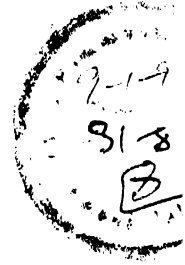
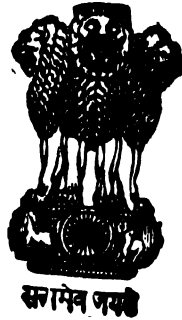


Thursday, 19th April, 1951



# PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

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VOLUME VII, 1951

(2nd April to 16th May, 1951)

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Third Session (Second Part)

of the

PARLIAMENT OF INDIA

1951

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## CORRIGENDA

In the Parliamentary Debates (Part I—Questions and Answers) Third Session of Parliament (Second Part), 1951,—

In Volume VII—

1. No. 1, dated the 2nd April, 1951,—

(i) कालम २७८२, पंक्ति ३, “हम” के स्थान पर “इस” पढ़ें ।

(ii) - کالم ۲۷۸۳ نہجے سے سطر ۸ میں ”بھی“ کے بجائے ”اسی“ پڑھیں۔

(iii) Col. 2807, line 30 for “Archaeological” read “archaeological” and line 5 from bottom for “Ttransport” read “Transport”.

2. No. 7, dated the 10th April, 1951,—

(i) कालम ३०३२, नीचे से पंक्ति ४ “बगैहर” के स्थान पर “बगैरह” पढ़ें ।

(ii) Col. 3055, lines 16 and 17 for the word “Consituation” read “Constitution”.

3. No. 8, dated the 11th April, 1951,—

कालम ३१२५, नीचे से पंक्ति ९ “यागिज्य” के स्थान पर “वाधिज्य” पढ़ें ।

4. No. 11, dated the 16th April, 1951,—

(i) Col. 3230, line 27 from bottom for “ment” read “meant”.

(ii) Col. 3244, line 23 insert “of” after the words “abolition of any”.

(iii) कालम ३२५१, नीचे से पंक्ति २ “श्री जागडे” के स्थान पर “श्री जापडे” पढ़ें ।

(iv) Col. 3254, line 14 for “yards” read “years”.

5. No. 12, dated the 17th April, 1951,—

Col. 3267, line 24 for “clerllago” read “clerkage”.

6. No. 13, dated the 18th April, 1951,—

(i) Cols. 3301 & 3302, lines 22 from bottom and 24 respectively for the words “statu- tary” and “statutory” read “statuary”.

(ii) Col. 3330, line 21 for “landing ” read “landed”.

(iii) Col. 3340, lines 16 and 18 for “manzas” read “mouzas”.

7. No. 15, dated the 20th April, 1951,—

Col. 3402, line 2 from bottom for “Cureh” read “Church”.

8. No. 16, dated the 21st April, 1951,—

Col. 3447, for the existing line 24 substitute “ship Scholarship ; and ”

9. No. 17, dated the 23rd April, 1951,—

(i) Col. 3478, line 27 from bottom for “so” read “of”.

(ii) Col. 3491, between lines 4 and 5 from bottom insert new line “and (iii) Raw materials during the period October 1950 to February”.

10. No. 19, dated the 25th April, 1951,—

(i) Col. 3548, for the existing line 20 from bottom substitute “satisfaction of Members. It is the”.

(ii) Col. 3556 for the existing line 1 from bottom substitute “Indian Rupee or Sterling ?” and for line 26 from bottom substitute “meet for the first session. Accord”

- کالم ۳۵۱۳ نہجے سے سطر ۱۱ و سطر ۲۶ کے بجائے ”د طور پر“ پڑھیں۔

11. No. 20, dated the 26th April, 1951,—

(i) Col. 3621, line 7 from bottom for the figures “1,420” read “41,420”.

(ii) Col. 3626, line 1 for “condeming” read “condemning”.

12. No. 22, dated the 28th April, 1951,—

Col. 3687, line 26 for “complete” read “compete”.

13. No. 26, dated the 3rd May 1951,—

Col. 3881 for the existing line 17 from bottom *substitute* "and Supply (Shri Gadgil):(a) 105".

14. No. 27, dated the 4th May, 1951,—

Col. 3925, line 25 from bottom for "fireman" read "firman".

15. No. 30, dated the 8th May 1951,—

(i) Col. 4041, for the existing line 15 from bottom *substitute* "(c) No, as none is considered neces-".

(ii) Col. 4042, line 31 *insert* "such" before the word "circums-".

16. No. 31, dated the 9th May, 1951,—

Col. 4087, line 21 for "Rama" read "Rana".

17. No. 32, dated the 10th May, 1951,—

(i) Col. 4124, line 20 from bottom for "member" read "number".

(ii) Col. 4129, line 21 for the words "having come" read "coming out of", lines 6 & 8 from bottom for the figure "1.4.51" read "15.4.51", and for "15.4.51" read "1.4.51" respectively.

- (iii) कालम ४१३३, पंक्ति १२ "नियम" के स्थान पर "नियंत्रणों" पढ़ें ।

18. No. 33, dated the 11th May, 1951,—

(i) Col. 4150, line 10 from bottom for "of" read "to".

(ii) Col. 4161, line 17 for the figure "85" read "185".

(iii) Col. 4162, line 24 for "in view of" read "in lieu of".

19. No. 36, dated the 15th May, 1951,—

(i) Col. 4270, line 30 for "pait-mixture" read "paint-mixture"

(ii) कालम ४२८८, पंक्ति २८, "\*२९५" के स्थान पर "२९५" पढ़ें ।

(iii) कालम ४२८९, नीचे से पंक्ति १९, "बद्य" के स्थान पर "लाद्य" पढ़ें ।

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PARLIAMENT OF INDIA

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*The-Speaker*

The Honourable Shri G. V. Mavalankar.

*The Deputy-Speaker*

Shri M. Ananthasayanam Ayyangar.

*Panel of Chairmen*

Pandit Thakur Das Bhargava.

Shrimati G. Durgabai.

Shri Prabhu Dayal Himatsingka.

Sardar Hukam Singh.

Shri Manilal Chaturbhai Shah.

*Secretary*

Shri M. N. Kaul, Barrister-at-Law.

*Assistants of the Secretary*

Shri A. J. M. Atkinson.

Shri N. C. Nandi.

Shri D. N. Majumdar.

Shri C. V. Narayana Rao.

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## GOVERNMENT OF INDIA

### *Members of the Cabinet*

- Prime Minister and Minister of External Affairs—The Honourable Shri Jawaharlal Nehru.**  
**Deputy Prime Minister and Minister of Home Affairs and the States—The Honourable Sardar Vallabhbhai Patel.**  
**Minister of Education—The Honourable Maulana Abul Kalam Azad.**  
**Minister Without Portfolio—The Honourable Shri C. Rajagopalachari.**  
**Minister of Defence—The Honourable Sardar Baldev Singh.**  
**Minister of Labour—The Honourable Shri Jagjivan Ram.**  
**Minister of Communications—The Honourable Shri Rafi Ahmad Kidwai.**  
**Minister of Health—The Honourable Rajkumari Amrit Kaur.**  
**Minister of Law—The Honourable Dr. B. R. Ambedkar.**  
**Minister of Works, Mines and Power—The Honourable Shri N. V. Gadgil.**  
**Minister of Transport and Railways—The Honourable Shri N. Gopalaswami Ayyangar.**  
**Minister of Industry and Supply—The Honourable Shri Hare Krishna Mahtab.**  
**Minister of Food and Agriculture—The Honourable Shri K. M. Munshi.**  
**Minister of Commerce—The Honourable Shri Sri Prakasa.**  
**Minister of Finance—The Honourable Shri Chintaman Dwarkanath Deshmukh.**

### *Ministers not in the Cabinet.*

- Minister for the purposes of agreement between the Prime Ministers of India and Pakistan of the 8th April, 1950—The Honourable Shri C. C. Biswas.**  
**Minister of State for Transport and Railways—The Honourable Shri K. Santhanam.**  
**Minister of State for Information and Broadcasting—The Honourable Shri R. R. Diwakar.**  
**Minister of State for Parliamentary Affairs—The Honourable Shri Satyanarayan Sinha.**  
**Minister of State for Rehabilitation—The Honourable Shri Ajit Prasad Jain.**  
**Deputy Minister of Communications—Shri Khurshed Lal.**  
**Deputy Minister of External Affairs—Dr. B. V. Keekar.**  
**Deputy Minister of Commerce—Shri Dattatraya Parasahuram Karmarkar.**  
**Deputy Minister of Defence—Major General Himatsinghji.**  
**Deputy Minister of Works, Mines and Power—Shri S. N. Buragohain.**  
**Deputy Minister of Food and Agriculture—Shri M. Thirumala Rao.**



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

3345

3346

**PARLIAMENT OF INDIA**

Thursday, 19th April, 1951

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

[MR. SPEAKER in the Chair]

**ORAL ANSWERS TO QUESTIONS**

**COAL**

\*3265. **Prof. S. N. Mishra:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether orders have been placed and inquiries are being made by some foreign countries for the purchase of Indian coal; and

(b) if so, the countries interested in the purchase and the terms offered for it?

**The Minister of Works, Production and Supply (Shri Gadgil):** (a) Yes, Sir.

(b) Burma, Ceylon, Singapore, Hongkong, Pakistan, Australia, Japan, Egypt, the U. K., Italy, Denmark, New Zealand and Sweden.

The export price of coal is the internal controlled price, plus a surcharge of Rs. 11 per ton, which was imposed from 26th February, 1951.

**Prof. S. N. Mishra:** May I know to what kind or quality of coal the demands from these countries relate?

**Shri Gadgil:** I require notice for that.

**Prof. S. N. Mishra:** Will the hon. Minister be able to say what quantities are required by them?

**Shri Gadgil:** You want the quantities of export for the year 1950 and the enquiries for 1951?

**Prof. S. N. Mishra:** Yes.

40 P.S.

**Shri Gadgil:** In 1950 we exported to—

Aden	6,504 tons
Australia	245,713 "
Burma	119,951 "
Ceylon	314,354 "
Hong Kong	99,674 "
Japan	95,771 "
Pakistan	16,950 "
Singapore	29,408 "
South Korea	8,842 "

For the current year the enquiries—although they are not firm orders—show that the following quantities, are wanted by the different countries:

Egypt	78,000 tons
Denmark	23,000 "
Italy	33,000 "

U. K. has not specified any quantity.

Argentina	125,000 tons
New Zealand	30,000 "
Switzerland	8,000 "
Libya	8,000 "
Finland	15,000 "
Massawa	8,000 "
Hong Kong	8,000 "

**Prof. S. N. Mishra:** May I know whether some of these exports were on a barter basis; if so, with what countries?

**Shri Gadgil:** In some cases in 1950 it was despatched on a barter basis.

**Prof. S. N. Mishra:** May I know whether the recommendations of the Committee for the conservation of metallurgical coal are also taken into consideration while determining exports?

**Shri Gadgil:** Normally they are, Sir.

**Shri Jnani Ram:** May I know what qualities of coal are surplus for export from India?

**Shri Gadgil:** I would require notice as regards the particular kinds of coal.

**Dr. Deshmukh:** Is there State trading still continuing in respect of coal, and I would also like to know, Sir—because you do not easily allow Members to ask another question—what is the difference in prices and what is at present charged?

**Mr. Speaker:** I can ask him to answer only one!

**Shri Gadgil:** Sir, I am prepared to answer as many questions as he is pleased to ask. Export is allowed by the Coal Commissioner. As a matter of fact it may not be strictly 'State trading', but the agency through which the export permits or licences are given is the Government agency, namely the Coal Commissioner. As regards the prices, a surcharge of Rs. 12 was added so far as supplies to Pakistan were concerned, and since 26th February, 1951 there is a uniform surcharge of Rs. 11 throughout.

**Shri Hussain Imam:** Is this charge levied on all coal exports or only to Pakistan?

**Shri Gadgil:** The answer is clear that the surcharge of Rs. 11 per ton will be levied on all new export orders with effect from 26th February, 1951.

#### RICE FROM BURMA

\*3266. **Prof. S. N. Mishra:** Will the Prime Minister be pleased to state:

(a) whether there has been an exchange of correspondence between him and the Prime Minister of Burma over the future supplies of rice; and

(b) if so, with what results?

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

(b) Burma Government have offered to supply to India 120 thousand tons of rice in addition to 170 thousand tons already contracted for supply during the period ending June, 1951. A Trade Delegation will be leaving for Burma by the end of this month to negotiate among other things the purchase of rice from that country.

**Shri Shiv Charan Lal:** May I know whether the Delegation will also fix the price of the rice to be purchased from Burma?

**Dr. Keskar:** The Delegation is going exactly for that purpose.

**Shri Jnani Ram:** Is it a fact that the hon. the Food Minister is also going with the Delegation?

**Dr. Keskar:** The hon. the Food Minister is leading the Delegation.

**Shri Sidhva:** Is the Delegation sent for fixing up the price and, if so, has there been any correspondence where the price has been mentioned by the Burma Government?

**Dr. Keskar:** It is mainly to get as much rice from Burma as possible since we are greatly in need of rice.

That is the main purpose. Naturally, amongst other things the Delegation will try to settle with the Burmese Government not only the best and the most advantageous price for us but also the mode of payment which is most advantageous to us.

#### Some Hon. Members rose—

**Mr. Speaker:** The Delegation is going. Let it go and come back.

#### GROUNDNUT

\*3267. **Shri Sidhva:** (a) Will the Minister of Commerce and Industry be pleased to state the total production of groundnut seeds State-wise during the year 1950 in India?

(b) What is the present price per cwt. of the seeds in the States of Saurashtra, Madras and Bombay?

(c) Is any export duty levied on these oilseeds?

(d) How much of the total output is shipped to foreign countries and how much is reserved for local consumption?

(e) Do the Saurashtra Government charge any duty?

(f) What is the stock at present in Saurashtra?

(g) Have the merchants and manufacturers in Saurashtra made any representation to the Government of India regarding the movement of oilseeds from Saurashtra to other parts of India and if so, with what results?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) The figures of production of groundnut seeds for the year 1950 are not available. I, however, lay on the Table of the House a statement giving figures of the estimated production of this article during the year 1949-50. [See Appendix XXII, annexure No. 23.]

(b) I lay on the Table of the House a statement containing the desired information. [See Appendix XXII, annexure No. 24.]

(c) Yes, Sir.

(d) Out of an estimated production of 34,08,000 tons of groundnut seeds during the year 1949-50, about 2,35,000 tons in terms of seed were exported.

(e) Yes, Sir.

(f) About 1,00,000 tons.

(g) Yes, Sir. The representations are under consideration.

**Shri Sidhva:** With regard to parts (c) and (e) the answer was in the affirmative. May I know what is the rate of export duty charged by Part A States and Saurashtra?

**Shri Karmarkar:** In respect of that question, as my hon. friend is doubtless aware, an export duty of Rs. 80 per ton has been imposed on groundnut oil with effect from the 1st March, 1951 as part of the taxation proposals in the Budget for the year 1951-52.

**Shri Sidhva:** May I know whether the Saurashtra Government charges an export duty for internal export in India?

**Shri Karmarkar:** Yes, Sir. I understand the Saurashtra Government has been permitted by the Central Government, under the Fiscal Integration policy, to levy a land customs duty up to a period of five years on certain articles when exported from Saurashtra to other places in the Indian Union. In pursuance of this policy duty at the rate of Re. 1 per *deshi* maund of 1,600 tolas is being levied by that State from the 2nd June, 1948.

**Shri Sidhva:** May I know whether it is in consonance with the article in the Constitution that a State should levy such duty?

**Mr. Speaker:** That is a matter for opinion. The hon. Member may have his own opinion. Has he to ask for any other information?

**Shri Sidhva:** No, Sir.

**Shri Hussain Imam:** May I know the reason why there is such a wide difference of rupees four and five per maund between the prices in Saurashtra and other States in India, as is seen from the statement laid on the Table by the hon. Minister?

**Shri Karmarkar:** The State Governments are enforcing control and the Saurashtra Government has been for sometime unwilling to allow the export of groundnut seeds grown in its territory beyond a certain limit.

**Shri Hussain Imam:** Is the price fixed by the Government or is it prevailing price?

**Shri Karmarkar:** I should like to find out that information, but subject to correction, my present information is that the price is not fixed by the State.

**Shri Sarangdhar Das:** In view of the fact that the oilseeds from which oil is extracted also give cake for cattle feed and some of it goes for manuring, do Government consider the necessity

of banning export of oilseeds and exporting only oil, so that the cake will go for cattle feed and manure?

**Mr. Speaker:** It is a suggestion for action. What information does he want? He may ask a question for information, without making a suggestion for action.

**Shri Sarangdhar Das:** Is Government considering the banning of oilseeds because of what I stated about the manurial value?

**Mr. Speaker:** It makes no difference.

**Shri Jnani Ram:** May I know whether there has been a constant rise in the demand for groundnuts from foreign countries.

**Shri Karmarkar:** That is a fact.

**Dr. Deshmukh:** May I know if Government knows the rates at which this export of groundnut was contracted by foreign countries and if there is a greater margin to increase the export duty on it?

**Shri Karmarkar:** Yes, Sir. Whenever we impose an export duty, part of the consideration relates to the margin between the internal and external price. But offhand I cannot give information regarding the current external price of groundnut seed or oil.

**Shri Hathi:** May I know the total export in the months of November-December, 1949 and January, 1950 of groundnuts from India and the total export for these months from Saurashtra?

**Shri Karmarkar:** I should like to have notice of that question.

**Shri R. Velayudhan:** May I know whether the groundnut cake is sent to other States? Is there any ban on its inter-State movement?

**Shri Karmarkar:** My personal information is there are inter-State bans, but for more precise information, I should like the hon. Member to put down a separate question.

**Shri Sarangdhar Das:** May I know if Government have taken any steps to ban the export of oilseeds?

**Shri Karmarkar:** I would like to inform my hon. friend that it has all along been the policy of Government to encourage export of oil rather than the export of oilseeds but in present circumstances, as a consequence of agreements and due to other considerations also, we do send out a limited quantity of oilseeds also. But the general policy has been to export always oil in preference to oilseeds.

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

#### MUSLIM PILGRIMS FROM PAKISTAN

\*3268. **Dr. Ram Subhag Singh:** Will the Prime Minister be pleased to state:

(a) the number of Muslim pilgrims from Pakistan who came to visit religious places in India during the year 1950; and

(b) the number of Hindu and Sikh pilgrims from India who visited their sacred places in Pakistan during the same period?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) 1243.

(b) 337.

**Dr. Ram Subhag Singh:** May I know the practice prevalent in India and Pakistan in regard to allowing the pilgrims of one country to visit the religious centres in another?

**Dr. Keskar:** The practice is for the Government of India to forward the request who want to go to the Government of Pakistan and unless they afford permission and also agree to provide protection for those parties, it is not possible naturally for the pilgrims to go to the other side.

**Dr. Ram Subhag Singh:** May I know whether it is a fact that on their return the pilgrims report to their respective Governments the facilities afforded to them by the other Government as also the conditions in which those religious centres are?

**Dr. Keskar:** Generally speaking, it is not a practice nor also a duty of these pilgrims that they should report to Government, but in most cases they do report to Government.

**Dr. Ram Subhag Singh:** Is it a fact that gold and silver plates of doors and domes of several temples and *gurdwaras* have been found missing?

**Dr. Keskar:** There have been reports regarding the various visits paid by different pilgrim groups who went to West Pakistan, but I cannot offhand say whether there is a specific report with regard to a particular *gurdwara* or temple and whether gold and silver vessels were taken away. It will not be possible unless my hon. friend puts a separate question.

**Shri A. C. Guha:** Has there been any occasion when either the Government of India or the Pakistan Government refused permission to the pilgrims to come?

**Dr. Keskar:** I might inform my hon. friend that the Pakistan Government has many times refused permission for

pilgrims to visit a specific centre but our Government has not refused any.

**Shri A. C. Guha:** May I know if our Government has taken up the matter with the Pakistan Government as to why the permission was refused.

**Dr. Keskar:** In most cases the Pakistan Government has given reasons but it will be very difficult for me to read out the causes given in the different cases but in two cases the Pakistan Government did not give any reason why they refused permission.

**Pandit Munishwar Datt Upadhyay:** What are the places of pilgrimage visited by the Pakistan pilgrims?

**Dr. Keskar:** I would require notice of this question.

**बाबू रामनारायण सिंह :** पाकिस्तान में हिन्दू और सिख तीर्थस्थानों के लिये रक्षक रहते हैं या नहीं ? यदि रहते हैं तो उन रक्षकों का बर्तन की सरकार से क्या सम्बन्ध है ?

[**Babu Ramnarayan Singh:** Are some guards posted to protect the Hindu and Sikh places of pilgrimage in Pakistan or not? If so, what is their position vis a vis the Pakistan Government?]

**डा० कौसकर :** मैं नहीं समझता कि हिन्दू और सिख मन्दिरों की रक्षा के लिए कोई गार्ड सब जगह रखे गये हैं। मुमकिन है कि कहीं कहीं हों। लेकिन जहाँ तक हमें मालूम है ऐसे रक्षकों का प्रबन्ध साधारणतया नहीं है।

[**Dr. Keskar:** My information is that guards have not been posted at every Hindu and Sikh temple in Pakistan. It is possible that they may have been posted at some of them. But, according to the information at our disposal provision for posting such guards has not been generally made.]

**श्री द्विवेदी :** क्या मैं जान सकता हूँ कि यह चीख सरकार की जानकारी में है कि ऐसे आदिमियों ने कोई नियम बिचूढ़ सम्पत्ति लाने या ले जाने का काम किया ?

[**Shri Dwivedi:** May I know whether the Government are aware that there have been instances when these guards have taken away or removed property illegally?]

**Dr. Keskar:** I must have notice of this question, Sir.

**Mr. Speaker:** Let us go to the next question.

**G. MAZSONI SOAP MAKING PROCESS**

\*3269. **Shri S. C. Samanta:** Will the Minister of Commerce and Industry be pleased to state:

(a) when and where the G. Mazsoni Soap making process was evolved;

(b) whether this process has been accepted by the soap industrialists in India;

(c) if the answer to part (b) above be in the affirmative, the names of firms which are following the process; and

(d) what are the special advantages of this process?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) It is an Italian process and has been recently developed.

(b) No, Sir.

(c) Does not arise.

(d) The advantages claimed are:

(i) Reduction in the cost of production owing to economy of labour and power.

(ii) Lower initial capital outlay.

(iii) Lower inventory investment as a result of elimination of stocks of partially processed materials.

(iv) Smoothness of operation.

**Shri S. C. Samanta:** May I know what is the reason for this plant not being used in India in spite of the advantages mentioned by the hon. Minister?

**Shri Mahtab:** This process of soap making has not been accepted in India because it is a patented process for which royalty is to be paid and also because it requires a high technical skill to operate the plant.

**Shri S. C. Samanta:** Is Government aware that the output from this plant rises from 400 to 2,000 kilograms per hour? In view of these facilities, will Government encourage the import of these plants in spite of the royalties?

**Shri Mahtab:** Probably the hon. Member does not know that in Italy itself the process has not been given full trial. Our latest report is that the output of the Italian installation now in operation is limited at present between 800 lbs and 2 tons of soap per hour. For larger production a number of units are to be set up in parallel. It will thus be seen that the process has not yet been given a very wide trial even in Italy.

**CALCUTTA CORPORATION (CLAIM)**

\*3270. **Dr. M. M. Das:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether it is a fact that the Calcutta Corporation has claimed some compensation from the Central Government for the loss in taxes on account of properties owned by the Central Government in the city of Calcutta;

(b) the total annual amount of taxes otherwise payable to the Calcutta Corporation due to properties owned by the Central Government; and

(c) the amount, if any, paid annually by the Central Government to the Calcutta Corporation for water supply and drainage in connection with their properties in Calcutta?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** (a) No.

(b) The hon. Member presumably desires to know the amount of taxes paid by the Central Government on buildings erected prior to 1st April, 1937. The Central Government are paying to the Calcutta Corporation Rs. 19,10,784 annually.

(c) No such tax is paid separately to Calcutta Corporation.

**Dr. M. M. Das:** May I know whether any difference exists in regard to payment of taxes in Calcutta between buildings built before 1937 and after that year?

**Shri Buragohain:** Under the Government of India Act, 1935, there is a section, namely 154, and a similar provision exists in the Constitution of India, namely Article 285 whereby the Central Government property is exempted from the taxes of the local authorities and local Governments.

**Dr. M. M. Das:** May I know whether the exemption also includes taxes upon filtered water and drainage and other facilities?

**The Minister of Works, Production and Supply (Shri Gadgil):** In the Calcutta Corporation, there is no separate water and sewage tax. There is only one. Therefore, there is complete exemption. If the Calcutta Corporation divides and charges separately for water and sewage, perhaps the interpretation might be different.

**Dr. M. M. Das:** May I know whether the Government has had to pay any compensation to the Calcutta Corporation?

**Shri Buragohain:** There is a case of compensation with regard to the Orphananj market: that has been

taken by the Calcutta Corporation to the court of law.

**Shri Deshbandhu Gupta:** May I know whether it is a fact that so far as Delhi is concerned, even on the stores that are imported for the use of Government no terminal tax is paid?

**Mr. Speaker:** That goes beyond the scope of the question.

**Shri Sidhva:** In reply to part (b) of the question, the hon. Minister replied that about 19 lakhs of rupees were paid on buildings erected prior to 1st April 1937, and in reply to part (c), he said that no taxes are paid separately to Calcutta Corporation. May I know whether the taxes were paid before 1937, and since when the payment of taxes has been stopped?

**Shri Buragohain:** With regard to part (c), I had said, "No such tax is paid separately to Calcutta Corporation." That means that the tax with regard to water-supply and drainage is included in the tax of the Calcutta Corporation.

**Dr. M. M. Das:** I want the matter to be clarified. I want to know whether any tax is paid to the Corporation for buildings that were constructed before this Act of 1935, and whether it is still being paid now?

**Shri Buragohain:** They are being still paid now. The figure that I had given relates to those buildings acquired or constructed before 1st April 1937.

#### REPARATIONS FROM GERMANY

\*3271. **Dr. M. M. Das:** (a) Will the Minister of Commerce and Industry be pleased to state whether India has received all the war reparations from Germany that was allotted to her share?

(b) How have the reparations received by India been disposed of?

(c) What part of reparation has been purchased by the different State Governments and what part has been purchased by the different Ministries of the Union Government?

(d) What machines, if any, have been purchased by (i) Faridabad Development Board, and (ii) Nilokheri Polytechnique?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) Yes, Sir.

(b) I would invite the attention of the hon. Member to the answers I gave to parts (c) to (e) of Starred Question No. 2360 on the 20th March, 1951.

(c) and (d). Three statements are laid on the Table of the House. [See Appendix XXII, annexure No. 25.]

**Dr. M. M. Das:** What is the total estimated value of these machines and plants and what portion has been realised up-to-date?

**Shri Mahtab:** The total value of the machines already realised is Rs. 22,55,133. The total book value would be about 2 crores.

**Dr. M. M. Das:** May I know whether any machine has been sold to any private persons?

**Shri Mahtab:** No; the statement will show that no machinery has been sold to private parties.

**Dr. M. M. Das:** May I know what are the machines that have been damaged beyond recovery due to lack of proper storage facilities?

**Shri Mahtab:** I do not think any machine has been damaged as suggested by the hon. Member.

**श्री द्विवेदी :** यह जो बिजली का यंत्र फरीदाबाद में लगाया जा रहा है उसके लगाने के खर्च का क्या अनुमान है ?

[**Shri Dwivedi:** May I know the estimated expenditure that might be incurred in respect of the electric plant that is being installed at Faridabad at present?]

**Shri Mahtab:** I do not know; but some machines have been sold to the Faridabad Development Board. We do not know the cost of setting up the machines at Faridabad.

**श्री द्विवेदी :** क्या इस सम्बन्ध में जर्मनी के कोई विशेष आये हैं ?

[**Shri Dwivedi:** Have some German experts come to India in this connection?]

**Mr. Speaker:** Order, order. I think this matter of reparations and setting up machines has been dealt with here very often. Next question.

#### INDIA'S TRADE WITH JAPAN

\*3272. **Shri B. R. Bhagat:** Will the Minister of Commerce and Industry be pleased to state:

(a) the volume of India's trade with Japan during the financial year 1950-51;

(b) whether there has been an adverse balance of trade; and

(c) if so, the reasons therefor?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) The total value of India's trade with Japan during the first ten months of the financial year 1950-51 amounted to Rs. 1308 lakhs.

(b) Yes, Sir.

(c) The adverse balance of trade was due to the general policy of the Government of allowing liberal imports of essential commodities like capital goods and industrial raw materials for which Japan is a good source of supply.

**Shri B. R. Bhagat:** What is the amount of adverse balance?

**Shri Karmarkar:** For 1948-49, the imports were Rs. 6,37,00,000. India's exports including re-exports were Rs. 4,59,00,000. The adverse balance was Rs. 1,78,00,000. For 1949-50, the imports were Rs. 21,41,00,000 and exports were Rs. 6,13,00,000. The adverse balance was Rs. 14,29,00,000. From April to November 1950, the adverse balance has been Rs. 1,51,00,000.

**Shri B. R. Bhagat:** What are the chief items of export to Japan?

**Shri Karmarkar:** The principal exports, as I find, for the recent period were raw cotton, metal ores and minerals, and raw jute. All these together accounted for 90 per cent. of the aggregate value of the exports. That is for the pre-war years. The post-war exports have been principally raw cotton, seeds, mostly castor seeds, groundnut, linseed, metal ores and minerals, and raw jute, which account for more than 80 per cent. of our exports to Japan in 1949-50.

**Shri B. R. Bhagat:** May I know whether imports from Japan into India include small machines, and if so, what is the amount of such imports?

**Shri Karmarkar:** I have got the general figure Rs. 5,02,00,000 for machinery and mill work. I have not got the separate figures for small machines.

**Shri R. Velayudhan:** May I know whether there was any suggestion from Japan for the import of any quantity of textiles into India?

**Shri Karmarkar:** No, Sir.

**Shri Chaliha:** What is the value of capital goods imported from Japan to India?

**Shri Karmarkar:** So far as I can say offhand, the machinery and mill work accounted for Rs. 6,02,90,000; the other articles were artificial silk and cotton manufactures, etc.

**Shri Sarangdhar Das:** May I know if there is any indication that Japanese textiles would be exported from Japan into India?

**Shri Karmarkar:** There are no indications; we could not foresee.

**Shri T. T. Krishnamachari:** May I ask whether the hon. Deputy Minister anticipates any addition to our adverse balance of trade by reason of the fact that the O. G. L. has now been liberalised and camphor has been included amongst the O. G. L. items?

**Shri Karmarkar:** Camphor, so far as I can say offhand, does not account for much of the foreign exchange. With regard to other articles, we cannot foresee. If it is necessary to import from Japan, naturally our adverse balance of trade will rise.

#### SALT TAX AND DUTY

\*3273. **Dr. Deshmukh:** (a) Will the Minister of Works, Production and Supply be pleased to state the highest rate at which salt tax and duty were levied per maund during the period it was levied?

(b) What is the quantity of salt consumed per month in India today?

**The Minister of Works, Production and Supply (Shri Gadgil):** (a) Rs. 3-4-0 per maund.

(b) About 55 lakh maunds.

**Dr. Deshmukh:** May I know if consumption has gone up or gone down recently?

**Shri Gadgil:** It is gradually going up.

**Dr. Deshmukh:** May I know what was the revenue derived by the Government when this tax was in force?

**Shri Gadgil:** It is very difficult to say. But, the history of the tax is like the history of any politician going up and going down. In 1870, the tax was collected at the rate of Rs. 3-8-0. Then, it came to Rs. 2-8-0 and later on to Rs. 2. Re. 1, and Rs. 1-4-0 and ultimately in 1947 this tax altogether disappeared from the field of taxation, unwept, unhonoured and unsung.

**Dr. Deshmukh:** Is it a fact that at the present time this tax if levied would be insignificant because the price of salt is very high?

**Shri Gadgil:** If the tax is imposed, naturally the treasury will get anything like Rs. 15 crores.

**Pandit Munishwar Datt Upadhyay:** Out of this consumption, what percentage goes for human consumption and what for other needs?

**Shri Gadgil:** I require notice for giving exact figures, but I think out of the 55 lakhs, about 45 lakhs go for human consumption.

**श्री द्विवेदी :** जब कि दूसरी आवश्यक वस्तुओं पर टैक्स, कर, लगाया जा रहा है तब क्या कारण है कि नमक पर टैक्स नहीं लगाया जा रहा है और जब कि इस के प्रयोग करने वालों की संख्या . . . . . ?

[**Shri Dwivedi:** Keeping in view the fact that other essential articles are going to be taxed, why is salt being exempted from the same and that also when the number of consumers of this commodity . . . . . ?]

**Mr. Speaker:** Order, order. The hon. Member is entering into arguments.

**Dr. M. M. Das:** May I know what new taxes have had to be imposed as a result of the withdrawal of this salt tax?

**Shri Gadgil:** No new tax has been imposed; but only the old cess duties continue and the money thus realised is used for the purpose of research etc.

**Dr. M. M. Das:** Sir, I wanted to know the imposition of what other new taxes that have been necessitated by the withdrawal of the salt tax?

**Shri Gadgil:** I think the question may please be directed to the Finance Minister.

**Shri Hussain Imam:** Sir, what is the price of salt today as compared to the price in 1947 when there was a duty on salt?

**Shri Gadgil:** The price has definitely gone down to some extent, though not to the extent expected.

**Shri Kamath:** Sir, with regard to the reference to politicians by the hon. Minister, was it made because he thinks that politicians are the salt of the earth?

**Mr. Speaker:** Order, order. We go to the next question.

#### STATE TRADING COMMITTEE'S REPORT

\*3274. **Dr. Deshmukh:** (a) Will the Minister of Commerce and Industry be pleased to state the date on which the State Trading Committee submitted its Report to Government?

(b) Has the examination of its recommendations been completed?

(c) Is there any likelihood of any of its recommendations being accepted and given effect to?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) to (c). The Report of the Committee on State Trading which was submitted to Government on the 5th August, 1950, is still under consideration.

**Dr. Deshmukh:** May I know how long the hon. Minister will take to finalise this consideration and let us know the decision?

**Shri Karmarkar:** Within a very short time.

**Shrimati Renuka Ray:** May I know what are the specific reasons for the delay in the consideration of this Report, and will Government be able to name a date by which the State Trading Corporation will be set up?

**Shri Karmarkar:** The principal reason is that this is a very important subject and it is being considered for the first time by the Government and this Report itself is a very learned document and requires very careful consideration and therefore, proper time has to be taken for its consideration and for coming to a decision.

**Shrimati Renuka Ray:** But what are the . . . . .

**Mr. Speaker:** Order, order. We go to the next question.

#### HANDLOOMS

\*3275. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Commerce and Industry be pleased to state how many workers are employed on handlooms and how many yards do they produce per day?

**The Minister of Commerce and Industry (Shri Mahtab):** About 2.4 million workers are employed in the Handloom Industry and annual production of handloom cloth ranges between one thousand million yards to one thousand and five hundred million yards according to the supplies of yarn available.

**Pandit Munishwar Datt Upadhyay:** May I know whether all these workers had worked throughout the year 1950 or had they to sit idle for some time on account of shortage of yarn?

**Shri Mahtab:** There was evidently shortage of yarn and so unemployment also.

**Shri Bharati:** What is the average earning per day of a handloom worker?

**Shri Mahtab:** That depends on the working of the loom and also the ability of the handloom weaver.



### IRON SHEETS FOR ASSAM

\*3278. **Maulvi Wajed Ali:** (a) Will the Minister of Commerce and Industry be pleased to state the total quantity of corrugated iron sheets, supplied to Assam as its quota during the years 1948, 1949 and 1950?

(b) Were these quotas commensurate with the demand of the State Government of Assam?

(c) Is it not a fact that, owing to recent earthquake, floods, etc. there are greater demands for corrugated iron sheets and other building materials from Assam?

(d) Do Government propose to allot a larger quota of corrugated iron sheets and other building materials to Assam?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) 1,261 tons in 1948, 3,405 tons in 1949 and 6,411 tons in 1950.

(b) Quotas were allotted to the State Government after taking into account their demands and the supply position of steel in general and corrugated iron sheets in particular.

(c) and (d). The immediate requirements of corrugated iron sheets, mild steel rods and cement of the Government of Assam to rehabilitate the earthquake and flood sufferers were met in full. If and when further demands are received, they will be duly considered and met as far as possible.

**Shri Chalhha:** May I know whether there has been any fresh demand or request for assistance in this respect from Assam?

**Mr. Speaker:** I would like to give first preference to the questioner—Maulvi Wajed Ali.

**Maulvi Wajed Ali:** I wanted to put the same question, whether any request for assistance has come from Assam and whether this assistance will be given soon in connection with the repairs of the earthquake damages.

**Shri Mahtab:** Whatever was demanded in connection with the earthquake, we have already supplied.

**Shri Sanjivayya:** Sir, I would like to withdraw part (b) of my question No. 3279.

**Mr. Speaker:** Yes, he can do so, and put only part (a) of the question.

### LABOUR APPELLATE TRIBUNAL

\*3279. **Shri Sanjivayya:** Will the Minister of Labour be pleased to state how many members of the Labour Appellate Tribunal are Judges or ex-Judges?

**The Minister of Works, Production and Supply (Shri Gadgil):** Of the Chairman and four members of the Labour Appellate Tribunal four are retired High Court Judges and one is a retired Judge of the City Civil Court Rangoon, Burma.

**Shri Sanjivayya:** Are Government aware of a resolution passed recently by the Executive of the I. N. T. U. C. requesting Government to abolish altogether the Labour Appellate Tribunal and if so what is the attitude of the Government towards that resolution?

**Shri Gadgil:** Such representations have been received, but Government has to comply with the provisions of the Act.

### EXPORT OF RAW JUTE, COTTON AND OIL SEEDS TO ITALY

\*3280. **Shri S. C. Samanta:** Will the Minister of Commerce and Industry be pleased to state:

(a) the amount and value of raw jute, cotton and oil-seeds exported to Italy in 1950;

(b) what are the main items of goods that were imported into India from Italy in the same year and what was their value; and

(c) which of these imported goods are raw materials?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) and (b). A statement is placed on the Table of the House. [See Appendix XXII, annexure No. 26.]

(c) Raw cotton, raw silk and cocoons and artificial silk staple fibre and yarn raw (cut fibre) and waste.

**Shri S. C. Samanta:** May I know whether the terms of the trade agreement with Italy have undergone any change recently?

**Shri Karmarkar:** I am not aware of any trade agreement with Italy.

**Shri S. C. Samanta:** May I know whether cotton waste is also exported and if so, how much?

**Shri Karmarkar:** Cotton waste exported in 1949 is 3,100 tons and in 1950 the figure is 5,300 tons. The value of export in 1950 is Rs. 132 lakhs.

**Shri S. C. Samanta:** Is it a fact that we had a favourable balance of trade in the first half of 1950 and an adverse balance during the latter half and if so, what are the reasons?

**Shri Karmarkar:** I should like to go into the reasons.

**Shri B. K. Das:** Is there any quota fixed for the export of raw cotton and jute and if so, what is it in each case?

**Shri Karmarkar:** We did not export raw jute to Italy in 1950. There is a quota for raw cotton, but I want notice to give the detailed information.

**Pandit Munishwar Datt Upadhyay:** Is there any agency of ours for looking into questions of commerce and trade in Italy or this work is done through the High Commissioner in London?

**Shri Karmarkar:** I think we have got our representative in Italy.

**Shri S. C. Samanta:** The statement given by the hon. Minister shows raw cotton being imported during 1949-50, but after that no raw cotton was imported. May I know what was the reason for this stoppage?

**Shri Karmarkar:** Raw cotton to the value of Rs. 1,99,669 was imported in 1949-50 and then the position was such that we could not get any.

**Shri S. C. Samanta:** What is the quality of cotton exported and the quality imported?

**Shri Karmarkar:** I should like to have notice.

#### CHEMICALS FOR TANNING INDUSTRY

\*3281. **Shri S. N. Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) the chemicals and other articles which are imported from abroad for the tanning industry; and

(b) what quantities of these were imported during the years 1948-49, 1949-50 and 1950-51 (upto December)?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) A statement is laid on the Table of the House. [See Appendix XXII, annexure No. 27.]

(b) Separate statistics regarding items imported exclusively for the tanning industry are not maintained. A statement showing total imports of the more important chemicals and raw materials, which are also used by the tanning industry, is placed on the Table of the House. [See Appendix XXII, annexure No. 28.]

**Shri S. N. Das:** May I know whether any control is exercised over the import and distribution of barks that are imported for the tanning industry?

**Shri Mahtab:** On the contrary wattle bark is on the O. J. L. There is no control over it.

**Shri S. N. Das:** Is it a fact that due to the short supply of this bark and

its extracts there has been a decline in the manufacture and export of tanned skins and hides?

**Shri Mahtab:** We have been in short supply of this bark ever since we cut off trade relations with South Africa. This has been imported to a certain extent from East Africa. Meanwhile State Governments have been called upon to encourage the production of this kind of bark.

**Shri S. N. Das:** Have any efforts been made to secure the supply of these barks in India and, if so, to what extent?

**Shri Mahtab:** As I said we are getting the supply to some extent from East Africa. So far as production inside the country is concerned, the Madras Government have taken it up earnestly and other State Governments are also trying to do the same.

श्री द्विवेदी : मैं पूछ सकता हूँ कि क्या कच्चा चमड़ा पकाये जाने के लिए दूसरे देशों को निर्यात होता है, अथवा बाहर से भी दूसरे देशों से यहाँ कच्चा चमड़ा पकाये जाने के लिए आता है ?

[**Shri Dwivedi:** May I know whether raw hides and skins are exported to other countries for tanning purposes and similarly are they also imported into this country from abroad for the same purpose?]

**Shri Mahtab:** Hides were used to be exported and now the export is banned.

**Shri R. Velayudhan:** May I know whether we have got Trade Commissioners in Moscow and Peking?

**Shri S. N. Das:** May I know whether these barks and extracts of bark are covered by the Supply and Prices of Goods Act, 1950?

**Shri Mahtab:** I do not think it is controlled under that law.

#### TRADE COMMISSIONERS

\*3282. **Shri S. N. Das:** Will the Minister of Commerce and Industry be pleased to lay on the table a statement showing the countries where arrangements have so far been made to station the Government of India's Trade Commissioners and Consular Agents, giving their Headquarters?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** A statement is laid on the Table of the House. [See Appendix XXII, annexure No. 29.]

**Shri S. N. Das:** Which are the important centres which are still to be covered by our Trade Commissioners or Consuls?

**Mr. Speaker:** Has the hon. Member got a copy of the statement?

**Shri S. N. Das:** I want to know whether there remain any important centres which are still to be covered by our trade representatives?

**Mr. Speaker:** I suppose he means intended to be covered but not yet covered?

**Shri Karmarkar:** The important trade centres already covered are given in the statement and if he deducts the number from the total number of important centres he will find the balance to be covered.

**Mr. Speaker:** I amended the question somewhat. Are further centres intended to be opened by Government?

**Shri Karmarkar:** Owing to considerations of economy we have already cut down certain important centres and so there is no immediate proposal for extending them.

**Shri R. Velayudhan:** May I know whether we have appointed any Trade Commissioner in Moscow and Peking?

**Shri Karmarkar:** He will find the information from the statement laid on the Table of the House.

**Shri Jhunjhunwala:** What are the functions of the Trade Commissioners? Do they play any part in the purchase of stores?

**Shri Karmarkar:** In reply to a supplementary question sometime ago I gave an answer. If my hon. friend refers to the proceedings he will find a full answer to his question.

**Kaka Bhagwant Roy:** Have Government received any report from their Singapore Office that they are understaffed to cope with the increasing volume of work?

**Shri Karmarkar:** The fact is that we have received similar complaints of being understaffed from other offices as well. Owing to the strong desire of the House to economise we are not increasing the staff.

#### OFFICERS IN THE MINISTRY

\*3283. **Shri Jagannath Das:** (a) Will the Minister of Commerce and Industry be pleased to state the present strength of Secretaries, Joint Secretaries, Deputy Secretaries, Under Secretaries, and Assistant Secretaries in the

Ministry, and the strength of these officers when the two Ministries were working separately?

(b) What is the saving effected as a result of the amalgamation of the two Ministries?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) I would invite the attention of the hon. Member to the answer I gave to Starred Question No. 2387 dated the 20th March, 1951.

(b) The estimated saving is Rs. 3,40,000 per year.

**Shri Sidhva:** May I know whether this is actual saving or a book transfer?

**Shri Mahtab:** I do not understand the question and therefore I repeat that it is a saving.

**Shri Sidhva:** I want to know whether Rs. 3 lakhs are a saving in the treasury or it is a book entry transferred from one Department to another.

**Mr. Speaker:** It is a repetition of the same question. I do not think it carries any more light. Presumably what he means is whether the economy is shown by transfer of certain offices to another Department and it merely happens to be a book entry.

**Shri Mahtab:** If the hon. Member wants to know whether it is a saving, in the sense that this money is available for other purposes, I would say "Yes".

**Shri Sidhva:** I want to know whether the Rs. 3 lakhs saved by the Ministry's reorganisation have been actually a saving to the State or it is merely a transfer of book entry.

**Shri Mahtab:** It is a genuine saving inasmuch as this money is available for purposes other than staff.

#### INDIA'S AMBASSADOR TO U.S.S.R.

\*3284. **Shri Kamath:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that, on his return from India recently our Ambassador to the U.S.S.R. went to Oxford, and spent considerable time there;

(b) if so, what work he did at Oxford; and

(c) where he is at present?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) and (b). Yes. He was in Oxford for about two months. He went there to fulfil a long-standing engagement to deliver a series of lectures.

(c) He is now in Moscow.

**Shri Kamath:** Is it a fact that our Ambassador to the U. S. S. R. occupies

the Chair of Comparative Religion and Philosophy or some other faculty at the Oxford University?

**Dr. Keskar:** Yes, Sir.

**Shri Kamath:** Is it an honorary or paid post?

**Dr. Keskar:** It is a paid post.

**Shri Kamath:** Is it in accordance with diplomatic convention or practice that an Ambassador could hold another paid post anywhere else?

**Dr. Keskar:** There is nothing in it against diplomatic convention. When he accepted the post of Ambassador Government made some special arrangement with him regarding this post.

**Shri Kamath:** Is it an exception made in his case only?

**Dr. Keskar:** At present so but that does not preclude that the Government might make such agreement with any other Ambassador to be appointed in the future.

**Shri Kamath:** May I know whether Ambassadors of other countries hold other paid jobs besides their own?

**Mr. Speaker:** The hon. Member is entering into an argument. Next question.

**Shri Kamath:** May I make a special request to you, Sir, that Question No. 3295 about Netaji Subhas Chandra Bose may be taken up out of turn, if the House is agreeable.

**Mr. Speaker:** How are the two questions connected?

**Shri Kamath:** The first two lines are wrongly printed, Sir. Though there is no connection, as a special case I would request you to take it out of turn, as it may not be reached. Last time in the case of a similar question, it was done when the Deputy-Speaker was in the Chair, and the House was also agreeable.

**Mr. Speaker:** Then I shall have to call all the hon. Members who have their questions and ask whether they would decline to put their questions. That will be a proper procedure.

**Shri Sidhva:** Already two minutes are lost in this discussion.

**Mr. Speaker:** So there is already a complaint. Next question.

#### RAW MATERIALS FOR INDUSTRIES

\*3285. **Shri S. N. Das:** (a) Will the Minister of Commerce and Industry be pleased to lay on the Table a statement

giving the names of important industries which have to depend on imports for the supply of their basic raw materials?

(b) What procedure has been laid down to facilitate the import of raw materials for them?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) and (b). The information is being collected and will be laid on the Table of the House in due course.

**Dr. Deshmukh:** May I request a reply to part (b) of the question which asks what procedure has been laid down to facilitate the import of raw materials for them?

**Shri Mahtab:** I thought the hon. Member who put down the question wanted to know the detailed information. I can say generally that with regard to the raw materials required for the industries we have liberalised the imports, we have included many items on the O. G. L., we have relaxed the import control on various other items.

#### FOREIGN FACTORIES

\*3286. **Shri Krishnanand Rai:** (a) Will the Minister of Commerce and Industry be pleased to state what foreign firms have obtained Government's approval in respect of Capital Issue and foreign participation etc. and are going to open factories in India in the year 1951?

(b) Will Government have any share in these factories and if so, what are the terms?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) Attention of the hon. Member is invited in this connection to the information furnished in reply to Starred Question No. 2761 by Shri Syamnandan Sahaya on the 3rd April, 1951, wherein it was stated that during the years 1948, 1949 and 1950, 83 cases of foreign participation in respect of industrial projects were approved by the Government.

9 firms are expected to come into production this year.

(b) No, Sir.

**Shri Krishnanand Rai:** May I know whether any special facilities or guarantees are given to foreign concerns that are going to invest capital in new factories here?

**Shri Mahtab:** No special facilities are given. These factories are really combined; our industrialists have combined with some foreign firms and have set up these factories here. In all cases the Indians have predominating control.

**Shri Krishnanand Rai:** What amount of foreign capital is likely to be invested by these foreign firms in 1951?

**Shri Mahtab:** The figure for the year is not with me, but on the whole it is about Rs. 10 crores.

#### UNADMINISTERED AREAS

\*3287. **Shri Krishnanand Rai:** Will the Prime Minister be pleased to state:

(a) whether Government have got any estimate of the population of the tribal people residing in 'Unadministered Areas' of the North-Eastern Frontier and the acreage of land in their possession;

(b) if so, what;

(c) whether Government propose to have a survey of this area for establishing road or air links; and

(d) whether this area is penetrable through mountain passes from Burma?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) and (b). The estimated population is about five lakhs. As there has been no proper survey of the extensive mountainous areas, an estimate of acreage of land is not available.

(c) Proposals for the development of these tribal areas include survey of various areas for the construction of roads and bridle paths etc.

(d) This is not easy.

**Shri Krishnanand Rai:** May I know what is the relationship of the people in these unadministered tribal areas with the Government of India at present?

**Dr. Keskar:** That would require a very long answer, but if my hon. friend would just look into the detailed estimates presented for the External Affairs Ministry's budget this year, he will find sufficient data for the area which is directly under the Central Government at present.

**Shri J. N. Hazarika:** May I know what arrangements have been made for the representation of these five lakhs of people there in the Parliament of India?

**Dr. Keskar:** Negotiations are going on at present to see that these five lakhs of people have some representation in Parliament. But I would like to draw the attention of my hon. friend to the fact that it is extremely difficult to reach all these five lakhs of people and get their vote or their dissent or opinion with regard to their representation because certain areas have even now been not reached and have been

inaccessible to us. It is quite possible that in the near future we might be able to reach these people.

**Shri Krishnanand Rai:** May I know whether Government is aware that any Indian political parties are working amidst them these days?

**Dr. Keskar:** As far as the unadministered areas which are under the Central Government directly are concerned, there has never been any sort of political education in those areas.

**Shri Chaliha:** May I know what is the procedure for contact between the Government of India and these areas—by police battalions or by military battalions?

**Dr. Keskar:** The procedure for contact is laid down. The Government of India is represented in these areas by the Governor of Assam who is their agent and he has got certain officers deputed to various districts. It is through these officers that these people contact the Government of India.

**Pandit Kunzru:** As regards the representation of the people living in the tribal areas on the North-Eastern Frontier, is it a fact that the Constitution lays down that they shall have no representation either in the House of the People or in the Legislative Assembly of Assam?

**Dr. Keskar:** With regard to those in the Centrally Administered areas there, yes. There is no special law or arrangement for that.

**Mr. Speaker:** Next question.

**Pandit Kunzru:** Is it laid down.....

**Mr. Speaker:** Order, order. I have called the next question.

#### JUTE FROM PAKISTAN

\*3288. **Shri Sidhva:** (a) Will the Minister of Commerce and Industry be pleased to state how much raw jute in quantity and value has been received in India so far from Pakistan under the recent Indo-Pakistan Agreement?

(b) How much coal in quantity and value has been despatched from India to Pakistan during the same period?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) According to the reports received by Government up to the 6th April, 1951, the quantity of raw jute received in India from Pakistan under the Indo-Pakistan Trade Agreement of February, 1951 is 1,61,587 maunds. The value of this jute is about Rs. 94 lakhs.

(b) The quantity of coal despatched from India to Pakistan up to the 23rd March, 1951 was 68,837 tons valued at

Rs. 16,91,680. Further information is yet awaited.

**Shri Sidhva:** May I know whether the quantity of jute received from Pakistan so far is in accordance with the terms of the Agreement, or is there a shortfall?

**Shri Karmarkar:** It is certainly, as my friend can see, a shortfall as compared with the total imports that have been agreed to.

**Shri Sidhva:** To what extent?

**Shri Karmarkar:** My friend doubtless knows that according to the Agreement ten lakh bales were to arrive in India up to the end of June, 1951, and as compared with that the amount is certainly a shortfall.

**Shri Sidhva:** May I know whether the coal supplied by us to Pakistan is in excess or in shortfall of the quantity laid down in the Agreement?

**Shri Karmarkar:** That is obviously a shortfall because the quantity agreed to is 600,000 tons up to end of June, 1951 and the quantity supplied up to now is 63,837 tons. That is definitely a shortfall.

**Shri Sidhva:** What is the period within which this quantity agreed to has to be reached?

**Shri Karmarkar:** To repeat what I have said earlier, the quantity of coal that we have to export to Pakistan up to the end of June is 600,000 tons. The quantity that has been exported up to 23rd March is 63,837 tons.

**Shri Sidhva:** Will the entire quantity be exported within the agreed period?

**Shri Karmarkar:** It is agreed that it has to be completed.

**Shri B. K. Das:** Is the shortfall due to transport difficulties or otherwise?

**Shri Karmarkar:** Largely due to transport difficulties.

**Shri Chattopadhyay:** May I know the rate at which coal is supplied to Pakistan?

**Shri Karmarkar:** The average pit-head price, I understand, is Rs. 15-8-0 per ton, and then there is Rs. 11 per ton export surcharge.

**Shri Chattopadhyay:** Will the hon. Minister give an idea as to at what rate Pakistan was getting coal from other countries?

**Shri Karmarkar:** I would have to consult my hon. friend the Minister of Works, Production and Supply and then give the hon. Member an answer.

#### HINDUS AND SIKHS IN PAKISTAN

**\*3289. Shri Raj Kanwar:** Will the Prime Minister be pleased to state the number of Hindus and Sikhs separately in (i) Punjab (P), (ii) North West Frontier Province; (iii) Sind and (iv) East Bengal, respectively, according to the latest census figures as worked out by the Pakistan authorities?

**The Deputy Minister of External Affairs (Dr. Keskar):** The Government of Pakistan have not yet published the last census figures of Hindus and Sikhs residing in the various Provinces of Pakistan.

**Shri Raj Kanwar:** Is the number of Hindus and Sikhs in West Pakistan gradually increasing or decreasing and if it is what is the percentage of such increase or decrease?

**Dr. Keskar:** My hon. friend has apparently not listened to the reply. As long as the figures of the census of the Pakistan Government are not available it is not possible for us here to judge whether the number is increasing or decreasing.

**Shri Raj Kanwar:** So far as East Pakistan is concerned, are more Hindus and Sikhs going there from India or are coming back to India?

**Dr. Keskar:** Does the migration of Hindus to Pakistan arise out of this question, Sir?

**Mr. Speaker:** No.

#### WRITTEN ANSWERS TO QUESTIONS

##### REGIONAL LABOUR COMMISSIONERS

**\*3276. Babu Gopinath Singh:** Will the Minister of Labour be pleased to lay on the Table of the House a statement showing:

(a) the total number of cases received by the various Regional Labour Commissioners for disposal during last year ( ), those pending from previous year);

(b) how many of the cases mentioned in part (a) above were filed originally with the Regional Labour Commissioner for settlement of disputes and how many were received from Conciliation Officers for onward transmission to the Government of India owing to non-settlement of disputes;

(c) the number of cases disposed of;

(d) the number of cases pending for disposal; and

(e) the dates of three oldest cases pending?

**The Minister of Works, Production and Supply (Shri Gadgil):** (a) to (e). A statement giving the requisite information is placed on the Table of the House. [See Appendix XXII, annexure No. 30.]

**SINDHU RESETTLEMENT CORPORATION  
(KUTCH)**

\*3277. **Prof. K. T. Shah:** (a) Will the Minister of Rehabilitation be pleased to state, pending the completion of the plans for housing and settling the displaced persons in the Sindhu Resettlement Corporation (Kutch), how the funds of the Corporation have been invested?

(b) Were any advances made or loans granted to or monies invested in the Exchange Bank of India and Africa, before that Bank was ordered to be wound up, and if so, how much?

(c) What was the authority for making such advances or investment, and what was the security demanded and received by the Corporation?

(d) What part of this advance, loan, or investment has been, or is expected to be, realised when the affairs of the Bank are finally wound up, and has any interim dividend been received?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) to (d). The information is being collected and will be placed on the Table of the House in due course.

**TRADE WITH CHINA**

\*3290. **Shri R. C. Upadhyaya:** (a) Will the Minister of Commerce and Industry be pleased to state the total value of India's imports from and exports to China in the year 1950?

(b) What are the articles of our exports to and imports from China?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) The total value of India's import from, and export to, China during the year 1950, are Rs. 49.5 lakhs and Rs. 240 lakhs respectively.

(b) A statement is laid on the Table of the House. [See Appendix XXII, annexure No. 31.]

**VIOLATION OF IMPORT AND EXPORT  
REGULATIONS**

\*3291. **Shri Blyani:** (a) Will the Minister of Commerce and Industry be pleased to state whether periodical lists black-listing firms for offences against import and export regulations are being made by the Government of India?

(b) When was the list last made?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a)

A list of firms and individuals debarred from receiving import and export licences for contravention of Import and Export Regulations is being kept.

(b) A consolidated list of firms or individuals who were debarred from getting licences till the end of 1950 has been compiled in the beginning of this year.

**LABOUR APPELLATE TRIBUNAL**

\*3292. **Dr. Deshmukh:** (a) Will the Minister of Labour be pleased to state the date on which the Labour Appellate Tribunal was created?

(b) What is the annual recurring expenditure on this Tribunal?

(c) Is there any non-recurring expenditure incurred so far or proposed to be incurred?

(d) If so, what is the amount?

**The Minister of Works, Production and Supply (Shri Gadgil):** (a) 8th August, 1950.

(b) The estimated expenditure for the year 1951-52 is Rs. 3,90,000.

(c) Yes; mainly on repairs to the buildings occupied by the two Benches of the Appellate Tribunal at Bombay and Calcutta and on purchase of furniture.

(d) Expenditure incurred during 1950-51 is Rs. 34,200 and estimated expenditure during 1951-52 is Rs. 53,500.

**SOUTH AFRICAN GROUP AREAS ACT**

\*3293. **Shri Ganamukhi:** (a) Will the Prime Minister be pleased to state whether it is a fact that the South African Government has enforced the Group Areas Act?

(b) If so, what further action do Government propose to take in the matter?

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

(b) The Government of India have again brought the matter to the notice of the United Nations. The relevant correspondence was published on 17th April, 1951 as a white paper, copies of which are available in the Library of the House.

**COTTON PRICES**

\*3294. **Shri Ganamukhi:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Government are contemplating to revise the prices of fine and super-fine cloths; and

(b) if the answer to part (a) above be in the affirmative, the reasons therefor?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) The prices of cloth have already been revised.

(b) According to the recommendations of the Tariff Board which have been accepted, the prices of cotton textiles are to be revised quarterly. As the last revision was made in January, 1951 it was due again from 1st April, 1951 which was done. The increases in the prices of fine and superfine cloth are entirely due to the rise in prices of American and Egyptian cotton that go into the production of these cloth.

#### NETAJI SUBAS CHANDRA BOSE

**\*3295. Shri Kamath:** Will the Prime Minister be pleased to refer to the Deputy Minister's answer to my Supplementary Question to Starred Question No. 2639 asked on the 31st March, 1951 regarding the last source or communication from which Government obtained news or confirmation of Netaji's death and state:

(a) the various communications and reports Government have received so far about Netaji Subas Chandra Bose's death or about his being alive; and

(b) the date and source of each of these communications or reports?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) Questions regarding the death of Shri Subhas Chandra Bose have been put and answered on the floor of this House on many occasions since 1946. After due enquiry and the collection of whatever evidence it was possible to gather, the Prime Minister made a statement on the 12th October, 1946 to the effect that there was little doubt that Shri Subhas Chandra Bose died on the 18th August, 1945.

This conclusion was confirmed from reports received from the Japanese Government and their agencies and in particular by a statement of a Medical Officer of the Japanese Army who stated that he had made out a death certificate, the cause of the death being extensive burns and shock.

Government have not received any special communication or news or any kind of evidence which might lead to the possibility of Shri Subhas Chandra Bose being alive.

The latest communication that Government received was from Major-General Bhonsale of the I. N. A. Committee on the 30th March, 1951 in which he stated that the ashes of Shri Subhas Chandra Bose were deposited in a Japanese temple in Tokyo on September 18, 1945. Enquiry is being made in this matter.

(b) Government are unable to furnish the dates and sources of the various communications they have received regarding this matter.

#### FOOD GRAINS FROM U. S. A.

**\*3296. Shri Kamath:** Will the Prime Minister be pleased to state:

(a) whether the Government of the U.S.A. was approached for supply of food grains to India;

(b) if so, when, by whom and on what terms or basis;

(c) whether any letters were exchanged between the Governments of India and the U.S.A. on the subject prior to the introduction of Food Aid proposals in the American Congress; and

(d) whether any talks have taken place on the subject between the U.S.A. Government and our Ambassador to the U.S.A.?

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

(b) Under instructions from the Government of India, the Indian Ambassador approached the Government of the U. S. A. in the middle of December, 1950 for the supply of 1½ to 2 million tons of food grains in 1951 on special and easy terms. The Ambassador followed this up by an *aide memoire* given early in February 1951, repeating the request.

(c) Apart from the *aide memoire* referred to in the reply to part (b), no correspondence has passed between the two Governments.

(d) The Indian Ambassador has been keeping in touch with the State Department regarding this subject.

#### TRADE WITH NEPAL

**\*3297. Shri S. N. Mahatha:** Will the Minister of Commerce and Industry be pleased to state the names of the main items of export and import between India and Nepal?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** Two lists showing main items of imports from and exports to Nepal are laid on the Table of the House. [See Appendix XXII, annexure No. 32.]

#### DISPLACED WOMEN AND CHILDREN

**223. Shri S. N. Das:** Will the Minister of Rehabilitation be pleased to state:

(a) the names of private institutions which have taken displaced destitute



women and children under their care for maintenance and training; and

(b) the number of destitutes which each of them has taken?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) and (b). The information is given in the attached statement. [See Appendix XXII, annexure No. 33.]

#### ESTIMATES COMMITTEE'S RECOMMENDATIONS

224. Dr. Deshmukh: (a) Will the Minister of Works, Production and Supply be pleased to state whether the recommendations of the Estimates Committee (4th Report) have been examined?

(b) If so, will Government lay on the Table of the House a statement showing the recommendations which have been accepted and those that have not been accepted, stating the action taken on these recommendations which have been accepted and the economies expected to result from them in the course of the present financial year?

The Minister of Works, Production and Supply (Shri Gadgil): (a) The examination of the report is in progress.

(b) I shall consider this when the examination has been completed.

#### YARN

225. Dr. Deshmukh: (a) Will the Minister of Commerce and Industry be pleased to state the monthly production of yarn of counts 20s and 26s from the 1st November, 1950 to 31st March, 1951?

(b) What portion of this has been allotted to handloom weavers and how much to power looms?

(c) What was the monthly quota given to each State in the Union since the 1st November, 1950 to 31st March, 1951?

(d) Has there been any change in the ex-mill prices of Rs. 15-6-0 and Rs. 19-4-0 per bundle of 10 lbs?

(e) Was any of this quota of yarn exported during the above months and if so, how much?

(f) Is there any duty imposed on export of yarn, if so, how much?

(g) What were the prices at which the yarn was sold to foreign countries?

The Minister of Commerce and Industry (Shri Mahtab): (a) A statement is placed on the Table of the House.

\* P.S.

(b) Every month Textile Commissioner allots a quota of yarn to each State for distribution to handlooms, Power looms and other miscellaneous industries by the State Textile Authorities. Figures of allotment of yarn of 20s and 26s counts to handloom and powers in each State is not available.

(c) Information regarding quota of yarn in respect of counts 20s and 26s is not available as allotment of yarn to each State is made only with reference to counts group-wise and not to particular counts.

(d) Yes. The prices are now Rs. 19 and Rs. 22-0-6 per bundle of 10 lbs. in respect of 20s and 26s respectively.

(e) The quota of yarn allotted to State is intended for consumption in the respective States and cannot be exported.

(f) No.

(g) Does not arise in view of reply to part (f).

#### STATEMENT

Month	20s (Bales)	26s (Bales)
November, 1950	13803	7547
December, 1950	12203	6499
January 1951	9596	5263
February, 1951	15801	7355
March, 1951	16,000	7500 Estimated

#### RUBBER EXPORTS

226. Dr. Deshmukh: (a) Will the Minister of Commerce and Industry be pleased to state the quantity of Indian rubber exported out of India during 1949 and 1950?

(b) What were the average prices prevailing in India during each of these years?

(c) What were the International prices prevailing during 1949 and 1950?

(d) What were the prices at which Indian rubber was sold?

(e) Do Government impose any export duty on it?

(f) If so, what is the rate?

The Minister of Commerce and Industry (Shri Mahtab): (a) 1949—277

1950—1029 tons 897 lbs

(b) 1949—Rs. 62-9 per 100 lbs. of first quality sheet rubber F. C. B. Cochin.

1950—Rs. 89.5 per 100 lbs. of first quality sheet rubber F.O.B. Cochin.

(c) 1949—Rs. 6.24 per 100 lbs of first quality sheet rubber F. O. B Colombo.

1950—Rs. 165.29 per 100 lbs of first quality sheet rubber F.O.B. Colombo

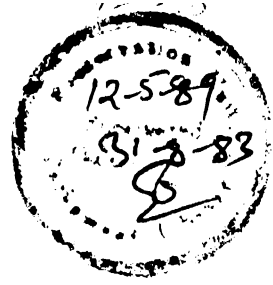
(d) Government has no exact information on this point, presumably the exporters must have sold it at the prevailing international prices.

(e) No, Sir.

(f) Does not arise.

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Thursday, 19th April, 1951



# PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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VOLUME X, 1951

(31st March, 1951 to 20th April, 1951)

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Third Session  
of the  
PARLIAMENT OF INDIA

1950-51

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**THE**  
**PARLIAMENTARY DEBATES**  
(Part II—Proceedings other than Questions and Answers.)  
**OFFICIAL REPORT**

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**PARLIAMENT OF INDIA**

Thursday, 19th April, 1951

**BUSINESS OF THE HOUSE**

**CHANGE IN HOURS OF SITTING**

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

[MR. SPEAKER in the Chair]

**QUESTIONS AND ANSWERS**

(See Part I)

**Mr. Speaker:** From the reports of the proceedings of the House during my absence from the 29th March and onwards, as also from enquiries made from me after my return on the 12th instant, I understand that the question of immediate change in the present timings of the meetings of Parliament, at least for the summer period, is weighing with hon. Members as a matter of urgency. The House knows that, in connection with the change in the normal hours of the sittings of Parliament, I had convened an informal meeting of all hon. Members, in order to have their views, as I wanted to explain to them fully my own doubts and difficulties and wished them to consider all the implications of the change. As enough time was not left at our disposal to discuss the matter in all its aspects, I promised to hold another meeting, so that I might have the benefit of the views and advice of all hon. Members to enable me to come to conclusions, most convenient to the generality of hon. Members. Unfortunately, I had to be away for nearly a fortnight and it was not possible, therefore, for me to call a meeting for further informal discussion with the hon. Members of this House. I am not, therefore, deciding anything, at present, about the normal hours of working.

11-45 A.M.

**EMPLOYMENT OF CHILDREN  
(AMENDMENT) BILL**

**The Minister of Works, Production and Supply (Shri Gadgil):** I beg to move for leave to introduce a Bill further to amend the Employment of Children Act, 1938.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill further to amend the Employment of Children Act, 1938."

The motion was adopted.

**Shri Gadgil:** I introduce the Bill.

—  
**NOTARIES BILL**

**The Minister of Law (Dr. Ambedkar):** I beg to move for leave to introduce a Bill to regulate the profession of notaries.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill to regulate the profession of notaries."

The motion was adopted.

**Dr. Ambedkar:** I introduce the Bill.

Coming to the question of summer timings, I find that there is a divergence of views, but it appears that a substantial section desires that we should meet at morning time and in one session only.

**Shri Sidhva (Madhya Pradesh):** No, Sir. Afternoon sessions. You have got a representation too.

**Mr. Speaker:** I know that the representation has been received by me—signed by thirty-two people, each one of whom is influential in his own way. But, it is after all only a section of

[Mr. Speaker]

the House and, therefore, I advisedly stated that "a substantial section of the House desires". I do not ignore the view of those who do not wish that, nor do I minimise the importance of the arguments they have urged in support of their own view. They have urged very weighty arguments, but the wish of a substantial majority is that we should have morning sessions. I too share the view that Parliament will be putting through its best work in the mornings, though I appreciate that hon. Members would thereby lose the advantage of cool air conditioning which their meeting in the House will give them in case the House sits after eleven o'clock, as at present. But, for all practical purposes, the present is the only summer session and the morning session will not be for any appreciable length of time. It is, therefore, desirable to adopt what the substantial majority desires for the present session only and leave the question of permanent timings for the summer session to the next Parliament. The House will, therefore, sit from 8-30 A.M. to 1 P.M. on all working days from and after Monday, the 23rd instant. The hours for which the Parliament Secretariat will remain open for receiving notices etc. and for other work will be duly notified in the Parliamentary Bulletin.

**Shri Sidhva:** The contention of nearly 32 hon. Members who have given a representation that afternoon sessions are better is worthy of your consideration, for this reason.....

**Mr. Speaker:** The matter has been decided by me and there is no scope now for further arguments on this subject.

#### REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL—concl'd.

**Mr. Speaker:** The House will now proceed with the further consideration of the following motion moved by the hon. Dr. Ambedkar on the 18th instant:

"That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration."

**Shri Sonavane (Bombay):** When the House adjourned yesterday I was speaking on how the movement of the scheduled castes and scheduled tribes from one State to another would be restricted by the failure of the Ministry of Law to safeguard the interests of these people by seeing that they are not omitted from the lists of the States and the Union. I would like to

illustrate my point by giving a concrete instance. In Bombay, there is a caste known as *mahar*. Persons belonging to this caste come over to Delhi, but this caste is not included in the Delhi scheduled castes list. Thus, these people would not get any of the benefits under the Constitution only because of the fact that their caste has not been included in the scheduled castes list of the Delhi State. In other words, had they remained in Bombay, they would have enjoyed all the privileges and benefits. Therefore, my point is that even if the scheduled castes migrate from one State to another, they should get the privileges and benefits under the Constitution. That is not the case today. This omission of the recognition of all scheduled castes in the different States has had a restrictive effect on their movement. Therefore, I would urge the hon. the Law Minister to see to this and make an all-embracing list so that the restriction on their movement would be removed.

Another instance of this omission is that certain castes from Bombay State have gone over to Madhya Bharat and they have not been included in the list there. There are three or four castes of that type. Though they are untouchables, the benefits under the Constitution are denied to them. While replying to a supplementary question of mine, the hon. the Law Minister had said that the criterion of the scheduled caste list was untouchability. Therefore, I would like to ask him what he has done to see that all the untouchables are brought on the State as well as the Union lists. He has failed to do his duty towards the untouchables being in authority here, and I would suggest that an earnest effort should be made by him to rectify the mistake before the coming elections.

Now, I would go to another point. The scheduled castes in certain States like Ajmer, Bhopal, Cutch and Tripura, who get not more than one seat, would not get any representation at all. I think it would have been wise and advisable for the Law Ministry to have evolved a formula by which the scheduled castes and scheduled tribes could have been given joint representation, going in rotation. As it is, these people, the scheduled castes and scheduled tribes would have no representation at all, even though they are in substantial number in those States. I would, therefore, request the hon. Law Minister to evolve a system of joint representation for these people by rotation.

The last point I want to make is that under the Constitution only such of the untouchables or scheduled tribes

who are listed as such are recognised by the States and the Union and would get the benefits under the Constitution. Such lists have not been prepared by the States of Bilaspur, Coorg and the Andaman and Nicobar. In the absence of such lists of scheduled castes and scheduled tribes, those people residing in those States would not get the benefits for their education and upliftment in the services. Therefore, I would request that such a list may be prepared so that these persons may get all the benefits under the Constitution.

Once more I would thank the Government for bringing forward this measure and request the hon. the Law Minister that the suggestions which I have made are embodied in the Bill.

**Pandit Munishwar Datt Upadhyay** (Uttar Pradesh): It is needless to emphasise the fact that this House is very keen to safeguard the interests of the scheduled castes and scheduled tribes, because our Congress Government, and the Members of this House who are mostly Congressmen working under the guidance of Mahatma Gandhi, have all along been taking keen interest in the cause that was so dear to Gandhiji. I do not think that on that point it is at all necessary that an assurance need be given to this House or to the people outside that we are very particular of safeguarding the interests of the scheduled castes and scheduled tribes, in so far as the question of representation of these castes is concerned in the House of the People as also in State Legislatures. But it appears that there have been certain facts in the knowledge of hon. Members on account of which they had to make certain remarks yesterday.

12 NOON

So far as the spirit of this Bill goes, it is a laudable and welcome measure, providing for the representation of the scheduled castes and scheduled tribes in the House of the People as well as State Legislatures. But this provision need have been made only if there is no provision for it in the law as it exists at present.

Reading the Constitution, I find that there is already a provision for the representation of scheduled castes and scheduled tribes in this House and also in other Legislatures. Article 330 is very clear on this point. Clause (2) of article 330 says:

"The number of seats reserved in any State for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same pro-

portion to the total number of seats allotted to that State in the House of the People as the population of the Scheduled Castes in the State, or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State."

So, my submission is that this provision applies to all the States. It does not apply only to Part A States, or Part B States, or any particular State. Probably the confusion arises on account of reference to article 332, where provision is made for representation in the State Assemblies. I think this Bill is only a repetition of the provision in the Constitution. If it is argued that there is no provision in article 330 of the Constitution for the representation of scheduled castes and scheduled tribes in the House of the People, I do not think there is any other provision, and if there is no other provision, I do not think even this Bill could be brought before this House. So this Bill is either *ultra vires* or it is superfluous. In case it is accepted that a provision already exists, it is not necessary to bring this Bill. From that point of view this Bill is superfluous. In case there is no provision in the Constitution, this Bill is *ultra vires*.

Another point for which provision has been made in this Bill is declaration of certain castes as scheduled castes and scheduled tribes. For that also there is provision in articles 341 and 342. According to article 342 (2):

"Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

My submission is that if this House has any right to make any alteration it is under clause (2) of article 342. Under that provision the scope of that modification is limited. The scope is limited to the fact that if there be any list prepared by the President under clause (1) it is only to that list that any modification can be made by an Act of Parliament. Otherwise there is no independent provision for making such modification or change in the list or to provide for the fact that certain castes should or should not be included in the scheduled castes or the

[Pandit Munishwar Datt Upadhyay]

scheduled tribes. So, as regards that provision also, I do not think that this Bill can take us any further, because there is no such list prepared by the President to which this modification might be directed. Therefore, my submission is that in all cases either this Bills is superfluous or it is *ultra vires* in respect of both the points that have been attempted to be covered by this Bill. The provision already being present in article 330 of the Constitution for the representation of the scheduled tribes and the scheduled castes in this House, it is absolutely unnecessary to have this Bill or to make any law in this House.

**Mr. Speaker:** Mr. Muldas Vaishya.

**The Minister of Law (Dr. Ambedkar):** I would like to make one request. I do not know whether the argument that has been advanced by Pandit Munishwar Datt Upadhyay is likely to be repeated by other Members, as it was done yesterday. If that is so, with your permission, I would like to explain what exactly is the constitutional position. But I leave it to you. Otherwise I will take up the matter in my own turn when it comes.

**Mr. Speaker:** I think that will be better. I myself have not been able to catch his objection.

**Dr. Ambedkar:** They have missed a particular point. That is why they are raising this sort of objection.

**Shri Bharati (Madras):** That was also raised yesterday.

**Mr. Speaker:** Then that argument should not be repeated and the Law Minister will reply to that point at the end.

**Shri Sidhya (Madhya Pradesh):** Let him reply now.

**Mr. Speaker:** I shall not allow that argument on the ground of repetition.

**Shri Ethirajulu Naidu (Mysore):** I would request you not to rule out a discussion of the Constitutional position, because there may be other aspects of it which will have to be presented.

**Mr. Speaker:** Anything can be argued under different aspects. But the words of the Constitution are there and there is the Bill before the House, and I think that Members would trust the intelligence of the Members that they can grasp all the aspects, if they are explained once or twice. What is the good of repeating them?

**Shri Dwivedi (Vindhya Pradesh):** Although the Bill relates to Part C States no Member from these States has so far been allowed to speak. I would like to know if you will not allow the Members from Part C States to say something.

**Mr. Speaker:** I do not know why hon. Members should think that they have not been allowed. Every Member is allowed. But certainly every person cannot get an opportunity. And I believe the Bill is restricted in its operations only to certain Part C States. I think I am right when I say that. (*Hon. Members:* Yes, yes). The utmost that could be claimed by any Member is that Members coming from that State to which the Bill relates should also be given an opportunity.

**Capt. A. P. Singh (Vindhya Pradesh):** We come from Vindhya Pradesh.

**Mr. Speaker:** It will not be a desirable practice to urge that because the words "Part C" are there, therefore every Member coming from Part C States should be entitled to speak on it. But I need not go into that aspect. I am just keeping a watch over the thing and I shall follow what I think to be the proper and the best method.

**Shri Dwivedi:** May I request you to allow those Members who come from Part C States and whose case is involved here?

**Mr. Speaker:** Let them plead. But at least the hon. Member does not come from one such.

**Shri Dwivedi:** Sir, I come from Vindhya Pradesh.

**Mr. Speaker:** I am so sorry. Yes, Vindhya Pradesh is there. But I want to give preference first to people who themselves belong to the scheduled castes, and hon. Members who do not belong to the scheduled castes will kindly forbear for sometime and allow those who belong to that caste to have the fullest opportunity. And I am giving an opportunity to the hon. Member Mr. Muldas because he comes from that class. I have got a list and I have got in my mind as to who come from that community and who should be given preference. Let us not argue that point any further.

श्री ऐम० बी० वैश्य : सभापति जी,  
आप ने जो मुझे इस बिल के सम्बन्ध में बोलने की इजाजत दी है इसे मैं अपना सौभाग्य समझता हूँ। हमारे डाक्टर अम्बेडकर साहब ने जो यह बिल इस पार्लियामेंट में पेश कर दिया है उस पर जो कुछ

बहसैं कुछहैं उन को सुन कर मेरी भी आज कुछ थोड़ी सी बातें कहने की इच्छा है। उन्होंने अपने जीवन में क्रायदे की बहुत सी बातें सीखी हुई हैं और वह अवश्य ही किसी क्रायदे के अनुकूल ही यह बिल लाये होंगे। पूज्य महात्मा गांधी जी जो हमारे उद्धारक थे उन के आने के बाद ही हमें ऐसा मालूम हुआ कि हम मनुष्य हैं। कई जगहों पर हमारे डाक्टर अम्बेडकर साहब ने यह उल्लेख किया है कि अंग्रेजों के राज्य में शिडयूल्ड कास्ट वाले सुखी थे और अब इस नेहरू सरकार में दुःखी हैं। जब मैंने यह सुना तो मुझे बड़ा आघात लगा। हमारा देश वह देश है जिस में पांच बरस के बालक प्रहलाद ने अपने पिता के सामने सदा सत्य ही बात कही थी। हम हरिजनों के लिए महात्मा जी ने इतना कार्य किया और अब कांग्रेस गवर्नमेंट भी कर रही है, लेकिन बात यह अवश्य है कि हमारी दशा इतने समय से खराब चली आ रही है और हमारी मुसीबतें इतनी हैं कि थोड़ी सी सहायता करने से हमारा दरिद्र दूर होने वाला नहीं है। हमारे लिए तो बहुत कुछ कार्य करने होंगे। लेकिन जो कुछ किया जा रहा है उसकी अवगणना जब हमारे नेता करते हैं तो हमारे दिल को दुःख होता है। एक बैलगाड़ी जो ठीक तरह से चल रही है उस को ज्यादा तंग कर के मुसीबत में नहीं डालना चाहिये। यह हमारा धर्म नहीं है। हमारे भारतवर्ष में सेवा धर्म योगियों का धर्म कहा जाता है और हम सदा से उसी धर्म का पालन करते चले आ रहे हैं और समाज की हर कार्य में सेवा की है। जिस समय स्वराज्य के लिए आन्दोलन चल रहा था उस समय की बात मैं अपने गुजरात की ओर से कह सकता हूँ कि हमारे लोगों ने अपने और साथियों से कन्धे से कन्धा मिला कर कार्य

किया था, और इसीलिये आज हम उन से भिखमंगों की तरह कुछ नहीं मांगना चाहते। हम तो जो कुछ हमारा हक है आज उन से भाइयों की तरह मांगते हैं। आज हमारी सरकार है और हमारे साथ न्याय करना इस पार्लियामेंट और इस में जो सदस्य बैठे हैं उन पर निर्भर है। भारत में यह सब कुछ कार्य होते रहने पर भी आज कई ऐसे स्थान भी हैं जहां हमारा वर राजा घोड़े पर नहीं बैठ सकता, आज कई ऐसे स्थान हैं जहां आज मोटर में हरिजन नहीं बैठ सकता, आज कई ऐसे स्थान हैं जहां अच्छे कपड़े और गहने पहन कर हमारी औरतें नहीं निकल सकतीं। ऐसे स्थान हैं लेकिन इस का यह अर्थ नहीं है कि सारे भारत में ऐसा हो रहा है। हां, हमारे लिए बहुत कुछ हो रहा है, पर इस से बहुत ज्यादा होने की उम्मीद है लेकिन मैं ऐसा कृतघ्नी नहीं बनना चाहता कि जो कुछ हमारे लिए हो रहा है उस को कहूँ कि कुछ नहीं हो रहा है और यह कि हम अंग्रेजों के राज्य में सुखी थे। हां, अंग्रेजों की विवाइड एंड रूल (Divide and Rule) की नीति थी इसलिये वह हम में से कुछ पड़े लिखे लोगों को अपने पास बिठाते थे और उन को लाभ पहुंचाते थे, इस से कोई यह कह सकता है कि अंग्रेजी राज्य में हम सुखी थे। लेकिन आज तो सारे हरिजनों को लाभ पहुंच रहा है और हमारे जो प्रतिनिधि सरकार में बैठे हुए हैं, जैसा कि मिस्टर सोनाबाने ने कहा, हमारे लिए वह सरकार से लड़ झगड़ कर बहुत कुछ करवा सकते हैं। लेकिन सरकार की कथक निन्दा ही करते रहने से तो हमारा नुकसान ही हो सकता है क्रायदा नहीं हो सकता। डाक्टर अम्बेडकर साहब तो बड़े भारी विद्वान् हैं। भगवान उन्हें सवबुद्धि दे कि वह ऐसी बातें कह कर हमारी जाति को

[श्री एम० बी० वैश्य]

कृतघ्नी न बनावें। उन्होंने अपने जीवन में बहुत से स्टंट किये हैं। मैं तो समझता हूँ कि शायद यह भी कोई स्टंट ही होगा। जैसी कृष्ण भगवान लीला करते थे शायद यह कोई वैसी ही लीला हो। भगवान हमें इस लीला से पार करें और हमें अपने भारत देश के प्रति, जिसमें हम ने जन्म पाया है और जिस की हम ने सेवा की है, कृतघ्न नहीं हो सकते। एक ऐसा भी समय था जब हम से कहा गया था कि हम धर्म परिवर्तन करें। उस समय हम में हज़ारों नहीं करोड़ों की संख्या में यह बता दिया था कि जिस भूमि में हम जन्में हैं और जो धर्म हम ने स्वीकार किया है उस को नहीं छोड़ सकते चाहे हमारा सर भी कट जाये, लेकिन हम धर्म नहीं छोड़ सकते। अन्त में मुझे यही कहना है ...

**Mr. Speaker:** Order, order. I can appreciate the hon. Member's keenness to speak out his heart, but then, I am afraid, we are trying to introduce, on the floor of the House, some other subject which will be discussed better outside. At present, we are concerned with this Bill. A few preliminary remarks is something different, just to impress upon the House, if at all any such thing is necessary, the fact that the Scheduled Castes should be given special consideration. But beyond that, let us not enter into any political or other controversies which may or may not have been started outside the House; let them be carried on outside the House. I earnestly request every Member in the House not to go beyond the strict scope of the Bill. I did not want to interfere with the hon. Member's speech, nor do I want to put his enthusiasm and his feelings at a lesser value. He will confine himself now to the merits of the case. I was just watching when he was really coming to the merits of the case.

श्री एम० बी० वैश्य: आप ने जो हमें इस बारे में शिक्षा दी है वह तो ठीक ही है। और उस को हमें मानना ही है। लेकिन मुझे तो डाक्टर साहब से थोड़ी सी बात कहनी है। वह यह जो बिल लाये हैं वह सरकार की ओर से लाये हैं और

उस की ज़रूरत रही होगी इसलिये लाये हैं और इसलिये हम सब हरिजन उस की ताईद अवश्य करेंगे लेकिन जो कुछ मुझे कहना था वह मैं ने थोड़े से शब्दों में कह दिया। जो कुछ मैं ने कहा है उस के लिए मुझे वह भी माफ़ करेंगे और आप भी माफ़ करेंगे।

(English translation of the above speech)

**Shri M. B. Vaishya (Bombay):** Sir, I deem myself to be fortunate for having been permitted by you to speak on this Bill. After listening to the debate on the Bill introduced by hon. Dr. Ambedkar, I also wish to express my ideas. He is a great scholar of Law and must have introduced the present Bill as a result of the same. It was only after the coming of Mahatma Gandhi, who was our saviour, we began to realize that we also are human beings. At many places hon. Dr. Ambedkar has stated that the scheduled class people were happier under the British rule, and now under the Nehru Government they are unhappy. I received this statement as a great shock. Our country has been famous for truth. Prahlad, a boy of five, had courage enough to utter truth and nothing but truth before his father. For us Harijans Mahatma Gandhi did so much and even the present Congress Government also are doing much but this is certain that our condition has been deteriorating since so long that a greater amount of our difficulties is a result of that unhappy position. Our poverty cannot be removed so easily. A lot will have to be done for us. But when I see our leaders minimizing the efforts that are being made for us, I feel extremely pained. Obstacles should not be placed in the way of a smoothly running cart. It is not proper for us to do so. The path of service has always been acclaimed in India to be a path of *Yogis* and we have ever been following the same from times immemorial and we have served the society in every possible way. During the days of Swaraj Movement, I can say of at least my own province of Gujerat, if not of others, that our people had worked shoulder to shoulder with our other friends and that is why we do not not like to beg anything from them like beggars. Today we demand our legitimate rights from them on the basis of equality and brotherhood. Today we have our own Government, and it is the duty of the Parliament and the Members thereof to do justice to us. In spite of all

these things there are still many places in India where our bridegrooms cannot ride a horse, where Harijans cannot sit in motor buses, and there are some places even where our women folk cannot put on costly garments and ornaments. There are no doubt some such places in India even today but it does not mean that condition is the same everywhere. There is no doubt that though much is being done for us a lot more still remains to be done. But I do not like to be ungrateful as to say that, in spite of so much being done for our uplift, nothing is being done for us and that we were happier under the British rule. There is no doubt that due to their policy of 'divide and rule', the Britishers had picked out some educated persons among us, treated them as their equals and tried to benefit them in every possible manner. These people can thus say that they were happier under the British rule. But today the Harijan Community as a whole is being benefited and our representatives who occupy the seats on Treasury Benches, as Shri Sonavane has stated, by exercising their pressure upon the Government can get many things done for us. But putting the Government in disrepute and working against the Government would not, except bringing ruin to us, in any way prove beneficial to us. Dr. Ambedkar is a great scholar. I pray God to give him wisdom so that he may not utter such words as may prove our community to be ungrateful. He has played so many stunts in his life that I suppose this also to be one of them. Who knows this may also be an act of trickery as Bhagwan Shri Krishna used to show! God save us from these *was* of trickeries. We cannot turn ungrateful towards the country in which we have taken birth and whom we have served to the best of our ability. There was a time when we were asked to change our religion. But thousands and lacs of us showed to the world that even at the cost of our own heads we will not go against the land, where we have been born and give up the religion which we have adopted. We can sacrifice our lives but we cannot give up our *dharma*. In the end I have only to say.....

**Mr. Speaker:** Order, order. I can appreciate the hon. Member's keenness to speak out his heart, but then, I am afraid, we are trying to introduce, on the floor of the House, some other subject which will be discussed better outside. At present, we are concerned with this Bill. A few preliminary remarks is something different, just to impress upon the House, if at all any such thing is necessary, the fact that the Scheduled Castes should be given special consideration. But beyond that,

let us not enter into any political or other controversies which may or may not have been started outside the House; let them be carried on outside the House. I earnestly request every Member in the House not to go beyond the strict scope of the Bill. I did not want to interfere with the hon. Member's speech, nor do I want to put his enthusiasm and his feelings at a lesser value. He will confine himself now to the merits of the case. I was just watching when he was really coming to the merits of the case.

**Shri M. B. Vaishya:** The ruling that you have kindly given in this regard is certainly valuable and we have but to follow it. But I have to say a few words to hon. Dr. Ambedkar. The Bill that he has introduced has been moved on behalf of the Government, and as it must have been very a necessary one, therefore we, Harijans will surely lend our support to the same. But what I had to say I have submitted in brief. I hope that he will excuse me for what I have said here, and you Sir, will also excuse me.

[SHRIMATI DURGABAI in the Chair]

**Dr. Deshmukh (Madhya Pradesh):** My friend the hon. Minister is in a great hurry, but I have some very important points to urge. It is not with regard to one particular caste or another, but I must say, that the whole way in which this matter of representation of the people, election rules and regulations are being dealt with is extremely unsatisfactory. We have had one Bill in 1950, which is now Act No. XLIII of 1950. We know the way in which it was introduced, the struggle that this House had to put in for the sake of getting the provisions amended and the number of seats increased. Then very soon after we had an amending Bill which is Act No. XXIII of 1950 by which we provided for representation of Part C States in the Council of States. Then we have not had any Bill for some time although two are now pending before the House; but we had two notifications under the signature of the President. It is perfectly legal and constitutional to do so. Those are the notifications dated 10th of August 1950 and 6th of September 1950 specifying the scheduled castes and scheduled tribes under articles 341 and 342 of the Constitution. My first complaint refers to action of Government under these two articles 341 and 342. Under the second part of article 341 Parliament alone has the authority to modify, add to or subtract from the list that has been notified under the signature of the President. It was quite proper and constitutional to notify these lists but, I wish the



[Dr. Deshmukh]

hon. Minister had given this House an opportunity of looking into and scrutinizing the lists that have been given in these notifications. I do not know whether the hon. Law Minister had seen the representations, but I have had many letters from many communities, who have a grievance that they have not been included in these lists. It would have been quite proper if, instead of bringing another small Bill confined to one particular class of States—I do not object to the Bill: on the other hand, I am in favour of the Bill—some sort of procedure was available to the Members of this House in the case of these two lists, so that it would have been possible for us to scrutinize them and the people would also know how far their rights have been protected. The long discussion and the anxiety of the Members of this House are, I believe, really based on this fact. If everything else was in order, if there was proper investigation, as was absolutely necessary in this case, so far as the Parts A and B States are concerned—this is a supplementary list of scheduled castes with reference to Part C States—the debate in the House would probably have been much shorter. The keenness of Members would have been less and we would not have had much occasion to complain. But the way in which the whole thing is being done is really strange and I hope and pray that this sort of thing is not done.

We should have one consolidated enactment in which all these things should be provided for. There will then be no need to have amending Bills month after month to add or subtract and all the various things. My first and very earnest request to the hon. Minister is that the lists given under these notifications are not exhaustive. The people belonging to many castes feel that they have been unjustly omitted and if we really compare these lists with the lists which formed the basis of the Order in Council under the 1935 Act we will find that many castes have certainly been omitted. If it is contended that these castes which have been omitted have really ceased to be untouchables or there has been a certain change in their social status, that is another matter. We do not know whether the House will accept it or not; whether the people will accept it or not. When we had these lists prepared as Schedules to the 1935 Act, there was a great deal of investigation, then the people were informed and they came to know what their rights were and what they should fight for. Nothing of this sort has been done on the present occasion. I do not know who prepared these lists which have been published

under the signature of the President. I do not know what investigation has been made so far as these lists in the present Bill are concerned. These are matters which really create a lot of anxiety and feeling in the minds of the people and I would therefore like that the Government do really have some system, some method in approaching this question, a method which will give satisfaction to the largest number of people.

Then so far as this particular Bill is concerned, I think it is necessary so long as it is proposed to give representation to some of the Part C States.

I think the lists have got to be prepared and whether they were prepared at one time as part of one whole or another is a different question. But I do not think this is absolutely superfluous. It does not appear to me beyond doubt that there is any definite provision in the Constitution according to which we are enacting this measure. So far as I can see, the only justification or the only authority for bringing in this Bill appears to be that wherever there are scheduled castes people, some seats are proposed to be reserved for them. But, this is merely because there is a provision for reservation for scheduled castes—I do not know if there is any specific provision in the Constitution according to which we can make this provision, apart from articles 341 and 342 which do not apply to Part C States. This is merely a technical objection. I really want that seats in Part C States should be reserved and scheduled castes should be enumerated. There cannot be any difference of opinion so far as the desirability of enumerating the scheduled castes or making provision for them so far as Part C States are concerned. But, what I wish to find out from my hon. friend when he replies is, where exactly is the provision in the Constitution according to which this representation is being sought to be given, according to which this Bill is perfectly in order?

So far as the lists are concerned, I wish a little more time was available to all the people to know how far their rights are going to be affected. I have received representations from various communities which desire that their names should be included. It is quite likely that many backward people have not yet come to know that anything is being done which would affect their rights. It may very well be that backward as these people are, their rights are probably jeopardised, simply because we are doing this in great hurry. From that point of view, I would not be surprised if there are many castes which happen to be omitted and which have a grievance against what we are doing. If we compare the lists that

are in vogue, for instance, so far as the present situation is concerned, the Order in Council prepared in 1930 and 1931 and which formed part of the Act of 1935, with the present list, we find that there are great many omissions. I have another notification by the Public Service Commission. Here in Delhi, you will be pleased to find that the list of scheduled castes contains no less than 64 numbers. As against that, in this schedule, you find only 39. What steps have been taken to find out and what justification there is to omit the different castes, I do not know. I am prepared to wait till the hon. Minister replies. But, I am sure, this is a somewhat drastic reduction. I do not know on what basis it has been made. Even if it is slightly late, I would request my hon. friend not to be in a hurry, for my hon. friend is in a great hurry to get this Bill through. That is the only anxiety of the Cabinet Ministers; they are in a hurry and want things to be done in five minutes or ten minutes as if they are the only persons who understand things, and the other people merely waste their breath and spend the time of the House, and do not contribute anything specially or directly although they represent the people. That sort of attitude I do not very much like. I hope that Dr. Ambedkar would give us a patient hearing and I would urge on him, on behalf of large numbers of people who have no voice and who do not understand their rights or what is going on in this House, that there should be no hurry in this matter, I should like the consideration of this Bill to be postponed and the whole subject taken up and settled once for all.

As Mr. Sonavane rightly remarked, nowadays, many people are leaving their homes and there is a large transfer of population. A lot of people from Madhya Pradesh have come and settled more or less permanently in Delhi. If you do not include, for instance, the *Mahars*, and some other scheduled castes who have come here permanently they will lose their rights. All these questions will have to be investigated because it is not a temporary thing. This is something which is going to be embodied in the Constitution; this is more or less a permanent thing which we expect to last for a long number of years. In these circumstances, spending a few more days on consideration of this Bill is not waste of time; it would be time well utilised. Therefore, I submit there should be no hurry in passing this measure. By merely passing this Bill, we are not going to go ahead much.

There are many difficulties. I am really doubtful whether we would be

in a position to hold the elections in November or December next, because the delimitation work is going to be a great headache. There are great differences between what the Election Commissioner is going to do and what the Delimitation Committees have decided. You cannot rush such things in this House over the shoulders and decisions of the Delimitation Committees and have elections anyhow. There are many more difficulties which are going to take time. If that is going to happen, there should be no undue haste in passing this Bill and shutting out representation to people who would like to be included in the schedules to this Bill. I have been able to table an amendment in the case of two castes; but I am sure there are many more who would like to be heard and represented. I urge that the whole thing should not be done in a piecemeal fashion in which it has been done. It would be much better to have a consolidated measure so that the kinds of objections that have been raised here will not come forward hereafter. I shall move my amendment, and I hope the hon. Minister would accept the same.

**Shri R. Velayudhan (Travancore-Cochin):** It was not my desire to speak on this Bill because I thought there was no scope for any controversy over it. I am very glad that the hon. Speaker who presided before gave the ruling that matters that have happened outside this House have no proper place in the discussion on the Bill now before the House. I wish, however, to confine myself to one or two points to which some hon. Members have already referred, because I think this is the only proper occasion to ventilate some feelings regarding scheduled castes as the same was done by others.

Not only this House, but the whole country is abundantly interested in the problems of the scheduled castes. Many of us who represent these classes in this House would not have been here but for the great work done under the leadership of the Father of the Nation, Mahatma Gandhi. At the same time, I must not omit to mention the great services that have been rendered by our great leader Dr. Ambedkar. I think Mahatma Gandhi, Mr. Jinnah and Dr. Ambedkar are the three personalities who have commanded the greatest admiration....

**Shri Sonavane:** And have divided the country.

**Shri B. Velayudhan:** ...and respect of the people and who have been able to shape the destinies and thoughts of people in this century.

**Shri Sonavane:** On a point of order, is all this relevant to the Bill?

**Shri R. Velayudhan:** Yes.

**Mr. Chairman:** The hon. Member who raised the point was heard uninterruptedly. I think he would extend the same privilege to other Members also.

**Shri Sonavane:** My point of order has not been decided.

**Mr. Chairman:** The hon. Member may go on.

**Shri R. Velayudhan:** I am not going to enter into any controversial point. But, I must say that the hon. Dr. Ambedkar who has brought this Bill as well as the greatest of political saints Gandhiji, who have done the greatest service to the down-trodden millions, the scheduled caste people, have got their respective places in the hearts of many in the country. Therefore, I think it was not proper on the part of some hon. Members to take this opportunity to fling a little mud on a leader who has got the greatest following among the scheduled castes even at this time.

As regards the origin of this Bill I must say that the provision for the representation of scheduled castes in the Part C States was contemplated long, long ago. Even though the Constitution was framed by the greatest jurists and lawyers including the hon. Law Minister, it is a matter of surprise that they completely forgot to include representation for the scheduled castes in the Part C States at the proper stage.

There was a lot of heart-searching and there were lot of constitutional difficulties to overcome with regard to the formulation of this Bill which seeks to give representation to the scheduled castes of the Part C States. There was controversy as to whether this Bill was a proper measure or not and an hon. Member even spoke yesterday in this House sounding a discordant note to the effect that there should not be any reservation of seats for the Scheduled Castes in Part C States. As for myself, I have believed and used to say even from my school days that the reservation of seats and other kinds of reservations are no panacea to the ills under which the Scheduled Castes are labouring. On that point I had my own differences with Dr. Ambedkar also. But at the same time, when you have given reservation in the Parts A and B States, it would be unjust to deny it to those in Part C States,—people who are not represented in Parliament or in the respective local bodies.

As Dr. Deshmukh has said, there is a lot of omission and there are many mistakes in the formulation of these lists of scheduled castes and scheduled tribes, not only in the Bill that is before us, but also in the order of the President for Parts A and B States. I looked into the proceedings of the Constituent Assembly touching on this point and I find that it was stated then that the list already formulated in the 1935 Act would be accepted when it comes to the question of elections under the new Constitution. But when the President's order came out, so many castes included in that Act were excluded and we have now only a few of these scheduled castes and tribes in almost all the Parts A and B States. I feel that this was not done without a purpose. This I think, was done deliberately, I mean this omission or reduction in the number of names in the list, because if they had included all those scheduled castes and scheduled tribes that were in the Act of 1935, then the number of reserved seats would become very large. In some of the States, for instance in the Uttar Pradesh where there are 13 lakhs of *Khatiks*, they have been completely ignored in the President's list. If they are included, I think nearly 40 per cent. of the seats in U. P. would go to the scheduled castes alone. And that is not a small thing that they should get this much in a Part A State and be able to influence the destinies and the politics of the State. Therefore, intentionally and specially and deliberately they have been excluded so as to minimise the representation of the scheduled castes in the State. That is the case not only in the U. P. but in some other States also. But in most of the South Indian States they have drawn up the list according to the 1935 Act. Therefore, the whole list has to be re-formulated and the promise given by the late Sardar Patel in the Constituent Assembly that the list of 1935 Act would be accepted in Parliament for the coming election, must be kept, in justice to the departed leader and also to the Father of the Nation and also to the millions of scheduled castes and scheduled tribes who have been enjoying certain privileges on the basis of caste or community.

According to the present arrangement alone can do that. For instance, I Madras, for instance cannot go and contest a seat in any other State, say in Bombay. Therefore, there is this constitutional difficulty also which has to be removed by Parliament as Parliament alone can do that. For instance, I belong to the Travancore-Cochin State and so I cannot go to Bombay and contest a seat there, and that is a discrimination against my community, be-

cause non-scheduled castes can freely contest any seat anywhere in India according to party basis or on any other basis. Therefore it is my request not only to the Government but also to Parliament to rectify these constitutional anomalies as soon as possible. My submission is that most of the castes dropped from the former list will have to be included and a fair list drawn up so that the reservation given to the scheduled castes and tribes may be on a just and fair basis. Otherwise let us drop the thing altogether and we will fight our battles on equal footing with the rest. I have got great hope for the future and I believe in a bright future for my community. They are the down-trodden and the future is for the under-dog. Therefore, I am not hopeless. I am not without hope. Dr. Ambedkar might feel pessimistic; but as far as I am concerned, and as far as the youths of the scheduled castes are concerned, we have courage enough to fight on equal footing our battle of liberation.

**Mr. Chairman:** Order, order. Is the hon. Member opposing the Bill or supporting it?

**Shri R. Velayudhan:** I am not opposing this Bill at all, but only requesting that the list drawn up should be changed where necessary after verification with actual facts. With this request, I support the Bill.

**Shri Deshbandhu Gupta (Delhi):** I rise to support this Bill. The Bill merely seeks to ensure representation of Harijans in the House of the People from the Part C States and there can be no objection to this from any part of the House. But I would like to point out that the reason given by Dr. Ambedkar the Mover of this Bill that this was not defined when the Representation of the People Bill was before this House does not seem to be quite correct. This reservation is after all a temporary reservation for a period of ten years and perhaps it was thought desirable to leave out some areas without this reservation so as to see whether Harijans could be returned to the House of the People without reservation. (*An Hon. Member:* Very doubtful.) My friend says very doubtful. I am not prepared to have a bet with him on that. But I can say that so far as Delhi is concerned I would like the Mover of the Bill and other friends to realise that Delhi and Ajmer were the only two places, even under the old regime, which enjoyed joint electorates, whereas throughout the country there were separate electorates and reservations of seats on that basis. I need hardly remind the hon. Mover and other friends who feel like him that Delhi had returned to the Central Assembly through joint electorate the

candidate belonging to the minority community and that too in the teeth of opposition from reactionary elements. Although opposition forces from all parts of India were concentrated in Delhi to oppose the Muslim candidate put up by the Congress, Delhi was able to uphold the principle of joint electorates and had returned the minority community candidate. I would have considered it a privilege if Delhi and other Part C States were allowed the opportunity to return Harijan candidates without reserving seats for them. That would have given us also an idea as to what will happen after ten years when all such reservations will go. But my friend the Mover of the Bill, who unfortunately has always held a different view, has thought it fit to bring this Bill. Now that the Bill has been brought forward I support the Bill, for there can be no opposition either in principle or in substance so far as this Bill is concerned.

I would however like to make one or two observations. Reference has already been made by more than one Member to the speech which was delivered by the hon. Minister the other day. I do not wish to make any comments on that but for his information I would like to point out that Delhi was the headquarters of the All-India Dalitdhar Sabha, even before the Congress had included the removal of disabilities of the depressed classes in its programme in 1921. This Sabha was founded by the late Reverted Swami Shradhanand. It was he who had moved the resolution in 1920 in Calcutta Session of the Congress to include the removal of disabilities of Harijans in the Congress programme. Even earlier in his address as Chairman of the reception committee of the Indian National Congress session held at Amritsar after the Jallianwala Bagh tragedy, he had raised the question of the disabilities of the Harijans and had persuaded the Congress to recognise its importance. It would have been in the fitness of things if the hon. Minister who undoubtedly has worked for the uplift of Harijans and holds a very high place as a Harijan leader, had recognised this fact. But unfortunately his policy and his angle of vision have been quite different. If I were to refer to the history of the struggle for the uplift of the Harijans in Delhi.....

**Mr. Chairman:** I would invite the attention of the hon. Member to the fact that, when the hon. Speaker was in the Chair, he gave us a ruling that references regarding the speech of Dr. Ambedkar need not be made here *in extenso* except by way of a few preliminary remarks. Therefore, I would request the hon. Member to speak on the merits of the Bill.

**Shri Deshbandhu Gupta:** I have practically made no reference to that. I was only trying to make out that even without the proposed reservation of a seat Delhi would have returned a Harijan candidate. My hon. friend has made an unfortunate speech at a time when this Bill was coming before Parliament but I have purposely avoided making reference to it. I only wish to tell him that coming as he does from Bombay very probably he does not know the conditions prevailing in Delhi. All that he has done is that he has tried to treat the entire population of Delhi as Harijans. That is the contribution that he has made to the Constitutional advancement of Delhi. On that my friend can certainly congratulate himself, as that is one way of equalising. Instead of raising the status of Harijans he has tried to lower the status of non-Harijans and brought them both on the same political level. I want him to realise that in 1921 and even earlier in Delhi, the foreign Government, of which he is so much enamoured today, was using and exploiting the Harijans against the best interests of the country. A big all-India depressed classes conference was held in September 1921 in the People's Park to mobilise support to welcome the Prince of Wales in those days, when the whole country was against it. In spite of this attitude of the depressed classes leaders the movement for the uplift of Harijans which was started by the late Swami Shradhanand continued as they felt that the removal of disabilities of the Harijans was a matter of duty with them and not a question of doing any favour to the Harijans. Swami Shradhanand in Delhi was attacked by the supporters of the old British Government—in which camp most of the people who were following the lead of my hon. friend were then—while he was leading a procession to have temples and use of wells thrown opened to Harijans. All that is part of history and should not be forgotten. Therefore, I would have thought a privilege, if at least Delhi had been left out of this Bill and given an opportunity to return a Harijan without there being any reservation. That would have also proved that after ten years there would be no difficulty in returning Harijan Candidates when there will be no reservations. With these words I support the Bill. I assure my hon. friend, whether this Bill is there or not, that Harijans in Delhi enjoy an equal status. Most of the disabilities about which he has been complaining may be in existence in his part of the country. So far as these areas are concerned there is no political motive behind the social work done by social reformers like Swami

Shradhanand, and late Lala Lajpat Rai and other Aryasamaj leaders. They had dedicated their lives to it and this fact should be recognised while passing this Bill.

**श्री द्विवेदी :** जहाँ तक इस बिल (Bill) के सिद्धान्त का सवाल है, वहाँ तक मैं इस का समर्थक हूँ, कारण कि कई मर्तबा इस सभा में मैंने इस बात का प्रश्न रक्खा है कि भाग सी राज्यों में शेड्यूल्ड कास्ट (Scheduled caste) और शेड्यूल्ड ट्राइब (Scheduled tribe) को प्रतिनिधित्व मिलने का मौका मिलना चाहिये। लेकिन जो बात मुझे आज यहाँ पर कहनी है, वह यह है कि जहाँ तक भाग सी राज्यों के ऐडमिनिस्ट्रेशन (administration) का सवाल है, शासन की व्यवस्था का जहाँ तक सवाल है, वहाँ पर नये सुधार लाने की व्यवस्था का सवाल है, वह एक अरजेन्ट (urgent) प्रश्न और जरूरी सवाल था, जो कि इस बिल के पेशतर इस हाउस में पेश किया जाना चाहिये था। किन्तु सरकार ने उस बिल की महत्ता को न समझ कर इस बिल को शीघ्र ही हमारे सामने रक्खा, जिस से यह समझा जाता है कि सरकार को जनता के प्रतिनिधित्व की ओर जनता के शासन में प्रजातन्त्री प्रणाली सम्बन्धी सुधारों को लाने की इतनी आतुरता नहीं है जितनी उस चीज के सम्बन्ध में आतुरता है। खैर यह प्रश्न जो यहाँ पर दया है, मैं इस का समर्थक हूँ; किन्तु इस सम्बन्ध में मुझे जो दो, चार बातें कहनी हैं, वह मैं आप के समक्ष अवश्य कहूँगा। पहली बात तो यह है कि जैसा हमारे पूर्व बक्ता श्री देश-बन्धु गुप्ता ने कहा कि दिल्ली के लिए छोड़ देना चाहिये था, हम वहीं से हरिजन प्रतिनिधि स्वयं ही इलेक्ट (elect) कर

के भेजते। और तब कहने का मौका मिलता कि किस तरह हम ने हरिजनों के प्रति सद्भाव से काम किया है। कांग्रेस के कार्यकर्ताओं ने, पब्लिक (public) के कार्यकर्ताओं ने विन्ध्य प्रदेश में सवर्ण हिन्दुओं और हरिजनों में कोई भेद भाव नहीं रक्खा और जैसा श्री देशबन्धु गुप्ता ने कहा दिल्ली में तो पत्रकार ही उन को प्रतिनिधित्व देने का मौका मिला और ऐसे ही विन्ध्य प्रदेश में स्कूलों में और आम व्यवहार में छुटाछूत का प्रश्न हमारे यहां से बहुत दिनों से हटा दिया गया था और हरिजनों को हम ने अपने हृदय से लगाया और सभी स्थानों में उन को उचित स्थान दिया, तो कोई कारण नहीं दिखाई देता कि क्यों उन के लिये अलग से एक बिल बनाया जाये लेकिन, चूंकि अब ऐसा बिल हमारे सामने आ गया है, मैं उस का स्वागत करता हूं। लेकिन उस के सम्बन्ध में दो बातें जो मैं बताना चाहता हूं वह यह हैं। पहली तो यह है कि विन्ध्य प्रदेश को हाउस आफ दी पीपल (House of the People) यानी पार्लियामेंट में जो छः सीटें मिली हैं, उस का एक तिहाई हिस्सा आपने अच्छतों के लिए मुकर्रर किया है, शेड्यूल्ड ब्राईव और शेड्यूल्ड कास्ट के लिए। लेकिन दुर्दशा यह है कि विन्ध्य प्रदेश में वहां की जनता इतनी अशिक्षित और इतनी पिछड़ी हुई है कि वहां से पार्लियामेंट में उचित तौर से प्रतिनिधित्व करने के लिये बहुत कम ऐसे मनुष्य मिल सकते हैं जो वहां पर ठीक तरह से काम चला सकें। और यही नहीं कि हरिजनों की यह दशा है बल्कि सवर्ण हिन्दुओं में भी वहां शिक्षा का अधिक प्रचार नहीं है। श्री ठक्कर बाबा ने कहा था "Mass literacy should have prepared

adult franchise" हम ने आज तक शिक्षा के सम्बन्ध में कोई प्रश्न नहीं उठाया। यहां दिल्ली में स्कूल खुलवाये गये, उन को शिक्षा दिलाने का इतजाम किया गया और देहातों में भी स्कूल बगैरह खोले गये, लेकिन विन्ध्य प्रदेश में उन में शिक्षा के प्रचार के लिए कोई कदम नहीं उठाया गया। मुझ से पूर्व वक्ता श्री सोनावने ने इस बिल का बड़े जोरों के साथ समर्थन किया, और मैं उस से इस बात में सहमत भी हूं लेकिन क्या उन्होंने कभी भी इस बात पर दृष्टिपात किया कि शेड्यूल्ड कास्ट और शेड्यूल्ड ब्राईव और दूसरी जातियों में शिक्षा का कोई प्रबन्ध नहीं है। आज वहां पर लोग वर्तमान जीवन की आवश्यक वस्तुओं और आवश्यक सुविधाओं से भी अपरिचित हैं और जहां खेती जैसे स्थानों में चार चार आने रोज पर मजदूर रखे जाते हैं वहां ठेकेदारों को दुगने मूल्य पर ठेका दे दिया जाता है। इन तमाम चीजों के लिए हमारे यहां के जो सदस्य उन का पक्ष लेना चाहते हैं वह वहां जाते और उन को दशा सुधारने के लिए कोई काम करते और वहां पर उन में शिक्षा प्रचार के लिए सरकार के ऐज्यूकेशन विभाग से कोशिश करते। वास्तव में उन को अपने हितों का ही ख्याल है कि वह वहां पर किसी तरह प्रतिनिधि बन जाएं, उन को हरिजनों के हितों के लिए भी काम करना चाहिये, और अगर वह ऐसा कुछ न कर सकें, तो मैं खाली ऐसी बातों का समर्थक नहीं हूं। कारण इस से हमारे देश का कल्याण होने वाला नहीं है। शेड्यूल्ड कास्ट के लोगों में अपने हरिजन भाइयों में जिन को हम अपना अंग समझते हैं, शिक्षा के प्रचार का प्रबन्ध करना चाहिये, ताकि वह यहाँ

[श्री द्विवेदी]

पालियामेंट में आ कर पालियामेंट का काम ठीक तौर से करने के योग्य बन सकें, अन्यथा उन को यहां पर लाने से क्या लाभ है अगर वह यहां का काम ठीक प्रकार से नहीं कर सकते ?

**Mr. Chairman :** क्या आनरेबल मेम्बर कुछ ज्यादा समय लेना चाहते हैं ?

श्री द्विवेदी : जी हां।

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

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

2-30 P.M.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

श्री द्विवेदी : सभापति महोदय, मैं ने अभी संसद् के सामने जो चंद बातें रखी हैं वह आप ने सुनी होगी। अब जो विशेष बात इस समय मैं कहना चाहता हूँ वह यह है कि जिस प्रकार आप ने तमाम जनता को बांट दिया है सवर्ण अवर्ण या शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स में उसी प्रकार आप ने राज्यों को भी भागों में बांट दिया है शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स की तरह।

**Shri Amolakh Chand :** The hon. Minister is not here.

**Mr. Chairman :** He will come soon.

**An Hon. Member :** Let somebody deputise for him.

**Mr. Chairman :** He will be coming in a minute or so. Let the hon. Member proceed.

श्री द्विवेदी : मैं यह कहने जा रहा था कि राज्यों के कुछ भागों को भी आप ने शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स के रूप में बांट रक्खा है। मैं

यह कहना चाहता था कि आनरेबल मिनिस्टर साहब मुझे बतलायें कि जिस प्रकार से वह शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स के वास्ते यहां कानून लाये हैं वैसा कानून वह उन हिस्सों के लिए क्यों नहीं लाते हैं जो इस बिल में दिये गये हैं।

**Shri Sivan Pillay :** On a point of order, Sir. The Treasury Benches are vacant.

**Mr. Chairman :** The hon. Minister is likely to come very soon.

**Shri Dwivedi :** I think I can continue.

**Mr. Chairman :** Yes.

**Shri Goenka :** Who will listen?

श्री द्विवेदी : I suppose what I say will be noted in the proceedings. मैं उदाहरण के लिए कहना चाहता हूँ कि विन्ध्य प्रदेश में ऐसे टुकड़े हैं जो एन्क्लेव (enclaves) के नाम से दूसरे प्रान्तों में मिला दिये गये हैं। प्रान्तों की धारा सभाओं और पालियामेंट में रामपुर और टेहरी गढ़वाल और दूसरी ऐसी रियासतों को तो उचित संरक्षण दिया गया है, लेकिन यहां पर विन्ध्य प्रदेश के कुछ एन्क्लेव हैं जो एक किस्म से इस बिल में हैं, उन की तरफ देखने का आज तक कोई प्रयत्न नहीं किया गया है।

**Shri Goenka :** They have been complaining that there is no one on the Treasury Benches.

**Dr. Ambedkar :** The Treasury Bench is quite unnecessary for the House.

श्री द्विवेदी : जब यह शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स के लिए और इस तरह के और भागों के लिये कानून लाया गया तो मैं कहूंगा कि यह काम हमारा पहला काम था कि जिस प्रकार इन भागों

को मर्ज (merge) किया गया था तो उन को माल की तरह पर नहीं ट्रीट (treat) करना चाहिये था कि जहाँ चाहा वहाँ रख दिया। उन को भी राज्यों की धारा सभाओं में उचित स्थान मिलना चाहिये था।

अब इस के उपरान्त, अध्यक्ष महोदय, मैं एक बहुत ही महत्वपूर्ण कानूनी मसले की तरफ आप का ध्यान आकर्षित करना चाहता हूँ। वह कानूनी मसला यह है कि विधान की धारा ३३० के क्लॉज (clause) २ में यह लिखा हुआ है कि :

“(2) The number of seats reserved in any State for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State in the House of the People as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.”

इस सम्बन्ध में मेरा कहना यह है कि जब आप ने ऐक्ट ४३ आफ १९५० में सीट्स (Seats) का निर्देशन कर दिया है तो उस में पार्ट सी स्टेट्स (Part C States) के सम्बन्ध में भी सीट्स का निर्देशन है और इस धारा ३३० के क्लॉज २ में यह स्पष्ट रूप से बता दिया गया है कि आबादी के लिहाज से यह सीट्स बांटी जायेंगी। तीसरी समझ में यह बात नहीं आती है कि यह कानून फिर से इस हाउस में क्यों लाया गया जब कि खास तौर से कान्स्टिट्यूशन की धारा ३४१ में यह लिखा है कि :

“(1) The President may, after consultation with the Governor or Rajpramukh of a State, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which

shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State.”

इसी प्रकार से ३४२ धारा में शोड्यूल्ड ट्राइब्स के बारे में प्राविजन (provision) है। तो मैं यह जानना चाहता हूँ कि जब धारा ३४१ और ३४२ में प्रेसीडेंट महोदय (President) को यह अधिकार मिल चुका है कि वह नोटिफिकेशन (Notification) के जरिये शोड्यूल्ड कास्ट और शोड्यूल्ड ट्राइब्स के बारे में यह कार्यवाही कर सकते हैं तब यहाँ पर विशेष रूप से कानून लाने की क्या आवश्यकता है। तब अगर धारा ३३० के अन्दर इस प्रकार का कोई प्राविजन है कि शोड्यूल्ड कास्ट के लिये कोई कानून बनाया जाय तो वह कानून तो आप ने बना ही लिया है, और अगर इस प्रकार का प्राविजन नहीं था तो फिर कान्स्टिट्यूशन में इस बात का कहीं जिक्र नहीं है कि ऐसा कानून लाया जाय। इस लिये जैसा मेरे पूर्व वक्ता ने कहा यह कानून मेरे ह्याल में भी बेकार है, सुपरफ्लूअस (Superfluous) है। तो मैं तो कहूँगा कि इस कानूनी उल्लेख की ओर माननीय मंत्री ध्यानपूर्वक विचार करें ताकि आगे चल कर सुप्रीम कोर्ट (Supreme Court) में इस पर क्लेश (clash) न पैदा हो और कोई गड़बड़ी न हो। हमारे माननीय मंत्री कानून के विशेषज्ञ हैं और वह इस सम्बन्ध में ज्यादा समझ सकते हैं, लेकिन यह कानून पेचीदगी का है। मैं समझता हूँ कि वह अपने भाषण में इस पर पूर्ण प्रकाश डालेंगे और यदि आवश्यक समझेंगे तो इस कानून का सुधार करेंगे या पूर्ण विचार विनिमय के पश्चात् ही इस को वापस ले लेंगे, क्योंकि जैसा कि देशबन्धु गुप्ता जी ने कहा, और हमारे विन्ध्य प्रदेश के प्रतिनिधि भी उस राय से सहमत हैं, कि हमारे यहाँ कोई दिक्कत नहीं है कि जब आप कानून बनायें तब ही हमारे यहाँ शोड्यूल्ड



[श्री द्विवेदी]

कास्ट और शेड्यूल्ड ट्राइब्स को नुमाइन्दगी मिलेगी। हम तो उन्हें वैसे ही पूरी नुमाइन्दगी देंगे। और इस बिल के सम्बन्ध में, जो आप ने रक्खा है, जो कानूनी अङ्कन है उस की तरफ संसद् का ध्यान आकषित करना मरा कर्तव्य है।

दूसरी चीज यह है कि जो माननीय मंत्री महोदय हैं वह ज्यादातर विधान की धारा ८२ की आड़ ले सकते हैं। उस धारा ८२ में लिखा है :

"Notwithstanding anything in clause (1) of article 81, Parliament may by law provide for the representation in the House of the People of any State specified in Part C of the First Schedule or of any territories comprised within the territory of India but not included within any State on a basis or in a manner other than that provided in that clause."

इस के अनुसार आप को यह कानून बनाने का अधिकार हो सकता है, लेकिन इस के अनुसार तो आप ने यह कानून बना ही लिया है और धारा ३३० के क्लॉज २ में यह स्पष्ट है कि आबादी के प्रोपोर्शन (proportion) के लिहाज से शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स की सीटों का आप निर्देशन कर सकते हैं, जैसा निर्देशन प्रेसीडेंट महोदय कर सकते हैं। तो फिर एसी सूरत में इस कानून की क्या आवश्यकता थी यह जो उलझन पड़ गई है इस को उन्हें दूर करना चाहिये। पर इस के सम्बन्ध में मेरे क्लॉज में कोई बात उन्होंने ने नहीं बताया है और इसी कारण से मैंने यह उलझन फिर से इस हाउस (House) में आप के सामने पेश की है।

इस के अतिरिक्त मैं माननीय मंत्री महोदय का ध्यान इस ओर आकषित करूंगा कि जिस समय पीपल्स रिप्रेजेंटेशन बिल (Peoples Representation

Bill) यहां पर पेश किया गया था उस समय विन्ध्य प्रदेश की आबादी लगभग ३३ लाख थी उस में से करीब ढाई या तीन लाख की आबादी एन्क्लेवज मर्जर ऐक्ट (Enclaves Merger Act) के अनुसार सीमा के प्रदेशों से मिला दी गई है और उस समय विन्ध्य प्रदेश के लिए ६ सीट्स आपने मंजूर कर ली थीं। लेकिन उस समय से आज तक चूंकि जनगणना हो गई है, मैंने पता लगाया तो मालूम हुआ कि विन्ध्य प्रदेश की आबादी इस समय पांच लाख और बढ़ गई है। ऐसी स्थिति में मैं समझता हूं कि विन्ध्य प्रदेश को और अधिक सीट्स मिलने का स्वत्व प्राप्त हो गया है। इसलिये इस कानून के साथ ही साथ मैं दो महत्वपूर्ण बातों का सुझाव पेश करूंगा एक तो यह है कि यदि सम्भव हो सके तो वह यह सोचें कि इन दो सीटों का वितरण किस प्रकार किया जाये और अच्छा हो यदि वह विन्ध्य प्रदेश की डिलिमिटेशन कमेटी (Delimitation Committee) कंसल्ट (consult) करने के बाद इन का निर्देशन करें। दूसरी बात यह है कि चूंकि विन्ध्य प्रदेश की आबादी पांच लाख बढ़ गई है इसलिये अगर सम्भव हो सके तो पीपल्स रिप्रेजेंटेशन बिल का एक अमेंडमेंट (Amendment) ला कर विन्ध्य प्रदेश को एक और सीट देने की कृपा करें।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूं।

(English translation of the above speech)

Shri Dwivedi: So far as the principles of this Bill are concerned, I support it because for more than once I have made suggestions in this House to provide for the representation in Part C States of the Scheduled Castes

and the Scheduled Tribes. What I wish to say is that so far as the administration and development of Part C States are concerned, that issue should have been brought in this House even before this Bill was moved. But not realising the significance of that Bill, the Government hurriedly brought forth the present Bill. That goes to show that the Government are not so much keen about the representation of the people and the introduction of necessary reforms for establishing a democratic type of government, as about this Bill. Anyway, I would support the present measure; but, all the same, I would like to explain a couple of things to the House. In the first place, I would like to say, as the previous speaker Shri Deshbandhu Gupta said in regard to Delhi, that we would have elected Harijan representatives even without this Bill. Then alone could it have been said how generously we treated the Harijans. In Vindhya Pradesh the Congress and the public workers have been treating the Harijans and the caste Hindus alike, and, as Shri Deshbandhu Gupta said, in Delhi they had already got opportunities of representation. In view of the fact that in Vindhya Pradesh untouchability has long been removed from the schools as also in the day-to-day intercourse and that Harijans there are loved by all alike and get due representation, there is no reason why a separate legislation should now be enacted for them. Now that such a Bill has come before us, I welcome it, but, all the same, I wish to mention a couple of things in this connection. Firstly, out of the six seats in the House of the People allotted to Vindhya Pradesh, one third have been reserved for the untouchables—Scheduled Tribes and Scheduled Castes. But unfortunately the people of Vindhya Pradesh are so illiterate and backward that only a limited number of such persons will be available as may be able to discharge their duties and represent their people properly in Parliament. Such is not the case with the Harijans alone; even Caste Hindus suffer from illiteracy. Shri Thakkar Bapa had once remarked that mass literacy should have preceded adult franchise. We did never raise any question in regard to education. While in Delhi new schools have been opened and arrangements made for their education and educational facilities extended to rural areas too, but no steps have been taken in this regard in Vindhya Pradesh. One of the speakers who spoke before me, Shri Sonavane, strongly supported this Bill. I also agree with him. May I ask whether in his speech he at all referred to the absence of any arrangements for the education of the people of the Scheduled Castes and Scheduled

Tribes? Today they are devoid of even the prime necessities and comforts of the modern life. In places like Kherua, a poor labourer is paid at the rate of only four annas per day, while contractors get contracts at nearly double the rate. The better course, therefore, would have been that the hon. Members, who are supporters of the Cause of Harijans should have personally visited those places, taken some positive steps to improve their conditions and approached the Education Department of the Government for providing them with educational facilities. As a matter of fact they are only keen about their own interests—that they should be elected here as their representatives—and do not care for the interest of the Harijans. Unless they do some material work for the uplift of the Harijans, I would not approve of mere idle talk as it can do no good to the country. We should promote education among our brethren—the people of the Scheduled Castes—whom we consider to be our own, so that after being elected to Parliament they may be able to discharge their duties properly; otherwise, there is no use in electing them.

**Mr. Chairman:** Does the hon. Member propose to take a long time?

**Shri Dwivedi:** Yes Sir.

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

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

[PANDIT THAKUR DAS BHARGAVA in the Chair]

**Shri Dwivedi:** Sir, you might have heard whatever few observations I made before the House. What I particularly mean to say is that the Government have classified the States into various Parts in the manner in which the entire society has been broken up into many categories, viz., *Savarna, Avarna, Scheduled Caste, Scheduled Tribe* and so on.

**Shri Amolakh Chand (Uttar Pradesh):** The hon. Minister is not here.

**Mr. Chairman:** He will come soon.

**An Hon. Member:** Let somebody deputise for him.

**Mr. Chairman:** He will be coming in a minute or so. Let the hon. Member proceed.

**Shri Dwivedi:** What I was going to say is that States, too, have been classified into various parts in the manner in which people have been divided into Scheduled Castes or Scheduled Tribes etc. I want to ask the hon. Minister

[Shri Dwivedi]

why does he not contemplate to bring a legislation in respect of the various Parts referred to in the present Bill in the manner in which he has presented the Bill regarding the Scheduled Castes and the Scheduled Tribes.

**Shri Sivan Pillay** (Travancore-Cochin): On a point of order, Sir. The Treasury Benches are vacant.

**Mr. Chairman:** The hon. Minister is likely to come very soon.

**Shri Dwivedi:** I think I can continue.

**Mr. Chairman:** Yes.

**Shri Goenka** (Madras): Who will listen?

**Shri Dwivedi:** I suppose what I say will be noted in the proceedings. As for example certain portions of Vindhya Pradesh have been merged into other States as enclaves. Rampur, Tehri Garhwal and certain other States have been given due protection in the Legislative Assemblies of the States concerned as also in Parliament, but no attention has so far been paid to those enclaves of Vindhya Pradesh which have been referred to in this Bill.

**Shri Goenka:** They have been complaining that there is no one on the Treasury Benches.

**Dr. Ambedkar:** The Treasury Bench is quite unnecessary for the House.

**Shri Dwivedi:** Since a legislation has already been brought forth for the Scheduled Castes, Scheduled Tribes etc., it should have been our first concern not to treat those merged enclaves like some packages that can be placed according to ones wishes. These enclaves should also get due representation in the States' Legislative Assemblies.

Now, Sir, I wish to divert your attention to a very important legal issue. In clause 2 of article 330 of the Constitution, it is stated:

"(2) The number of seats reserved in any State for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State in the House of the People as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or Part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State."

What I want to say in this connection is that since there has been a clear mention regarding the allotment of seats, including those of Part C States, in the Act XLIII of 1950 and since clause 2 of article 330 of the Constitution clearly states that the seats will be allotted in proportion to the population, there seems to be little reason why this legislation should be brought forth. Article 341 of the Constitution specifically mentions that:

"(1) The President may, after consultation with the Governor or Rajpramukh of a State, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State."

Similarly a provision has been made in article 342 with regard to the Scheduled Caste, I want to know what is the necessity of introducing such a measure when the President is empowered, *vide* articles 341 and 342, to do so by a public notification. If article 330 provides for any such legislation for the Scheduled Castes then that legislation has already been enacted; and in case it does not provide for one, the Constitution does not indicate any necessity of enacting such a legislation. Therefore, as the hon. Member speaking before me said, this Bill is superfluous. That is why I would like the hon. Minister to pay his attention to this legal intricacy so that it may not give rise to any legal clash later on in the Supreme Court. The hon. Minister is an eminent legal expert and as such is in a better position to study the situation, that this legislation does involve legal complexities. I hope he will throw light upon the subject and, if necessary, either amend the Bill accordingly or withdraw it after its consideration because; as Shri Deshbandhu Gupta said and the representative of Vindhya Pradesh also supported him there seems to be no such condition that the Scheduled Castes and the Scheduled Tribes will get representation only by enacting such a legislation. Representation will be provided to them even in the absence of any such measure. It is my duty to draw the attention of the House to the legal intricacies involved in the present Bill.

The second thing is that the hon. Minister may take recourse to article 82 of the Constitution. It states:

"Notwithstanding anything in clause (1) of article 81, Parliament may by law provide for the representation in the House of the People of any State specified in

Part C of the First Schedule or of any territories comprised within the territory of India but not included within any State on a basis or in a manner other than that provided in that clause."

Parliament have the power to enact such legislation under the above article and they have already enacted one Clause 2 of article 330 clearly states that the number of seats allotted by the President to the Scheduled Castes and Scheduled Tribes will be in proportion to the population. Under such circumstances, I think, there was no necessity of any Bill like this one. What is needed now is that this intricacy should be removed. As far as I could understand, the hon. Minister has not stated anything to that effect and, therefore, I have drawn the attention of the House to this issue.

Besides this, I would also invite the attention of the hon. Minister to the fact that when the Peoples Representation Bill was moved here, the population of Vindhya Pradesh was nearly 33 lacs. Then a population of about two and a half lacs to three lacs was included within the bordering territories in accordance with the Enclaves Merger Act. At that time six seats were agreed upon to be allotted to Vindhya Pradesh. Now that the census has taken place, I am told, the population of Vindhya Pradesh has increased by five lacs. Under these circumstances, I believe, Vindhya Pradesh has every right to claim for more seats to be allotted to it. I will, therefore, make a couple of important suggestions. Firstly, it should be considered, if possible, as to how these two seats should be allotted. It would be better that decision in this respect may be taken after having consultation with the Delimitation Committee for Vindhya Pradesh. In view of the fact that the population of Vindhya Pradesh has increased by five lacs, the number of seats allotted to it should also be increased by one by bringing an amendment to the Peoples Representation Bill.

With these words I support this Bill.

**Dr. Parmar** (Himachal Pradesh): I rise not only to support this Bill but also to congratulate the Government for giving representation to the scheduled castes and tribes in Part C States. It has been said in this House that this Bill has been brought by the Law Minister unnecessarily and for certain other extraneous reasons. I must, however, contradict this and say that what the Law Minister and the Government of India have done in bringing forward this Bill is only an implementation of the policy which has been laid down in the Constitution.

Whatever my friends from Delhi and Vindhya Pradesh feel about this matter—and their feeling is that even without this legislation the representation of the scheduled castes and tribes would have been assured in the House of the People—I welcome this measure for certain definite reasons. I can speak with some amount of knowledge as far as Himachal Pradesh is concerned and my feeling is that in spite of all that the Central Government and the other State Governments have done, our machinery is moving so slowly that the scheduled castes do not feel that enthusiasm that should have come with the Constitution. And that is all the more reason why we on our part should give a feeling, should give ample proof, of our idea, of our determination to see that the scheduled castes do receive a fair deal in the next elections. What is happening in Himachal Pradesh makes it all the more necessary.

I do not want to take very much time of the House, but I will just refer to an incident or two, to show how very necessary it is to make this provision. It was about four months back—on the 4th January 1951—that the Himachal Pradesh Advisory Council recommended to the Government to introduce, at least extend, the Untouchability Removal Act as it is in force in Uttar Pradesh, to Himachal Pradesh, for there are a number of disabilities which the scheduled castes suffer from in those areas. I was surprised to learn from certain quarters in the States Ministry that some of them at least consider that there is hardly any necessity for this measure, for there is no such problem there as in Madras, nor is there such a serious demand from the people that it should be extended. If that is the view which is prevailing in the Central Government too, I am afraid that much that has to be done will remain undone.

When I had been to my constituency recently, a section of the scheduled castes, known as *kolis*, met me there in the interior of Himachal Pradesh in district Sirmur. They narrated to me a recent incident in which some members of that scheduled caste of *kolis* who tried to assemble to consider some problems relating to their betterment were pounced upon by the landlords, tied hand and foot and locked up for about three days. If that is what the scheduled castes are to expect under the new Constitution, I am afraid we have to give the matter a very serious consideration. We have to admit the fact that our machinery has not yet geared itself to this new idea; they are still going along the same old rut and since not one scheduled caste is represented in the whole of the ser-

[Dr. Parmar]

vices, this sort of thing is allowed to happen. I was told of this incident not only by those people but also by people who contacted the police and the local congress committee which has taken the matter in hand with a view to doing justice to these people. But the Police feel that they will not be able to prosecute the offenders as no evidence will be forthcoming, because those scheduled caste people, who are tenants, have been told that if they give evidence against the landlords, they will be nowhere and that their lands will be taken away from them. That is why I feel that they should have representation, so that one of them at least will have a chance of coming here and expressing what they feel about the state of affairs. That will have a reaction on people who have not changed and who do not see the writing on the wall. I personally feel that unless we solve this problem, solve it of course in a spirit of friendship, unless this discrimination is done away with, the social order will go to pieces. I personally feel very strongly on this matter and that is why I feel that this measure has been brought none too early.

**Shri P. Y. Deshpande** (Madhya Pradesh): I wish to draw the attention of the hon. the Law Minister and of this House to certain legal aspects which have so far escaped notice. This Bill proposes to amend the Representation of the People Act of 1950 and it is brought forward with the object of providing representation to scheduled castes and scheduled tribes. My submission is that this has already been provided for in the Representation of the People Act, 1950. Section 3 of the Act, which is sought to be amended, provides for the allocation of seats in the House of the People, and states in sub-section (2) that "to each State specified in the first column of the First Schedule, there shall be allotted the number of seats specified in the second column thereof opposite to that State". In the First Schedule the seats have been allotted to Part C States also. The question arises, what about the scheduled tribes and the scheduled castes? Now, that too has been provided for. In section 6 of the Act, in sub-section (2), it is stated, "As soon as may be after the commencement of this Act, the President shall, by order, determine—(a)...(b)...(c)...and (d) the number of seats, if any, reserved for the scheduled castes or for the scheduled tribes in each constituency." This section authorises the President to determine reservation even for scheduled castes and scheduled tribes. Therefore, it seems to me that this Bill is altogether unnecessary. There is

the Constitutional mandatory provision in article 330. The Representation of the People Act, 1950 goes further—in fact it implements that Constitutional mandate and provides seats for Part C States and also provides for representation to scheduled castes and scheduled tribes. Therefore, it seems to me there is only one matter which is left rather in doubt. And that is the specification of the particular castes and the particular tribes which would be entitled to be recorded as such. That could be done, as it has been done in the case of Part A and B States, by order of the President, not only under articles 330 and 392 of the Constitution but also under section 6 of the Act which is sought to be amended by this Bill. Although, I wholeheartedly agree with the purpose of this Bill—I do want that the scheduled castes and tribes should be represented and all doubts about their representation should be removed, there is no question about that—it seems to me that when a mere order of the President specifying these tribes and castes will do, when such an order could have been placed before Parliament, and, as in the case of the Part A and B States, it could have been revised, altered or modified by Parliament later on, giving enough time to the people of these States to suggest amendments, to omit or add to the castes and tribes enumerated in the President's order—that being so, I do not see any propriety for this Bill at all. All that it seeks to do could be done by an order of the President specifying the castes and tribes and by placing the order of the President before the House and then following the same procedure as in the case of the Part A and B States. I hope the hon. the Law Minister will look into this matter and convince us that the Bill is really necessary.

कॉन्टिन ए० पी० सिंह : इस बिल का जो सिद्धान्त है, अर्थात् शेड्यूलड कास्टस (Scheduled Castes) और शेड्यूलड ट्राइब्स (Scheduled Tribes) को प्रतिनिधित्व दिया जाय, इसके विरोध में मैं नहीं हूँ साथ ही साथ अभी जो बहुत से प्रश्न उठाये गये हैं उनके सम्बन्ध में केवल यह कहना चाहता हूँ कि मैं डॉक्टर अम्बेडकर से सन्मत हूँ वह स्वयं यह कह रहे हैं कि आर्टिकल 330 और 392 पार्ट ए और पार्ट बी के लिए हैं। साथ ही वह यह

भी कहते हैं कि जो आर्टिकल ३३० और ३३२ हैं वह भी पार्ट ए और पार्ट बी के लिए हैं। उनका यह भी कहना है कि कोई खास तौर से कांस्टीट्यूशन में शेड्यूल्ड कास्ट (Scheduled Caste) और शेड्यूल्ड ट्राइब्स (Scheduled Tribes) को पार्ट सी स्टेट्स में प्रतिनिधित्व देने का प्रावीजन (Provision) नहीं है। यह बात वह स्वयं इस स्टेटमेंट आफ आबजेक्ट्स एण्ड रीजन्स (Statement of Objects and Reasons) में मानते हैं। अब इसके बाद वह यह कहते हैं कि चूंकि इन लोगों को सीट देना जरूरी है, इस लिए पार्लियामेंट से कानून बनाकर उन को प्रतिनिधित्व देना चाहिए, यानी स्पेशल पावर (special power) वह चाहते हैं कि पार्लियामेंट स्पेशल पावर से इसको करे। यह है उनका प्रयोजन जिसके लिए वह इस बिल को ले आये हैं।

इस सम्बन्ध में मेरा यह कहना है कि जब कांस्टीट्यूशन बन रहा था तो वे स्वयं कांस्टीट्यूट असेम्बली (Constituent Assembly) के सदस्य थे। अगर यह जानने की आवश्यकता है कि पार्ट सी के लिए क्यों नहीं प्रावीजन किया गया तो हमको कांस्टीट्यूशन की स्पिरिट (spirit) पर जाना चाहिये, कि पार्ट सी के लिए शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स को कोई भी प्रतिनिधित्व नहीं दिया गया इसका क्या कारण है। यह कोई महत्वपूर्ण कारण होने चाहिए। जहां तक मैं समझता हूं वह कारण यह है कि जो लोग पार्ट सी में हैं वह सभी हरिजन के तौर पर ट्रीट (treat) किये गये हैं, क्योंकि वे बैकवर्ड (backward) समझे गये हैं। जब वे बैकवर्ड समझे लिये गये और बैकवर्ड होने ही

के कारण शेड्यूल्ड ट्राइब्स और शेड्यूल्ड कास्ट को अधिकार दिया जाता है और जब वहां के सभी आदमी बैकवर्ड हैं इसलिए वहां पर कोई भी प्रावीजन इसके लिए नहीं रखा गया है कि शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स को अलग प्रतिनिधित्व दिया जाय। तो फिर जब इसके लिए वहां कोई प्रावीजन नहीं है तब क्या हम यह मान लें कि उनको कोई अधिकार देना ही नहीं चाहिये, शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स के लिए कोई अलग प्रतिनिधित्व नहीं देना चाहिये? मेरा यह कहना है कि इसके लिए कांस्टीट्यूशन का एक अलहदा दूसरा सेक्शन (Section) प्रोवाइड (provide) करता है और उस टिकल के अनुकूल इन लोगों को अधिकार मिलना चाहिए और मैं समझता हूं कि वह आर्टिकल पार्ट सी के लिए रखा गया है। वह आर्टिकल है २३९ और २४०। अध्यक्ष महोदय, मैं आपका ध्यान आर्टिकल २४० की ओर आकषित करना चाहता हूं जिसके कि मुताबिक इन लोगों को अधिकार दिया जा सकता है। २३९ में स्पेशल पावर है और २४० में यह है:

(1) Parliament may by law create or continue for any State specified in Part C of the First Schedule and administered through a Chief Commissioner or Lieutenant-Governor—

(a) a body, whether nominated, elected or partly nominated and partly elected, to function as a Legislature for the State; or

(b) a Council of Advisers or Ministers or both with such constitution, powers and functions, in each case, as may be specified in the law.

(2) Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision

[कॅप्टिन ए० पी० सिंह]

• which amends or has the effect of amending the Constitution."

यानी इस कांस्टीट्यूशन के मूलाविक कोई चेंज (change) भी होनी हो तो वह इस आर्टिकल के मूलाविक हम कर सकते हैं। इतनी बात अवश्य है कि इसमें पार्ट सी स्टेट बलों को कुछ ज्यादा अधिकार भी हमको देने होंगे। अगर डाक्टर अम्बेडकर साहब सीधे सीधे यह कानून यहां पर ले आते जैसा कि पार्ट बी के लिये कह दिया गया है कि पाठे सिक्स (six) अप्लाई (apply) होगा नीचे लिखी हुई तरमीमों के साथ, कि पार्ट सी को भी पार्ट सिक्स जो है वह नीचे लिखे हुए मॉडीफिकेशन (Modifications) के साथ अप्लाई होगा तो ठीक था। मैं उसको और डाक्टर अम्बेडकर साहब का ध्यान आकर्षित करना चाहता हूँ। वह इस प्रकार है :

"The provisions of Part VI shall apply in relation to the States specified in Part B of the First Schedule as they apply in relation to the States specified in Part A of that Schedule subject to the following modifications and omissions, namely:"

इसी तौर पर वह यहां यह ले आते।

"The provision of Part VI shall apply in relation to the States specified in Part C of the First Schedule as they apply in relation to the States specified in Part A of that Schedule subject to the following modifications and omissions, namely:"

अगर इस आधार का और मतलब का विल आप ले आते और उसमें कह देते कि पार्ट सिक्स के सब प्रावधान लागू होंगे तो ऑटोमैटिकली (automatically) जो शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स का मामला है वह तब हो जाता। तो यह न करके आप बैकडोर (Backdoor) से घुसना चाहते हैं। साधा जो दरवाजा

खुला हुआ है और जो हर एक मिनिस्टर को अस्तियार है करना चाहिये, वह आप काम में नहीं लाते। शायद अम्बेडकर साहब यह कहें कि यह तो गवर्नमेंट की स्टेट्स मिनिस्ट्री (Ministry of States) का काम है, हमारा काम नहीं है, क्योंकि मैं ने उनसे बातचीत की थी तो वह अक्सर यह कहा करते हैं। मैं तो पूरी गवर्नमेंट को एक समझता हूँ, चाहे वह डाक्टर अम्बेडकर साहब हों चाहे आयोग साहब हों चाहे होम मिनिस्टर हो। मेरे कहने का मतलब यह है कि इस तरह का विल ले आते तो ठीक था। लेकिन ऐसा न करके आपने घोड़े को पीछे कर दिया है और गाड़ी आगे को ले आये हैं और इसीलिए इतना शोर चारों तरफ से हो रहा है। आपको चाहिये कि इस बिल को आप स्थगित कर दें और पहले वह विल ले आवें जिस से कि पार्ट सी को पूरी पावर (Power) पार्ट ए की मिल जाय, और तब यह मकसद आपसे आप पूरा हो जायगा अभी आप कांस्टीट्यूशन के अनुसार काम नहीं कर रहे हैं क्योंकि आप इसके द्वारा शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स को अधिकार दे रहे हैं। लेकिन हम सभी हरिजन हैं तो पहले सब लोगों को शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स के अलहदा करें, यानी कुछ ज्यादा अधिकार दें जैसा कि पार्ट ए और पार्ट बी में है। ऐसा पहले कर दें तब तो इसका ले आना ठीक है और जब यह आप नहीं कर रहे हैं तो इसका ले आना मैं बिल्कुल व्यर्थ समझता हूँ।

अब इसके विस्तार में और कारण बतलाने में बहुत समय लगेगा। आयोग साहब की भी स्पीच हो चुकी है कि जहाँ तक हिमांचल प्रदेश और विन्ध्य प्रदेश

का मामला है यह तो कानून आने ही वाला है बन भी रहा है और उसकी स्टैंडिंग कमिटी (Standing Committee) में हम लोग हैं। उससे वह निकला भी है, गो काफी असन्तोष जनक है मगर मुकिन है कि आगे चलकर वह उसे सन्तोषजनक बनावें। तो अब इस मामले में दिल्ली के लिए भी कहा जाता है दिल्ली के लिए एक सीट निकली है दिल्ली की बाबत यह कहना है कि उस को अधिकार देने में क्या अड़चन हो सकती है। यह कहा जाता है कि यहां पर राजधानी है इसलिए उसको अधिकार नहीं दिया जा सकता क्योंकि यहां पर कैपिटल (Capital) है। मैं अध्यक्ष महोदय से यह पूछना चाहता हूँ कि जब कलकत्ता हिन्दुस्तान की राजधानी थी तो वहां भी तो लेफ्टिनेंट गवर्नर रहता था तो वहां के कलकत्ते के लोगों को तो पूरे अधिकार प्राप्त थे। फिर जब यहां भी शिमला कुछ दिनों के लिये गवर्नमेंट आफ इंडिया (Government of India) की राजधानी हो जाती थी तो वह पंजाब में था, पंजाब का लेफ्टिनेंट गवर्नर भी वहां रहा करता था तो क्या दोनों एक साथ नहीं चलते थे इसलिए यह दलील मेरी समझ में बिल्कुल नहीं आती है कि राजधानी होने की वजह से दिल्ली के आदिमियों को अधिकार न दिये जायें। मैं तो समझता हूँ कि दिल्ली के आदिमियों को ज्यादा अधिकार मिलने चाहियें, क्योंकि वे लोग बिल्कुल राजधानी के रहने वाले हैं। अरे भगवान ने कहा कि :

“सब ते प्रिय मोहि यहाँ के बासी ”  
और फिर, “मम धामदा पुरी सुखराशी ”।

अर्थात् अयोध्या के रहने वालों के लिए कहा है। तो दिल्ली वालों को जब अधिकार देने में इतनी खीचातानी हो रही है तो दूसरे लोगों को तो न मालूम कितनी आपत्ति में पड़ना पड़ेगा। इसलिए दिल्ली के आदिमियों को शान्ति से रखना उचित है राजधानी का मामला है यहां के लोगों को असन्तुष्ट रखना यह तो मेरी समझ में बिल्कुल नहीं आता है। अरे हम लोग जिन पर शासन कर रहे हैं तो उचित था कि हम वहां के लोगों की प्लेबिसाइट (plebiscite) कराते।

Mr. Chairman: May I draw the attention of the hon. Member to the fact that we are not discussing the problem of Dehra but we are discussing the Representation of the People (Amendment) Bill?

कैप्टिन ए. ०. पी. ०. सिंह : चूँकि दिल्ली में भी लागू किया जा रहा है इसीलिए मैंने दिल्ली का जिक्र कर दिया कि दिल्ली को भी वह अधिकार दिये जाय जो कि हम लोगों को मिलने वाले हैं, यह मेरा मतलब था। खैर, मैं उस पर नहीं कहूँगा, अगर ऐसा मालूम पड़ता है मेरा कहना तो यह है कि यह सुधार रिसपॉनसिबिल गवर्नमेंट (Responsible Government) छोटी रियासतों जैसे मनीपुर और त्रिपुरा को क्यों न दिया जाय। औंध एक बहुत छोटी रियासत है और सबसे छोटी रियासतों में से एक है वहां पर सबसे पहले रिसपॉनसिबिल गवर्नमेंट कायम हुई तो कोई कारण नहीं दिखाई देता कि दूसरी छोटी रियासतों मसलन मनीपुर और त्रिपुरा में क्यों न रिसपॉनसिबिल गवर्नमेंट कायम की जाय। उनको उत्तरदायित्वपूर्ण शासन क्यों न दिया जाय। बहुत सी रियासतें हैं जहाँ पर उत्तरदायित्वपूर्ण शासन नहीं है लेकिन



[कैप्टिन ए. पी. सिंह]

मुझे उनका जिम्मा करने का समय नहीं है।

अब दूसरी बात जो मैं कहना चाहता हूँ वह यह है कि उनकी यानी हरिजनों की आबादी विन्ध्य प्रदेश में कितनी है, शेड्यूलड ट्राइब्स की फिगर्स (figures) भी नहीं दी गई हैं। मगर मालूम पड़ता है कि लगभग नौ लाख के दोनां मिलाकर हूँ जो एक चौथाई से कुछ कम है और सीट जो उनको दी जा रही है वह एक तिहाई दी जा रही है। दोनों को मिलाकर यानी छे सीट में से दो सीट दिलाई जा रही हैं। और आबादी उनकी एक चौथाई से भी कुछ कम है। अगर डाक्टर अम्बेडकर साहब उचित समझें और मैं उनसे यह एक पर्सनल अपील (personal appeal) करता हूँ कि एक सीट विन्ध्य प्रदेश के लिए और बढ़ा दें ताकि जाँ पापुलेशन (population) का रेशियो (Ratio) है यह करीब करीब ठीक हो जाय इतनी मेरी उनसे अपील है। हाँलाकि मैंने इस आशय का कोई अमेंडमेंट (amendment) तो नहीं भेजा है। लेकिन अगर वह ऐसा कर सके, तो ठीक होगा। मेरा डाक्टर साहब से इतना ही कहना है कि अगर वह उचित समझें तो इस वर्तमान बिल को रोक दें और जैसा कि मैं बतलाया है, उस तरह का एक बिल लायें और वह अगर ऐस करने पर सहमत हों तो मैंने वह बिल तैयार भी कर लिया है। मैं वह तैयार शुदा बिल उनको दे सकता हूँ, पूरा पूरा बिल भेजने तैयार कर लिया है, छोटा बिल होगा और उसमें थोड़ा यह कहना होगा कि पार्ट सी स्टैंड्स को अधिकार दिये जाय और रिसर्पोनसिबिल गवर्नमेंट

कायम की जाय और मेरा बिश्वास है कि उसके बाद यह समस्या आप से आप हल हो जायगी। इतना ही बस मेरा निवेदन है।

(English translation of the above speech)

Capt. A. P. Singh: Sir, I am not opposed to the object of the Bill, namely, making a provision for representation of the Scheduled Castes and Scheduled Tribes. As for the many points that have been raised here, I will only say that I agree with the views of hon. Dr. Ambedkar. He himself says that Articles 341 and 342 apply in relation to Part A and Part B States only and that Articles 330 and 332 are also for Part A and Part B States. Then again, he has said that there is no specific provision of affording representation to the Scheduled Castes and Scheduled Tribes of Part C States. He admits this thing in the Statement of Objects and Reasons. Now, he finds that because it is necessary to reserve seats for these people, they must therefore be given representation by enacting legislation in the Parliament, that is to say he wants special powers for the Parliament to do it. That is the object for which he has brought this Bill before the House.

In this connection, my submission is that he himself was a Member of the Constituent Assembly when the Constitution was being framed. If we wish to find out the reasons why no provision was made for the Part C States, we must examine the spirit of the Constitution as to why the Scheduled Castes and Scheduled Tribes of Part C States were not given any representation. There must be some definite reasons for that. As far as I could make out, the entire population of Part C States were treated as Harijans for the reason that they have all been regarded as backward people. This right of reservation of seats is given to the Scheduled Castes and Scheduled Tribes only because they are a backward class and since the people of those States have been treated as backward class, no provision has therefore been made to give separate representation to them. So, when there is no such provision, should we agree that they should not be given any rights and that there should be no separate representation for the Scheduled Castes and Scheduled Tribes? My submission is that there is another section in the Constitution which makes such a provision and they should be given these rights under that article.

which, I believe, is meant for Part 'C' States. They are Articles 239 and 240. Sir, I would like to draw your attention to Article 240, according to which these people can be given this right. Article 239 deals with special powers and Article 240 says:

"(1) Parliament may by law create or continue for any State specified in Part C of the First Schedule and administered through a Chief Commissioner or Lieutenant-Governor—

(a) a body, whether nominated, elected or partly nominated and partly elected, to function as a Legislature for the State; or

(b) a Council of Advisers or Ministers, or both with such constitution, powers and functions, in each case, as may be specified in the law.

(2) Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending the Constitution."

That is to say, according to the Constitution, we can make change, if necessary, under this article. But in that case one thing is certain and it is that we will have to give more rights to the people in Part C States. It would have been better had hon. Dr. Ambedkar brought forward a clear measure, just as he has declared in the case of Part B States that Part VI with the under mentioned amendment will apply to them, to the effect that the Part VI with the following modifications will apply in relation to Part C States as well. I wish to draw the attention of the hon. Dr. Ambedkar to that. It is as follows:

"The provisions of Part VI shall apply in relation to the States specified in Part B of the First Schedule as they apply in relation to the States specified in Part A of that Schedule subject to the following modifications and omissions, namely:"

Similarly he could have provided the following:

"The provisions of Part VI shall apply in relation to the States specified in Part C of the First Schedule as they apply in relation to the States specified in Part A of that Schedule subject to the following modifications and omissions, namely:"

75 PS.

If a Bill having this object and purpose and which could also provide that all provisions of Part VI would be applicable, had been brought, it could automatically have solved this problem of Scheduled Castes and Scheduled Tribes. But he has chosen a different path and wants to enter through the backdoor. He does not take the simpler and a more direct course, which every hon. Minister has the option to adopt and which he must do. Dr. Ambedkar might probably say that it is the concern of the Ministry of States and not his. The hon. Minister on several occasions, during my talks with him, expressed this view. But I take the Government as a whole, may he be Dr. Ambedkar or Shri Ayyangar or the Minister of Home Affairs. All that I want to submit is that such a Bill would have been much better. But in failing to do so he has put the cart before the horse with the result that people are complaining all round. He should now postpone this Bill and bring forward a Bill which would give all powers enjoyed by Part A States to Part C States. Then this object would automatically be fulfilled. At present he is not working according to the Constitution because, by this Bill, he is giving rights only to the Scheduled Castes and Scheduled Tribes. But we all are Harijans and so before taking this step all other people must be made distinct from Scheduled Castes and Scheduled Tribes, that is to say they should first be given more rights as is the case of Part A and Part B States. He should first do this and then only bring such a measure, otherwise, in my opinion, it is of no use.

It would take a long time to deal with its details and to describe its reasons. Shri Ayyangar has also stated in his speech that so far as Himachal Pradesh and Vindhya Pradesh are concerned, a Bill will be soon coming for them. It is being framed and we are on the Standing Committee. The Committee has considered it and although it is very unsatisfactory at this time but we hope it will be improved upon to the satisfaction of the people. Now, it is said that Delhi should also be allotted one seat. As for Delhi, I submit that there should be no hitch to give this right to it. It is said that since it is the capital of the country, it cannot be given this right. Sir, I would submit that Calcutta too had a Lieutenant-Governor when it was the capital of India but the people of Calcutta enjoyed full rights. Then again, taking the case of Simla, it used to be the capital of India for some period of the year and being situated in Punjab, the Lieutenant-Governor also used to live there, but there had never been any

[Capt. A. P. Singh]

difficulties about the two Governments functioning from the same place. Therefore, I am at a loss to comprehend the argument put forward that the people of Delhi should not be given this right on account of its being the capital of the country. I for one, feel that the people of Delhi should be given more rights because they are living in the capital itself. Shri Ramchandra had said: *Sab te priya mohi yahan ke basi, mum dhamda puri Sukhrasi*. (I love most the people of my own place which is the land of wealth and prosperity). He had said it for the people of Ayodhya. So when there is so much of hesitation in giving rights to the people of Delhi, I am afraid, other people will have to face even more difficulties. Therefore, in my opinion, it is most desirable to keep the people of Delhi contented as it is the capital of the country and it will not be wise to dissatisfy them in any way. It would have been more proper had we arranged to hold a plebiscite of the people of the area which we are administering.

**Mr. Chairman:** May I draw the attention of the hon. Member to the fact that we are not discussing the problem of Delhi but we are discussing the Representation of the People (Amendment) Bill?

**Capt. A. P. Singh:** Since it is being enforced in Delhi also, I thought I might refer that Delhi should also be given these rights which we are going to have. I meant only that. Anyway, if it is so, I will not discuss that. My submission is only as to why smaller States like Manipur and Tripura should be refused these reforms of introducing responsible Governments. Aundh is one of the smallest states but it was the first state to have a responsible Government. Therefore I see no reason why other small States like Manipur and Tripura be deprived of a responsible Government and why a responsible type of administration be not established there. There are so many other States where a responsible administration does not exist but I have no time to speak about them.

The next point which I would like to submit is with regard to the population of Harijans in Vindhya Pradesh. How much is that? No figures have been given about Scheduled Tribes. But it seems that the population of both comes to about nine lakhs, that is, a little less than one-fourth of the total population. But they are being given one-third of the total seats allotted, that is to say, two out of six seats are being given to them

while their population is less than even one-fourth. If hon. Dr. Ambedkar deems it proper, and it is my personal request to him, he should allot one more seat to Vindhya Pradesh so that the population ratio may be adjusted to a greater extent. Although I have not submitted any amendment to that effect, but it is my request to him and it would be better if he agrees to do it. I submit to hon. Dr. Ambedkar that if he thinks it proper he should withhold the present Bill and bring another Bill to that effect. If he is agreeable to do it, I can submit my own Bill to him which I have already drafted in a comprehensive manner. It will be a small Bill saying that more rights should be given to Part 'C' States and that responsible Government should be set up there. If it is done, I believe, the problem will automatically be solved. That is all I have to say.

**Mr. Chairman:** I think this has been sufficiently discussed. I therefore propose to call hon. Dr. Ambedkar to speak.

**Dr. Ambedkar:** Yesterday when Mr. Kapoor raised a constitutional question that in view of certain articles in the Constitution, this Bill was unnecessary and that I had brought this Bill for some other motive, I myself did not believe that Mr. Kapoor believed in his argument.

**Shri J. R. Kapoor (Uttar Pradesh):** You never believe in a fact.

**Dr. Ambedkar:** It seems to me that his argument has caught on and it has been repeated by several Members today on the floor of this House.

[MR. SPEAKER in the Chair]

It is therefore incumbent on me to repel the suggestion which has been made in the course of this debate that this Bill is uncalled for. Hon. Members have referred to article 330 on which they have built their main argument. It is quite true that article 330 refers to the reservation for the scheduled castes in the House of the People. What we are considering in this Bill is the reservation of seats in the House of the People for the scheduled castes in certain Part C States. As I said, it is therefore relevant that this article should be referred to. It seems to me that hon. Members who have relied upon article 330 seem to have altogether forgotten that the basis of representation of the scheduled castes must be the enumeration or the definition of the scheduled castes. Unless and until we know what the scheduled castes are and what their total population is, it is absolutely impossible for anybody to make any provisions for the practical and factual

representation of the scheduled castes. The question, therefore, is this: Is there any provision whereby it is possible for any authority except Parliament to make a list of the scheduled castes so that we might know what they are, and also their population? For that purpose, it is necessary to refer to article 341. This is what article 341 says:

“(1) The President may, after consultation with the Governor or Rajpramukh of a State, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State.”

A similar provision is contained in article 342 which relates to scheduled tribes. There is a proviso contained in sub-clause (2) of article 341 and sub-clause (2) of article 342 which prevents the President, after having once made the order, from modifying it. The power to modify the order has been expressly reserved to Parliament. It is necessary to read very carefully the words of article 341 and article 342. No doubt, the President is empowered to issue a notification; but, there is a very important condition attached to his power to issue a notification. That condition is that he can issue it only after consultation with the Governor or Rajpramukh of a State. Any one who reads the Constitution will know that by making reference to a Governor or Rajpramukh, it is quite clear that what is meant is States in Part A or States in Part B. Because, it is only in States in Part A or Part B that you find the institution of a Governor or Rajpramukh. If article 341 also stated in specific terms that the President can issue such a notification in consultation with the Chief Commissioner, undoubtedly, the President could have been presumed to have been empowered by the Constitution under articles 341 and 342 to issue a notification with regard to States in Part C also. Unfortunately, or fortunately, such a clause was not put in in article 341.

My hon. friend who spoke last asked that I must explain as to why the Constitution did not make any provision giving the President the power to issue a notification with regard to the scheduled castes in Part C States. I think those Members, who took part in the discussion of the various articles when the matter was before the Constituent Assembly, will recall that this question was a matter of great controversy. Everybody felt that politics might enter into this field, that the

President might be advised for political reasons to omit a certain community, that the President might be advised to add a certain community because of its political affiliation. Consequently, we had to draft this article with the greatest care and attention. It was also insisted that once the President had made the order, he should not have the power to alter it, because, there again, politics might enter. This is evident from the fact that in both the articles clause (2) was introduced, because it was felt that once the order was made, if any change was demanded, that change ought to be made in the open House, by the House, with the knowledge of the scheduled caste Members of Parliament. That was the reason why these articles were drafted with such meticulous care.

My point, however, was this. The argument of my hon. friends who said that this Bill was unnecessary is based upon a complete misunderstanding and misreading of article 341. As I stated in my opening remarks, it is absolutely impossible to devise any kind of scheme of reservation for the scheduled castes unless two things are known: who the scheduled castes are and what their population is. As I said, if this matter was covered by article 341, then, it would have been quite unnecessary to come to this House for making provision for representation of scheduled castes in Part C States. Because, then, the President would have the same power as he has with regard to the scheduled castes in Part A and Part B States to determine the Scheduled Castes in Part C States and their population so that the Election Commissioner could easily proceed to delimit the constituencies. Therefore, my submission is that there is no substance in this argument that this Bill from a constitutional point of view is unnecessary.

My hon. friend Mr. Deshpande has challenged me on another ground that this matter is already covered in the former Act called the Representation of the People Act, 1950. He has referred to section 6 of that Act where it is stated that the President may determine among other things, “the number of seats, if any reserved for the scheduled castes or for the scheduled tribes in each constituency”. Here again, he seems to be suffering from one fallacy. This Act has reference to the order issued by the President with regard to the scheduled castes and scheduled tribes in Part A and Part B States. This section 6 could have no reference to or relevance to a case where the scheduled castes or the

[Dr. Ambedkar]

scheduled tribes have not been notified by the President. It is only when the President can notify that this section can be attracted. What we are doing now is to enact a list of the scheduled castes and the scheduled tribes in the various Part C States where we propose to reserve seats for them. Therefore, my submission is that his argument too is based on a complete misunderstanding of the provisions of that particular Act.

There is, I find, no disagreement on the question that provision should be made for representation of the scheduled castes and scheduled tribes in Part C States. So far, so good. Two Members from Vindhya Pradesh have said that by taking two seats, one for the scheduled castes and one for the scheduled tribes, the general representation has been cut into too much. *Prima facie*, I am not prepared to accept that argument. That argument seems to be founded on the supposition that all the six seats were to enure to the benefit of the caste Hindus. I am not prepared to accept that argument. Those seats have been given to Vindhya Pradesh not only for the caste Hindus, but for all other people who are resident in those States. They have appealed to me to see if the quota of seats allotted to Vindhya Pradesh in the House of the People may not be increased by one. You know that in the Constitution, a definite maximum limit has been placed for the House of the People and I believe, it is about 500. It is quite obvious that I could not increase the quota of representation of Vindhya Pradesh if the thing is going to offend against that maximum which would be quite impossible and unconstitutional. It is quite possible that other Part C States may also claim an enlargement of their quota because they may also claim the same sort of treatment. It is therefore difficult for me to commit to any such proposal as has been put before me. All that I can say is that I will look into the matter and see if something can be done. Beyond that I do not propose to say anything.

Then, my friend from Vindhya Pradesh drew my attention to article 240. His argument was that instead of taking action under article 240 I was proceeding under some other articles of the Constitution. Well, I know he will agree that the articles under which I am proceeding are perfectly legitimate. The reason why he wants me to act under article 240 he knows very well and I do not wish to expose the thing more than is necessary. All that I need tell him 's this, that it is un-

necessary for me to refer to article 240 because my problem is very different. My problem is to provide for the representation of the scheduled castes and scheduled tribes in Part C States in the House of the People. My present problem is not to find representation for the scheduled castes and scheduled tribes in any local assembly or a Parliament that may be devised hereafter. When the Government of India will take action to satisfy my friend for the purpose of establishing some local legislature, then undoubtedly article 240 will be resorted to and provision will be made for the representation of the scheduled castes and scheduled tribes therein also. But for the moment, it is not necessary for me to resort to article 240.

Then, much criticism has been levelled against the list of the scheduled castes. Well, I do not know how one can satisfactorily deal with a matter of that sort, because anybody in the Government of India dealing with a matter of this sort as to what community is a scheduled caste community and what community is not a scheduled caste community, must necessarily depend upon the local information furnished to the Government of India by their officers and other agencies who are conversant with the matter. It is quite possible that the information supplied to the Government of India by their agency differs from the information which hon. Members have. Government, therefore, has to come to its choice, necessarily relying on the information of its own officers. If any hon. Member can prove to my satisfaction that in the list that we have prepared, there has been any grave error or omission, I shall certainly consider the question. My friend Dr. Deshmukh of course, is very discontented, I think, with the Government and thinks that the Government is always rushing through matters. I do not know how long he would like each Bill to take—probably a fortnight—and I do not know whether he would be satisfied even with that time. He expatiated a great deal upon the inadequacy and the errors of the list. My friend Dr. Deshmukh will permit me to say that as a member of the Round Table Conference, I had had a great deal to do with the preparation of these tables. I had a great deal to do with it. We had before us a very grave problem. That problem was that in the census reports, right from 1910, if he will refer to them he will see, that certain classes were shown separately and they were called "depressed classes". When the question came at the Round Table Conference for giving representation to these classes, the question arose what was meant by the "depressed clas-

ses". There were a large number of people who were economically and educationally backward but who in the technical sense of the word were not untouchables. There were certain communities like the *mangarudis* for instance, who were criminal tribes but were not untouchables in the technical sense of the word; they were practically outside the pale of society and yet were not untouchables. The question was then considered at great length—Are we going to give representation to the whole body of people who were in the census designated as "depressed classes", which would have meant a very large division in the share of representation of the general Hindu population, or whether we were going to cut that class into something more precise, more definite, something which represented what were known as classes with disabilities imposed upon them and not those which were merely backward? Therefore, a decision was taken that the representation should be given only to what were really untouchables and to no others. Now some people did not like the word "untouchables". They said, "We do not want that word 'untouchables'." So we had a term known as the "excluded classes." That the Hindus did not like. They said: "These are our blood brothers and you must not have a terminology which would indicate that they are outside us." And so we devised this phrase—scheduled castes—and I might say that to some extent I was responsible for it. I said, if you do not want the word untouchables, and if you do not want the term excluded classes, then have this term of scheduled castes. After all, they will have to be scheduled. Consequently the enumeration which is contained in the 1935 Act Order in Council for scheduled castes has been drafted with the greatest care and attention, and I have no doubt in my mind that there is no community which is omitted from it which as a matter of fact ought to have been included, nor added any which ought not to have been added. It is as exact a classification as one could make. I may tell my friend Dr. Deshmukh that while sitting here I was myself making some mathematical calculations in order to find out what variations there were from the list contained in the Order in Council following the Government of India Act, 1935 and the list produced or rather notified by the President. Now I find that so far as these lists are concerned, this is the position. Unfortunately here it is done in the alphabetical order while there it was shown presidency-wise. Well, in Assam there are 15 communities listed in the order issued by the President. I do not find that any single community which was included

in the Order in Council has been omitted. All of them are there.

You take Bihar. There again there are really 14 communities listed in the Order in Council under the Government of India Act 1935 and here the number of communities that have been listed as scheduled is 21. What they have done is this. In Bihar certain communities were untouchables throughout the province but certain other communities were untouchables in parts of districts and not in others. Consequently they were listed separately. Probably the Home Department in making the notification thought that it was much better not to make this territorial distinction but to treat all of them as untouchables irrespective of the territorial distinction.

Take Bombay. There is no change at all. The old Order in Council mentions 34 communities. In this notification the communities listed are 36, which is two more.

I do not think it is necessary for me to go over the whole list. So far as Part A States are concerned I do not think there is any ground for complaint. With regard to Part B States it is not possible for me to give any such assurance, for the simple reason that no such lists were prepared under the Act of 1935 for Part B States. Consequently the lists are very new and it is possible that some errors might have crept in. I quite see that an important community like the *Ballia* whom I know, is not to be found in the list. So with regard to Part B States I have no basis for comparison. So far as Part A States are concerned the list is a fair list.

My friend referred to Delhi and produced some paper issued by the Union Public Service Commission. It is quite true that a larger number is mentioned in the list but I have checked it up, and I am prepared to say that compared to the list we have included in this Bill, I think you might as well say that, about 90 per cent. are included in our list. Some of them seem to me to be duplicate names, the same community called by two different names.

**Dr. Deshmukh:** Only 39 out of 64.

**Dr. Ambedkar:** Some people are called *Ramdasiyas* as also *Ravidasiyas*. Some others are called *Dhanuk* and *Dhanu*. It is very difficult to know whether they are two communities or one community with two different names. I am prepared to rectify this by omitting the word "or" and numbering them as though they were separate communities.

[Dr. Ambedkar]

Then an hon. Member wanted figures. But I may tell him that we have been very meticulous in seeing that the proportion is very accurate.

I do not think there is any point made in the course of the debate which I have not dealt with. With these words I commend the motion.

**Shri Ethirajulu Naidu:** I would like to have a clarification from the hon. Minister. Scheduled castes and tribes are in a way defined by articles 341 and 342, but only in respect to Part A and Part B States and there is no corresponding provision in the Constitution of scheduled castes and tribes in Part C States. It is a matter of doubt whether Parliament can by law define a term used in the Constitution. (Dr. Ambedkar: Of course.) Is it not necessary that action should be taken by the President under article 392?

**Mr. Speaker:** The hon. Member is agitating the same point. If he coolly considers the reply of the hon. Law Minister I think he will find the answer.

The question is:

"That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration."

The motion was adopted.

Clause 2—(Insertion of new section 3A etc.)

**Shri J. R. Kapoor:** I beg to move:

In clause 2, for the proposed section 3A of the Representation of the People Act, 1950, substitute:

"3A. For the purposes of reserving seats in the House of the People under the Constitution of India, the castes specified in the Sixth Schedule shall be the scheduled castes in relation to the Part C State under which they are so specified, and the tribes specified in the Seventh Schedule shall be the scheduled tribes in relation to the Part C State under which they are so specified."

The implication of my amendment is that sub-clause (1) of the proposed new section 3A goes off. So far as sub-clause (2) of the new section is concerned for the words "for the purposes of this Act" we shall have the words "for the purposes of reserving seats in the House of the People under the Constitution of India".....

**Dr. Ambedkar:** May I say that this amendment is entirely outside the scope of the Bill? What we are doing is we are reserving seats in some of the Part C States. Only so far as those States are concerned we are preparing the list. The amendment is that there shall be a list of scheduled castes for all Part C States. That is a separate question.

**Shri J. R. Kapoor:** I do not know how my hon. friend could put this interpretation on my amendment. I have nowhere stated in the amendment that there must necessarily be a schedule in relation to all Part C States. I am referring only to the Sixth and Seventh Schedules which are already given in the Bill itself. I nowhere seek to add a new Schedule or even to amend the two Schedules. They shall remain intact unless of course they are amended by any other amendment which may be moved and accepted by the House. All that I suggest in my amendment is that sub-clause (1) of the proposed section 3A shall be omitted and so far as sub-clause (2) is concerned for the words "for the purposes of this Act" we shall have the words "for the purposes of reserving seats in the House of the People under the Constitution of India." Why I am moving the amendment is that I am definitely of the view, as I submitted yesterday and reaffirm today, that article 330 of the Constitution specifically provides that in the House of the People seats shall be reserved for every State. And the word "State" as defined in article 1 of the Constitution includes all States whether they are in Part A or Part B or Part C. The hon. Law Minister in his reply to the debate on the Bill a few minutes ago said that while he did admit that article 330 specifically provided for reservation of seats his only difficulty was that article 330 could not be complied with until there was a specific list of scheduled castes for Part C States and since there was no such list and since none could be made according to the provisions of article 341, it was necessary to have a separate list of scheduled castes and scheduled tribes. To that I would repeat my submission made yesterday that article 341 should have been so amended and adapted by the President as to remove this difficulty. This he could have done under article 392. But that argument did not appeal to my hon. friend, Dr. Ambedkar. I am not reiterating that argument today, but even assuming that it is necessary for Parliament to pass a list specifying the scheduled castes and scheduled tribes, my original contention does remain, that it is not necessary to provide again in this legislation for the reservation of seats in the House of

the People for scheduled castes and scheduled tribes residing in Part C States. This provision is already specifically included in article 330 of the Constitution. Therefore, sub-clause (1) of the proposed section 3A is absolutely redundant.

There is another reason why we should not have this sub-clause (1) of section 3A. It not only specifically provides—unnecessarily—for the reservation of seats but it goes beyond that and fixes the number of scheduled castes representatives in the House of the People on behalf of the scheduled castes and scheduled tribes of Part C States. This, I submit, is against the Constitution itself because under clause (2) of article 330 a definite formula has been given as to in what proportion there shall be reserved seats in the House of the People in relation to scheduled castes and scheduled tribes in Part C States—they shall be in proportion to their numbers. Here the number is absolutely ignored and theoretically speaking an arbitrary number of seats is fixed, one here and one there. Maybe today we know definitely the specific number of scheduled castes and scheduled tribes living in a particular Part C State of Vindhya Pradesh, Delhi and so on, but we do not know what the situation may be five years hence. Only this morning my hon. friend, Shri Deshbandhu Gupta brought to our notice that quite a large number of persons from different parts of the country, belonging to scheduled castes and scheduled tribes, have come over to Delhi and, for aught we know, during the next five years there might be material change in the figures of scheduled castes and scheduled tribes in the various Part C States mentioned in the Bill. The difficulty then will be that we shall have to amend this legislation. Therefore, since a specific formula is already provided in the Constitution itself, it is not open to this Parliament to change that formula. It is for the Election Commissioner to find out at any particular time as to how many reserved seats there shall be in the House of the People in relation to any particular State in Part A, B or C. Therefore, I submit that sub-clause (1) of the proposed section 3A is against the Constitution and is also unnecessary.

**Mr. Speaker:** Amendment moved:

In clause 2, for the proposed section 3A of the Representation of the People Act, 1950, substitute:

“3A. For the purposes of reserving seats in the House of the People under the Constitution of India, the castes specified in the

Sixth Schedule shall be the scheduled castes in relation to the Part C State under which they are so specified, and the tribes specified in the Seventh Schedule shall be the scheduled tribes in relation to the Part C State under which they are so specified.”

**The Minister of State for Transport and Railways (Shri Santhanam):** Does my hon. friend suggest that without a Parliamentary enactment the Election Commissioner can give a specific number of seats to any specific State? It will have to be done by Parliament.

**Mr. Speaker:** The point, as I have been able to understand, is that the necessary directive having already been given by article 330 that representation shall be in proportion to the population, the Election Commissioner has already got the direction and it is for him to work it out, not for this House to lay down exactly what number of seats they will give to each State.....

**Shri Santhanam:** Sir, if I understand it correctly, the directive is to Parliament and not to the Election Commissioner. Because the actual number of seats have to be laid down by Parliament—the Election Commissioner cannot fix the numbers.

**Dr. Ambedkar:** The specific article is 82 which deals with the representation in the House of the People. It says:

“Notwithstanding anything in clause (1) of article 81, Parliament may by law provide for the representation in the House of the People of any State specified in Part C of the First Schedule or of any territories comprised within the territory of India but not included within any State on a basis or in a manner other than that provided in that clause.”

We knew that the same principle could not be applied to Part C States and therefore a special article had been made.

**Shri J. R. Kapoor:** May I submit that article 82 has no relation to article 341? Article 82 says that so far as Part C States are concerned, the basis of representation in the House of the People, as specifically mentioned in article 81 in relation to Part A and Part B States, may be varied. Under article 81 the basis of representation is one representative for every five to 7½ lakh persons. Article 81 does not refer to reservation of seats at all. Under the cover of article 82 this Parliament cannot take to itself the



[Shri J. R. Kapoor]

right of overriding the specific provision of article 330. As you rightly pointed out, Sir, under article 330 the direction has already been specifically given obviously to the Election Commissioner to do a little arithmetical calculation. It is merely a little arithmetical calculation and for that the Constitution-makers did not think that Parliament should be troubled. It is a little arithmetical calculation which can be done by the Election Commissioner and it is not open to the Parliament to make even a slight variation this way or that way.

**Shri Santhanam:** If you will kindly refer to article 81 (2) and (3), you will find, Sir, that all adjustments have to be made by Parliament by law. Upon the completion of each census, the representation of the several constituencies shall be decided by Parliament by law. The Election Commissioner cannot by notification allocate seats in Parliament.

**Shri J. R. Kapoor:** I readily agree with the proposition just now enunciated by my hon. friend Mr. Santhanam and even this time we have already passed one Representation of the People Bill. But the point we are now considering is not as to how many persons from a particular State shall be elected to the House of the People. We have already done that and we are not going to amend it, and even if we want to, we have to have a separate amending Bill for that. But all that we are considering now is this: Out of the total number of seats which we have already fixed for representatives from Part C States, how many shall be reserved for the scheduled castes and scheduled tribes? That is the proposition that we are considering at present and not the bigger and the general proposition of the number of seats to be given to a particular State. The limited question is how many seats are to be reserved for the scheduled tribes and scheduled castes, and for that my submission is that we have not got to pass any legislation. The directive is given under article 330(2) and it is only the Election Commissioner's business to make a little mathematical calculation from time to time (a) to find out how many scheduled castes and tribes there are and (b) on the basis of their number, to determine how many out of the total seats shall be reserved for them. For this, it is not only unnecessary but it is against the specific provisions of the Constitution to have the proposed section 3A. Therefore, it must be deleted. Since this is obviously against the Constitution, I have raised this question. I request

that the House may not be pleased to accept sub-clause (1) of the proposed Section 3A but it may be pleased to accept only sub-clause (2) and that too in the form in which my amendment stands.

One word more and I have done. If it be the contention of the hon. Minister that it is not provided in the Constitution that seats shall be reserved in the House of the People for Part C States, then I am afraid we cannot make any such provision here, because the House of the People must be constituted strictly in accordance with the specific provisions of the Constitution. I take my stand on the plea that it is already provided for in the Constitution, but if the contention of the hon. Minister is, otherwise then it is a very risky one and in that event we must hold that it is not open to Parliament to say anything with regard to the composition or constitution of the House of the People. It may be a lacuna in the Constitution, or it may have been left over by oversight or deliberately. But if the contention of the hon. Minister be that there is no provision in the Constitution itself providing for the reservation of seats for scheduled castes and scheduled tribes, then we cannot help it. My own view is that provision already exists. Therefore, in order that he may not run such a risk and in order that this question may not crop up before the Supreme Court and be contested there, I would submit that the House should accept my contention and be content with accepting my amendment.

**Pandit Munishwar Datt Upadhyay:** While making my submission in the morning, I had not gone into minute details, but after hearing so many speeches on the same point, I hope you might have seen that the position taken by the hon. Minister is not a sound one as far as the specification of the scheduled castes and scheduled tribes list is concerned, because this list could be prepared only by the President.

**Dr. Ambedkar:** No. I definitely deny that. He has no power to do that.

**Pandit Munishwar Datt Upadhyay:** Under article 341 it is the President who is authorised to prepare a list of these scheduled tribes and castes in consultation with the Governor or Rajpramukh concerned and that list has been prepared by the President and been published in the Gazette in respect of Part A and Part B States. But there is no list for Part C States. If there is no provision under which the President could prepare a list for

Part C States, then I do not think that there is any other provision under which that list could be prepared by this House.

**Mr. Speaker:** Is the hon. Member prepared to go to the logical length that because no powers are specifically provided for Parliament preparing a list of scheduled castes, therefore in States other than Part A and Part B there can be no recognition of scheduled castes? Is that his position?

**Pandit Munishwar Datt Upadhyay:** Yes. In article 330 general direction has been given and it is that according to the population of the scheduled castes and tribes the seats shall be allotted and after the allotment of seats and the delimitation of constituencies by the Election Commissioner...

**Mr. Speaker:** Let us leave aside the delimitation at this stage. Let us try to determine what the scheduled castes are. The other point will be the one raised by Mr. Kapoor. So, let us be clear on that point first.

**Pandit Munishwar Datt Upadhyay:** My submission is that there is no such provision except the one contained in article 341 where the specification of scheduled tribes and castes are mentioned in the Constitution. If the list prepared by the President in consultation with the Rajpramukh or the Governor concerned had been brought before Parliament for amendment saying that such and such castes should be added in the list for Part C States, that would have been understandable; otherwise, there is no authority vested in Parliament to have an independent Bill for providing lists of these castes for Part C States. This is my contention, unless of course my hon. friend can point out any provision in the Constitution under which he thinks that this House is authorised to have an independent list of castes and tribes on the basis of which these seats could be allotted to Part C States.

4 P.M.

**Dr. Ambedkar:** I will deal first with Mr. Kapoor's point—his amendment. He has all the time been relying on article 330 where provision for scheduled caste representation is made. His contention—if I have understood him correctly—is that that provision is sufficient not only for Part A and Part B, but also for Part C States. That is the only difference between us. My point is that a separate provision such as the one contained in the Bill is necessary: his contention is that it is unnecessary, because it is covered by article 330. I believe I have represented him correctly. That is the point.

75 PS.

The submission that I propose to make in favour of the course that I am following by bringing forth this Bill is just this. There is a definition of scheduled castes and scheduled tribes in article 366 of the Constitution. Clause (24) of article 366 reads thus:

“‘Scheduled Castes’ means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution.”

Now, it may be open to contention that the “Scheduled Castes” referred to in article 330 are “Scheduled Castes” as defined in clause (24) of article 366. Scheduled Castes in Part C States cannot be said to be Scheduled Castes within the meaning of that clause.

**Shri J. R. Kapoor:** That is what my amendment seeks to provide for.

**Dr. Ambedkar:** I am coming to that. Therefore, it may be open to contention that article 330, which directs that representation shall be on the basis of population, may not apply to Scheduled Castes which do not fall within the definition in clause (24) of article 366. That being so, it is necessary to make a separate provision for that. That is my reply to Mr. Kapoor's point.

With regard to the point raised by Pandit Munishwar Datt Upadhyay, article 82 is worded in the widest sense. It says:

“Notwithstanding anything in clause (1) of article 81, Parliament may by law provide for the representation in the House of the People of any State specified in Part C of the First Schedule.....”

My submission is this: that this power is so wide that in making provision for the representation in the House of the People of Part C States, it is certainly open to Parliament to say that so many seats shall be allotted to the scheduled castes and so many seats shall be general seats. I cannot understand what more he wants by way of specific provision. If in making provision for the representation in the House of the People of any Part C State Parliament decides that there shall be a certain reservation for scheduled castes, then my submission is that it carries with it an implied power also to set out who are the scheduled castes.

**Shri J. R. Kapoor:** May I say one word?

**Mr. Speaker:** By way of reply?

**Shri J. R. Kapoor:** I do not know whether I have a right to reply.

**Mr. Speaker:** If the hon. Member thinks over the reply given by the hon. the Law Minister just now, he will perhaps agree not to press his amendment.

**Shri J. R. Kapoor:** I will make one small submission and then seek your guidance on the subject.

**Mr. Speaker:** Let me repeat what I have understood, so that he may point out in the submission he makes whether I have committed any mistake in understanding the position.

The hon. the Law Minister—he will correct me if I am wrong—has pointed out the difficulty, in the interpretation of the scheduled castes and scheduled tribes, which is possible, and then it may land us into a very inconvenient position. The terms "Scheduled Castes and Scheduled Tribes" are defined in article 366 (24) and (25). Now, that definition specifically mentions the castes and tribes that are to be deemed as scheduled castes or tribes under specific articles 341 and 342 with the result that possibly, so far as Part C States are concerned, it may be contended that what you call scheduled castes as defined by Parliament cannot be recognised as scheduled castes under the Constitution. Inasmuch as article 330 gives a general direction so far as the scheduled castes under the Constitution are concerned, the cases of Part C States scheduled caste representation are not covered by article 330. Is that the intention?

**Dr. Ambedkar:** Yes; that is so.

**Mr. Speaker:** If that is so, then his further argument is that "let there be a superfluity, if you so call it, but why not make the position sure?" Therefore, even if it is assumed that the legislation is a superfluity, let us have it, so that no legal technicality might come in the way of the representation of the scheduled castes. He wants to make that position quite clear and leave nothing to the ingenuity of the lawyers or technicalities of law.

**Shri J. R. Kapoor:** Sir, the argument of the hon. Dr. Ambedkar is plausible enough indeed.

**Mr. Speaker:** If that is so, let there be no reply.

**Shri J. R. Kapoor:** The definition of scheduled castes and scheduled tribes in article 366 is not an absolute definition. This definition has to be read along with the preamble or the introductory words of article 366 which run thus: "In this Constitution, unless the

context otherwise requires, the following expressions have the meaning hereby respectively assigned to them..." Obviously, therefore, the context of article 330 does not fit in with this definition of scheduled castes and scheduled tribes.

The context of article 330 obviously means that there shall be reservation of seats for the scheduled castes and scheduled tribes in the House of the People. Therefore, these definitions should not be taken at their face value.

**Mr. Speaker:** I may point out to the hon. Member that the position may be said to be left in doubt and uncertain in the Constitution. That is why we are going to have special legislation.

**Shri J. R. Kapoor:** What about the second point? Can we fix a number, and not go by the formula of clause (2) of article 330?

**Mr. Speaker:** If the argument is conceded that it is desirable, as a matter of safety, to have a special definition of scheduled castes for the purpose of representation in Part C States, the other thing follows automatically. The two go together. You cannot rely upon that definition for one purpose and still reject it for another.

**Shri J. R. Kapoor:** Is it your ruling or your view that it is open to Parliament to reserve seats for any particular section of the community unless it is specifically provided for in the Constitution? If it is not so provided, can we do it?

**Mr. Speaker:** In the first place that question does not arise. It is a problematical one and the Chair should not be called upon to go on interpreting it. The matter is very clear. We are not going into the wider question of interpretation of the Constitution.

**Dr. Deshmukh:** Have you considered the objection raised by Mr. Deshpande which relates to section 6 of the Representation of the People Act by which the number is to be determined by the President and not by Parliament?

**Mr. Speaker:** We are again in the same vicious circle. The interpretation of that is practically based on the same view of the article. I think we need not go into that. The discussions are no doubt very interesting and involve very interesting and very good points of legislation. But let us legislate as common people, going by commonsense.

About the hon. Member's amendment, I shall put it to the House.

**Shri J. R. Kapoor:** If that be your view, it need not be put.

**Mr. Speaker:** He need not depend on my view, it may be a mistaken one.

**Shri J. R. Kapoor:** No, Sir. I go by your superior wisdom, particularly in the matter of law. I beg leave of the House to withdraw the amendment.

The amendment was, by leave, withdrawn.

**Mr. 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.—(Addition of Sixth and Seventh Schedules etc.)

**Mr. Speaker:** I find a number of amendments here making small corrections, perhaps of spelling or putting the names in proper order. For instance there is one substituting "Adi-Dharmi" for "Adharmi". It is a pure mistake of spelling. That will be corrected. Is it necessary to have it as an amendment?

**Dr. Ambedkar:** Sir. I am pressed to say that in clause 3, in the proposed Sixth Schedule, under the heading 'Delhi' in entry No. 14, after the word "Dhanak", the words "or Dhanuk" be inserted—if that satisfies some Members.

**Mr. Speaker:** That is amendment No. 4 in the list, by Mr. Chandrika Ram.

**Dr. Ambedkar:** Mine is No. 5 in the list. Anybody's may be taken.

**Mr. Speaker:** I would take the amendment about "Adi Dharmi" also. Mr. Chandrika Ram's amendment No. 2 is what the hon. the Law Minister is accepting as his No. 3.

**Shri J. R. Kapoor:** In a different form that is "Ad Dharmi". The correct expression is "Adi-Dharmi".

**Shri Chandrika Ram (Bihar):** It should be "Adi-Dharmi".

**Dr. Ambedkar:** I am prepared to accept his amendment.

**Mr. Speaker:** Does the hon. Member Mr. Chandrika Ram accept the Law Minister's version in regard to his amendment No. 4?

**Some Hon. Members:** Both are the same.

**Mr. Speaker:** I think the hon. Minister's amendment (No. 5) is better than Mr. Chandrika Ram's amendment (No. 4). And I think amendment No. 7 by the Law Minister is also better in form than No. 6 of Mr. Chandrika Ram.

**Dr. Deshmukh:** I want amendment No. 8 of mine.

**Dr. Ambedkar:** I have examined the list and I have also consulted authority. Those contained in No. 8 have never been part of the Schedule. I do not accept amendment No. 8.

*Amendments made:*

In clause 3, in the proposed Sixth Schedule, under the heading 'Delhi', in entry No. 1, for "Adharmi" substitute "Adi-Dharmi".

—[Shri Chandrika Ram]

In clause 3, in the proposed Sixth Schedule, under the heading 'Delhi' in entry No. 14, after "Dhanak" insert "or Dhanuk".

—[Dr. Ambedkar]

In clause 3, in the proposed Sixth Schedule, under the heading 'Delhi' in entry No. 34, after "Rehgarh" insert "or Raigar".

—[Dr. Ambedkar]

**Dr. Deshmukh:** I beg to move:

In clause 3, in the proposed Sixth Schedule, under the heading 'Delhi', at the end, add new entries:

"40. Nai (Barber).

41. Dhiwar (fisherman)".

While replying to my speech the hon. the Law Minister referred to my being discontented with Government. From the recent speech that he made it appears that he is also not too pleased with the Government of which he himself is a part.

**Shri Sidhva:** Are barbers untouchables?

**Dr. Deshmukh:** I am bringing this amendment on the strength of a representation that has been made to me. Secondly, in the list which was referred to by the hon. the Law Minister—which is a notification by the Federal Public Service Commission, India, dated the 12th March 1949—these two castes are included.

[Dr. Deshmukh]

[PANDIT THAKUR DAS BHARGAVA in the chair.]

As I had pointed out in my speech the number of these castes in Delhi according to this list is sixtyfour. I have not suggested the inclusion of all that have been omitted. I have only suggested two, which are also present in the list here. I think it is very unfair that the hon. the Law Minister should not accept it. But even if he is not prepared to accept it I want to press it and I hope all hon. Members of this House will be pleased to vote with me, because this is discrimination pure and simple. For one purpose you have a notification in which certain castes are included. This notification holds good and neither the Law Minister nor the Government have taken any steps to disallow this list. Any boy who is born of any of these castes is entitled to apply, under this notification, styling himself as a scheduled caste. But here I do not know for what reasons the hon. Dr. Ambedkar does not wish to include them. These two castes are here in this list—in this Gazette copy which any hon. Member may come and see. These petty fishermen who are called Dhinwars or Jhinwars—that name also is here—are here in this list, which is item 22 in this list. I hope therefore that irrespective of what the hon. Dr. Ambedkar decides, the House will vote with me and see that these two castes who feel it keenly are not deprived of their privileges merely by a stroke of the pen. I hope therefore that the House will support me in this amendment of mine.

**Shri Sidhva:** May I know whether it is a Government of India publication?

**Dr. Deshmukh:** Yes. Dr. Ambedkar has got a copy of it.

**Mr. Chairman:** Amendment moved:

In clause 3, in the proposed Sixth Schedule, under the heading 'Delhi', at the end, add new entries:

- "40. Nai (Barber).  
41. Dhiwar (fisherman)".

**Shri Sonavane:** With reference to the amendment moved by my hon. friend, Dr. Deshmukh, I think only such of the castes who are untouchables in the society.....

**An Hon. Member:** We have no untouchables now.

**Shri Sonavane:** That is the basis for the scheduled castes' lists and therefore these two communities are mentioned in the amendment and if they

are really untouchables then there should be no objection to their inclusion. But as far as my knowledge goes, in Bombay, barbers and fishermen are not untouchables and if they are not treated as untouchables here in Delhi, I do not see any point in their inclusion. Therefore, I would oppose this amendment.

**Shri Shiv Charan Lal (Uttar Pradesh):** It is really very strange to see that Nais are being put in the scheduled caste list. In our province, U.P., formerly they used to write Nai Thakur and afterwards as Nai Brahmin. If you call them scheduled castes, I am sure they would never like it. The same is the case with Dhiwars. You cannot include these two castes in the scheduled castes in any way. As for any other list that might be prepared for the purpose of giving service or any other thing, they might be termed as 'backward'. That is a different thing, but they cannot be put in the scheduled castes' list in any case.

**Shri Deshbandhu Gupta:** I also agree with my hon. friend who has preceded me that Nais and Dhiwars should not be considered to be members of scheduled castes in Delhi. I do not know on what basis their names have been included in the list which Dr. Deshmukh has read out. The fact is that some time ago some representatives of Nais came to me and said that they had a grievance that they were termed as members of depressed classes. Therefore, I am sure that Dr. Deshmukh will not be obliging the Nais and the Dhiwars by their inclusion in this list.

**Mr. Chairman:** Has not the hon. Member heard: *Ghar se aaya hai mot-bir nai?*

The question is:

In clause 3, in the proposed Sixth Schedule, under the heading 'Delhi' at the end, add new entries:

- "40. Nai (Barber).  
41. Dhiwar (fisherman)".

The motion was negatived.

**Sardar Hukam Singh (Punjab):** I beg to move:

In clause 3, in the proposed Sixth Schedule.....

**Dr. Ambedkar:** If my hon. friend moves both his amendments together, I am prepared to accept them, subject to one reservation that these will be numbered alphabetically. Under the heading "Delhi", he has given the No 40 and so on and under the heading

"Himachal Pardesh" he has given the No. 28 and so on. These will have to be renumbered.

**Sardar Hukam Singh:** I beg to move:

(i) In clause 3, in the proposed Sixth Schedule, under the heading 'Delhi', at the end, add new entries:

- "40. Kabirpanthi.  
41. Mazhabi."

(ii) In clause 3, in the proposed Sixth Schedule, under the heading 'Himachal Pradesh', at the end, add new entries:

- "28. Banjara.  
29. Bawaria.  
30. Ramdasia."

**Mr. Chairman:** Amendments moved:

(i) In clause 3, in the proposed Sixth Schedule, under the heading 'Delhi', at the end, add new entries:

- "40. Kabirpanthi.  
41. Mazhabi".

(ii) In clause 3, in the proposed Sixth Schedule, under the heading 'Himachal Pradesh', at the end, add new entries:

- "28. Banjara.  
29. Bawaria.  
30. Ramdasia."

**Shri Sonavane:** With reference to the amendments moved by Sardar Hukam Singh, I would like to say that I am very much surprised that Sardar Hukam Singh, who is a Sikh to the core, has come forward to take out some of the Sikhs from the Sikhs proper and put them as scheduled castes. I was very much surprised in the beginning when I learnt that there were some scheduled castes among the Sikhs and then it became clear to me that Dr. Ambedkar was right when he did not embrace Sikhism. Besides that, when we hear a lot of atrocities committed in P.E.P.S.U. and Punjab by Sikhs on the scheduled castes, I am afraid my hon. friend Sardar Hukam Singh wants some communities to remain as scheduled castes in order that persecutions may continue to be committed on them. Therefore, I would request him to withdraw his amendments and get all these people into his fold and bring them up to his level and in that way end the scheduled castes among the Sikhs.

**Shri Deshbandhu Gupta:** Before you put the amendments to vote, I would

like to know whether Dr. Ambedkar has satisfied himself that the Kabirpanthis in Delhi are members of the scheduled castes? To my knowledge, there are no Mazhabis in Delhi and I do not object to their being included in the list as some Mazhabis might have migrated here. But about Kabirpanthis, so far as I know, they are not termed as members of the scheduled castes. If Dr. Ambedkar has satisfied himself about this I have no objection, but if he has not satisfied himself, merely for the reason that they are so in the Punjab and P.E.P.S.U., they should not be treated as such in Delhi.

**Sardar Hukam Singh:** I have not put down anywhere whether these would be Sikhs or Hindus. I do not see why such an obsession should be there and certain hon. Members should bring up such an objection. I deliberately refrained from saying anything on the order that had already been passed and when I learned that the hon. Minister was accepting, I did not make a speech. But now a discussion is being initiated, may I be allowed to say certain things? I never said it has to be done here. It is also in the order of the President that these castes shall be included in the Scheduled castes so far as the Punjab and P.E.P.S.U. are concerned. I have stuck to that whether they are Hindus or Sikhs, they shall be scheduled castes. Whether they are Hindus or Sikhs, it has been admitted that they are backward classes. Now, to bring.....

**Mr. Chairman:** The hon. Minister is accepting the amendment.

The question is:

(i) In clause 3, in the proposed Sixth Schedule, under the heading 'Delhi', at the end, add new entries:

- "40. Kabirpanthi.  
41. Mazhabi".

(ii) In clause 3, in the proposed Sixth Schedule, under the heading 'Himachal Pradesh', at the end, add new entries:

- "28. Banjara.  
29. Bawaria.  
30. Ramdasia."

The motion was adopted.

**Shri Chandrika Ram:** I beg to move:

In clause 3, in the Sixth Schedule, at the end, add:

"Ajmer-Merwara.

1. Aheri
2. Begri
3. Balai.....

**Dr. Ambedkar:** These amendments are quite outside the scope of the Bill. The Bill reserves seats in certain Part C States. It is only in those States that we are trying to define what the scheduled castes are. In Ajmer-Merwara we have not reserved any seat. In Bhopal, we have not reserved any seat. In Tripura and Coorg we have not reserved any seat. Therefore, these amendments are quite outside the scope of the Bill.

**Shri Chandrika Ram:** You are going to make a representation for Part C States. All these people belong to Part C States. Even yesterday when I spoke I did not demand that these people must have representation. But, this matter has got a long history. When these people....

**Dr. Ambedkar:** I might mention to cut short the discussion that Government has in contemplation the issue of a list of scheduled castes in Part A States, Part B States and also Part C States where there is no representation because it is felt that besides the privilege of representation in the legislature, there are also other privileges such as educational concessions, fees, and services and so on. In order that there may be no misunderstanding on the part of anybody that those scheduled castes who are not included in the list are not entitled to those privileges, Government propose to do that. This is hardly the moment to deal with that.

**Shri Chandrika Ram:** It is not a new thing that I have brought forward here. In the Ministry of Education, the Government of India have already accepted this list and on the ground of this list, all these people are getting scholarships. What is the harm if the Government accepts.....

**Dr. Ambedkar:** It cannot be done in this Bill.

**Mr. Chairman:** We have already adopted clause 2. Clause 2 gives representation only to certain States. Those States are not included in this amendment. I do not see how this amendment could be moved. Therefore, I rule it out of order.

The question is:

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

The motion was adopted.

Clause 3, as amended, was added to the Bill.

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, as amended, be passed."

**Mr. Chairman:** Motion moved:

"That the Bill, as amended, be passed."

**श्रीचरी रनबीर सिंह :** समापति महोदय, मैं डा० अम्बेडकर साहब का शुक्रिया अदा किये बगैर नहीं रह सकता कि उन्होंने दिल्ली और दूसरे इलाकों के पिछड़े हुए आदिमियों को रिप्रेजेंटेशन (Representation) देने की कोशिश की। लेकिन इसके साथ साथ मेरा उनसे एक निवेदन है और वह यह कि दिल्ली का मसला एक बिल्कुल अलहदा मसला है। दिल्ली के अन्दर चार सीटें हैं और चार सीटों में से मुश्किल से एक सीट देहात को जाती है। अगर देहात की सीट भी शहर की सीट के साथ डबल कर दी गई और वह रिजर्व हुई तो इसके माने यह होंगे कि एक ओर जो पिछड़े हुए लोग हैं उनकी सीट दूसरे पिछड़े हुए लोगों को दे दी जायगी। मैं तो यह समझता हूँ कि दिल्ली के जो बड़े बड़े होशियार लोग हैं और नई दिल्ली में जो अफसर और बड़े बड़े आदमी रहते हैं उनके गुकाबले में दिल्ली के देहात के आदिमियों को या तो शिड्यूल कास्ट (Scheduled castes) में आना चाहिये और अगर हमारे मंत्री महोदय इसके लिए तैयार नहीं क्योंकि वह अच्छत नहीं है तो मैं कहूंगा कि उनको शिड्यूल ट्राइब्स (Scheduled tribes) में रख लिया जाय और वहाँ रखकर मंत्री महोदय को चाहिये था कि वह उन्हें एक सीट दिलाने की कोशिश करते। लेकिन मैं जानता हूँ कि यह होता बड़ा मुश्किल है। पर मैं उनसे एक निवेदन करता

हूँ और वह यह कि जैसे एक आम प्रिंसिपल (principle) रक्खा गया है कि जहाँ तक मुमकिन हो उन सीटों को डबल किया जाय या इकट्ठा किया जाय जहाँ पर शिड्यूल्ड कास्ट का ज्यादा पर्सेंटेज (percentage) हो। इस उसूल के साथ कुछ और भी बातें रक्खी गई हैं। मुझे पता लगा है कि एक ही प्रान्त में नहीं कई प्रान्तों में ऐसे मीके आये जहाँ पर उन उसूलों पर कमेटियां नहीं चलीं। मेरा मतलब यह नहीं है कि वह बिल्कुल नहीं चलीं, एक्सेप्शन (Exception) तो सभी बातों में होते हैं, इसलिए एक्सेप्शन यहां चलाने में काफ़ी हद तक दुस्त होगा। बजह यह है कि दिल्ली के देहात वाले और शहर वाले भाइयों में आपस में काफ़ी ज्यादा फ़र्क है, इसके अलावा यह भी है कि जो भाई शिड्यूल्ड कास्ट से ताल्लुक रखते हैं उनका रिप्रेजेन्टेशन देहात के साथ हुआ तो उसको काफ़ी दिक्कत उठानी पड़ेगी। दिल्ली शहर की सीट में से अगर किसी दो सीट को डबल किया गया तो जिन गरीब आदमियों को हम रिप्रेजेन्टेशन देना चाहते हैं उनका सही तौर पर रिप्रेजेन्टेशन होगा और अगर देहात की सीट को मिलाया गया तो मैं समझता हूँ कि उन बेचारों को कोई इनाम नहीं मिलेगा बल्कि उनके लिए तो यह सज़ा होगी। इसलिए मैं माननीय मंत्री से निवेदन करता हूँ कि वह एलेक्शन कमीशन (election commission) को यह हिदायत भेजें कि जहाँ तक डबल करने का ताल्लुक है जो दिल्ली शहर की सीटस तीन हैं उनमें से किसी भी सीट को मिलाकर डबल कर दिया जाय और ररल एरियां (Rural area) की जो सीट है उसको सिंगल ही रक्खा जाय त कि पिछड़े हुए लोगों को जो शिड्यूल्ड

कास्ट ही की तरह हमदर्दी के मुस्तहक हैं उनके साथ न्याय हो सके।

(English translation of the above speech)

Ch. Ranbir Singh (Punjab): Sir, I must thank hon. Dr Ambedkar for providing representation for the backward classes of Delhi and other areas. But I wish to submit all the same that the problem presented by Delhi is a peculiar one. Delhi has four seats out of which hardly one falls to the lot of the rural areas. If the rural seat is also joined on to an urban seat and bracketed with it, the other seat being a reserved one, this would mean giving away the seat of one backward class to another. I think that as against the clever people of Delhi and the officers and big people living in New Delhi the rural people of Delhi should be included either among the scheduled castes or, if the hon. Minister would not have them as such on the ground that they are not Harijans, they might be included among the scheduled tribes. The hon. Minister should thus have tried to get them a seat. Since I know that this is extremely difficult I would make another suggestion. There is a general principle that as far as possible the seats for those areas which have a larger percentage of the scheduled castes, should be doubled. There are also some other considerations attached. I know that in the case of not one but several States occasions have arisen when the Committees have not followed these rules. I do not mean to say that they have not followed them at all. Exceptions are always there and it would be right, to a great extent, to treat this as an exceptional case. The reason for this is that there is a considerable difference between the people living in the rural and the urban areas of Delhi. Besides, if people belonging to the scheduled castes are given representation from the rural areas they will have to experience a lot of difficulty. If any two seats out of the seats for Delhi city are doubled this would help those poor folks, in whom we all are interested, to secure true and proper representation. If, however, their seat is joined on to the rural seat this would not serve as a reward to them but rather as a punishment. Hence, I would appeal to the hon. Minister to give a direction to the Election Commission that in the matter of the doubling of seats they might combine any two out of the three seats for Delhi city and turn them into double seats but that the seat for the rural areas should be left single so that it could be possible to do justice to a backward class of people who are as much entitled to sympathy as the scheduled castes



**Shri J. R. Kapoor:** Sir, .....

**Mr. Chairman:** The Bill has been so much discussed and at such great length that I do not think any long speeches are necessary now.

**Shri J. R. Kapoor:** I do not want to enter into any detailed discussion. If you will permit me, Sir, I only want to utter a note of warning. I will not take more than two minutes. That note of warning is that by not accepting my contention, the hon. Law Minister has rendered the greatest possible disservice to the scheduled castes and scheduled tribes of Part C States.

**Shri Sonavane:** No, no.

**Shri J. R. Kapoor:** I am sure he will regret sooner rather than later having adopted this attitude, and this contention that the scheduled castes and scheduled tribes should be considered as defined in article 366 for the purposes of the Constitution. If I only draw his attention to article 335 and some other cognate articles which also use the words 'scheduled castes' then, I am sure he will change his opinion, because, if he would still stick to that view, then, the scheduled castes and scheduled tribes will be deprived of all the various privileges that are contemplated to be given under article 335 and other articles to the scheduled castes and scheduled tribes residing in Part C States. Article 335 runs thus:

"The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State."

If scheduled castes and scheduled tribes as mentioned in article 335 are to refer only to those scheduled castes and scheduled tribes as are defined in article 366, meaning thereby the scheduled castes and scheduled tribes belonging to Part A and Part B States, then, the scheduled castes and scheduled tribes residing in Part C States do not get the advantage of article 335 of the Constitution. By this one error—I do not know whether it is error of judgment or what it is—by this one error to-day he has deprived the scheduled castes and the scheduled tribes of Part C States of all the benefits they were having or could have under article 335. And...

**Mr. Chairman:** Order, order. May I ask the hon. Member whether all the members of the scheduled castes and the scheduled tribes are bound by the

interpretation given by the Law Minister? There is no such thing as an estoppel on interpretation. We have only just enacted this Bill without coming to any legal conclusions whether this interpretation or that interpretation is the correct one. That is for the courts to decide. The courts have to interpret the meaning.

**Shri J. R. Kapoor:** With due respect to you, Sir, I would submit that it is for the Government and for the Cabinet to advise the President in this matter and as such these scheduled castes and tribes will be losing what they were entitled to get with reference to article 335. So far as the Government is concerned, they are bound by the interpretation of the Law Minister.

**Mr. Chairman:** And can he not change his opinion?

**Shri J. R. Kapoor:** I do not know whether he will change his opinion or not. But so far I have found that...

**Mr. Chairman:** Let me point out that at this stage this discussion is quite academical. After all we have accepted a particular provision in the Bill and we are not concerned any further with the definition of a scheduled tribe or scheduled class or other articles so far as this Bill is concerned.

**Shri J. R. Kapoor:** Therefore it is that I say I am only sounding a note of warning here.

**Shri Jnani Ram (Bihar):** The time for filing objections to the electoral rolls has expired on the 31st of March last. But in view of the amendments now made, will the scheduled castes people be entitled to file objections even after this date?

**Dr. Ambedkar:** That question does not arise because a person is registered as a voter irrespective of the fact whether he is a member of the scheduled castes or not.

**Shri Jnani Ram:** Does it not arise when a candidate happens to be a member of a scheduled caste or scheduled tribe?

**Dr. Ambedkar:** That question will arise on the date of nomination.

**Mr. Chairman:** The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

**SUPREME COURT ADVOCATES  
(PRACTICE IN HIGH COURTS) BILL**

The Minister of Law (Dr. Ambedkar): I beg to move:

"That the Bill to authorise advocates of the Supreme Court to practise as of right in any High Court, be taken into consideration."

The Bill is a very simple Bill. The House will realise that we have now in India two different courts—the High Courts and the Supreme Court. The High Courts and the Supreme Court have independent jurisdictions in the matter of enrolling persons who as of right may practise before them. The High Courts have their own rules for enrolments of persons appearing in their courts. The Supreme Court has recently made its rules which are published in the Gazette according to which it is said that a person shall not be entitled to be enrolled as an advocate unless he possesses:

(1) (a) A degree in law of an Indian university, or

(b) is a member of the English bar,

(2) has been for not less than ten years in the case of a senior advocate or seven years in the case of any other advocate, enrolled as an advocate in a High Court or a Judicial Commissioner's court in the territory of India.

We have, therefore, to-day two different sets of lawyers—one who are enrolled on the roll of the Supreme Court and another set who are enrolled on the roll of the High Courts. But the difficulty is this that those who are enrolled on the roll of the Supreme Court are not entitled to practise in the High Courts unless they are also enrolled on the various High Courts. It is felt that this causes a great deal of difficulty for clients. Let me illustrate the difficulty by a simple example. There is an appeal which comes, say for instance, from the Madras High Court to the Supreme Court. The client instead of employing a Madras advocate wishes to employ an advocate from U.P. which he is perfectly entitled to do, provided of course, that the U. P. Counsel is enrolled in the Supreme Court. It may however, happen that the matter is not finally disposed of by the Supreme Court and the Supreme Court sends the case back to the original High Court from which it came up, for further evidence, or for the trial of some issues, or for taking evidence or something like that. Now, the U. P. lawyer, who was originally engaged in the Supreme Court in the matter which came from Madras, while he can appear in the Supreme Court and conduct the case, argue the case and so

on, he cannot be engaged when the case is remitted back to the High Court of Madras, as he is not an advocate of Madras. He is an advocate of U. P. Now this difficulty, it is felt, must be resolved, because it is in the interest of justice not merely in the interest of the client that a lawyer who has spent a large part of his time and energy in studying the case and understanding it, should also be in a position to deal with it when it is remitted back to the original court.

Well, this difficulty could be solved in two different ways. One way to solve it would be to say that any particular lawyer who has been engaged in a particular case, when that case goes back, that particular lawyer would be entitled to appear in that case. The other is to have a general rule saying that all lawyers and advocates who have been enrolled by the Supreme Court shall as of right, be entitled to practise in any court. The original idea on which we were proceeding was the limited one. But subsequently on further consideration it was felt that it would be desirable to have a general rule permitting all advocates who are enrolled in the Supreme Court as of right to practise before any High Court, without any further procedure to be undergone. That is what this Bill proposes to do. This, as I said, is the general principle which the Bill embodies. To this principle, the Bill attaches two exceptions. One exception is this. A lawyer who is enrolled in the Supreme Court shall not automatically be entitled to practise in a High Court on the original side. He may practice on the appellate side without any further enrolment but not on the original side. The second exception proposed to be made is with regard to a lawyer who was an ex-judge and has been enrolled, because before the Constitution came into existence there was no rule prohibiting judges, after retirement, from practice. They were free to practise and there are many cases where judges have been enrolled in the Supreme Court and are allowed to practise. But there are cases where persons who before the Constitution were appointed to the High Courts and were required to give an undertaking that they would not practise in that particular High Court. Our exception says that if there is any advocate of the Supreme Court, who was an ex-judge of a High Court and had given an undertaking not to practise in a particular High Court (which must be the High Court of his own province) then he shall not practise notwithstanding the provision contained in this Bill. These are the simple provisions of the Bill.

**Shri C. Subramaniam (Madras):** What is the reason for the first exception?

**Dr. Ambedkar:** The reason is this. Under the Bar Councils Act a special provision exists. I believe there are only now three courts which have got original jurisdiction. All other High Courts are only appellate High Courts and they have no original jurisdiction but they have been invested with special powers to make rules for the enrolment of persons on the original side. As it is not proposed to amend the Bar Councils Act, it is felt desirable to keep that provision intact. That cannot cause much difficulty, because after all when the matter is remitted back by the Supreme Court to the High Court, it will in all probability and in most cases be dealt with by the appellate side of the High Court.

**Shri S. N. Sinha (Bihar):** Some of the High Courts have got original jurisdiction in cases like probate and company law. Even in these cases are you going to prohibit?

**Dr. Ambedkar:** Leave something for the local lawyers.

**Mr. Chairman:** Motion moved

"That the Bill to authorise advocates of the Supreme Court to practise as of right in any High Court, be taken into consideration."

**Shri Venkataraman (Madras):** This Bill in so far as it tries to unify the bar of this country is most welcome. Not only after the establishment of the Supreme Court but even earlier, immediately after the establishment of the Federal Court, the lawyers' conference held in Madras year after year suggested by passing resolutions that the bar in India should be unified and there should be an All-India Bar Council and the enrolment of and disciplinary jurisdiction over all these lawyers should be brought under one central control, namely, the All-India Bar Council. Though this Bill does not go so far as that, it certainly makes a beginning in that it says that the advocates who are enrolled in the Supreme Court will be entitled to practise in the High Courts notwithstanding the fact that they have not been enrolled in such High Courts themselves. The Minister unfortunately stopped short of the very ideal which he set before himself. He said that it was his intention that the advocate who is enrolled as a member of the Supreme Court bar should be enabled to go and appear in the province from which the case emanated,

even though he was not enrolled as an advocate of that court. If you merely substitute for the word "Madras" in the instance which the hon. Minister gave by the word "Bombay" and then apply all the process step by step, which he took us through, you will find that the object, which he says is embodied in this Bill, is not carried out. I will repeat the instance myself.

Suppose a case emanates from Bombay and it chances that an advocate from Madras is engaged to appear before the Supreme Court on an appeal. It is possible for the Supreme Court to remit the case not only to the appellate side of the High Court but even send it back for a finding to the original side of that court. That advocate who studied and prepared the case and spent a lot of time over it—the client too must have spent a lot of money, as the Minister said, in briefing and instructing that particular advocate—would be prevented from appearing on the original side, just because the exception has been introduced in the Bill. Let me look at the rationale of the exception introduced...

**Dr. Ambedkar:** There is no logic in it I confess.

**Shri Venkataraman:** He has taken the argument out of my mouth.

**Dr. Ambedkar:** I do not accept logic; I accept expediency.

**Shri Venkataraman:** So I shall proceed on the basis that there is no logic.....

**Mr. Chairman:** May I ask the hon. Minister if a question of fundamental rights under article 22 is not involved in this?

**Dr. Ambedkar:** We have just now heard from several Judges that they are prepared to make classifications.

**Shri Venkataraman:** Article 22 of the Constitution gives the right to legal practitioners to appear in all courts. This Act will certainly be challenged by some enterprising lawyer some day and there is no doubt about it.

Apart from that I want to bring to the attention of the hon. Minister that he will lose nothing by deleting part (a) of the proviso to clause 2. I understand that in Bombay also they have abolished the distinction between the advocates of the original side and the advocates of the appellate side.....

**Dr. Ambedkar:** They allow them to go from one side to the other after a certain period.

**Shri Venkataraman:** The practice which was hitherto prevailing of practitioners on the appellate side not

being entitled to appear in cases on the original side has gone and today the practitioners on the appellate side can still appear on the original side as in the Madras High Court. So far as the Madras High Court is concerned there is no distinction between a practitioner on the appellate side and a practitioner on the original side. An advocate of the Madras High Court can appear on both the appellate and original sides.....

**Dr. Ambedkar:** They go without shoes also.

**Shri Venkataraman:** There are customs and customs. I can see quite a few of people here which would be appalling to my countrymen.

We are not concerned with footwear here but with the legal rights of the practitioners. A practitioner of the Bombay High Court is also placed on the same footing. The difference between the Bombay and Madras High Courts consists in this: whereas in the High Court of Madras there is no dual system, an advocate need not necessarily be instructed by an attorney or solicitor for appearing on the original

side, in the appellate side they have got that system in which the practitioner on the original side must be instructed by a solicitor or an attorney. I can understand solicitors and attorneys insisting on their privileges being preserved for them. So far as their rights are concerned, let them be preserved. Let any practitioner appear but let him be instructed or briefed by an attorney or solicitor. If that is the object it can very well be preserved and achieved by deleting the words "to plead". Any practitioner of the Supreme Court can be prevented from going before the High Court of Bombay or any other High Court on the original side. This Bill as it stands with part (a) of the proviso will make it impossible for a practitioner of the Supreme Court to appear on the original side notwithstanding the fact that he had appeared in that particular case itself before the Supreme Court and the case had been remitted to the original side of that court.

**An Hon. Member:** Let him continue tomorrow. It is five o'clock.

*The House then adjourned till a Quarter to Eleven of the Clock on Friday, the 20th April, 1951.*