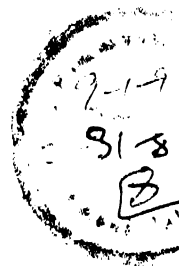


Friday, 4th May, 1951



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME VII, 1951

(2nd April to 16th May, 1951)

Third Session (Second Part)

of the

PARLIAMENT OF INDIA

1951

CONTENTS

Volume VII—From 2nd April to 16th May, 1951

	<i>Columns</i>
Monday, 2nd April, 1951—	
Oral Answers to Questions	2751—2795
Written Answers to Questions	2795—2814
Tuesday, 3rd April, 1951—	
Oral Answers to Questions	2815—2842
Written Answers to Questions	2842—2848
Wednesday, 4th April, 1951—	
Oral Answers to Questions	2849—2878
Written Answers to Questions	2878—2894
Friday, 6th April, 1951—	
Oral Answers to Questions	2895—2928
Written Answers to Questions	2928—2944
Saturday, 7th April, 1951—	
Oral Answers to Questions	2945—2971
Written Answers to Questions	2971—2986
Monday, 9th April, 1951—	
Oral Answers to Questions	2987—3012
Written Answers to Questions	3013—3030
Tuesday, 10th April, 1951—	
Oral Answers to Questions	3031—3061
Written Answers to Questions	3061—3072
Wednesday, 11th April, 1951—	
Oral Answers to Questions	3079—3108
Written Answers to Questions	3109—3132
Thursday, 12th April, 1951—	
Oral Answers to Questions	3133—3162
Written Answers to Questions	3162—3172
Saturday, 14th April, 1951—	
Oral Answers to Questions	3173—3204
Written Answers to Questions	3204—3212
Monday, 16th April, 1951—	
Oral Answers to Questions	3213—3242
Written Answers to Questions	3242—3254
Tuesday, 17th April, 1951—	
Oral Answers to Questions	3255—3286
Written Answers to Questions	3287—3300
Wednesday, 18th April, 1951—	
Oral Answers to Questions	3301—3330
Written Answers to Questions	3330—3344
235 P.S.D.	

Thursday, 19th April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3345—3372
Written Answers to Questions	.	.	.	.	.	.	3372—3380
Friday, 20th April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3381—3408
Written Answers to Questions	.	.	.	.	.	.	3408—3412
Saturday, 21st April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3413—3446
Written Answers to Questions	.	.	.	.	.	.	3447—3452
Monday, 23rd April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3453—3481
Written Answers to Questions	.	.	.	.	.	.	3481—3502
Tuesday, 24th April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3503—3532
Written Answers to Questions	.	.	.	.	.	.	3532—3546
Thursday, 26th April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3587—3615
Written Answers to Questions	.	.	.	.	.	.	3615—3636
Friday, 27th April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3637—3666
Written Answers to Questions	.	.	.	.	.	.	3666—3670
Saturday, 28th April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3671—3702
Written Answers to Questions	.	.	.	.	.	.	3702—3704
Monday, 30th April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3705—3733
Written Answers to Questions	.	.	.	.	.	.	3733—3750
Tuesday, 1st May, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3751—3782
Written Answers to Questions	.	.	.	.	.	.	3782—3794
Wednesday, 2nd May, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3795—3826
Written Answers to Questions	.	.	.	.	.	.	3826—3840
Friday, 4th May, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3895—3926
Written Answers to Questions	.	.	.	.	.	.	3926—3930
Saturday, 5th May, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3931—3964
Written Answers to Questions	.	.	.	.	.	.	3965—3970
Monday, 7th May, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3971—4007
Written Answers to Questions	.	.	.	.	.	.	4007—4020
Wednesday, 9th May, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	4031—4093
Written Answers to Questions	.	.	.	.	.	.	4093—4103

Thursday, 10th May, 1951—

Oral Answers to Questions	4103—4132
Written Answers to Questions	4132—4140

Friday, 11th May, 1951—

Oral Answers to Questions	4141—4170
Written Answers to Questions	4170—4180

Saturday, 12th May, 1951—

Oral Answers to Questions	4181—4212
Written Answers to Questions	4212—4216

Monday, 14th May, 1951—

Oral Answers to Questions	4217—4245
Written Answers to Questions	4245—4254

Tuesday, 15th May, 1951—

Oral Answers to Questions	4255—4285
Written Answers to Questions	4285—4292

Wednesday, 16th May, 1951—

Oral Answers to Questions	4293—4320
Written Answers to Questions	4320—4325

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

3895

3896

PARLIAMENT OF INDIA

Friday, 4th May, 1951.

The House met at Half-past Eight of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

EXECUTIVE POSTS IN PART B STATES

*3812. **Shri Lakshmanan:** Will the Minister of States be pleased to state whether there are executive posts in Part 'B' States, the appointment to which requires the previous sanction of the Ministry of States and if so, what are they?

The Minister of States, Transport and Railways (Shri Gopalaswami): The Government of Part 'B' States have been requested to consult the Government of India in regard to the following appointments:—(i) Chief Secretary; (ii) Finance Secretary; (iii) Senior Member of the Board of Revenue; (iv) Inspector General of Police; and (v) Chairman and Members of the Public Service Commission.

Shri Lakshmanan: Under what provision of the Constitution does the Central Government get the power of controlling the appointments to these posts in Part 'B' States?

Shri Gopalaswami: If authority in the Constitution were needed, it would be the power of general superintendence and control under article 371. But we did not ask them specifically under that provision: it is a case of consultation in some cases and approval in others.

Shri Lakshmanan: May I know whether any particular direction as is contemplated under article 371 of the Constitution has been issued by the President to the Part 'B' States regarding the appointments to these posts?

Shri Gopalaswami: We have issued certain instructions to the Governments of Part 'B' States.

68 P.S.D.

Shri Lakshmanan: May I know whether it is a fact that Government had given an assurance during the time of the framing of the Constitution that in the case of the more advanced Part 'B' States the provisions of article 371 will not be applied?

Mr. Speaker: It is a matter of record. It was referred to last time.

TRANSFER OF ENCLAVES

*3813. **Shri Lakshmanan:** Will the Minister of States be pleased to state:

(a) whether the transfer of enclaves between Madras and Travancore-Cochin is complete and final;

(b) whether either or both of the concerned Governments have made any representation for rationalising the boundaries between the two States; and

(c) what action, if any, Government have taken in the matter?

The Minister of States, Transport and Railways (Shri Gopalaswami):

(a) whatever was possible with the agreement of both parties has been done. Any further transfers of territory will now have to take place under Article 3 of the Constitution.

(b) Not after 26th January 1950.

(c) Does not arise.

Shri Lakshmanan: May I know whether Government are aware of a statement made by a Madras Minister on the floor of the Madras Assembly during this year's Budget Session that the Central Government have coerced the Madras Government to accept the transfer of enclaves between Madras and Travancore-Cochin and that there was no time or leisure to consider all aspects of the matter in the hurry of the moment?

Shri Gopalaswami: I am afraid my attention has not been drawn to that statement of the Madras Minister.

Shri Lakshmanan: Now that I have brought the matter to the notice of the hon. Minister for States may I know whether there is any truth in

that statement of the Madras Minister?

Shri Gopalaswamy: There can be no 'coercion' in the case of agreement between two Governments.

Shri Lakshmanan rose.

Mr. Speaker: It relates to something between the two Governments (Madras and Travancore-Cochin), and it is one of the best conventions not to enter into arguments over such matters. The Madras Government will take care of itself, as also the Cochin Government. It need not be a matter for questions here.

Kaka Bhagwant Roy: Is there any proposal before the Government in regard to the transfer of enclaves between PEPSU and the Punjab?

Mr. Speaker: How does it arise?

Shri Dwivedi: May I know if the responsibility of the Centre ceases as soon as the enclaves were merged with the adjoining Province; if not, whether Government takes any steps to find out what is the condition of these enclaves at present?

Shri Gopalaswami: I think the responsibility for administration of State subjects in the enclaves devolves upon the States in which they were merged.

OFFER OF WHEAT BY CANADA

*3814. **Dr. Ram Subhag Singh:** Will the Minister of Food and Agriculture be pleased to state whether it is a fact that Canada has offered to provide wheat to India with some of her 25,000,000 dollars contribution this year to the Colombo Plan for S.E. Asian countries' development?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): The hon. Member is referred to the answer given on the 17th April 1951 to Starred Question No. 3205 on the same subject.

Dr. Ram Subhag Singh: In view of the fact that Canada has offered this wheat from her 25,000,000 dollar contribution to the Colombo Plan, may I know whether the money realised from the sale of this wheat will go to capital development purposes?

Shri Thirumala Rao: Yes, Sir.

Dr. Ram Subhag Singh: May I know whether this contribution of Canada is dependent on the other Colombo Plan countries contributing their quotas to that Plan?

Shri Thirumala Rao: No. This is a bilateral agreement. Canada has offered her contribution in the shape of wheat, and we have accepted it.

Saikh Mohiuddin: Is it a fact that recently a deputation of cultivators of Gujerat waited upon the hon. Minister and offered to give one million maunds of wheat, provided the procurement price of wheat was increased by Rs. 2?

Shri Thirumala Rao: How does it arise, Sir?

Mr. Speaker: Where was that?

Saikh Mohiuddin: It was in the newspapers. It was in Gujerat?

Mr. Speaker: But that has nothing to do with this.

Fandit Munishwar Datt Upadhyay: When is the wheat likely to arrive?

Shri Thirumala Rao: We have not yet made the selection. We rather suggested that we might select from the September crop and the Canadian Government have agreed to that.

BARTER WITH ITALY FOR RICE

*3815. **Dr. Ram Subhag Singh:** (a) Will the Minister of Food and Agriculture be pleased to state whether it is a fact that Italian suppliers of rice are prepared to negotiate a barter of their rice for Indian Jute goods on the lines of our recent transaction with China?

(b) If so, do Government propose to accept this offer?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) and (b). We received an offer for Italian rice in December 1950, in which half the payment was desired in raw jute. That offer was not acceptable to us but we are prepared to consider all offers on their merits.

Dr. Ram Subhag Singh: How does the price quotation of this rice from Italy compare with the prices of rice recently purchased from Pakistan and other Asian countries?

Shri Thirumala Rao: This was at a high figure, approximately £60 per metric ton, C.I.F.

Shri Ramaswamy Naidu: Is it a fact that a private person offered to import rice from China on his own account, apart from the quota allotted to the Government from China?

Shri Thirumala Rao: I am not aware, Sir. I want notice.

Shri Rudrappa: What is the quantity of rice contemplated to be obtained from Italy on a barter exchange basis?

Shri Thirumala Rao: About 60,000 tons.

SHEEP-BREEDING FARMS

***3816. Dr. Ram Subhag Singh:** Will the Minister of Food and Agriculture be pleased to state the number of Government of India run sheep-breeding farms in the country?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): Thirty-five. A statement giving the distribution of the farms is laid on the Table of the House. [See Appendix XXIV, annexure No. 11.]

Dr. Ram Subhag Singh: What is the annual expenditure incurred by the Government of India in running these farms?

Shri Thirumala Rao: I want notice of that question. But the Government of India subsidises on the basis of fifty-fifty with regard to about six farms. As regards the exact amounts I would require notice.

Dr. Ram Subhag Singh: May I know whether quality bred rams have also been imported from other countries?

Shri Thirumala Rao: I think we got some from Afghanistan.

Dak Sewak SCHEME

***3817. Shri S. N. Das:** Will the Minister of Communications be pleased to state:

(a) whether the experiments regarding the *Dak Sewak* Scheme which were being carried on in some areas have proved successful; and

(b) if so, whether Government propose to replace extra-departmental agents by *Dak Sewaks*?

The Minister of Communications (Shri Kidwai): (a) The experiments have been recently started and it is too early to say whether they have proved successful or not.

(b) No. The *Dak Sewak* Scheme will be a supplement to Extra Departmental Agency system.

Shri S. N. Das: May I know in which part of the country these experiments are being carried on?

Shri Kidwai: In different parts of the country. It has been tried in different Provinces and places where there are no *dak* facilities and where *dak* was difficult to send.

Shri S. N. Das: What is the monetary advantage accruing from this scheme?

Shri Kidwai: A departmental post office would cost more if it is opened in every village, while a *Dak Sewak* will be able to serve an area comprising of many villages.

Shri S. N. Das: It is stated under this scheme that a cycle will be supplied to Postmasters. May I know whether it will be supplied by Government or will be given on an allowance basis?

Shri Kidwai: It will be supplied by Government.

सेठ गोविन्द दास : माननीय मंत्री जी ने अभी कहा कि यह कार्य कुछ प्रांतों में कुछ स्थानों पर शुरू किया गया है, तो क्या मैं जान सकता हूं कि उन स्थानों के क्या नाम हैं और सब मिला कर कुल कितने स्थानों में यह शुरू किया गया है ?

[**Seth Govind Das:** The hon. Minister just said that this scheme has been started at different places in different Provinces. May I know the number of such places and their names?]

Shri Kidwai: I am afraid I will not be able to give the names of the places.

सेठ गोविन्द दास : सब मिला कर उन का नम्बर कितना है, क्या यह मालूम हो सकेगा ?

[**Seth Govind Das:** May I know the total number of these places?]

श्री किशवाई : यह भी न मालूम हो सकेगा ।

[**Shri Kidwai:** That information too I would not be able to give.]

PRIZE AWARDS FOR FOOD PRODUCTION

***3818. Shri S. C. Samanta:** (a) Will the Minister of Food and Agriculture be pleased to state the number and amount of prizes awarded by the Government of India for the highest production of food grains in India in the years 1949 and 1950 (Cereal-wise)?

(b) What were the names of titles bestowed and the names of recipients of those titles in those years?

(c) How many prizes will be awarded in the year 1951 and for which cereals?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) Three prizes of Rs. 201/- each were given for the best yield each in

wheat, paddy and potatoes during the year 1949-50.

(b) Certificates of **कृषि पंडित** were given by the Indian Council of Agricultural Research to the undermentioned persons:

- (1) Shri J. C. Pani (West Bengal) for Paddy.
- (2) Shri Jagdish Prakash (Uttar Pradesh) for Wheat.
- (3) Shri Ratan Prakash (Uttar Pradesh) for Potatoes.

I might mention in this connection that Shri K. Venkataraju of Palacoderu, West Godavari District, obtained a yield of 6325 lbs. nearly 75 maunds per acre at the competition held at the district level. He will be considered along with others for the award of a prize for 1950-51.

(c) The question is still under consideration.

Shri S. C. Samanta: May I know whether the Government find any appreciable urge for the increase of food production in the areas where these prizes have been awarded?

Shri Thirumala Rao: Government think that it will be an urge and an incentive to producers to win these prizes and augment production.

Shri S. C. Samanta: May I know whether any State Government has awarded such prizes? If so, what is their number and what are the names of the recipients?

Shri Thirumala Rao: We have circulated with regard to this to the State Governments and we have yet to watch their reaction. It is only recently that we have done that.

Pandit Munishwar Datt Upadhyay: May I know whether these prizes are mostly obtained by persons who have got large farms and who have got capital resources and not by smaller cultivators?

Shri Thirumala Rao: They are all moderately sized farms; they do not own very large areas; they are 25 or 30 acre farms.

Seth Govind Das: Are these prizes awarded only by the Government of India or they are subsidized by the State Governments also?

Shri Thirumala Rao: Just now I have stated that these prizes are to be instituted at several levels—All India, provincial and also district levels.

Shri Rudrappa: May I know from which head of the Budget are these prizes awarded?

Shri Thirumala Rao: We get the money from the miscellaneous items.

FLOOD DAMAGE TO RAILWAY LINES

*3819. **Shri S. C. Samanta:** (a) Will the Minister of Railways be pleased to state the length of Railway line damaged and wasted away by flood in the years 1948, 1949 and 1950 (State-wise)?

(b) What was the amount spent for the restoration of the Railway lines?

(c) What steps have Government taken to avert loss and damage by floods?

The Minister of State for Transport and Railways (Shri Santhanam):

(a) and (b). A statement showing the length of railway lines damaged by floods in the years 1948, 1949 and 1950, and the amount spent for their restoration is placed on the Table of the House. [See Appendix XXIV, annexure No. 12.]

(c) All possible protective measures such as provision of adequate waterways, guide and marginal bunds, boulder pitching, side and catch-water drains, retaining walls etc. are taken to safeguard railway lines against damage by floods. Sometimes, however, abnormal and unprecedented floods damage the railway lines and protective measures as considered necessary in each case are taken thereafter.

Shri S. C. Samanta: The statement shows that the damage caused to the Teesta Valley Railway line has not been restored. May I know the reason?

Shri Santhanam: I have already explained in answer to a previous question that it is not considered feasible to restore that line.

Shri S. C. Samanta: May I know whether the Railway Ministry have earmarked any sum of money to carry flood control schemes for the purpose of avoiding future catastrophe?

Shri Santhanam: The Railway Ministry does not participate in general flood control scheme; it takes care of the Railway lines.

Shri S. N. Das: May I know whether it is a fact that lack of sufficient outlets in the Railway lines are the general cause for the floods which consequently damage the line and the standing crops?

Shri Santhanam: It is not possible for me to answer such a general question. Wherever such matters are brought to the notice of the Railway

by the State Governments, action is taken thereon.

Pandit Munishwar Datt Upadhyay: May I know whether these damages generally take place in the same part of the road and the railway lines or they have changed from place to place and whether any permanent steps have been taken to avert them?

Shri Santhanam: Naturally, Sir, they change from place to place according to the rainfall.

Shri S. C. Samanta: May I know how many bridges have been damaged during this catastrophe?

Shri Santhanam: So far as I know only the Teesta bridge was damaged to some extent. I have no detailed information on the subject. If the hon. Member will put a separate question, I will get the information.

Mr. Speaker: Next question.

FLOOD DAMAGE TO NATIONAL HIGHWAYS

*3820. **Shri S. C. Samanta:** (a) Will the Minister of Transport be pleased to state the length of National Highways damaged and washed away by flood in the years 1948, 1949 and 1950 (Statewise)?

(b) What was the amount spent for the restoration of the Highways?

(c) What steps have Government taken to avert loss and a damage by floods?

The Minister of State for Transport and Railways (Shri Santhanam): It is regretted that the time, labour and expense involved in the collection of the detailed information asked will not be commensurate with the results obtained.

Shri J. N. Hazarika: May I know whether the National Highways in Upper Assam which have been damaged by flood and earthquake, have been fully repaired and if so, what protective measures have already been taken to prevent further damage in the next flood?

Shri Santhanam: I think some hon. Member put a detailed question on damage due to earthquakes and I then gave a detailed reply. I have not any information here regarding any particular damage.

Mr. Speaker: Next question.

Shri Kidwai: Before I read the reply of the hon. Member, I would like to correct the information which I gave in answer to a supplementary on a previous question. I stated that the

Government supply the cycles. But I find now that the *Dak Sewak* himself provides the cycle.

INSPECTOR OF POST OFFICES EXAMINATION

*3821. **Shri Rathnaswamy:** (a) Will the Minister of Communications be pleased to state how many candidates from Madras Post Offices sat for the examination of the Inspector of Post Offices in the years 1949 and 1950 and how many were declared to have passed?

(b) How many of these have so far been appointed?

(c) Have any candidates from the Scheduled Castes appeared in this examination and if so, how many passed and how many have so far been appointed?

The Minister of Communications (Shri Kidwai): (a) No examination was held in the years 1949 and 1950.

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

Shri Rathnaswamy: May I know whether this examination is restricted only to the servicemen or whether outsiders are allowed?

Shri Kidwai: It is restricted to servicemen.

Shri Rathnaswamy: May I know whether any relaxations have been made in respect of candidates who belong to the Scheduled Castes or ex-servicemen?

Shri Kidwai: The provision for special recruitment to Scheduled Castes is confined to new recruitments and not to promotion.

Shri Rathnaswamy: May I know whether the minimum qualifications have been prescribed in regard to the candidates who sit for this examination?

Shri Kidwai: Those persons who are already serving in the department as clerk, etc. are eligible for this examination, after a certain period of service.

Shri Rathnaswamy: Is it a fact that there are a number of graduates belonging to the Scheduled Castes in the Madras Postal Department and who have put in a number of years' service but still they have not been able to get even an Inspector's job and may I know whether any steps have been taken to see that any other appointments are given to the Members of the Scheduled Castes who are graduates?

Shri Kidwai: Appointments are made as a result of an examination.

STATE ROAD FUNDS

*3822. **Shri Jnani Ram:** (a) Will the Minister of Transport be pleased to state the amount so far spent by different States from the Central Road Fund?

(b) Will the unspent amount lapse or will it be converted into non-lapsing fund?

The Minister of State for Transport and Railways (Shri Santhanam):

(a) The expenditure incurred by the various State Governments from the Central Road Fund up to the end of 1949-50 is given in Statements Nos. 2 and 3 of Appendix VII to Part II of the Report of the Ministry of Transport for the year 1950-51, copies of which have been supplied to all hon. Members. The expenditure incurred during 1950-51 is not yet known.

(b) The unspent balance at the end of a financial year does not lapse, vide paragraph 4 of the Resolution on Road Development, printed as Appendix VI to the Report of the Ministry of Transport for 1950-51.

Shri Jnani Ram: May I know the reasons why the entire amount is not being spent from year to year?

Shri Santhanam: The State Governments draw upon this balance as and when their schemes are ready. As these amounts do not lapse, they are not in a hurry to draw them.

Shri Jnani Ram: Do the Central Government enquire about this from the State Governments?

Mr. Speaker: About what?

Shri Jnani Ram: Call for explanation from the State Governments for not spending the amount.

Shri Santhanam: We are not anxious that they should spend the amount in a hurry.

Shri Chalhha: May I know if there is any machinery to supervise the works from the Central Government?

Shri Santhanam: Yes; we have got a very efficient Roads organisation.

Dr. Ram Subhag Singh: May I know whether the State Governments are anxious to maintain the roads in proper condition and if so why they are not anxious to spend the amount?

Mr. Speaker: Order, order.

Seth Govind Das: Is this amount given to the different States not spent in every State practically or there are only a few States which are not spending this amount?

Shri Santhanam: If the hon. Member will read the Roads Resolution, he will find that 80 per cent. of the Road fund is distributable to the States in accordance with their petrol consumption.

Mr. Speaker: Next question.

RAILWAY SIDING FOR COLLIERIES

*3823. **Shri Jnani Ram:** Will the Minister of Railways be pleased to state:

(a) the number of Private and Railway Collieries in Hazaribagh which have no Railway sidings;

(b) the number of collieries that transit coal to Railway Stations by Ropeways; and

(c) the number of petitions pending for Railway siding in that district?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Private Collieries: 56 of which 15 have loading accommodation on Railway Sidings and one on a Private Siding. Railway Collieries: Nil.

(b) Two.

(c) 7 for provision of sidings and 10 for loading accommodation.

Shri Jnani Ram: May I know the names of the collieries which have their own lines of transmission?

Shri Santhanam: The collieries carrying coal to the Railway siding by ropeways are Religara (Karanpur Mining Syndicate) and West Bokaro (West Bokaro Ltd., Anderson Wright and Co.).

Shri Jnani Ram: May I know the total export of coal from Religara and West Bokaro?

Shri Santhanam: I have not got details of the production of these collieries.

Shri Jnani Ram: May I know by which time the applications for Railway sidings can be complied with?

Shri Santhanam: Seven petitions for the provision of sidings and ten for loading accommodation are with us. They are in various stages of progress: some are ready, some are getting ready and others are under preparation.

Shri A. C. Guha: May I know the number of Railway collieries in the district of Hazaribagh?

Shri Santhanam: I have not got it here. There is no Railway colliery in Hazaribagh without a siding. That is, I think, the information asked for.

Shri A. C. Guha: I think the hon. Minister has stated that there is no railway siding in any Railway colliery in Hazaribagh. Have the Government any idea of providing Railway collieries.....

Shri Santhanam: It is just the opposite. There is no Railway colliery without a Railway siding.

Mr. Speaker: If he reads the answer carefully, he will find that the answer is correct.

Pandit Munishwar Datt Upadhyay: May I know the terms on which the Railway siding is provided to a factory or a colliery?

Shri Santhanam: When the Railways themselves provide the siding, it is at Railways' cost. In some cases where the siding is provided at the request of the colliery, it is wholly at the cost of the colliery. In some cases, it is assisted and the cost is borne partly by the Railways and partly by the collieries.

REGIONAL OFFICE IN BOMBAY

*3824. **Shri Sidhva:** (a) Will the Minister of Food and Agriculture be pleased to state the total establishment of Regional Office in Bombay?

(b) Is there any one still employed and who is superannuated?

(c) How many godowns for storing food grains of the Union and State Governments are used in Bombay?

(d) What is the rent paid for such godowns?

(e) What kind of supervision is there at these godowns to guard the food cereals stored?

(f) Have complaints been made of frequent thefts of foodgrains from these godowns and from the Port Trust godowns while unloading and in transit between the P. T. Godowns and the Government godowns?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) Class I	12
Class III	192
Class IV	27½

(b) No.

(c) Central Government	14
State Government	63

(d) Central Government Rs. 12,122/-	per month.
State Government	Rs. 68,360/-
	per month.

(e) Watch and ward arrangements are made at the godowns. Watchmen guard the godowns day and night and they are assisted by police constables and supervision is done by Havaldars and Inspectors.

(f) No complaints of thefts from Government godowns have been received but there were some minor complaints of pilferage from the port sheds and docks.

Shri Sidhva: In answer to part (b), the hon. Minister said, 'No'. May I know whether the Regional Officer in Bombay has been given extension every year and whether he is already superannuated?

Shri Thirumala Rao: No, Sir. He has been retired on account of having reached the age of retirement.

Shri Sidhva: Is he still in service?

Mr. Speaker: He says he is not in service.

Shri Sidhva: The Regional Officer is not in service?

Shri Thirumala Rao: Retired means not in service.

Shri Sidhva: What is the name of the Regional Officer?

Mr. Speaker: I do not think he need go into the name and such details.

Shri Sidhva: I must know whether the gentleman is there.

Mr. Speaker: He must make private enquiries.

Shri Sidhva: I have made enquiries. My information is.....

Mr. Speaker: Why, then, does he want his name? The hon. Minister says that he is not in service.

Shri Thirumala Rao: Without mentioning name, may I explain the position? In the re-organisation, we have abolished the office of Regional Commissioner. We have got only a Director there. He is not the same person as before.

Shri Sidhva: I shall make further enquiries.

May I know the total loss incurred through pilferage and theft in godowns, in transit and in the port sheds while loading and unloading?

Mr. Speaker: He wants the total or separately on account of pilferage, etc?

Shri Sidhva: All together: pilferage and theft.

Shri Thirumala Rao: We have instituted a number of cases of detected thefts, etc. In that way we can calculate the loss. It comes to a few hundred pounds of foodgrains. I cannot give all the details.

Shri Sidhva: Is it not a fact that thefts have been detected, and prosecu-

tions have been launched? Besides the Watch and Ward, what are the strict arrangements made to avoid this kind of pilferage which is constantly happening?

Shri Thirumala Rao: We have got a number of watchmen who go about and on account of this we have been able to detect a number of pilferages. The persons have been prosecuted. About 25 cases were launched. Most of them were convicted to three weeks or four weeks imprisonment.

Shri Sidhva: May I know whether there is any check up in weight of the grains at the time of shipment and at the time of landing and if so, what kind of check up is there?

Shri Thirumala Rao: Exact checking of the grains that is shipped and the weight at the other end.

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

WEEK-END RAILWAY TICKETS

*3825. **Shri Sidhva:** (a) Will the Minister of Railways be pleased to state whether Government have examined the feasibility of introducing week-end tickets on various Railways as promised by the Minister in his speech during the concluding day of the Railway Budget?

(b) If so, when will it come into effect and if not, what are the reasons therefor?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes.

(b) The result of the examination has already been communicated to the hon. Member in the Railway Board's letter No. 6385-TC dated the 6th April, 1951 which included in it answers to the points raised in the question.

Shri Sidhva: That letter was received after this question was sent.

Mr. Speaker: If the hon. Member is satisfied with that letter, he need not put any further supplementaries.

Shri Sidhva: The letter indicated that there was greater overcrowding. May I know whether there is already overcrowding at the present moment or not and what will be the percentage of greater overcrowding if these week-end tickets were introduced?

Shri Santhanam: If the debate on the Budget was an index of things, most of the hon. Members complained about overcrowding. I think hon.

Members will agree that there is already overcrowding.

Shri Sidhva: I wanted to know, Sir,.....

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

Shri Sidhva: One more question, Sir.

Mr. Speaker: It is arguing.

Shri Sidhva: It is not arguing.

Mr. Speaker: I am now calling the next question.

'SAKRIGALI—MONIHARI GHAT' ROUTE (DEVELOPMENT)

*3826. **Shri J. N. Hazarika:** Will the Minister of Railways be pleased to state when the development of Sakrigali—Monihari Ghat route including yard arrangements and line capacity works will be completed?

The Minister of State for Transport and Railways (Shri Santhanam): Line capacity works on the Sahibganj Loop on the E. I. Railway have been completed, and those on the Manihari-Kishenganj section on the Assam Railway are nearing completion.

As far as the yard arrangements at Sakrigali and Manihari Ghats are concerned, the work at Sakrigali Ghat has been completed and that at the Manihari Ghat is expected to be completed by the end of June 1951.

Shri J. N. Hazarika: May I know the amount that has already been spent and how much more shall have to be spent for the completion of the entire project?

Shri Santhanam: At the Sakrigali Ghat the total amount estimated is nearly Rs. 47 lakhs and at Monihari Ghat it is nearly Rs. 14 lakhs. As the work will be completed by June 1951, most of it must have been spent.

Saikh Mohiuddin: May I know whether due to the heavy traffic in this part, there is any proposal to run one more train on this line?

Shri Santhanam: Yes, but we are trying to get the necessary rolling stock.

IRRIGATION SCHEMES FOR KUTCH

*3827. **Shri B. R. Bhagat:** Will the Minister of States be pleased to state:

(a) whether irrigation schemes for Kutch have been undertaken;

(b) if so, at what cost; and

(c) how far the work has progressed?

The Minister of States, Transport and Railways (Shri Gopalaswami):
(a) Yes.

(b) and (c). I lay a statement on the Table of the House. [See Appendix XXIV, annexure No. 13.]

Shri B. R. Bhagat: May I know whether these irrigation schemes are part of the economic development plan for Kutch?

Shri Gopalaswami: They are included in a programme of schemes.

Shri B. R. Bhagat: How has this programme been drawn up and how has the priority for these particular works been fixed up?

Shri Gopalaswami: The programme was drawn up with the advice of the Central Waterpower, Irrigation and Navigation body. These items have been fitted into the regular plan so as to serve as many parts of the State as possible.

Shri B. R. Bhagat: May I know whether these schemes have been approved by the Advisory Committee for States?

Shri Gopalaswami: I wonder if the hon. Member is referring to the Advisory Council in Kutch or the Standing Advisory Committee.

Shri B. R. Bhagat: I mean the Parliamentary Advisory Committee.

Shri Gopalaswami: The schemes approved have been approved by the Standing Advisory Committee.

Shri B. R. Bhagat: In section III of the Statement given by the hon. Minister, there is a long list of works pending. May I know by what time the execution of these projects will be taken up?

Shri Gopalaswami: As soon as we are in a position to provide the funds.

Zamindari in Kutch

*3828. **Shri B. R. Bhagat:** Will the Minister of States be pleased to state:

(a) whether *Zamindari* questions in Kutch have been discussed; and

(b) if so, whether any decision has been taken on them?

The Minister of States, Transport and Railways (Shri Gopalaswami): (a) and (b). There are no *Zamindars* in Kutch.

There are *jagirdars* to whom the former Rulers of Kutch had alienated villages and lands. More than half

the area of Kutch consisted of alienated villages which did not pay any land revenue. The Government of India appointed an officer to examine and report on the problem of these alienations. On his recommendation the Bombay Land Revenue Code and the Bombay Tenancy and Agricultural Lands Act, 1948 were extended to Kutch. Thereafter all lands whether applied to agricultural or other purposes became liable for payment of land revenue. It was, however, felt expedient not to bring these alienated lands under what is known as *Khalsa* tenure all at once. Accordingly, rules have been framed under the extended laws under which for a period of 5 years only all villages and lands in possession of the lineal descendants of the original grantees will be subject to assessment at 50 per cent. of usual rates and *Jagirs* and alienated lands which have passed over to third parties through sale or mortgage will be subject to 75 per cent. assessment.

Shri B. R. Bhagat: May I know whether a land revenue schedule has been drawn up?

Mr. Speaker: They are now under the Bombay Land Revenue Code. The rules in Bombay are applied here.

Shri Rudrappa: So far as the *Jagirdars* are concerned, who is considered the owner of the soil?

Shri Gopalaswami: At present they have all been brought directly under Government. Proprietorship must be considered to vest in Government.

JUNIOR ADMINISTRATIVE POSTS IN RAILWAYS

*3829. **Dr. M. V. Gangadhara Siva:** Will the Minister of Railways be pleased to state the number and location of centres for selection of staff to the Junior administrative posts in Railways?

The Minister of State for Transport and Railways (Shri Santhanam): Selection of officers for promotion to Junior Administrative posts on Railways is made in the Ministry of Railways (Railway Board) in New Delhi.

Dr. M. V. Gangadhara Siva: May I know whether there is a Selection Board for this purpose and if so whether any member of the Scheduled Castes is on the Board and if not, why not.

Shri Santhanam: There is no Selection Board for Junior Administrative posts on Railways. Each case has to be considered on merits and it is first considered by the Railway Board and finally by the Minister in charge of Railways.

Dr. M. V. Gangadhara Siva: How many officers were selected for Junior Administrative posts and how many of them belonged to the Scheduled Castes?

Shri Santhanam: They are not selected *en masse*. They are promoted each according to the necessity of the case.

Dr. M. V. Gangadhara Siva: Is the rule regarding 12½ per cent. representation for Scheduled Castes in the services being paid due attention in the various departments of the Government of India?

Shri Santhanam: The hon. Member should know that special representation applies only at the recruitment stage. There is no caste distinction in the promotion stage.

Dr. M. V. Gangadhara Siva: Is the.....

Mr. Speaker: This is an oft-repeated question. We now go to the next question.

COCOANUT OIL

*3830. **Shri S. N. Sinha:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total requirements of Coconut oil in India; and

(b) the production of Coconut oil in the country?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) 1,98,000 tons.

(b) 1,10,000 tons.

Shri S. N. Sinha: How is the deficit met? If it is met by import, from which countries do we import?

Shri Thirumala Rao: By importing—from Ceylon.

Shri S. N. Sinha: How does the price of the imported oil compare with that of the indigenous oil?

Shri Thirumala Rao: I would require notice, Sir.

Shri Lakshmanan: May I know whether in assessing the total requirement, whether all the purposes for which the oil is used are taken

into consideration, such as for food purposes and also for the manufacture of toilet goods etc?

Shri Thirumala Rao: The various requirements are assessed, e.g. for edible purposes, for toilet and toilet products, for soap manufacture etc.

Shri B. R. Bhagat: Is cocoanut oil being exported from our country?

Shri Thirumala Rao: No, it is not allowed to be exported.

Kaka Bhagwant Roy: May I know whether the Government of Indonesia has offered to sell cocoanut-oil to India at a cheaper rate than Ceylon?

Shri Thirumala Rao: I want notice, Sir.

Shri Iyyunni: What is the quantity of oil that is imported.

Shri Thirumala Rao: I want notice.

Shri Ramaswamy Naidu: What is the total yield of coconuts in our country and what percentage of it is used for oil extraction?

Shri Thirumala Rao: Fresh cocoanut is estimated at 3,300 million nuts.

Shri Ramaswamy Naidu: And what is the percentage of this yield that is used for oil extraction?

Shri Thirumala Rao: The quantity of copra used for crushing is 176,000 tons.

Saikh Mohiuddin: May I know whether the cultivation of cocoanut trees is increasing or decreasing in our country?

Shri Thirumala Rao: It is not decreasing, to my knowledge.

Dr. Deshmukh: How much of the oil is used up by the vegetable oil plants?

Shri Thirumala Rao: For industrial purposes about 40,000 tons goes.

DETERIORATION OF IMPORTED FOOD GRAINS

*3831. **Shri Sidhva:** (a) Will the Minister of Food and Agriculture be pleased to refer to the answer given to my unstarred question No. 174 on the 4th April, 1951 regarding deterioration of imported food grains and state what was the consignment from which grain to the value of Rs. 90,163 was originally received in an unfit condition?

(b) What became of the remaining quantity from the said consignment?

(c) Was the grain under reference received in bags or loose and if loose how a particular quantity from the whole lot was found as unfit?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) The grain was not from one consignment, but as many as 67.

(b) The remaining quantity was unaffected and sound.

(c) Wheat, Milo and Maize were received loose and rice and wheat flour in bags. The damage was localised and the damaged grain could be separated from the sound grain.

Shri Sidhya: May I know whether grains in an unfit condition, worth Rs. 90,163 were received in one consignment or in all the 67 consignments put together?

Shri Thirumala Rao: The value of the grain received in an unfit condition in the 67 consignments is Rs. 90,163 and its weight about 216 tons.

Shri Sidhya: Was this amount recovered from the shippers or the insurance company?

Shri Thirumala Rao: Yes, these damages are being recovered from the shipping companies.

CLAIMS OF DISPLACED PERSONS (SETTLEMENT)

*3832. **Shri B. K. Pani:** (a) Will the Minister of Transport be pleased to refer to the reply given to my Starred Question No. 975 of 18th December, 1950 and state how many representations for settlement of claims with regard to the service rendered to undivided India were received from displaced persons of East Bengal?

(b) How many such cases are now lying pending for settlement and how many of them are in negotiation with the Pakistan Government for settlement?

The Minister of States, Transport and Railways (Shri Gopalaswami):

(a) As I stated in reply to Question No. 975, the Accounts Officers do not maintain figures on a regional basis, nor is information available separately for displaced persons and others.

(b) Does not arise.

सराका तार घर

*३८१४. श्री जंगदे : क्या संचरण मंत्री यह बतलान की कृपा करेंगे कि :

(ए) क्या मध्य प्रदेश के रायपुर विभाग में स्थित बिजगा स्थान की धनरा ने

सरकार से वहाँ पर तार घर जोड़े जाने के सम्बन्ध में कोई प्रार्थना की है; तथा

(बी) यदि की है, तो क्या सरकार ने इस प्रार्थना पर विचार किया है ?

BRANCH TELEGRAPH OFFICE

[*3834. **Shri Jangde:** Will the Minister of Communications be pleased to state:

(a) whether the people of Simga in Raipur district of Madhya Pradesh have made any representation to Government for opening a branch telegraph office there; and

(b) if so, whether Government have considered the proposal?]

The Minister of Communications (Shri Kidwai): (a) No.

(b) Does not arise. The Postmaster-General, Nagpur is, however, being asked to examine this matter.

MINISTRY IN RAJASTHAN

*3835. **Shri Raj Bahadur:** (a) Will the Minister of States be pleased to state on what date did the Ministry headed by the present Chief Minister came into office in Rajasthan?

(b) What is the monthly scale of salary which the present Chief Minister and other Ministers in Rajasthan under him have been drawing so far?

(c) What was the salary drawn by the members of the former cabinet on the date the Constitution came into force?

The Minister of States, Transport and Railways (Shri Gopalaswami):

(a) to (c). I assume that the hon. Member is referring to the Ministry headed by Shri C. S. Venkatachar. This Ministry assumed office on the 5th January 1951. Shri Venkatachar's salary was Rs. 3,500/- p.m. plus a sumptuary allowance of Rs. 250/- p.m. Shri Hari Sharma, the only other Minister under him, was drawing a pay of Rs. 3000/- p.m. Shri Hiralal Shastri as Chief Minister of the former Cabinet was drawing a salary of Rs. 900/- p.m. plus a sumptuary allowance of Rs. 500/- p.m. Other Ministers under him were drawing a salary of Rs. 900/- p.m.

Shri Raj Bahadur: May I know whether under the Constitution the Ministry headed by Shri C. S. Venkatachar could draw any salary above the amount of salary drawn by Shri Hiralal Shastri?

Mr. Speaker: He is asking for opinion now. He wants an interpretation of the Constitution—he may refer to the Constitution and come to his own conclusion.

Dr. Deshmukh: He is voicing a grievance that so much salary should be paid.

Mr. Speaker: That is a different matter. He is asking for an opinion whether a particular thing is correct under the Constitution.

Shri Raj Bahadur: Let me put this question. May I know whether the salary drawn by Shri C. S. Venkatachar and his colleague was legalised in any way?

Shri Gopalaswami: Yes, by an act of the legislature of Rajasthan—such legislature as existed.

Shri Sidhva: May I know under what law officials who are asked to administer a State are designated Ministers?

Shri Gopalaswami: They were appointed Ministers under the Constitution by the Rajpramukh.

Shri Raj Bahadur: May I know when that act of the so-called legislature was promulgated?

Shri Gopalaswami: Before the present Ministry took office.

Shri Raj Bahadur: How many days after the former Ministry went out?

Mr. Speaker: I think it is no use going into that now.

Dr. Deshmukh: I would like to know the strength of that legislature. How many members were there?

Mr. Speaker: A legislature does not necessarily consist of members. Hon. Members have studied the Constitution and they know that under the Constitution a legislature does not necessarily consist of members.

Shri Sidhva: Does the Constitution refer to appointment of Ministers where there are no legislatures?

Mr. Speaker: Order, order.

Pandit Maltra: I wanted to know whether the hon. Minister or the Ministry of States was consulted by the Rajpramukh or the legislature in the fixation of the scale of salaries, from the hon. Minister's Department or whether any directive was issued

as to the scale at which payment to the Ministers should be made?

Shri Gopalaswami: It was a question of agreement between the Rajpramukh and the State legislature then existing, and the States Ministry.

Shri Raj Bahadur: What is the salary drawn by the present Ministers?

Shri Gopalaswami: I am afraid I have not got the information.

PARCHED RICE

*3836. **Shri M. L. Gupta:** Will the Minister of Food and Agriculture be pleased to refer to the reply given to starred question No. 2927 on the 9th April, 1951 regarding parched rice and state:

(a) as to how the manufacturers of parched rice obtain rice; and

(b) the cost at which the rice is made available to them?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) and (b). A statement giving the required information is laid on the Table of the House. [See Appendix XXIV, annexure No. 14.]

Shri M. L. Gupta: It is stated in the statement that:

"Parched rice is prepared in U.P. generally from inferior varieties of paddy like Annanday etc. These varieties of either paddy or rice are not purchased on Government account."

May I know the reason for their not being purchased?

Shri Thirumala Rao: The explanation is clear. They are inferior varieties of paddy which are left there for use by these people who prepare parched rice.

Shri M. L. Gupta: Secondly, I find from the statement that at Bombay paddy is being made available for preparation of parched rice, at Rs. 9/8/- to Rs. 19/12/8 a maund whereas the selling price of parched rice is between Rs. 28/- and 36/- a maund. As far as Tripura is concerned, the price of paddy is Rs. 28/- to 30/- a maund whereas the selling price of parched rice is Rs. 35/- to 33/- a maund. Why is the price of parched rice so high in Bombay while the price in Tripura is lower than the price of paddy?

Shri Thirumala Rao: He is asking for an obvious inference. Where there is a greater demand the price is higher. The cost of production is also a factor.

Shri M. L. Gupta: I was referring to the relationship between the price of the raw material and the product.

Mr. Speaker: The hon. Member will see that he refers to different parts of India and the cost of production cannot necessarily be the same in different parts.

Shri M. L. Gupta: My point is that at Tripura the price of paddy is between Rs. 28/- and Rs. 30/- but the price of parched rice is less than that of paddy.

Shri Thirumala Rao: Government is not controlling parched rice. It is left to the State Governments who give a small quantity of paddy to these manufacturers.

Mr. Speaker: His point is that while paddy costs more the price of parched rice which is manufactured out of paddy is less.

Shri Thirumala Rao: They may have stocked paddy in advance for their requirements. There is no particular control over parched rice. Then there is hoarding of ordinary paddy in certain areas where the prices are artificially put up because there is a greater demand.

Shri J. R. Kapoor: Obviously there is a mistake in the figures.

Mr. Speaker: It is obvious that he has no information on this point and the matter is left to argument. We will go to the next question.

LAND RECLAMATION AND CULTIVATION

*3837. **Shri Kshudiram Mahata:** Will the Minister of Food and Agriculture be pleased to state:

(a) the acreage of lands out of the lands reclaimed by Central Tractor Organisation up till December 1950, brought under actual cultivation;

(b) the difficulties for bringing under cultivation all reclaimed lands; and

(c) the acreage of lands reclaimed by the Central Tractor Organisation during the 1st quarter of 1951?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) The entire area of 1,83,374 acres reclaimed by the Central Tractor Organisation upto December, 1950 has been brought under actual cultivation.

(b) No difficulties have been experienced by State Governments in the matter.

(c) 1,30,383 acres of land were reclaimed by the Central Tractor Organisation during the first quarter of 1951.

Shri Kshudiram Mahata: May I know whether any attempt was made by Government to induce educated people to take to the pursuit of agriculture, and, if so, with what result, if not, why?

Shri Thirumala Rao: It is for the State Governments to take steps to persuade educated people to take to agriculture.

Shri Kshudiram Mahata: May I know whether Government are aware of the fact that the pursuit of agriculture gives only a lower standard of living, and that that is why the educated people do not take to the pursuit of agriculture?

Mr. Speaker: He is advancing an argument. What information does he want?

Shri Kshudiram Mahata: May I know whether Government are aware of the fact that the pursuit of agriculture does not give a higher standard of living and that that is why educated people do not take to agriculture as a profession?

Mr. Speaker: He is giving information and inference. Has he any further question asking for information?

Shri Kshudiram Mahata: I want to know whether Government is aware of that fact, Sir.

Mr. Speaker: It is arguing in a different form.

Seth Govind Das: Out of the tractors of the Central Tractor Organisation how many tractors remained idle in the year 1950 and are they all in order now in the first quarter of 1951?

Shri Thirumala Rao: I want notice for that particular question. Almost all the tractors under the control of the C.T.O. are being put to use just now.

Pandit Maitra: What types of crops are raised on the reclaimed land and what is the acreage for each type of crop?

Shri Thirumala Rao: I have not got the figures.

Pandit Maitra: What types of crops are grown?

Shri Thirumala Rao: Usually wheat is grown and in certain areas paddy also. These are lands that are reclaimed in U.P., Madhya Bharat, Madhya Pradesh and Bhopal, which are wheat growing areas.

Pandit Munishwar Datt Upadhyay: What is the area reclaimed state-wise?

Shri Thirumala Rao: Statewise the figures up to December 1950 are:

	Acres
U. P.	... 58,543
Madhya Pradesh	... 76,230
Punjab	... 13,517
Bhopal	... 18,509
Madhya Bharat	... 16,535

Pandit Munishwar Datt Upadhyay: Is it not a fact that the first crop grown is paddy generally on the reclaimed land?

Shri Thirumala Rao: I have no definite information about that.

Seth Govind Das: Out of the land reclaimed during 1950 is all the land under cultivation or it has gone again waste?

Shri Thirumala Rao: Our information from the States is that all the land is being cultivated.

Shri Chaliha: What is the expected crop yield from the land reclaimed and cultivated on?

Shri Thirumala Rao: On an average it is expected that each acre will produce one-third ton.

Sardar Hukam Singh: Have Government by now come to any positive decision on the type of tractors that are most suited to the Indian soil?

Shri Thirumala Rao: We have deliberately come to the conclusion about the suitability of the tractors to our soil.

Shri S. N. Das: What is the cost of reclamation per acre and whether the cost is increasing or decreasing?

Shri Thirumala Rao: It depends on the land. Where shrubs have to be cleared the cost is Rs. 100 per acre and where kans has to be cleared the cost is Rs. 50 to 60 per acre.

SUGAR CUBES

*3838. **Shri Kshudiram Mahata:** Will the Minister of Food and Agriculture

be pleased to refer to the answer given to starred question No. 2941 on the 9th April 1951 and state:

(a) the percentage of sugar lost in transforming it into sugar-cubes;

(b) whether utility value increases by this process and if not, what is the reason for encouraging this kind of industry; and

(c) whether Government have allotted any sugar quota to any mills for preparing sugar-cubes in 1951 and if so, the names of the mills and the quantities allotted to them?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) Practically nil. But where refined sugar is used, loss in refining may be from 1 to 1.5 per cent.

(b) No, but the Industry is being given encouragement as there is demand for cube sugar from the bigger hotels, catering establishments and well-to-do customers as such sugar is clearer and more presentable than ordinary sugar. Cube sugar also helps to reduce the pressure on ordinary sugar as there is no control on the movement or distribution of cube sugar. There is only price control.

(c) A statement giving the required information is placed on the Table of the House.

STATEMENT

Allotment of sugar quotas to sugar mills for manufacture of sugar cubes during the year 1951 (upto June, 1951)

(in Tons)

Name of the Mills	Quota allotted in 1951 (upto June)
(1) Daurala Sugar Works, Daurala	540
(2) Saraswati Sugar Mills, Abdullapur	60
(3) Upper Ganges Sugar Mills, Seohara	90
(4) Bihar Sugar Works, Pachrukhi	90
(5) Kesar Sugar Works, Baheri	90
(6) Sir Shadi Lal Sugar and General Mills, Mansurpur	60
(7) Maharashtra Sugar Mills, Tilaknagar	30
	960

Shri Kshudiram Mahata: In view of the answers to parts (a) and (b) may I know whether Government propose to ban the production of cube sugar?

Shri Thirumala Rao: No, Sir.

Dr. Deshmukh: Is there any agency to supervise or know from what materials these cubes are manufactured, whether there was adulteration with rotten stuff in the cubes as happened sometime ago?

Shri Thirumala Rao: I am not aware of it.

Mr. Speaker: The hon. Member or someone else had put that question sometime ago.

Shri Joachim Alva: Is it a fact that the factory producing Daurala sugar cubes (which were freely available to the public) has now switched on to the production of sugar which is more profitable, with the result that the sugar cubes are not available?

Shri Thirumala Rao: We have information that that factory was experiencing difficulty in getting cane.

Pandit Munishwar Datt Upadhyay: What is the cost of manufacture of sugar cubes per pound?

Shri Thirumala Rao: I have answered that question sometime ago. I want notice to be exact but I believe it is about ten annas.

Shri M. L. Gupta: Are Government aware that the price of cube sugar is more than the price of sugar? Is any policy followed by the Government to fix a certain percentage for cube sugar out of the total production of sugar?

Shri Thirumala Rao: The price of cube sugar is controlled taking into consideration the manufacturing cost. Only a very small quantity of sugar, about 960 tons, is allowed and such of those who can afford to buy it buy it.

Shri Kshudiram Mahata: What is the public utility value of cube sugar which induced the Government to permit its manufacture?

Shri Thirumala Rao: That is a way of preventing waste of sugar. There are certain people who have the habit of having one or two cubes and some people want it in a presentable form. These are the considerations which weighed with the Government.

LAND RECLAMATION IN CHHOTANAGPUR

*3839. **Shri Kshudiram Mahata:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have been carrying any reclamation work in Chhotanagpur (Bihar); and

(b) if so, the area reclaimed so far and the area actually brought under cultivation and if not, why not?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) and (b). The Central Tractor Organisation of the Government of India has not so far carried out any reclamation operations in Chhotanagpur (Bihar), nor have the State Government made any request for reclamation work by the Organisation. The Government of Bihar have, however, been operating their own tractors in the Chhotanagpur area and 313 acres have been reclaimed with the help of these tractors. 16,145 acres of land have been reclaimed in the area with the help of manual labour, the parties concerned receiving subsidies and loans from the State Government. Besides, an area of 1,034 acres has been reclaimed by the Damodar Valley Corporation with their own tractors. These figures relate to work done up-till February, 1951. Although information regarding area actually brought under cultivation has not been received from the State Government, most of the lands may be presumed to have been brought under cultivation.

Shri Kshudiram Mahata: What is the area of culturable waste land in Chhotanagpur?

Shri Thirumala Rao: I want notice.

Shri Jaani Ram: What is the area available for reclamation?

Shri Thirumala Rao: I want notice.

JAGIR SYSTEM IN HYDERABAD STATE

*3840. **Shri K. Vaidya:** (a) Will the Minister of States be pleased to state whether the Ministry of States of the Government of India was consulted by the Hyderabad Government regarding the principles governing the nature of the personal or Jagir property in the possession of a Jagir holder at the time of liquidation of the Jagir system in Hyderabad State, and if so, what were the principles so laid down?

(b) Was the Firman of H.E.H. the Nizam issued 25 years ago on 15th Isfandar 1335 Fasli brought to the notice of the Government of India, which laid down that any property or

thing purchased or made from the income of the Paigah Jagir should be considered as the Jagir property and not as the personal property of the Jagir holder and that it was not inheritable?

(c) If not, do Government propose to reconsider the whole question in the light of the above firman and advise the Government of Hyderabad accordingly?

The Minister of States, Transport and Railways (Shri Gopalaswami): (a) and (b). Not specifically.

(c) No. The personal property of a Jagirdar or a Hissedar or any property other than the Jagir held by a Jagirdar on behalf of the Hissedars was excluded from the purview of the Hyderabad (Abolition of Jagirs) Regulation, 1358 Fazli. The Hyderabad Government are being asked to consider the further action, if necessary, on the basis of the firman of His Exalted Highness the Nizam, referred to by the hon. Member.

Shri K. Vaidya: What was the principle adopted by the Hyderabad Government for determining individual and Jagir property?

Shri Gopalaswami: That particular detail was not examined here. That was a matter left to the Hyderabad Government and the Jagir Administrator.

Shri K. Vaidya: Is not the principle enunciated in the firman applicable to all the Jagirs?

Shri Gopalaswami: As it has now been brought to our notice, we are asking the Hyderabad Government to consider the question whether the matter requires reconsideration.

Shri K. Vaidya: Is it not a fact that almost all the Jagirdars have no self-acquired property in Hyderabad?

Shri Gopalaswami: These are matters within the competence of the State.

Shri M. L. Gupta: What happened to the property which had been left till now in the possession of the Jagirdars and which have been sold by them?

Shri Gopalaswami: I can only pass the question on to the Hyderabad Government.

BILLS AND CLAIMS OF DISPLACED PERSONS

***3841. Thakur Krishna Singh:** (a) Will the Minister of Transport be

pleased to state the total number of bills and claims submitted to the Government of India for their realisation from the Pakistan Government in respect of supplies and services rendered to the Government of India before the 15th August, 1947 by persons who are now displaced?

(b) How many of those bills and claims have been verified and paid?

The Minister of States, Transport and Railways (Shri Gopalaswami): (a) and (b). As already stated in reply to Shri B. K. Pani's starred question No. 975 on the 18th December, 1950, the Accounts Officers do not maintain separate figures for pre-partition claims for services rendered and supplies made by displaced persons and others.

WRITTEN ANSWERS TO QUESTIONS

DAMAGE TO FORESTS

***3833. Shri Dwivedi:** (a) Will the Minister of States be pleased to state what is the extent of damage caused by Public to forest in Panna division?

(b) Did they resort to this activity as a result of the failure of Government in not allowing the public the use of certain forest products, a right to which they had acquired by long usage?

(c) What steps did Government take in this connection?

The Minister of States, Transport and Railways (Shri Gopalaswami):

(a) The monetary value of the damage caused comes to Rs. 73/- only.

(b) The use of Reserved forests is regulated by rules on the subject; the action of the people concerned was in contravention of these rules.

(c) The people at fault expressed regret and the cases were compounded.

SUGAR PRODUCTION

***3842. Shri R. C. Upadhyaya:** Will the Minister of Food and Agriculture be pleased to state:

(a) the basic quota of sugar Government have fixed to be procured from various sugar mills in the country during current year along with their production of sugar last year;

(b) the amount of actual production of sugar in these sugar mills separately; and

(c) the amount of sugar released for free sale by these sugar mills separately?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) to (c). Reference is invited to

the statement on release of sugar for free sale placed on the Table of the House on 27th April, 1951, which gives the required information.

SHIPPING FACILITIES FOR RICE IMPORT

*3843. **Shri Sanjivayya:** Will the Minister of Transport be pleased to state whether the Government of India have requested the Government of U.K. for shipping facilities to import rice from China and if so, what is the result?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): The last supply of rice by China was on C. and F. terms and we did not have to find shipping for it. For the grain which we are now purchasing from that country we are doing our own chartering. No separate request in this connection has been made to the U.K. Government but a few months ago we asked them to assist us in getting shipping and they used their good offices in the matter. That Government has no direct control over shipping.

BREEDING OF LOCUSTS

*3844. **Shri T. N. Singh:** (a) Will the Minister of Food and Agriculture be pleased to state whether it is a fact that there has been a large scale breeding of locusts on our Western frontier, namely in Pakistan, Afghanistan and Iran?

(b) Is it a fact that as a result of large scale breeding, there is great danger of invasion by locust swarms in the near future in India?

(c) What steps have been taken in these areas to control this locust menace?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) Large scale breeding has been reported from Pakistan and Iran. No report has, however, been received from Afghanistan.

(b) Yes.

(c) So far as India is concerned, the technical field staff of the Central Anti-Locust Organisation has been considerably strengthened, and additional equipment and stores for fighting the menace have been provided. The Central staff has been deployed at various strategic outposts, with the necessary equipment and insecticides, in readiness to deal with all foreign swarms as they arrive. All States within the initial target zone have been asked to ensure that their anti-locust organisations are fully manned and equipped, and placed on

68 P.S.D.

the ground before the middle of May, 1951, when large scale invasion is likely to start.

The other countries concerned are also taking similar measures to control locusts, but it is hardly possible to furnish details of the same.

'BABAR ROAD—GOLE MARKET' BUS ROUTE

272. **Shri S. C. Samanta:** Will the Minister of Transport be pleased to state:

(a) whether it is a fact that Babar Road, New Delhi, a very important locality, has not got a direct bus service up to Gole Market, and if so, why;

(b) whether it is a fact that people of that locality have to catch two buses of two different routes, one at Bengali Market and the other at Odeon to reach Gole Market, a distance of about 2 miles only;

(c) whether on account of the irregular bus services of Delhi and having to avail of two buses of different routes, people have to waste a considerable time for the journey of such a short distance; and

(d) whether Government propose to do the needful for the convenience of such people?

The Minister of State for Transport and Railways (Shri Santhanam):

(a) Yes. According to the Delhi Road Transport Authority the volume of traffic offering between Babar Road and Gole Market, is not sufficient to justify a direct Bus Service between these two places.

(b) Yes.

(c) As buses plying on Routes Nos. 2, 3 and 4 with a frequency of 10-15 minutes during peak hours are available at Connaught Place for Gole Market, passengers from Babar Road should not, ordinarily have to wait long to get a Bus for Gole Market.

(d) The Delhi Road Transport Authority will bear in mind the requirements of a service from Babar Road to Gole Market when they receive additional buses which have been ordered.

PRODUCTION OF SUGAR AND SUGAR CUBES

273. **Shri M. L. Gupta:** Will the Minister of Food and Agriculture be pleased to refer to the answer given to starred question No. 2941 on the 9th April, 1951 and state:

(a) the total production of sugar of the following mills in the year 1949-50

against which the quotas for manufacture of sugar cubes were allotted to them:

(i) Saraswati Sugar Mills, Abdullapur;

(ii) Upper Ganges Sugar Mills, Seohara;

(iii) Kesar Sugar Works, Baheri;

(iv) Bihar Sugar Works, Pachrukhi;

(v) Shadi Lal Sugar and General Mills Ltd., Mansurpur; and

(vi) Daurala Sugar Works, Daurala; and

(b) the rates per lb. at which these cubes were sold?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) Production of sugar in 1949-50 of the mills to whom quotas have been allotted for the manufacture of cubes was as follows:

Factory	Production during 1949-50 (in tons)
(i) Saraswati Sugar Mills, Abdullapur ...	9,231
(ii) Upper Ganges Sugar Mills, Seohara. ...	15,742
(iii) Kesar Sugar Works, Baheri ...	12,535
(iv) Bihar Sugar Works, Pachrukhi ...	9,004
(v) Shadi Lal Sugar and General Mills, Ltd., Mansurpur ...	9,668
(vi) Daurala Sugar Works, Daurala. ...	11,727

The quantity of sugar allotted to a factory for cubes bears no relation to its sugar production. The allotments are made to factories which were either making cubes in the previous control period or which set up plants for cube making subsequently.

(b) The controlled retail price of sugar cubes is As. -/11/6 per lb. when packed in one lb. packing, and As. -/10/3 per lb. when packed in 5 lb. packing.

CROP YIELD AND PRICES

274. Shri M. L. Gupta: Will the Minister of Food and Agriculture be pleased to state:

(a) the estimated average yield in India per acre of (i) jute; (ii) cotton; (iii) paddy; (iv) wheat; and (v) jowar in maunds and their current market and control prices per maund; and

(b) the acreage under each crop at present?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) and (b). A statement giving the required information is placed on the Table of the House.

STATEMENT

Average yield per acre, current market prices, controlled prices and acreage under certain crops.

Crop	All India average yield per acre 1949-50 (Mds.)	Current market price '51 (Rs. per maund)	Controlled price (Rs. per maund)	All-India Acreage under the crop; 1949-50 (Million acres)
1	2	3	4	5
Jute	13.1	84-0-0 (European Jat Middle, Calcutta)	No cont- rol at present	1.16
Cotton	1.2	82-0-0 (Desi varie- ty, Ab- har)	81-8-0 (Maxi- mum price for Jarilla variety)	11.78
Paddy	8.3	27-0-0 (Burdwan)	25-5-0 (Medium aman, W. Bengal)	71.75
Wheat	7.0	17-8-0 (Chandausi)	19-3-2 (Grade III U.P.)	23.63
Jowar	4.2	14-0-0 (Sagar)	16-6-6	37.63

Friday, 4th May, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

Third Session
of the
PARLIAMENT OF INDIA

1950-51

THE PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

8066

8067

PARLIAMENT OF INDIA

Friday, 4th May, 1951

*The House met at Half Past Eight
of the Clock.*

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-30 A.M.

RESIGNATION OF SHRI JAINARAIN VYAS

Mr. Speaker: I have to inform hon. Members that Shri Jainarain Vyas has resigned his seat in Parliament with effect from the 27th April, 1951.

ELECTION TO COMMITTEES

I. ALL INDIA COUNCIL FOR TECHNICAL
EDUCATION.

II. CENTRAL ADVISORY COMMITTEE OF
THE NATIONAL CADET CORPS.

III. CENTRAL TEA BOARD.

IV. COMMITTEE ON PUBLIC ACCOUNTS.

Mr. Speaker: I have also to inform the House that upto the time fixed for receiving nominations for All India Council for Technical Education, Central Advisory Committee of the National Cadet Corps, Central Tea Board and Committee on Public Accounts, one nomination for each of these Committees was received. As there is only one vacancy in each of these Committees, I declare the following Members to be duly elected:

I. All India Council for Technical
Education.—Shri Syamnandan Sahaya.

145 PSD

II. Central Advisory Committee of
the National Cadet Corps.—Shri
Joachim Alva.

III. Central Tea Board.—Shri Dev
Kanta Borooah.

IV. Committee on Public Accounts.—
Dr. Mono Mohon Das.

Shri Sidhva (Madhya Pradesh): On a point of information, Sir. On my question No. 3824, I wanted to know the person who had retired and you ruled out the question saying that it is a private matter. The person concerned is a public servant and I would like to be enlightened as to how it is a private matter.

Mr. Speaker: Did I say 'private matter'? Well, perhaps I should have said 'individual matter'. To my mind, it is not proper to bring in the name of the officers. I have said this so many times and still, if the hon. Member has any suspicion that the information given is wrong and thinks that, for this particular post, that man may not be there but he may have been kept under some other nomenclature, if he has any such suspicion, then he must satisfy himself about it before bringing in the name of the officer. As far as possible, in this House we should not bring in individuals' names. We should only concern ourselves with questions of principle or policy.

Shri Sidhva: But how am I to get at the facts?

Mr. Speaker: He can write a letter to the hon. Minister; if he does not get a reply from him, he can write to the Parliament Secretariat and it will then be our effort to see that the information is supplied. If even after all this, the information is not supplied, then I shall see if questions can be permitted; but not till then. He must first exhaust all avenues.

Dr. Deshmukh (Madhya Pradesh): In this particular case, there is no likelihood of the person's reputation suffering.

Mr. Speaker: I do not want any arguments. It is not a question of one man's reputation suffering or not suffering. It is a general rule that individual names should not be brought in. We are not concerned with individuals in the administration. We are only concerned with their public capacities.

Dr. Deshmukh: But individuals create trouble, Sir.

Mr. Speaker: Order, order. I am quite clear on this point.

FINANCE COMMISSION (MISCELLANEOUS PROVISIONS)
BILL—concl'd.

The Minister of Finance (Shri C. D. Deshmukh): The Expert Committee which the Constituent Assembly set up to consider the financial provisions of the Draft Constitution recommended the setting up of a Finance Commission for the purpose of advising the Government in regard to the distribution of revenues between the Centre and the States and applications for assistance from the States. The provisions in Article 280 of the Constitution follow this recommendation. The Constitution provides for the appointment of a Finance Commission within two years from the commencement of the Constitution and thereafter at the expiration of every fifth year or at such earlier time as the President may consider necessary. The Constitution also provides that the qualifications requisite for appointment as members of the Commission and the manner in which the members may be selected determined by law and that the Commission shall have such powers for the performance of their functions as the Parliament may by law confer on them. The Bill before the House has been introduced in accordance with the provisions just mentioned.

It is unnecessary for me to explain at any length the provisions in the short Bill before the House. It lays down the qualifications necessary for membership of the Commission and confers upon them the powers of a civil court in the discharge of their functions. The qualifications proposed in the Bill for members of the Commission generally follow the recommendations of the Expert Committee mentioned earlier. While this Com-

statutory conditions as to how the members should be selected, they recommended that at least two of the members should be selected through a panel of names submitted by the State Governments; that at least one member should have intimate knowledge of finance and accounts of Government and that at least one should have wide and authoritative knowledge of economics. They also recommended that the Chairman should be selected by the President; that he should be one who has held or is holding high judicial office not lower than that of a High Court Judge. As mentioned earlier, the Bill generally follows these recommendations except that it has not been made obligatory for the Chairman to have held high judicial office and the manner of selection of the Chairman and the members has been left to the President. The House will remember that in the selection of the members of the Commission a variety of considerations will necessarily have to be taken into account so as to secure public confidence in the Commission and it does not seem desirable to be too meticulous about the qualifications to be prescribed in a law too restrictive in regard to the manner of appointment. The members of the Commission will be appointed by the President with due regard to the qualifications prescribed by the Bill, and the conditions of service, salaries and allowances of the members will be regulated by rules to be made by the Central Government. I feel sure that the provisions of the Bill now before the House will generally secure for the Commission that detached and independent outlook which is so necessary for the consideration of the very important matters which the Constitution has left for them to consider.

Mr. Speaker: Motion moved:

"That the Bill to determine the qualifications requisite for appointment as members of the Finance Commission and the manner in which they shall be selected, and to prescribe their powers, be taken into consideration."

Shri J. R. Kapoor (Uttar Pradesh): I welcome this Bill. Important and necessary as it is, because it seeks to provide for the appointment of the Finance Commission which as already stated by the hon. Finance Minister must be constituted under Article 280 of the Constitution within two years of the commencement of the Constitution. As a matter of fact, that Expert Committee of the Constituent Assembly to which reference has just been made by the hon. Finance Minister had recom-

this Commission may be appointed straightaway and statutory recognition might be given to it in the Constitution when it is enforced. Therefore this Bill has been placed before us none too soon and I welcome it. But I find that it has been very carelessly drafted and the attention and care that should have been bestowed on it have not been bestowed on it. I find that it is defective both in substance and in form, though I am prepared to concede that it does not compare very unfavourably with several other Bills that have recently been placed before us for consideration and adoption, because loose wording of the Bill has been the order of the day with the result that we hastily enact legislation which subsequently is questioned in course of law and leads to a crop of litigation and to many consequent difficulties and disadvantages.

The essence of good legislation is terse and careful drafting, but we find that that practice is not carefully adopted by the Drafting Department of the Central Government. One method, Sir, of improving and perfecting the drafting of Bills is to refer them, particularly the important Bills, to Select Committees. But then this suggestion is very often not accepted by the Government and the result is that a good deal of time of this House is spent in long debates, both with regard to the substance of the Bills and with regard to the phraseology thereof. The experience of the debate on the Visva-Bharati Bill alone should be enough to convince Government that they would be well-advised hereafter to refer their important Bills to Select Committees, so that much time of this House may not be unnecessarily spent. As it is many an amendment is haphazardly accepted by Government and many necessary and important amendments are summarily rejected.

There is another method which I might suggest and which if accepted by the Government would lead to better drafting: that is that all the Bills may be referred to a special committee which this House or the Government may appoint for the purpose. If that be not acceptable to Government, I might suggest that all the Bills before they are placed before the House might first be referred to the Standing Advisory Committee of the Ministry of Law, so that the drafting of the Bills may be carefully looked into, also the substance of the Bills, and we may have before us for consideration only such Bills after they have been carefully scrutinised by that Committee.

I also find that an important provision of the Rules of Procedure has not

been followed in this case, inasmuch as we do not find any financial memorandum. No doubt, my hon. friend Pandit Thakur Das Bhargava reminds me that there is a financial memorandum, but rather than it being a financial memorandum it is practically the negation of it. With your permission I would refer the House to Rule 57 of the Rules of Procedure which lay down:

"A Bill shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law."

Now instead of our being told as to what the estimated expenditure would be, we are told that it is not possible to say as to what that estimated expenditure would be.

Shri C. D. Deshmukh: May I point out to the hon. Member that in the Budget which was passed by the House only a few days back a tentative provision of Rs. 1.75 lakhs has been made for the Finance Commission.

Shri J. R. Kapoor: Then it should have been much easier still to mention that fact in this financial memorandum. That contention rather than helping the hon. Finance Minister in explaining away as to why it was not possible for him to mention it here, shows clearly that though it was certainly within their competence to put in here as to what the amount of expenditure would be, they have not mentioned it for no valid reason.

Shri C. D. Deshmukh: I assumed that the hon. Members knew what they were voting for.

Mr. Speaker: I may point out to the hon. Member that the Statement of Objects and Reasons is dated the 14th December, 1950. It is very probable that the Budget Estimates of this particular item would not have been ready by that time. At the time the Bill was printed the statement must have been true; but by the time it comes before the House for discussion, the Budget provision has been passed. So there is nothing contradictory about it. The hon. Member's criticism that they ought to have given some estimate here is a different matter.

Shri J. R. Kapoor: That is exactly my submission—that that estimate must have been here, because I do not think that the Finance Minister is absolutely blank or has absolutely no

[J. R. Kapoor]

picture about this Finance Commission. There must have been some proposals before them as to what salary should be paid...

Mr. Speaker: Let us go to the other points.

Shri J. R. Kapoor: Since you had to very carefully incorporated this rule specifically in the Rules of Procedure, I thought that it is well that the attention of any Minister may be drawn to it if he has failed to act according to the prescribed rules. Even now I would very much like the hon. the Finance Minister to give us a little more detailed picture during the course of his reply to the General Discussion, as to what is likely to be the expenditure over this Finance Commission, how many clerks, how many Superintendents and what sort of officers are likely to be attached to the Commission, so that we may have a rough idea of the whole picture.

Now with regard to the qualifications of the Members of this Commission, I find that though it has been claimed by the Ministry that they have tried to largely follow the recommendations made by the Committee appointed by the Constituent Assembly to advise on the financial provisions of the draft Constitution, as they say in the notes on clause 3, I find that they have very widely departed from the recommendations of the Expert Committee. The main recommendations of that Expert Committee were: first, that the Chairman of the Commission must be a person who is or has been a Judge of the High Court. This to my mind was a very salutary recommendation because the functions of this Commission would be very much in the nature of adjudicating between the claims of the various States *inter se* and the financial claims of the States in relation to the Central Government. So there will be three parties whose claims will have to be considered by this Commission. It was necessary, therefore, that the head of this Commission, the Chairman of this Commission, should have been one who has the capacity to adjudicate and decide between the claims of the various parties. Therefore after careful consideration of the subject, the Committee rightly recommended that the Chairman of this Commission must be either a sitting High Court Judge or a retired High Court Judge. But what do we find in this Bill? We find that it is not necessary for the President to have even one Judge in this Commission. So far as the Chairman is concerned they have gone entirely against the recommendation of the Expert Committee.

because according to clause 3 of the Bill the Chairman would be one who has experience in public affairs. It is not necessary for him to have any judicial or legal experience at all.

Dr. Deshmukh (Madhya Pradesh): Is there any retired High Court Judge who is not employed at the present moment?

Shri J. R. Kapoor: I do not know. My hon. friend may have better information on the subject. But the question is, should or should it not be obligatory on the President to have as Chairman one who is a sitting or a retired High Court Judge? That all the retired High Court Judges have already been provided for is entirely a different matter with which I am not concerned. But must or must it not be obligatory on the President to appoint as Chairman one who has judicial experience? According to the Bill it is not obligatory. It is not necessary, according to the provisions of this Bill, for any High Court Judge to be on this Commission at all, for what it says is that with regard to the four other Members their qualifications may be as mentioned in sub-clauses (a), (b), (c) and (d). But it does not lay down that there must necessarily be a person who has the qualification of a High Court Judge and it leaves it open to the President to appoint the Chairman and all the four other Members of the Commission who have had absolutely no judicial experience. This I submit is not the right thing and is going absolutely contrary to the recommendations of the Expert Committee. I would very earnestly urge on the hon. the Finance Minister to so amend the clause relating to qualifications and selection of the Members of the Commission as to make it obligatory on the President at least to have one Member of this Commission—be he the Chairman or an ordinary Member—who has the necessary qualification of a High Court Judge.

The second recommendation of the Expert Committee was that so far as the four Members were concerned, two must be selected from out of a panel drawn up by the Central Government and two must be selected from out of a panel drawn by the various State Governments, so that on the Commission there might be representatives both of the Central Government as also of the State Governments, and at the head of the Commission shall be an absolutely impartial person of the capacity and qualifications of a High Court Judge. This recommendation also has been very summarily brushed aside, and yet it

has been claimed by the hon. the Finance Minister that this Bill is very much in accordance with the recommendations of the Expert Committee. That Expert Committee, I submit, had very carefully gone into this question. As its very name implies, it was an "expert" Committee and its recommendations must be given due weight and consideration. True it is that all those recommendations were not specifically provided for in the Constitution, but little could the framers of the Constitution have imagined that for the simple reason that these recommendations were not specifically incorporated in the Constitution they would be summarily brushed aside and absolutely no consideration would be paid to these recommendations. I submit that this is not a proper way of doing things. It may be that the hon. the Finance Minister holds views which are contrary to the views of the Expert Committee. But then I ask, is it open to the Finance Minister to go behind the recommendations of the Expert Committee even at the very first time that we are going to provide for the appointment of this Commission?

Shri C. D. Deshmukh: I am sorry to interrupt again. But in the course of my speech I made a reference to the Expert Committee and I gave my reasons why we felt that we could not accept its recommendations. So is it right for the hon. Member to say that this has been 'brushed aside', it has been ignored and so on? It is a difference of opinion. That is all.

Shri J. R. Kapoor: Well, as I submitted, according to the view of the hon. the Finance Minister those recommendations may not be correct recommendations. But then, all the same, my contention does hold good that those recommendations have not been accepted by him. He may have his own good and valid reasons for not accepting them.

Mr. Speaker: His objection is to the hon. Member using the expression "brushed aside"—as if they were not looked into or cared for. They are considered.

Shri J. R. Kapoor: All right, Sir. I will say then that they have been safely and carefully put in the cold storage. I would not even say that they have been rejected: I would say that they have been very safely preserved in cold storage.

Dr. Deshmukh: After due consideration!

Shri J. R. Kapoor: Then I find that though a very healthy provision has

been incorporated in the Bill which says that the President while appointing the Members of the Commission shall enquire as to whether every Member of the Commission has any such interest or not which would prejudicially affect him in the discharge of his duties—that is a very healthy provision—and though it has also been provided, and very rightly, that the President shall continue to make enquiries in this respect from time to time, I find that once the Members of the Commission are appointed, even if after such enquiry the President comes to the conclusion that a Member of the Commission has acquired such interest which disqualifies him from continuing to be a Member, it has not been specifically provided that such a Member shall cease to be a Member. I have no doubt in my mind that it is merely an over-sight and that the necessary amendment would be coming forward before us from the hon. the Finance Minister to remove this lacuna. But then this is one more illustration of the fact that the Bills are drafted not with due care, and this strengthens my contention that these Bills should be sent for proper scrutiny to the Standing Advisory Committee attached to the Ministry of Law.

I welcome this Bill once again and I hope that it will be suitably amended in the light of the suggestions that I have made, particularly my suggestion that specific provision must be made herein for the appointment of at least one Member who is a High Court Judge or qualified to be a High Court Judge.

Pandit Kunzru (Uttar Pradesh): The hon. the Finance Minister has explained to the House the reason for bringing forward this Bill, and the recommendations made with regard to the qualifications of the Members of the Finance Commission by the Expert Committee. His summary of the recommendations of the Committee was clear and impartial. Nevertheless, I regret that in the Bill we are required to choose—I mean it has been laid down that the Chairman must have had experience in public affairs. I personally think that it is not necessary that the choice of the Chairman should be restricted in this manner. It is quite possible that a person by virtue of his knowledge of financial and economic matters may be well

10 A.M. fitted to be appointed Chairman of the Commission. Government may feel that he will make a very impartial Chairman and yet, if this Bill is passed as it is, they will be debarred from selecting such a man. All that is desirable is that we should add to the qualifica-

[Pandit Kunzru]

tions of the Members of the Commission that are mentioned in the Bill one more qualification, namely, experience in public affairs. If that is done Government will be free to choose the Chairman and the Members of the Commission in any manner they like out of persons possessing the qualifications mentioned in the Bill but I see no advantage in restricting the choice of the Chairman, who will be the most important Member of the Commission in the manner suggested in the Bill. The Expert Committee was not the only body that considered this matter. Government deputed two officers of the Finance Department, Mr. B. K. Nehru and Professor Adarkar towards the end of 1946 to Australia to study the system of federal finance. They too have not recommended that the Chairman must be a man with wide experience of public affairs. They have recommended like the Expert Committee that he should be a man who has held high traditions of office. I differ from both these Committees on this point. I think that Government should have absolute freedom to choose any Member of the Committee from any of the categories that may be mentioned in the Bill. The Expert Committee to which the hon. Finance Minister has referred, has recommended that out of the 4 Members of the Commission, leaving aside the Chairman, two should be selected from a panel of nominees of unit Governments and two others from a panel of nominees of the Central Government. I do not approve of this method of selection at all. No one should look upon the Commission as a battle-ground where the representatives of the States and the Centre are to meet in order to fight with regard to the respective rights of the States and the Centre. The Commission should consist of persons with an independent and detached outlook, who will try to allocate the proceeds of the divisible taxes and to deal with the requests of the State Governments for financial assistance in such a way as to promote to the best possible extent the interests of the country as a whole. They will undoubtedly have to bear in mind the wide responsibilities of the Central Government. I do not think, Sir, that any Commission that tries to place the States on a footing of equality with the Centre will ever succeed in discharging its duties properly. The Commission must at every step bear in mind the ultimate interests of the country. If this is to be done, we should not have nominees of the Central Government and the nominees of the States. We should have men who will

them in such a way as to give no ground for complaint either to the Centre or to the States and who will always try in whatever they do to keep the larger interests of the country in view including this expression "the urgent need for the development of the resources of the States". I do not quite remember what my hon. friend, the Finance Minister said with regard to this particular recommendation of the Expert Committee, but I hope he did not say anything to the effect that the Government of India were in sympathy with this recommendation.

I should like to suggest to the Finance Minister that the categories from which the Members of the Commission may be chosen may be enlarged by making it possible for Government to a point, if they so choose, a man with experience in business affairs—this is one of the recommendations of the Nehru-Adarkar Committee. The addition of this qualification will not limit the choice of the Government in any manner; on the contrary it will widen the sphere from which competent men may be chosen. I hope, therefore, that my suggestion will commend itself to the Finance Minister.

Lastly, I should like to suggest that the Bill should be self-contained. The terms of reference of the Commission are given in the Constitution. I think it will be desirable if they are repeated in the Bill, so that we may have the provisions relating to the personnel, duties and powers of the Commission in one legislative measure. I think this will be to the convenience of students of public questions and should not create any difficulty in anybody's way.

I should like to make one more suggestion before I sit down. It is not necessary to lay down—and the Bill does not in fact lay down—that any Member of the Commission should be a permanent and a whole-time member, but taking the conditions in this country into account, I feel that at least one Member of the Commission should be a man who will devote all his time to his duties. There is such a large number of units. So much material will have to be collected and so much thought will have to be given to the question of the division of the proceeds of the divisible taxes not merely between the units *inter se*, but between the Centre and the units, that I doubt whether it would be possible for the Commission to discharge its duties properly if the Chairman and all the other Members were part-time men, who met occasionally to consider the material collected by the States.

on this subject, of a general kind, available already, and the material that will be collected will require so much assimilation that at least one Member of the Committee should give his thought to the materials that the Commission will have to consider continuously from day to day.

Lastly I suggest that the Commission should be given a strong secretariat. Probably, it will be wise to select the secretariat as the Nehru-Adarkar Committee has suggested from among the States and Central Finance Department. However the men may be selected, they should be men of considerable knowledge of financial affairs and wide outlook. The Secretariat of a body like the Finance Commission should, if possible, have an outlook that will help the Members of the Commission in carrying out their duties in an enlightened and impartial manner.

Before I sit down, I should like to refer to the manner in which the personnel of the Commonwealth Grants Commission in Australia is chosen. Various considerations are kept in mind; but no rigid formula has been laid down restricting the choice of the personnel. I understand that at present, the Chairman is a Public accountant and a Lecturer in Economics. Of the two Members, one is a University Professor, in Economics, I believe, and the other a Member of Parliament. This Commission which was established in 1933 has obtained so high a reputation for knowledge, practicable ability and fairness. We in this country consider it desirable to follow in its footsteps, and I think we might well keep in mind the freedom allowed by the Commonwealth Government to itself in regard to the choice of the competent men. I am in favour of laying down the categories from which the Members may be chosen. But, beyond this, Government should not agree to the limitation of their choice in any manner.

Shri M. A. Ayyangar (Madras): I would like to say only a few words. First, let me begin with the qualifications that have been laid down for the appointment of the Chairman. My hon. friend Pandit Kunzru said that it ought not to be laid down in the statute itself that the Chairman shall be well versed in public affairs. I do not agree with him: Nor do I agree with my hon. friend Mr. Jaspat Roy Kapoor that a High Court Judge will do much better than a man of public affairs. This is not a matter for a High Court Judge. As far as I am able to see, a High Court Judge is not a person well versed in or who has had, in the ordi-

with financial implications' between State and State. It is a public man, well versed in public affairs, an outstanding personality, who can hold the scales evenly and infuse that amount of confidence between the States whenever a quarrel arises between the States and the Centre, and level out the differences. On account of his age and experience, a man of public affairs will be able to do justice to all social undertakings and see that the public utility works either at the Centre or by the States are not starved. Therefore, I welcome the qualification that is required of the Chairman. It ought not to be laid down that he must be a High Court Judge. The Chairman may be a High Court Judge. If it is possible for me to lay down, I would say that a High Court Judge shall not be the Chairman of this Commission. I say, there is a craze here. I am a lawyer myself and under this law, I am competent to become the Chairman. I have practised for more than ten years. But, by that alone, I feel I am absolutely incompetent to become the Chairman. Because, I know that these gentlemen deal with ordinary affairs, between citizen and citizen; they deal with private rights; not public rights and with financial affairs between one State and another State. I know many of these Judges; without any disparagement to them, most of them are absolutely innocent and ignorant of all these matters. It is not as if it is wrong to say.....

Shri J. R. Kapoor: All the same, they adjudicate disputes between one State and another State.

Shri M. A. Ayyangar: I do not agree; my hon. friend is too crazy and too much exalted over this kind of judiciary. As a matter of fact...

Pandit Maitra (West Bengal): It involves a question of judicial adjudication (Interruption).

Mr. Speaker: Order, order.

Shri M. A. Ayyangar: He must be a man of public affairs. He must have firstly an over-all picture of our resources, secondly the needs of our community and the priorities with regard to these, and how the resources have to be allocated from time to time. It is not a mere giving an *ipse dixit*. He may make a separate recommendation; he should be watching the things from day to day. Therefore, advisedly, even in this Committee's report, it is recommended that it would be best if one or more were public men with wide experience. All that the hon. Finance Minister has done is to insist that the Chairman of this Commission

[Shri M. A. Ayyangar]

should be a man with large experience in public affairs. I am confident that, with his alacrity, he would choose an outstanding personality who will be able to infuse confidence in the units, level up the differences of the various States, and bring about a fair distribution of the resources without starving either the Centre or the States. I have no quarrel with a High Court Judge being there if otherwise he is found competent in these matters. That is why provision is made for a place for the High Court Judge also.

So far as recruitment is concerned, I do not agree with the recommendation of the Committee. That recommendation states that the States must set up a panel from which two persons may be chosen and the Centre must set up a panel from which two persons may be chosen, and that the Chairman shall be appointed by the President. Advisedly, that has been found unworkable and therefore has not been taken in here.

Shri Sidhva (Madhya Pradesh): That would mean canvassing.

Shri M. A. Ayyangar: There are various other inconveniences.

Shri J. R. Kapoor: Why did we adopt this report in the Constituent Assembly?

Shri M. A. Ayyangar: It does not mean that we have adopted A to Z of the report. There is no good of accusing the Finance Minister. I know that many of these recommendations are unworkable. Is it the opinion of any hon. Member here that merely because a committee is appointed and it makes a report, it is obligatory upon the Government to accept every word of what that committee says, and that the Government must give up all their powers in favour of that committee? Why not then make the Committee the Finance Minister here? I am afraid we are suffering from a sort of inferiority complex.

The Minister of State for Transport and Railways (Shri Santhanam): The Constituent Assembly rejected the proposed distribution of the taxes.

Shri M. A. Ayyangar: Yes, only a few were accepted. After all the committee is only an advisory committee. Whatever the name of a committee be, it is not necessary that every one of its recommendations should be accepted by the Government—from A to Z. It all depends on the manner in which the recommendations are made and what recommendations are made. Of course, if Government does not accept

any of the recommendations and simply brushes them aside, then certainly there will be a case for complaint as to why when such a committee had been appointed for a particular purpose, none of its recommendations had been accepted. However, what I would suggest is, whether it be in the Statute or not, a person who is a Finance Minister of a State or an ex-Finance Minister of a State should be a Member of this Commission. It is a question of the distribution and allocation of revenue from the Centre to the Provinces or States, also grants-in-aid from the Centre to the Provinces or States. Therefore an outstanding Finance Minister of a State may be there on the Commission as one of the members. I am not insisting that this should be put in any of the clauses of the Bill, but I hope the Government will bear this in view. Otherwise it is likely to be a one-sided picture that we get. The Commission may lack experience of the needs of the States. I would leave this suggestion at this stage and not insist upon it being introduced as a specific clause in this Bill.

And then, as regards the selection of the members, I would like to state that a selection committee should be appointed to advise the President and this committee to advise the President may consist of the hon. Finance Minister, one Finance Minister of a State and a Member of Parliament. That is my suggestion. There must be a selection committee of the nature that I have suggested, because various influences may be brought to bear on this question and some one quite innocent of everything may be put in. Sometimes a person quite innocent of all these things is appointed Governor of the Reserve Bank.

Shri Sidhva: Innocent of what?

Shri M. A. Ayyangar: Innocent of the affairs of Government and of the Bank. I am not accusing any particular individual, but we have to make certain references. It is possible that the person put on the job may learn. But we are putting him there for being coached up. By the time he is sufficiently coached up, he is too old to continue and he retires. Are we to place institutions in the hands of such persons, merely because they have to be provided for? I regret to say this, but this state of affairs should not be there. I do not want that such influences should be brought to bear on the selection. However high a personality he may be, we have to see his fitness for this particular job. I may be a lawyer, but as a chemist I am

quite useless, also as an accountant or auditor. After all we have to see if a particular man is fit for that particular job. He may be a good administrator, but in this particular job he may be useless. He may not be good enough to be the Director of the International Monetary Fund and so on. Therefore I want to sound this note of warning at this stage. There must be a sort of *ad hoc* committee consisting of the Finance Minister, one of the Finance Ministers of the States and an outstanding personality of Parliament who should recommend to the President a panel of names from which the President can select the names. That is my individual view and I hope also the views of most of the Members here. I want the Finance Minister to be kept above all these influences that may be brought to bear. That is my suggestion.

Next I would like to know from the hon. Finance Minister how far this recommendation of this Committee has been given effect to, I mean the one regarding collection of materials for the Commission, so that the Commission could apply itself immediately to the work. In paragraph 66 the report says:

"Between now and the setting up of the Finance Commission, we recommend that the Central Government should take steps in consultation with the Provinces, to collect, compile and maintain statistical information on certain basic matters such as the value, volume and distribution of production, the distribution of income, the incidence of taxes, both Central and Provincial, the consumption of important commodities, particularly those that are taxed or likely to be taxed etc. The Finance Commission, when set up, would then have some basic information to go upon, and would no doubt call for such further information as it may need. It would also, to the extent necessary, arrange for continuous examination and research in respect of all important matters."

I would urge on the Finance Minister to appoint immediately a taxation enquiry committee. That is very necessary and it has been promised on the floor of the House from time to time. But for the reason that another committee was engaged on the work of investigating into the national income, this committee has not yet been set up. But that committee has finished its deliberations and also submitted its report, if I mistake not—that is what I learnt to the best of my information—

and under these circumstances, the appointing of this Taxation Enquiry Committee should not be delayed. That will help enormously the decision of the Finance Commission and it will place before the Commission materials on which they can proceed in the matter of a fair distribution and allocation of the income, expenditure, the resources and other things between the Centre and the States.

As regards the functions of the Finance Commission, I do not think it is necessary to re-state them as they are fully set out in the Constitution itself. But one function which has been recommended by this Committee has not been incorporated in the Constitution and I would suggest that it may be incorporated in this Bill. It is this.

The commission has to allocate the revenues. That is No. 1. It has to consider applications for grants-in-aid, that is No. 2. And any other matter referred to it by the President, that is No. 3. In addition to that the Committee has recommended that if in the course of their investigations any other matter becomes to their notice they should be able to take that also up and examine it and submit their recommendations on that. It must be open to them to take up this also and not feel that it is not one of the terms of reference of the Commission. We can put it in the Bill as one of the functions of the Commission. It may be said by the Finance Minister that it is always open to them to make any recommendations they like and it may be accepted or not accepted by the President. But all the same, I would like to clothe them with the authority to make such other recommendations as they may think are proper and are in the interest of such allocation, in the discharge of their functions, as may come to their notice in the course of their investigation.

I would like to make one more suggestion. Hitherto these committees have been of an *ad hoc* nature. Till now even in tariff matters, they were *ad hoc* commissions—there was no continuity. When protection was given there was no agency to see whether that protection was proper or not and whether it should be continued or stopped. Likewise here the Finance Commission can be established for five years. In the Bill and also according to the Constitution any member of the Commission may be appointed, not necessarily for five years, but even for less than five years and the President may appoint a member as a full-time member or otherwise also. What I

[Shri M. A. Ayyangar]

want is that these Members should not be such who meet for an occasion and then go. There must be continuity about it. At least one or two of these Members should be there for the full period of five years. It must be the duty of the Commission to find out the results of their recommendations. They should watch the results of the distribution or allocation that they have recommended and from time to time they should review the decision and make recommendations to the President who may place them before Parliament. Though it is stated in the Constitution that the Commission should be appointed once in five years, it may be taken up merely as an *ad hoc* commission because it has been said here by the Committee that there may not be work for all the year round. With this remark, I do not agree. At least they must be able to watch the progress and the way in which the grants-in-aid are working, whether they are working under any hardship or not. So that by the next budget they will be able to make recommendations altering the allocations or grants to Provinces.

I would suggest that at least the first Commission should be appointed for not less than three years. Under this Bill they can be appointed even for one year only. There should not be a change within such a short time, because they will not be able to gain the experience and knowledge as would enable them to give effective advice to the various States.

As regards salaries I have my own doubts. It is said that some people will come only on a certain salary. I do not want that there should be any difference in salary between people. Salaries not exceeding a certain amount may be fixed in the Bill itself. We have unfortunately imbibed the spirit of the previous Government, which was not a national government and was able to purchase loyalty only by money. They had no other source to appeal to. They could not say "Your country and my country are the same". They could not appeal to the sense of patriotism or the spirit of public service. Unfortunately we are getting into the same psychology. We are purchasing men in the country thus rendering the whole country immoral. We value people's services in terms of money. This attitude which is prevailing among the ranks there is unfortunately creeping into our ranks. We have an absolutely good record of service and hundreds and thousands of our men and women have sacrificed

mentality is creeping even into public service. We sell ourselves. Every public servant thinks that unless you give him Rs. 4,000 he will not work. The minimum standards must be set under those circumstances so that there may be no bargaining in the matter. There must be a maximum limit also set. The old standard of Rs. 500 may be very low today but a reasonable standard ought to be fixed. Some day we must say that this is all we give to our people, if they have a sense of patriotism or a spirit of service, which they are able to place at the disposal of the Government. I do not want public men selling themselves to the Government at a bargaining counter. Let the topmost men work in a spirit of sacrifice and public spirit.

Sir, these are the suggestions which I would like to make regarding this Bill.

Prof. K. T. Shah (Bihar): I shall be brief. We have several bodies connected with our financial organisation, the functions of which are not so clearly defined as to prevent overlapping or confusion. Here is one body that has a constitutional basis, with certain functions assigned to it by the Constitution, which have been elaborated to some extent in this Bill. We have got, under the rules of this House, two or three other bodies connected with the working of the financial machinery, such as the Public Accounts Committee, the Estimates Committee, and the Standing Finance Committee. The functions of all these four bodies are not so clearly defined as effectively to distinguish one from another, to prevent at any rate overlapping in functions or confusion.

Over and above these is the Planning Commission. It is an *ad hoc* creation, and has no statutory basis, so far as I am aware. Their terms of reference even are not clear, nor their powers and functions defined. At least they are not defined with statutory clearness. Their place and importance, therefore, in the financial machinery of this country remains somewhat vague. So far as I am able to gather, the National Planning Commission would make a long range National Plan relating to the entire national economy, in which there will be one sector including both the Centre and the States, with regard both to national and public finance, and the financing of industries, utilities and so on. This will be a long range plan giving a general picture, the details of which will be implemented for each particular case by other organisations. I am not quite clear whether there will be any sanction, so to say, attached to the recom-

Planning Commission, so far as they relate to finance, or for the matter of that, other sectors of our national economy as well.

So far as this statutory Financial Commission is concerned, the Constitution, no doubt, lays down certain functions; and as far as I am able to see, those functions are of a semi-judicial character. They are not functions of the Estimates Committee; they are not functions to scrutinise the correctness or appropriateness of the particular demands for grants, particular projects, or items of revenue and expenditure. They are definitely stated to be the allocation of the divisible sources of revenue as between the Centre and the States, and recommendations as regards the distribution of grants-in-aid by the Centre to the States.

[MR. DEPUTY-SPEAKER in the Chair.]

The Constitution has been so framed that the Centre is everywhere paramount; and the units are dependent on it for almost any requirement of theirs. Under these conditions, the presence of a relatively impartial body, like the Finance Commission, should be a very welcome and helpful addition to the machinery. On the assumption that the Financial Commission is and remains a semi-judicial body, an impartial body, with a truly national outlook, it would be able, subject to the Constitution and its framework, and subject also to such Rules as may be made by competent authority, to give its advice impartially.

That, at any rate, I conceive to be the functions of this body. Its recommendations would, therefore, be confined to the specific demands and requirements of each particular year, and not extend, except perhaps in exceptional cases, to long-range planning which would be the field of activity of the Planning Commission. This Commission will, no doubt, be interested in long-range plans also, as they come up for consideration for individual years from individual units of the Union, or for individual projects or sectors of the Union itself. To that extent they, no doubt, would be in a position to make their recommendations. But here also would be needed more a judicial attitude than the attitude of what we narrowly call a financier in the ordinary business world of the day.

Assuming, therefore, that that is a correct conception of the functions and place of the Financial Commission in our constitutional and administrative organisation, I feel that the qualifications of the personnel, provided here

are not very clear and definite, which should be the case. The qualification for the Chairman, as a man of public affairs, is, to my mind, rather vague. It might apply to anybody, or if you apply it rigorously in your search, it may fail to apply almost to anybody. The term by its very nature is very vague and no definition or even illustration is given to suggest exactly what is meant by a man of public affairs.

If by "public affairs", for instance, is meant politicians,—I, for my part, fear, that that ought not to be a qualification, but rather a disqualification, especially if you desire the Commission to act in a semi-judicial capacity. And for the same reason, I would suggest, as it is not so clear here as is made clear, for instance, in the next Bill on the Tariff Commission, that anyone who is or becomes a Member of Parliament, or of any State Legislature, should not find a place on this body. That, I repeat, is not made clear here; unless it is made clear, there would be great danger of the Commission a thing in a partisan manner. Even if it is the intention of the framers of this Bill to exclude active politicians, let us say, who are on the legislative bodies, it must be made explicitly clear, as it is expressly stated in the Tariff Commission Bill where one who is or becomes a Member is to be debarred or disqualified from being a member of the Commission.

My reason for making this suggestion is, again, to be found in my conception, in my picture of the place and function of the Finance Commission in the working of our financial machinery, whether constitutional or administrative. The fact, however, that a remuneration is provided under this Bill, partly by fees, or at any time by fees, suggests that they may not be wholetime members. The remuneration may be given by way of specific fees for specific work and that would necessarily not bar members of this commission as holding an office of profit under the Constitution bars from being members of a legislature. There are at present members of the legislature who are engaged as junior counsel, as we were told the other day, in constitutional cases coming before the Supreme Court, and are rewarded by fees. If that analogy is pursued, and if the fees specifically mentioned in this clause is a kind of remuneration to be given to members of the Commission, then I feel that it might let in active partisan members of the legislatures, who would be really undesirable in this body, if you want this

[Prof. K. T. Shah]

body to be an independent, impartial, judicial body, holding the scales even, so to say, between the Centre and the units, and holding also the scales even between immediate demands and demands of the long run.

It has been said by one of the speakers that the supremacy of the Centre, or the supreme importance of the collective needs of the country as a whole, should not be overlooked; and that, therefore, the balance, if at all it has to be tilted, will have to be tilted in favour of the Centre. I am not quite able to agree with this view. The Constitution has provided definitely the position of the Centre *vis-a-vis* the units of great importance. If that is so, then any further bias imported into the members of the Commission, who would by preference look to the needs and requirements of the Centre, would, in my opinion, be dealing out uneven justice to the units. After all the actual governance for the most part of the country, the actual daily wants of the citizens of the country, will be attended to by the services, by the activities of the State Governments, the local governments like municipalities and district boards and so on. If, therefore, you first provide, as you have done in your Constitution, a balance in favour of the Centre—overriding powers for very sufficient reasons have been provided and that is accepted.—but if in addition you import a kind of bias in selecting your members of the Commission and making them inclined in favour of the Centre, then I am afraid the individual units may have very good ground for feeling apprehensive that their interests either in the long run or at any given time, are not adequately considered.

I would, therefore, suggest that the combined importance, the collective importance of the country as a whole, the aggregate necessity of the country, now and in future, should, of course, be attended to by the Commission. In that they would naturally bear in mind the recommendations or any long-range plans that may have been presented by the Planning Commission, and also by the other bodies, or the requirements of the day to day administration that may come up before them. But the needs of the units, the States of the Union should not be ignored, or disregarded.

It is from this point of view that I feel it necessary to say a word with regard to the composition of the Commission and also its functions. You have provided for the members at any

that a member should be a qualified, experienced lawyer. The view that I hold and I submit it for the consideration of the House, that it would be undesirable to make such translations from the Judiciary to the Executive line at all. And if you must do so, do so as infrequently as possible. You cannot too strongly, too clearly keep apart the judicial branch of the country's administration for the sake of the general benefit and deal even-handed justice to the citizens; and, therefore, any chance for a judicial officer to be translated into an executive capacity, with powers quite different, with functions and utility quite different from those of a judge, would, in my opinion, be objectionable. Though you may provide, and rightly provide, for some judicial experience and legal knowledge, whether as a practitioner or as a jurist, in those who may be called upon to be members of such a body, anyone who is at the given moment actually a judge of a High Court should not be translated. As the qualifications are worded here it is a possibility; and, therefore, I would like to guard against that. I would not like to be misunderstood as saying that I do not want judicial experience on a body like this. I have myself suggested that this is a judicial function, that the body is a semi-judicial one, and, therefore, judicial knowledge and experience would be of very great value. But from the point of principle, judicial officers actually in office at a given moment ought not to be translated into executive offices. The overriding principle of responsible democratic government, to my mind, is of keeping the executive and the judiciary as far apart as possible. I think it is desirable that that particular wording in the qualifications ought to be amended or dropped, namely "are judicial officers".

As regards the other members the qualifications are worded, again, somewhat vaguely—knowledge of accounts, knowledge of business, knowledge of economics even. These are general terms. You have given no illustration or explanation as to what precisely would be meant by a knowledge of accounts. An ordinary auditor or accountant or a sharebroker, one who has passed his life in sharebroking,—are these people suitable for such a function as you have in view? As one of the members perhaps, yes, but the Commission itself cannot be composed, and ought not to be composed, of people of the description as suggested in the clause detailing the qualifications.

Shri C. D. Deshmukh: May I point out that the word 'accounts' is men-

tioned in connection with the 'accounts of Government'?

Prof. K. T. Shah: Accounts of Government? Is it stated clearly? I am sorry then. Accounts of Government stand in a different category; and therefore, this is certainly a very valuable qualification for a member acting in this capacity. But amongst the disqualifications I certainly would like to include, besides insanity also Membership of Parliament or any other Legislature, because it is in my opinion....

Mr. Deputy-Speaker: Are they synonymous?

Prof. K. T. Shah: They are not synonymous, but they are on a par, in this sense that they are likely to deflect the judgment of the individual by active partisanship. It is a weakness of the upper storey and therefore I do feel that, between the two, active partisanship of politicians is more dangerous than even infirmity of the mind. The latter may be an act of God and not of your own choice, whereas the former very often is of your own choice.

Shri J. R. Kapoor: You are automatically excluded for no Member of Parliament can hold office of profit.

Prof. K. T. Shah: The Bill provides for remuneration by fees. Therefore, it is not holding an office of profit which would disqualify for membership of Parliament. I have already pointed out that there are people present in this House who are engaged from time to time as Junior Counsel and appear before the Supreme Court and are rewarded by fee. They are not disqualified. The Attorney-General is a case by itself which is provided for in the Constitution. I am not speaking of him.

The only thing, that I would like to guard against is that, if you really desire this Commission to function properly, if you really desire it to give any grant whatsoever without any fear that the interests of units, whether immediately or in the long range, are apt to be overlooked or under-estimated, then I think it is of the utmost importance that active politicians, whether from the Centre or from the States, should be excluded.

Then there is another point which I should like to emphasise, and that is with regard to the functioning of this body. I do not think, speaking from memory, that any provision is made for a situation where any vacancy may occur. We do not know whether even then this Commission can come to valid and binding decisions. This point

arises from my view that this Commission is a semi-judicial body. For instance, whenever a Division Bench of the High Court sits in judgment, it has to be composed of the specified number of Judges; and if any Judge is absent for the time being, then his place must be taken by somebody else. The Bench would not be complete unless it is composed of the number specified. Here, can the Commission sit and act at any time with even a single member sitting; or most of the members sitting together, or is there any quorum? I suggest this is not provided for. As my hon. friend Mr. Kapoor started by saying, it is the characteristic of recent legislation to be somewhat hasty in drafting. It would not result in any loss of time or prestige for Government, if his suggestion is accepted and some permanent or *ad hoc* machinery is set up to scan and scrutinise the provisions from a technical—apart from a broad political—point of view, so that lacunae of this character may not remain. I trust that this point will be taken in the spirit in which it is put forward. It is always possible for Government to waive notice or any other requirement; perhaps they may, if this suggestion needs with the approval of the hon. Minister, find out ways and means by which the present position can be corrected. The hon. Minister said yesterday that he was always willing to listen to and agree with reason. I, therefore, hope that here will be another instance in which he can show his preparedness to exhibit his very rational attitude in such matters.

Yet another point that I should like to place before the hon. Minister—place it in no spirit of carping or captious criticism, but with a desire to be helpful—is that there must be some arrangement by which the various bodies function properly, their work is co-ordinated, and the financial administration of that machine is made into an integral whole by itself. We are inclined to make provisions *ad hoc*, or specific, as and when the need arises. We have the Finance Commission. Then we have a Planning Commission; but I feel that that body has so far been busy with very large problems, and has not been able to attend to such minute things as co-ordination, integration, and synthesis of the various items of legislation and the administrative machinery that we set up. I am aware of the respective spheres of the different bodies; but if there is a difference between the various bodies, as for example the Commission that we are now setting up under the Constitution, or the Estimates of the Accounts Committee, or the Standing

[Prof. K. T. Shah]

Finance Committee, or *ad hoc* creations by a fiat of the executive like the Planning Commission,—if there is difference between any or all of these, then it would be very much more to the advantage of the smooth working of the financial system of the country, if we had a single statute co-ordinating them and providing for their working in a mutually harmonious and mutually synthetic manner. The possibilities of overlapping may then be avoided, and at the same time the possibilities of conflict or confusion may be minimised. I hope that these suggestions will be, not treated with the contempt that those who are perhaps much better informed than myself might feel, but will be considered; and before the Bill becomes law,—or even afterwards, if it is so convenient,—such of them as are acceptable would be given effect to.

Mr. Chaliha (Assam): The Bill has given me a certain amount of satisfaction that after all the Finance Commission is going to be put in a concrete form. Some time in 1949 I suggested that the provinces were feeling very much jealous about the allocation of funds and they almost quarrelled and had a grouse against the Central Government. The Otto-Niemeyer Award allocated 67½ of jute duty to Assam which was reduced to 20 per cent. by the present Finance Minister. In order to make an equitable distribution of the Central Government funds I suggested that a Finance Commission should be set up and the then Finance Minister Dr. John Matthai said like this:

"I am at present in a position where it is impossible for me to steer my course one way or the other and my own mind has been working rather in the direction that my hon. friend Mr. Chaliha suggested that probably the best way of finding a solution for this extremely difficult...problem is to have something like a Finance Commission. I am not making any definite commitment; all that I want to indicate is that my mind is working along the direction suggested by Mr. Chaliha."

Therefore, I am proud and I am glad that the Finance Commission has been put into the Constitution and we are also giving a concrete form to it here in this Bill.

As regards the constitution of this Commission, I entirely agree with you, Sir, that Judges are not the best people for this Commission. We require administrative and business experience in order to allocate funds as between

the different provinces. If we have Judges, they will have a very impartial mind but not a mind that is capable of understanding the difficult problems that exist between the different provinces. Therefore, I agree with you there, Sir. The basis on which these grants should be made has been very well described in the Australian Grants Commission Report. It is stated there:

"Special grants are justified when a State through financial stress from any cause is unable efficiently to discharge its responsibility to the members of the Federation and should be determined by the amount of help found necessary to make it possible for that State.....to reach a level which is not appreciably below the other States."

That is one fundamental principle. The second principle is as follows.

The second principle is:

"Special grants are justified when a State through financial stress from any cause is unable efficiently to discharge its functions as member of the federation and should be determined by the amount of help found necessary to make it possible for that State by reasonable effort to function at a standard not appreciably below that of other States."

The third principle laid down is:

"(a) a comparison of the financial position of the claimant and non-claimant States;

(b) the selection of a normal budget standard and other budget standards to which the finances of the claimant State could appropriately be related;

(c) a judgment as to the amount of effort to be required of a claimant State; and

(d) an adjustment of the grant, so assessed, to the financial conditions of the year in which it is paid."

11 A.M.

This basis should be kept in mind, and if it were possible, we should have laid it down in the Act itself. Otherwise, probably there will be another jugglery or another tug-of-war between the different States. But unfortunately I find that no such provision has been made in this Bill. I think there will be some difficulty in the future unless we ascertain by a committee the financial conditions in the different

States, their weaknesses, their strength, etc. Unless this is done, it will not be possible for this Commission to function properly. Therefore, before the Commission is appointed, I think an enquiry committee should go round the country and ascertain the situation, so that the work of the Commission may be facilitated.

The qualifications for appointment and the manner of selection of Members of the Commission have been given in detail in clause 3. But as I have said, we could have omitted clause (a). Of course the other three clauses are quite good. I do not personally think that a High Court Judge would make good Chairman of this Commission. In fact, a retired Governor or a similar person who has a good grasp of the financial affairs and administration of the country would make a good Chairman. Therefore in place of a High Court Judge I would suggest the substitution of ex-Governor, though this has not been prevented by the subsequent clauses. Yet a definite provision to that effect surely would be very helpful.

As regards Prof. K. T. Shah's suggestion that a Member of Parliament should not have a place on this Commission, I differ from him entirely. Politicians are sometimes power hunters and suffer from similar defects. But they have a better human understanding than many other people. They come in daily contact from the highest to the lowest of people, whereas a High Court Judge would consider it below his dignity to mix with ordinary people. Particularly in a place like Assam High Court Judges consider themselves so big that they would consider it below their dignity to mix with any people. Such people would hardly be in a position to understand the mind of men and the condition of the States. I, therefore, think that Parliamentarians should not be excluded from membership of the Commission. In fact they have a better knowledge of the people and things than many other people and having gone through the experience of life. They know their country better than many others. I, therefore, suggest that a Parliamentarian should always be on the Commission. I think it would be doing a great injustice if one does not find his place on that Commission. The other member should be a man who has knowledge of administration. Government Finance and Government accounts, such as for example, Dr. Matibhai, or Mr. Shanmukham Chetty.

As regards procedure, I do not like that they should follow the procedure

of civil courts. I think they should be given a certain amount of latitude to bring in witnesses they like. If the Commission were to follow a highly technical procedure, a vast amount of information which it would otherwise gather, would be kept out. The main objection to the appointment of a High Court Judge is that he would be following a very technical and legal procedure and that he would find great difficulty in obtaining the necessary information. I suggest that clause (8) should be amended accordingly.

With these few words I support the Bill and I am glad that the Commission has taken a concrete shape.

पंडित ठाकुरदास भार्गव : जनाब डिप्टी स्पीकर (Deputy-Speaker) साहब, मैं ने बड़े गौर से जो पहले स्पीचेज (speeches) हुईं, उनको सुना है और साथ ही मैं ने बड़े गौर से २८० दफा और बीगर मुतालिका लिटरेचर (literature) को भी पढ़ा है। मैं अदब से अर्ज करना चाहता हूँ कि जो खास रिपोर्ट (report) एक्सपर्ट कमेटी (Expert Committee) की रिपोर्ट है, उस के साथ, मुझे अफसोस है कि मैं खुद भी इतिफाक नहीं करता। इस कमीशन (Commission) के बारे में, जिस में कि पांच आदमी मुकर्रर किये जाने हैं, दर असल इस नुक्ते ह्याल से कि इनकी जो क्वालीफिकेशन्स (qualifications) दी गई है, उस पर मुझे एक कहानी सी याद आती है। एक हाथी को डिस्क्राइब (describe) करने के लिये पांच आदमियों ने अलग अलग तरीक़े अस्तियार किये। किसी ने कान को देखा तो कहा कि हाथी छाज की तरह है, किसी ने पूंछ को देखा, तो कहा कि रस्से की तरह होना चाहिये। बगैरह बगैरह। यहां पर जब मैं ने जनाब वाला की तकरीर सुनी, तो मैं ने समझा कि यह जो उन्होंने एक्सपर्ट कमेटी वालों ने कहा है कि कोई कानूनदान या हाईकोर्ट (High Court) का जज (Judge) इस का

[पंडित ठाकुरदास भार्गव]

प्रसीडेंट (President) होना चाहिये, तो जनाब बाला ने जो बजूहात दीं कि ऐसा होना जरूरी नहीं है, तो वह बजूहात, इस में शक नहीं कि निहायत कनक्ल्यूज़िव (conclusive) थीं लेकिन मैं अब से अर्ज करूंगा कि यह जो चार पांच कैटेगरीज़ (categories) उस में दी हुई हैं, यह कैटेगरीज़ ऐसी नहीं हैं कि जिन के लिये यह कहा जा सके कि एक शल्स भी इन सारी कैटेगरीज़ को पूरा कर दे या कोई शल्स इतना बेबहरा है कि जो सिर्फ़ एक ही कैटेगरी — में आवेगा। जब यह कहा जाता है कि हाई कोर्ट का जज हो, तो इसकी मुराद हरगिज़ यह नहीं है कि एक ऐसा जज जिस को पब्लिक अफेयर्स (public affairs) का बिल्कुल पता नहीं है, जिस को एकाउंट्स (accounts) और एडमिनिस्ट्रेशन (administration) का बिल्कुल पता नहीं है, उस को लाकर बिठा दिया जाय। जहां यह लिखा है, स्पेशल नालेज आफ़ इकानामिक्स (special knowledge of Economics) तो इस से हरगिज़ मुराद यह नहीं है कि एक ऐसे प्रोफ़ेसर (Professor) को कालिज की कोठरी से उठा कर बिठा दिया जाय कि जिस को कोई तजुर्बा एडमिनिस्ट्रेशन का या और किसी चीज़ का तजुर्बा नहीं है। इसी तरह से जो जिम्न और हैं, उन की हरगिज़ यह मुराद नहीं है कि वह उसी चीज़ का एक्सपर्ट होगा। दर असल हम को ऐसे आदमी चाहिये, जिन के अन्दर थोड़े बहुत यह सारे क्वालीफिकेशन्स हों और इन क्वालीफिकेशन्स के होते हुए वह किसी खास लाइन (line) में खास एक्सपर्ट नालेज (expert knowledge) रखता हो, जिस को कि वह रिप्रेजेंट (represent) करता है। यह मुराद इस दफा की में

समझता हूं। मुझे खुशी है कि इस जिम्न में जिस तरीक़े से जितनी चीज़ें होनी चाहिये थीं, वह सब मौजूद हैं। किस तरह का कमीशन हमारा होना चाहिये, यह सब इस में आ गया है।

अब इस के अन्दर जो चन्ब तजवीज़ें पेश की गई हैं, उन के बारे में मैं सिर्फ़ यह अर्ज करूंगा कि मैं यह समझता हूं कि यह मामला फ़ायनेन्स (Finance Commission) का निहायत नाजुक है।

मुझे याद है, कान्स्टीटुएण्ट असेम्बली (Constituent Assembly) में आसाम वालों को शिकायत थी कि हमारे साथ इन्साफ़ नहीं किया गया, इसी तरह से मुझे पंजाब का भगड़ा मालूम है, जिस के अन्दर एग्रीकलचरल इन्कम (Agricultural Income) और गेहूँ की कीमत का पुराना भगड़ा चला आता है और नीमियर अवार्ड (award) में पंजाब वालों को शिकायत थी कि हमारे साथ फ़ाइनेंशियल अलोकेशन (allocation) में इन्साफ़ नहीं किया गया।

श्री राज बहादुर : जिनके साथ अन्याय हुआ है, वह कहते भी नहीं हैं।

पंडित ठाकुरदास भार्गव : दो का तो मुझे मालूम है, और अन्याय की आवाज़ उठाने में सभी शामिल हैं। बंगाल वालों का भी इसमें जिक्र है, हमारे (Constitution) में जिक्र है और यह सिर्फ़ जूट के और दूसरे अलोकेशन का सवाल नहीं है, बल्कि यह सवाल निहायत ही मुश्किल और अहम सवालों में से है, जो फ़ाइनेंशियल कमीशन तय करेगा। इस के वास्ते जो सब से बड़ी चीज़ है, वह यह देखना होगा कि प्राविंसेज़ (Provinces) और सेंटर (Centre) के अन्दर जो

अलोकेशन हो, वह इस बात का लिहाज रख कर करना होगा कि उन दोनों रिस्पेक्टिव डिपार्टमेंट (Respective Department) की जरूरियात और पोटेन्शियलटीज़ (potentialities) और जो आयन्दा इम्प्रूवमेंट्स (improvements) होने हैं, उन सब का लिहाज कर के ऐसा अलोकेशन करना होगा। इस बास्ते में अर्ज करूंगा कि इसमें शक नहीं कि यह सवाल निहायत मुश्किल है और इन मुश्किलात को हल करने के बास्ते मुझे डर है कि अगर कहीं वाटर टाईट (water tight) तरीके से इन की क्वालिफिकेशन्स का लिहाज करना पड़ा और जैसा कि हमारी एक्सपर्ट कमेटी की रिपोर्ट में दिया गया है, तो मुझे डर है कि हम ठीक तरह की क्वालिफिकेशन्स वाले आदमी नहीं पा सकेंगे। इस बास्ते में बिल के अन्दर आम तौर पर जो इस बारे में ख्याल रखा गया है, उस को मैं सपोर्ट (support) करता हूं। मेरे ख्याल में सब से ज़रूरी चीज़ यह है कि जो बेस्ट मैन (best men) हों, उन सबजेक्ट्स (subjects) में, उन का लिया जाना ज़रूरी है। लेकिन ऐसा हो सकता है कि एक आदमी के अन्दर वह सारी क्वालिटीज़ (qualities) मौजूद न हों, लेकिन अगर एक क्वालिटी उस में किसी सबजेक्ट की काफ़ी हो, तो वह शक़्स भी मौजू हो सकता है। दर असल जो मेरी असली मंशा इस सिलसिले में अर्ज करने की है, वह यह है कि इसका मैनर आफ़ सिलेक्शन (manner of selection) को हमें तय कर देना चाहिये। चुनावों इस बिल के अन्दर जो दफ़ा २८० है, उस में दो चीज़ों का अस्तित्वाधार पार्लियामेंट (Parliament) को दिया गया है। अब्बल इस चीज़ का कि उन आदमियों

की क्वालिफिकेशन्स मुक़रर करने का और दूसरी यह कि मैनर आफ़ सिलेक्शन क्या हो। एक मैनर आफ़ सिलेक्शन इस कमेटी ने सुझाया है कि उस के लिये आदमियों का एक पैनल (panel) बनाया जाय, जिसमें दो आदमी ऐसे हों, जो स्टेट्स को रिप्रिज़ेंट करते हों, और दो आदमी सेन्टर को रिप्रिज़ेंट करते हों, मेरी समझ में यह दुस्त तरीका नहीं है। मैं लेबर रिलेशन्स बिल (Labour Relations Bill) के कुछ सेक्शन्स (Sections) को पढ़ रहा था, उन्होंने सब जगह जहाँ पर कोर्ट्स (Courts) बनाये हैं, कन्सिलिएशन आफ़िसर (Conciliation Officer) बनाये हैं, उन में दो लेबर के, दो इम्प्लायमेंट (employment) वालों के और एक इंडिपेन्डेंट परसन (Independent person) कर दिया। मेरे ख्याल से यह कमीशन उस तरह का नहीं है कि जिस के अन्दर सिर्फ़ यह किया जाय कि दो आदमी स्टेट्स से ले लिये जाय और दो आदमी सेन्टर से ले लिये जाय और एक इंडिपेन्डेंट आदमी रख दिया जाय, मेरे ख्याल में ऐसा करना बिल्कुल ग़लत होगा। हमें जो देखना है, वह यह है कि हम को कोई पार्टी से आदमी नहीं लेना चाहिये। हम को स्टेट्स के जो रिप्रिज़ेन्टेटिव हों या सेन्टर के, कोई शक़्स हों, जो महज़ अपने स्टेट या सेन्टर के नुस्ते नज़र से देखना चाहते हों, उन को इस में नहीं शामिल करना चाहिये। पाँचों आदमी बिल्कुल इंडिपेंडेंट होने चाहिये, जो किसी तरह से सेन्टर या स्टेट्स के बारे में कोई ख़ास तौर पर जिन का कोई भुकाव न हो। यह सिलेक्शन किस तरह से करना है, उस पर फ़ैसला करना है : अगर आप ने इस में ऐसे आदमी को लिया, जो सेन्टर में ख़ादा इंटरस्टेड

[पंडित ठाकुरदास भार्गव]

(interested) है, तो मुनासिब नहीं होगा। मुझे दफा—५५६ आबता फौजदारी की याद है, जिस के अन्दर उस कंस में वह शल्ल जज मुकर्रर नहीं किये जाते, जिन का उस में दूर का भी कोई परसनल इंटरैस्ट (personal interest) हो और अगर यहां पर ऐसे आदमी डिपार्टमेंट में से लिये गये, जिन का झुकाव सेन्टर की तरफ हो, तो यह मुनासिब नहीं होगा। इस बास्ते में अजं करना चाहता हूं कि जहां तक उन क्वालीफिकेशन्स का सवाल है, मेरी राय में पांच आदमी ऐसे लेने चाहिये, जो बिल्कुल इंडिपेंडेंट हों। इस में शक नहीं कि वह आदमी काबिल हों, लेकिन सब से जरूरी चीज जो देखने की है, वह यह होनी चाहिये कि वह इंडिपेंडेंट हों और दूसरी चीज यह है कि उन के सामने सारा जरूरी मटीरियल (material) मसाला होना चाहिये, क्योंकि जब तक उन के सामने सारा मसाला नहीं होगा, उन की काबिलियत किसी काम नहीं आयेगी। हाई कोर्ट के जज के सामने क्या होता है? उस के सामने पूरा मटीरियल होता है, सारा माला होता है। मुद्दे और मुद्दालय दोनों की गवाही होती है और उनके गवाहों के बयानात होते हैं, उन सब को समझ कर और शीर कर के जज फैसला देता है। और जज इस तरह ठीक फैसला कर देता है, लेकिन यहां पर इस कमीशन का काम महज फैसला करने का नहीं होगा। उस को तो तहकीकात करनी होगी और जो मसाला इकट्ठा होगा, उस को पढ़ना होगा, ठीक से स्टडी (study) करना पड़ेगा, अपनी मामूलात की बिना पर उन चीजों की अच्छी तरह से खानबीन करनी होगी ताकि वह ठीक फैसले पर पहुंच सकें। बहुत सी ऐसी चीजें जब ऐसे

आदमियों के सामने आयेगी, जो सिर्फ एकाउंट्स से वाकिफ हैं, वह उन का ठीक तरह फैसला नहीं कर पायेंगे। या जो सिर्फ इकोनामिक्स से वाकिफ हैं, वह भी इस का ठीक से हल नहीं कर पायेंगे। जब तक उनको एक्चुअल (Actual) एडमिनिस्ट्रेशन की नौलिज (knowledge) नहीं होगी, जब तक उन को यह नहीं मालूम होगा कि प्राविन्स के अन्दर किस तरह से कितना रुपया किस ग़रज के लिये चाहिये और कितने लाइन्स (lines) पर प्रोग्रेस (progress) होगी, तब तक वह ठीक तरह काम नहीं कर पायेंगे। यहां ऐसे आदमियों की जरूरत होगी, जो उन सबलों को बखूबी समझ सकें, जिन्हें उन्हें हल करना है। इस के लिये ऐसे आदमियों की जरूरत नहीं है, जो महज जज की तरह फैसला ही दे सकते हों। इस में ऐसे आदमियों की जरूरत है, जो सारे रिलेवेन्ट कन्सिडरेशन्स (relevant considerations) को समझ सकें और सारा मसाला इकट्ठा कर सकें और आखिर में इस मामले को जस्ट (just) तरीके से तय कर सकें। पब्लिक अफेयर्स को जानने वाला शख्स जो होगा, उसकी थोड़ा बहुत फाइनेंस (Finance) का इल्म होगा और थोड़ा बहुत इकोनामिक्स का इल्म जरूर होगा, इस लिये जहां तक चेयरमैन (Chairman) का सवाल है, मैं बिल्कुल मुत्फिक हूं कि उस पद के लिये जरूर ऐसा आदमी लेना चाहिये, जो माल राउन्डर (all rounder) हो और पब्लिक अफेयर्स से ज्यादा वाकिफियत रखता हो और वह कोई किसी खास तरफ लीनिंग्स (leanings) न रखता हो। पुराने ज़माने के पब्लिक अफेयर्स वाले लोग ऐजीटेशन (agitation) किया करते थे, लेकिन आज उस की जरूरत नहीं है, आज तो

चेयरमैन ऐसा रखना चाहिये, जो आल राउन्डर हो और सारे सवालाल को समझता हो और वह एक ऐसी आउटस्टैंडिंग परसोनलिटी (outstanding personality) हो, जो सारे देश का कान्फिडेंस (confidence) प्राप्त कर सके और जैसा जनबबाला ने फरमाया, मैं खुद चाहता हूँ कि वह टेम्परेरी (temporary purposes) के लिये न रखना चाहिये, जो सिर्फ चन्द महीने के लिये अपनी जगह में रहे, वह चेयरमैन तो एक ऐसा आदमी रखना चाहिये, जो तकरीबन परमानेंट (permanent) सा हो, क्योंकि आखिर छे महीने में यह काम खत्म होने वाला नहीं है। इस काम को हमें आगे चलाना है। उस के मैम्बर्स (members) चाहे भले ही टेम्परेरी हों, और जब उन की जरूरत हो वह बेशक आ जायें, लेकिन उस का जो चेयरमैन हो वह परमानेंट रहना चाहिये। परमानेंट इस मानी में नहीं कि पाँच वर्ष तक वह बराबर चलता रहे, लेकिन कम से कम दो, तीन वर्ष तक वह जरूर रखा जाय। जनबबाला ने तजरीज की भी और मैं सपोर्ट (support) करना चाहता हूँ कि टैक्सेशन इन्क्वायरी कमेटी (Taxation Enquiry Committee) इस वक्त जरूर मुकर्रर हो और उस के लिये आगे कोई खास वक्त आने वाला नहीं है। अब जब हम सारे टैक्स के बारे में फैसला करने चले हैं, इस वक्त अगर आप टैक्सेशन इन्क्वायरी कमेटी (Taxation Enquiry Committee) नहीं मुकर्रर करते हैं, तब फिर उस के लिये कौन वक्त आयेगा, जब आप टैक्सेशन इन्क्वायरी कमेटी मुकर्रर करेंगे। पहली कमेटी सन् २४ में मुकर्रर हुई थी और तब से मुझे याद है, कितने ही फाइनेंस मिनिस्टर आये, जो कह कर चले

गये कि टैक्सेशन इन्क्वायरी कमेटी मुकर्रर की जायेगी, लेकिन आज तक कोई टैक्सेशन इन्क्वायरी कमेटी मुकर्रर नहीं हुई। यही मौका है, आज जब आप इस कमेटी को मुकर्रर करें और वह सारे टैक्स के मामले में आप को सहकीकात करनी होगी, इस वक्त निहायत मौजू मौका है, जब कि आप इस कमेटी को मुकर्रर करें।

एक सवाल जो जिम्मन हाउस के अन्दर उठा, वह यह था कि आपा मैम्बर्स पालियामेंट को इस कमीशन में रखा जाय या न रखा जाय। मैं उस के बाटे में कोई डिस्परेजिंगली (disparagingly) नहीं कहना चाहता, लेकिन यह जरूर कहूंगा कि मैम्बर्स पालियामेंट को इस से जरूर एक्सक्लूड (exclude) कर देना चाहिये। उन की काबिलियत के बारे में कोई शुबहा नहीं और यह दुस्त है कि वह उसके काबिल हैं, लेकिन मुनासिब यही है कि चूँकि पालियामेंट के मैम्बर्स भी आखिर किसी न किसी प्राविन्स या स्टेट से आये हैं, और चाहे वह कितने ही काबिल और अच्छे क्यों न हों, तो भी पबलिक कान्फिडेंस (public confidence) के ह्याल से और ऐसे कमीशन पर तकरीरी के असूलों को ध्यान में रखते हुए पालियामेंट के मेम्बर उस कमीशन पर मुकर्रर न किये जायें।

इस के अलावा, इस बिल के अन्दर मैं देखता हूँ कि चन्द बातें और भी दर्ज हैं, मतलब डिस्क्वालिफिकेशन्स (disqualifications) का। जहाँ तक इस का किस्ता है, इस ऐक्ट में दर्ज था कि क्वालीफीकेशन्स लिखी जायेंगी। लेकिन बिल के अन्दर डिस्क्वालीफीकेशन्स ही लिखी हैं। इस लिये मैं निहायत अदब से अर्ज करूंगा कि इन डिस्क्वालीफीकेशन्स को इस

[पंडित ठाकुरदास भार्गव]

बिल के अन्दर लिखने की ज़रूरत नहीं थी, क्योंकि प्रेज़िडेंट साहब या कोई ऐसी कमेटी जो इस बारे में प्रेज़िडेंट साहब की मदद करेगी, किसी लूले, लंगड़े या पागल, या भुज्जिरिष शास्त्र को मुक़र्रर नहीं करेगी। और अगर आप इस चीज़ को इस में रखते हैं और डिस्क्वालीफ़िकैशन्स उस में बजे की जाती हैं, तो मुझे डर है कि यह सारा का सारा मामला झगड़े में पड़ जायेगा।

The words are as follows:—"A person shall be disqualified for being appointed....."

Shri Himatsingka: 'and for being a member of the Commission'.

पंडित ठाकुर दास भार्गव: 'For being a Member' is quite different. "A person shall be disqualified for being appointed" are there to start with.

श्री सिधवा: और अगर कोई मुक़र्रर होने के बाद पागल हो जाय तो ?

पंडित ठाकुर दास भार्गव: अगर ऐसा हो जायगा, तो यह शक़ल नहीं है कि उसे हटाया ही न जायेगा। मैं अबब से अर्ज करना चाहता हूँ कि यह बात लिखना ज़रूरी नहीं है। लेकिन अगर एहतियात के वास्ते यह है, तो इस में कोई ख़ास हर्ज भी नहीं है।

मैं एक बात और बहुत जोर के साथ अर्ज करना चाहता हूँ, ख़ास कर अपने फ़ाइनेन्स मिनिस्टर (Minister of Finance) की तबज़्जह के वास्ते। जब कान्स्टिट्यूशन में हमारे ऊपर यह ज़िम्मेदारी डाली गई थी कि मैनर आफ़ सेलेक्शन (manner of selection) पार्लियामेंट तय करेगी, तो सिर्फ़ यह लिखा गया था कि प्रेज़िडेंट साहब इस कमीशन को मुक़र्रर करेंगे। दफ़ा २८० में (१) में लिखा है कि 'द प्रेज़िडेंट शल कान्स्टिट्यूट अ

कमीशन' (The President shall constitute a Commission) : मगर वह कुल केबिनेट का सिलेक्शन (selection) है, जो कि प्रेज़िडेंट साहब की तजवीज़ से होगी। तो जब सारा अस्त्यार हमने जनरल टर्म्स (general terms) में रक्खा है, तो यहां पर कोई ख़ास चीज़ क्यों रक्खी जाती। ख़ास तौर पर एक्सपर्ट कमेटी की इस तजवीज़ को मैं पसन्द नहीं करता हूँ कि पैनल में से दो आदमी स्टेट के हों और दो यहां के हों। लेकिन किसी न किसी कमेटी का बनना निहायत ज़रूरी है, प्रेज़िडेंट साहब की इमदाद के वास्ते, ताकि वह कमेटी उन्हें कन्सल्टेशन (consultation) दे सके। मगर मैनर आफ़ सेलेक्शन यह होगा :

"In joint consultation with the Commission, the President shall appoint etc."

और उस के अन्दर हम को ऐसे आदमी रखने चाहिये, जो कि प्रेज़िडेंट साहब को ठीक सलाह दे सकें। मैं समझता हूँ कि इस के अन्दर फ़ाइनेन्स मिनिस्टर साहब सब से ज्यादा मौजूद शास्त्र होंगे, क्योंकि यह सारे देश के फ़ाइनेन्स से और सारी ऊँच-नीच से बख़ूबी बाकिफ़ हैं। एक यह हो सकते हैं, और दूसरे चार शास्त्र कम से कम ऐसे होने चाहिये, जो कि उन को बाकी आदमियों के मुताल्लिक भी सलाह दे सकें। मैं उन के मुताल्लिक इस वक़्त अर्ज नहीं कर सकता कि कौन चार शास्त्र मुनासिब होंगे, लेकिन इंडिकेशन (indication) ज़रूर दे सकता हूँ, उस में आडिटर जनरल (Auditor General) हो सकते हैं, जो खुद इन्डेपेन्डेंट (independent) हैं। यह हो सकता है कि पार्लियामेंट में से कोई शास्त्र भी उन

को इस में सलाह देने के लिये मुकर्रर किया जावे, चाहे मेम्बर वह खुद न हों, यह दूसरी चीज है, लेकिन पार्लियामेंट का कोई मेम्बर, जिसे फाइनेन्स मिनिस्टर या गवर्नमेन्ट भुनासिब समझे कि वह सलाह दे सकता है या प्राविन्सेज के चीफ मिनिस्टर (Chief Minister) या वहाँ का कोई फाइनेन्स मिनिस्टर को लेकर कोई एक ऐसी कमेटी कि आदमियों की बन सकती है, जो मेनर आफ सेलेक्शन को पूरा करने के वास्ते प्रेजिडेंट साहब को मदद दे सके, इस में कोई शक नहीं है कि बिल के अन्दर यह दर्ज नहीं है, लेकिन अगर आप चाहें, तो उस में ऐमेन्डमेन्ट कर सकते हैं कि ऐसी कमेटी बनाई जाय, जो प्रेजिडेंट साहब को मदद दे सके। इसमें दोनों मतलब पूरे हो जावेंगे। अगर कांस्टीट्यूशन में यह क्वालिफिकेशन (qualification) तय करने का हुकम न होता, तो भी तो प्रेजिडेंट अच्छे ही आदमियों को पसन्द करते—कमेटी की तजवीज प्रेजिडेंट को पसन्द करने की इम्तदाद के लिये है। सारा झगड़ा यह है कि क्वालिफिकेशन किस आदमी में है और किस को मुकर्रर किया जाय। यह सब से इम्पार्टेंट (important) सबाल है। इस के लिये आप को एक कमेटी मुकर्रर करनी चाहिये, जो कि प्रेजिडेंट साहब को इस बारे में ठीक तरह से मदद कर सके, उस कमेटी में सारे इन्टरेस्ट्स (interests) रिप्रेजेंटेड (represented) हों।

यह फाइनेन्स कमीशन २८० धारा के अनुसार जो मामले तय करेगा, वह हर प्रांत के हर आदमी की रोजाना ज़िदगी के मामलात पर इत्तलादी तौर पर असर पजीर होगा। इस लिये इस के मेम्बरान की ऐसी कमेटी से चुनाव की सिफारिश होनी चाहिये कि जो पूरी आज़ाद हो और देश

के सब किस्म के हितों की रक्षा कर सके और नुभयान्वगी कर सके।

अगर ऐसा हुआ, तो देश में संतोष होगा।

(English translation of the above speech)

Pandit Thakur Das Bhargava (Punjab): Mr. Deputy-Speaker, Sir, I have listened with rapt attention to the previous speeches and besides this I have thoroughly studied Section 280 and the relevant literature concerning it. I want to submit that I myself do not agree with the special report submitted by the Expert Committee. I am reminded of a fable when I look into the qualifications laid down for the appointment of five persons on this Commission. Five blind persons adopted different ways of describing an elephant. When one of them touched the ear, he said the elephant resembles a winnower and when another touched the tail, he said that the elephant resembles a rope; etc. etc. Sir, the arguments advanced by you during your speech that it is not essential that a judge of a High Court or a person having legal qualifications should be appointed as a President of this Commission as stated by the Expert Committee, were quite conclusive. But I would say that it is not difficult to find a person who cannot fulfil all the qualifications laid down in the four or five categories mentioned in the Bill or a person will be so incapable as to be able to fulfil the qualifications laid down in one category only. When it is said that we should have a High Court Judge, it does not mean that we are going to accept a man who is inexperienced in public affairs or is ignorant of accounts and administration work. Where it has been mentioned that he should have special knowledge of Economics, it does not mean that we want a professor right from the college room who is ignorant of administration work and other things. Similarly, there are other items, but that does not imply that we should have an expert of very subject. In reality we want a person who fulfils some of these qualifications and also possesses expert knowledge of his line which he is supposed to represent. I attach this meaning to the section. I am glad to see that the items mentioned contain all those things in the same way in which they are required. All the essentials of the desired Commission have been laid down in these items.

Now, I shall deal with some of the recommendations and I think the case

[Pandit Thakur Das Bhargava]

of the Finance Commission is in a very delicate position. I remember when representatives from Assam in the Constituent Assembly had protested that justice has not been done to them. I am aware of the Punjab dispute as well, which is still there, regarding the agricultural income and the price of wheat. The Punjabis had protested against the Nemleyer Award and had said that justice had not been done to them in financial allocation.

Shri Raj Bahadur (Rajasthan): Well, those people are not saying anything, to whom injustice has been done.

Pandit Thakur Das Bhargava: I am aware of two cases only, there are others who are ready to raise their voice in protest against injustice. There is mention about Bengal as well in it. It has been mentioned in our Constitution as well that it not merely a question of jute allocation or other things but it is a very complicated problem which will have to be solved by the Finance Commission. The most important thing is that while making allocations between the Centre and the Provinces, the requirements of both the respective departments, their potentialities and future improvements should be kept in mind. There is no doubt about the fact that this is the most complicated problem and if we adopt the water tight method of considering their qualifications, as has been recommended by the Expert Committee in its report, I am afraid we may not get persons of the requisite qualifications. Therefore, I support such provisions of the Bill. I am of the opinion that best available persons of those subjects should be taken. It is possible that one person may not possess all the qualities laid therein, but that person can also be suitable who possesses special qualities of a particular subject only. In reality, I want to say that we should lay down its manner of selection. Under Section 280 of this Bill Parliament has been vested with the powers regarding two things. Firstly, it can lay down their qualifications and secondly their manner of selection. One manner of selection has been suggested by this Committee that a panel consisting of two representatives from the States and two representatives from the Centre should be formed, which I think is not the correct method. While reading a few sections of the Labour Relations Bill, I noted that wherever they have established courts or appointed conciliation officers, they have made provisions for the appointment of two representatives of Labour, two repre-

pendent person. But in my opinion this Commission is not of that type that you may appoint two representatives of the States and two representatives of the Centre and one independent person and everything will be all right. I think it will not serve the purpose at all. We should see that we do not select a person from any party. We should not appoint those representatives of the States or the Centre who want to judge everything from the point of view of their State or of the Centre only. All the five persons should be independent and should not at all be interested either in States or the Centre. I think it will be wrong on our part if we select a person who is interested in the Centre. I am reminded of Section 556 of the Criminal Procedure Code under which no person who has the remotest personal interest in the case can be appointed as a judge and if we were to appoint such persons from the Departments who have got leanings towards the Centre, I think it will not be proper for us to do so. Therefore, in my opinion, as far as the question of qualifications is concerned, we should take all the five persons of such kind as have independent views. There is no doubt about the fact that those persons must be well qualified but the most important thing is that they should be of independent views and secondly they must be furnished with all the relevant material, because if we do not place before them all the necessary material, their special qualifications and abilities will be of no use. What does the High Court judge do? He has full material before him, the evidences of both the plaintiff and the defendant and the evidences of their witnesses are always with him and after thoroughly studying them he pronounces his judgement. And thus the judge is able to deliver his correct judgement. But here the Commission's work does not consist merely of pronouncing the judgement. It will have to collect the material and make a thorough study of it on the basis of its special information supplied in order to reach at the correct conclusion. Many things will come across their way and it will not be easy for them to solve these difficulties howsoever well versed they might be in Accounts, Economics or in any other subject. They will not be able to work properly until they have got full knowledge of the actual administration or are fully aware of the different items on which expenditure is incurred in the Provinces and the lines on which it is possible to make progress. Here we require those persons who can fully understand the problems which they have to solve. We do not want those who can only pronounce judgements.

ments. We need those persons who could well understand all the relevant considerations and after collecting all the necessary material could solve the problem in a just way. A person who is well acquainted with public affairs will certainly have some knowledge of Finance and Economics as well. Therefore, as far as the selection of Chairman is concerned, I am in complete agreement with the suggestion that some all rounder should be appointed to this post and he should be well experienced in public affairs and may not have leanings towards any particular side. In old days, people experienced in public affairs used to do agitation, but we do not need them now. Today we want a person who is an all rounder and can well understand all the problems. He should be an outstanding personality enjoying the confidence of the whole country. Sir, as you have yourself stated, and I agree with you, that he should not be appointed for temporary purposes for a few months only. The person who holds the office of the Chairman should be appointed to that office almost on permanent basis because this work is not going to be finished within six months. We have to push it further. The appointment of members may be temporary and they may certainly be called whenever their services are required. But the appointment of the Chairman must be on a permanent footing. It does not mean that he should continue to hold the office for the full term of five years but he should remain there for at least two or three years. Sir, you had suggested and I support you that the Taxation Enquiry Committee must be appointed now as no other suitable opportunity is going to occur in future.

I do not think there can be a more appropriate time for setting up a Taxation Enquiry Committee than at present when we are taking decisions on matters relating to taxation. The first Committee was set up in 1924 and since then, I remember, a number of Finance Ministers have been saying that a Taxation Enquiry Committee will be set up but no such Committee has been set up till today. I submit that this is the most suitable time when this Committee should be appointed and investigations in the problems of taxation be made.

A question which had incidentally came up before the House during the course of discussions is whether members of Parliament should become members of this Commission or not. I am not suggesting it disparagingly but I must say that the Members of Parliament should be excluded from this. Of course, there is little doubt about their

ability and they are certainly fit for that, but after all, Members of Parliament represent some State or the other and in spite of their being very able and competent, it is better from the point of view of public confidence and also in view of the rules of appointment to such Commissions that Members of Parliament should not be included in the Commission.

Now, in addition to this, I find that many other things have been provided in the Bill, for example, there is a provision of disqualifications. As for this matter, it was provided in the Act that only qualifications would be laid down. But now we see that only disqualifications have been mentioned in the Bill. I submit most respectfully that there was no need to mention disqualifications in the Bill because the President or the Committee, which would assist the President in this matter, is not going to appoint such persons on the Commission who are either invalid or insane or criminals. If you provide these things in it and if disqualifications are mentioned therein, I am afraid, it will lead to great difficulties in this matter.

The words are as follows:—"A person shall be disqualified for being appointed....."

Shri Himatsingka (West Bengal):
.....and for being a Member of the Commission.

Pandit Thakur Das Bhargava: For being a Member' is quite different. "A person shall be disqualified for being appointed" are there to start with.

Shri Sidhya: And suppose some one turns insane after having been appointed?

Pandit Thakur Das Bhargava: If it happens so, it is not that he will not be removed. What I want to suggest is that it is not necessary to lay down this thing but if it is meant only as a precaution, there is not much harm in it.

There is yet another point which I would submit most emphatically, and it is specially for the attention and consideration of the hon. Minister of Finance. When, under the Constitution, we were assigned with the responsibility that the manner of selection will be decided by the Parliament, then it was only stated that the President will appoint this Commission. Section 280(1) says that "The President shall constitute a Commission." But it is the selection of the Cabinet as a whole that would be recommended to the President. So when the whole authority has been laid down in general terms, I see

[Pandit Thakur Das Bhargava]

no reason why some particular and rigid things should be provided here in this case. I do not particularly like this proposal of the Expert Committee that there should be two men from the States and two from here in the panel. But it is very essential that some Committee should be set up to assist the President and advise him on this matter. But the manner of selection will be:

"In joint consultation with the Commission, the President shall appoint etc."

We should have such persons in the committee who can give correct advice to the President. I think the Minister of Finance will be the most suitable person to be one of its members because he is very well acquainted with the finances of the country and various other matters connected with it. Besides him, the other four members should be such who can advise the President with regard to other interests also. I cannot tell it now as to who the other four members should be selected, but I can give an indication. We can have the Auditor General, who holds an independent office, as a member. Then a Member of Parliament can also be appointed to advise him though he himself may not be a Member of the Commission. Any Member of Parliament whom the Minister of Finance or the Government selects as one who can give advice on the matter, or the Chief Ministers of the provinces or any Finance Minister of the States may in themselves constitute a committee of five persons who would assist the President in deciding the manner of selection. There is no doubt that this has not been provided in the Bill but if the Government wish, they can make an amendment to the effect that such a committee should be set up to assist the President in this matter. This would serve both purposes. Had there been no provision in the Constitution for prescribing the qualifications, even then the President would have selected the best persons. It is for giving assistance to the President that such a Committee is being proposed. The whole trouble is in finding out persons who possess the requisite qualifications for appointment. This is the most important question. For this a Committee should be constituted which may help the President in making the selection. All interests should be represented in that Committee. The decisions which the Finance Commission would take with regard to certain matters under section 280 of the Constitution will have their economic effects on the daily life of the people in every State. Therefore the

selection of its members should be recommended by such a Committee which may be independent and could safeguard and represent all interests. If this is achieved people in the country will be satisfied.

Shri Raj Bahadur: The passing of this Bill will mark the covering of another milestone in the progress of the reconstruction of our country. It will add another pillar to the edifice of our Free India. I feel that so far as the necessity of this Bill is concerned, it is not a day too early but the obligations that have been cast according to the provisions of the Constitution upon this Parliament are being fulfilled only in part. I say so with specific reference to Article 280. In the Bill that is before us, of course, the qualifications of the future Members of the Finance Commission have been prescribed but the manner in which they shall be selected is conspicuously absent from the provisions of the Bill. The provisions of clause 2 of Article 280 are:

"Parliament may by law determine the qualifications which shall be requisite for appointment as Members of the Commission and the manner in which they shall be selected."

Clause 3 goes only to prescribe the qualifications. I would like to understand from the hon. Finance Minister who is in charge of the Bill, how far it prescribes the manner in which such members shall be appointed?

An Hon. Member: The President.

Shri Raj Bahadur: Well, that is not there. This has been emphasized to a certain extent by the hon. Speaker who preceded me but I think that this is a lacuna and I suggest the Finance Minister should consider this point, and find out some way in which the requirements of the provisions of the Constitution may be satisfied.

I would now advert to another point which I wish to make. So far as the people of Part B States are concerned, they look at the setting up of this Commission with very great hopes and expectations. For the first time in our history the former Indian States which are now being integrated into Part B States have been financially integrated also. It will be the first time when we shall fit ourselves into the general set-up of the finances of our country. You know, Sir, there are two or three articles of a provisional character under which our finances are regulated even now and one of the important functions of the Finance Commission will be to advise with regard to the

continuance of the agreements under those articles. I make a special reference to clause (c) of Article 280; which reads:

"The continuance or modification of the terms of any agreement entered into by the Government of any State specified in Part B of the First Schedule under clause (1) of article 278 or under article 306."

I make a special mention of Article 306. By virtue of this Article the States in Part B have been authorized to levy tax or duty on the import of goods into the State from other States or on the export of goods from the State to other States. In colloquial phraseology in Part B States we call it a customs duty. This customs duty has been a curse and a bane for the people of former Indian States. When this article was under discussion in the Constituent Assembly some Members who happen to come from Part A States—they now form part of Part B—said that this was a sort of discrimination in favour of Part B States. This customs duty was a sort of disqualification and it was being levied by the former Indian Princes as a mark of their quasi-sovereign rights and it was definitely of a very detrimental character to the progress of the people of those States. They have crippled our industries; our progress has been greatly retarded by these customs duties. Articles which could be purchased cheaper here, are selling dear there. Articles of food and every day necessity that are exported from the Part A States to the Part B States are subjected to a sales tax here and when they enter the Part B States, customs duties are also charged. At that time, the justification for retention of this article was to enable the Part B States to square up their finances. I would remind the Finance Minister that when this Commission is set up, the first thing that the Part B States would like to see is that these customs duties and other taxes that are levied in the Part B States should be eliminated as early as practicable. That has been a very important ground in our agitation. When we were fighting for responsible Government, the repeal of the customs duties was one of the important planks of our programme. Promises were given to the Part B States people that as soon as freedom dawned, they should be rid from these customs duties. In article 306, we have retained these shackles and trammels for 10 years, unless the President in consultation with or on the advice of the Finance Commission deems it proper to revise the whole set up at

श्री भट्ट : फ़ाइनान्सल इटीग्रेशन कमेटी में कम से कम पांच साल रखा है ।

[Shri Bhatt: The Financial Integration Committee has recommended five years.]

Shri Raj Bahadur: Normally it is 10 years. The President revise the whole thing at the end of five years. Article 306 says:

"Provided that the President may at any time after the expiration of five years from such commencement terminate or modify any such agreement if, after consideration of the report of the Finance Commission constituted under article 280, he thinks it necessary to do so."

When this Commission is being set up, we look with great expectations and hope that we shall be rid of these shackles and trammels that we are suffering from.

Shri Himatsingka: It is left to the State to do away with those taxes.

Shri Raj Bahadur: It is left to the President also.

Another point that I would like to submit is this. In certain Indian States Income-tax was being charged and the entire proceeds of the tax were being utilised for the advancement of the Indian States people. Now, the Centre shall have a share in it. Apart from that, certain States possessed Railways and huge incomes were being received by those States. All that surplus income is now coming to the Centre. It is also a well known fact that so far as development is concerned, our areas are comparatively backward than Part A States. For example, if we take the case of Rajasthan, if Government would spend enough money on the development of Rajasthan, particularly of agriculture, it should be a very great asset and contribute immensely to the solution of the food problem that is facing the country. Perhaps, hon. Members may be surprised to know that there are certain areas in my State, Jaisalmer and Jodhpur where if you get by God's grace three inches of rain, in a year, crops sufficient for three years for these areas could be produced. We can easily imagine that if a grant in aid is given for our State, as a result of the recommendation of the Finance Commission, the area could be developed to such an extent that it will not only meet its requirements, but will also be a surplus province, which will be able to give aid to other

[Shri Raj Bahadur]

therefore, at this stage, invite the attention of this House and the hon. Minister in charge of this Bill, to the necessity that one Member at least should be well acquainted with the problems of Part B States. I am not submitting this point out of any narrow point of view. I wish to point out that he should be acquainted with the problems that we have got to face, and with the ways of developing our natural resources. With these words, I welcome this Bill and hope that the suggestion that I have made with regard to the inclusion in the Commission of a Member well versed with the conditions in Part B States, will be favourably considered.

Mr. Deputy-Speaker: Mr. Biswanath Das.

Shri R. K. Chaudhuri (Assam): I have stood so many times; my limbs are paining. Sir.

Shri Biswanath Das (Orissa): Though late, I welcome this Bill. Referring to article 280 of the Constitution, you will be pleased to see that a Commission of the nature proposed in the Bill has been laid down to be appointed within two years. The period of two years is the maximum period that was then thought of when this article was adopted. My hon. friend, in the course of his speech, did not explain as to why this long period of 18 months was taken, though the provisions of the Bill were adopted long before the Constitution came into operation on the 26th of January, 1950. Not only that, I had expected to hear from my hon. friend what steps he is going to take soon after the passage of this Bill into law. I claim that a clear picture is necessary of the stages and steps that the Government propose to take soon after the passing of this Bill into law. Along with that, I would request my hon. friend to give us an idea of the steps he has taken so far to collect information, that is to be placed before the Commission, which is equally relevant, useful and necessary. Need I state on the floor of the House as I have stressed so many times that we are not at all satisfied with this Award, which is a repetition of the so-called Expert Committee, the Sarkar Committee. Sir Otto Neimeyer's Award is an awful pill; the Sarkar Committee quotes it with sugar.

Mr. Deputy-Speaker: May I suggest to the hon. Member that we are not going into the details of the allocation at present between a State and State? We are trying to establish an agency which will go into these matters, look

various States and allocate. Therefore, hon. Members need not dilate upon the other issues now.

Shri Biswanath Das: I was merely stating these to stress the need of early action because we the provinces and States other than the three fortunate States are the worst sufferers in this regard. Therefore, I wanted to state on the floor of the House that early action is necessary. Towards that end, I had to state certain things. You will please pardon me for having stated them as absolutely relevant.

All that I have to state is that we want early action, and the sooner it is done, the better for us and for the Government. The British administration after its existence for about one and a half centuries has left India in various stages of development. Take the case of Orissa, or of Assam or the Central Provinces or Rajasthan, Madhya Bharat or Pepsu and the like. (An Hon. Member: Bihar.) If it is the idea of Government that all the States which were till recently provinces have to move along the road of progress in a way which is reasonable and necessary, then, I must claim that the existing conditions are not at all helpful. As my friend from Rajasthan has just now said, there are certain States which are just on the verge of starvation and it is because of that we are anxious that early steps should be taken in these matters so that the unfortunate few that are to-day grovelling in poverty may have the benefit of a proper allocation. I do realise that now we are not to discuss the matter of allocation, and I am not discussing the subject before the House with that background, but I do feel that urgent action is necessary in this matter.

Having said that much regarding the necessity for urgent action, I would refer to the appointing of specialised staff for collecting the materials to be placed before the Commission. For this no Bill is necessary, only executive action; the necessary machinery has to be set up. I would like to know from the hon. Finance Minister what steps have so far been taken in this regard and whether actually any staff has been working in the Secretariat keeping this end in view. So far in the Standing Finance Committee we are not aware of any such staff working on this matter. I would implore the Government and the Finance Minister not to lose any time in appointing this specialised staff.

Next I would like to record my strong protest against certain provisions of the Bill which completely

follow the recommendations of the so-called expert committee which consisted of persons who could hardly be called specialists. And the Committee was not appointed by the Constituent Assembly. It was practically and *ad hoc* advisory committee and so it was neither a committee of the House nor a committee of experts. And here they have simply followed the recommendations of that Committee. I would like my hon. friend to tell us why he is so much enamoured of High Court Judges. It is not a question of adjudicating justice among different units. It is a question of bold statesmanship; it is a question of providing the ways and means for the regeneration of the different units of India, especially the unfortunate few that we have been lagging behind. That is the position. I would, therefore, plead with the hon. Finance Minister to shun that sort of mentality and outlook, of thinking always of High Court Judges. Why call it a tribunal? You may, if you like, call it a tribunal—after all words do not take away the essence of the thing. It should consist of persons who could give the widest measure of satisfaction to all the different States of India—no matter who these gentlemen are. With this end in view, the Government should be given the widest possible freedom to select whomsoever they like, provided these persons fulfil this condition, namely that they create that amount of confidence in all the States that I have mentioned, especially in the minds of the people of the backward States—I mean the Governments of the backward States who represent the people of those States. The so-called Expert Committee—the Sarkar Committee—have stated how these persons are to be selected. My hon. friend has repeated what was stated by that Committee. I would, however, request him to make use of his own intelligence rather than the intelligence recorded in the so-called expert committee. Should it be a place just like the stormy legislatures appointed by the British Government where different interests came into conflict and clashed with each other and there was so much of washing of dirty linen? That is not the idea with which a Commission of this stature should be appointed. Let it, as I have already said, consist of the very best men that India has, irrespective of qualifications. If such people are available in this House let them come. If they are available in the Provincial Legislatures, let them have. If such persons are available in the services, let them be appointed. There should be the fullest amount of freedom to the Government in this matter. That is my submission. I fully agree with you when you said that rather disqualifications should be laid

down for appointment of Judges of the High Court. After all, these persons are intended for a nobler purpose and let them confine themselves to that sphere. We want people who have knowledge of India, knowledge of the Provinces and who have seen how the people live there, the conditions of their life in the various States of India. I say, that if these gentlemen were to follow the same old way of "Awards" either those of Sir Otto Niemeyer or Shri Deshmukh, people like me will have nothing to do with awards and could only burn their reports. I would therefore, like the fullest freedom to be given to the Government to find the best possible persons available for this purpose, people who have bold imagination and who could with imagination and fairness do justice between State and State so as to find regeneration and gradual and progressive development of the various States and thus work together towards the harmony and progress of India.

Having said this much, I would next stress very strongly the need for appointing an advisory committee of the nature that you have suggested. This being the first commission, such an advisory committee is very necessary and useful. Any gentleman or body of gentlemen appointed may not be able to know the different conditions in the different States. Therefore it is necessary that there should be this Advisory Committee or Committees. After all the decision is theirs and nothing is lost if we add to their information and knowledge regarding the areas and the people living in these areas.

Another matter which I would like to refer to is this. According to article 281, it is clear that the recommendations of the Commission are practically final, but the law does not make it so. The law leaves some scope as it is stated that—

"The President shall cause every recommendation made by the Finance Commission under the provisions of this Constitution together with an explanatory memorandum as to the action taken thereon to be laid before each House of Parliament."

Therefore, it is clear that the President should have no power or authority to modify the recommendations of the Commission. As the wording stands, it leaves scope for modification, to the executive government. I join issue with you in this view. I feel nothing should be left to agitation after the recommendations of the Commission are

[Shri Biswanath Das]

submitted to the President. I think it is left to this House to close the door once for all, to bang the door so that it could never be opened. If the door is kept open, it is again a loss to the smaller States and a gain to the more vocal and bigger brethren of ours. Under these circumstances, I should like that this aspect of the question also should be made clear in the provisions of this Bill.

A word more. I think that this Commission also should discharge the function of the Grants Commission on the lines of the Australian Commission about which we know something. To-day the Union Government is giving grants to states on various counts. I do not want these grants to be made on executive authority; that leads to patronage. If a state has got more ministers it will get more grants, if a state has no ministers it may not get much or it may get nothing. Therefore, I do not wish that these *ad hoc* grants should be given to the states by the Ministers after the appointment of the Finance Commission. And to me it is clear that under sub-clause 3(d) of article 280 there is ample scope for referring such matters to the Finance Commission. I, therefore, request that the practice that is now in vogue in Australia may also be introduced here and all the grants hereafter to be given to States under executive authority should be given after reference to the Commission and on the recommendation of the Commission so that all patronage of the Ministers should cease and the process should be regularised so that justice be done to states which are not fortunate enough to be able to send very vocal people to Parliament.

The Minister of State of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That the question be now put."

Mr. Deputy-Speaker: The question is:

"That the question be now put."

The motion was adopted.

Shri C. D. Deshmukh: I think I should be right in claiming that the general shape of this Bill has the approval of the House. In the course of the debate many useful suggestions have been made and I can assure the House that full consideration will be given to them when the President is advised as is the Government's duty in making these appointments.

I shall now turn to some of the individual points that were raised in the course of the debate. The first question is the composition of the Commission. I think arguments for and against certain qualifications, such as being a judge, have been exchanged and I feel that the conclusion of the House is that while provision should be made for including that as one of the qualifications it should not be made as an obligatory qualification. That is one aspect of the matter. On the other, as to whether a judge should be the chairman or not, I believe that the House is almost unanimously agreed that the chairman had better be a person with experience of public affairs rather than a person with purely judicial experience, and it will be on this basis that I shall try and deal with the amendments when they are moved in due course.

I have already given an answer to the complaint made by Mr. Kapoor that no financial memorandum was attached to the Bill, at least not in the form in which Government is expected to attach it. My only answer is that a tentative budget provision was proposed and that was as good an estimate as we could make at that time or as good an estimate as we can make even now.

We do not yet know what kind of personnel corresponding to this qualification would be available to us and on what terms we should be able to obtain their services. I do not think I am able to agree with the suggestion that you have made that we should start and set an example in this particular measure of some kind of sacrifice for public men who are invited to assist Government. I think that is a much broader issue and it ought to be dealt with at a separate level. I think it would be unfortunate if the Finance Commission were to be deprived of the services of an otherwise suitable person only by reason of the fact that he is unable to make his services available to us on the maximum terms which may be prescribed, if they are prescribed in this legislation.

I gathered Pandit Kunzru to be of the opinion that the qualification of experience of public affairs should apply to all the members of the Commission. That again, I think, is somewhat impracticable unless you define "public affairs" so widely as to deprive that term of any meaning at all. I think "public affairs" is well understood in common parlance and it may be that some of the other specialists, so to speak, for whom provision is made in the Bill may not be men who

could genuinely be said to possess this qualification of experience in public affairs. Therefore, I prefer the form of words which appears in the Bill.

Then there was a question of the manner of selection. I think when we say that the President shall select, we have dealt with the manner because the law says that the manner may be prescribed; there is no reason why we must for that reason alone resort to a somewhat elaborate form of selection. It is quite sufficient to say that the manner has been laid down when we say that the President shall select. That is the simplest way of selection. It is on a purely legalistic level. Another legalistic argument is that the law says that the legislature may determine the qualifications and manner of selection—it does not say that the legislature shall define the manner of selection. Any way I do not consider that this question is of any great importance and I think the essentials of the matter are secured by the Bill as it is presented. I entirely agree with the arguments that were put forward by various speakers against resort to a panel system for selection. I repeat that it is desirable that the lines of selection should be left as broad and as wide as possible and that what the legislature should furnish to the executive is general guidance in the matter trusting to the sagacity and wisdom of the President, advised by the Cabinet, in making a selection. And that brings me to the point which you, Sir, had made that some kind of a selection committee should be constituted if not statutorily at least informally. I regret that I am unable to agree with you. I think that these selections are essentially a matter for the executive within the limit indicated by the Legislature and I believe that the object of this legislation will be defeated or is likely to be interfered with if we were to prescribe that the President's selection could only be made after consideration of the recommendations of a Selection Committee. The President will take the advice of his Cabinet and I have no doubt that before the Cabinet makes up its mind it will consult the various interests concerned in an informal way. It may be that they will think it necessary to consult the States or the Chief Ministers of States or to give them some previous idea of what sort of selection they are going to make. But I would prefer to leave this question to be dealt with on an informal basis. When I myself was asked to correct the Otto Niemeyer Award in the light of the constitutional changes that have taken place, the States were consulted and they were asked whether they

would be agreeable to my acting as arbitrator, although the case is not on all fours because I was asked to give an award whereas the business of the Commission here would be to make recommendations to the President. I can only give an assurance that Government would proceed with the advice of the President to make a selection with full recognition of the importance of this matter and its bearing on the finances and the resources of the States and therefore of the well being of the country at large.

12 Noon

Then there was some suggestion that at least some members of the Commission should be appointed whole-time while others may be appointed part-time. It was at the back of our mind that the Chairman and the Member-Secretary—because one member would have to act as Secretary—would probably have to be whole-time, that is to say, for the full period of the Commission and that it may not be possible for the other members to be whole-time members, but this is a matter which would have to be regulated from time to time in the light of the circumstances as they develop. I imagine that in the beginning, at least for the first six or eight months, possibly all the members may have to be whole-time members.

That takes me to the other point of vacancies. What happens if there are any vacancies? I have taken legal advice on this matter and am assured that a special provision in this respect is unnecessary. The law itself requires the Commission to consist of five people and should there be a casual vacancy it should not take too long to fill it and in the meanwhile it is not necessary that the Commission should keep on sitting day after day. As I imagine it, the Commission's work will consist of gathering and collating material and digesting it and then sitting down in consultation with the other interests concerned in order to formulate their recommendations and it should be possible for the Commission or some members of it to carry on work which would be useful for the full Commission during the short period during a member happens to be lacking.

Shri T. T. Krishnamachari (Madras) : May I mention that that position is not quite correct? The Commission would not be doing any final act; it will only be making recommendations. No court of law can question its findings because of the fact that the Commission is short of one member and therefore it has done something which it is not entitled to do, because this Commission does not do any final act.

Shri C. D. Deshmukh: That is the legalistic view which undoubtedly fortifies my argument, but the point that I was making was that even in this matter of inspiring confidence among the various States concerned, that is to say, even if an economist be lacking or somebody with financial experience be lacking, it may be that the States may feel that their interests have suffered—I say that assuming that it is on the same level as a purely legal matter, even then I do not believe that any great harm will be done if there is a short casual vacancy which I have no doubt the President will proceed to fill as soon as possible.

You, Sir, made some reference to the necessity of the appointment of a Taxation Enquiry Committee. In so far as this body is concerned, I believe the relevant question is whether, as I have said once in some of my speeches on the Finance Bill, work which would otherwise have been allotted or referred to the Taxation Enquiry Committee could be referred to the Finance Commission. I confess that Government have not yet taken a final decision on the matter and as I said the other day, it will depend very largely on what sort of personnel we get for the Commission. I do not yet rule out the possibility of asking the Commission to consider matters which would otherwise have been referred to the Taxation Enquiry Committee. There might be a certain advantage in following that course, because otherwise I expect the Finance Commission may experience some kind of difficulty in making their own recommendations. I agree, Sir, that there need no longer be any delay in appointing one machinery or other to go into the matter, because we have received the first report of the National Income Committee. I have not yet studied that report, but I find that they have promised their second report by March 1952. I hope to be able to place the report before the House in a few days as soon as the printing of the copies has been completed. It may be, therefore, that on studying we shall find that the first report of the National Income Committee contains the sort of material that a Taxation Enquiry Committee would normally need for purposes of its deliberations. So, I shall be giving my full attention to this very important matter as soon as I have completed the study of the National Income Committee's Report.

I do not believe there were any other important points that were raised during the course of the debate. As I have said, there were many other suggestions made and I have

no doubt that the Commission, when it is appointed, will avail itself of these suggestions by studying the relevant debates.

Mr. Deputy-Speaker: The question is:

"That the Bill to determine the qualifications requisite for appointment as members of the Finance Commission and the manner in which they shall be selected, and to prescribe their powers, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Qualifications of Members)

Shri J. R. Kapoor: I will move the new amendment notice of which I have given in place of No. 1 of List 7.

Shri C. D. Deshmukh: I do not wish to move my amendment. The situation is that I had taken counsel with most of the members who had given notice of amendments yesterday and I had some discussion with Mr. Kapoor. At that time I thought that perhaps I may be prepared to go so far as this amendment to meet him. But in the light of the debate I find that the House really is not in favour of making a Judge a compulsory member. I therefore would prefer to retain the clause as it is.

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

For clause 3, substitute the following:

"Qualifications for appointment as Chairman of the Commission...."

Mr. Deputy-Speaker: Notice of this amendment I find was given only at 9-30 A.M. today. I do not waive notice in this case.

Shri J. R. Kapoor: It may perhaps be acceptable to the hon. the Finance Minister if I read it.

Mr. Deputy-Speaker: Even it is acceptable I am not going to allow it.

Shri J. R. Kapoor: Then I would like to move the original one.

Mr. Deputy-Speaker: The original one was passed over. The hon. Member was indifferent to moving it when I called upon him to do so.

Shri J. R. Kapoor: Sir, I would beg of you to permit me to move my amendment No. 2. If I am able to satisfy the hon. Finance Minister and he is prepared to accept it you may

place it before the House; otherwise I shall withdraw it.

Mr. Deputy-Speaker: I have no objection if the hon. Finance Minister is prepared to accept it.

Shri C. D. Deshmukh: I had agreed to it yesterday as a half-way house, so to say. But in the light of the debate, I do not feel that there is any reason to depart from the language of the clause as it stands.

Again in regard to the word 'administration' which occurs in sub-clause (c), I have thought over the matter and I do not think the retention of that word would do any harm, because 'administration' does not mean only Government administration.

Shri Venkataraman (Madras): I beg to move:

In part (b) of clause 3, omit the word "the" before "Government".

Shri C. D. Deshmukh: I think we may leave it to the draftsman to find out the proper grammatical form.

Shri Sidhva: I was not clear as to what the hon. the Finance Minister said in regard to my amendment No. 6 of list 6.

Shri C. D. Deshmukh: In my amendment in the clause in which he was interested I was suggesting the omission of the word "administration" to make it quite clear that there was no intention to have another Government or ex-Government officer as one of the members. But I see that now that we have referred to 'Government' specifically in the clause above that, we could construe administration as not only Government administration, but of any kind of administration. Therefore, the clause as it stands now will be wide enough for all the purposes which Mr. Sidhva has in mind. The only thing I would like to mention is that between the clauses (b) and (c) there ought to be a word 'or' which has been inadvertently omitted.

Shri R. K. Sidhva: In view of the hon. Minister's explanation I do not wish to move No. 6.

I would, however, like to move No. 5. I beg to move:

Omit part (a) of clause 3 and reletter the subsequent parts accordingly.

I want it to be eliminated altogether.

Mr. Deputy Speaker: That is, no Judge.

Shri Sidhva: It was so good of you, Sir, that you raised this point, and because you are a lawyer therefore it carries weight. If only I had moved it, I doubt whether it would have carried weight. So my argument is strengthened by your argument.

Mr. Deputy-Speaker: But I was only against making the Judge the Chairman. It was not about Members.

Shri Sidhva: I go further than that. Sir, some of the lawyer Members in this House have a soft corner for Judges. I have seen that both in the Constituent Assembly when the Constitution was being framed and also here. While I respect their expert knowledge—there is no doubt about it—at the same time I do not want that for all purposes they are experts. Here this is purely an adjustment, an allocation of taxes, and a man of intelligence, a man of commonsense, a man—as stated here—with experience of public affairs will be quite sufficient. I contend that unnecessarily, when we have a dearth of Judges, we are putting in a clause here for a Judge to be a Member of the Commission. Moreover, why should he necessarily be a Judge as is contemplated by the language here as it stands? We have got eminent persons who are qualified to become Judges but who have not become Judges. I shall not mention the names, though one name I shall mention. A person like Sir Alladi Krishnaswami Aiyar who is such an eminent lawyer, a legal luminary, is not a Judge.

Shri Himatsingka: He is covered by the provision "qualified to be appointed".

Shri Sidhva: "Qualified" is a different matter. You say that he should be a Judge also—the words here are "have been". I do not want the words "have been". That is the point. Leave the whole matter to...

Mr. Deputy-Speaker: Is it the hon. Member's point that if an eminent lawyer becomes a Judge, the mere fact that he was a Judge should be a disqualification?

Shri Sidhva: I do not say that. My point is this that sometimes some eminent lawyers are mere intelligent and capable than the presiding Judges.

Mr. Deputy-Speaker: They can come in under sub-clause (a).

Shri Sidhva: With all that I do not want that he should necessarily be a Judge, one who has acted as a Judge—without meaning any kind of disrespect to the Judges. (An Hon. Member:

[Shri Sidhva]

Why?) I feel it differently. I do not want the hands of the President or the Government or the Finance Minister to be tied in the matter of appointing any person. If they feel that there are two persons who would be quite competent or quite fit to act as Judges let them appoint them. I do not mind. But I am against putting it down that necessarily he shall have been a Judge.

Mr. Deputy-Speaker: I am afraid there is a misunderstanding. There is no insistence upon a Judge being appointed. Either a Judge or any person who is competent or fit to be appointed a Judge, may be appointed. Even if the words "are, or have been, or" are omitted it will read "persons who are qualified to be appointed as Judges". An ex-Judge is qualified to be a Judge—unless he is too old.

Shri Sidhva: May I know whether under this clause a person who may have been a Judge will not be appointed?

Mr. Deputy-Speaker: It is open to him to be appointed. He may be appointed.

Shri Sidhva: Everything is "may be". Let him appoint three experts in economics or finance, as he thinks fit. I want it exactly to be very vague. It has been contended that all these expressions are vague. I want it to be vague so that the Finance Minister can use his judgment freely.

Mr. Deputy-Speaker: It is only permissive. Is it the intention of the hon. Member that even though this is permissible under the statute to appoint a judge, no judge ought to be appointed at all? Otherwise, his amendment is unnecessary, unless he wants to introduce a prohibition against a judge or an ex-judge being appointed.

Shri Sidhva: My amendment necessarily means that.

Mr. Deputy-Speaker: By the amendment the hon. Member is even disallowing lawyers also.

Shri Sidhva: I am not restricting, Sir. An economist may be a lawyer.

Mr. Deputy-Speaker: All that I can say is that if his amendment is accepted Shri Alladi Krishnaswami Ayyar will have no place.

Shri Sidhva: I was only mentioning that name.

Shri A. C. Guha (West Bengal): Then the Deputy-Speaker also will have no

Shri Sidhva: He comes within the category of 'public affairs'.

Mr. Deputy-Speaker: Let not my qualifications be scanned here. Alright the hon. Member may go on and conclude.

Shri Sidhva: 'Public affairs' is a very wide term and it is necessarily kept as a very wide term because we want to give the choice to the Finance Minister to appoint a person whom he thinks best. It was stated here and it was quoted in some proceedings of the Expert Committee that the panel of names from the States Ministry should also be obtained. I strongly oppose that, because in this matter I do not want any kind of canvassing and pressure to be brought on the Finance Minister or the Government or anybody. This is a very important Commission and even if you allow the State Governments to suggest the names of a panel of Chairman, I am quite confident that pressure will be brought by the State Government to select such and such people. Very many Members have stated this is very vague and nothing is definitely stated about 'public affairs'. I appreciate this vagueness. That has intentionally been brought into this Bill for the simple reason that if you restrict it by putting in certain definite qualifications, this would not allow the Finance Minister or the Government to make the best choice. Therefore, in this respect I entirely agree that this vagueness should remain, so that the Finance Minister may select the best men. There was a proposal here that one from each of this category should be appointed. I do not agree with that view also. I would welcome even if he can appoint three from persons who have a knowledge of 'public affairs'. The words 'public affairs' is a very wide term. Some Members doubted whether my friends the politicians are men of 'public affairs'. I say: Yes, they are. There is no doubt about it. The Finance Minister and the Government and the President will find out who is really the best man who could serve the purpose. Why do you, therefore, debar certain persons, who may be politicians and who may be Members of Parliament? I do not necessarily want them to be debarred as suggested by Prof. Shah. But there is force in his argument when he says that we are human beings and we have our weaknesses, and I do not want a Member of Parliament to be on this Commission. There, I entirely agree with him. The other day on the Bill in connection with the newspaper tax that was brought forward by the hon. Finance Minister, I could see how

Members of the Constituent Assembly and the Law Minister....

Mr. Deputy-Speaker: I find that the hon. Member is not speaking on his amendment.

Shri Sidhva: That is the point I am harping upon because Prof. Shah made out a point...

Mr. Deputy-Speaker: He need not be carried away by that.

Shri Sidhva: I do not want that to be put into law and I want to impress upon the Finance Minister that he should not elect a member of Parliament but I do not want that a clause debarring a Member of Parliament from being a member of this commission should form part of the Bill. With these words, I move my amendment.

Shri C. D. Deshmukh: Though the hon. Member's intentions are very good, his amendment is bad. The only other criticism that I have to make is that he is going too far in his anti-judge attitude.

Shri Sidhva: They act as super-gods and superhuman beings almost. I must say that.

Mr. Deputy-Speaker: Is it necessary to put it to the vote of the House?

Shri Sidhva: No; I do not press it.

Pandit Thakur Das Bhargava: Is it not necessary for him to have the leave of the House to withdraw?

Mr. Deputy-Speaker: I have not put it to the House formally. Hon. Members are well aware that unless I put it to the House, there is no question of withdrawal. He merely made a motion. It is not necessary to make a motion for withdrawal.

Amendment made:

In part (b) of clause 3, add the word "or" at the end.

—[*Shri J. R. Kapoor*]

Mr. Deputy-Speaker: The question is:

In part (b) of clause 3, omit the word "the" occurring before the word "Government".

The motion was adopted.

Shri J. R. Kapoor rose—

Mr. Deputy-Speaker: Has not there been sufficient discussion of this clause?

Mr. Deputy-Speaker: In the general discussion, all these qualifications were discussed.

Shri J. R. Kapoor: I will not repeat those things.

It is rather unfortunate that the debate in this House should have led the hon. Finance Minister to come to the conclusion that hon. Members of this House are not particular about having one who has been a Judge of a High Court or who is a Judge of a High Court or is qualified to be a Judge of a High Court to be a Member of this Commission.

Shri C. D. Deshmukh: I said, compulsorily.

Shri J. R. Kapoor: Yes; compulsorily; so I said. I think, though I was interrupted during the course of my original speech when I had remarked that the recommendations of the Expert Committee have been brushed aside, and thereafter I had corrected myself on a slight protest by the hon. Finance Minister that I was not correctly representing the position. I think I was more correct then than when I had corrected my speech by saying that the suggestions had been put in cold storage. What do we find now? I find that the hon. Finance Minister is not prepared to make it obligatory on the President to have a Judge or a person qualified to be a Judge of a High Court as a Member of the Commission even though the Expert Committee had gone so far as to insist that the Chairman must be a Judge of a High Court.

Shri Sidhva: What for?

Shri J. R. Kapoor: It is necessary that at least one member of this Commission should be a person having the qualifications laid down in 3(a). I would even say that even the Chairman of the Commission should be such a person as has been suggested by the Expert Committee. The functions of this Commission are essentially those of a tribunal, in the course of which the various view-points put forward by various parties have to be judicially considered. Even my hon. friend Pandit Thakur Das Bhargava has expressly emphasised the point that various conflicting claims of the States and the Centre and the conflicting claims of States and States will have to be adjudicated upon. Therefore under these circumstances, at least one person on this Commission should have experience of examining such conflicting claims and coming to a judicial conclusion on them.

[Shri J. R. Kapoor]

necessarily be a man with experience of public affairs. With due respect to you Sir,—and I feel considerable delicacy in referring to anything that you said, since you are now in the Chair—you said that the Chairman should be a man with experience of public affairs. But a man to have experience of public affairs must necessarily belong to a political party.

Some Hon. Members: Not necessarily.

Shri J. R. Kapoor: Certainly that is necessary. A person can have knowledge of public affairs, but to have experience of public affairs, he must necessarily belong to a political party. As such the party in power at the Centre will certainly recommend to the President a person belonging to that party, and that, Sir, is a dangerous proposition to lay down in the Bill that the Chairman should be a person with experience of public affairs. Therefore I say that one out of these five persons at least, should be one having the qualifications of a High Court Judge.

I would like to submit two other points for the consideration of the House in respect of the phraseology of clause 3. Who is going to be the final judge as to the qualifications of the members? I do want that it should be specifically laid down here that the President will be the final judge. Otherwise it might lead to a good deal of litigation on the subject.

Mr. Deputy-Speaker: When it is laid down that the appointing authority is the President, that he shall appoint persons with such and such qualifications, is it not clear that the President is the final authority?

Shri J. R. Kapoor: Unless we specifically provide it here that the Chairman of the Commission shall be selected from among persons who, in the opinion of the President had such qualifications, it may lead to controversy. If we laid it down specifically in this way, "in the opinion of the President" all controversies will be at rest. There is no reason why we should specifically provide here that the President should be the final judge, because various suggestions have been put forward by various hon. Members as to what should be the method of selection. You, Sir, have suggested that there should be a selection committee in which there should be the Finance Minister also. My hon. friend, the Finance Minister went to the length of saying that this is a matter entirely for the executive. That is a very astounding proposition and I must

sort of a procedure that is going to be adopted, and will certainly be adopted according to the Finance Minister. The question is, should the President exercise this power in his discretion or should he go by the advice of the executive?

Dr. Deshmukh: Always.

Shri J. R. Kapoor: Not necessarily.

Shri T. T. Krishnamachari: The President never does anything in his discretion.

Dr. Deshmukh: He has not been given any discretion.

Shri J. R. Kapoor: I know and therefore I am submitting that we should specifically provide for it. Even this expert committee had suggested that the President should exercise this power in his discretion. This is what they said:

"The member should be appointed by the President in his discretion if only because a Commission of this kind would have frequently occasion to deal with points of conflict between the Centre and the Units"

I do submit that it would be a very good thing and a healthy convention if the President is allowed an unfettered choice in the matter.

Shri Sidhva: Against the Constitution?

Shri J. R. Kapoor: Nothing against the Constitution but by convention, because the President is elected by all the States Legislatures and the Central Parliament. He is not only elected by Parliament but by all the State Legislatures. He has the confidence of the entire country, of all the States as also of Parliament, and therefore he as the representative of the entire nation should have unfettered discretion in this matter.

Shri Sidhva: On a point of order. Sir, May I know whether under the Constitution.....

Mr. Deputy-Speaker: It is an un-constitutional suggestion. The hon. Member wants to speak about it. What is the good of wasting time over it when we have got other important business before us?

Shrimati Durgabai (Madras): The position he suggests held good only before the Constitution was passed.

Shri J. R. Kapoor: I do not know if I am wasting the time of the House.

That may be the view of certain Members, but I do feel strongly on the point that we must have some convention on the lines I am suggesting. I do not think it can be said that it would be unconstitutional to say that the President should be advised in the matter to exercise his discretion and thus be given a free hand. I do not see how it is unconstitutional if the executive does not interfere in the matter of appointment of the members of the Commission, but advises him to appoint whom he likes.

Shri Sidhva: Do not say "executive"—say, "Government".

Shri J. R. Kapoor: My hon. friend, the Finance Minister said "executive" and he has not made much difference between "executive" and "Government". These two are synonymous terms. It should be a convention that in the matter of appointment of members of the Commission care will be taken to see that the President is given an absolutely free hand.

Shri A. C. Guha: I welcome this innovation of giving preference to men having experience in public affairs. So far, the attitude of Government has been one of suspicion towards men of public life and to give preference to men with administrative experience in Government offices or to High Court Judges. We should not be ashamed of running this Government on party basis. Every Government in every country is run on party basis. Political men should not be banned. Rather, they should be given preference. So I welcome this innovation. I think it shows a change of attitude on the part of Government, and they have started giving preference to men having experience in public affairs. But I would like to add one thing more. This one provision may not be sufficient. We should also add something like "experience in financial matters". With these words, I support the motion.

Mr. Deputy-Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

Clause 5.—(Disqualifications for being a member)

Shri C. D. Deshmukh: There is an amendment on this clause by Shri Venkataraman and I am agreeable to accept it if he is prepared to accept my wording of it.

Shri Venkataraman: Sir, my amendment is No. 3 of List 4. Its purpose is to see that if a member becomes disqualified after his appointment, he may be removed by the President. But I am willing to accept any verbal changes which the hon. Minister suggests. As it is, there is no power in the Bill for the President to remove him. If you are agreeable, I shall move it in the form in which the hon. Minister wants, namely:

That after part (c) of clause 5, the following new part be added, namely:—

"(i) if he has or subsequent to his appointment acquires such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission."

Shri J. R. Kapoor: I think the original amendment of the hon. Member was much better than the one suggested by the hon. Minister, because the original amendment said "if he has acquired such financial or other interest as is likely to affect prejudicially etc. etc." So far as the first part of Finance Ministers amendment is concerned, it is already covered by clause 4.

Amendment made:

After part (c) of clause 5, insert the following new part:

"(d) if he has or subsequent to his appointment acquires, such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission."

—[Shri Venkataraman]

Pandit Munishwar Datt Upadhyay (Uttar Pradesh): I would like to make a suggestion to the hon. Finance Minister if it is acceptable to him. In this clause as it reads the period for which the appointments are made is not mentioned. Members shall hold office for such period as may be specified in the order. My suggestion is that it may be for a period not exceeding five years. Article 280(1) of the Constitution reads:

"The President shall, within two years from the commencement of

[Pandit Munishwar Datt Upadhyay] this Constitution and thereafter at the expiration of every fifth year or at such earlier time as the President considers necessary, by order constitute a Finance Commission which shall consist of a Chairman and four other members to be appointed by the President."

Mr. Deputy-Speaker: What it says: "By order constitute a Finance Commission". So each time a Finance Commission is constituted it is a fresh Commission and all the members go out of office.

Shri J. R. Kapoor: May I suggest for the consideration of the hon. the Finance Minister whether he would see his way to amend the first line "A person shall be disqualified for being appointed and for being a member of the Commission". Would it not be advisable to delete the words "for being appointed and", because my submission is that it is no use giving a directive to the President as to what sort of persons he should appoint initially, and direct him that he shall not appoint one who is of unsound mind or undischarged insolvent. We can safely rely that he will never appoint such an undeserving person.

Mr. Deputy-Speaker: All that has been said by his neighbour, Pandit Thakur Das Bhargava.

Shri J. R. Kapoor: So these words be deleted...

Mr. Deputy-Speaker: The whole matter has been placed before the House and the hon. the Finance Minister is not agreeable to delete them. It does not detract from the extraordinary capacity of the President. Only certain qualifications and disqualifications are set out here.

Shri T. T. Krishnamachari: Under article 280(2) there is a provision which is tantamount to an obligation on Parliament to lay down the qualifications.

Shri J. R. Kapoor: But not the disqualifications, and the obvious ones.

Mr. Deputy-Speaker: There is one other thing. The clause reads "A person shall be disqualified for being appointed as, and for being, a member of the Commission if he is..." At the time of appointment it will mean that both for being appointed and for continuance these conditions should be satisfied. I think the word "and" should

Shri C. D. Deshmukh: Yes, Sir, that would be all right.

Mr. Deputy-Speaker: Then I shall put it to the House. The question is:

In clause 5, for the word "and" occurring before the words "for being" substitute the word "or".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6.—(Term of office and eligibility for appointment)

Shri Sidhva: This clause relates to the period, which is unlimited, whereas I want to confine it to three years. My hon. friend the Finance Minister will agree that in clause 6...

Mr. Deputy-Speaker: He has already stated that there must be an amount of flexibility in this matter.

Shri Sidhva: Not for all purposes. The Commission will not be having much work after the first year. Therefore I do not want that the Commission should go on and prolong its working for an unlimited period.

Mr. Deputy-Speaker: Then three years is out of order. The hon. Member feels that the Commission will become *functus officio* after the first year and would have done its work. Then why three years?

Shri Sidhva: What I meant was that in the first year they would have done the larger portion of the work.

Mr. Deputy-Speaker: Therefore the existing language is sufficiently wide.

Shri Sidhva: I only want to bring it to the notice of the hon. the Finance Minister that he should not unnecessarily prolong the term of the Commission.

Mr. Deputy-Speaker: I am sure that the hon. Finance Minister has taken note of the suggestion. The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7.—(Conditions of service of Members)

Mr. Deputy-Speaker: There is an amendment in the name of Mr. Sidhva. Why does he want to make it "the same travelling and daily allowance as are paid to the members of Parliament"?

Shri Sidhva: My point is this that I do not want all the Members to be whole-time Members. As the hon. Minister has already stated, I agree that the Secretary should be a whole-time man. Even as regards the Chairman I doubt whether he should also be a whole-time man. Therefore I feel that except the Secretary-Member all the other Members should be part-time men. The wording of the clause is there that "the Members of the Commission shall render whole-time or part-time service as the President may specify". Still I want to impress upon the hon. the Finance Minister that they should be part-time men, and under my amendment they will compulsorily be part-time men and not whole-time men. He himself said in his speech that he will bear it in mind. He also said that the Secretary will be the whole-time man and it is just possible that the other Members may not be whole-time men. He also said that for six months probably all will be whole-time men. If it is necessary for six months I do not mind. But as regards other Members excepting the Secretary—I do not know about the Chairman just now, whether he will really be busy and have work for whole-time—but as far as other Members are concerned I am very sure that they will not have much work and they should be part-time men. That is my point.

Mr. Deputy-Speaker: The hon. Minister has already said so.

Shri Sidhva: Not in these words.

Shri Venkataraman: I have an amendment that "such fees or salaries and such allowances shall not be varied to the disadvantage of a member after his appointment".

Mr. Deputy-Speaker: It is not likely to be varied.

Shri Venkataraman: But such a provision is found in all other enactments.

Mr. Deputy-Speaker: When such discretion is given, why worry?

Shri Venkataraman: I do not move it.

Mr. Deputy-Speaker: Mr. Sidhva's amendment is also not moved. The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8.—(Procedure and power of Commission)

Pandit Munishwar Datt Upadhyay: I want to make a suggestion. There is a constitutional difficulty in respect of this clause. The power for determining procedure under Article 280 has been given to the Commission and not to the Parliament and by this clause, we are trying to apply the Civil Procedure Code and by the application of the Civil Procedure Code we determine the procedure for the working of the Commission. I think that would not be allowed because the procedure has to be determined by the Commission and not by the Parliament. The clause begins thus: "The Commission shall determine their procedure...." So, I submit that as soon as you apply this law of procedure to the working of the Commission, I think, you go beyond the mandate of this Article, namely the powers that are conferred upon the Parliament, to provide for procedure is to be done by the Commission.

The Minister of Home Affairs (Shri Rajagopalachari): May I point out to the hon. Member, Sir, that the procedure is within the powers of the Commission to decide but they cannot get such legal powers that procedure requires, unless we give it here.

P.M.

Pandit Munishwar Datt Upadhyay: I would submit, Sir, that the procedure has to be provided by the Commission before you confer powers of any kind in the working of that procedure. Therefore, it is necessary that the procedure should be provided for before, any provision is made for power in respect of procedure.

Shri T. T. Krishnamachari: The words are very clear: They are: The Commission shall determine their procedure and shall have such powers in the performance of their functions as Parliament may by law confer on them.

Mr. Deputy-Speaker: That is what has been carried out in the clause.

Some Hon. Members: It is one o'clock, Sir.

Mr. Deputy-Speaker: Hon. Members should not go away before we finish

[Mr. Deputy-Speaker]

this Bill. The third reading will also have to be completed. The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 1.—(Short Title)

Shri C. D. Deshmukh: I beg to move:

In clause 1, for the figures "1950" substitute the figures "1951".

Shri A. C. Guha: I have got an amendment to that effect also.

Mr. Deputy-Speaker: That is all right. The question is:

In clause 1, for the figures "1950" substitute the figures "1951".

The motion was adopted.

Clause 1, as amended, was added to the Bill.

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

Shri C. D. Deshmukh: I beg to move:

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

Shri Nasiruddin Ahmad (West Bengal): Sir, according to the rules the third reading should not be passed

on the same day as the second reading.

Mr. Deputy-Speaker: The rule says, that, but the Chair can waive this rule and allow the third reading to be passed immediately. I have done so.

Mr. Naziruddin Ahmad: It is also provided in sub-rule (3) of the appropriate rule that formal amendments alone could be made at the third reading stage. In view of the rapid manner in which we have proceeded and the ease and facility with which amendments have been accepted and passed in the House on the spur of the moment, perhaps there may be some lacuna and therefore the Bill requires careful consideration at the third reading stage and some formal amendments may also be needed and so I suggest that the third reading be held over.

Mr. Deputy-Speaker: In spite of the eagle eyes of the hon. Member he has not been able to make any formal amendment, and therefore, we will take it that the Bill meets with his approval. The question is:

"That the Bill as amended, be passed."

The motion was adopted.

Mr. Deputy-Speaker: The House will now stand adjourned to 8-30 A.M. tomorrow.

The House then adjourned to Half Past Eight of the Clock on Saturday, the 5th May, 1951.