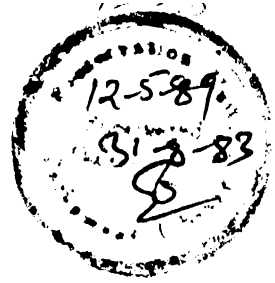


Thursday, 5th April, 1951



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

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

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PARLIAMENT OF INDIA

Thursday, 5th April, 1951

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

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

[No. Questions: Part I not published]

10-45 A.M.

PAPERS LAID ON THE TABLE

NOTIFICATION NO. 30—INCOME-TAX

Mr. Deputy-Speaker: There are no Questions today. The Finance Minister.

The Minister of Finance (Shri C. D. Deshmukh): I beg to lay on the Table a copy of Notification No. 30—Income-tax, dated the 28th March, 1951, in accordance with sub-section (3) of section 4 of the Taxation on Income (Investigation Commission) Act, 1947, as amended by the Taxation on Income (Investigation Commission) Amendment Act, 1951. [Placed in Library. See No. P-150/51.]

POINT OF PRIVILEGE

**PUBLICATION OF GANGANATH COMMITTEE
REPORT FOR PURCHASE OF SUGAR**

Mr. Deputy-Speaker: Before proceeding with the Demands for Grants.....

Shri Kamath (Madhya Pradesh): Before proceeding further, may I remind you, Sir, that on Monday I raised a question of breach of privilege of the House and I would request you to let the House know whether you have considered the

58 P.S.D

matter and what further proceedings are contemplated.

Mr. Deputy-Speaker: That is exactly what I was about to mention. Before I proceed to put the Demands for Grants, I would like to dispose of the matter of privilege raised by Mr. Kamath the other day. He stated that the action of Government in releasing to the Press the report of findings and conclusions of the Ganganath Committee appointed by the Minister of Food and Agriculture to enquire into the allegations regarding the import of sugar in pursuance of the assurance given by the Prime Minister during the parliamentary debate on the food situation on 17th November, 1950, before the report was placed on the Table of the House constituted a breach of privilege of the House. I may inform the hon. Member that this was not a committee appointed by the House and it had no obligation therefore to submit its report to the House. It is open to Government to appoint any number of Committees, whether on a statement made in this House or otherwise. But that will no mean that the Committee is on appointed by this House. Therefore, I do not find that there is any breach of privilege involved in this matter. No doubt, if any committee is appointed by Government in pursuance of any resolution or otherwise and not independently while the House is sitting, naturally the House would expect that such committee's proceedings should be disclosed to itself first. Subject to this observation, there is absolutely no breach of privilege in the present case.

Shri Kamath: On a point of interpretation of your ruling, may I ask whether Government do not owe it to the House, when a matter is specifically raised in the House and when discussion on that matter ensues and in pursuance of that, even the Prime

[Shri Kamath]

Minister intervenes and gives an assurance that the matter would be investigated, and subsequent thereto the Minister concerned appoints a Committee—in such circumstances, is it not necessary or essential for Government to inform Parliament first of what has happened about the matter, especially in view of the fact that the matter was discussed in the House first, and the Ministry took no initiative in the matter at all? In fact, it was in pursuance of the assurance given in Parliament that the committee itself was appointed.....

Mr. Deputy-Speaker: I have already disposed of this matter. I have got here the nature of the assurance to which the hon. Member has referred to. I myself was called upon to give a ruling when this matter came up. I shall read the portion:

"Before proceeding to put the amendments to the House, I would like to make an announcement to the House. Much has been said with respect to the question that was raised by Mr. Tyagi and the answer given by the hon. Minister. The hon. the Prime Minister has informed me that I should announce to the House that he is willing to go into the matter and not only this matter but all other matters which may be brought to his notice if he is only informed in advance."

I do not consider that this is a definite assurance. He had said that he would enquire into the matter—either this matter or any other matter that was brought before him. I do not find in this any particular assurance that a committee would be appointed and that its recommendations would be submitted to the House. However, as I have already said, whenever such matters arise, the House if it is in session would naturally expect that it should be taken into confidence first before others.

Shri Kamath: That is my point too.

Mr. Deputy-Speaker: I hope Government will bear this in mind. In this instance, it is not as if there is any question of privilege, but it is a matter of etiquette to be shown to the House.

Prof. K. T. Shah (Bihar): May I enquire if your ruling makes a distinction between the committees directly appointed by the House such as the Standing Advisory Committees and so on and committees appointed by Government at the instance of the

House by means of or in pursuance of resolutions, or as in this case, as a result of a debate? Is this distinction to be maintained that only as regards committees directly appointed by the House it is or it would be a matter of privilege that the House should be first informed and the report should be first presented to the House, whereas in the case of committees appointed in pursuance of or at the instance of the House Government will not be bound as a matter of privilege to submit that report first to the House? Do I understand it that way?

Mr. Deputy-Speaker: Yes. The question of privilege arises only in cases where a committee is appointed by the House. If a committee is appointed in pursuance of a resolution, I hope hon. Members would not ask me to commit myself in advance, because there is no such resolution now. But as I said, though it may not be a Committee appointed by the House and may only be a committee appointed in pursuance of a resolution passed in the House, one would expect and the House would naturally expect that it should be confided in first before the report is published or released to others. With respect to committees that are appointed on the assurances of Ministers or some other statements made in the House by Government Members, of course Government receives those reports but if the House be in session, naturally the House would expect that the matter should be reported to it before the recommendations are released to others outside. This is a matter of etiquette and I would like to make a distinction between a question of privilege and a matter of etiquette.

Shri T. N. Singh (Uttar Pradesh): On a point of clarification, there are Advisory Committee meetings being held when the session is not on and sometimes the reports or decisions of those Advisory Committees appear in the Press. Will that be considered a breach of privilege?

Mr. Deputy-Speaker: I cannot give a ruling on hypothetical matters. When the question arises, it will be time to consider that matter.

Sardar B. S. Man (Punjab): On the point of etiquette that your goodness has suggested, may I know what is the constitutional meaning of 'etiquette' as far as Parliament is concerned.

BUSINESS OF THE HOUSE

Shri Ramalingam Chettiar (Madras): Now that we have received notice that the Parliament will sit until the 5th of May, we should like to know whether the Speaker or you, Sir, have come to any decision about the sittings. I am referring to the timings of the sittings. There was a feeling that there should be one sitting a day and not two sittings, and the summer is coming.

Mr. Deputy-Speaker: What I learnt from the hon. Mr. Speaker was that as soon as he returns he will call another informal meeting of the Members to consider this matter. I do not know yet when he will be coming. If he comes tomorrow or the day after, there is no purpose in my taking any particular step, but if he is not coming for a long time, I will consider this matter myself.

GENERAL BUDGET—LIST OF DEMANDS—contd.

SECOND STAGE

DEMAND No. 51—MINISTRY OF HOME AFFAIRS.

Mr. Deputy-Speaker: Motion is:

"That a sum not exceeding Rs. 71,94,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Ministry of Home Affairs'."

DEMAND No. 52—CABINET

Mr. Deputy-Speaker: Motion is:

"That a sum not exceeding Rs. 22,42,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Cabinet'."

DEMAND No. 53—POLICE

Mr. Deputy-Speaker: Motion is:

"That a sum not exceeding Rs. 88,76,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Police'."

DEMAND No. 54—CENSUS

Mr. Deputy-Speaker: Motion is:

"That a sum not exceeding Rs. 91,14,000 be granted to the

President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Census'."

DEMAND No. 55—CIVIL DEFENCE

Mr. Deputy-Speaker: Motion is:

"That a sum not exceeding Rs. 1,10,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Civil Defence'."

DEMAND No. 56—DELHI

Mr. Deputy-Speaker: Motion is:

"That a sum not exceeding Rs. 2,93,75,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Delhi'."

DEMAND No. 57—AJMER

Mr. Deputy-Speaker: Motion is:

"That a sum not exceeding Rs. 85,94,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Ajmer'."

DEMAND No. 58—ANDAMAN AND NICOBAR ISLANDS

Mr. Deputy-Speaker: Motion is:

"That a sum not exceeding Rs. 1,07,25,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Andaman and Nicobar Islands'."

Shri Kamath (Madhya Pradesh): I wish to move my cut motion.

Mr. Deputy-Speaker: Any other cut motions.

Shri Sarangdhar Das (Orissa): Mine also.

Shri Kamath: Before you call upon Mr. Singh, may I submit to you that on the 26th of March, the Speaker ruled in the House as follows:

"If an hon. Member is particular that a cut motion should be taken

[Shri Kamath]

up, certainly, I am bound to place it before the House, but then the procedure will be that that cut motion only will be debated and there will be no debate generally on the demand till such cut motion only will be debated and are disposed of."

Mr. Deputy-Speaker: What does the hon. Member want?

Shri Kamath: I want to move my cut motion.

Mr. Deputy-Speaker: I shall take it as moved.

Shri Kamath: The Speaker has ruled that it will be debated in the House and that the demand cannot be taken up until it is disposed of.

Mr. Deputy-Speaker: The question arose in this way. An hon. Member, Mr. Jhunjhunwala, raised a point that if an hon. Member puts in a cut motion and wants to press it for a vote what would be the procedure. The hon. the Speaker then said:

"That is why I said: Do I take it for granted that no cut motion is going to be moved? If the House is agreeable, then we will follow this course. If an hon. Member is particular that a cut motion should be taken up, certainly, I am bound to place it before the House, but then the procedure will be that that cut motion only will be debated and there will be no debate generally on the demand till such cut motions as are sought to be moved are disposed of. The result of that will be that perhaps two or three cut motions may be discussed and then there will be no occasion for a general discussion on the Demands. In order to avoid that kind of contingency, I suggested this course which fits in with the procedure and I think this will enable members to speak generally on the full demand which will include the subjects of the cut motions also. This, I think, will be the best course."

I do not think the hon. Member need be afraid of any precedents. The position is quite clear to my mind: I am not afraid of the precedent. What I feel is that in such matters it is not open to one hon. Member to chose one important or unimportant matter and try by way of a cut motion to occupy the whole time of the House. The work of the House will thereby be blocked. My own interpretation of what the hon. the Speaker has said is what as in the case of Bills, when

amendments are moved on a particular matter, I would allow all those who wish to move their cut motions to move them and then, there will be a general discussion. At the end I will put motion after motion to the vote of the House. That is the only way I could avoid the House being taken away or side-tracked by any one cut motion being moved out of thousands that have been tabled here. The general interest of the House ought to prevail over the interest of any single cut motion to be moved by a single hon. Member.

The Minister of Home Affairs (Shri Rajagopalachari): In addition to what you have said, Sir, I would like to point out that it was to save and frugalise the time of the House and distribute the time of the House among the Members in the fairest manner possible that the hon. the Speaker made that arrangement. Moreover, we have, in order to minimise the embarrassment to the Speaker against creating any difficult precedent, met in the party. As Minister in charge of this subject I issued notices to the majority Government party here. But the hon. Member Shri Kamath was not present at the meeting. Now he raises an objection in the open House.

11 A.M.

Shri Kamath: Party matters cannot be brought in here.

Mr. Deputy-Speaker: So far as party matters are concerned. I want the party to be sufficiently strong to deal with its Members. The Chair is not expected to take notice of what happens in the party.

Shri Rajagopalachari: In the matter of frugalising the time, I must point out the lapse on the part of the Member who raises the difficulty.

Shri Kamath: I protest against this insinuation. There has been no lapse on my part in this matter.

Mr. Deputy-Speaker: It is not necessary to go into what happened at the party meeting.

Shri Kamath: * *

Mr. Deputy-Speaker: The hon. Member ought not to lose control over himself. 'Lapse' is a mild word.

Shri Kamath: No, Sir, it is harsh enough

Mr. Deputy-Speaker: Such hard words do not break any bones. After all the decorum and dignity of the House should be preserved.

* * *Extinguished as unparliamentary by order of H.S.—Ed. of P.P.*

I am not carried away by what happens in the party. The business of the House is regulated by rules of procedure and it is open to any hon. member to whatever party he belongs to move any cut motion here; so long as it is within the rules of procedure I will allow it. The hon. Mr. Kamath is entitled to move his cut motion. However, for the purpose of enabling all hon. Members to take part and having regard to the shortness of time at our disposal to place their viewpoints on this Ministry before the House, I would suggest that whichever hon. Member wants to move his cut motion may rise in his seat and intimate to the Chair what cut motion he proposes to move and I will treat them as moved. Then a general discussion will follow. The hon. Member who has moved his cut motion will also have his chance.

Shri Kamath: That is all right.

श्री ऐम० ऐल० बर्मा : अध्यक्ष महोदय, जब आप खड़े थे तब रेलवे मिनिस्टर मिस्टर सन्धानम घूम रहे थे। मिनिस्टरों को इस हाउस के नियमों का पालन करने की सख्त हिदायत होनी चाहिये।

मिस्टर डिप्टी स्पीकर : शायद उन्होंने ने नहीं देखा।

कैप्टन ऐ० पी० सिंह : अध्यक्ष महोदय, मैं मिनिस्ट्री की पालिसी (policy) के सम्बन्ध में आज कुछ बोलना चाहता हूँ। यों तो विन्ध्य प्रदेश के बाबत जो कैबिनेट की पालिसी है उस के सम्बन्ध में आम तौर पर मैं पहले बोल चुका हूँ।

मिस्टर डिप्टी स्पीकर : अंग्रेजी में बोलिये।

कैप्टन ऐ० पी० सिंह : यह क्या आवश्यक है? अगर आर्डर (order) हो तो मैं अंग्रेजी में बोलूँ नहीं तो मैं हिन्दी में बोलना चाहता हूँ।

कई माननीय सदस्य : हिन्दी में बोलिये।

कैप्टन ऐ० पी० सिंह : तो मैं आज विन्ध्य प्रदेश के सम्बन्ध में जो कैबिनेट की

पालिसी है उस के बाबत कुछ कहना चाहता हूँ। इस के लिये तो मैं पहले ही अपनी एक स्पीच में धन्यवाद दे चुका हूँ कि स्टेट्स मिनिस्ट्री की तरफ से यह एलान हो चुका है कि विन्ध्य प्रदेश कायम रहेगा।

मैं फिर एक दूसरी बात के लिये धन्यवाद देता हूँ। उस रोज यानी परसों के दिन अपने भाषण में स्टेट्स मिनिस्टर साहब ने यह कहा है कि विन्ध्य प्रदेश पार्ट ए और पार्ट बी के बीच में रखने के लायक है। यानी पार्ट सी के लायक नहीं है। इस बात को भी उन्होंने ने स्वीकार कर लिया है। अब वह इसे क्यों नहीं मंजूर करते हैं इस सम्बन्ध में उन्होंने ने कोई उत्तर न दे कर मेरे ऊपर व्यक्तिगत आक्षेप किया है। मैं व्यक्तिगत आक्षेपों से बचना चाहता था। मैं यह नहीं चाहता था कि कोई ऐसी चीज हाउस में आये जो कि स्टेट्स मिनिस्ट्री के कार्यकर्ताओं के लिए शोभाजनक न हो। वह अपनी स्पीच में कहते हैं कि उन को समय नहीं है, अगर उन को समय दिया जाय तो वह पूरी बातें सामने लाना चाहते हैं। मैं आशा करता हूँ कि वह समय विन्ध्य प्रदेश के लिये देना चाहिये। वह गवर्नमेंट में हैं, कैबिनेट (Cabinet) के मेम्बर हैं, वह खुद इस के लिये इन्तजाम कर सकते हैं। अगर पूरा दिन नहीं दे सकते तो कम से कम आधा दिन इस के लिए नियत कर लें और जितने एलिगेशन्स (allegations) उन को मेरे खिलाफ लाने हों वह ले आये और मेरा भी जवाब यह हाउस सुन ले उस के बाद हाउस स्वयं यह निर्णय कर ले कि मेरी गलती है या स्टेट्स मिनिस्ट्री की वजह से वहाँ की मिनिस्ट्री नहीं चलने पाई। डिवाइड एण्ड रूल (Divide and Rule) की पालिसी बरती गई। विन्ध्य सरकार जो काम करना चाहती थी उस में अड़चने डाली जाती थी। टाप हेवी ऐडमिनिस्ट्रेशन (Top heavy adminis-

[कैप्टिन ऐ० पी० सिंह]

tration) वहां रखा जाता था। और भी बहुत सी बातें अनडिजायरेबल (undesirable) की गई हैं जिस को कह कर मैं हाउस का वक्त लेना नहीं चाहता। उस दिन मैं कहूंगा जब मेरे खिलाफ़ ये स्टेट्स मिनिस्टर साहब यहां कुछ लायेंगे। यह हुआ व्यक्तिगत आक्षेप की बाबत।

अब कुछ देर के लिये मान लीजिये कि वह मिनिस्ट्री बड़ी खराब थी, मैं बड़ा खराब था तो मेरी मिनिस्ट्री कांग्रेस की चुनी हुई नहीं थी जब कि कांग्रेस के चुने हुए आदमी उस में नहीं थे, बाहर के आदमी स्टेट्स मिनिस्ट्री ने उस में भर दिये थे अपने मन के आदमियों को स्टेट्स मिनिस्ट्री नामिनेट (nominate) करती थी, तो इस की जवाब देही केवल प्राइम मिनिस्टर (Prime Minister) पर कैसे आ सकती है। और अगर है भी तो मुझे से लिखा लीजिये कि मैं कभी मिनिस्टर नहीं होऊंगा। मैं प्राइम मिनिस्टर भी नहीं होऊंगा।

कानन करों जन्म भर वासू,

एहि से अधिक न मोर सुपासू।

भरत ने कहा था कि रामचन्द्र को वन से आ जाना चाहिये मैं जिन्दगी भर वन में रहूँ। विन्ध्य प्रदेश को पार्ट बी या पार्ट ए में करिये उस को अधिकार दिया जाय यदि आप चाहें मैं जिन्दगी भर मिनिस्ट्री में न जाऊंगा। आप निकाल सकते हैं, पूरी मिनिस्ट्री पर आर्डर निकाल सकते हैं कि वह शासन न करे, मगर विन्ध्य प्रदेश के आदमियों को आप क्यों नुकसान पहुंचाते हैं उन के अधिकारों को आप क्यों मिटाते हैं सिर्फ़ एक आदमी के पाप की वजह से मैं पापी हूँ, तो मुझे हेंग (hang) कर दीजिये मुझे फांसी के तख्ते पर लटकवा दीजिये। आपने मुझे बताया था मैं आप को जवाबदेह था, किसीबूझरे

को जवाबदेह नहीं था, इस लिये इस की जवाबदेही आप के ऊपर है, यह है मेरा कहना। मेरे ऊपर आखिरी मेघनाद की शक्ति जो चलाई गई है, अर्थात् जब कोई जवाब नहीं मिला तो स्टेट्स मिनिस्ट्री पर्सनल अटैक (Personal attack) करने पर उतर आई है। यह मेघनाद की शक्ति बहुत दिन तक कायम रहने वाली नहीं है। वह समझते होंगे कि मैं इस से डर जाऊंगा, मैं डरने वाला आदमी नहीं हूँ। मुझे अफसोस है उपाध्यक्ष महोदय, मैं परसों प्रेसिडेन्ट के पास चला गया था, ५-३० बजे मेरा ऐप्वाइन्टमेन्ट (appointment) था इस लिये मैं यहां पर नहीं था नहीं तो मैं उसी दिन उत्तर देता। मैं सो कहता हूँ कि मैं क्राइस्ट (Christ) के तौर.....

Mr. Deputy-Speaker: Order, order. I thought the Part C States will have something to do with the Home Ministry.

Shri Rajagopalachari: I may say, Sir, that they have nothing to do with the Home Ministry.

कैप्टिन.ऐ० पी० सिंह: तो क्राइस्ट के तौर पर

Mr. Deputy-Speaker: It is rather inconvenient to go on allowing personal explanations on what took place with respect to another Ministry, with respect to another Minister's speech on another occasion. If the hon. Member has got anything to say with respect to the Home Ministry he may do so.

कैप्टिन ऐ० पी० सिंह: यह सब तो मैं ने बाई दि वे (by the way) कह दिया आगे तो मेरा मतलब कैबिनेट की पालिसी पर कहने का है। होम मिनिस्ट्री के अन्दर मैं भी पार्ट सी स्टेट्स है यह नहीं है कि होम मिनिस्ट्री के अन्दर मैं पार्ट सी स्टेट्स नहीं हूँ। फिर इस के अलावा कैबिनेट में तो विन्ध्य प्रदेश भी है। इतनी बात तो मैं ने केवल यह बतलाने के लिये कही। हाउस से भी क्षमा प्रार्थी हूँ इस के लिये कि मैं उस दिन सँह्राधिर रहा।

अब दूसरी बात यह कही जाती है कि इन जगहों में आदमी नहीं है क्यों साहब वहां कांग्रेस कमेटियां हैं, कांग्रेस के रिप्रेजेंटेटिव (Representative) हो कर तो हम पार्टिशन (partition) तक मंजूर कर सकते हैं, परन्तु अगर रियासतों में.....

मिस्टर डिप्टी स्पीकर : इस बात को मेहरबानी करके खत्म कीजिये ।

कैप्टेन ए० पी० सिंह : तो इस के लिये कहा जाता है कि तुम्हारे यहां आदमी नहीं है। आदमियों की बाबत उपाध्यक्ष महोदय, मेरा कहना यह है कि यह किया जाय कि वहां की कांग्रेस कमेटियों से राय ले ली जाय और वहां पर एक डिमाक्रेटिक सेट अप (Democratic set up) फ़ौरन कायम कर दिया जाय क्योंकि कांग्रेस वाले तो आप के ही आदमी हैं, वह दूसरों के आदमी नहीं हैं ।

मुझे कहना तो बहुत कुछ था लेकिन सिर्फ एक बात कह कर मैं इस को समाप्त करता हूँ कि अगर देशी रियासतों के कामों की जांच करने के लिये स्टेट्स मिनिस्टर साहब तैयार हैं तो एक पार्लियामेन्ट कमेटी नियत कर दी जाय कि वह पार्लियामेन्टरी कमेटी सब जगहों की जांच करके वह रिपोर्ट कर दे कि कहां पर क्या होना चाहिये और उस को स्टेट्स मिनिस्टर साहब मंजूर कर लें ।

अब मैं अधिक समय नहीं लेना चाहता मैं आप को धन्यवाद देता हूँ कि आप ने मुझे समय दिया ।

(English translation of the above speech)

Shri M. L. Verma (Rajasthan): Sir, when you were on your legs, the hon. Minister Shri Santhanam was moving about. The Ministers should have strict instructions to observe the rules of the House.

Mr. Deputy-Speaker: Probably he did not see.

Capt. A. P. Singh (Vindhya Pradesh): Sir, I want today to speak something about the policy of the Ministry. Although I have made some general observations with regard to the policy of the Cabinet towards Vindhya Pradesh on previous occasions.....

Mr. Deputy-Speaker: Please speak in English.

Capt. A. P. Singh: Is it necessary? If it is your order, then I would speak in English. Otherwise, I want to speak in Hindi.

Some Hon. Members: Speak in Hindi.

Capt. A. P. Singh: So today I want to say something about the policy of the Cabinet towards Vindhya Pradesh. I have already expressed my thanks in one of my earlier speeches on the declaration of the States Ministry that Vindhya Pradesh would stay. I have to thank them once again for another thing. The other day, that is the day before yesterday, the hon. Minister of States said in his speech that Vindhya Pradesh deserves to be listed between Part A and Part B States which means that it does not deserve to be included in Part C States. That he has accepted already. But, without replying to the question as to why does he not accept that now, he has made a personal attack on me. I wanted to escape personal references. I did not want that anything may come up before the House which may be unbecoming for those who are at the helm of the States Ministry. He said in his speech that the time at his disposal was short and that if he were given sufficient time he would disclose everything before the House. I believe he should devote this time for Vindhya Pradesh. He is in the Government. He is a Member of the Cabinet. He can arrange for that. If he cannot give a full day, at least half the day could be fixed for this purpose and he may bring up all those allegations he has against me and the House may also hear my reply. Then the House may decide for itself whether it was my mistake or the Ministry could not function there due to the policy of the States Ministry. The policy of divide and rule was adopted. Impediments were put in the programme which Vindhya Pradesh Government wanted to carry out. The administration kept there was too heavy. Many other undesirable things were also resorted to by describing which I would not like to take the time of the House. That I would submit when the hon. Minister of States would bring forth allegations against me. So much for the personal remarks.

[Capt. A. P. Singh]

Now suppose for a moment that that Ministry was very inefficient and I also was very inefficient. But then my Ministry was not elected by the Congress. It did not consist of Congressmen alone for the States Ministry had put in their own men from outside, they had nominated persons of their own choice. How could then the responsibility of all this lie with the Chief Minister? And if you say it does, take it from me that I am no more going to be a Minister or a Chief Minister now.

कानन करों जन्म भर बासु,
एहिसे अधिक न मोर सुपासु।

(Kanan karon janam bhar basu, ihise
adhik na mor supasu)

Bharat had said that Ram should come back from the forest and he himself would go to live there for his whole life. If you so wish I would never join the Ministry, but you must give its due right to Vindhya Pradesh, it must be included in either Part A or Part B. You may order the whole Ministry to go out, but why should the people of Vindhya Pradesh suffer? Why should you encroach upon their rights for the sins of one man? If I am guilty you may hang me. But as you had made me the head of the Government there so I was responsible to you and not to anybody else. The legendary *Meghnath Shakti* has been used against me as the last weapon, that is to say that when the States Ministry did not find any excuse, it came down to the level of making personal attacks. But this legendary *Meghnath Shakti* cannot last for long. They had probably thought that I would be overawed by this. But I am not going to be cowed down. I am sorry, Sir, that I was not present here the day before yesterday for I had gone to call upon the President as I had an appointment with him at 5-30, otherwise, I would have replied the same day. I would even say that like Christ.....

Mr. Deputy-Speaker: Order, order. I thought the Part C States will have something to do with the Home Ministry:

Shri Rajagopalachari: I may say, Sir, that they have nothing to do with the Home Ministry.

Capt. A. P. Singh: So like Christ.....

Mr. Deputy-Speaker: It is rather inconvenient to go on allowing personal explanation on what took place with

respect to another Ministry, with respect to another Minister's speech on another occasion. If the hon. Member has got anything to say with respect to the Home Ministry he may do so.

Capt. A. P. Singh: All this I said by the way. My purpose is to speak on the policy of the Cabinet. Part C States are also under the Home Ministry, it is not so that Part C States are not under the Home Ministry. Apart from this, after all Cabinet has got jurisdiction over Vindhya Pradesh also. This I said simply for pointing this out. I apologize to the House for my absence on that day.

Secondly, it is said that there are no suitable persons available in these places. But there are Congress Committees there and I ask that while we could accept even partition as Congress representatives, why then, if in the states.....

Mr. Deputy-Speaker: Please finish that topic now.

Capt. A. P. Singh: So, for that it is said that there are no suitable persons available. But, Sir, I have to say that the Congress Committees there may be consulted and a democratic set-up be immediately established for after all the Congressmen are no other people than your own.

I had to say much, but I would finish it with this remark that if the hon. Minister is prepared to institute an enquiry in the working of the so called native states, then a Parliamentary Committee should be appointed which should submit a report after making enquiries at all places and give suggestions as to what should be done at each of these places and the States Minister should accept these suggestions.

I do not want to take more time. I am thankful to you, Sir, for giving me time to speak.

Shri Mirza (Hyderabad): In dealing with Home Affairs the first vision that comes before the mind's eye is that of the policeman, because, after all, on him depends the successful functioning of law and order and of the Home Ministry. Sir, it is difficult to praise the policeman and it is much more difficult to do justice to him. The policeman does the scavenging of the dirt of society and in that process some of the dirt sticks to him, and the reflex action to that is at first unpleasant. It is only on second thoughts and on mature consideration that we begin to believe that he is also doing a service to society. I submit when there is a

recognition by us that he is doing service to society it will create in him a pride in his work, and the pride in his work will mean more diligence in the performance of his duty and also development of character, honesty and integrity. That, Sir, is the reason why the English bobby is what he is today. It is not only due to the successful administrative machinery of the Home Department but it is also due to the attitude of the public towards the policeman. Saying that much, Sir, there are responsibilities also for the policeman and for those who have the responsibility of law and order of any country. We have equipped them with great powers and we are entitled to expect that they treat the public with courtesy and see that the State is immune from crimes. I must confess, Sir, so far as this matter is concerned, it has not been as satisfactory as one would like to expect. In the capital city of Delhi alone we have incidents of some recent murders and dacoities and we have also complained of excesses of policemen elsewhere. I think the Home Minister will look into this matter and see that checks and counter-checks are created so that the law and order machinery functions efficiently and to the great advantage of the people at large. The other picture that arises in my mind's eye is that important Act, the Preventive Detention Act and that also raises violent reactions. Any person who has any faith in freedom and civil liberties will naturally look at the presence of that Act in our statute-book with a shudder. I ask the Home Minister and I ask the House also, Sir, to have little patience with me and consider whether such an Act was advisable. Civil liberty is a very important thing and I must say at the very outset that civil liberty is a right which also implies obligations and if we do not fulfil the obligations, we cannot legitimately claim rights of civil liberty. Civil liberty is an attribute of civilized existence where peaceful processes are at work and when these are not at work, every claim of civil liberty sounds hollow. I would like the House not only to sit in judgment on the Home Minister but sit in judgment on itself and see how far our actions and our modes justify that law in the statute-book. After all, this Act is only an instrument of law and order. The question at once arises what have been our problems of law and order and whether such an instrument was necessary? After the advent of freedom, Sir not only we got freedom but at the same time, we disturbed many vested interests and also created new ones. To give only a few examples, there were the rulers whose feudal

rights they were deprived of, all the pomp and show to which they were habituated have gone; they accepted the generosity of the Government of India, but still in their hearts they had a grouse. There were the zamindars and jagirdars who felt that the dawn of freedom has brought them no material prosperity. There was another class of vested interest which also felt a grouse towards the State. Then there were some industrialists also, Sir, who were panick-stricken by the consideration of the question of nationalisation and all these three did not hesitate at one time or another—I do not say all, but some of them—to create trouble. We have seen the Rulers' Union being formed and the right rebuke that our States Minister served on them, only the other day. These vested interests did not hesitate to combine even with Communalists to disturb the tranquillity of the State. This was our internal problem. Then there was Pakistan which by its policy created new problems of law and order for this country. Lakhs of refugees poured in from East and West after losing their hearths and homes with bitterness in their hearts and in producing echoes of similar bitterness in the minds of millions of this country created a problem of law and order which is unparalleled in the history of any country. Add to that the Communists with their pockets in different parts of the country who preached violence in an organized form. I ask you, Sir, are not these problems of law and order sufficient to break down the machinery of any country in the world? Along with that, what was the machinery with which we were equipped? Our machinery of law and order was depleted and not only that, we brought to bear on it a mind that was used to defy law for 25 years; we brought to bear on it a mind which was steeped with Communalism that extended over 100 years. With this inadequate machinery and with the problem in such serious proportions, I have no hesitation in congratulating the Home Minister for successfully dealing with the problem which was of such great intensity and magnitude.

Permit me, Sir, to say a few words about the Communist problem. I might digress a little and that is only to make my meaning more clear. Violent methods to which the Communists subscribe may have been justified in the case of Russia where there was no freedom of expression and where there was an autocratic rule; it may have been justified even in Spain in the Thirties where similar

[Shri Mirza]

conditions existed but where democratic institutions exist, where there is machinery which permits men to ventilate ideas and thoughts of any type whatsoever, I think that in countries like that, violent methods are not justified. In fact you find in Europe and England Communist parties do resort only to peaceful methods. When they came actually into power, more or less in Germany under the Weimar Constitution, it was Hitler who by a clever strategy used the Reichstag fire that created a volume of opinion against it because in countries of Europe there is an inherent repulsion for violence in all internal matters. The question of war is different but we with our history of communal riots and so on, we are so used to violence that it does not produce in India the same reactions. So, I submit, Sir, that these violent methods are not justified, in a democratic country.

The other day there was some heat in the debate. I do not believe that mere economic causes are sufficient for the spread of Communism. If by some magic wand you give people food, clothing and housing overnight, you will still be faced with the Communist problem. I believe there are people in the Communist party who genuinely believe in certain ideals. There are among them some of the best men. There are among them, Sir, some who have never seen want. I know there is a school of thought which regards all Communists as rogues and scoundrels. To them, I would say: Please see the battle of *Mahabharata* and there you will find *Karna* on the other side of the battle and you will not solve the problem until you recognize realities. So, while force has to be met by force, that is not the only weapon in the communist armoury. Communists also dream and unless you give them some better dream, unless you fight not only force by force but also a battle of dreams, you will not succeed. They have a vision of a world where there is no poverty etc. I admit their methods are wrong. But, you must also, Sir, create a dream which will satisfy them. There are some people who can only live on dreams. Look at our Prime Minister. Give him five minutes off; then his eyes begin to wander and he begins to dream. I believe only those that dream live; the others only exist. My submission to this House is to give the country a dream which will strengthen the hands of the agents of law and order. Until that is done, this problem will not be solved. I propose that the Demands be granted.

Maintenance of destitute families of political sufferers

Shri Kamath: I beg to move:

“That the Demand under the head Ministry of Home Affairs’ be reduced by Rs. 100.”

Permit me, Sir, at the outset, to congratulate you upon your brave interpretation of the Speaker's ruling, which you have given,

Mr. Deputy-Speaker: The Speaker has so far never been congratulated. It is left to the hon. Minister to receive and to give congratulations. I do not think this is needed at all. One hon. Member may congratulate; another hon. Member may say that he sees no reason to congratulate the Speaker. I think reference to the Speaker even by way of congratulation would place him in an embarrassing situation.

Shri Kamath: If the Speaker is embarrassed by congratulations, I would not congratulate you at all, Sir.

The question before the House is simple. All over the world, soldiers who have fought in a patriotic war, who have fought a war of liberation, are honoured in various ways and the State takes the first opportunity of making some kind of provision for them. The history of England, of America, of the European countries goes to show that not merely are the war disabled provided for, but also the war veterans, and all others who have taken an active part in the war of liberation or a patriotic war. China, the other day, I learnt, took the first steps to provide for all those who had fought in the revolution. When I was in Russia a few years ago, in 1935, I learnt from young people in Moscow that Government, soon after they came to power, in 1920-22, saw to it that no comrade, no worker who had fought in the Revolution and brought it success and to victory, was left uncared for. But, sadly enough in India, the reverse is the case. Not merely are those who participated in the national struggle not adequately cared for, but on the contrary, we find that those few, I do not say many, officers or others who in the excess of their zeal, out-ran the scope of their duties entrusted to them, whose zeal was worthy of a better cause, rule today. They have not merely been kept in their positions, but some of them have even been promoted to very high positions. They have become pillars of the State. It is unfortunate that such a state of things should have come about. I have heard from old friends, old-co-workers, old comrades who braved the fight, who bore the brunt of the struggle,

that as a result of that they have been reduced to beggary, have been pauperised. They complain, "Is it our own Government; is it our own Congress Government; is it our own party in power?" They wonder whether it is really the Congress Party which is governing or whether it is a party which had forgotten its ideals, which had forsaken its ideals that animated them during the period of struggle. I have no answer to give them. I can only tell them that I was doing my little bit in this direction. If Government accepted the principle of this cut motion, I would be happy. But, on the contrary, I fear Government is callous to the problem. May I, Sir, read out to the House what the Prime Minister said on the 23rd November last in regard to this question?

He said:

".....it is (this provision for the destitute families of political sufferers) unbecoming; it is an anticlimax to our struggle, which does not appeal to me in the slightest."

This is a heart-rending statement of the proposition, coming from one on whom the mantle of Mahatma Gandhi has fallen, who is the political and spiritual heir of Mahatma Gandhi. If he thinks so, what will the other leaders who not only adorn the front Benches here, but who also day in and day out preach to the people, "Do not ask for jobs; do not ask for provision; but sacrifice, sacrifice, sacrifice; more sacrifice is needed now, more than ever before" think? How can the other leaders take a sensible view of this problem? It is, I venture to assert, a travesty and a mockery of the word 'sacrifice' to call upon the people to go on sacrificing, not for themselves, but for posterity, for a dubious prosperity.

An Hon. Member: Why dubious?

Shri Kamath: Because I am doubtful whether prosperity will come to posterity even.

Dr. Deshmukh (Madhya Pradesh): It is doubtful whether there will be any posterity.

Shri Kamath: Perhaps Dr. Deshmukh is right. Some Members on the Government Benches, who have made the best of both worlds, today say to the people, "Do not ask for dividends; go on working, toiling, producing; things will come right in the end". This is a strange state of affairs not seen in any country in the world except in our India. What an India, and what leaders to tell the people this sort of thing! It is shameful that this should be told to our comrades-in-arm, to our

co-workers, to our own fighters who did not shrink from the battle-field in those dark days.

Shri Munavalli (Bombay): What are we discussing—Home Affairs or the political struggle?

Shri Kamath: My cut motion is being discussed.

Shri Munavalli: I thought the hon. Member was discussing his yesterday's resolution.

Shri Kamath: The point is not whether those workers, those comrades, will accept our help, and will be happy at the provision that we make. But, the point is whether Government owes them an obligation or not. If that is accepted, the rest will follow. If we make up our mind, if Government makes up its mind and tells those people, "All right, it is our responsibility", a psychological revolution will be brought about. Persons who are unhappy, who are in the doldrums today, will have a new sense of life and there will be greater measure of support to Government.

Government has recently imposed all kinds of burdens on the common man. Railway fares have been increased. The taxes have been increased, but there is not much tangible good which has been done to the common man though there have been various attempts at it. There is as yet little tangible good done to the common man who is ignorant of Parliaments and laws and legislations. I do not say that Government is not doing its best; I say Government is attempting. But when a matter like this comes up, the Prime Minister makes a statement which is misconstrued by the people and is thrown in the face of the Congress with the words, "Here is what your Congress Government has said." Sir, that is not a happy state of affairs for any Government to be in.

Before concluding, I would say that the Government and the Ministers who tell these unhappy and old comrades not to ask for profits, not to ask for any provision or assistance,—it has been remarked not by me but by several, perhaps malicious-critics, that the Government themselves and the Ministers, some of them—are showing an attitude which is not distinguishable from jobbery, so far as they themselves are concerned. An hon. Minister was a Governor in some province he was brought over here as Minister and after a time he went back as a Governor somewhere else. That is to say, he seems to have somehow been provided for. Then there are on the Government Benches, men who ruled

[Shri Kamath]

the roost in the British days and are ruling the roost even now. Then, Sir, we have the Home Minister himself—pardon me for saying so—but

Mr. Deputy-Speaker: Is all this relevant?

Shri Kamath: Yes, Sir, I am showing how provision has been made in some cases and ...

Mr. Deputy-Speaker: But what is the use? How is all this relevant?

Shri Rajagopalachari: It is very relevant; I was wondering why he did not come to me.

Mr. Deputy-Speaker: There is the whole world to compare these people with, who have suffered and whose economic condition is bad. Is the hon. Member going to compare these people with every one here? The hon. Member has, I should think, made out a good case on merits so far as these gentlemen are concerned. Is it necessary for him to make a comparison with every Minister and every officer? I hope the hon. Member will kindly restrain himself.

Shri Kamath: Sir, I was only pointing out that provision has been made in various ways for those who helped in the struggle and also for those who did not help in the struggle. In all such cases provision has been made by Government themselves. That is my point. Provision has been made for some who took part in the struggle or those who played a mild part in it, and even for those who actively opposed the struggle. But it is totally forgotten that there are these humble nameless workers who are to-day destitute. Sir, I was going to say that whereas in other countries, after a war of liberation, a memorial to the unknown soldier is erected; here we do not have even that. That is a very sad thing to happen after our national liberation war which was waged over fifty years. It is not the Congress only that has waged this struggle. There have been all kinds of parties engaged in this fight. There were the heroes of the Bengal Partition Movement. There were the so-called terrorists, and there was the I. N. A. under the leadership of Netaji Subhas Chandra Bose. There are many among them who are destitute and the letters I have received since I moved this Resolution last November testify to this fact. Therefore, I suggest that Government should accept the principle of this Motion, that they owe a responsibility, an obligation to the destitute families of the political sufferers. I do not want that every political

sufferer should be helped, but only the destitute among them and who are now destitute for no fault of their own, they should be helped. Government should accept this principle and devise ways and means to give effect to it in any manner they choose. I am glad that some Provincial Governments have taken action in this regard. I believe the Madhya Pradesh Government was among the first, perhaps the first, to take action in this matter. In 1948 they appointed a committee—a government committee—on which one of the Ministers of the Government presided—to go into this question and they have awarded compensation to various political sufferers. Madhya Pradesh has done it. Bihar too, I think, has done it and the Punjab Assembly accepted a motion to this effect last October. That being so, I see no reason why the Central Government cannot accept this principle, unless it be due to sheer cussedness and meaningless obstinacy. I cannot see why they cannot accept this principle and do what they can in Part C States and issue directions or instructions to those Part A and Part B States which may not have moved so far. That is the least that this sovereign Parliament expects of this popular government. This is what this Parliament composed as it is of a big majority of Congress members expects of this Congress Government. If this is not accepted, then I can only say that Government is not merely irresponsible to Parliament, but is also unresponsive to Parliament. I can only hope that better sense will prevail and wisdom will dawn on the Leader of the House and his colleagues in the Cabinet and that they will take early action to accept the principle of this Motion and to implement it in such suitable manner as the situation demands.

Mr. Deputy-Speaker: Cut motion moved:

“That the Demand under the head ‘Ministry of Home Affairs’ be reduced by Rs. 100”.

Pandit M. B. Bhargava (Ajmer): This morning we are discussing the work of the Home Ministry. The Home Ministry, so to say, is the back-bone of the entire Government of India and it is the foundation upon which the super-structure of the Government of India is founded and is maintained and sustained. It is on the efficiency of this Ministry that the entire Government of the nation, both at the Centre and at the States run. Sir, the country has passed through a very critical time and the storm of communal hatred and of internal disorder on a mass-scale have been weathered with very great credit and therefore we have to see that the

efficiency of this Ministry which reached its high water-mark under the stewardship of the late veteran Sardar is maintained. We have no doubt that under the leadership of the present Home Minister the efficiency of this Ministry will continue up to the mark.

This Ministry, Sir, has its two main spheres of activity. First of all there is the maintenance of internal law and order and second, there is the establishment and maintenance of the public services. Now, in the domain of public services we suffered a great set-back both as a consequence of the transfer of power from the British to our own national Government and also as a consequence of partition and the opting out of a very large number of experienced Muslim officers to Pakistan. In spite of this, it is to the credit of the Government that suitable men were found, and in spite of increased governmental activities, the administrative structure has been maintained to the proper level of efficiency. The integrity and efficiency of the services have been maintained and so far as purity is concerned there are some blacksheep and in spite of the scandals and muddles, of which we have heard recently, we must admit that on the whole the services have maintained a good standard.

There is one thing which I think is necessary in the changed atmosphere of the country and that is a change, a revolutionary change, in the outlook of our public services—not only in their outlook but in their method of treatment and behaviour not towards the Ministers, the Members of Parliament or those who are happily placed in life but towards the common man in the street. The gulf that existed and which the British Government was interested in maintaining between their services and the general mass of people, I am sorry to say is continuing and if our services are to prove themselves efficient in the changed atmosphere of the country, there must be a change in their outlook, in their treatment and behaviour towards the man in the street, so that the common man may have easy access to any of them, his grievances may be listened to and his legitimate needs promptly attended to. Without this orientation in the outlook of our services, there will be something which is very important lacking in our administration.

Similarly we have to look at another sphere of activity of the Home Ministry, namely the maintenance of Law and Order. If we have to review the position of law and order on a country-wide scale, though the direct responsibility of the Ministry is confined

to the sphere of the Centrally Administered areas, still in its co-ordinating and advisory capacity it has a great deal of influence on the State Governments. Looking at the great forces of lawlessness that followed as a consequence of the tragedy of partition, the forces of lawlessness that are by no means suppressed, looking at the forces of communalism and Communism and added to them the forces of the liquidated princely order and the liquidated paraphernalia attached to the vested interests like the *jagirdars* and *zamin-dars*, the law and order position is still a problem which the country has to face. Therefore I would respectfully ask the hon. Minister as to what has been done in the way of evolving a co-ordinated and integrated plan for counteracting the menace of communism surrounding the country in the East and South and these forces of liquidated vested interests which are interested in creating disorder in the country. For this not only our police forces should be efficient but the Central Intelligence Bureau must act in an efficient and prompt manner and on modern and scientific lines. I am very doubtful whether this agency is so brisk and up to the mark as it was during the British regime. But before the Home Ministry can discharge its duties it is essential that this Central Intelligence Bureau and its personnel should not only be trained on modern lines but its entire service should permeate each nook and corner of the country, so that the real position may always be brought to the notice of the Ministry.

The third important factor to which I would respectfully invite attention is the organisation of civil defence and we have a right to know what progress has been made in this direction. Of course in the review report that has been circulated to Members there is a reference to the fire-fighting organisation. But this is only a branch of civil defence which we have to provide for.

As a result of the Partition our frontier has been vastly extended and it is vulnerable. It covers hundreds of miles which we have to safeguard. To give adequate training both in morale and in the mental and physical aspects of our people so as to counter any aggression from outside, the civilian population in the border areas must not only be trained and educated to cope with such situation but must adequately be armed. I would like to know what has been done in this direction. It is an urgent requirement of the country which cannot be neglected.

The next question to which I would respectfully draw attention is the law

[Pandit M. B. Bhargava]

and order position in the Centrally Administered Areas, which are the direct responsibility of the Central Government. No doubt the times are critical. No doubt the forces of lawlessness and disorder which are in evidence every where had made the situation in these areas also difficult and I do not know why the schemes of the reorganisation of the police forces in Ajmer and Delhi have been shelved indefinitely, though obviously it is due to economy. But there is certain expenditure which has to be incurred in the larger interests of the country and I submit that the reorganisation of the police forces in these two areas must be attended to and not neglected.

There is one very important fact to which I would draw attention. Under article 50 of the Constitution we have said that it shall be the duty of the State to bring about a complete separation of the judiciary from the executive in the public services of the State. What has been done in this direction by the Home Ministry in the Centrally Administered Areas? So far as Ajmer is concerned I submit that the executive is predominant. The magistracy is police-ridden and it is necessary in the interest of proper judicial work that the executive should be separated from the judiciary. Unfortunately we see in Ajmer that the Deputy Commissioner, who is also the District Magistrate, holds periodical conferences at which magistrates in the district are called and at such conferences the Superintendent and D. I. G. of Police are also present and they report the progress of cases that are challaned from time to time. This state of affairs cannot be tolerated and should not be tolerated. As regards the question of transfer of cases I have no time to go into it. But there are enough glaring examples to prove that executive considerations interfere with the day today working of the judicial administration. That is a situation which should not be allowed to continue.

Similarly, in the matter of respecting the civil liberties of the people I respectfully submit that unless it is essential in the larger interests of the security or the existence of the State, these should not be interfered with. A glaring example is well afforded by the Ajmer Administration. In June 1949 the East Punjab Public Safety Act was extended and in September 1949 on very minor incidents the entire urban area consisting of several towns including the city of Ajmer was declared a dangerously disturbed area. They continued to be dangerously disturbed areas up to March 1950 when I tabled a question on it and it was

only after notice of that question was received by the Administration that these areas ceased to be dangerously disturbed areas. What were the consequences? The consequence was that the ordinary law of the land was at a stand-still. All those cases which under the Criminal Procedure Code should ordinarily have been tried as warrant cases were tried, on account of this special law being in force, as summons cases. There was absolutely no justification for the continuance of that state of affairs. My submission, therefore, is that it is the direct responsibility of this Government to see that the administration in these areas should be run on popular lines and there should be the minimum amount of interference with the liberties of the people which also should only be on grounds of security.

Sir, my next point is about the degree of irresponsibility in administration that is in vogue in the Centrally Administered Areas, which has been accentuated in Ajmer due to a continued deadlock existing between the Advisory Council and the Chief Commissioner. I would submit it is essential for this Government to compel the Chief Commissioner not to act as an autocrat but to respect the wishes of the representatives of the people and to function only as a constitutional head. That is the least that can be expected of our Government.

In conclusion, I would request that these various matters which I have referred to should be attended to and everything should be done to set right the situation existing in these areas. Sir, I have done.

Shrimati Durgabai (Madras): When I speak about the working of this Ministry my thoughts go to the revered memory of the late Sardar Patel with whom we had the good fortune of working in this House for some years. This Ministry has grown in his able hands. He strove hard to see that the functions relating to this Ministry were perfected. Sir, we are happy to see that an equally able man who is known for his integrity and his ability for a quick understanding of the problems, for his quick decisions and the will to implement those decisions without delay, has taken charge of this Ministry.

As hon. Members are aware, two very important functions of the State are entrusted to the care of this Ministry. They are public security and the public services under the State. I do not want to speak on the first function because some hon. Members have already spoken on it and my time is

very limited. I would, therefore, like to deal with certain aspects of the second function, namely the question of public services under the State. The Home Ministry is responsible for all-India services and services coming under the Centre; it is also responsible with regard to services for certain important functions of the Government. It is the responsibility of this Ministry to regulate all matters applicable to all the services in the matter of standards regarding recruiting, discipline, conditions of service, etc. Therefore, I would like to speak with regard to certain aspects of the working of the Reorganisation wing of this Ministry.

12 Noon

With regard to this aspect, I would like to say that already an attempt has been made to study the working conditions in the Secretariat. The question of reorganisation of the machinery of Government was committed to the charge of hon. Shri Gopalaswami Ayyangar who, after going into the matter very carefully and studying it in its minutest details, has submitted his report. The charge of implementation of the recommendations contained in that report was committed to the Home Ministry and the date-line of 31st December, 1950, was fixed for such implementation. My complaint now is not that the Ministry has not attended to these recommendations but that they are not expeditiously implemented.

Touching one or two aspects of this reorganisation, I would like to say that the Estimates Committee appointed by this House also went in detail into the working of the Secretariat. In its examination of some of the Ministries like the late Industry and Supply Ministry, the Commerce Ministry and the Works, Mines and Power Ministry, Members of the Committee discovered that there was considerable overlapping in the working of the Secretariat. They also found there was no co-ordination between the working of one Ministry and another, between a Department and the Ministry, and between a Department and another Department. The Committee also regretted to note that there was no unified control which led to wasteful expenditure and in some places to inefficiency. Therefore, the Estimates Committee made certain recommendations on the reorganisation of the Secretariat in a report which was submitted to the House earlier.

The limited time at my disposal does not permit me to go in detail into those recommendations and therefore I will deal with only one or two questions. One of the recommendations in that report was with regard to tenure

service of senior officers at the Centre. I am sure I need not go into details because the report is there and hon. Members would have gone through those recommendations. Now, with regard to this question of tenure service, an another Committee which was appointed with Mr. Gorwalla as its chairman as early as the time we won independence, that is in 1947. This Committee too brought out its recommendations on this question and I would not do better than to quote what the Gorwalla Committee has said on this question of senior officers serving at the Centre. Sir, the previous practice with regard to this question was that the officers who were deputed by the States to the Centre were kept here for a definite number of years, say, four or five years, and then they were sent back to the States from where they had come. Both the Gorwalla Committee and the Estimates Committee who have recommended on similar lines have said that this old practice should be re-introduced. Now, the advantages of that system are that the officers who were deputed from the States to the Centre brought to the Centre their actual knowledge of the local conditions obtaining in their own States and of the problems of their Governments, and thus benefitted the Centre with their experience. Later, when these officers were sent back to their States after their tenure of service was over, they took back with them knowledge of the Centre's ideas and policies. Thus there was a mutual exchange of ideas regarding the policies and working of the Centre and the States. What does the Gorwalla Committee say on this question? It says:

"We feel it would be very inadvisable to concentrate at the Centre a large number of officers who have never had that touch with concrete things and problems which prevail in a district or in an executive appointment in a certain Department etc.; indeed, we would go further and state our view that interchangeability throughout the period of service between the Province and the Centre is of the greatest value."

I would like the hon. Minister to give some attention to this question and take decisions and see that they are implemented without any delay.

The second question that I would like to deal with is in regard to the practice followed for disposal of files. I understand that the rule in the Secretariat is to send the file to the lower man, who has to examine it and put up the case. Thus a file moves up and down and performs the journey

[Shrimati Durgabal]

forward and backward again. As soon as a receipt is received in the Secretariat, it is sent to the lower man, namely, either a clerk or an Assistant. Then, it goes to the Superintendent. Then, it goes to the Assistant Secretary. From him, it goes to the Under Secretary or Deputy Secretary, and then to the Joint Secretary, then to the Secretary and then the Deputy Minister and finally the hon. Minister.

The Deputy Minister of External Affairs (Dr. Keskar): But there is no Deputy Minister for Home Affairs.

Shrimati Durgabal: Then again, it travels back to the lower man. The lower man puts up the case. He brings out the points. When it goes to the Superintendent, I think he underlines some portions in red ink, indicating that those are the points on which a decision has to be taken. If this is the procedure, then I wonder how a common man who is not acquainted with this cumbersome and elaborate machinery is expected to get any justice. The present practice not only encourages delay but also inefficiency. Then there are inter-Branch consultations; inter-Departmental consultations; and inter-Ministerial consultations. By the time all this happens, the man who wants redress at the hands of this Government would have either collapsed or been finished. Therefore, I would urge upon the hon. Minister to see that this system is revised so that there would be less delay and quicker and speedier methods of disposal.

With regard to the question of appointments to certain very high posts, I understand that these are dealt with by Departmental Committees. This is responsible for certain allegations. I would urge upon the hon. Minister to see that as far as possible the U.P.S.C. is associated with the selection of personnel for these appointments. I have not got much time to say anything more about this re-organisation question.

I now turn to some other aspects. What is the procedure followed in the matter of appointments? In the year 1948 a resolution was brought in the Constituent Assembly (Legislative). The resolution read:

“This Assembly is of opinion that for any purposes connected with the State or its services, the Government of India shall not recognise any caste, sub-caste, sect or religion and that in future it shall abolish the mention or entry of

caste, sub-caste, sect or religion in any forms supplied by Government or in any records or registers kept by Government.”

When this resolution came up, Sardar Patel was alive. He accepted it and a Committee was appointed with Mr. R. R. Diwakar as Chairman. Shri Satya Narayan Sinha was also there.

Dr. Deshmukh: There was also strong opposition in the House.

Shrimati Durgabal: I have seen a minute of dissent by the hon. Member and I would deal with it, had I only had more time.

This Committee went from State to State. It sent officers from State to State and collected so much material.

Dr. Deshmukh: We never went to any State.

Shrimati Durgabal: At least information was collected through the officers from State to State, and then the report was drawn up. I have seen only one minute of dissent and that is by the hon. Member who interrupted. Now, Sir, the House is aware of the practice that is followed in the various States. I do not therefore want to go into details. The relevant rules are laid down in the Constitution itself.

Dr. Deshmukh: No.

Shrimati Durgabal: Articles 330, 332, 340 and 341—these are the Articles which had been introduced to safeguard the interests of minorities and backward classes. They also provided for the promotion of the educational and economic interests of the weaker sections. Further, under Article 340 the President was empowered to establish a Commission to go into the backwardness of these classes on account of social, educational or economic reasons and then submit a report. After all this has been done, I do not know how any further departure is allowed to be made. If it is made, I wonder if it will be warranted either under the Articles of the Constitution. This matter has come to our notice through the highest tribunal in the land, the Supreme Court. Therefore, I do not want to deal with it more than I have done, but I wish to refer to the attempt being made to introduce amendments to the Constitution. I only hope that justice will be done by this Government and the Cabinet which is sitting to draft these amendments will take care to see that no departure is made and no more safeguards are given than the ones already incorporated in the Constitution.

Dr. Deshmukh: You want to exploit perpetually.

Shrimati Durgabai: When communal passions rise, it will only lead to havoc. Our Prime Minister the other day was pleased to say when he was dealing with this problem in Jammu and Kashmir that "India should guard against this." What is the good of expressing such intentions when we do not take care of it in practice? For, in paragraph 74 of the report of the Home Ministry's activities it is said that the Diwakar Committee's recommendations were considered and that it was felt that no action need be taken. I do not know why it was felt so—whether the time was not found opportune or what was the cause—and the recommendations were not implemented. What is the use of appointing committees—these are committees appointed by Government—if after they have gone into the matter and so much money is spent usefully or otherwise and a report is produced, the report is simply to be put in cold storage?

Dr. Deshmukh: We have hardly spent any money.

Shrimati Durgabai: I would like the hon. Minister to reconsider this question.

Then I come to a question where I know that I will be misunderstood and styled as a feminist. But I am not asking for any special treatment. I do not want any discriminatory treatment; nor do I like to be discriminated against on any grounds. But I am asking for just treatment. And that is with regard to recruitment to the I.A.S. and I.P.S. I have got figures here. 25 women applied for I.A.S. and 44 for the I.P.S. in the year 1950. So many were found qualified after the examination, but none were appointed. No woman has been appointed so far. When this question came up in this House and whenever I asked the hon. Minister about it he said that there was an attempt on their part to bring the women up to the level of men. I shall read his answer. He said, "While we wish to favour women as much as possible there are other considerations" not certain special "also to be kept in mind." Who has asked the hon. Minister to do us a favour? We do not want to be given any favour. All that we say is: do not give us unequal treatment. So far as the women who are now in responsible offices and services are concerned, they have done well. Only the other day, the Communications Ministry took a decision to extend night duty to telephone girls also. The underlying idea of the

scheme was to increase efficiency and provide better service, as girl telephone operators were considered to be conscientious and well-behaved in the discharge of their duties. Then, in the Madras Secretariat the services of girls and women employees are considered to be very efficient. Only the other day in the Bombay Legislature the hon. the Home Minister while answering a question put to him as to how the women police were working replied that they were working very satisfactorily. In many capacities they are working very well. I would therefore ask him on what grounds this unequal treatment is meted out to them.

I would in the end again request him to go into the recommendations of the committees, take quick decisions and also see that they are implemented without any delay.

Dr. M. V. Gangadhara Siva (Madras): As a Member of Parliament and as a representative of the Scheduled Castes in general, let me speak a few words on the position of the Scheduled Castes in the various services.

On many occasions, Sir, a point was raised that the recruitment to the various services in Government must be made in accordance with the Constitution which provides for proper representation of the Scheduled Castes. Before the time-limit fixed lapses, the Government should respect their own statements made till now. I do not deny the fact that the House has had several deliberations and discussions to their credit. But the results achieved so far are discouraging. Any verbal assurance not translated into action, benefits not the persons concerned.

For example, recently there have been recruitment to the I.A.S. and I.P.S. through the Special Recruitment Board. If Government only cared to know the results of selection through these it will be very disappointing. At the rate at which selection of scheduled caste candidates to these services are being made, I am afraid, the Commission will never be able to find "suitable" according to them, even for the next 10 years. Ultimately the very object of the reservation will be defeated. Similar is the case with regard to appointments made through Public Service Commission and direct appointments. Nobody would dispute that a sound knowledge of history and culture and a certain standard of education are essential for selection to the I.A.S. and I.P.S. But does that mean Sir that there are not persons amongst the Scheduled Castes with the above requisites who could fit in, if not

[Dr. M. V. Gangadhara Siva]

better, at least at par with the present members. To say that the requisite number is not 'available' is far from reality and sincere attempt. I may humbly submit Sir that there are instances where even suitable men have been rejected for reasons best known to the Commissions. The deficiency that still exists to fill in the reserved quota, is, in my opinion, not the paucity of men, but the lack of opportunities and encouragement.

Now Sir, the Ministry of Home Affairs is entirely in the hands of the hon. Rajagopalachari, who is second to none in supporting the cause of the Scheduled Castes. He is in fact aware of an instance where a candidate was once rejected by the Madras Public Service Commission for the post of a Deputy Collector on the alleged ground that he had no personality, which, is due to his economic condition and nothing else. That very same candidate was later, at the intervention of the hon. Home Minister, then Premier of Madras, selected and he has now proved to be one of the meritable and worthiest of officers. This only shows the kind of leaning towards the Scheduled Castes that the various Service Commissions and Selection Boards possess. Sir, I am sorry to say, that the various Commissions and Selection Boards set up both by the Centre and the States have anything but a leaning toward the Scheduled Castes.

So far, as the Service Commissions are concerned, a greater change of heart towards the aspirations of the Scheduled Castes is needed.

I would, therefore, Sir, only appeal to the hon. Home Minister and to this House that if he and they respect the 12½ per cent basis of representation for the down trodden they would be fulfilling a moral obligation.

I realise, of course that it is difficult now for the hon. Home Minister to devote, in the midst of his multifarious work, his personal attention to this aspect of the problem; but, confident as I am, I am sure that he would continue to evince the same interest in the cause of the Scheduled Castes as he did when he was the Premier of Madras. I would further urge the importance and the urgent nature of this question that is confronting especially in view of the time-limit imposed by the Constitution.

I therefore submit, Sir, that the Government do constitute a Committee early, with persons of sincerity towards the legitimate aspirations of the Scheduled Castes to go into the details

of the recruitment, 2/3rd of the members being non-officials drawn from the Scheduled Castes who are outside the legislatures and who are not bound by any party discipline and official influence, to review the present position, and to select the required number of Scheduled Caste candidates to make up the deficiency, if necessary, relaxing certain artificial barriers. It is high time, Sir, that Government opt non-official members belonging to the Scheduled Castes into every Selection Board to safeguard the legitimate interests of the Scheduled Castes.

I may respectfully submit, Sir, in this connection, that results of recruitment to the Foreign Service are also far from satisfactory in that the present set-up consists of personnel chosen to great extent from only a select section of the populace of the country. I do not know whether the Selection Board had really applied its mind in the spirit in which it is desired.

The Scheduled Castes being the sons of the soil whose labours have been exploited by others from time immemorial, should not be allowed, nay, forced by ignoring their claims, to deteriorate further in a country, whose fundamental rights have been guaranteed to be liberty, fraternity and equality.

I hope that the hon. Minister will appreciate the situation and take up this matter in all earnestness and institute an inquiry through the Committee suggested and after reviewing the position, render justice to the Scheduled Castes.

Scheduled Tribes in Legislatures

Pandit Kunzru: (Uttar Pradesh): I beg to move:

"That the demand under the head 'Ministry of Home Affairs' be reduced by Rs. 100."

Sir, I wish to draw the attention of the House.

Shri Hussain Imam (Bihar): What is the purpose?

Pandit Kunzru: To draw the attention of the House to the injustice done to the most helpless section of the population, the backward tribes.

The Constitution provides for the representation of the Scheduled Tribes and the Scheduled Castes in accordance with their population. It is of the utmost importance, therefore, that the population should be correctly determined. In the year 1941, the population of the backward tribes—at that time the expression "Scheduled tribes" was not in use—was about 2 crores and 51 lakhs. But under the President's

Order issued under article 342 of the Constitution it has been reduced to about 178 lakhs. This reduction of about 63 lakhs has been brought about without taking into account the increase that would have taken place in the population of the backward tribes along with the rest of the population. There are many States in which the population of the Scheduled Tribes as determined on the 1st March 1950 in accordance with the President's Order is less than what it was in 1941.

Shri Bharati (Madras): What are the States?

Pandit Kunzru: Practically all of them with the exception of Bombay. In Bombay their population has increased by about 3½ lakhs, but in the other Provinces there has been hardly any increase, or the population has gone down.

Now, Sir, if the reduction in the population of the Scheduled Tribes may be regarded as a sign of the progress made by them, then we must come to the conclusion that Bombay is the most backward State in India today. But we know that there is no State in which more work has been done for the advancement of the interests of the Scheduled Tribes than in the State of Bombay. It seems to me that Bombay had too sensitive a conscience in this matter which did not permit it to reduce the population of the Scheduled Tribes within its borders on any pretext. I have no time to deal with the reasons on account of which the population of the Scheduled Tribes has undergone a change in all the States, but the two States which account for half the reduction are Madhya Pradesh and Rajasthan. I shall therefore deal only with these two States. (*An Hon. Member:* What about Bengal?) There are many other States where reduction has taken place. But as I have already said, the two States where the largest reduction has taken place are Madhya Pradesh and Rajasthan. In Madhya Pradesh the population in 1941 was about 44½ lakhs, but under the President's Order it has been reduced to about 24½ lakhs. That is, it has gone down by nearly 20 lakhs or by about 50 per cent. In Rajasthan the total population of the backward tribes was about 15½ lakhs, and under the President's Order it is about 4½ lakhs. Thus there has been a reduction of 11 lakhs or nearly 75 per cent.

Government's attention was drawn to the reduction in the population of the tribes by my hon. friend Mr. Kamath on the 27th November 1950. Government gave an elaborate reply to it. I cannot deal with the whole of it

here. I shall therefore confine my attention only to one of the principal reasons given in that reply for the reduction of the population of the Scheduled Tribes. And that was that "parts of tribes treated as Scheduled tribes under the Constitution (Scheduled Tribes) Order, 1950, who live outside certain localised areas and have ceased to be primitive or even backward and became largely assimilated to the general population among whom they reside. Instances of such cases are found mainly in Madhya Pradesh and Rajasthan". Had the Governments of the States in Rajasthan and Madhya Pradesh devised special measures for the uplift of the Scheduled Tribes, we could have understood the reason for the marked progress which they are supposed to have made during the past ten years.

[SHRI HIMATSIKKA in the Chair].

But we know that special attention has been paid to the question of promoting their welfare in Madhya Pradesh only during the last two or three years. And as regards the States that now compose Rajasthan we all know what their condition was. It is unthinkable that such improvement should have taken place among the people formerly regarded as backward tribes as to warrant the exclusion of 75 per cent of them from these tribes. If any real work has been done for the advancement of any backward section of the population it is in respect of the Scheduled Castes. Under the leadership of Mahatma Gandhi the movement initiated for their uplift in 1932 has brought about a visible change in the attitude of the higher classes towards them. But their population has undergone no reduction. These Castes are vocal and they have two doughty representatives in the Cabinet. Their population has increased in the same way during the last ten years as the rest of the population. But the Scheduled Tribes whose interests were not looked after one-quarter so warmly are supposed by mere lapse of time to have made such notable progress that Government think that it would be a slur on them and the States in which they live to regard them any more as members of backward tribes.

Shri Kamath: The fruit of independence!

Pandit Kunzru: There is a very important tract to which I should like to draw the attention of the House in this connection. The fact is that although the President passed no order prescribing the areas which could be regarded as Scheduled areas in Part B

[Pandit Kunzru]

States, it is stated in the Constitution (Scheduled Tribes) Order 1950 that only the tribes living in the Scheduled areas in Rajasthan will be regarded as Scheduled tribes and their population was determined before the Scheduled areas in Rajasthan have been notified. This shows, Sir, the arbitrary character of the decision. It shows that extraneous considerations influenced the minds of the Government in determining the population of the Scheduled Tribes.

Shri R. L. Malviya (Madhya Pradesh): Is the hon. Member aware that in Madhya Pradesh there were many scheduled tribe Rajahs and scores of very big zamindars and on the basis of that I want to know what he has to say?

Pandit Kunzru: If my hon. friend has a little patience, I will deal with his point. I have examined this question carefully and tried to find out what the real reason for the reduction of the tribal population could be and then I found that in some of the States the population of the Scheduled Castes and the backward tribes taken together would form a pretty large proportion of the total population of those States. In Madhya Pradesh, for instance, this percentage would amount to 39. It is thus clear that it would be idle to contend on the part of Government that the population of the Scheduled Tribes has been determined in accordance with ordinary canons of justice.

Sir, some Members of Parliament submitted a representation on this subject to the President and the Prime Minister. The Prime Minister in acknowledging the receipt of the representation said that he had asked the Commissioner for Scheduled Castes and Scheduled Tribes to look into the matter fully and to report to him. He was also good enough to say that he found some discrepancies in the figures supplied to the Government of India by the State Government and that he wanted to examine the matter as fully as possible, so that no injustice might be done. I believe that this enquiry has been made, but we are not aware of its result. In view of the Prime Minister's letter, I expect my hon. friend the Home Minister not merely to give us the substance of the report of the Commissioner for Scheduled Castes and Scheduled Tribes but also to supply us with copies of it. I have received a reply from the Home Ministry to the representation that was submitted to the President and the Prime Minister. The reasons given for the reduction may be summarized as follows:

At a Conference of the representatives of the States held in May 1950, the population of the Scheduled Tribes was determined in accordance with their advice. In the first place the principle was accepted that no tribes that had not been regarded as backward by the Census Commissioner in 1931 should be included among the Scheduled Tribes.

The second reason given was that the reduction took place because the State Governments concerned have certified that in the areas discussed by them the members of the Tribes have become assimilated with the general population and are no longer primitive or backward.

His reply shows that Government first decided not to limit the population of the tribal people. No restriction has ever been placed on enquiry with regard to any matter in any census. But so far as the Scheduled Tribes are concerned, the Government has laid down that while its population may go down, it shall not increase. The second thing that is clear is that the State Governments have been given a free hand in the matter. Had the State Governments said that the population should be further reduced, the Government of India would have yielded to that. Sir, before this matter came to be dealt with by the Home Ministry, it was being dealt with by the Ministry of Law. Had the matter remained within its jurisdiction, I have no doubt that the population of the Scheduled Tribes would not have been reduced in the manner in which it is now being done. I believe that while Dr. Ambedkar was in charge of the matter, he invited the States to send him lists of the Tribes which in their opinion should be scheduled. I should like my hon. friend, the Home Minister to lay those lists before us, so that we may see when the States became aware of the fact that certain tribes have made such wonderful progress during the last 9 or 10 years as to be treated as almost equal to the rest of the population.

I wish to say only one word, Sir, more before I sit down and that is with regard to Madhya Pradesh. Under the Central Provinces States Land Tenure Order a number of tribes have been specified as backward. The Order is concerned with the alienation of land. These Tribes number 99 while the Tribes that have been scheduled are much less than half of that number. It is clear therefore that the explanation given by the Home Ministry is not worth looking at.

There are other points that I can touch upon; but I do not propose to do so. It would not be right on my part to abuse your indulgence any more. I shall only say to my hon. friend the Home Minister that the grievous wrong that has been done to the Scheduled Tribes should be rectified. There is only one way in which it could be rectified and that is by law passed by this Parliament. Under article 342, the President's Order cannot be varied in any manner except by law passed by Parliament. As a result of the tour of the Commissioner for Scheduled Castes and Scheduled Tribes, Government have, I hope, ample material before them to enable them to decide how to deal with this question, particularly in the two States to which I have drawn their attention. If they make up their mind to introduce the necessary legislation, I am sure that they will meet with the full support of this House.

Mr. Chairman: Cut motion moved:

"That the Demand under the head 'Ministry of Home Affairs' be reduced by Rs. 100."

Shri Sonavane (Bombay): I rise here as a representative of the Scheduled Castes, to lay before this august House, as the chosen representatives of this land, the grievances and the woes of those oppressed and suppressed people who are traditionally harassed, humiliated and insulted in this land of Asoka. Mahatma Gandhi and many great Saints.

The feelings of the Harijans are very rarely voiced and sometimes, when voiced with a feeble voice, are derided and ridiculed, because the feeble voice of the oppressed and suppressed is not liked by some. Today, when I speak in this House, I remember our great revered leader Mahatma Gandhi, who is no longer amidst us, and when I speak on this issue of untouchability, my heart pains if I have to speak against our revered leaders like Panditji, Rajendra Prasad, Rajaji and others, who are equally revered and loved by our countrymen. Yet, I would be failing in my duty if I do not voice my feelings. I must speak what I feel with a heavy heart. In spite of the fact that our leaders are at the helm of affairs, I must point out to them their shortcomings in this matter, and request them to do something more than what they are doing today, and shake off their lethargy in the uplift of Harijans. Therefore, whatever remarks I may make, I would request them to take them in the spirit in which they are offered, even though I may overshoot the mark.

We the Harijans have felt the departure of Bapuji so much that after his death, a couplet was sung in Hindi,— I cannot repeat every word of it—one of the lines of which runs thus which means, "After your death, who will give light to the huts of the Harijans?" Even though Bapuji was not in the Government, he did collect a lot of money for the education and uplift of the Harijans. But, when the Congress Government is ruling at the Centre, what do we find? The woes of the Harijans are still there. In many of the States also, laws have not been passed for the eradication of untouchability. In spite of the provisions which our leaders and representatives have framed and adopted in the Constitution as an instrument and guide for the conduct of Government, and elevation of the nation, Government have allowed those provisions of the Constitution to remain as dead articles, making the untouchables suffer, and be exploited, humiliated and insulted.

Let me draw your attention, firstly, to article 17 of the Constitution which runs thus:

"'Untouchability' is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of 'Untouchability' shall be an offence punishable in accordance with law."

I ask the Government whether this article has been enforced. What has the Government done for the removal of untouchability? Will the hon. Minister Rajaji tell me what law he has passed at the Centre and what laws have been passed by the various States? Is this article 17 not a dead letter? Has he not heard of the untold miseries, grievances, insults, harassments, and persecutions in the various States? Has he not read in the newspapers tales of insults and harassments? I have got here a few cuttings from papers. . . .

Shri Munavalli: In what province?

Shri Sonavane: Have patience. I know you are supporting me. Have patience and you will agree with me. Here is a cutting from the News Chronicle of the 19th February, 1951. The caption is "Damn this Caste!" It is from Gwalior. I shall read the report.

"According to reports reaching here from village Baggad in Dhar District, a marriage procession of Harijans was attacked by a mob of Caste Hindus as the result of which some members of the wedding party sustained serious injuries.

[Shri Sonavane]

The Caste Hindus, it is understood, objected to the bridegroom riding a horse and also to the playing of band in the procession."

Shri A. Joseph (Madras): Not only in this State, but in Madras also.

Shri Sonavane: Representatives from Madhya Bharat saw me a few days back and told me further details about this incident and I learn that one or two persons of this party who were assaulted were seriously wounded and were lying in hospital and I now hear that one of them is dead.

Well, these are instances and I would ask our Rajaji what law has been passed to eradicate untouchability from the land. We complain against the treatment of coloured persons in South Africa and of their policy of apartheid; but what do we find here? Should we not do much more than what we are doing for the amelioration of these people?

Shri Sidhva (Madhya Pradesh): Bad comparison.

Shri Sonavane: We should do away with whatever untouchability there is in our own land and then nobody could point at us when we criticise others at Lake Success about things being done in South Africa which are against humanity and against the U.N. Charter. I would, therefore, request Government to do all that is needed in this matter.

Shri Ghule (Madhya Pradesh): May I inform the hon. Member that there is already a law in Madhya Bharat which prevents untouchability being practised and action can be taken under that law against anyone who practises untouchability?

Shri Sonavane: The laws may be there, just as there is this Article in the Constitution. Of what use is the law if it is only a dead letter and if it is not implemented and enforced I should, however, congratulate the Bombay Government for having appointed twenty officers to aid them in this matter and to see how far such laws against untouchability are being actually enforced, whether offences are detected and when they are detected whether the cases are followed up and the actual persons concerned punished. Laws are meant to be implemented and not to be a decoration or to be an ornament to be worn round the neck of the Government. I say, whatever laws there are must be enforced and implemented.

Sir, as regards the claims of *Harijans* for their place in the services, one

of my friends Dr. Siva has pointed out what amount of weightage Government have allowed to them. But the question whether that amount of weightage is actually being given to the Scheduled Caste employees in the services? In this report given to us, there is not a word about this aspect of the question, as to the reservation of 12½ per cent and 16½ per cent. in the services. We would like to know from the Government how this Resolution has been implemented. Last time we were told that these percentages were to be observed at the time of direct recruitments. When direct recruitments take place and the Scheduled Caste candidates apply, then these applicants are simply brushed aside and shut out on the question of merit. It is said that these candidates do not come to the level in point of merit. But I ask, when they satisfy the minimum qualifications as laid down by the Public Service Commission in their advertisement, why should they not be recruited? The man who obtains the highest place among the Scheduled Caste candidates must be given the place in accordance with the percentage laid down. But that is not done. On the other hand the Scheduled Caste candidate is compared with the other general candidates who get higher marks in the examination or test. That is not the right way of doing it, and whatever reservation is kept for the Scheduled Caste candidates is allowed to lapse. Last time when the question was raised and when the enquiry was made whether there is any *Harijan* member on the Service Commission, the reply was, "We are all *Harijans*". Sir, that is merely ridiculing the thing. That reply was very ridiculous. We know we all are *Harijans*. But the question was whether there was any one on the Public Service Commission to protect the rights of the *Harijans* in the matter of recruitment to the public services. What I feel is, the exploiters of the *Harijans* would not like or would not appreciate that these people should come up on the top, lest there be none to serve them hereafter. They know full well that if these down-trodden people should be given a chance they would come up and there would be none to sweep their latrines, to clean their houses and to wash their clothings and do all the other jobs for them.

An Hon. Member: No, no.

Shri Sidhva: That is too much.

Shri Sondhi (Punjab): Sanitary fittings is the reply.

Shri Sonavane: Another point that I would like to place before the House

is this. There are many castes in the various States included in the list of Scheduled Castes previously. But when the Union list of these Scheduled Castes came to be published, we found that several of these castes in the various States did not find a place in this Union list. Several deputations and representations were made to the Government in this behalf, but so far, I am afraid, nothing has been done to set this matter right. An assurance or promise was given by Shri Rajaji that a Bill would have to be brought before the House and those castes which were omitted would have to be brought on the list. I hope this will be done soon and many Scheduled Castes which have been omitted would not be made to lose whatever was given to them under the Constitution. With these words, and with the request that Government should give the Scheduled Castes whatever is rightfully due to them and that Government should not deflect from their policy in this matter, I conclude my speech. In fact there should be a separate department of Government to look after these people and to see that the laws in respect of untouchability are properly implemented and there should be a Special Commissioner with sufficient staff to look after the interests of all these people.

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

The House reassembled after Lunch at Half Past Two of the Clock.

[SHRIMATI DURGABAI in the Chair]

Mr. Chairman: I have to inform hon. Members that we will go on with the demands of the Home Ministry till 3-30, when the hon. Minister will begin his reply.

Shri Rajagopalachari: Madam, in order to give sufficient time to the Labour Ministry I thought I had to begin replying at 3 P.M. and would finish by 3-30 P.M. That was the agreement reached till now and that was the Deputy-Speaker's ruling.

Mr. Chairman: The Deputy-Speaker informed me that there was a large number of speakers who desired to speak.

Shri Rajagopalachari: I have no objection to the change. I only wished to bring to your notice that the arrangement yesterday was that the debate should close at 3 P.M. and I should finish my reply by 3-30 P.M. It must be recorded in the proceedings also. As against the inconvenience arising out of two Ministries'

demands being before the House it was also suggested that the House may sit till 5-30 P.M. If it is now altered I have no objection.

Mr. Chairman: It has now been decided that the debate on the Home Ministry's demands will go on till 4 P.M. including the Minister's reply. Then the Labour Ministry's demands will be taken up at 4 P.M. and it will go on till 6 P.M.

Shri Biswanath Das (Orissa): Madam, my hon. friend Pandit Kunzru has made certain statements which cannot and should not go unchallenged. Let not the Home Minister go away with the impression that the House accepts those statements because we have no chance to make our refutation on those points.

Mr. Chairman: With the consent of the House I would restrict the time limit to ten minutes. If however hon. Members confine themselves to five minutes, it will enable more Members to participate in the debate.

Shri Sarangdhar Das: I have an amendment in my name, Madam.

Mr. Chairman: Hon. Members will have their chance. They cannot have it simultaneously.

An Hon. Member: Have we to catch the Chair's eye or

Mr. Chairman: Yes but I have a list as well before me.

Shri Poonacha (Coorg): I am afraid I will not be able to develop my argument within a short time of five minutes and I crave your indulgence to allow me to speak at least for ten minutes in this connection. While I would like to touch on many other subjects connected with this Ministry, in view of the short time before me I would confine myself to certain matters relating to Coorg.

The Centrally administered area of Coorg is directly under the Ministry of Home Affairs. It was an irony of fate that immediately after the inauguration of the Republic a number of new taxation proposals were introduced so far as Coorg is concerned and I am constrained to say that the manner in which they have been or are being proposed to be pushed through is not a happy one.

I would first take up the proposal that was brought before a special session of the Coorg Legislative Council five days after the inauguration of the Indian Republic. While the whole

[Shri Poonacha]

country was rejoicing during the new Republican festivities, this taxation proposal was showered on us more or less at the instance of the Home Ministry. The way in which it was done would be amply described if I just read out a letter which was sent from the Home Ministry to the Chief Commissioner of Coorg. The letter is dated the 28th November 1949 and bears the number 56/8/49-Public. It runs as follows:

“With reference to your letter No (so and so) dated the 17th August, 1949, to the Ministry of Agriculture, on the subject noted above, I am directed to say that the Government of India are of the opinion that the proposals made by you do not fall within the purview of section 97 of the Government of India Act, 1935, as amended. The Governor-General of India is accordingly not competent to make an order amending the Coorg Land Revenue Regulation to provide for a summary settlement in Coorg. Under entry 8(a) in part two of the Schedule to the Coorg Devolution Rules, assessment and collection of land revenue in Coorg is a provincial subject and as such, the Coorg Legislative Council is competent to amend the said regulation in accordance with the procedure laid down in the rules for the conduct of legislative business in the Council. This power of the Coorg Legislative Council is, however, under sub-rule (1) of rule 2 of the Devolution Rules, subject to the Central Legislation.”

The point is that the Coorg Government approached the Government of India to have the summary assessment made in Coorg by an order passed by the Governor-General and when on examination they found that it was not possible in view of the functions of the Coorg Legislature, they referred the matter to the Ministry here. Later on the Ministry directs:

“In view of the position explained above, the Government of India have decided that, as a matter of policy the proposals made by you should in the first instance be put before the Coorg Legislative Council. Should the Coorg Legislative Council reject the proposals.”

This is what I want hon. Members to note:

“You will be justified in reporting the matter to the Government of India saying that the decision

reached by the Council is perverse and requesting that steps be taken to reverse it by appropriate central legislation.”

The letter goes on to say:

“I am therefore to suggest that a special session of the Coorg Legislative Council be summoned immediately at which a Bill to provide for the reassessment of land revenue in Coorg, a draft of which is enclosed, may be introduced. If the Council either rejects the Bill or passes any dilatory motion, you should submit formal proposals to the Government of India for Central Legislation.”

What I am pointing out is that the Home Ministry from here directs the Chief Commissioner to report in a particular manner as against the decisions of the Coorg Legislature itself and then on the top of it it directs the Chief Commissioner to take such proper steps as may be necessary and report that the decision of the Coorg legislature is perverse. Assuming that by a majority the Coorg legislature came to a particular decision, even then the Chief Commissioner is directed from this end that he shall report in a particular manner saying that such a decision is perverse so that they shall take definite action from this end. What then is the position of the Coorg legislature in this regard? What is actually happening is that even if the majority members take a decision, the minority members and the nominated officials put together can carry any legislation even by a bare majority of one vote. That is what actually has happened in respect of one or two taxation proposals. Under such circumstances I want to make it clear to the hon. Minister here that at least some respect and regard to popular opinion should be shown and this kind of bureaucratic direction being given from this end to the Chief Commissioner and the people's aspirations and demands being thus suppressed without any respect or regard should hereafter be done away with.

This is a very sorrowful state of affair. In view of the number of the new tax proposals that are being placed before the Council from time to time, I would respectfully submit that some kind of value should be given to the opinion of the Coorg Legislature as such and particularly to the opinion of elected members there. In the debate which we had on the 16th March when the administrative set-up of Part C States was discussed

in this House, it was pointed out by the Government that the future of Coorg and Ajmer-Merwara would be with that of a neighbouring major unit, that is to say they will be merged with the neighbouring States. Government on the one hand say that these areas cannot continue as independent entities, that they are not viable units and as such have got to be merged either today or some time later with the adjoining States, but at the same time they rush forward with all varieties of taxation measures; and want to burden the people with more taxes without finally making up their mind whether these areas will remain separate or not. This is very hard on the people. So far as the future is concerned they are not quite certain and so far as the day-to-day administration is concerned they are burdened with taxes, more taxes and yet more taxes. This double-edged sword that is kept hanging above the heads of the people of Coorg continuously is a sorrowful and pathetic sight. I would only urge upon the hon. Minister to stop these new tax proposals from coming into operation till such time as the final decision is taken in this respect. Otherwise what would happen? Let me quote the instance of the agricultural income-tax, the proposal for which has been passed—passed in the same way by a bare majority of one, with the four official members voting. What would happen? In Mysore there is no agricultural income-tax, in Madras there is no agricultural income-tax. Supposing Coorg is pushed on to Madras or Mysore at some time as the Government have been saying, what would be the position of the people of Coorg? They will be paying this additional tax burden, they will be subject to this agricultural income-tax, and at the same time merged into some other unit. That will be a hard state of affairs. Therefore, in my opinion, these new taxation proposals, whether they are under contemplation or at the stage of being assented to by the President, should be stopped for the time being and until such time as the Government comes to a final decision as to what should be the future of Coorg. I would just draw the attention of the hon. Minister to article 239 of the Constitution which actually lays down the procedure for arriving at such a decision. In accordance with the provisions of that article Government must come to an early decision so far as the future set-up of this area is concerned, and not go on burdening the people with taxes on the one hand, and on the other putting the people under suspense by not taking a decision at all and adding to their hardships.

58 P.S.D.

Maintenance of destitute families of political sufferers.

Shri Sarangdhar Das: I beg to move:

“That the demand under the head ‘Police’ be reduced by Rs. 100.”

In moving my cut motion I fully support what Mr. Kamath said while moving his motion. In addition to that I wish to say that the freedom that we are enjoying today in a greater or lesser measure is due not only to the movement that was initiated by Mahatma Gandhi, but prior to that beginning from the *swadeshi* movement in India and simultaneous efforts outside India to carry on propaganda about Indian independence, due also to a band of workers in each of these movements. The efforts of all those combined came to a crescendo and culminated in the independence of India. Madam, many of those patriots have died. Some are disabled but living. They have their families which are destitute and I wish to urge the need to help them. But in doing so. I disagree with what the Prime Minister had said some time ago that it will be a sort of charity which people who had worked for independence do not desire. I quite agree that they are not begging for any aims, but it is the duty of the country, the duty of the Government which is now ruling the country on behalf of the people, to see that those who were our comrades, not only of the Ministers but of every one of us in this House—in military language it would be comrades in arms, but that is not so—comrades without arms, who have fought with us, we have an obligation towards them which we have to fulfil. It is quite possible that quite a number of them will not require any help, will go without help and will carry on their business or avocation as they are doing so far. But while conceding the attitude taken by the Government, still any sort of assistance will be a welcome thing for those who do need such help. Therefore, I plead, not for the workers themselves who had made the sacrifice but for the families of those workers who are in a destitute condition.

Another point that I wish to bring to the attention of the Home Minister is this. It refers to civil liberties. In the Constitution we have conceded fundamental rights of all kinds, but unfortunately, during the last two years or so we have had all kinds of Acts—the Preventive Detention Act, the Public Safety Act etc.—by which evidence is becoming abundant that opposition opinion is being muzzled. Right here in Delhi, although for the

[Shri Sarangdhar Das]

last three years, since, I would say, the middle of 1948, there has been absolutely no communal trouble or any apprehension of it, restrictions are being imposed. I know very well that in Delhi the minority population which was at that time persecuted is now so small that there is no trouble brewing between the majority community and the minority community. I should like to know from the Home Minister if he can quote instances of any communal disturbance which happened during the last two or two and a half years. If that is the position, then there is absolutely no necessity for enforcing the Punjab Safety Act in the whole State of Delhi as has been done about a month or a month and a half ago, besides Section 144 and other restrictive Sections enforced in various localities of the city of New Delhi and also in Old Delhi. It is very strange, and a matter that should be condemned by every one—that, before the General Elections meetings and processions are banned to such an extent that there cannot be any educative propaganda by the different parties among the people. Under these circumstances, the elections, that we are going to have and which all leaders of different shades of opinion claim should be free and fair, will not be free and fair. Not only in Delhi but also in the Centrally Administered Areas and also in the other States which are autonomous no doubt, but which are guided by the actions of the Central Government, opposition opinion is being muzzled and the educative work, that should be done from now on to prepare the people for the General Elections, is being hampered by these measures. I therefore urge upon the hon. the Home Minister to see to it that the restrictive measures enforced in Delhi particularly are removed at the earliest possible moment.

I might mention here—although I know many of my friends know it—that last month because a procession that was to be taken out was not given permission to by the Chief Commissioner on the plea that the procession would interfere with the fundamental rights of other people in the streets—a very funny argument that the Chief Commissioner had given—I myself was compelled, because of the necessity of taking out that procession, to lead it, defying the order if it is not removed as soon as possible, because such a ban against processions is the most unreasonable thing. Government in January cut down the rations and raised the prices of the rations; and people are going without food and those, who have a little

money, are buying more food in the black market than they were doing before. Because people come out to protest against this, you stop the procession and enforce these restrictive measures. This is not democracy and this is not the way in which you can rule this country. There is bound to be a revolution of one kind or another and therefore I advise the hon. the Home Minister to remove these restrictions as soon as possible.

Shri Jaipal Singh (Bihar): In deference to your appeal this morning I have great pleasure in addressing you as Mr. Chairman. I would like to add my own points to what my hon. friend Pandit Kunzru said this morning; only, that I would like to correct some of the figures he has given. According to the 1941 Census, backward tribes numbered 248 lakhs in 1941 and at each decennial reckoning, in the Census operations, the average increase in their numbers has been round about 13 per cent. Taking a conservative figure of 10 per cent. only, ten years after 1941 their number should be somewhere round about 272 lakhs. But what do we find? The President, according to his order of last September, tells us that the Scheduled Tribes number only 178.73 lakhs. In other words, according to him, there has been, a reduction in their numbers to the tune of something like 100 lakhs. To me, it is not a question as to how many they are. I am more concerned with the effect of this disastrous action on the part of the President on the future of the people the Constitution has sought to serve. In the Constitution, there are certain definite fundamental rights; definite directives; and definite safeguards and one of them—and the most important one—is in regard to their representation in the Legislatures. The net effect of reducing their numbers would be that they would be robbed—I use the word deliberately—this section of the people, 'helpless people' as my hon. friend Pandit Kunzru said this morning, would be robbed of something like 100 seats in the various State Legislatures of India and in this House also this community would be deprived of something like 10 to 11 Members of Parliament. That is a very serious matter. There is also the other thing that people do not always realise, namely, that there are specific laws relating to the Scheduled Tribes. If certain tribes are removed from that tribal inventory, there is the effect of taking away certain protective laws that are in existence. Take my own State, for example,—the State of Bihar. There is the Chhota Nagpur Tenancy Act whereby Adivasi lands cannot be alienated to non-Adivasis. If certain of the tribes are removed

from the inventory of the State of Bihar of Scheduled Tribes, what happens is that somebody comes along and says, "Now, you are not one of the scheduled tribesmen. Therefore, you cannot have the same land protection that you have had for centuries and centuries." It is a very serious matter. I would only say that something must be done by this Government to redress the grievous injustice that has been done by the Presidential order of last September. Otherwise, you are playing with highly inflammable material. We all know what is happening in our north eastern frontier. There are many places in the tribal tracts where there is no such thing as law and order because of the incompetence not only of the Central Government but also of the State Governments to honour the solemn promises that have been given on the floor of the Constituent Assembly of India by our revered leaders. The Central Government and State Governments are deliberately flouting the Constitution and I shall give you examples here and now how they are doing it.

Take Article 275 which enjoins that special grants will be given by the Union from the Consolidated Fund of India for the welfare and development of *Adivasis*. May I ask my hon. friend the Home Minister what funds he has allotted during this year or during last year? The Article specifically mentions that grants from the Union will be given to the various State Governments for that specific purpose.

Then come to Article 338. I know that a Commissioner for the Backward Classes has been appointed, but if you read this Article you will find that he is bound to place a report first to the President and the President is bound to place his report on the Table of Parliament. I ask my hon. friend the reverend Home Minister what work is that Commissioner doing: when is the report coming; and when will it be placed before us.

Then take Article 339. Here the Constitution gives the Union Government the power to give directions to the State Governments where there are large concentrations of Scheduled Tribes. What directions has my hon. friend the Home Minister given? I would like to know that, Sir. I can go on with more examples, but the most important thing in this particular regard is the appointment of the Investigation Commission, when is the Investigation Commission going to be appointed? Then alone shall we know whether the solemn promises that the

Constitution has given to these helpless people are or are not being honoured and implemented.

Sir, there is not much more that I would like to say about the Scheduled Tribes because I did speak last year on this particular subject. But before I go on to any other matter, I would like to read a letter of that noble and magnificent man whom we miss here very much, Thakkar Bapa, who was to the very last interested in the future of the backward classes. This is what he wrote to me last December from Bhavnagar from his sick bed. I will only read excerpts from his letter:

"Yes, you are quite right in saying that some States have so many obscurantists as to reduce the number of tribals considerably. Rajasthan, Madhya Pradesh, Assam, Bihar, Orissa and Hyderabad are the worst offenders in descending order. Rajasthan is now-a-days ruled by I.C.Ss., not by Ministers, and yet they have been so unfair. Madhya Pradesh is evidently led by political considerations by a very clever Minister, Mr. D. P. Mishra. There is some argument in favour of Assam Government who think that ex-tea garden tribal coolies are a part of the common people there In Bihar though the reduction is by about 10 lakhs the percentage of reduction is not heavy. In Orissa I do not understand on what grounds they have reduced their numbers. There tribals are a mass apart from other people. In Hyderabad State they have removed the tribal *Banjaras* from the list who number over four lakhs out of six lakhs and so the reduction is heavy. Out of 248 lakhs you have to deduct, to be fair, the tribal population of C Class States who do not come in the picture at all.

* * *

The new Special Officer under article 338 is after all a government servant and he has his limitations. You cannot expect from him a fight like the one from you and me."

These are the words of Thakkar Bapa and I wish these words could be heard in the States. I would like to know why the very man who to a very large extent was responsible for the provisions, the safeguarding provisions, in the Constitution is being dishonoured in such disgraceful fashion.

3 P.M.

Shri Haque (West Bengal): I would like to draw the attention of the hon. the Home Minister and of the House to three points under his charge: one is the separation of the judiciary from the executive; the second is the vast accumulation of cases in the High Courts and other courts; the third, the absence of a Law Commission to review the working of laws.

Madam, as regards the first point, the separation of judiciary from the executive, that is the burning need of the day. The Congress cried for it in the British regime and when Congress came into power we were hoping that the judiciary would be separated permanently from the executive. But yet we find that the magistrate still is the prosecutor, the judge and the jury rolled up into one, leading to very disastrous results to the public and to the people of India. I would request the hon. the Home Minister to kindly consider this point and to give it his first attention and separate the judiciary from the executive as early as possible.

My second point is this. In the High Courts arrears of work are very heavy. Cases are pending there for several years; in some cases even ten years. On the original side of the Calcutta High Court and also the appellate side of the same court, to my personal knowledge, there are several cases which are pending for years and years together. What is the reason for this accumulation? Why this delay in giving remedy to the people? Justice delayed is justice denied. Why is not justice given promptly and regularly? I believe the reasons are almost three-fold. One is quantitative; the second is qualitative and the third is administrative.

Some of the Chief Justices of the High Courts have said that they have not enough judges. That is one reason for their not being able to cope with the rush of work in courts. It is for the hon. the Home Minister to consider whether there is any substance in that allegation. And if he is satisfied that there are not enough Judges in any particular High Court, or in some High Courts, it is, I think, his duty to increase the number of Judges in those courts. The second reason is qualitative. The Bench has lost much of its former quality. We do not have Judges now of the type of Sir Ashutosh Mookerjee, Sir Gurudas Banerjee, Sir Laurence Jenkins, Amer Ali or Bhashyam Ayyangar. Our quality, I think, has fallen down. Whether it is due to wrong choice or due to the fall in the standard of the Bar, it is

for the hon. the Home Minister to consider. Unless you have judges of proper quality, it is difficult to expect them to carry on the work as expeditiously as possible and as efficiently as necessary.

I may tell you one instance in which the late Mr. N. N. Sarkar was arguing a case before an hon. Judge of the High Court—he was a British Judge. Mr. Sarkar was repeating a point several times. The Learned Judge said: "Mr. Sarkar, I cannot understand your point." Mr. Sarkar was again arguing the same point, when the Learned Judge repeated his inability to understand it, whereupon Mr. Sarkar said: "My Lord, I can give you only points, I cannot give you brains." Loss of brain or lack of brain is a cause of this deficiency.

The other reason is administrative. The High Courts have too many holidays, I think. They work much less than any other courts or any other offices. They do not sit on Saturdays: We lose thereby 52 days in the year. If 52 days are availed of in the year, I think there can be considerable progress in the work of the High Courts.

The third point is the absence of a Law Commission. The House knows very well that this Parliament and the other legislatures are passing heaps of laws almost every session. We are creating more laws instead of growing more food. The campaign of Grow More Food has diverted to the legislatures. The result is that people do not know what is the actual law. We make a law today and the courts declare it invalid or *ultra vires*, either wholly or in part. The legislature makes laws and the law is declared either legitimate or illegitimate later on. This state of affairs is very much unsatisfactory. I would, therefore, request the hon. the Home Minister to consider it and advise the Law Minister to have a Law Review Committee or Commission to examine the laws and make them simple. Too many laws are a disgrace for a country.

श्री ओरांव : सभानेत्री जी, आज जो

आप ने मुझे बोलने का समय दिया इस के लिये मैं आप को बन्धवाद देता हूँ। इस के पश्चात् माननीय सत्यनारायण सिन्हा जिन्होंने हमारे लिये बहुत कोशिश कर के समय दिलाया, उन को भी बन्धवाद देता हूँ। साथ ही साथ सरकार को भी बन्धवाद देता हूँ क्योंकि उन्होंने हमारे आदिवासियों के लिए रिजर्व सीट रखी

है। लेकिन साथ ही मैं यह भी कह देना चाहता हूँ कि जो सीट हमारे लिये रखी गई है, वह आज हमारे लिये बड़ी घातक है। मैं आप लोगों को बतलाऊंगा कि यह क्यों हमारे लिये घातक है। जो मेग कट मोशन (Cut Motion) है उस के सम्बन्ध में मेरे दिल्ली आने के पहले मेरे पास कई जगहों से चिट्ठियाँ आईं कि सेन्सस (Census) में हमारे लोगों ने अपना धर्म आदिवासी लिखाना शुरू किया था, मगर मेरे पास चिन्ती आई है कि इसके बरखिलाफ एस० डी० ओ० (S. D. O.) और पुलिस अफसर यह कोशिश कर रहे हैं कि उन लोगों का धर्म हिन्दू लिखा जाय। मैं बतलाऊंगा कि क्यों ऐसा करना पड़ा। इस में बहुत बड़ा रहस्य है। सोचते हैं कि अगर हमारे लिए रिजर्व सीट रहती है तो उन का काम नहीं बनता। चूँकि हम लोग खत्म नहीं हो रहे थे, वह हमें आमने से, सामने से, आगे से, पीछे से, ऊपर से, नीचे से काट कर खत्म करना चाहते हैं जिस में रिजर्व सीटस न रहें और शेड्युल्ड एरिया (Scheduled areas) न बनने पावें।

इस का यही कारण है। जब हमारे पास चिट्ठी आई तो इस के लिए हम ने होम मिनिस्टर साहब से मिलना चाहा लेकिन मिलने का सौभाग्य प्राप्त नहीं हुआ। तब हम ने लिख कर दिया तो उन के प्राइवेट सेक्रेटरी ने हम से कहा कि बहुत जल्द इस की इन्क्वायरी (Enquiry) होगी। सेंसस तो कत्र का खत्म हो गय लेकिन पता नहीं कि उस पर क्या हुआ। कल रांची के डी० सी० से हम को उस पत्र की कापी मिली जो कि होम मिनिस्ट्री ने बिहार गवर्नमेंट के पास भेजी थी। सेंसस हुए महीनों हो गये, अब उस से क्या हो सकता है। बिहार में यह हो रहा है कि उत्तर

बिहार के लोग आदिवासियों से फायदा उठा रहे हैं। आप को मालूम होगा कि आदिवासियों पर उठाने के लिए बिहार सरकार ढाई तीन लाख रुपया दे रही है। लेकिन इस रुपये का क्या होता है? उस से यही काम हो रहा है कि केले का छिलका तो हम को दिया जाता है और गूदा खाने वाले दूसरे हैं। ऐसा काम बर्हा हो रहा है। इस से कांग्रेस भी चौपट हो रही है और गवर्नमेंट भी कमजोर हो रही है। अगर यही होना है कि हमारे नाम से तो रुपया निकले और उत्तर बिहार वाले उस से फायदा उठावें, तो इस से तो यही अच्छा होगा कि उसे बन्द कर दिया जाय। जैसा कि मैं ने पहले कहा हमारे लिए सीटें रिजर्व करने से हमारे लिए बड़ी आफत हो गई है। हम को लड़ाया जाता है और हम में फूट डाली जाती है और चन्द लोग मौज करते हैं।

इस के बाद हम प्राइम मिनिस्टर साहब से मिले और उन को सारी बात कही कि मजहब के नाम पर यह एक राजनीतिक चाल चली जा रही है। तो प्राइम मिनिस्टर साहब ने कहा कि ऐसा नहीं हो सकता। उन्होंने यह भी कहा कि हम तो चाहते थे कि मजहब इस में न रखा जाय लेकिन सेंसस में मजहब रख दिया गया है। हम ने उन से कहा कि हम ने प्रेसीडेंट साहब को यह बात बतलाई है और वह जानते हैं कि यह एक राजनीतिक चाल है, तो उन्होंने कहा कि हाँ हो सकती है।

मिस्टर चेयरमैन : जब आप ज्यादा बोलते हैं तो आप दूसरों का समय ले लेते हैं। अब आप समाप्त करें।

श्री श्रीराव : मुझे दो मिन्ट का समय और दिया जाय।

(English translation of the above speech]

Shri Oraon (Bihar): I thank Shri Satya Narayan Sinha due to whose strenuous efforts I could get time. I owe my thanks to the Government also for they have reserved seats for our aboriginals. But I cannot help stating that these seats that have been reserved for us are proving fatal to us. I would like to explain why these seats are proving fatal. Before I came to Delhi I received many letters from various places regarding my cut motion. The letters mentioned that in the census enumeration the people of the aboriginal tribes had begun to get the word 'Adibasi' written in the column meant for religion, but I learn that the S.D.Os. and Police Officers forced them against their will to get 'Hinduism' recorded in the column meant for religion. I would like to submit as to why they did so. It is a mystery. They think that their purpose would not be served if seats are reserved for aboriginals. As we were not going to be exterminated, so they tried to chop us up around so that we may be reduced in numbers and that the question of reservation of the seats may not arise and scheduled areas may not be formed. This is the only reason for it. When I received these letters I tried to see the hon. Minister of Home Affairs in this connection, but unfortunately I could not see him. Then I put all this matter into writing and submitted it to the Private Secretary to the hon. Minister of Home Affairs. In reply to that the Private Secretary informed me that an enquiry would very soon be made into this matter. Now the census has long been over and I am still not aware as to what happened of that petition. Only yesterday I received from the Deputy Commissioner of Ranchi a copy of the letter sent by the Ministry of Home Affairs to the Government of Bihar. Months have past since the census took place. of what benefit this letter can be for us now? I would like to tell you what is going on in Bihar. The people of northern parts of Bihar are taking the advantage at the cost of aboriginal tribes. You might be knowing that the Government of Bihar are granting about two or three lacs of rupees for the uplift of aboriginals. But what is being done of this grant? The actual benefit is taken by other people and only a very little portion of it is left for our use. On account of such practices the Congress organisation is rushing towards its doom and the foundations of the Government also are being shaken. If this is to happen that the money apportioned for the aboriginals should continue to serve

the purpose of the people of north Bihar then I would like that this grant be better stopped. As I mentioned before these seats reserved for us have become a source of great misfortune for us. We are made to fight with each other and we are made cat's paw and other people take advantage of this thing and enjoy.

Afterwards I saw the hon. Prime Minister and told him how under the guise of religion a deep game of politics is being played to the detriment of the aboriginals. The hon. Prime Minister told me that it could not be so. He was of the opinion that the column of religion should not have been included in the census but, anyhow, it was there. I told him that I had informed the President also about all this and he also knows that it was merely a political stunt. In reply to this the hon. Prime Minister told me that it was just possible that it may be so.

Mr. Chairman: When you speak too much you take other's time as well. Now, please finish your speech.

Shri Oraon: Two minutes more may be given to me.

Mr. Chairman: I would like to call upon two hon. Members who can speak for five minutes each. Mr. Sanjivayya.

Pandit Kunzru: On a point of personal explanation, Mr. Jaipal Singh said in the course of his speech that the figures that I had given about the population of the Scheduled Tribes was wrong. The fact is that the President's Order deals only with the Scheduled Tribes in Part A and Part B States, because these are the only two categories of States referred to in article 342 of the Constitution. He in the figures that he gave included Part C States also which are not dealt with by article 342 and in respect of which the population of the Scheduled Tribes has not been determined by the President's Order.

Shri Sanjivayya (Madras): Today we are discussing the Demands under the control of the Ministry of Home Affairs, which is concerned with two particular groups of subjects. The first relates to public security. Public security in this country is often threatened by communalists and Communists. I would like to deal with the activities of the communalist first.

The House is well aware of the recent disturbances in Punjab and PEPSU during the census operations where Harijans were put to untold sufferings and hardships. In this connection I would like to thank the

Central Government for having deputed an officer of the Government to study the situation and report. But unfortunately in the very presence of the officer who had been deputed by this Government certain undesirable events took place. I would like to read a report from the newspapers relating to that.

"A sensation was caused when a fanatic Sikh *jat lambardar* threatened the *Harijans* of village Dhanoki in the presence of the Commissioner and the Tahsildar of Phagwara that the *Harijans* would not be allowed to go out in the fields and their boycott would continue as they had not recorded their religion according to the wishes of the majority community in the village."

So I want an assurance from the hon. Home Minister that all those *Harijans* who have suffered loss of property would be given proper compensation. Another thing is that those miscreants who have been responsible for this mischief should be properly dealt with.

Then I would advert to the activities of the Communists in this country. The hon. the Home Minister the other day, when the Preventive Detention (Amendment) Bill was under consideration, said that the Communists of Telengana have got name and fame of an international character. These Communists have extended their subversive activities to neighbouring districts like Kurnool, Guntur, West Godavari and Nellore. Their activities of late in Kurnool district have been of a very disastrous character. As recently as on the 8th of March about two hundred masked raiders raided West Godavari village and decamped with Rs. 2 lakhs of property. I will give the statistics relating to their activities in one sentence. In Hyderabad according to official sources 379 persons were murdered in 1950. In 1951 up to Mar. 13, there were 73 murders. There were during this period, 1950 and up to Mar. 13, 1951, 491 cases of arson, 319 cases of looting, 53 raids on police stations and 207 attacks on village officials. There were 300 encounters with the police in 1950, and 1951 up to 13th March there were 67 such encounters. In the Andhra border, the totals for 1950 and up to March 15, 1951 were murder 47, arson 67, looting 111 and encounters with police 51. Therefore I urge upon the Central Government that they should take more stringent steps to see that this menace is put down.

भीमली उमा नेहरू: जनाब बेयरमैन साहिबा, मैं कोसिस करूंगी कि मैं पांच मिनट से ज्यादा न लूँ। लेकिन मुझे यह शिकायत जरूर है कि यहां पर हालत यह हो गई है कि ऐसा मालूम होता है कि हमारे पीछे एक शैतान लाठी लिए दौड़ा चला आ रहा है और हम उस के आगे-आगे भाग रहे हैं। यह होम एफेअर्स (Home Affairs) का विषय इतना महत्व का विषय है कि इतने ज़रा से बक्त में हम उस पर क्या कह सकते हैं। और हमारे लिए तो यही खैरियत है कि गवर्नमेंट हमारी है, इसलिए कुछ ज्यादा कहना नहीं होता है, केवल जो चीजें हमारे सामने आती हैं उन को आप के सामने रख देते हैं।

मैं आज उस विषय पर बोल रही हूँ जिसका जिक्र किसी ने नहीं किया है और वह यह कि मैं अपने होम एफेअर्स की जो स्पेशल पुलिस मुकर्रर हुई है उस के बारे में कहना चाहती हूँ। स्पेशल पुलिस जो आई० जी० (I. G.) से ले कर फुट कांस्टेबल (Foot Constable) तक जो रिपोर्ट मैंने देखा है उसमें सन् १९४९-५० में ९६५ मुलाजिम थे।

फिर सन् १९५०-५१ में ६३६ रिपोर्टों में दर्ज है। सन् १९४९-५० में इस का खर्च करीब १७ लाख हुआ और सन् १९५०-५१ में २० लाख। इस रिपोर्ट में दर्ज है कि सन् १९५०-५१ में इस महकमे में मुलाजिम कम कर दिये गये। लेकिन खर्चा बढ़ गया। अब कौन मुलाजिम कम किये गये, इस का देखा तो मालूम हुआ कि क्लर्क (Clerks), फुट कांस्टेबल्स, हेड कांस्टेबल्स (Head Constables) असिस्टेंट इन्स्पेक्टर (Assistant Inspectors), सब-इन्स्पेक्टर (Sub-Inspectors) कोई

[श्रीमती उमा नेहरू]

डिप्टी सुपरिन्टेंडेंट (Deputy Superintendent) पुलिस या इस न ऊपर का मुलाजिम काम नहीं किया गया। स्पेशल पुलिस के काम की शिकायतें हम ने बहुत सुनी हैं। कहा जाता है कि इस महकमे की खास बात यह है कि ज्यादातर ईमानदार गवर्नमेंट सरबेद्स इस का शिकार होते हैं, बेईमानी को यह साफ साफ निकाल लेती हैं। जब अंग्रेजों की शाहनशाही हकूमत थी तब इस महकमे में ज्यादातर मिलिटरी आफिसर्स (military officers) को पकड़ने के लिए यह महकमा मुकर्रर हुआ था। उस के बाद हलके हलके इस के अन्दर रेलवे केसेज भी दिये गये। लेकिन आज यह सारा सेक्रेटैरिएट (Secretariat) इस को बिया गया है। मैं आप से यह कह दूँ कि क्यों हम को यह स्पेशल पुलिस बुरी लगती है। इस में कोई शक नहीं है कि हमारी जो सरकार है और इस के जो मुलाजिम हैं वह इस सरकार के हाथ पैर हैं, और हम चाहते हैं कि यह सरकार के हाथ पैर मजबूत हों। लेकिन साथ-साथ हम को यह पसन्द नहीं आता कि हमारी सरबिसेज के सर पर एक ऐसी स्पेशल पुलिस मुकर्रर हो जहाँ सरबिस वालों की सुनवाई न हो।

अब ज्यादा न कह कर मुझे यह कहना है कि मैं तो खुद देख रही हूँ और मेरे सामने भी दो एक केसेज सच्चे हैं, आप के मुलाजिमों के, जिन के बारे में मुझे बुरा विश्वास है कि अगर वह केसेज हाई कोर्ट में ले जायें या किसी कोर्ट में भेजे जायें तो वह इन मुलाजिमों को क्रसुरवार नहीं करार देगी। मैं तो होम मिनिस्टर साहब (Minister of Home Affairs) से इतना ही कहूँगी कि वह मेहरबानी कर के इस पर गौर करें। जो एस्टीमेट्स कमेटी (Estimates Committee)

मुकर्रर की गयी है, उस से मुझे कहना है कि आप जो भी यह केसेज हों उन की अच्छी तरह से जांच करें और देखने के बाद मैं तो पसन्द करूँगी कि यह महकमा जड़ से और नाम से ही मिटा दिया जाय, क्योंकि मैं चाहती यह हूँ कि आप अपनी जात से और कांग्रेस गवर्नमेंट अपने कैरेक्टर से और अपनी सच्चाई और ईमानदारी से अपनी सरबिसेस पर असर डालें और कोई वजह नहीं है कि आप का असर आप के मुलाजिमों पर न पड़े और आप को इस स्पेशल पुलिस की फिर जरूरत ही नहीं पड़ेगी।

[English translation of the above speech.]

Shrimati Uma Nehru (Uttar Pradesh): Madam, I shall try not to take more than five minutes but I do have the grievance that, placed thus, one feels like being in flight pursued by the devil with his cat-o-nine-tails. This subject of the Home Affairs is of such great importance that one cannot say much on it in such a short time. Luckily, it is our own Government and one does not have to say much beyond putting before you such matters as come to one's notice.

I am going to speak today on a subject which has not been mentioned by anybody. I am going to speak about the Special Police. According to the report that I have seen the Special Police, from the I.G. down to the foot constable, comprised of 965 men in 1949-50. The number for 1950-51 is given as 636. The expenditure incurred over it in 1949-50 was 17 lakhs and in 1950-51 it was 20 lakhs. The report goes on to mention that some establishment of this Department was retrenched in 1950-51. The expenditure, however, increased. As for the kind of people who were brought under retrenchment, I found them to be clerks, foot constables, head constables, Assistant Inspectors and Sub-Inspectors. No Deputy Superintendent of Police or any other officer of higher ranks was brought under retrenchment. Lots of complaints are heard about the working of this Special Police. It is said the special characteristic of this Department is this that honest Government servants from the majority of their victims and that they are the saviours of the dishonest ones. During the British imperial regime this Department was brought

into existence mainly with a view to apprehend offending military officers. Later on, gradually, railway cases also began to be made over to it. Today, however, the entire Secretariat has been placed within its jurisdiction. Let me tell you why I have that dislike for the Special Police. Undoubtedly, the servants of our Government are like its hands and feet and we should, of course, like to see those hands and feet grow strong. But, at the same time, I would not like our services to be under the dominance of a special police against whom they cannot seek any remedy.

It would suffice me to say that I know personally of some cases of Government servants about whom I am fully confident that if they were to take their cases to the High Court or some other court they would not be held guilty. I would request the hon. Minister of Home Affairs kindly to give the matter his thought. I have also to urge upon the Estimates Committee, that has been appointed, to investigate such cases carefully. I would, however, like this Department to be abolished lock, stock and barrel. I would like you to influence the services by your own personality. Let them be led on their path by the character, truth and honesty of the Congress Government. There is no reason why you should not be able to influence them and in that case you would no longer stand in need of this Special Police.

Mr. Chairman: Mr. Deshbandhu Gupta. I would like to request the hon. Member to close his speech precisely at 3-30 P.M.

Shri Deshbandhu Gupta (Delhi): I do not propose to take more than five minutes that you have been pleased to allot to me. In these few minutes, I want to draw the pointed attention of the hon. the Home Minister to two or three things. On earlier occasions also I have done so but to no useful purpose.

Firstly, in the report which has been circulated by the Ministry a reference has been made to a Circuit Bench in Delhi. This is a demand which the people of Delhi have been making for many years and if you will remember during the last session the hon. the Home Minister was pleased to make a statement in reply to a question asked by me that the Circuit Bench would be open 'very shortly'. The emphasis was on the word 'very', but here in this report all that is stated is that 'it is hoped that it will be possible to secure accommodation for the Circuit Court and for the judges in Delhi shortly.' So even the word 'very' has

gone away, although it is after a lapse of more than 6 months that this statement is made I hope the so-called 'insuperable difficulty' in securing some quarters for few members of the staff will be overcome and in his reply the hon. the Home Minister will be able to announce a definite date by which this oft repeated request of the Delhi people would be conceded.

Secondly I want to draw the attention of the hon. Minister to the number of dacoities which have taken place during the year in and round about Delhi. Although the police force has gone up to 5,625, strong which works out to one police man to 300 persons in Delhi,—which is perhaps the biggest percentage which we can have in any big city—the number of dacoities has gone up. I am quite aware of the difficulties which the Administration of Delhi has to face particularly on account of the large influx of people, and the absence of records of the people who were undesirable and who were on the police lists on the other side of West Punjab and whose records were not available. Their presence present considerable difficulty to them, but all the same to have dacoities in the open daylight in and around Delhi is serious enough. Only three days back there was a dacoity about 5 miles away from Delhi which took place at noon time and the culprits have not been captured so far. A bank dacoity also took place in Qarolbagh recently. There is a sense of growing insecurity round about Delhi on account of these incidents and that does not do any credit to us. I would, therefore, like my hon. friend to devote more attention to this, as this is a province which is directly under the charge of the Government of India and it is expected to set an example for other provinces.

Thirdly a big complaint is made by a section of the people that in Delhi Section 144 rule has become almost a permanent feature. You find almost every second month an announcement in the press that no meetings can be held; no processions can be taken out without the previous permission of the District Magistrate. I know the difficulties of the Administration but this does give a handle to the Opposition and to people who are not very kindly disposed towards the Administration and expose us to the charge that in the capital of India, we are ruling by resorting to the use of preventive sections of law. I would like the hon. Minister to take note of this fact also and try to bring about some relaxation so that there could be no room for

[Shri Deshbandhu Gupta]

this complaint and meetings and processions could be taken out as they are done normally in other places.

With these few words I conclude and I hope that my hon. friend will be able to give an assurance that there will be an increasing sense of security round about Delhi and that the Circuit Bench will be opened on a definite date, which he would fix.

Shri A. Joseph: May I be permitted to ask one or two questions?

Mr. Chairman: This time is set apart for the hon. Minister.

Shri A. Joseph: I want to put only two questions. I expected to speak on the Demand. But I have not been given an opportunity.

Mr. Chairman: The hon. Member may put the question.

Shri A. Joseph: I come to know that the Ministry of Home Affairs have instructed the various State Governments to extend the facilities which were given to the *Harijans* also to the *Harijan* converts to Christianity under the Fundamental Rights in the Constitution. May I know how many State Governments have replied accepting this proposal extending the facilities in the matter of education and other matters? I am not asking for any reservation for the Assemblies or anything because there is already provision for such in the Constitution. My other question is this: If the State Governments disagree to do that, what steps do Government propose to take to bring it into practice in the interests of the Christians of this country? As regards my third question.

Mr. Chairman: Two questions only are allowed. If more and more questions are put only hon. Members will speak and they will not be able to hear the hon. Minister.

Shri R. K. Chaudhuri (Assam): May I put a question?

Mr. Chairman: He may ask the question later on.

Shri Rajagopalachari: I am sorry to appear to be anxious to speak when other hon. Members are up; but I believe we have to frugalise our time as much as possible so that we may do as much work as possible within the time that we have.

It may appear to be trite, my promising, but I do it sincerely. Whatever advice has been given to me in

regard to the improvement of the administration of the Ministry over which I am placed, I shall consider as valuable advice and give the utmost consideration to the suggestions made. As I said already, it is not merely an old form of expression that I am using; but I am saying it in all sincerity.

Taking the last speaker first, I shall deal with crime in Delhi and the work of the police in Delhi. No one knows Delhi better than Shri Deshbandhu Gupta, my hon. friend and colleague. He knows exactly what is necessary for Delhi, what is being done and what is not being done. But, there is a habit of making allegations to which we have got used, without examination. I do not myself say that what he has said is all incorrect. But, I shall just mention one fact which may perhaps make him think over it again. Take the increase of dacoities in Delhi to which he made reference. If any outsider had heard the speech or if the speech is reported in foreign countries, they should have a very funny idea of how Delhi is getting on, that in spite of all the money that we have been spending in Delhi, crime is going up. What exactly is the position? It is easy under the protecting shadow of the House for us to make any allegations, especially when there is nobody to defend himself when any allegation is made. There is no particular person who has been attacked. But take the Delhi police as a whole. What is it that we have here? The crime figures in Delhi altogether, apart from dacoities, in 1948,—I am not taking the difficult years—was 18,635. In 1949, it rose to 22,502. Comparing the figure for 1950 with that for 1949, it came down to 20,816 in 1950. It is not a very great fall; but surely, it is not a rise in crime. To reduce the crime from 22,000 to 20,000 is not bad. Hon. Members should at least not say that there has been an increase.

As for dacoities, I have got the figures here.

Shri Sondhi: Population is also increasing, Sir.

Shri Rajagopalachari: I need not apologise for the increase in population when the number of crimes is actually less.

So far as dacoity is concerned, as between the years 1949 and 1950, there is a fall from one small number to another smaller number. Similarly, in Ajmer. Some reference was made to law and order there. There was a fall in crime from 4129 in

1949 to 3526 in 1950. In dealing with figures of crimes, we should remember that an increase in detection raises the figure as much as an actual increase in the commission of crimes. Serious crimes like dacoity and robbery definitely show an improvement in Delhi. There were 125 dacoity and robbery cases in 1949; in 1950, we have had only 81 cases. Now I ask why does my hon. friend Shri Deshbandhu Gupta say that there has been an increase in dacoities and

Shri Deshbandhu Gupta: If I may interrupt, if he could give figures for dacoity apart from robbery, he will probably find that dacoities have increased.

Shri Rajagopalachari: If you will corner me to dacoity, I shall corner you further still, let me tell you. Only a little waste of time, but it is worth while. For the moment, you will be patient with me. If the figure goes a little wrong when I get at it actually. I think there was a fall from 9 to 8. Will my hon. friend apologise if I show a fall in dacoity?

Shri Deshbandhu Gupta: Most surely. But, I have to compare the figures not for 1949 and 1950, but with the previous years too.

Shri Rajagopalachari: I take the figures supplied to me for 1949 and 1950. If the hon. Member has any actual figures apart from official figures that is a different case. But, the actual official figures, I may assure you—I will presently give the figure for dacoity—shows a fall. So also in robbery. I did not note dacoity separately, because it was less than ten, and from a figure less than ten in 1949 it had fallen to a figure even lesser than that in 1950. I thought it was fair to include dacoity and robbery because the technical difference is not much. I have already given the figure. It has gone down from above 100 to less than 100. Therefore, the police have not been idle, or the criminals have given us more chance. Whatever it may be, crime has not increased.

As regards the increase of police, which was also referred to, my hon. friends must realise the importance of the functions of the police especially in Delhi. We are not caring for Delhi merely because it is a metropolitan city. It is not as if we wish to dress up our window only. Delhi is a very strategic centre, both for good people as for criminals, black-marketers, and others. Everybody who has something mischievous in his mind, even an ordinary agitator whether it be in religion, or politics, or social philosophy or whatever it may be, thinks

that he must strike at the heart because Delhi is the seat of Government. If he wants to have a procession, he says let us go to Delhi to have a procession. If he wants to hold a meeting, he says let us go to Delhi. If he wants to stage a drama, he thinks, he should go to Delhi and stage it. There is an attraction in Delhi for all that. Therefore, it is necessary to strengthen our police in Delhi. Just as it is necessary for a man to look after his heart, even neglecting the other limbs, of his body, so also, sometimes, it is necessary to look after a place like Delhi which is situated politically, geographically, internationally in a very delicate and important position just now. I think we have not done badly. I think if I come with a Bill for increase in the police establishment of Delhi, hon. Members will be liberal in their grant rather than be stingy.

Shri Sondhi: Last year, 70 lakhs were sanctioned.

Shri Rajagopalachari: It is necessary.

As regards the Circuit Court, I did say and I did mean, and I do wish that we should accommodate the staff and Judges as quickly as possible and have the Circuit Court here. If I could have my own way, I would even say that the entire Bar of Punjab should be brought over here, and have the High Court settled down in Delhi. It would improve the Delhi atmosphere in many ways when we have a number of leaders of culture here. But, that is not possible. Punjab is not in favour of it; the Punjab Bar is not in favour of it either. Every attempt will be made, and I repeat again, whether I use the word 'very' or whether I do not use the word 'very', every attempt will be made to bring the Circuit Court to working order in Delhi as soon as possible. Mr. Deshbandhu Gupta knows me very well to imagine that I have any desire to say one thing and to sleep over it afterwards. In case it is not possible, everybody will sympathise with me and with Mr. Deshbandhu Gupta. It all depends upon the accommodation being available in Delhi, about which also I need not waste words, because everybody knows the difficulties.

I come next to what was spoken a great deal about, that is, the injustice done to the Scheduled Tribes in the determination of their numbers and specification of the Tribes by an Order under the Constitution issued by the President. Before I proceed with anything of a substantial nature, I would like to draw the

[Shri Rajagopalachari]

attention of the House to one thing. All these facts and all these protests were made in a memorandum addressed to Government and on the 15th February, 1951, a very long and clear, frank reply has been sent to the hon. Members who were the memorialists and who had signed it. Every matter is thoroughly discussed in that long document and I have it before me, and when the debate was going on I read over the long letter through, and I found that the whole matter has been thoroughly and very frankly dealt with. Every question has been analysed and answered. I do not think that I can add anything to what has been said in that document of 15th February, 1951 which has already been given to the sixteen Members of Parliament who had written that letter to the Prime Minister. Copies were sent to the other signatories also, and not only to Pandit Kunzru. I do not think I differ from anything said in that document, and having read it over again, I confirm what has been said in that document. I draw the attention of hon. Members to what is said there and I can add nothing more to it. But in order that other Members of the House may have the advantage of reading it, I shall place that letter on the Table of the House immediately and the matter can be examined. After all, let us remember that if the President has issued an order under that particular article of the Constitution, it is final. It is very explicitly laid down in the Constitution that even he cannot alter it again, nor can anybody else alter it by executive order. It has to be altered only by a Bill passed in Parliament. Therefore there is full opportunity to discuss the matter, and for that reason also I place this reply given by Government to Pandit Kunzru and his co-signatories in the memorandum. We will have that paper on the Table of the House and every one can examine it and deal with it when the proper time comes.

At the same time, it is somewhat strange to me that we should generate so much heat over this matter. In the days when we had qualified franchise and when large numbers could be kept out, there was reason to attach great importance to what are called reserved seats. But when adult franchise is the basis of election throughout the land, these reserved seats lose their importance. Everyone, whether he is called a Hindu or whether he is called a tribal or whether he is called by any other name, will be entitled to stand as a candidate in his area where he has influence. A reserved seat, under

a system of adult franchise practically becomes, so to say, a useless surplusage. But on account of past history, there is a mental bias in favour of reserved seats on the part of those who consider themselves weak or in a minority, and for that reason for ten years we have allowed these reserved seats. Let me explain in concrete terms to Mr. Oraon, what I say. He says, "My people are wrongly put down as Hindus. I am a tribal and

[MR. DEPUTY-SPEAKER *in the Chair.*] should not be regarded a Hindu." Let it be so. Nobody prevents him from standing in his area and nobody can prevent him. Nobody can prevent people in his area from voting for him whether he is called a tribal or a Hindu or by any other name, because it is a territorial constituency and. . .

Babu Ramnarayan Singh (Bihar): But Mr. Oraon does not understand English.

Shri Rajagopalachari: But let me say what I wish to say. Let no one think that I am arguing in a presumptuous manner. If he would kindly think over the matter, he would find that what I am telling him is not wrong; and if I am wrong, we shall of course, make the necessary changes when the Bill comes up. I am not against correction of errors. Let all errors be corrected and let the matter be set right. First of all I maintain that this is a misconceived fear. There is nobody that will lose any advantage by reason of anything put down here, by a Scheduled Tribe, being enrolled as normal, ordinary citizens, or an ordinary citizen being enrolled in an area where the tribes are larger in number, as a Scheduled Tribal. There is no mischief arising out of a mistake done in a wholesale manner in a particular area. Apart from that, I should like to give an assurance. Every concession to which backward tribes and classes were entitled in regard to welfare work and the like cannot be affected by this, because executively the Government is responsible for all these people, whatever the nomenclature of the castes may be. I do not think that. . .

Dr. Deshmukh: On a point of fact, Sir, I would like to point out that although it is not the intention of Government that any privileges or concessions enjoyed by any castes or sub-castes should be taken away, yet as a matter of fact, because of this redistribution of the various schedules, cases have occurred of students being disallowed scholarships and other concessions in the middle of the session. There are such cases in Madhya Pradesh.

Shri Rajagopalachari: That is why I used the term "assurance" in this connection. If there has been any misapprehension in the matter of such concessions, Government will take every step to see that any nomenclatural differences or other differences that might have arisen on account of the President's order should not stand in the way of the giving of such concessions. If any caste or group has been enjoying any privilege or concession, that privilege or concession should continue. That is why I call it an assurance and not an argument on my part.

As regards the question of facts, as I have already said, I would like hon. Members to wait for this document which I shall place on the Table of the House. It is clear that if anything has to be done that can only be done by Parliament.

Pandit Kunzru: May I ask the hon. Home Minister whether the Commissioner for Scheduled Castes and Scheduled Tribes has submitted a report embodying

Shri Rajagopalachari: Yes, yes. He has sent some notings which were duly communicated to the President; but we have to wait, as I have said, for the Bill in Parliament, because nothing can be done without that, by way of alteration. If any figures have to be altered and data collected for the purpose, it will be done. The Commissioner has reported certain matters. There is nothing secret about it. I had already noted that I should place those letters on the Table of the House, or rather, copies will be sent to the hon. Pandit Kunzru. There is nothing secret and the whole thing can be sent to Pandit Kunzru.

Shri Jaipal Singh: According to article 338 of the Constitution, is not the Home Minister bound to lay it on the Table of the House?

Shri Rajagopalachari: The report was not in that form. It was only in the form of a preliminary letter now and then sent by him after going on inspections to certain places. It was not an official document which has to be placed on the Table of the House and that is why it is awaiting consideration. It will be placed, at some time in the intermediate way, at the disposal of the hon. Members who are interested.

Mr. Jaipal Singh asked, "The Commissioner no doubt, has been appointed. But what has he been doing?" The answer is he has been doing very good work. He has been going round places and he is one of

the best men we could have got for this field work and he has been active and doing very good work. But we should be patient, we should exercise a little patience. Everything cannot be done all together in one day and in every Department.

And that takes me to the question of the Scheduled Castes on which my vigorous friend Mr. Sonavane made a fiery speech. There again, I should like to say that it is wrong to exaggerate. I say over and over again that in a Parliament of this kind, and in the present stage of our development, amidst the difficulties that we are having all around, we will have to exercise more care in making allegations of neglect and of total disregard of the Scheduled Castes and so on. As he was good enough to acknowledge, I am not uninterested in this kind of work. Nor, I can say on behalf of my colleagues, is any one of them uninterested in the welfare of the scheduled classes. We have given fifty years of our lifetime to this kind of work. Even politics were neglected in favour of our work in regard to the scheduled classes. One of the charges brought against me by the Prime Minister when I was younger was that I was wasting my time in the lobbies of the Legislative Assembly in Delhi over Harijan problems when I should have been in prison for my politics. Certainly we are all interested in scheduled classes work.

But I want my hon. friend Mr. Sonavane to remember that the responsibility of the Central Government is there to see that the constitutional privileges given to the communities are implemented. That is why a special officer has been appointed. The welfare work for the scheduled classes and tribes is mostly the direct responsibility of the State Government concerned. Nothing very much can be done by us directly. It is well known that every State Government, ever since responsibility was transferred—I am not referring only to the recent period but since 1937—to legislatures and popular ministers in the provinces have shown the greatest concern in doing all within their power for the welfare and up-lift of these classes. The inspiration came from the emphasis laid on the abolition of untouchability and the obligation of the so-called upper classes to help in the Harijan uplift movement by our deceased leader and his immortal spirit still guides our better minds.

For an instance from my own personal knowledge let me bring to the notice of Dr. Deshmukh and Mr. Sonavane that the Madras Government, about which I know personally,

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has been allotting every year and spending increasing sums of money for Harijan welfare work. In the year 1950-51 one crore and six lakhs were spent. According to the current year's budget one crore, fifty lakhs and fifty thousand have been allotted for this purpose. That is in Madras only. It does not include the extensive assistance rendered to Harijan students by way of free tuition in all schools and colleges in Madras. Let me tell Dr. Deshmukh that there is no need for a Harijan student to pay any fee if he goes to Intermediate, B.A. or B.L. or any professional colleges even and he knows that the fees are very heavy. There are 1,300 special Harijan schools and the number of pupils in Harijan schools located in Harijan quarters throughout the province comes to 100,000. The mid-day meals supplied to the students in schools cost Rs. 12,50,000. 14,000 scholarships are granted to eligible Harijan pupils, which costs Rs. 6 lakhs a year. I have no doubt that every province is doing and will do a great deal in the same direction. —

Dr. Deshmukh: They are not doing half as much.

Shri Rajagopalachari: For an inspiring example I have taken the time of the House to read the expenditure of the Madras Government. It is not to boost myself or that Government but I thought that it was good that I mention these figures. It will at least remove a possible misapprehension in the mind of any Member, *vide* Mr. Sonavane's speech published in the debates of the Parliament. The allotment in the Central Government's budget alone in this regard is not a measure. I want him to remember, of the entire amount of special assistance given to the Scheduled classes in India.

Shri Sonavane: Is it not the responsibility of the Government of India to issue directives to the State Governments that the welfare of the scheduled classes in the matter of education.

Shri Rajagopalachari: I do not deny that.

Shri Sonavane: It was only one instance of Madras.

Mr. Deputy-Speaker: Order, order.

Shri Rajagopalachari: We have to exercise our powers and discharge our duties with great and almost delicate concern for the rights of the State Governments. The hon. Member behind me here will remember what

the hon. Member from Coorg said that we interfered with the decisions of the Coorg Legislative Council. In many matters the same objection can be raised if we send any directive, which is not absolutely within our power. As I have already said the legitimate duties of the State Governments include the welfare work for these classes. We can advise but we cannot direct; we can emphasise, we can insist and we can also spend our money. We are doing all these. And the Constitution lays down certain duties which we are discharging. More than that we are not able to do and we are not doing less than that.

Hon. Members belonging to the scheduled classes are well aware of our attitude of minds. Once you know that our attitude of mind is straight, why should you doubt. All that we might require is to be prodded now and then and I take it that is what is being done now. If you doubt our sincerity it is a different matter. You should then make laws to make us act in a proper way. But if you do not doubt our sincerity in the matter, you may only remind us.

Shri Sonavane: We want results.

Shri Rajagopalachari: That is why I appeal for patience. No disease can be cured except by such time as it took to develop the disease. That is a formula.

Shri Sonavane: My hon. friend is also here.

Shri Rajagopalachari: If my friend will be just to this Government and to the governments of the various States he will recognise that a great deal more has been done than he or anyone like him would have done if he had been in our position. A great deal more courage has been shown by those who took up this movement in the upper classes than anybody in any country has shown in respect of parallel matters: a great deal more courage has been taken in hand by the upper classes in all the States by all Congressmen and others to whatever persuasion they may belong in this regard, than anyone could have expected of them according to ordinary human nature. I want a certain amount of appreciation, not for me but for my numerous colleagues who have given of their very best for this cause.

I will proceed now, leaving that subject to what was said about Assam. I want to be exact about this, if I may say so. Rs. 24 lakhs have been paid to the Assam Government as

grant in aid for schemes of development in the tribal areas. We should not confuse scheduled classes with tribes. Rs. 30 lakhs have been paid to the Assam Government on a provisional basis to cover the deficit incurred during the two previous years in the administration of the tribal areas. This is statutory. Rs. 100 lakhs have been allotted in the Budget of the current year for development schemes to be undertaken by the various State Governments to promote the welfare of scheduled tribes and to raise the level of administration in the tribal areas. In Bihar, Madhya Pradesh, Orissa, Madhya Bharat and Assam there is a separate Minister in charge of welfare work for tribes and scheduled classes and backward classes. In Madras ever since 1937 there is always a scheduled caste Minister in the cabinet who was concerned with one portfolio or another and who was naturally paying full attention to the welfare of the scheduled castes. There will be a backward classes commission—I may say in answer to another hon. Member's question—to investigate and report on the conditions of socially and educationally backward classes after the census data are made available.

The Assam Government's request for a grant of Rs. 20 lakhs for the welfare of the scheduled tribes last year was received too late for sanction during the financial year. There will be no avoidable delay when the schemes are received from the States this year.

In respect of giving governmental posts to qualified persons from among the scheduled classes hon. Members may rest assured that none of the provisions notified in that regard regarding ratios reserved for scheduled classes will remain unobserved. I am sure that no scheduled caste Member of Parliament would want that the special concessions shown to the scheduled classes on account of their backward condition should be allowed to injure the efficiency of the services. As and when qualified candidates apply Government will not relax their efforts to reach the proportions notified in this respect. We have no mental reservations and we are eager to fulfil our obligations. In any case, the presence of my hon. colleague, Mr. Jagjivan Ram and of my powerful colleague, Dr. Ambedkar in the Central Cabinet should be a guarantee in this respect.

4 P.M.

Then, going to the question of the separation of the executive and the

judiciary and connected topics, I might as well dispose of that straight-away. It was said this separation has been delayed. I quite agree that everything in this country is being delayed. There is not a single thing that we cannot do in a more rapid way if we had been more fortunate or if we had been in the habit of concentrated purpose in regard to any particular matter, but I want your attention for a minute on this question. We ought not to confuse law and order problems with justice in courts that try offenders. These are two distinct matters. Law and order cannot be entrusted to courts and they will not undertake such a function; it has to be done by the executive. The trial of offenders in a just and proper way is a totally different thing from preserving law and order in an area or among a group of people. I claim that there is no country in the world where justice is dealt out to people charged with offences better than in our country. I have been at the bar for a considerably long time before I threw off my profession. I have practised before every kind of court in the old days. Things have not gone worse—they have improved. But even in the old days I claim for the magistrates and the judges of my country that they have been excellent judges. It may be that according to the Acts and the Regulations there was a certain amount of control by the executive in the matter of promotions and things like that of magistrates and judges, but let me say on behalf of the magistrates who were being employed in our country even in the older days that they have always discharged their duties with due respect to what is necessary to be done according to codes of justice and law. They have not been influenced by the fact that they were being ordered about by the executive Government in regard to prospects or careers. Let us not say things which lower the value of our own capacity, intellectual or in character. We are much better than we are described to be by Members of Parliament, I claim. (*Hear, hear*). I have no doubt in my mind that we are certainly better than we have been described by. Members when they rose up to speak. The desire for improvement is very strong, but let us remember that this is not a private house where we discuss or where we advise one another. Here we are saying things every accent of which will be marked by other people. We should therefore be truthful. I do not want any particular praise of people who stand to deserve praise, but it is wrong to say that our magistrates have been delivering wrong judgments. It is utter-

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ly unfair. If really this Parliament is to maintain that, I can only go home with the feeling that we have been very unfair to honest and hard-working people. Our judges are very good judges and I can recommend them to any country anywhere; there is no doubt about it in my mind. But the question of separation of the judiciary and the executive has been disposed of. That separation will be done. I can take the time of the House by reading what has been done in Hyderabad,—and in Hyderabad, it was thought there was nothing like administration; some people said it was like a jungle, that if any person was convicted there he was convicted by the order of the Nizam; that was the notion in the world; there had been a distinct separation between the executive and the judiciary in that State even before we took charge, and that is being continued. So also in some other States like U.P. and Madras the experiment is very briskly being carried on of separating the executive from the judiciary. But let me make a confession. It is not done because of any doctrinal inspiration—it may be it is done because most governments wish to create as many new posts as possible. Whatever the reason may be, the executive is separated from the judiciary and judges are being appointed, judicial magistrates' courts are being created. This will show you that I am quite frank with you; I do not wish to hide anything, but at the same time the pace of erecting the judiciary independently of the executive is going on whatever the reason may be. Personally, if I had been the dictator of this country, I would have arranged things differently but that is not to the point.

It was said that it was very wrong that in Ajmer the civil liberties were, so to say, suspended by the proclamation of a dangerous situation in that place. Can anyone doubt that when it was declared it was necessary, it was absolutely necessary? There was no question about it. It was a most difficult and dangerous situation and it was maintained till March, 1950. It is true that as soon as the dangerous situation disappears under the compulsion of a law some may think we may abolish the proclamation straightaway, but it would be as bad and as dangerous as if a sick man, as soon as he makes some improvement, begins to eat whatever he likes. The remedy has to be maintained a little longer in order that we may not go back to danger again. I do not think

it was quite safe to leave the situation there free till March 1950. Therefore it was really not wrong the order was kept up.

Coming to Delhi and connected topics, hon. Members have complained that we are restricting the right to hold processions and meetings and the like in Delhi, and that it is a great shame that a great metropolis should have these laws. I may ask hon. Members to hear my experience. I was in Bengal for some time during a difficult time. I was in what is called Government House there. I could not sleep on account of the noise that was being made all round me all those nine or ten months when I was living there. Every day there was a procession, every day there was a slogan, every day there was shouting,—there was also the tear-gas burst.

Shri Kamath: At midnight too?

Shri Rajagopalachari: Day and night. It was a little exaggeration which I have caught from the speeches in the House, but I might tell you that it is not much of an exaggeration. Now, do you want, I ask hon. Members, that this House should be disturbed by processions all round, by slogans and all that? Do we want real deliberation or do we want our judgments and our decisions to be made on account of fear and favour and things like that? What is the object of a demonstration? It is a very ugly English word which I hate from the bottom of my heart. What is a demonstration? It proves nothing except that one group of people want to enforce their mind upon another group of people. Is that a demonstration? It is altogether a misuse of the English word which has somehow or other developed in the wrong line. A demonstration has come to mean a procession. Does it demonstrate the correctness of a decision by ten thousand people shouting instead of one hundred shouting? Not at all. We in Parliament should be determined. It is one of the privileges that we should claim as against our own people that we should be let alone to think, to discuss freely and quietly and calmly. Otherwise there is no object in having a Parliament. We may as well be governed by newspaper opinions expressed from time to time. Why do you meet here and discuss? I claim it is not a wrong thing in principle to say that the place where Parliament meets should be saved from noise and confusion and attempts at intimidation and things of that kind. We cannot put an area. (Interruption). I was sure that the

hon. Member would rise to interrupt me. Why do you want a demonstration in Delhi? Let me argue step by step. Why does anybody want to have a demonstration in Delhi when we are meeting here? Why not it be held somewhere else? It is because they want to make us think too rapidly and march in front of reason and alongside of slogans and shouts and cries. They want us to leave our reason behind and march with the procession. I object to that. My whole heart would be in a motion or a Bill that within such and such radius of Parliament nothing should be done by way of demonstration and things like that. In the old days there was not much of newspaper publication, there was not much of printed propaganda and it was necessary personally to go and push this and push that forward, but today we have plenty of opportunities for influencing one another in a quiet and in a reasonable manner. What is the object of the barbarous old-fashioned method of thousands of persons marching with sticks and flags under which also there are sticks we must remember to be used whenever it is necessary. Black flags have been shown to me but when the flag was thrown at me there was also a stone inside the flag. It is an old-fashioned thing. I beg of hon. Members to accept my advice that we should not tolerate too much of demonstrations round Parliament or other Legislatures. That is the reason why Delhi is placed on a different footing. We do not dislike meetings ourselves. We do not dislike addressing meetings. We like to hear people speak. But why should it be allowed to become a disturbance in Delhi? I want hon. Members to be patient with such regulations as we desire or secure in respect of deliberation in regard to our own affairs. That is my defence for the Delhi suppression of civil liberties! In fact, recent incidents have shown the wisdom of such restrictions. Had I introduced them, it would have been a different matter, but we have had them ever since we took over charge. Here, we found the need for it. We came in with a great prejudice in favour of free talking, free processions and free everything, but we were reduced to a position when we had to face our own difficulties and accept such restrictions.

Shri Sarangdhar Das: May I point out that the Punjab Public Safety Act was enforced here only about a month and a half ago and not from the time of the communal disturbances?

Shri Rajagopalachari: You mean, before that meetings were free?

Shri Sarangdhar Das: Not in all places

Shri Rajagopalachari: I can answer both ways. If we introduced it on the basis of experience, it is justified. If we did not introduce it because it was not necessary, and then we introduced it now when we found it necessary when people wished to hold certain meetings here, then also it is justified. But let me proceed quickly to give my assurance. Some hon. Members may imagine that all this is to prevent free elections. I give my assurance on behalf of the entire Government that there is no desire no intention, on the part of Government to put any obstacles in the way of the freest expression of opinion in the elections to come, and we cannot secure a great deal by having restrictions in Delhi alone, if that were our object. The elections would be held all over India and it may be taken for granted that the elections would be absolutely free, but of course if as has happened in some places people fight with one another near the polls and hit one another and create riots and disturbances, then what will happen is that there will be no elections. That is all. If we do want elections we want them to be free and if we want free elections every member of every party in the country should cooperate to reduce violence to the minimum. I do not ask for more than to reduce violence to the minimum, and to see that the elections are not hampered in any manner. This Government gives its promise that the elections will be free and also gives its promise that if the elections are not free—(Interruption).

Mr. Deputy-Speaker: Let him not interrupt again and again. We have already taken much of the time which is otherwise allotted to Labour Ministry.

Shri Rajagopalachari: It was during your absence, Mr. Deputy-Speaker, that the time was extended up to 4 o'clock for me.

The Minister of Labour (Shri Jagjivan Ram): But four is over. It is now quarter past four.

Shri Rajagopalachari: I am sorry I am wearing my reading glasses and am not able to see the clock. I apologise to my colleague the Labour Minister and to the House who are as interested in labour matters as myself. After all, really I ought to have been given a whole day to give satisfaction to the House. (Hear, hear.)—but it was not possible. What have I got to show? My hon. colleague who is waiting can say that he has put 5,000 women in service and 20,000 men in rehabilitation works. I can only say that I have put so many

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men in prison. I cannot show anything constructive. I am given a job which is a sweeper's job, so to say and on the whole I think the House was really kind in reducing the time for me perhaps. With these words, I ask that the Finance Minister be given the Grants that he asks for and that the two Cut Motions which were moved in spite of all previous practice may first be thrown out or withdrawn.

Mr. Deputy-Speaker: I understand that with a view to dispose of the Cut Motions or give opportunities to all Members and not merely Congress Party Members the hon. Minister invited all Members who had tabled Cut Motions to come and discuss the matter with him.

Shri Rajagopalachari: It was in accordance with the Speaker's advice.

Shri Kamath: That did not rule out Cut Motions being moved in the House.

Mr. Deputy-Speaker: The hon. Member need not run in advance and draw inferences. I am only making a statement to the House. I had presumed that the meeting was confined to Members of the Congress Party but I now understand that it was with respect to all Members. Of course, it is open to any hon. Member like Mr. Kamath to abstain, despite the request of the hon. Minister, from the meeting. That is another matter. I would now ask if Mr. Kamath wishes to press his Cut Motion.

Shri Kamath: In view of the silence of the Home Minister on my Cut Motion on political sufferers, I am constrained to ask for a vote of the House on that Motion.

Mr. Deputy-Speaker: The question is:

"That the demand under the head 'Ministry of Home Affairs be reduced by Rs. 100.'"

Shri Kamath: The Ayes have it. Let us count.

Mr. Deputy-Speaker: Those who are in favour will kindly stand. I see six Members. Those against will now kindly stand. The Noes are so many—the motion is lost.

The motion was negatived.

Mr. Deputy-Speaker: Then there is Shri Sarangdhar Das's Cut Motion. It is exactly the same. So, I do not out it to the House.

Pandit Kunzru: Did the hon. the Home Minister say that he would lay the papers on the Table and give us another opportunity of discussing the matter?

Shri Rajagopalachari: I made it clear that the discussion can only be in connection with a Bill in Parliament, but the papers will be laid on the Table. Discussion can only be upon a Bill, because the President's order is final.

Pandit Kunzru: That, I know. When the papers are laid on the Table, shall we have another opportunity of discussing the matter.

Mr. Deputy-Speaker: That is according to the statute. Automatically there cannot be any discussion merely because papers are laid on the Table. There must be a motion.

Pandit Kunzru: Will Government give us a day for the discussion, then, of the Home Minister's reply and the report of the Commissioner for Scheduled Castes and Scheduled Tribes?

Mr. Deputy-Speaker: There are many methods of discussion. The rule is that no speech can be made when papers are laid on the Table. It is open to an hon. Member who does not accept them to make any motions he likes.

Pandit Kunzru: How are we to know then whether Government intend to introduce a Bill to modify the President's order or not?

Mr. Deputy-Speaker: The hon. Minister has said what he had to say. I therefore take it that I must put Pandit Kunzru's Cut Motion to the House.

The question is:

"That the demand under the head Ministry of Home Affairs be reduced by Rs. 100."

The motion was negatived.

Mr. Deputy-Speaker: I shall now put the Demands to the vote of the House. The question is:

"That the respective sums not exceeding the amounts shown in the Order Paper be granted to the President to complete the sums necessary to defray the charges which will come in course of payment during the year ending the 31st day of March 1952 in respect of Demands Nos. 51, 52, 53, 54, 55, 56, 57 and 58 under the control of the Ministry of Home Affairs."

The motion was adopted.

[As directed by Mr. Deputy-Speaker the motions for demands for grants which were adopted by the House are reproduced below—Ed. of P.P.]

DEMAND NO. 51—MINISTRY OF HOME AFFAIRS

“That a sum not exceeding Rs. 71,94,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of ‘Ministry of Home Affairs.’”

DEMAND NO. 52—CABINET.

“That a sum not exceeding Rs. 22,42,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of ‘Cabinet.’”

DEMAND NO. 53—POLICE.

“That a sum not exceeding Rs. 88,76,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of ‘Police.’”

DEMAND NO. 54—CENSUS.

“That a sum not exceeding Rs. 91,14,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of ‘Census.’”

DEMAND NO. 55—CIVIL DEFENCE.

“That a sum not exceeding Rs. 1,10,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of ‘Civil Defence.’”

DEMAND NO. 56—DELHI.

“That a sum not exceeding Rs. 2,93,75,000 be granted to the President to complete the sum

necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of ‘Delhi.’”

DEMAND NO. 57—AJMER.

“That a sum not exceeding Rs. 85,94,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of ‘Ajmer.’”

DEMAND NO. 58—ANDAMAN AND NICOBAR ISLANDS.

“That a sum not exceeding Rs. 1,07,25,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of ‘Andaman and Nicobar Islands.’”

Shri Kamath: Before you take up the Ministry of Labour, may I ask, in view of the fact that a division was asked for on my cut motion, whether the names will be recorded?

Mr. Deputy-Speaker: Unless they go into the lobbies, names are not recorded.

DEMAND NO. 61—MINISTRY OF LABOUR.

Mr. Deputy-Speaker: Motion is:

“That a sum not exceeding Rs. 24,40,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March 1952, in respect of ‘Ministry of Labour.’”

Shri Harihar Nath Shastri (Uttar Pradesh): It is with considerable reluctance that I rise to speak a few words in regard to the labour grant. In the course of the last three years the spokesmen of the Government of India have made a number of promises to labour and if 25 per cent. even of those promises had been fulfilled the Government would have earned the appreciation and gratitude of the working classes of this country. But unfortunately the labour policy of the Government of India has been a long chain of magnanimous promises that to this day remained unfulfilled. No useful purpose is likely to be served by my enumerating at length the tale of those unfulfilled promises.

[Shri Harihar Nath Shastri]

A promise of a million houses for workmen, fair wages and profit sharing schemes, fixation of minimum wage, social insurance and equitable industrial relations, aroused hopes that were shattered to pieces as a result of the failure of the Government to implement these premises. Such a policy of gross indifference causes deep discontentment and hardship and the hardships that have been caused as a result of this gross indifference have created a situation of desperation.

I take first the industrial workers. Leaving the question that I have already referred to, the uppermost problem at the present moment is the question of retrenchments that have been taken recourse to in a number of industries under the garb of rationalisation. Personally speaking, Sir, we belonging to labour in this country are not opposed to rationalisation, but what we are opposed to is that retrenchments are taken recourse to under the name of rationalisation, without any replacement of machinery or without any justified cause, arbitrarily and at the free will of the industry and without any check from the Government. We asserted on several occasions in the past that the inefficiency in the industrial development of our country at the present moment is due mainly to mismanagement and we requested the Government not only in the Parliament, but also outside, on several occasions that the whole question of industrial organisations of our country should be subjected to a thorough enquiry. In spite of numerous promises nothing in the matter was done. At this state the Labour Relations Bill came.

Mr. Deputy-Speaker: All hon. Members are going one after another; I will have to close the meeting.

Shri Harihar Nath Shastri: The Labour Relations Bill as it emerged from the Select Committee brought to the forefront the urgent necessity of putting an effective check on arbitrary retrenchment and to provide for compensation to retrenched hands. It made suitable provisions to that end. But I regret to find that the Labour Relations Bill has perhaps been put in the cold storage. The apprehension in the minds of most of us is that it is not coming up at all in the present Parliament. I do not know if it is a concession to the so-called leftist politicians in this country who are concerned more with their political ideology rather than in good of labour, or whether it is a concession to the capitalist interests of this country who are

equally opposed tooth and nail to the Labour Relations Bill. Whatever the fate of the Labour Relations Bill may be, it is my humble submission to the Government that even if they decide not to bring the Labour Relations Bill in the present Parliament, they should come out with a Bill that should concern itself with the chapter relating to retrenchments and rationalisation. If it is not done I am afraid it is going to be the main bone of contention in this country and it is bound to result in increased industrial unrest.

Now there is another point that I want to deal with. It is in connection with the Appellate Tribunal. When a Bill in this connection was introduced last year I opposed it because I felt that in the long run the Appellate Tribunals would delay matters and would prove detrimental to the interests of workers. Anyway, the Bill was passed and put on the Statute Book. We gave it a fair trial. Although I admit that in certain cases the awards of the Appellate Tribunal have gone in favour of labour, taken as a whole it has caused inordinate and unnecessary delay and it is causing increased hardship to workers in most of the States in this country. We have definitely come to the conclusion that if the Appellate Tribunals have to stay, their scope may be restricted. The Appellate Tribunals in the present form should be abolished.

Incidentally there is another matter in this very connection to which I want to draw your attention. It is this that apart from the Industrial Tribunals and the Appellate Tribunals, the tendency today is that the employers take their cases—those that are even decided by the Appellate Tribunals or by the Industrial Tribunals—to the High Courts and to the Supreme Court.

[SHRIMATI DURGABAI *in the Chair*]

That procedure naturally delays matters still further and causes increased hardship. When the Select Committee was considering the Labour Relations Bill I made a proposal that the Australian provision in this regard should be introduced in our legislation too. According to the Australian legislation on the settlement of labour disputes no matters that have been referred to Industrial Tribunals or Appellate Tribunals can be referred to any High Court or any Supreme Court. But we learnt that this could not be done under our Constitution. It was a matter of relief to us that some days back the hon. the Prime Minister made a statement in this

House that he is thinking of revising the Constitution in certain respects and through you I appeal to the Government and to the Prime Minister that the Constitution of India should be suitably amended so as to make it possible to stop reference of industrial disputes to High Courts or to the Supreme Court.

Mr. Chairman: The hon. Member has two minutes more.

Shri Harihar Nath Shastri: If you will permit me five minutes more I will be grateful because there are a few important matters to which I want to refer.

Now, there is another class of workers that I want to refer to. I mean the workers employed in Government undertakings and in the Secretariats. There are two questions that relate to them. Fortunately both the Minister of Finance and the Minister of Labour are here and I present these two matters for their active consideration. Firstly, there is the question of dearness allowance. In this regard the workers in Government undertakings are the worst paid. According to the Central Pay Commission they were entitled to a certain measure of dearness allowance which has been denied to them. I do not claim and I do not put it that the recommendations of the Central Pay Commission may be granted *in toto*. But what I suggest is that even if those recommendations in regard to the dearness allowance are not implemented *in toto*, provision for cheap grains and cloth at concessional rates should be made for the employees and workers in Government undertakings.

The second point is in regard to retrenchment on grounds of economy. Both as a Member of the Estimates Committee and as one who has been interested in the organisation of these employees, I am definitely of the opinion that there are effective alternatives which, if implemented, are likely to stop retrenchment and, if not stop it, to reduce it to the minimum degree. I do hope that those alternatives would be explored. They have already been referred by various organisations to the Government. Even if after that any retrenchment is necessary it should be accompanied by alternative employment and suitable gratuity.

I had some more points to make my submission upon. But I would leave them except one point. Some days back I had gone into the collieries and I was actually horrified to notice some of the settlements there which were known as Jorakhpur

concentration camps. Well, the workers there are actually living in a state of surveillance. They are as good or as bad as actual prisoners. I have no doubt that the attention of the Government and of the Labour Minister may have been drawn to it and I do hope that the matter will receive their attention.

Lastly, I should like to say that the few observations that I have made are in no way meant to cast any reflection on the Labour Minister or his Department. As a matter of fact, I have no doubt in my mind that the Labour Minister has done a most brilliant job of work. He has done admirably well. And he is fortunate in having in his Ministry a set of most conscientious officers better than whom I do not think there are in any of other Ministries. I compliment him on having at his disposal a set of such officers. But if there is anything even then, it is due only to one cause. I am of opinion that the difficulties before the Labour Ministry and its inability to tackle effectively the problems of labour are due mainly to one cause. It is this that although the Ministry of Labour is an independent Department with an independent Minister enjoying equal status with any of the other Cabinet Ministers, as a matter of fact the Labour Ministry is today an appendage of the Ministry of Industry and the Ministry of Finance. The policy of the Labour Ministry is determined so as to suit the requirements of these two Ministries and unfortunately the situation today is that the Ministries of Industry and Finance, if not reactionary, are conservative. They are interested in perpetuating the *status quo* and as long as that policy persists, I do not think any Minister howsoever capable he may be can be effective in this Department.

Mr. Chairman: I would expect hon. Members to make their submissions within ten minutes.

Shri Kesava Rao (Madras): I have just read the report given to us by the Ministry of Labour. In the beginning it was stated in the report that the Ministry has been satisfied in achieving the objects of passing the Bills such as the Minimum Wages Bills, the Factories Bill, the Employees State Insurance Bill, etc. I ask one question of the Minister of Labour: How many of these Bills have been implemented? The Minimum Wages Bill was passed in 1948 and we had fixed a date, *i.e.*, 31st March 1951 to fix the minimum wages but so far except in small factories like rice mills, tobacco and beedi factories, no minimum wage has been

[Shri Kesava Rao]

fixed. We expected that the Minister who comes from agriculture labour classes would take up this question with the same enthusiasm with which he brought the Bill before this House. But I am sorry to say that his enthusiasm has dwindled and now he has been thinking of postponing this question of fixing the minimum wages for agriculture labour for an unknown time.

It has been stated during the question time some time back that the question of fixing minimum wages for agricultural labour has been entrusted to the Planning Commission for decision. I do not understand when a Bill has been passed in this House and we have fixed a date to fix the wages, why this question should be referred to the Planning Commission to take a decision to postpone it. In the explanatory note given here, the hon. Minister says that in about 2,000 villages they want to investigate before fixing the minimum wages for the agricultural labour when it was not possible to do so and only 813 villages have been taken up. But out of the 813 villages they have carried out and finished the work in 27 villages only. I do not understand why during these three years they have completed the work only in 27 villages in certain provinces.

I have to bring to the notice of the House that the question of agricultural labour is the burning topic now. Most of the people, about 60 per cent. of the population come from the villages and these people are agricultural labourers. We expected that the fixing of minimum wages would be of some use to these people. We have passed in this House a Constitution which gives adult franchise to all the people. Is it not the duty of this House to fix a minimum living wage to this majority community who are the saviours of the country? They work day and night; they do not know what wage they get; they have no holidays; they have no insurance schemes; they have no houses to live in. Is it not the duty of the Ministry and especially the peoples' Government to look after the interests of these people? We are going to the masses tomorrow to ask them to vote for the Government or to the party which is in power today. How are we going to do it? Is it not necessary before we ask their help, before we ask them to vote for the party, to give them sufficient wages to live on? I am afraid we are not taking the right step now by postponing this measure. It has been also stated in

this report that the question of fixing minimum wages for agricultural labour has been left to the State Governments. We have passed the Bill here. I do not know why this question should be postponed or given to the State Governments to fix the minimum wages. We can pass an order from here; we can pass an ordinance saying that the minimum wages inquiry should be finished within such and such a period. It is not very difficult to finish the inquiry. If we can take up 5 or 10 villages in every State, the inquiry could be finished in a month or two. I do not think the Government should take a long time to fix this minimum wage.

Another thing that I want to say is as regards retrenchment. I want to point out that retrenchment is going on recklessly. The people in the Ministry have been taken on an All-India basis. Just half an hour back, I got a note stating that the people in the Resettlement Directorate do not care for seniority. People who are trained and who are in service for the last 5 or 6 years have been retrenched and people who have been newly recruited six months back have been retained in the service. I do not know the policy of the Government how this is done. I know some cases also where the retrenchment has been at the will and pleasure of the Director General of Resettlement. I know of certain cases where people who have no qualifications have been retained in service and people who have got qualifications have been given notice of termination of service. From this I can only deduce that only people who have some godfather will be able to retain their service. We all agree that retrenchment should take place, but not on this scale. There must be some seniority. We have given sufficient training to the officers and it is essential that their service should be utilised.

We have passed the Employees State Insurance Bill and I want to say a word or two about it. We passed this Bill three years back and so far nothing has been done. Recently in reply to a question the hon. Minister stated that some States are not in a position to implement this. For the last two years a big office has been working in Delhi to implement this State Insurance Scheme. The head of this organization is getting about Rs. 2,000 or 3,000 a month. I come to know that he has not even a single paper to sign for months. If the Ministry is not able to carry on this scheme, I ask why this office should be kept going and why this waste of

money? We say that a scheme like the State Insurance should be taken up but the Ministry is neglecting its duty. They are not able to implement it. When they are not able to implement it, it is better for us to abolish this office immediately. When they are in a position to implement it, then they should take up this question.

श्री बी० के० पानी : सभानेजीजी, हमारे जो माननीय मंत्री जी श्रम विभाग के हैं वह भी सुखी हैं—और हम लोग भी सुखी हैं कि उन के विरोध में यह मडल (muddle) नगरह की कोई बात सुनने को नहीं है सिवाय बधाई के। सब उन को बधाई दे रहे हैं। लेकिन यह जो इंडस्ट्रियलिस्ट्स (industrialists) हैं, जो यहां पहली अर्बल को अपनी फडरेशन आफ इंडियन चैम्बर आफ कामर्स (Federation of Indian Chamber of Commerce) या ऐसे कोई जलसे में, हमारे लेबर मिनिस्टर के ऊपर सेंचुर मोशन (censure motion) लाये हैं, आज मैं इसीलिये फिर उन को बधाई देता हूँ एक लेबर वर्कर (labour worker) की हैसियत से। हम एक ऐसे प्रान्त से आते हैं जहां मिनरल्स (minerals) भरे हुए हैं, वह उड़ीसा प्रान्त है। हालांकि वह प्रान्त बहुत पीछे गिरे हुए प्रान्तों में से एक है लेकिन नैचुरल रिसोर्सेज (natural resources), प्राकृतिक सम्पत्ति, से वह भरा हुआ है और वहां के मजदूरों की तरफ से हम बोल रहे हैं। हम लोग कोई पार्टी वाले या कोई दूसरे ब्लाक (Bloc) वाले या इज्म (ism) वाले नहीं हैं, जो कुछ इज्म समझें वह कांग्रेस है और आई० एन० टी० यू० सी० (I. N. T. U. C.) से सम्बन्ध रखने वाली लेबर आरगेनाइजेशन (organization) है। उस आरगेनाइजेशन में हम कुछ सालों से लेबरर्स (labourers) के भीतर काम करते हैं और उस का जो अपना पर्सनल एक्सपीरियेंस (personal

experionce) है थोड़े बक्त के भीतर हम उसे पेश करना चाहते हैं।

माननीय मंत्री जी की दृष्टि हम पहले इस की तरफ आकर्षित करना चाहते हैं कि जो आज पाश्चात्य देश अपने को फारवर्ड (forward) समझते हैं और हम लोग भी जिन को फारवर्ड समझते हैं वहां पर उनको लेबर लैजिस्लेशन (labour legislation) पास करने में १०० साल से ऊपर लगे थे। हमारे आजादी के तीन साल के भीतर आप ने दुनिया भर के जितने कानून थे—कोई दूसरी नीयत से नहीं, क्योंकि आप भी लेबर वर्कर्स (labour workers) में से एक हैं, और आप ने देखा कि आजादी आई और इस से पहले आप को मौका या सहूलियत लेबर लैजिस्लेशन से लेबर को फायदा पहुंचाने का था—और लेबर को फायदा पहुंचाने के लिये कांग्रेस ने प्लेज (pledge) भी दिया था—इसलिये वह सब कानून आपने पास किये। अब एक ही सेंटर (centre) से हमारे दूसरे प्रान्त कन्ट्रोल (control) हो कर चलते हैं। मगर यहां से जो कुछ भी कानून आप पास कीजिये अगर आप इस के ऊपर निगाह न रखें कि बैदर दी लैजिस्लेशन आर प्रापरली इम्प्लीमेंटेड आर नाट (whether the legislations are properly implemented or not), कि वह ठीक ठीक तरीके से कार्यकारी हो रहे हैं या नहीं, हम समझते हैं कि तब आपका लैजिस्लेशन, आईन, कानून पास करना श्रमिकों को और गिरा देता है। इस का मतलब यही होता है। अब देखिये आप ने मिनिमम वेजेज ऐक्ट (Minimum Wages Act) पास किया। आप के खुद बिहार प्रान्त के साथ बहुत ताल्लुक़ात है। मिनिमम वेजेज ऐक्ट आया, बीड़ी मरचेन्ड्स (Bidi Merchants)

[श्री बी० के० पानी]

ने उस के विरोध में अपना कारखाना बन्द कर दिया। फिर गवर्नमेंट ने रेट (rate) रिवाइज (revise) किया। फिर बीड़ी मरचेंट्स ने कहा—और फिर रिवाइज किया गया। तीन तीन मर्तबा एक पार्टीक्यूलर इंडस्ट्री (particular industry) के लिये देहैड टू रिवाइज दी रेट फार बीड़ी वर्कर्स (they had to revise the rate for *bid*i workers) बहुत से प्रान्तों में अभी तक यह भी नहीं किया गया है। अब आप देखिये कि वहां के वर्कर्स क्या सोचते हैं। आप ने पार्लियामेंट (Parliament) से कहा कि और मयाद बढ़ा दी जाय। तो इस का मुख्य कारण यही है कि जो यह मशीनरी (Machinery) प्रान्तों में है वह इतनी ऐक्टिव (active) नहीं है। नहीं मालूम कि वह ठीले रहना चाहते हैं या अपने देश की परिस्थिति में श्रमिकों के भीतर फिर भी ऐजिटेशन (Agitation) पैदा करना चाहते हैं? इसलिये इस मशीनरी के कारण यह जो कानून पास होते हैं यह अगर ठीक तरीके से इम्प्लीमेंट (implement) नहीं होंगे तो हम लोगों का आयन्दा और कोई नया लैजिस्लेशन पास करने का कुछ भी अर्थ नहीं होगा।

अब हमें थोड़ा बक्त मिला है। इस में हम जिक्र करना चाहते हैं कि अभी फंडेशन वालों ने पहली तारीख को लेबर स्थिति पर जो प्रस्ताव पास किया कि हां लैजिस्लेशन बहुत है पर यह जो मोड आफ लैजिस्लेशन (Mode of Legislation) है यह बहुत कम्प्लीकेटेड (complicated) है। अरे भाई तुम भी एडवाइस (Advice) लेबर मिनिस्टर (Labour Minister) को देते हो कि बी लैजिस्ले-

शंस आर वैंरी कम्प्लीकेटेड (The legislations are very complicated)। तो पहले तुम तो अपनी कम्प्लीकेसीज (Complicacies) छोड़ दो। यह जो अभी तक तुम्हारे हाथ से चाबी नहीं छीनी गयी है तो यह तो जगजीवन रामजी ने तुम को प्रोटेक्शन (Protection) दे कर रखा है। यह तो तुम को प्रोटेक्ट (protect) कर रहे हैं इन लैजिस्लेशन से। शास्त्रीजी ने ट्रेड यूनियन बिल (Trade Union Bill) और लेबर रिलेशन्स बिल (Labour Relations Bill) इन के ऊपर काफ़ी जिक्र किया। हम उस के ऊपर बोलना नहीं चाहते।

हम फरवरी महीने भर पार्लियामेंट सेशन (Parliament Session) में नहीं आ सके। हम उड़ीसा में बिरला पेपर मिल (Birla Paper Mill) के लेबर डिसप्यूट (Labour Dispute) और लेबर वर्क (labour work) में फंसे रहे। हम वहां के लेबर यूनियन (Labour Union) के प्रेज़ीडेंट (President) हैं। इसलिये सारे महीने भर हमको वहां रहना पड़ा। पहले जब उड़ीसा के लेबर मिनिस्टर ने पेपर मिल मैनेजमेंट (Paper Mill Management) से इनक्वैरी (enquiry) की तो कहा गया कि नहीं नहीं यह ट्राइफ्लिंग मॉटर (Trifling Matter) है लेबर में कोई असंतोष नहीं है, आई बिल साल्व इट (I will solve it)। फिर स्ट्राइक नोटिस (Strike Notice) कम्प्लीट (complete) हो गया। हम ने आगे कदम बढ़ाया। तो रातों रात लेबर मिनिस्टर (Labour Minister) टूर (tour) कर रहे थे। उन के पास मैनेजमेंट तो जा पहुंचा और वहां का झगड़ा साल्व (solve) करने के

लिए बुलाया। उसी वक़्त हमको लेबर मिनिस्टर ख़बर दिये। पहले वायरलेस मैसेज (wireless message) से यू. डिस्ट्रिक्ट मैजिस्ट्रेट (through the District Magistrate) एक स्पेशल मैसेंजर (special messenger) रात को ख़बर ले कर हमारे पास पहुंचा कि नहीं नहीं अब स्ट्राइक मत करो। हम वहां पहुंच रहे हैं हम को कम्पनी ने बुलाया है हम इंटरवीन (intervene) कर रहे हैं। लेकिन वह फैसला किये जाने के बाद भी अब उस को कम्पनी कार्यकारी करना नहीं चाहती। एक आना रुपये में प्रोविडेंट फंड (Provident Fund) दे रहे हैं। अब कहते हैं नहीं जमा नहीं रखेंगे पेमेंट (Payment) के साथ ही साथ दे देंगे सरकार के कानून के पार्लियामेंट में प्रोविडेंट फंड (Provident Fund) के बारे पास होने के बाद कम्पनी मान लेगी। फिर यह प्रोविडेंट फंड कैसे रहा? यह जो लैजिस्लेशन है यह जो मारल ड्यूटीज आफ एम्प्लायर्स (moral duties of Employers) हैं यह जो चीज़ हैं यह वह नहीं समझते। और कानून की दुहाई देते हैं। यह एम्प्लायर्स जो ब्रिटिश के टाइम (British time) में लात मार कर लेबर को दबा कर उन का खून चूस कर पूंजी अपने घर में रखते थे वह अभी भी सोचते हैं कि ऐसा ही करेंगे। यह वह अपनी कम्पलीकेसीज़ नहीं छोड़ते हैं। अगर वह अपनी कम्पलीकेसीज़ छोड़ते तो फिर लेबर लेजिस्लेशन की ज़रूरत नहीं रहती। लेकिन इन की कम्पलीकेसी तो बढ़ रही है। इसलिये लेबर मिनिस्टर रखना पड़ा, प्रान्तों में भी लेबर मिनिस्ट्रों को रखना पड़ा। तो इन का एम्प्लायर्स (Employers) का तो मक़सद हम अच्छी तरह समझ रहे हैं।

इस बास्ते में आप से अर्ब कइया कि आप पहले अपनी निगाह इस तरफ़ कीजिये कि आप के जो ग्यारह बारह स्टेट्स (States) और बी स्टेट्स जो सब हैं यह जो मंत्रियों से चलती हैं या स्टेट्स लैजिसलेचर (States Legislatures) से चलती हैं इन को पहले इंस्ट्रक्शन्स (Instructions) दीजिये कि हर लैजिस्लेशन को कामयाब करन के लिये वह अपनी मशीनरी (machinery) को ठीक तरह से लगायें। हम चाहते हैं कि लेबरर्स (Labourers) की भलाई हो। इस के बास्ते आल इंडिया काउन्सिल आफ टेक्निकल एजुकेशन (All India Council of Technical Education) ने अपनी जो सिफारिशें गवर्नमेंट के सामने पेश की हैं उनमें यह बात सही सही साबित की है कि अपने देश में टेक्नीशियन्स (Technicians) बढ़ाने के लिए उन को ट्रेनिंग (training) देने के लिये कोई व्यवस्था शीघ्र की जाय। तो हमारे जो गवर्नमेंट के रेलवे के कल कारखाने हैं, पोस्टल सेंटर (Postal Centres) के कारखाने हैं, या जो इंडस्ट्रीज़ (Industries) या वर्कशाप (Workshops) हैं, आप अपने गवर्नमेंट के इन स्थानों में पहले क़दम बढ़ाने की कोशिश कीजिये। आज हम लोगों के देश में जब कि टेक्नीशियन्स का अभाव है तो वर्कर (worker) को टेक्नीशियन बनाने के लिये कोई खास ट्रेनिंग देने का कोई कानून बनाइये या कोई इंस्ट्रक्शन दीजिये ताकि देश में जल्द से जल्द टेक्नीशियन्स का नम्बर बढ़े।

मुझे दो मिनट और चाहियें। अब आप ने अपनी रिपोर्ट में यह पेश किया है कि लोकल बाडीज़ (Local Bodies), म्युनिसिपैलिटीज़ (Municipalities)

[श्री बी० के० पानी]

बगैरह जो है उन में बड़े शर्म की बात है कि अभी भी मेहतारों को कहीं कहीं दस पंद्रह और नहीं २० रुपये दिये जाते हैं। आप ने महसूस किया है कि सेंट्रल लैजिस्लेशन (Central Legislation) इसके बास्ते जल्द से जल्द पास करना है। इस के बास्ते तो कानून बहुत पहले बन जाना चाहिय था। और अभी भी अगर आप लैजिस्लेशन पास न कर सकें तो आर्डिनेन्स (Ordinance) से इस को जारी करना चाहिये। यह तो पहले ही कानून नहीं बनाया तो आर्डिनेन्स से पास कर देना चाहिय था। यह देखना चाहिये था कि जो कानून पास किया है वह ठीक तरह से इम्प्लीमेंट (implement) किया जाय। अब भी अगर इस सेशन (Session) में यह न हो सके तो सेशन के बाद कोई आर्डिनेन्स को लागू कीजिये जिस से कि इन लोगों की आर्थिक व्यवस्था में कोई परिवर्तन हो।

फिर आप ने हमारे सवाल के जवाब में बतलाया है कि इस साल आपने उड़ीसा कोलियरी (colliery) के लिये ढाई लाख रुपया मंजूर किया है जो कि लेबर वेल-फेयर फंड (Labour Welfare Fund) से खर्च होगा। इस के लिये अभी तक जो हमारे अफसर हैं हम साफ़ साफ़ आप से बता देना चाहते हैं कि यह जो अफसर हैं यह इंडस्ट्रियलिस्ट्स का बराबर साथ देते हैं। हम समझते हैं कि वह उन के बराबर साथी हैं।

8 P.M.

अब यह जो रुपया आप खर्च करते हैं तो उन की भलाई के लिये है। इस के लिये जो लेबर यूनियन्स (Labour Unions) वाले हैं उन को भी कानफिडेन्स (Confidence) में लें। मैं यह नहीं कहता कि आप उन के जरिये रुपया दें

लेकिन उन को कानफिडेन्स में लें और उन के परामर्श से रुपया खर्च करें।

दूसरी बात मैं माइन्स और कोलियरीज (Mines & Collieries) के बारे में जिक्र करना चाहता हूं। जिस तरह से आप कोलियरी फंड्स (Colliery Funds) चला रहे हैं उसी तरह मैं कहना चाहता हूं कि माइन्स के लिये भी करना चाहिये। बहुत सी माइन्स एरियाज (Mines Areas) हैं जैसे लोहा है, मंगनीज (manganese) है, क्रोमाइट (chromite) है और दूसरी दूसरी खानें हैं। लेकिन आप कहेंगे कि आपके पास रुपया नहीं है जैसे उस दिन मौलाना साहब ने कहा कि हमारे पास ठीक तरह से काम करने के लिये रुपया नहीं है। रुपया दो तो काम कर सकते हैं। लेकिन मैं कहना चाहता हूं कि जो यह मिनेरल्स (minerals) का काम कर रहे हैं उन को टैक्स (tax) कर सकते हैं। माइन्स पर सेस (cess) लगा सकते हैं जो कि माइन्स में काम करने वाले लोगों पर खर्च किया जाय। आप के जो चीफ माइन्स इन्स्पेक्टर (Chief Mines Inspector) बगैरह हैं उन को खास अधिकार दिये जायें। उड़ीसा के माइन्स का नाम बड़ा भारी है, आप लोग समझते होंगे कि बर्ड्स (Birds) बगैरह जो साहबी कम्पनी (Companies) है इसलिये बड़ा मंगनिफिसेन्ट (magnificent) काम करती होगी, बहुत अच्छा मैनेजमेन्ट (management) होगा, लेकिन वह मजदूरों का जरा भी ख्याल नहीं करते हैं। इन के यहां ऐसे घर लेबरर्स को दिए जाते हैं जिसमें बकरी भी नहीं रह सकती। इसलिये आप उन को ताकीद कीजिये, प्राविन्साल गवर्नमेन्ट (Provincial Governments) को ताकीद कीजिये जिसमें वह मजदूर भी समझें कि इनको रिलीफ (Relief) दी जा रही है।

(English translation of the above speech)

Shri B. K. Paul (Orissa): Madam chairman, our hon. Minister of labour as well as all of us are happy because we have not heard of any "muddle" etc. against his Ministry, and on the contrary he has been congratulated on all sides. Everybody is congratulating him, and I too, as a labour worker, congratulate him once again for the fact that a censure motion or something of the like has been tabled against him in the meeting of the Federation of Indian Chamber of Commerce by the industrialists who met here somewhere about 1st April. I come from a province where there is an abundance of minerals. This province is Orissa. Although it is one of the most backward provinces yet it is rich in natural resources and I speak here on behalf of the labourers of that part of the country. I am not one of those people who believe in party politics, or in blocs or in 'isms'. Whatever 'ism' I know of is that of Congress; and the I.N.T.U.C. is the only organization which is connected with it. I have worked among labourers for some years while being in that organization, and whatever little experience I have gained during that short period, I want to put it here.

First of all I would like to draw the attention of the hon. Minister to the fact that it took more than one hundred years to pass the labour legislations which are existing in the Western countries today, who call themselves forward and whom we too consider like that. During these three years of freedom you also have passed all those legislations—not with any different motive, because you yourself are a labour worker and when freedom came you wanted to give all those benefits to labour which the Congress had promised them earlier and for which they had no opportunity before. Now all of our provinces are being controlled from one centre. But unless you keep an eye on all the laws that you pass and see that those legislations that you pass are properly implemented or not, and whether they are enforced properly or not. I feel that all these legislations, these laws and such other things lead only to the further deterioration of the conditions of the labourers. It means only this much. Look at the Minimum Wages Act that you have passed. You have your intimate connections with the province of Bihar. As soon as the Minimum Wages Act was enforced, the Bidi merchants closed down the industry in protest, with the result that the

Government had to revise this Act. The Bidi merchants demanded that the said Act should be revised again. They had to revise the rate thrice for 'bidi' workers or in other words for a particular industry; this thing has not been done in any of the provinces so far. Now look what these workers think. You have asked the House to extend its time. Its main cause is that the administrative machinery is not so active in the provinces. It is not known whether they would shake off their lethargy or whether they want to cause an agitation among the labour class in the conditions as they prevail in the country today. So it is of no use passing fresh legislations in future if the laws already passed are not enforced properly. Time is short with me. The Federation of Chamber of Commerce passed a resolution on the labour conditions of the country at its meeting held on 1st April stating that the labour legislations passed so far are more than sufficient, but the mode of legislation is very complicated. They advise the Minister of Labour that these legislations are very complicated. But in reply to this I ask them to remove their own complications first. If the control of affairs has not been snatched away from them so far, it is only because of the protection that Shri Jagjivan Ram has granted them. He is protecting them with the help of these legislations. Shri Shastri dilated a good deal upon the Trade Union Bill and the Labour Relations Bill. I do not want to speak on them.

I could not be present in the Session of the Parliament throughout the month of February as at that time I was busy with the Birla Paper Mill labour dispute and other labour work in Orissa. I am the president of the Labour Union there, and so I had to stay there for the whole month. First of all when the Labour Minister of Orissa made an enquiry from the management of the Paper Mill about this dispute, the management remarked that there was no unrest among the labour and that it was a trifling matter which they would solve themselves. After this the strike notice was completed. We went ahead with our work. The Labour Minister made his tour throughout the night. The Management had approached him and asked him to solve the dispute. We were informed about his arrival that very time. First of all a wireless message was sent to us through a special messenger of the District Magistrate. He arrived at night with the message advising us not to go ahead with the strike programme, as the Minister was arriving on the spot and that he would intervene. But

[Shri B. K. Pani]

in spite of the fact that a decision has been arrived at, the company does not want to carry it out. They are giving one anna a rupee as Provident Fund to the labourers but now they say that they will pay it along with their wages and would not keep it in reserve. Under the conditions how can it be called the Provident Fund? The company would agree to give facilities of Provident Fund etc. to the labourers only after the Parliament passes legislation to that effect. These legislations point to nothing more than the usual moral duties of the employers. They do not understand them, while at the same time they speak in the name of law. These employers who made enormous fortunes after crushing down the labourers and sucking their blood during the days of the British rule, still think that they would continue that process even today. Even today they do not abandon their complicacies. If they will abandon their complicacies there would be no need for these labour legislations and the like. But on the contrary these complicacies are increasing day by day. We had to appoint a Minister of Labour at the Centre, and in the provinces too labour Ministers had to be appointed. In this way we easily understand what these employers mean.

So I request you to give instructions to all the eleven or twelve states and part B states which are run either by state legislatures or by Ministers to put their administrative machinery in order so as to make every piece of legislation a success. It is our desire that the labour should prosper. With this objective in view the All-India Council of Technical Education has submitted a statement to the Government in which it has urged them rightly that some arrangements for training of the labourers should be made soon, so as to increase the number of technicians in the country. There are railway workshops or other workshops belonging to the postal Department, which are run by the Government and they should be the first to take steps in this direction. Today when there is dearth of technicians in our country we should make legislations for the training of the labourers so as to make them technicians, or at least some instructions should be issued to this effect so that the number of technicians may increase in the country within a short period.

I want two minutes more to finish my speech. You have submitted in your report that it was a matter of shame that the sweepers working under the local bodies or the Municipalities were receiving only ten, fifteen or

twenty rupees a month. You have felt the need of passing legislation with regard to this matter. In fact such legislation should have been passed long ago. If you do not pass such a legislation now you should at least promulgate an ordinance to this effect. It has not been promulgated so far although it ought to have been done long ago; so in order to avoid delay an ordinance should be promulgated and you should see to it that the laws passed here are fully enforced. Even if it is not possible to pass a bill of this nature during the present session, the Government should at least promulgate some ordinance by which the economic conditions of these people may undergo a change.

Again, while giving a reply to our question you have said that a sum of rupees two and a half lakh has been sanctioned for the collieries of Orissa and that it would be spent from the Labour Welfare Fund. With regard to this I beg to submit that these our officers continue to give help to the industrialists. We understand that they are constantly in league with them. This money which you are going to spend, is meant for the betterment of the labourers. As such the representatives of the labour unions too should be taken into confidence with regard to such matters. I do not suggest that you should spend that money through them. All that I suggest is that you should take them into confidence and spend money in consultation with them.

5 P.M.

The second thing which I may mention here is about the mines and the collieries. As you have started funds for the collieries, in the same manner funds should be started for mines too. There are so many mine areas, where iron, manganese, chromite and other minerals are found. But you will complain as Maulana Sahib complained the other day, that we have not got enough of money to run all these works, and will ask for more money to do all this. So I would like to tell you that you should tax those people who deal with these mines. Mine cess should be levied the proceeds of which should be spent on the welfare of the labourers. Special powers should be given to the Mine Inspectors and other people whom you have appointed for such jobs. You might be under this impression that the work of the Bird & Co. and the other foreign concerns would be magnificent and their management would be satisfactory; but the fact is that they do not pay even the slightest attention towards the welfare of the labourers. The labourers working in those concerns are

given such quarters which are not suitable even for goats to live in. Therefore you should insist upon them as well as upon the Provincial Governments with regard to this matter so that the labourers too may think that some relief is being given to them.

श्री अन्निका राम : अध्यक्ष महोदया, मुझे शुरू शुरू में कुछ ऐसी बातें कहनी हैं जो अखबारों में निकला करती हैं। अभी इंडियन चैम्बर आफ कामर्स के फेडरेशन की मीटिंग हुई थी जिस में एक बहुत बड़े कारखाने वाले आदमी श्री शान्ति प्रसाद जैन ने कहा था कि भारत सरकार केवल मजदूरों के लिये कानून बनाती जा रही है और यह नहीं देखती कि उन मजदूरों की पैदा करने की शक्ति कहाँ तक बढ़ती है। मैं समझता हूँ कि यह बात उन लोगों की है जो मजदूरों के पैदा करने की शक्ति की तरफ या उन के फायदे के कामों की तरफ नज़र नहीं रखते। वह केवल यह कहना चाहते हैं कि मजदूर कितना पैदा करते हैं। मैं उन्हें यह बताना चाहता हूँ कि अगर यह मजदूर अधिक नहीं पैदा करते हैं तो वह इसलिये कि उन की सहूलियतें, उन के स्वास्थ्य, उन की शिक्षा और उन की दूसरी बातों के ऊपर मिल मालिक और कारखानेवाले ध्यान नहीं देते। मैं उदाहरण के तौर पर अपने यहां की एक मिल का जिक्र करता हूँ। वहाँ एक छोटी सी शूगर फ़ैक्टरी है, वहाँ करीब १५ वर्षों से कमी भी मजदूरों और मिल मालिकों में झगड़ा नहीं हुआ। जो चारों तरफ शूगर फ़ैक्टरियाँ हैं उन में हर साल प्रोडक्शन (Production) कम हो रहा है जब कि वहाँ हर साल बढ़ रहा है। यह एक आश्चर्य की बात है कि इस युग में क्यों ऐसा हो रहा है। इसलिए मैं यह जानता हूँ कि अगर मिल मालिक आज अपना नुक़्त नज़र बंदल दें और मजदूरों को अपना एक साथीदार समझें, उन को अपना भाई समझें तो कहीं गड़बड़ी नहीं होगी और उन का प्रोडक्शन बढ़ जायेगा।

दूसरी बात में यह कहता हूँ कि यहां पर केवल लेजिस्लेशन (Legislation) हो रहा है, या कानून बन रहा है यह ग़लत है। मेरे ख़्याल में तो हिन्दुस्तान में मजदूरों के सब से बड़े तबके खेतियार मजदूरों के हैं। और उस के लिए कुछ भी नहीं किया जा रहा है। इस की शुरुआत आज से करीब १५ बरस पहले माननीय मंत्री जी ने की थी, और आज यह ख़ुशी की बात है कि इस देश में ही नहीं बल्कि जो अन्तर्राष्ट्रीय संस्थायें हैं वहाँ भी उस तबके के लिए कुछ कार्य हो रहा है। लेकिन अफ़सोस की बात यह है कि आज की जो प्रान्तीय सरकारें हैं वह इस चीज़ को महसूस नहीं करतीं। आज हमारे सामने सब से बड़ा सबाल मजदूरों का सवाल है, और वह सबाल केवल मजदूरों के खाने पहिनने और उन की शिक्षा का नहीं है। देखने की बात यह है कि जितनी चीज़ें पैदा की जाती हैं वह मजदूरों के जरिये ही पैदा की जाती हैं, इसलिये मजदूरों की समस्या, मजदूरों की प्राबलेम (Problem) सारे समाज की प्राबलेम है। अगर मजदूरों को हम ठीक से नहीं रखते, उन का इन्तजाम ठीक से नहीं करते तो चाहे मिलें हों चाहे खेतियारी का काम हो, चाहे दूसरी जगह, कहीं भी हमारा प्रोडक्शन नहीं बढ़ सकता, किसी तरह नहीं बढ़ सकता। इसलिये लोगों का यह कहना कि लेजिस्लेशन बहुत हो रहा है ग़लत है। मेरा तो अपना यह ख़याल है कि यह हिन्दुस्तान के लोगों के लिए निर्माण या लेजिस्लेशन की शुरुआत है। इसलिये यह एतराज ग़लत है।

अब इस के बाद मैं उन मजदूरों की तरफ आता हूँ जिन्हें हम खेतियार मजदूर कहते हैं। आप जानते हैं कि मजदूरों में सब से बड़ी संख्या इन्हीं मजदूरों की है। आज हिन्दुस्तान में उन की हालत क्या है ?

[श्री चन्द्रिका राम]

मैं जनवरी के महीने में अपने प्रान्त के दरभंगा जिले में हरिजनों के काम के सिल-सिले में गया था और मैंने अपनी आंखों से देखा कि १५० रुपये में मुसहरों के दस परिवार बेचे गये। एक किसान ने दूसरे किसान को बेचा। इसलिये बेचा कि उन की आज कोई स्थिति नहीं है।

अभी कोल माइन्स लेबर (Co&I Mines Labour) के काम की जो पत्रिका निकली है उस में उन के लिए अस्पताल का जिक्र है, उस में लड़कों के खेलनेवाली चीजों का जिक्र है, उस में रहने के मकान इत्यादि का भी जिक्र है। लेकिन मैं पूछना चाहता हूँ कि इन खेतिहर मजदूरों के लिए आपने क्या किया है। माननीय मंत्री जी ने इस बारे में बड़ी कोशिश की और सन् १९४८ में मिनिमम वेजेज ऐक्ट (Minimum Wages Act) पास हुआ। लेकिन इस वक्त हालत क्या है? भारत सरकार जिस के सब से श्रेष्ठ नेता माननीय पंडित जवाहरलाल नेहरू हैं, शायद वह इस बान को महसूस नहीं करते कि आप के समाज में आप की खेतीबारी के कामों में कुछ भी तरकीब नहीं होने की है जब तक आप का यह ऐटीट्यूड (attitude) बना रहेगा। मुझे अफसोस है कि जब इस मसले को हमारे प्लानिंग कमीशन (Planning Commission) के सामने रखा गया तो उस ने टाल मटोल कर दिया। जो कमेटी इस के लिये बनी उस की रिपोर्ट हमारे सामने है। कमेटी ने यह कहा कि जहां मजदूरों को कम मजदूरी मिलती है, वहां इस ऐक्ट को लागू कर दिया जाय। लेकिन मैं श्री देशमुख से पूछना चाहता हूँ कि आप को क्या पता है कि कहां पर अधिक मजदूरी मिलती है, सारे हिन्दुस्तान में खास कर उन इलाकों में जहां खेती का काम होता

है। सभी जगह मजदूर खेती का काम करते हैं। अब उन की हालत यह है कि वह लाखों की तादाद में खाने के लिए मर रहे हैं, उन की बात पूछनेवाला कोई नहीं है, जस्टेट गवर्नमेंट वहां जाती है, न भारत सरकार वहां जाती है, आज पंडित जवाहरलाल नेहरू की लम्बी लम्बी स्पीचें सुन कर उन का पेट नहीं भर सकता है। इसलिये खेतिहर मजदूरों का जो सवाल है वह बहुत बड़ा सवाल है। रिपोर्ट में लिखा है कि देहात में रहने वाला जो तबका है उस में एक तिहाई ऐसे लोग हैं जिन के लिए न रहने को घर है न खाने का इन्तजाम है और न कोई उन के लिये काम है। आप आज बिहार में जा कर देखिये दरभंगा, पुर्णियां, छपरा आदि ऐसे स्थान हैं वहां लोगों के पास कोई काम नहीं है, न कोई उन के पास रोजगार है, हजारों लोग बेकार पड़े हुए हैं। ऐसे लोगों को थोड़ा बहुत काम दिलाने, उन की मजदूरी तय करने की जब बात उठती है तो भारत सरकार, जो राष्ट्रीय सरकार कही जाती है, मजदूरों की सरकार कही जाती है, वह कहती है कि अभी उस की जरूरत नहीं है। मैं समझता हूँ कि यह सब से बड़ी गलत नीति है और इस को बदलना चाहिये।

इस के बाद मुझे विशेष कुछ कहना नहीं है और समय भी बहुत कम है। इसलिये मैं सिर्फ इस चीज को भारत सरकार के सामने पेश करना चाहता हूँ। मजदूरों का एक प्रतिनिधि होने के नाते, और वह यह कि जो भी समिति की रिपोर्ट होती है उस को जल्दी से जल्दी लागू किया जाय। सरकार का आम तौर से यह तरीका हुआ करता है कि जब कोई काम नहीं करना होता है तो एक कमेटी बना देती है। छः महीने में उस की रिपोर्ट आती है और तब सरकार दो बरस में उसे

इम्प्लीमेंट (implement) करने की कोशिश करती है। मैं समझता हूँ कि हमारे फाइनेन्स मिनिस्टर साहब यहां बैठे हुए हैं। वह इस बात को ध्यान में रखेंगे कि इस कमेटी की रिपोर्ट के अनुसार मजदूरों के सवाल को हल करेंगे। अगर ऐसा नहीं करेंगे तो काम नहीं चलने का। उन्हें नहीं भूलना चाहिये कि पंडित जवाहरलाल नेहरू ने उन लोगों के बीच में जा कर क्या कहा था। आज संसार में इतनी बड़ी क्रान्ति होने वाली है जिस से सारा संसार बदल जायगा। आज जो संसार की हालत है वह नहीं रह सकती है। आप कितने ही लेजिस्लेशन और कानून पास कर दें पर इससे साम्यवाद नहीं रक सकता। अब बहुत दिन अंधेरे में यह मजदूर लोग नहीं रह सकेंगे। इसलिये मेरी आप से अपील है, प्रार्थना है कि इस चीज को आप ध्यान में रखें और जितनी जल्दी हो सके आप लेबर मिनिस्टर के हाथ मजदूरत करें और इस मिनिमम वेजेज ऐक्ट को लागू करने की जल्दी से जल्दी कोशिश की जाय।

[English translation of the above speech]

Shri Chandrika Ram (Bihar):
Madam, at the outset I have to refer to a few things that appear in the newspapers. Recently, at a meeting of the Federation of Indian Chamber of Commerce, Shri Shanti Prasad Jain, a leading industrialist said that the Government of India are enacting legislations for labour only but are not taking into account their productive capacity. I think such ideas come from those who do not care for the productive capacity of the workers and their comforts. They only wish to point out that the productive capacity of the labour is not much. I may tell them that if the workers are not able to produce more, it is so because the industrialists and millowners are not paying any attention towards their health, their amenities, their education and so many other things. I will give an instance of a mill at my place. There is a small sugar factory there and for the last fifteen years, there has not been a single case of a dispute between the workers and mill-

owners. Production is increasing there while it is going down in all other mills in that area. It is a matter of surprise as to how such a thing is happening in these days. Therefore, if the millowners change their attitude and treat the labour as their partners and brethren, I am sure there can be no difficulties or troubles and production will go up.

Another point which I may refer to, is that it is a wrong conception that a lot of legislation or law-making is done here and nothing else. On the other hand I am of the opinion that nothing is being done for the largest section of labour in India—the agricultural labour. A beginning was made by the hon. Minister about fifteen years ago and it is heartening to find that something is being done for this class of labour, not only in this country but by the international organisations also. But it is unfortunate that the State Governments have not been able to realize the need of doing something in this direction. The problem of labour is one of the chief problems facing us and it is not merely a problem of providing them with food or education. The important fact which should be taken into consideration is that it is through labour that everything is produced and hence, the problem of labour, is a problem of the whole society. If we cannot keep the labour satisfied and cannot manage them, we will not be able to enhance production whether in the mills or in agriculture or anywhere else. Therefore it is wrong to say that there is much of legislation. My personal view is that it is just a beginning of legislation for the people of our country. This is an unjustified objection.

Now, I take those workers, whom we call agricultural labour. The hon. Members know that this labour forms the majority of the labouring class. But look at their conditions in India. I had gone to the district of Darbhanga in my state during the month of January in connection with the Harijan uplift work and there I saw with my own eyes that ten families of Musahars were sold for a hundred and fifty rupees. One peasant sold them to another peasant because their condition is extremely pitiable and they are a forsaken people. In a recent Report on the Coal Mines Labour, there is a mention of hospitals, provision of sports and games for their children and also of housing accommodation etc. for them. But I want to know what has been done for the agricultural labour. The hon. Minister took great pains to do something and in 1948, the Minimum Wages Act was passed. But look at the

[Shri Chandrika Ram]

present position. The Government of India, which is headed by the greatest leader of the country, Pandit Jawaharlal Nehru, perhaps never realise that unless they change their present attitude, there can be no progress in our society and also in the field of agriculture. I was sorry to note that the Planning Commission evaded the issue when it was placed before it. The Report of the Committee, that was constituted for this purpose, is before us. It suggests the implementation of the Act at all places where the labour is getting low wages. But I would like to ask Shri Deshmukh whether he knows the places, particularly those areas which are mainly agricultural, where labour is getting more wages. Everywhere labourers are tillers of the soil. Their condition today is most pitiable in as much as lakhs of them are facing starvation and no one is caring for them. The State Government as well as the Government of India are ignoring them. They cannot be fed upon the long speeches of Pandit Jawaharlal Nehru. Thus, the problem of agricultural labour is a major one. The Report says that one-third of the population living in villages consists of people who have no provision for their bread, no houses to live in and no work to do. I ask the hon. Members here to go to Bihar and see conditions in Darbhanga, Purnea, Chapra etc. where thousands of people are sitting idle. They have no work to do and no means to earn their living. Whenever there is a talk of providing them with some work or giving them a minimum wage, the Government of India, which is called the national Government and the Government of the workers, puts it aside saying that the time for such a step has not yet come. I feel it is a wrong policy and must be changed immediately.

I have nothing much to say and the time at my disposal is very short. Therefore, being a representative of the labourers, I wish to submit to the Government of India that they should try to implement the Report of the Committee, whatever it may be, as early as possible. Usually, when the Government is reluctant to do a certain thing, it sets up a committee for that purpose, which takes as much as six months' time to submit its Report, and then it takes the Government another two years to implement its recommendations. I hope, the Minister of Finance, who is present here, would keep this in view that the problem of the labourers is solved in accordance with the Report of the Committee. If this is not done, they will fail to find an alternative solution. They should not

forget what Pandit Jawaharlal Nehru declared before those people. The world today is facing a revolution which is likely to change the entire situation. The conditions as they are cannot last any longer and if they continue, any amount of legislation and law-making would fail to check the advent of Communism. It will not be possible now to keep the labour in dark any more. I, therefore, appeal to you to take all these facts into consideration and strengthen the hands of the Minister of Labour without delay. Efforts should also be made for an early implementation of this Minimum Wages Act.

Shri R. L. Malviya: At the very outset I should like to congratulate the hon. Minister of Labour for his achievements in the field of enacting labour legislations during the last three or four years. Along with him I would like also to thank the officers of his Department who have been very helpful to him. I would also thank the officers of his Ministry for helping the labour and the labour workers in the settlement of disputes and amelioration of their general conditions. I, however, feel that all that is necessary has not been achieved and it cannot be expected to be achieved in a short time. That is likely to take some more time. One of the reasons which I feel is responsible for this delay is a sort of obstruction from the Ministries of Finance and Industry and Commerce. My hon. friend Mr. Shastri dealt with this to some extent and I will only give an illustration to show how the obstruction works.

I work among labourers in coal fields. There are various awards applicable to various coalfields throughout the country. The workers have felt that it is time that these awards were revised and an approach was made to the hon. Minister and of course to the Secretariat. We understood from the nature of talk that because the Ministry of Industry and Commerce would not permit them to make any revision and the Finance Ministry will not also agree, they were unable to carry out any revision in the awards or introduce any wage legislation. I feel that it is high time that a revision of the awards is made and I hope that the hon. Labour Minister and the Finance Minister and also the Minister of Industry and Commerce—who is not here but I make an appeal to him through these hon. Ministers—will meet and cooperate and as soon as possible agree to a revision in the wage level amenities and other things in coal-mines in particular, and other mines and factories in general, wherever it is found necessary.

Another subject which I want to deal with in some detail is the Gorakhpur labour. Shri Shastri referred to it and I want to elaborate his point a little. During the last two months I have paid two visits to the Gorakhpur labour camps. I am sorry to say that my visits were not free. I could not meet the labour freely and whatever I have been able to learn about the condition of this labour was through other sources than my own personal study. But whatever I have come to know though it may not be first-hand knowledge, yet I have no reason to disbelieve the information I have received. I am unable to disclose the source of my information for I feel, if I do so, some of the workers among the Gorakhpur organisation who are in service are likely to be dismissed.

This organisation was brought into existence during war time to supply labour to the military. Gorakhpur labour was first used for the Burma road and the construction of bridges. After the war this labour was diverted to industrial side. The organisation is now being administered by an I.C.S. officer on semi-military lines. The same military strictness is observed among the labour, which is conspicuous of the military. I shall cite an instance of the serfdom or slavery of the workers.

On the 18th and 19th of last month the annual session of the Indian National Coalmine Workers' Federation was held in Jharia at a place, which was surrounded by a number of Gorakhpur labour Camps. There was an attendance of about 10,000 labour at the meeting but not a single Gorakhpur labour was present. Later when I went round I learnt and I can say with confidence that they were not allowed to come. This is only one instance. As Shri Shastri said they are living virtually in concentration camps.

I will cite a few instances that came to my notice of the difficulties to which this labour is put and I would request the Minister to look into the matter. He might possibly appoint a small committee of the Members of Parliament and a few officers of his Ministry to go into the matter and do whatever is possible for this labour.

Some of the difficulties to which this labour is put are these. They are not allowed to go outside the camp without guards. If a labourer absconds his companion is beaten. If the man runs away while going to or coming from the mine his companions are beaten. The absconder, if caught, is beaten before the entire gang who

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have to witness the beating. Sometimes he is closed in a bag and beaten. There are one or two more punishments which I deliberately do not want to mention as it is likely to create a sensation and I do not want to give it any publicity. But these are sufficient to show the condition of this labour. I pray the hon. Minister to look into it and do whatever is possible. The labour cannot organise themselves into a Trade Union and have no voice against the excesses. It is due to these conditions that the capitalists now want to engage this labour in larger number. They construct camps for them in preference to other general labour. They want to engage Gorakhpur labour for the reason that they will be safe they will not have to face Trade Union movement and they will be able to extract whatever work they like them to do.

In the Jamuria A. and B. pits the labour is made to work in very hard conditions. The man is beaten and sometimes he is taken out in an unconscious state. These are some of the troubles he suffers from.

Another point I want to deal with is labour in Government railway collieries. On the 24th March when I took part in the debate I wanted to deal with the subject elaborately but there was not much time allowed to me. Today also there is not much time at my disposal. I want to suggest to the hon. Minister that unless all the recommendations of the Government Railway Collieries Enquiry Committee were implemented, the surplus labour should not be retrenched at all. The committee has made certain recommendations and there is scope for employment of a large number of this surplus labour. I would make a practical suggestion. The partnership of the Government with S.L.P. (Sir Lindesay Parkinson) known as the Indian Mining Construction Co. should be done away with as early as possible and the surplus labour be employed for removal of overburden. The use of machines has caused all the unemployment in Kargali and Bokaro. I have studied the question and the report also says that if the machine is done away with the cost of the removal of overburden is not going to increase. As regards Giridih we have made some suggestions and I would request the Minister to see that the labour is not retrenched before the implementation of the recommendations of the Committee in respect to opening of new works.

As regards housing the hon. Minister has done a lot. But whatever has been done is insufficient. The time has now come when nothing short of

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legislation will solve this problem. The hon. Minister has dealt with this subject at Dhanbad in the meeting of the Coalmines Welfare Fund Committee and he has disclosed his mind that he stands for legislation. I hope in his reply today he will tell us more about it so that the controversy about it may be set at rest which is now raging between the workers, employers and Government.

My last point is with regard to a news item which I came across this morning about the prospective appointment of Mr. V. V. Giri as the Labour Minister here in place of the hon. Minister who, it was said, was likely to go as an Ambassador somewhere.

Some Hon. Members: Who says so?

Shri R. L. Malviya: I have said it was a news item. I do not doubt the qualifications of Mr. Giri, but he has been out of the labour field for the last four or five years and things have since changed greatly. I do not believe the report has any substance but if there be any truth in it Government will, I hope, give due consideration before taking any step in the matter.

Shri A. Joseph: In rising to speak on this Ministry, I must congratulate the hon. Labour Minister who has done so much for the interest of labour in bringing forward the two labour Bills. But then I must say that as a member of the Standing Labour Committee, I know how objections were placed in the way of progress of these Bills by the hon. Finance Minister's Department. The interests of our workers are the interests of our country and these Bills would have resulted in the welfare of the country, but the Finance Ministry is standing in the way of their progress. While I do not want to indulge in downright criticism because many other beneficial things have been done, I would say that these two measures definitely go to help the workers. But then the Finance Ministry has thought it fit to stand in the way. Similarly we passed the State Insurance Bill over a year ago but due to the Departmental obstruction of the Finance Ministry we are unable to implement that measure. I would appeal to my hon. friend, the Finance Minister to see that his Ministry does not raise objections whenever a measure involving the welfare of workers is proposed.

As regards the training centres conducted by the Labour Ministry, I would say the Ministry is doing very well in running these training centres which will help to solve the unemployment problem in the country. But may I submit that the money

allotted to these centres is very little? I would appeal to the House to see that more allotment is made for these centres and that they are kept on permanently.

I would next refer to the problem of agricultural labour. I have close knowledge of every section of our agricultural labourers because I happen to be a labour worker among them. I too come from those down-trodden masses. The standard of living of those people is very low. The statistics collected by the various States Governments from the 23 villages regarding agricultural labour indicate the conditions of these workers. They live in condition of no clothing, no food and no shelter. That is their state. And here we find the Finance Ministry putting obstacles in the way of legislation intended to improve their conditions. It was said that the agricultural labour enquiry would not be complete before 1953, that Government was wanting to extend the period of enquiry up to 1953. But this Parliament had decided that the enquiry should be completed by March 1950. But I would request the Government, to see that this enquiry is finished before 1952 at the latest. When the setting up of this enquiry was announced every agricultural labourer expected that something will be done by our Labour Minister in the interest of those poor people. Now it was a shock to them that the date has been extended. I would request the hon. Labour Minister to expedite this enquiry. It is a great opportunity for him to do his best for the labourers of this country. Actually, the class of people from which my hon. friend comes belongs cent. per cent. to agricultural labour. That being so it is his duty also to help them. I am sure he will not deny his duty.

Then I would like to tell my hon. friend, Mr. Kesava Rao that the Labour Ministry has done its best in the interests of the labourers of this country. Due to the beneficial legislation of my hon. friend, the hon. Minister, there are no strikes. It is also due to the personal enthusiasm of himself and of his staff that there is no strike in the country.

Mr. Chairman: Is it not due to the co-operation of the hon. Finance Minister?

Shri A. Joseph: Of course, on some aspects there is co-operation from the Finance Minister—I do not deny that. I am not saying that there is no co-operation in labour matters on the part of the Finance Minister or any other Minister. I was only saying that in the matter of the Workers State

Insurance Act and the agricultural labourers enquiry there was objection raised.

Before I conclude, I would like to refer to one or two other points. Our Government is not in a position to supply food and cloth and other things according to the requirements of the people. But so far as factory labour is concerned they have cheap grain depots and whenever there is a strike Government will listen to Mr. Shastri's slogans whereas the agricultural labourers are suffering without food. In my own part of the country last November-December all the foodstuffs were shifted from surplus to deficit areas but the agricultural labourers in the area were unable to secure their food. The prices went up to forty rupees for a bag of two maunds. That is the condition even in delta districts like Krishna and Godavari. Therefore, I would request the House to see that the Minimum Wages Act of 1948 is brought into force before March 1952 at least.

Shri Sarangdhar Das: I had many things to say—many things I disagree with the Ministry about—but I will not dilate on them. I only want to refer to one thing and that is this. It is claimed with reference to the State colliery labour—a matter which has been discussed in this House in another context—that there is a surplus labour population in the State collieries, although the raising of coal has decreased by something like half since 1944-45 and 1945-46. The discussions in this respect have not been concluded yet. But I should like to know what the hon. Minister knows about this situation, because on a previous occasion I had read the Labour Year Book and it had been stated therein that Indian labour was producing as much coal per man day as in England and Europe and the Labour Minister's remark about mining labour in India was quite satisfactory as far as I remember what I read a couple of years ago. I should like to know what he thinks about this, because in the discussion in connection with other Bills or Ministries it is being made out nowadays that labour is getting three or four times the wages that it used to get before the war and yet production is going down all the time. The more you raise wages of labour the more production goes down. Personally, from my experience, I do not believe that this can be possible, but yet in the discussions on the other Ministries' demands it is being made out that labour is not playing fair. Consequently it is necessary for the Minister of Labour to say what he thinks about it.

Shri Jagjivan Ram: I must express my sincere thanks to the hon. Members who have made kind references to me in the course of their speeches here. I wish I deserve all that they have said. While discussing the labour policy or the implementation of the Acts passed by this hon. House, hon. Members should not forget that labour is a concurrent subject. There are certain items for which the Central Government is directly responsible. There is a vast number of other subjects in which this hon. House is competent only to pass the Act, but I have not got the administrative authority to implement or execute those Acts. Those Acts have to be implemented by the State Governments concerned. While talking therefore about the non-implementation of the various Acts passed by this House, hon. Members should not lose sight of this aspect of our Constitution. While criticising or making a grievance of non-implementation of a number of Acts, they should not forget that the Labour Minister of the Centre has not got the necessary authority to enforce or implement those Acts. The utmost authority that he has got is to request and persuade the State Governments to expedite the implementation as early as possible. More than that, he has no other authority, and most of the Acts about which complaints have been made of non-implementation are Acts which are entirely within the State sphere.

But I will not throw the entire responsibility on the State Governments and wash my hands of it. I would like to put the facts before the House so that it can judge whether the progress made during the last three or four years is an entirely unimpressive one or whether it is something of which some credit might be taken. The labour policy of any Government is not an absolute thing. It has to be determined taking into consideration so many factors which prevail in the country. It has also to be determined taking into consideration the social objective which Government have in view. Sometimes it so happens that even when your social objective is quite clear, so many unforeseen factors come in the way and your progress towards that objective may not be as satisfactory as the hon. Members would like it to be or even as I personally would like it to be or even the Government as a whole would like it to be, and those circumstances which sometimes crop up and are beyond the control of Government certainly delay our progress towards that objective. So, while speaking on the labour policy of the Government, we shall have to take into consideration

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the entire economy of the country, because labour policy cannot function apart and separate from the entire economy of the country. We proceed on certain assumptions. We find that after we have made some progress, some unforeseen causes stand in our way and therefore our progress becomes delayed. I personally do not feel that our record is so bad as my hon. friend Shri Shastri would like it to appear from different points of view. We passed a certain number of Acts during the course of the last three or four years. May I put it to him whether he will say that all of them have not been implemented?

Shri Harihar Nath Shastri: Most of them.

Shri Jagjivan Ram: I am coming to that. He pointed out three things: housing, fair wages and profit sharing.

Shri Harihar Nath Shastri: And minimum wages and industrial relations.

Shri Jagjivan Ram: Yes, those too. First, I will take industrial relations. Industrial relations in any country can be judged by the stoppages or cessations of work or by the man hours lost. I have tried to get some figures in these respects. I think the House will profit if I take some time in giving out these details. I am taking a pre-war year, then the war years, and then the post-war period. As every hon. Member knows, trade union activities practically came to a standstill during war years and labour in this country functioned as some sort of regimented labour. Still, I have got the figures for those years.

	Number of man- days lost
1939 . . .	4 Million
1940 . . .	7 "
1942 . . .	5 "
1944 . . .	3 "
Post-War.	
1946 . . .	12 "
1947 . . .	16 "
1948 . . .	7 "
1949 . . .	6 "
1950 . . .	12 "

The figure for 1950 is quite a big one. But the largest number of man days lost were contributed by the prolonged textile strike in Bombay into the history of which I need not go. So, just from the number of man days lost one will be driven to the conclusion that the industrial relations

in this country have progressively improved after the year 1947 which was the worst one in the history of our industrial relations. If these figures are an index of anything, they are an index of good industrial relations. What have been the causes of these good industrial relations? I have on more than one occasion in this House and outside congratulated labour for the patriotic stand they have taken and the sense of responsibility they have exhibited in maintaining industrial peace in the interest of greater production in spite of great difficulties and hardships which they have to face in view of rising prices of essential commodities. So, you cannot ignore that the industrial relations in this country have progressively improved.

Then I wish to come to housing. Sometime back Government announced that during the course of the next ten years we would try to have a million houses for the industrial workers. I do admit that the progress has not been as satisfactory as it ought to have been. But the causes are well known to my hon. friend Mr. Shastri as well. We expected greater loans, so that we can invest more and more money in industrial housing. But the House is aware of the loan position of the Government. Even if the scheme did not depend entirely on the resources of the Central Government, it has to take into consideration the resources of the State Governments as well as the employers. Though a small sum of Rs. 1 crore was provided in last year's budget and it was hoped that the State Governments would take advantage of it and utilise it for industrial housing in their respective States, the response from them was not so encouraging.

Shri Harihar Nath Shastri: What about Mr. Deshmukh?

Shri Jagjivan Ram: Their budget position was not quite satisfactory. I myself have admitted that the progress in this respect has not been as satisfactory as it should have been. But all the same,—I will not take into consideration the industrial housing that had been provided by the various employing Ministries of the Central Government or of the State Governments, or the State Governments, or the houses that might have been provided by private industry—I have with me figures which go to show that the plantation industry alone completed by the 30th September 1950, 4,146 houses for their labour and the houses to be completed by the 31st of March 1951 are 21,144. So, in the plantation industry alone we are going to have something like 25,000 houses.

Similarly in the collieries—I hope my hon. friend, Mr. Shastri would have seen them—we have made some progress. The Bombay Government also have constructed some houses. But all the same I do admit that the progress has not been as satisfactory as it should have been. We have now revised our scheme and it was examined by the Planning Commission. It is now being examined by Government and I think in the near future we will devise some scheme by which more satisfactory progress will be made in this direction. This year, of course, we have provided more money in the budget than we had provided last year: I think this year we have provided more than Rs. 1.5 crores.

Shri Harihar Nath Shastri: 3,000 houses.

Shri Jagjivan Ram: Then I come to fair wages. My hon. friend is aware that the Bill is before Parliament and if it had been delayed it is due to want of time in the Parliament.

That leads me to the Labour Relations Bill as well. There has been very much of interested propaganda in the country that this Bill would be postponed. I want to make it clear that there is no intention on the part of Government to postpone this Bill. No amount of interested propaganda will deter us from pushing through a measure which I think is not only in the interest of labour but also in the best interests of the industrialists in the context of the present times.

Mr. Chairman: Does that apply to Trade Unions also?

Shri Jagjivan Ram: That applies equally to the Trade Unions Bill as well.

An Hon. Member: Are they coming in this session?

Shri Jagjivan Ram: That will depend on the availability of time in this session. But there is no intention to abandon these Bills, or to postpone them.

I do not want to take notice here—though mention has been made of it—of the proceedings of the Federation of Indian Chambers of Commerce and Industry which met here a few days ago. It does not lie in their mouth to advise the Government as to what procedure the Government should follow in their functions. The Labour Minister and the Labour Ministry know how a Bill is to be finalised by the Government and how it is to be presented before Parliament. It

would have been better if the industrialists would have minded their own business and not come forward to advise the Government on the procedure of Government business.

Then I come to agricultural labour. Today in the country there are two classes which are the hardest hit: the lower middle class and the landless labour in the rural areas. My hon. friend Mr. Shastri has raised a question about increase in the dearness allowance either according to the Pay Commission's recommendations or some *ad hoc* basis for Government employees. As I have said, the lower middle class are the worst affected class in the country today. And I have every sympathy for them. All our promises of bringing down prices have not materialised. All our efforts even to stabilise prices have deceived us. In spite of the best efforts of the Government there is a tendency on the part of prices of all essential commodities to have an upward trend. As a result of rising prices the persons worst affected are those with fixed incomes or fixed salaries, and they are no doubt our employees. But taking into consideration the whole economy of the country I am very doubtful whether it is at all possible to increase the rate of dearness allowance at present. Though it sometimes appears as a mockery, yet one cannot do but appeal to the good sense and the sense of patriotism of these people to bear their difficulties with fortitude. Sometimes, to call for better sacrifices also sounds like a mockery, when one is called upon to make this appeal only to one class and not to all classes. I wish we could produce conditions in the community so that sacrifices can be equalised and we can call for equitable sacrifices on the part of all classes and all individuals.

The condition of agricultural labour is no doubt the worst among the workers. But no amount of criticism of the Government is going to solve their problem. Even if a fraction of the enthusiasm which was exhibited here by the hon. Members for the benefit of the agricultural labour is exhibited in the rural areas in trying to organise them, it will serve them better than criticism of the Central Government. As I have said, the responsibility of fixing minimum wages for agricultural labour is that of the State Governments. (*An Hon. Member:* Pull them up). As I have prefaced my speech, we have got no authority to force all these things on them. And even if it comes to that, it will be a physical impossibility for the Central Government to take that responsibility in a huge country like this and for a huge number which the agri-

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cultural labour constitutes in this country. What is required today is some organisation of the agricultural labourers. But I am sorry to say that difficult as the task is, even the Trade Union leaders are not evincing any interest in this work. But sooner or later we will have to do it. Some of the State Governments have already published their draft proposals for the fixation of minimum wages in agriculture. In most of the industries in Schedule I many of the State Governments have already fixed them. But this fixation of minimum wages or the implementation of the Acts beneficial to labour depends also on the consciousness of labour and the strength of the leadership they have. Today Trade Union leader friends will not mind or will not misunderstand me if I say that there is a very strong element of spurious leadership in Trade Unionism. That type of leadership is in no way less harmful to labour than what the Trade Union leaders call—the exploiting employers. So I will take this opportunity of making an appeal to the genuine and intelligent Trade Union leadership to purge their ranks of that type of Trade Union leadership which wants to trade in and make a means of livelihood by working amongst the labourers and exploiting them for their own purposes, either personal or political. The implementation of minimum wages will be expedited if the labour is conscious, is organised and is in a position to wield strength to some extent.

I will have to say a few words about Gorakhpur labour. I was rather surprised when Mr. Malviya started enumerating the various handicaps under which they were suffering. But the information that has been supplied to him is rather exaggerated. All the same I assure him that I will have further enquiries made in the matter. One information with him is definitely incorrect when he says that the employers want to employ more and more Gorakhpur labour. Perhaps he is not aware that the total strength of the Gorakhpur labour is only 10,000 throughout the country. It is only ten thousand, spread over the coalfields of Bengal, Bihar, Madhya Pradesh and Hyderabad and in regard to his own Province he will be surprised to know that in the whole of Madhya Pradesh there are only 722.

Shri R. L. Malviya: This started only last year.

Shri Jagjivan Ram: The Gorakhpur labour organisation was functioning during the war years. When I came

I stopped that thing. Of course we cannot prevent the employers from recruiting their own labour, but we thought that it would be better if the recruitment even by the employers is systematized and regulated by us. Today the agency of the Director-General of Resettlement and Employment is functioning in U.P. in this behalf and the U.P. Government very much insisted that the recruitment of Gorakhpur labour should not be stopped because it will create an unemployment problem for them and thereby a problem of law and order.

Shri Harihar Nath Shastri: We do not want to stop it. We want to humanise it.

Shri Jagjivan Ram: Today the entire cost is met by the employers' organisation. We have got some officers to regulate it. Well, I will have enquiries in the matter, but I can tell the House frankly that these allegations are grossly exaggerated. I have also some idea of the Gorkahpur labour. I have also visited some of the camps.

Shri R. L. Malviya: There were worse complaints.

Shri Jagjivan Ram: Mr. Malviya could not get an opportunity to have a non-conducted tour, but I could get an opportunity to have a non-conducted tour to visit these camps and talk with the labourers without any officer with me. If all these allegations are true how is it that even those labourers who are discharged after eleven months and even though they are not recruited through the recruiting agency—30 to 25 per cent. of them—go to Dhanbad and Raniganj coalfields of their own accord and approach these very camps to accommodate them there. If the position is so horrible, I cannot conceive how a labourer will go to that place.

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Shri Harihar Nath Shastri: That is due to appalling poverty.

Mr. Chairman: I wish to remind the hon. Minister that it is already Six o'clock.

Shri Jagjivan Ram: There are only one or two points about the Employees State Insurance Corporation. My hon. friend, Mr. Kesava Rao stated that we are spending quite a lot of it over officers. That is true. The House is aware under what circumstances this scheme has been delayed stages after stages. We appointed the officers in order to have the preliminary arrangements ready with a view that the scheme was to be started by the

beginning of August or July 1950. The House is aware—I have stated in reply to some questions or on some occasion in some debate—that there was some difficulty created by the employers and the U.P. State Government. We examined this. I give credit to the Finance Ministry and to my colleague, the hon. Finance Minister; they have all been helpful in this and we have evolved a formula of amending the Bill. The Bill is pending before the House. Now, of course, we cannot think of disbanding the officers and the staff. Though we have spent a good amount over them—a few lakhs—which, had not all these difficulties been created, would have been avoided and the scheme would have been functioning by this time in full swing. So, the Bill is pending before the House and after the Bill is passed, we will enforce this scheme. It may be that when the scheme is not functioning the officers are not getting as much work as they are expected to do and sometimes they might not be getting a file as well. That is true but that cannot be helped. The House is aware of the position.

A word about the municipal employees. I was surprised to find a cut motion in the name of one of my friends to the effect that Municipal labourers—scavengers—are not treated as labour. I will say that this notion is created simply because my hon. friend has not cared to read the labour legislations or to know of the various awards which have been given for the scavengers. In many provinces the questions of the disputes between scavengers and municipalities were referred to Tribunals and tribunals' awards are functioning in respect of their wages and salaries and other things in various provinces. Under the Minimum Wages Act their minimum wages have been fixed and for all practical purposes they are as good labour as any other category of labourer is.

My hon. friend, Mr. Pani stated that the coalmines labour welfare funds should be administered not only by officers but that Union people should be associated with it. That is also because my hon. friend has not cared to know about it. The welfare fund has got an advisory Committee on which Government, labour and employer are equally represented. In Orissa when we had to form an Advisory Sub-Committee for that State, we consulted the State Government to suggest names of Union leaders and if Mr. Pani's name was not suggested, I am not to be blamed.

Shri B. K. Pani: I never meant that the Committee should be constituted with them. My suggestion was that the local union should also be consulted.

Shri Jagjivan Ram: There are representatives of the local union on the Advisory Committee. Whatever we do, we decide in the meeting of the Advisory Committee on which the workers are effectively represented.

I have to say a word about the appellate tribunal. My hon. Friend Mr. Shastri stated that there was much delay. I wanted to give some information to him showing that there has not been so much delay as it is sought to be made. I tried to get certain figures from the Appellate Tribunal. I think the figures are up to date.

The Tribunal began functioning from the 15th August 1950. I have got figures till the 15th March 1951.

The number of appeals filed were	376
Number disposed of	168
Number pending	208

I am sorry I have not got the dates. I tried to find out what was the longest period that was taken in disposing of an appeal. That I have not got but I will supply that information to my friend, Mr. Shastri.

Applications filed were 289, out of which 201 were disposed of and 88 are pending. I have already requested the Appellate Tribunal to dispose of appeals and applications with utmost of despatch and expedition and I am sure they will do that. Of course, we cannot think of scrapping the Appellate Tribunal; it has come and it will stay and it is doing some useful work both in the interest of industry and the interest of labour. I do not want to take more time. I thank hon. Members once more and I hope with their encouragement, we will be able to do something more.

Mr. Chairman: The question is:

"That a sum, not exceeding Rs. 24,40,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952 in respect of Ministry of Labour."

The motion was adopted.

The House then adjourned till a Quarter to Eleven of the Clock on Friday the 6th April, 1951.