

Friday, 11th August, 1950

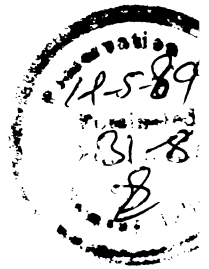


PARLIAMENTARY DEBATES

(PART I— Questions and Answers)

OFFICIAL REPORT

Volume IV, 1950
(1st August to 14th August, 1950)



Second Session
of
PARLIAMENT OF INDIA
1950

30 P. S. D

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THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

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PARLIAMENT OF INDIA

Friday, 11th August, 1950

—————
*The House met at a Quarter to
Eleven of the Clock*

[MR. SPEAKER in the Chair]

**ORAL ANSWERS TO
QUESTIONS**

**REPORT OF HIGH COURTS ARREAR
COMMITTEE**

***507. Shri Sidhva:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether the High Courts Arrear Committee appointed by Government have submitted its report;

(b) if so, whether the recommendations of this Committee have been accepted; and

(c) what are the main recommendations for the quick disposal of cases?

The Minister of Home Affairs and the States (Sardar Patel): (a) Yes.

(b) The report of the Committee is under the consideration of Government.

(c) A copy of the Committee's report is laid on the Table of the

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House. [See *Appendix IV, annexure No. 10*].

Shri Sidhva: May I know the particulars regarding the quick disposal of the cases about which the Committee has made suggestions, and will the hon. the Deputy Prime Minister state when Government are likely to take a decision on that matter which is very important?

Sardar Patel: The Committee's report is under the consideration of Government and we shall expedite as far as possible the implementation of the Committee's recommendations.

Mr. Speaker: The hon. Member is asking when the Government are likely to take a decision on the question of the quick disposal of the cases.

Sardar Patel: That is one of the recommendations of the Committee.

TERRITORIAL ARMY (RECRUITMENT)

***508. Shri Sidhva:** (a) Will the Minister of **Defence** be pleased to state what is the total number of persons recruited to the Territorial Army since its creation in October, 1949 up to date?

(b) How many were from the rural and how many from the urban areas?

The Minister of Defence (Sardar Baldev Singh): (a) and (b). It is not in the public interest to disclose this information.

Shri Sidhva: May I know whether any technicians have been recruited in the personnel of this Territorial Army?

Sardar Baldev Singh: I do not know what the hon. Member means by technicians, but there are certain units which do require technical personnel.

Shri Sidhva: I want to know whether personnel for technical purposes has been recruited or has to be recruited, and if so what percentage.

Sardar Baldev Singh: As I have already stated, if for instance a unit in the Railways is to be raised then naturally the people who belong to the Railway Department and who have the technical knowledge will be recruited.

Shri Sidhva: What is the period of the training?

Mr. Speaker: He has given one omnibus answer that it is not in the public interest.

Shri Sidhva: What is the period of training also not in the public interest to disclose? In all other countries the strength of the armed forces is already mentioned to the public. May I know the reason why particularly our Minister does not give the information to the House?

Mr. Speaker: I think, it should be obvious.

Sardar B. S. Man: May I know whether recruitment has taken place in P.E.P.S.U. and whether a unit has been formed there or not?

Sardar Baldev Singh: If the hon. Member will care to look up the list he will find all the information. It is not possible for me to say whether any unit has been formed in P.E.P.S.U. or not.

Prof. Ranga: Sir, may I request for your ruling in regard to (b)? Can that omnibus answer cover (b) also?

Mr. Speaker: Yes.

Prof. Ranga: How could it?

Mr. Speaker: That is a different matter. The Minister is the best judge to decide what is not in the public interest to disclose.

Shri Sidhva: Is the House not entitled to get information? We would like to know how many were recruited from the rural area.

Mr. Speaker: The Minister is entitled to the confidence of the House that he is properly exercising his discretion in not disclosing certain information.

Shri Sidhva: But under that confidence he must not also ignore us.

Mr. Speaker: He is not ignoring. The hon. Members know the general situation and the international situation.

NAVAL SCHOOL AT VIZAGAPATAM

***509. Shri Sidhva:** (a) Will the Minister of Defence be pleased to state whether Government propose to shift the Naval School at Vizagapatam to some other place?

(b) If so, where and why?

The Minister of Defence (Sardar Baldev Singh): (a) and (b). It is proposed to shift the Naval Boys Training Establishment from Vizagapatam to Krishnasagar in Mysore in due course. Vizagapatam was chosen originally for locating this school only as a temporary measure, pending the selection of a more suitable site. The existing site is required for other expansion plans at Vizagapatam. From the point of view of training facilities and also of climate, Krishnasagar is considered very suitable for this purpose.

Prof. Ranga: Is Krishnasagar the same thing as sea?

Shri Sidhva: Is it contemplated to find any port in Orissa for this purpose besides the lake which he has mentioned?

Sardar Baldev Singh: As I have already stated, from the point of view of training facilities and climatic conditions, Krishnasagar is the best location.

Shri Sidhva: Is the school to be located on the shore or within the lake?

Sardar Baldev Singh: Not necessarily on the shore. As the hon. Member knows, Krishnasagar is a big place and all the facilities that are required for this kind of training do exist there.

Shri Kesava Rao: May I know the area of the Krishnasagar lake?

Sardar Baldev Singh: I am afraid I have not got the information, but the Krishnasagar lake is big enough for training purposes of this kind.

Shri Raj Bahadur: What will be the cost of shifting this school to Krishnasagar?

Sardar Baldev Singh: I have not got the exact figures with me, but to give the hon. Member some idea as to what the cost is likely to be, I can give him the expenditure incurred on the training institution at Vizagapatam. The expenses so far incurred are Rs. 7,08,500.

Shri Biswanath Das: In regard to this question may I know whether Government has investigated the possibilities of location of such schools in Chilka lake within the Orissa area?

Sardar Baldev Singh: All the places including the one mentioned by the hon. Member were taken into consideration and it was after careful examination that we came to the conclusion that Krishnasagar is the best location.

Shri Biswanath Das: May I further know the reasons which made the Government feel that Chilka lake and other places were unsuitable for this purpose?

Sardar Baldev Singh: One obvious advantage is the climate of Krishnasagar which is supposed to

be better than that of the other places.

Shri Sivan Pillay: May I know whether there is any ship in that lake for the purpose of the training?

Sardar Baldev Singh: I cannot give any detailed information, but all the facilities that are required for this kind of institution do exist at Krishnasagar.

Shri Biswanath Das: May I request the hon. Minister to lay on the Table the comparative advantages of the different places in this regard about which the Government have really enquired?

Sardar Baldev Singh: I have no objection. If the hon. Member is interested to see the comparative advantages and disadvantages of the different sites, I shall be glad to show him if he comes to the office.

Shri Sidhva: May I know whether the site was approved by the Vice-Admiral of the Indian Navy?

Sardar Baldev Singh: The person concerned naturally must have seen it.

Shri Sidhva: Did he not at the earlier stage approve of the Chilka lake?

Sardar Baldev Singh: I have no information. But this is the latest information. He might have held a different view previously. Most probably he has revised his opinion.

Prof. K. T. Shah: As knowledge of tides is an important naval consideration, are there any tides in Krishnasagar?

Sardar Baldev Singh: Tides do count in naval training but not in the initial stage.

Shri Himatnagar: Is the hon. Minister aware that even the desert of Rajasthan has been approved of as a naval training centre and that Pilani was one of the centres for the R.I.N.?

Sardar Baldev Singh: In certain cases training in desert warfare is also necessary.

FOREIGN TRAINED SCHOLARS

*510. **Shri Kesava Rao:** (a) Will the Minister of Education be pleased to state the number of foreign trained scholars who are at present, unemployed?

(b) What is the policy of Government in the matter of employment of these people?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) 153, comprising 72 scholars of the Government of India and 81 scholars of States 'A' Governments sponsored jointly by the Government of India and States 'A' Governments.

(b) The policy of the Government is to place the services of these scholars, in the first instance, at the disposal of the Ministries of the Government of India and States Governments against whose requirements they were sent abroad for advanced studies. If, however, for any reason, the Government of India or the States Governments concerned, find that the service of some scholars are not immediately required by them, these scholars are offered to other States Governments, Universities, Research Institutions and Industry according to their requirements. For this purpose Government maintain a register of the requirements of these authorities and organisations. If, in spite of such efforts, the scholars are not employed within three months (five months in certain cases) of their return to India, they are released from the bond to serve Government and permitted to seek employment elsewhere.

Shri Kesava Rao: May I know, Sir, whether it is a fact that most of these foreign returned scholars have been offered jobs as Assistants?

Shri Khurshed Lal: That is an information for which I am grateful to my hon. friend. I will enquire into it, if necessary.

Shri Kesava Rao: Is it not a fact that recently a highly qualified agricultural scholar was asked to resign his job in the I.C.A.R. and offered a job of an Assistant in the Secretariat?

Shri Khurshed Lal: I am not aware of it.

Dr. Deshmukh: Is it a fact that the lengthy procedure which has been described by the hon. Minister takes at least a period of 5 years before anybody gets any employment?

Mr. Speaker: Order, order.

Shri Deshbandhu Gupta: What is the amount spent by Government on these 153 scholars for their training?

Shri Khurshed Lal: I will require notice of that.

Shri Kesava Rao: May I know whether it is a fact that some of these scholars were getting high salaries before they left for foreign countries for higher studies and are getting lesser pay after their return?

Shri Khurshed Lal: According to my information out of a total of 653 scholars sent abroad 309 Government of India and 191 State Scholars have already been employed. Actually, 77 per cent. of the scholars who were sent abroad have been employed and some have not found employment and it may be that there are such cases as mentioned by the hon. Member.

सेठ गोविन्द दास: चूँकि कुछ लोगों को

अभी तक बाहर से पढ़ कर आने पर भी स्थान नहीं मिला है, तो क्या बाहर लोगों का भेजा जाना बन्द किया गया है, या वह जारी है?

[**Seth Govind Das:** Keeping in view the fact that some of the foreign returned scholars are still going without employment, may I know if the policy of sending scholars abroad still continues or is it discontinued?]

श्री खुरशीद लाल : माननीय सदस्य को

मालूम होगा कि अब स्कीम बदल गई है ।

[**Shri Khurshed Lal:** The hon. Member must be aware that there has been a change in that policy.]

सेठ गोविन्द दास : क्या इस वक्त भी

बाहर लोग भेजे जा रहे हैं ?

Seth Govind Das: Are people still being sent abroad?]

श्री खुरशीद लाल : अब जो लोग बाहर

भेजे जा रहे हैं, वह गवर्नमेंट सर्विस में या इन्डस्ट्री या दूसरे रिसर्च के धन्धे में लगे हुए हैं, वह अपने उस काम में ट्रेनिंग पाने के लिये भेजे जा रहे हैं जिस से वह आगे काम कर सकें ।

[**Shri Khurshed Lal:** The persons now being sent are those who are either in Government service or are engaged in Industrial pursuits or in some other type of research work. They are sent to receive training in different jobs which will enable them to undertake advanced type of work.]

श्री टी० एन० सिंह : क्या यह बात सच

है कि ऐसे भी ट्रेन्ड स्कॉलर्स हैं जिनका कि इम्प्लायमेंट यूनिवर्सिटीज़ में है फिर भी इन को गवर्नमेंट अपने यहां बुलाने की कोशिश कर रही है जब कि वह तैरिस परसेन्ट आदमियों को नौकरी नहीं दे सकी ?

[**Shri T. N. Singh:** Is it a fact that among these trained scholars there are persons who hold posts in the Universities but whose services the Government want to acquire in spite of its failure to provide for the 23 per cent. of the foreign trained scholars?]

श्री खुरशीद लाल : ऐसा हो सकता है,

क्योंकि कुछ लोग किसी खास काम के लिये भेजे गये हैं, किसी मखसूस काम के सीखने के लिये, और दूसरे बाकी जो और काम सीख कर गये हैं, उन के लिये काम नहीं है ।

[**Shri Khurshed Lal:** It is possible because some persons who were sent to receive training in a special type of work whereas for others who were trained in other types of works, there exists no work.]

Shri Deshbandhu Gupta: May I know whether it is a fact that some scholars applied for permission to stay on for further studies at their own cost, but the Government of India refused permission and called them back telegraphically but still did not provide any employment to them?

Mr. Speaker: I may say that, this question has been discussed in this House more than once and the very identical supplementaries have been put.

Prof. Ranga: This supplementary was not put, Sir.

Mr. Speaker: In this particular case it may be a different one but I distinctly recollect this very question being discussed over and over again.

Shri Kesava Rao: May I know whether it is a fact that recently persons having lesser qualifications in Agriculture were taken in the National Planning Commission in preference to those scholars having higher technical qualification?

Shri Khurshed Lal: If the hon. Member will kindly let me know any such case, I will certainly have it examined.

SCHEDULED AND NON-SCHEDULED BANKS

*511. **Lala Raj Kanwar:** Will the Minister of Finance be pleased

to state the number of (i) scheduled and (ii) non-scheduled banks in the country?

The Minister of Finance (Shri C. D. Deshmukh): There are at present 98 scheduled banks, and about 784 non-scheduled banks.

Lala Raj Kanwar: How many of the scheduled and non-scheduled banks had to stop or suspend payment during the past three years and what was the approximate total subscribed and working capital of those banks?

Shri C. D. Deshmukh: I want notice of the question.

Lala Raj Kanwar: How many of the scheduled and non-scheduled banks during this period of three years adopted the revised schemes of arrangements with the sanction of the High Courts or District Courts?

Shri C. D. Deshmukh: I want notice of the question.

Lala Raj Kanwar: Is the approval of the Reserve Bank of India obtained before a scheduled or non-scheduled bank is permitted to amend its memorandum or Articles of Association in regard to any change involving financial considerations?

Shri C. D. Deshmukh: The hon. Member will find the information in the Act.

Lala Raj Kanwar: Is there any proposal to obliterate the distinction between a scheduled and non-scheduled bank so far as financial control by Government and the Reserve Bank is concerned?

Shri C. D. Deshmukh: No, Sir.

Shri Sidhva: What is the position of one of the scheduled banks in Bombay—the Exchange Bank of India and Africa?

Mr. Speaker: Order, order. It is a question relating to an individual bank.

Shri Sidhva: It was said that the Reserve Bank had given Rs. 98 lakhs

and we do not know what the position is.

Mr. Speaker: It does not arise out of this.

Shri T. N. Singh: May I know out of the 784 non-scheduled banks how many of them applied or tried to get into the register of scheduled banks and how many were not allowed?

Shri C. D. Deshmukh: I require notice of the question.

Shri B. R. Bhagat: How is the control of the Reserve Bank exercised on the non-scheduled banks?

Shri C. D. Deshmukh: By periodical inspection.

SALES TAX

*512. **Lala Raj Kanwar:** Will the Minister of Finance be pleased to state whether Government propose to consider the advisability of levying sales tax as a Central Tax on uniform basis?

The Minister of Finance (Shri C. D. Deshmukh): No, Sir. Government considered this matter in October 1948 in consultation with the then Provincial Finance Ministers and the general view was that Sales Tax should not be levied as a Central Tax. The Constituent Assembly also took the same view at the time of framing the constitution but with a view to securing some amount of uniformity they have provided certain restrictions in the matter in Article 286 of the Constitution.

Lala Raj Kanwar: In which of the States of India is the Sales Tax levied at present and what are the maximum and minimum rates at which it is levied in any State?

Shri C. D. Deshmukh: I require notice of the question. The Sales Tax is levied in most of the States in India.

Lala Raj Kanwar: What is the approximate total revenue derived from Sales Tax throughout the country?

Shri C. D. Deshmukh: I require notice of the question.

Shri B. R. Bhagat: May I know whether any of the restrictions provided in the Constitution as regards Sales Tax have been brought into effect in any of the States?

Shri C. D. Deshmukh: On the first year the President has allowed a certain relaxation. After the end of the year the full provisions of the Constitution will be brought into effect.

Ch. Ranbir Singh: Is the hon. Minister aware of the fact that the Bombay Government levy sales tax even on those imported articles and machinery which are purchased for use in the States other than Bombay?

Shri C. D. Deshmukh: I have not received any complaint to that effect.

Shri Dwivedi: Are vegetables excluded from the levy of Sales Tax?

Mr. Speaker: These are matters of details for the Provinces.

Dr. Deshmukh: May I know if steps have been taken to see that on the same article the Sales Tax is not paid twice?

Shri C. D. Deshmukh: Each State has its own principle of taxation, in some a single point and in some a multiple point system and the matter is arranged by the State concerned.

Dr. Deshmukh: I want to know why on the same article two States are levying the Sales Tax. Was this matter considered and have instructions been issued?

Shri C. D. Deshmukh: There are provisions in the Constitution with which I intend to stop that.

Shri Iyyunni: Out of the 98 scheduled Banks how many have gone into liquidation and how many working on terms.

Mr. Speaker: He is going to the previous question. He can put supplementaries on question No. 512.

Prof. K. T. Shah: May I know if there is any system of issuing certificates for the payment of tax in one State so that on the production of

such a certificate, the other State may not charge again?

Shri C. D. Deshmukh: These are matters which are regulated by the States concerned.

Prof. K. T. Shah: As a matter of fact is there a system of certifying payments?

Shri C. D. Deshmukh: I would like to have notice of this question.

Shri Kishorimohan Tripathi: May I know whether it is a fact that the Government of India has advised the States Governments not to levy Sales Tax on products of cottage industries?

Shri C. D. Deshmukh: I am not aware of any such recommendation.

Shri Jhunjunwala: Is it under the consideration of this Government to advise the States Ministers to have a uniform Sales Tax in the States?

Shri C. D. Deshmukh: To the extent to which persuasion can be brought to bear upon the States, that could be done.

Mr. Speaker: I am going to the next question.

Shri Sidhva: One question, Sir.

Mr. Speaker: Next question.

GAZETTED GOVERNMENT SERVANTS

*513. **Lala Raj Kanwar:** Will the Minister of Home Affairs be pleased to state what the definition broadly speaking, of a Gazetted Government servant is and what is the minimum monthly salary the receipt of which would entitle him to be styled as a Gazetted servant of Government?

The Minister of Home Affairs and the States (Sardar Patel): The term Gazetted Government servant has not been defined but the status is conferred on the holder of a post having regard to various factors, such as scale of the post, the duties involved and the responsibilities attaching to the Office. All appointments, leave etc. of such posts are notified in the Gazette and generally the posts

carry higher responsibilities, powers and functions than mere subordinate ranks of Government servants.

Lala Raj Kanwar: What is the total number of Gazetted Government Servants in the Central Government including the attached offices?

Sardar Patel: I would require notice of this question.

Lala Raj Kanwar: In order to emphasize the basic ideal of service for which every civilised Government stands, do Government propose to substitute the word 'Servant' for the words "officers" and "officials" in all official documents where such use is not repugnant to the subject or context?

Mr. Speaker: Order, order. It is a suggestion for action.

Dr. M. V. Gangadhara Siva: May I know whether it is a fact that there are Government of India officers drawing Rs. 250/- who are Gazetted while there are others drawing as much as Rs. 750/- who are not Gazetted?

Sardar Patel: It does not merely depend on the scale. Duties, responsibilities and other things are also considered. But, I am not aware of it.

Shri Tyagi: Are Ministers Gazetted?

Mr. Speaker: Next question.

HAPPY VALLEY

*514. **Shri Hanumanthaiya:** (a) Will the Minister of Defence be pleased to state whether it is a fact that the "Happy Valley", owned by Dr. Kamesham which consists of buildings and fields, and which is about 5 miles from Bangalore City, has been taken on lease by the I.A.F.?

(b) If so, for what purpose?

(c) For how long has it remained unoccupied and why?

(d) What is the period and rental of the lease?

The Minister of Defence (Sardar Baldev Singh): (a) The only property which has been leased to Government by Dr. Kamesham is the premises known as the "Paradise Valley" situated at the 9th milestone on the Tumkur Road near Bangalore City.

(b) The accommodation was required for housing certain British civilians employed as Instructors in the Air Force.

(c) It has remained unoccupied since the 20th August 1949, as the British civilians for whom it was hired made their own arrangements for other and better accommodation. As a result, it was decided that the accommodation should be used to house married I.A.F. officers, as there was a shortage of suitable accommodation for them at the station. There was protracted correspondence between the military authorities and the landlord over repairs, improvements, etc. to be carried out to the premises before they could be allotted to Air Force Officers and, when there was no prospect of coming to a settlement, a notice of termination of the lease was served on the 3rd May 1950, and the matter referred to arbitration.

(d) The lease commenced on the 1st June 1949 and was to continue for a period of three years. The rental was 100/- p.m. per suite subject to certain conditions.

Shri Hanumanthaiya: I did not follow the last part of the answer.

Sardar Baldev Singh: (d) The lease commenced on the 1st June 1949 and was to continue for a period of three years. The rental was Rs. 100/- p.m. per suite subject to certain conditions.

Shri Hanumanthaiya: What is the total rent for the whole premises?

Sardar Baldev Singh: I have not got the information; but I can get the hon. Member the required information.

Dr. Deshmukh: The question is clear, Sir.

Shri Hanumanthaiya: Will the hon. Minister be pleased to state what was the period these premises were actually under the occupation of the Indian Air Force?

Sardar Baldev Singh: The building was occupied for a few months only. As I have already stated, it has been vacant since 20th August 1949.

Dr. Deshmukh: May I know the number of officers who occupied it and the number of suites?

Sardar Baldev Singh: As I have already stated, if I had the number of suites available, I would have given the total rent also.

Dr. Deshmukh: The question was quite clear, Sir: "What was the rental of the lease?"

Mr. Speaker: Order, order.

Shri Raj Bahadur: What is the total rent that has been paid for the period during which it has remained unoccupied?

Sardar Baldev Singh: I require notice.

Shri Raj Bahadur: In view of the fact that it is no longer required for British Officials for whom it was initially required, do Government propose to surrender it?

Sardar Baldev Singh: I have already stated that we have given notice to the landlord to terminate the lease.

Shri Hossain Imam: May I know whether the liability for payment of rent is on the Government or on the individual Officers who occupied it?

Sardar Baldev Singh: On the Government.

Shri Hossain Imam: If it is on the Government, what is the amount which Government has paid in each year?

Sardar Baldev Singh: I have not got the information. There was some dispute about repairs, etc., and the whole matter has been referred to an arbitrator whose findings are binding on both the parties.

Shri Hanumanthaiya: Part (d) of the question is specific. The hon. Minister has given the rental for only one suite. There are several suites of rooms. I would appeal to you, Sir, that he should have given a correct answer. He has not given an answer. I have said quite clearly...

Mr. Speaker: He means a complete answer.

Shri Hanumanthaiya: He said he was giving the rental.....

Mr. Speaker: At present, he has not got the figures. There is no use of arguing it. He will get the figures.

Shri Hanumanthaiya: He ought to have got the information. I appeal to you, Sir,.....

Mr. Speaker: Next time, there will not be that kind of mistake. Next question.

Prof. Ranga: Mr. Speaker, Sir, don't you think that it is one of the privileges of this House that when a definite question is put, a categorical answer should be given? You should help us to see that a proper answer is given.

Mr. Speaker: Supposing I insist on the answer being given here and now, is he going to get the information? Therefore I said.....

Prof. Ranga: My point is we hope we would be right in expecting you to give directions to the hon. Minister concerned that his answer is an incomplete answer.

Mr. Speaker: There is difference in the method of the hon. Member in dealing with the matter and giving directions and my method. I think the hon. Minister has taken sufficient hint from the point and the information will be supplied. I need not say that he must do this or that.

Next question.

INDIGENOUS ARTS

*515. **Shri Hanumanthaiya:** (a) Will the Minister of Education be pleased to state whether the Government of India are considering a proposal to undertake a survey of indigenous Arts throughout India in order to save them from deterioration?

(b) If so, what is the amount set apart or proposed to be set apart for this purpose?

(c) How the said amount is to be spent?

(d) Are any research Scholarships being awarded to Artist Scholars?

(e) How many Scholarships have been awarded so far and what is the amount of each scholarship?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) Yes.

(b), (c), (d) and (e). An amount of Rs. 17,500 has been set aside for this purpose this year. It is proposed to award 5 research scholarships in 1950-51 to artists to enable them to carry out regional surveys of indigenous art in (i) Eastern India, including Bengal and Assam, (ii) Orissa and adjoining territories, (iii) Gujarat, Kathiawar, Kutch, and adjoining areas, (iv) Kashmir and (v) Tamil Nad and Andhra. The value of each stipend including travelling expenses is Rs. 3,500 for one year. The co-operation of the States Governments concerned has been invited and it is proposed to appoint eminent artists or art scholars as supervisors to guide the selected candidates in their work. Details are being worked out in co-operation with the State Governments and supervisors concerned. The awards will be made after all arrangements have been completed for the efficient working of the scheme. On account of financial difficulties, it has not however been possible to undertake the proposed survey and various allied schemes of work on an appropriate scale.

Shri Hanumanthaiya: Will Government be pleased to consult the Governments of the States concerned while selecting candidates for a particular area?

Shri Khurshed Lal: The suggestion of the hon. Member will certainly be borne in mind.

Shri Brajeshwar Prasad: Is the hon. Minister in a position to state whether indigenous Arts include dance and drama as well?

Shri Khurshed Lal: I suppose they do.

Shri Kamath: May I know how much money has been spent during the last twelve months on foreign artists, and how much on Indian artists?

Shri Khurshed Lal: I am afraid that does not arise out of this question.

Shri Kamath: How many foreign artists have been commissioned by the Government to execute portraits of our leaders and Ministers?

Shri Khurshed Lal: Portraits of leaders is no part of ancient art.

Mr. Speaker: I am afraid I shall have to expunge part of the question where the hon. Member is making insinuations against the Ministers.

The Prime Minister (Shri Jawaharlal Nehru): I think there seems to be some misapprehension about this because of misreading of some press reports that appeared from time to time. So far as I know, not a single foreign artist has been commissioned for any purpose. There was an artist who was commissioned to come here. He had done a picture of the death of Mahatma Gandhi, and this picture is acknowledged to be a very fine picture by great artists, and we purchased it. And this artist was asked to come and set it up here. That is why he came, and not to make any pictures of anybody. He did that job and he went away.

Dr. Deshmukh: May I know if there is any money set apart for research in indigenous Art?

Shri Khurshed Lal: I am only aware of this amount of Rs. 17,500 set apart now.

Shri Kamath: Then, is the press report about a foreign artist—Felix Topolski—having executed a portrait of the Leader of the House, in London, incorrect?

Shri Jawaharlal Nehru: There was that report, but he was not commissioned by the Government of India nor by the Leader of the House to paint his portrait. But it is a fact that when he was here, and when I was sitting in my office or somewhere else, he made some sketches and subsequently he developed it. But that is his own private affair and it has nothing to do with us.

Shri Kamath: Sir, if my question is expunged, then these replies will not have any relevance.

Mr. Speaker: I may expunge the whole, if necessary.

Shri Joachim Alva: Sir, may I draw your attention to the fact that the hon. Member had put a question about Felix Topolski last time also?

Mr. Speaker: Yes, now we go to the next question.

EXPENDITURE ON ADVERTISEMENTS *re* FOOD CAMPAIGNS

*516. **Shri Hanumanthaiya:** Will the Minister of Information and Broadcasting be pleased to state what is the amount of money that has been spent for advertisements in daily papers, periodicals, and posters etc., in connection with 'Grow More Food', 'Avoid Waste' and 'Save Food' campaigns annually for the last three financial years?

The Minister of State for Information and Broadcasting (Shri Diwakar): No expenditure was incurred by the Government of India on advertisements in daily newspapers, periodicals, posters etc., in connection with

the campaigns in question during the years 1947-48, 1948-49 and 1949-50. A sum of Rs. 6,375-5-3 was however spent during 1949-50 on the production of 3 pamphlets, 3 posters and one folder.

Shri Hanumanthaiya: Is there no expenditure incurred on advertisements given to the daily papers and periodicals?

Shri Diwakar: No.

Sardar B. S. Man: May I know whether the advertisement that is done to popularise the Grow More Food Campaign, is done in the rural areas where the food is actually grown?

Shri Diwakar: As I pointed out this advertisement is done throughout the country whenever it is taken up.

Sardar B. S. Man: I want to know what is vehicle of propaganda of the Grow More Food Campaign in the rural areas.

Shri Diwakar: That question does not arise from this.

Shri Goenka: Is it a fact that all the newspapers and periodicals in India have agreed to publish free all advertisements connected with the Grow More Food and other such campaigns?

Shri Diwakar: It is so in 1950-51 but not in 1949-50.

OPIMUM

*517. **Shri Kesava Rao:** (a) Will the Minister of Finance be pleased to state the amount of opium produced at the Opium Factory at Gaziabad during 1949-50?

(b) What is the amount of opium Alkaloids exported from this country during the above period?

(c) Is the Factory working to its full capacity at present?

The Minister of Finance (Shri C. D. Deshmukh): (a) During 1949-50, 6206 maunds of excise opium, 3086 lbs. of medical opium powder, and

815 lbs. of opium alkaloids, were produced at the Opium Factory, Ghazipur, (not Ghaziabad).

(b) Nil during 1949-50.

(c) No.

Shri Kesava Rao: May I know whether it is a fact that the opium factory at Ghazipur is not working to its full capacity?

Shri O. D. Deshmukh: It is stated in the answer to part (c).

Shri Kesava Rao: May I know whether it is a fact that there is a great demand for opium alkaloids in foreign countries and we are not able to export any to satisfy this demand?

Shri O. D. Deshmukh: Repeated tests carried out by qualified chemists in this country and in the U. K. have established that the quality of the alkaloids produced at Ghazipur is fully up to the standards, but it is an uphill task to establish a foothold in foreign markets where European and American concerns have held the market for many years. Steps are being taken through our Trade Commissioners to introduce this drug in foreign markets, particularly in the countries nearer home, such as the Straits Settlement where we have met with some success. We have since April 1950 executed a tall order in Singapore for Opium powder.

Shri Chaliha: What is the policy of the Government of India regarding the abolition of the internal trade and manufacture of opium except for medicinal purposes?

Shri O. D. Deshmukh: It is the declared policy of the Government of India to restrict the cultivation of opium only for medicinal and drug purposes whether here or abroad compatible with effectiveness. As a practical step in the implementation of this policy some time ago it was decided to reduce the quantity of the supply of excise opium to the States by 10 per cent. each year. The All India Opium Conference also decided to eliminate the oral consumption of

opium totally within a maximum period of 10 years, that is to say, by 31st March, 1959.

Shri Krishnanand Rai: Are Government aware of the fact that opium factories here are not working to their full capacity because we do not have foreign markets for our opium?

Mr. Speaker: That has been replied to.

Dr. Deshmukh: What is the exact production of opium during the current year as compared with the three previous years?

Shri O. D. Deshmukh: I have not got the figures of production for this year. I have got the figures of production for 1948-49 and 1949-50, if the hon. Member wants them.

Dr. Deshmukh: I would like to have them.

Shri O. D. Deshmukh: The output of the opium factories in maunds:

1948-49 ... 4,207 mds.

1949-50 ... 6,206 mds.

I don't know whether the hon. Member wanted production of alkaloids?

Dr. Deshmukh: Yes, Sir. It is very educative.

Shri O. D. Deshmukh: Medical opium cake:

1948-49 ... 812 lbs.

1949-50 ... 1 oz.

Medical opium powder:

1948-49 .. 3,270 lbs 7 oz

1949-50 .. 3,236 lbs 1 oz.

Alkaloids :

1948-49 .. 868 lbs 7 oz.

1949-50 .. 814 lbs 15 oz.

Shri Chaliha: What is the reason for the increase in the manufacture from 4,207 to 6,206 maunds this year?

Shri O. D. Deshmukh: I want notice of the question.

COLLEGE OF DENTISTRY

*518. **Shri Kesava Rao:** (a) Will the Minister of Health be pleased to state whether there is any proposal to start a College of Dentistry in this country?

(b) Have statistics been collected of the number of qualified Dentists practising in this country and of unqualified persons calling themselves as Dentists?

The Minister of Finance (Shri C. D. Deshmukh): (a) It is regretted that owing to financial stringency the Government of India have not been able to formulate proposals to start a College of Dentistry at present.

(b) No attempt has so far been made to collect statistics regarding qualified or other dentists practising in this country. The Health Survey and Development Committee had estimated in their Report submitted in December 1945 that the number of qualified dentists in the country (undivided India) did not exceed 1000. The registers of dentists in the various States are being prepared under the Dentists Act and as soon as they have been completed precise figures relating to the number of dentists will be available.

Shri Kesava Rao: May I know whether there is any proposal to recognise private dental schools which are working in the country?

Shri C. D. Deshmukh: I am sorry I have not got the information.

Shri R. Velayudhan: May I know whether recently any decision has been taken by the Ministry to close down the Calcutta Dental College?

Mr. Speaker: That is a question relating to a particular institution.

Shri Kamath: In which of the States are the registers of dentists prescribed under the Act still incomplete?

Shri C. D. Deshmukh: I want notice of the question.

Dr. V. Subramaniam: Is there any proposal to introduce dentistry as a part of the curriculum in our modern medical colleges, so that the necessity for starting separate Dental Colleges will be eliminated?

Shri C. D. Deshmukh: Government recognise that there are very few institutions for teaching dentistry. There are only three recognised dental teaching institutions and the attention of State Governments has been drawn to the need for starting new dental teaching institutions, as only qualified people would be entitled to registration after the first Dental Registers are prepared. Some of the State Governments have the question of starting dental teaching institutions under consideration. The Uttar Pradesh Government has recently started a dental teaching institution attached to the Lucknow Medical College. The Government of Madras has a proposal under consideration to start one attached to the Madras Medical College.

Dr. V. Subramaniam: To meet the shortage of dental surgeons do Government propose to train students in dental subjects along with the course of modern medical graduates?

Shri C. D. Deshmukh: I have no information.

Shri Jhunjunwala: What is the basis on which several dental colleges have been recognised and others have not been so recognised.

Shri C. D. Deshmukh: It must depend on the criteria laid down by the Act.

Shri Jhunjunwala: What are the criteria?

Mr. Speaker: Order, order.

Prof. K. T. Shah: What universities in India are giving special degrees in Dentistry?

Shri C. D. Deshmukh: I want notice of the question.

ADDITIONAL CORPORATION TAX

*519. **Shri Jhunjunwala:** (a) Will the Minister of Finance be pleased to state what is the amount of one anna additional corporation tax, imposed on Sterling and Dollar companies having their registered offices in India, realised during 1949-50?

(b) To what extent has it compensated the estimated loss suffered in abolishing supertax on shareholders of such companies?

The Minister of Finance (Shri C. D. Deshmukh): (a) Actuals are not available but the tax was expected to bring an additional revenue of about Rs. 2.5 crores. The additional corporation tax is leviable on all companies which do not distribute dividends in India.

(b) It is difficult to estimate the loss we have suffered because the precise amount to which we were entitled under the old system could never be ascertained.

Shri Jhunjunwala: What is the basis on which the rate of this additional corporation tax was arrived at?

Shri C. D. Deshmukh: It is on a tentative basis.

Shri Jhunjunwala: Was it with a view to attract foreign capital that the super-tax on shareholders of these companies was abolished?

Shri C. D. Deshmukh: No, Sir.

Dr. Deshmukh: By what time will this tentative rate be changed into a permanent one?

Shri C. D. Deshmukh: That would depend on the reactions of the people who are taxed.

FILM ENQUIRY COMMITTEE

*520. **Shri Kamath:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the expenditure so far incurred in connection with the work of the Film Enquiry Committee;

(b) the emoluments and other allowances, if any, of the members and Chairman of the Committee; and

(c) when the Committee is expected to submit its report?

The Minister of State for Information and Broadcasting (Shri Diwakar):

(a) The total expenditure incurred upto 31-7-50 on the Film Enquiry Committee is Rs. 1,08,889-15-0.

(b) The Chairman and 4 non-official members of the Committee, are entitled to draw a subsistence allowance of Rs. 1,500 and Rs. 1,200 P.M. respectively. In addition, they are also entitled, while on tour to Travelling Allowance as for Class I officers of the Government of India and Rs. 20 per day as daily allowance. In fact, however, in addition to the travelling and daily allowances while on tour, the Chairman drew the subsistence allowance only upto 28-2-50. Shri Satyanarayna upto 25-1-50, Dr. Tripathi upto 30-6-50, and Shri B. N. Sircar upto 28-2-50. Shri Shantaram has drawn no subsistence allowance while the official member has been paid only his travelling allowance while on tour.

(c) Before the end of this year.

Shri Kamath: What was the subsistence allowance given to the Chairman?

Shri Diwakar: Rs. 1,500 per month.

Shri Kamath: Were the allowance fixed by executive order?

Shri Diwakar: Yes, the Committee was appointed with those conditions.

Shri Kamath: Were these allowances fixed by the executive order of the Government?

Shri Diwakar: Yes, by Government.

Shri Kamath: Was the recent tour of the Chairman of the Committee abroad financed by Government?

Shri Diwakar: Where?

Shri Kamath: To U.S.A. recently.

Shri Diwakar: No.

Sardar B. S. Man: Was any time limit prescribed for the completion of the job or was it left to their option to carry on for any length of time?

Shri Diwakar: According to the requirements of the work they have on hand.

Prof. Ranga: Is there any precedent to such payments? In the case of the other Commissions appointed by Government such as the Fiscal Commission, were the members also paid such emoluments? If not, why is it that Government has made an exception in this case?

Shri Diwakar: I think there are precedents for such payments.

Dr. Deshmukh: What were the reasons why this Committee was singled out for this subsistence allowance whereas the other Committees like the Maitra Committee, the Tirumala Rao Committee and others were not given such allowances?

Shri Diwakar: I do not think this is an exceptional case.

Shrimati Durgabai: What is the total number of witnesses so far examined by this Committee and on what basis was the selection made?

Shri Diwakar: I would like to have notice.

Shri Kamath: Which other Committees appointed by Government during the last two years have been paid allowances at this rate?

Shri Diwakar: So far as I know the Central Pay Commission was also paid like this. I would like to have notice if you want the whole list of them.

Shri Hossain Imam: May I know whether this expenditure was sanctioned by the Finance Committee and the Standing Committee attached to the Department?

Shri Diwakar: Yes, by both the Committees.

Shri Raj Bahadur: May I know whether the Committee was required initially to submit some interim report, and if so, have they done it?

Shri Diwakar: No, Sir.

Shrimati Renuka Ray: Was this matter brought up before the Standing Finance Committee and did that Committee approve of these subsistence allowances of Rs. 1500 and Rs. 1200?

Shri Diwakar: I think so.

Sardar B. S. Man: Were the witnesses who were called to give evidence paid any travelling or other allowance to meet their expenses?

Shri Diwakar: I would like to have notice of that.

Shri Kamath: Did the Members of Parliament who were members of this Committee draw their parliamentary allowance along with the subsistence allowance for this Committee when they attended Parliament?

Shri Diwakar: I have just mentioned what they have drawn, and I want notice if you want any other information about it.

Dr. Deshmukh: May I request the hon. Minister to place a statement on the Table giving details of all these allowances?

Mr. Speaker: I think we will go to the next question.

LICENCES FOR TRANSMITTING AND RECEIVING SETS

*521. **Shri Satish Chandra:** (a) Will the Minister of Information and Broadcasting be pleased to state the total number of licences issued for transmitting and receiving sets upto 30th June, 1950?

(b) What security regulations govern the award of licences for transmitters?

(c) What are the new A.I.R. Broadcasting stations proposed to be set up during the current year?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) (i) Transmitting licences = 1,488

(ii) Receiving licences = 4,28,960

(b) Before licences for transmitters are granted, the antecedents of applicants are examined by the State Governments. In the case of private individuals applications are further scrutinised by the Ministry of Home Affairs, Government of India.

(c) During the current financial year it is proposed to undertake the following projects:

(i) Emergency installation of a 50 kw. mediumwave transmitter at Calcutta;

(ii) Installation of 10 kw. medium-wave transmitters at Gauhati, Nagpur and Jullundur in replacement of the existing pilot stations;

(iii) Installation of an Auxiliary Studio at Poona to be linked up with the Bombay Station of All India Radio.

Shri Satish Chandra: What are the criteria for determining the *bona fides* of private persons to whom licences for setting up transmitting stations are granted?

Shri Diwakar: They are usually granted to amateurs or for carrying on some scientific research or experimentation. These are the usual categories of persons to whom these licences are given.

Shri Satish Chandra: What machinery exists to detect that these transmitting sets are not being used for purposes other than those for which the licences for their use were issued?

Shri Diwakar: The usual inspection and anti-piracy machinery.

Shri Dwivedi: What is the reason for increasing the fee for receiving licences from Rs. 10 to Rs. 15?

Shri Diwakar: Obviously to get more money.

Kanwar Jaswant Singh: What is the basis or criteria for the establishment of new broadcasting stations? In some States there is more than one station and in some others there is none.

Shri Diwakar: There was a Development Plan drawn up after taking into consideration the coverage etc., and it is according to that Plan that we have been working.

Shri Joachim Alva: Rs. 15 lakhs worth machinery was ordered from Westinghouse which was lying exposed in the Bombay docks for a long time. Was it intended for the proposed stations mentioned in part (c) of the answer?

Shri Diwakar: I don't know exactly to what date or time the hon. Member refers.

Shri Joachim Alva: I gave the facts in an interpellation during the last session.

Mr. Speaker: In the last session? He does not remember it now.

Kanwar Jaswant Singh: Is there any plan to set up a broadcasting station in Rajasthan in the coming year?

Shri Diwakar: That will be considered when the next development plan is taken up.

Shri Raj Bahadur: What is the ratio of the number of receiving sets to population in our country as compared with such ratio in other countries?

Shri Diwakar: I think it is very small.

Shri Tyagi: Is there any other development plan through which the hon. Minister is intending to invest money in these projects?

Shri Diwakar: In due course the next plan will be made.

Shri Tyagi: Why waste money?

SCHEDULED TRIBES (LIST)

*522. **Shri A. B. Gurung**: Will the Minister of **Home Affairs** be pleased to lay on the Table of the House a consolidated list of Scheduled tribes in India?

The Minister of Home Affairs and the States (Sardar Patel): The lists are under preparation and will be notified by the President very shortly.

CEILING FANS (TENDERS)

*523. **Shri Kamath**: Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that the General Manager, Government Housing Factory, Delhi called for tenders on 4th February 1950 for the supply of A.C. ceiling fans of 42" sweep;

(b) how many tenders were received;

(c) on what date were the tenders opened; and

(d) whose tender was accepted and what was the quotation of that tender?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes.

(b) Three.

(c) On 14th February 1950.

(d) None of the tenders was accepted, as it was ultimately decided to purchase 48" sweep fans from one of the firms under rate contract with Government.

Shri Kamath: Is it a fact that the original invitation for tenders was for 42" sweep fans?

Shri C. D. Deshmukh: That is right.

Shri Kamath: Why was it changed to 48" sweep later on?

Shri C. D. Deshmukh: It was found that 42" was not a size stocked by a large number of dealers. Out

of seven firms who quoted for this item, only three offered 42" fans; the others quoted for 48" fans. On the advice of the D.G.I. & S., it was decided not to buy 42" ceiling fans as they were considered to be of low efficiency.

Shri Kamath: After Government changed their mind, were fresh tenders invited for 48" sweep fans?

Shri C. D. Deshmukh: Government decided to buy the 43" fans because there is a Government rate contract and the price is fixed by the D. G. I. & S.

Shri Kamath: Why were tenders invited in the first instance for 42" fans and why not in the latter case?

Shri C. D. Deshmukh: Because as I said, there is a rate fixed for the 48" fans.

Shri Sidhva: Do Government know that about 600 similar fans are available in the disposals at Kurla under the Defence Ministry and were any efforts made to get them before ordering for these fans?

Shri C. D. Deshmukh: I have no information.

Shri Sidhva: Will the hon. Minister make enquiries as to whether these fans are available at Bombay and Kurla?

Shri C. D. Deshmukh: Yes, Sir.

Shri Hossain Imam: What was the lowest rate quoted for the 42" fans and what is the rate contract price of the 48" fans?

Shri C. D. Deshmukh: Thirty fans were purchased at a total cost of Rs. 4,560. Therefore, that works out to Rs. 154 each. The tenders were as follow:

Messrs. Hygrade Electric Co.—
43" fans at Rs. 180 each,
another make at Rs. 174.

Messrs. Asiatic Radio Engineering Co.—48" fans at Rs. 182 each.

Messrs. Acme Electric Works—
48" fans of various makes at
Rs. 174, Rs. 192/8/-, Rs.
163, Rs. 174 and Rs. 160.

The offer accepted was of Messrs. Maxwell Electricals Ltd. at Rs. 152—and not at Rs. 154 as I said before—which is the rate contract of the D. G. I. & S.

INCOME-TAX IN NABHA

*524. **Sardar B. S. Man:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that income-tax is being collected from the people of Nabha a unit in PEPSU, for the period prior to the date of integration; and

(b) whether it is a fact that no income-tax was levied in this State prior to its joining Patiala and East Punjab States Union?

The Minister of Finance (Shri C. D. Deshmukh): (a) Assessments under the PEPSU Income-tax Act which were pending on the date of financial integration with the Indian Union are being completed and the tax collected.

(b) Yes.

Short Notice Question and Answer

THE COMMUNIST PARTY OF INDIA

Shri Sondhi: (a) Will the Minister of Home Affairs be pleased to state whether his attention has been drawn to the statement issued recently by the Central Committee of the Communist Party of India?

(b) If so, whether, in the light of this statement the Government of India propose to modify their attitude towards the Communist Party?

The Minister of Home Affairs and the States (Sardar Patel): (a) and (b). I hope the House will consider it appropriate if, in answer to the question of the hon. Member, I make

my reply in the form of a statement. The last occasion on which a considered statement of Government's policy in regard to the Communist Party of India was made was on the 28th February, 1949. On that day, the Prime Minister pointed out to the Constituent Assembly of India that the Communist Party had adopted an attitude not only of open hostility to the Government but one which could best be described as bordering on open revolt. This policy had been given effect to intensively in certain limited areas in India and had resulted in murders, arson, looting as well as acts of sabotage. After referring to the attempts of the Communist Party to paralyse administration by an all-India railway strike and to seize the opportunity for a widespread programme of sabotage, the Prime Minister declared that Government were not prepared to submit to threats of violence and incitement to active revolt from any quarter and that they were taking appropriate steps to put down the menace.

I do not propose to weary the House by a long recital of the activities of the Communist Party of India since the Prime Minister's statement; I would merely invite their attention to two pamphlets since issued by Government: one entitled "COMMUNIST VIOLENCE IN INDIA" and the other "COMMUNIST CRIMES IN HYDERABAD". These pamphlets show that, in pursuance of their policy of violent revolt, the Communist Party have been responsible for numerous acts of murder, arson, looting and sabotage. In Hyderabad State alone, since the 15th August, 1947, and up to February this year, they had murdered some 2,500 persons, including women and children, often in circumstances of fiendish brutality. The House is aware of the throwing of acid bulbs and handgrenades at innocent passengers in public vehicles, violent demonstrations in defiance of authority, and widespread appeals to murder political opponents for no reason other than that they believed

in constitutional means of progress. With the full co-operation of all State Governments, steps were taken throughout the country to put down this menace, and evidence that these steps have been successful is forthcoming from no less authentic a source than the Communist Party itself. I should like to take this opportunity to convey to State Governments the appreciation of the Government of India for the manner in which they have handled this difficult situation and the success which has attended their efforts.

I have seen the statement issued to the public late last month and referred to by the hon. Member. In this statement it is pointed out that "the urgent task before the working classes and the Communist Party is to unite all anti-Imperialist forces, on the basis of the common struggle for freedom and national independence, against the Imperialists and their Indian collaborators and servitors; to form a broad, nationwide united front headed by the working classes; and to fight for the introduction of the urgently needed agrarian reforms". "The tactics to be pursued, as decided by the Central Committee", goes on the statement, "are to be based upon the experience of the national liberation movement in China. The path followed by China, which is today being followed in the countries of South East Asia, is the only correct path before the Indian people".

An amplification of the statement that the path to be followed by India is the path which today is being followed in the countries of South East Asia is contained in a letter of the Central Committee addressed to all Party members and sympathisers. In this letter, it is made clear that the struggle in India is to be waged by means of armed guerilla warfare in the countryside and the formation of liberation bases and liberation armies culminating in the seizure of power all over the country. In cities and industrial centres, the Party's instructions are to use flexible tactics —to quote the words of the circular,

"illegal propaganda, various types of protest actions and demonstrations, strikes, armed action etc., whichever form is best suited to the particular place and moment, in order to conserve and strengthen the revolutionary movement". "We have to co-ordinate this movement in the cities and industrial centres", goes on the circular, "with the armed guerilla struggle in the rural areas and conduct the general movement with a combined plan."

I am sure it is clear to the House that, whatever shifts may have taken place in the tactics of the Communist Party, there has been absolutely no change in their fundamental strategy of seizing power through violent revolt. This is more than confirmed by the public statements issued by Mr. Dange. The House will have noticed that Mr. Dange has particularly suggested that violent means are not unconstitutional and considers that any suggestion of constitutional means is an innovation in the Constitution of India. The Government of India are, however, determined to give no quarter to any such attempt and will use all the resources at their disposal to put it down; and this is the unanimous view of all the State Governments. The policy which was announced on the 28th February, 1949, will thus continue, without change, to determine the attitude of all these Governments.

Shri Kamath: May I put a question? It is a Short Notice Question and I think we are entitled to put supplementaries.

Mr. Speaker: May be that it is a Short Notice Question in form, but the questioner called for a statement, which has been given; so, no supplementaries can be asked.

WRITTEN ANSWERS TO QUESTIONS

ASSAULT ON EDITOR OF *Rashtra Jyoti*.

*525. **Shri Kamath:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that on the 1st May, 1950 Narayan Prasad Agrawal, Editor of "Rashtra Jyoti", a weekly published at Khandwa, Madhya Pradesh, was assaulted by some men of the Indian Army in Mhow Cantonment;

(b) whether any inquiry has been held; and

(c) if so, with what result?

The Minister of Defence (Sardar Baldev Singh): (a), (b) and (c). No, as far as our information goes. It is reported that in a police case against him, which is now *sub-judice*, Shri Narayan Prasad Agarwal has made certain allegations of this nature in defence. Since the case is now *sub-judice*, it would not be correct for me to express any opinion on it.

PAY OF HINDI AND SANSKRIT TEACHERS IN DELHI

***526. Pandit M. B. Bhargava:**

(a) Will the Minister of Education be pleased to state whether any grades have been fixed for Vernacular and Oriental language teachers in Delhi and if so, how these grades compare with the Grades of teachers teaching English and the reasons for disparity, if any?

(b) How do the grades, if any, fixed for Vernacular and Oriental teachers in Delhi compare with the grades of such teachers in other Centrally Administered areas like Ajmer?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) Yes, Sir. A comparative statement of scales of pay fixed for language teachers was placed on the Table of the House in connection with the reply to Starred Question No. 960 on the 20th March, 1950. As was stated then, the grades are to take effect from the 1st January, 1947.

(b) The grades for Delhi and Ajmer are identical. Information regarding the grades in other Centrally Administered Areas is being collected

and will be placed on the Table of the House.

INVESTIGATION OF CONDITIONS OF BACKWARD CLASSES

***527. Shri Sanjivayya:** Will the Minister of Home Affairs be pleased to state when Government propose to appoint a Commission to investigate the conditions of backward classes as envisaged in Article No. 340 of the Constitution of India?

The Minister of Home Affairs and the States (Sardar Patel): Government do not consider that the time is yet appropriate for the appointment of the Commission. They will examine the question after the basic information required by the Commission has been collected.

BALANCE OF TRADE

***528. Prof. K. T. Shah:** Will the Minister of Finance be pleased to state how was India's adverse balance of trade and accounts in 1949-50 and 1950-51 met and discharged?

The Minister of Finance (Shri C. D. Deshmukh): The deficit on trade account during the period April, 1949, to June, 1950, was Rs. 121 crores. Comparable figures are not available for the balance of payments deficit during the period.

The deficit on trade account was met by a reduction in the sterling balances from Rs. 921 crores at the beginning of April, 1949, to Rs. 827 crores at the end of June, 1950. In addition, Rs. 15 crores of International Bank loans were drawn in reimbursement of payments made for equipment purchased for projects financed from these loans.

There can be no exact synchronisation between our trade and balance of payments deficits and the utilisation of our foreign exchange resources, as there is a time lag between exports and imports and receipts for the former and payments for the latter. Besides the balance of payments covers invisible and capital accounts, as well.

DAMAGE TO IRRIGATION DAMS IN KUTCH

*529. **Prof. K. T. Shah:** (a) Will the Minister of States be pleased to state the amount of damage done by the recent heavy rains and the consequent floods in Kutch to the Irrigation dams, the ports in that State, the goods on shore, and the houses in towns affected by the inundation?

(b) What steps have been taken by Government, or by private organisations, for the relief of the homeless and other sufferers?

The Minister of Home Affairs and the States (Sardar Patel): (a) The damage to irrigation tanks due to floods in Kutch is estimated at Rs. 2,25,000.

The damage to ports roughly amounts to Rs. 15,000.

No loss of goods on shore is reported but some country crafts were washed away and a few damaged.

The damage to houses in Mandvi, Bhuj, Anjar and Mundra is roughly estimated at Rs. 1,98,250.

(b) Immediate relief camps were opened by the Government to shelter the homeless in Government and other buildings and feed them at Government cost. Offices and schools were closed to enable Government servants to render help to the sufferers. An officer of the States Ministry was deputed to study conditions on the spot and proposals for assistance in the light of his report are under consideration. The Chief Commissioner has, however, been allotted funds for all immediate expenditure necessary.

ECONOMY COMMITTEE (RECOMMENDATIONS)

*530. **Prof. K. T. Shah:** (a) Will the Minister of Finance be pleased to state whether any new posts or offices have been sanctioned since the Retrenchment Committee made its recommendations?

(b) Have any appointments been made to any such posts, whether clerical or higher or gazetted?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes. The more important of these are the Planning Commission, the Central Statistical Organization, the Election Commission, Ministry without Portfolio, Multi-purpose National Sample Survey, Central Agency under the Ministry of Law, Census Operations, Branch Secretariat of Rehabilitation and External Affairs Ministries in Calcutta, Legation at Lisbon in Portugal, Legation at Addis Ababa in Ethiopia, Office of the Indian Consul-General, Manila, Office of the Trade Commissioner, Aden, Office of the Regional Commissioner, Food Production, Bombay.

(b) Since posts have been sanctioned, presumably appointments have been made against such posts. Detailed information, however, of the appointments made is not readily available.

PURCHASE OF ARMS BY OFFICERS

*531. **Ch. Ranbir Singh:** Will the Minister of Defence be pleased to state whether it is a fact that Civil and Military Gazetted Officers are permitted to buy arms from Ordnance depots?

The Minister of Defence (Sardar Baldev Singh): No, not ordinarily.

ADVANCES FOR HOUSE-BUILDING

*532. **Shri P. K. Ramiah:** (a) Will the Minister of Finance be pleased to state whether any advances from Government funds have been made for house-building purposes to Government servants whose homes were in Pakistan but who were serving in India at the time of partition?

(b) Is it a fact that house-building advances used to be given to Government servants until some years ago?

(c) If the answer to part (b) above be in the affirmative, what are the reasons for their discontinuance?

(d) Is it a fact that the present G.P. Fund rules do not permit the grant of house-building advances

against the amount standing to an individual's credit?

(e) Have Government considered the advisability of amending these Rules to permit withdrawals or advances for house-building purposes in the case of Government servants who have lost their homes in Pakistan? If not, why?

The Minister of Finance (Shri C. D. Deshmukh): (a) No.

(b) Yes, till 1937.

(c) The public Accounts Committee suggested in 1936 that the Government should consider the feasibility of abolishing, or further limiting, the grant of advances to Government servants for house-building purposes, etc. On examination it was found that in the conditions then prevailing these advances were an anachronism for which no justification existed, and were therefore abolished. These have not been revived so far, also because of the shortage of building material and engineering man-power, the high cost of material and labour, the limited saving capacity of Government servants, and of Government's own tight financial position.

(d) Yes.

(e) The matter is under consideration.

ORISSA AND CHHATTISGARH STATES

***533. Shri R. L. Malviya:** Will the Minister of States be pleased to state:

(a) the amount received by the Orissa and Madhya Pradesh (Provinces) States from each of the Orissa and Chhattisgarh States at the time of their merger; and

(b) whether the same has been kept apart for the welfare of the States only or amalgamated in the general revenues of the States (Provinces)?

The Minister of Home Affairs and the States (Sardar Patel): (a) and (b). I invite the attention of the hon.

Member to my reply to Starred Question No. 1117 by Shri Yudhishtir Mishra on 31st March 1948 and to Starred Question No. 876 by Shri Ramprasad Potai on 19th March, 1948 in the Constituent Assembly of India (Legislative) and to the statements laid on the Table of the House subsequently.

BACKWARD CLASSES (SCHOLARSHIPS)

***534. Shri Kshudiram Mahata:** Will the Minister of Education be pleased to state:

(a) the number of applications received up till 31st July 1950 for scholarships from the fund meant for students of Backward Classes, Scheduled Castes and Tribal Classes separately; and

(b) the number of such applications separately for each group from Chota Nagpur?

The Deputy Minister of Communications (Shri Khushed Lal):

(a) Backward Classes	3,418
Scheduled Castes	2,541
Scheduled Tribes	447
(b) Backward Classes	62
Scheduled Castes	7
Scheduled Tribes	163

MANDI WATER WORKS RESERVOIR

***535. Dr. Parmar:** (a) Will the Minister of States be pleased to state whether it is a fact that Mandi Waterworks Reservoir (Himachal Pradesh) had fallen into disrepair at the time of the merger of the State and the then Mandi State Government had sanctioned the amount for its repairs?

(b) Is it a fact that the same has not been repaired so far?

(c) Is it a fact that the people of Mandi, the largest town in Himachal Pradesh, have had to drink unfiltered water during all this period and if so, what were the reasons for the same?

(d) When was the proposal for repairs and estimates put up by local

authorities and received by Himachal Pradesh Government and when were they submitted to the Government of India?

(e) When were repairs sanctioned by the Government of India?

(f) What was the amount sanctioned and when is the work likely to be completed?

The Minister of Home Affairs and the States (Sardar Patel): (a) The reservoirs had been out of order for about 7 years before the merger and as far as we are aware, nothing was done to repair them by the old Mandi State.

(b) and (f). Rs. 40,000 has been provided by the Chief Commissioner for necessary repairs this year and the work will be taken up after the rains.

(c) As the water comes from two springs, it is quite potable unless contaminated later on. The source and the collecting reservoir are all regularly inspected and cleaned.

(d) An estimate for special repairs was sanctioned by the Chief Commissioner in February last. It was not necessary to submit the same to the Government of India.

(e) Does not arise.

NATIONALISATION OF TRANSPORT IN HIMACHAL PRADESH

***536. Dr. Parmar:** (a) Will the Minister of States be pleased to state whether it is a fact that the Himachal Pradesh Government have yet paid no compensation to the Mandi Transport Company Limited or other operators for their vehicles on Nationalisation of Transport in Himachal Pradesh?

(b) Is it a fact that several representations were made to the local authorities, Chief Commissioner and Ministry of States in that behalf and if so, when did the Chief Commissioner receive them and forward them to the Government of India?

(c) What orders did the Government of India pass thereon?

The Minister of Home Affairs and the States (Sardar Patel): (a) No, Sir.

(b) Representations made by several previous operators were considered on merits by the Administration of the Himachal Pradesh and were duly replied to by that Administration. No representation was addressed to the Ministry of States through the Himachal Pradesh Government.

(c) Does not arise.

SCHOLARSHIPS TO HIMACHAL PRADESH STUDENTS

***537. Dr. Parmar:** (a) Will the Minister of Education be pleased to state the number of scholarships and the amount thereof given to Himachal Pradesh students during the last two years?

(b) How many of these scholarships were for technical training?

(c) How many of these were given to *bona fide* residents of Himachal Pradesh?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) During the last two years 242 scholarships were awarded to the Himachal Pradesh students. The amount involved in respect of these scholarships was Rs. 91,409.

(b) 7 Scholarships in 1948-49 and 2 scholarships in 1949-50 were awarded for technical training.

(c) All scholarships after the merger of the States with Himachal Pradesh, were awarded to the *bona fide* residents of the Himachal Pradesh. Information regarding the residences of some of the scholars to whom the scholarships were awarded by the States prior to their merger with Himachal Pradesh is not available but it appears from the available information that most of them belong to Himachal Pradesh.

HARIJAN RECRUITS IN POLICE

*538. **Shri Balmiki:** (a) Will the Minister of Home Affairs be pleased to state the number of Harijan recruits in Police and Armed Police in the Centrally Administered Area during the year 1949-50?

(b) What preference and facilities are being given to them?

The Minister of Home Affairs and the States (Sardar Patel): (a) and (b). Enquiries are being made and the information will be laid on the Table of the House after it is complete.

SCHEDULED CASTE STUDENTS (FEES)

*539. **Shri Balmiki:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that Scheduled Caste students are facing difficulties in their admission in Delhi schools and colleges and that at the time of admission they have to pay admission fee and other dues which they are unable to pay anyhow due to their poverty; and

(b) if so, what steps are being taken by Government in the matter?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) No complaints have so far been received by the Government of India or the Delhi State Government regarding difficulties in the matter of admission of scheduled caste students to schools and colleges in Delhi.

(b) Under the Punjab Education Code, which is followed in Delhi certain "Special classes" which are all scheduled classes are charged fees at half the prescribed rates.

The Government of India have also recently sanctioned a sum of Rs. 50,000 in 1950-51 for the grant of scholarships to students belonging to Scheduled Caste and Backward Classes studying in schools in Delhi State. The scholarships, which are upto and including Higher Secondary Education, will cover the school fees and expenditure on books.

Special scholarships to Scheduled Caste Scholars for post-Matriculation and post-Higher Secondary Courses of studies are given under the Government of India Scheduled Caste Scholarship Scheme.

B. C. G. VACCINATION

*540. **Shri Balmiki:** Will the Minister of Health be pleased to state the number of persons on whom B.C.G. vaccination has been performed against T. B. in old Delhi.

The Minister of Finance (Shri C. D. Deshmukh): Till the 30th June, 1950, 34,455 persons had been tuberculin tested and 20,654 B.C.G. vaccinations carried out in Old Delhi.

FINANCE ADMINISTRATION

*541. **Sardar Hukam Singh:** Will the Minister of Finance be pleased to state:

(a) the total number of applications for loans received by the Finance Administration in Delhi upto 31st July, 1950 and the total number disposed of so far;

(b) the amount of loan sanctioned for the displaced persons and the amount advanced upto date;

(c) whether it is proposed to invite fresh applications for loans; and

(d) the amount of total expenditure incurred, on account of establishment and other incidental charges, in maintaining this administration?

The Minister of Finance (Shri C. D. Deshmukh): (a) The number of loan applications received by the Rehabilitation Finance Administration upto 31st July, 1950, was 17,118, of which the number disposed of upto that date was 9,233;

(b) the amount of loan sanctioned by the Rehabilitation Finance Administration upto 31st July, 1950, was Rs. 4,54,17,100 and the actual amount disbursed upto that date was Rs. 1,97,19,761.

(c) At present new applications for loans are being entertained only (i) from displaced persons from East Pakistan who migrated to India after the 12th September, 1949; and (ii) from displaced industrialists who propose to establish industries in new townships set up by the various State Governments for the rehabilitation of displaced persons, provided such applications are recommended by the State Governments. Apart from these two categories it is not proposed to receive any fresh applications.

(d) The total expenditure incurred in maintaining the Rehabilitation Finance Administration from 1-6-48 to 30-6-50 was Rs. 19,61,375.

ALLOWANCES TO GOVERNMENT SERVANTS AT HILL STATIONS

*543. **Shri D. S. Seth:** Will the Minister of Finance be pleased to state whether Government propose to take any action on the recommendations of the Pay Commission made in paragraphs 87 and 88 of their report, regarding the admissibility of the allowances to the employees of the Government of India at the various hill stations and if not, why not?

The Minister of Finance (Shri C. D. Deshmukh): The specific recommendation of the Central Pay Commission relating to certain grievances of the Posts & Telegraphs staff in the Nilgiris has been considered and uniform rates of allowances applicable to all Central Government servants have now been sanctioned for the various hill stations in that area. In respect of other areas, the Commission observed that while granting hill allowances or bad climate allowance, the practice adopted by State Governments may be followed. Government have taken up the review of hill allowances in the light of the Commission's observations and have already issued orders in respect of certain hill stations. In respect of others, orders are expected to issue shortly.

EXPORT DUTY ON PEPPER

*544. **Shri Alexander:** (a) Will the Minister of Finance be pleased to state whether the Government of India have received a representation from the Travancore-Cochin Government demanding a portion of the realised export duty on pepper?

(b) If so, what are the grounds alleged for the claim?

(c) Was any reply given to the representation, if so, what?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes, Sir.

(b) The claim was mainly based on the fact that the State has a virtual monopoly in the production of pepper and that certain other States were in the past in receipt of a share of the export duty on jute.

(c) The State Government have been informed that the Government of India see no justification for the claim and that it cannot be considered as the Constitution does not provide for the sharing of any export duties between the Centre and the States.

CENTRAL GOVERNMENT OFFICERS

*546. **Shri Tyagi:** Will the Minister of Home Affairs be pleased to state the number of years each Secretary, Joint Secretary, and Deputy Secretary of the Government of India has worked (i) in the Headquarters at Delhi and (ii) in the same Ministry at a stretch?

The Minister of Home Affairs and the States (Sardar Patel): The information is being collected and a statement will be laid on the Table of the House as soon as the information is complete.

ARREST OF CH. DEVI LAL

*547. **Ch. Ranbir Singh:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Chaudhari Devi Lal of Chutala, District Hissar, who is a member of Punjab

State Congress Committee and the leader of Hissar District Board Congress Party has been arrested in Delhi and is being detained under Section 8 of Punjab Safety Act;

(b) If so, what are the reasons for his detention and arrest; and

(c) the place where he is being kept nowadays?

The Minister of Home Affairs and the States (Sardar Patel): (a) Chaudhari Devi Lal was arrested by the Delhi Police at the instance of the Government of Punjab who had issued a warrant for his arrest. He was transferred to Punjab immediately after his arrest.

(b) and (c). I have no information.

TAXATION IN P. E. P. S. U.

***548. Kaka Bhagwant Roy:** (a) Will the Minister of Finance be pleased to state whether it is a fact that before the integration of Nabha, Jind, Faridkot and Patiala into PEPSU there was no taxation in these integrated states?

(b) If so, since when has the taxation been imposed in the integrated states after the formation of PEPSU?

The Minister of Finance (Shri C. D. Deshmukh): (a) I presume that the hon. Member's question refers to taxation in general and not to any particular tax. If so, the answer is that all the states integrating with PEPSU had some kind of taxation.

(b) In view of the reply to (a), (b) does not arise.

GAUHATI UNIVERSITY

***549. Maulvi Wajed Ali:** (a) Will the Minister of Education be pleased to state if it is a fact that the Department of Education approved of a scheme for lump grant to the Gauhati University for Building and other Capital equipments, but it was stopped for financial reasons?

(b) If so, do Government propose to give a lump grant to the Gauhati University for its building etc.?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) As the Scheme was not included in the revised programme of the Assam Government no development grant was made.

(b) Owing to financial stringency the Central Government are unable to make any development grants to the States for their educational programme during the current year.

DISPLACED PERSONS IN AMBALA CANTONMENT

***550. Giani G. S. Musafir:** (a) Will the Minister of Defence be pleased to state whether it is a fact that some of the private houses rented to the displaced persons by their owners at Ambala Cantonment have been requisitioned by Government for Defence purposes, and the displaced persons living therein have been served with eviction notices without offering any alternate accommodation to them?

(b) How many of such displaced tenants have so far been evicted?

(c) What steps do Government propose to take to accommodate such displaced persons?

The Minister of Defence (Sardar Baldev Singh): (a) and (b). Notices of eviction under Section 7 of the Cantonments (House Accommodation) Act, 1923, were issued in a few cases in Ambala Cantonment. As a result, three displaced persons have been evicted. One of them has already been provided with alternative accommodation while the other two have refused to accept the alternative accommodation offered to them.

(c) Although Government are not under an obligation to do so, steps are taken wherever possible to provide alternative accommodation to persons evicted in this manner.

DISPLACED GOVERNMENT EMPLOYEES

***551. Shri Tyagi:** (a) Will the Minister of Home Affairs be pleased

to state how many displaced Government employees who were permanently engaged in the Provincial services of Sind, N.W.F.P. and Baluchistan have been engaged by the Government of India?

(b) How many of them belonging to each province have been made permanent?

(c) Is it a fact that in one of their Memoranda, dated the 14th September, 1947, the Ministry of Home Affairs had assured those employees that they were considering the question as to what extent their past services should be counted for the purposes of leave and pension?

(d) To what final conclusion have Government come in this regard?

The Minister of Home Affairs and the States (Sardar Patel): (a) Separate information regarding permanent displaced Government servants is not available. Attention of the hon. Member is invited to the "Review" of the Home Ministry's Activities for the year 1949, page 64, for numbers of the employees of these Governments placed in employment by the Transfer Bureau alone.

(b) I regret that information is not readily available.

(c) No such assurance has been given to these employees.

(d) The question of counting their previous service for purposes of leave and pension is still under consideration.

COLLECTORATES OF CUSTOMS

*552. **Shri Jagannath Mishra:** (a) Will the Minister of Finance be pleased to state whether there was a clear direction from the Government of India that personnel for the Calcutta, Madras and Bombay collectorates of customs should be recruited from States under the jurisdiction of each collectorate?

(b) How many appointments have been made in the Preventive

Department of each of the three collectorates of customs since August 1947?

(c) How many displaced persons and persons outside the jurisdiction have been appointed in each such collectorate?

(d) Were the posts advertised in the Press before appointments were made in each such collectorate?

The Minister of Finance (Shri C. D. Deshmukh): (a) There were specific orders prior to partition of the country laying down definite recruitment areas for other than all-India services which were amended with Partition. However, in view of the imperative need for rehabilitating a large number of Displaced Government Servants who were serving in areas now in Pakistan, Government banned general direct recruitment till the rehabilitation of Displaced Government Servants was completed. The orders prescribing areas for recruitment for the three Custom Houses had, therefore, temporarily ceased to be operative.

(b) Calcutta	74
Madras	11
Bombay	64

(c) The information is as follows:

	Calcutta	Madras	Bombay
Displaced persons	46	Nil	nine
Persons recruited from outside the recruitment areas prescribed for the Custom House.	One	One	Nil

(d) No.

CALCUTTA COLLECTORATE OF CUSTOMS

*553. **Shri Jagannath Mishra:** (a) Will the Minister of Finance be pleased to state whether the attention of Government was drawn to the report and editorial comments of the "Amrit Basar Patrika" of Calcutta dated the 19th May, 1950, and 25th May, 1950, respectively, regarding

irregularities in the Calcutta Collectorate of Customs?

(b) If so, what action have Government taken in the matter?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes.

(b) The articles in question contained certain allegations and criticisms regarding appointments, promotions and confirmation of certain categories of staff in the Calcutta Custom House. Detailed reports were called for from the Collector of Customs, Calcutta and it was found on examination that most of the allegations were misconceived and based on insufficient appreciation of the rules and orders governing such matters while others were not true to fact. Government did not therefore consider it necessary to take any further action in the matter.

ALIGARH UNIVERSITY

***554. Shri Bhatkar:** (a) Will the Minister of Education be pleased to state whether any special grant is intended to be given to the University of Aligarh and if so, what?

(b) What is the amount of the grant intended to be paid to the Aligarh University through the Council of Technical Education?

(c) What was the number of students in the Aligarh University since the year 1941, during each of the academic years 1941 to 1950?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) A lump provision of Rs. 2 lakhs exists in the funds voted by Parliament for additional development grants to the Aligarh University. But the payment of this will be considered after the report of a Special Reviewing Committee appointed for the purpose, is received.

(b) and (c). A statement is placed on the Table of the House. [See Appendix IV, answers No. 11].

SOCIAL EDUCATION

***555. Shri Bhatkar:** Will the Minister of Education be pleased to state what schemes of Social education are being proposed by the Ministry and what is the cost involved?

The Deputy Minister of Communications (Shri Khurshed Lal): During the current year there is a provision of Rs. 14.2 lakhs for Basic and Social Education. It is intended to spend about a sum of Rs. 11.2 lakhs on Social Education Programme in the Centrally Administered Areas. It is also proposed to spend Rs. 1 lakh on production of literature for Basic and Social Education and another sum of Rs. 2 lakhs for establishing a Rural Adult Education Centre in Delhi.

PROGRAMME ADVISORY COMMITTEE

***556. Shri Kunhiraman:** Will the Minister of Information and Broadcasting be pleased to state the names of Radio Stations where the Programme Advisory Committee and Rural Advisory Committees exist at present.

The Minister of State for Information and Broadcasting (Shri Diwakar): Programme Advisory Committees are at present functioning at Delhi, Jullundur, Lucknow, Patna, Calcutta, Shillong-Gauhati, Cuttack, Bombay, Madras, Tiruchi and Vijayawada stations of All India Radio.

Rural Advisory Committees are functioning at Delhi, Lucknow, Bombay, Madras-Vijayawada and Tiruchi.

RADIO STATION, POONA

***557. Shri Kunhiraman:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether any request has been received either from the public or from any public body to have a Radio Station opened at Poona; and

(b) if so, when and whether any decision has been taken thereon?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) Yes, Sir.

(b) It is proposed to establish an auxiliary studio at Poona which will be linked up with the Bombay Station of All India Radio.

MYSORE HIGH COURT JUDGE

***558. Prof. S. L. Saksena:** Will the Minister of States be pleased to refer to Starred Question No. 789 asked by Shrimati G. Durgabai on the 10th March, 1950 and state:

(a) whether the Chief Justice of India has submitted his report as to the suitability of Mr. Puttaraj Urs as a Judge of the Mysore High Court;

(b) if so, the contents of the report;

(c) whether Mr. Urs has been treated as absent on leave; and

(d) if so, whether he has been paid his salary for the period of leave?

The Minister of Home Affairs and the States (Sardar Patel): (a) Yes.

(b) The Chief Justice of India has come to the finding that Shri Puttaraj Urs is not suitable to remain as a Judge of the Mysore High Court and, therefore, the order of the President determining his tenure need not be altered.

(c) and (d). I regret I am unable to deal with the question of leave as the matter is *sub-judice*. Shri Urs having applied to the High Court of Mysore for a writ of mandamus on this issue.

PROHIBITION IN AJMER

***559. Pandit M. B. Bhargava:** (a) Will the Minister of Finance be pleased to state what is the policy of Government towards prohibition in Ajmer?

(b) What steps have been taken by Government to implement the prohibition policy so far?

(c) How many licence-holders were there in the years 1947-48, 1948-49 and 1949-50?

(d) How many are there for the year 1950-51, and of different categories?

The Minister of Finance (Shri C. D. Deshmukh): (a) The Government of India have decided that total prohibition in all Centrally-administered areas, including Ajmer, should be introduced by gradual stages.

(b), (c) and (d). The information is being collected and will be laid on the Table of the House.

NATIONAL SAVINGS OFFICERS

***560. Shri K. P. Sinha:** Will the Minister of Finance be pleased to state:

(a) the number of posts of Provincial and Deputy National Savings Officers in the country indicating the class of service against each post;

(b) the method of selecting these officers;

(c) whether Government asked the Union Public Service Commission to fill up these posts, if so, when;

(d) whether the Union Public Service Commission has filled up these posts; and

(e) whether any exception has been made with regard to any of these posts, by not referring it to the U.P.S.C.?

The Minister of Finance (Shri C. D. Deshmukh): (a) There are ten posts of Provincial National Savings Officers, 4 in Class I and 6 in Class II Service. The number of Deputy Provincial National Savings Officers is 4, all in Class II.

(b) Officers holding these posts were appointed by the Government of India on the recommendations of

the State Governments and the National Savings Commissioner, pending final recruitment through the Union Public Service Commission. The Union Public Service Commission interviewed candidates for these posts on the 27th and 28th July, 1950 and its recommendations are awaited.

(c) Yes, Sir. The Union Public Service Commission were asked to make recruitment first in January 1949 but the matter was held up for some time on account of the recommendations of the Economy Committee and proceeded with only in November, 1949.

(d) and (e). No, Sir.

FINANCE COMMISSIONS

*561. **Shri Sanjivayya:** (a) Will the Minister of Finance be pleased to state when Government propose to set up a Finance Commission as envisaged in the article 280?

(b) What are the reasons for not setting up such a Commission so far?

The Minister of Finance (Shri C. D. Deshmukh): (a) It is hoped to set up the Commission by the end of the current year.

(b) Under Article 280 of the Constitution the Finance Commission is due to be set up within two years of the commencement of the Constitution but Government have decided to constitute the Commission as early as possible. The necessary legislation under Article 280(2) of the Constitution is under consideration and is likely to be introduced in the next session of Parliament.

IRWIN HOSPITAL, NEW DELHI

103. **Shri Kamath:** Will the Minister of Health be pleased to state:

(a) whether the attention of Government has been drawn to an article captioned "Scandalous Irwin Hospital" published on page 14 of the *Organiser* of the 12th June, 1950;

(b) if so, whether it is a fact that the patient mentioned therein was ill-treated and neglected, as alleged therein; and

(c) if so, what steps have Government taken in the matter?

The Minister of Finance (Shri C. D. Deshmukh): (a) Government have seen the article referred to.

(b) and (c). The patient was not ill-treated as alleged but there was some delay at the time of his admission. An enquiry into the matter was conducted and the Medical Officer responsible for it was severely reprimanded.

GRADES AND TIME SCALES OF PAY OF CENTRAL GOVERNMENT SER-VANTS

104. **Lala Raj Kanwar:** Will the Minister of Finance be pleased to place on the Table of the House a statement showing the different grades and time scales of pay into which various categories of appointments under the Central Government are distributed?

The Minister of Finance (Shri C. D. Deshmukh): The information asked for is contained in the Superior Civil Services Rules, 1924, the Pay and Cadre Schedules of Central Services and the Schedules appended to the Central Civil Services (Revision of Pay) Rules, 1947, copies of which are available in the Library of the House.

GUN CARRIAGE FACTORY, JUBBUL-PORE (FIRE)

105. **Shri Kamath:** Will the Minister of Defence be pleased to state:

(a) whether a fire broke out in the Gun Carriage Factory, Jubbulpore, on the 29th April, 1950 or thereabout;

(b) how much damage was caused;

(c) whether an inquiry has been held into the cause of the fire; and

(d) if so, with what result?

The Minister of Defence (Sardar Baldev Singh): (a) Yes, on the 28th April 1950.

(b) Approximately Rs. 1,40,000/-.

(c) Yes.

(d) The Court of Enquiry suspected arson and the matter has been referred to the police for further investigation.

PURCHASE OF PICTURES

106. Shri Kamath: Will the Minister of Education be pleased to state:

(a) whether Government propose to purchase pictures of certain artists;

(b) if so, how many of Indian artists and how many of foreign;

(c) for what purpose; and

(d) the total amount proposed to be expended on the transaction?

The Deputy Minister of Communications (Shri Khurshed Lal):

(a), (b), (c) and (d). The Government have made a provision of Rs. 75,000 in 1950-51 for the acquisition of contemporary art objects. It has been decided to limit the purchases this year mainly to outstanding Indian artists. If, however, a painting of a foreign artist of repute is available its purchase may be considered.

No specific allotments have been made for Indian or foreign artists separately, as each picture will be judged on its individual merits.

MOTOR ACCIDENT IN JUBBULPORE

107. Shri Kamath: Will the Minister of Defence be pleased to refer to my Starred Question No. 1425 asked on the 5th April, 1950 regarding motor accident in Jubbulpore and state the result of the investigation?

The Minister of Defence (Sardar Baldev Singh): The case against the civilian driver was investigated by the police as a result of which he is now standing his trial which is not yet concluded.

ADVANCES TO GOVERNMENT SERVANTS FOR BUILDING HOUSES

108. Shri D. S. Seth: (a) Will the Minister of Finance be pleased to state when the advances to Government servants for the building of the houses were stopped?

(b) Do Government now propose to allow such advances, and if not, why not?

The Minister of Finance (Shri O. D. Deshmukh): (a) These advances were stopped with effect from the 13th May 1937 for those who entered Government service after that date, and from the 1st March 1938 for others.

(b) I would refer the hon. Member to the reply to Starred Question No. 532 answered today.

NATIONAL LIBRARY, CALCUTTA

109. Shri Sidhva: (a) Will the Minister of Education be pleased to state whether the National Library in Calcutta has been shifted to Belvedere (Government House) Calcutta?

(b) If so, has any complaint been received regarding the absence of proper communication between the Library and the city proper?

(c) When was the Library opened in the new place and how many people daily take advantage of it?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) Yes Sir. The entire Library has been shifted to the Belvedere with the exception of the Reference Collection in the Reading Room at Esplanade.

(b) Complaints were voiced in the papers, and the Government of West Bengal have been approached to provide increased bus facilities to Belvedere.

(c) The Library is not as yet officially open at Belvedere, and statistics of those who make use of it are

net being maintained. Research workers are, however, making use of it in the interim period.

IMMOVABLE PROPERTIES LEFT WITH RULERS OF STATES

110. **Lala Raj Kanwar:** Will the Minister of States be pleased to state the value or approximate value of immovable property left with each individual Ruler of a State after its merger or its joining a union of States etc.?

The Minister of Home Affairs and the States (Sardar Patel): As I explained in this House on a previous occasion, Government do not consider it proper that either the value or the details of the property recognised as the private property of Rulers should be a matter for public disclosure.

STATES PUBLISHING OFFICIAL GAZETTES

111. **Lala Raj Kanwar:** Will the Minister of States be pleased to lay on the Table of the House a statement showing the names of the States included in Part B of the Constitution which publish official Gazettes of their own with the regional or official language in which they are published?

The Minister of Home Affairs and the States (Sardar Patel): A statement showing the names of the States included in Part B of the Constitution along with regional or official languages in which they publish their own official Gazettes is placed on the Table of the House. [See Appendix IV, annexure No. 12].

COMMEMORATION STAMPS BY HYDERABAD STATE

112. **Lala Raj Kanwar:** Will the Minister of States be pleased to state:

(a) whether it is a fact that the Nizam of Hyderabad or the Hyderabad State got a very large number of postage stamps printed to commemorate his own or the State's independence after the lapse of Paramountcy by the British;

(b) if so, what was the number of such stamps;

(c) whether such stamps have since been destroyed; and

(d) if not, what action is proposed to be taken in regard to them?

The Minister of Home Affairs and the States (Sardar Patel): (a) Yes.

(b) Sixty four lakhs in four denominations of 4 pies, 8 pies, 1 anna and 2 annas.

(c) They are being destroyed.

(d) Does not arise.

MINISTRY OF FINANCE

113. { **Shri Hanumanthaiya:**
Shri Channiah:

(a) Will the Minister of Finance be pleased to state whether the actions of the Ministry of Finance can be questioned "openly and formally" by the Auditor General of India, under the provisions of the Constitution of India?

(b) If so, how many such actions have been questioned so far and with what result?

(c) What was the practice previous to the 26th of January, 1950?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes, Sir.

(b) It is for the Comptroller and Auditor General to mention any such action through his Audit Reports.

(c) A copy of the terms of the informal arrangement, which was entered into in 1937 between the then Auditor General and the Finance Department, regulating this matter is laid on the Table. [See Appendix IV, annexure No. 13]. This has now been terminated and the Comptroller and Auditor General is entirely free to include in his Audit Report or Reports to Parliament on the accounts of the executive Government, including the Finance Ministry, any comments he may wish to make

SEPARATION OF EXECUTIVE FROM JUDICIARY IN HIMACHAL PRADESH

115. Dr. Parmar: Will the Minister of **States** be pleased to state whether any steps have been taken to separate the Executive from the Judiciary in Himachal Pradesh and if so, what?

The Minister of Home Affairs and the States (Sardar Patel): No.

TEACHERS IN HIMACHAL PRADESH

116. Dr. Parmar: (a) Will the Minister of **Education** be pleased to state whether it is a fact that teachers in Sirmur State, now District Sirmur, Himachal Pradesh, enjoyed the benefit of Provident Fund before merger?

(b) Is it a fact that they have now been deprived of this benefit?

(c) Is it a fact that they are not entitled to any pension either?

(d) Is it a fact that new entrants are entitled to pension?

(e) Is it a fact that pay of teachers employed before merger has been considerably reduced in Sirmur?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) Yes.

(b) Contributions to Provident Fund have now been stopped as the question whether these employees should be made eligible for pensions under the Central Government Pension Rules is under consideration.

(c) They were not entitled to any pension under the Sirmur State Rules. The question whether they will now be entitled to pensions is under consideration.

(d) Yes.

(e) No. As a consequence of the merger, the pays of all employees had to be refixed in the new scales. Only in two cases of teachers, were the salaries reduced. In one of these cases the teacher concerned had been

given a rise of Rs. 34 a few days before merger and in the other case the teacher concerned was a temporary employee who was appointed shortly before merger at a pay quite out of line with the Punjab Scales sanctioned for Himachal Pradesh. Even after reduction, the total emoluments now received by each of the two teachers is more than those received by them before merger, due to the higher rates of Dearness allowance in force in Himachal Pradesh.

INCOME-TAX IN HIMACHAL PRADESH

117. Dr. Parmar: (a) Will the Minister of **Finance** be pleased to state whether it is a fact that income tax is being charged on the basis of income above Rs. 1,500 per year in Mandi, Himachal Pradesh, while in fact income below Rs. 3,600 is exempt from income tax in India?

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

The Minister of Finance (Shri C. D. Deshmukh): (a) The taxable limit in Mandi before the assessment year 1949-50 was Rs. 1,500. But after merger, the taxable limit for an assessee in Mandi would be the same as that for an assessee in a Part A State.

Under the Merged States (Taxation Concessions) Order, 1949, the income accruing or arising in Mandi upto the date of merger *i.e.*, 31st July, 1949, is taxable at the rate of tax obtaining in Mandi immediately before the merger. If, however, the tax payable at the Mandi rates in the lower grades is higher than the tax that would be payable at the Indian rates, the tax would be chargeable only at the Indian rates. Thus for the assessment year 1950-51 no tax would be payable by an assessee in Mandi on an income below Rs. 3,600.

(b) In view of the reply to (a) (b) does not arise.

SWEEPERS IN ACTIVE SERVICE

118. **Shri Balmiki:** Will the Minister of Defence be pleased to state:

- (a) the exact number of Sweepers sent on active service in Kashmir;
- (b) the number of casualties among them; and
- (c) the number of those who were given pensions and family compensation or other allowances?

The Minister of Defence (Sardar Baldev Singh): (a) to (c). I regret that separate statistical information of this nature in regard to sweepers is not available.

HIGHER TECHNICAL INSTITUTIONS

119. **Shri S. C. Samanta:** Will the Minister of Education be pleased to state what progress has been made up to June, 1950 towards the establishment of four higher technical institutions in India?

The Deputy Minister of Communications (Shri Khurshed Lal): A statement giving the required information is laid on the Table of the House. [See Appendix IV, *annexure No. 14*].

Friday, 11th August, 1950



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME V, 1950

(31st July, 1950 to 14th August, 1950)

Second Session

of the

PARLIAMENT OF INDIA

1950



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PARLIAMENT OF INDIA

Friday, 11th August, 1950

*The House met at a Quarter to Eleven
of the Clock.*

[*MR. SPEAKER in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

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PAPERS LAID ON THE TABLE.

**DECLARATIONS OF EXEMPTION UNDER
THE REGISTRATION OF FOREIGNERS
ACT, 1939.**

**The Minister of Home Affairs and
the States (Sardar Patel):** I beg to
lay on the table a copy of each of the
following Declarations of Exemption
issued under the Registration of Foreigners
Act, 1939 :

(1) No. 1/12/50-F. I., dated the
18th February, 1950. (3 Declara-
tions)

(2) No. 1/7/50-F. I., dated the
11th March, 1950. (4 Declarations)

(3) No. 6/10/50-F. I., dated the
16th March, 1950. (2 Declarations)

(4) No. 1/18/50-F. I., dated the
21st March, 1950.

(5) No. 1/22/50-F. I., dated the
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(6) No. 6/10/50-F. I., dated the
15th May, 1950.

(7) No. 6/10/50-F. I., dated the
22nd May, 1950.

(8) No. 1/30/50-F. I., dated the
29th June, 1950.

(9) No. 1/29/50-F. I., dated the
30th June, 1950.

(10) No. 6/10/50-F. I., dated the
19th July, 1950.

(11) No. 1/32/50-F. I., dated the
31st July, 1950. (2 Declarations).
[Placed in Library. See No. P-108/
50.]

**ANNUAL REPORT OF THE CENTRAL
ELECTRICITY COMMISSION FOR
1948-49.**

**The Minister of Works, Mines and
Power (Shri Gadgil):** I beg to lay
on the Table a copy of the Annual
Report of the Central Electricity Com-
mission for the year 1948-49.

[Placed in Library. See No. IV M 31
(2)/49]

**REPORT OF THE RURAL BANKING
ENQUIRY COMMITTEE.**

**The Minister of Finance (Shri C. D.
Deshmukh):** I beg to lay on the
Table a copy of the Report of the
Rural Banking Enquiry Committee.

[Placed in Library. See No. IV O.3 (30).]

Shri Kamath (Madhya Pradesh): Before we proceed with the business of the day, May I invite your attention to what the President stated in his Address to Parliament on the 31st July last? He said:

“There are other legislative measures and important motions relating to matters of general public interest which will be brought forward before you during the course of this Session. Of these, the more important are the Mines Bill, the Contingency Fund Bill, the Indian Finance (Amendment) Bill and the Electoral Bill.”

May I know whether the Electoral Bill is ready and if so, whether it will be introduced in this Session?

We know nothing about it.

Mr. Speaker: As I understand, it is not ready yet. One of the reasons may be that we could not keep to our programme and went on increasing the original allotment of days for various businesses. Be that as it may, the long and short of it is that this Bill is not ready and is not coming in this Session.

MOTION RE REPORT OF THE RURAL BANKING ENQUIRY COMMITTEE.

The Minister of Finance (Shri C. D. Deshmukh): I beg to move:

“That the Report of the Rural Banking Enquiry Committee be published under the authority of Parliament, under clause (2) of article 105 of the Constitution.”

Mr. Speaker: Motion moved:

“That the Report of the Rural Banking Enquiry Committee be published under the authority of Parliament, under clause (2) of article 105 of the Constitution.”

Pandit Kunsru (Uttar Pradesh): May I ask a question, Sir? May I know why this motion has been brought forward? Is there any-

thing in the report of the committee that may lead to the institution of legal proceedings against the Government of India in any court, if it is published without the authority of Parliament? Clause (2) of article 105, as I read it, only provides immunity from legal action in the case of speeches delivered by hon. Members here and reports published under the authority of Parliament. Reports are being published without the authority of Parliament. Why should this particular report require the authority of Parliament for its publication?

Shri C. D. Deshmukh: There are certain references in the report in regard to banking conditions in the country which might lead themselves to that kind of risk. Therefore, it was considered safer to have this procedure adopted here.

Mr. Speaker: So, I shall put the motion to the House.

The question is:

“That the Report of the Rural Banking Enquiry Committee be published under the authority of Parliament, under clause (2) of article 105 of the Constitution.”

The motion was adopted.

INFLUX FROM PAKISTAN (CON- TROL) AMENDMENT BILL.

The Minister of State for Rehabilitation (Shri A. P. Jain): I beg to move for leave to introduce a Bill to amend the Influx from Pakistan (Control) Act, 1949.

Mr. Speaker: The question is:

“That leave be granted to introduce a Bill to amend the Influx from Pakistan (Control) Act, 1949.”

The motion was adopted.

Shri A. P. Jain: I introduce the Bill.

AJMER TENANCY AND LAND RECORDS (AMENDMENT) BILL

The Minister of Food and Agriculture (Shri K. M. Munshi): I beg to move

for leave to introduce a Bill to amend the Ajmer Tenancy and Land Records Act, 1950.

Mr. Speaker : The question is :

“That leave be granted to introduce a Bill to amend the Ajmer Tenancy and Land Records Act, 1950.”

The motion was adopted.

Shri K. M. Munshi : I introduce the Bill.

SALARIES OF MINISTERS (AMENDMENT) BILL.

The Minister of Home Affairs and the States (Sardar Patel) : I beg to move :

“That the Bill to amend the Salaries of Ministers Act, 1947, be taken into consideration.”

The House will recall that the Act of 1947, which was passed before the new Constitution came into force provided for the salaries of Cabinet Ministers. Subsequently, Ministers of State were appointed but since the appointment was made by the Prime Minister, their salaries and allowances were regulated by executive orders. After the Constitution and the reshuffling of Cabinet last May, the Ministers of State became the Ministers of the Union. It became necessary, therefore, to regulate their salaries by an Ordinance. In that Ordinance we also provided for the salaries of Deputy Ministers. Since, at that time, the Deputy Ministers were appointed by the Prime Minister, a separate provision had to be made for their salaries. After a great deal of deliberation and taking into account the U. K. practice, it has been decided that the Deputy Ministers should also be considered to be Members of the Council of Ministers of the Union. We have thus three categories of Ministers of the Union, viz., Cabinet Ministers, Ministers of State and Deputy Ministers. We have to make a statutory provision for all these three categories. The amending Bill seeks to carry this out.

The resulting position makes no difference to the salaries which the three categories of Ministers are drawing at present. We only give a statutory recognition to the new constitutional position of Ministers while we maintain their salaries at the old level.

12 NOON

Mr. Speaker : Motion moved :

“That the Bill to amend the Salaries of Ministers Act, 1947, be taken into consideration.”

Shri Tyagi (Uttar Pradesh) : This question has got a long history. For the first time it was in the Constitution that the Council of Ministers was defined. Anybody whom the President appointed as a member of the Council of Ministers was known as a Minister and these appointments were to be made by the President on the advice of the Prime Minister. So, as far as the Constitution is concerned, there is only one category of Ministers.

Now, when the question came of passing an Act known as the Removal of Disqualification Act, we had by that time two other categories of Ministers — the Ministers of State and Deputy Ministers. The question therefore, arose as to whether we should remove their disqualification also, on account of their holding an office of profit. There were differences of opinion both among Members and also members of the Cabinet. The Law Ministry took a different view with regard to the position of Ministers of State and also of the Deputy Ministers. They held that the Ministers of State and Deputy Ministers were not Members of the Council of Ministers. Several Members of Parliament insisted that they must be members of the Council of Ministers, but then the hon. Minister of Law did not agree with that interpretation. The hon. the Prime Minister agreed with the interpretation which I and many other friends had put that all these categories of Ministers came within the meaning of Council of Ministers. But it seems that there was no agreement in the Cabinet in this connection.

For many months past I have been observing very keenly that some of the

[Shri Tyagi]

Ministers of the Cabinet who did not welcome the idea of having Deputy Ministers and Ministers of State, were not willing to give them equal status. They did not wish to accept them as members of the Council of Ministers. When the Removal of Disqualifications Bill was being discussed in this House it was pointed out that Ministers of State and Deputy Ministers were not legally speaking members of the Council of Ministers, but they were included as a safeguard. In the Gazette notification of appointment of these Ministers it was stated that they were appointed by the Prime Minister and not by the President on the advice of the Prime Minister. Now, the question arises as to whether the Prime Minister has any right to make such appointments. According to the Constitution the Prime Minister or even the Cabinet as such has no executive rights. The executive rights, according to the Constitution are to be exercised by the President, or an officer acting on his behalf. The Prime Minister can only advise. He has, therefore, strictly legally speaking no right to appoint anybody. I submit that such an appointment was rather irregular. If the Prime Minister were to make some appointments, then they could be made either through the Public Service Commission in which all the other Members of Parliament had a right to apply and compete, or it was not a Ministry appointment because then it could come only on the recommendation of the Prime Minister through the pen of the President himself. That was one view.

Then came the Ordinance validating the salaries of the Ministers and Deputy Ministers. Then also it seems the Cabinet was not of one opinion. There was some legal difficulty. And I think some drastic change is needed in the Law Ministry somewhere. As a lay man what I have been feeling is that they are never clear of their ideas and they are never clear in their minds as to what really the position is in every such case. Then came another draft which was the Ordinance. In that Ordinance

different definitions were given as to who is a Deputy Minister, which means that till the time of the issue of the Ordinance the category of Deputy Ministers and the category of Ministers of State were definitely different from the category of the Cabinet Ministers or the Members of the Council of Ministers. It was mentioned—I am speaking from memory—that the Deputy Minister was a person appointed by the Prime Minister as such or designated as such—something like that. So, anybody whom the Prime Minister appoints and designates as such would be a Deputy Minister. That was the definition given in the Ordinance which we are enacting in another form. That, again, was in my opinion wrong. In the British Parliament there is a number fixed up to which the Prime Minister or the Cabinet can go with regard to the appointment of Ministers of State or Deputy Ministers or other categories of Ministers. Otherwise it will be tendentious of the Prime Minister playing a foul game with the opposition party. If the Prime Minister were allowed to go on appointing Deputy Ministers without any ceiling limit, then the opposition would be offered Ministerial posts and this way the party in power may not allow its opposition to thrive. Therefore the British Parliament wisely decided that the number of Ministers of the different categories will be fixed—such and such and no more. The sanction of the House has therefore to be taken when any Minister is to be added. Unfortunately, because we are a new democracy we have not yet put that ceiling limit. But I think it would be very healthy if Parliament some time decides that the number of Ministers will not exceed such and such number so that within that limit the Prime Minister might advise the President to appoint Ministers. According to the previous definition in the Ordinance the strict interpretation was that a person to be appointed as a Minister need not necessarily be a Member of the House. The Prime Minister could appoint even an Under Secretary as Deputy Minister and he could come in the House and sit here

because he had been appointed by the Prime Minister as a Deputy Minister. That is to say, too free a margin was given to the Prime Minister. That was one definition. And the same was the case with the State Ministers. Then our amendments came. I do not know whether it is the effect of my amendment. I do not want to own the credit. I think some discussions might have taken place or perhaps my friends the Deputy Ministers or the Ministers of State must have resented it. But the result is that today I find that that definition has been struck out.

Not only that. But the definition in the original Bill where the Minister was defined—'Minister' means a Minister of the Dominion of India—that too is now sought to be deleted, which means that now the Ministers will go undefined. All the categories will hence forward be undefined. That definition which excluded the Deputy Ministers from the ring of the Council of Ministers has also now been dropped, which now means obviously—one can conclude although it is not said in so many words—that after the passing of the Act all the categories of Ministers whether Deputy Ministers or Sub-Deputy Ministers or Ministers of State, whosoever they might be, if they have a 'Minister' either in the beginning or at the end of the title will be Members of the Council of Ministers. It is a very healthy thing and I welcome it.

But there is one question which arises. I think the Deputy Ministers and Ministers of State are in the safer zone. But I am afraid the original Ministers, according to this new Act are really unsafe again. They are again left out, because it is mentioned that 'Cabinet Ministers will draw such and such salary'. But there is no Cabinet Minister, strictly legally speaking, so far because the Cabinet Ministership has not been defined anywhere. In the Constitution only the Prime Minister is defined and the other Ministers are defined—the Members of the Council of Ministers. But a Cabinet Minister

is a new category, legally speaking. What is a Cabinet Minister I cannot understand. The Prime Minister will go on drawing his salary because he is defined and the Deputy and State Ministers will also go on drawing their salaries because they are also Members of the Council of Ministers. But there are no Cabinet Ministers as such. So if the Auditor-General raises this objection or if the people take that view I am afraid the salaries of the other Ministers cannot legally be drawn because we are not authorising them to draw their salaries.

Now, if there is a category of Cabinet Ministers then it must be within the category of Ministers as was originally defined. Within the Ministers there will be two types, one of Cabinet Ministers and the other of non-Cabinet Ministers, that is Ministers without Cabinet rank. So it has to be defined as to who is a Cabinet Minister, because in the Gazette which announces the appointments of Ministers 'Cabinet Ministers' are not mentioned—it only speaks of such and such 'Ministers' or 'Deputy Ministers' or 'Ministers of State'. It is only these Ministers that are recognized. For the first time you are bringing in 'Cabinet Ministers'. When you introduce that new term you ought to define as to who is a Cabinet Minister. Therefore I submit that Cabinet Ministers may be defined. It is better. Since there have been interpretations after interpretations it is necessary, and I think my hon. friends the Members of Parliament will mostly agree that Parliament should now put an end to this controversy whether the Deputy Ministers and others are members of the Council of Ministers or not. Instead of depending every time on an interpretation by the legal *pundits* I think Parliament will agree that we should now put an end to the controversy and, as I have proposed in my amendment, let us definitely say and give a definition that "'Ministers' means a member of the Council of Ministers irrespective of the fact as to whether he has been designated by the President as a Cabinet Minister.

[Shri Tyagi]

Minister of State, or a Deputy Minister". By giving this definition we also regularise the term 'Cabinet Minister' and regularise their pay. This definition puts an end to all the previous differences of opinion that have occurred and also regularises the use of the word 'Cabinet Minister'.

I submit that perhaps the hon. the Deputy Prime Minister might agree to accept this definition and he should not mind that it comes from me, from a distant man. His nearer people might also agree if they give thought to this.

I would like to use this occasion, for one minute, in saying that I deem this Cabinet to be an *logos* to a mother of pearls. It emits pearls in the shape of Deputy Ministers and others. Why should the mother resent her own sons glittering in the Sun? The sons must be brilliant and must also shine and glitter. The mother should be happy to see her sons shine, rather than be jealous of them. There must be a list of precedence even among Ministers of various ranks. But should you go on making distinctions after distinctions? Once there was a question on the floor of the House regarding marks of distinction affixed to the cars of the Ministers. It is only the office that must be distinguished, not the car.

There is the car of a Minister which has a "circle within a triangle"—which has led the people to call such Minister a "Triangular Minister". There is another car which can only fly the Flag—he is a 'flagular' Minister.

In the matter of decorations also I do not think that distinctions look well. I would suggest that among all Ministers, since they are all members of the Council of Ministers, and they are all advisers to the President, there should be no such distinctions.

It does not do well to us as a party to make a distinction between us. After all, the distinction of age, ability and leadership is always there and the people know who is who. I want that

all the Ministers of Government should be treated on a similar basis because they are all members of the Council of Ministers and my amendment may be adopted so that we may legally recognize the final decision of the Government that the Deputy Ministers and Ministers of State will also be members of the Council of Ministers. With these words, I appeal to the hon. the Deputy Prime Minister to accept my suggestions.

Dr. Deshmukh (Madhya Pradesh):
As my amendment will indicate, I have a definite purpose in view so far as this Bill is concerned. This matter of salaries of Ministers has a certain amount of history, and the history goes back to the period when Mahatmajji was of the view that no State servant of any position whatsoever should get a salary of more than Rs. 500 per month. That was the reason why, when for the first time the Congress Ministers took office in the Provinces, they took a salary of only Rs. 500 and not more. I personally think that this was in the nature of a political move, and not a permanent feature which Mahatmajji wanted to establish in India. (*Interruption*). What I just said was that the desire expressed by Mahatmajji was not intended to be a permanent feature of our Constitution and what we did in India. It was more as an argument for a political purpose. I for one am in favour of giving larger salaries because apparently low salaries ultimately cost the people far more. That is what exactly happened in the Provinces when Rs. 500 was the salary that was fixed. The bungalows were free. Rs. 500 per month could not be made to go so far as to purchase a car. Therefore the cars had to be given free; the driver was to be paid even in the old days at least about Rs. 60 or 75. Under this pay a Minister could not maintain a car and it would not allow him to pay Rs. 75 for a driver. So the driver had to be paid by Government. Then the Minister has to spend at least Rs. 200 p.m. on petrol. He could not afford to pay this. Therefore petrol had to be given free. Then all these

gentlemen who took offices in the beginning found that these bungalows where they resided were really intended for European officials and there were no conveniences for an Indian to live in and naturally they had to make alterations and additions to these bungalows, costing in certain cases thousands of rupees. What I contend is that it is better that the people understand what exactly a Minister costs to the people rather than to say that he is taking a very small salary and then burden the State by getting other conveniences free of charge. Even today, I do not know what conveniences and facilities are afforded either to the Ministers at the Centre or to the Ministers in the States. All these things are never given anywhere in detail, never stated specifically. That is why I want that the largest possible salary should be honestly and openly paid and taken by the Ministers rather than to take a small salary and then to have all these conveniences about which no account is placed before the people free of cost under such circumstances the people do not know what exactly a certain Minister or a Cabinet Minister is actually costing to the people and this is good neither for the Minister nor for the people. That is the reason why I want that the Ministers should be bold enough and we should be frank and honest enough to say that this is their salary and no more. What is happening today is that the salaries that are stated in the Bill look rather small, but I am sure there are many facilities which are provided for and about which I at least am absolutely in the dark, I would like to know if any hon. Member of this House knows what the existence of a particular Minister costs us altogether. It is from that point of view that I want to raise the salaries and then to ask them to pay out of all those salaries, whatever amenities and necessities of life they individually or collectively want. So I think it is more sensible ; it is more honest to make up our minds to give a higher salary—and all these persons come from public life ; they have not made any profit ; they have not large properties and they have to

live and have also to fulfil the expectations of the public. Naturally it costs them more and I have not the slightest hesitation that their salaries should be high because if you want them to work consciously and honestly, it is necessary that you should not pay them according to their merit but sufficient to make the two ends meet. Therefore, I would like this House and the whole of India to make up our minds not to economise on the apparent salaries that we pay—but which actually costs lakhs of rupees. I have seen Ministers in the States spending on the extensions and alterations of their bungalows amounts costing almost lakhs of rupees. Now they are in power, they have got a solid majority behind them and nobody can challenge and nobody can question them. But there is tremendous dissatisfaction...

Sardar Patel : It would be unfair to discuss these matters here when we are discussing the salaries of Ministers. So far as I know the Ministers in the Provinces are worse off in such matters and it is not right to make insinuations that they are spending large sums of money. These matters should be discussed in the Provinces.

Mr. Speaker : As I interpret the speech of the hon. Member, I think he is supporting his amendment wherein he is suggesting that a much higher salary should be given to Ministers. That seems to be the implication of his argument.

D. Deshmukh : That was the intention. I do not wish to labour my point nor do I wish to accuse anybody or criticize anyone. It is something which happens in the natural course because it is humanly impossible for any Minister in any State to maintain himself on Rs. 750 or Rs. 1,000. It was with that intention that I said this and I would like that the facilities etc. should be paid out of the salaries and not in an indirect manner.

Shri Kamath (Madhya Pradesh) : While the Bill moved by the hon. the Home Minister appears quite innocuous and is quite innocuous and is desirable

[Shri Kamath]

for the purpose of regularizing the payment of salaries to the Ministers, there appears to my mind a constitutional difficulty—not one but more than one constitutional difficulty about this Bill. I would invite the attention of the House to articles 74 and 75 of the Constitution. These two articles deal with the appointment, powers, salaries and allowances of Ministers.

Article 75 says :

“(1) The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister.”

Clause (6) of this article goes on to say:

“(6) The salaries and allowances of Ministers shall be such as Parliament may from time to time by law determine and, until Parliament so determines, shall be as specified in the Second Schedule.”

Now, Sir, in this Bill, among the Ministers are included several categories of Ministers, Cabinet Ministers, Ministers of State and Deputy Ministers. Article 75 of the Constitution refers only to Council of Ministers, without making any distinction between Cabinet Ministers, Ministers of State and Deputy Ministers. Ordinance XX of 1950 promulgated by the President on 29th June last refers to these three categories. It lumps Cabinet Ministers and Ministers of State together. Section 4 of that Ordinance says :

“(a) ‘Minister’ means a member of the Council of Ministers of the Union, whether designated a Cabinet Minister or a Minister of State ;

(a) ‘Deputy Minister’ means a person appointed as such by the Prime Minister.”

The present Bill which seeks to replace that Ordinance, makes no reference to these two Sub-sections of that Ordinance.

Under the Constitution, Parliament shall sanction or determine the salaries and allowances of Ministers. Which

Ministers ? Ministers as defined in this article. Who are they ? The Prime Minister and other Ministers appointed by the President on the advice of the Prime Minister. The Statement of Objects and Reasons of this Bill itself says that the salaries of Ministers of State and Deputy Ministers were regulated, until the adaptation of the Salaries of Ministers Act, by executive order. Now, a Bill has come before Parliament. But, Parliament, I am afraid, is not empowered under the Constitution to take cognisance of this matter, that is to say, the salaries and allowances of the Ministers of State and Deputy Ministers.

In the last session, the House will remember that Dr. Ambedkar, the Law Minister, brought forward a measure which sought to remove the disqualification imposed by article 102 of the Constitution, that is to say, with regard to holding of office of profit under the Crown. There, he made it clear that Government felt that because Ministers of State and Deputy Ministers were not included in, or were not part of the Council of Ministers, the difficulty was there, and that Bill was brought forward and was passed by Parliament. That made it clear beyond the shadow of a doubt that what was envisaged by the Constitution when Ministers were referred to, was a member of the Council of Ministers, a Cabinet Minister, and not a Minister of State or a Deputy Minister. I do not find any provision in the Constitution under which a measure for regulating the salaries and allowances of Ministers of State and Deputy Ministers can be brought before Parliament. Parliament can consider the salary and allowances of only the Council of Ministers under article 75 of the Constitution.

[MR. DEPUTY-SPEAKER *in the Chair.*]

Another point is this. As I just now read from Ordinance XX of 1950, “‘Deputy Ministers’ means a person, appointed as such by the Prime Minister”. As I said, Ministers of State and Cabinet Ministers have been lumped together. The question arises there.

fore, when there are three categories, or rather two—the Ordinance refers to one category consisting of Cabinet Ministers and Ministers of State, though there is no such mention in the present Bill, and the second category is Deputy Ministers appointed by the Prime Minister—how this matter of salaries and allowances of Deputy Ministers appointed by the Prime Minister can come before Parliament at all, unless we are tempted to be indifferent to the Constitution or to ignore constitutional provisions. Then, of course, I have nothing to say. But, if we want to be loyal to the Constitution, and do not want to violate the provisions of the Constitution, I for one feel that the present arrangement by which the salaries and allowances of Ministers of State and Deputy Ministers were regulated by executive order, must continue. Or, in the alternative, the relevant article of the Constitution must be amended so as to include these Ministers of State and Deputy Ministers in the Council of Ministers, as my hon. friend Mr. Tyagi said or to amend the article in such a manner that this constitutional difficulty will not arise when considering this Bill. Otherwise, this Bill, as it stands, is unconstitutional and the Bill as it has been brought before the House by the Home Minister cannot be considered by Parliament. Parliament has no power under the Constitution to consider this Bill or to vote the salaries and allowances of Ministers of State and Deputy Ministers.

As regards Cabinet Ministers also, there is a little technical objection. Because, the Constitution makes no reference to Cabinet Ministers at all. It says, Council of Ministers. In no article of the Constitution is a Cabinet Minister mentioned as such. Unfortunately, due to some drafting error either in the Home Ministry or in the Law Ministry, the Bill and the Ordinance promulgated in June last, have been ill-considered,—I would not say badly drafted, perhaps the officers of the Law Ministry had not the patience to go through the various articles of this infant Constitution. That is a misfortune for our country, because,

I for one feel that when India has solemnly adopted the Constitution and promulgated it on a historic date in our national calendar, I think all of us, officers no less than Ministers should study the Constitution and see that the Bills brought before this House are in consonance with, or at any rate, not inconsistent with the provisions of the Constitution. Therefore, I would like the Home Minister to throw light on these points. Firstly, of these two measures, the Ordinance promulgated by the President on 29th June 1950 and the Bill now brought before the House, why the Bill which seeks to replace the Ordinance, omits some of the material clauses of the Ordinance, and why the Bill is different in some respects from the Ordinance. Secondly, how Parliament can consider this measure as it is brought before the House, in view of the fact that article 75 stands in our way. As long as article 75 is not amended, I am afraid, the Bill will have to be put off, till that article or some other relevant article is amended. Bearing in mind the Act adopted by Parliament in the last session namely the Removal of Disqualification Act, to remove the disabilities or disqualifications under article 102 of the Constitution, the important point is how the matter relating to salaries of Ministers of State and Deputy Ministers, who, according to the Law Minister himself, were not included in the Council of Ministers, can be brought before this House, because Parliament can consider only, as I said, salaries and allowances of Members of the Council of Ministers.

And lastly, I would point out that sub-section (a) of section 4 of the Ordinance of June says that Minister means a member of the Council of Ministers of the Union, whether designated a Cabinet Minister or a Minister of State. But the Act which was passed by this House last time clearly said that a Minister of State is not in the same category as a Cabinet Minister. Therefore I do not see how they can both be put together. Apart from that, I find that the present Bill makes some distinction as regards their salaries and allowances. Personally

[**Shri Kamath**]

I think that when the Cabinet Ministers and the Ministers of State are lumped together, it would be more in the fitness of things that their salaries and allowances might also be equalised, because as the House knows a Minister of State is practically in independent charge of his Department. A Deputy Minister stands on a different footing—I can understand that for he is only a deputy. But a Minister of State is in independent charge of his Department, and my hon. friend the Minister of State for Parliamentary Affairs nods his head in approval: with the onerous duties that he is burdened with, and of which we are all aware, I am sure he will bear testimony to this fact that the Minister of State is as much an independent Minister as any Cabinet Minister. The only difference between the two, if my memory does not betray me, is that a Minister of State has not got the right to be present at Cabinet meetings, unless he is specially invited to do so. He cannot be there as a matter of right. That is the only distinction. Otherwise no Cabinet Minister interferes with a Minister of State's duties and functions. Therefore I am inclined to think that the two, the Cabinet Minister and the Minister of State should be put on equal footing. You can either reduce the salary of the Cabinet Minister or increase the salary, etc. of the Minister of State.

An Hon. Member : Or do both.

Shri Kamath : Yes, or do both and meet halfway. What I say is, once you put them together, you should not make any distinction so far as their allowances and salaries are concerned.

I would request the Home Minister, in the course of his reply to the debate to clarify and elucidate the points I have placed before him and the House. As regards the principle of the measure, that is to say, the payment of salaries to the Ministers and others, I support the principle, and say that they must be paid. But how that is to be regulated and in what way, whether by Parliamentary ap-

proval or by Executive Orders, there is some difficulty about that to which I have drawn attention. I hope, therefore, that the Home Minister will consider these points and answer them in the course of his reply.

Mr. Deputy-Speaker : The hon. Minister.

Shri Hossain Imam (Bihar) : I want to say something about the procedure. It is not on the merits of the Bill, but.....

Mr. Deputy-Speaker : I have already called the Minister.

Babu Ramnarayan Singh (Bihar) : I have to say only one thing.

Mr. Deputy-Speaker : After the Minister has spoken, I will hear the hon. Member.

Sardar Patel : I have heard only one criticism which requires really serious explanation and that has come from Dr. Deshmukh. He has been a Minister in the old regime and probably thinks that even now things are the same as before. But apart from his proposal for raising the salaries, his general tone was such as if he thought we were doing something underhand, as if people here in Parliament and outside do not know what concessions are being given to the Ministers. Well, this is not the first time that this matter has come up. The first Salaries Bill was passed by the House and at that time most of the relevant points were scrutinised. Now, Dr. Deshmukh says that the Ministers' salaries should be raised. When the Ministers Salaries Bill was passed, we did consider in the Cabinet various points of view. The present income-tax laws work in very burdensome manner on some of the Ministers whose income from outside is much greater, and when the aggregate income is taken into account there are some Ministers who get no salary at all. This is a very difficult thing for such Ministers. Of course they make sacrifices and do not grumble. We have, therefore, decided that some

sort of allowance or a free house or some such concession should be given so that such a Minister may not have to spend from his own pocket. So there is nothing underhand about it. The salaries that have been fixed have been fixed by the Cabinet taking all the various points of view into consideration. If we take into consideration the point of view of my hon. friend sitting opposite, the salary should be only Rs. 500 according to the Resolution passed at Karachi, because he speaks about it so often. But that probably might come in future. At present it is not possible and he knows it. And perhaps....

Mr. Deputy-Speaker: And Karachi has gone to Pakistan.

Sardar Patel: Yes. Mr. Tyagi was particularly pleased with the change brought about. We all thought that with the change in the Constitution, the appointment of the Deputy Ministers by the Prime Minister was not constitutional or perhaps not proper, and therefore we considered it in the Cabinet. So far as the categories of Ministers and Deputy Ministers are concerned I think there is no need to make any change. Mr. Tyagi forgets when he talks about fixing the number of Ministers that yesterday there was a chorus of voices in this House for appointing many Deputy Ministers and then he did not say there should be no Deputy Ministers, but he said there should be many Deputy Ministers. But now he says we should fix a limit for the number of Ministers. We are constitutionally in the development stage and therefore we may have to increase the number or we may have an increased number in different grades also. Different grade does not mean any difference in the status. I have made no provision in this Bill about the matter he referred to, namely, what kind of car a Minister should keep and what kind of car a Deputy Minister should keep, or what sort of sign each should have, a circle or a triangle and so on. That is a matter which is entirely different.

Shri Kamath has raised some constitutional questions. I do not see any constitutional difficulty in this. All Ministers, whether they are Cabinet Ministers, Ministers of State or Deputy Ministers are members of the Council of Ministers and therefore after full consideration of the question by the Law Ministry we have come to the conclusion that there is no constitutional or legal difficulty. I do not know whether I can throw any more light where there is complete darkness. But I see that there are no constitutional difficulties and therefore I thought not much time would be devoted in the debate.

Shri Kamath: Sir, on a point of clarification. Accepting the Home Minister's statement that all Ministers of State and Deputy Ministers as well as Cabinet Ministers are members of the Council of Ministers, how is it that a Deputy Minister is defined as a person appointed by the Prime Minister and not by the President.

Sardar Patel: It has been rectified now. That is why I said that in darkness I cannot throw any light. If you cannot see you must wear spectacles.

Shri Hossain Imam: There is one fact I wish to bring to your notice. I appeal through you to the Government that whenever constitutional points are being discussed in the House it will be right and proper that the Law Minister should occupy his seat in the House rather than in the Lobby.

Another fact to which I would like to draw the attention of the Government is that on all matters of procedure the information that is being given should be of a categorical nature and contained in the Act rather than in the statements made by Ministers. For instance, the question of Deputy Ministers, being Members of the Council of Ministers that kind of a thing should be included in the Bill when it is being drafted, so that this lacuna may not remain, questions may not be asked and the darkness may be dispelled.

Babu Ramnarayan Singh : This is a very important question.....

Mr. Deputy-Speaker : The hon. Member cannot make a speech now. I thought he wanted to put a question for clarification.

Babu Ramnarayan Singh : I thought that the debate continues.

Mr. Deputy-Speaker : This is only an amending Bill. All that hon. Members wanted to say has already been said. As regards the Law Minister's presence, certainly when Bills are taken up here he is always available to elucidate any particular points raised, either of constitution or of procedure.

As regards the Council of Ministers, article 75 is quite clear. By whatever name a Minister is called they all belong to the Council of Ministers and all of them are appointed by the President. There is no use referring to an ordinance which is repealed under this Bill.

Shri Kamath : May I ask why that order including the various categories of Ministers in the Council of Ministers has not been incorporated in this Bill, which has been brought forward for the first time after the promulgation of the Constitution ? The old Bill was passed before the Constitution came into force. This is the first Bill under the Constitution, and therefore it is necessary to define a member of the Council of Ministers.....

Mr. Deputy-Speaker : Order, order. The hon. Member will sit down when the Speaker gets up. The point is quite clear. Article 75 is there and it makes no difference between one Minister and another. All of them are members of the Council of Ministers. I will not allow any more debate on this matter.

Shri Hossain Imam rose—

Mr. Deputy-Speaker : Order, order. The question is :

"That the Bill to amend the Salaries of Ministers Act, 1947, be taken into consideration."

The motion was adopted.

Clause 2 (*Amendment of section 2 Act LIII of 1947*)

Shri Tyagi : The hon. Minister has already explained that they are all members of the Council of Ministers. So I do not propose to move my amendment.

Mr. Deputy-Speaker : The question is :
"That clause 2 stand part of the Bill."

The motion was adopted
Clause 2 was added to the Bill.

Clause 3 (*Substitution of new section for section 3, Act LIII of 1947*)

Mr. Deputy-Speaker : Dr. Deshmukh's amendment to this clause is out of order. Under article 117 (1) except with the permission of the President no financial proposal to increase the salary can be moved.

Dr. Deshmukh : I had no intention of moving it either.

Mr. Deputy-Speaker : Even otherwise it is out of order.

The question is :

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 and 5 were added to the Bill.

Clause 1, the Title and the Enacting Formula were added to the Bill.

Sardar Patel : I beg to move :

"That the Bill be passed."

Mr. Deputy-Speaker : Motion moved

"That the Bill be passed."

Shri Hossain Imam : I want from the hon. Law Minister elucidation on the point whether all the Deputy Ministers who had been appointed formerly by the Prime Minister will have to be

re-appointed by the President or will their appointment also come under this ?

Mr. Deputy-Speaker : The hon. Member may ignore the appointments by the Prime Minister.

Sardar Patel : They have already been reappointed by the President on the advice of the Cabinet.

बाबू रामनारायण सिंह : अभी बात चल रही है कि कितनी तरह के मिनिस्टर, डिप्टी मिनिस्टर, वगैरह बहाल हों। तुलसीदास जी ने कहा है 'सब से कठिन जाति अपमाना'। जाति अपमान का मतलब वहां पर यह है कि समाज में जितने भेदभाव बढ़ेंगे उतने ही झगड़े बढ़ेंगे। यह आज जो इतनी तरह के भेदभाव होते हैं इस से काम में चाहे कुछ सहूलियत हो जाये, लेकिन इसमें बहुत बुराइयां हैं। चाहे पांच मिनिस्टर बहाल हों चाहे पांच सौ मिनिस्टर हों, सब को एक वेतन मिलना चाहिये। इसका क्या मतलब है कि कोई मिनिस्टर हो, कोई असिस्टेंट मिनिस्टर हो और जैसा अभी कहा गया कोई सब डिप्टी मिनिस्टर हो। यह भेदभाव हमारे देश में बहुत बुराई पहुंचाने वाला है। अभी जो बात वेतन के बारे में चल रही है उसके लिए आप ने अभी कहा कि कराची तो पाकिस्तान में चला गया। अध्यक्ष महोदय, मैं सारे देश से और इस संसद् में जितने सदस्य हैं उन सब से निवेदन करता हूँ कि आज सरकार में लोग जो काम कर रहे हैं उनके वेतन के विषय पर आपको बहुत जोर से गौर करना होगा। जब यहां अंग्रेजी राज्य चलता था तो सात या आठ सरकार के सदस्य रहते थे। तब एक एक सदस्य पर जो खर्च होता था उसका और अब हमारे जो मिनिस्टर हैं उनका हिसाब लगाया जाये तो यह खर्च बहुत ज्यादा मालूम होगा। यह

खर्च यहां तक है कि जो मिनिस्टर हैं उनको प्राइवेट सेक्रेटरी चाहिये। फिर उस प्राइवेट सेक्रेटरी को भी पर्सनल असिस्टेंट मिलना चाहिये। साहब, इस तरह का खर्च करना देश के साथ दुश्मनी करना है, देश को लूटना है। हम लोग इस तरह के खर्च के लिये अंग्रेजों को कहते थे कि अंग्रेज लुटेरे हैं। आज जो सरकार का काम कर रहे हैं उनके लिये देश क्या कहेगा? इसके लिये देश के लोग हम लोगों को भी लुटेरे कहेंगे।

Shri T. Husain (Bihar) : May I know for the sake of information whether the hon. Member objects to our reducing the forty rupees also ?

बाबू रामनारायण सिंह : जरूर, उस में भी कमी होनी चाहिये। मेरे कहने का यह मतलब नहीं है कि उसमें कमी नहीं होनी चाहिये। अब यह कहा गया है कि ५०० रुपये के वेतन से काम नहीं चलेगा। तो जब कांग्रेस ने यह पास किया था उस ने उस दिन क्या समझ कर यह पास किया था ?

डिप्टी स्पीकर : लेकिन आप ने कोई अमेण्डमेण्ट नहीं दिया, क्या करें।

बाबू रामनारायण सिंह : अमेण्डमेण्ट नहीं दिया, पर हमको बोलने का हक तो है। और अध्यक्ष महोदय, मैं यह बहुत तकलीफ और लज्जा के साथ कह रहा हूँ और इसको मैं एक दो मिनट में अर्ज करता हूँ, सुन लीजिये। यह कहा जाता है कि तबके पांच सौ आज के दो हजार के बराबर हैं। मैं कहता हूँ दो हजार ले लीजिये।

सरदार पटेल : ऐसा किसने कहा ?

बाबू रामनारायण सिंह : फाईनेन्स मिनिस्टर (Finance Minister) ने एक मर्तबा कहा था कि तब के पांच सौ आज दो

[बाबू रामनारायण सिंह]
 हज़ार के बराबर हैं। तो साहब ले लीजिये दो हज़ार, उस में कोई बात नहीं है। मैं अर्ज करता हूँ कि पब्लिक सर्वेंट (public servant) का वेतन उसी हिसाब से होना चाहिये, जिस हिसाब से सारे देश का लिविंग स्टैण्डर्ड (living standard) है। जिस तरह से सारे देश के लोग खाते पीते हैं, आज सारे देश में चले जाइये, किसी ज़िले में चले जाइये, जो सरकारी अफसर हैं या वकील वगैरह हैं, उन लोगों को छोड़ कर हज़ार में एक खानदान ऐसा नहीं मिलेगा जिसकी कि मासिक आमदनी पांच सौ से अधिक हो। और आज हम कहते हैं कि ५००) रुपये कम हैं। कल किसी ने बात करते हुये कहा था, हाँ हमारे भागव जी ने कहा था, कि पांच सौ में कैसे काम चलेगा। इसका उपदेश सारा देश दे रहा है। पांच सौ तो बहुत हैं साहब, यहाँ अपने देश में पचास रुपये से अधिक पाने वाले बहुत कम हैं, तो उन लोगों का काम कैसे चलता है और आपका काम कैसे नहीं चल सकता? यह तो एक बात हुई।

दूसरी सबसे बड़ी बात यह है कि कांग्रेस वालों को तय कर लेना है कि अब हम लोग देश पर शासन करना चाहते हैं या देश की सेवा करना चाहते हैं। अगर हम लोग देश की सेवा करना चाहते हैं तो देश के लोग जिस तरह से रहते हैं, जिस तरह से खाते पीते हैं, जैसा उनका रहन सहन है, उसी तरह से हमें रहना होगा। भला बताइये, करोड़ों के महल में रहने वाले चार हज़ार रुपया पाने वाले और रोज़ नई मोटर बदल कर चलने वाले और जैसा उनका रहन सहन है, वह इस देश के सेवक कदापि नहीं हो सकते हैं। शासक भले ही वह हो सकते हैं, अगर उनकी बनने की स्वाहिश हो, जैसा अंग्रेजों का ढंग था। लेकिन अन्त में जैसे अंग्रेज

शासक सत्ता से निकाले गये, वैसा परिणाम इनको भी भुगतना पड़ेगा। यहाँ इस देश में सेवक की ज़रूरत है, और सेवक वही हो सकता है जो लोगों के रहन सहन के मुताबिक चले, उन की तरह अपना खाना पीना करे इसी चीज़ को मैं बारबार कहता हूँ, सारे देश से कहता हूँ और खास कर उन लोगों से जो अधिकार ले कर बैठे हैं, उन से मैं कहता हूँ कि इस बात पर विचार करना होगा। जो हमारा पहले का लक्ष्य था कि सबसे अधिक वेतन पांच सौ से अधिक नहीं रहेगा, उसी लक्ष्य पर आना चाहिये। किसी ने कहा कि मेम्बरों के रोज़ाना भत्ते में भी कमी होनी चाहिये, तो इस चालीस रुपया रोज़ में जितनी कमी ठीक हो की जाये। मैं आप से फिर कहता हूँ कि अगर हम लोग इसके अनुसार काम नहीं कर रहे हैं तो हम देश के साथ द्रोह कर रहे हैं।

देश की सेवा अगर हम करना चाहते हैं, तो हम लोगों को वेतन पांच सौ से अधिक न लेना चाहिये और सेवा के भाव से जनता के सेवक बन कर रहें और जनता पर शासन करने की बात अपने दिमाग से निकाल दें।

सरदार पटेल : बाबू रामनारायण सिंह ने जो कुछ अभी कहा, हम उस पर गौर करेंगे।

(English translation of the above speech)

Babu Ramnarayan Singh: The matter under discussion just at present was as to how many kinds of Ministers be appointed. Goswami Tulsidas has said, "Of all the insults that of the caste is the most unkind". Caste insult here means that with the increase of differentiation in society the troubles and tribulations would also increase. As a result of the differentiations found today the work may be facilitated but this differentiation leads to a lot of difficulties. May five Ministers be appointed

or else 500, but all of them should get equal salaries. What is the sense in this that some may be Ministers, some may be Assistant Ministers while some others be Deputy Ministers. Such a differentiation is likely to create a lot of trouble in our country. With regards to the discussion on the salary issue it is alleged that Karachi has since gone to Pakistan. Sir through you I appeal to the hon. Members present in this House in particular and the public outside in general that you will have to pay special consideration towards the salaries to be given to the people forming the Government today. When the British rule had her sway here then there used to be seven or eight Members of the Executive Council. If a comparison be made between the expenses that were incurred on individual councillors and that incurred on our present Ministers then the present expenditure would appear to be very heavy. The expenditure goes to such an extent that the Ministers require Private Secretaries, then these Private Secretaries also should have Personal Assistants. Such an expenditure is a callous waste, it is nothing short of robbing the country. For such items of expenditure we used to call the British usurpers and looters. But what opinion country would hold for those persons who are running the Government today? For such acts the people of our country would also brand and call us robbers.

Shri T. Husain (Bihar) : May I know for the sake of information whether the hon. Member objects to our reducing the forty rupees also.

Babu Ramnarayan Singh : Certainly. That should also be reduced. I do not mean to say that it should not be reduced. Now it is being alleged that a salary of Rs. 500 per month would not be sufficient. Then when the Congress had passed this resolution then what considerations had actuated her to do so.

Mr. Deputy-Speaker : But what to do, you have not tabled any amendment.

Babu Ramnarayan Singh : I may not have tabled any amendment but I have a right to speak.

Now I am saying all this with extreme sense of pain and humiliation and would take only a minute or two in describing it. It is usually put forward that five hundred rupees of those times are equivalent to two thousand these days. My submission is that you are at liberty to charge two thousand.

Sardar Patel : Who has said so ?

Babu Ramnarayan Singh : The hon. Minister of Finance had said it once that five hundred of those days were equal to two thousand these days. My submission is that the salary of a public servant must be consistent with the general living standard of the country. They should adjust their food and living in common with the people at large. Go round the country. In none of the district you will come across a family with income exceeding Rs. 500 a month, barring, of course, the Government officers and a few of the lawyers etc. Today we have the cheek to say that five hundred rupees are quite inadequate. Only yesterday Pandit Thakur Das Bhargava had said that five hundred rupees are inadequate to pull on. Well, the country as a whole can provide a standing sermon in this respect. I maintain that even five hundred rupees are much more. In this country not many people are earning even more than fifty rupees a month. How then are they pulling on and how is it that you find yourself unable to pull on ?

This is one aspect of the matter.

Secondly it is much more important that Congressmen now take a decision whether they wish to serve the country or want merely to rule over it. If we propose to serve it then we will have to adjust our daily mode of living in common with our masses. It is ridiculous that those living in palatial buildings worth crores of rupees with all grandeur and pomp, receiving more than four thousands a month and changing a new motor-car every

[Babu Ramnarayan Singh]

morning should have the cheek to call themselves the 'Servants of the Nation'? They are certainly not the least of it. They can, of course, be rulers like the Britishers if they so choose. But let them bear in mind that their fate will be no dissimilar than the one that befell the British rulers. They will have to exit in the same way and suffer similar consequences. This country needs servants and a true servant is one who is prepared to adjust his living including food and dress in common with the people he wishes to serve. Time and again I have laboured to bring this point home to you, to the country and specially to those who exercise powers. You will have to consider it so that the original aim in respect of the highest salary of not exceeding Rs. 500 a month may be realized. Someone suggested a deduction in the daily allowance of the Members of this House. I am also for all possible deduction in it. I repeat that our refusal to act upto this ideal will be tantamount to treason towards the country.

If we propose to serve the country, then we have to accept salaries not higher than five hundred rupees a month. We should behave in a spirit of service towards the masses and forget all about ruling them.

Sardar Patel: All that hon. Babu Ramnarayan Singh has said just now, will receive our consideration.

Shri Kamath: On what date were the Deputy Ministers re-appointed by the President?

Mr. Deputy-Speaker: That does not arise out of this Bill. This Bill only relates to the salaries and not to re-appointment.

The question is :

"That the Bill be passed."

The motion was adopted.

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

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

[Mr. SPEAKER in the Chair]

CENSUS (AMENDMENT) BILL

The Minister of Home Affairs and the States (Sardar Patel): I beg to move :

"That the Bill to amend the Census Act, 1948, be taken into consideration."

The Census Act, 1948, does not extend to the States of Hyderabad, Mysore, Travancore-Cochin and Jammu and Kashmir. The States of Mysore and Hyderabad had local Census Acts, but the State of Travancore-Cochin has none. In order to fill this vacuum in respect of the Travancore-Cochin State and also in the interests of uniformity, we feel that the Census Act should be amended and extended to these States before the next census takes place early next year. This amendment would enable us to take all preliminary steps on a statutory basis. I am sure the House will appreciate generally the need for uniformity of census law throughout India. Barring Jammu and Kashmir which is in a special category owing to the present position, these are the only States which remain outside the scope of the Census Act, 1948. To bring the Act into force in Part B States certain consequential amendments are necessary.

Mr. Speaker: Motion moved :

"That the Bill to amend the Census Act, 1948, be taken into consideration."

Shri Tyagi (Uttar Pradesh): I want to take advantage of this occasion to enquire from the hon. Minister of Home Affairs whether in the coming enumeration of the population of India, the column of 'caste' will or will not be mentioned. I remember that in the Constituent Assembly (Legislation) I put a question to him and he had given an implied promise that when the next enumeration takes place, he will see to it that 'caste' is omitted. So, I want to know whether instructions have been issued.

Sardar Patel : Generally, so far as possible we shall avoid the mention of various castes and sub-castes in the census, but for the purposes of certain laws and for the purpose of providing certain facilities envisaged in the Constitution for classes such as the Scheduled Castes and also for the indication of some religious denominations like Sikhs and so on, we shall have to have these particulars. But otherwise, the castes and sub-castes will be omitted.

Mr. Speaker : The question is :

“That the Bill to amend the Census Act, 1948, be taken into consideration.”

The motion was adopted.

Clauses 1 to 5 were added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Sardar Patel : I beg to move :

“That the Bill be passed.”

Mr. Speaker : The question is :

“That the Bill be passed.”

The motion was adopted.

DENTISTS (AMENDMENT) BILL.

The Minister of Law (Dr. Ambedkar) : As the hon. the Health Minister is ill, I am asked to take charge of this Bill and I therefore beg to move :

“That the Bill to amend the Dentists Act, 1948, be taken into consideration.”

The Bill is a very short one and it does not involve any controversial matters. The Dentists Act of 1948 came into force on the 29th of March 1948. It was made applicable to Part A, Part C and Part D States. Under Section 49 of that Act, it is provided that no person shall be entitled to practise dentistry after the 28th March 1950 unless his name appears on a register of dentists which the Act required should be prepared in accordance with the rules contained therein. It was hoped that that register would be ready by the 28th of March 1950. Consequently, the operative portions of this Act were so framed as to come into operation on the 28th March 1950. Unfortunately, this

expectation has not been fulfilled. It was reported from various States that the register would not be ready by the 28th March 1950 and consequently it became necessary to extend the period by one year in order to enable the States concerned to prepare the register. As the Parliament was not then sitting, Government issued an Ordinance giving effect to the necessary provision extending the period up to the 28th March 1951. This Bill is intended to convert the Ordinance into law. The main provision therefore is to extend the period for the purpose of preparing the register.

Advantage has been taken of the present occasion to amend the law in order to remove some of the difficulties which have been felt in giving effect to the original Act. Firstly, the original Act contained two provisions. One provision was not to allow any person who was not placed on the register to be employed in Government hospitals. Obviously, it was expected that this provision would become operative after the registers were ready. As the registers are not ready, persons who have not been placed on the register by reason—not of their not being qualified, but of the register not being ready—would become disabled from holding any office in Government hospitals. Therefore, it has become necessary to extend the period and permit such persons to hold office notwithstanding the fact that they are not placed on the register.

Secondly, there is a Dental School in Bengal which used to grant Diplomas in Dentistry. At the time when the Act was passed there was a controversy as to whether the diplomas granted by this Dental School of Bengal should be recognised to enable persons holding the diploma to be placed on the register. It was felt that the diplomas granted by the Dental School of Bengal were not sufficiently qualified to place them on the register. There has been considerable agitation by persons holding the diploma granted by the Dental School of Bengal that this disability

[**Dr. Ambedkar**]

should be removed. A compromise has been suggested by the Government of West Bengal according to which persons who have received their diploma before the year 1940, subject to certain conditions, may be treated as persons qualified to be entered upon the register. That compromise is also given a place in this Bill.

The Bill, therefore, contains three provisions: (1) to extend the period (2) to permit names of persons holding diplomas of the Dental School of Bengal in certain circumstances to be placed on the Register and (3) to continue the employment of unregistered dentists in the Government hospitals till 1951 until the register is prepared.

This is all that the Bill contains and I hope that the House will not find any difficulty in giving its assent to the Bill.

Mr. Speaker : Motion moved :

“That the Bill to amend the Dentists Act, 1948, be taken into consideration.”

Shri Sidhva (Madhya Pradesh) : First of all I take strong exception to the issue of an ordinance when the House was sitting in the month of March.

Dr. Ambedkar : The ordinance was issued some time in May.

Shri Sidhva : My hon. friend Dr. Ambedkar just now definitely and rightly stated that certain provisions of the Dentists Act were to come into operation on the 28th of March. The House was sitting at that time. All that was needed was the bringing up of a small amending Bill of a few lines instead of promulgating an ordinance after the session was over. I hope an explanation is due to the House for the Government having circumvented the provisions of the constitution. What was the necessity for promulgation of an ordinance when the House was in session? It cannot be argued that it was a long Bill and the House had not the time for it. The House could have passed this small

amendment without any difficulty. So that reason cannot be sustained. It was the duty of the Government to have presented a Bill; it was for the House to have passed it, or held it over. In any case they should not have issued an ordinance in this fashion.

Now, I come to the provisions of the Bill. One of the reasons for this amending Bill which was given by my hon. friend Dr. Ambedkar is that certain State Governments have stated that they have not yet got the register ready and therefore it has become necessary to give them extension. I would like to know which of the States have not completed their registers and which of the States have completed their registers. The main Act clearly states that those of the States which have a complete register can form their council. I do not understand why those States which have Registers ready should not be allowed to form their council when the Central Dental Council has already been formed. Under the Act for the first four years the Central Council has to be a nominated body, now that central organisation is functioning without the State organisations being allowed to come into operation. Despite the fact that some of the States are ready to start their councils, they are not allowed for the reasons I have mentioned.

Mr. Speaker : What is the provision to which the hon. Member is referring?

Shri Sidhva : I am referring to the main Act, Sir. The formalities for the formation of the councils are laid down in section 32 of that Act. The council could not be formed in certain States because their lists were not complete. I can understand that argument. But I fail to understand why those states which have their registers completed, should be prevented from proceeding with the formation of provincial councils. I have therefore tabled an amendment which I shall move when clause by clause consideration stage comes. I hope the hon. Minister will kindly bear with me that it is not proper that those States which have their registers ready should not be allowed to proceed with their work. I am told that some

of the States are very anxious. The Central Council cannot function properly in the absence of the State Councils. After all the Central Council depends on the provincial councils for the operation of many of the provisions of the Act. If you do not allow the State Governments to function, it will be impairing the provisions of the Act.

Then I come to clause 4 which provides for the recognition of the Central Dental College and Hospital, Calcutta. The function of recognition of institutions is vested in the Dental Council. When the main Bill was before this House, I brought in an amendment for the recognition of the certificate of the American Dental Institute, Karachi. The hon. Rajkumari Amrit Kaur did not accept my amendment on the ground that recognition of certificates of institutes was the function of the Dental Council of India, and it was hardly a matter for amendment to the Act. Accordingly that body has now been registered and recognized by the Dental Council. Here an exception is being made to come to this House for the amendment. My point is, if you have held in the previous instance that it was the function of the Central Dental Council, that previous action becomes illegal and nullified. The question may arise as to whether what is past and has been done is wrong and illegal. Therefore I would like Dr. Ambedkar to examine this point. I have no objection to the Calcutta organisation being recognized. I do not come in the way. But the point I am worried about is this. In respect of the Karachi organisation the Health Ministry previously decided and the hon. Minister got it recognized through the Dental Council. If now the Calcutta organisation is recognized by legislation then that other recognition by the Dental Council becomes invalid. That would be unfair. Either that should be brought in line with this provision or this matter should be referred to the Dental Council for necessary action. I personally feel that this matter has to go to the Dental Council and that we have no jurisdiction under the Act.

That is my reading and that was the correct reading as they had felt it earlier. But I do not know why they have brought it today.

These are the legal points in this matter. I am glad that the Bill is in the hands of my learned friend Dr. Ambedkar who I am sure will give the correct lead in this matter as far as the technical and legal points are concerned. My difficulty is that the previous action will become illegal and a difficulty will unnecessarily arise.

Pandit Thakur Das Bhargava (Punjab): I intervene in this debate only to make one or two points. We have just heard the speech of Mr. Sidhva who complained that a certain college was included by the Dental Council and that it has not been included, like the City Dental College and Hospital, Calcutta, in this Bill. With your permission I would tell him that as a matter of fact according to the provisions of the previous Act which we passed in this House this Dental Council had no jurisdiction whatever to go into the cases of colleges which are no longer in existence and which are defunct now. The City College, Calcutta is defunct now, it is not in existence. The question is not of the recognition of a living college but it relates to a college which was once in existence and there are some dentists who have got their degrees from it. We examined the relevant provisions of the Act that we had passed. It was found that as a matter of fact this Council had no jurisdiction in the matter. The matter came up before the Council and the Council wanted to exercise jurisdiction, but ultimately some persons approached the hon. Minister who held that according to the provisions of the Act as a matter of fact the Council had no jurisdiction and that it is only the Government which could accord the recognition. If my friend just reads section 10 (2) he will find out that that is the right construction. I had also something to do in this matter and I myself wrote to the Minister in charge that it was only the Government which could recognize an institution like this and that

[Pandit Thakur Das Bhargava]
 the Council had no jurisdiction. And the hon. Minister agreed to it. My humble submission is that whatever may be the course open to my friend to get the recognition which has been accorded to the institution in which he is interested—whether he wants to go back or get it rectified, that is his concern—the inclusion of City Dental College of Calcutta is perfectly just and right. Only the Government could do it and nobody else. It was an injustice to this college that it was not included. The Calcutta Dentists Board recommended to the Bengal Government and the Bengal Government accepted their suggestion and wrote to the Ministry that this City Dental College should be included.

If you kindly read clause 4 of the Bill you will be pleased to find that as a matter of fact here also there is some discrimination between this College and the Colleges previously recognized. As regards the Karachi American College, about which my hon. friend has spoken, and the other Calcutta college there was no discrimination : every graduate and diploma and degree holder was recognized, whereas with regard to the City Dental College, Calcutta they say that only such persons will be recognized as had undergone two years training in that institution, or, having been previously engaged in practice as dentists or a medical practitioners, had undergone one year's course of training in that institution. This discrimination is not justified. Every person who got a degree or diploma before 1940 ought to have been allowed to have been registered, because after all in the previous Bill we recognized the fact that dentistry is not taught in this country in any number of colleges, that the Government had been remiss in discharging their duty towards the citizens of India in this respect, and in recognition of this fact in the previous Bill we recognized that any person practising as a dentist, though he might not be possessing high qualifications, should be allowed to be recognized a dentist. This was the basis on which we proceeded. In fact at that time I raised the objection that

when you are making those provisions you should certainly insist on high dental qualifications. But the policy of the Act was such and we passed it. When we accepted this principle that all those persons who were practising dentistry for a long time although not in possession of any dental qualifications should be registered, there is absolutely no reason why you should discriminate between the licentiates of this College and the licentiates of other Colleges. In the Karachi College as well as in the other Calcutta college the course which was passed through by the alumni of these colleges was only six to nine months at one time. Still they have got the degree or diploma and they were regarded as possessing high dental qualifications according to the provisions of the previous Act. Now that this college is being recognised and now that the alumni of this college are coming up for recognition there is no reason why these gentlemen should be discriminated as against those who were the recipients of similar degrees and diplomas and who were recognised under the previous Act. If you want to see the qualifications I have no objection. See the qualifications of everybody and disqualify or qualify according to the qualifications. If you did not see the qualifications of those colleges there is no reason — and this college gets recognition after a long time—why you should have a discrimination between those who passed and got their degrees and diplomas from this college and the other colleges? As I have submitted in my amendment, all the words "to any person who etc..." occurring in clause 4 may be dropped out. If it finds favour with the hon. Minister in charge of the Bill I shall move the amendment ; otherwise not.

Shri Kamath (Madhya Pradesh) :
 The subject matter of this Bill was to a certain extent discussed in Parliament on the 14th of April last. In answer to an interpellation by me, the Minister of Health stated as follows:

"Under the Dentists Act, 1948, the first registers of dentists should

have been prepared before the expiry of two years from the commencement of the Act. It has not been possible so far to prepare and publish the first registers under the Act in any State including the Centrally Administered Areas. On the recommendation of the Government of Madras it has been decided that legislation should be promoted to amend Section 49 of the Dentists Act so that the time limit laid down therein may be extended by one year. In the meantime, the Government of India have suggested to State Governments that no prosecutions for the violation of section 49 of the Act should be initiated."

3 P.M.

The Bill that has been moved this afternoon by the Minister of Law refers to sections 46 and 49 of the Dentists Act, in respect of which an Ordinance was promulgated on the 29th of May and this Bill seeks to replace the provisions of that Ordinance. If the House will turn to the Act itself and peruse carefully sections 46 and 49, it will be seen that so far as section 46 is concerned the time limit of two years can be waived under the orders of the Government either Provincial or Central but so far as section 49 is concerned, there is no such provision. Section 46 reads :

"After the expiry of two years from the commencement of this Act, a person who is not registered in Part A of the Provincial register of dentists shall not, *except with the sanction of the Provincial Government*, hold any appointment as dentist in any dispensary, hospital or other institution in the Province, etc. etc."

Now turn to section 49. It says :

"After the expiry of two years from the commencement of this Act in the case of dentists, and in the Provinces where a register of dental hygienists or dental mechanics has been prepared under section 36 from such date as may be specified in this behalf by the Provincial Government by notification in the official

Gazette, in the case of dental hygienists or dental mechanics, no person, other than a registered dentist, registered dental hygienist or registered dental mechanic, shall practise dentistry, or the art of scaling, cleaning or polishing teeth, etc. etc."

The point that arises here in this connection is whether, during the period between the 29th of March when the two year limit expired and the 29th of May when the Ordinance was promulgated, there were certain unregistered dentists in the Centrally Administered areas as well as in the States. The Ordinance was promulgated only in May 1950, that is to say till then the position was regulated by mere executive order, in both the cases, not merely in section 46 but section 49 of the Act. The Central Government asked the State Governments not to prosecute unregistered dentists. How far this will be valid under the Act, I cannot say, and even constitutionally, the mere sending of instructions from the Central Government to the State Governments not to prosecute a particular person in respect of offence committed in respect of section 49 is not enough. I do not see how that can be justified at all during this interregnum of two months from the 29th of March to 29th of May. The question I put to the Minister in the last session of Parliament was this: Was the Dental Council of India at all consulted or taken into confidence by Government before extending the time limit? And the Minister's reply was: "I do not think the Dental Council met during that time." Whether Government took the initiative or even informed the Council that such a proposal was under consideration at the time and whether they made an attempt or tried to get the opinion of the Council is a moot point because the Dental Council constituted under sections 3 to 20 of the Act is an important statutory body, and there was no justification for the Minister to ignore the Dental Council before taking action in respect of these vital matters. The question was raised at that time as to how many States had asked for extension

[Shri Kamath]

of time. My information was then, and my information is even today, that several States had completed the registers of dentists in their jurisdiction. It was only one or two States who asked for time, and not as much as a year. They were satisfied if an extension of three or six months was granted, and they could finish the work. But the suspicion was widely entertained at that time that because certain British dentists refused to take Indian domicile, with a view to show indulgence to them or to pamper them, this Ordinance was promulgated and before the Ordinance was promulgated, the Central Government issued executive instructions to the States to withhold prosecutions or punitive action under section 46 or section 49. The Minister was asked about this matter in the last session about the refusal of British dentists to take Indian domicile and I believe she said: "There are two Britishers who have not taken Indian domicile so far" and then a question was asked: Is there a British dentist in Delhi who has not taken Indian domicile? She said: "I believe, there is one." It was reported at the time that most of the foreign dentists, almost all had registered themselves, except a handful of old die-hard Britishers, who, now popularly called "Col. Blimps", had refused to take Indian domicile because of their die-hard prejudices against India and Indian domicile and it was felt that just to oblige these few, a handful of Britishers—and not all the foreign dentists, because all the other foreigners had taken domicile at the time—this measure was proposed; and as my hon. friend, Mr. Sidhva pointed out, Parliament was sitting at the time,—the time of expiry of two years on the 28th of March,—and I am sure Government could have with some foresight and fore-thought brought this little Bill before Parliament. The Madras Government wrote to the Central Government months before that, that they had not completed their registers and if Government were really serious about the matter, there is no reason why they could not prepare a little

Bill in a few days with the able staff both in the Law Ministry and in the Health Ministry, but for some unknown reason, though Parliament was in session, the Health Minister said that the Department of Parliamentary Affairs and the Law Ministry were consulted and because the agenda, the list of business in that session was so heavy, it was stated, that it was not possible to bring in a Bill. Looking back at that session and this session, I am sure you will agree, and the House will also agree, that the agenda of this session is far heavier than the agenda we had for the last session, comparatively speaking. We have ten days in this session and we had nearly three months in that session. The agenda for this session is far, far, heavier than the agenda that we had for that session. Therefore it passes my comprehension why this matter was not brought before Parliament in the last session. There must have been some obscure reasons, reasons incomprehensible to me why this Bill was not brought in the last session.

The last point on which I would like to ask for information is this: Even today I do not know whether the Law Minister deputising for the Health Minister is posted with all the information, because yesterday, we had the experience of the Finance Minister not having all the information with him on some other subject. If he has got all the information, I would request him to tell us what is the latest position in regard to this matter, in how many States the Registers are complete, how many States still want time, in how many States Indian dentists are not registered yet, in how many States Britishers are not registered yet, and in how many States non-British foreigners are not registered yet. These are points which are very relevant for the purposes of this Bill. Otherwise, the impression will gain ground, as it was suspected in April last, that just to oblige a few Britishers this Bill has been brought forward. If this measure is sought to be enacted because all the States are asking for

time, then, there is a case. If on the contrary, only one or two States, because of the Britishers' refusal to take Indian domicile, are asking for time just by way of an excuse, then, there is no justification for giving extension of time. Those Britishers or other foreigners who refuse to take Indian domicile, must not be registered and must not be allowed to practise and if they do, they must be prosecuted. That is the only way of dealing with such people. There is no point in giving extension just to see that they do not suffer undue hardship. I would therefore request my hon. friend the Law Minister to throw some light on these points in the course of his reply to the debate.

Shri Chaliha (Assam): My hon. friend Mr. Kamath has raised certain points in regard to this Bill as to why we should not agree to this measure now. There are some other aspects which I should like to put forward before the House.

We know that the City Dental College and Hospital Calcutta has produced a large number of Dentists who are practising all over Bengal and Assam to the greatest satisfaction of all. I know one of them whose services were requisitioned for the medical institution at Dibrugarh. They say he is one of the best men in the field. As such, I agree with Pandit Thakur Das Bhargava when he said that the latter part of clause 4, namely sub-clauses (i) and (ii) should not have been brought here. They should have been allowed to register without any further condition as stated here that they should have undergone two years course of training in that institution or, having been previously engaged in practice as a dentist or a medical practitioner, had undergone one year's course of training in that institution. I think this condition is very hard. Otherwise, the objects of the Bill, to extend the time for the registration of those practitioners who have not yet been registered, and also to amend the Dentists Act so that the diploma of L.D.Sc. granted by the City Dental College and Hospital, Calcutta may be

recognised, are very good. I trust the House will accept the Bill. The little technicalities which have been pointed out by my friend Mr. Sidhva and by my hon. friend Mr. Kamath should not be looked into and given as much weight as the vehemence with which the points were raised. (*Interruption*).

Mr. Speaker: Order, order.

Shri Chaliha: I support this Bill and I think justice has been done to one of the institutions which has done a great service to this country. That was sponsored by one of our best men, who is now a Minister in the Bengal Cabinet, Mr. R. Ahmed. This was the only institution which was doing pioneer work when we had no other Dental School in the country. I support this Bill and the entire Objects and Reasons and I think this Bill should be passed without further delay, with this modification that the conditions (i) and (ii) in clause 4 may be deleted.

बाबू रामनारायण सिंह: मैं इस बिल का स्वागत करता हूँ। मैं हेल्थ कमेटी (Health Committee) का सदस्य हूँ और डेंटल ऐक्ट (Dental Act) के बारे में जो कुछ हुआ है वह सब जानता हूँ। यह जो संशोधन आया है, बहुत जरूरी है। एक दो बरस के अन्दर रजिस्टर नहीं तैयार हो सकता, इसके लिये समय मांगा जाता है तो यह बिल्कुल वाजिब है। इसमें हीला हुज्जत नहीं होनी चाहिये। इसी प्रकार उस जमाने में सिटी डेंटल कालेज, कलकत्ता को रिकग्निशन (recognition) नहीं मिला था। यह उस के साथ अन्याय हुआ था, एक गलती हुई थी उसको दूर करने के लिये यह संशोधन आता है तो इसको मान लेना चाहिये। श्री सिधवा साहब से और मुझ से हर बात में एक मत रहता था, मतभेद कहीं नहीं होता था। लेकिन इस बात को देखते हुये मैं देखता हूँ कि हम एक दूसरे से बहुत दूर हैं, और मैं समझता हूँ कि यह कहना

[कन्नड़ रजिनारक्षण बिल]

बोधिब है कि जितने संशोधन हैं उन पर विचार भी नहीं होना चाहिये। मैं उनसे कहूँगा कि उनके जो संशोधन हैं, वह उनको वापस ले लें। जो संशोधन श्री ठाकुरदास जी का है वह विचारणीय है। वह तो जैसा उन्होंने बतलाया है कि कहीं पर दो एक बरस उन लोगों ने अध्ययन किया है, तो उन लोगों की भी अधिकारी मान लिया गया है। अगर उस कालेज में नहीं माना जाता है तो यह नेदभाव रह जाता है। ऐसी अवस्था में हम समझते हैं कि ठाकुरदास जी का जो संशोधन है उसको अम्बेदकर साहब मान लेंगे। इस बिल को पास हो जाना चाहिये। यह बहुत जरूरी भी है और न्याययुक्त भी है।

(English translation of the above speech).

Babu Ramnarayan Singh (Bihar) : I welcome this Bill. I being a member of the Health Committee fully know all that has been done in respect of this Dental Act. The amendment, the notice of which has been given, is a very important one. As the Register cannot be completed within a year or two, so if an extension of time is desired then the demand is quite justified. There should not be any objection to that. Besides this in those days the City Dental College, Calcutta had not been granted recognition. An injustice had been done to it, a mistake has really been committed, so if an amendment seeks to eliminate that mistake then it should better be adopted. Shri Sidhva and I used to be in complete agreement in nearly every matter, we never differed in our opinions. Yet in spite of this fact what I find is that we are poles apart from each other, and I think it is quite proper to suggest that the rest of the amendments should not at all be taken into consideration. I would request him to withdraw his amendments. The amendment tabled by Pandit Thakur Das Bhargava is worth taking into consideration. But as he pointed out that at places even those

persons who have studied for one year only are considered to be fit. If that particular college does not recognise this condition then a differentiation is caused. Under such circumstances I think Dr. Ambedkar would accept the amendment of Pandit Thakur Das Bhargava. This Bill should be passed. It is very important as also justified.

Dr. Ambedkar : I wish that the points that were raised by my hon. friends Mr. Sidhva and Pandit Thakur Das Bhargava had been reserved by them to the time when their amendments were taken up. It becomes somewhat embarrassing to reply on matters which would, I have no doubt, be raised again when their amendments are moved. But, I cannot help now having to reply to the points raised by them; I shall do so rather briefly, because I know I shall have to say...

Mr. Speaker : I do not propose to allow any arguments on the amendments.

Pandit Thakur Das Bhargava : I am not going to move my amendment if my hon. friend does not accept it.

Dr. Ambedkar : Mr. Sidhva has raised one or two points. The first point raised was why an Ordinance was made when the House was in session. The answer to that is two-fold. The first is this. The first request that was made to the Government of India in the matter of extension of time for the preparation of the Register came from the Government of Madras, and that too on or about the 15th of March 1950. That meant that only 13 days had been left for the period for the preparation of the roll to expire. That is one reason. The second reason is that after the receipt of this letter from the Government of Madras, informing the Government of India that it was not possible for them to complete the Register, naturally, it was necessary for the Government of India to find out from other States as to whether they were in a position to prepare their list by the date fixed, or whether they too

wanted some extension. Naturally, there ensued correspondence between the Government of India and the various other States.

That undoubtedly took time, and must take time, with the result that by the time the Government of India had received the replies and was able to assess whether an amendment in terms proposed by the Government of Madras was necessary, Parliament had been prorogued. That is the reason why the measure could not be brought up before the recess.

The second point raised by my friend Mr. Sidhva was this that he did not see any reason why we should make a statutory provision for the recognition of certain qualifications granted by the Bengal Dental School. According to him that was a matter which by the Act is left to the Dental Council. Now, I think my friend Mr. Sidhva has missed one important point and it is this. The power to grant recognition vested in the Council relates to qualifications or degrees granted by schools in existence; but we are dealing with a matter in which degrees and diplomas have been granted by a body which has become defunct. Consequently, it is for the Government of the day to decide whether the degrees granted by a school giving tuition in dentistry were worthwhile recognition or not. It is not a matter which should be left to the Bengal Council under Section 10, sub-clause (2). The word is "grants" which means "is granting at present" and not diplomas which have been granted before. That being so it cannot be a matter which could be left easily to be dealt with by the Dental Council under its power, and if we have to amend the Schedule, then that must be done by the law itself. That is why a legal provision is made in the Bill to cover that particular matter.

Now, what I have said with regard to the Bengal Dental School also applies to what my friend Pandit Thakurdas Bhargava said on the very same question.

I come now to the points raised by Mr. Kamath. The first point raised by him was more or less of a technical character. If I understood him correctly, he said that the law required that the Register should be ready on the 28th March, 1950, and that if a person was not on the Register, then under the provisions of Sections 46 and 49, he incurs certain penalties, while the Ordinance which exempted the person concerned from these penalties came into operation on the 29th May 1950. There is, therefore, a two months' period in which a person not being on the Register and continuing to practise or holding office was liable to certain penalties. What is the position with regard to these persons? I think my friend Mr. Kamath, if he had read clearly the terms of the amendment proposed in the Bill itself, he would have seen that the provisions say that:

"In sub-section (3) of section 46 and sub-section (1) of section 49 of the said Act, for the words 'two years' the words 'three years' shall be substituted and shall be deemed always to have been substituted."

Therefore, it is clear that that point has been adequately covered by the present clause.

Shri Kamath : My point was that if during these two months, from March 29th to May 29, if a dentist had not been registered, then under the Act, and because the Ordinance had not come into force, how could mere executive instruction from the Government prevent a prosecution, or some other penalty being imposed on that dentist?

Dr. Ambedkar : I quite agree that that could not have prevented prosecution. But fortunately no such case happened and it cannot happen now because the period is carried back to the original Act.

Shri Kamath : But then, Sir,.....

Mr. Speaker : Order, order. The point is very clear.

Dr. Ambedkar: My friend Mr. Kamath in dealing with the reasons as to why this Bill was brought in, has made, if I may say so, certain very serious allegations. The contention on behalf of the Government is that this Bill has become necessary by reason of the fact that the States which were required to carry out the provisions of preparing the list have not been able to do so. My friend suggests that there is another reason, and that reason is that there are certain British dentists working in this country who do not propose to become domiciled and get themselves registered, and that this Bill is intended to benefit them. Now, I first of all do not understand how an extension of one year is going to benefit a British dentist working here who has no intention of becoming a domicile of this country. I cannot understand it. But if my friend persists in making that suggestion, which I think is a very serious allegation against an hon. Member of Government, then it should be his duty when that Member returns, to specifically put the question and ask her reply, whether this was the real motive in bringing forward this particular Bill. I am unable to give any categorical answer; but I may say that I find it extremely difficult to believe that an hon. Member of Government should venture to bring forth such a Bill for no other purpose except the paltry purpose of benefiting one or two European dentists now in this country. It seems to me a most extravagant allegation.

Shri Kamath: I did not say it is the only purpose, it may be one of the purposes.

Mr. Speaker: But still, the suggestion is very uncharitable.

Dr. Ambedkar: On that point also I would like to point out to him, in answer to a question that he asked, namely, to state the present position, that all the States, who were written to in order to find out how much time they would find it necessary to prepare the Register, have replied that they would require not less than one year.

And the Bombay Government which may be given the credit of having a more efficient administrative machinery than others, insisted that they should have two years. I think that in itself would suffice to dismiss the suggestion made by my friend Mr. Kamath that this Bill was intended to protect some Britishers in this country.

I do not think that there is any point which has been raised to which I have not adverted in the course of my reply. The Bill, as it is, is a very simple, non-controversial one. It has arisen not because of the fault of the Central Government, but because of the other burdens carried on by the Provincial Governments, they could not find the time to bring a particular provision of the Act into operation. I do not know whether we can do anything else except to help the Provincial Governments to give effect to this piece of legislation and bring the Dentists Act into operation as early as possible.

Mr. Speaker: The question is:

"That the Bill to amend the Dentists Act, 1948, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 (*Amendment of section 46 and section 49, Act XVI of 1948*) :

Shri Kamath: I beg to move:

"In clause 3, in the proposed amendment to sub-section (3) of section 46 and sub-section (1) of section 49 of the Dentists Act, 1948, for 'three years', substitute 'two years and six months'."

The present clause has been inserted so as to enable State Governments to complete their registers of dentists under sections 46 and 49 of the Act. This is a retroactive piece of legislation inasmuch as the words used in the clause are "and shall be deemed always to have been substituted." I for one cannot see why for registering

a few hundred dentists such a long period is necessary. I do not know how many dentists there are in all the States. I asked for their number from the Minister but that was not given. To register a few hundred dentists like that I fail to see why a period of three years should be necessary, if we are in earnest about the matter, as is now being done about the supplementary electoral rolls. Government issued instructions—very drastic instructions. I must say—that the State Governments, must be businesslike about the matter, they should not shilly-shally and be expeditious. We are now going to have the supplementary rolls of voters running into thousands, or perhaps tens of thousands, in less than six months' time. I do not see any reason why the registration of a few hundred dentists should take more than six months' time. In this matter, considering the nature of section 46, the contents of it, and also section 49, and considering the fact that some dentists as have practised in this country for years are quacks, it was essential in the interest of public health that Government should have been very expeditious and should have reduced the period of extension, if possible. I fail to see why in the face of these facts and considerations an extension of one year was necessary to get all the dentists registered. I therefore ask again the Minister to tell the House how many dentists were still to be registered on the 29th March 1950 and in what stage the process is. That would be useful for us to know how much time is necessary for the complete registration and why this extension of time by one year is necessary. If those figures are forthcoming, we will be able to judge what time would be needed to complete the work of registration. In the absence of that it would be very difficult to arrive at an idea of the time required for the registration.

Dr. Ambedkar : This is a matter of opinion. My friend Mr. Kamath with his abundant energy and administrative experience no doubt thinks that six months would be more than enough for completing the register. But, as

I just now told the House, even a Government as efficient as the Government of Bombay asked for two years. I personally myself think that in view of the fact that the obligation of preparing the register rests upon the Provincial Governments, it is desirable that this House should follow what the Provincial Governments think is feasible in this matter. As a matter of fact we have curtailed the period to one year instead of the two years asked for by the Bombay Government. We have stuck to one year, which was the original proposal by the Government of Madras. I do not think it is possible for us with safety to curtail the period provided in this Bill.

Shri Kamath : I take it that the hon. Minister has no figures with him.

Dr. Ambedkar : No figures.

Mr. Speaker : If the registers are incomplete, how can he give the correct figures?

Dr. Ambedkar : There is no register and who knows who is a dentist and who not.

Mr. Speaker : The question is :

“In clause 3, in the proposed amendment to sub-section (3) of section 46 and sub-section (1) of section 49 of the Dentists Act, 1948, for ‘three years’, substitute ‘two years and six months’.”

The motion was negatived.

Shri Sidhwa : I beg to move :

Renumber clause 3 as sub-clause (1) of clause 3 and add the following new sub-clause (2) :

“(2) In sub-section (1) of section 49 of the said Act, after the words ‘three years’ the words ‘from the commencement of this Act or on the completion of formalities under section 32, whichever is earlier,’ shall be inserted.”

My amendment is very simple. The original Bill wants uniformity, that is to say, unless all the States have pre-

[Shri Sidhva]

pared the registers they shall not form their councils. What I suggest is that whichever State is in a position to get the register complete shall be allowed to function. As was pointed out by the hon. Minister some States want two years and some one year. If there are States energetic and alert enough to bring the Act into operation immediately, why should we come in their way. That is the object of my amendment and I hope the amendment will be accepted, as it is a good one. The Central Council is functioning without any State Councils. There are about four Provinces ready and why should not they be allowed to function instead of waiting for one year. That is the object of my amendment which I hope the hon. Minister will accept.

Mr. Speaker : Amendment moved :

Renumber clause 3 as sub-clause (1) of clause 3 and add the following new sub-clause (2) :

“(2) In sub-section (1) of section 49 of the said Act, after the words ‘three years’ the words ‘from the commencement of this Act or on the completion of formalities under section 32, whichever is earlier,’ shall be inserted.”

Dr. Ambedkar : As my friend Mr. Sidhva, has said this amendment affects an important principle which underlies the provisions of this clause, namely that the registers should be operative on the same date throughout India. This is not a mere matter of academic interest....

Shri Sidhva : Is it laid down in the Act ?

Dr. Ambedkar : That is why we have said three or two years throughout. Otherwise we would have prescribed different dates for different States. It is necessary and desirable to preserve the principle of uniformity. The House will see that it affects eligibility for holding posts. It cannot be said that a person is eligible for holding a post in a particular State and not eligible in another State, simply because the

State has not been in a position to prepare the register. Therefore I think as it is desirable to preserve the principle I cannot accept the amendment of Mr. Sidhva. After all the difference is only a matter of six months.

Shri Sidhva : I beg leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Speaker : The question is :

“That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

[**Mr. DEPUTY-SPEAKER** in the Chair]

Clause 4 (Amendment of the Schedule, Act XVI of 1948)

Shri Tyagi (Uttar Pradesh) : My amendment reads as follows :

In clause 4, for the proposed item (2A) of Part I of the Schedule to the Dentists Act, 1948, substitute :

“(2A) Any other institution imparting education or giving practical training in dentistry which the Central Government may, in consultation with the Central Council of Dentists, recognise for this purpose and on such conditions as the Government may deem fit to prescribe therefor.”

I wish to confess that Dr. Ambedkar is a hard nut to crack. He has already said in his speech that the organisation mentioned in this sub-clause was defunct, whereas I was informed by a member of the Council of Dentists that a Committee had been appointed to inquire into the conditions of this institution and that the Committee was already working on it. In view of the fact that there was a Committee of the Council looking into the institution just to make recommendations—whether it deserves recognition or not—I thought it would have been better if the Government had waited for the results of that enquiry and recognised

the graduates of that institution. I don't want to make any aspersions on the institution. I don't know what its standard is, I have no personal knowledge of it, and therefore I don't want to damage the reputation of the institution. But as an enquiry is going on, I think that instead of committing the whole Parliament to recognising that institution, it is better that the Government had reserved the right in their own hands to decide....

Dr. Ambedkar: We are not affecting the institution in any way. We are dealing with the degrees granted by that institution in 1940—eight years ago.

Shri Tyagi: Dr. Ambedkar expects me to believe that the degrees of an institution may be recognised without the institution itself being recognised. The degrees of the Calcutta University granted in such-and-such a year may be recognised for purposes of the I.C.S. or I.A.S., but that does not mean that the Calcutta University is recognised! What an argument! Here I am giving him more powers. What I am suggesting is that he may even recognise that institution. I want Government to have powers to recognise any institution.....

Dr. Ambedkar: That powers exists in section 10(2).

Shri Tyagi: I want to make one more request relating to the Legislative Department. When Bills seeking to amend old Acts of 1940 or even 1949, are brought forward, the relevant sections which are sought to be amended must be supplied to us. In the Library copies of the Act were not available and it became very difficult to understand the relevant sections which were sought to be amended and one didn't know the correct position. So, I would request that copies of either the old Acts or the relevant sections be supplied along with the Bill so that one may compare the amendment with what is in the Act and make up one's mind. That would be more easy. Now Dr. Ambedkar informs me that the idea which I have suggested in my

amendment is already there in the original Act, but I could not lay my hands on the original Act because there was no copy available in the Library, nor were those sections supplied to us. My suggestion, Mr. Deputy-Speaker, is that you might kindly order the Legislative Department to arrange that while amending Bills are produced before this House, they might give copies of the sections of the previous Act which are sought to be amended so that Members can have them for ready reference. Also, more elaborate notes must be provided by the Ministers who intend to move any Bills. The old practice of the British days of giving a two-line explanation for Bills is not enough. The Ministers should explain in full as to what Act is sought to be amended, why, and what are the relevant sections which are sought to be amended.

Sir, I do not move my amendment.

Pandit Thakur Das Bhargava : I beg to move :

'In clause 4, in the proposed item (2A) of Part I of the Schedule to the Dentists Act, 1948, omit all the words occurring after 'March, 1940.'

"I have already submitted for the consideration of the House that as a matter of fact there is a discrimination between the graduates of this College and the graduates of other Colleges. I had occasion to point this out to this House when the original Bill was before this House in 1948 and I recounted from the syllabus and the courses of study of certain of the colleges that in those colleges also the period of study was from six to nine months. If the persons who get their diplomas and degrees from those colleges after a study of less than a year are recognised, there is absolutely no reason why we should discriminate between those who get the L.D.Sc. of this college and the degree of other colleges.

There is another ground which I may submit for the consideration of the House. It is now more than ten years since these persons get their

[Pandit Thakur Das Bhargava]

degrees and they have been practising for the last ten years. Dentistry is more of an art at least so far as making the teeth, etc., is concerned. Now these people have been practising for the last ten years. As a matter of fact, some of the best men who know the theory of the science of dentistry are not those who practise in that art but those who make the teeth. Even the best Professor, even the Principal, of the Lahore Dental College used to get his teeth prepared by a *mistri*, a practised man. The credit went to him. Even in Delhi I know of certain people who know how to make the teeth without any knowledge of the science at all. So, we have already recognised the principle that those who have been practising should be regarded as persons having high qualifications in spite of the fact that they have not passed any good examination or attended a course of study. If that is so, all the graduates of the colleges must be recognised along with the graduates of other colleges. Those persons who have attended a two years' course and who were practising medicine or dentistry for one year will also be recognised. The difficulty is that after ten years it shall have to be found out from every graduate who attended for one year only what was his qualification when he entered the college. We have to find out whether he was practising as a dental man. It is rather difficult. Perhaps they may prove that they were practising men. After all, this is a case of eight to ten men because all others will be covered by the other qualifications. Therefore, as you have recognised all others as dentists on the basis of practice the principle of practice should also apply to these eight or ten men. Therefore, I would request that this amendment may be accepted.

Mr. Deputy-Speaker : May I know the reaction of the hon. Minister to this amendment ?

Dr. Ambedkar : This clause is a clause which really gives effect to the suggestion made by the West Bengal Government. Personally I myself feel, however much sympathy I may have with my friend Mr. Bhargava, it

involves the question of the assessment of the qualification of the dentist as distinguished from a person who makes a denture. I thought he was rather eloquent on the man who makes a denture. A person may make a denture without being a dentist. We are talking of a dentist, which is a very different profession.

Pandit Thakur Das Bhargava : But he has got a degree of L.D.Sc.

Dr. Ambedkar : The point is this. When the Act was passed, this institution was not deemed to be worthy of recognition. Subsequently there has been a considerable degree of agitation and the West Bengal Government decided to examine the position as to whether any of the persons qualified by tuition in this college were worthy of recognition. They came to the conclusion that before 1940 the standard observed by this institution was something which could be considered for the purpose of recognition. But there again they said that although there was a standard maintained it was also known that many boys merely attended and filled in certain terms without learning anything. Therefore, the two additional qualifications were introduced that he should not only have obtained his diploma before 1940 but in the course of being a student in that college he should have filled in certain terms. It is to make the qualification a real one, worthy of recognition, that these limitations were put in. I am personally prepared to place myself in the hands of the West Bengal Government who know the matter better, rather than substitute my own judgment, however great sympathy I may feel with the dentists themselves.

Mr. Deputy-Speaker : Does the hon. Member want me to put his amendment to the House ?

Pandit Thakur Das Bhargava : Yes, Sir, it may be put to the House.

Mr. Deputy-Speaker : Amendment moved :

“In clause 4, in the proposed item (2A) of Part I of the Schedule to the

Dentists Act, 1948, omit all the words occurring after 'March, 1940.'"

Shri Sidhva : At the outset I must make it clear that I am not at all opposed to this college being recognised. My reason for speaking is that there was an Institute in Karachi known as the American Dental Institute. When that Institute was under discussion, the hon. Minister told me that it did not come within the purview of the Act and that power was vested with the Central Dental Council to recognise it. Now, the Central Dental Council have recognised it. My difficulty is that while that Institute has been recognised by the Dental Council, an amendment to the Act has been brought in respect of this college which is on a par with that Institute. I fail to understand why this college also cannot be recognised by the Central Dental Council itself under Section 10(2). Actually, I understand that this matter is before the Central Dental Council. Of course, I am subject to correction.

Pandit Thakur Das Bhargava : It is not.

Shri Sidhva : But that is what I was told by a responsible authority who conducts the Central Dental Council. If the Minister says that it is not before the Council, then this matter requires to be looked into. In this connection, I shall read out to you what the hon. the Health Minister said on 26th February 1948 during the Third Reading of the Bill. She said :

"It will be within the powers of the Dental Council, if the present institutions do not come up to standard in the future, to delete them from the Schedule and to put in any others that may come up to standard, as for example,....."

She then mentioned the City Dental College of Calcutta and the American Dental College in Madras :

"These have not been included in the Schedule simply because the Provincial Governments have not recognised them and objected to the recognition."

I am not concerned with the merit of this College. I accept my hon. friend Pandit Bhargava's statement that this is the best institution. I have no quarrel. My quarrel is that in the case of one institution the Dental Council was empowered to put it in the schedule, whereas in the case of this institution the House is asked to amend the Act. If this procedure is accepted, I would like to know from the hon. Minister what would be the position of the other institution which has already been recognised by the Dental Council. That institution consists of 144 members who are practising today. They are all duly qualified. They have obtained degrees. They are flourishing in their profession in Bombay, Madras, Calcutta, in fact every-where in India. If somebody goes to court and challenges that their recognition is illegal, then what happens? My hon. friend Pandit Bhargava said that he is only concerned about the Calcutta College; he does not care what happens to the Karachi Institute. I was sorry when he said that. He dislikes them because they come from Karachi. But I may tell you they were all from India and none from Pakistan. They are scattered in Bombay, Calcutta, Madras and other places. After Pakistan came in to being, that Institute became defunct, but it was recognised by the Dental Council and those people are practising in different parts of India.

Pandit Thakur Das Bhargava : Government can recognise it.

Shri Sidhva : Government have already recognised it. I mean the Dental Council have recognised it. (*An Hon. Member :* Then what is the quarrel?) I put it in simple language and yet if I am not clear, I shall put it again clearly. This Dental College of Calcutta is being sought to be recognised by means of an amendment to this Act through the Bill before the House, whereas the Karachi Institute was recognised by the Dental Council. Supposing somebody challenges that that recognition was illegal, then the

[Shri Sidhva]

position of that Institute becomes difficult. That is my point.

Dr. Ambedkar : I explained the position to you some time ago. The provision in Section 10(2) says 'where the institution grants a qualification'—but we are dealing with qualifications that have already been granted. The word there is 'grant', but here it is different. Therefore, this has to be dealt with by statute.

Mr. Deputy-Speaker : I shall now put the amendment to vote.

The question is :

"In clause 4, in the proposed item (2A) of Part I of the Schedule to the Dentists Act, 1948, omit all the words occurring after 'March, 1940'."

The motion was negatived.

Mr. Deputy-Speaker : The question is :

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill. ↓

Clauses 5 to 7 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Dr. Ambedkar : I beg to move :

"That the Bill be passed."

Mr. Deputy-Speaker : The question is :

"That the Bill be passed."

The motion was adopted.

CONTINGENCY FUND OF INDIA BILL

The Minister of Finance (Shri C. D. Deshmukh) : I beg to move :

"That the Bill to provide for the establishment and maintenance of a Contingency Fund be taken into consideration."

The Fund is being set up in accordance with the provisions of article 267 (1) of the Constitution and is being administered by the Finance Ministry on behalf of the Government. It can be used only for meeting urgent unforeseen expenditure not provided for in the Budget. Part of the Fund will be made available for use by the Railway Ministry who control the railway expenditure, there being no provision for the establishment of a separate Contingency Fund for them. The setting up of this fund does not in any way imply that because this money is available the Ministries should be free to spend money in excess of the grant and draw freely on it. There is no intention of departing from the accepted principle that no expenditure should ordinarily be incurred before funds for it are duly authorised. The purpose of the Fund is only to ensure that funds are available for meeting urgent demands for additional expenditure which may arise when Parliament is not in session and which cannot be postponed till Parliament is due to meet. In operating the Fund, the Ministry of Finance will see that healthy conventions are established and that the Fund is not misused for entering into any embarrassing commitments. The capital of the Fund has for this reason, been tentatively fixed at Rs. 15 crores in the belief that the Ministries will exercise due care and foresight. It will be adequate for meeting emergent requirements, but if experience over a year or two shows that this requires modification, Parliament would be approached to have the amount altered. There is really no basis on which the amount required to be placed in the Fund can be decided.

4 P.M.

As I have said, it is necessary that it should be small, as it is intended only to meet unforeseen urgent requirements. There would be danger in keeping too much money in the Contingency Fund, from the point of view of parliamentary control, as there might be a temptation for the executive to increase expenditure in anticipation of parliamentary approval. We have tried to see whether there is any-

thing in the supplementary grants taken in the past by way of guidance. In determining the amount for the Contingency Fund an examination of the figures of 1948-49 and 1949-50 does not provide such guidance. For the first year supplementary demands amounted to Rs. 397 crores and for 1949-50 for 118 crores. But I have scrutinised these grants and I found that there were very many *ad hoc* items and what could be regarded as normal items amounted to about twelve crores in the first year and eleven crores in the next year. From these figures, the provision of Rs. 15 crores suggested for the Contingency Fund appears to be adequate for the purpose. It must be recognised that it cannot possibly cover such things as an overall increase in defence expenditure, or special items like large increase in food subsidies or increase in refugee expenditure and so on. For all these the spending Ministries will have to come in time before Parliament for obtaining additional provision and meanwhile restrict total expenditure to the total grants. In a very grave emergency like war—which I hope will not come—it will be necessary to summon Parliament for a special session to vote the necessary credits.

Mr. Deputy-Speaker : Motion moved :

“ That the Bill to provide for the establishment and maintenance of a Contingency Fund be taken into consideration .”

Shri Sidhva (Madhya Pradesh) : On a point of information, Sir, I think the Bill under discussion is No. 55. The Statement of Objects and Reasons of this Bill with me says that this Bill may be called the Contingency Fund of India Bill. But it makes references to election to local bodies, etc., the signature appended thereto is of Rajkumari Amrit Kaur.

Mr. Deputy-Speaker : The hon. Member has evidently got an omnibus copy of the Bill. The other copies do not contain such extra information.

Shri Hossain Imam (Bihar) : The Contingency Fund Bill which comes

before this House is a very important one and it marks a landmark in the gradual emancipation of this country and the attainment of full power by Parliament. But it becomes an empty one if we do not follow what it professes to be. For instance, as was pointed out by the Finance Minister the amount of supplementary grants which were sanctioned by the House was so enormous during 1948-49 and 1949-50, that it looked that we had not attained self-government or democracy—I would lay more stress on the latter, because it implies that the executive can only spend up to the amount sanctioned by the Legislature. Every pie of expenditure incurred by Government must be previously sanctioned by the House, preferably if not, at least by the Standing Finance Committee.

This is the first thing which I wish to bring to the notice of the House and the Finance Minister that no expenditure should be authorised by the Finance Department which has not the sanction of the House. During the British days it was the Finance Department whose voice counted. Even if the House rejected a demand, it could be certified. So the value of the vote of the House was practically nil. But today we derive our authority from the people of the country. Therefore, the ultimate sanction must come from this House and if the House is not in session the Standing Finance Committee can easily be summoned. I want it to be laid down as a principle that no expenditure will be sanctioned, except, of course, small sums, but major items of expenditure, which-ever may be the Ministry concerned should get through the Standing Finance Committee.

Secondly, I want to know what would be the procedure which would be adopted by the Finance Ministry if abnormal expenditure (of Rs. 180 crores and Rs. 300 crores which were cited by the Finance Minister) were to come up. We know that for normal expenditure there exists the Contingency Fund. Do we take it that it is only in cases of ordinary expenditure

[Shri Hossain Imam]

that sanction will be taken or sanction will be obtained for extraordinary expenditure also?

Then I come to the rule making powers under this Act. This is a matter on which I have been laying considerable stress for some time. It is not good passing this skeleton Act. The best thing for us to do is to pass a comprehensive Act. Powers to make rules must be restricted. The major principles governing the subject should be incorporated in the Bill itself. Or, in the alternative, the next best thing would be to have a full-fledged Act that rules made under an Act should be laid on the Table of the house and should be open to discussion, as is the procedure in the House of Commons.

We feel that we are now living in a condition of unreality. Government professes to be responsible to the House, but in practice it wants to take too much power and that power is not used by the Ministers but by their Secretaries, Deputy Secretaries and Assistant Secretaries. We have had instances where an Act passed only during the last session has come up for revision. This only shows that there is no proper vetting, that Bills are drafted in a hurry and things are done without mature consideration. This kind of thing is more obvious in the States than in the Government of India. Speaking of my own State important measures passed by the legislature have been held to be *ultra vires* by the High Court. It is, therefore, no good marrying in haste and repenting at leisure. I should like in this connection to suggest for the consideration of Government that Bill that are introduced in this House should first of all be considered by the Standing Committee of the Ministry concerned. That will give an opportunity to Members of this House to make available their own criticism, so that the Bills as they are introduced in the House would, if possible, be less open to the charge of hurried legislation than they are today.

Prof. Ranga (Madras): I am entirely in favour of this Bill. So far as the points raised by my hon. friend are concerned in regard to the rule-making power I am sure he does not want the Government not to have this power at all. I understand that he is anxious only that Government should not have too much scope to make rules and place too sketchy a Bill before the House. If that is so one can generally agree with it. At the same time I should warn him that to a very great extent we have to depend upon the secretariat for expert knowledge in regard to these things and necessarily we have got to leave to them sufficient scope, or rather lay upon them the responsibility of thinking out the details and preparing the rules and afterwards placing those rules on the Table of the House for the Members of this House to scrutinize and if they find anything objectionable they can take exception to it.

But I fail to understand what my hon. friend meant when he was saying that crores and crores of rupees were spent without any previous sanction. I thought the hon. the Minister for Finance was referring only to supplementary grants and not to excess expenditure. Is it not so?

Shri C. D. Deshmukh: Yes, to supplementary grants.

Prof. Ranga: Supplementary grants are different from excess expenditure. Supplementary grants come before this Parliament and Parliament has full powers to alter them, to modify, to reduce or do anything it likes. Therefore there will be no danger of this Contingency Fund being used for any excess expenditure at all.

I am rather sorry that my hon. friend the Finance Minister has not thought of developing this Contingency Fund for purposes other than mere contingencies. In several countries, notably in Soviet Russia, they make their budget over a span of five years and then come down to the immediate year, consider and make their budget. There are obvious advan-

tages in such a procedure. It would be possible for them to take into consideration the productive capacity of the country and of the people, their various industries and so on, and then estimate how much it would be possible for the State to take by way of taxes and so on, and from out of it what they would have to spend on the normal expenditure of the Government, how much they can spare for the development purposes, how much they can spare as a sort of insurance against any bad turns in the seasons or in the productive abilities or total national production of the country. No such effort has so far been made in this country although on several occasions suggestions had been made to this effect. We have had this recent unhappy experience that only three years ago we were all very buoyant and we thought we would have plenty of money at our disposal to undertake so many development schemes. So we ventured upon many schemes, spent more than a crore of rupees on the investigation of certain irrigation schemes alone. Now suddenly we have found ourselves in great difficulties. Therefore much of the money that was spent on these investigations has come to be wasted, and many of the schemes that were undertaken have had to be discontinued although so much money has been spent in their partial development. If only we had had a Development Fund built up during those prosperous years or hopeful years or years anyhow when Government was able to collect money from the tax-payers of this country, we would not have had this unhappy experience. Some years ago I think when Sir James Grigg was the Finance Member he tried to build up what was known as a Revenue Reserve Fund. Some Members took objection to it but nevertheless he persisted. Some of us thought it was a very good procedure. But unfortunately that too was given up.

Therefore I would like to suggest for the serious consideration of my hon. friend the Finance Minister these two points, namely, of making his budget keeping before him an idea, a

sort of a picture of the overall plan for the next five years of social development and economic development of this country, then coming down to his own one year's budget and there trying to spare out of it as much as possible to be placed in a Development Fund. Whether he would like to have a separate Fund in addition to the Contingency Fund or whether he would like to put all that money into the Contingency Fund is a matter which he would have to decide. Nevertheless this principle of setting apart a portion of the annual funds collected by the Government from the taxpayers and from various other sources also has got to be explored and is very good.

When my hon. friend was speaking about this matter I felt as if he was speaking like any one of us, private Members of this House, and not as Finance Minister who has complete control over the finances of the State and especially the spending departments. He is afraid, just as most of us are afraid, that if he were to have plenty of money in the Contingency Fund the spending departments would have a feeling that there is a lot of money available for expenditure and would have a temptation of going to him for more and more supplementary grants and therefore he wanted to take only as small a Fund as was necessary so that there would not be any such temptation for the spending departments. I cannot agree with him in that. The Finance Ministry is not only the watch-dog of the Government as well as the people; it should also be the conscience-keeper, that is to say, it must be possible for it, even where the spending departments in which the hon. the Prime Minister and the Deputy Prime Minister are interested, to lay down the law so far as the spending departments are concerned and tell them such and such are the outside limits beyond which they cannot possibly go within that particular year. In addition, to that, if they were to have any funds it should be within his competence to safeguard those funds from these

[Prof. Ranga]

greedy spending departments and utilise those funds for developmental purposes or such other purposes for which anyhow those funds are set apart.

I was very glad when the Railway Minister in his Budget made provision for a Development Fund. I do not know whether my hon. friend the Finance Minister was keeping that Fund also in his mind when he was thinking of making a portion of this Rs. 15 crores available when needed by the Railways. I hope not. He says he does not think of it, and I am glad. In that case he would be thinking only of the exceptionally urgent needs of the Railways for their ordinary running.

Shri Sidhva: Not for the Railways.

Prof. Ranga: For the Railways he said, for their day to day expenditure. In that case the Reserve Fund is too small. Therefore I want him to make this a really important fund to be kept at the disposal of Government. Then he says that so far as the defence needs are concerned, this fund is not going to be utilized. In that case, in these days of exceptional stress and strain so far as the defences of this country are concerned, I wonder how my hon. friend is going to find additional funds that would be needed for the defence forces even during that limited period when Parliament is not in session and when a big contingency arises. He might contemplate a special session of Parliament. I thought that is what he said, but it is not always possible to have a special session of Parliament. Therefore, there would always be a time lag. I do suggest to my hon. friend that he should make this fund big enough.

Mr. Deputy-Speaker: Naturally hon. Members are expected to be more conservative than the hon. Finance Minister.

Prof. Ranga: I am glad I am not so conservative in that direction,

because he must make this fund big enough to serve the emergent needs of the defence services also of this country. During short spans of time it might not be possible for the hon. Leader of the House and the Prime Minister to call a special session of this Parliament and vote the necessary funds.

It would be well for us to be conservative in regard to everything else but not in regard to development as well as these national emergencies. In regard to these things we must be prepared to place sufficient funds at the hands of the Finance Minister and we must be prepared to show sufficient confidence in our own Finance Minister to look after our funds and to see to it that the Contingency Funds are not frittered away unnecessarily or wrongly.

Shri T. T. Krishnamachari (Madras)
I only want to say a few words because there seems to be a certain amount of misconception in the minds of hon. Members of this House in regard to the proposed Contingency Funds. Hon. Members of this House who were Members of the Constituent Assembly would realize that this Bill is a corollary to article 267 which made it compulsory on the part of Government to create a Consolidated Fund from which money could be expended under appropriate parliamentary sanction under articles 115 and 116. Therefore, hon. Members have to realize as apparently my hon. friend, Mr. Hossain Imam did not realize this is merely necessitated because we have tied up the hands of Government which was comparatively free under the Government of India Act, 1935.

My hon. friend, Prof. Ranga with his unique knowledge of the working of the Government and his vast experience of Budgets of this House did propose certain additional safeguards, for instance, he wanted a Development Fund. Well, if Parliament chose to create a Development fund to meet various items of expenditure out of it, I do not see anything to pre-

vent Parliament from doing so but actually the Development fund need not be created.

Why is a Contingency Fund needed, one might ask. This fund is merely because we are not in a position to anticipate all possible demands made on Government which normally do not fall into one or other items that have been sanctioned by Parliament. If it happens that normally a demand can be fitted into something which Parliament has already sanctioned and it might be towards the end of the year that the total amount of demand is exceeded, it is possible they might go into a Bill for sanction of the excess demand at the end of the year, but it may be a new service. Various other things which humanly we cannot possibly envisage when the Budget is prepared are likely to arise and therefore the Contingency Fund is necessary.

My hon. friend, Prof. Ranga mentioned about the Defence Services, and the need for extra expenditure. Normally if the Government has to exceed the amount that has been allocated under the Defence demand that excess will come only towards the end of the year. The need for excessive expenditure will fit into one or the other items sanctioned by Parliament. If you take the overall picture, there might be some kind of proportion for war and Parliament is not concerned in the meantime until we come to the end of the year. It would not be necessary for any great sums of money to be spent but if that is necessary, the Finance Minister may ask for Parliament to be summoned.

A question which Prof. Ranga raised, whether the sum of Rs. 15 crores is adequate is a point which has been dealt with by the hon. Finance Minister. Personally, I think, he is rather conservative. I do not know if his Ministry had tried to find out what is being done in regard to Contingency Fund in the United Kingdom, whose example he has followed in the Consolidated Fund. It is very difficult to envisage how much money one will need. If the

hon. Finance Minister finds that the money is not enough, he may come with an amending Bill. There will be so many amending Bills so far as the Contingency Fund is concerned but I think the hon. Finance Minister may rest assure that the demand that Government will have to face between now and the next session of Parliament are not likely to exceed this Rs. 15 crores.

Another point in this connection is the amount that is needed under the Contingency Fund. It will only be that amount which would be needed for expenditure till the time that is a part of it, when Parliament meets. If the Ministry is alert and feels a large amount of expenditure will be needed and if there are some new items, it is possible to summon Parliament but such a large expenditure will not be needed unless there are grave economic factors operating or a war that is being fought is visualised. All that one has to provide is enough money for excess expenditure which will not fit into one or other demands already passed by Parliament for the period that takes Parliament to assemble, and it is actually the difficulty in regard to excess expenditure which will have to be only faced almost towards the end of the year. It is not likely that new items of expenditure not covered by the demand running into more than Rs. 15 crores or probably Rs. 20 crores will arise until all the money under each particular demand is spent. Hon. Members would realize Parliament is generally sitting during the months of February and March.

What I say finally is this, that the present measure is obligatory on the part of Government and consequently what the Finance Minister said is merely a matter of guess. The hon. Finance Minister said that it is all about that he could give us and his guess has erred on the side of caution. The Deputy-Speaker very rightly pointed out that Members of Parliament are rather chary or unwilling to sanction more money for free expenditure on the part of Government. I should think the hon. Finance Minister has been very modest. Prof. Ranga said it would not

[Shri T.T. Krishnamachari]

matter very much if the amount had been Rs. 25 crores. Actually every amount spent by Government had to be accounted for. It does not mean that Government will allow embezzlement or extravagant expenditure. Government might have to account for the money to be spent and so far as *post facto* impramateur of Parliament is concerned that is always possible if within the four walls of the demand they spend more money and they want excess grants Parliament generally grants in other ways. We are now feeling our way in regard to financial arrangements. Therefore it is well that we follow the system in the British Parliament. The Parliament in England sits practically right through the year except for three months.

Possibly that is one of the circumstances that would make it necessary for Parliament to meet oftener and at short notice. I think it is necessary to make provision for this Contingency Fund and as we gain experience, we may amend it. I think for the time-being the Bill might go through with the amount that has been placed by the hon. Finance Minister. We will wait and see what experience Government gathers as time goes on. I support the motion.

Shri Raj Bahadur (Rajasthan) : Our Constitution recognises the necessity of creating a Contingency Fund. Nobody can dispute that. But, I would like to observe on this occasion when we are going to pass this Bill that contingency is after all a contingency only. A contingency expenditure in the name of Contingencies, as a matter of course, must only be exception and not a rule. But, what we find from our experience is that expenditures in the name of contingencies have almost become the rule rather than an exception. Every year we find that supplementary demands that are presented before Parliament for sanction constitute a very high percentage of the original estimates; sometimes, they go to the extent of being one-fifth or one-fourth or something bigger than that. It cannot be denied

that human effort and human intelligence, limited as it is, it cannot foresee all the various contingencies that may arise. But, even then if we look at the supplementary demands that have been presented to us during this session, we find that many of the matters to which the demands pertain are such as could have been very well envisaged and foreseen at the time of the formulation of the budget proposals for the current year. For example, I would refer to the grant that we have already made for the establishment of 4,800 post offices. At the time of the framing of the budget proposals, in view of the expected surplus budget, we could have provided 25 or 30 lakhs of rupees more. We could have definitely foreseen this demand. Similarly, I find on page 11 of this book that a lump sum has been provided for police staff in Delhi. I do not see any reason why our Ministers should or could have not foreseen the necessity of this demand. I am only citing these two instances by way of illustration and they can be multiplied copiously not only from the supplementary demands presented to us during this session, but from those presented to us on previous occasions also.

May I also submit in this connection that we have more often than not seen that the original estimates are increased manifold. We have got the instance of the Sindhri Fertiliser project where the initial estimate of eight crores has now risen to 23 crores and it might go up to 25 crores. All this expenditure has been met from supplementary demands. Similarly, when it comes to a question of formulation of budget proposals, we will have to go deep to relate our staff to the necessity of the particular department. I mean particularly to refer here to the Disposals Department. In the year 1946-47 when the quantity of stores for disposal was four times of what it is now, the staff was exactly what it happens to be now. On the other hand, I see that certain Categories of staff have been increased in the current year. If there is any retrenchment in the staff, the axe has fallen not on high officials, but on the subordinate establishment. These are

the points which struck me at this time in connection with this Bill.

Shri Sondhi (Punjab) : What is the basis for your information that staff has been increased ?

Shri Raj Bahadur : Go and look at the book known as supplement to the budget demands.

Shri Sondhi : I am a member of the Standing Finance Committee ; there has been no increase.

Shri Raj Bahadur : No, that is not so and I hope the Deputy-Speaker will bear me out. This point was fully and completely thrashed out in the Estimates Committee and the Secretary of the Department had to yield on this point to me. He could not even explain this increased and he wanted time to explain. I have studied much more deeply than my hon. friend seems to have done. I would like to request him to go and look at the supplement to the demand.

Shri Sondhi : I know better.

Shri Raj Bahadur : I cannot say anything more ; I am saying this from practical experience, my friend is brandishing the sword in the air.

Another point that arises from the debate relates to the rule making powers. I am very doubtful whether it would be in consonance with constitutional propriety, particularly in view of article 283 of the Constitution, to relegate the rule making power to the Central Government. The article 283 runs as follows :

“...and, until provision in that behalf is so made, shall be regulated by rules made by the President.”

I think, constitutionally it would have been more proper to have the wording ‘President’ here rather than the Central Government. I do not know whether it is an academic or technical objection ; but still it is valid. On the other hand, my hon. friend, Prof. Ranga or whose mello wisdom and ripe experience I have got every respect, has been pleased to observe that this rule making

function is discharged by the secretariat. I have got every respect and admiration for our high civil servants also who adorn the chairs in the secretariat, but may I observe in all humility and regret that their experience has not been able to impress the common-man ? That is to say, delays are not eliminated and red tapism in spite of all these rules is there and shows no sign of diminishing. As such, I would ask Prof. Ranga whether we can solely depend upon the secretariat in the discharge of this important function. Constitutionally also we cannot do that because the ultimate responsibility for making the rules is not on the Secretariat, but on Parliament. The President can make rules until provision in that behalf is made by Parliament. The relevant provision in the Constitution reads as follows :

“(1) The custody of the Consolidated Fund of India and the Contingency Fund of India, the payment of moneys into such Funds, the withdrawal of moneys therefrom, the custody of public moneys other than those credited to such Funds received by or on behalf of the Government of India, their payment into the public account of India and the withdrawal of moneys from such account and all other matters connected with or ancillary to matters aforesaid shall be regulated by law made by Parliament, and, until provision in that behalf is so made, shall be regulated by rules made by the President.”

I would therefore respectfully submit and remind my learned elder that the ultimate responsibility is of the Parliament and not of the Secretariat.

Again, he has gone to the extent of saying that this fund should be bigger. Of course, contingencies must be met from the Contingency Fund. Nobody can dispute that. But, more often than not, this Contingency Fund might appear to be a standing invitation for the various departments and Ministries to go beyond the limits of the Grants that have been allotted to them. Even now while we are proposing to create a fund of Rs. 15 crores the various

[Shri Raj Bahadur]

supplementary demands that have been presented during this session are more than Rs. 24 crores. I do not know whether this Contingency Fund is also going to meet fully the supplementary demands that are made from time to time in spite of the heavy estimates, I should say, bloated estimates, that we are asked to pass in the Budget session. I would like to know, how the various demands were met from time to time, after the coming into force of the Constitution and before the creation of this Fund, if there were demands in excess of the budget grants that were made. These are some of the points that I would like the hon. Finance Minister to clarify in the course of his reply.

Shri C. D. Deshmukh : I was hoping that this would prove a non-controversial measure ; but apparently, the discussions have covered a much wider field than I anticipated. I think some of the criticism is really based on misconception, for instance, Mr. Hossain Imam's criticism that the Standing Finance Committee would be running the risk of being ignored. There is no such intention. There is no intention to interfere with the rules which govern the convening of the Standing Finance Committee and referring cases to them. I think, in answer to a question the other day, I covered the ground and I mentioned there that no expenditure is incurred without the personal concurrence of the Chairman of the Standing Finance Committee. Since it is Standing Finance Committee and not a really sitting finance committee, I think that is the best that one can do.

An Hon. Member : "Sitting" or "setting"?

Shri C. D. Deshmukh : "Sitting" not "setting".

Shri Raj Bahadur : Are you sure that it is not a sleeping finance committee?

Shri C. D. Deshmukh : And then Prof. Ranga has made very valuable

suggestions especially with regard to the national budget. But that again is not a subject which is really pertinent to the present Bill. The elaboration and procedure which would enable us to formulate a national budget is already receiving some attention from the Planning Commission and I have no doubt that as the statistical basis of our economies improves, then they would be able to suggest ways and means by which we could emulate the more advanced countries like the U. K. which has now a national budget. But careful students would have observed that even there the national budget is apt to go wrong by very wide margins. And therefore that is a work which requires a great deal of investigation and study and it must be kept only as an ideal rather than a concomitant of the proposals that I have placed before the House today. And then he made a reference to the U.S.S.R. and the necessity of having schemes of five years. That again is a very laudible object, but I do not think that is germane to the present discussion which relates to the establishing of a Contingency Fund which is in the nature of an imprest account from which money could be drawn to be returned at short notice when Parliament assembles again. So I am not quite sure if we were at cross-purposes with Prof. Ranga.

Mr. T. T. Krishnamachari has made my task very much easier by explaining the rationale of the Contingency Fund. He asked the question whether I had made enquiries about the size of the fund in the United Kingdom, and then I think himself furnished the answer and that is, since their Parliament is more or less in continuous session except for vacations, it is possible that they are able to get on with a far smaller Contingency Fund. It was in my mind to make enquiries as to the size of the fund at present obtaining in the United Kingdom, but I have not been able to secure up-to-date information. My impression is that they started with a very small sum of £ 10,000 and they enlarged it to £ 240,000,000 during the War. But

I hesitate to quote the figure because, as I said, circumstances there are slightly different and I prefer, therefore, to the extent to which it is possible to resort to the figures that are available to me. I may here refer to some of the items which are not likely to recur and which account for the swelling of these figures for 1948-49. They account for a large portion. For instance, "Payment to H.M.—216 crores out of the 385 crores." There is the payment for surplus stores and there is the item recoveries from disposals. One hopes that these will not recur at frequent intervals. Then there is the pre-partition payment which also one hopes will never recur. Similar figures can be quoted if necessary; but as I said normally they would come to Rs. twelve crores in one year and Rs. eleven crores in the other, and in relation to these items, I do consider that the sum that was tentatively adopted for the Contingency Fund would prove adequate.

There was some doubt expressed whether the Railways would find part of this Fund sufficient. The Railways also realise that this will be used only for emergent expenditure and although the hon. Member is not satisfied, the Railway Ministry are satisfied and I think I must proceed on that.

Then Shri Raj Bahadur referred to various points. But I was not sure when he had ended up, whether he was thinking that the amount was too much or too little. Rather it was a general criticism of the way financial control was exercised, and that lack of foresight was shown in framing estimates. Though I may not admit the correctness of the criticism in particular cases, I am in sympathy with the spirit which he has shown. And then he made a legal point which referred to article 283 which simply says that until provision is made by Parliament, the matter should be regulated by rules. Now we have arrived at the stage where we are making a law and the only criticism now is that the law is not elaborate enough. Well, this is the beginning and I accept the necessity for amending the law, no

matter how well provided the legal draftsmen's office might be, I think it is not sufficient.

Shri Raj Bahadur: On a point of information, Sir. My objection related to the fact that the rule making power vested in the President and not in the Central Government, whereas the words appearing here are "Central Government".

Mr. Deputy-Speaker: That is under article 283 when no provision is there. But Parliament is making provision now qualifying the Central Government to make the rules.

Shri C. D. Deshmukh: With these words, I commend the Bill for the acceptance of the House.

Shri Tyagi (Uttar Pradesh): I only want to know from the hon. Minister of Finance wherefrom he expects to get this fund.

Mr. Deputy-Speaker: From the Consolidated Fund. It is an appropriation from that Fund.

Shri T. N. Singh (Uttar Pradesh): Out of the Rs. 15 crores provided, if the Railways launch on a project and if that entails a recurring liability, how are you going to defray that expenditure?

Shri C. D. Deshmukh: I said in my speech that in operating the Fund the Finance Ministry will see that healthy conventions are established and that the Fund is not misused by entering into embarrassing commitments. Although the Railway Ministry manages its expenditure, when they want interest from our funds, they will have to enter into consultation with the Finance Ministry.

Mr. Deputy-Speaker: The Railways have the Depreciation Fund, the Betterment Fund and so on. Well then, I put the question.

The question is :

"That the Bill to provide for the establishment and maintenance of a

[Mr. Deputy-Speaker]

Contingency Fund, be taken into consideration."

The motion was adopted.

Clauses 1 to 4 were added to the Bill.

Shri Hossain Imam: On a point of personal explanation. Prof. Ranga charged me as if I was attacking the permanent officials. I did no such thing. All I said was that the rule making powers should be exercised by the House. For instance, here in clause 3, it says :

"The Contingency Fund of India shall be held on behalf of the President by a Secretary to the Government of India in the Ministry of Finance, and no advances shall be made out of such Fund except etc. etc."

Mr. Deputy-Speaker: The hon. Member need not labour the point. One hon. Member is entitled to say what he thinks of the permanent staff and.....

Shri Hossain Imam: But may I just finish?

Mr. Deputy-Speaker: There is no point of personal explanation. There is nothing more to be argued here. One hon. Member has too much confidence in the permanent staff and another hon. Member doubts it. That is all.

The Title and the Enacting Formula were added to the Bill.

Shri C. D. Deshmukh: I beg to move:

"That the Bill be passed"

Mr. Deputy-Speaker: The question is :

"That the Bill be passed."

The motion was adopted.

DEMAND FOR SUPPLEMENTARY GRANT FOR 1950-51

DEMAND No. 199-A—TRANSFER TO THE CONTINGENCY FUND OF INDIA

The Minister of Finance (Shri C. D. Deshmukh): There is a supplementary

demand in connection with the Contingency Fund which I shall move :

I beg to move :

"That a supplementary sum not exceeding Rs. 15,00,00,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March 1950, in respect of 'Transfer to the Contingency Fund of India'."

Mr. Deputy-Speaker: The question is :

"That a supplementary sum not exceeding Rs. 15,00,00,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1951 in respect of 'Transfer to the Contingency Fund of India'."

The motion was adopted.

FINANCE LAWS (AMENDMENT) BILL

The Minister of Finance (Shri C. D. Deshmukh): I beg to move :

"That the Bill to amend the Indian Finance Act, 1949 and the Finance Act, 1950 be taken into consideration"

In dealing with this Bill it is not necessary for me to enter into the vexed question of the equity of the incidence of income-tax on the Hindu undivided family. I shall start with 1949 when for the first time the exemption limit for such Hindu families was raised to Rs. 3,500 and the exemption limit for the individual was Rs. 3,000. This was proposed during the passage of the Bill in the Constituent Assembly (Legislative) and the proposal was further liberalised by increasing the exemption limit to Rs. 5,000 and at the same time it was considered proper that this high exemption limit should not apply to every assessee, who is for the time being

a Hindu family but only to such families as consisted of at least two adults coparceners or at least two branches, the qualifying phrase used in the Finance Act, 1949, being "entitled to a share on partition". In the Finance Act, 1950 the exemption limit in the case of the Hindu undivided family was raised to Rs. 7,200 subject to the same condition.

I may explain in this connection that the sole surviving male member of the *Mitakshara* family with a wife and no children would be assessed as an individual in respect of his income from ancestral property but this assessment would have to be in the status of a Hindu family as soon as a son is born to him. It is this peculiarity of the Hindu law which made it necessary to impose the conditions which were embodied in those Acts. The conditions were so designed that the benefit of the higher exemption would not be allowed, unless the condition of the assessee's family is different from that of an individual, who has also to maintain himself, his wife, or husband and minor children out of his earnings. It has not been found that according to a literal interpretation of the wording employed in the Finance Acts, 1949 and 1950, the benefit of the higher exemption limit could be claimed by a family consisting of a husband, wife and minor son, since the wife, though she cannot claim partition, is, according to Hindu law, entitled to a share on partition, should partition take place at any time between the father and the minor son. This lacuna was brought to our notice by an assessee who claimed the benefit of it in appeal, which was upheld by an Appellate Assistant Commissioner. We are therefore faced with the alternative of either amending the law or accepting the decision. The decision in the appeal was brought to the notice of the Board in May 1950. So the amendment that is now proposed is to substitute for the words "entitled to a share on partition" the words "entitled to claim partition".

So the alternative conditions which a Hindu undivided family would have

to satisfy are either (a) that the family should have at least two members over the age of 18 years, who are entitled to claim partition; or (b) that the family should have two members entitled to claim partition, neither of whom is a lineal descendant of the other and both of whom are not lineally descended from a common living ancestor.

I should explain now why we are making this retrospective amendment. The amendment being in respect of an accidental lacuna, there is no reason why the law should not be rectified from the very commencement. Other, wise there would be anomaly in giving the benefit of the lacuna to a few persons who detected it and claimed the benefit of it. I may also state that many assessments in which the benefit of the lacuna was not given nor claimed have become already final and conclusive.

[MR. SPEAKER *in the Chair*]

I should like to conclude this by saying that the general question of the assessment of the Hindu undivided family is still very much before us, as a result of the recommendations made by the Income-tax Investigation Commission. But the House will recognise that the discussion of this question will be irrelevant to the present Bill and all I can say is that we should be prepared to consider this question in all its bearings after the Hindu Code Bill is placed on the Statute Book or Parliament decides not to place it on the Statute Book. As the House is aware, there is a provision in the Bill which is likely to affect the status of the Hindu family in that it might approximate the status of the *Mitakshara* family to that of the *Dagabaga* family.

Mr. Speaker: Motion moved:

"That the Bill to amend the Indian Finance Act, 1949, and the Finance Act, 1950, be taken into consideration."

Shri T. T. Krishnamachari (Madras): I shall take only a couple of minutes. The hon. Finance Minister said that

[Shri T. T. Krishnamachari]

the position of the Hindu joint family will be considered in the relation to recommendation by the Income-tax Investigation Commission. I would like him to note how these words "entitled to claim partition" will affect the interpretation of clause 25A. The legal position must be recognised and the wording of clause 25A should not be insisted upon. You cannot have it both ways for the Government's own advantage. The words "entitled to claim partition" would unduly impinge on the provisions of section 25A. I do hope the hon. Finance Minister will examine this point.

Mr. Speaker : It is now five o'clock. We will proceed further with this Bill tomorrow.

PAPERS LAID ON THE TABLE

THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER, NO. II (SECOND AMENDMENT) ORDER

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : I beg to lay on the Table a copy of an Order passed by the President today. This is entitled "The Constitution (Removal of Difficulties) Order, No. II (Second Amendment) Order".

It reads as follows :

In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order namely :

1. This Order may be called the Constitution (Removal of Difficulties) Order, No. II (Second Amendment) Order.

2. In Part I of the Schedule to the Constitution (Removal of Difficulties) Order, No. II

(a) for the entry relating to article 249 the following entry shall be substituted, namely :

" 249]In clause (1), for the Council of States substitute 'Parliament' " and

(b) the entries relating to articles 251 and 252 shall be omitted.

5 P. M.

Well, this is some kind of legal language. The point is this, that article 249 of the Constitution was for the present, by another Order, omitted during the transitional period. Now it is restored. Article 249 gives power to Parliament to legislate with respect to any matter enumerated in the State List, in the national interest. That article is restored, with this difference that where the Council of States is referred to there this Parliament gets the power to function in that behalf. Therefore, by this order this Parliament is the authority to legislate for certain subjects which are at present in the State List. What those are it is for Parliament to decide later. Tomorrow, it is proposed my hon. colleague, the Minister of Industry and Supply, will present a Resolution to the House for its consideration.

Mr. Speaker : This is the preliminary to the Resolution, which is sought to be moved in this House to invest Government with certain special powers. The text of the Resolution will be circulated to the hon. Members with their papers tonight. But as the measure is an urgent one and I wish that hon. Members should get some more time to consider about this, I am reading out the proposed Resolution, as I have it, at this stage:

" That this House do resolve, in pursuance of article 249 of the Constitution as adapted by the President under article 392 thereof and as at present in force, that it is necessary in the national interest that Parliament should, for a period of one year from the 15th August, 1950, make laws with respect to the following matters enumerated in the State List namely :

1. Trade and commerce within the State subject to the provisions of entry 33 of List III; and

2. Production, supply and distribution of goods subject to the provisions of entry 33 of List III".

Is the mention of the date as 15th of August correct? The Resolution mentions, "should, for a period of one year from the 15th August".

The Minister of Industry and Supply (Shri Mahatab) : It must be from a specified date.

Mr. Speaker: If we are going to take up this Resolution tomorrow then can we take up the Bill before the 15th? That point is likely to arise.

Shri Jawaharlal Nehru : The Bill might not be passed by the 15th of August.

Mr. Speaker : I cannot say anything about the interpretation of it just at present because I have not applied my mind to it, but if the power is vested to make laws for a period of one year from the 15th of August.

Shri Jawaharlal Nehru: We may have it "from the passing of the Resolution". That would be simpler.

Shri T. T. Krishnamachari (Madras) : Article 249(2) says:

"A resolution passed under clause (1) shall remain in force for such period not exceeding one year as may be specified therein".

Mr. Speaker : Whatever that may be, it is a matter for interpretation. The point may be considered and if necessary instead of the 15th, the Resolution might put in an earlier date. Any way that point might be considered.

Shri Jawaharlal Nehru: Yes. That date was put in because at first we thought that the Resolution would be considered by the House on the 14th.

Mr. Speaker : We are considering the Resolution tomorrow. The Bill will be introduced tomorrow. We will consider that aspect later.

CLOSING OF POST OFFICES ON SUNDAYS

Mr. Speaker: We will now proceed with the discussion notice of which has been given by Mr. Kamath.

Shri Kamath (Madhya Pradesh) : The scope of this public utility service has been, as the House is well aware, recently curtailed. A laconic announcement to that effect was made at the fag end of the General Discussion on the Budget on the 21st of March last just before the guillotine was applied. The hon. Minister, Mr. Kidwai, stated:

"The post offices are going to close on Sundays and there will be no delivery. We have to give one day's holiday to every member of the staff. We have been trying to do it otherwise and it has not been possible".

Then a question was asked to the Minister, "Why don't you employ extra postmen"? The Minister said:

"Induce the Finance Minister to give us one crore of rupees. But if anybody wants to receive a letter on a Sunday it should be posted by express delivery and the telegraph office will arrange its delivery. If anybody is anxious that his letter should be cleared on a Sunday, he should post it at the R.M.S. with a late fee of one anna".

The guillotine was then applied, and he could not explain to the House what the implications of the proposal were. Parliament on that occasion could not discuss all the *pros* and *cons*, the various aspects, of this matter, and this formed the subject matter of a starred question on the 7th of August, last Monday. The moot point in this connection is why, when all public utility services, whether of Government or of municipalities, are not suspended on Sundays, only the postal service should be suspended as has been done recently. I have tried to ascertain the practice obtaining in other countries of the world. I referred to the *Encyclopaedia Britannica*—the latest edition—and it

[Shri Kamath]

has given about twenty or more pages on the postal services obtaining in different parts of the world. The only reference to a suspension of service that I find here in this Encyclopaedia is in respect of the U.S.A. where it is said that the rural free delivery.

Shri Feroz Gandhi (Uttar Pradesh): What is the date of publication of that Encyclopaedia?

Shri Kamath: 1947.

Shri Feroz Gandhi: That is three years old.

Shri Kamath: Well if my friend can supply me the latest edition—the 1950 edition—I shall certainly study it. In 1947, at any rate, there was a rural carrier service for the rural inhabitants in the U.S.A. and about that it is said:

“Service is generally daily, except Sunday”.

But delivery in cities takes place on every day in the week. About Sunday deliveries and clearances in other countries than the U.S.A. this Encyclopaedia is silent. Therefore, the presumption is that perhaps the clearance and delivery operate as usual. The points that I have tabled for today's discussion are :

(1) Which other countries of the world have a total holiday or suspension of service similar to the one observed on Sundays in post offices in India ?

(2) Whether it is not a fact that there is no country in the world where there is no clearance of mail on Sundays?

In this connection, a very illuminating monograph on the post office in England by Sir Murray, Secretary to the Postal Department since 1914, says

“ The governing factor in postal organisation is the insistence of the public upon receiving their letters as early and posting them as late in the day as possible”.

The next point that I am raising is about the income from the express delivery letters and the late fee letters which are posted in the R.M.S. If we could have comparative figures for the period before and after the introduction of this suspension of postal service on Sundays, it will throw some light on the necessity for the introduction of this measure. It will show whether the post offices have derived any additional income from express delivery letters and late fee letters.

Lastly, I would like to know how many regional P. & T. Advisory Committees have advised that this suspension should be discontinued and the service should be resumed as before. I do not know about other Advisory Committees, but the Madhya Pradesh Advisory Committee, of which I happen to be a member, passed unanimous resolution—unanimous so far as the non-official members were concerned—to the effect that this holiday was neither desirable nor necessary and that it was merely creating congestion and causing inconvenience on Mondays in the post offices. It also resulted in a little laziness and a little emptiness of work, which is absolutely uncalled for in Government offices and business offices, because the dak arrives a day or two late, and even the Saturday dak does not come on Monday. Public interest, I venture to submit, suffers in this manner and a public utility service should not endanger public interest in this fashion.

One last point, and that is this. According to a resolution moved by the Prime Minister on November 19, 1947, it was categorically laid down that the Ministries should consult and place before the Standing Committees of the Legislature, among other matters, major questions of policy and financial proposals. But in answer to a question by my hon. friend Dr. Deshmukh the other day, the Minister was constrained to admit that this matter was not placed before the Standing Committee.

Dr. Deshmukh said that this matter was never placed before the Standing Advisory Committee and the Minister replied, “ That is true”.

The Minister of Communications (Shri Kidwai) : May I correct the statement? I did commit a mistake when I said the other day that the matter was never placed before the Advisory Committee. As a matter of fact, the matter was under my consideration since 1947. I put this idea before the Advisory Committee both in 1947 and 1948 and they did not agree with me.

Shri Kamath : I accept the correction which only supports my view. It even makes matters worse.

Dr. Deshmukh : That only proves the amount of respect that he has for the advice of the Standing Committee.

Mr. Speaker : Order, order.

Shri Kamath : I do not want to cast any aspersions. I take his statement at its face value. In spite of the definite recommendations of the Standing Committee to the contrary, Government decided on this policy. The House is, therefore, entitled to know why contrary to the recommendation of the Standing Committee and in spite of the fact that such a practice does not obtain in other countries of the world, this innovation of suspension of a public utility service was introduced here, causing so much inconvenience not merely to the public and to Government, but also to the postal employees. Many of the postal employees in my own state (Madhya Pradesh) themselves said that they were not in favor of this holiday, and would rather go back to the old practice when they could work a little on Sunday and not be burdened with extra work on Monday. This proposal was adopted by the House more or less at the fag end of the Budget session when the guillotine was about to be applied, without much thought being given to it. This matter needs reconsideration at the hands of Government and I would suggest that the *status quo ante* be restored as early as possible.

Shri Kidwai : I have got in my hand a list of 33 countries where no deliveries are made on Sundays.

Dr. Deshmukh : They do not, perhaps suffer from as many deliveries as we do and, therefore so much population.

Shri Kidwai : They may perhaps have not as large a population as we have, but the density of population is greater and they certainly have more business than we have.

Another point raised by the hon. Member is that there is no country in the world where there is no clearance on Sundays. There are countries like Australia, New Zealand, Ireland, Hong Kong and United States of America where only a limited number of letter boxes are cleared and that too only in a few important towns, as we are doing at present in India. There are two countries, one of which is our neighbour, Burma, where there is no clearance. (*An hon. Member :* What about U.K.) In U.K. also clearance is limited. That is not limited to the letter boxes, but limited to the time. They have one clearance in important cities at 11 o'clock in the night. That is the only clearance.

In regard to the other point raised by the hon. Member, I am afraid it is not possible to give the exact figures of the Express Delivery letters that are now being distributed on Sundays. But I have got the information for Delhi. In Delhi the number of Express Delivery letters distributed on last Sunday was 746 while before the new system was introduced it used to be on an average about 180 every Sunday. My friend wants to know how many Advisory Committees have protested against Sunday being a holiday. I confess that Madhya Pradesh, from which the hon. Member also comes, was the only Advisory Committee which has exactly protested. The matter was considered by other Advisory Committees. For instance in Bihar some members said that it is bound to cause inconvenience to the business people and the matter was to be considered again. We have to wait for the next meeting. In Orissa also it was discussed, but that was before the system actually came into practice.

An Hon. Member : But no one has approved.

Shri Kidwai : But other Committees are silent. It should be taken as approval.

These are the points on which my hon. friend wanted information. I want to say this that this house and even its predecessor had again and again advocated the policy that every worker should have a day off. We ourselves are sitting only five days a week. Different State Legislatures have passed legislation making it compulsory on every shopkeeper even though he has no employee and has his son or his relations attending the shop—to close the shop for one day. Now, why should that not apply to a Government department ?

Some Hon. Members : Why not to all the trains ?

Shri Kidwai : It does not apply to trains because every railway employee gets one day off. As I have said again and again, 90 per cent of our post offices are one-man or two-men post offices. How can we give them one day off and still keep the post offices running ? It can be done only if we have got double the staff there. That is the reason why we have decided to close the post office on Sunday. And I think the House generally agrees with it.

Some Hon. Members : No, no.

An Hon. Member : Most emphatically no.

Shri Kidwai : Then, when Parliament meets next we may have a debate on this and find out the view of the House.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : I would just like to say that I have to deal with a number of letters, perhaps more than any hon. Member here. My average is 1,500 a day going up to 2,000, and I have greatly welcomed this holiday for my own part.

But apart from that, Mr. Kamath will forgive me if I say that I just do not understand this passion for receiving a letter on Sunday—I just do not understand it. I think from the point of view of efficiency—and that is the most important—as well as that of human well-being—it is equally important—both demand a weekly holiday for the postman. Otherwise you have to duplicate the whole staff which means great expenditure. And I just don't see why we should incur that huge expenditure. It does not affect business or work of Government or any office.

An Hon. Member : It does.

Shri Jawaharlal Nehru : I know something about Government work and I speak with knowledge of that. What I mean is this. Obviously you can say that an earlier time would be advantageous, but taking generally what is more important is—I do not know if hon. Members have studied books on fatigue in industrial and other establishments—nobody is suffering from lack of work ; many people are suffering from lack of efficiency and lack of efficient work. (*Dr. Deshmukh :* The whole of India.) True. If you are so keen on Sunday delivery, have a special staff for it. That is a different matter, but I do submit that the extra cost running into many crores is totally out of all proportion to the slight advantage that you may get in getting a letter couple of hours earlier one day in the week. It has no bearing on the subject and I do submit that neither the industrial nor the Government offices suffer in the slightest by a Sunday holiday, because at the most you get letters by the first delivery on Monday. The letters that come on a Sunday are not normally dealt with on that day and they are dealt with slightly later on Monday morning. Mr. Kamath says at ten o'clock, they are not ready. It may be so, but Mr. Kamath imagines that all our officers clear their correspondence on Sunday. They never do. They have got plenty to carry on for the

next week and they will carry on with that. Nothing is held up.

I do submit that in the interests not only of the good principle, in the interests of efficiency and human well-being, this innovation of a Sunday holiday should be adopted. As my hon. friend and colleague pointed out, a large number of countries have adopted it and I have no doubt any other country will adopt it; it is only the relatively backward countries that will not adopt it. Therefore, I submit that it is a good thing.

Shri Sidhva (Madhya Pradesh): When this question was raised last time, I had raised an exception. When I went recently to European countries, I made searching enquiries on this question in all the countries that I visited. The countries that I visited are the United Kingdom, France, Belgium, Netherlands, Germany, Australia and Italy. There is no Sunday delivery anywhere, that is a fact. As regards clearance in many important post offices the clearance is made on Sunday without any extra charge. My grievance and my request is that the clearance should not be made here as it is done by putting in the G.T. Office at four o'clock a special post box for a few hours and with a penalty of two annas and one anna more. People are asked to go to R.M.S. Office and they are asked to pay two annas more. My point is that that should be stopped. This extra stamp fee should be stopped. In the Delhi General Post Office the letters are not cleared. In the General Telegraph Office a small letter box is kept for particular hours. My point is if you want to follow the practice followed in European countries then follow them here in all respects. In many important Post Offices in European countries, the clearance is made without any extra charge. My hon. friend wants to run post offices on the model of foreign countries. I welcome it. Let me tell him that several of the post offices in European countries,

particularly in the United Kingdom—not a few—are open all the 24 hours and all the postal work is undertaken, that is, registration and money order, etc. If a man goes at one o'clock and presents his money Order, it is accepted. If you want to follow foreign countries, please follow in all respects. In England they work for 24 hours and in three shifts. I personally am in favour of giving them one holiday and if the question of expense is involved that is not my concern. I am giving you facts as they exist. In England where they stand for the betterment of labour classes and their holidays, they are very keen on this matter. Thousands of men are employed in post offices and they are open for 24 hours and with three shifts. What I suggest is that the matter should be reconsidered. I do not want the delivery to be made on Sunday. We want clearance in important post offices to be made without any extra charge. What I object to is the extra postage stamp.

The second thing I wish to state is this. For purposes of registration the post office is closed at three o'clock. It opens at 10 A.M. and at 3 or 3-30 P.M. it is closed down. This is a great inconvenience which we have been bearing all this time. We want the modern system to be introduced. If you want to follow the model of foreign countries, follow it absolutely. I am for it. I have got many statistics on this matter of telegraphs, telephones, etc. I have studied much in this country. I am prepared to present it to my hon. friend if he wants it, but I would request him at least, when this question is under discussion, to see that clearance is allowed and the hours of working in important post offices are increased. The other day the Ambassador of Australia.....

Mr. Speaker: The hon. Member is, I think, going into long details.

Shri Sidhva: I have made my point clear. I have given him the facts. I hope he will bear them in mind.

Shri Kidwai : I accept them.

Dr. Deshmukh : I stand for a complete reversal of the whole policy. There is no justification for it. Nobody asked for a holiday. The hon. Prime Minister unnecessarily intervened in this debate without much reason or rhyme. His intervention was also contrary to the rule. He probably believes passionately that there should be a holiday. This holiday was not asked for by anybody. No union of postmen has asked for this holiday.

Shri Kidwai : May I correct him, Sir, since I assumed charge of this office every time that I met the postmen or their representatives, they asked for a holiday.

Shri Nasiruddin Ahmad (West Bengal) : They will always do it.

Shri Kidwai : Every Union asked for it. The Expert Committee that was appointed last year on the suggestion of the Pay Commission also recommended a weekly holiday. As I have already mentioned, even before this demand came, even before this recommendation came, I myself took up this matter and I thought that everyone in the postal department should get one day off. As I mentioned the other day, I found that it could be possible to continue to work in cities for all the seven days and yet give everybody a day off, because the number of employees is very large and if we can increase it by one-sixth, we can continue to work as we are doing on every week day. But, it would not be possible in the 95 per cent of our post offices and that is why I had to resort to this method.

Shri Tyagi (Uttar Pradesh) : Do it in the cities and towns.

Shri Kidwai : Some of the other suggestions are under our consideration and I hope he will see that some of them will be given effect to very soon.

Dr. Deshmukh : What I wanted to point out was that if some Union asked for it, we have also a body of postmen who do not like it.

Shri Sidhva : It is curious.

Dr. Deshmukh : Secondly it is quite incorrect to say that double the staff will be necessary because, I do not think, for having one delivery and one clearance on Sunday, we employ the whole staff for the whole day. A small portion of the staff is only partially employed.

Shri Kidwai : In some places, there is only one delivery and then, we would require so much of staff.

Mr. Speaker : I think we are going beyond the rules in having a discussion in the matter. Except the Member who raises the discussion, others can only put questions and not go on arguing. Whatever information he wants he can ask a question. To my mind, if I may be permitted to say so,....

Dr. Deshmukh : You have had to make exceptions in the case of the Prime Minister and Mr. Sidhva. That is why I raised.....

Shri Sidhva : I am entitled, Sir. I have given notice. He is making an insinuation that you have made a favour to me. He must withdraw that.

Mr. Speaker : From the discussion and from the temper, it appears to me that the real grievance....

Dr. Deshmukh : I want to ask a question.

Mr. Speaker : Order, order.....the real grievance seems to be the time chosen to make the declaration and the manner in which it was made. It was made at the fag end and hon. Members had no opportunity of knowing all the implications of the thing, nor even an opportunity of expressing themselves freely. I do not think we can have this question sufficiently debated to the satisfaction of all hon. Members in this half-hour discussion. Some other time may be chosen.

Shri Kidwai : Let us have a debate on this.

Mr. Speaker : It may be done next Session.

Shri Tyagi : In the towns and cities t could be done.

Mr. Speaker : But, has the hon. Member given notice?

Dr. Deshmukh : I have given notice, Sir.

Shri Tyagi : I want to put one question, Sir.

Mr. Speaker : Only those who have given notice can put questions. Rule 46 is clear on that point.

Dr. Deshmukh : I have given notice, Sir. I want to know whether there has been a saving of one crore of rupees by the introduction of this method, and secondly, supposing you give a holiday, how many people out of the whole staff would have to work, and for how many hours, to resume one delivery and one clearance, and what would be the amount involved.

Shri Kamath : May I ask a question, Sir?

Mr. Speaker : Mr. Kamath will ask one question and the hon. Minister will then reply.

Shri Kamath : If the idea is to give a day's holiday to the employees of the P. & T. Department, is it not possible, as in some other Government departments, to give a holiday to those employees by turns, or rotation?

Mr. Speaker : Now, with the reply of the Minister, this will end, no more questions.

Shri Kidwai : I think I have explained this again and again, but hon. Members seem to be obsessed by this idea of Sunday holiday that they do not seem to listen to me. As I have said, it is possible in big cities to have deliveries on Sundays by putting in

additional staff. There we can have the post offices working all the seven days of the week by employing additional hands. But I know my friends here have again and again protested that no preference should be shown to the city people as against the rural people and that the city people should be given the same treatment as the rural people. Therefore my attention is now towards the rural people and I want to see that they get the same treatment as the city people. If we start having Sunday deliveries in the cities, then we must have them in the villages also. I do not want to start it because, as I said, I do not want to discriminate between the city people and the rural people. A friend has asked what will be the extra cost of having additional hands. I may tell him that our pay bill of all the employees comes to about Rs. 12 crores. As I said, we can have Sunday deliveries in cities by having some shift arrangement, because there are a number of hands there, but in the villages we will have to double the staff.

An Hon. Member : Why not have one delivery in seven days in the villages ?

Shri Kidwai : No, no, they want as many deliveries as the people of the cities. That is why I do not do it. If we have Sunday deliveries in the cities we will require about Rupees two crores more for the staff and if we do it for the villages then another crore will be required to implement it.

Mr. Speaker : The House now stands adjourned.

The House then adjourned till a Quarter to Eleven of the Clock on Saturday the 12th August, 1950.
