May I know whether the pensions allowed to the dependents of these persons include some in the Pakistan Area?

The Honourable Sardar Vallabhbhai Patel: I have no information. The information is being gathered.

Mr. R. K. Sidhva: Is it a fact that the dependents of Loharu

Mr. Speaker: Order, order. The question is not relevant. The Minister has said that the information is being collected.

Mr. R. K. Sidhva: I know that it includes Rs. 30,000 to the Raja of Loharu. May I know if that will be continued here?

The Honourable Sardar Vallabhbhai Patel: We have not examined any individual case.

Seth Govinddas: Will the Honourable Minister see that the following information is also collected? Certain pensions were given to those rulers who

helped the British Government during the War of Independence of 1857. Will the Honourable Minister see that those pensions are reduced? Will he also see that the pensions of those persons are enhanced who helped in the Movement of 1857? *

Mr. Speaker: I do not think the question need be answered. It is a problematical question and contains suggestion for action.

Begum Aizaz Rasul: I was not quite clear about the answer which the Honourable Minister gave. May I know what provision under the new agreements Government has made regarding allowances to members of the families of ruling princes which were given to them by the States? Is Government making any provision for them at all?

The Honourable Sardar Vallabhbhai Patel: The question under reply does not refer to the arrangements with regard to the new States that have been merged into the Indian Union. The question refers to old pensions.

APPOINTMENTS ON PROGRAMME STAFF OF A. I. R.

520. *Shri Deshbandhu Gupta: (a) Will the Honourable Minister of Information and Broadcasting be pleased to state whether it is a fact that a Staff Selection Board exists for making appointments on the Programme Staff of the All India Radio?

(b) How many appointments have been made on permanent or temporary basis since January 1947?

(c) Was the Board consulted before making these appointments? If not, why not?

The Honourable Sardar Vallabhbhai Patel: (a) Regional Selection Boards exist for the recruitment to permanent posts of Junior Programme Staff.

(b) No appointments have been made on a permanent basis; 24 Programme Assistants and 8 Transmission Assistants have been appointed at various Stations of All-India Radio since January, 1947 in a purely temporary capacity.

(c) Since the appointments were temporary it was not necessary to consult the Boards.

Shri Deshbandhu Gupta: Are these temporary appointments brought before the Selection Boards for confirmation?

The Honourable Sardar Vallabhbhai Patel: I do not think temporary appointments require any consultation with the Board. The Boards were constituted for the purpose of consultation regarding permanent appointments.

Shri Deshbandhu Gupta: Is it a fact that these temporary appointments have been there for many months?

The Honourable Sardar Vallabhbhai Patel: As I have said in my answer, these temporary appointments have been made since January 1947.

Shri Deshbandhu Gupta: That means more than a year. Is the Honourable Minister aware that it has become a practice that temporary appointments are being made and they are not being brought before the Board for confirmation as permanent appointments?

The Honourable Sardar Vallabhbhai Patel: There is no such practice. But the Honourable Member must be aware that 70 per cent. of these appointments were reserved for war service candidates and 30 per cent. for others. These temporary appointments have been made because as soon as certain new stations have been opened in Assam and Orissa, we had to make temporary appointments for those stations. But there is no such practice as has been suggested by the Honourable Member.

Prof. N. G. Ranga: Will the Honourable Minister please tell us whether recruitment for these temporary appointments is being made as a sort of first step towards the persons being made permanent?

The Honourable Sardar Vallabhbhai Patel: Not in these cases.

Shri M. Ananthasayanam Ayyangar: May I know if the Selection Board takes the place of the Public Service Commission so far as this recruitment is concerned?

The Honourable Sardar Vallabhbhai Patel: No, Sir. These Selection Boards recruit only for minor appointments such as junior programme staff.

Shri H. V. Kamath: The Honourable Minister stated, if I heard him aright, that Regional Selection Boards have been set up. May I know into how many regions India has been split up for this purpose and how many such Boards are there?

The Honourable Sardar Vallabhbhai Patel: There are as many Boards as there are regions. The Regional Boards have been constituted in accordance with the regional division of the country on a linguistic basis.

Prof. N. G. Ranga: May I know what steps have been taken by Government to see that these Selection Boards act as carefully as the Public Service Commission does in its own sphere?

The Honourable Sardar Vallabhbhai Patel: The Public Service Commission cannot be entrusted with the work of recruiting for these minor appointments.

Prof. N. G. Ranga: Just as in regard to major appointments the Public Service Commission is expected to do its work very carefully, are steps being taken to see that these Selection Boards act equally carefully in regard to these minor appointments?

The Honourable Sardar Vallabhbhai Patel: The Selection Board has not yet disposed of a single case of recruitment. No reference has been made to the Selection Board yet.

Mr. B. Paker Sahib Bahadur: May I know whether any time limit has been fixed for these appointments to be kept as temporary?

The Honourable Sardar Vallabhbhai Patel: No time limit has been fixed. Temporary appointment means that according to the spirit of temporary appointments they will not be for a longer period than is necessary.

Diwan Chaman Lall: May I know whether it is a fact that the Selection Board has not been called into action even once during the last year?

The Honourable Sardar Vallabhbhai Patel: That is because, as I have said, 70 per cent. of the appointments are to be made from candidates with war service and 30 per cent. are reserved for temporary government servants. Pending the selection of these people these appointments are made. If selections are made up to 70 per cent. from war service candidates and up to 30 per cent. from temporary government servants, then these temporary candidates will have to give place to these people.

Diwan Chaman Lall: Is there any time limit for the appointment of a temporary hand? Or is it called temporary and can continue almost indefinitely?

Mr. Speaker: That question has already been asked by Mr. Paker Sahib and answered.

Shree Krishna Chandra Sharma: May I know if permanent appointments are made without reference to the Board?

The Honourable Sardar Vallabhbhai Patel: No such permanent appointment has been made.

POPULARISATION OF HINDI THROUGH RADIO

521. *Shri Deshbandhu Gupta: Will the Honourable Minister of Information and Broadcasting be pleased to state whether Government are considering the possibilities of popularising Hindi through the medium of Radio?

The Honourable Sardar Vallabhbhai Patel: There is no proposal at present under Government consideration to popularise Hindi through Radio.

Shri K. Hanumanthaiya: Is not Hindi popular enough?

Mr. Speaker: That is asking for opinion.

Shri Deshbandhu Gupta: Will Government consider the desirability of taking recourse to these methods so that our South Indian friends can easily learn the language?

The Honourable Sardar Vallabhbhai Patel: The matter is under consideration.

REPLACEMENT OF ENGLISH BY HINDI IN INDIAN UNIVERSITIES

522. *Seth Govinddas: (a) Will the Honourable Minister of Education be pleased to state what are the various measures taken by the Government of India to replace English by Hindi in the Indian Universities within its jurisdiction?

(b) Did Government consult the various Universities regarding this question?

(c) Do Government propose to consider the advisability of fixing a date by which time this replacement may be completed?

انریہل مولانا ابوالکلام آزاد : (a) جہانتک پرائمری اور سکندری تعلیم کا لگاؤ ہے تمام صوبوں کی حکومتوں نے یہ بات مان لی ہے کہ میڈیم آف انسٹرکشن (medium of instruction) (of instruction) مادری زبان میں ہونا چاہئے۔ اور اسکی کارروائی پوری طرح عمل میں لائی جائے۔ باقی یہ بات رہی کہ یونیورسٹی کے پڑھائی کے درجہ کا کیا تھنگ ہونا چاہئے تو یہ معامہ بھی صاف ہوچکا ہے۔ سنٹرل ایجوکیشن ایڈوائزری بورڈ (Central Advisory Board Education) نے اپنی پچھلی ہیٹھک میں یہ بات مان لی ہے کہ یونیورسٹی کے درجہ میں بھی میڈیم آف انسٹرکشن (medium of instruction) انگریزی زبان میں رکھا جائیگا۔ اسکی جگہ ماکی زبان کو ماننی چاہئے یقینی ملکی زبان تمام ماک کیائے ایک ہو۔ اور تمام صوبوں میں راشٹر بہاشا اختیار کیجائے۔ اسکے لئے ایک سوال پیدا ہوتا ہے۔ جسپر سوچ وچار کرنیکی ضرورت ہے۔ بورڈ نے اس کام کولئے ایک کمیٹی بنادی ہے۔ وہ سوچ وچار کرکے اپنی سفارش گورنمنٹ کے سامنے رکھے گی۔

(b) ہاں گورنمنٹ آف انڈیا نے اس بات کیائے ایک آل انڈیا ایجوکیشنل کانفرنس بلائی تھی۔ اسوں تمام ایجوکیشن منسٹر اور ریاستوں کے نمائندے اور ماک کے مانے ہوئے ایجوکیشنسٹ شریک ہوئے تھے (a) کے جواب میں جو بات کہی گئی ہے اس سے اس کانفرنس نے اتفاق کیا۔

(c) سنٹرل ایڈوائزری بورڈ (Central Advisory Board) اور ایجوکیشنل کانفرنس (Educational Conference) دونوں اس تہجہ پر

[آبرہیل مولانا ابولکلام آزاد]

یہونچے کہ یونیورسٹی کے درجہ کی پڑھائی میں یہ تبدیلی اچانک نہیں کرنی چاہئے۔
یہ تبدیلی پانچ برس کے اندر بڑھا کر اس طرح کیجائے کہ چھٹے برس انگریزی کی ضرورت
باقی نہ رہے۔ اس طرح سے ملکی زبان ایک راشٹر بھاشا ہو جائیگی اور انگریزی زبان صرف
سکندری رہ جائیگی۔

The Honourable Maulana Abul Kalam Azad: (a) As far as Primary and Secondary Education is concerned all Provincial Governments have accepted the principle that the medium of instruction should be the mother tongue. Every effort is being made to put this into practice.

As regards the University Education, the Central Advisory Board of Education, which met recently, has accepted that in future in place of English an Indian language or languages, as the case may be, should be the medium of instruction. A committee has been appointed to consider whether one Indian language should be the medium of instruction at the University stage throughout India or whether it should be the regional languages.

(b) Yes. Government had convened the Educational Conference which was attended by Provincial Ministers of Education, the Vice-Chancellors, representatives of Indian States and eminent educationists. The Conference agreed with (a) above.

(c) The Central Advisory Board of Education and the Educational Conference both came to the conclusion that this change in the University Education should be by stages so that the standard of education does not suffer. It was agreed that the changeover should be spread over five years and in the sixth year all education should be in the Indian language or languages which will be the medium of instruction. English language will, however, continue to be a second language and a subject for post-graduate studies.

سٹھ گوویندداس : جہاں تک انگریزی کے جاننے کا سوال ہے وہاں اलग
اलग یونیورسٹیتوں نے اलग اलग समय नियुक्त किया है। किसी ने तीन वर्ष और
किसी ने पांच वर्ष से अधिक एसी हालत में क्या गवर्नमेंट आफ इंडिया
(Government of India) इस बात पर विचार करेगी कि सब यूनियर्सिटियों
का एक ही समय हो जाना चाहिये। और इस समय के अन्दर अंग्रेजी के स्थान पर
हिन्दी होनी चाहिये।

Seth Govinddas: So far as the question of English is concerned, Universities have fixed their own time-limits in this respect; some of them have fixed three years while others have fixed even over five years for this purpose. In such circumstances will the Government of India consider to have a uniform period fixed by all the Universities, during which English should be replaced by Hindi?

Mr. B. Paker Sahib Bahadur: On a point of order, Sir, may I know whether it is not practicable to interpret the answer of the Honourable Minister and also the supplementary question which are put by other members in languages other than English, into English so that members who do not know that language may be able to follow the proceedings, particularly having regard to the great importance of the question?

Diwan Ohaman Lall: May I know, Sir, whether it is not a fact that the Pakistan Constituent Assembly has declared Urdu to be the national language?

Mr. Speaker: Order, order. That question does not arise. The Honourable Member, Mr. Paker Sahib Bahadur, was absent when this question was raised in the House last week. I had, at that time, stated that everyone here is at liberty to speak either in English or in Hindustani.

House last week. I had, at that time, stated that everyone here is at liberty to speak either in English or in Hindustani.

The Honourable Shri R. K. Shanmukham Chetty: Or in his own language,

Mr. Speaker: And in his own language also, if he may so like. I cannot prevent that, but I cannot undertake to have English translations of Hindustani. I stated that, specially for the benefit of a few members, who really do not understand the language, and if the question is of importance in my opinion in that case, I would help them to understand it. But I am not going to hold that every question is of importance. I also expressed the view that, unless these facilities are withheld even for some time, I do not see any chances of members trying to pick up Hindustani. That is my reaction. There need not be any arguments over this.

Dr. B. Pattabhi Sitaramayya: Does the Honourable Member, Mr. Pocker Sahib, mean that he does not understand a word of Hindustani?

Mr. Speaker: He was raising the question perhaps for the benefit of other people.

Mr. B. Pocker Sahib Bahadur: By way of personal explanation, Sir, may I say that I do not understand not only Hindustani but also Urdu? Having regard to the very great importance of the subject I make a special request to the Honourable Speaker to exercise his discretion in favour of allowing the question and the answer to be interpreted in English.

Mr. Speaker: I will bear that request in mind, but so far as this question is concerned, I am calling upon the Education Minister to reply.

Shri Jaspal Roy Kapoor: May I invite your attention, Mr. Speaker, to Rule 14 of the Assembly Rules which, as I interpret, means that a member can speak in English or Hindustani; and he can speak in a language other than English or Hindustani only if he does not know these two languages.

Mr. Speaker: I had that Rule in mind. But the question for me is who is to sit in judgment, whether the Honourable Member understands these two languages sufficiently enough to put a particular question or to explain matters on a particular subject. So it is no use discussing that subject. The whole position is very clear and I will request Maulana Saheb to answer.

Shri Jaspal Roy Kapoor: If a member has already spoken in this House on a number of occasions in English or Hindustani, you can know. .

Mr. Speaker: That is hypothetical. When the question arises, I will decide.

Mr. B. Pocker Sahib Bahadur: About this particular question

Mr. Speaker: I am asking the Education Minister to reply.

آریہل مولانا ابوالکلام آزاد : ایجوکیشنل کانفرنس نے جو رٹ قائم کی تھی وہ یہ تھی

کہ پانچ برس کی مدت تھرائی جائے اور تمام یونیورسٹیاں اس مدت کو اپنے سامنے رکھیں۔

The Honourable Maulana Abul Kalam Azad: The opinion expressed by the Educational Conference was that a period of five years be fixed for this purpose, and all Universities should keep that period in view.

सेठ गोविन्ददास : मैं मिनिस्टर साहिब से यह पूछना चाहता हूँ कि एजुकेशनल कॉन्फरेंस (Educational Conference) की इस राय के बावजूद भी कई यूनिवर्सिटी (University) ऐसी हैं जिन्होंने टाइम लिमिट (Time-limit) पांच वर्ष के अन्दर रखा है। ऐसी हालत में गवर्नमेंट इस मामले में क्या करना चाहती है।

Seth Govinddas: May I ask the Honourable Minister whether in spite of the opinion of the Educational Conference are there Universities which have fixed this limit under five years? If that is so, what action do Government propose to take in this matter?

آنریبل مولانا ابوالکلام آزاد : (اب یہ مشکل ہے کہ اگر یونیورسٹیاں یہ مدت نہ اختیار کریں) - یہ مدت اس خیال سے رکھی گئی تھی کہ اس پانچ برس کے اندر اس تبدیلی کا کام تھیک طرح سے کیا جا سکے - اگر ایک پرائنٹ کی یونیورسٹی ہے جو تین برس کے اندر اپنے اس کام کو اچھی طرح سے پورا کر لیتی ہے تو میں سمجھتا ہوں کہ آنریبل ممبر اتفاق کرینگے کہ اس کو کیوں معذور کیا جائے کہ وہ دو برس کا اور انتظار کرے ؟

The Honourable Maulana Abul Kalam Azad: (Then the difficulty is if the Universities do not adopt this time-limit). The time-limit was fixed with a view to bring about the change satisfactorily, within five years. If a University in a province completes this work in three years then I hope the Honourable Member would agree there is no point why it should be compelled to wait for two years more?

سٹھ گوویندداس : क्या मैं पूछ सकता हूँ

Seth Govinddas: May I ask

Mr. Speaker: I do not propose to allow any supplementary question. The matter is all argumentative. Next question.

Shri Deshbandhu Gupta: With reference to Delhi University I want to put a supplementary question, Sir. It is relevant to the question and not argumentative.

Mr. Speaker: I have already called the next question.

STUDENTS FROM INDIA TO CHINA AND VICE VERSA.

523. *Seth Govinddas: Will the Honourable Minister of Education be pleased to state:

(a) whether it is a fact that the students selected in the beginning of 1947 for studies in China have not yet been sent to China;

(b) whether the students from China have come to India or not; and

(c) whether Government propose to take steps to send Indian students to China as early as possible?

آنریبل مولانا ابوالکلام آزاد : (a) نہیں جناب! اصل واقعہ جو ہے وہ یہ ہے کہ دسمبر سنہ ۴۶ء میں گورنمنٹ نے گیارہ ہندوستانی ویدیارتھیوں کو اس غرض سے چنا تھا کہ انہیں چین کی یونیورسٹیوں میں تعلیم کیلئے بھیجا جائے اور اس طرح سے دہنوں ملکوں میں کالجوں کو آپریشن (Cultural co-operation) بڑھایا جائے۔ ان گیارہ میں سے ۱۰ ویدیارتھی جولائی سنہ ۴۷ء میں چین چلے گئے۔ ۱۵ اگست سنہ ۴۷ء کے بعد ان میں سے ایک ویدیارتھی نے پاکستان کے حصہ میں جانے کو پسند کیا۔ اب ۹ اکتوبر یونیون کے حصہ میں رہے اب تک جو ایک طالب علم نہیں گیا ہے اس کے نہ جانے کی وجہ اس کی پرائیویٹ رپورٹ ہے گورنمنٹ کی طرف سے دیر نہیں ہوئی ہے۔

(b) ۱۹۴۳ء میں دس چینی ویدیارتھی تعام کو ائے ہندوستان آئے تھے، جن کے خرچہ کا انتظام گورنمنٹ آف انڈیا نے کیا تھا۔ مگر حال میں کوئی ویدیارتھی نہیں آئے ہیں

یہ معلوم ہوا ہے کہ چین کی حکومت ارادہ کر رہی ہے کہ کچھ ودیارتھیوں کو ہندوستان بھیجے۔
(c) یہ سوال پیدا نہیں ہوتا۔

The Honourable Maulana Abul Kalam Azad: (a) No, Sir. Eleven students were selected in December 1946 for award of scholarships in Chinese Universities offered by the Government of India with a view to promoting cultural co-operation between this country and China. Ten of the selected students, including one who later opted for Pakistan, were sent to China in July 1947. The remaining one student has not yet been able to leave for China on account of private reasons.

(b) Ten Chinese students came in 1948 under the auspices of the Government of India, but no other students have come recently. It is understood, however, that the Chinese Government have been considering the sending of some more students to India.

(c) Does not arise.

سٹھ گوویند داس: چین سے جو विद्यार्थी हिन्दुस्तान में आये हैं क्या वह मुख्तलिफ यूनिवर्सिटीयों में हैं या किसी खास में हैं ?

Seth Govinddas: Have all the students from China been put in one particular University, or are they in different Universities?

— **آنریبل مولانا ابوالکلام آزاد:** اسکے لئے نوٹس کی ضرورت ہے۔

The Honourable Maulana Abul Kalam Azad: This requires notice.

श्री ऐच० वी० कामथ: हिन्दुस्तान के विद्यार्थी जो चीन में गये हैं वह किस यूनिवर्सिटी में पढ़ रहे हैं और किस किसम की तालीम पा रहे हैं।

Shri H. V. Kamath: What is the name of the University in China in which students from India are studying and what kind of training they are receiving?

— **آنریبل مولانا ابوالکلام آزاد:** اسکے لئے یہی نوٹس کی ضرورت ہے۔

The Honourable Maulana Abul Kalam Azad: It also requires notice.

ڈاکٹر بی۔ پتا بی سیٹارامیا: کیا محترم جناب وزیر تعلیم بتلا سکتے ہیں کہ چین کی موجودہ حالات کے لحاظ سے جہاں امن و امان بالکل نہیں ہے ہمارے طلباء وہاں جا کر دارالعلوم میں علوم و فنون حاصل کر سکتے ہیں۔

Dr. B. Pattabhi Sitaramayya: Will the Honourable Minister for Education please state whether under the present disturbed conditions in China our students are in a position to learn any arts and crafts in the Universities?

— **آنریبل مولانا ابوالکلام آزاد:** لیکن یہ معاملہ طلباء کے جانے سے پہلے کا ہے اسوقت نہیں بھیجے جا رہے ہیں۔

The Honourable Maulana Abul Kalam Azad: This relates to a period before the students were sent. At present Government is not sending any.

SALARIES OF PROMOTED STAFF OF GUN CARRIAGE FACTORY, JUBBULPORE.

524. ***Seth Govinddas:** (a) Will the Honourable Minister of Defence be pleased to state whether it is a fact that 44 members of the staff of the Gun

Carriage Factory, Jubbulpore have been promoted to higher posts since May, 1945 and that they have not been granted the pay and other emoluments of their respective higher posts till now?

(b) Are Government aware that 41 reminders and telegrams have been sent to the Director of Ordnance Factories in this connection by the staff association?

The Honourable Sardar Baldev Singh: (a) and (b). The matter is being enquired into. I shall inform the House as soon as I get all the information.

DISCRIMINATORY ALLOTMENT OF QUARTERS TO EMPLOYEES OF GUN CARRIAGE FACTORY, JUBBULPORE.

525. *Seth Govinddas: (a) Will the Honourable Minister of Defence be pleased to state why all the European, Anglo-Indian and Christian staff of the Gun Carriage Factory, Jubbulpore have been allotted staff quarters irrespective of their seniority and length of service and why the majority of Indians, who are senior men in service, have not been given this privilege although the service conditions of both the categories provide for free unfurnished quarters?

(b) Why have these Indian members not been paid compensation in lieu of quarters since 1st April 1945, although it is one of their service conditions, in spite of several representations?

(c) Are Government aware that out of a total of 93 staff quarters, 48 best ones in the better locality have been reserved for occupation by 52 Europeans, irrespective of their status and seniority, while only the remaining 45 quarters, including 14 temporary hutted accommodation, have been allotted to the Indians, including seniormost staff and Gazetted Officers, although the total strength of the Indian Staff is 110?

The Honourable Sardar Baldev Singh: (a), (b) and (c). Particulars have been called for and the information required will be laid on the table of the House when received.

Seth Govinddas: Is the Honourable Minister aware of the fact that even now racial discrimination exists in these factories of Jubbulpore?

The Honourable Sardar Baldev Singh: As I have stated in reply to the question, the information has been asked for. As soon as it is received I will be able to give a reply.

Diwan Chaman Lal: May I ask my Honourable friend whether the principle of racial discrimination is going to be discarded by the Department?

The Honourable Sardar Baldev Singh: That is quite clear. There is no racial discrimination. But as far as this particular question is concerned it is difficult for me to give any information unless I get the information from the factory.

RENAMING OF CURZON ARCHAEOLOGICAL MUSEUM, MUTHURA AFTER PANDIT RADHA KRISHNA.

526. *Shri Jaspat Roy Kapoor: Will the Honourable Minister of Education be pleased to state:

(a) whether Government are aware that the Curzon Archaeological Museum at Mathura was founded by Pandit Radha Krishna;

(b) whether Government are aware that there is a strong feeling among the people of Mathura that the said museum should be renamed as Radha Krishna Archaeological Museum; and

(c) whether Government propose to rename the said museum as above in deference to the wishes of the people of Mathura?

آنریبل مولانا ابوالکلام آزاد : کوزن آرکھولوجیکل میوزیم متھرا کا کنٹرول سنٹرل گورنمنٹ کے ہاتھ میں نہیں ہے - بلکہ اسکا کنٹرول یو - پی گورنمنٹ کے کنٹرول میں ہے - اس سوال کی کاپی یو - پی - گورنمنٹ کو بھیجی جائیگی تاکہ وہ اس پر شور کریں -

The Honourable Maulana Abul Kalam Azad: (a) to (c). The Curzon Archaeological Museum at Mathura is under the administrative control of the Government of the United Provinces to whom a copy of the question and of the answer will be forwarded for such action as they consider necessary.

श्री जसपत राय कपूर : क्या सरकार को मालूम है कि लार्ड करजन हिन्दुस्तान में एक बहुत बदनाम वाईसराये रहा है ?

Shri Jaspat Rai Kapoor: Are Government aware of the fact that Lord Curzon was a very unpopular Viceroy of India?

Mr. Speaker: Order, order. It is a provincial subject.

CONSTRUCTION OF HOUSES IN INDIA ON PATTERN OF U.K.

527. ***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Health please state whether the attention of Government has been drawn to a report from London appearing in the *Hindustan Times* of November 26th, 1947, stating that more than 17,000 houses were completed in Britain during the year 1947 and that 12,426 permanent houses were built in July 1947?

(b) Is it also a fact that the number of houses provided in Britain since the end of war is 2,76,000?

(c) If this information is correct, do Government propose to get into communication with the Government of the United Kingdom and enquire as to the type of such houses built by them?

(d) In view of the shortage of houses almost in all the cities of India, do Government propose to consider the advisability of adopting a similar plan for constructing houses in India with the object of relieving the congestion in housing accommodation?

The Honourable Rajkumari Amrit Kaur: (a) and (b). I have seen the press report referred to by the Honourable Member. I am not aware if the figures mentioned in the report are correct.

(c) and (d). I shall arrange to get the information from the United Kingdom and consider whether it will be possible to make use of the plan in India.

Shri Deshbandhu Gupta: May I know if the Honourable Minister has considered the desirability of making it the job of somebody in the Health Ministry to keep all this information available so that we may benefit by it?

The Honourable Rajkumari Amrit Kaur: I do not know whether it is necessary to have a special person to attend to it. But any information that we get will be kept.

Mr. R. K. Sidhva: Does the Honourable Minister feel that the information supplied—that there are 17,000 houses completed in Britain during 1947 and 2,76,000 houses provided since the end of the war—is not authentic, or are the figures correct?

Mr. Speaker: I believe the question has been replied to.

Mr. R. K. Sidhva: Do Government have any such information in the Honourable Minister's Department?

The Honourable Rajkumari Amrit Kaur: No, Sir.

Diwan Chaman Lal: May I know, Sir, whether Government is keeping in touch with newer and cheaper methods of construction?

The Honourable Rajkumari Amrit Kaur: The question is under consideration.

Shri M. Ananthasayanam Ayyangar: May I know from the Honourable Minister, whether apart from gathering information from the United Kingdom and proceeding on their model, any schemes have been undertaken by the Central and Provincial Governments for putting up a number of houses during the course of the next year?

The Honourable Rajkumari Amrit Kaur: There are different schemes under the Delhi Improvement Trust.

Diwan Chaman Lal: Is the Honourable Minister aware that the Chief Architect to the French Government is in India at the present moment and has Government tried to get into touch with him, with a view to exploring the possibilities of constructing cheaper houses in India?

The Honourable Rajkumari Amrit Kaur: I shall consider the desirability of doing that.

Mr. R. K. Sidhva: The Honourable Minister said that there are schemes under the Delhi Improvement Trust. May I know what type of schemes these are?

The Honourable Rajkumari Amrit Kaur: I should have notice of that question.

Prof. N. G. Ranga: Are Government considering any plans for the construction of houses for citizens as apart from their officers and employees?

The Honourable Rajkumari Amrit Kaur: Yes.

Shri M. Ananthasayanam Ayyangar: May I know from the Honourable Minister what in all are the number of houses that are expected to be constructed during the course of the next year in India as a whole?

The Honourable Rajkumari Amrit Kaur: I cannot give the exact number off hand. It all depends on the quantity of building material available.

Shri H. V. Kamath: Sir, will Government bear in mind the fact that Indian housewives require different type of houses from that needed by British housewives?

Mr. Speaker: Order, order.

Shri Deshbandhu Gupta: May I know, Sir, if it is a fact that the house building industry in India, and particularly in the centrally administered area of Delhi is practically at a standstill and there are no house-building operations going on at the present moment?

The Honourable Rajkumari Amrit Kaur: The question of the availability of building materials is a definite factor in house building operations.

Shri Deshbandhu Gupta: Are Government taking any steps to get over that difficulty?

The Honourable Rajkumari Amrit Kaur: We are trying our best.

Mr. R. K. Sidhva: What are those building materials, which are not available? Are they steel and cement?

Mr. Speaker: Let there be no argument.

Mr. R. K. Sidhva: My question was whether Government is considering the possibility of constructing houses without cement and steel?

The Honourable Rajkumari Amrit Kaur: Yes.

Dr. B. Pattabhi Sitaramayya: May I know, Sir, whether Government are aware of the fact that in Madras a Co-operative Building Society has been organised by Government which is going to put up 844 houses and that the foundation-stone of which was laid on the 23rd of last month by the Premier? Why cannot similar arrangements be made in a city like Delhi?

The Honourable Rajkumari Amrit Kaur: Some co-operative societies are already in existence in Delhi and in reply to a supplementary question the other day, I have already stated that Government is willing to encourage such societies.

K. T. M. Ahmed Ibrahim Sahib Bahadur: The co-operative societies referred to in the supplementary question put by the Honourable Member were organised by the Government of Madras and the initiative was taken by the Provincial Government. Is it possible for the Government of India also to do likewise?

The Honourable Rajkumari Amrit Kaur: That matter will be considered.

SPY-ACTIVITIES IN INDIAN DOMINION.

528. *Shri Lal Mohan Pati: Will the Honourable Minister of Defence be pleased to state:

(a) whether there is any spy-ring working in the Indian Dominion with headquarters in Delhi;

(b) whether this spy-ring is collecting information about the plan of the air-activity of the Military Department of India;

(c) whether Government have taken adequate measures to round up the spies; and

(d) whether Government have got information that some citizens of the Indian Dominion are working in India as spies?

The Honourable Sardar Baldev Singh: (a) to (d). It would not be in the public interest to answer this question, but I would assure the House that Government are fully alive to their responsibilities in this regard and have taken and will take all necessary precautions.

Shri H. V. Kamath: Are Government satisfied with the efficiency of their Intelligence Department?

Mr. Speaker: It is a matter of opinion.

HIGHER SECRETARIAT APPOINTMENTS.

529. *R. B. Lala Raj Kanwar: Will the Honourable Minister of Home Affairs be pleased to state whether Government propose to throw open higher Secretariat appointments to properly qualified members of services other than the I.C.S. and if not, why not?

The Honourable Sardar Vallabhbhai Patel: Higher Secretariat appointments are already open to Services other than the Indian Civil Service.

R. B. Lala Raj Kanwar: Do Government propose to throw open a percentage of these higher appointments to officers of the Provincial Civil Service?

The Honourable Sardar Vallabhbhai Patel: It is not reserved for the I.C.S. as it was some years ago. It has been thrown open to others.

Shri Khurshed Lal: Has any non-I.C.S. officer been appointed as Secretary to the Government of India now?

The Honourable Sardar Vallabhbhai Patel: Yes.

Shri M. Ananthasayanam Ayyangar: Is the Honourable Minister continuing the practice of sending the I.C.S. officers to their respective provinces after their tenure of three years is over, or have they got a tendency of sticking on here permanently?

The Honourable Sardar Vallabhbhai Patel: At present there is a great shortage of trained officers both in the Centre and in the provinces. There is so much pressure that we find it difficult to send back officers who have completed their period of tenure, as the provinces are reluctant to give substitutes in their place.

Shri Rohini Kumar Chaudhuri: Is it a fact Sir, that there is a bar to the promotion of the Provincial Civil Service men to the post of Secretaries? They may be appointed Assistant Secretaries or Deputy Secretaries, but not as Secretaries.

The Honourable Sardar Vallabhbhai Patel: There is no bar as such.

Mr. B. Paker Sahib Bahadur: May I know, Sir, what is the qualification prescribed in the matter of selection of men to fill posts at present held by the I.C.S. people?

The Honourable Sardar Vallabhbhai Patel: Merit.

PREPARATIONS FOR NEXT DECENNIAL CENSUS.

530. *E. B. Lala Raj Kanwar: Will the Honourable Minister of Home Affairs be pleased to state when it is proposed to start the preliminary work in connection with the next decennial census?

The Honourable Sardar Vallabhbhai Patel: Preparations for the next census have already started.

Shri T. A. Ramalingam Omettiar: May I ask, Sir, whether in view of the fact that adult suffrage is going to be introduced shortly, the preparation of the electoral rolls and the taking of the census cannot be combined so that economy may be effected?

The Honourable Sardar Vallabhbhai Patel: It is not possible to alter the census programme which is fixed for a particular and definite period. Whether the preparation of electoral rolls has been undertaken or not I do not know.

K. T. M. Ahmed Ibrahim Sahib Bahadur: May I know, Sir, whether in view of the widespread complaints about grave omissions during the last census, Government will take serious steps to avoid such omissions in the ensuing census?

The Honourable Sardar Vallabhbhai Patel: Apart from complaints there have been such vast changes and such vast fluctuations of population that the census operations have to be undertaken very carefully.

VACANCIES IN INDIAN ADMINISTRATIVE SERVICE.

531. *E. B. Lala Raj Kanwar: Will the Honourable Minister of Home Affairs be pleased to state how many vacancies there are in the Indian Administrative Service and how and when it is proposed to fill them?

The Honourable Sardar Vallabhbhai Patel: 221. Some of these vacancies will be filled as a result of the competitive examination for Indian Administrative Service and other services held in July, 1947, the results of which are not yet available. About the remaining vacancies various proposals including those contained in the report of the Gorwala Committee are under consideration. Attention of the Honourable Member is invited to my answer given on the 19th February 1948 to question No. 348.

Shri H. V. Kamath: How many, Sir, will be filled by competitive examination and how many otherwise?

The Honourable Sardar Vallabhbhai Patel: That will depend upon the results.

Shri H. V. Kamath: When are the results expected?

Pandit Hirday Nath Kunzru: Why is the result not available yet?

The Honourable Sardar Vallabhbhai Patel: Well, I cannot say. But it is with the Public Service Commission.

Pandit Hirday Nath Kunzru: Is the Honourable Minister aware that there is a great deal of discontent because of the delay on the part of the Public Service Commission in announcing the results?

The Honourable Sardar Vallabhbhai Patel: The number of candidates is so large that it has taken some time for the Commission to announce the results.

Begum Aizaz Rasul: May I know, Sir, whether the terms of service and employment and pay of the men of the Indian Administrative Service are the same as those of the Indian Civil Service?

The Honourable Sardar Vallabhbhai Patel: The terms of employment are different from those of the I.C.S.

Shri M. Ananthasayanam Ayyangar: May I ask the Honourable Minister whether those posts which are not filled by nominees of the Public Service Commission will be made available to those officers who are now working in the different Ministries and have put in four or five years' service?

The Honourable Sardar Vallabhbhai Patel: As I have already said, the deficit has to be filled up from other sources.

Shri M. Ananthasayanam Ayyangar: Would preference be given to those who are already in service, instead of their being asked to sit for another examination now?

The Honourable Sardar Vallabhbhai Patel: One of the sources from which people are selected are persons who are already in temporary employment, but they also are to pass through a certain test.

RESEARCH IN VEGETARIAN AND NON-VEGETARIAN DIETS.

532. *R. B. Lala Raj Kanwar: Will the Honourable Minister of Health be pleased to state:

(a) whether any research has been undertaken in the country during recent years in order to ascertain whether vegetarian diet is more conducive to the promotion of physical strength and longevity than meat diet or *vice versa*;

(b) if the reply to part (a) above be in the affirmative, what was the result of such research;

(c) whether there is any reliable data in the possession of Government to show what proportion of the country's population prefers vegetarian diet to meat diet and if so, what the comparative figures of the two categories are; and

(d) if no reliable data on the subject is available, whether Government propose to consider the feasibility of making enquiries into the matter when the next decennial census is taken?

The Honourable Rajkumari Amrit Kaur: (a) No.

(b) Does not arise

(c) No data is available.

(d) The question will be considered.

Diwan Chaman Lal: In considering this question, will the Minister please keep in view the fact that vegetarians are generally more pugnacious than non-vegetarians?

Shri H. V. Kamath: Are milk and eggs both included in vegetarian diet or are they excluded?

†533. *Prof. Shibban Lal Saksena: (a) Will the Honourable Minister of Defence be pleased to state how many Ratings of the R.I.N. convicted in the R.I.N. Mutiny of 1946 are still undergoing imprisonment or are under detention?

(b) What are the reasons for not releasing them after the attainment of freedom, and what is the policy of Government in regard to their release?

(c) Do Government propose to consider the desirability of releasing them and reinstating them in their original posts?

(d) In which jails are these men imprisoned and what classification and treatment are being given to them?

The Honourable Sardar Baldev Singh: (a) None.

(b) and (d). Does not arise in view of the answer to part (a).

(c) The question of release does not now arise. Government do not propose to reinstate persons imprisoned in connection with R.I.N. Mutiny.

UTILISATION OF FUNDS OF DELHI ASSOCIATION FOR DESTITUATES.

534. *Shrimati Dakshayani Velayudhan: (a) Will the Honourable Minister of Health be pleased to state whether Government are aware that the Delhi Association for the welfare of the destitutes was formed in the year 1945 and that about Rs. 7,50,000 were collected and that an annual grant of Rs. 90,000 was sanctioned by Government and the Municipality for the purpose of:

(i) providing relief to and maintenance and rehabilitation of the destitute persons in Delhi Province;

(ii) administering colonies or settlements, for beggars, destitutes, lepers, and blind persons; and

(iii) to provide, endow, furnish, maintain, manage, collect funds and spend them for the above objects?

(b) Are Government aware that, though there is a large number of destitutes and beggars present in Delhi as a result of the disturbance in the Punjab, the resources of the Association and the Delhi Poor House have not been utilized?

(c) Are Government aware that the buildings and roads in the Poor House at King's Way, which were built at considerable cost from public funds only a year and a half ago, are already in a state of decay?

The Honourable Rajkumari Amrit Kaur: (a) Government agreed to provide a sum of Rs. 55,900 for running the Poor House in Delhi but no payment has yet been made as the institution has not yet been opened.

(b) The building is at present used by the Women's Section of the Ministry of Relief and Rehabilitation as a house for refugee women and children and is therefore not available for use as a Poor House.

(c) The buildings suffered some damage from the floods last September but necessary repairs are being carried out.

Shri Khurshed Lal: Is it a fact that it was known before the buildings were constructed that the site was liable to be flooded? If so, may I know why necessary precautions were not taken?

The Honourable Rajkumari Amrit Kaur: That was before my time. I can make enquiries about it.

Shri M. Ananthasayanam Ayyangar: How is it that the Poor House has not been brought into existence and what steps are Government taking to bring it into existence as early as possible?

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

The Honourable Rajkumari Amrit Kaur: I am making enquiries into the matter and steps are going to be taken to bring the institution into being. Because there was no electricity and no pipes to put in water supply, the Poor House could not come into existence earlier.

• DEFENCE OF JAMMU AND KASHMIR STATE BY INDIAN FORCES

535. ***Giani Gurmukh Singh Musafar:** (a) Will the Honourable Minister of Defence be pleased to state:

- (i) the date on which the Indian Dominion Forces entered Jammu and Kashmir State to defend it against raiders;
 - (ii) the date on which the Mirpur District fell into the hands of the raiders; and
 - (iii) whether the Indian Dominion Forces reached Mirpur to defend it?
- (b) What is the estimate of casualties, abductions etc., of non-Muslims during or after the raid in Mirpur District, and what is the estimate of the total number of non-Muslims, who were living in the district when it was raided?

The Honourable Sardar Baldev Singh: (a) (i) 27th October 1947.

(ii) 26th November 1947.

(iii) No.

(b) I regret, Sir, that information in the detail required by the Honourable Member is not readily available.

PERSONS PARTICIPATING IN CONGRESS MOVEMENTS DEBARRED FROM SERVICE

†536. ***Giani Gurmukh Singh Musafar:** (a) Will the Honourable Minister of Home Affairs be pleased to refer to the reply given to my starred question No. 78 asked on 2nd February, 1948, regarding the black lists of persons debarred from entering Government service and state whether Government have ascertained whether action on the instructions issued to them in October, 1946 has been taken by the Ministries?

(b) How many persons are debarred from entering Government service, on the ground that they took part in the Indian National Congress movements?

The Honourable Sardar Vallabhbhai Patel: (a) and (b). I am satisfied from information received from the Ministries that action has been taken on the revised instructions issued by Government. It is unlikely that there is any case of a person included in the list during the preceding five years still being under a ban on account purely of having participated in Congress activities. Specific information is being collected on this point and will be placed on the table of the House as soon as it is ready.

PROGRAMME ASSISTANTS AND ARTISTS IN A. I. R.

†537. ***Giani Gurmukh Singh Musafar:** Will the Honourable Minister of Information and Broadcasting be pleased to state:

(a) the total number of Programme Assistants in the various All India Radio Stations;

(b) the number of Programme Assistants who (i) write Scripts, dramas and features; (ii) appear as "voice" in dramas and features; (iii) broadcast Indian music; and (iv) broadcast Western Music:

(c) the grades of pay of the Programme Assistants;

(d) the total number of Artists permanently employed;

(e) the average salary of the Artists permanently employed:

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

- (f) the allowances admissible to Artists;
- (g) whether the Artists are entitled to residential accommodation; and
- (h) in case of the transfer of an Artist from one station to another, whether travelling allowance is admissible to him?

The Honourable Sardar Vallabhbhai Patel: (a) 92.

(b) The information is being collected and will be laid on the table in due course.

(c) Rs. 250—15—340—20—400. Selection Grade Rs. 400—20—500.

(d) Artists are not employed on a permanent basis, but on contract for specific periods.

(e) Does not arise.

(f) Interim relief, Grain compensation allowance, and Conveyance allowance where admissible.

(g) No.

(h) Yes.

EXPULSION OF INDIAN STUDENTS FROM INTER NATIONAL LANGUAGE CLUB,
CROYDON

†538. *Shri Damodar Swarup Seth: Will the Honourable Minister of Education be pleased to state:

(a) whether it is a fact that the International Language Club at Croydon has expelled a number of Indian students on the ground of their having taken part in communist activities; and

(b) whether Government have any information that the expulsion was based on racial discrimination?

The Honourable Maulana Abul Kalam Azad: (a) Government have seen a Press report to the effect that a certain number of Indian students have been expelled from the International Language Club, Croydon, on the ground of their alleged Communist activities. Government, however, have not yet received any report regarding this matter from the High Commissioner in London or from any other authoritative source.

(b) From the information which Government possess regarding this Club, they have no reason to suppose that the action of the Club authorities in this case is due to any racial or colour prejudices. Government, however, propose to look into the matter.

MODEL CONSTITUTION FOR INDIAN STATES

539. *Shri V. O. Kesava Rao: Will the Honourable Minister of States be pleased to state whether there is a proposal to prepare a model constitution for the States?

The Honourable Sardar Vallabhbhai Patel: No, Sir.

Prof. N. G. Ranga: Is anything being done to advise any of these Princes to see that they will not tamper with the ordinary well-known fundamental democratic principles when they constitute their Constituent Assemblies and fix their franchise?

The Honourable Sardar Vallabhbhai Patel: It is not necessary to advise the Princes. Once they have established Constituent Assemblies, if advice needs to be given, it is to be given to the Constituent Assembly concerned.

Prof. N. G. Ranga: Are the Government aware of the fact that even when they constitute these Constituent Assemblies, they do not base these Assemblies on the adult franchise?

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

The Honourable Sardar Vallabhbhai Patel: No. There is no such trouble anywhere because wherever Constituent Assemblies are formed, they are based on our model, that is on adult franchise.

Seth Govinddas: Is it not a fact that in different States, different kinds of constitution are being introduced, and in these circumstances what is the Government going to do to see that uniformity is kept throughout the country?

The Honourable Sardar Vallabhbhai Patel: Time and circumstances will bring about uniformity.

BRITISH PERSONNEL IN INDIAN ARMY AND CIVIL SERVICES.

540. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Defence be pleased to state the number of British Officers who have voluntarily agreed to serve in the Indian Army and their classifications such as Technicians, Junior Staff and Administrative Officers?

(b) Are there any British personnel in the Indian Army who hold permanent civilian posts in India or have opted for civilian posts in Pakistan?

The Honourable Sardar Baldev Singh: (a) I lay a statement on the table of the House.

(b) No, Sir.

Statement

Out of about 600 British Officers who volunteered for continued service in the Indian Army a total of about 418 have been accepted. Of these, 235 have been accepted for a period of 3 months from 1st January 1948, while the rest have been accepted for periods ranging from 1 to 3 years

2. A break-down of these figures by technical, etc. appointments is given below :-

	For 3 months	For 1 year	For 2 years	For 3 years
Technicians	124	85	23	5
Staff & Administrative Officers	111	63	2	
Total	235	148	30	5

SCIENTIFIC RESEARCH SOCIETIES AND ASSOCIATIONS IN INDIA.

541. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Education be pleased to state the names of Scientific Research Societies and Associations in India and what is the financial assistance, if any, given to them by Government?

(b) Do Government propose to consider the question of advising these bodies to amalgamate into a central body in order to co-ordinate and direct scientific researches in the country?

آنریبل مولانا ابوالکلام آزاد: (a) پرنسپل سائنٹیفک سوسائٹیوں کی ایک لسٹ ہاؤس کے ٹیبل پر رکھ لی جاتی ہے۔ ایک دوسری لسٹ سائنٹیفک اور ریسرچ سوسائٹیوں (Research societies) کی جنہیں منسٹری آف ایجوکیشن سے گرانٹ مل رہی ہے بھی ہاؤس کے ٹیبل پر رکھ لی جاتی ہے۔

(b) یہ ہونا مشکل ہے کہ تمام مختلف سوسائٹیاں مل کر ایک سوسائٹی بن جائیں کیونکہ ہر ایک سوسائٹی الگ الگ subject سے تعلق رکھتی ہے اور الگ کام کرتی ہے لیکن میں آنریبل ممبر کی توجہ نیشنل انسٹیٹیوٹ آف سائنس آف انڈیا کے

کانسٹی ٹیوشن کی طرف دلونگا - اس کے کانسٹی ٹیوشن میں یہ بات بتلائی گئی ہے کہ اس کا ایک بڑا object یہ ہے

“to effect co-ordination between different scientific academic societies, institutions and Government scientific departments and Services.”

گورنمنٹ آف انڈیا نے اس انسٹی ٹیوشن کو پرائمری انسٹی ٹیوشن کی جگہ دی ہے اور ایسی سائنٹیفک سوسائٹیوں سے co-ordination کا کام لیا جا رہا ہے

The Honourable Maulana Abul Kalam Azad: (a) A list of Principal, Scientific Societies is laid on the table of the House, and also of Scientific and Research Societies which received grants from the Ministry of Education.

(b) It is unlikely that the various societies will agree to amalgamate into one Society as such societies deal with different subjects, but I would refer the Honourable Member to the constitution of the National Institute of Sciences of India which clearly lays down that one of the objects of this Institute is “to effect co-ordination between different scientific academies, societies, institutions and Government scientific departments and services.” The Government has recognised it as the premier institute representing all branches of sciences in the country.

Scientific Organizations in India

1. The Anthropological Society of Bombay, Bombay.
2. Archaeological Survey of India, New Delhi.
3. Banares Mathematical Society, Banares.
4. The Bombay Natural History Society, Bombay.
5. Bose Institute, Calcutta.
6. Botanical Survey of India, Sibapur.
7. Calcutta Mathematical Society, Calcutta.
8. Central Research Institute, Kasauli.
9. The Committee of Palaeobotany in India, Lucknow.
10. Council of Scientific and Industrial Research, Delhi.
11. Drug Research Laboratory, Jammu.
12. Entomological Society of India, New Delhi.
13. Fazil-Omar Research Institute, Qadian.
14. Forest Research Institute, Dehra Dun.
15. Forest Research Laboratory, Bangalore.
16. Geological, Mining and Metallurgical Society of India, Calcutta.
17. Haffkine Institute, Bombay.
18. Immunity Scientific Association, Calcutta.
19. Imperial Agricultural Research Institute, New Delhi.
20. Imperial Dairy Research Institute, Bangalore.
21. Imperial Sargarcane Breeding Station, Coimbatore.
22. Imperial Veterinary Research Institute Mukteshwar.
23. The Indian Academy of Science, Bangalore.
24. Indian Association for the Cultivation of Science, Calcutta.
25. The Indian Botanical Society, Lucknow.
26. The Indian Ceramic Society, Banares.
27. Indian Chemical Society, Calcutta.
28. Indian Institute of Science, Bangalore.
29. Indian Lac. Research Institute, Ranchi.
30. The Indian Mathematical Society.
31. Indian Research Fund Association, New Delhi.
32. Indian Science Congress Association, Calcutta.
33. Indian Science News Association, Calcutta.
34. King Edward VII Memorial Pasteur Institute and Medical Research Institute, Shillong.
35. Malaria Institute of India, Delhi.
36. Museum Association of India, Bombay.
37. The National Academy of Sciences (India), Allahabad.
38. National Institute of Science of India, Calcutta.
39. Nutrition Research Laboratories, Coonor.
40. The Pasteur Institute of Southern India, Coonor.
41. The Royal Agricultural and Horticultural Society of India, Calcutta.
42. Society of Biological Chemists (India) Bangalore.
43. Zoological Survey of India, Banares Cantt.

Statement showing the names of the Scientific and Research Institutions and the grants to be given to them in 1947-48 by the Ministry of Education.

Name of Institute	Amount
National Institute of Science of India, Calcutta	1,17,000
Royal Asiatic Society of Bengal	25,000
Indian Statistical Institute Calcutta	2,15,000
Indian Science Congress Association, Calcutta	15,000
Indian Association for the Cultivation of Science, Calcutta	4,39,000
Dharmakosh Mandal	2,000
Ramakrishana Mission Institute of Culture, Calcutta	10,000
Vishveshwaranand Vedic Research Institute, Simla	5,500
Indian History Congress	10,000
Botanical Society, Calcutta	1,000
Bharata Itihasa Sanshodhaka Mandal, Poona	1,000
Numismatic Society of India	1,000
Indian Institute of Science, Bangalore	63,52,000
Grant to Indian Academy of Science, Bangalore	6,000
Bhandarkar Oriental Research Institute, Poona	10,000
Bose Research Institute, Calcutta	66,000
Grant to Association of Principals of Technical Institutions (India)	12,000
Building grant to Institution of Engineers (India)	10,000

Mr. B. Paker Sahib Bahadur: May I know whether the Honourable Minister himself can be requested to give the answer in English?

Mr. Speaker: I have restricted that right to myself. The Secretary will read the translation.

Shri M. Ananthasayanam Ayyangar: May I know if at present there is any report on the administration of these various societies for which grants are being given and whether their work is being reviewed from time to time?

آنریبل مولانا ابوالکلام آزاد : یہ تقریباً کیا سوئیاں ہیں اور نیشنل سائنٹفک انسٹی ٹیوٹ کے ذریعہ سے ہم ان سے کوآرڈینیشن (Co-ordination) کرتے ہیں۔

The Honourable Maulana Abul Kalam Azad: These societies number eleven in all. We co-ordinate with them through the National Scientific Institute.

Shri K. Santhanam: Will the Honourable Minister issue a brochure giving details of the work of these societies in a compendious form so that people may know about them?

آنریبل مولانا ابوالکلام آزاد : گورنمنٹ اسکی کوشش کریگی۔

The Honourable Maulana Abul Kalam Azad: Government will try to do so.

Shri M. Ananthasayanam Ayyangar: Will Government also consider if it is advisable to include in that pamphlet the researches, if any, made by these societies which have been of any practical importance to the country?

آنریبل مولانا ابوالکلام آزاد : اسکا خیال رکھا جائیگا۔

The Honourable Maulana Abul Kalam Azad: That will also be kept in view.

Mr. B. Paker Sahib Bahadur: May I know what is the amount of the total grant given to all these institutes?

آنریبل مولانا ابوالکلام آزاد : اس کے لئے نوٹس چاہئے۔

The Honourable Maulana Abul Kalam Azad: It requires notice.

TREATMENT OF INDIANS IN HOSPITALS FOR EUROPEANS

542. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Health be pleased to state whether there are any hospitals in India for treatment of Europeans only?

(b) Do Government propose to admit Indian patients also in such hospitals and if not, why not?

(c) What is the annual expenditure incurred by the Ranchi European Mental Hospital and what is the ratio of expenditure incurred per patient in this hospital to the expenditure incurred per patient in the other mental hospitals intended for treatment of Indians?

The Honourable Rajkumari Amrit Kaur: (a) and (b). As far as Government are aware, there is no hospital in India reserved exclusively for the treatment of Europeans.

(c) The average annual expenditure for the four years ending 1946-47 on the European Mental Hospital, Ranchi, which name has already been proposed to be changed to Inter-Provincial Hospital, Ranchi, was Rs. 6,88,315. The daily per capita expenditure in this hospital was Rs. 5-14 while in the other mental hospitals it varied from Rs. 1-1 to Rs. 1-13-6.

Mr. R. K. Sidhva: May I know whether in this Ranchi Hospital the special wing for Europeans which previously existed has now been amalgamated with the main building or whether the European wing still remains?

The Honourable Rajkumari Amrit Kaur: The hospital is open to Indians and Europeans alike. There is no difference now.

Mr. R. K. Sidhva: My question was whether the two wings for Europeans which existed before have now been closed down or amalgamated with the other wing, or whether preference for Europeans still exists?

The Honourable Rajkumari Amrit Kaur: There is no preference given to Europeans.

Shri H. V. Kamath: How many European lunatics are to-day accommodated in Indian mental hospitals?

The Honourable Rajkumari Amrit Kaur: I shall require notice of that question.

Shri M. Ananthasayanam Ayyangar: May I ask the Honourable Minister whether there are no wards in various hospitals still reserved for Europeans as in the Lady Hardinge Hospital?

The Honourable Rajkumari Amrit Kaur: There are no wards in the Lady Hardinge Hospital reserved exclusively for Europeans.

Shri M. Ananthasayanam Ayyangar: Is the Honourable Minister in a position to say that there are no such reservations in any hospitals, for Europeans or for any particular community?

The Honourable Rajkumari Amrit Kaur: As I have already said, as far as Government are aware there are no such reservations for anybody.

Shri Deshbandhu Gupta: Is it not a fact, Sir, that in the Willingdon Nursing Home in New Delhi preference is given to European patients even today?

The Honourable Rajkumari Amrit Kaur: I am not aware of that.

Shri Deshbandhu Gupta: Will the Honourable Minister make enquiries?

The Honourable Rajkumari Amrit Kaur: Yes, Sir.

Shri M. Ananthasayanam Ayyangar: Will the Honourable Minister make enquiries immediately and remove all those differentiations or preferences or reservations which exist anywhere in India?

Mr. Speaker: This question has been answered so many times.

Shri H. V. Kamath: Will Government consider the desirability of sending all European lunatics out of India?

Mr. Speaker: Order, order.

Mr. B. Paker Sahib Bahadur: Is it not a fact, Sir, that in the wards reserved for Europeans in certain hospitals special rights are given to them and on that account certain Indians prefer to go to those wards rather than to Indians' wards?

The Honourable Rajkumari Amrit Kaur: The question has already been answered.

ASSESSMENT OF ASSETS OF PERSONS FROM PAKISTAN

†543. ***Dr. P. S. Deshmukh:** Will the Honourable Minister of Finance be pleased to state whether Government propose to:

(a) allow a set off of all losses in Pakistan without asking for strict proof in assessment in India for the year 1948-49, provided the assessee agrees to be assessed as and when they are able to realise any part of these assets hereafter in the year of realisation;

(b) allow as a revenue expense all expenses incurred in transporting all assets of whatever description from Pakistan areas into India; and

(c) grant relief from double taxation on income assessed in Pakistan and again in India even though according to the interpretation by Indian authorities, the assessment by Pakistan of any part thereof is illegal and wrong?

The Honourable Shri R. K. Shanmukham Chetty: (a) Such losses as are admissible under the Income-tax Act will be allowed without asking for strict proof but on production of reasonable evidence.

(b) Such transportation expenses as are not of the nature of capital expenditure or personal expenses of the assessee, and have been laid out wholly and exclusively for the purposes of business profession or vocation, will be allowed.

(c) Under the agreement made between India and Pakistan for the avoidance of double taxation, the question of granting relief from the tax wrongly charged in either Dominion does not arise. Where an illegal assessment is made by any Dominion it is for the assessee to pursue the remedies open to him under the laws of that Dominion. Each Dominion determines for itself the total world income of the assessee under its own laws.

INCOME-TAX FROM DOLLAR AND STERLING COMPANIES IN INDIA.

544. ***Shri B. P. Jhunjhunwala:** (a) Will the Honourable Minister of Finance be pleased to refer to the answer to the short notice question, asked by Shri Mohan Lal Saksena on the 11th April, 1947, regarding the realisation of income-tax from Dollar and Sterling Companies which have been carrying on business in India and state what further steps have since been taken by Government in the matter?

(b) Have all the companies filed their returns? If not, what steps have been taken against such companies as have not done so?

(c) What is the amount of income-tax so realised and what is the amount of arrears remaining to be realised?

(d) Has any arrear of such income-tax been barred by limitation? If so, how much and why could not timely steps be taken?

The Honourable Shri R. K. Shanmukham Chetty: (a) and (b). The Dollar and Sterling companies referred to are already being assessed to income-tax. Presumably the Honourable Member is referring to the returns under section 19A of the Income-tax Act. Only a few companies have submitted these returns. No penal action has been taken against those companies who have not sent the returns as none is legally possible. In this connection, I refer the Honourable Member to para. 45 of my Budget Speech for 1948-49.

(c) and (d). The amount of income-tax realised during 1946-47 is not readily available. In the absence of any information as to the number of shareholders and the extent of their income, it is not possible to estimate the total

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

amount of tax payable by them, the arrears left to be realised or the amount barred by limitation.

Shri B. P. Jhunjhunwala: Can the Honourable Minister give an idea as to when the information will be available?

The Honourable Shri R. K. Shanmukham Chetty: Sir, as I explained in my Budget Speech, this provision in our Income-Tax Act, of asking for the list of shareholders from foreign companies operating in India has proved to be absolutely ineffective. It is with a view to protect our revenue that I have now proposed that such companies will have to pay an extra one anna Corporation tax.

Shri B. P. Jhunjhunwala: In the last Budget Session, the Honourable Minister has given an assurance that the law will be so amended that there will be no difficulty in getting those returns and if they are delayed, they will be penalised.

The Honourable Shri R. K. Shanmukham Chetty: In the light of the new procedure that I am adopting, I propose to move an amendment to delete the old provisions relating to the calling of those returns.

Shri M. Ananthasayanam Ayyangar: Does the Honourable Minister feel that this will be a sufficient deterrent or inducement for those people to disclose their shareholders and whether it will not be helpful if there is an option given to them that in case they disclose the information they will be entitled to a decrease of one anna?

The Honourable Shri R. K. Shanmukham Chetty: I am unable to accept that suggestion for this reason: even if a foreign company gives a complete list of the shareholders, the recovery of super-tax from those shareholders, who may be living in the United Kingdom or the United States, is an impossibility.

Shri M. Ananthasayanam Ayyangar: What does the Honourable Minister expect to result from this increase of one anna?

The Honourable Shri R. K. Shanmukham Chetty: I have estimated the additional revenue at Rs. 2 crores.

INDIA'S STERLING BALANCES WITH BRITISH GOVERNMENT.

545. *Shri B. P. Jhunjhunwala: (a) Will the Honourable Minister of Finance be pleased to state the total amount of Sterling Balances received from the British Government, during the financial years 1945-46 and 1946-47 and during the periods 1st April, 1947 to 14th August, 1947, and from 15th August, 1947 to 10th February, 1948?

(b) How much of it was received in the form of Sterling Currency and how much in the form of Dollars?

(c) How were these Sterling and Dollar currencies utilised? If they were used for purchase of goods, how much was used for purchase of capital goods and how much for consumer goods?

(d) How much of the Sterling Balance is still due from the British Government and how have Government decided to realise it?

The Honourable Shri R. K. Shanmukham Chetty: (a) On the assumption that the Honourable Member wishes to know the net transactions relating to the Sterling Balances, the information is as follows:

	£ million
1945-46	+ 271
1946-47	- 91.5
1st April 1947 to 14th August 1947	-64.64
15th August 1947 to 6th February 1948	- 4.70
Total	+ 110.16
	or Rs. 146.88 crores

(b) If the Honourable Member wishes to know by this question India's balance of payments with the U.S.A., the answer is that in 1946 India had a surplus of Rs. 36.6 crores while between April, 1946 and November, 1947 (which is the last date for which figures are available) India had a deficit amounting to Rs. 65 crores. The remaining increases or decreases in the sterling balances are due to India's balance of payments with sterling and non-sterling countries other than the U.S.A.

(c) For the purchase of goods and services. For details of purchases of goods I would refer the Honourable Member to the Accounts relating to the Seaborne Trade and Navigation of India. As the Honourable Member is perhaps aware, the Trade Account is not maintained according to 'consumer' and 'capital' goods.

(d) The sterling assets of the Reserve Bank stood at £1,134.34 million (Rs. 1,512.45 crores) on the 13th February, 1948. As the Honourable Member is aware, two agreements relating to the utilisation of India's sterling balance have already been concluded and it is proposed to conduct further negotiations in due course.

Seth Govinddas: Will the Government make a further list of "consumer" goods which are imported into this country, and stop them so that our sterling balances may not be further dwindled?

The Honourable Shri R. K. Shanmukham Chetty: Am I to understand that the Honourable Member suggests a further restriction of the imports?

Seth Govinddas: Yes, Sir.

The Honourable Shri R. K. Shanmukham Chetty: That point is constantly kept in mind; we are allowing what is absolutely essential.

Prof. N. G. Ranga: What steps, if any, have Government taken to see that "capital" goods are imported in a greater extent and in preference to the "consumer" goods and other goods?

The Honourable Shri R. K. Shanmukham Chetty: As a matter of fact, we are giving free licences for the import of "capital" goods; it is purely a question of availability in foreign countries.

Prof. N. G. Ranga: Will Government take an early opportunity of bringing before this House their recent agreement which they have concluded with the U.K. Government, and give the House an opportunity of discussing it?

The Honourable Shri R. K. Shanmukham Chetty: I propose to lay on the table tomorrow, copies of the letters that were exchanged.

Diwan Chaman Lall: May I know, Sir, when Government intends to enter into a more permanent arrangement with the United Kingdom regarding the sterling balances?

The Honourable Shri R. K. Shanmukham Chetty: As I said in my Budget Speech I have already sent to the Chancellor of the Exchequer a message through the Leader of the British Delegation that I am anxious that at least some time in May they must be ready to have negotiations with us for a more permanent settlement of the sterling balances.

Prof. N. G. Ranga: The other part of my supplementary question was not answered. Will the Honourable Minister seek an opportunity of getting these agreements discussed in this House?

The Honourable Shri R. K. Shanmukham Chetty: Tomorrow I will be placing on the table copies of the letters relating to the extension of the Agreement up till the 30th June, 1948. I suggest to the Honourable Member that the General

Discussion on the Budget which is fixed for the 3rd and 4th would serve as an opportunity for having a discussion on this point, and if in addition to that the Honourable Member wants a day for that, that is a matter for the Leader of the House to consider.

Shri K. Santhanam: May I know, Sir, if there is any difficulty in managing all the sterling balances and dollar balances accruing to India directly by the Reserve Bank of India instead of through the Bank of England?

The Honourable Shri R. K. Shanmukham Chetty: We are directly operating these through our Reserve Bank, but the Reserve Bank has got the agency of the Bank of England for that purpose in London.

TRANSFERRED STARRED QUESTIONS AND ANSWERS[†]

DEVELOPMENT OF PORT KUNDLA IN CUTCH STATE

501. ***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Transport be pleased to state whether Government propose to develop the Port of Kundla Cutch State?

(b) What is the estimated expenditure for developing this port and what portion of it will be contributed by the Cutch State?

(c) Is any share of the revenue derived from this port proposed to be given to the Cutch State?

The Honourable Dr. John Matthai: (a) Attention is invited to the Government of India Resolution No. 19-P(53)/47, published in the *Gazette of India, Extraordinary* on the 17th February 1948, a copy of which is laid on the table.

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

DECONTROL OF PETROL

502. ***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Transport be pleased to state whether Government have reconsidered the question of decontrol of petrol?

(b) If not, what are the reasons?

The Honourable Dr. John Matthai: (a) and (b). The question of the decontrol of petrol was reviewed recently. It is not possible at present to abolish petrol rationing in view of the product supply position, dollar scarcity, inland transportation capacity and, in the event of emergencies, the need for controlling distribution to desired ends. The position is constantly under review with a view to lifting the control as soon as conditions permit.

POSITION *re* MOVEMENT OF WAGONS

503. ***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Railways be pleased to state the latest position of the movement of wagons from one place to another?

(b) Is there any response to the request of the Government of India to consignees, from time to time, to unload goods promptly so as to release the wagons for quick movement?

The Honourable Dr. John Matthai: (a) The question is not quite clear. If the Honourable Member will let me know in greater detail the information he requires I shall see that it is made available.

(b) There has been some response to the request of the Government of India to consignees to load and unload wagons promptly, but as this is not

[†]The meeting of the Assembly fixed for 27th February, 1948, having been cancelled, the answers to Starred Questions for that day were, in pursuance of convention, laid on the table of the House today.—*Ed. of D.*

[‡]Not printed in these Debates. A copy has been placed in the Library of the House.—*Ed. of D.*

considered adequate, the free time of 9 hours previously allowed for these operations has been reduced to 6 hours with effect from 20th January, 1948.

SUPPLY OF CASH TO HUNTERGANJ, JORI AND DANTOR BRANCH POST OFFICES

504. *Shri Ramnarayan Singh: Will the Honourable Minister of Communications be pleased to state whether Government are aware that the Hunterganj, the Jori, the Dantor and other Branch Post Offices do not get regular supply of cash from their Sub-Post Office at Chatra along with the money orders sent to them for payment and that payments of these money orders to the payees are made very late, and if so, what steps have been taken by the Government to set matters right?

The Honourable Mr. Rafi Ahmed Kidwai: No such complaints were received in regard to payments from the Branch Post Offices named. Government is, however, thankful to the Honourable Member for drawing attention to this complaint and an enquiry will now be made. Two complaints were received in October, 1947, concerning two other Branch Post Offices in account with Chatra Sub-Post Office. Effective steps were taken by the Divisional Superintendent to regulate the supply of funds to the Branch Offices for prompt payment of money orders and notice was taken of the Sub-Postmaster's failure in this respect in the instances mentioned. Suitable action will be taken against those responsible in regard to the complaints referred to by the Honourable Member if enquiry reveals that these complaints relate to recent dates.

NEW VILLAGE POST OFFICES IN BIHAR

505. *Shri Ramnarayan Singh: Will the Honourable Minister of Communications be pleased to state the number of new village Post Offices opened in the year 1947-48 in the Province of Bihar, district-wise?

The Honourable Mr. Rafi Ahmed Kidwai: A statement showing district-wise the number of new village post offices opened in the province of Bihar up to the 16th February, 1948, during the year 1947-48 is placed on the table of the House.

Statement showing, district-wise, the number of village post offices opened in the province of Bihar up to the 16th February 1948, during the year 1947-48

Districts	Number of village post offices opened
Bhagalpur	11
Champran	13
Darbhanga	8
Gaya	13
Hazaribagh	3
Manbhum	2
Monghyr	6
Muzaffarpur	10
Palamu	1
Patna	13
Purnea	6
Ranchi	2
Santhal Parganas	1
Saran	25
Shahabad	15
Singhbhum	3
Total	132

QUICK DELIVERY OF 'EXPRESS DELIVERY' LETTERS

506. *Shri Jaspal Roy Kapoor: Will the Honourable Minister of Communications be pleased to state:

(a) whether Government are aware that letters marked 'Express Delivery' are at the place of destination first sent by the Post Office to the Telegraph Office and thence they are sent to the addressee through the Telegraph-peon with the result that such letters take longer time to reach the addressees than the ordinary letters; and

(b) if the answer to part (a) above be in the affirmative, whether Government propose to discontinue this system, and devise some other arrangement so that letters marked 'Express Delivery' may be delivered more quickly than the ordinary letters?

The Honourable Mr. Rafi Ahmed Kidwai: (a) It is true of offices which do not deliver telegrams. Combined Posts and Telegraph offices transfer *Express Delivery Letters* to the Telegraph Branch which is situated in the same building. In the larger offices, a special staff for delivery of *Express Delivery Letters* is entertained.

(b) The question of speeding up of delivery of *Express Delivery Letters* is under consideration.

TELEPHONE ADVISORY COMMITTEES IN U.P.

507. *Shri Jaspal Roy Kapoor: Will the Honourable Minister of Communications be pleased to state:

(a) in which towns in the United Provinces, Telephone Advisory Committees have been formed;

(b) what is the constitution of such committees;

(c) what are the functions of such committees;

(d) whether the decisions of such committees with regard to priority in the matter of installation of telephones are implemented by the Telephone Department;

(e) whether any principles or rules have been laid down for the guidance of these committees in the matter of sanctioning installations, and if so, what they are; and

(f) whether Government propose to form such committees at an early date in such towns where they have not yet been formed?

The Honourable Mr. Rafi Ahmed Kidwai: (a) Lucknow and Cawnpore.

(b) Each Committee consists of:

(1) Chairman—An official of P. & T. Department.

(2) Secretary—An official of P. & T. Department.

(3) Three members:

(i) A nominee of the Provincial Government.

(ii) A nominee of the Chambers of Commerce if they locally exist or a representative of other commercial or industrial associations.

(iii) A member of the Constituent Assembly to be nominated by the Central Government.

(c) (i) bringing the public and the P. & T. Department into better relationship, over the work of the telephone service.

(ii) giving the public confidence that their grievances were being properly represented and attended to,

(iii) giving more publicity to the action being taken by the department to improve the telephone service,

(iv) advising this Department in opening new connections on a fair and equitable basis by assessing merits and claims of individual applicants and the comparative nature of importance of their activities.

(v) advising on the betterment of the local exchange and trunk service,

(vi) assisting this Department to tide over the present situation by invoking co-operation and patience from the public.

(d) Yes; as far as practicable.

(e) Yes; the Heads of the various P. & T. Circles and Districts were duly instructed to bring to the notice of members of the Advisory Committees the various orders of priority issued from time to time by the P. & T. Department on the subject of allotment of new telephone connections. As regards the details of these orders, the Honourable Member is referred to the reply given by me to part (d) of the Starred Question No. 136 on the 6th February 1948.

(f) Yes; the matter is under consideration.

AERODROME IN PURNEA DISTRICT, BIHAR AND AIR SERVICE FOR ASSAM

508. ***Mr. Mohd. Tahir:** (a) Will the Honourable Minister of Communications be pleased to state whether there is any aerodrome in the district of Purnea (Bihar)?

(b) Is there any air service from Delhi to Assam direct through the territories of the Government of India?

The Honourable Mr. Rafi Ahmed Kidwai: (a) and (b). No, Sir.

IMPORTED SPINDLES AND TEXTILES LOOMS FOR PROVINCES DURING 1947-48

509. ***Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Industry and Supply be pleased to state the number of spindles and textile looms imported for allocation to the various provinces during the years 1946-47 and 1947-48?

(b) Have the Provincial Governments any power to reject or reduce quotas allotted to them?

(c) Is it a fact that re-conditioned textile plants are available in the Sterling area for immediate shipment and that Government have not been favouring the purchase of these plants?

The Honourable Dr. Syama Prasad Mookerjee: (a) There were no imports of spinning machinery in 1946. A statement is tabled showing imports of spindles during 1947 and their distribution. It is expected that about 350,000 spindles will be imported in 1948. Figures of imports of looms are not available.

(b) Provincial Governments would have to approach the Government of India, who are the authority issuing import licences, for such rejections or reductions.

(c) It is not correct that Government have not been favouring the purchase of such plants. On the contrary, Government's policy is to permit the import of reconditioned machinery provided it is capable of economic production. Import licences for reconditioned machinery covering 100,028 spindles have already been issued for import from the U. K., and covering 47,000 spindles for import from the U. S. A.

STATEMENT

Madras Province	49,456 spindles
Mysore State	5,000 "
Pudukkottah State	14,000 "
Travancore	5,000 "
Delhi Province	25,000 "
Mayurbhanj State	10,212 "
Bombay Province	5,000 "
Bhavnagar State	3,500 "
West Bengal	2,132 "

In addition, 48,016 spindles were imported into areas which now form part of Pakistan

POSITION *re.* AMERICAN CAMPS AND MILITARY SUPPLY DEPOTS IN INDIA

510. *Seth Govinddas: (a) Will the Honourable Minister of Industry and Supply be pleased to state whether Government are aware that the Americans had built camps and military supply depots in various parts of this country during the war?

(b) If so, do Government propose to state the location and the quality and quantity of the stores held in such camps and depots and the steps Government propose to take to obtain possession of these depots for the use of the Defence Services?

The Honourable Dr. Syama Prasad Mookerjee: (a) Yes, Sir.

(b) A statement showing the names and location of American stores depots at which surplus materials are still lying awaiting disposal is laid on the table. The statement gives a broad description of unsold stores lying at each Depot. The quality of the stores ranges from good to poor. The total quantity of stores awaiting disposal on 31st December 1947 was about 170,000 tons. The total value of surplus American stores is about Rs. 69.29 crores.

Under an agreement between the Government of India and the Government of the U. S. A., all stores depots left by the Americans were taken over by the Government of India. The Ministry of Defence can take over any surplus stores or depots they want.

STATEMENT
Showing location, description and book value of unsold American surpluses referred to in answer to Part (b) of question No. 510

Serial No.	Name and Location of depots	Description of stores	S. P. B. value or estimated value
<i>I. Onaifika--</i>			
1	Tarskola	Road making machineries, etc.	60,49,000
2	H E. yard and Grave Mill Siding	Ditto	89,95,000
3	Lothian Depot	Used and unused Miscellaneous stores such as Stationery Sports Gear, Tarpsulins, Transport and Camp Equipment, Iron Safes, Iron beds, Cooking Ranges, etc.	38,00,000
4	Alblon Depot	Misc. Stores such as Stationery, Iron beds, Salvage, Chemicals, Soaps, Harness and Saddlery Boots and Grinatory, etc.	61,00,000
5	Bhagwati Depot	Medical Stores	1,97,39,000
6	Brooklyn	Echelon Repair Units-- Tool Set General Machine Tools Oil Paints, acid, chemicals, painters stores Electrodes rods, rods welding and fire fighting equipment Celluloid Sheets Nitrogen Cylinder Compound Vapour Cleaning Solvents, etc. Paper Asbestos, Yarn-Asbestos, Duck minerals, paints enamels, hydraulic brake fluid, Glass bottle, etc. Target Materials Miscellaneous Tools Chains Tow, Lubricating Guns, Janks, etc. Sacks Gas retasting, Tarpsulins, hoists, Tool, Sets for Trucks, Store abrasive, Tool Set G. M. C. etc. Salvage, Tyre repair materials Typewriters & Adding Machines Miscellaneous Non-edible PX stores Tanks, Tank fittings, oil pumps, etc. Timbers Aluminium Tanks, Bridges, Boats assault, Pontoon Culverts, etc. Bridges, Assault Boats Culverts Misc. Engg. Stores Pumps, Electric fittings, general maintenance Spares and Engg. Stores General Engg. Stores Kitchen wares, Generating Sets, Typewriters, Stationery, Shoes, etc. Transmitters (complete sets) Transmitters (incomplete sets) Transmitters Spares and Valves Switch Boards, Exchange Phone & Spares Telegraph, Teleprinters Paper, etc.	30,60,000 10,69,000 12,39,000 34,95,000 3,23,000 82,900 5,000 1,18,15,000 5,06,000 22,000 2,000 6,62,000 1,90,000 6,50,000 68,33,000 60,000 60,09,000 53,67,000 1,55,83,000 10,12,000 40,00,000 46,67,000 13,33,000 20,00,000 6,67,000
7	Lybian		
8	Kalighat Tanks		
9	Paharpur Timber Yard		
10	Landedowne		
11	Belgurrish G.E.S.		
12	Hobbsky G. E. S.		
13	Kalai Kunda		
14	Kamrathy Warehouse		

Serial No.	Name and Location of depots	Description of stores	S. P. E. value or estimated value		
14	Kamarthatty Warehouse—contd.	Radio Receiving Sets	20,00,000		
		Torches Hand	1,33,000		
		Power Units	18,90,000		
		Films & Printing Paper	13,00,000		
		Tool Sets	2,50,000		
		Empty Tool Chests	8,000		
		Cinematographic Equipment	27,000		
		Misc. Signal Stores	16,87,000		
		Wire and Cables	14,87,000		
		Transmitters (complete sets)	50,00,000		
		Transmitters (incomplete sets)	76,67,000		
		Transmitter Spares and Valves	10,00,000		
		Switch Boards, Exchange Phones & spares	3,33,000		
		Radio Receiving Sets	5,00,000		
Power Units (Petrol & Diesel)	8,00,000				
15	Kamarthatty Hanger	Tools Sets	2,00,000		
		Empty Tool Chests	2,000		
		Misc. Signal Stores	14,33,000		
		Wire and Cables	3,33,000		
		Vehicles and 41-Trailers	11,33,000		
		Transmitters (complete sets)	50,00,000		
		Transmitters (incomplete sets)	16,67,000		
		Transmitter Spares & Valves	23,33,000		
		Switch Boards, Exchange Phones & Spares	53,33,000		
		Telegraph, Teleprinters Paper etc.	53,33,000		
		Radio Receiving Sets	30,00,000		
		Torches Hand	2,00,000		
		Power Units (petrol and Diesel)	12,00,000		
		Films and Printing Paper	15,000		
16	Coosipore Signal	Tool Sets	5,00,000		
		Empty Tool Chests	7,000		
		Cinematographic Equipments	6,97,000		
		Misc. Signal Stores	14,00,000		
		Wire & Cables	1,00,67,000		
		Wire & Cables	8,33,000		
		Misc. Stores	66,18,000		
		Motor Vehicles and Trailers			
		17	Paharpur Signals		
		18	Aji Lore Airstrip Brooklyn Depot, Calcutta.		

19	Nasional Jute Mills	Steel Pipes	
20	Upper Union Docks	Ditto.	
21	Belgurriah	Ditto.	
22	Kalighat	Ditto	

18,38,613

II. Assam—

23	Lekhapani	Ditto.	35,70,000
	Margherita		
	Tinsukia		
	Titabar and		
	Nakachari		
34	Makum	Machine Tools	3,00,000
	Ditto.	II Echelon Repair Sets	9,51,000
36	Ditto.	Special Iron and Steel items	38,65,000

III. Delhi—

27	U. S. A. S. Depot, Factory Road, New Delhi.	Signal stores including— Projectors, Cables, Generating Sets, Radio Valves & Photographic Stores Salvage— Ferrous metal, Steel drums, Cylinders, Timber scrap, Paints Q. M. Stores— Air Conditioners, Rugs Wool and Cotton, Paper, Chairs, Desks and Tools Motor Vehicles—	3,07,09,613
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28	IV DEPOTS IN THE DISPOSAL AGENCY OF TATA AIR- CRAFT Tughaur, Panagarh, Ranaghat, Agra, Allahabad, Jodhpur and Salawas.	Aircraft and American Air Corps Stores.	49,00,00,000
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Total page (1) 6,60,99,000
page (2) 56,8,31,000
page (3) 4,51,23,000
page (4) 4,48,74,000
page (5) 49,42,00,000

Grand Total 69,29,62,613

DISPOSAL OF AMERICAN ARMY STORES IN BHOPAL STATE

511. *Seth Govinddas: (a) Will the Honourable Minister of Industry and Supply be pleased to state whether it is a fact that the American forces built a depot for war materials somewhere in the Bhopal State?

(b) If so, do Government propose to make enquiries from the American Government regarding the disposal of the stores in the said depot?

(c) What steps do Government propose to take to secure it for the use of the Government of India?

The Honourable Dr. Syama Prasad Mookerjee: (a) My Ministry has no knowledge of American forces having built a depot in Bhopal State.

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

CHARTERED PLANES FLYING BETWEEN DELHI, KARACHI AND LAHORE IN JANUARY, 1948

512. *Haji Abdus Sattar Haji Ishaq Seth: (a) Will the Honourable Minister of Communications be pleased to state how many chartered planes flew between Delhi-Lahore and Delhi-Karachi and *vice versa* in the month of January 1948?

(b) What is the difference between the fare for ordinary service on these lines and that collected from each passenger travelling on these chartered planes?

(c) Is there any proposal to have duplicate services on these two lines, in view of the many chartered services that were found necessary?

The Honourable Mr. Rafi Ahmed Kidwai: (a) 12 charter flights took place between Delhi and Lahore and 3 between Delhi and Karachi during January 1948.

(b) The scheduled single fare between Delhi and Lahore is Rs. 66 and between Delhi and Karachi Rs. 165. Charter flights are generally paid for at a rate for the whole aircraft for both the outward and the return journeys, as the aircraft is chartered by one party. In cases where an aircraft is chartered by a number of passengers, the total amount payable for the aircraft is distributed equally amongst the passengers.

(c) The operating company concerned is examining the possibilities of running duplicate services on these two routes.

WORKING OF GOVERNMENT DAIRY FARMS DURING 1946-47

513. *Shri Ramnarayan Singh: Will the Honourable Minister of Agriculture be pleased to state:

(a) the income from and expenditure on each of the Government Dairy Farms during the year 1946-47;

(b) the number of bulls, bullocks and other animals sold by each of the Government Dairy Farms to the public;

(c) whether the Government Dairy Farms do any propaganda work or hold exhibitions for the benefit of the agriculturist and if so, what; and

(d) whether it is the policy of Government to encourage private dairy farms and if so, in what manner?

The Honourable Shri Jairamdas Doulatram: (a) and (b). A statement giving the information so far available is placed on the table of the House. Further information is being collected and will be supplied to the House.

(c) The Government dairy farms serve as demonstrative units in respect of feeding, breeding and management of dairy cattle, production of fodder crops and silage and clean production and handling of milk. The dairy farms do not hold cattle exhibitions but participate in exhibitions like the All-India Cattle Show. Government intend to consider the proposal to utilise the dairy farms for propaganda work and holding exhibitions if the necessary finances are available.

(d) The Government of India are in favour of encouraging the establishment of private dairy farms. Technical advice and assistance in the procurement of cattle feed and equipment is being given to private dairy farms. The Government of India have also advised the Provincial Governments to encourage the establishment of dairy farms, and have offered to give financial assistance to approved schemes (including development of dairy farms) designed to bring about increased production of milk. But a great deal more remains to be done.

STATEMENT

Serial No.	Name of Dairy Farm	Income during 1946-47	Expenditure during 1946-47	Number of Bulls, Cows & other Animals sold to the Public
1. Bombay—				
	1. Government Cattle Breeding Farm, Bankipur (District Dharwar).	4,103	26,069	Bulls . . . 6 Cows . . . 7 Heifers . . . 7 Bullocks . Nil
	2. Government Cattle Breeding Farm Tegur (District Dharwar).	2,747	18,100	Bulls . . . 8 Cows . . . 6 Heifers . Nil Bullocks . Nil
2. C. P. and Berar—				
	1. Telenkherm Farm Nagpur .	44,800	61,000	Bulls . . . 4
3. Coorg—				
	1. Government Dairy Farm .	3,972	14,626	Bull/calves . 2
4. Orissa—				
	1. Civil Dairy Farm .	14,425	70,099	Nil.
	2. Military Dairy Farm .	90,672	94,753	Nil.

BRIDGE OVER RIVER CHAMBAL ON BOMBAY-DELHI TRUNK ROAD

514. *Dr. B. V. Keskar: (a) Will the Honourable Minister of Transport be pleased to state whether Government are aware that there is no bridge on the river Chambal between Gwalior and Dholpur on the Bombay-Delhi Trunk Road and, that therefore, traffic on this important link is practically at a standstill during the monsoon?

(b) Are Government aware that the railway bridge at Dholpur was converted during the war for use as a road-bridge and that this bridge was used by the military authorities or by those who got a permit from them?

(c) Are Government aware that even now, when the pontoon bridge is broken up during the monsoon, a permit is necessary from the military authorities to use the railway bridge?

(d) Do Government propose to have this railway bridge opened at least during the monsoon for civilian traffic?

(e) Do Government propose to construct a permanent road bridge over the Chambal and remove this lacuna on the Bombay-Delhi trunk road and if so, when?

The Honourable Dr. John Matthai: (a) Yes. Ordinary civil traffic cannot cross the river in periods of high flood during the monsoons.

(b) and (c). Yes.

(d) No. Free use of the bridge by civil traffic would, owing to railway signalling difficulties which cannot be overcome, involve the risk of serious interruption to the G. I. P. main line traffic and of accidents to human life and property.

(e) A road bridge over the Chambal at this point is high in the priority list of development works but, even in the most favourable circumstances, it is not likely that this very big bridge project will be completed before 1950.

BOILERS IMPORTED INTO INDIA DURING 1947

515. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Industry and Supply be pleased to state the number of boilers imported into India in the year 1947?

(b) Is there any plan to manufacture boilers in India in the immediate future?

The Honourable Dr. Syama Prasad Mookerjee: (a) The information is being collected and will be placed on the table of the House in due course.

(b) Messrs. Tata Locomotive and Engineering Co. Ltd., Tatanagar, are already manufacturing boilers for locomotives. At a later stage they will manufacture boilers for road rollers also.

Messrs. Textile Machinery Corporation Ltd., Calcutta are setting up a factory for the manufacture of industrial boilers.

ELECTION TO STANDING COMMITTEE FOR MINISTRY OF EDUCATION

آنریبل مولانا ابولکلام آزاد : جناب ! میں یہ تجویز پیش کرتا ہوں یہ اسمبلی اس طریقہ سے جیسا کہ آنریبل سپیکر ٹھہرا دیں ایک ممبر کے چناؤ کی کاروائی اختیار کرے یہ ممبر اس مطلب سے چنا جائیگا کہ منسٹری آف ایجوکیشن کی سٹنڈنگ کمیٹی میں سنہ ۴۹ - ۱۹۴۸ کے آخر تک کام کرے جس میں کہ شری ایس رادھا کرشنن کے مستعفی ہونے سے ایک ممبر کی جگہ خالی ہوگی۔

نومبر میں سٹنڈنگ کمیٹی منسٹری آف ایجوکیشن کی چلی گئی تھی - شری ایس رادھا کرشنن بھی اس کے ایک ممبر تھے انہوں نے اب استعفی دے دیا ہے اور یہ لکھا ہے کہ انکی engagements ایسی ہیں کہ وہ سمجھتے ہیں کہ جتنا وقت سٹنڈنگ کمیٹی میں دینا چاہیئے وہ نہیں دے سکیں گے اس لئے ایک جگہ خالی ہو گئی ہے اور وہ دوبارہ بھرنی چاہیئے

The Honourable Maulana Abul Kalam Azad (Minister for Education): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one member to serve on the Standing Committee to advise on subjects dealt with in the Ministry of Education, until the end of the financial year 1948-49, vice Shri S. Radhakrishnan resigned."

The Standing Committee of the Ministry of Education was elected in November last. Shri S. Radhakrishnan was also one of its members. He has now tendered his resignation; saying that his engagements are such that it would not be possible for him to devote sufficient time to the Standing Committee. A vacancy has therefore occurred and it should be filled up.

Mr. Speaker: Motion moved:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one member to serve on the Standing Committee to advise on subjects dealt with in the Ministry of Education, until the end of the financial year 1948-49, vice Shri S. Radhakrishnan resigned."

Shri M. Ananthasayanam Ayyangar (Madras: General): May I request the Honourable Minister to inform us if there have been any meetings of the Standing Committee for Education till now?

آنریبل مولانا ابوالکلام آزاد: نہیں ابھی تک نہیں ہوئی اس کے لئے ممبروں سے مشورہ کرنے کے بعد یہی رائے قرار پائی کہ مارچ میں ہو اور اس لئے اپ مارچ کے آخر میں ہوگی۔

The Honourable Maulana Abul Kalam Azad: No, not yet. After consultation with the members it was decided to hold the meeting in March, and so it will be held at the end of March.

Shri M. Ananthasayanam Ayyangar: In view of the fact that Prof. Kadhya Krishnan continues to be a member of this Constituent Assembly and he is one of the eminent scholars, cannot the Honourable Minister persuade him to be a member of this Committee, especially in view of the fact that a number of meetings of this Committee have not been held till now, so that he can attend one or two of its meetings?

آنریبل مولانا ابوالکلام آزاد: اب یہ اس سلسلے کی رائے پر موقوف ہے اگر سائس کی

رائے ہوگی تو میں پھر انہیں لکھونگا حالانکہ وہ اپنا resignation بھیج چکے ہیں۔

The Honourable Maulana Abul Kalam Azad: It depends upon the opinion of the House. If the House desires, I will again write to him, though he has submitted his resignation.

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one member to serve on the Standing Committee to advise on subjects dealt with in the Ministry of Education, until the end of the financial year 1948-49, vice Shri S. Radhakrishnan resigned."

The motion was adopted.

Mr. Speaker: I have to inform Honourable Members that for the purpose of election, by means of the single transferable vote, of a member to the Standing Committee for the Ministry of Education the programme of dates will be as follows:

Nomination to be filled in the Notice Office upto 12 noon on Wednesday, the 3rd March.

Election, if necessary, will be held on Friday, the 5th March, in the Assistant Secretary's room (No.21) in the Council House between the hours of 10.30 A.M. and 1 P.M.

ELECTION TO STANDING COMMITTEE FOR MINISTRY OF TRANSPORT

Mr. Speaker: I have also to inform the Assembly that upto 12 noon on Friday the 27th February, the time fixed for receiving nominations for the purpose of election of a member to serve on the Standing Committee for the Ministry of Transport (Other than Roads), in place of Shri Mukunda Behary Mallick, resigned, only one nomination was received. As there is only one candidate for the vacancy, I declare Shri Mohan Lal Saksena to be duly elected to the Committee.

DELHI AND AJMER-MERWARA LAND DEVELOPMENT BILL

(EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE)

The Honourable Mr. C. H. Bhabha (Minister for Commerce): Sir, I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the preparation and execution of land development schemes, the reclamation of waste-land and the control of private forests and grass-land, in the Provinces of Delhi and Ajmer-Merwara be extended up to Monday, the 15th March, 1948."

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill, to provide for the preparation and execution of land development schemes, the reclamation of waste-land and the control of private forests and grass-land, in the Provinces of Delhi and Ajmer-Merwara be extended up to Monday, the 15th March, 1948."

The motion was adopted.

INDIAN POWER ALCOHOL BILL

The Honourable Mr. C. H. Bhabha (Minister for Commerce): Sir, I beg to move for leave to introduce a Bill to provide for the development of the power alcohol industry.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the development of the power alcohol industry."

The motion was adopted.

The Honourable Mr. C. H. Bhabha: Sir, I introduce the Bill.

TAXATION ON INCOME (INVESTIGATION COMMISSION) (AMENDMENT) BILL.

The Honourable Shri R. K. Shanmukham Chetty (Minister for Finance): Sir, I move:

"That the Bill to amend the Taxation on Income (Investigation Commission) Act, 1947, be referred to a Select Committee consisting of Diwan Chaman Lall, Shri Mohan Lal Saksena, Prof. N. G. Ranga, Shri M. Ananthasayanam Ayyangar, Dr. Bakshi Tek Chand, Shri K. Santhanam, Shri Arun Chandra Guha, and the Mover, with instructions to report on or before the 8th March, 1948, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, Honourable Members are aware of the genesis of the Income-Tax Investigation Commission. It formed part of the Budget proposals for the last year's Budget. When the then Finance Member announced his intention to appoint such an Investigation Commission, he followed up his announcement by introducing in this House the necessary legislative measure to set up a Commission and to enable the Commission to work. Unfortunately, mainly due to the context in which this proposal was made, the measure introduced then underwent very considerable changes in the Select Committee and as it finally emerged from the Legislature, it was found that the provisions of the Act were not considered to be sufficient to make the work of the Investigation Commission effective. Soon after this measure was passed, on account of the political changes that came over the country, the Government then decided to postpone the consideration of the question as to when this Investigation Commission should be appointed. Soon after I assumed office, I took up the question of the setting up of this Investigation Commission and the Government decided that we must go ahead. When, however, I examined the provisions of the Act under which this Commission was to work, I found that the Act did not give sufficient powers to the Commission to enable it either to work effectively or to produce any effective results as a result of the investigation. Before making up my mind about the amendments that were considered necessary to rectify this defect, I thought it would be worth while to ask the advice of the Commissioners themselves on this subject. I therefore asked the Commission as soon as it was appointed to examine the Act and to advise me whether the provisions of the Act were sufficient for the purpose that was intended and what amendments they would suggest if such amendments are found necessary. After a very careful examination of the whole Act, the Commission came to the unanimous conclusion that the provisions of the Act were really not sufficient to enable the Commission to function effectively and they sent a report to the Government, suggesting what they considered to be

the absolutely minimum powers that were necessary if the work of that Commission was to be effective at all.

I may inform the House that the amending Bill that is now before the House was drafted in the light of the recommendations made by the Commissioners themselves. It is my intention, Sir, to place before the members of the Select Committee a complete copy of the report of the Commission on this matter, and I have no doubt that when the members of the Select Committee examine this report, they would be convinced that the amendments that I am now seeking to move in this Bill are absolutely necessary.

In considering these amendments, I would invite the Honourable Members to bear in mind one very fundamental fact, and it is this: The Commission that we have set up is only an investigating body. It is not, in any case intended to play the role of an adjudicator in a dispute between the Government and the assessee. What the Government intends to do is to place before the Commission certain papers relating to certain assessee, who, in the opinion of the Income-tax authorities, have not paid to the State all the taxes due by them. Once these papers are placed before the Commission, it will be entirely open to the Commission to conduct the investigation in any manner that it may choose and send a report to Government in the light of the investigations that they may conduct. In considering these amendments which at first sight might appear to be drastic, I would invite the House to another consideration also. I would ask them to take into account the personnel of this Commission. It consists of three members: The Chairman is a very eminent ex-judge of the Federal Court. Another Member is a very distinguished Judge of the Bombay High Court, and the third Member was a Member of the Income-tax Appellate Tribunal. I would suggest to the Honourable Members, Sir, that in considering these amendments, they should be rest assured that a Commission of this kind can certainly be trusted to exercise these powers in a judicious and equitable manner. After all, when you are considering the scope of powers which might be abused, you must take into account what the body is that will exercise these powers. As I said, if you take into account the composition of the personnel of this Commission, the House must be satisfied that a body of this kind can be trusted to exercise these powers judiciously, without causing harassment to any one. One of

12 Noon the amendments that we have put down in the Bill aims at giving power to the Commission to call upon any person or individual to produce any information which the Commission may consider to be relevant for its purpose. There is no doubt that under this amendment any one whose case is not before the Investigation Commission might be called upon to produce certain documents or to furnish certain evidence. At first sight, this might appear to be rather wide. But on a moment's reflection, it will be found that without such a power the Commission cannot really function effectively. In investigating the case of an assessee, cases might occur, and in fact cases will occur, in which the assessee, has hidden a part of his income by various devices in collusion with other parties. So unless the Commission is in a position to call upon such parties to produce their account books, the Commission will not have a full picture of the assessee's case before it. Or, take even a simpler case. Assessee would carry on their transactions to banks, and if the Commission is not in a position to call upon the banks to produce the accounts relating to these assessee, the Commission cannot really have a full disclosure of the state of affairs of the assessee. I consider, therefore, that this power is very essential if the Commission is to work effectively.

The second amendment is intended to deal with the obstructive tactics of the assessee. When a case is before the Commission for investigation, it is possible that an assessee might resort to obstructive tactics and thereby nullify the work of the Commission. Under such circumstances, the Com-

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mission is empowered to proceed with the investigation notwithstanding these obstructive tactics and to send its report to the Government on the facts available to the Commission.

Another amendment seems to authorise the Commission to appoint any person to go and inspect the accounts of any assessee. This is only an exercise of agency powers. When the Commission has to deal with a number of cases, you cannot expect that the members of the Commission will personally look into the account books and other documents of every one of the assessees. Naturally they will have to delegate the powers to someone else—to some specified official or person—and the amendment is intended to enable the Commission to specify certain officers or other individuals to go and examine the accounts books of assessees, if necessary. A Commission of this kind can certainly be entrusted to choose with care the persons to whom it will delegate such agency functions.

The most important amendment, Sir, is that the findings of the Commission on question of fact should be final and not be open to any further appeal in any court. This I consider to be the most vital amendment that I am proposing, and I must say that without this amendment you may as well not have the Commission. After appointing such a high-powered Commission, if you cannot accept their findings on facts as final, then there will be no end to the re-opening of these cases. I, therefore, consider this, Sir, as probably the most fundamental of the amendments that I am proposing.

These are the main features of the Bill now before the House, and I feel confident that when the Select Committee and later on the House examine these provisions in detail, they will be convinced that—if it is really the intention of this House that these tax-dodgers must be bocked and a really effective method is to be adopted for recovering taxes due to the State,—these minimum powers are necessary for the Commission to work. Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill to amend the Taxation on Income (Investigation Commission) Act, 1947, be referred to a Select Committee consisting of Diwan Chaman Lall, Shri Mohan Lal Saksena, Prof. N. G. Ranga, Shri M. Ananthasayanam Ayyangar, Dr. Bakshi Tek Chand, Shri K. Santhanam, Shri Arun Chandra Guha, and the Mover, with instructions to report on or before the 8th March, 1948, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Pandit Thakur Das Bhargava (East Punjab: General): Sir, after this Bill was introduced and referred to Select Committee and after the Bill came out of the Select Committee for being considered by this House I submitted on 11-4-47 certain objections to it. I am glad that two of those objections have been met by the present measure. The first related to the question of sanction of prosecution by this Commission or by the Central Government; I am glad that the anomaly of the previous Bill has been removed and now the Commission itself will be armed with the power of sanctioning prosecutions. Secondly, I submitted then that the powers given to the Commission to find out from the assessee his sources of revenue were not wide enough, and in practice the proposed measure would not succeed in the object. I find from the present proposed amendments that that remark of mine has also proved to be true. I do not know and we did not know then what materials were then in the possession of Government on the basis of which they wanted these wide powers. Even now the Finance Minister has not been pleased to place before the House the materials on the basis of which he wants these wide powers; nor do we know whether within the last year anything has been done in this respect. The first part of the Bill as it then existed provided that the Commission should go into the question as to how tax evasion could be tackled; to that aspect of the case now also we have got no objection. And I submit that if any report has been made by

any Commission or suggestions have been made that ought to have been placed before the House for its consideration. As regards the other portion—the appointment of a Commission for the purpose of catching tax-evaders—we do not know how far Government have succeeded, whether they have taken any steps and how far any attempts that they made have met with success. The present Bill is in my view a great improvement on the previous Bill in so far as its provisions are calculated to go against the tax-evaders. But at the same time though they possess this merit that there is no lacuna in them so far as powers are concerned, I am afraid the powers now granted are too wide and may in practice in some cases mean great hardship and harassment to those against whom they will be exercised. Now, Sir, if a person evades a law he is liable to be dealt with harshly as well as leniently. A law which allows the authorities to have a free hand in all matters connected with delinquents will not be a good law. A law which at the same time is not calculated to succeed in its object, that is, catching tax-evaders, will also be equally bad. We have to adopt a course which may be called a *via media*. We must not arm those who are in charge of the administration of the law with too wide powers. What this Bill proposes to do is to give a *carte blanche* to the income-tax authorities and invest them with such large powers that they will have the assessees in the hollow of their hands; and if there is a corrupt official or one who wants to harass those suspected of evasion of tax or to extort money even from innocent persons can do whatever he likes.

Now, Sir, as I submitted on the last occasion—and with your permission I will repeat it—in my humble opinion the present powers of the Income-tax Officers are fairly wide and they have not been properly used in the past. Tax evasions take place not because the powers are not there but because the powers are not exercised well and with discrimination. After all the present procedure of the Income-tax Act and the Excess Profits Act and similar other Acts makes it quite clear that every assessee has to submit a return. If he fails to do so the powers under section 23(4) are there and they can be used against him. If an improper return is made then also the powers are there. Even the provisions of Sec. 177 I.P.C. can be used against him. I will therefore request the Honourable the Finance Minister to let the House know in how many cases they have taken action under Section 177 I.P.C. Under Section 51 and other Sections of the Income-tax Act a person can be proceeded against if he files a wrong return. If these provisions were fully utilised I have no doubt that there would have been no reason to enact a law of this kind. Barring that there are also other provisions in the Indian Penal Code which can be utilized against the tax dodgers. If a person is asked to submit a correct return or to make certain disclosures, and if he does not perform his part of the duty he can be criminally proceeded against. Similarly the powers of the civil court that are possessed by the Income-tax Officers are sufficient to coerce the assessee to file the right returns and to tax them rightly. I understand that unless the public cooperates with the income-tax authorities it is very difficult for them to proceed against the assessee and recover income-tax dues.

Now supposing the present Bill is enforced, what would happen. In the first instance the Finance Minister has been pleased to say that here is a Commission in which there is a High Court Judge. Now Section 4 of the 1947 Act provides that the Commission shall consist of a Chairman who is or has been a Judge of a High Court and two other Commissioners. The powers bestowed on the Commission now have practically been widened to a very great extent, but still a person may not take serious objection to this widening of powers. But these powers have been made usable by Income-tax Officers also. In the proposed amendment of Section 6(3) it is provided that any income-tax authority or "authorised official" may be authorised by the Commission to examine accounts and documents and make investigations and then

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report to the Commission. Then Section 6(6) gives powers to the Commission and any "authorised official" to make inquiries and obtain statements of persons, etc., and gives such official all the powers conferred on the Commission by sub-Sections (1), (2), (3) and (4) of Section 6.

My humble submission is that these powers are extremely wide. This Commission has all the powers of the Civil Court and much more. The powers of the police are there: the powers of the Civil Court are there: the Commission can report to the Government to have a reference to itself. Under Section 3(3) it says:

".....the Commission has reason to believe—

(a) that some person other than the person whose case is being investigated has evaded payment of taxation on income, or"

It may make a report and the Central Government may refer the case for interpretation to the Commission. So this Commission can make a report. Then the Government can refer back certain points on the case of the person against whom it reports. The Commission is the report-making authority: then the Commission is the authority which can take *ex-parte* evidence—call any person, examine him and see his books, even at the back of the person against whom the case is reported: then it can call and ask that man to make statements and to present evaluations of his wealth and no lawyer shall be allowed on those occasions.

Further on, where the question of procedure comes in, Section 5(3) says:

"Any person whose case is being investigated by the Commission may be represented by a pleader duly authorised to act on his behalf, provided that no person shall be entitled to be present or to be represented in the course of an enquiry under sub-sections (3) and (6) of section 6 or a proceeding under sub-section (8) of section 6."

Besides that man may either be a real culprit or may be absolutely innocent. What would happen? You will see his entire accounts: you will proceed against him as a police officer, as a Civil Judge, as a Mentor, as an accuser and everything else and then it may be found that as a matter of fact the Commission has made a mistake. If the Commission is not there, that authorized official shall exercise all the powers under Sections 1, 2, 3 & 4. Then why say that a High Court Judge shall do it when any officer of the Income-tax Department can have all these powers.

My submission is that too great powers have been vested in the official who shall be a hardened income-tax official—representative of a department interested in getting more and more money from the assessees—and as such hardly the proper person to proceed against assessees in this manner, because it is the Income-tax officers whose report gives occasion for the appointment of a Commission, and those very officials are being granted these powers, which smack of the Star Chamber method of inquisition. An enquiry according to Section 6(6) can be made in any manner and 'in such manner' and 'such enquiries' as he pleases and from any person on earth. I have never seen such wide powers being given. It is a police officer and Court combined and perhaps much more.

What are the rights of the assessee? It is said in Section 5 that when the evidence has been collected then all the evidence shall be flung in his face and he will be given opportunities to rebut that evidence. At the same time in Clause 7 of Section 4 the words are:

"All materials gathered by the Commission or the authorised official and materials accompanying the reference under sub-section (1) of section 5 may be brought on record at such stage as the Commission may think fit."

There again, the Commission can keep back all the information from him, examine him, not give him an opportunity even as an accused to explain: he may not even be asked a question. It is at the discretion of the Commission

to put this evidence at any stage it pleases.

Therefore my submission is that in regard to these matters such powers have been given as can be abused. I am not in favour of tax-evaders. I wish all possible steps can be taken against them and in all reasonable ways he may be coerced to make a statement. This was my complaint when the last Bill was brought up that the Commission, or whoever he may be, may not be able to extort all the information he requires from the assessee and whereas I complained then that the powers were not adequate enough, I have now to complain that the powers are extremely wide and so wide that an innocent man, once enmeshed, cannot get out of the difficulty. When the powers for which the Honourable the Finance Minister has claimed the effect of a panacea are fully realized in their import, I think one should shudder before he gives assent to this Bill. Then again the findings of this authorised official of the Income-tax Department will practically be final. The words of Section 6(4) read:

"In all assessment or reassessment proceedings taken in pursuance of a direction under sub-section (2), the findings recorded by the Commission on the case or on the points referred to it shall, subject to the provisions of sub-sections (5) and (6), be final:"

The Honourable Shri R. K. Shanmukham Chetty: That is not the finding of an Income-tax Officer: it is the finding of the Commission.

Pandit Thakur Das Bhargava: I know that. The authorised official has been given as full powers as the Commission in Section 6 sub-clause (6) and then the report is to be made by the Commission. In effect, in many cases the report of the Commission will virtually be the report of the authorised official. And what is the effect of the report? That is final. Even the reopening authority, the Central Government, or any person on earth, cannot touch those findings. If the authorised official takes it into his head that he has to ruin an assessee, the assessee who has in some manner prejudiced him or taken an independent attitude, he can proceed under provisions of Section 6 clause (5) and close the proceedings and then record a finding that becomes practically final. It is not subject to appeal. It cannot be complained against in Court of Law or before any officer or authority. Previously, if there was a refusal on the part of an assessee to submit his accounts, to present himself or behave in a particular way, the provisions of Section 23 Clause 4 came into operation and he could be assessed according to the discretion of the Income-tax officer. Now, the assessee does not go before the assessing authority under Section 6 of this Bill. But under Section 4 if he behaves in any manner which is not liked by the authorised official, he can close the enquiry and for all times that person is doomed. What is the point on which he can take this action? The words are:

"If he refuses or fails to attend in person in compliance with the notice on this behalf and to give evidence or to answer questions or to produce documents or to prepare and furnish statements."

Suppose a person has replied to 20 questions but he is reticent in respect of one matter which he does not wish to disclose. Out of ten items there may be one which he chooses not to answer and the amount involved may be small: yet that authorised official has the right to close the investigation of the case and proceed to draw up the report.

An Honourable Member: High Court Judges are not fools.

Pandit Thakur Das Bhargava: I do not think that High Court Judges are fools. At the same time I do think that they are human beings and as such can behave in a particular manner. Why do you provide in law that arbitrary powers shall not be given to Courts or officers? The presiding officers are not fools but at the same time such arbitrary powers should not be put into the hands of a person howsoever big or high he might be, as those powers are liable to be abused. I do want that if necessary a commission may be appointed but at the same time I do not want the Commission or at least the

[Pandit Thakur Das Bhargava]

authorised official should be given such powers that ultimately we may have to rue the day on which these powers were given.

In the previous act the provisions were that the Commission should delegate certain authorities in certain contingencies. Here no such safeguard has been provided. On the other hand the powers are too wide. The words used then in 6(2) were:

"If in the course of any investigation it appears to the Commission to be necessary to examine any accounts or documents which it cannot itself conveniently examine the Commission may authorise"

Now all the powers can be given to an authorised person, who shall be none other than an officer of the Income-tax Department. That man will be armed with all the powers of the Commission and he will make a report to the Commission. Supposing an Income-tax official makes out a report and submits it to the Commission, after examining the accounts or documents interrogating the person or obtaining his statements, etc. The assessee will not be there to say a word before the Commission. The assessee may have been reported against and he will have absolutely no other remedy. The report is final and even the income-tax officials of the Central Government have no power. The assessee may be ruined but the report is treated as final, though it in effect be the report of an official appointed by the Commission. My submission is that the Bill should be so amended that whereas the Commission itself may have wide powers to enmesh all the income-tax evaders, the powers of the authorised official should not be so large as to coincide with the powers of the Commission in regard to all things except making the report.

Secondly, I do not like the wording in this Bill in so far as the principles governing investigation are concerned. The words in 7(2) are "in accordance with the principles of natural justice". I do not understand what is natural justice. Under Roman Imperialism slavery was considered to be natural justice.

This is an investigation pure and simple. This Commission is appointed to investigate and not to decide matters, as my Honourable friend has said. Why should all the principles of the Indian Evidence Act be made applicable to investigation by the Commission. Like the police the Commission may investigate at the back of the assessee. We are not concerned with the principles of the Indian Evidence Act so far as investigation is concerned. When the Commission has to make its report it shall have to and can only rely upon the materials placed regularly before itself and make use only of such evidence as has been tested according to the principles of the Indian Evidence Act. For all other matters during investigation stage the Indian Evidence Act should not be there. Hearsay may be admissible and I do not agree that in so far as investigation is concerned the principles of the Indian Evidence Act have got anything to do with them. In all matters in which investigations are done we should have recourse to all those methods to arrive at a particular result. I quite realise that the Commission is not a court of law. It is like a court of law, as well as investigating authority and also investigation commission. Therefore we should not detract from the powers of the Commission for purposes of investigation. For investigation it should be armed with more powers than we give to the courts. The courts are bound by the principles of the Evidence Act. In so far as these powers are concerned I submit that after ten long years it would be very difficult to proceed against the tax-evaders. I do not know the kind of evasion that has taken place. I do not know about the tactics of those who have been evading the law. All that I can visualise is that after these ten years during which the Government has been neglectful, supine and indifferent, many persons who had made their fortunes in 1939 or even 1942 may have lost every thing by this

time. After these ten years to rescuscitate all these investigations, to restart them and reopen closed questions is to my mind not fair. The war was over a few years ago and I do not know what the Government has been doing since. They have not taken any steps so far. The Government is to blame for this. If the Government did not behave properly they should not take these wide powers and adopt these star chamber methods to go into affairs of 1939 and 1940. The principle of Section 34 and other principles of law require that after a certain time all acts which are not in the nature of crimes are condoned and there is a limitation placed on executive powers. If you have certain allegations against a man, and all the evidence has been lost by lapse of time it is beyond his powers to meet your allegations. After ten years if you rake up all the past things in respect of which all evidence has been destroyed which was in favour of the assessee, you place him in such a position in which he cannot meet you.

Therefore in my humble opinion there is no case for a Bill like this. I do not know if tax evasion is so very large. If a Bill like this is necessary the provisions of it should be such that whereas the law may be able to reach the tax-evader, it will not be able to do harm to the innocent person. I submit that the points I have made may be considered by the Select Committee.

Shri B. Das: (Orissa: General): Sir, I support the Bill. The Bill has been postponed a long time. It should have come last November, when the Honourable the Finance Minister took charge of his Department. He should have then taken stock of the situation and brought a Bill like this or even a stronger measure. The Bill is a misnomer. It ought to be called "The tax-dodgers catching Bill".

My Honourable friend Mr. Bhargava discussed the legal aspect of the Bill. One of the sad things which the British Government has left behind in this country is the large number of lawyers and their aptitude to interminable arguments in every field of life by the process of law. (*Interruption.*) I do not wish to stir a hornet's nest by talking about the lawyer's profession. I have my friendship with them. In the free India of today we want to have speedy justice and not interminable legal arguments. We have seen that the tax-dodger has evaded crores and crores of rupees. He made money through the help and with the connivance of the Supply Department and the Defence Department. Those Departments did not ask the Income-tax Department to collect the necessary dues to the Government of India. Why did the Supply Department and the Defence Department pay off the last Bills and why did they not keep a percentage for the legitimate taxes of the Government? That has not been done. The Honourable the Finance Minister is working on the old tradition and so he wants a Commission to assess evasion of taxes. In regard to the Commission I am not very much enamoured of High Court Judges or the legal profession. What we want is an experienced Commission, a practical Commission that will dispose of cases expeditiously. On the 7th February 1948 the Government passed an Ordinance (No. III of 1948). It is just to help the Income-tax Department. What did it legislate? That in case of transfer of property no registration of documents will be recognized until an Assistant Commissioner of Income-tax had certified that no tax is due from that man. I have tried to read that Ordinance and I do not know whether it comes into operation from 7th February only or whether it can have action for the past, or rather whether any transaction that took place from 15th August 1947 will also come under its operation. Many people have left this country and have gone to Pakistan Dominion. They have transferred their property to the nationals of this country. If they have not paid income-tax, not only on that transaction but on certain previous transactions as well—most of them were Army contractors or Supply Department contractors—if they have evaded taxation, then the property which

[Shri B. Das]

has been transferred from 15th August to any Indian national is liable to the tax that is due from those people who have left this country and gone to Pakistan without paying taxes. I do not think even my Honourable friend Pandit Thakur Das Bhargava will advise that we will ask the Pakistan Government to collect our taxes from these tax-dodgers now living in Pakistan. He has not advised that. Therefore any property that belongs to these gentlemen and which has been purchased by Indian nationals, is liable *ipso facto* to pay all the taxes that is due to the Government. It is common talk that many buildings have been purchased in Delhi for a song. Whether it is a fact that they have been purchased for a song or at high prices, that property should pay all the taxes that are due to Government from the previous owner of the property. If the Government wants a Validating Act, this House would, I think, certainly pass such an Act and empower the Honourable the Finance Minister to collect such taxes from such sources. I think the Ordinance of 7th February 1948 does not give much power, or rather it will not give much money to the Government of India from those tax-dodgers.

I would have liked to know from the Honourable the Finance Minister whether the Act of last year (Act XXX of 1947) did bring some amount of money to the Government. Of course the Government was preoccupied with various other difficulties. But the Act was so framed that it left so many loopholes and so much lacunae that lawyers must have argued before the Commission and frustrated the objective of the Act, and the Government of India did not derive much benefit. Hence they have brought, I think, the present Bill—the Tax-dodgers Catching Bill as I have named it. What will be the fate of this Commission? Similar arguments like those which my Honourable friend Pandit Thakur Das Bhargava advocated here will be brought interminably before the Commission. I think the Bill should be so amended—and I hope the Select Committee will see—that no lawyer is allowed to appear before this Income-tax Commission. Tax-paying is one's obligatory duty to the State. Anybody who is a dodger and does not pay taxes is a traitor. We know the tradition under the British Government and how it worked in the time of war. Everybody became a traitor and dodged taxes. The black-marketeers and the profiteers corrupted the whole Government of India in the Defence Department and in the Supply Department and they evaded legitimate taxes. The income-tax hounds of the Finance Minister tried their utmost. Unfortunately the process of submitting income-tax assessment by the assesses one year or two years after did not help the Income-tax Commissioner or the income-tax officers to collect the real dues. Most of us have heard of how firms began to change their names every three months and how partners of firms went underground as soon as certain amount of profit was made. I think even God Almighty will not be able to catch those tax-dodgers—what to say of the poor income-tax officer who is the most dreaded creature on earth who tries to mulct the tax-payer and the income-tax payee? I will go so far as to say that the Finance Minister should take more drastic powers and should see that with respect to those tax-dodgers who have left this country, the purchasers of their property in this country pay the tax that is due to them for, I think, nearly three or four years in many cases. The income-tax law should also be made more stringent so that taxes that are to be paid due to war or war conditions are executed and collected within a year or so. Otherwise the arguments of my Honourable friend Pandit Thakur Das Bhargava will prevent such execution—namely that there is no property, that there is no man hence no collection. It is no use appointing a costly Commission and paying them high salaries. It is our misfortune that every Committee, Commission or Board goes on enlarging the Departments. I would like the Honourable the Finance Minister to say why the

Income-tax Department—the Central Board of Revenue—did not introduce a method by which tax-dodgers could have been made to pay at least the minimum taxes that will fall due during the year. Although there is a process of advance payments in practice, my view is they did not pay; most of them evaded taxes on their black-market profit. The Government did not devise any method by which black-marketeers could pay their due quota to the State. If that had happened there would have been no enhancement of excise duties on tea and coffee and other primary commodities on which a poor man like me lives. I would like my colleagues in the Select Committee to see the justice of this Bill and not to fall into the trap of the lawyer colleagues of theirs, but to so legislate that Government could have a machinery by which they can quickly recover the dues from the tax-dodgers of the past seven years. For the future the question will not arise. There is no huge profit to be left to the black marketeer or profiteer unless Government reintroduces control and allow these people to profiteer again.

With these few observations I wholeheartedly support the Bill, and I would again ask the members of the Select Committee to rename the Bill 'Tax Dodgers Catching Bill'.

Mr. Naziruddin Ahmad (West Bengal; Muslim): Sir, I shall be very brief in my remarks. I congratulate the Honourable Minister in his attempt to tighten the process of the law against tax-dodgers. The problem is really to get at the root of the problem. It is notorious that the war brought in a large number of new problems. People made enormous profits by black-marketing and profiteering, and as Mr. Das has pointed out, as soon as the men began to make good profits, they all went underground and the problem of realising taxes from them is extremely baffling. Pandit Bhargava has spoken against the Bill. He is a great lawyer, especially appearing in criminal cases, and his sympathies must naturally be with the formalities of the law. But I think he has carried his sympathies for the routine principles of law in this case a bit too far. Here we are dealing with a class of people who carefully disguise their transactions. In fact they prepare false and faked up accounts. They prepare false documents carefully designed to deceive the tax-gatherers. There are intermediaries, often several in number, and some are often imaginary persons. It is well known that accounts are kept in bogus names and these names are often changed. In order to meet the difficult and baffling problem effectively, the Commission should be armed with drastic powers. The problem is urgent and the Commission should be fully armed. I am almost tempted to give them the power to shoot at sight, but I believe that the powers should be rather liberally given than withheld. Pandit Bhargava has said that there is section 177 of the Indian Penal Code which according to him is enough to deal with persons who give wrong returns. But here the question is not the ordinary crime of giving wrong returns. The question is really of a very complicated nature and I believe that in a problem of this sort, if it is attempted to be dealt with under Section 177 of the Indian Penal Code, many of the real tax-dodgers will escape. So the new baffling problem should require a law which will really baffle the tax-dodgers. The law should overtake criminals. Here they are overtaking the law. The law should be advanced to overtake them. The power sought for, if it errs, errs on the side of moderation.

My Honourable friend Mr. B. Das has referred to the Ordinance. He thinks that the Ordinance should really cover the point. In fact the Ordinance is to the effect that when a man goes to sell property, the registration officer will refuse registration unless the transfer produces a certificate that he has paid his taxes. This is a wholesome provision in view of the fact that large taxes are often due from persons who transfer properties in order to deprive the authorities of the taxes due from them. So when large taxes are due, they often escape through this dodge and it is a necessary power that has been given

[Mr. Nazirudd'n Ahmed]

to the registering officer to refuse registration. My Honourable friend has referred to some cases where people have sold their properties here and gone over to Pakistan. This law does not pretend to touch them but really it is a preventive law. My Honourable friend has again expressed a desire that the Pakistan authorities should be asked to collect our taxes. I think that some kind of reciprocal arrangement might be arrived at between the two governments for the benefit of both. It may be that many tax-dodgers have left Pakistan after selling their properties and many tax-dodgers in India have also left India for Pakistan after selling their properties. It would be to the mutual advantage of both Governments if they find out a common means of helping each other and if the process is sufficiently tightened and if it is worked with vigour and with force, much of our financial difficulties will be solved.

Sir, I wholeheartedly support the principles of the Bill, and again repeat my view that if it errs, it errs on the side of moderation.

Mr. B. K. Sidhva: (C. P. and Berar: General): Sir, I rise to support this Bill wholeheartedly, and I expect that almost all the Members of this House will welcome this Bill. It was certainly considerably overdue, and I am sorry, Sir, that though this Bill was passed into law last April, no machinery was set up to bring the Act into operation. The partition came on the 15th of August, but the same government which brought this Bill existed to function up to the 15th of August, and they took no steps to bring the Act into operation. In fact, as the Honourable the Mover of the Bill has stated, in spite of the defects in some of the provisions of the Act, they wanted to postpone its operation. This leads me to believe that some tax-dodgers were probably responsible in approaching the department to see that the Act does not come into operation. That is the reason why my Honourable friend Mr. Bhargava has criticized this Bill. I do not want to argue this from the legal point of view. We have only to consider what is the object of this Bill and whether it is good or bad. No one can say, Sir, that the object of this Bill is in any way bad. On the contrary the object of the Bill is very good. And the object of the Bill being very good, we must give whole-hearted support to the Government and tell them not only to see but to act swiftly so that the money that is due, which it has all along been deprived of in the past, is not lost again. This Bill, Sir, is not for persons who pay their legitimate tax. This Bill is merely meant for those persons who made huge profits during the war. They piled up money through black-market, through bad methods, through mean methods, they benefited themselves. They taxed the poor consumers, they brought about this kind of hardship in the country, they brought about the high cost of living, they were responsible for the many strikes in the country; they were also responsible for the Government to appoint a pay commission to see that these poor fellows were not hard hit on account of this high cost of living, and they were responsible for this additional expense of crores of rupees to the State. Well, Sir, these are the people who on top of it want to evade payment to the State. These are the people whom the Government wants to catch hold of, and we would be lacking in our duty, I should say so in the mildest term if we come in the way of the Govt. in the least manner or tell them that such and such a provision is really going to affect the poor people, or such and such people, or that there are many loopholes and therefore the Bill requires amendment.

Nothing of that kind. I agree with some of the remarks of Pandit Bhargava that if under the provisions of the Act the Income-tax authorities wanted to recover full tax they could have done it—there is no question about that. I fully realise how the tax has been evaded, and it has been evaded and not paid at the connivance of the Income-tax authorities. But there also the influence of the big people prevails by loosening the strings of the bag of the money that they have in their possession. In the past many efforts were made to see that

the tax is fully paid to the Government; Government enacted a number of Ordinances and measures like the Excess Profits Tax and Super-tax; Government even went to the length, in the past, of allowing these profiteers to have only 7 or 9 per cent.—I do not exactly remember—and the rest of the profits were to go to the State. Even there they dodged; even there they did not pay the full 93 per cent. which they were supposed to pay to the State. I am speaking from some experience, Sir, and I can tell you that the persons whom I have met, have openly stated, "Government will certainly not get the tax which is due to them. We are competent to see how we evade the tax". With such effrontery those people have made this Act inoperative and unsuccessful.

Sir, I was going through the Debates and I found that in this very House, when this Bill was brought forward last time, one Member actually quoted an instance; the Honourable Minister wanted the people to co-operate with him and one member co-operated and brought the matter to the notice of the Authorities. The result was that that gentleman who went to the member to make a complaint, settles with the Authorities; he comes and tells him, "I am not worried now, I have paid Rs. 5,000 and I have managed". Sir, this is a part of the Proceedings in this House—that has not happened outside. And that Member quotes another instance where by the payment of Rs. 20,000 the matter was settled. Now, this is not something secret. This is known to everybody, how the ordinary income-tax is paid by the persons who should legitimately pay it to the State. I can tell you that even if the present income-tax law operated well, we could bring in 50 per cent. more revenue; there is no question that 50 per cent. of our tax is being dodged by those people; and for that, mostly our Department is responsible. But if the Department is responsible.....

Mr. Speaker: The Honourable Member may resume his speech after Lunch.

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

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

Mr. R. K. Sidhva: Sir, I was speaking about the fact the British Administration had enacted certain provisions of the Act in such a manner that it was not possible to bring to book those who were really offenders. I will give you an illustration of certain tribunals appointed for the purpose of detecting corrupt practices by the last Government. They did not take this step until there was a hue and cry from the public; even then, they appointed their tribunals in a half-hearted manner, with the object of expediting the proceedings of the cases, which if gone into in the ordinary way, would take a long time. Actually, our experience has shown that those very tribunals, the object of which was to expedite cases, took much more time than what the ordinary court took, although they were special tribunals. I wanted to convey, Sir, thereby that the very object of the Act was frustrated. While the Government brought forward some measures, their intentions were not sincere and those who were interested took the fullest advantage of the situation and frustrated the very object of the Act.

Therefore Sir, while in this Act latitude and extra power has been given to the Department, I do feel that there may be some innocent cases which may probably be unnecessarily harassed. I have no doubt about that. I know that such instances have occurred. And in spite of that, while knowing that systematically and intentionally, by all methods, the taxes have been evaded by certain people, we press for stringent measures. It is only the Government that should see that the innocent are not harassed. They will be harassed, I know; the machinery is such. The old machinery is continuing to function and all the precautions which the Honourable Minister or the Government may take would not be of any avail. The innocent people will suffer. With all that, Sir, we have to look for the greater good of the greater number of people and here the greater number of people in the sense that the State is concerned as far as its legitimate dues are involved.

[Mr. R. K. Sidhva]

Here, the Honourable Minister has stated that he has appointed a Tribunal of High Court Judges. I am glad that he mentioned that, because I did not know what will be the personnel of the Tribunal. I am very glad that they are High Court Judges. Personally, Sir, I feel that High Court Judges will not stoop to any such thing as we expect from ordinary officials. I have very high respect for them but even if the High Court Judges stoop to such things, then, I say "Woe unto ourselves and our character". I do not believe, Sir, for a moment that our High Court Judges will in any way be influenced or in any way be bribed, whosoever may be the people interested in this matter. I am sure, Sir, that they will act justly, impartially and rightly, particularly when we are free and are having a people's Government. If even now, they did, then I do not know, Sir, where we shall be. After all you cannot expect any more honourable and honest persons than the High Court Judges and particularly, as the Honourable Minister said, the Chairman is an ex-Federal Court Judge. So I have every hope. I have every confidence. Although I do not know who the exact personnel are

The Honourable Shri R. K. Shanmukham Chetty: Justice Srinivasa Varadachariar, Justice Rajadyaksha and Mr. Muzumdar.

Mr. R. K. Sidhva: With this further information Sir, I get greater satisfaction. I hope it will give immense satisfaction to the Honourable Members. If we cannot trust these great men, men of integrity and honesty, I do not know, Sir, from where we will find honest people in this country. While there are a lot of dishonest people in this country—every where it is so—we are proud that we have a number of honest persons who can discharge this function.

Up to 1943 only big people were involved in this black-marketing and evasion of taxes. They stooped so low that I am ashamed to say that that tendency spread to the smaller people also. It spread to the small shop-keeper and the small trader. They indulged in it because not only it was a pleasure for them to do so, but because the machinery was such. The Government themselves, after enacting many Acts, gave indirect and direct ways and means to black-market for every one and then the small man said, "The big man is black-marketing. He is making money. Nobody is there to detect him." Let me tell you, Sir, nobody actually detected him. Although the officials knew what they were doing, they were conniving, because the Government officials were involved in it. The very fact of the cases, of the Tribunals, I mentioned to you, Sir. The Government officials were involved there also, in that half-hearted measure.

The original Bill said that cases will be investigated up to 31st December 1947. Now the present Bill says up to 31st March of this year. I am very glad that the time is extended. I do not know what are the cases that Government have in their possession which will be sent to this Tribunal for investigation. It may be anybody. I am also prepared to accept my friend Pandit Bhargava's statement that really in one year we have lost very much. These tax-dodgers are so clever that I am sure, that if they knew that this Act was coming, by the time it comes into operation, they may destroy all the books. Then there would be no dispute at all. They not only evade payment, but they are also capable of evading their books and evaporate them somewhere, which would have made it very difficult to find them out. I am sure, Sir, that this Tribunal will call upon the third parties also and also see the account books of banks. I would go further and tell the Select Committee Members that not only they must call upon the banks to produce the books, but they must call upon them to produce the accounts of their relatives and their friends also. I know some of the accounts have been transferred in the name of the families just as the officials have been doing and therefore the Select Committee must go a step forward. I really do not want any kind of leniency to be shown in a measure like this. I therefore think, Sir, much more power than provided

in this Bill should be given for the purpose of getting more money, not for the purpose of harming or harassing innocent people and if this is borne in mind by the members of the Select Committee, they will have done a distinct duty to the country. I therefore feel, Sir, that the Select Committee Members should find out other ways and means and they must keep uppermost in their minds one factor that the material that would have come forth last year may not be possible now and, therefore, if the present Bill does not give that power, it should be given.

In the Bill it is stated: "The Central Government may at any time . . . refer to the Commission for investigation and report any case or points in a case in which the Central Government has *prima facie* reason for believing etc." Now, the word *prima facie*, as you know, Sir, is a loose word. According to one man, it may be *prima facie* and according to another it may not be. I would like to amend the bill and give these tribunals full power to investigate wherever the Government have a doubt that these people have defrauded the State, and no matter even if there is a little doubt. I do not say that they must send all the cases where there is no justification. I think *prima facie* cases means you have to prove 50 per cent. of doubt. If that is the standard of *prima facie*, then I do not think it will be possible for any Government to detect those people who have really defrauded the Government. Therefore wherever they have a *bona fide* doubt, let the Tribunal be given the fullest power to investigate it and even if the State does not get the money, we will have done a good moral duty. After all this will be a good check. Unfortunately the standard of some of the people who were black-marketing has gone down; it has been so throughout the world; I do not say it came into India, but it should have been the last thing in India, because morally our standard was very high compared with any people in the world. But this wretched administration of the British had brought down this kind of immoral thing into our everyday life that it has to a great extent spoiled our name. I therefore desire, Sir, that we must give our fullest support to the Government to check such kinds of malpractices which have been continuously and systematically perpetrated by a few people which had had very bad repercussions on others. The standard of our morale had to an extent come down and if this Government were able to restore the morale which we had before the war, they will have done a distinct service. Therefore, with all the emphasis at my command, I support this measure whole-heartedly. I do not think Pandit Bhargava was opposed to the provisions of the Bill and I also do feel that some innocent persons will come into the clutches of this measure, but I am afraid, I cannot help that.

I also suggest that Government should give strict instructions to those concerned that they must see that each case entrusted to them is not only tried by them but the investigation in the matter of details should be conducted by them. In the matter of investigation, the Income-tax officers usually hand over the account books to their subordinate staff with the result that harassment continues; some tips are made and right entries are also defaced. I therefore request that the Honourable Minister will see that no power is entrusted to the small people for this kind of checking even. When we have appointed such a tribunal of the highest character . . .

Mr. Speaker: I have been noticing some loud laughter on some benches. I think the Honourable Member should be allowed to proceed with his speech. To ridicule a Member who is speaking is not very conducive to the dignity of the House. I have noticed the Honourable Members going on doing that and I must express my disapproval of that kind of thing. We are here for serious business and not for ridiculing one another.

Mr. R. K. Sidhva: I am thankful to you, Sir. I was really speaking with all seriousness and I did not know that the House was pooh-poohing, but one member should not . . .

Mr. Speaker: Not the House, I can assure the Honourable Member.

Mr. B. K. Sidhva: When such a tribunal of a high credit and honesty is being appointed, I request the Honourable Minister will kindly issue instructions that when cases are sent to them, they must devote their attention to the conduct of the cases and not entrust them to the other ordinary people. In case it is found absolutely necessary to give it to them, they must see that they are really honest men to whom this work can be entrusted.

I again congratulate the Government and I do feel that when this Bill is passed into law, he will not feel discouraged that the evidence may have been destroyed by those people, but without losing one moment, the Tribunal will go into the details of the matter. I am sure, as I said, if some little changes are made here that not only the pass books but the reports and accounts of the relatives and friends are produced from all sources there will be a great deal of exposure, Government will be justified in bringing this measure at the right time and in the interest of the country to catch the tax dodgers who have evaded the payment of the tax for a long time. I hope the Honourable Minister will take the matter quickly and swiftly and as delay is dangerous, there should be no kind of excuses for delaying it and the sooner it becomes a law, the better it will be for the country.

Shri Biswanath Das (Orissa: General): Sir, I whole-heartedly support the Bill. This Bill proposes to institute inquiries into the evasion of taxes. These taxes arose out of the immense profits made by businessmen during war. Sir, the war began in 1939 and went on intensely from 1943. Profits have been made during these periods. I think a Commission such as this should have been appointed long ago but that was not done because British commercial interests were involved in the business and they were the people who were making the best of the bargain. A Government subordinate to the British interests could not have done it; necessarily therefore the national Government has to take it up. Sir, when the previous Bill was on the anvil every one applauded Mr. Liaquat Ali Khan, the then Finance Minister. The Government which came after the 15th August 1947 could not carry on the investigation that was devised, owing to the special conditions. The critics of the Congress then took up cudgels against the Ministry. Government were then busy with reconstruction and refugee rehabilitation other immense problems that came upon them soon after the partition; but these unsympathetic critics began to damn the Congress and the Congress Government dubbing them as shield-bearers of capitalism. I congratulate the Honourable the Finance Minister on having clearly and lucidly explained the reasons for the delay. It appears that the Ministry was not wanting in any desire or determination to go on pursuing the tax-dodgers but that it wanted more power; it found that the Act devised by the then Ministry was ineffective and as such insufficient. That in a word explains why the Act was not put into operation and why the tax-dodgers were not pursued. Let me hope that the criticisms levelled against the Ministry and the party will now stop; at any rate there will hereafter be no justification for them.

Severe comments have been made by some of our friends against some provisions of the Bill; I have no reason to believe that their criticisms are not sincere. It is time for us to realise that we cannot tolerate any evasion of taxation. As has been said by several Honourable Members, there was a time in this country when no one spoke a lie and it was a heinous crime to tell a lie. Similar is the case in regard to evasion of taxation. But times have changed and there is always a feeling that taxation is being evaded. Having accepted that position it is necessary and desirable that the machinery of law should be widened to enable the authorities to pursue the evader. Having stated that there is evasion or at least suspicion of evasion, it becomes necessary to come before the House to entrust the executive with more powers to bring the tax-dodgers to book. There are therefore two conflicting issues; the first is the charge of evasion and the second is the cry of harassment. I have

no hesitation in believing that the Selecting Committee will examine the Bill thoroughly from this point of view. We do not want that there should be any evasion and at the same time we are equally anxious that there should be no harassment of any individual, however suspicious his movements or his accounts might be. Sir, in this connection I would like to refer to an illustrious example from the *Steemat Bhagabat*,—the chapter on the loss of the Simantak Mani, wherein the Lord Sree Krishna did his very best to realise it. He took all possible precautions and all the risks of investigating and bringing to book not only the person who was in possession of it but also others connected in this, all of which were realised and restored. That should be the attitude and that, I take it, is to be the attitude of the House today. From that point of view I feel that the House is agreeable to give the Honourable Finance Minister the fullest powers to pursue the delinquent as Lord Sree Krishna did. I would even go further. I think the Select Committee should examine whether the powers given in the Bill are enough for the purpose of examining the accounts of these tax-dodgers or whether there should be power to go into their bank accounts not only in India but also in the Indian States. Today the Indian States and the banks that are operating there have certain privileges and advantages. I do not know how far the operation of Indian law is effective in these Indian States. I appeal to the Honourable Minister to see that this aspect of the question is also considered and necessary provisions are made in the Bill when the Select Committee goes into it. I would also appeal to the members of the Select Committee and Government to see whether they can negotiate with the Pakistan Government for evolving a common formula in this regard so that tax evasions there and here are pursued by the Government machinery in both States, and while justice is being done all possible inquiries are made without let or hindrance. That goes to explain the anxiety of the House in regard to the evasion of taxes.

Having said thus far with regard to tax evasion and the power that we are anxious to give to the executive to carry on this investigation, I would utter a word of caution to the Honourable Minister and the officials connected with this business. Much water has flown down the river during the last four or five months. Not only has India been divided but serious troubles have been brought on persons and firms. There are firms which have been ruined and there are individual businessmen who have been also ruined. I have no hesitation in believing that the Committee presided over by so eminent a person as Sir S. Varadachariar, who is a glory of any country, will do their work in the proper spirit. I congratulate the Honourable the Finance Minister on having secured the services of such an eminent man and jurist from whom one can expect nothing but fairness, justice and independent thinking. In these circumstances I have nothing to object to.

A point has been raised by my Honourable friend, Pandit Thakurdas Bhargava. From what he said I was feeling that he was under the apprehension that tax evaders may be put into inconvenience without the help of *vakils*. If I remember aright the Honourable, the Minister for Finance declared in this House that the number of tax-evaders is over 80. I do not know 2 P.M. if he has added to the number. If it is the previous 80 or a few more, they must be men with very high incomes. Therefore there cannot be any difficulty on that score of legal aid.

Having stated so much about this, I will only bring to the notice of Honourable friends, one fact. In such enquiries there should be a finality. You cannot allow rich men and influential men to take the Government from Court to Court. That will mean extra expense and time which will not be to the interest of the State or to the individual firm concerned. Here you have a committee of experts—at least one or two of them of established reputation not only in this country but of international reputation. Decision of such a committee ought to be final. I think that it is fair and desirable that the Executive

[Shri Biswanath Das]

Government of the day should not interfere in the decision of the tribunal set up by themselves, because in the first place it is a tribunal of experts of eminence: secondly it is a tribunal different from the executive of the day which may be accused of partiality. In the case of such enquiries, it is only the tribunals which have a final say. Even in the case of election tribunals, though the Governor in name is the final authority, in fact, these tribunals are the final authorities. In such circumstances I do not see any reason why the House should object to the Committee's recommendations being final. Under these circumstances I think that this aspect of the question also is bound to be free from objection.

In income-tax assessment, it has been the view of courts that once an assessment is made, if any item or account is left out of assessment it becomes difficult, if not impossible for the income-tax department to catch hold of those very items and bring them under assessment. I think it should be the duty of the Government to refer such cases for the advice of this tribunal, which is not only a special tribunal but one consisting of eminent jurists.

With these words, I wholeheartedly support the motion.

Shri Rohini Kumar Chaudhuri (Assam: General): I may perhaps confess before this House that I am a lawyer but I consider that it will be safe to add that I have practically very little to do with income or income-tax either personally or professionally. With this proviso, I think I may rather take a dispassionate view so far as lawyers are concerned in regard to this legislation.

It reminds me of the old days—the days of the British regime. During those days an I. C. S. officer, particularly an I. C. S. officer of European origin, had the right to be consulted before his transfer as to the place where he would like to go. The bulk of the replies from such officers was that they would like to go to a place where there is no mosquito, and where there is no lawyer, because both the lawyer and the mosquito give them a lot of inconvenience.

My Honourable friend, Mr. B. Das, as far as I could see, is dead against the I. C. S. officer. But he has gladly adopted some of the habits of I. C. S. officers, and one is that he does not like the lawyers. I do not know, Sir, why he has come to that frame of mind. Either he has been wronged to a great extent by his adversary pleader or he has been wronged by his own pleader. We have heard a lot of the tax dodger, and my friend, Mr. Das, will be interested to know that we in our professional world, know persons and clients who dodge the lawyers' fees also. Therefore, Sir, it is not unnatural to suppose that due to the bitter experience of my friend Mr. Das, and some other people of his way of thinking that there is so much objection to the help of lawyers in income-tax proceedings.

It is said that the Commission will be presided over by persons having the status of a High Court Judge or one who has been a High Court Judge himself: so that it can be supposed that he will be able to deal with these things without any assistance of a lawyer. But may I remind the House that no proceeding before a High Court is ever conducted without the assistance of a lawyer, and this dangerous habit, habit of belittling the assistance of a lawyer by any Court or Tribunal, should be discouraged.

I have heard it said that this law has become necessary because its predecessor had failed to bring the desired effect. The desired effect is this. Some of the persons of whom we have heard a good lot: some of the businessmen of whom we have heard that they made enormous fortunes during the war:—our position with regard to them is that since they have made enormous fortunes, they should give a substantial portion of their wealth to enable the Government to carry on their nation-building activities. Now instead of going

in this roundabout way, instead of having this legislation, and an amending legislation later on, why not say: Look here, you have earned enough by foul or fair means. Well, although an honest man would not participate in the gains obtained by foul means, the Government can do it. We are quite prepared to participate in these gains got by foul or fair means. Give us so much. The income-tax may disappear as a source of income soon after the nationalization policy has been adopted by the provinces. It is better to get as much as we can now and the best course would be to get those people. Let us have an investigation of their bank balances. Some of these businessmen who had made fortunes during the war now find that they are unable to pay any income-tax, because they had spent their fortunes. I would advise the Government to take this course. Have some clever detectives to inquire into the big balances of those men who have become suddenly rich. Then draw up a percentage of their bank balances and ask them to pay. Tell them "We want so much money in order to carry on our nation-building activities under the new free Government of the country. Give us this money." That would be better than having so many legislations. There was a piece of legislation before this House but it could not bring as much income as they expected. So it is now desired to remove some of the impediments in the way. One great impediment seems to be our lawyers friends. The previous Bill said that the lawyer would be present at any time during the course of the investigation. Now you are going to add a clause to stop the lawyers from getting a certain percentage of the proceeds. Is it your experience that the lawyer stands in the way of your getting the money that you want? Did he stand in your way illegitimately?.....

Shri B. Das: He gets 50 per cent. of the remission.

Shri Rohini Kumar Chaudhuri: So it is a matter of jealousy because the lawyer is earning through his client more than what the Government is getting. But there is the other method. The lawyer will be subject to income-tax. The only person in all this who will not be subject to income-tax on his earnings during the investigation would be the income-tax official. The income-tax official will be the only person whose additional income during the period of the investigation will not be subject to income-tax.....

Shri B. Das: I may tell my Honourable friend that the income-tax official does not get a chance to assess income-tax on the share that the lawyer gets out of the remission secured to his client.

Shri Rohini Kumar Chaudhuri: I have no representative authority so far as lawyers are concerned. If the income-tax official would agree to share his additional income with the lawyer I do not think the latter would have any objection from the financial point of view. The first impediment which my Honourable friend the Finance Minister wants to get rid of is the lawyers' interference during the time of the enquiry. I do not know whether the Honourable Finance Minister has anything to do with the profession of law.

Shri M. Ananthasayanam Ayyangar (Madras: General): He was himself a lawyer.

Shri Rohini Kumar Chaudhuri: Some people kick off the ladder by which they climb to the top. I have found that some lawyers who have given up the profession of law are very hard on us. There are two classes of people who do so. Those who were disgruntled and find their way into government service and the other are those who had made enough out of the profession that they can afford to dispise us.

I do not find any other provision of law in this Bill which, except in a merely formal way, helps the gathering of a larger income than before. Even under this legislation there is ample scope for tax-dodgers. There is ample scope as a matter of fact for the lawyer to help the tax-dodger. There is some-

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thing like chamber practice and when a lawyer acts behind the scene he can be more effective than when he appears before the court. The mere fact that he is not allowed to take part in the enquiry will not enable the Government to earn more.

My Honourable friend Mr. Biswanath Das objected to the provision of interference by way of revision. There is a provision for revision. When there is any breach of law, an application before the high court would lie.

Shri Biswanath Das: There is a provision always with regard to questions of law but with regard to question of facts, so far as the special tribunal is concerned my Honourable friend will agree with me that there is no provision. The provision here is that there shall be no appeal with regard to questions of facts. With regard to questions of law revision is always there.

Shri Rohini Kumar Chaudhuri: It is a mercy that there is some provision for revision of illegal orders. What I would say is that this provision of law, clause 6, gives all the powers to the officer holding the enquiry which are given under Cr. P. C. Sec. 164 for recording confession. When the enquiry is held the person who is suspected to have dodged the tax would be summoned and he will make his confession. Lest he may be cautioned before hand by a lawyer, the lawyer is put out of the way when you record a confession. On the statement of a person who makes a statement against himself you will have to take certain precautions. Even in an ordinary criminal case the magistrate who is bound to record a statement in a prescribed manner has to give sufficient warning. There is no provision for any such warning. Your official can record any statement and that would be binding. That is much too dangerous. Every thing ought to be done fairly. If you want to ask him any questions he must be given sufficient time to give his answers. Instead of a lawyer you have put in an auditor. You must have recourse to the auditor in every case you make a statement. The lawyer is dispensed with but the auditor has to come in at every step. The Commission may require that the statement will be accompanied by a certificate from the auditor. The statement which an assessee gives before the Commission will have to be certified by the auditor.

That means instead of giving some professional earning to the lawyer you are giving it to the auditor. I suppose it shall not make much difference. Those who have anything to do with conducting a company know very well how an auditor can be made to give opinion in a way the company would like. While the House is committed to the principle of getting as much as possible from those persons whom we suspect, this is only one of the indirect means of achieving that aim. The other method we can very easily follow now that we have attained independence and now that everyone is prepared to shoulder the burden of carrying on the administration and government of this country. If you say "Our necessity is so much; unless I get this money I cannot protect or defend this country or carry on the administration of this country; I want this money" nobody can stand in the way of your getting that money. It is unnecessary to resort to this kind of camouflage at this time of the hour. It was all right for the British Government to do it, because we suspected everything they did and thought they were draining the country. We can have no more suspicion of a Government of which Pandit Jawaharlal Nehru is the leader. This country will be quite prepared to give any money which is demanded for a better administration or better government of this country. Therefore we should proceed rather on that line, take the entire people of India into confidence and tell them "This is the money we require for a better government of this country" and I can say with confidence that no Indian will fall behind in the matter of giving the money which is necessary for a better administration of this country.

Shri Lal Mohan Pati (Mayurbhanj State): Sir, I congratulate the Honourable Minister for having brought this Bill for the purpose of amending the Income-tax Act so that the Government may not lose the tax which is justly due to them. That is all very good. What I beg to observe is that the very Income-tax law is at the outset an arbitrary measure. But though it is arbitrary, this arbitrary law is not only enforced in India but there is not a country now in the world where this sort of arbitrary legislation is not on the statute book for the purpose of realising what is otherwise said to be the just dues of the Government out of the income which an individual or a group of individuals may earn by their sweat, by their diligence and by their intelligence. When it is admitted that every government, nay our government, should realise all that little money which justly belongs to the government out of the income of individuals or corporations or companies or firms—whatever it may be—the only thing is whether any person is there who has evaded or is trying to evade the payment of that much money which justly belongs to the government. The Income-tax law is there, as there are other laws. But everybody knows that however strict the law may be there are hundred and one ways of evading the law. So far as the matter of income-tax is concerned the majority of the income earners probably belong to that class of people who try to evade—and many of them successfully evade—the payment of the just dues of the government out of their income. In that matter the government have to devise ways and means as to how successfully, or at least to a very great extent, to check that sort of nefarious attempt on the part of the income earner. It is for this purpose that the Commission is proposed to be set up with powers to detect those cases. But my submission is whether this Commission, even if set up, would be quite a sufficiently powerful body to check all those attempts on the part of persons to avoid or evade the payment of income-tax. It has been observed of course by the previous speakers on this subject that this Commission may be given very wide powers. I agree with them in that respect. Unless very wide and sufficient powers are given to this Commission no useful purpose is likely to be served. But it has also been observed that either the Commission or the parties before the Commission may not be given the help of lawyers in the investigation of the matter. This rather appears to me to be something like pleading against law and pleading for the establishment of lawlessness of law. If an enquiry is to be made, let me assume, by very eminent persons they are rather supposed to hold their enquiry in the strictest possible legal way. In order that they may proceed in a legal way and in order that the parties before them could have just and sufficient legal advice as to how he or they should proceed before the Commission, the lawyer's help becomes necessary. It has been observed that there is a distinction between enquiry into the question of fact and enquiry about the point of law applicable in a particular matter. That may be so. But in order to get at the fact it is necessary to adopt a certain procedure, and in order to see that the procedure adopted is followed—which is legal procedure—the help of the lawyer becomes necessary. The Commission itself would require the assistance of a lawyer. If we put a ban on the lawyer in an enquiry like this I submit the House would be legislating with the express declaration that lawyers are a class who would not be believed or who are likely to lead or mislead parties and the Bench in a wrong way. In this view of the matter I am not prepared or cannot persuade myself to accept the suggestions that have been made on the floor of this House by my Honourable friends who have spoken before me on the question of the assistance of lawyers in the matter of an enquiry like this before the Commission.

Another submission I intend to put before the House is this. This Commission should of course be given very wide powers. I agree with all my friends who have spoken in this respect. But the question is whether this

[Shri Lal Mohan Pati]

Commission would be given the powers so that their decision would be a final decision in the matter. If that be so, if you are taking away the restrictions as provided for in the income-tax law, the whole fabric of the income-tax law has to be revised from the start to the finish. What I would respectfully submit is everybody knows that there are very many persons, very many firms and even some companies too, who adopt all sorts of means for the purpose, if possible, of avoiding and evading the income-tax assessment to its fullest extent.

Now when that is so they are very often either helped or encouraged by Government officials themselves; or at least they connive at it. So some ways and means have to be devised as to how best this can be prevented, if not altogether, at least to a very great extent. In order to do that I would rather take this opportunity of suggesting to the Honourable the Finance Minister that when some amendment is going to be made in the law relating to the income-tax it would be better if we go a step further. We may insist by legislation that whenever any person or any groups of persons by whatever name they may be called, start a business, they must give intimation to the Income-tax Department that he or they are doing this or that business at this or that place with branches here and there or no branches anywhere. They should at the same time also apply for supply of certain account books by the Income-tax Department. Those books would at least be a ledger book and a cash book with a number of pages and with the seal of the Income-tax Department. The businessman or firm would be required to write their accounts in those books only and they would be required also to submit their periodical returns to the Income-tax Department regularly. Further more, the officers of the Income-tax Department should pay surprise visits to the business places of those individuals or firms or companies and if they are not able to scrutinise the accounts, they should at least initial the pages of the account books.

Again, every individual, businessman or groups of businessmen or companies, whoever they may be, must be directed that just within one month from the final date of the closing of their accounts, they must submit their income returns and on no plea should they be given any further adjournment; unless and until very sufficient and exceptional circumstances are made out. They should be given no extension of time. I know of very many cases where returns are not submitted for months together even after the service of notice. They ask for extensions after extensions and these are very readily given, with the result that the parties prepare absolutely new sets of account books. In order to prevent this practice, I submit that it will be better if the Income-tax Department insist upon the submission of the income return within, say, one month from the close of the financial year. In case of failure to do so, the Income-tax Department should take this as an opportunity to assess the defaulter arbitrarily and in case of any complaint against this arbitrary or summary assessment, the assessee should satisfy the Income-tax Department within say not more than one month from the date of the assessment. By these means the Income-tax Department may succeed in checking this nefarious practice on the part of tax evaders to a very great extent. What I mean to suggest here is that when an attempt is being made to amend the existing law for setting up a Commission, it would be better if advantage is taken of that opportunity to tighten the law in such a way as to prevent, as far as possible avoidance and evasion of the income-tax. I also feel that the Commission should be given wider powers than appear to have been given by this amending Bill, so that where any grave evasion is suspected without waiting for a pretty long time they may, at once seize whatever property the assessee or assessee has or have got at any place, subject to the disposal of the seized

property after the final decision of the matter under enquiry. With these words, Sir, I support the Bill.

The Honourable Shri. R. K. Shanmukham Chetty: Sir, I am very much gratified, to note that this measure has received almost unanimous approval of the House so far. Even my friend Mr. Thakur Das Bhargava only sounded a note of warning from the point of view of a cautious lawyer. I may assure the House, Sir, that no honest man need have any apprehensions when this Act is applied by the investigating Commission. We had to invest the Commission with the power of asking anyone to produce his books or to supply information, because as I said in my opening remarks the actual dealings of a particular man who has evaded a tax can in some cases be fully appreciated only when certain other accounts are examined. When third parties are asked to produce their documents, I think it is their duty to the State to help the Government in booking the tax evaders. I do not think, Sir, that it is a duty which any honest citizen or any institution in the State should shirk.

My friend Mr. Thakur Das Bhargava in referring to some of the wide powers given to officers to go and examine individual's accounts has based his criticism on the assumption that these wide powers will be exercised by officers of the Income-tax Department. I tried to make it clear in my opening remarks that it is the Commission that will nominate, and officer of the Income-tax Department to go and act as the agent of the Commission in this matter. The officers so deputed must work under the instructions of the Commission and therefore there is not the slightest cause for apprehension that any harassment would be caused by these officers. We had to specify that the Commission should appoint only some officer of the Income-tax Department for this purpose, because otherwise the accounts of a person are likely to be seen by outsiders and the secrets of his business would be known to outsiders which is very undesirable.

Under the Income-tax Law, the Income-tax officers are not entitled to disclose any information that they get in the course of an assessment to anybody else. It is with a view to preserve that secrecy that we thought it necessary to provide that the officers selected by the Commission should be from amongst the officers of the Income-tax Department, and I may assure the House that if the Commission seeks the advice of the Central Board of Revenue, in selecting these officers I shall give a positive direction to the Central Board to recommend only such officers of the Income-tax Department who are above any suspicion and who can be trusted. We have taken care to provide all possible measures of safety to prevent any unnecessary assessment. We have, for example, provided that the Commission might even make *ex parte* enquiries, but we have provided a very useful safeguard. If the Commission is to act upon the evidence collected in that *ex parte* enquiry, then the party concerned should be given an opportunity of rebutting all the facts collected. Like this we have provided a great many safeguards, and I have no doubt in my own mind that there is no room for any honest person to feel apprehensions about the provisions of this Act and I feel equally certain that without these powers the Commission cannot really function effectively. I hope to be able to convince the Select Committee that every one of the amendments to the Act that I have put forward is a reasonable amendment and is necessitated in the interests of safeguarding the interests of the State. Sir, I move.

Mr. Speaker: The question is:

"That the Bill to amend the Taxation on Income (Investigation Commission) Act, 1947, be referred to a Select Committee consisting of Diwan Chaman Lall, Shri Mohan Lal Saksena, Prof. N. G. Ranga, Shri M. Ananthasayanam Ayyangar, Dr. Bakshi Tek Chand, Shri K. Santhanam, Shri Arun Chandra Guha, and the Mover, with instructions to report on or before the 8th March, 1948, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

REHABILITATION FINANCE ADMINISTRATION BILL

The Honourable Shri E. K. Shanmukham Chetty (Minister for Finance):
Sir, I move:

"That the Bill to establish the Rehabilitation Finance Administration, as reported by the Select Committee, be taken into consideration."

Honourable Members will realise that the Select Committee has made only a very few changes and these changes have improved the Bill very considerably. The definition of the expression "displaced person" has been modified to some extent. We have widened the scope of the definition so as to include persons having business in India but who might have lost their assets outside India as a result of these communal disturbances. Now such persons also would be considered as displaced persons for the purpose of this measure. By another amendment the obligation has been placed upon members of the administration and also of the Advisory Board, to disclose their personal interests in any concern to which the administration may grant loans. In the case of the members of the administration, it has been provided that in case they have an interest in these matters, they must either sever their connection with the business or resign from the administration. In the case of the members of the Advisory Board, the provision has not been made so stringent. In their case it has been provided that where a member of the Advisory Board has got an interest, he should disclose the nature of the interest and should not participate in the discussions relating to that particular business. A section has also been added, Sir, to enable the placing of periodical reports of this administration on the table of the legislature. A question was asked in the Select Committee whether members of the legislature will be debarred from getting places as members of the Advisory Board. I made the position plain to the Select Committee and I might repeat it here that it is not the intention of the Government to impose any such disqualification on the members of the legislature. In fact when the time comes to constitute the Advisory Board I am hoping to include in that Board some of the Honourable Members of this House who with their knowledge and experience of refugee problems would no doubt be in a position to render valuable guidance and assistance to the administration. There are certain matters for which provision has not been made in the Bill but about which I indicated I would give directions to the administration in virtue of the power entrusted to the Government of giving directions on questions of policy. For instance a direction will be given that these loans should be given only to Indian nationals. A direction will also be given that if a concern is started even by persons who are not themselves displaced persons but which nevertheless will contain a substantial number of displaced persons, then such a concern also can benefit by the operations of this Act. I have also agreed to give a direction that in the grant of loans to individuals the limit will be Rs. 50,000, and to joint stock companies, the limit will be rupees one lakh. These are some of the main changes made by the Select Committee and these are some of the assurances which I said would be given to the administration in the form of directions. Sir, with these words I move that the Bill be taken into consideration.

Mr. Speaker: Motion moved:

"That the Bill to establish the Rehabilitation Finance Administration, as reported by the Select Committee, be taken into consideration."

Kazi Syed Karimuddin (C. P. and Berar: Muslim): Mr. Speaker, Sir, from the preamble, it is clear that this Rehabilitation Finance Administration Bill is meant for those who have been displaced in life as the result of the civil disturbances following upon the partition of the country, that is after the 15th August. The definition of "displaced person", according to the provisions of

this Bill, is "a person who is displaced from any area outside India, or a person in India who, having had his business, industry or property, wholly or partially outside India, has lost wholly or partially, such business, industry or property".* That is the definition given here. It means that under this category of "displaced person", only those persons will be covered who come from Pakistan, and only those refugees will be helped financially who come from outside India or those who have had their business outside India and who are living in India. Sir, I have absolutely no objection to the assistance that is being offered to those who have been displaced in life for no fault of theirs. They had to leave their home, they had to leave their property, not because they committed any sin but because they belonged to a particular community. It is up to us to see that they are settled in life and they are rehabilitated, and are given an honourable place and self-respect, and something to fall back upon. But that does not mean that sons of the soil should be deprived of the assistance that is to be given. Before the partition, there were thousands of Hindus in the East Punjab who were displaced because of the civil disturbances. I know of many people from Karachi—Hindus—who were living in the East Punjab and carrying on trade and business. They left because there were disturbances in the East Punjab and according to the provisions of this Bill they will not be entitled to financial assistance. Then, take the case of the Muslims—those who have been displaced from East Punjab, those who have been displaced from Alwar, Patiala and Bharatpur, and those who have been displaced from Delhi and Ajmer. These Muslims will not be entitled to any financial assistance according to the provisions of the Bill. It will mean that the provisions of this Bill will be applicable only to Hindus who come from Pakistan and in effect to nobody else. Take another case: if Hindus from Hyderabad State come into the Union according to the provisions of the Bill they will not be entitled to any financial assistance,—in the definition of India the States are also included. Therefore I have given notice of an amendment that words "in or" should be added in part (d) (i) of clause 2. I really do not understand why a distinction is made in the case of those who come from outside and those who have suffered and been displaced in India and in States. In my opinion, they are also sons of the soil. This is a secular State and why should they be deprived of the assistance? There are hundreds of thousands of instances where people have left Delhi and Ajmer: they ran for protection to either Bhopal, Hyderabad or Pakistan; as soon as peace is restored they will return. They are also displaced persons. Why financial assistance should not be given to those sons of the soil who have been displaced as a result of civil disturbances, I really fail to understand? Therefore I submit that the amendment which I have given notice of will be acceptable to the Honourable the Finance Minister.

The second thing which I submit is that the provisions of this Bill are not applicable to those agriculturists who come from outside India but who are also displaced persons. The urban people who have come here have, I suppose, something to fall back upon; but those agriculturists who have come from Western Pakistan and from the villages, left their property; they left everything there and have nothing to fall back upon. Their needs are much greater than the needs of those persons who have come from the urban parts. This Bill provides that those who want to engage themselves in business and industry will be financed. The concern of this Government and the concern of this House is not that people should become rich; the concern is that they should be rehabilitated and settled in life. Instead of only financing those who want to engage in trade and commerce, those agriculturists who have been displaced should also have been given financial assistance. In my opinion, this was the best time that the waste lands should have been brought under cultivation, Government farms should have been created and lakhs of those

[Kazi Syed Karimuddin]
people who will not be entitled to loans under the provisions of this Bill settled down, people for whom at present there is absolutely no provision to get them settled down.

Sir, the Honourable the Finance Minister has said that in the case of individuals the extent of the loan will be Rs. 50,000. In my opinion, benefit to the maximum numbers should be the consideration; by starting this Rehabilitation Finance Administration, we do not want to see people worth lakhs and crores; by establishing this Administration we want to see that those who come from the urban area—the maximum number of them—should be settled in trade and industry. Advancement of loans to the extent of Rs. 50,000 is a very excessive amount that is to be advanced to an individual. In my opinion Rs. 25,000 should be the highest extent to which this Rehabilitation Finance Administration should go.

With these few remarks, I welcome the provisions of this Bill; it is the duty of this country to settle and rehabilitate those who have been displaced in life.

Shri Khurshed Lal (U. P.: General): Mr. Speaker, Sir, I welcome this Bill as a concrete step towards the rehabilitation of our brethren who have been displaced and who have had to come here on account of civil and communal disturbances. The Bill, to my mind, is good as far as it goes but there are many things which have to be taken into consideration if this Bill is really to serve its object.

The question is: is this Administration going to afford its help to any and every person who chooses to ask for it, without any plan and without any pre-conceived scheme. My submission is that this Administration will not be able to serve its object unless and until there is alongside it a comprehensive plan for the settlement of the refugees. That plan can only be within the framework of an All-India Plan, in order to have a complete planning of our economy. Our economy today, as is well-known, is lopsided; there are many things which we have to develop, and I submit that this is the time to do it—when we have these refugees here who belong to a virile race, who have experience of business, who have experience of industry—and this is the time when we should utilise them not by giving them haphazard loans, not by allowing them to set up any business here or there which they in their present anxiety may want to do, but I submit that it should be the task of this Administration to prepare an economic plan. Within the framework of that economic plan industries should be started and concerns started and help afforded to these people. If that is done, if we have planning on that basis, and if the refugee problem is made a part of the Economic Plan for the country, then I submit that we can turn this misfortune of these brethren of ours into something good, and we can utilise them for the progress of the country. Instead of being a liability to us, they can become a factor of social strength.

I would therefore suggest that along with this Administration there should be a Board for planning the set up of industries and for going into the entire question of what is to be our economic set up of the future, and the Rehabilitation Administration should give help to those who fit in with that Plan.

As I have said, Sir, in the Minute of Dissent which I have appended to the Report of the Select Committee, I feel that the confining of the aid to those only who have come from outside, who have been displaced from outside India and not giving any aid to those who have been displaced in this country and who have chosen to remain in this country and not go outside it. Sir, to my mind is wrong. After all, we claim to be building up a secular State and

while I am prepared to go as far as possible to help our brethren who have come from Western Punjab and other portions of Pakistan, I submit, Sir, that there is a very strong case for helping those of our brethren who live in this country, who were and are entitled to our protection and who have been uprooted just as these people from Pakistan have been uprooted, for no fault of theirs, but because there were these communal disturbances in the country, and have lost their all, even these people deserve our consideration and sympathy.

[At this stage, Mr. Speaker vacated the Chair, which was then occupied by Shri K. Santhanam (one of the Panel of Chairmen.)]

Let us remember, Sir, that those who have been uprooted and have lost their all, many among those, are people, not necessarily, who had had anything to do with the partition of the country. They are not necessarily those who were spreading the communal poison in the country. So far as I know, those who were putting all this poison into the country, those who were sowing the seeds of hatred, they were the first to leave the country for Pakistan. They have lost nothing. Actually, innocent people who were their dupes, they have suffered, and I submit, Sir, it is our duty because we were unable to protect them to rehabilitate them also. It may be, Sir, that Government have some other plans. It may be, Sir, that Government are restricting the relief to be afforded by this Administration to people coming from outside India because they have an idea of affording relief to our nationals who have not gone out of this country and who have been looted and who have lost their all. If that is so, I will be very glad to hear it. Otherwise, Sir, I submit that it will be proper if the definition of "displaced person" is amended and those who have lost on account of communal strife and who want to start business in India and who are in India, even they may be made eligible for help. If that is done, Sir, it will be not only a great gesture but it will also go a long way towards establishing communal harmony in this country.

Shri C. Subramaniam (Madras: General): Mr. Chairman, I would like to point out certain difficulties which I feel in the application of this Act, especially with regard to the class of persons to whom this Administration will grant loans. For that purpose, I draw the attention of the House to the definition of the word "loan" given in Clause 2(e). "Loan" means a sum of money advanced by the Administration to a displaced person. So the first essential for getting a loan is that he should be a displaced person. Then "displaced person" is defined in Clause 2(d). "Displaced person" means (i) a person who is displaced from any area outside India. I will confine myself to (d)(i) for the purpose of explaining my difficulty. For the purpose of coming under the definition of a displaced person, that person should have first existed in a place outside India. Then only if that person is displaced he becomes a displaced person under the provisions of the Act. And "person" is defined under the General Clauses Act, as including a Company, individual, or Corporation, incorporated or not. So even a Company will become a displaced person if only it had existed outside India. My Honourable friend the Finance Minister said that it is the intention of the Government to issue directions to give loans to concerns which might be started here even though they may not all be refugees but only a substantial portion of them refugees. If that is the intention of the Government, then, I submit that that Company or concern will not be a "displaced person". Under the Act the Company has got a separate legal entity apart from the shareholders, and the company comes into existence in India and hence it would not be "a displaced person". So under this Act it will not be entitled to get a loan. A Company which is incorporated now in India consisting of refugees, consisting of persons who may come under the detention of "displaced persons", that Company would not certainly be a "displaced

[Shri C. Subramaniam]

person" and would not be entitled to get a loan. So if you want to help a Company which is incorporated now, if you want to help these refugees concerns, then the definition of "displaced person" as it now stands will stand in the way. That is the difficulty that I want to point out to the Honourable Minister. And again, if you will kindly see the definition of "borrower", it means an individual, Company, Association, or body of individuals whether incorporated or not, to whom a loan has been advanced under this Act. As that definition stands, the only persons who will be entitled to aid, is an individual, company or association which had been carrying on business outside India and which gets displaced for any of the reasons mentioned in the Act or a body of individuals; whether incorporated or not, who have been operating outside India and get displaced.

Mr. Chairman: But, there is another clause also which the Honourable Member must take. (Both of them should be considered together.

Shri C. Subramaniam: Which Clause, Sir, do you mean?

Mr. Chairman: In the same Clause, "displaced person" is defined in another place.

Shri C. Subramaniam: I know what you mean, Sir. You are referring to the definition, "a person in India having had his business, industry or property, wholly or partially outside India, has, lost, wholly or partially etc. etc." That person should have already existed in India and should have held property outside India and it should have been lost. So even this would not apply to a Company which has come into existence later on at a future date. So the difficulty remains. Whether that legal entity of a Company existed in India or outside, that should have existed and should have carried on business either outside India or should have resided outside India. That is the difficulty. Therefore, (d)(ii) also does not solve it. If it is the intention of the Honourable the Finance Minister to grant loans to Companies which might be incorporated later on for the purpose of helping refugees, that would not be possible under the provisions of this Act. Certainly, the rule-making powers cannot be used for going against the provisions of the Act when it has limited that loans could be granted only to displaced persons and when displaced person has been specifically defined. The Government cannot go beyond the scope of the Act and say we would include other persons also. That is the difficulty which I hope the Honourable Minister will explain and if there is any real difficulty, I hope he will make suitable amendments.

Another thing also I wish to point out. You will be pleased to see that in constituting the Advisory Boards, the intention is that the Advisory Board should advise the Administration on matters of policy only. So individual cases would not certainly come up before them. Only matters of policy would come up before them. If that be so, what is the use of saying in sub-clause (2) of Clause 7 that the Advisers who have got any interest in any concern to which a loan might be granted shall immediately disclose it to the Administration and shall not participate in the proceedings of the Advisory Board relating to such assistance. Now, "relating to such assistance" could only mean the matter relating to the individual concern. Only matters of policy will come up before the Advisory Board and no individual cases. So this prohibition is absolutely innocuous. After all Advisory Board members stand in an advantageous position in that they are likely to come to know of certain things which other people would not be able to know. Under those circumstances, they should not take advantage of their position and acquire certain interests in certain properties. That should be prohibited, and that should be the object of the prohibition clause. I can point out a case where in spite of them-

cases they might come to acquire property. Suppose some distant relation dies, the member happens to be the next legal heir, he might get the property by way of succession. In that case, we need not object. But the voluntary acquiring either by a member of the Administration or by a Member of the Advisory Board subsequent to his being appointed should be definitely barred. Therefore the provision relating to the Members of the Advisory Board not participating in the proceedings of the Advisory Board really does not go to the full extent necessary.

I feel another difficulty in clause 21 (2)—Liquidation of the Administration. It says: "In the event of the Administration being placed in liquidation, the undistributed assets, after meeting the liabilities, if any, shall vest in the Central Government." Why undistributed assets alone? Suppose you have lent the Administration ten crores and five crores alone have been distributed to the refugees. "Undistributed assets" might mean the assets which have not been distributed to the displaced persons. That is the only meaning that could be given under the context. Certainly the Central Government should step into the shoes of the Administration and all the rights and assets should vest in them. Therefore it is not only the undistributed assets, but all the assets of the Administration which should vest in the Central Government. I further feel there must be another clause for clothing the Central Government with all the powers of the administration in collecting the loans which remain unpaid. From the clause as it stands we find that on liquidation only the undistributed assets vest with the Central Government. There is absolutely no provision as to what happens to the loans granted. Another clause should be added to give the power to the Central Government to have all the powers of administration for the purpose of collecting the loans which remain unpaid.

These are some of the difficulties, Sir, which I find. As a matter of fact, I felt the need of some amendments and sent a list of amendments to the Notice Office but it seems to have got lost in transit and now it has been traced in the office and sent to me just now. I suggest that these points may be taken note of and if these are really difficulties which have got to be surmounted I hope the Honourable the Finance Minister will amend the necessary portions of the Act suitably in view of the difficulties I have pointed out.

Pandit Lakshmi Kanta Maitra (West Bengal: General): Mr. Chairman, Sir, at the very outset, I desire to convey my hearty congratulations to the Finance Minister not only for the original Bill as introduced in this House, but also for the shape in which it has ultimately emerged from the Select Committee. Sir, as its very name implies, the Rehabilitation Finance Bill has got a very beneficial purpose to achieve. For one thing it seeks to assist the displaced persons, displaced not by reason of any of their own actions or omissions—but displaced by reason of communal fury or orgies of violence which were beyond their control. For another, instead of allowing such people to continue to be a perpetual burden on the national exchequer it seeks to devise a scheme by which they may be well settled in life. Not only that. Besides solving the question of their settlement in life, it also goes a long way towards giving them a chance in life to compete in trades and industries and thereby helping in the industrialisation of this country. In a sense, it is a multi-purpose bill and inasmuch as it has so far received unstinted support from the House, I can only add my own mode of appreciation of the measure and convey the same on the floor of this House to the Honourable the Finance Minister. But Mr. Chairman, speaking on the report of the Select Committee, I feel it my duty to draw the attention of the House and also of the Honourable the Finance Minister to an aspect of the question which has not been ventilated in this House. Sir, whenever we think of rehabilitation or relief, in these

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days, naturally we have in view relief only of those who were unfortunate victims of the terrible upheaval in the Punjab, in the Frontier Province and of those who are being subjected to all manner of tortures and indignities in Sind. But may I, Mr. Chairman, also point out to this House, that there is another class of persons who deserve your sympathy, who demand your attention, I mean the non-Muslims of Eastern Pakistan who seem to be nowhere in the picture today? I regret to have to say that nothing is heard of them here, because their misery is not much publicised. I make this remark not in anger, but in anguish, more in grief than in passion. Mr. Chairman, would it be believed that conditions in Eastern Pakistan today are such that the Hindus find it impossible for them to live there on anything like decent terms, with anything like self-respect? Indeed, there have not been so far large-scale disturbances there as we had in the Western Punjab and other parts of India, but the organised campaign inaugurated in Pakistan against the Hindus and their relentless persecution there have made their normal life in Eastern Pakistan absolutely impossible. Since the transfer of power on the 15th of August, 1947 there has been a steady stream of exodus of Hindus from Eastern Pakistan to West Bengal. The Provincial Government and the public press in Bengal did not perhaps like to embarrass the Government of India by publication of these reports as they were already over-burdened with the problem of refugees from West Punjab, Sind and N.W.F.P. But the matter has now reached a stage when it would be criminal to maintain silence on it any longer. My Honourable friend Mr. Sondhi says that they are also included in this Bill. I hope they are. But reading the Bill as it is, I do not find on the face of it that those people are also included. I want to be absolutely clear on this point. I cannot leave the matter to future interpretation. The definition of 'displaced' as given in clause 2 of the Bill should normally include that category of unfortunate people, but I want to make the assurance doubly sure. Sir, I will crave the indulgence of the House to place very briefly the extremely miserable position in which they now find themselves placed. Sir, in the course of the last few months near about 20 lakhs of Hindus have migrated to Western Bengal from Eastern Pakistan. When I put the figure at twenty lakhs I err on the side of moderation and not of excess. I may tell the House that according to the census of 1941 the population of the city of Calcutta was twenty-one lakhs; today the number of ration cards there have reached the appalling figure of 69 lakhs. It may be said that many of these ration cards are faked; but even allowing a reasonable margin of ten lakhs for false ration cards, you are still faced with the fact that in the city of Calcutta the population is now at least 50 lakhs—i.e. about 30 lakhs more than what it was in 1941. The result is that the city is unable to cope with the needs of this huge population. You have only to go to the city of Calcutta now to see how people actually live there. There is no elbow room or breathing space there. The Calcutta Corporation has recently at a special meeting discussed the whole situation and they find their entire services on the point of a crashing,—sanitary, water supply, drainage and all the rest of it. That is the formidable problem that they are faced with now. I know of other mofussil towns where the conditions are very much the same. In the district that I come from—Nadia—in that tiny district one lakh and ten thousand people have come from East Bengal. Imagine a small municipality in an ordinary moderate-sized town with a normal population of 40,000; if such a town finds itself encumbered with about a lakh of people you can well understand what that means. That is the condition of some towns.

Sir, I want the House to realise that it is not for mere fun that people leave their hearths and homes, their ancestral homes hallowed by the memory of generations of their forefathers. It is only when they find that normal life is absolutely impossible that they leave their ancestral lands to seek shelter

in the Indian Dominion. The House should know that there are about one crore and twenty lakhs of Hindus there. They were with us shoulder to shoulder in the fight for freedom; they made tremendous sacrifices along with the rest of India so that India might achieve independence. Does the House realise the acute feeling of frustration and despair when they find that their former comrades in arms in one part are breathing the free air of freedom whereas in another part they are subjected to all manner of indignities, cruelties, persecutions, which make human life not worth living? Sir, I do not want to embarrass this Government, our own national Government, in any way; I do not ask them here and now to undertake full responsibility for them. But what I do want is that this House should take serious note of the situation. The House or the Government cannot ignore it any longer. At the moment there is but a patch of cloud which is no bigger than a man's hand; but it grows bigger and bigger, and who can say when it will break into thunderstorms overwhelming the whole country and creating a situation which would be beyond the competence of you all to control? I want the Honourable Finance Minister and the Deputy Prime Minister to ponder over this situation. Almost daily I receive telegrams and letters from my friends and relatives in Eastern Pakistan which melt my heart and which would, I believe, also melt the heart of any sane and reasonable man who has any human feeling. Extortions from Hindus for the Quaide-Azam Fund, exactions in the name of income-tax, fabulous and fantastic amounts charged on Hindus who had been carrying on trade and industry up till now, wholesale seizure and confiscation of firearms of Hindus and delivering them to these newly formed Ansars and the Muslim National Guards, various forms of insult and molestation of their women-folk which cannot be described—these are some of the things which have made their life impossible in Eastern Pakistan. But what is more pertinent to the Bill before the House is that there has been economic strangulation of the entire Hindu community in Eastern Bengal; all trades and industries have been forcibly taken away from them and settled with the Muslims with the result that they are being compelled to flock to Western Bengal. But they cannot come even with their personal effects which are rigorously searched, or rather ruthlessly ransacked by the so-called National Guards and snatched away from them before they can leave their frontiers. So they are coming as destitutes,—destitutes in the sense that while they had enough of wealth and enough of resources when they were inhabitants of undivided India, they have suddenly become paupers by reason of the advent of independence in one part of the country to the exclusion of another. I am asking the Honourable the Finance Minister to categorically state on the floor of this House that the displaced people from Eastern Pakistan would be fully entitled to the benefits of this Governmental measure, that the provisions of this Rehabilitation Finance Bill, could be freely utilised by this unfortunate species of uprooted humanity. I want the Finance Minister to make a clear and unequivocal statement to that effect. Let me assure him that such an assurance will not be a standing invitation to the people in Eastern Pakistan to come here and have the benefits of this. As I said, people will not run after mirages or shadows. It is only when they will have no other alternative, that they will come here and seek some relief at your hands. Let that relief be not denied to them.

Sir, an Honourable Member was making a grievance that the definition of 'displaced' should be so framed as to include those who are also inside India. Owing to my illness I was absent from the House when the Bill was introduced and I am not therefore aware of what discussions took place at the time; nor was I a member of the Select Committee, and I therefore do not know whether this question was discussed or not. But to me it seems that the whole object of defining 'displaced person', in clause 2(d)(i), as a person who is displaced from any area outside India, is that it is intended to benefit those

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people who were within the limits of undivided geographical India, but, who, owing to these political cataclysms have been detached from India of today. The Honourable Members would do well to bear in mind that ordinarily the question of resettlement of displaced persons in a particular province or State is the responsibility of that particular province or State, and therefore legislating here in this Federal Legislature, it is not in our competence to legislate for that. This does not mean that the Central Government cannot advance any help to the Provincial Governments or any other units when they demand it and when such relief is desirable. But this Bill is intended to benefit that species of uprooted humanity who have to be settled in trades and industries. Therefore, I do not think there is any need for changing the definition of the word "displaced". We want to see that this Bill, when enacted into Law, is implemented with all reasonable despatch. I would also suggest to the Honourable the Finance Minister that when he appoints the Advisory Board, he might include some from amongst those who have been displaced from Eastern Bengal and who have sought shelter under the protective wings of this Government.

I find that it is going to be a fairly big committee. I want that not a single province of undivided India, is left unrepresented in this Board so that none may feel that it has been left in the lurch. Though we cannot do them anything very substantial—by a measure like this, which envisages an expenditure of rupees ten crores and as such does not touch the fringe of the question—it at least makes a very good beginning; and it will also have a tremendous psychological effect. It will demonstrate that the National Government has not forgotten those who had been with them in their struggle for the freedom of this country.

May I request the Finance Minister to bear these few points in his mind when he comes to implement the provisions of this Bill. I am sure this Bill will go through as it is, and let me hope and trust that the Government will do their best to alleviate the miseries and sufferings of these unfortunate people.

Lastly, I again appeal to the members of the House not to forget their unfortunate brethren—their own kith and kin in East Bengal, who had suffered and sacrificed no less than they in the liberation of this country.

Shri M. Ananthasayanam Ayyangar (Madras: General): It is with very great grief that we listened to the tales of woe that our kith and kin in East Bengal are suffering today and under those trying circumstances many of them have left East Bengal for West Bengal and are still leaving. There is ample provision made in this Bill and a displaced person covers those persons who have already left East Bengal for West Bengal, just as it covers those who have left West Punjab for East Punjab. Therefore, my Honourable friend, Mr. Maitra, may be absolutely certain that this administration will stretch its helping hand to those refugees who have gone from East Bengal to West Bengal. As a matter of fact I have tabled a few amendments for suggesting that branches of this administration ought to be established wherever those Branches are necessary. I am sure having regard to the large need of the various refugees that have come from East Bengal to West Bengal, a branch of this administration will be located there, and in addition an advisory regional board, consisting of five or seven persons, competent to give advice regarding relief measures to be adopted in that particular area, may also be constituted. An amendment to that effect has been tabled by me. I am sure having regard to the necessity of the circumstances, the Government will accept the amendment and in due course will implement it by constituting a branch and an advisory council.

As regards our friend's suggestion that those who have been displaced from one part of India and have come to another part should also be helped, because

they come within the ambit of this Bill for purposes of relief, I beg to point out that I differ from him. Not that I have not the sympathy which must go forth to all those persons who are afflicted, who have been forced and compelled by circumstances beyond their control to change their place of residence to other parts of India. They do stand on a different footing altogether. Every effort is being made and it is intended much better effort than our sister Dominion is trying to do is being made to bring back those persons, who have had to leave their places, to their own places in India, and also to rehabilitate those persons to their hearths and homes who have had to shift from one part of this country to another for some reason or another. All steps in that direction will be made by the Government. Their case is on a different footing. If in spite of that if any person still stands in need of relief, I am sure the Provincial Government, or the Central Government will attend to that matter also. It is not as if this Bill seeks to address itself to all these considerations. As a matter of fact some of our friends suggested even at the outset, before the Bill was referred to the Select Committee—and some friends have also appended Minutes of Dissent to the Select Committee's report—that for agricultural purposes also relief ought to be given by this administration from the funds at its disposal. Some suggested that displaced persons might be able to settle in colonies and engage themselves in collective farming. Those are beyond its scope. Many other good things may be done. But the scope of this Bill restricts itself to one class of persons and one kind of relief. Other cases may be deserving and there is time enough for the Government or for the Provincial Governments to come to their rescue or to seek other remedies to help them.

My friend, Mr. Subramaniam raised a very interesting point. I agree with him that in so far as a displaced person is either a partnership or a company, this definition does not cover it. It covers only a partnership or company which was in existence either wholly or partly both in India and outside India. I believe, and I am sure that it is not the intention of the Honourable the Finance Minister or even the Select Committee to ignore those partnerships of displaced persons which partnerships may come into existence here or companies formed of displaced persons. The difficulty can be got over by adding at the end of the definition for "Loan" the words "whether an individual or a partnership or company, whether already in existence or formed of such individuals in India." That is a matter of drafting. I agree with him that there is that lacuna. As regards the other points raised by Mr. Subramaniam I am sorry I am unable to agree with him. As to what happens on the dissolution or liquidation of the administration the term 'assets' is sufficiently wide to include not only assets or the money that is still in reserve but also all the loans that have been advanced.

Shri C. Subramaniam: What about undistributed assets?

Shri M. Ananthasayanam Ayyangar: I will come to it presently. The term 'assets' is wide enough to include not only money in hand or property in hand but also actionable claim. Whatever might have been advanced by the Administration to various persons also come under the heading 'assets' and as successor in interest to the Administration the Central Government will be competent to realise these loans to various displaced persons.

As regards undistributed assets this term and the language was evidently taken from the Companies Act. where undistributed assets refer to whatever remain after liquidation or paying off of the creditors. If there are no creditors the entire property will belong to the Central Government. Therefore the undistributed assets do not stand in the way of the entire property coming in and I do not agree with Mr. Subramaniam about the interpretation which he has put upon the word undistributed assets: nor is there any necessity to change that terminology.

[Shri M. Ananthasayanam Ayyangar]

As regards the suggestion that those persons who are members of the Advisory Board ought not to participate where they are interested, I believe that the wording that is used and the provision made are sufficiently wide. We are trying to lend to the extent of ten crores—directly seven crores, by way of re-discounting bills and promissory notes one crore and guaranteeing losses to the extent of two crores. There must be a provision strictly limiting the advance of these loans for the purpose of business or industry. It finds a place in the preamble but not in the body of the Bill. Apart from that whenever any displaced person does not utilise the money or otherwise the object of the loan is not carried out, there is a provision in the Bill to enable the Administration to call forth the money immediately irrespective of the term for which the loan has been advanced. I would urge upon the Government to modify it so as to enable the Administration to call upon the bank about whose loans there is a guarantee to the tune of two crores also to call back immediately those loans that have been granted under circumstances similar to those set out in clause 14, which empowers the Central Government or the Administration to call back or insist upon the payment of these loans.

In the course of the administration various items of property may have to be purchased by the Administration. It may be a couple of years before the ten crores are disposed of. If my Honourable friend Mr. Maitra's suggestion is to be accepted another ten crores would be necessary. We may have to enlarge the scope to rehabilitate people both from the Western Punjab and Eastern Bengal. The work of this Administration may have to go on not for ten but for twenty years. During this period various assets are purchased by the Administration. I want a provision to insist upon the Administration disposing of these assets within a reasonable time. We find similar provisions in the Banking Bill and also in the Industrial Finance Corporation, in the Reserve Bank and all other banks, lest the fluid resources at their command should be locked up in immovable or movable assets. That is another suggestion for the consideration of the Honourable the Finance Minister.

I wish this Rehabilitation Administration good luck and a career of usefulness. I hope the objects of the Bill will be implemented early and that all those persons who have been forced to come here and settle from West Punjab or East Bengal will have nothing to complain about and would even forget all their sufferings and inconveniences.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I wish to speak on one or two points which have been touched during the debate.

With regard to the question of refugees from East Bengal or West Punjab I think the definition clearly includes both. A displaced person means a person who is displaced from any area outside India. East Bengal is now outside India. Therefore the apprehensions of Mr. Maitra are not really justified.

Pandit Lakshmi Kanta Maitra: A burnt child dreads the fire.

Mr. Naziruddin Ahmad: To my mind the meaning is absolutely clear, and on the case made out by the Honourable Member, I think the Administration that would be set up should look into the matter and in constituting the Advisory Committee, the needs of West Bengal will be considered.

With regard to extending the definition of displaced persons I think it should be extended. In fact it should include persons who do not all come from outside India. If you extend the definition, help might be given to suitable persons according to circumstances. If you do not do it, you may perhaps unconsciously shut out some deserving cases. There is thus no harm in extending the definition. When the Administration is set up, it would look into individual cases and they may be in a position to do justice in suitable cases.

With regard to 'persons', I believe the definition of persons in the General Clauses Act would cover the cases contemplated by the Honourable Member. According to section 3, sub-section (39) of the General Clauses Act, 'persons' include any "company, or association or body of individuals whether incorporated or not." I think partnerships will be sufficiently covered by the definition of 'persons' as interpreted by this Act.

I do not wish to say anything more at this stage except to express my gratification and gratitude to the Honourable Members who have taken to improving the text of the Bill by means of amendment. When I see the number of amendments tabled I feel that I am no longer alone but in happy company.

Prof. Shibban Lal Saksena (U. P.: General): Sir, this Bill is a most important measure and enough has been said in the House to show how great the need is of a measure of this kind. I somehow feel that the way in which we are going about is like distributing charity to people who deserve much better. We have undoubtedly been faced with a colossal problem the world has not probably been faced with anywhere except in Eastern Prussia where the people were asked to go away when Russia took charge of it. But I do not feel that we are proceeding in the way we ought to proceed. This measure is also conceived in a haphazard manner. On looking into the provisions of this Bill I find that sub-clause (2) of clause 13 lays down that "For the purpose of advancing any loan under sub-section (1) the Administration may call for any report either through its own staff or through the District Officer of the district in which the borrower resides or carries on business or through any provincial or a State Government or through any Bank or any other appropriate agency". The same trust on the District Officer as the Almighty God of a district is still exhibited in this Bill. What will happen is they will go to the District Officer and influence will be brought to bear on him and he will recommend some who bring such influence. All this will happen, and the same haphazard manner of rehabilitation will continue. I do not think this is the manner in which we can go about tackling this big problem. I have been on the Standing Committee which advises the Ministry of Relief and Rehabilitation and I have felt sick at the various resolutions passed by the Committee and the failure to implement them—many pious wishes and yet very few fulfilled—although I know the task has been colossal and a lot has been done. But what I want to press is that the problem is far too big and cannot be solved in this manner. As my friend Mr. Khurshed Lal said only a State planning and a proper place in that plan for those refugees who have to be rehabilitated can solve this big problem. I do not know why it is still delayed. For the last six months, since this House has been converted into a sovereign legislature, we have been asking for an economic plan. We have been promised also and told that we are faced with very many problems which are of great importance and urgency. But I insist that we shall ever be busy; we shall never have too much time. There should be enough men in the Government to look after the problem and to treat it as a matter of urgency. We must have the plan first and then alone can we put everything in its proper place. People will not hear for long the excuse that we are too busy. We are busy undoubtedly. Any Government will have to be busy. And a country freed after two hundred years of foreign rule will be very much busy. But there should be no reason to say that we have still not enough time to prepare the plan. If we had a plan, then these forty or fifty lakhs of people—very fine people, men of high initiative and enterprise, probably the best stock in our country—could be settled in a manner which should have been good for them and which would have also made our nation great and helped in the execution of the great plan which we have to put before our country.

Our friend Pandit Maitra has told us the gruesome tale of Eastern Bengal. I had the occasion to visit Calcutta only four days ago and I can also bear

[Prof. Shibban Lal Saksena]

witness to what he has said. It is really a very sad state of affairs. We know our traditions. The traditions of the Congress have been non-communal. We are proud of them. But we cannot blink our eyes to facts. We must take into consideration things that are happening. Unless we stop these things I think we shall have a tragedy far greater than what happened in West Punjab. There are only fifty lakhs of people who were transferred from West Punjab to East Punjab and to other parts of the country. But imagine in East Bengal there are 1½ crores of non-Muslims. If in the manner in which people are running away from that place their coming still continues I do not think this Bill or any Bill of the sort will be able to help even the urban refugees coming from there. Although this Bill includes in its definition those who have come from East Bengal, it will have to be provided with much larger funds if it wants to cater for people who are coming from there. I hope instead of curing the consequences of a disease we shall try to remove the cause of it. We must somehow be able to see that our nationals there are able to live in self-respect. I do not know when we shall be able to achieve that end. But it is sickening and it cannot be tolerated very much longer. My Honourable friend Pandit Maitra was very subdued—and intentionally, purposely and deliberately in the interests of the great cause held by our Great Leader who is no longer with us. But we shall ignore the disease only at our cost. We must try to see that we are able to instil in the minds of the people in the other Dominion that they shall respect our decisions, that they shall not have the liberty that they are trying to have at present and that the nation shall not tolerate it for much longer.

These Bills are a token of our concern for those people. I know they cannot help them. Ten crore of rupees is a drop in the ocean. The people who have come from there have left large properties. Men who were pioneers of industry, who owned large business, are now walking in the streets as beggars. We cannot hope to rehabilitate them with ten crores of rupees or with any amount that we can give them. What we want is that those men must be made safe where they are. I hope that our Government will so arrange matters that those people begin to feel that they have self-respect and that they can live with self-respect there. I remember a time when a British lady was molested in Afghanistan or somewhere there and the whole House of Commons rose in indignation. We have had instances where British people were ill-treated in Hong Kong by the Japanese and the whole Commons was enraged. On the floor of this House my friend Mr. Maitra has told us gruesome details of the happenings in East Bengal and yet I am surprised 5 P.M. we have not been able to do anything to stop those things. How can we go on in this manner? What will be the national prestige if we allow such things to continue for any length of time?

Mr. Chairman: The Honourable Member may continue his speech tomorrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Tuesday the 2nd March, 1948.