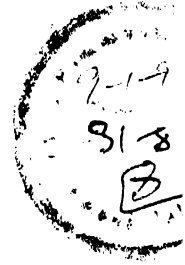
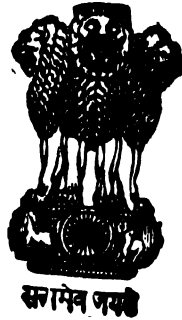


Saturday, 21st April, 1951



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME VII, 1951

(2nd April to 16th May, 1951)

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 ।

PARLIAMENT OF INDIA

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.

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

2413

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PARLIAMENT OF INDIA

Saturday, 21st April, 1951

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

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Mr. Speaker: We take up the first question—Mr. Sidhva.

Shri Sidhva: With your permission, Sir, may I submit that my question No. 3362 which comes up later to-day may please be taken up first? That question is rather important and I have obtained signatures of the Members who have questions preceding this question, to the effect that they have no objection to this change.

Mr. Speaker: The hon. Member Shri Sidhva wants to have precedence for his question No. 3362 over all the other questions coming before it in the list. He...

The Deputy Minister of External Affairs (Dr. Keskar): But how is that question important?

Shri Sondhi: He is probably afraid it may not be reached at all.

Mr. Speaker: Order, order. Let it be left to the Chair to decide. The list has already been drawn up and I should not like to give any priority to any particular question, unless hon. Members who have tabled the previous questions are agreeable to the priority being given. It is only on that condition that I can agree to make any change.

Shri Sondhi: Let him have it.

Mr. Speaker: I will call upon every Member and ask him if he consents to this change. Shri Balwant Sinha Mehta? He is not present?

Shri A. C. Guha: If Mr. Sidhva wants he can exchange his question No. 3362 with his first question No. 3332.

43 P.S.

Mr. Speaker: Order, order. Is Mr. Balwant Sinha Mehta present? -

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): The Ministers may also please be consulted, Sir. We may like to answer questions earlier than our hon. colleagues.

Mr. Speaker: They are in the same position as other Members. Generally it is not a proper thing to change the order; but if the House is unanimous in wanting a change I should have no objection. Is Mr. Balwant Sinha Mehta agreeable to this change?

Shri Sidhva: He agreed to it yesterday, though he is not present now.

Mr. Speaker: Then has he authorised any other Member to put his question on his behalf?

Shri Radhelal Vyas: He will be here just now, Sir.

Mr. Speaker: And so there is a fly in the ointment in the very beginning.

Shri B. K. P. Sinha: Sir, why does Mr. Sidhva want this question to be taken up first?

Mr. Speaker: Let us not go into that now. He may have his reasons. Well Mr. Mehta is not present. Then the next is Shri Raj Kanwar.

Shri Raj Kanwar: Yes, Sir, 3334.

Mr. Speaker: Order, order. The hon. Member has not understood the point. Does he agree to priority being given to the question referred to by Mr. Sidhva?

Shri Raj Kanwar: No, Sir.

Mr. Speaker: Well, then the matter ends there.

Shri Sidhva: He was not here yesterday, otherwise he would have agreed. Then, Sir, can I have an opportunity of putting that question at half-past eleven?

Mr. Speaker: We will see. The hon. Member may now put his question No. 3332.

**PROVINCIAL GOVERNMENT EMPLOYEES
FROM SIND AND N.W.F.P.**

*3332. Shri Sidhva: Will the Minister of Home Affairs be pleased to refer to the answer and supplementary answers to Starred Question No. 1416 asked on the 5th April, 1950 and state:

(a) how many non-Muslim displaced government employees from Sind and N.W.F.P. have been given the benefits announced in the Home Ministry's O.M. No. 30/151/48, DGS (Appts.) dated the 3rd February, 1950;

(b) what are the practical difficulties to confer the benefits to all the displaced Government servants from Sind and N.W.F.P.;

(c) what is the number of displaced Government employees from each of the Provinces of Sind and N.W.F.P. who have been absorbed in the services of the Government of India; and

(d) have Government come to a decision regarding counting the previous services of these displaced Government Servants for purposes of leave and pension?

The Minister of Home Affairs (Shri Rajagopalachari): (a) The Ministry of Home Affairs Office Memorandum No. 30/151/48-DGS(Appts.), dated the 3rd February, 1950, is applicable to displaced Government servants from Baluchistan Administration and not to displaced Government servants from Sind and North West Frontier Province.

(b) The difficulties are:

(i) The grant of some of the benefits would involve the Government of India in a financial liability for which the Government of Pakistan is responsible.

(ii) Other benefits would involve commitments as to employment which would exceed the requirements of the Government of India. This would also involve considerable injustice to other temporary employees of the Central Government.

(c) The number of displaced Government servants from Sind and North West Frontier Province who were absorbed under the Government of India through the Transfer Bureau was given in the Review of the Ministry of Home Affairs for 1949, Appendix (Statement III—pages 63-64). More up-to-date figures are not available.

(d) The hon. Member is referred to his Starred Question No. 2591 and the reply given to it on the 28th March, 1951.

Shri Sidhva: Sir, what is the position of those servants who are in temporary service? Have Government decided to make them permanent as they were permanent servants in Sind and the N.W.F.P.?

Shri Rajagopalachari: I believe the hon. Member is referring to displaced persons from Sind and the N.W.F.P. If that is so, the entire position has been explained by me more than once, and I am willing to explain the whole position to-day. I have got an explanation ready with me which will take me fifteen minutes to read and I would rather prefer to lay it on the Table for the benefit of the hon. Member and others who may be interested in it. I have explained the whole position which is somewhat complicated. At the same time more than once questions have been asked and answered. So I think I should put it in one note and place it on the Table of the House. [See Appendix XXII, annexure No. 38.]

IMPERIAL GAZETTES

*3333. Shri Balwant Sinha Mehta: (a) Will the Minister of Education be pleased to state whether Government are contemplating to revise and make the Imperial Gazettes of India up-to-date?

(b) If so, when will this work be undertaken?

(c) If not, do Government propose to publish another such like publication?

مستغر آف ایجوکیشن (مولانا آزاد) :
(اے)۔ (بی) اور (سی) سبھی اے۔ وی۔ تھکو
کے سوال نمبر ۵۱۳ - ۲۲ فروری سنہ
۱۹۴۹ کے جواب میں جو کچھ کہا گیا
ہے آنریبل ممبر اے دیکھ لیں۔ آج
کل خرچے کی کسی کی وجہ سے جو
حالت ہو رہی ہے وہ اس کی اجازت
نہیں دیتی کہ اس طرح کے کاموں کی
طرف دھیان دیا جائے۔

[The Minister of Education (Maulana Asad): (a) to (c). The attention of the hon. Member is invited to the reply given to Starred Question No. 584 by

Shri A. V. Thakkar on the 22nd February, 1949. The question of revision of the Imperial Gazetteer of India can only be taken up when the present financial stringency is over.]

APPOINTMENTS CARRYING HIGH SALARIES

*3334. Shri Raj Kanwar: (a) Will the Minister of Finance be pleased to state the total number of sanctioned appointments under the Government of India including attached offices carrying a salary of (i) Rs. 500; (ii) from Rs. 501 to Rs. 1,000; (iii) from Rs. 1,001 to Rs. 2,000; and (iv) above Rs. 2,000 p.m.?

(b) How many of the appointments under each category mentioned above are permanent and how many temporary?

The Minister of State for Finance (Shri Tyagi): (a) and (b). A statement containing the required information is laid on the Table of the House. [See Appendix XXII, annexure No. 39.]

Shri Raj Kanwar: From the statement laid on the Table of the House, it appears that the total number of posts carrying a salary of Rs. 500 and over is 1,022 permanent posts and 1,888 temporary posts, making a total of 2,910 posts. And there is a note appended to the statement to the effect that the figures given exclude the posts under the Comptroller and Auditor General from whom the required information has not yet been received. Sir, may I know why this information has not been received, especially in view of the fact, that some weeks ago, in reply to another question of mine as to the total number of posts on Rs. 500 and over created during a particular year—1950-51—the reply was that the total number is 496, which again excluded the figures for the Auditor General from whom the information has not been received. I want to know...

The Deputy Minister of External Affairs (Dr. Keskar): Is the hon. Member putting a question or answering one?

Mr. Speaker: Order, order.

Shri Raj Kanwar: Even after the lapse of such a long time, why is it that this information has not been received from the Comptroller and Auditor General?

Shri Tyagi: Sir, the Office of the Auditor General was being transferred from Simla to Delhi recently and I believe that must have been the reason. I have not yet received the information and as soon as I do, I will

give it to the hon. Member or place it on the Table of the House.

Shri Raj Kanwar: In the statement as it stands, there is no post carrying a salary of Rs. 500. Is this correct?

Shri Tyagi: It is correct. There seems to be some misunderstanding in that the hon. Member probably wanted the total number in all the Government offices. But his wording meant only the Government of India and that only includes the Secretariat plus such offices as are attached to it. In these offices there is none drawing a salary of Rs. 500.

Shri Raj Kanwar: How many of these total appointments which number about 3,000 have been newly created since the 15th of August, 1947?

Shri Tyagi: I would require notice, Sir.

Shri Raj Kanwar: Has the Finance Department or any special committee or special officer been appointed to or has closely examined the necessity for the retention of each one of these temporary posts which number as many as 1,688? If they have been examined, what is the result?

Shri Tyagi: No post is created without proper examination. In the first instance the Ministry itself examines its requirements and then it is sent to the Home Ministry and the Finance Ministry. All these posts newly created are examined not only at one point but at three points.

Dr. Deshmukh: May I know how the Minister of State is going to make his presence felt so far as the large number of people drawing high salaries are concerned?

Mr. Speaker: Order, order.

Shri Shiv Charan Lal: On what principle the salaries of the different grades are fixed?

Shri Tyagi: On the principle of grades high and low.

HISTORICAL MONUMENTS IN HYDERABAD

*3335. Shri Ganamukhi: Will the Minister of Education be pleased to state:

(a) whether Government are aware that the monuments of historical value in Hyderabad State situated at Kalyani in Badar district are being neglected; and

(b) whether Government propose to take over these monuments

مستتر آف ایجوکیشن (مولانا آزاد) :

(اے) اور (بی) دونوں کا جواب دہ نہیں ہے۔

-

[The Minister of Education (Maulana Azad): (a) and (b). No. Sir.]

श्री गणमुखी : हैदराबाद में आसार कदीमा का इन्तजाम हैदराबाद की तरफ से होता है या यूनिवर्स गवर्नमेंट की तरफ से होता है।

[Shri Ganamukhi: Are the ancient monuments situated in Hyderabad State, being looked after by the Hyderabad State or by the Union Government?]

مولانا آزاد : جس جگہ کا آئریبل

ممبر نے ذکر کیا ہے اس کی دیکھو یہاں

حیدرآباد اسٹیٹ کے ذمہ ہے - گورنمنٹ

آف انڈیا انہیں جگہوں کو لیتی ہے جو

نیشنل امپورٹنس کی ہوں - اور ان

میں وہ جگہ نہیں ہے۔

[Maulana Azad: Hyderabad State is responsible for the supervision of the places which the hon. Member has referred. The Government of India takes the responsibility only of such monuments as are considered to be of national importance, and the places referred to are not such.]

श्री एस० बी० नायक : अजन्ता और एल्लोरा के लिए गवर्नमेंट क्या इन्तजाम करवा रही है।

[Shri S. V. Nalk: What arrangements the Government are making for Ajanta and Ellora?]

مولانا آزاد : نیشنل امپورٹنس

کی جگہوں میں ان کو شمار کیا گیا

-

[Maulana Azad: These have been included in the places of national importance.]

U.N.E.S.C.O. ADULT EDUCATION ADVISER

*337. Dr. Ram Subhag Singh: (a) Will the Minister of Education be pleased to state whether the Govern-

ment of India have any U.N.E.S.C.O. Adult Education Adviser?

(b) If so, when was that appointment made?

(c) Who is the present incumbent?

مستتر آف ایجوکیشن (مولانا آزاد) :

(اے) ہاں دیہانی ایڈولٹ ایجوکیشن

کے لئے ایک ایڈوائزر کی خدمت یونسکو

کے گورنمنٹ آف انڈیا کے حوالہ کی ہے۔

(بی) پہلے ایڈوائزر ڈاکٹر اسپنسر ہیچ

ستمبر سنہ ۱۹۵۰ میں مقرر کئے گئے اور

۱۱ اکتوبر سنہ ۱۹۵۰ سے انہوں نے کام

شروع کیا تھا۔

(سی) ڈاکٹر مسز ہیچ۔

[The Minister of Education (Maulana Azad): (a) Yes, U.N.E.S.C.O. have placed the services of a Consultant on Rural Adult Education at the disposal of Government.

(b) The first Consultant Dr. Spencer Hatch was appointed by U.N.E.S.C.O. in September, 1950 and joined the Ministry of Education on October 11, 1950.

(c) Dr. Mrs. Emily G. Hatch.]

डा० राम सुभाग सिंह : क्या दत्त एडल्ट

एजुकेशन एडवाइजर को यूनेस्को ने अपनी तरफ से नियुक्त कर के भारत भेजा या भारत सरकार ने अपनी ओर से नियुक्त किया।

[Dr. Ram Subhag Singh: Was this Adult Education Adviser appointed by U.N.E.S.C.O. for India or the Government of India itself appointed him?]

مولانا آزاد : یونسکو نے اپنی طرف

سے بھیجا ہے۔

[Maulana Azad: He has been sent by U.N.E.S.C.O.]

डा० राम सुभाग सिंह : उन की तन-स्वाह तथा उन के स्टाफ की तनस्वाह कौन देता है, भारत सरकार या यूनेस्को।

[Dr. Ram Subhag Singh: Whether the salaries of this person and his staff are paid by the Government of India or by U.N.E.S.C.O.?

مولانا آزاد : یہاں جس ایکسپٹ کو یونیسکو بھیجتا ہے اس کے بھیجنے کا اور واپسی کا خرچہ یونیسکو اٹھاتا ہے۔ لیکن جب تک وہ ہندوستان میں رہے اس کے لئے ایک آفس کا بندوبست کرنا یا ہندوستان کے اندر ایک شہر سے دوسرے شہر میں آئے جانے کا خرچہ دینا اس کا بوجھ گورنمنٹ آف انڈیا کو اٹھانا پڑتا ہے۔

[Maulana Azad: U.N.E.S.C.O. bears the travelling expenditure of the expert appointed by it, in his journey to and from India. But so long as he stays in India, the Government of India have to bear the expenditure incurred in setting up of an office for him and his travelling expenses from one city to another city in India.]

ڈاکٹر رام سُبھاگ سِنگھ : اور تنخواہ

کون دیتا ہے ؟

[Dr. Ram Subhag Singh: And who pays their salaries?]

مولانا آزاد : یونیسکو دیتا ہے۔

[Maulana Azad: The U.N.E.S.C.O.]

ڈاکٹر رام سُبھاگ سِنگھ : اس پद پر پہلے ڈاکٹر ہیچ تھے۔ کیا انہیں نے میسز ہیچ کو नियुक्त किया था या यूनेस्को ने ?

[Dr. Ram Subhag Singh: Previously this post was held by Dr. Hatch. Was it he who appointed Mrs. Hatch or the U.N.E.S.C.O.?]]

مولانا آزاد : یونیسکو نے وہ صرف چھ

مہینے کے لئے آئے تھے۔ جب ان کی مدت ختم ہوگئی اور وہ چلے گئے تو اس کے بعد یہ مقرر ہوئی ہیں۔

[Maulana Azad: The appointment was made by U.N.E.S.C.O. He had come for six months only. She was appointed to this post when he left this country after the expiry of his appointment period.]

ڈاکٹر دیشمکھ : فی الحال ڈاکٹر میسز

ہیچ کون سے کاموں میں لگی ہوئی ہیں ؟

[Dr. Deshmukh: With what activities Mrs. Hatch is associated at present?]

مولانا آزاد : ایڈلٹ ایجوکیشن کے لئے دلی میں ایک سینٹر کھولا گیا ہے۔ دلی سے گیارہ میل پر علی پور میں ایک مکن لیا گیا ہے۔ وہاں ہم ایک جلتا دلچ قائم کر رہے ہیں۔ اسی کو ہم نے ایڈلٹ ایجوکیشن کے لئے ایک سینٹر تیار دیا ہے۔ خیال یہ ہے کہ دلی کے صوبے میں یہ کام اس طرح کیا جائے کہ تمام ملک کے لئے نمونے کا کام دے۔ ڈاکٹر مسزجیج آجکل اسی سینٹر کے لئے کام کر رہی ہیں۔

[Maulana Azad: A Centre has been opened for Adult Education in Delhi. A house has been rented in Village Alipur, which is at a distance of eleven miles from Delhi, and we are starting a Janta College there. We have made this college the Centre for Adult Education. It is proposed to carry out this on such lines so that this institution may serve as a model institution for the whole of the country. Dr. Mrs. Hatch is working in this very Centre at present.]

ڈاکٹر رام سُبھاگ سِنگھ : भारत में इस पद पर नियुक्त होने से पहले क्या उन को भारत के वातावरण का कुछ परिचय था ?

[Dr. Ram Subhag Singh: Before her present appointment was she aware of the conditions prevailing in India?]

مولانا آزاد : ڈاکٹر اسپنسر ہیچ کے

لئے تو مجھے معلوم ہے کہ وہ اس سے پہلے مدراس اور میسور میں مدت تک کام کر چکے ہیں۔ اور ساؤتھ امریکہ کا بھی انکو تجربہ ہے۔ مسز ہیچ کے متعلق میں نہیں کہہ سکتا کہ وہ اس سے پہلے ہندوستان آئی تھیں یا نہیں۔ لیکن وہ امریکہ میں یہ کام کر رہی ہیں اور ایڈلٹ ایجوکیشن میں لگی ہیں۔

[Maulana Azad: About Dr. Spencer Hatch I know that before getting this appointment he had worked in Madras

and Mysore for a long period and he has also the experience of South America. About Mrs. Hatch I am not sure whether she had come to India before her present appointment or not. But she has been carrying on this work in America and is considered an expert there.]

RURAL UNIVERSITY OF BASIC EDUCATION

*3338. Dr. Ram Subhag Singh: Will the Minister of Education be pleased to state if there is any proposal under the consideration of the Government of India to establish a rural University of basic education?

منسٹر آف ایجوکیشن (مولانا آزاد):

نہیں۔ ابھی اس طرح کی کوئی تجویز گورنمنٹ آف انڈیا کے سامنے نہیں ہے۔

[The Minister of Education (Maulana Azad): No, Sir.]

LAWRENCE SCHOOLS AT SANAWAR AND LOVEDALE

*3339. Dr. Deshmukh: (a) Will the Minister of Education be pleased to state the number of entitled children in each of the Lawrence Schools at Sanawar and Lovedale in each of the years 1949-50 and 1950-51?

(b) How many of them were free and how many were half-free?

(c) What was the total income and expenditure in each of the above years in each school?

(d) What was the deficit that the Government of India had to meet in each of the years on each school?

(e) How many of these entitled children in each school were sons of Army officers and how many belong to the Scheduled Castes?

(f) How many of the sons of the Army officers and boys from scheduled castes were free and how many half-free in each school?

(g) What is the average monthly salary of the Army officers whose sons obtained concessions?

منسٹر آف ایجوکیشن (مولانا آزاد):

(ا) سے (د) تک - ایک سٹیٹمنٹ ہاؤس کے ٹیبل پر رکھ دیا گیا ہے۔

(ا) جن بچوں کو سوال میں دد ان ٹائٹلڈ ہے کہا گیا ہے۔

ان میں شہیدوں کاسٹ کا کوئی بچہ نہیں ہے۔ ان اسکولوں کا ایک زمانہ وہ ہے جب یہہ اپنے پڑانے ڈیٹنگ پر چل رہے تھے۔ دوسرا زمانہ وہ ہے جب گورنمنٹ آف انڈیا کی ایجوکیشن منسٹری نے ان کا انتظام اپنے ہاتھ میں لیکر انہیں پبلک اسکول کا روپ دے دیا۔ دد ان ٹائٹلڈ ہے کا نام ایسے بچوں کو دیا گیا تھا جن کے سرپرستوں نے ہندوستانی فوج میں کام کیا تھا اور جنہیں وہی جگہہ دے دی گئی تھی جو برٹش آفسر اور سولجرز کو دی گئی تھی۔ ایسے لوگوں کے بچوں کو کانسیشنل ریٹ پر لیا جاتا تھا۔ ایجوکیشن منسٹری نے جب ان اسکولوں کا انتظام اپنے ہاتھ میں لیا تو یہہ معاملہ اس کے سامنے آیا۔ اس نے یہ بات مان لی کہ جو بچے اس طرح کے پہلے لئے جاچکے ہیں ان کی تعلیم پرانی شرطوں کے مطابق جاری رکھی جائے گی۔

(ایف) سٹہ ۵۰-۵۱ اور ۴۹-۵۰ میں کسی فوجی آفسر کے بچے کو فری شپ پر تعلیم نہیں دی گئی۔ صرف ایک بچہ کو سنار اسکول میں ہاف فری شپ خاص حالت میں دیا

کہا تھا - ان بوسوں میں شہنشاہ
کلاسٹ کا کوئی بچہ فری شپ
یا ہاف فری شپ رعایت والا
نہ تھا -

(جی) اس بارے میں ضروری
انٹرمیشن گورنمنٹ کے پاس تیار
نہیں ہے - لیکن جو کنسیشن
دے گئے ہیں وہ پچھلے انتظام
کے نیچے آتے ہیں اور ہر آدمی
کی آمدنی دیکھ کر دیتے گئے ہیں -

[The Minister of Education (Maulana
Azad): (a) to (d). A statement is
laid on the Table of the House. [See
Appendix XXII, annexure No. 40.]

(e) There are no Scheduled Caste
members among the "Entitled" pupils.
"Entitled" pupils mean pupils whose
parents have served in the Indian
Army and have been treated as British
Officers or soldiers and who were en-
titled to admission to the Lawrence
Schools at concessional rates prior to
the taking over of these Schools by
the Ministry of Education. These con-
cessions continue in accordance with
past commitments.

(f) There were no sons of Army
officers in receipt of a freeship at
either school in 1949-50 or 1950-51.
One son of an Army officer was in
receipt of a special half-freeship at
Sanawar in 1950-51. There were no
Scheduled Caste boys in receipt of a
freeship or half-freeship at either
school during 1949-50 or 1950-51.

(g) The information is not readily
available. The concessions are accord-
ing to commitments and based on in-
dividual incomes.]

Dr. Deshmukh: May I know if it
is contemplated by Government that
in future whatever concessions like
freeships or half-freeships may be
given, a certain percentage will be
reserved for backward class and
Scheduled Caste students?

مولانا آزاد: گورنمنٹ آف انڈیا
کی جو تعلیمی پالیسی ہے اسے سامنے
دیکھتے ہوئے ایسا کرنا مشکل ہوگا کہ

کسی خاص کمیونٹی کے لئے کوئی تعداد
مقرر کر دی جائے - جو رعایت کسی کے
ساتھ کرنی چاہئے مہرت پر کرنی
چاہئے - ہم نے ان اسکولوں کے لئے
ایک اسکیم اسکالرشپ کی بنائی ہے -
اس اسکیم کا مطلب یہ ہے کہ اسکولوں
کا دروازہ سب پر کھول دیا جائے اور
مہرت پر بچوں کو کنسیشن دیا جائے -

[Maulana Azad: Keeping in view
the general educational policy of the
Government of India it would be
difficult to fix a definite number for
any particular community. All con-
cessions must be based on merit alone.
We have drawn a Scholarship Scheme
for these schools. The object is that
the admission to these schools be
opened to all and concession should
be given to children on merit alone.]

Dr. Deshmukh: What is the amount
that is proposed to be given by way
of scholarships during the current
financial year?

مولانا آزاد: میں یہ رقم نہیں بتا

سکتا -

[Maulana Azad: I cannot disclose
that amount just now.]

पंडित मुनीश्वर दत्त उपाध्याय: क्या इन
स्कूलों में भरती के कोई खास बचावद हैं।
या कि जो बचावद और सब स्कूलों के लिए
हैं वही यहाँ भी लागू होते हैं।

[Pandit Munishwar Datt Upadhyaya:
Are there any special rules for admis-
sion to these schools or the rules
which are applicable to other schools
also apply to this school?]

مولانا آزاد: اس کو پہلک اسکول

مقرر دیا گیا ہے - اس کی ایک ٹیس
مقرر ہے اور دروازہ سب کے لئے کھلا ہوا
ہے - جو فوائد ریڈیشنل پہلک اسکول
کی تعلیم اور تربیت کے ہو سکتے ہیں
وہ یہاں حاصل ہوتے ہیں -

[Maulana Azad: It has been declared
a public school. A particular rate of
fee has been fixed and the admission is

open to all. All the benefits with regards to education and training of a residential public school are available here.]

Shri J. N. Hazarika: Who appoints the teaching staff of the Sanawar and Lovedale schools? How many Indians are there now?

مولانا آزاد : پہلے ان اسکولوں کا انتظام ڈیفنس منسٹری کے ہاتھ میں تھا۔ انڈیپنڈنس کے بعد یہ فیصلہ کیا گیا کہ انہیں پبلک اسکول قرار دیا جائے اور ایجوکیشن منسٹری ان کا بلڈوسٹ اپنے ہاتھ میں لے لے۔ اب اس کا بلڈوسٹ ایجوکیشن منسٹری کے ہاتھ میں ہے۔ اس کا تمام اسٹاف انڈین ہے۔ صرف دو یورپیوں ہوں۔ پرنسپل جو پہلے سے کام کر رہے تھے اور ایک پروفیسر۔

[Maulana Azad: Previously the management of these schools was under the Defence Ministry. After the Independence it was decided that these schools should be declared public schools and their management be taken over by the Ministry of Education. Now the management of these schools is under the Ministry of Education. The entire teaching staff of these schools is Indian. There are only two Europeans, one is the principal who has been working there since long and the other one is a professor.]

Shri Sonavane: May I know whether there are any Scheduled Caste and backward class students in these schools?

مولانا آزاد : میں ابھی اس کا جواب دے چکا ہوں۔

[Maulana Azad: I have replied it just now.]

AEROPLANES FOR USE OF MINISTERS

*3340. **Shri Sidhva:** (a) Will the Minister of Defence be pleased to refer to the answer given to Un-Starred Question No. 157 on the 28th March, 1951 and state what was the maintenance cost during 1950 viz. Petrol, establishment etc., of the six aircrafts kept for official use?

(b) Who are the Ministers and Officers who use them and on how many occasions did they use them during the year 1950?

(c) What has become of the plane specially designed for the late Deputy Prime Minister?

The Minister of Defence (Sardar Baldev Singh): (a) The estimated total cost of maintenance of the six aircraft (four Dakotas and two Devons) is approximately Rs. 20 lacs per annum. This includes cost of P.O.L., pay and allowances of crew and other technical personnel, and depreciation and overhead charges on all duties performed by the aircraft including training flights, special air-lifts and also flights for the air-travel of V.I.Ps. As these aircraft are not reserved exclusively for the air-travel of V.I.Ps., but are used for various communication commitments and practice flying, no separate record of expenditure in connection with air travel of the V.I.Ps. is available.

(b) (i) The Prime Minister, the Defence Minister, the Deputy Defence Minister and the Service Chiefs use them. Other Ministers also can use them when the aircraft is available. Occasionally, Senior Service and Civilian Officers are also allowed their use whilst travelling on duty.

(ii) During 1950, the aircraft were used on 56 occasions by the Prime Minister and the other Ministers, and on 7 occasions by Senior Civilian Officers.

(c) It is available for use if the need arises.

Shri Sidhva: What is the maintenance cost of the 'plane referred to at (c)? Does the cost of maintenance of Rs. 20 lakhs mentioned in answer to (a) include the maintenance cost of this 'plane also?

Sardar Baldev Singh: This aircraft which was being used by the late Deputy Prime Minister also forms part of the fleet available for use.

Shri Sidhva: That is all right. I want to know whether the amount of Rs. 20 lakhs includes the cost of maintenance of this aircraft also.

Sardar Baldev Singh: Yes.

Shri Sidhva: May I know how many officers are entitled to the use of these 'planes, whether there are any rules for officers to use these aircraft, and what type of officers are supposed to use them?

Sardar Baldev Singh: I cannot say offhand, but there are definite rules

and the categories of officers who can use them are also laid down.

Shri Sidhva: Only officers of the Defence Ministry can use these aircraft or officers of all the Ministries can use them?

Sardar Baldev Singh: I have already stated in my reply that civilian officers also are entitled to the use of these planes subject to certain rules.

Shri Sidhva: If there are any rules will he kindly lay them on the Table?

Sardar Baldev Singh: The rules are well-known. I may state for his information that as far as the civilian officers are concerned, they are governed by three main rules: that there is satisfactory evidence that the proposed journey is on official duty, secondly, that there is no alternative means of travel and that the urgency alone justifies air travel, and thirdly, that the flight is undertaken solely for the purpose of carrying passengers.

Shri Jaipal Singh: May I know whether there is any particular aircraft that has been forbidden to carry V.I.Ps. recently?

Sardar Baldev Singh: No particular aircraft is earmarked for V.I.Ps. but this number is set apart which can be used by anybody.

Shri Jaipal Singh: Has any directive been given by the Defence Ministry that the Dove aircraft may not be used for carrying V.I.Ps.?

Sardar Baldev Singh: No, Sir. The Doves are used by V.I.Ps.

Shri Poonacha: May I know whether these aircraft form part of the Communications Squadron of the I.A.F.?

Sardar Baldev Singh: I have already stated in my reply that these aircraft form part of the Communications Squadron.

Shri T. T. Krishnamachari: May I ask who are the V.I.Ps.?

Sardar Baldev Singh: Very Important Persons. The hon. Member may be one of the V.I.Ps. sometimes.

FOREST LANDS UNDER DAMODAR VALLEY CORPORATION

*3342. **Shri Jnani Ram:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the area of forest lands under Damodar Valley Corporation;

(b) the number of the Divisional forest officers Rangers, foresters and forest quads; and

(c) the amount spent in management of forests in the year 1949-50 and 1950-51?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) The Damodar Valley Corporation have not taken over the management of the forests in the Damodar Valley. The forests remain the responsibility of the State Governments within whose jurisdiction they lie. The Corporation are, however, acquiring about 2,000 acres of waste lands for afforestation for the resettled villages near the Tilaiya Reservoir.

(b) One Divisional Forest Officer, One Ranger, Two Assistant Rangers, and Three Forest Guards.

(c) 1949-50—Rs. 4,040, 1950-51—Rs. 12,404.

Shri Jnani Ram: May I know the area on which afforestation work has been carried out this year in Damodar Valley?

Shri Sri Prakasa: The exact work has not yet started. We have acquired nearly 8,000 acres under the Bihar Waste Land Reclamation Act for the resettlement of the displaced persons. We have also erected one model village near Bachal and 61 houses are ready; but so far as afforestation for the specific purpose of these villages is concerned, it has not yet started.

Shri Jnani Ram: May I know when the D.F.O. was appointed?

Shri Sri Prakasa: I have not that information at hand.

DEREQUISITIONING OF LAND

*3343. **Shri Jnani Ram:** Will the Minister of Defence be pleased to state:

(a) the area of land abandoned or derequisitioned at different places in the Eastern Zone which were occupied during the last war;

(b) the amount of compensation paid for such occupation during the years 1940 to 1950; and

(c) the lands restored to the original owners?

The Minister of Defence (Sardar Baldev Singh): (a) 33,241 acres of lands were abandoned or derequisitioned in Eastern Zone (East of the Brahmaputra River) at the places mentioned below:

(1) Lakhimpur District;

(2) Cachar District;

- (3) Sibsagar District;
 (4) K. and J. Hills (Shillong);
 (5) Nowgong District;
 (6) Naga Hills.

(b) Recurring compensation amounting to Rs. 3,09,747 per annum was paid to respective owners for the period of occupation.

(c) All lands were restored to the respective owners.

Shri Jnani Ram: May I know the year in which temporary quarters were erected?

Sardar Baldev Singh: For all these lands?

Shri Jnani Ram: For abandoned land?

Sardar Baldev Singh: I have not got the information.

Shri J. N. Hazarika: Are Government sure that all the land requisitioned during war time has been returned to the owners.

Sardar Baldev Singh: According to the information available, all the lands in the districts I have mentioned have been handed over to the owners.

Shri Chalhha: May I know what is the amount of compensation paid to such owners in the State of Manipur?

Sardar Baldev Singh: I have not got that information here. If the hon. Member wants information about Manipur State I would like to have notice.

گیانی جی - ایس - مسافر : کیا
 کوئی ایسے مالک زمین بھی ہیں جن
 کو نہ لینڈ واپس ملا ہے اور نہ اب تک
 کوئی کمپنسیشن ملا ہے -

[**Giani G. S. Musafir:** Are there any such land owners to whom neither the land has been restored nor any compensation paid so far?]

सरदार बलदेव सिंह : मुमकिन है ऐसे
 होंगे, किन मुझे नहीं मालूम है, अगर आन-
 रेबुल मेम्बर साहब को इस का कुछ इत्म हो
 वह मुझे बतलायें और मैं उस के मुतालिक
 दरियाफ्त करूंगा ।

[**Sardar Baldev Singh:** It is just possible that there may be some such landowners but I have no knowledge of it. If the hon. Member knows anything about it, he may bring it to my

notice and I will make enquiries in this matter.]

Dr. Deshmukh: Is it a fact that the Ministry of Defence is enquiring all the cases of lands in their possession and trying their best to return the lands wherever possible?

Sardar Baldev Singh: That is the position.

AIR FORCE DAY

*3344. **Shri Sonavane:** Will the Minister of Defence be pleased to state the expenditure incurred over Air Force Day celebrations in Delhi on the morning of 1st April, 1951?

The Minister of Defence (Sardar Baldev Singh): Rs. 1,000 approximately, but only from non-Government Funds.

Shri Sonavane: May I know at what other centres such celebrations were held and what are the costs thereof?

Sardar Baldev Singh: They were held at different centres, but I am not in a position to give the cost incurred at the different centres. If the hon. Member is interested to know it, I would like to have notice.

RELIEF FROM DOUBLE TAXATION

*3345. **Shri S. C. Samanta:** (a) Will the Minister of Finance be pleased to state whether Government propose to grant relief from double taxation to Indian capital doing business abroad?

(b) If so, what would be the loss to the Union finance?

(c) What is the amount of relief from double taxation granted to foreign capital doing business in India?

The Minister of Finance (Shri C. D. Deshmukh): (a) As was announced in the Press Note dated the 20th May, 1950, it is proposed to amend section 49-D of the Indian Income-tax Act to secure that if a resident person is assessed in India on his foreign income arising in a country with which there are no reciprocal arrangements for relief or avoidance of double taxation, he will be allowed rebate of tax equal to the foreign or Indian tax on such doubly taxed income, whichever is the less. The existing provision allows for rebate equal to half the lower tax.

(b) It is not possible to make any precise estimate of the loss.

(c) On the basis of the statistics for the years 1946-47, 1947-48 and 1948-49

the average amount of relief has been of the order of Rs. 112 lakhs per annum.

Shri S. C. Samanta: May I know whether all are subjected to double taxation?

Shri C. D. Deshmukh: Everyone is subjected to double taxation, unless there are double taxation relief arrangements.

Shri S. C. Samanta: May I know how much Indian capital has been invested abroad and by whom?

Shri C. D. Deshmukh: It is not possible to say by whom Indian capital has been invested abroad. I believe in the summary of the census of foreign investments made by the Reserve Bank some figures were given in regard to our investments abroad, but I cannot recall the figures now.

Shri S. C. Samanta: I want to know the category of investors?

Shri C. D. Deshmukh: It is not possible to categorise them.

Shri Sondhi: Is there any likelihood of the amending Bill coming in this Session?

Shri C. D. Deshmukh: I have every hope of being able to introduce the amending Bill in this Session.

Shri S. C. Samanta: May I know the amount of foreign capital doing business in India?

Shri C. D. Deshmukh: Those figures also were given in the summary of the census of foreign investments which was published by the Reserve Bank some time ago.

NATIONAL INCOME UNIT

*3348. **Shri S. N. Das:** (a) Will the Minister of Finance be pleased to state whether it is a fact that Government have decided to extend the term of the National Income Unit for a further period?

(b) If so, why?

(c) Has the Unit submitted any interim report?

The Minister of Finance (Shri C. D. Deshmukh): (a) Government have decided to continue the National Income Unit during 1951-52.

(b) and (c). The National Income Unit was set up for the detailed work of calculating the amount of national income and its distribution under the guidance of the National Income Committee. The Unit has compiled an estimate of national income for the

year 1948-49 and this estimate is now before the National Income Committee, who are expected to submit their report shortly to Government. One of the terms of reference of the Committee is to suggest measures for improving the quality of available data and to recommend ways and means for promoting research in the field of national income. The computation of national income being a continuing process, the life of the Unit has been extended till the end of the year 1951-52 pending the receipt of the report of the Committee.

Shri S. N. Das: May I know whether the National Income Committee has submitted its report to Government?

Shri C. D. Deshmukh: Its report is expected very shortly.

Shri S. N. Das: May I know whether the national sample survey for collecting data from rural areas has been completed?

Shri C. D. Deshmukh: That is a slightly different question. The original question related to the National Income Unit which is a separate cell for helping the National Income Committee. The national sample survey did some work which was of assistance to the National Income Unit and the national sample surveys have carried out for some time part of their work and some of it is yet to be carried out and there is provision in this year's Budget for continuing the work of the national sample survey.

Pandit Maitra: May I enquire whether it is within the terms of reference of this Committee to suggest to the Government some permanent machinery for compilation of statistics relevant to the collection of national income figures?

Shri C. D. Deshmukh: I expect they will suggest some machinery for continuing the investigation.

Shri R. Velayudhan: May I know who is the head of the National Income Unit and whether the data submitted by it has been in any way useful to the Government?

Shri C. D. Deshmukh: The head of the National Income Unit is the Statistical Adviser to the Government. The National Income Unit was working for the direct purpose of assisting the National Income Committee of which the Chairman is Prof. Mahalanobis who is the Statistical Adviser to the Government and the National Income Committee has depended very largely on the work done by the National

Income Unit for the purpose of completing its report.

KOSI PROJECT

*3349. **Shri B. R. Bhagat:** Will the Minister of Natural Resources and Scientific Research be pleased to refer to the answer given to my Starred Question No. 1162 asked on the 5th February, 1951 and state:

(a) whether the "Committee of Experts" to examine and report on the general soundness of the Kosi Project has now been constituted; and

(b) if so, whether it has started its work?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) The Committee has not yet been constituted. We have written to the various State Governments concerned requesting them to allow the officers whom we propose to appoint, to serve on the Committee. All the replies have not yet been received.

(b) Does not arise.

Shri B. R. Bhagat: May I know the reasons for the delay in the constitution of this Committee?

Mr. Speaker: He has already stated that the replies from State Governments have not yet been received.

CONTRIBUTION TO W. H. O.

*3350. **Shri B. R. Bhagat:** Will the Minister of Health be pleased to state:

(a) whether it is proposed to pay a contribution to the W.H.O. for the current and subsequent years; and

(b) if so, on what basis the scale of assessment will be made?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes. India has ratified the constitution of the W. H. O. According to article 56 of the constitution, the Health Assembly which meets annually reviews and approves the budget estimates and apportions the expenses among the member States in accordance with scale fixed by it. Every year India has to make a contribution depending on the size of the W. H. O. budget.

(b) The contributions to the budget of the W.H.O. are assessed in accordance with principles on which the contributions of the members of U. N. are based.

Shri B. R. Bhagat: What is the contribution of India to the W.H.O.?

Rajkumari Amrit Kaur: The contribution last year was in the neighbourhood of Rs. 11 lakhs and in 1951 it is likely to be again in the neighbourhood of Rs. 11 lakhs.

Shri B. R. Bhagat: May I know whether the rate of contribution is a uniform one or whether it varies from year to year? [4]

Rajkumari Amrit Kaur: The per capita income is the basis on which contributions of member-nations of the United Nations are assessed, but the contributions vary according to the annual Budget of each specialised agency

Shrimati Durgabai: May I know whether India has received any help from the W.H.O., and if so for what purposes?

Rajkumari Amrit Kaur: We have received very large contributions from W.H.O. in the matter of aid to our health programmes and I have often placed full information in this regard on the Table of the House.

STATE LOTTERIES

*3352. **Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Ministry of Food and Agriculture organized a state lottery in respect of the following articles in the months of January and February, 1951 at the Industrial and Engineering Exhibition:

(i) a Hindi typewriter, (ii) a Radio Set, and (iii) a Tractor;

(b) whether any permission to run this lottery was taken by the Ministry of Agriculture; and

(c) the total amount collected in the lottery referred to above?

The Minister of Home Affairs (Shri Rajagopalachari): (a) The question has been put under a mistaken impression. It was not the Ministry of Food and Agriculture but the Committee that organized the Exhibition who asked the District Magistrate, Delhi, to permit certain raffles including the items mentioned. Permission was refused and they were advised to return the sale proceeds of any tickets already sold.

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

Shri Kamath: Is it a fact, Sir, that the stall-holder who wanted to organise this raffle first approached the Chief Commissioner of Delhi and then when permission was refused, he approached the Food Minister who gave permission for it?

Shri Rajagopalachari: As I have already stated the application was made by the Committee that organised the Exhibition and the application was refused by the proper authorities, namely the District Magistrate of Delhi. Thereupon the Food Ministry took some interest in it and explained the case, but the decision was not altered.

Shri Kamath: But were any tickets sold?

Mr. Speaker: I do not think any useful purpose would be served by pursuing this question.

Dr. Deshmukh: May I know, Sir, if the Government have considered the possibility of instituting State lotteries on the model of Ireland for the purpose of helping our hospitals and other institutions?

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

Shri Kamath: Was the money for the tickets sold returned?

Shri Rajagopalachari: The Committee that sold the tickets in advance of permission was ordered to return the money they collected. They were told that if any raffle was held they would be liable to prosecution. As to whether the persons who bought the tickets applied and got the money is a matter for private or police enquiry. I am not able to answer.

MEDICAL COUNCIL OF INDIA

*3353. **Shri R. C. Upadhyaya:** (a) Will the Minister of Health be pleased to refer to the reply given to Starred Question No. 2712 asked on the 2nd April, 1951 by Shri S. C. Samanta and state when Government referred the resolution adopted by the Third Health Ministers' Conference regarding the recommendations of the Homoeopathic Enquiry Committee to the Medical Council of India?

(b) Has any meeting of the Medical Council of India taken place after that?

(c) When is the Medical Council of India going to meet next?

The Minister of Health (Rajkumari Amrit Kaur): (a) On the 6th December, 1950.

(b) Yes: on the 13th January, 1951.

(c) In October, 1951.

Shri R. C. Upadhyaya: May I know why the matter has been referred to the Medical Council of India when its opinion can very well be presumed?

Rajkumari Amrit Kaur: I do not think that we are at liberty to presume what the views of any bodies will be.

Shri R. C. Upadhyaya: Is it a fact that some of the representatives of the Medical Council were included in the Enquiry Committee?

Rajkumari Amrit Kaur: I cannot recollect the names of the members who sat on the Homeopathic Enquiry Committee. I do not know if any were members of the Indian Medical Council.

Shri S. C. Samanta: May I know, Sir, the number of meetings that are usually held per year by this Council?

Rajkumari Amrit Kaur: I believe they meet at least twice and sometimes more, if necessary.

CENSORSHIP

*3358. **Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the correspondence of certain members of Parliament is being subjected to censorship; and

(b) if so, the reasons therefor?

The Minister of Home Affairs (Shri Rajagopalachari): (a) The Government of India in the Home Ministry have passed no order of censorship in respect of any Member of Parliament. This is the only Ministry authorised to impose any such order.

(b) Does not arise.

Shri S. N. Sinha: Have any instances of censorship of correspondence of Members of Parliament by State Governments been brought to the notice of the Government of India?

Shri Rajagopalachari: The State Governments if they have passed such orders are responsible for them and it is not desirable that they should communicate them to us, because it is only in very important cases requiring secrecy that such orders might be passed.

Shri Sarangdhar Das: Is it a fact that certain correspondence which was censored by the State Governments was brought to the notice of the Home Ministry?

Shri Rajagopalachari: I am not aware of it, Sir.

Shri Sarangdhar Das: It was my own correspondence.

Mr. Speaker: The hon. Member has tabled a question on that point. It was probably disallowed, because it was a State subject.

Pandit Maitra: Do I take it that the hon. Minister has not issued any directive to the State Governments for interception or censorship of correspondence of any particular Member of Parliament, or Members of Parliament?

Shri Rajagopalachari: I have already said 'No', Sir.

Shri Kamath: Does the answer of the hon. Minister mean that the correspondence is not being censored by the Central Government, but may be censored by the State Governments?

Shri Rajagopalachari: There is a law about it and the Government of India have passed no special orders. According to that law the State Governments can take action on their own responsibility. We have not issued any particular orders to the State Governments.

Shri Sondhi: Not even to the Chief Commissioner, Delhi?

Shri Hussain Imam: Can the State Governments pass orders over the head of the Government of India in the Communications Department?

Mr. Speaker: The hon. Member will see that there are certain provisions in the Post Office Act which vests the State Governments with some powers.

Shri Hussain Imam: Will the hon. Minister enlighten the House on the provisions?

Mr. Speaker: It is a very old Act and the time of the House need not be taken over it.

ELECTORAL ROLLS

*3361. **Shri Kamath:** Will the Minister of Law be pleased to state:

(a) whether reports have been received or called for from each of the Part 'A', Part 'B' and Part 'C' States as to the number of claims and objections filed in respect of electoral rolls in each State;

(b) if so, the total number of claims and objections filed in each State;

(c) the number of such claims and objections disposed of so far; and

(d) the number allowed, and the number disallowed?

The Minister of Law (Dr. Ambedkar): (a) to (d). The information is being collected by the Election Commission and will be laid on the Table in due course.

Shri Kamath: Is the last date for the filing of objections the same in all the States or is it different?

Dr. Ambedkar: I cannot say: I must have notice of that question.

Shri Kamath: When will the information about claims and objections be received in the Election Commissioner's office?

Dr. Ambedkar: I do not think there will be any undue delay in this matter.

REGISTRATION OF DENTISTS

*3362. **Shri Sidhva:** (a) Will the Minister of Health be pleased to state whether the period as provided in amendment to Section 49 of the Dentist Act, 1948, extending the last date of registration of Dentists by one year expired on the 28th March, 1951?

(b) If so, how many foreigners have registered?

(c) Is there any foreign dentist who has not registered himself and is yet practising after 28th March, 1951?

(d) If so, do Government intend to take steps against the defaulting dentists for violating the provision of the Act?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes; it is presumed that the hon. Member refers to the last date upto which persons not registered can practise as dentists.

(b) Information is being collected and will be laid on the Table of the House as soon as it is complete.

(c) One Dentist of British Nationality is reported to be still practising in New Delhi although unregistered. No other report has reached Government so far.

(d) The matter is being taken up with the Delhi Administration.

Shri Sidhva: In view of the fact that the last date for registration has expired on the 28th of March, 1951, may I know whether the hon. Minister has taken any steps against the unregistered dentist of British Nationality who is still practising?

Rajkumari Amrit Kaur: I have already said that the matter has been taken up by the Delhi Administration.

Shri Sidhva: May I know whether he is still practising?

Rajkumari Amrit Kaur: Yes.

Shri Sidhva: Am I to understand that instructions have been given to prosecute him? Has any representation been made by the All-India Dental Association in this respect and if so with what effect?

Mr. Speaker: For the prosecution of the man? I think that is a question which could hardly be put. The hon. Minister stated that the Delhi Administration has taken up the matter.

Shri Sidhva: Out of 339 foreigners who have taken Indian citizenship he is the only gentleman.....

Mr. Speaker: May be; still the matter is in the hands of the Delhi Administration. What is the good of persisting? Is it suggested that there is anything corrupt or anything shady?

Shri Sidhva: The only point is that this man did not register himself last year.

Mr. Speaker: I do not propose to allow questions of that type.

Dr. V. Subramaniam: The Post-Graduate Certificate of Dentistry of the University of Vienna (Z.D.S.) is given in Part III of the Schedule, whereas the University says that there is no degree granted like that. May I seek some clarification on that?

Mr. Speaker: That is a question, I understand, under investigation by the Delhi Administration.

Rajkumari Amrit Kaur: Mr. Speaker, this question has been answered more than once on the floor of the House. He is referring to a certain foreign degree, but I do not quite understand how his question arises out of this.

Shri Kamath: Is it a fact that this particular foreign dentist refused to take Indian domicile or Indian citizenship and so was not registered, and may I know what action is proposed to be taken in this matter?

Rajkumari Amrit Kaur: It is true that he has not taken up Indian domicile and therefore the Delhi Administration is taking up the question of his practice, if it is true that he is still continuing in practice.

Shri Kamath: Have reports reached Government that he is still practising, with impunity?

Mr. Speaker: Order, order.

Shri Sidhva: May I know whether the State Dental Council has been formed in Delhi and, if not, why it has not yet been formed and why it is delayed while in other States it has been formed?

Rajkumari Amrit Kaur: I am not aware that the State Council has not been formed in Delhi.

Shri Sidhva: Am I to understand that it has been formed?

Rajkumari Amrit Kaur: I would have to ask the Dental Council of India whether they have formed the State Council in Delhi or not.

Shri Kamath: Is he the only foreign dentist who is unregistered throughout India?

Mr. Speaker: Order, order. I am not allowing any further questions on that point.

DIWAKAR COMMITTEE REPORT

*3365. **Shri Sanjivayya:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Government of India have decided that no action on Diwakar Committee Report need be taken for the present; and

(b) if so what are the reasons therefor?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). Yes. It was decided that no special action was called for. In order to give effect to the prescribed concessions to Scheduled Castes and Tribes and backward classes some accurate information as to castes and communities will obviously continue to be necessary. Omission of all enquiry in cases outside of this might be feasible but it is likely to give rise to some difficult problems in many States if from the Centre we seek to enforce the recommendations. It was decided that on the whole it would be best to allow the State Governments to work the Constitution without external pressure.

Shri Sanjivayya: When was this Committee appointed and when did it submit its Report to Government?

Shri Rajagopalachari: The Committee was appointed by Government and the Report was received, but I have not got the dates here. It was recent.

Shri Sanjivayya: Who were the other Members of the Committee other than Mr. Diwakar?

Shri Rajagopalachari: I am not able to answer that now.

Mr. Speaker: We will now take up those questions in respect of which authority has been given to Members.

An Hon. Member: Sir, Mr. Bhagat is here.

Mr. Speaker: Mr. Bhagat is too late. I will take up his question at the end if there is time.

DOCUMENTARY FILMS

*3354. **Shri R. C. Upadhyaya** (on behalf of **Shri Kishorimohan Tripathi**): (a) Will the Minister of Information and Broadcasting be pleased to state the total number of documentary and other films sent out of India for publicity purposes during the years 1950 and 1951?

(b) To which countries were these sent?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) Documentaries and other films produced by the Films Division have been sent abroad as follows:

43 in 1950 and 25 in 1951 up to 15th April, 1951.

(b) To thirty seven countries. As regards the names of those countries, a statement is laid on the Table of the House. [See Appendix XXII, annexure No. 41.]

Shri R. C. Upadhyaya: May I know whether any films have been sent to China?

Shri Diwakar: Yes.

Shri R. C. Upadhyaya: How many of them?

Shri Diwakar: Twenty-four.

Shri Shiva Rao: May I know whether he has received any reports from the countries to which these films have been sent as to the use made of these films and the results obtained from the use of these films?

Shri Diwakar: Those reports must be in the External Affairs Ministry.

Shri R. Velayudhan: May I know whether these documentary films are supplied there free?

Shri Diwakar: Yes.

Shri R. Velayudhan: May I know whether we are getting any reciprocal treatment in the same way from those countries?

Shri Diwakar: These films are sent to our Embassies there.

MANUFACTURE OF BALLOT BOXES

*3355. **Shri R. C. Upadhyaya** (on behalf of **Shri Kishorimohan Tripathi**): (a) Will the Minister of Law be pleased to state what progress has so far been made by different States in the matter of manufacturing ballot boxes and the printing of ballot-papers for the purposes of general elections?

(b) Are these going to be of a uniform type throughout India?

(c) Has sufficient care been taken in the making of the ballot boxes and the printing of the ballot-papers to see that ignorant and illiterate voters can vote freely according to their choice?

The Minister of Law (Dr. Ambedkar): (a) Orders for the manufacture of ballot boxes have been placed, in consultation with the Election Commission, by all the States except West Bengal, Bihar and Rajasthan. Information about these three States is awaited. Ballot papers for the whole of India are being printed centrally at the Security Printing Press, Nasik.

(b) The ballot boxes are all of designs approved by the Election Commission and are more or less of a uniform type, except for variations in locking arrangements. Ballot papers are of a uniform type.

(c) Yes. The ballot boxes will be painted in two colours, one colour to be used for elections to the House of the People and the other for elections to the State Legislative Assembly. The ballot papers also will be similarly distinguishable. Each candidate will have a ballot box allotted to him at each polling booth, and the boxes of different candidates will be identified by means of labels pasted thereon bearing familiar and easily distinguishable symbols, such as flower, nut, tree, human hand, plough, elephant, etc. Each candidate will have a symbol allotted to him. These arrangements will make it easy for illiterate voters to cast their votes freely.

Shri R. C. Upadhyaya: May I know if the Government have procured steel for the purpose of manufacture of ballot-boxes?

Dr. Ambedkar: Yes. How can the boxes be manufactured without steel?

Ch. Ranbir Singh: How many days ahead of the elections will the symbols be known to the electorates?

Dr. Ambedkar: I suppose the symbol will be allotted on the day the scrutiny is complete and the nomination paper is finally accepted. It is for the candidate to advertise what his symbol is among his voters.

Shri J. N. Hazarika: May I know the basis on which the number of ballot boxes required for election purposes has been ascertained, and in so ascertaining whether geographical considerations have also been borne in mind?

Dr. Ambedkar: It depends upon the number of voters, the capacity of the pooling booth etc. I have got here figures as to the number of ballot boxes each State has requisitioned for the purpose of conducting the elections. It is a long list.

An Hon. Member: He wants for Assam.

Dr. Ambedkar: For Assam the total number of ballot boxes are 50,000.

Mr. Speaker: I do not think it need be read. The Question Hour is over.

Short Notice Question and Answer

SPEECH OF THE MINISTER OF LAW ABOUT THE ATTITUDE OF GOVERNMENT TOWARDS THE SCHEDULED CASTES.

Shri Kamath: Will the Minister of Home Affairs be pleased to state:

(a) whether the attention of Government has been drawn to the report of a speech by the Law Minister published in the "Times of India" (Delhi Edition) dated the 18th April, 1951 on page 3 thereof, about the attitude of Government towards the Scheduled Castes;

(b) whether the report is correct; and

(c) whether the allegations made by him regarding Government's treatment of the Scheduled Castes and "solemn promises being treated like scraps of paper" are true?

The Minister of Home Affairs (Shri Rajagopalachari): (a) The answer is 'Yes'.

(b) It is not possible to say whether the report is correct without further enquiry.

(c) The reported allegations are not true.

Shri Kamath: During the last few days has the Home Minister or the Prime Minister taken any steps to ascertain from the Law Minister himself whether the report of the speech is correct?

Shri Rajagopalachari: The Law Minister, as the hon. Member knows, has been very busy during the last few days and in very important matters related to the House. So I have answered correctly when I say the matter is still for enquiry, if necessary.

Shri Kamath: Is it a fact that several Scheduled Caste Members of this House have brought to the notice of the Home Minister or the Prime Minister their protest against the speech made by the Law Minister?

Shri Rajagopalachari: I understand it is so, Sir.

Shri Kamath: At the meeting where the Law Minister made the speech did another Minister of the Cabinet preside?

Shri Rajagopalachari: I am really not aware of that, Sir.

Shri J. R. Kapoor: Is it a fact that in the view of the Government such a statement is contrary to the principle of joint responsibility of the Cabinet?

Mr. Speaker: Order, order. He is presuming something which he has not admitted.

Shri R. Velayudhan: May I know whether other than the alleged allegation by Dr. Ambedkar, any other allegations from any other body regarding the treatment of the Scheduled Castes have reached the Government?

Mr. Speaker: I do not think we need go into that. It is too wide a question.

Shri Kamath: How long will it take Government or the Home Minister to inquire whether the Press report is correct?

Shri Rajagopalachari: I think, Sir, and the hon. Prime Minister agrees that it is desirable in the public interest to leave such matters to the Prime Minister for disposal with his colleagues rather than make them a subject for question and answer in Parliament. Hon. Members may rest assured that the Prime Minister will guide his policy in this respect in the true interests of the country, judging the position from all relevant points of view.

The work done by the Government and the concessions extended to the Scheduled Castes in all matters are well-known and we may disregard baseless allegations.

WRITTEN ANSWERS TO QUESTIONS

INCOME-TAX IN DELHI

*3336. **Shri Deshbandhu Gupta:** (a) Will the Minister of Finance be pleased to state the amount of income tax realised during each of the last five financial years from the State of Delhi?

(b) How much of the above amount was received from Ministers and Government Servants each year and how much from non-officials?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). I lay on the Table a statement giving the requisite information. [See Appendix XXII, annexure No. 42.]

AUSTRALIAN FELLOWSHIP SCHOLARSHIP

*3341. **Prof. S. N. Mishra:** Will the Minister of Education be pleased to state:

(a) the procedure for selecting candidates for Australian Fellowships 1940 to 1950; and

(b) the number of candidates already selected?

The Minister of Education (Maulana Azad): (a) All Ministries of the Government of India, the Planning Commission, all State Governments and all Indian Universities were requested to send applications of their nominees for the award of Australian Scholarships and Fellowships. These applications were considered by a Selection Board set up for this purpose by the Government of India. The names of suitable candidates were recommended to the Government of Australia for final selection by them.

(b) The number of candidates so far recommended for final selection by the Government of Australia is 32.

INDIAN MEDICAL COUNCIL ACT

*3346. **Shri Lakshmanan:** Will the Minister of Health be pleased to state:

(a) whether the executive committee of the Indian Medical Association has recommended the amendment of the Indian Medical Council Act;

(b) if so, in what respect;

(c) whether there has been any representation from any of the Part B States in this matter;

(d) which are the Part B States having duly constituted Medical Councils for the registration of medical practitioners; and

(e) whether there are Universities in Part B States having a medical faculty and if so, which are those States?

The Minister of Health (Rajkumari Amrit Kaur): (a) No.

(b) Does not arise.

(c) No.

(d) Hyderabad, Mysore, Travancore-Cochin and Rajasthan.

(e) Yes, in the four Part B States mentioned above. In addition, there are two Medical Colleges in Madhya Bharat, viz., the Gujjaraja Medical College, Gwalior and the Mahatma Gandhi Memorial Medical College, Indore, which are affiliated to the Agra University.

DOCUMENTARY FILMS

*3347. **Shri M. L. Gupta:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the number of documentary films produced on Agricultural subjects up to 31st March 1951;

(b) the arrangements that the Central and States Governments have made to show these films to cultivators;

(c) how many such films are proposed to be produced in the financial year 1951-52; and

(d) whether the results of these films on "Grow More Food" campaign have been assessed and if so, what are they?

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

(a) Ten.

(b) The films are shown among others by more than 800 touring cinemas which cover mainly rural areas. In addition copies of the films are also supplied to State Governments for exhibition in rural areas through mobile vans.

(c) The programme of production for 1951-52 is under consideration.

(d) The popularity of these films show that they have been effective.

DIRECTORATE OF MEDICAL SERVICES OF DEFENCE DEPARTMENT

*3351. **Dr. M. M. Das:** Will the Minister of Defence be pleased to state:

(a) the different branches of the Directorate of Medical Services of the Defence Department; and

(b) the number of hospitals under this Directorate?

The Minister of Defence (Sardar Baldev Singh): (a) There are three Medical Directorates, one each for the Army, Navy and Air Force.

(b) Medical Directorate (Army) 69.
Medical Directorate (Navy) 6.
Medical Directorate (Air) 1.

MAGAZINES

*3356. Shri Blyani: Will the Minister of Information and Broadcasting be pleased to state:

(a) how many monthly and bi-monthly magazines are published by this Ministry each year;

(b) in what languages they are published;

(c) whether any bi-monthly magazine is published in Arabic;

(d) whether Arabic is a regional language of this country;

(e) if so, what is the circulation of this magazine and the expenditure in publishing it; and

(f) what are the reasons for publishing a magazine in Arabic?

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

(a) 4 Monthlies and 2 Bi-monthlies excluding A.I.R. programme journals.

(b) English, Hindi, Urdu and Arabic.

(c) Yes.

(d) No.

(e) Circulation 4,000 and annual expenditure Rs. 33,870.

(f) For publicity in Arabic speaking Countries.

SOCIAL EDUCATION BOARD

*3359. Shri Chandrika Ram: (a) Will the Minister of Education be pleased to state whether Government propose to constitute a Social Education Board for the Centrally Administered Areas?

(b) Do Government propose to give some grant to the States for the encouragement of Social Education?

The Minister of Education (Maulana Azad): (a) No, Sir.

(b) No, Sir, if the question refers to Part 'A' and 'B' States.

ADVISORY BOARD OF SOCIAL WELFARE

*3360. Shri Chandrika Ram: (a) Will the Minister of Education be pleased to state the precise function of the Advisory Board of Social Welfare?

(b) Who are its members?

(c) How many of them are the nominees of the States?

The Minister of Education (Maulana Azad): (a) and (b). A statement is laid on the Table of the House. [See Appendix XXII, annexure No. 43.]

(c) None.

CHILD LIFTING IN DELHI

*3363. Shri Dwivedi: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that a few cases of child-lifting have occurred recently in the capital city of Delhi;

(b) if so, what is the number of children lifted, their ages, and the conditions under which they were put;

(c) whether any children are reported to have died or killed in such cases; and

(d) what action Government have taken or are likely to take in the matter?

The Minister of Home Affairs (Shri Rajagopalachari): (a) There has actually been no case of child-lifting. In some cases, reports were made at Police Stations against certain persons that they were suspected of child-lifting and the police registered cases in order to investigate. All the reports investigated were found to be baseless.

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

(d) The police strengthened their patrols in order to restore confidence in the public. False rumours were contradicted and some persons propagating these were also arrested.

DISENFRANCHISEMENT OF WOMEN
VOTERS

*3364. Shri B. R. Bhagat: Will the Minister of Law be pleased to state:

(a) whether a very large percentage of women voters have been disenfranchised as a result of non-recording of their names in the voters list;

(b) if so, their approximate number in the whole of the country; and

(c) their approximate number in each State?

The Minister of Law (Dr. Ambedkar): (a) to (c). The information is being collected by the Election Commission and will be laid on the Table in due course.

FILMS ON "ADULT EDUCATION"

229. Shri Sanjivayya: Will the Minister of Information and Broadcasting be pleased to state:

(a) how many films have been produced by Government in pursuance of the scheme of "Adult Education";

(b) if so, at what cost; and

(c) whether Government encourage private concerns to produce such films?

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

(a) None so far.

(b) Does not arise.

(c) The matter is under consideration of the Ministry of Education.

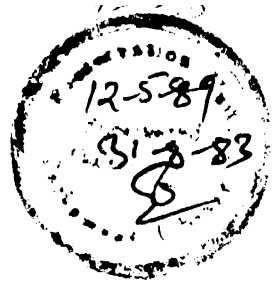
GOVERNMENT EMPLOYEES IN DELHI

230. Shri Deshbandhu Gupta: Will the Minister of Home Affairs be

pleased to state the total number of Central Government employees living in Delhi on 31st March, 1951?

The Minister of Home Affairs (Shri Rajagopalachari): The number of Central Government servants employed in Delhi (including New Delhi) in November, 1950 was calculated to be 63,516. It is regretted that figures as on 31st March, 1951 are not available.

Saturday, 21st April, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME X, 1951

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

Third Session
of the
PARLIAMENT OF INDIA

1950-51

THE
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers.)
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7198

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PARLIAMENT OF INDIA

Saturday, 21st April, 1951

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

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-50 A.M.

PAPER LAID ON THE TABLE

**NOTE ON DELAY IN SUBMISSION OF
ANNUAL REPORT AND BUDGET ESTIMATES
OF DAMODAR VALLEY CORPORATION**

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): I beg to lay on the Table a copy of a Note embodying reasons for the delay in submitting to Parliament the Annual Report for 1949-50 and Budget Estimates for 1951-52 of the Damodar Valley Corporation [See Appendix XXII, Annexure No. 44].

FINANCE BILL

**PRESENTATION OF REPORT OF SELECT
COMMITTEE**

The Minister of Finance (Shri C. D. Deshmukh): I beg to present the Report of the Select Committee on the Bill to give effect to the financial proposals of the Central Government for the year beginning on the 1st day of April, 1951.

BUSINESS OF THE HOUSE

Shri Kamath (Madhya Pradesh): May I make a request to you, Sir? In regard to the hours of sitting, could you make it nine to 1-30 in place of 8-11 to one? Nine to 1-30 would be much more convenient to Members.
P.S.D.

Mr. Speaker: I do not think we should consider the matter over and over again.

Dr. Deshmukh (Madhya Pradesh) rose—

Mr. Speaker: I think that point is not open.

Dr. Deshmukh: This is about another matter, Sir. About ten days ago I gave notice of my intention to have a half-an-hour discussion on the Pasha Bhai ploughs in which Rs. 47 lakhs have been wasted. I do not know what has happened to the discussion. I have received no communication as to what had happened.

Mr. Speaker: I can tell him that he will get intimation in due course.

Shri Sidhva (Madhya Pradesh): What will be the position of this discussion now in view of the change in time, Sir?

Mr. Speaker: If the Members are keen, we shall meet again at five o'clock. That is the only course.

Shri Sidhva: All right. I am glad.

Mr. Speaker: That is at present hypothetical. Let us see if Members are so keen as that and we have a quorum in the House also.

Shri Sidhva: You have to decide, Sir.

Shri Hussain Imam (Bihar): On what dates are we considering the Finance Bill?

Mr. Speaker: I think the dates have been notified in the Parliamentary Bulletin. They are 25th and 26th.

**JALLIANWALA BAGH NATIONAL
MEMORIAL BILL—concl.**

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by the hon. Dr. Ambedkar yesterday:

"That the Bill to provide for the erection and management of a

[Mr. Speaker]

National Memorial to perpetuate the memory of those killed or wounded on the 13th day of April, 1919, in Jallianwala Bagh, be taken into consideration."

Giani Musafir was in the midst of his speech yesterday.

کہانی جی - ایس - مسافر :
 سبھا پتی جی - جلیان والا باغ نہشتہل
 مہموریل بل (Jallianwala Bagh National Memorial Bill)
 کے سبندھہ میں بولتے ہوئے کل میں
 نے ایک خاص بات ہاؤس اور آئیپیل
 لا منسٹر صاحب (Minister of Law)
 کی خدمت میں پیش کی تھی -
 میں عرض کر رہا تھا کہ جلیان والا
 باغ کا نام آزادی کی لہر سے جدا نہیں
 کیا جا سکتا - اور اس وقت جو آزادی
 کی لہر چل رہی تھی اس کا مرکز
 ہماری کانگریس تھی - اس لئے میں
 نے عرض کیا تھا کہ اس بل کو قانونی
 شکل دیتے ہوئے پنجاب کی کانگریس
 کو انڈور (ignore) نہیں کرنا چاہئے -
 میں نے یہ بھی عرض کیا تھا کہ
 ہزاروں نہیں بلکہ لاکھوں انسانوں نے
 جلیان والا باغ کے حادثہ سے اس آزادی
 کی لہر کی طرف رخ کیا - اس وقت کے
 حالات کیا تھے - ہمارے پرائم ماسٹر پنڈت
 جواہر لال نہرو نے اپنی آٹو بیوگرافی
 (autobiography) میں لکھا ہے کہ
 اس وقت پنجاب ہندوستان سے کٹ گیا
 تھا - اور وہاں ایک ایسا فوجی قانون
 جاری ہو گیا تھا کہ لوگ وہاں نہیں
 جا سکتے تھے - مگر وہاں جانے کے

سے تڑپ رہے تھے - جب وہ فوجی قانون
 لایا گیا تو اس وقت ہندوستان کے
 حصے بھی نیتا تھے اور چلتی ہی بڑی
 سی ہستیاں تھیں جیسے پنڈت مالہیہ
 جی - پنڈت موتی لال جی نہرو - شری
 جس بندھو داس - وہ سب امرتسر
 پہنچ گئے - اس سے صرف ہم لوگوں نے ہی
 اپنے آپ کو اس آزادی کی لہر کی طرف
 مائل نہیں کیا بلکہ پنڈت جواہر لال
 جی نے اپنی کہانی میں لکھا ہے کہ
 پنجاب کی کہتاوں اور ان کی پرتال
 ان کے پتاجی پر بڑا اثر کیا - ان کے
 قانونی سوبھاؤ کی بنیادیں ہل گئیں -
 کامن اس تبدیلی کے لئے تیار ہو
 جو ایک سال کے بعد آئی تھی - اس
 طرح آپ نے آگے چل کر کہا ہے کہ سنہ
 1919 کی امرتسر کانگریس نے پتاجی
 پنڈت موتی لال جی نہرو (پردھان
 تھے - انہوں نے نرم دل کے نیتاؤں سے
 پیل کی کہ پنجاب کا زخمی دل ان
 کو بلا رہا ہے - یعنی ان کی اپیل کا
 مطلب یہ تھا کہ وہ بھی کانگریس کے
 اس کے سہیل میں شامل ہو جائیں -
 تاکہ سب ملکر دیس کی آزادی کے لئے
 یقین کریں - مہرا مطلب یہ پرائی
 نہانی ستانے کا صرف یہ ہے کہ کانگریس
 کا حصہ اس لہر میں سب سے زیادہ
 ہے - اور جلیان والا باغ کے نام کے ساتھ
 کانگریس کا نام سب سے زیادہ سبندھت
 ہے - اس لئے آج جب ہماری اپنی
 سرور جلیان والا باغ کے اس ترست
 (Tribute) کو قانونی شکل دے رہی ہے

تو بے شک اس میں پنجاب کے گورنر کا نام رکھا گیا ہے اور پنجاب کے چیف منسٹر (Chief Minister) کا نام رکھا گیا ہے مگر پنجاب کانگریس کے پریسڈنٹ کو اس میں بالکل اگور کر دیا گیا ہے۔ بے شک میں کسی خاص عسکی کے متعلق کچھ نہیں کہا چاہتا مگر میرا یہہ وشواس ہے کہ پنجاب کے گورنر اور پنجاب کے چیف منسٹر جو ہیں وہ سرکار کے جان نشین ہیں۔ آپ کو جناب والا پتہ ہے اور ہاؤس اس بات میں میرے ساتھ متفق ہوگا کہ جلیان والا باغ میں گولی چلنے کے بعد جو بیان ہوئے اور سے یہہ صاف عیاں ہے کہ جلیان والا باغ میں گولی بڑی بے رحمی کے ساتھ چلائی گئی۔ پرتالیہ کھیتی کے سامنے کسی نہ کسی نے جنرل ڈائر کو ڈیفینڈ (defend) کرنے کی بھی کوشش کی تھی۔ اس کی رپورٹ میں ایک بڑا مزیدار فقرہ ہے جو میں نے پبلکٹ نہرر کی سوانح عمری میں پڑھا ہے کہ مسٹر ایڈورڈ ٹامس نے جنرل ڈائر کو بچانے کے لئے یہہ بیان کیا کہ جنرل ڈائر زیادہ عرصے تک گولی اس واسطے چلاتے رہے کہ انہیں یہہ خیال تھا کہ اس جگہ سے نکلنے کے راستے بہت زیادہ ہیں اور جب گولی چلے گی تو لوگ سب طرف سے بھاگ جائیں گے۔ حالانکہ یہہ صاف نظر آ رہا تھا کہ وہاں راستے کوئی زیادہ نہیں تھے۔ سب راستے رکے ہوئے تھے۔ صرف ایک راستہ تھا جس طرف کہ پانچ

فٹ کی دیوار تھی لوگ اسی طرف سے بھاگنے کی کوشش کرتے تھے جہسا کہ بہتوں سے معلوم ہوتا ہے کہ اسی دیوار کے اردگرد لاشوں کے اٹھارے ملے ہوں۔ اگرچہ اس واقع کو اب ۳۰ - ۳۱ سال گزر گئے ہیں مگر اب بھی یہہ نشانیاں وہاں موجود ہیں۔ کل ہی یہاں ہمارے ایک متر باہر نوٹس آفس (Notice Office) کے سامنے بہتے تھے جو کہ پریکٹسنگ ڈاکٹر (practising doctor) ہیں اور امریکہ وغیرہ کھوم گئے ہیں۔ کل چونکہ جلیان والا باغ کی چرچا چل رہی تھی تو انہوں نے اپنا بازو مجھے دکھایا اور کہا کہ میں بھی اُس وقت خالصہ کالج میں پڑھتا تھا اور میرے بھی گولی لگی تھی۔ یعنی یہہ نشانیاں ابھی تک موجود ہیں۔ اور ان لوگوں میں جو وہاں زخمی ہوئے اور مارے گئے زیادہ تعداد ان لوگوں کی تھی جو کہ بھسا کھی ملانے امرتسر آئے ہوئے تھے۔ تو سب دیہات کے لوگ تھے جو کہ وہاں جمع ہوئے تھے۔ اس وقت اندولن ہو رہا تھا۔ اور یہہ پہلا ہی موقع تھا جب مہاتما گاندھی نے سرو ہند اندولن چلایا تھا۔ تو اس وقت ان کے پیار میں لوگ وہاں جمع ہوئے تھے۔ ان میں بھاری تعداد دیہاتی لوگوں کی تھی۔ تو میں کوئی سودے کی بات نہیں کرتا بلکہ میں تو سمجھتا ہوں کہ ان دنوں اور ان کہانوں کا ذکر کرنے کے بعد اگر کوئی کیا جائے تو اس قربانی کا اثر

[گھای چھی - ایس - مسافر]
 بھی جاتا رہتا ہے۔ میں جس پارٹی
 سے سمبندھ رکھتا ہوں یہہ سمجھ لہنا
 چاہیئے کہ میں یہہ اسی کی طرف
 سے کہتا ہوں کہ یہہ ایک بہت بڑی بے
 انصافی ہوگی اگر ان ترستیوز میں جلتا
 کا کوئی پرتیندھی نہ ہو - یا دیہاتی
 لوگوں کا کوئی پرتی نڈھی ان میں
 نہ ہو - بے شک ہمارے چیف منسٹر
 صاحب اس میں ہیں اور وہ ایک نائے
 سے ہاری جلتا کے پرتی نڈھی ہیں -
 کانگریس کی ہی وہ سرکار ہے - بے شک
 تھپک ہے - مگر ہو سکتا ہے کہ کل
 پنجاب میں کوئی ایسی سرکار قائم
 ہو جائے جو کہ کانگریس کی سرکار نہ ہو
 تو اس حالت میں ان میں کانگریس
 کا کوئی پرتی نڈھی نہیں رہے گا - اس
 اس لئے میں گزارش کرتا ہوں کہ
 مہری اس بات کو مان لیا جائے -
 میں کوئی جذباتی لیبل نہیں کرتا
 مگر انصاف کی یہہ بات کہتا ہوں کہ
 پنجاب کانگریس کے پریسیڈنٹ کو
 ترستیوز کے گروپ میں ضرور رکھا جائے -

12 Noon

دوسری بات جو میں اس بل کے
 متعلق کہنا چاہتا ہوں وہ یہہ ہے کہ
 اس کے جو آبجیکٹس (objects) کلار
 ۳ کے سب کلار اے - بی - اور سی -
 میں دئے گئے ہیں محدود ہیں - میں
 سمجھتا ہوں کہ شہدوں کی یادگ
 میں جو بڑے بڑے مقبرے یا رونے یا
 اسی قسم کی چیزیں ہلائے

ہیں وہ اس واقع کی شہادت تو ضرور
 دیتی ہیں - ہم اب بھی اپنے دیہی
 میں بڑے بڑے مقبرے روئے اور دوسری
 اس طرح کی عمارتیں دیکھتے ہیں
 تو اس وقت کے حالات کا اور اس وقت
 کے تھاوت کا اور شان کا نمونہ ہمارے سامنے
 آنا ہے - اور یہہ معلوم ہوتا ہے کہ اس
 وقت جو کاریگر تھے ان کا آرٹ (Art)
 کیساتھ اور ہم کو اس کی تعریف
 کوئی پرتی ہے اور ہمیں پتہ لگتا ہے
 کہ فلاں زمانہ میں کیسے کیسے اچھے
 آرٹسٹ (Artist) ہمارے دیہی میں
 موجود تھے یہہ بات بالکل تھپک ہے
 اور کسی حد تک یہہ باتیں فائدے
 مند بھی ہیں - مگر میں سمجھتا
 ہوں کہ اس بیسویں صدی میں اس
 سے بھی زیادہ ضروری اور دوسری قسم
 کی یادگاریں بنانا ضروری ہے - لائبریری
 بنائی جائے - کالج کھولے جائیں اور اچھے
 اچھے انسٹیٹیوشن (Institutions)
 قائم کئے جائیں جس سے پھلک کا بہلا
 ہو اور لوگ شہیدوں کا نام لیں - وہ
 انسٹیٹیوشن شہیدوں کے نام کے ساتھ
 وابستہ ہوں - اس طرح ایک تو لوگ
 ان شہیدوں کو یاد کریں گے اور دوسرے
 ان سے فائدہ بھی ہو گا - یہہ ایک بڑا
 اچھا تھلگ ہے کسی یادگار کے قائم
 کرنے کا - جب میں سنتا ہوں کہ
 دیال سنگھ لائبریری ، دیال سنگھ کالج تو
 سمجھ کو وہ سب یادگاروں سے زیادہ اچھا
 لگتا ہے - بجائے اس کے کہ کوئی بڑی
 عمارت بنائی جاتی یا ایک بڑا بت

کہوا کر دیا جاتا تو آج ہم اس یادگار کو اتنا اچھا نہ سمجھتے - اس کو میں بہت اچھی یادگار سمجھتا ہوں کہ ان کے نام کی ایک لائبریری ہو یا ان کے نام کا ایک کالج ہو جس میں لوگ پڑھیں اور اس سے فائدہ اٹھائیں۔ وہ مہووی یہہ دو تجویزیں ہیں ان کو مان لیا جائے۔ یہہ ضروری ہے کہ اس کے آجھکس کو کھلا کر دیا جائے تاکہ ان شہیدوں کی یادگاروں کے ساتھ جو لائبریری یا دوسری اچھی عمارتیں جو مناسب ہوں وہ ترستی فیصلہ کر کے بنائیں۔

تیسری بات میں یہہ عرض کر دینا چاہتا ہوں کہ اس کے انتظام کے لئے جو مینجنگ کمیٹی (Managing Committee) بنائی جائے اس نے بنانے میں بھی تھوڑا سا خیال رکھا جائے۔ اس میں وہاں کی مہونہسپل کمیٹی (Municipal Committee) کے پریسہڈنٹ کو رکھا جائے۔ امرتسر کی مشہوری اور شان وہاں کے گولڈن ٹیمپل کی وجہ سے ہے۔ وہ ایک متبرک مقام ہے اور بیساکھی کے تھوڑا کا اس کے ساتھ بہت سہلہہ ہے۔

تو گولڈن ٹیمپل دربار صاحب کمیٹی کے یا شروملی گروڈوارہ پربندھک کمیٹی کے جو پریسہڈنٹ ہیں وہ بھی اس کی مینجنگ کمیٹی میں ہوں اور وہاں کی جو لوکل کانگریس ہے اس کا بھی پریسہڈنٹ ہو تو وہ مینجنگ

کمیٹی بہت اچھی طرح سے اس کام کو چلا سکیگی - میں اپنی پہلی عرض کو پھر دہراتا ہوں - صرف یہ خیال نہ کیا جائے کہ اس قسم کی جو یہ مینجنگ کمیٹی بنائی جائیگی تو اس میں پنجاب کانگریس کے پریسہڈنٹ بھی رکھے جا سکتے ہیں۔ میں اس بات سے اتفاق نہیں کرتا کہونکہ پنجاب کانگریس کمیٹی کے پریسہڈنٹ کی پوزیشن (position) کوئی لوکل پوزیشن نہیں ہے بلکہ وہ سارے پنجاب کا پرتی نڈہہ ہے - اس لئے آخر میں مہو پھر اپنی عرض کو دہراتا ہوں کہ یہ مہو جو سب سے پہلی بات ہے اس کو ضرور مانا جائے۔ ان الفاظ کے ساتھ میں اس بل کو سپورٹ (support) کرتا ہوں اور اچھے لا ممبر صاحب کو مبارکباد دیتا ہوں کہ انہوں نے ایک بہت ضروری کام کی طرف قدم اٹھایا ہے اور جلمیان والا باغ قبرست کا بل پیس کر کے اس کو ہمیشہ کے لئے ایک ایسے تھنگ سے چلانے کی تجویز کی ہے جس سے وہ یادگار پکی طور سے قائم کی جا سکے۔

(English translation of the above speech)

Giani G. S. Musafir (Punjab) : Sir, yesterday, while speaking on the Jallianwala Bagh National Memorial Bill I made a special submission to the House and to the hon. Minister of Law. I was submitting that the name of Jallianwala Bagh could not be detached from the freedom movement. Now the freedom movement that was going on then centred round our Congress. Hence I submitted that while shaping this law we must not ignore the Punjab Congress. I also submitted that the Jallianwala Bagh incident

[Giani G. S. Musafir]

brought not thousands but lakhs of persons into this freedom movement. Now, what were the conditions prevailing at the time? Our Prime Minister, Pandit Jawaharlal Nehru, has written in his autobiography that at that time the Punjab had been cut off from the rest of India and the promulgation of Martial Law there had prevented the people from going there. But they were burning to go there. When the Martial Law was removed all the leaders of India and big personalities, such as Pandit Malaviyaji, Pandit Moti Lal ji Nehru and Shri Deshbandhu Das arrived at Amritsar. This not only drew us towards this freedom movement but as mentioned by Pandit Jawaharlal Ji in the story of his life, the Punjab occurrences and the enquiry made subsequent thereto, created a deep impression on his father. They shook the very foundations of his legalistic temperament and prepared his mind for the change that came over him a year later. Similarly, he has stated further on that his father, Pandit Motilal Nehru, came to be the President of the Congress session held at Amritsar in 1919 and that he made an appeal to the liberal leaders that the blistered and bleeding heart of the Punjab was calling out to them which was a kind of invitation to them to attend that session of the Congress so that it might be possible to make a united effort for the country's freedom. What I mean by the recapitulation of this old story is to show that the Congress has played the most predominant role in this movement and the name of the Congress is most intimately connected with that of Jallianwala Bagh. Today, in giving a legal shape and form to the Jallianwala Bagh Trust our Government has included the Governor and the Chief Minister of the Punjab among the trustees but the President of the Punjab Congress has been absolutely ignored. Of course, I am not pleading for any particular personality. But, it is my belief that the Governor and the Chief Minister of the Punjab are representatives of the Government. Sir, it is known to you and to the House that, as shown by the statements that were made after the firing in Jallianwala Bagh, the firing was done most mercilessly. Someone even tried to defend General Dyer before the Enquiry Committee. There is a very interesting sentence in its report which too I have read in the autobiography of Pandit Nehru. Mr. Edward Thomson made a statement in defence of General Dyer that General Dyer continued the firing for a long time for the reason that he had thought that there were many passages for

escape and that when the firing would start people would run away through them. And, it was evident that there were not many such passages. All the passages were closed. There was just one passage available but it was barred by a five feet high wall. People tried to escape over that wall. It is disclosed from the evidence that heaps of corpses were found alongside this wall. Although 30-31 years have passed since this occurrence took place these signs are still there. Only yesterday I found a friend sitting opposite the Notice Office here. He is a practising doctor and has been to America and other places. Since the discussion here yesterday was taking place about Jallianwala Bagh he showed me his arm and said that he was a student of the Khalsa College at that time and that he too had been hit by a bullet. Hence, as I said, the evidence is still there. Among those who were killed or wounded there was a very large proportion of those persons who had come to Amritsar in order to celebrate Baisakhi. Thus the gathering comprised of village people generally. There was an agitation going on at the time. In fact it was for the first time that Mahatma Gandhi had started agitation on an all India basis. The people had gathered out of love and devotion for him. There was a large number of villagers among them. I am not speaking in any bargaining spirit. On the other hand I feel that if after having recounted those tales of trials and tribulations one were to put forward some sort of demand it would come as an anticlimax. Let it be understood that I am speaking on behalf of the party to which I belong when I say that it would be a very great injustice if there be no representative of the public or of the rural people among the trustees. Our Chief Minister is there no doubt, and in a way he is a representative of our people. The Government is also a Congress Government. This is true no doubt. But, it is possible that tomorrow a non-Congress Government might come to be established in the Punjab. If such a thing comes to happen there would be no representative of the Congress on the Trust. Hence, I submit that this suggestion of mine may be accepted. I am not making just a sentimental appeal but pleading for justice when I say that the President of the Punjab Congress Committee must be included in the Board of Trustees.

12 Noon

Another submission that I wish to make with regard to the Bill is that its objects as mentioned in Clause 3, Sub-clauses (a), (b) and (c) are limit-

ed. I know the big tombs, mausoleums or similar other structures that are built in memory of martyrs do in a way serve to keep alive an event. Even now when we look at big tombs, mausoleums and other ancient buildings of that kind we are reminded of the conditions, the glories and the splendour of those times. We come to know about the art of those times and are compelled to admire the same. We also learn what fine artists lived in our country then. All that is correct. These things are useful to a certain extent. But I feel that in this, the twentieth century, it behoves us to have more important monuments than that and of a different type. Let a library be founded. Let colleges be started. Let good institutions be established which might be of service to the public and remind them of the martyrs. Let such institutions be named after the martyrs. This would not only serve to keep their memory alive but also prove beneficial. This is the excellent mode of raising a memorial. For me the 'Dyal Singh Library' and the 'Dyal Singh College' have a stronger appeal than any other monuments. If some big building is erected or a big statue installed at that place it would not appeal to us in the same way. Thus I look upon a library or a college as an excellent kind of monument. Let these two suggestions of mine be accepted. The objects must be made more comprehensive so that the trustees might be in a position to decide upon and establish a library or any other useful buildings.

Thirdly, I would suggest some considerations in regard to the constitution of the managing committee for the management of the memorial. The President of the Municipal Committee of Amritsar should be a member of that Committee. Now, Amritsar owes its fame and glory to the Golden Temple which is a sacred place and with which the Baisakhi festival is closely associated. Hence, the President of the Golden Temple Durbar Sahib Committee or of the Shiromani Gurdwara Prabandhak Committee should also be on the managing committee. If we also include the President of the local Congress the managing committee would be able to conduct its work very efficiently. I repeat once again the proposal I made in the first instance. Let it not be said that whether the President, Punjab Congress also stands a chance of being nominated on the managing committee that would be appointed. There I do not agree. The position of the President of the Punjab Congress Committee is not a local one for he represents the whole

of the Punjab. Hence, I repeat that suggestion and submit that it should be accepted.

With these words I support this Bill and congratulate the hon. Minister of Law for having taken a step in the right direction by sponsoring the Trust Bill about Jallianwala Bagh and thereby proposing to provide it with a permanent memorial.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): This Bill is a short, simple and rather formal one; but behind those simple words lies a story, a story which is enshrined in India's history and which is embedded in our people's consciousness. Everyone here knows the full significance of that story. Some of us who are here—not many I think—have in a sense been, though not actual participants in this story, but witnesses from a distance and have in that sense actually taken part in it. And when I heard my friend Dr. Tek Chand refer to those days, to that fateful month of April, 32 years ago, many scenes came before my mind, and to a certain extent, I felt again that powerful emotion that came to us in that month of April long ago.

We know what happened then to the path of India's history. Many people think of it in terms just of something happened and is past; and so it is. But nevertheless, it is something a little more than that. At any rate, those of us who lived in those days and who were naturally much younger than they are now and who experienced those vivid emotions and whose lives were powerfully affected by them, cannot think of it merely as a page of history. It is history no doubt, but it is history of the kind that marks the turning point in a nation's life. I think it is true to say that this event and the various other events that surrounded it, thirty-two years ago, were a very definite turning point in India's history, turning point in the lives not only of hundreds of thousands, but ultimately of millions of people, when we took a new path under the leadership of Gandhiji and pursued it, in varying degrees, till we achieved a large measure of success. Therefore, behind the formal words of this Bill, there is a great deal which is unsaid, but which is felt.

I have been connected with this memorial in some way or other from its earliest days as Dr. Tek Chand has been connected, and I confess I feel rather ashamed of the way we, who were connected with it, have dealt with it during these long years,

[Shri Jawaharlal Nehru]

ashamed not of any wrong deed—nothing has happened—but of the delay in dealing with it in a proper way. Of course, the delay was perhaps no one's fault, because in the nature of things, nothing much could be done, and whenever we thought of doing something, another upheaval took place in the country in which we were involved. And this memorial itself was a standing testimony against the Government of the day and they could not and did not help. So there was this delay. Very largely the burden of giving advice in regard to it fell on Mahatma Gandhi in the initial years. There were some others too, but for many years it was Mahatma Gandhi who did it. Later, after his death, mostly, it was Sardar Vallabhbhai Patel and I who had to shoulder this burden, though not a very heavy burden, because we were not doing very much, but merely seeing that no money was wasted or frittered away. And now, because of all this, we did not indulge in any schemes, in anything which might involve any large expenditure of money. We merely kept the place going. And that is why, perhaps, the money we collected which was not a very large sum—under Rs. ten lakhs I believe, and a major part of it had gone in the purchase of the land—has been there, stored up as it were, these thirty years. And we have spent mostly only the interest, perhaps a little more here and there. And so we carried on in this way.

Originally there was some idea, I believe, in the original resolution of the Congress, that some kind of monument should be erected there, and some kind of fancy designs were produced; but nothing was done, partly because we did not have the time to do it, as we were otherwise engaged, and partly also because many of us began to think more and more that perhaps a monument would not be suitable, that the best way would be to leave it as it is; of course, not leave it as a wilderness, but nevertheless, leave it as it is and not put up any fancy monument or build any structures there. That is my personal opinion and I think, of many others also. And so now, all that this Bill is intended to do is to carry on in a formal way what has been done in an informal way, to make it something permanent and not dependent on one or two trustees to carry on.

In this Bill, you will see that three persons are named as a kind of permanent life trustees. For the rest they are *ex-officio* members. Out of

the three persons originally named, one is no more—Sardar Patel. They were named, perhaps for personal reasons because of their connection with this business from the earliest stages, and because they were continuing as trustees. They were the relics of the other trustees and we thought it fitting that they should continue as such for the remainder of their lives. After they pass off, there will be no life trustees but only *ex-officio* trustees. Some trustees are appointed by the Central Government. Of course the fewer they are the better, it is no good enlarging the number.

I should like the House to remember, also, that we have thought of this memorial first of all as a national memorial and not merely as a provincial one; and secondly not as a party memorial, although it so happens that a great party, namely, the Indian National Congress first issued the appeal for funds, first acquired it and to some extent has had some dealings in regard to it—management etc. But we do not think of it in terms of a party memorial. We have put in it as *ex-officio* trustee the President of the Indian National Congress because the Congress has been closely associated with this matter. We have not put him in with a view to convert it into a provincial or party memorial. That I would suggest to the House as an answer to a proposal that my hon. friend Mr. Musafir was making, namely, to add some other persons like the provincial head of the Congress to this.

These trustees will be in a sense wholly trustees, who will be responsible for very broad policies and to see that the money is safe. In effect there will be a board of management which will control it and look after it from day to day. This board of management naturally will consist of people who are near there, in Amritsar, and in the Punjab. The burden will fall chiefly upon them and I have no doubt that suitable persons will be chosen living in Amritsar and the Punjab mostly—probably there may be one or two others—to look after it.

So this board of trustees should be a relatively small one and it will serve no useful purpose in adding to it and certainly it would not be, I think, a right step to convert it into any kind of a provincial or party affair. It is provincial in the sense that we have made the Governor and the Chief Minister of the Punjab *ex-officio* members. We thought that that was desirable in their *ex-officio* capacity, in

the main the Government of the Punjab would have much to do with it and their co-operation and association was desirable.

As I said there were three life members and one of them has passed away. It is proposed to substitute his name by that of another, who though not a trustee, has been a member of the managing committee of the Jallianwala Bagh Fund from its inception, and who, indeed, has been very intimately connected not only with Amritsar and with the happenings in Amritsar in the year 1919 but also with the events which led up to Jallianwala Bagh. That is part of India's history. We thought it fitting that a man so intimately connected with those fateful events of April 1919 should also be made one of the life trustees.

I would beg therefore that this Bill should be passed in the simple form in which it is without any amendments, except the formal amendment to replace the name of Sardar Patel, which of course has to be accepted. This Bill naturally has been drawn up in consultation with the managing committee and of course with such of the remaining trustees as we had and in effect it is something jointly produced by them and by the Government. From that point of view too it will be somewhat undesirable to introduce any changes in it. Therefore, I would beg the House to accept the Bill as it is, with the one amendment with regard to one of the trustees.

श्री भट्ट : माननीय अध्यक्ष महोदय, इस मौके पर बहुत लम्बा भाषण करना उचित नहीं है, जब कि हमारे माननीय पंडित उवाहर लाल नेहरू ने हमारे सामने जलियांवाला बाग का महत्व अपनी शैली में, ढंग में बता दिया है। आज हमें एक तरह से खुशी होती है कि जिन निर्दोशों के कत्ल से एक नई जान भारत में पैदा हुई और जिस जान ने आज हमें इस मंज़िल पर पहुँचाया, उस के विषय में भारत सरकार की ओर से उनका स्मारक बनाये जाने की एक स्थायी व्यवस्था हो रही है और इस प्रसंग में जो भारत सरकार की तरफ से बिल (Bill) हमारे सामने पेश हुआ है, उस का मैं हृदय से स्वागत करता हूँ।

[SHRIMATI DURGABAI in the Chair]
अप्रैल का महीना यह बहुत ही महत्त्व का महीना माना गया है और वर्ष १९१९ से ले कर आज तक हमारे कई काम हम ने इसी महीने में किये हैं। और आज यह बिल (Bill) जो हमारे सामने आ रहा है, वह भी अप्रैल महीने में ही आ रहा है। पिछले साल हमारी कांग्रेस वर्किंग कमेटी (Working Committee) ने इस बिल के मस्विदे को मंज़ूर किया था और वह भी अप्रैल महीने की पांच, छै और सात तारीख की बैठक में ही मंज़ूर किया था और वह मंज़ूर करते समय कमेटी (Committee) ने जो प्रस्ताव पास किया था वह इस प्रकार था :

"The Committee also approved of a scheme for creating a trust for Jallianwala Bagh by the passing of an appropriate legislation."

तो जो कोई कांग्रेस की तरफ से हमारे माननीय सदस्य ट्रस्टी (Trustees) की हैसियत से काम कर रहे थे, उन की भी इसमें राय है, कांग्रेस की वर्किंग कमेटी की राय मिल चुकी है और मैं मानता हूँ कि हम लोग सब इस से सहमत हैं कि इस चीज को भारत सरकार जिस तरह से आज हमारे सामने पेश कर रही है, वह ठीक ढंग है। पंडित जी ने कहा है, तो भी मैं बड़े अदब से कहना चाहता हूँ कि उस के उद्देश्य में जो एक सकुंचिकता है, उस को हटा दिया जाना चाहिये था। इसमें सिर्फ इमारतों की बात है, लेकिन इमारतों के अलावा जब ट्रस्टियों (Trustees) को ठीक लगे, तब वे उसमें और दूसरे काम भी कर सकें और उस के जरिये काम करवा सकें, इस की गुंजायश रखनी चाहिये थी। उन्होंने इस पर क्यावा तौर कर के यह

[श्री भट्ट]

किया होगा, लेकिन मेरी तुच्छ समझ में वह चीज उसमें जितनी साफ़ होनी चाहिये थी, व्यापक होनी चाहिये थी, वह चीज उसमें उतनी साफ़ और व्यापक नहीं है। अगर माननीय पंडित जी और हमारे कानून के पंडित इस सुझाव को ठीक समझें, तो वह अभी भी उसमें दुरुस्ती कर सकते हैं। लेकिन यह दुरुस्ती करने का काम मैं उन पर ही छोड़ देना चाहता हूँ। ऐसा मेरा इनको सुझाव है और जैसा कि मैंने उसमें लिखा भी है :

"and to start, carry on or advance other activities for the furtherance of the welfare of the people".

लेकिन अगर इस चीज को वह मंजूर न करना चाहें, तो मैं इसका आग्रह नहीं करूंगा और जो दूसरी बात मैंने सुझाई है, वह ट्रस्टियों की रचना के बारे में सुझाई है। यह मैं जरूर मानता हूँ कि ट्रस्टी मंडल बहुत छोटा होना चाहिये, लेकिन उसमें मेम्बर्स (members) एक प्रांत के ही नहीं होने चाहियें, बल्कि सारे देश के होने चाहियें, सिर्फ़ कांग्रेस के ही लोग ही उसमें न हों चाहियें, बल्कि सभी लोग उसमें आने चाहियें, ऐसा मैं समझता हूँ, और मुझे विश्वास है कि यदि मेरे इस सुझाव की तरफ़ माननीय पंडित जी और कानून के पंडित देखेंगे, तो ट्रस्टी मंडल की रचना के बारे में मेरा जो सुझाव है, उस पर उन्हें कोई आपत्ति नहीं हो सकती। लेकिन इसका भी निर्णय मैं उन पर ही छोड़ देना चाहता हूँ और कोई आग्रह उसके सम्बन्ध में नहीं करना चाहता हूँ। मैं इतना कहते हुए इस चीज का फिर से बड़ी खुशी के साथ

समर्थन करता हूँ और आज देश का यह सौभाग्य है कि जिस वाक्य ने हमारे में एक नई जान डाली थी, उसका हम स्मरण करते हैं और उसकी यादगार कायम रखने के लिए हम एक स्थायी योजना को आज मंजूर कर रहे हैं।

(English translation of the above speech)

Shri Bhatt (Bombay): Sir, it is not worthwhile delivering a lengthy speech when hon. Pandit Jawaharlal Nehru has expressed his views on the importance of Jallianwala Bagh. Today we are glad to see that the Government of India are proposing to make permanent arrangements for the memorial of those martyrs, whose martyrdom created awakening in India and inspired us to win our independence. I heartily welcome the Bill which the Government have introduced.

[SHRIMATI DURGABAI in the Chair]

Much importance has been attached to the month of April. Since 1919 we have performed many of our memorable acts during this month. The present Bill is also coming before us in the month of April. Last year the Congress Working Committee had accepted the draft of this Bill in the meetings held on 5th, 6th and 7th April, and the resolution, which was passed by the Committee at the time of accepting the draft was as follows:

"The Committee also approved of a scheme for creating a trust for Jallianwala Bagh by the passing of an appropriate legislation".

Some of the hon. Members who were working as trustees on behalf of the Congress, had also given their opinion, and the Congress Working Committee has also given its consent and I admit that we all agreed to it that the Bill which was introduced today by the Government is a right and proper measure. Panditji has expressed his own views, still with all humility I would like to submit that the limited scope of the Bill should have been widened. In this Bill there is provision for the buildings only. But there should have been a provision in the Bill, that the trustees could undertake any other thing which they deemed fit. He must have done that after a careful consideration but in my humble opinion the provisions of the Bill are not so vivid and elaborate as they should have been. If hon. Panditji and

the legal *pundits* consider my suggestions acceptable, even now they can introduce amendments in that. But I want to leave this work of making amendments to them. This is my suggestion to them and as I have also mentioned therein that:

"and to start, carry on or advance other activities for the furtherance of the welfare of the people".

But I will not insist if he does not want to accept those suggestions. The other thing which I have suggested is about the formation of the Board of Trustees. I certainly admit that the Board of Trustees should be very small and it should include members not only from one State but also from all States of the country, it should also include not only Congressmen but the members of other parties as well. I am confident if hon. Panditji and the legal *pundits* consider my suggestion about the formation of the Board of Trustees they would have no objection to them. But I leave the decision to them and do not want to insist upon that. With these words once again I whole-heartedly support the Bill and it is the good luck of the country that we cherish the memory of an incident which inspired us with a new life, and today we are accepting a permanent scheme for laying the foundation stone of a memorial for them.

Sardar B. S. Man (Punjab): I congratulate Dr. Ambedkar for bringing forward this Bill before the House and thus putting the trust which has been informally carrying on its duties on a more formal and permanent footing and thus perpetuating the memories of those heroes of whom we are rightly proud and I as a Punjabi even more so. Those were the heroes who first set the flame alight with their own blood. I had believed that with the creation of the present trust things will improve, but I listened with a little anxiety to the Prime Minister's remarks that perhaps the purpose of the proposed trust will be simply to continue what is already there. Things there are not as satisfactory as they should be. Considered purely from its present structural point of view and even from the point of view of the present site, things are not satisfactory. Many of the outlets of the adjoining houses open out into the garden itself and thus the sanctity of the place is despoiled. If we permit things to continue as such, perhaps it may not mean improving the matters or improving the general condition of that sacred place. At present the only activity that is being carried on there is the holding of

occasional meetings. Apart from that there are no other activities carried on. I do not fully subscribe to the objects of the Bill as they are put in, that is to provide for the erection and management of a National Memorial, because the funds at our disposal now are very limited—in fact, only about Rs. three lakhs. The major portion of the funds, has gone towards the purchase of the site. I feel that the present way of commemorating the heroes is not befitting their martyrdom. I do not subscribe to the view that a new building should be put up there. As it is, in Amritsar the value of properties has gone down sufficiently; it being a border town its commerce and industry are fleeing to different places. So, it will not be advisable now to put up a very huge monument there. That in itself will involve losing of a lot of money.

On the other hand, I would like to make a few suggestions. I feel that we should erect libraries, as has been stressed by various other speakers, to commemorate not only the heroes of Jallianwala Bagh and that thrilling episode, but also the general national movement and its history which I feel requires re-writing. The entire history of the freedom struggle, beginning right from 1857 to the present day should be re-written. So, we could enrich the national literature by the money at our disposal. Another point which I would like to suggest is that we should not have a very restricted scope of the Bill. We should not restrict it only to those who laid their lives that day in Jallianwala Bagh. What about those who were thrilled by the happenings of that day and laid their lives subsequently? I am reminded of that hero, Sardar Udham Singh, an orphan boy who having seen the Jallianwala Bagh massacre took a vow that he would avenge the wrong done to his country. After twenty years he went to England and searched for the perpetrator of that insult upon India, and while he was speaking at a meeting again gloating over that incident of 13th April, 1919, shot him and laid down his own life, too. Therefore, it will be in the fitness of things that we should not forget those of our martyrs who having been thrilled by the Jallianwala Bagh incident laid down their lives too subsequently. I would therefore plead that the scope of the Bill should not be entirely restricted but should be expanded. We should also put in as one of the objects, the starting of educational, social and such other public institutions, or the creation of funds or scholarships for the benefit of the public generally or for the descendants of those killed or

[Sardar B. S. Man]

wounded in Jallianwala Bagh, or for such other people who served the country and were permanently disabled in the national cause. Sardar Udharn Singh was an orphan boy and could not even get education. If we could start such educational scholarships etc. for the descendants of those national heroes, it will be even more befitting their memory, because after all monuments are not living memorials to the memory of those martyrs. On the other hand such grant of scholarships and encouragement to national literature or similar national service will be a more fitting memorial to those heroes.

Then, certain trustees are being appointed for life by name. There is no denying the fact that these personalities have got greatly to do with this trust and that their names are to be conjured with in the national history. But I feel that if certain *ex-officio* members are appointed it will ensure continuity of the purpose of the trust. Besides that, mere emphasis on certain party affiliations does not mean much. Many of the heroes, many of the people who partook in that movement were Congressmen then but are not Congressmen today, and may be the Congressmen of today may not be the Congressmen of tomorrow. Simply putting emphasis on party affiliations does not mean much. There is an amendment which has been moved by Shri B. K. P. Sinha in which he has omitted the names altogether and has put in the posts which will be held by virtue of their being elected posts. I feel that is much better, and more democratic.

Mr. Chairman: That amendment has not yet been moved.

Sardar B. S. Man: I am commenting on it beforehand.

With these words, I commend the Bill for the acceptance of the House.

Shri A. C. Guha (West Bengal): This simple Bill rouses in our minds the memories of certain incidents.....

Mr. Chairman: Before the hon. Member begins to speak may I request hon. Members that in view of the fact that the Prime Minister has already spoken at length on the Bill, hon. Members may confine their remarks only to the immediate object of this Bill? That will be one way of speeding up the proceedings.

Shri A. C. Guha: I shall not take much time, I shall be as brief as possible.

These incidents occurred thirty-two years ago and I was then a prisoner under detention in the Hazaribagh Central Jail, and just when these incidents were occurring I was undergoing a fast of 64 days; when we were groping in political darkness seeking what to do after release, these incidents opened before our minds a new vista and a new opportunity. Mahatma Gandhi was a collaborator in the first World War and he was contemplating to join the Servants of India Society. It was the Rowlatt Commission and its recommendations that gave a rude shock to his political placidity and he had to change his opinion about the nature of the British Government and also change his idea of joining the Servants of India Society. Then he started the all-India *satyagraha* against the Rowlatt Commission report. The Rowlatt Commission report has a direct bearing on the history of the country from 1905 to the end of the first World War in 1918. This Rowlatt Commission brought Mahatmaji into the revolutionary politics of India through the Jallianwala Bagh tragedy. He initiated the non-co-operation movement, that ultimately led to the non-violent mass movement of the Congress which culminated in independence. So, this small Bill is not a mere insignificant piece of legislation before this House. It records the turning point in the history of the national life.

About the memorial itself, the Prime Minister was frank enough to say that he felt ashamed that we had not been able to do anything earlier. This memorial deserved better consideration and ought to have been taken care of much earlier. But due to the political circumstances through which the country had been passing, it was not possible so long to take any effective steps. To the young men of this generation, these incidents may not appeal to be very important and they may not remember the names of the by-gone martyrs and of the tyrants. But to us, those names even today are not distant memories of the past. When we saw the blood-stained spots and the bullet marks on the walls of Jallianwala Bagh several years ago, a thrill went through our frame and it is the duty of our Government to preserve these monuments and buildings and make better use of them.

The purpose of the trust has been mentioned as the erection and maintenance of suitable buildings, acquisition of properties and raising of funds etc. I would suggest to the Government to include something like social and welfare work. This memorial

which is so intimately connected with our national history should give some service and should live in our memory in the form of some welfare and social service to our people. The object of the trust should not be limited simply to the erection and maintenance of stone buildings. It should have some direct contact with the life of our people and there should be provision made in this Bill for the rendering of some social service to our people through this memorial.

Turning to the composition of the board of trustees, I would suggest that this board should not be made a plaything of party politics. It should be a permanent national body and should be laid down once and for all, making exceptions only in the case of certain specific contingencies when some members may be removed or replaced. Today the Punjab Government is in the hands of the Congress. Tomorrow it may be in the hands of another party which pays scant courtesy to all these national memorials. Its political ideology may be such as not to hold these things very sacrosanct and dear to their hearts. The Governor of Punjab is also not a permanent factor and cannot give a permanent character to the board of trustees. I would like that this matter should be considered and the board should be permanently fixed subject only to certain contingencies when certain members may be replaced or removed. As for the managing committee, I do not know whether it is a permanent body or for certain terms or tenures only. I feel that there should be a definite tenure fixed for the managing committee.

In the end I would only remind the younger generation of today of the important part that Jallianwala Bagh played in our national history.

पंडित ठाकुरदास भागंब : इस मौके पर आप की इजाजत से मैं चन्द अल्फाज बर्ज करना चाहता हूँ। मेरा इरादा इस बिल के मैरिट्स (merits) पर बोलने का नहीं है, लेकिन पंडित जवाहर लाल नेहरू और वल्सी टेकचन्द साहब, इन दोनों की तक्रारों को सन कर मुझे बोलने का हौसला हुआ है और मुझे बोलने की प्रेरणा हुई है। मुझे वह जमाना फिर नये सिरे से याद आता है कि जिस वक्त यहां पर

दूसरों का राज्य था और जिस जमाने में कि यह वाक्या हुआ। उस जमाने में हमारी जो हालत थी उस का और आज की हालत का मुकाबला कर के रात और दिन का फर्क नचार आता है, मुझे को वह दिन अच्छी तरह याद है, सन् १९१९ भी याद है, क्योंकि मैं उस जमाने में अपनी जवानी के हेडे (hey-day) में था। मुझे याद है कि उस वक्त जब महात्मा गांधी पंजाब में तशरीफ लाये और पलवल के मुकाम पर पहुंचे तो उन को गिरफ्तार किया गया। उस से सारे पंजाब में गुस्से की लहर दौड़ गई। महात्मा जी का नाम हम बहुत दिनों से सुनते थे, लेकिन वह उतने पापुलर (popular) नहीं थे, लोग उन से इतने वाकिफ नहीं थे जितने उस के बाद हुए। उस दिन के बाद सारी तवारीख बदल गयी। जब १३ अप्रैल को यह वाक्ये हुए तो उन से सारे हिन्दुस्तान की जो तारीख थी उस का रुख बदल गया। मैं अर्ज करना चाहता हूँ कि उस दिन जो खून हुआ तो उस के अन्दर अंग्रेजी की मसल है,

“The blood of the martyrs is the seed of liberty.”

तो बिल्कुल यही अल्फाज हिन्दुस्तान के अन्दर एक नमून बन कर पेश हो गये हैं। सचमुच पूछा जाय तो जिस वक्त जलियानवाला बाग में इन दो हप्तार आदमियों ने खून दिया उस वक्त से ही यह आजादी का पीदा सींचा गया और बीज के दो टुकड़े हो गये और वह फूलने और फलने लगा। क्योंकि मुझे अच्छी तरह याद है कि उस वक्त हालत यह थी कि हिन्दुस्तान में आजादी का कोई नाम भी नहीं लेता था। मुझे याद है कि १३ अप्रैल, १९१९ को मैंने

[पंडित ठाकुरदास भार्गव]

पंजाब के एक शहर में तकरीर की तो अगले रोज मुझे डिप्टी कमिश्नर साहब ने अपने यहाँ बुलावाया। उस वक्त मुझे प्रेक्टिस करते हुए दस बारह साल हो गए थे। लेकिन तो भी मुझ से डिप्टी कमिश्नर साहब ने बुलाकर पूछा कि मैंने डिप्टी कमिश्नर को एक पबलिक सर्वेंट (public servant) क्यों कहा। उन्हें ऐतराज था कि एक डिप्टी कमिश्नर को पबलिक सर्वेंट क्यों कहा जाय। मैंने अर्ज किया कि आप फिर मुझे बतला दीजिये कि आप पबलिक सर्वेंट नहीं हैं। तो वह इस का कुछ जबाब नहीं दे सके। तो कहने का मकसद यह है कि उस वक्त हिन्दुस्तान की वह हालत थी। और मैं आप को बतलाऊँ कि वह डिप्टी कमिश्नर ऐसे शख्स थे जो उस जमाने में अपने को बड़ा नेशनलिस्ट (nationalist) हिन्दुस्तानी समझते थे। मैं उन का नाम नहीं लेना चाहता।

इस के बाद सन् १९१९ में जो वाक्ये हुए, मैं उन पंजाब के वाक्यात की निस्वत अगर इस हाउस के सामने अर्ज करूँ तो हाउस के रोंगटे खड़े हो जायगे। पंजाब के अन्दर जो अत्याचार हुए, जो एट्रोसिटीज (atrocities) हुई जो कारनामों डायर साहब और बोडायर साहब ने किये वह एक हिस्ट्री है, उस के दोहराने की जरूरत नहीं है। तो उस जमाने की हालत को और अब इस जमाने को देखता हूँ तो मुझे रात दिन का फर्क मालूम होता है। उस वक्त कोई आजादी का नाम भी नहीं लेता था। गांवों की यह हालत थी कि एक गांव का एक सिपाही उस दरह ले जा सकता था जिस तरह कि

जानवरों को एक आदमी हांककर ले जाता है और आज के दिन में, आजादी के दिन में वह गांव का आदमी किसी की भी परवाह करने को तैयार नहीं है। इसलिए सचमुच यह बड़ा कुछ हुआ वह जलियांवाला बाग की वजह से हुआ। उस वक्त पंडित मोतीलाल नेहरू और पंडित मदनमोहन मालवीय जो हमारे बुजुर्गान थे, वह सब भी उन दिनों इसी तरह के रिज्युलेशन पास करते रहते थे कि हम को इतनी नौकरियां मिल जाय। हम को आई० सी० एस० के अन्दर ज्यादा मौका मिल जाय। इस तरह की बातें ही हुआ करती थीं। लेकिन उस वक्त जो सानहा देखा उस से श्री मोतीलाल जी का दिल तबदील हो गया, महात्मा जी का दिल तबदील हो गया और लोहा उनकी रूह में दाखिल हो गया (iron entered their souls)। उस वक्त उन्होंने समझा कि यह एक सैटानिक गवर्नमेंट (Satanic Government) है और उन का ख्याल हुआ कि अब यहाँ स्वराज्य होना चाहिये। इसलिए इस जलियानवाला बाग की अहमियत यह है कि उसने सारे हिन्दुस्तान के ख्याल में तबदीली कर दी, अगर यह जलियांवाला बाग न होता तो मुझे डर है कि हम शायद अभी स्वराज्य हासिल नहीं कर पाते इस तरह से नहीं कर सकते, जिस तरह से कि महात्मा जी के दिल में वह तबदीली आई कि जिससे आगे नान कोअपरेशन (non-cooperation) पैदा हुआ। अगर जलियांवाला बाग न होता तो वह नान कोअपरेशन ही पैदा नहीं होता।

इस वास्ते मैं आज इस दिन को जब कि इस नेशनल मेमोरियल

(national memorial) को हम एक कानूनी शकल देने लगे हैं, एक बहुत ही मुबारक दिन ख्याल करता हूँ। वो वह इतने अरसे के बाद हुआ, लेकिन आज आखिरकार हम इस को नेशनल मेमोरियल की शकल दे रहे हैं। इस में यह कहा गया है कि यह ट्रस्ट है और इस तरह कमेटी का कांस्टीट्यूशन (Constitution) रहेगा, मैं उस के ऊपर कुछ अर्ज करना नहीं चाहता। मैं तो समझता हूँ कि जो दो तीन आदमी अब इस के लाइफ ट्रस्टीज (life trustees) हैं वह खुद भी उस स्पिरिट के living movements हैं। अब भी वह रहेंगे और इसलिये मैं इस सबाल के अन्दर नहीं चाहता कि स्वामस्वाह दखलन्दाजी करूँ। अगर हमारे मुसाफिर साहब की तजवीज इस के अन्दर मान ली जाय तो ठीक है, न भानी जाय तो आप की मरजी है। मैं तो समझता हूँ कि वे साहबान कि जो इस नेशनल मेमोरियल के ट्रस्टी रहे हैं सारी उम्र ही उन को ट्रस्टी रहना है। मैं तो अर्ज करूँगा कि दर असल यह एक नैशनल ट्रस्ट है, इस के अन्दर न तो कोई सबाल किसी खास प्राविंस (Province) का पैदा होता है और न इस में इतना सबाल कांग्रेस का ही पैदा होता है।

जैसा कि आज कहा गया है कि हो सकना है कि यह गवर्नर न रहे और यह चीफ मिनिस्टर (Chief Minister) न रहे और कांग्रेस भी न रहे। लेकिन मैं अर्ज करूँगा कि यह तो एक नेशनल चीज हो गई है और जो भी होगा उस को इसे मानना होगा। जब तक पंजाब और हिन्दुस्तान खिन्दा है यह नेशनल चीज कायम रहेगी। कांग्रेस के दायरे से निकल कर अब यह चीज एक नैशनल चीज बन

गई है। कांग्रेस ने अपने रिजोल्यूशन (Resolution) से इस को एक नैशनल शकल दे दी है। अब यह कांग्रेस की चीज नहीं रही बल्कि सारे देश की चीज हो गई है। यह तो हमारे लिए एक तीर्थ हो गया है और हर एक हिन्दुस्तानी इस को बड़ी इज्जत की निगाह से देखता है। आज के दिन को भी याद रखा जायगा जब हम मेमोरियल को एक कानूनी शकल दे रहे हैं जिस से कि हमेशा के वास्ते यह स्मारक कायम रहे।

(English translation of the above speech)

Pandit Thakur Das Bhargava (Punjab): With your permission, Sir, I would say a few words on this occasion. I do not intend to speak on the merits of this Bill, but I have been encouraged and inspired to speak after hearing hon. Pandit Jawaharlal Nehru and Bakshi Tek Chand. I am reminded of the time when this event took place, when the country was under foreign domination. A world of difference appears when we compare our condition today with that obtaining at that time. I fully remember those days. I also remember the year 1919 for I was then in the hey-day of my youth. I remember that when Mahatma Gandhi came to Punjab at that time and was arrested on reaching Palwal a wave of indignation had swept over the whole of Punjab. We had been hearing Mahatma Gandhi's name for a long time but he was then not so popular—people were not so familiar with him as they came to be afterwards. After these events of the 13th April the whole course of the history of India was changed. That bloodshed characterises the truth of the English saying:

"The blood of the martyrs is the seed of liberty."

The subsequent events in India have borne out the testimony of these words. The reality is that seed of freedom sprouted and the plant grew and developed since these two thousand persons gave their blood in Jallianwala Bagh; for I remember well that conditions at that time were such that none dared to talk of freedom. I remember I delivered a speech on the 13th April, 1919 and the next day the Deputy Commissioner called me to his place. By then I had completed ten or twelve years of my practice. In spite of that

[Pandit Thakur Das Bhargava]

the Deputy Commissioner sent for me and asked me as to why I had called him a public servant. He had objection to a Deputy Commissioner being called a public servant. I submitted to the Deputy Commissioner to let me know if he was not a public servant. He could give no reply to that. This I submitted to show what was the state of affairs in India then. And I may tell you that the said Deputy Commissioner was a person who considered himself to be a great Indian nationalist of the time. I do not want to name him.

Were I to describe to the House the events that followed in 1919, it would make their hair stand on ends. The tyrannies and atrocities committed in the Punjab, the black deeds of Dyer and O'Dwyer are a history in themselves which need not be repeated. So when I compare the conditions of today with those prevailing then, I find a world of difference. Nobody at that time dared to talk of independence. The condition of villages was such that a policeman could drive away an entire village like a man who drives the cattle. But today, in the wake of independence, the villager is not prepared to care for any body. All this is directly ascertainable to Jallianwala Bagh. Our elder leaders of that time Pandit Motilal Nehru and Pandit Madan Mohan Malaviya, also used to pass resolutions which demanded more Government services for Indians and more opportunities for them in the I.C.S. Activities were limited to that only. But the hearts of Pandit Motilal and Mahatma Gandhi changed when they saw these awful happenings and iron entered their souls. They then realised that it was a Satanic Government and thought that India must now have independence. It is therefore the events of Jallianwala Bagh which changed the trend of thought of the country. Had not these events occurred I fear, we would have not yet attained our independence for it was this incident that created that change in the heart of Mahatma Gandhi which later gave birth to the Non-Cooperation Movement. Without Jallianwala Bagh, there would not have come this non-co-operation.

For that reason, therefore, I consider this day to be a very auspicious one when we are giving legislative effect to the National Memorial. Although it has come after such a long time, but we are at last giving it a shape of a National Memorial. It has been called a trust and the constitution of the committee has been laid down. I consider the two or three persons who are its

life trustees to be the living movements of that spirit and they will continue to be so. Therefore, I have no desire to go into that question for I do not want to interfere for nothing. It would be good if the suggestion of Shri Giani Musafir is accepted; if it is not, the hon. Minister may have his say. I think that those who are the trustees of the National Memorial have to remain as such throughout their lives. I would say it is in fact a national trust and as such no question arises of any province or of the Congress.

As has been remarked today, it may be that the present Governor and the Chief Minister and even the Congress may not remain. But I would submit that it has become a national thing and whosoever comes shall have to respect it. So long as Punjab and India live, this thing will remain. It has now assumed a national shape beyond the realm of the Congress. The Congress has given it a national status. It is now no more a thing of the Congress; it is of the whole country. It has become our place of pilgrimage and every Indian looks to it with a feeling of great respect. This day will also be remembered when we are giving a legislative form to this Memorial in order that it may endure for all time.

The Minister of Law (Dr. Ambedkar): 'After the speeches which have been delivered by my hon. friend Dr. Bakshi Tek Chand, the Prime Minister and Pandit Thakur Das Bhargava, I do not think that there is any point left which requires any answer. They have dealt with all the questions that have been raised by the various speakers in the course of this debate, particularly with regard to representation of certain interests on this trust. I think they have been effectively answered and I have nothing more to add.

Mr. Chairman: The question is:

"That the Bill to provide for the erection and management of a National Memorial to perpetuate the memory of those killed or wounded on the 13th day of April, 1919, in Jallianwala Bagh, be taken into consideration."

The motion was adopted.

Clause 2.—(Definitions).

श्री जे० आर० कपूर : मैं यह संशोधन पेश करना चाहता हूँ कि :
 क्लॉज २ में शब्द 'नैशनल मेमोरियल' (National Memo-

rial)" के स्थान पर शब्द "राष्ट्रीय स्मारक" रख दिये जायं।

मेरा केवल यही नम्र निवेदन है कि यह जो राष्ट्रीय स्मारक बनाया जा रहा है इस का नाम भी राष्ट्रभाषा में रखा जाय यह उचित ही है। किसी चीज का नाम रखते समय हम को उस का उचित नाम ही रखना चाहिये और जब हम यह राष्ट्रीय स्मारक बना रहे हैं तो इस का ऐसा नाम रखना चाहिये कि जिसे देश में हर एक आसानी से समझ सके। अंग्रेजी में इस का नाम रखने से हम बहुत से लोगों को इसे सहज ही समझने से वंचित कर देंगे। इस लिये मेरा यह नम्र निवेदन है कि इस का नाम जलियांवाला बाग राष्ट्रीय स्मारक रखना चाहिये। मुझे आशा है और विश्वास है कि माननीय मंत्री महोदय इसे मंजूर कर के मेरी एक नम्र प्रार्थना को स्वीकार करेंगे। मुझे इस सम्बन्ध में और कुछ नहीं कहना है।

Dr. Ambedkar: I am afraid I cannot accept this amendment.

श्री जे० प्रार० कपूर: मैं इस को प्रेस (press) नहीं करना चाहता। यदि माननीय मंत्री महोदय इस को स्वीकार नहीं करते हैं तो वह इस नाम को ब्रैकेट (bracket) में लिख दें जैसा कि हमारे देश का नाम भारत भी ब्रैकेट में लिखा जाता है।

(English translation of the above speech)

Shri J. R. Kapoor (Uttar Pradesh): I beg to move:

In clause 2, for "National Memorial" substitute "Rashtriya Smarak".

My submission is that it is but in the fitness of things that the name of this National Memorial should be in the national language. We must give appropriate name to a thing and the name of the National Memorial which 16 P.S.D.

we are going to erect should be such as easily understandable to everybody in the country. By giving it a name in English, we shall be depriving a large number of people of easily understanding its importance. Therefore, I submit that it should be named Jallianwala Bagh Rashtriya Smarak. I hope and believe that the hon. Minister would agree to my humble request by accepting this amendment. I have nothing more to add in this connection.

Dr. Ambedkar: I am afraid I cannot accept this amendment.

Shri J. R. Kapoor: I do not want to press it. If the hon. Minister does not accept it, he may put this name within brackets as is also done with the name of our country Bharat which is also written within brackets.

Dr. Ambedkar: I am afraid I cannot accept this.

Shri J. R. Kapoor: Then I do not press it.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Objects of the Trust)

Shri Kamath (Madhya Pradesh): I beg to move:

In part (c) of clause 3, for "raise and receive" substitute "raise, receive and administer".

The sub-clause, as it stand, reads thus:

"The objects of the Trust shall be—

... (c) to raise and receive funds for the purposes of the Memorial."

It stands to reason that the Trust shall be formed not only for the purpose of raising and receiving funds but also for the purpose of administering them. Otherwise the enumeration of its duties and functions would be incomplete. I therefore move this amendment and commend it for the acceptance of the House.

Mr. Chairman: I wish to know whether any other amendment is going to be moved.

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

After part (c) of clause 3, insert new part:

"(d) to do any other thing in furtherance of the objects of the Trust".

[Shri J. R. Kapoor]

So that, there will be one more object added to it, not of any specific nature but merely of a general nature so that the Trust may not feel handicapped at any time in regard to anything that it may like to do. I am sure this will be readily acceptable to the hon. Minister in charge of the Bill. Such a clause is almost invariably to be found in other similar enactments.

Mr. Chairman: The wording of the amendment is self-explanatory and I do not think any further speech on it is necessary.

Sardar B. S. Man: I beg to move:

After part (a) of clause 3, insert new part and reletter subsequent parts accordingly:

“(b) to start educational, social or such other public institutions, or to create funds or scholarships for the benefit of the public generally, or for those or their dependants, who were killed or wounded on the 13th day of April 1919 at the site, or for such other people who served, died or were permanently disabled in the national cause.”

The objects of the Trust as given in the Bill are merely “to erect and maintain suitable buildings, structures and parks at or near the site of the Jallianwala Bagh in the city of Amritsar.....etc.” I feel that by the acceptance of this amendment it will be enlarging the scope and making it more a living memorial to the memory of those who have departed.

Mr. Chairman: May I know whether any of the amendments are acceptable to the hon. Minister?

Dr. Ambedkar: I do not think I can accept any of them. Perhaps a word might be necessary as to why I do not accept them.

With regard to Mr. Kamath's amendment, the addition of the word “administer” is unnecessary. Every trust carries with it the power of the trustees to administer whatever they receive and raise.

With regard to Mr. Kapoor's amendment “to do any other thing in furtherance of the objects of the Trust”, that again is unnecessary. When the objects are stated it carries with it the implied power to do anything in furtherance of these objects.

With regard to Sardar Man's amendment, I think it is agreed that this body of trustees should not convert themselves into a social service league.

Their purpose should merely be to maintain this national monument.

Shri Kamath: May I not ask whether the word “receive” also is unnecessary? Whatever is raised must be received by the Trust. Therefore “received” may be deleted.

Dr. Ambedkar: That may be so, but I think “administer” is quite superfluous.

Mr. Chairman: I would like to know whether hon. Members are pressing their amendments.

Sardar B. S. Man: I am not pressing my amendment.

Shri J. R. Kapoor: No.

Shri Kamath: Well, it may go.

Mr. Chairman: Does he want it to be put or not put?

Shri Kamath: It need not be put.

Mr. Chairman: The question is:

“That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4.—(Trustees etc.)

Shri Sidhva (Madhya Pradesh): I have an amendment.

Mr. Chairman: Is Dr. Ambedkar going to move any amendment?

Dr. Ambedkar: Mr. Sidhva is moving.

Shri Sidhva: I beg to move:

In part (b) of sub-clause (1) of clause 4, for the name of Sardar Vallabhbhai Patel substitute the name of Dr. Saifuddin Kitchlew.

It is self-explanatory and I do not want to speak on it.

Mr. Chairman: Amendment moved:

In part (b) of sub-clause (1) of clause 4, for the name of Sardar Vallabhbhai Patel substitute the name of Dr. Saifuddin Kitchlew.

Is it acceptable to the hon. Minister?

Dr. Ambedkar: I accept the amendment.

Mr. Chairman: Are there any other amendments?

Shri Kamath: I have got three or four.

Mr. Chairman: If Mr. Sidhva's amendment is put first.....

Shri Kamath: All the amendments must be moved first.

Mr. Chairman: Not necessary. If Mr. Sidhva's amendment is carried, the other amendments will become superfluous.

Shri Kamath: Under the rules, so far as I understood them.....

Mr. Chairman: Only one name has got to be substituted. Suppose for that name another name is accepted. Then I think the other names implied in the other amendments become superfluous.

Shri Kamath: But unless all the names are before the House, how can the House decide which name it wants?

Mr. Chairman: Which are his amendments?

Shri Kamath: Nos. 23, 32, 36 and 43.

Mr. Chairman: Cannot these amendments be taken as moved?

Shri Kamath: I ask for leave to speak on them. I must try to convince the House.

I beg to move:

(i) In part (b) of sub-clause (1) of clause 4, for the name of Sardar Vallabhbhai Patel substitute the name of Kumari Maniben Patel.

(ii) Omit part (e) of sub-clause (1) of clause 4.

(iii) In part (g) of sub-clause (1) of clause 4, for "three" substitute "two".

(v) After part (g) of sub-clause (1) of clause 4, add new part:

"(h) three persons elected by Parliament."

Taking my first amendment first, while I am reluctant to bring the personality.....

Mr. Chairman: We may continue to sit for five or ten minutes to finish this.

Hon. Members: Oh, yes.

Shri Sidhva: The House has established a convention, at the instance of the Speaker, that on matters of personality there should be no discussion. I only just remind you of that convention.

Shri Kamath: There is no such convention.

Mr. Chairman: It is not in the power of the Chair—at least the Chairman of the moment—to take away the right of

the hon. Member if he insists on speaking.

Shri Sidhva: Particularly on the names.

Mr. Chairman: That is left to the hon. Member.

Dr. Deshmukh (Madhya Pradesh): There is no such ruling or convention.

Shri J. R. Kapoor: At least the merits of the various personalities may not be discussed.

Shri Kamath: I am not discussing the merits of anybody here.

Mr. Chairman: He may bear that in mind, that the personalities are not to be discussed.

Shri Kamath: I am perfectly aware of that.

While I am reluctant to provoke any controversy on the floor of this House about personalities who are respected, loved and admired by the nation, I would only suggest in this connection that in the place of our revered leader Sardar Vallabhbhai Patel the name of his daughter may be substituted. Recently the Congress Working Committee themselves have agreed and have taken her on the Committee in place of her father, and therefore I submit that it would be in the fitness of things, in order indirectly to associate her father with this Committee. I would therefore request the House to agree, out of reverence of her departed father, to include her name among the Trustees of this Committee. Another reason which I would advance is that it will provide a sure and certain representation to the women of India. So far as I can see, there is no woman mentioned by name here among the trustees; it may be that somebody elected or nominated would be there, but if her name is made sure of, I am sure that that will provide satisfaction to almost half the nation!

Mr. Chairman: I think the hon. Member knows man includes woman.

Shri Kamath: But woman does not always behave as if man includes woman. Anyway that is beside the point. I would submit that in the fitness of things Kumari Maniben Patel ought to take the place of her father.

My next amendment is for omission of part (e) of sub-clause (1) of clause 4, that is to say, the Governor of the State of the Punjab, and we find here that a place is also reserved for the Chief Minister of the State of Punjab. In that event I personally do not think that there is any need for the Governor of the Punjab to be on the Trust. He might make way for someone else as

[Shri Kamath]

suggested by Pandit Thakur Das Bhargava or Giani Musafir but it is not necessary for both of them to be among the Trustees, that is, the Governor as well as the Chief Minister.

Then I come to my third amendment. Three persons are nominated by the Central Government. I think, and the House will agree with me that the number of nominees, if at all we accept the principle of nomination for this Trust, should be reduced to as few as possible and the number elected by this Parliament should be not merely included but should be more than those nominated by the Central Government. Therefore my third and fourth amendments should be read together. One refers to the reduction of the number of nominees of the Government from three to two and the other refers to inclusion of three persons elected by Parliament. We have fought on every occasion whenever committees or boards were constituted by the Central Government, and this House has sought and won almost every time the point that Members who are elected by Parliament should be included in the committee or board. Now that our country is free and a sovereign Parliament is functioning, we should build a tradition that whenever an important committee or board or trust like this for a national purpose is being sought to be formed, we should see to it that Members elected by this Parliament should be included on such a body. It is regrettable that on this proposed Trust, there is no person elected by Parliament. Is this the way I ask that the House should build a healthy, sound parliamentary and democratic tradition in this country? It stands to reason, and it is in the fitness of things and eminently desirable that the Trust should include Members who are elected by Parliament and the number of nominees of the Central Government, if at all the House wants them there, must be reduced.

I therefore commend all these amendments of mine for the acceptance of the House.

کیانی جی ایس مسافر :

I wanted to move:

After part (e) of sub-clause (1) of clause 4, insert new part and reletter subsequent parts accordingly:

"(f) the President of the Punjab State Congress."

اس کے متعلق میں پہلے ہی

ضرورت سے زیادہ عرض کر چکا ہوں -

میری بدقسمتی ہے کہ پرائم منسٹر صاحب کا مجھے ساتھ اتفاق نہیں ہوا - اور اس سے بھی زیادہ بدقسمتی یہ ہے کہ انہوں نے پہلے ہی اپنا بہانہ دے دیا جس سے جن ممبران نے مجھے حمایت کا وعدہ دیا تھا وہ بھی خاموش ہو گئے ہیں - اس لئے میں سمجھتا ہوں کہ اب اس پر زور دینے سے کوئی فائدہ نہیں ہے - اس لئے میں اسے پیش نہیں کرتا - مگر میں اس بات سے اتفاق نہیں کرتا کہ پنجاب کانگریس کے پردھان کو اس ٹرسٹ میں رکھنے سے یہ پارٹی ٹرسٹ بن جائیگا -

(English translation of the above speech)

Giani G. S. Musafir: I wanted to move:

After part (e) of sub-clause (1) of clause (4), insert new part and reletter subsequent parts accordingly:

"(f) the President of the Punjab State Congress."

I have already said more than enough on that subject. Unfortunately for me the Prime Minister does not agree with me on this point. What is still more unfortunate is that he has already delivered his speech so that even those members who had promised to support me have become silent. Therefore, I feel it would be no use pressing it any more. Hence, I am not moving it. I do not agree, however, that the inclusion of the President of the Punjab Congress would turn this Trust into a party Trust.

Mr. Chairman: May I know whether the hon. Minister accepts any of those amendments?

Dr. Ambedkar: I cannot accept any of these amendments.

Shri Kamath: I want to press all the amendments.

Mr. Chairman: I will put all these amendments to the House.

Shri Kamath: One by one.

Mr. Chairman: The question is:

In part (b) of sub-clause (1) of clause 4, for the name of Sardar Vallabhbai Patel substitute the name of Kumari Maniben Patel.

The motion was negatived.

Mr. Chairman: The question is:
Omit part (e) of sub-clause (1) of clause 4.

The motion was negated.

Mr. Chairman: The question is:
In part (g) of sub-clause (1) of clause 4, for "three" substitute "two".

The motion was negated.

Mr. Chairman: The question is:
After part (g) of sub-clause (1) of clause 4, add new part:

"(h) three persons elected by Parliament."

The motion was negated.

Mr. Chairman: The question is:
In part (b) of sub-clause (1) of clause 4, for the name of Sardar Vallabhbhai Patel substitute the name of Dr. Saifuddin Kitchlew.

The motion was adopted.

Mr. Chairman: The question is:
"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5.—(Term of office of Trustees)

Mr. Chairman: I would like to know whether any hon. Member is moving his amendment to this clause. We can finish the Bill within five or ten minutes.

Hon. Members: No, no.

Mr. Chairman: I would like to know if Mr. Kamath is moving any amendment to clause 5? If Mr. Kamath is not moving, I take it that no other hon. Member is moving his amendment.

Shri Kamath: I am moving amendments Nos. 52 and 58, so far as clause 5 is concerned.

Mr. Chairman: The hon. Member may formally move those amendments which he wants to move.

Shri Kamath: I beg to move:

In sub-clause (1) of clause 5, at the end, add:

"or until such time as they are not physically or mentally incapacitated."

Mr. Chairman: He may move amendment No. 58 also and then make one speech.

Shri Kamath: But they are rather unconnected. Very well.

I beg to move:

After sub-clause (2) of clause 5,.....

No. I find it is consequential to amendment No. 43 and so it does not arise now. I move only amendment No. 52. The point is this. We have elected certain persons by name for life. And.....

Mr. Chairman: But this amendment seems to be superfluous as in the Trusts Act this would have been provided. Those who are physically or mentally incapacitated, such people cease to hold any trusteeship.

Shri Kamath: If it is the Trusts, Act, I do not want to press this amendment. I am not a lawyer.

Mr. Chairman: It is in the Trusts Act. And so I take it that the amendment is not pressed.

Shri Kamath: All right.

Mr. Chairman: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clause 7.—(Power of Trustees etc.)

Mr. Chairman: Then we come to clause 7. Mr. Kamath, does he move his amendment No. 68?

Shri Kamath: It is a verbal amendment seeking to substitute the word "them" for the word "it" and I leave it to the draftsmen to deal with.

Mr. Chairman: That means no amendment is moved.

The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill

Clause 8 was added to the Bill.

Clause 9.—(Power to make rules)

Shri Kamath: I have several amendments to clause 9. I am moving all of them.

Hon. Members: If that is so, we may adjourn now.

Mr. Chairman: There is only one more clause and Mr. Kamath is not going to make a speech. If we adjourn at 1-30 P.M. we may meet at three o'clock.

Shri Kamath: I beg to move:

(i) In part (f) of sub-clause (2) of clause 9, for "injury" substitute "damage".

Mr. Chairman: And his other amendments may be taken as moved.

Shri Kamath: But I have to move them and speak on them. Otherwise there is no point in my moving them. I must try to convince the House why they are necessary.

I beg to move:

(ii) In part (f) of sub-clause (2) of clause 9, omit "and for the prevention of persons from trespassing into any particular part of the Memorial".

(iii) In part (f) of sub-clause (2) of clause 9, omit "for".

The next amendment relates to the penalty for infringement of the rules.

(iv) In sub-clause (3) of clause 9, for "fine which may extend to one hundred rupees" substitute:

"imprisonment for a period not exceeding six months or with fine which may extend to one hundred rupees or both."

The House will realise that where the preservation and maintenance of these sacred national memorials are concerned, any infringement or violation of the rules should be visited with deterrent penalty or punishment. There have been complaints in recent months that with regard to the *Rajghat Samadhi* here in Delhi, there is not that care exercised to see that people entering the *Samadhi* grounds pay adequate respect and veneration to the *Samadhi*, as it deserves. There have been complaints not only from people, but also in the press, from time to time to this effect, and I am happy that a Bill connected with the *Rajghat Samadhi* has been introduced in Parliament. But the mere introduction or passing of the Bills or the framing of the rules is not sufficient because there are persons who will not be deterred from infringing the rules merely by light penalties. We have got to see to it that the sanctity and the importance of the memorial and the national prestige connected with it are properly

maintained and preserved. To do that, it is very essential that this sense should be instilled into the people by prescribing adequate, and I might even say, deterrent penalties at the commencement. Once that sense is instilled, I am sure the rest will follow in due course. In the beginning we have to be very careful to see that people do not infringe the rules, owing to callousness or indifference. Therefore, I commend this amendment for acceptance of the House.

Dr. Ambedkar: The only amendment that I can accept is No. 79 seeking to omit the word "for" in part (f) of sub-clause (2).

Mr. Chairman: Does Mr. Kamath press the other amendments?

Shri Kamath: I press amendment No. 82 relating to penalty.

Mr. Chairman: The question is:

(i) In part (f) of sub-clause (2) of clause 9, for "injury" substitute "damage".

The motion was negatived.

Shri Kamath: I do not press my second amendment.

Mr. Chairman: The question is:

(iii) In part (f) of sub-clause (2) of clause 9, omit "for".

The motion was adopted.

Mr. Chairman: The question is:

(iv) In sub-clause (3) of clause 9, for "fine which may extend to one hundred rupees" substitute:

"imprisonment for a period not exceeding six months or with fine which may extend to one hundred rupees or both."

The motion was negatived.

Mr. Chairman: The question is:

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

The motion was adopted.

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

Clause 10 was added to the Bill.

The Schedule was added to the Bill.

Clause 1. (Short Title)

Amendment moved:

In clause 1, for "1950" substitute "1951".
—[*Dr. Ambedkar*]

Mr. Chairman: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1. as amended, 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: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

The House then adjourned for Lunch till Three of the Clock.

The House re-assembled after Lunch at Three of the Clock.

[PANDIT THAKUR DAS BHARGAVA
in the Chair]

INDIAN TARIFF (SECOND AMENDMENT) BILL

The Deputy Minister of Commerce and Industry (Shri Karmarkar): I beg to move:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

Today, I have a very pleasant task because the three industries the protection to which is sought to be continued by this Bill are firstly, preserved fruits, secondly, artificial silk and silk fabrics and thirdly, pickers. As the House doubtless knows, protection to these industries was granted up to the 31st March, 1951. Hon. Members will, I am sure, remember that when the previous Tariff (Amendment) Bill was under discussion in this House towards the end of the last month, I sought to move an amendment which was intended to continue protection to these industries, beyond 31st March, 1951 for a short period of nine months, pending Government's examination of the Tariff Board's reports on these industries. As it happened, technically, the amendment was out of order. Between then and now, Government have been able to complete the examination of the Tariff Board reports. Therefore, this Bill seeks to give further protection for the period stated in the draft Bill itself to these three industries.

Government, under those circumstances, endowed with powers by the previous enactment, issued a notification under section 3A of the Indian Tariff Act, imposing a duty, with effect from 1st April, 1951, equivalent to the

duties in force on the date of the notification. Practically, the effect is to continue the protection temporarily for the time being, in anticipation of this present Bill. As required by the provisions in section 3A of the Tariff Act, the Bill was introduced in Parliament within 15 days of the issue of the notification.

When we were on that Bill, I had occasion to point out that there may be inconveniences from the strict limitation of the Governmental discretion to a fixed number of days. Just by way of illustration, I should like to mention this as an instance for our guidance in the future. The notification was issued, in anticipation, and in the meantime consideration was going on. That notification has to be kept a confidential document till it is actually issued. Government Resolution in pursuance of that notification giving protection to these industries was actually published only yesterday, 20th April. The period of limitation that this Bill had to be introduced within 15 days from the time that we issued the original notification, compelled us in fact to do away with the consultation of the Standing Advisory Committee, which otherwise we would certainly have done between the introduction of the Bill and the time that we come before the House at the consideration stage of the Bill. Our handicap was that till the resolution was published, we could not share with any one the contents of that Resolution. That is how sometimes, this strict limitation of the Government's discretion within a fixed number of days creates inconveniences. I am only saying this not with regard to what was done, but to explain as to why this measure could not be placed before the Standing Advisory Committee of the Commerce Ministry before we came to the House.

As I said before, the Tariff Board's reports have been examined by the Government between the last time when we came to the House with an amendment and now, and Government have accepted on merits their recommendation that protection to these industries should be continued for a further period of two years. The first set of amendments, as hon. Members will see, relate to the preserved fruits industry. This industry has been protected since January, 1948. The progress made by this industry has justified the grant of this protection. The industry has made great strides. Production has increased from 2,100 tons in 1948 to 5,700 tons in 1950, that is an increase of 166 per cent. Those hon. Members who have had the occasion to go through the Tariff Board's reports, copies of which have been placed in

[Shri Karmarkar]

the library of the House, will doubtless have noted that these preserved fruit juices, especially, have given perfect satisfaction to catering establishments of note and also to the defence forces. It is a great pleasure to tell the House that the defence forces have found these products very satisfactory and have to a large extent patronised the national products. The Tariff Board has, after careful enquiry and calculation, found that it will now be possible to reduce the protective rate of duty on certain kinds of products, while in the case of certain others, the manufacturers are in a position to hold their own so that the protection can be withdrawn. This, I should say, is a healthy tendency, because if an industry has justified the protection given to it, the protection should be eliminated as early as possible, because that shows that the industry has picked up after the protection has been granted. An indication of the precise changes will be found in the Statement of Objects and Reasons and I need not, therefore, go into those details. I think it is necessary, however, to mention an important point relating to these products. Government propose on purely revenue grounds to subject all these products, including those which are de-protected, to a surcharge equivalent to one-quarter of the duty leviable under the Tariff Act. This proposal, I understand, has been introduced in the report of the Select Committee on the Finance Bill, which will be considered by the House in due course. The industry will thus, in effect, continue to enjoy a larger measure of protection than is justifiable on protective grounds. For instance, although the protective duty on jams, jellies and marmalades is to be reduced from 80 per cent., as it was before, to 40 per cent. *ad valorem*, the actual duty that will be paid, including the surcharge, will be 50 per cent.

The next industry dealt within the Bill is, as hon. Members are aware, artificial silk fabrics. The way in which this industry came to be indirectly protected was rather of a peculiar nature. The House will naturally want to know why it should be necessary to an industry of this nature to enjoy the protection that it has had for as long as 17 years, and what is more, this period should be extended for another two years. This industry, as I said, has certain peculiar characteristics. When the protection was granted, no such indigenous industry producing artificial silk goods actually existed, and it did not exist for many years after that. Duties were imposed on artificial silk fabrics which competed

with the cotton textiles, as a part of the scheme for the protection of the cotton textile industry. When the protection to the cotton textile industry was withdrawn in 1947, the protective duties on artificial silk fabrics would have been withdrawn also. But, in the mean time as a result of these duties, an industry had actually sprung up for the manufacture of these fabrics. Government therefore considered that a special enquiry should be made and this was done. On the recommendation of the Tariff Board, it was decided in 1949 to continue the duties till 31st March, 1951. So, the House will see that in our efforts to protect the cotton textile industry, not only was that industry protected, but a new industry has arisen, which we have to protect now. Strictly speaking, therefore, the industry can be said to have enjoyed protection on its merits for two years only. The Tariff Board again made enquiries and found that protection should be continued at the existing rates for a further period of two years. I may add that having regard to the luxury nature of artificial silk, it is unlikely that a revenue duty strictly on merits would have been appreciably different if the protective duties were withdrawn as a measure of protection. The protection can, therefore, scarcely be regarded as imposing an additional burden on the consumer of artificial silk goods.

The third industry that we seek to continue to protect by this measure is pickers used in the textile industry. Pickers were granted protection in 1949 when the revenue duty of ten per cent. was converted into an equivalent protective duty. As hon. Members will see, even the protective duty is not a large imposition. The industry has made progress during the interval. It has acquired the necessary technical efficiency and has the advantage of being able to get all its raw materials in India. The Tariff Board has found that the price of imported pickers is higher than indigenous ones. Normally, therefore, we should expect that the grant of protection would not appear to be justifiable, but the Tariff Board has, however, found that despite the relative cheapness of the indigenous article there is a strong prejudice against it so that sales are not what they should be. The Board has therefore considered that protection at the existing rates should be continued for a further period of two years. If pickers were not protected the duty, nevertheless, would have been 5½ per cent. including the surcharge under the Finance Bill. The House will observe, therefore, that the difference, that is to say 4½ per cent., in rate is not considerable.

That is the end of my short story. The reason for protection has been so obvious. To facilitate consideration by hon. Members, in addition, Tariff Board reports have been placed in the Library of the House, and within the short time at our disposal copies of a brief memorandum on these three protected industries have also been circulated to hon. Members, which give greater details regarding the subject matter of this Bill. I see that there have been no substantial amendments tabled to this measure, partly perhaps because the House feels that these three are industries which require to have continued protection. I shall be very happy to explain any points which hon. Members may want to know, or to give any elucidation or clarification regarding either the quantum of duties or regarding any other matter pertinent to the present measure.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

Shri Venkataraman (Madras): I desire to draw the attention of the House to the third item, namely, pickers used in textile industries for the grant of protection to which the hon. Minister has just now moved. He pointed out that this industry has improved during the period of protection. I am afraid it is not so. On the contrary, if you look into the figures, out of the total demand of 42,000 gross which is necessary in this country, about 16,632 gross pickers were manufactured in 1948, 11,369 in 1949 and 10,349 in 1950. The production of these pickers has been progressively going down and I am afraid it has gone down very remarkably because from 16,000 odd it has gone down to 10,000 odd. If this is the result of the protection which we have given, I wonder how this industry can be very well supported by means of protection. We are all in favour of developing our indigenous industries, but there is a feeling that these industries which are sought to be protected think that they are entitled to protection and that they need not either improve their efficiency or increase the production. I have almost a feeling that these industries think that if they improve their production the protection might go and therefore it seems to be in their interest not to do so. If the protection which has been given has not helped this industry in the matter of increasing its production, then it appears to me a good reason to tell them that if the production is not increased we would stop further protection being

given to them. In the memorandum which has been circulated you will find all these figures. It is a pity that this industry which is so vital to our needs cannot increase its production. We are a very important country in the field of the textile industry and we require a lot of pickers; our needs are said to be 42,000 gross every year. If we cannot by our own efforts produce enough to meet our domestic demand then we must do something strong about it. It would be even necessary for the Government to start some such industry by themselves to supply the country's needs. If we merely rely on private enterprise and say we will give them half-hearted protection, they are likely not to take advantage of it but merely carry on with a view to earn the benefit of protection. That would be the feeling which they would have. Or else, the Minister must be able to explain why it is that from 1948 when it was 16,000 odd production has gone down to 10,000 odd in 1950 in the course of two years. Again, if you take the number of units which are producing, their number has increased from 60 to 70. So, though there has been an increase in the number of units producing the pickers, the quantity produced has gone down. This is a matter which requires investigation by the Ministry. I hope the Government ought to make it clear and plain that if the industry does not increase its production within the period of time for which protection has been given they will not countenance any application for continuance of protection.

Shri M. C. Shah (Bombay): I support the Bill but I would like to have an explanation from the Deputy Minister. On the 8th March last when Mr. Kamath asked a question in this House about the artificial silk yarn being imported from Japan, Italy and other places, it was stated by the hon. Member, Mr. Kamath that the selling price of artificial silk yarn was Rs. 8-6-0 or 8-8-0 per lb. whereas its landed cost was about Rs. 5-4-0 or 5-8-0. The Minister of Commerce and Industry then stated that figures of landed cost were not correct and that as a matter of fact the landed cost was Rs. 4-4-0. I do not know whether the Minister then included therein the import duty on artificial silk yarn. The protective duty on artificial silk yarn is 25 per cent. *ad valorem* or five annas a pound whichever is higher, plus two-fifths of the import duty which comes to about Rs. 1-8-0 or so. So, the duty will come to Rs. 1-8-0, and Rs. 4-4-0 being the landed cost according to the Minister the total cost per pound of imported artificial silk yarn will come to Rs. 5-12. If it is sold at Rs. 8-8-0, as was stated during that question,—which statement

[Shri M. C. Shah]

was not denied by the Minister of Commerce and Industry—that means there is a profit of nearly Rs. 2-12-0 per pound. Now, with that imported yarn the artificial silk fabrics are to be woven. Even if you give protection, with this gap between the landed cost and the selling price, I do not understand how it will help the fabric manufacturers. So, it should be made clear whether there is so much profit allowed to these importers, and, if that profit is allowed to them why that much is being allowed to them and why that surplus profit is not mopped up by the Government through higher import duties. If it is made clear by the Deputy Minister, it will be better for the purpose of understanding the whole case about protection being given to the art silk yarn fabric. I am in favour of giving protection, but here is a discrepancy which ought to be cleared up.

About pickers, my hon. friend Mr. Venkataraman said that production is going down. There, the difficulty is that the textile industry which gets so much benefit from the Government does not give enough support to the indigenous manufacture of pickers and believe that is the reason why pickers production has gone down. Possibly the textile industry prefers imported pickers to the indigenous product. When compared with the imported pickers our pickers some years ago were poor, but now the quality has improved very much and if the textile industry would give encouragement to the indigenous product I am sure the entire demand of pickers can be met by indigenous production. I think we should appeal to the patriotism of the textile industry to use the indigenous pickers rather than go in for imported pickers.

Before I sit down, once again I would like the Deputy Minister to explain whether there is so much margin of profit to the importers who are given licences, that is, whether there is such a big gap between the landed cost of art silk yarn and the selling price. Really a very great quantity of the yarn is being imported by one association in Bombay and it distributes the yarn to the factories which are very few in number and not the cottage industry. The art silk yarn industry is a cottage industry and in some parts of Gujerat there are co-operative societies, the members of which are themselves the holders of powerlooms and handlooms. They purchase the art silk yarn and then weave the art silk fabrics. The policy of Government should be to give more and more licences to these co-operative

societies which are distributing the yarn directly to the weavers who have their own powerlooms and handlooms rather than give licences to these big importers who do business in this matter. Government should encourage these co-operative societies rather than patronise these big associations which make huge profits out of the imported art silk yarn, as was practically admitted by Government in reply to Mr. Kamath's question on the 8th March, 1951. We assume that the information given by the Minister was correct, because when the spokesman of the Government says a certain thing we have no other alternative except to accept that the information is correct. Therefore, if it is correct, then it passes my comprehension how profit to the tune of Rs. 2-12-0 per lb., which comes to more than 50 per cent. or so, is allowed to these importers. I think this matter should be cleared up so that we may know the exact position.

Dr. Deshmukh (Madhya Pradesh) : I am one of those who do not like protective duties as a rule, because every duty for protection necessarily involves a sacrifice on the part of the consumer. But in order that our industries may be developed there may be cases in which protection is necessary. But it should be reduced to the minimum and we should also be satisfied that this protection is not granted at the cost of the consumer or for the encouragement of inefficiency in the industry or profiteering. I regret to say that I do not feel absolutely convinced that this Government has such a perfect organisation as to see that inefficiency is not rewarded and that unnecessary and undue profiteering does not take place. At the same time, I am also one of those who believe in protection for the progressive industrialisation of the country. It is not possible in the year 1951 to go back to the old days and live in the way in which our forefathers used to live. We have got to go ahead and solve problems that arise out of industrialisation. From that point of view, one is certainly glad to hear that there are industries coming up in the country and they are making progress.

Some of the industries have very serious complaints to make. They go to the extent of saying—and I believe their complaint is correct—that the progress they have achieved is in spite of the Government and not because of it. In many instances, they come forward and risk their capital but because of inadequate and half-hearted assistance come to grief. To a certain extent, you might say that they gamble with their own capital, and yet Govern-

ment, which is very keen on helping them, does not afford any facilities, or the facilities are delayed and given in a very tardy manner, so that as a matter of fact the industries far from receiving help are hampered and hindered. I know a few cases in which this is happening even today. A certain person who wants to manufacture certain steel articles wants certain carbonising compounds or some machinery. I know it for a fact that in one instance the Government's reply was that the application had not been received in time. This firm is not making any profits on those articles. It is a consumer of those articles for the sake of the industry. I do not see how such an application could be treated as if it were an application for the import of some luxury article. Although you, Sir, did not accompany us on the whole of the tour, you are perfectly aware that there are many avoidable difficulties which are not removed with the result that those who invest money in industries find it extremely difficult to pull on. If under these circumstances a certain industry asks for protection and we give it, all that it means is that because of the inefficiency of the Government the consumer has to pay more so that the industry which is inefficient is protected. From that point of view, I would urge it as a general recommendation that while giving protection Government ought to make up its mind to see to these industries and supervise them far more than Government has been able to do hitherto. I have asked so many questions myself and other hon. Members also have asked questions. Every time, we find that the Government has no information as to, for example, the cost at which a particular article arrives in India; the price at which it is sold; the profits made by the industry or trade. Whether it refers to a raw material which we export or whether it refers to any consumer goods that are coming into the country the reply continues to be the same "no information". The Commerce and Industry Ministry is frightfully ignorant and ill-informed. I had put certain questions about foreign investments; how many of the foreign firms do not do any industrial work but are merely engaging in trade and commerce, without setting up any industries? Although these questions have been repeatedly put for the last two or three years, Government has not been able to give any information. If this is the condition of our Commerce and Industry Ministry, I am afraid, the financial morass through which we are passing is not likely to be lifted very soon, because upon this one Ministry depends the prosperity of the people

and the progress of the country. So, I would very much like to take the opportunity of impressing upon the hon. Minister that while granting protection, the quantum should be the minimum and it should also be seen that it is not done at the cost of the consumer.

The items for which protection is sought to be extended are articles like fruits, fruit juices, jams, artificial silk fabrics and so on. Most of these items are such that they should not, as a matter of fact, require any protection. I do not understand why any protection should be extended for the fruit preservation industry? Why should it be cheaper for America or England or any other country for the matter of that to send their fruits here cheaper than we can sell? I hope it is not only because of the efficiency of our industry. None of these fruits is imported and then preserved; most of them are produced in this country and I am sure we can produce any of these fruits far cheaper than any foreign country, because their standard of living is higher. They have to pay their labour more and they have not all the facilities that we can have at such cheap rates. Under these circumstances, I am not very sure as to why protection should be necessary for canning the cheap fruits produced in this country. I do not want to elaborate this point, nor do I oppose the proposal, but at the same time I would like both the Tariff Board as well as the Ministry to see that the protection afforded does not last longer than it is absolutely necessary, nor is the quantum of protection more than is justifiable. Otherwise, as has been pointed out by my hon. friend Mr. Venkataraman, so long as people make profits, they have no incentive to improve their industry, because the profits that they derive, in spite of inefficiency, are as great as they are likely to get even if they improve.

These are certain general considerations which I want to emphasise upon the hon. Minister not only so far as protection to this industry is concerned, but protection to any industry. I hope the method of assistance to industries would also be improved. We must make up our mind that apart from nationalisation there is ample scope in this country for private initiative. What is happening at the present time is that we hamper private initiative and mismanage national endeavour. That is the present situation. If the Ministry is determined to see that, and even if they are in favour of nationalisation, they should afford every possible facility to the private industrialists and at the same time make their own industries more efficient. I

[Dr. Deshmukh]
think that ought to be done by the Ministry.

Shri Hussain Imam (Bihar): I am labouring under a disadvantage. Unfortunately I was not present when the hon. Minister moved this motion; so, I do not know whether he said anything about Imperial Preference or not.

Shri Karmarkar: I did not say anything.

Shri Hussain Imam: Last time when the subject was discussed in this House, it was brought to the notice of the Government that Imperial Preference is not liked by the Indian people. Government had then promised that they would tell us something about it in a short time. In the meantime, we found that Pakistan had already taken steps to reduce the items of Imperial Preference to the barest possible minimum. About two-thirds of the items which were under the Imperial Preference scheme have been scrapped and only one-third, which is still necessary in the interest of their trade and industry, has been preserved. We had expected that the Government of India would have taken the lead in this matter of negotiating a new and better contract, rather than be a bad second to Pakistan.

Secondly, I welcome this measure as it reduces the burden on the consumer. The existing duties are to be lowered and as such it is a welcome step, because it may have a slight effect on the cost of living, though the items in it are more of luxury goods than items of common consumption.

Paragraph 3 of the Statement of Objects and Reasons says: "With regard to (b) and (c), no change has been made in the existing rates of duty." If that is so, I do not see any reason for bringing those items in this Bill. They relate to artificial silk and cotton and artificial silk mixed fabrics and pickers used in textile industries. Ordinarily it should have been included in the Finance Bill. In the Finance Bill we have got a large number of items of tariff schedule included. If the House will excuse my saying so, it is rather an awkward method for the Government to bring in legislation piecemeal. We have dealt with this subject three times during this session. First we had the Tariff (Amendment) Bill; then we had the Finance Bill and now we have this Bill. Cannot the Government make up its mind as to what they want to do? This Bill was introduced on the 12th April. I feel that the Government is doing things in

a haphazard manner. The session would ordinarily have terminated by today. Today was the last day of the session, if the old programme had been adhered to. But Government did not feel any necessity for this Bill. Otherwise they could have introduced it on the 28th February when the Finance Bill was brought in. But they did not do so.

Again the explanation given in the Statement of Objects and Reasons as far as the protective duties on silk and silk fabrics are concerned, is very meagre. It does not say anything about the Tariff Board reports or the need for their inclusion. I should also draw attention to the fact that though the President's recommendation has been obtained for this Bill, as envisaged by article 117(1), a statement of expenditure has not been appended, as ruled by the Chair the other day. As such, I would ask you, Sir, to postpone its consideration till Government fill up that lacuna and make up for their default. If a convention is to be established and a ruling of the Chair is to be honoured, it is very necessary that Government should pay full heed to it and come forward with measures in proper order. Under article 117 it is not necessary that a statement of expenditure should accompany the Bill. It was a ruling given by the Chair, which I would ask the Commerce Ministry to honour.

Another point I would like to raise is this: in the matter of protective duties it has to be recognised that goods of non-sterling area or origin are higher in price on account of the devaluation of our currency and hence they need smaller duty to equalize. By means of devaluation we have really given a quantum of protection to the British goods over and above what is due to them according to Imperial Preference. Imperial Preference was of the order of ten per cent., or six per cent., or something like that. Now they have got a preference of 30 per cent. already by devaluation. Why are we giving them an additional preference? At the time when we had these Imperial Preference agreements there was a parity between the Indian coin and the sterling and the dollar. Now that we have devalued in connection with the dollar and are on the same level as that of the sterling and we have already given them a 30 per cent. preference compared to non-sterling area countries, I therefore advocate that there should be no preference, as the preference already exists. Even under the existing agreement they are not entitled to have more than ten per cent. preference.

When they have already got 30 per cent., why are you giving them ten per cent. more?

Another item which I have got and which I have advocated often in this House is that we must have some kind of data from the Government to indicate what the quantum of goods being imported from the different areas is. If we give preference to a minority producer, a person who exports only 20 per cent. of the goods consumed by us it means that we are giving him a subsidy. Because, the price at which I am importing 80 per cent. of my requirement will be the price which will be paid for by the general consumer for the goods coming under the preferential schedule. So it is really a subsidy being given at the cost of the Indian consumer. As such I should like that whenever we give a preference it should be either to the majority supplier or to the supplier of a very substantial minority. That will help them to become a majority supplier and thereby reduce prices of the competing goods. To give a subsidy or a preference to a minority supplier is of no advantage to us. It unnecessarily places a burden on the shoulders of the consumer because he will have to pay the same price as the majority suppliers are getting. If Rs. five is the price of any American goods and England supplies only a small portion thereof then the general consumer will buy the same goods from the British manufacturers also at Rs. five. The preference is wasted. It either goes to the supplier in England or to the trader who imports it in India. Both ways the consumer gets no benefit out of this preference.

I therefore request that further consideration of this be postponed till the Government supplies the data about the expenditure involved.

Shri Naziruddin Ahmad (West Bengal): I am not in favour of protection to industries. On principle it is bad. The general effect of protection to industry is to make them crippled children.

Shri Hussain Imam: Pampered children.

Shri Naziruddin Ahmad: They like to be spoon-fed and get absolutely stunted. Therefore on principle it is bad. There are well known examples of the working of this principle to the cost of the consumer in India. About thirty years ago the textile industry was protected. As a result they made enormous profits. The textile industry as a whole in two years declared, on the average, a dividend of 200 to

250 per cent. Then, elated by their profits and being fed from the public revenue and at the cost of the public, they placed almost no reserves, and when troublesome times came they all crashed. Protection may thus in any case go too far. The very object of protection is to allow a helpless industry to stand on its feet, just to enable it to walk and then to prosper on its own merits. It is not to be regarded as an everlasting gift by the nation to that industry. The protection to the sugar industry led to huge scandals, and as a result of profiteering and black-marketing the nation had to pay about Rs. 54 crores of extra money to buy sugar. This is how the industry has returned the benefit which it received from the Government on behalf of the community. I submit that the reduction which the Bill proposes does not go far enough. The effect of this reduction would be a free gift to the industry. The consumer would not get any benefit out of it. There will be no reduction of prices in the market. As has already been pointed out, the Government keeps no watch on the progress of industry and on the prices that the industry charges from the consuming public. It is absolutely indifferent, and the result is that the industry is making undue profits and making no effort to improve and to compete with foreign industries. The result has been that we are producing things at a much higher price and imports from other countries would be cheaper but for the protection given. Whom does this protection really benefit? It is the idle *baniyas* who do not look to the interest of the public or who do not utilise the protection for acquiring strength and standing on their own legs and carrying on independently. And there is a tendency always to look to the Government for protection. The result of that is that the industry goes from bad to worse and in times of crisis it goes absolutely crashing. I therefore submit that Government should very carefully examine the progress of industries, the effect of tariff, the effect of protection and the effect of reduction of this protection upon the ultimate prices the consumer has to pay. Because, after all, the ultimate consumers, the people of India, are the real object of our solicitude.

With these few words I welcome the Bill because it reduces some tariff but with the remark that it does not go far enough. The Government should come forward without much delay with another Bill to reduce this protective duty further so as to make, or rather compel, the industries to stand on their own legs and make improvements in their methods of production so as to

[Shri Naziruddin Ahmad]

really be able to stand on their own legs without any further protection.

Shri Sarangdhar Das (Orissa): I too am opposed to protection, particularly from what I have observed in several other industries which have been protected by the very high tariff for nearly 20 or 30 years now. Although protection was granted to the sugar industry somewhere about 1930, it was for a period of ten years. Since then it has been extended for another ten years and now the duty has been taken off and it remains as a revenue duty but the quantum of duty remains the same. I have the working experience of the sugar industry when protection was granted in 1930. I have seen, because of high protection and because in those days the price of sugarcane was so cheap, the manufacturers were making plenty of money, but they did not care to improve the efficiency of their manufacture.

I will give you one instance in the matter of fuel economy. In the cane sugar industry if the factory is well-balanced, then for fuel they need only the bagasse, the sugar-cane refuse. It is sufficient to supply all the fuel, but if there is inefficient working, then extra fuel is necessary and the Indian sugar factories from the very beginning were using extra wood or coal, as was available. And it was after about 15 years of working that a Dutch chemist pointed out that a good deal of money was being wasted in fuel. The Sugar Cane Committee has a sub-committee investigating fuel economy and the defects and their remedies that this fuel sub-committee has pointed out are not yet adopted by the sugar manufacturers. Besides the protective duty, with the control of the factories, we have had crores of rupees mulcted out of the consumers. Secondly, with the money that the manufacturers are making out of the protective duty and in other ways in the shape of facilities which Government have given to them to carry on, there is absolutely no improvement in the efficiency of the factories and the situation is such that if the revenue duty is taken off and foreign sugar is allowed to come here, I am absolutely positive that a great majority of the factories, particularly in northern India will have to close down. (*An Hon. Member:* No, no.) They will close down, my hon. friend, because when the duty will be taken off, they cannot stand against cheap foreign sugar.

Mr. Chairman: May I just remind the hon. Member that sugar protection is not being considered here. This is a

general remark about this industry and we have heard so much by way of general remarks. I would therefore request the hon. Member to concentrate his attention on the particular industries which are the subject matter of this Bill.

Shri Sarangdhar Das: I have to give the instance as to how protection is being abused by the manufacturers.....

Mr. Chairman: After this sugar has been discussed now, I am asking the hon. Member kindly to concentrate his attention to the particular matters mentioned in this Bill.

Shri Sarangdhar Das: It is not necessary for me to go into that again. I have said enough about it, I admit that. So you will see that protection does not do any good to the industry. If protection is not granted in this instance, then the most efficient out of them will alone survive. The inefficient ones which cannot stand on their own legs will have to go and in that case the consumer will have the advantage of the price that competition always brings, that is, the price will be lowered, and that is why I am against protection. At the same time, I must say that in a country where newer industries are being introduced—enterprising people are introducing them—if foreign competition is so great that they cannot stand competition from abroad and if protection is granted, then the Tariff Board or some other agency should see to it that in proper time they increase their efficiency, they treat their labour well, they do not exploit the suppliers of raw materials in India. All these factors have to be properly watched before protection is again granted after a period of say, one or two or five years as the case might have been originally. There are also other industries which have been protected during the last few years. They have not shown any improvement. Consequently, the Government comes forward with protective measures for various industries and the consumer is being asked to pay the bill, while the goods that he receives are even not up to the mark of the foreign manufacturers.

I therefore urge upon the hon. Minister to bear these factors in mind. I also support what Mr. Hussain Imam said about Imperial Preference. I was present last time when this was discussed. Some explanation was given by the same Minister, but since then we have also read in the Press how the Pakistan Government after negotiations for over a year or so, has brought down the number of articles and also the quantum of preference, and I do

not see why our Government is not up to that standard and is sleeping over this thing and why the Imperial Preference is still going on.

Shri T. T. Krishnamachari (Madras): I had no intention of interfering in this debate, but certain statements made by hon. Members opposite have made me feel that perhaps interference might be worth while. So far as the Bill before the House is concerned, I do not think it is very provocative. The suggestions there are very mild, though one might object to the principles on which those suggestions have been based. The suggestions by themselves do not merit any violent criticism. I might in this connection mention that it is rather difficult for laymen to consider these tariff measures one after the other in such quick succession. I wonder if Government would make it a policy to bring in as many of them as are possible together at one time, so that attention may be focussed on the subject and the House may debate for more than a day perhaps and finish practically with all the demands that are made by the Government in respect of protective duties on indigenous industries.

4 P.M.

There is another aspect of this question which perhaps also bears on the criticism made by my hon. friends opposite and a criticism which has been voiced in this House in the past, namely, that Imperial Preference is out of date and should not be continued. I think this is a matter in which no heat need be imported, because in the conditions of trade as it is today, the grant of Imperial Preference or the absence of it, is not likely to make any difference either in the quantum of the goods that are being imported or in the quantum of goods that are being consumed in this country. Today, the normal economic factors do not operate. The market is not controlled by demand and supply; the market is not controlled by merely the fact that certain goods are cheaper and therefore some country is able to buy them. Today, we are in a net-work of controls, some of them very necessary, some of them unreasonable, some of them vexatious; in their administration, all of them very bad. But, it cannot be helped. With a balance of payment position such as ours is, and a very precarious one at that, I am afraid we cannot do away with controls in spite of the fact that they are bad or are badly administered. Looking at it from this point of view, if we examine whether we are importing more British goods because we give a certain preference in the shape of six per cent.

or five per cent. reduction in duty, I would emphatically say, as a person who has for, well-nigh, 30 years been in business, that preference does not now operate either against this country or in favour of Britain, because the conditions that control imports are totally different and these conditions operate in spite of the fact of the existence of this preference. I do not say that the British are always very decent, so far as matters that affect their purse are concerned, to this country. I know it happens that immediately my hon. friends in the Commerce Ministry put a particular set of goods in the O.G.L., the manufacturers in England put up their prices, because they know that there is going to be a demand for anything that is put on the O.G.L. Prices are put up notwithstanding the fact that they bear no relation to its cost.

There is another factor. The fact that we are getting goods from England is dependent on the extent of demand for them from the dollar markets. They normally wish to divert all their goods to the dollar markets and starve countries like India which is in the sterling area. They will do that and I do not blame them for that because it is a matter of their self-preservation. If it happens, as it will always happen in business, this cycle of exports does not last more than a year; after one year, the exports flag and they look out for somewhere else, to the sterling area, notwithstanding the fact that exports to a country like India will mean unrequited exports to some extent. As the House will remember, two years back, England not merely countenanced our overdrawing from our own blocked sterling balances to the extent of 200 per cent. over what was agreed upon but would allow another 50 million pounds *ex gratia* so that their own internal demand market might not flag. While I sympathise with my hon. friends who cry hoarse against Imperial Preference for reasons of their own sentiment and the facts behind it for the reason that we cannot forget past history, I must in all humility point out to them that this fact alone does not determine the quantum of imports that come into India. I would also urge that my hon. friends on the Treasury Benches must, before long like Pakistan, arrive at trade agreements with England, particularly because the GATT now seems to be on the verge of dissolution and all these international multilateral trade agreements would probably be things of the past before long. I would say to my friends who are vehement on my own side in regard to the continuance of Imperial Preference that they are fight

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ing what is today nothing but a shadow, but which might become substance tomorrow as it was in the past.

With regard to some of the items mentioned here, and which constantly figure in the various Tariff Bills, there is one fact that today the imports of these items are controlled. Take, for instance, this item relating to fruits, canned fruits, bottled fruits and fruit squashes. The amount of imports that is allowed to be imported by the Import Control Department is only a fraction of the quota earned by a merchant. Oftentimes, the merchant feels that it is not worth while importing that fraction. There is no serious competition in regard to these goods and as it happens, the duties have been reduced, in some cases, to probably what would be considered in normal times as absurdly low figures. Even in the case of artificial silk fabrics, the controls are exercised in such a manner that my hon. friends would agitate if Government had freely allowed the import of artificial silk fabrics. Therefore, the protection is not unilateral. There is the other factor, namely, the controls exercised for reasons of balance of payment that operate certainly as a protective factor so far as our industries are concerned.

I think it would not be quite proper for me to advert to the protection policy of the Government, particularly as my hon. friend the Minister of Commerce and Industry will, I think, bring forward before the session closes his Bill for the constitution of a Tariff Commission, where, the whole thing could be discussed at length. The question whether protection is necessary, what is the machinery to be employed to see that protection is not abused, whether standards are maintained, and whether the industry is really pulling its own weight could, I think, more properly be discussed threadbare when that Bill comes before the House, so that we can amend the Bill in such a manner that the Government will have an agency by which it will see that the protected industries are utilising their protection and are not merely taking shelter behind it, becoming crippled children, rickety children, and children with scurvy and so on. But, I do not know if many in this House, even people who have the interests of the consumers at heart, would agree with Mr. Naziruddin Ahmad, because this question of industrialisation of this country is a paramount necessity, if unemployment is not to increase by geometrical proportions in the future.

While the Tariff Commission Bill might provide the necessary basis for

discussion and might also provide the machinery by which Government would be able to deal with protected industries, there is also another side of the picture, namely, there is a certain amount of lack of co-ordination,—I would not say a certain amount, but complete lack of coordination—between the various Ministries of the Government of India in regard to their policy towards industries. I will cite one instance. I remember, for nearly six or seven years when I happened to plead for the protection of industries that have grown under the shelter of war, I had to specially plead the case of one particular industry which was fairly important from the point of view of its importance during war time, namely, the bichromate industry. The claims of this industry had received a lot of support from the Members of the legislature before the Government would afford it any protection. But, now it happens that in spite of this protection afforded to it, the industry is languishing for this reason that while the Commerce and Industry Ministry is willing to afford protection to that industry it is mainly dependent for the offtake of its production on another Ministry. Bichromates are used mainly for the purpose of manufacturing khaki. It is an industry started during the war. All of a sudden, before the Burma campaign, when jungle warfare became the order of the day, the military people said that khaki is of no use because it is recognisable from the air and therefore introduced the green coloured tunic to the armed forces. The dyes for this purpose have to be imported from abroad. Once we got into the habit of using green coloured cloth for the army, that habit persisted notwithstanding the fact that here an industry started for the purpose of making material which will make khaki is languishing. The Defence Ministry would not change its habits though there is no chance of any jungle warfare in the future, or perhaps, no warfare so far as we are concerned. This industry is languishing. Therefore, it is the primary duty of the Commerce and Industry Ministry not merely to see that the protected industries are pulling their weight, but also to see what they could do so far as the Government of India's own purchase of stores is concerned, if necessary, modifying their purchase policy and perhaps going back to old habits, so that industries which have been started for a particular purpose do not languish. That, I think, is a word of caution that I might conceivably utter for the reason that I had myself the privilege of helping that industry in the initial stages. I find now that it is languishing merely because of indifference on

the part of the Defence Ministry and lack of knowledge on the part of those that really count so far as the Ministry of Commerce and Industry is concerned. This question of tariffs and this question of controls are a very difficult matter. The attention of the Minister and his Deputy and all the officers has got to be screwed up to almost rever point; otherwise, a slackening of that attention would certainly mean that the whole equilibrium would go out of order and anomalies will result.

That is all I have to say in supporting this Bill and in pointing out that much of the criticism on a Bill of this nature is beside the point and could be reserved for the occasion when the Tariff Commission Bill comes before the House.

Mr. Chairman: We have, I think, discussed this Bill sufficiently now.

Pandit Munishwar Datt Upadhyay (Uttar Pradesh): I will take only a few minutes. As a matter of fact, I was not thinking of speaking on this Bill. But then when I found that objections were taken to this Bill on the ground that protection is not desirable and that protection helps only the manufacturers and the capitalists and that it is injurious to the industries themselves and to the consumers, I felt I should speak a few words. The principle enunciated by those hon. Members who raised this objection is absolutely correct and when applied to the articles with which this Bill deals, I think that as a point for consideration. The other point for consideration is the one submitted by my hon. friend Shri Krishnamachari—the point of control, and the absence of competitive prices.

As a general principle, protection is not at all desirable because the consumers have to bear the burden and the profits go to the manufacturers. If these manufacturers had been big capitalists then these objections that were raised here would have been justified. But in this case, I find that the manufacturers are not big capitalists but most of them are small scale industrialists and some running even cottage industries. I therefore feel that encouragement to such industries at this stage of our industrial development is very necessary and desirable. Therefore this sort of protection should certainly be extended to such industries and continued for some time more.

There is another defect in this system of protection and that is if protection is granted, there is the tendency for the industry not to care very much

to improve. They probably think that if they improve immediately, then the protection might be withdrawn. Or they feel that since there is the protection they can go about it rather leisurely, since there is no competition either from outside or in the country. These industries that get this protection do not have many concerns in the field and so they have not got much competition inside the country either. These points having been recognised, I would submit that at the present stage of the industrial development of our country it is necessary that this sort of protection that has been given to these industries should be extended for some time more as has been proposed in this Bill. I, therefore, wholeheartedly support this Bill and hope that the House will support it.

Shri Karmarkar: Let me at the outset say that I very much appreciate the very many constructive points that have been made out during this debate. One of them was the vital question of protection to industries as a whole. Regarding individual industries some points were made and one of them was by Shri Venkataraman regarding quality of pickers. I may say that it was precisely because of the fact that in spite of the quality being satisfactory still the production was going down that we have found it necessary to continue protection. A reference to the Tariff Board's report would show that the prejudice against local production is still very great and as I made it clear at the commencement, it is precisely that principle point which made us continue to urge for protection to the industry. If my hon. friend would cast a glance at the report of the Tariff Board he will see that so far as quality is concerned, it has given satisfaction to those concerned. On page 11, paragraph 7 they say that since the grant of protection the quality of the indigenous products has shown marked improvement and this has been confirmed by many, including the textile mills and the manufacturers. Of course, the manufacturers, it may be said, are interested persons, but the others can be trusted to take an objective view of the question.

There was the point about high prices and the standard of the products. Some manufacturers have shown deterioration in their products. So it has been provided that sufficient care should be taken to see that the pickers should be subjected to the standards laid down by the Indian Standards Institution and only such factories which come up to that standard should be given the necessary facilities to augment their production.

[Shri Karmarkar]

Other measures of precaution are also being taken to see that the proper level is maintained.

There was one point made by my esteemed friend Mr. Shah which relates more to the import control than to the question of protection. But since it has been raised, I should like to refer to it briefly. The margin of protection to be given has been dealt with by the Tariff Board and the House will find this on page 39, para. 17 of their report where they have given the figures for the landed cost, the cost price of the local product, the duty, a fair selling price and several other things. My hon. friend knows that what he referred to was the high prices demanded by the local importers of art silk yarn. The hon. Member knows that with a view to eliminate high prices as much as possible and to as large an extent as possible import licences are given only to the consumers themselves. The largest single organisation is the Bombay Silk and Art Silk organisation and with a view to see that mills do not get exorbitant prices, the organisations themselves are given the block licences to cover the needs of the industry. Where there are co-operative organisations we always give preference to them. As the hon. Member knows we always support co-operative organisations and they get preference number one. We do that because we know that ultimately proper production and distribution can only be done by well-organised co-operative societies. At the same time, I must say that I am told of some co-operative societies which make worse bargains than any private enterprise man would do. Still the principle we have is to support co-operative societies in this work.

But there is one problem in this connection which has been engaging our attention for a considerable time and that is the problem of the handloom industry. Government feel that unless the handlooms are organised on proper co-operative basis they would always be at the mercy of the middlemen. As a matter of fact about art silk, we have given the licence—with a view to make the art silk yarn available to all the handlooms—to established importers. But when I was in Bombay their representatives met me and urged that they were still experiencing difficulties, and that adequate steps should be taken to meet the situation. But we feel that the handloom industry suffers now from the lack of proper organisation. The industry suffers because those engaged in it are an unorganised community. Unless public-spirited workers take up the question

in earnest and help them in organising co-operatives for purchase and distribution I am afraid not much can be done. With all possible efforts to help them the handloom workers at the moment are at such a great disadvantage, that unless such an organisation comes about—and it can come only by voluntary social effort—they are bound to be gradually eliminated from the field of production. I am putting this before the House because I strongly feel that unless some such effort is made the handlooms will continue to be at a very great disadvantage.....

Shri M. C. Shah: I should like to know what is the landing cost with duty of imported art silk as calculated in the Tariff Board report?

Shri Karmarkar: On page 39 the figures are given. The landed cost of satin 36" with duty is 2-13-9, the landed cost without duty is 1-10-3. The fair selling price is 2-13-10. The excess of fair selling price over landed cost is Rs. 1-3-7. The present duty which is sought to be continued is Rs. 1-3-6. The idea is to make the duty correspond to the margin of the landed cost and the fair selling price and if necessary add to the indigenous price. He will find all the details in the report.

Then there is the point raised by Dr. Deshmukh. With all his experience I thought he would be able to say that protection has afforded definite facilities to the industries concerned.

Dr. Deshmukh: Nobody denies it.

Shri Karmarkar: I should be very much surprised if industries were to come forward with the grievance that Government have not been able to do all that they possibly could to protect and help the industries. Of course when influential people like my hon. friend go round the country visiting industries I could easily understand industries coming forward to complain about Government's remissness. The reality would be seen from Government statements from these benches and people will see what highly exaggerated reports are made by the industries. It is possible that in the case of the industry mentioned by my friend there might be remissness. We do not plead complete exoneration from remissness. We do invite the co-operation of experienced friends like my hon. friend in the task but I should think that by and large industries should have no reason to complain about the way in which Government have been able to help them. I will not repeat the figures in this regard but possibly the House knows that during the last three years,

in spite of the difficult foreign exchange position, the amount to which Government have induced imports is Rs. 80 crores a year and that in spite of the great food shortage and the difficulty of foreign exchange.

With regard to raw materials we have been partial to industries to see to it that as great a supply of raw materials is made in favour of industries as possible. Even in the disposal of import licences preference was given to actual users as early as possible and it has been my experience that so far as import licences are concerned I have yet to receive any substantial complaint from industry as such. Generally, industry is given a favourable treatment in the sense that their applications are attended to as early as possible. Quite a large number of complaints come from vendors in consumer goods. After all that is done I should be surprised to find any industry complaining that Government have not been able to do as much as possible. The complaint is just the other way, that we are paying greater heed to industrialists and capitalists. That is the complaint under which we have to suffer unjustifiably, for we do not make any difference between one industry and another. Government feel it their duty in this period of rising industries to help them as much as possible. If my hon. friend has any cases where a particular industry has suffered on account of remissness or negligence on our part I should like to know about it so that I shall look into the matter.

Dr. Deshmukh: In the report printed under my signature specific instances and specific grievances of industries have been mentioned. I have not received anything to show that those complaints were unfounded or exaggerated.

Shri Karmarkar: The committee have recommended to Government about many things. Only we do not come out with an expression of opinion unless it is necessary. With regard to the complaints made in that report, Government will certainly look into them. I do not say that Government is doing hundred per cent. I should very much appreciate if, in addition to the report, he makes any other points regarding the industries and the measures that have to be taken to help them further.

Then I come to the point raised by Mr. T. T. Krishnamachari, which though a very important one and must not be neglected, still appears to me as of far less considerable importance. At the same time I should like to inform the House that Government have taken

up the question. The House does not require us to indicate each step that we take. It would be premature to disclose what is going on. Government will have to take up the question as a whole and I am in a position to tell the House that they have taken up the question and that it will take some time before they come to grips with it. There are many factors to be considered. As Mr. T. T. Krishnamachari said things are abnormal and it is very difficult to judge what is right in foreign trade and what is wrong. So I will not dilate on the question any further.

Mr. Das who has a very great liking for sugar—and sugar is sweet—spoke about the sugar industry. Though I am myself a lover of sugar I will resist the temptation of going into the question except to say that I entirely agree with what he has said, that unless an industry shows definite improvement protection should not be continued to be given. I am sure that with his larger experience of Parliament and public life he will agree when I say that Government's decision on the Tariff Board's findings in respect of industries concerned have been fully justified by the progress that the industries have made. In some cases there have been very great difficulties indeed Government have been happy about the recommendations of the Tariff Board but they feel that the necessary safeguards should be there to see that an industry abuses the protection given. As Mr. T. T. Krishnamachari just now said, the Tariff Commission Bill is coming on and we are looking forward to a lively debate on the Bill and we are happy to receive constructive suggestions regarding the way in which the new Tariff Commission could perform its duties and what proper safeguards should be there, to see that the consumer is not defrauded, simply because we protect an industry. That will be the time when we shall have the opportunity of considering all these points.

I would refer to some useful suggestions by Mr. T. T. Krishnamachari. I entirely endorse what he said there should always be co-ordination between Ministry and Ministry and everything possible is being done to co-ordinate all efforts. But somehow it could not be avoided that Ministries do differ but that is a domestic difference. But on principle I entirely agree with him that there should be co-ordination between one Ministry and another and what a Ministry does is on behalf of the Government as a whole. I shall not dilate further on the point.

[Shri Karmarkar]

There was one point made by my friend Mr. Hussain Imam. All the vehemence he showed over his argument did not carry conviction with me. He knows as well as I that devaluation and preference are entirely two different things. We devalued the rupee because our trade was with the sterling area. We were linked up with the sterling area in matters of foreign trade. It is one thing to comment or criticise our policy of devaluation—my friend can well say we should revalue or make a change in devaluation, that is an entirely different thing. Devaluation came because of the disparity between the pound and the dollar and since the pound had largely to do with the rupee in so far as foreign trade was concerned, therefore, the Government of India on the merits of the question sought their advantage and benefit in following suit. My friend doubtless knows the distinct advantages that have accrued to the country's foreign trade as a result of devaluation. For the first time, our textiles, for instance, have reached markets which would have been unthinkable had there been no devaluation. Devaluation has indicated to us a possible source of expansion for our foreign trade. It is not competent for me to wax eloquent on devaluation at the present moment and in spite of what my friend has said I will not try to enter into a discussion in that sphere. So, it is one thing for him to say he is in favour of devaluation and quite a different thing to discuss the working of preferences. Naturally, in respect of preferences, all soft currency countries are on the same footing so far as trade between them is concerned. It is there that preference steps in and the Indo-U.K. agreement comes into operation. I presume my friend does know exactly the difference between the consideration of the question of devaluation on its own merits and the preference. The two things run parallel; they do not conflict or collide with each other so far as I can see.

That is about all that I have to say. There have been some more points made about some specific aspects of the question, but I think I should not take the time of the House over all the points that have been made. I am very happy to say that we on this side highly appreciate the various constructive suggestions made by the various hon. Members and it will always be our effort, apart from passing this measure, to entertain at any time any suggestions regarding these industries continuation of protection for which we are seeking by this measure.

Shri Hussain Imam: Before you put the motion to vote I would like to make a submission. Under the rules a financial memorandum is essential to be submitted along with any Bill. Without such a financial memorandum indicating the financial effect we cannot pass a Bill. There is no such memorandum here.

Shri Karmarkar: I understand my hon. friend suggests that according to the rules there ought to have been a statement of expenditure. On this point the President's recommendation has been obtained under the particular rule. There is no additional expenditure involved as a result of passing this Bill. Therefore, since there is no expenditure there is no need for a statement of financial effect.

Shri Hussain Imam: That covers my query.

Shri Karmarkar: I am very happy that it satisfies my friend.

Mr. Chairman: The question is:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Amendment of the First Schedule etc.)

Shri Hussain Imam: I am again handicapped by the fact that I was not present to listen to the speech of the Deputy Minister. I do not know whether he mentioned the fact that some of the items in this Bill were subject to a five per cent. surcharge under the Finance Bill and some were subject to 55 per cent. surcharge under the Finance Bill. I should like the hon. Minister to point out what is the necessity for putting the protective duty at the rate which he has fixed, as the life of the Bill is only up to 31st December, 1952, when there is a surcharge of 55 per cent. already under the Finance Bill. In one case his duty is 25 per cent. and the surcharge in the Finance Bill is 55 per cent. A protective duty should be imposed only to the extent recommended as satisfactory by the Tariff Board. If it were a revenue duty you could increase it to any extent you like, but in a protective duty we take shelter behind the report of the Tariff Board. And when you have already imposed a surcharge of 55 per cent. where is the need for having any protective duty at all? I should very much like him to explain my difficulty.

Shri Karmarkar: I should like to give him the explanation which is easy. My friend doubtless appreciates that there could be no disparity whatever in the quantum of duty imposed under the Finance Bill and under this Bill—there could be absolutely no disparity in the rate of duties. Assuming for a moment that in a particular case the revenue duty is greater than the protective duty, then there is need for indicating it. I think my learned friend recognises that a Finance Bill is necessary for the imposition of taxes and a protective duty Bill of this kind is to define that the duty is protective. My friend will see from the Schedule that apart from specifying the amount of duty on each article which ultimately will work out exactly to the duty in the Finance Bill—there could be no disparity in the quantum of duty—the duty is defined as being protective. The whole difference is whether we specify in the Schedule the nature of the duty. If it were only for the purpose of revenue we want to raise a duty, we would say it is for revenue purposes. Here we say it is protective and we specify the period because we want the duty to work as a protective duty as well for that period. There may be duties which may be protective and not revenue and *vice versa*. There may be cases where the duty imposed may be much more than is required for protection and in such cases you will find that its basic purpose is protection and the additional surcharge is for revenue. The particular types of duties which my friend refers to, which serve not only the purpose of protection but also of revenue, are of a composite class. The purpose of the present Bill is to indicate that the duty is a protective one and not a revenue duty.

Shri Hussain Imam: I was particularly referring to item 48(1) on page 3 of the Bill in which the difference between the duty on the commodities "of British manufacture" and those "not of British manufacture" is of the order of 20 per cent.

In addition to this there is the duty of 55 per cent. imposed by the Finance Bill under clause 5(b). What I was saying was that you are giving protection to an industry, but the basis of a protective duty should be based on the recommendation of the Tariff Board. If the Tariff Board tells you that we must have five per cent. we have it. But if you are making a revenue surcharge, I say why place an additional burden on us? The goods require only five per cent. protection according to the finding of the Tariff Board and you are giving them 55 per cent. protection. As far as revenue duty is concerned, your right is absolute-

ly clear. You can impose any duty you like for revenue needs, but when we are having a protected item it is understood that you should not give to it more or less than the protection recommended by Tariff Board. And if you give it additional protection you must charge it some excise duty so that the burden which is borne by the consumer is not unrequited labour. The industry should not make unnecessarily large profits—the real basis of protection is that the industry is not making any profits. Here you find that although you want 30 per cent. protective duty, you are imposing 55 per cent. surcharge under the Finance Bill. It is for this reason that I suggest that either we should make these amendments in the Finance Bill or the Finance Bill should not contain the duties. Having two Bills affecting the same item, in the same year, in the same session, seems rather too much of a good thing. I have nothing more to say except to ask for a clarification of this issue. How is my hon. friend justifying the larger protection than was recommended by the Tariff Board?

Shri T. T. Krishnamachari: My friend seems to have completely mistaken the purport of this particular Bill. It is no doubt true that the Finance Bill in clause 5 says:

".....there shall, up to the 31st day of March, 1952, be levied and collected as an addition to, and in the same manner as, the total amount so chargeable—

* * * * *

(b) a sum equal to 55 per cent. of such amount in the case of goods comprised in items Nos. 48, 48(1), 48(2), 48(4)," and so on.

My hon. friend would understand the difference between this Bill and the Finance Bill if he gives it a little more thought. The Finance Bill is a thing where a duty can be imposed and can be reduced at will by Government, and that would neither give any definite protection nor an assurance of protection to the industry so far as the particular period is concerned. What this Bill seeks to do is something quite different. To the extent that it is mentioned here, the protection that is desired is assured. To the extent that there is an addition, if it serves as a protective wall, it may continue to serve as a protection until 1952, or the Finance Minister might tomorrow say that the exigencies that have come into being subsequently, warrant him to withdraw the duty, and he might withdraw it without even the leave of the House. So, this Bill is a totally different thing. It gives an assurance to the

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industry and it is very necessary to have it. You cannot lug in a protective duty along with the Finance Bill.

Shri Hussain Imam: I am only questioning the quantum, not the policy.

Shri T. T. Krishnamachari: In regard to the quantum also, the 55 per cent. surcharge on the duty is a matter of revenue exigency, whereas this protection is something which has been decided on the recommendation of the Tariff Board. I think if my hon. friend would reflect for some time about this, he would see that this Bill is necessary for affording protection for a definite period and the other one is necessary because the Finance Minister wants to put his hands into the pockets of various people and get additional amount of money. I do not think there is any superfluity or incongruity about the whole scheme.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

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

Shri Karmarkar: I beg to move:

"That the Bill be passed."

Dr. Deshmukh rose—

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

Dr. Deshmukh: Sir, I wanted to speak.

Mr. Chairman: But the Bill has been passed.

Dr. Deshmukh: You did not give an opportunity to me.

Mr. Chairman: The hon. Member had discussed all the general principles already.

Shri Naziruddin Ahmad: May I point out, Sir, that the passing of the third reading should be a real ceremony? So far as the hon. Mr. Speaker is concerned, he puts the question to the House "that the Bill be passed" and then sits down and just waits for a moment to see if there is anyone wishing to speak.

Mr. Chairman: As a matter of fact, it depends upon the particular Bill and the amount of discussion which we have already had. In regard to this Bill, I have particularly noticed that all the hon. Members who spoke, except one or two, treated it as if there was a general discussion on the question.....

Dr. Deshmukh: Even so an opportunity cannot be denied.

Mr. Chairman:and therefore I thought that they had nothing to urge against the provisions of this particular Bill. We have had enough discussion and from the speeches of such hon. Members as took part I could see that generally they had nothing more to say for or against this Bill.

Dr. Deshmukh: I beg to submit that the presumption that everything has been discussed and nothing remains to be said at this stage is not correct. It should not be presumed like that because of the length of the general discussion.

Mr. Chairman: If I were to concede that when we are discussing any Bill all the general principles about protection could be discussed in the House, then this Bill could be discussed *ad nauseam* and we can go on indefinitely. After all, only certain accepted general principles have to be applied to the particular circumstances of this Bill and I fail to see how possibly at its third reading stage hon. Members can go on again with a discussion of the general principles.

Dr. Deshmukh: There is no question of possibility. It is a right.

Shri Naziruddin Ahmad: I was not making a complaint. I was only suggesting that as a general practice, it would be convenient if the Chair waits for a minute.

Mr. Chairman: I thank the hon. Member for his suggestion.

ADMINISTRATION OF EVACUEE PROPERTY (SECOND AMENDMENT) BILL

The Minister of State for Rehabilitation (Shri A. P. Jain): I beg to move:

"That the Bill further to amend the Administration of Evacuee Property Act, 1950, be taken into consideration."

This measure is a very simple one. It proposes to amend two sections of the evacuee property law—sections 2 and 17. Section 2 deals with the definition of the word 'evacuee'. It is pro-

posed to include in this definition certain kinds of joint stock companies. I would like to explain to the House how this question arises. Evacuee joint stock companies may either have their head office in the country in which they are functioning or they may have their head office in another country. For example, a company functioning in Pakistan may have its registered office in India, or a company functioning in India may have its registered office in Pakistan. So far as the company functioning in one country and having its registered office in another country is concerned, we have got simultaneous law both here and in Pakistan. Under our law,—

“any property belonging to a joint stock company the registered office of which was situated before the 15th of August 1947 in any place now forming part of Pakistan and continues to be so situated after the said date”

is excluded from the definition of ‘evacuee property’. There is a corresponding provision in the evacuee property law of Pakistan which says that any property belonging to a joint stock company the registered office of which was situated before the 15th day of August 1947 in any place now forming part of India and continues to be so situated after that date is excluded from the definition of ‘evacuee property’. That leaves the question of joint stock companies which have their registered office in the same country in which they are functioning, that is to say, a company which is functioning in Pakistan has its registered office in Pakistan, or a company which is functioning in India has its registered office in India. If we look at the definition of ‘evacuee’ given in sub-clause (d) of section 2, it is clear that since the registered office of the company happens to be in the same country where it is functioning, it cannot be treated as an evacuee: it has not migrated to the other country. In the month of June last year when we had negotiations with Pakistan, there was an agreement reached between us and Pakistan on that point.

What has now happened in Pakistan is that although companies which had their registered office in Pakistan and were functioning in Pakistan cannot be treated as evacuees, yet the Pakistan Government has taken over the property of a large number of such companies. The result has been that although the shares are not evacuee property, yet the property of these companies have been taken over by the Pakistan Government. Shares represent the assets of the company and if

the assets are taken over by the Custodian, then shares become meaningless. We raised that point and I shall read to you about the agreement reached. I am reading from the record which was agreed to by both the parties:

“Mr. Mohamed Ali made it clear on behalf of Pakistan that it was the intention to restore their property to joint stock companies which under the present evacuee property law are not evacuee property.”

I have already explained to the House that according to the definition of ‘evacuee’ in our law, as also according to the definition of ‘evacuee’ in the Pakistan law, a company which has its registered office in Pakistan and which is functioning in Pakistan is not an evacuee and its property is not evacuee property, and therefore under this agreement Pakistan was under an obligation to restore the assets of all such companies to the companies. When it came to the question of issuing instructions for implementation, Pakistan went back upon its words and to begin with it said that it had the liberty to treat the property of the companies which had their registered office in Pakistan and which were functioning in Pakistan as evacuee property. We protested against it. Ultimately, a compromise was arrived at and such companies were divided into two parts: that is, companies where the majority of the shareholders had migrated to the other country and companies where the majority of the shareholders are yet living in the country where the registered office of the company is situated. In the case of companies where the majority of the shareholders had migrated to the other country, their properties would be treated as evacuee property. I am reading out from the instructions of implementation, “Property of joint stock companies with headquarters in the same country, if the persons holding the majority of shares have migrated to the other country will be treated as evacuee property until a final decision is reached in respect thereto.” Now no final decision has been reached in respect of such companies.

Shri Hussain Imam (Bihar): When were these instructions issued?

Shri A. P. Jain: The instructions were issued on the 2nd of August 1950. Today the position is that while Pakistan does not pay the same amount of respect for law, as we are doing and there is hardly any person left there to question the actions of Pakistan executive in a court of law,

[Shri A. P. Jain]

in India we want to function according to law and we want to give everybody an opportunity to have justice from a court of law.

I may remind the House of an important case which was the subject of a question in this very House a few months ago—I mean the Ambernath Mill case. That is a case which is exactly in point. There the holders of the majority of the shares of the Ambernath Mills have migrated to Pakistan and have become evacuees. We considered the question whether it would be lawful for us to take over the property and we were doubtful about it. Therefore, we took over the shares of the evacuees and our Custodian by virtue of being the holder of the majority of shares wanted to hold a meeting of the shareholders for the purpose of amending the Articles of Association with a view to taking over the assets of the Ambernath Mills. The evacuees filed a suit in the Bombay High Court and the Court issued an injunction against the Custodian forbidding him to hold the meeting of the shareholders with the result that the case has been hanging on for a long time. The Bombay High Court has given some decision recently, but we have not received a copy of the judgment and it is difficult to say exactly on what ground they have decided the case. I have seen a report in a newspaper that there was some defect in the notice issued under section 7. Whatever that might be, the question today is that we want to take the legal power to implement the agreement as interpreted through the instructions of implementation arrived at with Pakistan. We want to have the legal powers for that and therefore our amendment to section 2 provides that a company which has its registered office in India and which is functioning in India, if the majority of shareholders of that company migrate to Pakistan, the assets of the company can be treated as evacuee property. That is the amendment to section 2.

The second amendment is to section 17 of the Evacuee Property Act. The House will remember that section 17 forbids all attachments, distress or sale in execution of an order of a civil court or of any other authority of any property so long as it vests in the Custodian. That was a healthy provision enacted with a view to preserving the rights of the owners of the evacuee property. For, even today the evacuee property, although it vests in the Custodian for purposes of management, belongs to the evacuee or migrant

who has gone over to the other country. It was also important from the point of view of the displaced persons. The House will remember—I made a statement a few days ago—that we want to deal with the evacuee property on governmental basis. For that purpose it is necessary to preserve the evacuee property pool and whatever claims have to be decided they will have to be decided under certain policy. Holders of decrees against this property cannot be allowed to deplete the pool in a haphazard manner, or if there is some settlement with Pakistan on any other basis the rights of the evacuees have also to be protected. I think that provision is a very healthy one and has been very correctly incorporated in law. Recently it has been discovered that there is a lacuna left in that section. The Punjab High Court has ruled that although no attachment or sale in execution of a decree can be made, nor can an injunction be issued, the appointment of a receiver is not prohibited. It is with a view to cure that lacuna, that is to forbid the civil court from appointing a receiver of the evacuee property that the second amendment is being introduced. The rest of the changes are purely verbal ones; the substantial changes are those which I have explained.

I believe, that this is a measure which can hardly evoke any controversy. In fact, we had a desire and proposed it to Pakistan that all the shares should be treated as non-evacuee property, whether the majority of the shareholders are living in the country or whether they have migrated. But we could not persuade Pakistan to accept that position. We cannot accept the position that the shares have nothing to do with the assets of a company. Shares do represent the assets of a company. The two cannot be treated in a different manner. Since Pakistan was under no circumstances prepared to restore the assets of the companies, the holders of the majority of whose shares have migrated to the other country, we were left with no alternative but to bring our law in line with the agreement—I would not say Pakistani law, because the Pakistani law is in line with our law as it stands at present, yet Pakistan is going in an illegal manner and taking over the property of the companies which under their law, I say with a great amount of confidence, cannot be treated as evacuee property.

I hope I have the House with me in passing this Bill.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Administration of Evacuee Property Act, 1950, be taken into consideration."

5 P.M.

Shri Naziruddin Ahmad (West Bengal): May I ask the hon. Minister one question for information only? He has just now stated that Pakistan Government has been acting illegally against their own law. It may be so. But I would like to know whether any cases have been instituted in Pakistan courts to contest the action of the State? No one is above the law and I therefore want to know whether any suits have been instituted in Pakistan courts to contest their action.

Shri A. P. Jain: Pakistan is in a very comfortable position because it has driven out those who could contest their decision in a court of law.

Shri Hussain Imam: Sir, I have to draw your attention to the.....

Hon. Members: It is five o'clock.

Mr. Chairman: Will the hon. Member take a long time?

Shri Hussain Imam: Yes, Sir. Ten or twelve minutes.

Mr. Chairman: The House stands adjourned till 8-30 A.M. on the 23rd.

The House then adjourned till Half Past Eight of the Clock on Monday, the 23rd April, 1951.