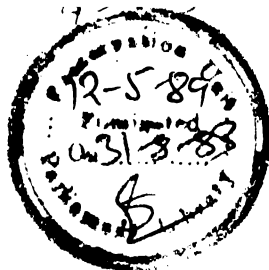


Tuesday, 7th August, 1951



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME IX, 1951

(7th August to 21st September, 1951)

Fourth Session

of the

PARLIAMENT OF INDIA

1951

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

VOL. IX

No. 1

Second day of the Fourth Session of Parliament of India.

PARLIAMENT OF INDIA

Tuesday, 7th August, 1951

The House met at a Quarter to
Eleven of the Clock

[MR. DEPUTY-SPEAKER (SHRI M.
ANANTHASAYANAM AYYANGAR)
in the Chair]

MEMBER SWORN.

Haji G. N. Hakim (Bombay).

ORAL ANSWERS TO QUESTIONS

INDIAN FOREIGN SERVICE RULES

*1. **Shri Raj Kanwar:** Will the Prime Minister be pleased to state whether the Indian Foreign Service Rules have been issued and brought into force, and if so, from what date?

The Deputy Minister of External Affairs (Dr. Keskar): The Indian Foreign Service Rules have not so far been promulgated. Provisional rules have however been accepted by the Government of India temporarily and were brought into force from the 10th March, 1950. (*Interruption.*)

Shri Kamath: The hon. Minister is not audible. I have tried to call attention to this twice and he is still proceeding with his reply.

Mr. Deputy-Speaker: The hon. Minister will resume his seat. A new arrangement regarding the loud-speakers on the model of the House of Commons has been introduced. Hon. Members will notice that the mikes are so high. They are expected to catch even the smallest sound anywhere.

The Prime Minister (Shri Jawaharlal Nehru): When hon. Members speak, they speak with their chins down. That is why the voice goes down.

Mr. Deputy-Speaker: Whatever the position may have been earlier, after the attainment of independence hon. Members must look up and address the House, so that every little expression or sound will be caught. This is an experiment. I hope it will succeed.

Dr. Keskar: I shall read the reply again.

"The Indian Foreign Service Rules have not so far been promulgated. Provisional rules have however been accepted by the Government of India temporarily and were brought into force from the 10th March, 1950. These rules have not been published but copies have been circulated to all our Missions and posts. The final draft is expected to be published shortly."

Shri Raj Kanwar: After what length of time are the final rules likely to be published?

Dr. Keskar: Very soon, Sir.

Shri Raj Kanwar: What is the sanctioned strength of the Indian Foreign Service, provisionally?

Dr. Keskar: I am afraid I am unable to give the figure off-hand.

Shri B. Velayudhan: What rules are being followed at present?

Dr. Keskar: It is not possible to give them all. As I said, the provisional rules are being followed. There is quite a number of them. They are also quite intricate. So, it is not possible to tell the House what those rules are.

Shri R. Velayudhan: May I know whether the same rules that used to be followed during the pre-independence days are being followed still.

Dr. Keskar: There were no rules and no Foreign Service at all during the pre-independence days.

Shri Kamath: Is it a fact that according to the rules so far brought into force married women are not eligible for the Foreign Service, and if so, in how many cases have exceptions been made to this rule?

Dr. Keskar: There is no such rule that married women are not eligible. The rule is that a woman member of the Foreign Service who marries can be asked to resign. But Government can, in exceptional circumstances, allow her to continue.

Shri Kamath: In how many cases were exceptions made like that?

Dr. Keskar: I would require notice.

Shri Kamath: Is it a fact that there are restrictions on Indians in the Foreign Service with foreign wives and if so, how many of our men in Foreign Missions have foreign wives?

Dr. Keskar: There are certain restrictions regarding Indians marrying foreign wives with or without the permission of Government. I will not be able to say off-hand how many members of the Foreign Service at this moment have foreign wives. I require notice for that.

Shri Raj Kanwar: Are Government aware that during the British regime certain officers of the I.C.S. were selected for appointment to the Indian Political and the Indian Foreign Service? Do Government propose to revive that practice in the case of the I.A.S., which has practically replaced the I.C.S.?

Dr. Keskar: This I.A.S. question does not concern the External Affairs Ministry.

Shri Jawaharlal Nehru: May I answer that question, Sir? In the initial stages of the building up of the Foreign Service, we took some officers from the old I.C.S. or the I.A.S. as it is. We also took a number of people from public life from outside, and a number of newcomers by examination. Now the Foreign Service is more or less a settled body, subject to recruitment year by year of three or four or five persons. Occasionally, we might take somebody from some other Service into the Foreign Service for a period if necessity arises. But generally speaking, the Foreign Service is stable now. This does not apply, of course, to Heads of Missions who are not always members of the Foreign Service. They may come from public life.

Shri Raj Kanwar: Of the serving officers who are at present employed under the External Affairs Ministry or

in Missions abroad, how many have been brought under the purview of the provisional rules which are being followed at present?

Dr. Keskar: All officers who are serving in the External Affairs Ministry are subject to these rules.

सेठ गोविन्द दास : क्या नियमों के अनुसार जो लोग एक बार वैदेशिक विभाग की नौकरी मंजूर कर लेंगे उन्हें सदा वहीं रहना पड़ेगा, या यदि वे चाहें तो आगे उस विभाग को छोड़ कर दूसरे विभाग में भी जा सकते हैं ?

[**Seth Govind Das:** Under the rules, will those persons, who once take up service under the Foreign Affairs Department, be obliged to continue as such for ever, or would they be competent to leave that department and go over to any other, if they so desire?]

Dr. Keskar: Generally speaking, it is so, that is to say that those who are in the Foreign Service are there. But it is quite possible that at Government's option in special circumstances certain officers of the External Affairs Ministry might be employed in some other Department of Government.

Dr. Tek Chand: Will the hon. the Prime Minister be pleased to lay on the Table of the House a copy of these provisional rules which are in force at present?

Shri Jawaharlal Nehru: The finalised rules are going to be placed on the Table of the House. I presume the hon. Member wants in addition the provisional rules also.

Dr. Tek Chand: Yes.

Shri Jawaharlal Nehru: Perhaps that might be done.

Shri Kamath: If I heard the Prime Minister aright, he said that the Heads of our Missions abroad are public men.

Shri Jawaharlal Nehru: No. I said "they might be".

RUBBER

*2. **Shri Shankaralya:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total acreage under rubber cultivation in India;

(b) how the yield per acre in India compares with that in rubber growing areas in other countries; and

(c) the steps that have been taken to improve the yield and increase in the acreage?

The Minister of Commerce and Industry (Shri Mahtab): (a) 1,70,928 acres.

(b) The average yield per acre of rubber in India, Ceylon and Malaya are as follows:

India	276 lbs.
Ceylon	360 lbs.
Malaya	550 lbs.

(c) Arrangements have been made by the Indian Rubber Board for the distribution of high yielding clonal rubber seeds to the growers and to give them technical advice. A Development Committee, constituted by the Government of India, to consider this question, has recently submitted scheme for the development of the rubber plantation industry, which is now under consideration of Government.

Shri Shankaraiya: May I know how much of already cultivable land is now under non-cultivation? Have any statistics been collected with a view to finding out how much of land is not being cultivated?

Shri Mahtab: Those figures are not available.

Shri Shankaraiya: May I know, Sir, when India will be self-sufficient in rubber?

Shri Mahtab: India is short of rubber by about 5,000 tons and I think in a few years she will be self-sufficient.

Shri Damodara Menon: May I know whether there has been any increase in the acreage under rubber during the last five years?

Shri Mahtab: I cannot say with regard to acreage; but there has been no increase in yield.

Shri Damodara Menon: May I know, Sir, whether Government have enquired into the reasons why there has been no increase in production?

Shri Mahtab: The Development Committee have examined the whole question and have submitted a scheme. That scheme is under consideration of Government and they will come to some decision soon.

Shri Sivan Pillay: May I know the area under rubber cultivation in the various States of India?

Shri Mahtab: I will require notice for that.

Shri M. V. Rama Rao: May I know, Sir, whether it is a fact that the increase in the acreage under rubber for the year 1949-50 is just one acre?

Shri Mahtab: Maybe—I do not know. But the yield of 1950-51 is more than that of the year 1949-50.

Shri S. N. Das: May I know, Sir, whether it is a fact that due to lower price the area under rubber is diminishing?

Shri Mahtab: I have no reasons to believe like that.

Shri S. N. Das: May I know whether the Tariff Board has fixed the price of Indian rubber?

Shri Mahtab: The Tariff Board's recommendations have been accepted and given effect to.

Shri Poonacha: Is it a fact that some of the planters have resorted to widespread 'slaughter' tapping, with a view to taking the maximum yield within the minimum period, and consequently some of the estates have completely gone out of existence?

Shri Mahtab: So far as our reports go, tapping is not done properly on account of excessive rains, but whether there has been excessive tapping or not, I shall look into it.

Shri A. C. Guha: In view of the statement made by the hon. Minister that yield per acre of Indian rubber is far below the yield in Malaya and Ceylon, is the Government satisfied that Indian rubber will be able to compete with the rubber from outside?

Shri Mahtab: That is not only the case with regard to rubber only, but with regard almost to all agricultural products, our yield is unfortunately the lowest. Now steps have to be taken to improve this state of affairs and as I have already said the Development Committee has given a scheme and we are considering that scheme. But there are other causes also, such as difference between the climates of Malaya and India. Taking everything into consideration we shall come to a decision very soon.

FISCAL COMMISSION

*3. **Shri Shankaraiya:** Will the Minister of Commerce and Industry be pleased to state to what extent the recommendations of the Fiscal Commission have been implemented?

The Minister of Commerce and Industry (Shri Mahtab): I would invite the hon. Member's attention to the reply given by me on the 30th

April 1951 to starred question No. 3630 by Dr. Deshmukh. There has been no further change in the position excepting that the Tariff Commission Bill has since been referred to a Select Committee which is considering it and is likely to be passed very soon.

Shri Shankaraiya: Have any interim steps been taken to implement the recommendations of the Fiscal Commission?

Shri Mahtab: The report of the Planning Commission which went into this matter will be placed before Parliament soon. Hon. Members will find that most of the recommendations of the Fiscal Commission have been examined by the Planning Commission and they have come to very definite conclusions, which the House will have an opportunity to debate. The most important recommendation of the Fiscal Commission was the establishment of a Tariff Commission. This has been accepted and will be implemented as quickly as possible.

Shri Hussain Imam: Do Government propose to place on the table of the House a statement of the recommendations of the Fiscal Commission which have been accepted?

Pandit Balkrishna Sharma: May I point out to you, Sir, that we on this side have not been able to follow anything at all.

Mr. Deputy-Speaker: May I make a request to hon. Members to speak a little louder with their heads up. Let us give a trial to the new experiment.

PERMITS TO PILGRIMS

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

(a) whether permits to pilgrims visiting religious shrines in India and Pakistan from the two countries are given under some agreement between the two Governments;

(b) if so, the number of permits given to pilgrims by Pakistan and India respectively to visit the two countries, since the agreement; and

(c) whether Government have incurred any expenditure on the visiting pilgrims and if so, the amount of money spent so far?

The Deputy Minister of External Affairs (Dr. Keskar): (a) There is no agreement on this subject but both Governments, in practice, accord facilities to visit religious shrines.

(b) According to the statistics available, 641 Hindu and Sikh pilgrims visited Pakistan and 2055 Pakistani Muslim pilgrims visited India since the partition.

(c) State Governments concerned have to provide escorts for the parties during transit and to make appropriate security arrangements during their stay at the shrine. No other expenditure is incurred by Government as the pilgrim parties pay for their transport, accommodation and food.

Shri Krishnanand Rai: May I know, Sir, whether Government have received any complaints to the effect that when Indian pilgrims have applied for such permits either they have not been given, or if they have been, they have been so much delayed that they were not able to utilize them?

Dr. Keskar: Any applications by Indian pilgrims for visiting shrines in Pakistan or *vice versa* are made through the respective Governments. It has happened in certain cases that when we have forwarded applications from Hindu and Sikh pilgrims to visit certain shrines, the Pakistan Government refused to accord permission.

Shri A. C. Guha: In how many cases have the Pakistan Government refused permission? Has there been any instance in which the Government of India have refused permission?

Dr. Keskar: I am not able to say the number of cases, but if I remember aright, in the last session I gave the number of cases in which permission was refused by the Pakistan Government. On our side we have not yet refused any such application.

Sardar B. S. Man: Is there any understanding between the two Governments that permission to visit shrines is granted only with regard to particular shrines?

Dr. Keskar: There is no such agreement. It is left to the Governments concerned to decide whether they could make arrangements for the pilgrims to visit any shrines.

Shri Hussain Imam: Is it a fact that during the last month, permissions given by the two Governments were not honoured?

Dr. Keskar: I would require notice of that question.

Shri Syamnandan Sahaya: Has any representation been made by the Government of India to the Government

of Pakistan enquiring as to why they have refused permission to visit certain shrines or religious places?

Dr. Keskar: As I said, there is no specific agreement between the two Governments that they should and they will have to accord permission for pilgrims to visit shrines. This is a general practice that they have been following and the discretion of a Government not to allow pilgrims to visit a particular shrine cannot be questioned, because they might say that it is not possible for them to make security arrangements. It is not, therefore, possible for us to question the Pakistan Government as to why they did not give permission to visit certain shrines.

Shri Syamnandan Sahaya: I appreciate the hon. Minister's point that there is no definite agreement on this subject. But in view of the policy which has been followed, did the Government of India even enquire as to what are the difficulties in the way of the Government of Pakistan in allowing these people to visit shrines and religious places?

Dr. Keskar: It has happened that in two or three cases, where important shrines were concerned, we did make enquiries—but not in all the cases concerned.

Shri Syamnandan Sahaya: What was the reply from the Government of Pakistan with regard to those cases about which enquiries were made?

Dr. Keskar: I would require notice of that question.

Sardar B. S. Man: Is it not a fact that permission has been granted by the Pakistan Government only with regard to those shrines which are intact and that in the case of those shrines which have been demolished, permission is not granted by them?

Dr. Keskar: I am not aware of that.

Shri Deshbandhu Gupta: May I know the number of Hindus who visited such places in Pakistan and also the places visited by them?

Dr. Keskar: It is very difficult to give that. I can give the number, 641 Hindu and Sikh pilgrims visited Pakistan.

Shri Deshbandhu Gupta: I want the break-up of the figure.

Dr. Keskar: I would require notice.

EVACUEE PROPERTY (EVALUATION)

*5. **Shri Krishnanand Rai:** Will the Minister of Rehabilitation be pleased to state:

(a) how far the work of evaluation of Muslim evacuee property in the Indian Union has progressed;

(b) whether Government have finalised collection of data of the property abandoned by displaced persons in West Pakistan; and

(c) if so, by what time the work of payment of compensation to the displaced persons will start?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) The Chief Settlement Commissioner for evaluation of evacuee property has been appointed and a pilot scheme for Delhi sanctioned. Refugees' opinion in regard to certain aspects of the problem is being ascertained and a Bill for separating the non-evacuee admixture from evacuee property is under preparation.

(b) Details with regard to properties abandoned in West Pakistan have been filed by displaced persons.

(c) As soon as claims have been verified and evacuee property valued.

Shri Krishnanand Rai: May I know what is the estimated evaluation of Muslim evacuee property in India?

Shri A. P. Jain: The work of evaluation has just started, and it is not possible to give any estimate.

Shri Krishnanand Rai: May I know whether any estimates have been made up to this time and, if so, what is the evaluation?

Shri A. P. Jain: I have already answered that question.

Shri Krishnanand Rai: May I know whether out of the estimated pool any exemptions have been granted by the Central Government?

Shri A. P. Jain: There is no such thing as an 'estimated pool' and I do not know what the hon. Member means by exemption.

लाला अचिन्त राम : क्या माननीय मंत्री जी कृपा कर के बतलायेंगे कि भारत में ऐसी कितनी प्रापर्टी है जो पहले इवैक्यूई थी और बाद में तान इवैक्यूई करार दी गयी ?

[Lala Achint Ram: Will the hon. Minister be pleased to state the extent of properties which in the first instance were declared as evacuee properties but were afterwards declared as non-evacuee properties?]

श्री ए० पी० जैन : इस के बारे में तो कुछ नहीं कह सकता, क्योंकि जायदाद पहले इवैक्युई प्रापर्टी में ले ली जाती है और फिर अगर कस्टोडियन को यह पता लगता है कि इवैक्युई प्रापर्टी नहीं है या वह जायदाद उस के कानून में नहीं आती तो उस को छोड़ देता है। इसकी तफसील मेरे पास नहीं है।

[Shri A. P. Jain: I cannot say anything with regard to this matter, because in the first instance property is taken over as evacuee property and afterwards if the Custodian finds that in fact it is not evacuee property or that it does not fall within the purview of that particular law, he orders its release. I have not got the details with me.]

लाला अचिंत राम : क्या माननीय मंत्री जी यस तफसील दे सकेंगे ?

[Lala Achint Ram: Would the hon. Minister be in a position to furnish these details?]

श्री ए० पी० जैन : जी नहीं, नहीं दे सकूंगा।

[Shri A. P. Jain: No, Sir, I shall not be in a position to do so.]

Sardar B. S. Man: Have any steps been taken to collect from the Pakistan Government data about the property that the refugees have left behind in Pakistan?

Shri A. P. Jain: The Pakistan Government is not co-operating with us in that matter, and I do not think that any useful purpose will be served even if we choose to make a request to them to that effect.

Sardar B. S. Man: In the absence of any authentic data in this respect, what steps are Government taking to evaluate the property claims filed by the refugees?

Shri A. P. Jain: The displaced persons have filed their claims. If they have any documents to support their claims, then they produce those documents before the claims officers. If the claims cannot be supported by documents, then the Claims Officer has to depend upon oral evidence. And that, I believe, is all that is possible.

Shri A. C. Guha: Have Government made any attempt to assess and make

a valuation of the evacuee property left in East Bengal and West Bengal?

Shri A. P. Jain: In East Bengal and West Bengal the Evacuee Property laws are not applicable. The conditions there are very different, and no efforts have been made to make an evaluation in the sense that is being done on the western side nor will it serve any useful purpose to make any such efforts.

Shri Syamnandan Sahaya: Will the hon. Minister be pleased to state if no attempt was made by his Department to evaluate the properties of evacuees either in India or in Pakistan prior to the appointment of the Chief Settlement Commissioner about whom he has referred just now?

Shri A. P. Jain: The hon. Member refers to two kinds of property. With regard to those left by the displaced persons in Pakistan the hon. Member would be aware that more than once in this House it has been stated that a claims organisation has been set up. And it was done long before the appointment of the Chief Settlement Commissioner. So far as the question of evaluation of the properties left by the Muslim evacuees is concerned, this is the first step of its kind.

Shri Syamnandan Sahaya: Is the hon. Minister aware that his predecessor in office stated in this House during the discussion of the Evacuee Property Bill that the Government had approximately evaluated the properties left by Muslims in India at Rs. 600 crores and those left by Hindus in Pakistan at about Rs. 1800 crores?

Shri A. P. Jain: I do not believe that those statements were based on any assessment of the value of properties; they may have been individual estimates.

Shri Shiv Charan Lal: In view of the statement of the hon. Minister that the Pakistan Government is not co-operating with this Government in this matter, is the Government going to revise its policy on the agreement arrived at with Pakistan with regard to these evacuee properties?

Shri A. P. Jain: I do not understand what the hon. Member means. We want to assess the values of the properties left by the displaced persons in Pakistan. The Pakistan Government can help us with their municipal records, assessments of house tax, perhaps Income-tax records, registration records and things of that type. They have not chosen to do so. I do not know what retaliation, or what steps, he wants us to take.

Shri Hussain Imam: What is the method which the Government is adopting to evaluate the urban property in India and Pakistan? Is it on the basis of replacement cost or municipal valuation or any other method?

Shri A. P. Jain: So far as the properties in Pakistan are concerned I have just stated that we have not got the municipal records. So, naturally, we cannot make any estimate from the municipal records. We are trying to evaluate property either on the basis of market value, where the property is marketable, or, in rural areas and small towns where houses of non-agriculturists are concerned and where they do not carry any market value, on the basis of cost of construction.

Shri Krishnanand Rai: May I know whether by a notification of the Government some change has been made in the principles that govern the nature of Muslim evacuee property in our country?

Shri A. P. Jain: I do not exactly follow what notification the hon. Member is referring to. If he mentions it a little more specifically I might be able to answer his question.

Sardar Hukam Singh: If I remember aright, some statement was made by the hon. Minister that the Pakistan Government had been invited to send its officers when this evaluation was to be made. May I know whether a reply was given by the Pakistan Government?

Shri A. P. Jain: Through the press.

GOVERNMENT COLLIERIES

*6. **Shri Sidhva:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether Government have appointed a Committee to go into the matter of Government Collieries which are working at a loss at present;

(b) what steps Government have forthwith taken to stop this loss; and

(c) whether the suggestion to transfer the working of the Collieries to the Railway Ministry has been considered and if not, why not?

The Minister of Works, Production and Supply (Shri Gadgil): (a) The matter is being gone into though no Committee has been appointed.

(b) A statement indicating the steps taken by Government is laid on the table of the House. [See Appendix I, annexure No. 1.]

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(c) Yes. It has been agreed to in principle that ownership should not be dissociated from management, and therefore, the Ministry of W. P. and S. should take over the ownership also.

Shri Sidhva: May I know whether the Government have contacted one of the Joint Secretaries of the Labour Ministry to investigate this matter? If so, whether the investigation is complete and what is the report?

Shri Gadgil: It is true that steps are being taken in order to reduce the losses and the position as explained in the statement laid on the table of the House is this: It has been decided that the loco programme should be based on the total availability of coal from the railway collieries, orders on the market collieries being placed only for the remaining quantity. Secondly, it has been found that as a result of certain steps being taken production has gone up a little and that means that 2,000 out of 5,000 surplus labour can be absorbed. The remaining 3,000 labourers cannot be absorbed as far as one can see. Therefore lists are being prepared and if the House agrees, then there will be a net saving of Rs. 36 lakhs.

Shri Sidhva: May I know whether the movement of this coal from the colliery is as satisfactory as that done by the Coal Board which was in existence in the past?

Shri Gadgil: It is very much more satisfactory than it was in the past.

Shri Sidhva: The Hon. Minister made a statement in the last session that the Coal Commissioner had ordered to treat private collieries on the same basis as Railway collieries. Is the arrangement working satisfactorily? What is the position today?

Shri Gadgil: I have already said that these recommendations have been accepted and they are giving satisfactory results.

Shrinati Renuka Ray: What happened to the suggestion made that the collieries should be made over to the Railway Ministry?

Shri Gadgil: I have already stated what happened to that suggestion. The result is that this Ministry will take over the ownership.

सेठ गोविन्द दास : सरकारी कोयले की खानों में से अब कितनी खानें ऐसी रह गयी हैं जिनमें अभी भी नुकसान हो रहा है ?

[Seth Govind Das: What is the number of state collieries which are still working at a loss?]

श्री गाडगिल : बिल्कुल निश्चित रूप से तो नहीं कह सकते हैं लेकिन आम दृष्टि से यह कह सकते हैं कि अभी हम ने जो कुछ कदम उठाये हैं उनकी वजह से बहुत सारा नुकसान कम हो जायगा। और अगर यह सरप्लस लेबर का सवाल हल हो जाये तो नुकसान बिल्कुल खत्म हो जायगा।

[**Shri Gadgil:** I cannot give the exact number but generally speaking the total amount of loss is expected to diminish as a result of the measures already taken in this connection. If the question of surplus labour is solved, the loss would disappear altogether.]

Shri Sidhva: May I know whether the loss that was incurred, namely Rs. 83.1 lakhs has since been reduced? If so, to what extent?

Shri Gadgil: That will be evident when the year closes. How can I say in the middle of the year?

Shri Sidhva: I would like to know from the hon. Minister for the interim period.

Shri Gadgil: I do not think any commercial concern or any concern for the matter of that can say anything about its position during the interim period.

Shri Hussain Imam: May I ask the hon. Minister to explain whether the prices charged by the Government coal fields to the railway are the same as charged by the private owners or less or more?

Shri Gadgil: The hon. Member should know that coal is sold at controlled price.

Shrimati Renuka Ray: Are there non-officials on that Committee that have been appointed?

Shri Gadgil: No Committee has been appointed because there was one Committee appointed known as Railway Collieries Inquiry Committee in 1949; it reported in March 1950 and its recommendations are being implemented. There was no suggestion of any other Committee being appointed. A suggestion was made by me during the sittings of the Estimates Committee that certain Members should visit the collieries and I understand that the Parliament Secretariat asked for a programme and that programme has been submitted to the Parliament Secretariat.

Shri T. N. Singh: May I know as a result of certain observations made in this House where it was suggested that some of the collieries were uneconomic and a reduction of labour was called for, what steps have Government taken in relation to the collieries which are uneconomic and close them down?

Shri Gadgil: That is under consideration because it involves the question of dispensing with surplus labour also.

Shri Sidhva: The hon. Minister stated in the last session to a statement made by some Members about the fictitious names of labourers on the rolls that he would inquire into that matter. May I know whether any steps have been taken in this direction?

Shri Gadgil: As I said the lists are being prepared and when the lists are prepared it will be evident whether there are any fictitious names. As soon as there is some data to work on, the necessary steps will be taken.

IRON SCREWS

*8. **Shri R. Velayudhan:** (a) Will the Minister of Commerce and Industry be pleased to state whether Government have decided to import iron screws under O.G.L.?

(b) Which are the places where factories manufacturing iron screws are situated in India?

The Minister of Commerce and Industry (Shri Mahtab): (a) No, Sir, it was decided that licences would be granted freely for the import of this item from all areas except South Africa during the licensing period July-December, 1951.

(b) Factories for the manufacture of iron screws (both wood screws and machine screws) are located in Delhi, Punjab, PEPSU and Saurashtra.

Shri R. Velayudhan: May I know whether the Minister is aware that after the introduction of this O.G.L. most of the local industries have been eliminated from competition?

Shri Mahtab: That is not a fact. As I have said it is not O.G.L., but free licensing system has been introduced. Before this system was introduced the prices of iron screws rose very high to the extent of about 400 per cent. and that had to be brought down.

Shri R. Velayudhan: May I know whether the importers of iron screws sold at 13 annas and at that time the locally made screws were sold at 10 annas per dozen?

Shri Mahtab: That is not a fact. The report which I have received goes to show that before this system was announced the wood screws were selling at Rs. 7 and now the prices have come down to 3.

Shri R. Velayudhan: May I know whether the Minister is aware that this particular industry is a cottage industry especially in the West Coast?

Shri Mahtab: Therefore it is a protected industry and 30 per cent. *ad valorem* duty is imposed on the imported screws.

Shri R. Velayudhan: May I know if the export duty on this locally made stuff charged by the Government is about 40 per cent. to Burma and to other South East Asian countries?

Shri Mahtab: I am not aware of the export but I think the hon. Member was interested in the import of foreign commodities which are competing with local industries. I shall look into the matter.

Shri Syamnandan Sahaya: Will Government be pleased to state if they are aware of the fact that the effect on industry by free licensing and O.G.L. is the same and that the difference between them is only the difference as between Tweedledum and Tweedledee?

Shri Mahtab: It is not a fact but whenever any change is made in the system the conditions of local industries are fully taken into consideration and all steps are taken so that the import may not affect the local industries adversely.

Shri Syamnandan Sahaya: Are Government aware that some of these factories have a big installed capacity but most of them have not been able to work up to that for want of shortage of raw materials as the necessary permits for the quantity of raw material required have not been granted?

Shri Mahtab: No. The reports at my disposal go to show that raw materials are supplied to these factories and out of a number of industries about 18 factories are doing some good work and their production capacity has been taken into consideration and there was a complaint from several industries that the price of wood screws had risen very high and therefore wood screws had to be imported.

Shri Sidhva: May I know whether a wood screw factory made an application to Government and that application was not accepted? If so, what are the reasons?

Shri Mahtab: I require notice. I did not expect that question would be put on this occasion.

SINO-TIBETAN TREATY

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

(a) whether a copy of the recent Sino-Tibetan Treaty has been received;

(b) if so, what are its terms with reference to India's relations *vis-a-vis* Tibet;

(c) whether the status and functions of our representative in Lhasa have been adversely affected;

(d) whether our trade routes in Tibet are secure; and

(e) whether the Indo-Tibetan frontier remains unchanged?

The Prime Minister (Shri Jawaharlal Nehru): (a) We have not received the treaty, but we have seen a published version of it.

(b) to (e). There is no specific mention of Indo-Tibetan relations in this published version of the treaty.

Shri Kamath: With regard to our representative in Lhasa and the other officers and personnel on the trade routes from India to Tibet, are all those officers and personnel functioning in their posts after the conclusion of the Sino-Tibetan Agreement?

Shri Jawaharlal Nehru: Yes, Sir. They are still there.

Shri Kamath: Is there any reference to the MacMahon Line in the Sino-Tibetan Agreement?

Shri Jawaharlal Nehru: I do not think there is any reference to this question.

Shri Kamath: Have any reports reached Government about any trespass along the MacMahon line or along the other frontier, which is undefined or ill-defined between India and Tibet?

Shri Jawaharlal Nehru: No. I can think of no such report. May I say that except in cases of people coming, that is to say nomadic tribes and that type of person no report has been received of any other person crossing the line.

Shri Kamath: What, Sir, is the length of the MacMahon line and the length of the ill-defined or undefined border between India and Tibet?

Shri Jawaharlal Nehru: I have not the faintest idea.

Shri Kamath: Is the Prime Minister in a position to reiterate the assurance given by him in the last session of Parliament that we will not tolerate any violation or trespass of the Indo-Tibetan frontier?

Shri Sondhi: That is automatic.

Shri Jawaharlal Nehru: Surely. It is the Government's business not to tolerate any incursions in Indian territory from any country anywhere.

Mr. Deputy-Speaker: Next question.

Shri Kamath: Question No. 10.

Shri A. C. Guha: There is another question, No. 26 relating to the same subject. Both of them may be taken together.

Mr. Deputy-Speaker: Is the Prime Minister willing to answer both?

The Deputy Minister of External Affairs (Dr. Keskar): One question relates generally to the Agreement and the other relates to influx of displaced persons. They are related; but they are different altogether.

Mr. Deputy-Speaker: If the hon. Minister has no objection, they may be taken together.

Dr. Keskar: I have no objection.

Mr. Deputy-Speaker: Numbers 10 and 26 will be answered together.

HINDUS IN EAST PAKISTAN

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

(a) whether reports have recently been received from Mr. C. C. Biswas, our Minister appointed under the Indo-Pakistan Agreement of the 8th April, 1950, and from our Deputy High Commissioner in Dacca regarding the condition of Hindus in East Pakistan;

(b) whether their life and property are safe; and

(c) whether they are able to live in security and with honour?

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

(b) and (c). The reports are not very reassuring and indicate that there is still a lack of sense of security of property and honour amongst the minority community in East Pakistan.

DISPLACED PERSONS FROM EAST BENGAL

***26. Shri A. C. Guha:** Will the Prime Minister be pleased to state:

(a) whether there have been any reports of fresh influx of displaced persons from East Bengal in June and July 1951;

(b) if so, whether Government have enquired into the reasons of that fresh influx; and

(c) whether Government have taken up the matter with Pakistan Government?

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

(b) Yes.

(c) Yes.

Shri Kamath: Do the reports indicate the causes or the circumstances that have led to this sense of insecurity and fear in the minds of the Hindus of East Bengal?

Dr. Keskar: It is not possible for me to specify in detail all the reasons; but generally speaking, the reasons can be briefly enumerated thus. There have been a number of requisitioning of Hindu houses, many times without giving any valid reason. The number of such requisitioning has been increasing. There have been more cases of abduction coming to our notice, which we have brought to the notice of the East Pakistan authorities. The policy of the East Bengal Government with regard to education is more and more hostile to the Hindus. There is a tendency to Islamise education and try to run down the culture and traditions of the minority community. There are some other reasons also; but I would have to go into the details of all those things.

Shri Kamath: Have reports reached Government that the East Pakistan authorities are sedulously fostering a war mentality and the propagation of the cry of *jenad* against India?

Dr. Keskar: Yes, Sir. That is a fact.

Shri Rathnaswamy: May I know if any cases of desecration of Hindu temples have been brought to the notice of Government and if so, what action has been taken so far in the matter?

Dr. Keskar: I am not aware of the number of such cases. But, there were two such cases that were definitely brought to our notice. We have had certain correspondence with the Pakistan Government regarding the matter.

But, I would require notice if the hon. Member wants any further information on the subject.

Shri Hanumanthaiya: For the last two months how many Hindus have come over to India from East Pakistan?

Dr. Keskar: During the period from 7th June to 31st July, the number of Hindus who have come from East Bengal is 271,153.

Shri A. C. Guha: May I know if the Government is publishing the figure of daily coming and going and what is the average daily surplus in coming over to West Bengal?

Dr. Keskar: I have not got the daily figures here. The difference between the figures that I quoted just now and of those who have gone to East Bengal is 68,200.

Shri A. C. Guha: What is the period?

Dr. Keskar: The period is from 7th June to 31st July.

Shri A. C. Guha: The hon. Minister stated that the Government have taken up the matter with the Pakistan Government. What is the result?

Dr. Keskar: With regard to which question?

Shri A. C. Guha: In reply to part (c) of question No. 26, the hon. Minister has stated that the Government have taken up the matter with the Pakistan Government. Have the Government received any reply? Has there been any improvement in the conditions?

Dr. Keskar: Every specific case which comes under the Indo-Pakistan Agreement is brought to the notice of the East Pakistan Government. It is regrettable that in quite a number of cases we do not receive replies or they come very, very late.

Maulvi Wajed Ali: Has our Minister for Minorities Mr. C. C. Biswas visited East Bengal recently and made enquiries into these cases of hardship of the minorities in East Bengal?

Dr. Keskar: I am not able to say off-hand whether Mr. Biswas visited East Bengal recently. He visits from time to time. He has visited a number of districts in East Bengal.

Shri Hanumanthaiya: The exodus being what it is, and it being continuous, what steps do Government propose to take to remedy the situation?

Dr. Keskar: Government is taking all necessary steps for seeing that this exodus diminishes.

Shri A. C. Guha: The hon. Minister has stated that there has been a large increase of abductions. Have the Government taken any steps to see that the girls are recovered? Is there any improvement in the conditions of the Dacca Home where the recovered girls are domiciled temporarily?

Dr. Keskar: Steps are definitely taken to recover the abducted persons. We have had some success. But, I am sorry, I cannot say that we have had as full a success as we would like.

Shri A. C. Guha: Have the Government received any complaints regarding the conditions prevailing in the Dacca Home? Have the Government taken up the matter to see that matters improve there?

Dr. Keskar: Complaints were received regarding the Dacca Home. They were conveyed to the proper authorities. For any further information, I would require notice.

Shri A. C. Guha: What is the nature of those complaints?

Dr. Keskar: I am sorry I cannot say here offhand.

Shri Kamath: If, as admitted by the Deputy Minister, there is active propaganda in Pakistan for war against India, have Government given any thought to the measures for the defence of the civil population against possible aggression by Pakistan?

The Prime Minister (Shri Jawaharlal Nehru): Yes, Sir. We have given every thought to it and come to certain decisions. We need not worry too much about that particular subject now.

FORCED LABOUR

*11. **Dr. Deshmukh:** Will the Minister of Labour be pleased to state:

(a) whether the report submitted by the Special Officer appointed to report on the condition of forced labour in India has been printed and published and if not, why not;

(b) whether the recommendations in the report have been accepted and acted upon; and

(c) what steps Government have proposed for stopping forced labour?

The Minister of Labour (Shri Jagjivan Ram): (a) The revised report was received from the Officer on Special Duty in March 1951. It is being edited and will be sent shortly to the Press for printing.

(b) Necessary action to amend sections of a few Acts suggested by the Officer on Special Duty has been taken.

(c) A statement showing the action taken or proposed to be taken to stop forced labour wherever it may still be existing, will shortly be placed before Parliament.

Shrimati Durgabai: May I know whether the hon. Minister is aware that one form of begar in the name of compulsory service of *Devadasi* still exists in certain parts of the country and if so whether that is covered by this report?

Shri Jagjivan Ram: I am afraid that is not covered. There are two or three types of forced labour: one covered by some statutory provisions and the other under agrestic serfdom or debt bondage or performed in accordance with social customs. I think this *Devadasi* forced labour will come under social customs. We are taking care to remove the legal provisions in the statutes which sanction forced labour. Cases of forced labour which are sanctioned by social customs require some social reform. We will consider whether some legislation is also necessary.

Shri R. Velayudhan: May I know Sir, whether the hon. Minister is aware that forced labour is exacted mostly from the Scheduled Castes in South India?

Shri Jagjivan Ram: That is the case not only in South India, but all over the land. This form of labour is exacted from the Scheduled Castes and the poorer sections of society.

Shri R. Velayudhan: May I know whether Government is doing any propaganda both in India and outside, against forced labour, in view of the fact that the Constitution guarantees the liberation of the Scheduled Castes from forced labour?

Shri Jagjivan Ram: It is not only for the Government to do this, it is for the public workers as well.

Shri R. K. Chaudhuri: May I know what kinds of forced labour are still in vogue and in what provinces?

Shri Jagjivan Ram: I have a long list here which I could read out.

Mr. Deputy-Speaker: It need not be read now. It will be laid on the table of the House for the information of hon. Members.

Shrimati Durgabai: It was stated that one form of forced labour is that

sanctioned by social customs. May I know whether it is the intention of Government to bring in legislation against that form of forced labour?

Mr. Deputy-Speaker: The hon. Minister has already stated that he is considering social legislation in the matter.

Dr. Deshmukh: May I know whether the recommendations of this officer will be placed on the table of the House?

Shri Jagjivan Ram: As I have said, it is being sent to the Press for publication.

Shri Sidhva: Is it the intention of the Government to introduce a Bill in this session, based on the recommendations of this officer?

Shri Jagjivan Ram: We have been advised by experts that legislation is not necessary, in view of the provisions that already exist in the Constitution. But the matter is being further examined, and if necessary, legislation will be undertaken.

Shri Rathnaswamy: May I know the parts of the country where this forced labour is prevalent?

Mr. Deputy-Speaker: That has already been dealt with.

Shrimati Durgabai: In view of the declared policy expressed in our Constitution, is it the intention of the Government to bring in a suitable kind of legislation against this kind of forced labour in this session?

Shri Jagjivan Ram: In view of the provisions in articles 23(1) and 23(2) of the Constitution it is the opinion of the experts that further legislation may not be necessary. But the question, as I said, is being examined and if it is found that legislation is necessary, to prevent forced labour, it will be undertaken.

ABDUCTED MUSLIM WOMEN

*12. **Sardar B. S. Man:** Will the Prime Minister be pleased to state:

(a) the number of abducted Muslim women and children recovered from P.E.P.S.U. since the commencement of the work of recovery; and

(b) the number of abducted Muslim women and children recovered from P.E.P.S.U. since June, 1950 up-to-date?

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

(a) 4,282 and

(b) 664.

**GUIDES FOR RECOVERY OF MUSLIM
ABDUCTED WOMEN**

*13. **Sardar B. S. Man:** Will the Prime Minister be pleased to state:

(a) the number of Guides who have come from Pakistan for the recovery of Muslim women and children from P.E.P.S.U. since the 1st June, 1950 up to date; and

(b) how many Guides were successful in recovering the abducted women?

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

(a) The number of Guides who came, from Pakistan, during the period from 1st June 1950 to 30th June 1951, is 99.

(b) 50.

Sardar B. S. Man: Have any complaints been made or instances come to the notice of the authorities engaged in this service, that women converted long before Partition of the country and married, were forcibly recovered from lawful custody and sent to Pakistan?

Shri Gopaldaswami: There has been a stray complaint or two; but every such complaint is fully investigated and what rightly should be done, has been done.

Sardar B. S. Man: Is it a fact that after the recovery of these women and when they are kept in camp, certain coercive methods are adopted to force them to give statements to the effect that they are going to Pakistan of their own free will?

Shri Gopaldaswami: No, Sir. So far as I know, there has been no such coercion.

NON-MUSLIM ABDUCTED WOMEN

*14. **Sardar B. S. Man:** Will the Prime Minister be pleased to state:

(a) the number of cases registered in PEPSU for the recovery of non-Muslim women and children abducted in Pakistan;

(b) the number of recovered abducted non-Muslim women and children since the commencement of the work of recovery;

(c) the number of abducted non-Muslim women and children recovered from Pakistan against the cases registered in PEPSU since 1st June, 1950 up-to-date;

(d) the number of Guides sent to Pakistan from PEPSU for the recovery of non-Muslim women and children since 1st June, 1950 up-to-date; and

(e) how many Guides were successful in recovering abducted women?

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

(a) Statistics, regarding non-Muslim abducted persons, are not maintained State-wise.

(b) 7,638 upto the 18th July, 1951.

(c) Does not arise.

(d) 20, during the period from the 1st June, 1950 to the 30th June, 1951.

(e) Eight.

Sardar B. S. Man: What are the reasons according to the Government, for the low recovery of Hindu and Sikh women in Pakistan as compared with the position in India?

Shri Gopaldaswami: That question has been answered several times in the House, Sir. There are no new factors that have arisen. On the other hand, I believe during the last seven months, the recoveries in Pakistan have been somewhat better than in the previous period.

Sardar B. S. Man: Have our recovery parties going to Pakistan received complete co-operation in Pakistan by the Pakistan authorities in the recovery work?

Shri Gopaldaswami: I cannot say that, but some co-operation has been forthcoming, though it has not been as good as we would like it to be.

Sardar B. S. Man: How far has our longstanding complaint, that many women are still being detained by the Pakistan officials, been eliminated up to this day?

Shri Gopaldaswami: It is being very slowly eliminated. I cannot say that it is being rapidly eliminated.

Shrimati Durgabai: Is it a fact that the Guides that our Government have sent to Pakistan for the work of recovering women are not given much help there and that therefore they find it difficult to carry on their work?

Shri Gopaldaswami: Those difficulties have been experienced by our Guides.

Sardar B. S. Man: Have certain complaints now come to the notice of Government that women kept in camps in Azad Kashmir territory are being now taken away from that camp and sold out?

Shri Gopaldaswami: That is what I have seen in one or two newspapers. I do not think I have received any official accounts.

Sardar B. S. Man: What steps have Government taken to evacuate those women from that camp?

Shri Gopalaswami: We are continually pressing upon the Pakistan Government to give facilities for the removal of such people who want to come to India.

INDIANS IN IRAN

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

(a) in what way the Oil dispute and its sequel have affected the Indian employees of the Anglo-Iranian Oil Coy. as well as other Indian residents of Iran; and

(b) how many Indians—men, women and children—have already come over to India from Iran?

The Deputy Minister of External Affairs (Dr. Keskar): (a) The Indian employees of the Anglo-Iranian Oil Company have contracts with that Company and have so far been dealt with under the terms of the contracts. A few newly engaged employees have been discharged but their numbers are not yet known. The majority have been retained. Those who have stayed on on duty have been getting full pay and allowances in accordance with the contracts. Those for whom there was no work owing to the gradual closing down of, or reduction of activity in, the installations, are given "special leave" which entitles them to get full pay during the period of earned leave and half the basic pay thereafter under the "enforced idleness" clause of the contract. A few employees are also understood to have been transferred to Iraq and other places. About 600 Indian employees are still in Iran. Government have no information to show that other Indian residents in Iran not dependent on the Anglo-Iranian Oil Company have been affected in any way.

(b) About 504 Indians, consisting of 10 men, 253 women and 241 children had already come over to India from Iran upto 19th July, 1951. Some more employees on "special leave" may have come since or be on their way, but numbers are not yet known.

Mr. Deputy-Speaker: Question-hour is over.

WRITTEN ANSWERS TO QUESTIONS

BUILDING MATERIALS FOR WEST BENGAL

***16. Shri S. C. Samanta:** Will the Minister of Rehabilitation be pleased to state:

(a) how much cement, iron and other building materials were received

ed by the State of West Bengal for the construction of houses and accommodation for displaced persons from East Pakistan upto 30th June, 1951;

(b) how much of the quantities has been utilised and how much is in stock at present; and

(c) how much is to be allotted for the current financial year?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Steel 17,423 Tons, Cement, 4,746 Tons, Tube-well pipes, 4,80,714 Rft.

(b) Quantities utilized: Steel, 16,092 Tons, Cement, 4,386 tons, Tube-well pipes, 4,80,714 Rft.

Quantities in stock: Steel 1,331 tons, Cement, 360 tons, Tube-well pipes, Nil.

(c) During the first six months of the current financial year, 2,363 tons of steel, 1,450 tons of cement and 80,000 Rft. of tube-well pipes have been allotted to the West Bengal Govt. Further allotments to be made during the second half of the current financial year are under consideration.

SILK

***17. Shri Kesava Rao:** Will the Minister of Commerce and Industry be pleased to state:

(a) what is the quantity of indigenous silk produced in each state during the years 1949-50 and 1950-51; and

(b) whether any technical help is given to the States for the development of mulberry and non-mulberry silk?

The Minister of Commerce and Industry (Shri Mahtab): (a) A statement is laid on the Table of the House. [See Appendix I, annexure No. 2.]

(b) Yes Sir. The Government have created a Central Silk Board which is rendering technical assistance to the various State Governments for the development of both mulberry and non-mulberry silk.

PICKERS (MANUFACTURE)

***18. Shri Kesava Rao:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any assistance, financial and technical, is given to the industry manufacturing pickers;

(b) what is the number of pickers required for the Textile industry in India; and

(c) to what extent the industry is able to satisfy the demand in the country?

The Minister of Commerce and Industry (Shri Mahtab): (a) No financial assistance is rendered to the Pickers Industry. A Protective Duty of 10 per cent. *ad valorem* is levied on all imports of pickers. Technical advice in the nature of 'standard codes' is being provided by the Indian Standards Institution.

(b) The annual estimated requirement of Pickers required for the textile industry in India is 42,000 gross. This comprises of 37,750 gross of pickers required for the cotton textile industry, 3,500 gross for jute industry and 750 gross for silk and woollen industries.

(c) There are about 70 units engaged in the manufacture of pickers. The actual production of the 16 large units out of these was 16,632 gross in 1948, 11,369 gross in 1949 and 10,349 gross in 1950 which goes to satisfy the internal demand only partially.

STEEL RETENTION PRICES

***19. Sardar Hukam Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the Government of India have sanctioned an increase of about Rs. 33 per ton in the steel retention prices of the main producers in India; and

(b) if so, what are the reasons necessitating such an increase?

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

(b) The hon. Member's attention is invited to Government's Resolution No. SC(A)-2(68)/51, dated the 22nd June, 1951, a copy of which is laid on the Table of the House. [See Appendix I, annexure No. 3].

CLAIMS OF DISPLACED PERSONS

***20. Sardar Hukam Singh:** Will the Minister of Rehabilitation be pleased to state whether it is a fact that he made a statement at Ferozepur during his last visit that many of the claims filed by displaced persons for their property in West Pakistan were exaggerated?

The Minister of State for Rehabilitation (Shri A. P. Jain): No.

PROPERTIES UNDER COURTS OF WARDS-

***21. Sardar Hukam Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) whether the matter of properties under the Superintendence of the Courts of Wards at the time of partition was taken up for discussion between the two countries;

(b) if so, with what result;

(c) whether the assets collected by Pakistan out of such properties have been paid to the Wards (Muslims) who migrated from India; and

(d) whether the Government of India have taken steps to secure these assets for the benefit of Wards now in India?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) to (d). An Agreement in regard to payment of monthly allowances at the old rates for the period ending 31st March 1948 was arrived at between the Governments of East and West Punjab. While the Muslim wards migrating to Pakistan benefited by this Agreement fully, the West Punjab Government did not make all the due payments to non-Muslim wards who had migrated to India from West Punjab. The West Punjab Government also did not agree to East Punjab Government's request for extension of the Agreement for the period subsequent to March 1948. In the Indo-Pakistan Conference of December 1948 the matter was again taken up, and it was agreed that suitable monthly allowances should be continued to be paid to wards by the Court of Wards, or by the Custodian, in case the estates had been released from Court of Wards and handed over to the Custodian. The Pakistan authorities, however, have not implemented this Agreement, despite repeated requests. The present attitude of the Pakistan Government, which has been conveyed to the Government of India recently, is that the question of allowances is linked with the question of immovable property and this matter can be taken up only when negotiations on immovable property are resumed.

In the Indo-Pakistan Conference of June 1950, it was agreed that the movable property of evacuee wards, including cash and jewellery, as accumulated up to 15th July, 1947, should be transferred to the other country. The Governments of India and Pakistan have been corresponding on the steps necessary to implement this

Agreement. Draft legislation to be promulgated in the two countries has been exchanged.

There has been no specific settlement on the question of immovable property under the control of Court of Wards. This question is linked up with the overall question of immovable evacuee property.

QUARTERS FOR GOVERNMENT EMPLOYEES

***22 Dr. M. V. Gangadhara Siva:** Will the Minister of Works, Production and Supply be pleased to state whether there is any proposal to build upper storeys to all Government quarters in New Delhi?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): There is no definite proposal to build upper storeys to all Government quarters. With a view to meeting the housing shortage, however, various suggestions have been made and amongst them one is that upper storeys could be built wherever possible on existing quarters. The technical and financial implications of this suggestion will be examined before any concrete proposals in this behalf are made by the Central Public Works Department.

PILGRIMS TO HEJAZ

***23. Dr. M. V. Gangadhara Siva:** Will the Prime Minister be pleased to state:

(a) the total number of deaths among the Indian pilgrims to Hejaz in 1950;

(b) whether any representations have been received by Government from the pilgrims in regard to shipping facilities, accommodation on board the ship, food arrangement etc., and if so, whether Government propose to take steps to improve the conditions of travel;

(c) what was the rate of exchange at which the Saudi Arabian dues were collected; and

(d) what was the current rate of exchange between the rupee and the Riyal in the Hejaz and what was the official rate of exchange fixed for the payment of the Saudi Arabian dues?

The Deputy Minister of External Affairs (Dr. Keskar): (a) 191.

(b) No. It may be added that elaborate provisions have been made in the Indian Merchant Shipping Act, 1923, and the Indian Pilgrim Ships

Rules, 1933, regarding accommodation, food, sanitation, medical attention, etc. of pilgrims on pilgrim ships. These rules and regulations have been suitably revised from time to time and are rigidly enforced.

(c) At the rate of Rupees 100 equal to Riyals 97½ approximately.

(d) The current rate of exchange in 1950 varied between 95 and 72 Riyals for Rupees 100. The rate of exchange fixed for the payment of Saudi Arabian dues was Rupees 100 equal to Riyals 97½ approximately.

OIL SUPPLIES

***24. Dr. M. V. Gangadhara Siva:** Will the Minister of Works, Production and Supply be pleased to state:

(a) what efforts are being made to ensure adequate supplies of Petrol, Kerosene, Diesel Oil and other Petroleum products;

(b) whether there are any possibilities of tapping natural oil resources in India; and

(c) if so, what steps do Government propose to take to use such resources?

The Minister of Works, Production and Supply (Shri Gadgil): (a) Adequate supplies to meet India's requirements are being obtained through imports from foreign sources.

(b) There are possibilities of discovering oil in Upper Assam and Tripura. There are also possibilities of the occurrence of structures favourable for the accumulation of oil in a belt stretching from Kutch through Saurashtra and the foot hills of the Himalayas to the oil producing regions of North Eastern Assam.

(c) The question of utilisation of the resources will arise only when these are actually discovered in quantities suitable for commercial exploitation and development.

GROUNDNUT AND GROUNDNUT OIL

***25. Dr. Deshmukh:** (a) Will the Minister of Commerce and Industry be pleased to state whether Government have declared their policy about the export of groundnut and groundnut oil for the year 1951-52?

(b) If so, do Government propose to lay on the Table of the House a statement outlining the policy?

(c) If the reply to part (a) above be in the negative, when is the policy likely to be announced?

(d) What was the quantity of groundnut and groundnut oil exported

in 1949 and 1950 and what are the quotas fixed for 1951?

(e) Is there price control over these commodities?

(f) If so, what is the price fixed for each one of them?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) No, Sir.

(b) Does not arise.

(c) No decision has yet been taken in the matter.

(d) A statement showing the quantity of groundnut and groundnut oil exported in 1949 and 1950 is placed on the Table of the House. The quota for the export of groundnut for the year July 1950 to June 1951 was one lakh tons in terms of oil.

(e) No, Sir.

(f) Does not arise.

STATEMENT

The quantity of groundnut and groundnut oil exported in 1949 and 1950 was as under :

(Quantity in '000' of tons)

Year	Groundnut	Groundnut oil
	Tons	Tons
1949	54.3	25.6
1950	96.6	34.1

CEASE-FIRE VIOLATION BY PAKISTANIS

***27. Giani G. S. Musafir:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that two Indian soldiers were killed on or about the 23rd June, 1951 by Pakistanis in the State territory of Jammu and Kashmir; and

(b) what steps Government propose to take or have already taken to obviate the repetition of such incidents of the above nature?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Yes, on 23rd June, 1951 two Indian soldiers were ambushed by Pakistan armed forces at Jogne Chak in Jammu Province, inside Indian territory, and killed.

(b) On the 25th the incident was reported by our Army Headquarters to the Army Headquarters, Pakistan with a strong protest. Simultaneously, the United Nations Military Observers were also informed. On the 30th June a communication was sent by the Prime Minister to the President of the Security Council in which Council's attention was drawn to this and a number of other cease-fire violations.

Both the Government of Pakistan and the Security Council have been warned of the very serious consequences of such breaches of the cease-fire and suitable precautions have been taken to prevent a recurrence of them so far as possible.

EXTRADITION

***28. Shri Jnani Ram:** Will the Prime Minister be pleased to state:

(a) the number of criminals and accused persons sent to foreign countries under the Indian Extradition Act in the years 1949-50 and 1950-51; and

(b) the countries to which they have been sent?

The Deputy Minister of External Affairs (Dr. Keskar): The information is being collected, and will be laid on the Table of the House when available.

T. B. HOSPITAL FOR DISPLACED PERSONS

***29. Shri Jnani Ram:** Will the Minister of Rehabilitation be pleased to state:

(a) whether any T.B. hospital has been constructed for displaced persons;

(b) if so, the place where it has been constructed;

(c) the cost of construction; and

(d) the number of beds provided for in-patients?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) Kalyan and Aundh (Bombay), Beliaghat (West Bengal), Bhowall (U.P.), Chhetru (Punjab), Delhi, Jaipur, Jadavpur (West Bengal), Bantwa (Saurashtra), Sangrur (P.E.P.S.U), and Kanchrapara (West Bengal).

(c) The amounts spent by the State Governments are not known, but the Ministry of Rehabilitation have contributed Rs. 11,70,763 during 1949-50 and 1950-51.

(d) 744.

EXPORT LICENCES

***30. Shri Biyani:** Will the Minister of Commerce and Industry be pleased to state:

(a) what is the number of licenses that Government have issued for the export of cloth this year;

(b) how many millions of yards of cloth have been allowed to be exported; and

(c) whether there is any basis on which the export permit is granted for the export of cloth?

The Minister of Commerce and Industry (Shri Mahtab): (a) About 6,000 licences were issued for the export of cotton piecegoods during the period January-June, 1951;

(b) 623 million yards of cotton piecegoods (millmade and handloom) have been exported from the 1st January to 30th June, 1951;

(c) Yes.

INDIAN WRITERS INVITED TO U.S.S.R.

***31. Shri Biyani:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that some Indian writers were invited by the Soviet Academy of Art and Culture;

(b) how many were invited;

(c) how many have gone;

(d) whether some of the invitees have been refused visa; and

(e) if so, what are the reasons for this refusal?

The Deputy Minister of External Affairs (Dr. Keskar): (a) to (c). A number of Indian Writers, journalists, scientists, etc. were invited by the Soviet Association for the promotion of cultural relations to visit the U.S.S.R. As far as Government is aware, 33 persons in all were invited. Government have no definite information regarding the number which actually left for the U.S.S.R.

(d) and (e). Passport facilities were not provided to nine persons as Government did not think this would have been in the public interest.

COTTON FROM PAKISTAN

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

(a) the amount of raw cotton purchased in Pakistan by India under the Indo-Pakistan Trade Agreement;

(b) whether the import of cotton from Pakistan has stopped; and

(c) if so, what steps are being taken to meet the situation?

The Minister of Commerce and Industry (Shri Mahtab): (a) Import of cotton under the Agreement is being allowed through normal trade channels and Government have no information about the quantities purchased by importers in Pakistan.

(b) Actual imports have been very poor.

(c) In order to encourage imports of Pakistan cotton Government have agreed to permit exports of the cloth manufactured from such cotton in terms of a Public Notice issued on 16th June 1951 by the Deputy Chief Controller of Exports, Bombay, a copy of which is laid on the Table of the House.

Government of India.

Ministry of Commerce and Industry

Export Trade Control Policy.

PUBLIC NOTICE

Subject:—Licences for export of cotton cloth against import of cotton from Pakistan.

The Press Communique issued by the Ministry of Commerce and Industry on 28th February, 1951 announced Government's intention to allow exports freely of cloth manufactured out of cotton imported from Pakistan (1950-51 crop). In view of the desirability of restricting exports within the over-all ceiling already fixed for exports for the current year, it is hereby notified that export in terms of that communique will be allowed where the cotton is directly imported by the Mills themselves. Pakistan cotton purchased by Mills from importers will not automatically be eligible to this concession. Each case will be treated on merit.

2. The Deputy Chief Controller of Imports' trade notice No. 1314 of 14th April, 1951 clarifies that cloth manufactured out of Pakistan cotton will not be entitled to any increase in price. The price of Pakistan cotton will not be taken into account unless it is in line with comparable varieties of Indian cotton.

Sd/-B. K. KOCHAR,

Dy. Chief Controller of Exports.
16th June 1951.

Bombay, 16th June, 1951.

CLASH BETWEEN POLICE AND DISPLACED PERSONS

***33. Shri J. N. Hazarika:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that there was a clash on the 3rd July 1951 between the East Bengal displaced persons and the Police in Cooper's Camp, near Ranaghat, West Bengal;

(b) if so, what was the reason therefor; and

(c) what was the casualty as a result thereof?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) The reason was the arrest on the 3rd July of certain displaced persons who had organised the squatting on the railway lines between the 26th and 28th June and the subsequent detention of district officers by the displaced persons.

(c) Three or four persons were slightly injured as a result of the police lathi charge.

TREATY OF FRIENDSHIP WITH BURMA

***34. Shri S. N. Das:** Will the Prime Minister be pleased to state:

(a) whether a five-year treaty of friendship has been concluded with the Government of Burma; and

(b) if so, what are its important terms?

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

(b) A copy of the Treaty of Friendship between India and Burma is placed on the Table of the House. [See Appendix I, annexure No. 4.]

VIOLATION OF CEASE-FIRE AGREEMENT BY PAKISTAN

***35. Shri S. N. Das:** Will the Prime Minister be pleased to state:

(a) the number, nature and places of violations of the Cease-fire Agreement in Kashmir by the Pakistan Troops;

(b) the nature of complaint made by the Government of India to the Security Council;

(c) whether there has been any correspondence with the Government of Pakistan in this respect; and

(d) the steps taken by the Security Council on the complaint made by the Government of India?

The Deputy Minister of External Affairs (Dr. Keskar): (a) The total number of violations, committed by Pakistan troops border police, for the period from 1st January 1949 to 15th July 1951 is 538. Violations were committed at various points along the Jammu Pakistan border and the specially demarcated cease-fire line which runs from Chhamb to the glaciers north of Kargil. They varied from mere physical crossing of the border or the line dividing the two forces to

deliberate raids and ambushes, some of which involved loss of life.

(b) The general practice is to report such incidents to Chief United Nations Observer. Recently, after raids from the Pakistan side had shown a marked increase in frequency as well as intensity of offensive action, the Government of India sent a communication to the President of the Security Council in which the Council's attention was drawn to a number of recent serious violations of the cease-fire and the Council was informed that unless these were checked we would have to take retaliatory defensive action.

(c) The Pakistan Government have been kept fully informed of these violations, mostly through their Army Headquarters or the United Nations Observers. The recent violations must also have been brought to their notice through our communications to the Security Council.

(d) We are not aware that the Security Council has taken any action. The United Nations Observers have made enquiries and submitted reports.

STRIKES AND LOCK-OUTS

***36. Shri Kishorimohan Tripathi:** Will the Minister of Labour be pleased to state the number of man days lost as a result of strikes or lock-outs in the Jute, Textiles and Coal Industries in each of the two years 1949 and 1950?

The Minister of Labour (Shri Jagjivan Ram): The number of man days lost is as follows:

Industry	Man-days lost during	
	1949	1950
Jute	563,341	434,050
Textiles (other than Jute)	2,655,845	10,661,233
Coal	261,993	567,779

LIFTING OF CLOTH FROM MILLS

***37. Shri Ghule:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that reports are coming to Government from the textile mills that cloth is not being lifted?

(b) If so, have Government ascertained the real position?

The Minister of Commerce and Industry (Shri Mahtab): (a) No.

(b) Does not arise.

NOMINEE SYSTEM IN SALT SUPPLY

*38. **Shri Ghule:** (a) Will the Minister of Works, Production and Supply be pleased to state whether Government have come to any decision regarding the nominee system in the supply of salt?

(b) If so, what is the decision?

The Minister of Works, Production and Supply (Shri Gadgil): (a) and (b). The matter is still under consideration.

CHIEF ENGINEER, C. P. W. D.

*40-A. **Prof. Ranga:** Will the Minister of Works, Production and Supply be pleased to state:

(a) how many extensions were given to the Chief Engineer, C.P.W.D., and when;

(b) whether it is a fact that the latest extension period is already past;

(c) whether proposals of the Ministry for giving a further extension were not sanctioned by the Cabinet;

(d) why the officer is still being kept on as Chief Engineer and on whose authority; and

(e) whether this discrepancy has been brought to the notice of the Cabinet?

The Deputy Minister of Works, Production and Supply (Shri Buragohain):

(a) Four extensions for periods of 3 months, 9 months, one year and 6 months respectively have been given as follows:

I. From 16-7-1949 to 15-10-1949;

II. From 16-10-1949 to 15-7-1950;

III. From 16-7-1950 to 15-7-1951;

IV. From 16-7-1951 to 15-1-1952.

(b) No.

(c) No.

(d) The offer is being continued, under due sanction, in public interest.

(e) I am unable to understand what the discrepancy is that in his view ought to have been brought to the notice of the Cabinet.

REGISTERED TRADE UNIONS

*40-B. **Shri V. K. Reddy:** (a) Will the Minister of Labour be pleased to state what is the number of registered Trade Unions in India?

(b) What is the membership of these Unions, union-wise?

The Minister of Labour (Shri Jagjivan Ram): (a) 3465 for the year 1949-50.

(b) The attention of the Hon'ble Member is invited to my reply to his question No. 428 given on 28th November 1950. There is nothing further to add.

YARN ALLOCATION TO MADHYA PRADESH

1. **Shri Kamath:** Will the Minister of Commerce and Industry be pleased to refer to his answer to my starred question No. 4607 asked on 28-5-51 and to state:

(a) whether any demand has recently been made by the Madhya Pradesh Government or the Weavers' Organisation for increased allocation of yarn to that State; and

(b) if so, whether the yarn quota has been increased, and what the new allocation figures are?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). No specific demand either from Madhya Pradesh Government or the Weavers' Organisation has been received. However, in connection with the revision of yarn quota of all States as decided at the last State Ministers' Conference, the Madhya Pradesh Government have put forward a demand of 12,337 bales per month. The quotas fixed in 1948 have not yet been revised as necessary data called for from the State Governments is still awaited from some of the States.

DISABILITIES OF INDIANS IN IRAN

2. **Shri Kamath:** Will the Prime Minister be pleased to refer to his answer to my starred question No. 4253 asked on 17-5-51 and to state what has been the result of the talks between the Governments of India and Iran with regard to the removal of disabilities of Indians in Iran?

The Prime Minister (Shri Jawaharlal Nehru): As stated in my answer to the question under reference on the 17th May, 1951, no formal negotiations in the matter with the Government of Iran have taken place. A Bill providing for the import and export trade of Iran has been put on the agenda of the Iranian Majlis. The Bill, when passed, will supersede the Foreigners Act which debar foreigners including Indians from doing import trade. The Bill it is hoped, will go through in the near future.

The draft of the proposed Treaty of Commerce and Navigation between India and Iran is now under the consideration of the Iranian Government. In the draft Treaty a clause regarding reasonable remittance facilities for Indians in Iran on a reciprocal basis has been included.

SAREES AND DHOTIES

3. Shri A. C. Guha: Will the Minister of Commerce and Industry be pleased to state:

(a) the controlled price of different varieties of *Sarees* and *Dhoties*; and

(b) the present supply position of these two categories of textile goods?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). A statement is laid on the Table of the House. [See Appendix I, annexure No. 5.]

WATCHES (IMPORT)

4. Shri Raj Kanwar: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of wrist and other watches imported into India from foreign countries showing the name of the country and the number of watches imported during the years 1948-49, 1949-50 and 1950-51;

(b) whether watches of any kind are manufactured in India, and if so, where and by whom;

(c) whether since the 15th August 1947, any persons have been sent abroad to receive training in watch-making and if so, how many and to which countries;

(d) what steps, if any, Government have taken or propose to take to encourage this industry as a cottage or small-scale industry?

The Minister of Commerce and Industry (Shri Mahtab): (a) A statement is attached. [See Appendix I, annexure No. 6.]

(b) No, Sir.

(c) None, so far as I am aware.

(d) Watch-making is a specialised industry which is left entirely to private enterprise. So far no concrete scheme in respect of this industry has been presented to Government for consideration. Any feasible scheme, if and when sponsored, will be given encouragement by Government.

G. L. S. LAMPS

5. Shri Jnani Ram: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of G.L.S. type of lamps manufactured in India;

(b) the number of lamps of other types manufactured;

(c) the number of lamps imported; and

(d) the factories manufacturing electric lamps?

The Minister of Commerce and Industry (Shri Mahtab): (a) 139.95 lakhs in 1950.

(b) 3.12 lakhs in 1950.

(c) 190.89 lakhs in 1950-51.

(d) A statement is laid on the Table of the House.

STATEMENT

- (1) M/s. Electric Lamp Manufacturers (India) Ltd., Calcutta.
- (2) " Bengal Electric Lamp Works Ltd., Calcutta.
- (3) " Bharat Electrical Industries Ltd., Calcutta.
- (4) " Bharat Electric Bulb Works Ltd., Calcutta.
- (5) " Calcutta Electric Lamp Works Ltd., Calcutta.
- (6) " Asia Electric Lamp Co. Ltd., Calcutta.
- (7) " Pradip Lamp Works, Patna City.
- (8) " Radio Lamp Works Ltd., Shikohabad, U.P.
- (9) " Bijlee Products (India) Ltd., Bombay.
- (10) " Mysore Lamp Works Ltd., Bangalore.
- * (11) " Osler Electric Lamp Mfg. Co. Ltd., Bombay.

* This firm will go into regular production before the end of the year.

CLOTH

6. Pandit Munishwar Datt Upadhyay: Will the Minister of Commerce and Industry be pleased to state:

(a) what is the estimated production of Fine, Superfine and Coarse Cloth in the year 1951;

(b) what has been the production of cloth of the above varieties in the months from January to July, 1951;

(c) how is the export of cloth to be regulated monthly during the remaining five months of the year;

(d) what quantity and what varieties of cloth have been exported up to July, 1951;

(e) what is the estimated quantity of demand of cloth for the remaining part of the year 1951, and how it is proposed to be met;

(f) what are the quotas allotted to the different States for the remaining five months of year 1951; and

(g) what is the demand and what is the quota allotted to Uttar Pradesh for the remaining months of year 1951?

The Minister of Commerce and Industry (Shri Mahtab): (a), (b) and (d). A statement is placed on the Table of the House. [See Appendix I, annexure No. 7.]

(c) It is estimated that a quantity of 341 million yards of cotton piecegoods would have to be exported during July to December 1951 to fulfil the export target fixed for 1951. The average monthly exports will be about 57 million yards if this total quantity is shipped before the end of the year. But the exact quantity which will be allowed to be exported is still under consideration.

(e) No estimate of the demand for cloth can be made. Quotas of cloth released for internal consumption depend upon the actual production of cloth, which is estimated to remain at the level reached during the months of May and June 1951.

(f) and (g). No quotas are allotted to the States in advance but if cloth production would remain at the current level, the total quantity released to the States for controlled distribution is likely to be about 2 lakh bales per month. U.P. would be getting its proportionate share.

TRAINING CENTRES

7. Shri Kishorimohan Tripathi: (a) Will the Minister of Labour be pleased to state the names and number of training centres run by the Government of India?

(b) What is the number of skilled and unskilled trainees who have completed training upto 1950-51 and what percentage of them have so far found employment?

The Minister of Labour (Shri Jagjivan Ram): (a) At the end of June, 1951 there were 63 training centres run by the Government of India, Ministry of Labour. A list showing their names is placed on the Table of the House. [See Appendix I, annexure No. 8.]

(b) 31,365 trainees have completed training up to the end of March, 1951. In addition, 4851 persons have been given training as apprentices on production work. Exact information as to the percentage of ex-trainees who have so far found employment is not available, but only 2,339 of the passed out

trainees were registered as unemployed at the Employment Exchanges on 30th June 1951.

TALKS WITH DR. GRAHAM

8. Shri Kamath: Will the Prime Minister be pleased to state whether Dr. Frank Graham, the U. N. mediator for Kashmir, has had talks with the Prime Minister and the Minister of States on the subject of Kashmir?

The Prime Minister (Shri Jawaharlal Nehru): Yes, I have met Dr. Graham and had some talks with him.

INDO-PAKISTAN TRADE

9. Shri Kamath: Will the Minister of Commerce and Industry be pleased to state:

(a) the volume of trade, giving the quantity and value of commodities, that has taken place between India and Pakistan since the conclusion of the Indo-Pakistan Trade Pact up to the end of July, 1951; and

(b) how much was contracted for under the aforesaid Trade Agreement?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). A statement giving the requisite details of the Indo-Pakistan trade under the trade Agreement of February, 1951, upto 15th July 1951 and also showing the quantities wherever fixed thereunder is laid on the Table of the House. [See Appendix I, annexure No. 9.] Statistics of trade upto the end of July, 1951, are not yet available.

HABRA URBAN COLONY

9-A. Shri A. C. Guha: Will the Minister of Rehabilitation be pleased to state:

(a) the number of houses built in the Habra urban colony for East Bengal displaced persons,

(b) the cost per house and per covered square foot;

(c) the number already allotted, the total price at which the houses were allotted and the payments made so far;

(d) whether any complaints about the houses have been received;

(e) if so, the nature of the complaints and the steps taken to redress them;

(f) what facilities have been provided for the colony;

(g) whether any industrial or technical training facilities have been provided; and

(h) whether there is any scheme for small scale or cottage industry?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) 1,100.

(b) Rs. 4,000 approximately, excluding the cost of land; Rs. 8 per covered square foot.

(c) (i) 932.

(ii) The total price has been estimated at Rs. 5,000 for each house, including the cost of land.

(iii) The total amount realised so far, as first instalment is Rs. 2,33,000.

(d) Yes.

(e) Warping of doors and windows, and leakages in the roof. Steps are being taken for repairs.

(f) The construction of markets and schools is being taken up. The ultimate plan includes the necessary facilities in respect of education, sanitation, medical, recreation, etc.

(g) Yes. A training-cum-work centre has been set up which provides training for 400 displaced trainees in the following trades:

- (i) Weaving;
- (ii) Carpentry;
- (iii) Blacksmithy;
- (iv) Tailoring;
- (v) Confectionery, etc. etc.

(h) Sites for setting up small scale cottage industry have been given to displaced persons. Government has no scheme for setting up any cottage industry itself.

EXPORT AND IMPORT LICENCES

9-B. Shri Jagannath Das: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of export and import licences issued for the period January-June 1951 till 31st July 1951, and the number pending in each case;

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(b) the total amount for which licences were issued for export and import separately during the above period;

(c) the maximum amounts for which export and import licences were issued to a single firm or individual during the period and the names of the commodities for which the licences were issued;

(d) whether any applications for licences in respect of the period June-December 1950 are still pending; and

(e) if so, the number of cases for export and import licences separately?

The Minister of Commerce and Industry (Shri Mahtab): (a) to (e). The total number of applications received for import licences during January-June 1951 was 1,17,440 against which 64,547 import licences have been issued. 2,505 applications were pending on the 28th July 1951. The total value of import licences amounted to Rs. 488,07,98,623—the maximum value of any single import licence being Rs. 9,52,25,550 for art silk yarn issued in favour of the Silk and Art Silk Mills' Association Ltd., Bombay. Out of 1,26,839 applications for import licences received during July-December 1950, 141 were pending on the 28th July 1951.

2. It is not possible to furnish exactly similar information in regard to export licences because these applications are not invited for the half years January-June and July-December but at different times depending on the nature of the commodity. Furthermore export licences indicate the quantity of goods to be exported and not their value. For the information of the Hon'ble Member I would add that during the six months January-June 1951, 53,930 applications for export licences were received against which 39,642 licences were issued and the number of applications pending on 1st July 1951 was 2469.

Tuesday, 7th August, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

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1951

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

29

PARLIAMENT OF INDIA

Tuesday, 7th August, 1951

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

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

MOTIONS FOR ADJOURNMENT

EXORBITANT RISE IN THE PRICE OF CLOTH

Mr. Deputy-Speaker: I have received notice of two adjournment motions. The first one is from Pandit Shiv Charan Lal which is to the effect:

"That this House do hereby adjourn to consider the great hardship caused to the public by the exorbitant rise of the price of cloth."

The price of cloth has been going up and down and it is a continuing and continuous affair. All efforts are being made by the Government to reduce the price of cloth. I do not consider that this is a matter which has suddenly arisen so that this House should adjourn its normal work and devote its whole attention to this matter. I therefore disallow the motion.

**CIVIL DEFENCE OF INDIA AGAINST
INVASION BY PAKISTAN**

Mr. Deputy-Speaker: The other adjournment motion has been tabled by Prof. Shibbanlal Saksena and it reads:

"The failure of the Government of India to take adequate step to prepare the civil population of India to meet the threatened invasion of our territory by Pakistan by taking Air Raid Precautions, and formation and training of homeguards and by a liberal

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distribution of arms to people in the border States, which failure may result in disaster in the event of a sudden invasion."

Even this motion I am not willing to allow for reasons which I shall presently place before the House. In the House of Commons there is a similar Standing Order with regard to adjournment motions that such a motion must be for the purpose of discussing a definite matter of urgent public importance. A similar matter arose sometime ago, on the 20th January, 1942, when Mr. Granville, M. P. gave notice of his intention to ask for leave to move the adjournment of the House of Commons on a matter of definite and urgent public importance, namely, "the sending of adequate air reinforcements for the defence of Singapore, and for the purpose of obtaining assurances from his Majesty's Government to the people of this country, Australia and the British Empire that this is being done."

I do not find that there is much difference between that adjournment motion and the one which has been tabled by Prof. Saksena.....

Dr. S. P. Mookerjee (West Bengal): Except that Singapore was lost!

Mr. Deputy-Speaker: I do not know if it was after or before the loss of Singapore. The Speaker of the House of Commons (Capt. Rt. hon. Edward A. Fitzroy) disallowing the motion observed as follows. I shall only read the relevant portion.

"It (the Standing Order) is meant to apply to cases which can only be discussed immediately or not at all. In this particular case we have already been told that the matter is to be debated fully in a short time".

Only yesterday the President delivered his address to the House and I believe two days have been allotted for the discussion of the address and if hon. Members would like to have another day for the discussion I hope

[Mr. Deputy-Speaker]

the Government will agree to it. The House has much time at its disposal and I feel that this is not a matter which should be raised in the House by way of an adjournment motion.

I do not propose to go into the details of this matter but I might refer to the general principles. On a previous occasion with regard to an adjournment motion on the escape of Mir Laik Ali the Speaker observed that adjournment motions are usually taken as censure motions but not absolutely. "Since the 15th August 1947 the entire constitutional and political setup has changed. The Ministry is fully responsible to this House and Members have now ample opportunities of discussing various matters". I therefore disallow the motion as there is ample opportunity for the hon. Member to raise this question on the discussion over the address of the President.

Shri Kamath (Madhya Pradesh): I might also mention that the hon. Prime Minister answered a supplementary question on this subject only a few minutes ago.

Prof. S. L. Saksena (Uttar Pradesh): In view of the importance of this matter, will the Government be pleased to give some day for the discussion of this question?

Mr. Deputy-Speaker: Two days, namely the 10th and 11th, have been allotted, when this matter can be referred to.

PAPERS LAID ON THE TABLE

PRESIDENT'S ASSENT TO BILLS

Secretary to Parliament: Sir, I beg to lay on the Table a statement showing the Bills which were passed by Parliament during the Third Session (Second Part), 1951, and assented to by the President. [See Appendix I, annexure No. 10].

REPORT OF THE INDIA DELEGATION TO THE TWELFTH SESSION OF THE UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I beg to lay on the Table a copy of the Report of the India Delegation to the Twelfth Session of the United Nations Economic and Social

Council held at Santiago (Chile) in February, 1951. [Placed in Library. See No. II.C. 1(d)(149)].

PRESIDENT'S PROCLAMATION ASSUMING TO HIMSELF ALL FUNCTIONS OF THE GOVT. OF PUNJAB

The Minister of Home Affairs (Shri Rajagopalachari): I beg to lay on the Table under clause (3) of Article 356 of the Constitution, a copy of the Proclamation issued by the President on the 20th June, 1951, under clause (1) of Article 356 of the Constitution assuming to himself all the functions of the Government of Punjab. [See Appendix I, annexure No. 31.]

EXPENDITURE INCURRED ON MEDICAL TREATMENT IN INDIA AND ABROAD OF MINISTERS

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table a statement showing the information promised by the hon. Minister of Home Affairs in reply to Shri H. V. Kamath's Starred Question No. 4317 asked on the 19th May, 1951, regarding the expenditure incurred on medical treatment in India and abroad of Cabinet Ministers, Ministers of State and Deputy Ministers. [See Appendix I, annexure No. 11.]

TOOFAN EXPRESS ACCIDENT

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table a statement showing the information promised by the hon. Minister of Railways in reply to Shri R. K. Sidva's Starred Question No. 4762 asked on the 1st June, 1951 regarding the Toofan Express accident on the 13th August, 1950. [See Appendix I, annexure No. 12.]

ORDINANCES PROMULGATED AFTER THE TERMINATION OF THE THIRD SESSION OF PARLIAMENT, 1950-51

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table a statement showing the Ordinances promulgated after the termination of the Third Session of Parliament, and before the commencement of the Fourth Session of Parliament. [See Appendix I, annexure No. 13.]

ESSENTIAL SERVICES (PREVENTION OF STRIKES) BILL

The Minister of States, Transport and Railways (Shri Gopalaswami): I beg to move for leave to introduce a Bill to provide for the prevention of strikes in certain essential services.

Mr. Deputy-Speaker: The question is.

"That leave be granted to introduce a Bill to provide for the prevention of strikes in certain essential services."

The motion was adopted.

Shri Gopalaswami: I introduce the Bill.

INDIAN RAILWAYS (AMENDMENT) BILL

The Minister of State for Transport and Railways (Shri Santhanam): I beg to move for leave to introduce a Bill further to amend the Indian Railways Act, 1890.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Railways Act, 1890".

The motion was adopted.

Shri Santhanam: I introduce the Bill.

PARLIAMENT PREVENTION OF DISQUALIFICATION BILL

The Minister of Law (Dr. Ambedkar): I beg to move:

"That the Bill to declare certain offices of profit not to disqualify their holders for being members of Parliament, be taken into consideration."

Sir, this Bill is really an Act of indemnity for certain persons who, if the Bill was not brought into operation, would become disqualified for being Members of Parliament under the provisions of Article 102 of the Constitution, which says that if any person were to hold an office of profit, he would be disqualified for being a Member of Parliament. Unfortunately it so happened that there are Members of Parliament, who for reasons which I will very briefly refer to did come under the provisions of Article 102. For the reasons which I am going to submit to the House, Government feels that it is only right that the disqualification should be removed by a law made by Parliament.

With regard to the question of the office of profit it is necessary for the House to remember that this provision is a very ancient one and has been incorporated in the various Acts of the Government of India that have laid down the constitution of this country. To begin only with the Act of 1935, there existed section 26 which related to matters regarding holders of office of profit under the Government. Since the federal part of the Act of 1935 did not come into operation that section did not apply to the Central Legislature as was then existing, but section 69 which was the corresponding provision in the Provincial part did apply to the Provincial Legislatures.

As the House knows, in 1946 a Constituent Assembly was convened for the purpose of drafting the Constitution. In that Constituent Assembly it was necessary to bring together, for the purpose of seeking the best advice possible on the matter of making the Constitution, persons who were qualified to give their advice on such an important matter, and it was felt not desirable to have this limitation being imposed on the membership of the Constituent Assembly. And what happened was that consequently the Government of India Act had to be adapted to make it suitable to the new circumstances, and this provision was dropped from the adapted Government of India Act, 1935. Consequently it was open for any Member to become a member of the Constituent Assembly and, as the House also knows, as the Constituent Assembly also operated and functioned as the Dominion Legislature it became open for persons, even though they were holding an office of profit, to continue as Members of Parliament.

That being the position what happened was this, that certain Members who were Members of the Constituent Assembly and who on account of the fact that they were Members of the Constituent Assembly were also Members of the Dominion Legislature continued to hold offices of profit without any kind of constitutional ban being imposed upon them, and once they were holders of offices of profit under the adapted Government of India Act, 1935, they continued to hold those offices even after the Constitution had come into operation on the 26th January, 1950. Of course it was possible for Government to inform those Members that now that the law is changed and an office of profit has become a disqualification, it was in their interest to relinquish those offices which

[Dr. Ambedkar]

put them under this ban. But, obviously, Members of Parliament would realise that that would have created a great deal of administrative difficulty. Members had already taken upon themselves certain responsibilities as members of commissions and members of committees, and to be told in the midst of their work that they must now quit and the committee or commissions must be so reconstituted that every member of those bodies was free from this ban, would have created a great deal of difficulty from the point of view of administration. Consequently they were permitted to continue to function in their offices notwithstanding the fact that the ban contained in Article 102 had come into operation. That is one justification why this Bill has been brought in; that if many of those members of committees and commissions had been asked to quit it would have created great administrative difficulty. In view of the fact, therefore, that it was in the interest of the Government to permit these Members to continue in their offices and discharge their functions, it is undoubtedly the obligation of the Government to remove the disqualification which they were in effect induced to incur. That is one reason why this Bill has been brought in.

12 Noon.

A second reason why this Bill has been brought in is because many Members who took offices after the 26th January, 1950, (when the Constitution came into operation), according to the submissions that they have made were unaware, or rather unconscious that the Constitution did contain such a provision. According to the submissions that they have made it was a case of misunderstanding; they did not realise what exactly was happening. And it seems to me that although there is a general rule of law that ignorance of law is no excuse, in a matter of this kind we must accept the *bona fides* of Members who have submitted that they did not, in fact, know that they were incurring a disability of this sort. If hon. Members were to analyse the categories of persons and offices which have been mentioned in the Bill, they will realise that the Members who are given this indemnity fall in either of the two categories: one category is of those who were holding the offices long before the Constitution came into existence; the second category is of those people who believed in a *bona fide* manner that they were not incurring

any disqualification under Article 102. That is the basis on which the Bill has been constructed.

I might also inform the House as to the principles on which the Government is acting so far as this Bill is concerned and so far as the general principle of disqualification arising out of an office of profit is concerned. The Government takes the view that it is not desirable to apply the technical rule of English law, namely that if the law has declared that the office is an office of profit, then, irrespective of the question whether the Member draws the salary attached to that office, he should be disqualified. That is the rule under the English Constitution; certain offices have been declared by law to be offices of profit. There may be a certain Member of Parliament who may accept that particular office and at the same time refuse the profits of that office, but the fact that he has refused the profits of the office does not save him from the rule of office of profit. Government thinks that that is quite an undesirable thing; being purely technical we need not adopt it. What the Government has done with regard to defining what is an office of profit is a very simple thing; they have decided the basis for determining whether any particular office is an office of profit or not. Recently the Finance Department has made rules for the payment to non-Members (that is, persons who are not Members of Parliament) for work done on various committees. I do not know whether the hon. Members are aware of, or have seen the notification issued by the Finance Department.

Shri Sidhya (Madhya Pradesh). We are not aware.

Shri Sondhi (Punjab): It has not been circulated.

Dr. Ambedkar: Well, I think they could get that. Anyhow it is a very simple thing. The allowances which are payable, under the Notification (or Office Memorandum as they call it) of the Finance Department, for members who are working on committees and in other offices and are not Members of Parliament, are these:

Travelling allowance is paid at the rate of 1½ rail fare if he is travelling by rail and 1¼ fare if he is travelling by air.

Then a daily allowance which is paid at the rate of Rs. 12-8-0 per day in Delhi, Rs. 15, in Calcutta and Bombay, the maximum rate being Rs. 20.

Now if there is any Member of Parliament who is appointed to a committee, and if he is not paid more than what is prescribed in the Office Memorandum a summary of which I have just now given to the House, then he will not be regarded as a Member holding an office of profit. There will be no disqualification because he is treated on the same footing as a person who is not a Member of Parliament. But if any person who is a Member of Parliament and who is appointed to any particular committee by the Government, receives something more than what is stated in the Finance Department Memorandum then the question will arise whether that person is holding an office of profit or not.

Shri Sondhi: Supposing he is entitled to more but he does not draw more?

Dr. Ambedkar: That is a case I am not able to imagine. As I said, the position is this. If a Member of Parliament who is appointed to any committee is paid nothing in excess of what the Finance Ministry has ruled as the rates of payment to non-Members, then there is no case at all for disqualification. Every Member is free to be appointed to any committee that the Government thinks fit. But if anything more is paid, then the question will arise as to whether such a Member is holding an office of profit or not. With regard to such exceptional cases the position which the Government has taken is this, that they will not lay down any general rule but they will consider each case separately as and when it arises. Government may, at the time of making the nomination, state then and there that notwithstanding the fact that the allowances payable are in excess of the rates settled by the Finance Ministry, the Member shall not incur any disability. Or, after several cases have occurred they may generally examine the cases and bring in a Bill of the kind that I have brought in, namely, to exempt certain offices which may under the rules lead to disability.

I think, Sir, that I have given the House all the information that is necessary in order to enable it to appreciate the reasons why Government have thought it fit to bring in this Bill. I think I have also given the basic principles which Government have had in mind in dealing with matters arising out of Article 102.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to declare certain offices of profit not to disqualify their holders for being members of Parliament, be taken into consideration."

Shri Sidhva: Sir, from the speech of the hon. Minister in moving this Bill the doubts in the minds of hon. Members have not been removed. Rather, they have increased after the latter portion of his speech. He said that if a Member has drawn more than what the Finance Ministry has settled, it is a case for disqualification. The question may not be serious for Dr. Ambedkar. He is a Minister and has not served on any committee. But nearly 50 per cent. of the Members of this House have been serving on several committees. They were not "induced" to serve on them as he stated. They were requested to serve on them. They were obliged to serve on them. They never knew that this would subject them to any disqualification. Therefore, this matter requires serious consideration and I would say more sympathetic consideration at the hands of Government. I have given notice of an amendment which leaves no doubt about this matter. I want that all the committees on which the Members were asked to serve should be incorporated in this Bill. Dr. Ambedkar has expounded his own viewpoint that those who drew fees as settled by the Finance Ministry will not be disqualified. But we do not know what will be the interpretation of the High Courts and the Supreme Court. No doubt, Dr. Ambedkar is one of the legal luminaries. He was the Chairman of the Drafting Committee of the Constitution and yet the Supreme Court and the High Courts have interpreted the various Articles of the Constitution differently from what he had told us in the Constituent Assembly. Therefore, I am not going to accept his interpretation. His interpretation is of no value to us. He must not give us his conjectures. If he wants the Members to remain in this House, if he wants them to contest the elections, let him be honest about it and say that serving on these committees will not disqualify them. According to his own statement, those who receive more than the prescribed rates of payment should make some statement in the nomination paper and then Government will consider his case. Was that the idea when these Members were requested—I repeat, they were requested not induced—to serve on these committees? Had they known that they would incur any disqualification by serving on these committees, they would not have served on them.

Mr. Deputy-Speaker: The courts do not seem to have any jurisdiction in this matter. Under the Constitution, the matter has to be referred to the President, who will decide it in consultation with the Election Commissioner.

Dr. Ambedkar: May I enlighten my hon. friend and tell him how exactly the question arose? Some Members of Parliament reported certain cases to the Speaker. They said that in their opinion certain Members were holding offices of profit. It is the Speaker who referred the matter to the President and it is the President who asked us to regularise this matter. We have not taken the initiative ourselves.

Shri Sidhva: I know that. But my argument was different. I was referring to the fact that only four categories have been mentioned by the hon. Minister while there are a number of other Members who have been serving on various committees. According to the hon. Minister, these persons may not be disqualified but according to the Supreme Court they may be disqualified.

Mr. Deputy-Speaker: How does the Supreme Court come in here?

Shri Sidhva: Well, it is the President. Even if it is a matter to be decided by the President, I do not want any ambiguity to prevail. Supposing the President interprets the case differently and says, "Yes, you are disqualified"? What then? The hon. Minister was right enough when he said that it would have dislocated the administration if these Members had been asked to resign. He also stated that these Members never knew that they would be disqualified under the new Constitution. These were honest intentions, I believe. So, why not embody them in this legislation? I have mentioned nearly twenty-five committees and I hope all the other hon. Members would press for their inclusion.

Dr. Ambedkar: I am sure you have omitted to mention some.

Shri Sidhva: You add them. I will be only too glad. You should come to our rescue rather than do otherwise. Why should 50 per cent. of the Members of this House run the risk of disqualification? I want that Government should reconsider this matter. They should include a clause whereby all Members who have served on all or any of the committees appointed by the Ministries will not be considered disqualified. Or, they should include all the names of the committees. I have given two alternatives. I see no reason why the hon. Minister should not accept one of them. Why should he leave it to somebody else, even if it be the President? He considers the receipt of fees as equivalent to holding an office of

profit. I may tell him that in the Industrial Finance Corporation there are Members of Parliament who under the rules prescribed by the Finance Ministry draw Rs. 50. In some cases they drew Rs. 75. Subsequently, they agreed to Rs. 40. This is a glaring instance. They are and have been drawing Rs. 40. Will they be disqualified? Is it fair if they are disqualified? They were asked in writing, they were requested by the Ministry concerned to serve on this Corporation and they accepted.

Pandit Thakur Das Bhargava: (Punjab): They refunded some of the fees and those fees have been returned to them again.

Shri Sidhva: Therefore, this matter should not be treated lightly. I am very glad that Government have brought forward this Bill. It was before this House during the last Session. In fact, we wanted it to be considered along with the Bill dealing with Deputy Ministers and Ministers of State. When the new Constitution came into force we were given an assurance that the Ministers' question would be taken up first and that the Members' case would be considered sympathetically separately. Now this Bill should have been passed during the last Session—nearly five months back. I am very glad that it has found the first place at least now. It is not so simple a measure as Dr. Ambedkar has represented it to be. I would submit to him that the intention of Government is very clear. They do not desire that anybody should court displeasure or disqualification for no fault of theirs. If that is so, let it be made quite clear in the Bill itself. From Dr. Ambedkar's own statement it is quite clear that some of the Members will automatically be considered for disqualification if anybody were to take the matter to the President, who will, of course interpret the law at the instance of the Law Ministry. The President will naturally consult Dr. Ambedkar and I am sure he will not give a different interpretation to the one that he has given now.

In the course of his speech Dr. Ambedkar did not refer to my amendment—probably he has not seen it. You will see that I have given in my amendment the names of twenty-nine committees on which Members have served. I do not know whether some may have received fees higher than the ones announced by the Finance Ministry. At any rate, I am not prepared to accept Dr. Ambedkar's interpretation, when there are higher authorities to interpret the Constitution.

As I said, in my amendment I have given the names of 29 committees. He may accept them, or even add to them. I myself feel that I have omitted the name of one committee which I shall mention at a later stage. Or, in the alternative, I would request him to accept the addition of a new sub-clause to clause 2, namely, "(f) the office of member of all committees appointed by various Ministries of the Government of India on which members of Parliament served and who received travelling and daily allowances." I see no reasons why this should not be accepted.

Prof. S. L. Saksena (Uttar Pradesh): Even parliamentary committees?

Shri Sidhva: Parliamentary committees are exempted. Members of committees appointed by the House can draw any amount of fees, with the result that they do not come under disqualification. The ones referred to in my amendment are committees appointed by the different Ministries.

Shri Bhatt (Bombay): What about committees appointed by State Governments?

Shri Sidhva: We have nothing to do with them.

Clause 2 of the Bill in particular refers to four committees, namely, the Fiscal Commission, the Film Inquiry Committee, the Coal Industry Working Party and the Railway Local Advisory Committees and also to the office of the Assistant Government Pleader under the Government of Assam. In the case of the Fiscal Commission and the Film Enquiry Committee, I was told the members were drawing a salary. Probably that may be correct. But in the case of the Chairman of the Working Party and the members of the Railway Local Advisory Committees, when they were drawing fees, why have their cases been sought to be covered? In regard to the Assistant Government Pleader of the Government of Assam, nowhere is it mentioned who the member is.

When Dr. Ambedkar has gone to the length of indemnifying these persons, there is no reason why other Members of the House who have honestly served with the best of intentions to help the Government, should not be treated on the same footing. I would, therefore, humbly appeal to the hon. Minister to kindly consider this matter and accept my amendments. If he does not, I leave it to the Members of the House to safeguard their own interests and see that the amendments are carried.

Shri Hussain Imam (Bihar): I should like to draw the attention of the House to the fact that the wording of the Constitution is rather restrictive. The Article simply refers to an "office of profit". It does not mention whether the profit is of one rupee or of a thousand rupees. The differentiation made by the Finance Ministry of the Government of India does not take away the disqualification which exists under the Constitution Act. The Constitution Act is very specific. It refers to "any office of profit", whatever might be the quantum of profit. In view of this, I believe it would be safer, if not necessary, to provide that the membership enjoyed by the members of any kind of committee, before this Act came into operation is hereby indemnified. Any committee in which the members draw an allowance which is admissible to a non-official should not be deemed to be an office of profit.

I personally feel that the interpretation of the Finance Ministry is not enough, because it not only affects my membership today, but also my chances of standing for election at a future date. Suppose I happen to be a member of a committee in which I was drawing an allowance and I stand for election. I can very easily be disqualified when my nomination paper is being scrutinised by the Returning Officer. Article 102, which is very specific says: "(1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament." The disqualification extends not only to present Members, but also to future membership. Add to this, attention has not been paid to Article 104 according to which a disqualified Member "shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Union."

In view of all these there is no difference of opinion on this side of the House and the Treasury Benches on the subject of the necessity of the Bill. The only difference is whether the measure which we are now passing should be a specific, complete and comprehensive one, or whether it should be a sketchy sort of thing. It has of late been the usual practice with Government to bring in skeleton measures and fill in the gaps afterwards either by means of amendments, or by means of rule-making powers. Unfortunately there is no provision in this Act for making rules whereby disqualifications could be removed. I therefore request Government to postpone consideration of this measure to

[Shri Hussain Imam]

tomorrow or the day after so that full consideration may be given to the matter.

I would in this connection like to mention one of the committees on which I had the honour to serve,—I mean the Foodgrains Policy Committee. We were drawing an allowance of a larger amount than this. There are other committees in which we are having a smaller daily allowance than the one to which we are entitled as Members of this House. And I had to go and attend it. Although I would be losing in the shape of daily allowance, because it is only Rs. 15 in the place of Rs. 40 yet it will be regarded under this Bill as an office of profit.

All these anomalies have to be removed. It is better not to hustle the matter but to think over it carefully and, if possible, improve it, so that doubts may not remain. It is always better to have a clear-cut Act.

Shri R. K. Chaudhuri (Assam): Sir, the hon. Minister in charge of Law has given us today various startling items of information. For instance we had always thought that you as a Member of the Fiscal Commission held a certain position of profit and that you were getting something over and above what you are entitled to get as a Member of Parliament. Similarly we had always thought that our 'Father of the House', Shri B. Das, was holding a position of honour almost throughout the year. But now I find that you had run a very great risk, not only of not having profit and honour, but the risk of being expelled from the House on account of holding that position and serving the public for much longer hours and with much greater trouble. I really wonder who put it into the head of my hon. friend Dr. Ambedkar that when you become a Member of a committee and when you are sacrificing your business and profession and actually drawing less than what you are entitled to draw as a Member of Parliament, even then you should be regarded as holding an office of profit. How is it an office of profit? Is it that when you run a loss it becomes a case of profit? Is that the dictionary of my hon. friend Dr. Ambedkar?

Shri Hussain Imam: It is the legal dictionary!

Shri R. K. Chaudhuri: Is that the legal dictionary? I am not prepared to accept the position that a Member of Parliament who serves the public in his capacity as a Member of a Com-

mittee appointed by the Government and who draws a lesser daily allowance is making a profit. Is that an argument? Is that reason? Why is it called an 'office of profit'? There should be real profit in holding that position—that is to say, a man must consider that if he holds that position he will derive some profit. When you not only do not derive a profit but actually incur a loss, is it an 'office of profit'? I should like to know the authority under which my hon. friend contends that being a Member of a Committee and earning no remuneration but merely drawing halting allowance or a certain amount of money comes to holding an office of profit. In most cases it is found that the halting allowance does not cover the entire expenses of the Member. Even then should it be supposed that he is holding an office of profit? When the hon. Minister in charge of Law says that a Member of Parliament sitting in a Committee appointed by the Government holds an office of profit, I submit that he is begging the whole question. It is neither an office nor a matter of profit. He is there as a Member of Parliament and he is not holding any office. He is functioning there as a Member of Parliament. He has been selected on that particular Committee because he is a Member of Parliament. Whether he exercises that function as a Member in this House or whether he exercises it outside this House, he is selected because he is a Member of Parliament. Therefore the question of his holding an office of profit does not at all arise.

I would also submit that the distinction—and here I agree with my hon. friend Mr. Hussain Imam—which is made because of a certain circular issued by the hon. the Finance Minister, is not quite reasonable. Take for instance the case of a Member of the Preventive Detention Committee. That is a Committee which the Governments in the States appoint under the provisions of the Preventive Detention Act. If Members of Parliament are taken on such a Committee they are paid at the rate at which Members of Parliament are paid while attending Parliament. And if a Member of the Assembly is selected as a Member of the Preventive Detention Committee he is paid at the rate at which he is paid when he attends the Assembly. I should like to know whether a Member of Parliament or a Member of the Assembly who draws halting allowance according to the scale to which he is entitled when he attends Parliament or the Assembly will be disqualified and be deemed to be holding an office of profit.

Again, with regard to the Members of the Railway Local Advisory Committees, there are certain Members of the Central Advisory Council who are also elected as Members of the Local Advisory Committee. And while attending the Local Advisory Committee they are generally paid at a much lower rate than that of a Member of Parliament. I do not know how any disqualification arises in that case and why there should be any question of removing that disqualification. There are various Members of the Legislature—either of the Parliament or of the Assembly—who hold their office as Members of the respective Local Advisory Committees. They are either selected by Government or elected. I would like to draw the attention of the House to this clause 2 of the Bill: "the offices of members of the Railway Local Advisory Committees appointed by the Government of India for the year ending on the 31st day of March, 1950 or for the year ending on the 31st day of March, 1951". So far so good. So far as Members of Parliament appointed by the Government of India are concerned, it is all right. But there are certain Members who are appointed by the Governments of the Provinces to act as Members of the Local Advisory Committees. I should like to know whether in those cases the disqualification will be there, because it is not being removed by this Bill. There are certain Members who are elected by the Legislature of a Province and are nominated by the Government of that Province to serve as a Member of the Railway Local Advisory Committee. I would ask whether the disqualification in the case of those Members, who are not appointed by the Government of India, will be there. Although Railways is a Central subject, they are, so to speak, nominated by the Government of the Province. I would like to know whether the disqualification in their case will still continue even after this Bill is passed.

It is a very important matter because the nominations to the next general elections will take place some time in December and their membership will continue after the end of March. That point may be made clear.

Then, as regards the Assistant Government Pleader, I should like, as I have already once or twice done before, to draw the attention of the hon. Minister to the fact that immediately after the Constitution came into force there was a Disqualification Removal Act passed by the Assam Legislative Assembly by

which they have removed the disqualification of all government pleaders. Whether he is an Assistant Government Pleader or any other Government Pleader they have removed that disqualification by an Act. What does this actually mean? Does this only relate to the Members of Parliament or does it also relate to the Members of the Legislature. In some of these cases the disqualification has already been removed. Well the provision of this clause meant that the disqualification of a particular Government pleader has been removed but the disqualification as regards the other Government pleaders still continues in the face of the law which is enacted by the Province of Assam, so far as Government pleaders and part-time Government officers are concerned, there is no disqualification, to the standing member of the local Assembly. I want to make clear on that point. I want to be clear on the point of this membership of the Railway Local Advisory Committee. I thoroughly agree with my hon. friend, Mr. Sidhva that we must have a general sort of provision whereby it will be laid down that there is no disqualification attached to a Member of Parliament or an Assembly when they act in the public interest or in a committee appointed by the Government and where no particular remuneration is paid for their attendance or where only a halting allowance is paid according to the rules when they attend Parliament or attend the Legislature.

Shri Naziruddin Ahmad (West Bengal): Sir, it is somewhat surprising that after a profound slumber for several months the Law Ministry suddenly woke up. It is a wonder that the idea never generated there. Some Members saw a loop-hole and they approached the hon. the Speaker and the Speaker in his turn approached the President and the President has asked that the approval of Parliament should be taken. In these circumstances I submit that the drafting of the Bill should require very careful consideration. Instead of enumerating the various offices which would be exempted, it is far better that a general exemption should be given describing particular classes. It has been pointed out that certain Members of Parliament have become Members of certain committees at the request of the various Ministries. This would entail upon them disqualification and as Mr. Hussain Imam has pointed out the offending Member will have to pay a fine of Rs. 500 per day. In these circumstances the question

[Shri Naziruddin Ahmad]

of disqualification and the removal of disqualification should be very carefully considered. Mr. Sidhva dealt with this matter very exhaustively and I submit that this exhaustive list should be accepted but at the same time I submit that this list may not be complete. Mr. Sidhva with his usual thoroughness has done his best but later on said that there will be trouble. I therefore submit that the removal of disqualification should be described on general terms and if a Member of Parliament is put into any committee by the Government there should be no disqualification, whatever may be the allowances paid and whatever may be the other considerations attached to them. I therefore submit that the Bill should not be accepted all at once. It has wide ramifications and hence this Bill should be carefully examined and the Members should be given some time to consider the matter or the Bill should be sent to a select Committee for considering the various possibilities and the various loopholes that may yet remain in the Bill. The Bill is rather sketchy and it is not comprehensive. On the other hand the removal of disqualification should be based upon a general description and I therefore oppose the motion at the present stage.

Shri Kamath (Madhya Pradesh): The bill before the House is a piece of retroactive legislation necessitated, I believe, by the difficulties arising out of the provisions contained in Article 102 of the Constitution. My friend Mr. Naziruddin Ahmad remarked that the Bill had come rather at a late stage and that the matter was brought to the notice of Government by the Speaker through the President. The Minister, however, has taken some pains to define certain offices of profit which might disqualify a Member under Article 102. My friend, Mr. Sidhva has taken infinite pains over preparing a very comprehensive list of committees which might possibly disqualify a Member. I do not know why he did not include in this list committees appointed by State Governments as well as the Centre. In answer to an interruption, he said that it is not our business, but if he had taken the trouble to refer to the Constitution, he would have found that Article 102 refers to offices of profit not merely under the Central Government but also the State Governments. Anyhow that is a matter to be considered by the House as to whether other offices of profit besides those mentioned in the Bill should also be brought within the purview of this

measure so as to remove all possibilities of doubt. The Statement of Objects and Reasons specifically states that because there is doubt this Bill has been brought before the House.

Our scriptures also say that “संश्यात्मा विनश्यति” (Sanshyaatma Vinashyati)

It is well that there should be no Ambedkar should not be a “संश्यात्मा”

“संश्यात्मा” (Sanshyaatma). Even Dr.

(Sanshyaatma) and even he should not have any doubts in him otherwise sometimes very dogmatic mind about the possibilities or difficulties of this Article. I would, however, invite his attention and the attention of the House to certain matters which in my humble judgment are germane to this measure. The point has been raised already about disqualification that might be engendered by the drawing of allowances or fees. The moot point in this connection appears to me to be the cases of those Members, if at all there have been any, who, as members of one committee or the other, have drawn the allowances to which they are eligible as members of that Committee simultaneously with the D. A. for membership of Parliament when Parliament was in session.

Some Hon. Members: That is never done.

Shri Himatsingka (West Bengal): That is not possible.

Shri Syammandan Sahaya (Bihar): It was done in one case.

Shri Kamath: If my memory does not betray me, I recollect that the hon. Finance Minister told the House that there were one or two cases of Members who drew allowances for membership of the Rehabilitation Finance Administration or the Industrial Finance Corporation—I am not quite sure which it was.

Some Hon. Members: Rehabilitation Finance Administration.

An Hon. Member: That was paid as fees, not as allowance.

Shri Kamath: They were paid as high a figure as Rs. 75 a day. But, the figure is not material. They drew that simultaneously with their daily allowance for membership of Parliament. We have had the unfortunate case of a Member of this Parliament who was at one time prosecuted for having drawn double allowance. Later on, the case was withdrawn, perhaps all to the good. But, in the other cases,.....

Pandit Thakur Das Bhargava: The Rehabilitation Finance members drew the allowance with the full consent and knowledge of the Government. They were ordered to refund. After the refund was made, the money has again been returned to them by the Government. It was no fault of theirs.

Shri Syammandan Sahaya: He is only saying that there are such cases. He is fighting that the disqualification should not apply to those people.

Shri Kamath: My hon. friend Pandit Thakur Das Bhargava was in great haste to point out to me that none of these members was at fault. As a matter of fact, I was driving at the same conclusion that they were not at fault. We want to see that there is no trouble for them on any future date on this account. My impression is confirmed by Pandit Thakur Das Bhargava's statement that though they drew double allowance, as soon as it was brought to their notice that it was irregular, they returned the money to the Treasury and in spite of that, it was paid back to them. This is a point worth consideration of the House. Though membership of a committee may not amount to an office of profit because allowances pertain to the work of the committee, it may be argued that when a Member draws that allowance besides another allowance, it certainly amounts to profit. Strictly speaking, it may not be an office of profit. As my hon. friend Mr. Rohini Kumar Chaudhuri or Mr. Hussain Imam pointed out, it may happen when the nomination stage comes for the general elections, that Members who have drawn two allowances simultaneously have been making a profit out of the membership of these committees. Therefore, as regards these cases of committees where Members have drawn double allowance, it must be made clear in this Bill itself that membership of these committees does not and will not disqualify a person for being chosen or for continuing as a Member of Parliament in order to remove all possible doubt with regard to this particular matter.

Then, Sir, Dr. Ambedkar told the House that it was the Speaker who reported the cases of Members to the president. I believe the President took action under Article 103 of the Constitution. I do not know under which other Article or provision of the Constitution he could have taken

action. That is the only Article relevant to the matter in hand. That Article provides:

“(1) If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, the question shall be referred for the decision of the President and his decision shall be final”.

The President may have come to one of two decisions: either that the Member concerned was subject to a disqualification or that he was not subject to a disqualification. If the President decided that that Member in question was not subject to a disqualification, the matter would end there and would not be brought before us. If the President held that the member became subject to a disqualification under this particular Article, then, what would be the procedure? The Constitution does not lay down any specific procedure. We must therefore prescribe a definite procedure. The point here is what particular committees or what particular matters, which particular members of which committees were referred to the Speaker. Was it only with regard to these five parts, (a), (b), (c), (d) and (e) mentioned in the Bill that a reference to the Speaker was made and he referred to the President, or was there a larger or a smaller number, in which case, why was it enlarged by the Minister or why was it contracted by the Minister or the Government before the Bill was drafted and brought before the House? Particularly, there is one committee here referred to in part (c) of clause 2 of the Bill: “the office of Chairman of the Working Party for the Coal Industry appointed by the Government of India in the month of March, 1950”. I can very well understand the committees referred to in the other four parts (a), (b), (d), and (e), which were appointed by the Government before the Constitution came into force. The first was in April 1949; the second was in August 1949; the fourth was on 31st March 1949; that in (e) was again some time in 1949. That is, before the Constitution was promulgated and brought into force. As regards this (c), it appears that the Law Ministry floundered or floundered—I think it is correct to say floundered—when this particular committee was appointed in March 1950, that is to say after January 26, 1950. Am I to understand that the Law Ministry gave no thought to this matter at all? Considering that it was two months after the Constitu-

[Shri Kamath]

tion was brought into force, am I to understand that even when committees were appointed after the promulgation of the Constitution, the Law Ministry never considered at any time, particularly at the time of the appointment of these committees, whether membership of that committee would amount to a disqualification under Article 102 of the Constitution? If that is so, if the Law Minister admits or regretfully says that it is so, then the regrettable inference is that there have been lapses on the part of the Law Ministry.

Shri B. Das (Orissa): Or of other Ministries of the Government.

Shri Kamath: Well, I may say, lapses on the part of Government,—if you have a soft corner for the Law Ministry,—though this might include Ministries which have nothing to do with this matter. Now, Sir, the House is entitled to know from the Law Minister why it is that this matter as regards disqualification created by an office of profit under Article 102 was not considered at all by Government, even after the Constitution was promulgated in January, 1950. Can it be, as my hon. friend Shri Naziruddin Ahmad said, that the Law Ministry was slumbering? I will not go so far as to say that they have been slumbering all the time. One does not mind, if one slumbers now and then, and I do not know what the hon. Member meant by "slumbering all the time". It may have been slumbering just a little more than usual, but that is pardonable in the case of a hard-worked Minister like Dr. Ambedkar. I have no doubt he will be aggressive when he gets up to reply and enlighten us on this point. The more aggressive he is, the more we will like him, and I hope he will be able to answer the various points raised and tell us why his Ministry did not give thought to this matter of these offices of profit which came into being after the Constitution came into force in January.

Then I come to my last point. Part (d) of clause 2 of the Bill declares:

"the offices of members of the Railway Local Advisory Committees appointed by the Government of India for the year ending on the 31st day of March, 1950 or for the year ending on the 31st day of March, 1951"

as not disqualifying the holder for being Member of Parliament. The first part i.e. "ending on the 31st day of March, 1950" refers probably to persons appointed in 1949. But the latter part refers to 31st day of March,

1951 which means that the members were appointed on the 1st April, 1950, that is to say, two or three months after the Constitution came into force. Why was not this particular matter considered before the members were appointed on the committee?

Then there is part (e) of clause 2 of the Bill which refers to—

"the office of the Assistant Government Pleader held under the Government of Assam for any period not extending beyond the 8th day of November, 1950."

And the statement of Objects and Reasons states that the Member elected to the Provisional Parliament, on the 5th of January, did not know of this disqualification at the time of the election and resigned the office only when he came to know of the constitutional position. And that is as late as November 1950. There was a delay of about ten months in the interval, before he came to know whether his office was an office of profit or not. In the first two there was a delay of 2 or 3 months and here there was a delay of ten months, before he became apprised of the position. He was in this House. He must have met the hon. Dr. Ambedkar, but this point was apparently not considered at all whether the office of the Assistant Government Pleader in a State constitutes an office of profit or not. That, Sir, to me at any rate, is as plain as a pikestaff. It does not need Dr. Ambedkar to tell me that the office of a Government pleader is an office of profit under the Government. I do not know why this matter was delayed at all. Even a knowledge of this was not available to the Member till November, 1950. It is highly necessary that this House must be told definitely—and the matter should not be evaded by the Law Minister in his reply—why this office of profit was allowed to continue and why it was continued in spite of the fact that Article 102 is quite clear; and why the Minister or the Government did not give a thought to decide whether this office or membership of the committees would amount to an office of profit or not.

One more point and I have done. And that is with reference to the title of the Bill itself. I have, however, an amendment about that which I shall move and speak on at the proper time.

I support the motion for consideration of the Bill.

Mr. Deputy-Speaker: Pandit Thakur Das Bhargava.

Several Hon. Members: Sir, it is already one o'clock.

Mr. Deputy-Speaker: The House stands adjourned to 2-30 P.M.

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

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

[MR. DEPUTY-SPEAKER in the Chair]

Shri Sondhi: Sir, the Treasury Benches are empty.

Mr. Deputy-Speaker: The Deputy Ministers are there to take notes.

An Hon. Member: None of them are in charge of the Bill.

Mr. Deputy-Speaker: The Minister must be on his way.

Shri B. K. P. Sinha (Bihar): Sir, I would like to draw your attention to the fact that there is a general desire in the House that we should revert to the practice of the last session of having only one sitting and not two every day.

Mr. Deputy-Speaker: I shall find out the general wish of the House later on, when the House is full.

पंडित ठाकुर दास भार्गव: जनाब डिप्टी स्पीकर साहब यह बिल जो हाउस के सामने है यह एक तरह से अपनी तर्ज का पहला बिल है हमने जब कान्स्टिटुशन पास किया।

[**Pandit Thakur Das Bhargava:** Mr. Deputy-Speaker, Sir, the Bill that has been introduced in the House is of a unique type. At the time we passed our Constitution.....]

Shri Sondhi: Better talk in English so that others also may be able to follow the speech.

Pandit Thakur Das Bhargava: This Bill is first one of its own kind. When we passed Article 102 of the Constitution at that time we did so with a full sense of responsibility. I remember that a great deal of discussion took place in regard to this Article 102. All the same, in spite of Article 102, the Government went on appointing Members of the House to committees. It never entered the imagination of the Members or the Government that the appointment of these Members to committees was objectionable. Now Dr. Ambedkar says that it is a Bill of indemnity. I do not agree

with him. Before a Bill can be called a Bill of indemnity it must be proved that something wrong has been done and it has been brought forward to legalise illegalities. My submission is that it has not yet been proved that Members who accepted membership of committees had done something wrong or the Government had done wrong in appointing them to committees. To my mind it is a misnomer to call membership of a committee as an office of profit. There is an underlying idea in the word "office", which is quite different from membership of committee. When a person accepts membership of a committee he does not make himself amenable to the orders of any superior who can supersede him or do any harm to him. He is there in an advisory capacity and he has to perform his duty as a member and it is wrong to say that he holds any office.

Then again we have to consider another word also, namely profit, that is whether it is an office of profit. The expression office of profit may have acquired some technical meaning in England and other places but the ordinary meaning is quite clear. It must bring profit to the member. Supposing a member is given travelling or subsistence allowance. Such an office ordinarily is not an office of profit. I can understand that an office which carries any emolument, however insignificant, is an office of profit but when only travelling or subsistence allowance is given it cannot necessarily be an office of profit.

I understand that in regard to some of the committees appointed by the Ministries of the Government there have been memberships, in which the emoluments have been a bit more than what is given ordinarily to Members of Parliament when attending a Session. To my mind even those memberships are not offices of profit, unless by becoming a member we take it for granted that the member accepts an office of profit.

When we enacted Article 102 what we had in mind was that the Government should not have the power of corrupting the members by extending its patronage by asking some of them to accept offices of profit. To that extent I can understand that this is a very salutary provision. I do not think that for many years to come there is any chance of any Government of India stooping to such practices or the members being tempted by the Government of India to accept such inducements. Be that as it may, I find one thing very prominently

[Pandit Thakur Das Bhargava]

brought out in this Article and I shall read the relevant clause:

"(1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—

(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder."

I should have expected that this Bill when brought before the House would have contained a provision that such and such offices are declared by Parliament to be offices of profit but the holder will not be disqualified thereby. I do not find any mention of such offices of profit. If membership of a committee is tantamount to an office this Bill should have contained either a general clause or a list of offices, which according to the Government of India were offices of profit, holders of which were not to be disqualified, for certain reasons, which can certainly be justified on grounds of public policy. Only five cases are mentioned in which the Government thinks the Article has been offended and they want to see that the disqualification is not incurred by the Members. We heard from Dr. Ambedkar that the Finance Ministry has now made it a rule that such offices of profit as do not bring more profit than would accrue to a Member who attends the Parliamentary Session will not be regarded as offices of profit.

Shri Himatsingka: If the members do not get more than what the non-official members get.

Pandit Thakur Das Bhargava: I think the rule is that the non-official members are given 1½ first class T.A. and Rs. 12/8 or in some cases Rs. 15 a day. Usually in committees which are appointed by the Ministries even now Members of this House get only this much. As a member of the Indian Central Cotton Committee I went to Bombay and stayed there for six or seven days and I was given Rs. 15 per day. I was Chairman of the Jails Enquiry Committee, Punjab and some very respectable members were given by the State Government Rs. 10 per day for stay in Simla whereas they even the riksha expenses were not paid by the Government, not to speak of hotel expenses.

An Hon. Member: That is corruption.

Pandit Thakur Das Bhargava: Thus if the Government brings an indem-

nity Bill I should think that they have done something wrong. Daily allowance and T.A. cannot be taken into account. If Members of this House accept membership of committees they do so to discharge their duties to the people. When you, Sir, were Chairman of the Fiscal Commission you were only getting Rs. 1200 as pay. Subsequently when you came back to the House you were getting Rs. 40 a day. The Fiscal Commission was a most important commission and if it was appointed at some other time the members would have got something like Rs. 4,000 a month. Formerly members of such commissions used to get Rs. 65 a day. I was a member of the Age of Consent Committee. I remember our hon. leader the late Pandit Motilal Nehru was a member of the Scen Committee; as member of that Committee he got Rs. 65 a day and when the Committee went to England he got much more. Nowadays I don't find Government paying more than Rs. 40 a day in any committee.

Now persons accepting membership of these committees do so because they think that it is their duty to serve their people. And they accept whatever allowance is paid in order to discharge their duties well. So that there is no question, so far as ordinary membership is concerned, that the person is standing to benefit by such committees. I would therefore have liked if there had been a clause in this Bill stating that all offices of profit which did not carry more emoluments than accrue to a Member of Parliament for attending the Session, should not be regarded as offices of profit for disqualification. If such a clause had been inserted then all the Members who had attended the various committees would have been immune from the effect of any disqualification that may have been incurred. Instead of doing so the hon. Dr. Ambedkar has included only five categories. I understand they were the only ones referred to his Ministry by the President or by the Speaker of this House. But Mr. Sidhva has taken the trouble of putting in an amendment seeking to include about twenty more committees. I don't know if Mr. Sidhva has exhausted all the committees.....

Shri Himatsingka: They are not exhausted, I know.

Pandit Thakur Das Bhargava: He has not exhausted them. I congratulate Mr. Sidhva for the efforts he has taken on behalf of Members, but at the same time I know there are so many other committees which have not been

included by him. For instance, I was appointed an honorary Rehabilitation Adviser. Not only I but Shrimati Sucheta Kripalani, Shrimati Renuka Ray, Shri Gokulbhai and Shri Shanker-rao Deo and some other gentlemen were appointed as Rehabilitation Advisers by the Rehabilitation Ministry. We were all honorary but subsequently I found that in the Government records we were drawing one rupee a year by way of salary. I never knew that before. We were given travelling allowances. It now appears that all these Members who were serving there on one rupee a year were holding offices of profit. It is not the amount which matters, it is the office which carries even one rupee as profit which is brought within the mischief of the rule.

Therefore, my submission that unless and until you make certain offices immune from this disqualification the mischief will not be prevented. If you want to proceed with this Bill the best course will be to accept one of the amendments notice of which has been given by Mr. Sidhva, namely that—

“(f) the office of member of all committees appointed by various Ministries of the Government of India on which members of Parliament served and who received travelling and daily allowances”.

This may meet the requirements of Article 102. Otherwise I don't think there is any provision in this Bill in which indemnity is offered. If disqualification is incurred the legal consequences will follow.

Shri Karunakara Menon (Madras): There are certain committees not formed by the Ministries as such but by the Government; for instance, the Central Arcanut Committee which is a committee constituted by the Government. The members of that Committee, among whom are Members of Parliament also, are nominated. What is to be done with respect to that Committee?

Pandit Thakur Das Bhargava: I was myself on a similar Committee: the Indian Central Cotton Committee. But here the wording is “who holds any office of profit under the Government of India or in a State Government”. All these fall under the interpretation of Dr. Ambedkar of what an office of profit is. Even if you don't agree, then as stated in the statement of objects and reasons it is a doubtful point. I cannot say definitely that such a membership is not an office of

profit, and therefore it is certainly doubtful. Now what would happen to our new Parliamentary Secretaries?

Dr. Ambedkar: Why do you want to raise problems which are not there?

Pandit Thakur Das Bhargava: In clause 2 I find only Ministers can hold offices of profit. What about the Deputy Ministers?

Dr. Ambedkar: They are included.

Pandit Thakur Das Bhargava: By a stretch of the language you may include Deputy Ministers but what will happen to Parliamentary Secretaries?

An Hon. Member: They are honorary.

Pandit Thakur Das Bhargava: I was an honorary Adviser; just as in my case one rupee a year appeared, in their case also it will happen. What I say is that if you want to take full advantage of knowledge or experience you should include a list of those offices holding of which does not disqualify a Member of Parliament. Supposing a Member having a special knowledge of some subject is appointed on a committee but if that office is not declared under this Bill then he will not be justified in accepting it. As between him and his services on the one side and this disqualification on the other, the country will be deprived of his services. Therefore we will be well advised in holding up this Bill, or at least in accepting some amendments grounded on these reasons which I am submitting. Otherwise it will mean that these five categories are exempted and the rest of us will again have to go to Dr. Ambedkar.....

Dr. Ambedkar: I have no ill-will.

Shri Sidhva: He is generous.

Pandit Thakur Das Bhargava: I know it is not the Law Ministry which has initiated this measure, but I congratulate them for the manner in which they discharge their duties because they agree that so far as these persons are concerned they should be helped. But does Dr. Ambedkar mean to say that every time there is a case like this we should go to them and ask them for a favour? So, while congratulating him for his Bill I want him to include a further provision in the Bill that if such-and-such a principle is applied the disqualification will not apply. I would therefore respectfully request him, so far as Article 102 is concerned, to bring forward a good measure in which the various offices of profit are defined, at least to the extent that such-and-such offices will not disqualify the holder, and also saying that if the emoluments do

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not exceed those of a Member of Parliament for attending the session it will not be taken as an office of profit. If we specify the names of the various committees and commissions I know a very large number of them will be covered but all the same the kind of a committee referred to by Mr. Kamath will not come in. I am a very great criminal in this respect. I was also a member of the Rehabilitation Finance Corporation. First of all they gave us fees. We told them that in the matter of rehabilitation work we did not want any fees. They said, 'No, you are entitled'. They gave us Rs. 50 per meeting whereas Members of Parliament are entitled to only Rs. 40 per day. (Now the fee has been made into Rs. 40.) So, they asked us to refund the amount paid to us for meetings for which we had drawn from Parliament. We said, 'All right' After the refund was made, they came to the conclusion that we were entitled to the money which was refunded back to us. We never asked for it, but when it came we accepted it.

Dr. Ambedkar: That shows the generosity of Government.

مستتر آف ایجوکیشن (ولانا آزاد) :
میں نے کہا کہ انہوں نے پھر تو واپس
نہیں مانگا؟ -

[The Minister of Education (Maulana Azad): I suppose they did not ask again for the money to be refunded?]

Pandit Thakur Das Bhargava: The difficulty now is this. Even if we did not accept this money and gave it back, we would have come within the mischief of this rule if the office is regarded as an office of profit, because it is not the getting of the money that matters but it is the office carrying that emolument.

Mr. Deputy-Speaker: Is it not an autonomous body created by a statute? Therefore, is it an office of profit under the Government?

Pandit Thakur Das Bhargava: It is an autonomous body.

Mr. Deputy-Speaker: Therefore, the amount was refunded to you.

Dr. Ambedkar: If you will kindly allow me to explain, I think it will cut short the discussion.

Pandit Thakur Das Bhargava: But you must explain the following three points: (1) Rehabilitation Adviser; (2) Rehabilitation Finance Corporation;

(3) General Committees. Then there are other committees of which some members have told me just now. For instance, some Members have been serving as members of Committees appointed by the Manager of a railway system, or as Presidents of Chambers of Commerce. They are to that extent holding offices of profit under the Government. Will they all come in? I want that this question should be beyond any doubt. If only five categories are mentioned, we shall have only two courses open: either to see that these persons are not exempted and they remain like us; or that we are also exempted like them. I humbly submit that this House will not be justified in passing this Bill as it is. Either accept Mr. Sidhva's amendment that on a certain principle all those Members should be exempted and include the Rehabilitation Adviser also in this category. Or lay down a principle which may be of general application and the holders of those posts may be regarded as not coming within the mischief of this rule. What Dr. Ambedkar has done is according to the exigencies of the situation as he understood them then. But now, so many new things have been brought to his notice and he will not be justified in getting this measure passed without including the other committees.

So far as the question of disqualification is concerned, I submit that none of these persons has really incurred the disqualification, because none of these persons understood nor they had the full knowledge that as a matter of fact they were incurring a disqualification by accepting that post. When this is the position, they ought not to be taken as having incurred the disqualification. In regard to past things, it should be stated that those offices were offices in regard to which no disqualification was attached. Unless this is done, this indemnity Bill will not be an indemnity Bill, because you are not indemnifying persons; you are indemnifying offices. If you make the individuals also immune, then you would have done the right thing. That is my submission.

Dr. Ambedkar: From the point of view of Members of Parliament this Bill is certainly a very delicate Bill and I would begin by reminding hon. Members that they should be very careful about becoming over-enthusiastic in the matter of extending the provisions of this Bill. My hon. friend Pandit Thakur Das Bhargava was the only Member who touched upon this aspect of the matter, though very briefly. That was a point that ought

to have been greatly emphasized. The reason why the Constitution incorporated this provision in Article 102 was a very substantial one. It was intended to protect the independence of Parliament and consequently Members of Parliament should be very jealous in extending the provisions of Article 102, so that the public outside may not criticise them for engaging in a certain kind of—I hope Members will forgive me—jobbery. We have got to look at it from that point of view. It is quite true that whenever a Member is appointed to a committee he is doing a certain service to the country.

An Hon. Member: Is it jobbery?

Dr. Ambedkar: It has all aspects about it. From the point of view of the Member, it is no doubt a service that he renders. From the point of view of the opposition, if there is one, it might have another aspect. The opposition might very legitimately contend that the Government is extending the provisions of the office of profit rule in order to collect a lot of people to support it whenever support is wanted. Therefore, as I said, while there are difficulties in the provision contained in Article 102 and they should be solved in order that no serious handicap will be placed in the way of Government having the advice of members on committees whenever Members of Parliament are appointed to such committees and also in order that Members of Parliament may not be debarred from offering service to Government through committees,—while we have to do this, we have to be careful to see that the provisions are not made a temple, the doors of which are very wide and where anybody can enter. I must, I think, utter this caution in the interests of the House.

Subject to that, I think there is a certain amount of misunderstanding about what the Bill does and also the basis of the Bill. I am very sorry to say that I did not present my case clearly, because Members of Parliament have not followed me or understood me. It must have been my fault that I was not as clear as I should have been. I shall therefore explain the position succinctly once again. With regard to office of profit, we have to determine what is an office of profit and what is not an office of profit. As I told the House earlier, Government does not propose to take a purely technical view of office of profit as they do in England where the law says that such and such is an office of profit, and whether that is any office of profit or not or whether any particular individual who is holding that office of profit

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draws any money or not, it is for the purpose of the law an office of profit the holder of which is disqualified. It is the intention of the Government not to import that rule in our Constitution and unnecessarily disqualify Members of Parliament under a technical view of what is called an office of profit. I think the House will remember that. We are going, as I said, to take a realistic view of what is an office of profit. In coming to the conclusion as to whether any particular office is an office of profit or not, we have to divide the payment made to the Member into two separate categories. One is payment to a Member which includes nothing more than what may be called actual out of pocket expenses: travelling, living and so on.

Pandit Kunzru (Uttar Pradesh):
What else?

Dr. Ambedkar: I am coming to it. I am giving an illustration. I do not know whether you are familiar with it, but I think it is an illustration which is well known to many who attended the Round Table Conference. The second category would include what I would call actual expenses incurred by the Member in order to be present at the committee to discharge his functions and something in addition as a recompense for the loss that he incurs by giving up some other business in order to attend to this business. I do not know whether my hon. friend was a Member of the Round Table Conference, but it is a fact and I happen to know it because I was a Member: the 3 P.M. allowances paid to Members were divided into two categories. One category was called subsistence allowance which meant 22s. or 21 s. per day. The other category was called merely 'allowance' which was intended to cover the loss which professional or business men incurred by giving up their business in this country and going to London to attend the Conference.

Shri Sidhva: How much was that?

Dr. Ambedkar: I forget the amount now—I think it was £ 100 a month. It is a long story, but I remember the distinction very well. But this distinction to my mind, is a very clear distinction. It is a distinction which can be justified on facts and which has a lot of precedents behind it. Therefore, the conclusion that was reached by Government in assessing whether any particular office was an office of profit or not was this distinction—whether the allowance or payment made to the member was nothing more than the bare expense which

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he may be supposed in normal times to incur, or whether in addition to this he was paid something more. We have taken the basis for actual expenses what has been decided by the Finance Ministry—in fact. I should have said what has been accepted by Government—not merely decided by the Finance Ministry, but accepted by Government before this conclusion was reached.

As I said, the matter was brought before Government through the Speaker and through the President. There were only one or two cases that were referred to Government for consideration, but Government felt that it was desirable to find out whether there were any more cases of this sort to which the attention of the Speaker was not drawn and we, therefore, circularised the various Ministries. We circularised various offices to let us know whether there were any such cases which required to be considered, so that one comprehensive measure may be brought in to cover all such cases that had happened since the inauguration of the Constitution. After the cases were received we applied this test to which I have just now referred—what was the amount of compensation that was paid: was it only the bare expenses, or was it something more than that. If it was something more than that, then we decided that it should be deemed to be an office of profit. If it was just what was decided upon by the Finance Ministry, we treated that it was not an office of profit, irrespective of the question whether it was held by a Member of Parliament or not. We were very careful—I must again repeat—in finding a true basis for our decision, because if we treated each case *ad hoc*, on its own, it might have been argued that we applied one criterion to one particular case and another criterion for another case. We did not want that sort of accusation to be levelled against Government and therefore we were very keen in finding out a general fundamental principle which would be applied to all the cases. It was on that basis that we came to this conclusion that there were certain cases which exceeded the principle, namely, that the allowances were beyond what might be called merely compensation for actual expenses incurred.

Pandit Kumar: But there were other committees.

Dr. Ambedkar: I am just coming to them. Now, with regard to the ques-

tion that has been raised namely Rehabilitation Finance Corporation, it is obvious that the Article speaks of office "of profit under the Government of India or the Government of any State". An office of profit under a Corporation may be an office of profit. It is certainly not an office of profit under Government, and, therefore, the person is not disqualified.

Shri Sidhva: It is under the Government of India.

Dr. Ambedkar: What I give is the judicial interpretation and I am sure my hon. friend Mr. Sidhva, who I do not think would claim that he is a great constitutional lawyer, would not contest that position.

Shri Sidhva: What about the Supreme Court decision?

Dr. Ambedkar: The Supreme Court has nothing to do with it. I was going to say that many Members are under the impression that this a matter which can be taken to the Supreme Court. This matter cannot be taken to the Supreme Court. If the House will allow me to say so, it is out of deference to the House that we have brought this measure. The President has absolute power to say whether any particular office is an office of profit or not. But we thought that it was not right to let the President decide it. We thought it would be better if the matter was brought before Parliament and sanction of Parliament was obtained and that is the reason why the Bill has been brought forward.

Now, with regard to the Rehabilitation Finance Corporation there can be no manner of doubt that this thing applies only to office of profit under the Government, whether it is the Central Government or the State Government. It does not apply to office of profit under, say, for instance the Sindri Corporation, or the Damodar Valley Corporation, or various other corporations which have been created by Government.

Shri Sondhi: Sindri is not a Corporation.

Dr. Ambedkar: I was only quoting it by way of illustration. I am only making a general proposition that so far as office of profit under a corporation is concerned, a person is not affected by anything that is said or done under Article 102 of the Constitution. Consequently it was unnecessary to make any reference or provision in this Bill with regard to those Members of

Parliament who may be holding office of profit under Rehabilitation Finance or various other corporations to which reference has been made.

My hon. friend Pandit Thakur Das Bhargava said that the Government of India has been acting in a somewhat erratic, if not ridiculous, manner—asking members to return the money and then again requesting them to receive it back. Well, I suppose whoever the officer was who was responsible for this kind of thing was undoubtedly under the impression that the office of profit was an office of profit, whether it was under the Government of India or under a Corporation. That mistake was discovered and I think rectification was made and I am sure about it that such a mistake would not be repeated hereafter. That is the reason why no reference has been made in the Bill with regard to the Rehabilitation Finance or other Corporations.

With regard to the long list which my hon. friend Mr. Sidhva has given in his amendment, I should like to say that there again the same thing applies. The advice which the Law Ministry received was that the allowances paid to these members were not such as to include profit or something more than actual expenses. On the view that we have taken that they are not office of profit, we do not think it desirable to enlarge the list by including in that category persons or officers to whom Mr. Sidhva refers in the amendment that he has given.

Pandit Kunzru: May I point out one thing—that is that the allowances which these members received exceeded the limit which I understand has now been fixed by the Finance Ministry.

Dr. Ambedkar: It might be so. But when the Bill says that according to it members of certain committees have incurred a disability and that disability shall be removed, the proper construction to put upon that clause would be that no other member of the Committee was disqualified and therefore the Bill made no reference to it.

Then with regard to the general proposition which my friend Mr. Sidhva has enunciated in his second amendment.....

Pandit Kunzru: Will my hon. friend kindly explain what are the special reasons that made the members of the committees referred to in the Bill liable to disqualification?

Dr. Ambedkar: Because there is an element of profit in the payment that was made to them.

Pandit Kunzru: That is the allowance they received exceeded Rs. 20?

Dr. Ambedkar: We thought that there was a certain amount of doubt in their case and the Bill seeks to remove that doubt.

With regard to the general proposition which my friend Mr. Sidhva has enunciated, in amendment No. 2, that we should have a general rule and let the general rule apply so that there may be no more necessity for Bills of this kind, I think it is too tall an order for me to accept, for the simple reason that although for the moment and for the purposes of this Bill we have accepted a certain basis of remuneration—and it is on that basis of remuneration we have come to the conclusion as to which particular committee requires exemption, which does not require exemption—it is perfectly possible for Parliament or for Government to change the basis of that remuneration. And if they change the basis of the remuneration the general proposition would create so many difficulties for us, because the general proposition would be at variance with the actualities of the case. It is therefore proper, as I have always stated, for Parliament to retain this power in its hands. After all, the Government cannot declare that so and so is disqualified. Nobody has a right to go to the Supreme Court to say that a certain Member is disqualified. The whole matter, ultimately, is in the hands of Parliament, and we want to leave the matter in the hands of Parliament, so that whenever a case arises Parliament may decide whether this is a case which comes under disqualification or this is a case which, if it does come under disqualification, should be indemnified. I think it is much better that the matter should be left in the way in which I wish to leave it, rather than to tighten it up so that nobody at an opportune moment may loosen the knot.

Shri Kamath: Is it not ultimately a question of privilege of the House?

Dr. Ambedkar: I do not want to come to that, whether it is a privilege or not. But it is certainly a constitutional provision which Parliament is required to obey, and Parliament will be doing a great deal of wrong to the Constitution if it does not follow the provisions of Article 102 when ultimately, as I say, the Government, and the Bill, is prepared and wants as a matter of fact to leave the whole matter in the hands of Parliament to decide each particular case. Mr. Sidhva had some amendment, but can anybody in this House tell me right now what are the likely offices or committees which the Government might

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hereafter create? I cannot imagine such a thing right now if somebody were to ask me a question "Tell me what are the committees". If you want to enter all these in the Bill, you must know and define them. Nobody can anticipate what committees are likely to be appointed.

Therefore, when Parliament appoints a committee, or when Government proposes that a certain Member of Parliament be appointed to a certain committee, it is then that the Member concerned may rise and ask the Prime Minister or the Minister in charge of the Ministry who is appointing the Committee to let him know right then what is going to be his position, whether he will be disqualified or not, and he can demand from the Minister an assurance or a contemporary resolution to be accepted by Parliament that "in this particular case any Member appointed to the committee shall not be deemed to be disqualified".

Shri Sondhi: If it is a Government committee?

Dr. Ambedkar: Even then Members of Parliament must protect themselves, and a Member of Parliament can protect himself by asking for an assurance from the Government that whatever be the other matters he shall not be deemed to be disqualified. When such an assurance is given, obviously Government cannot go behind such an assurance.

Pandit Thakur Das Bhargava: Only under Article 102 a law must be passed by Parliament declaring that office to be not one of profit.

Dr. Ambedkar: We are dealing with specific cases. As regards Parliament passing a general law, I do not know what that general law can do. It can, so far as I can imagine, say that whenever a Member of Parliament is appointed to a committee the members whereof receive an allowance which may be described as profit—in that very case Parliament can state as they do in England—that the appointment of the Member shall not be deemed to be an office of profit.

Shri Kamath: Can we not lay down a uniform procedure?

Dr. Ambedkar: I cannot, for the simple reason that the basic allowance may change.

Shri Kamath: Still we can lay down a uniform procedure.

Dr. Ambedkar: It is possible for Parliament to do so. I do not know

what time we have. But the next Parliament can pass a small Act saying that whenever any Member of Parliament is appointed to any committee where the allowances may be more than mere remuneration and the appointment may be regarded as an office of profit, then in the case of each appointment the Act of Parliament shall say that "this shall not be regarded as an office of profit". That may be done in a general way.

Shri Sidhva: What about the committees in which Members are now drawing more than Rs. 20? There are certain committees.

Dr. Ambedkar: I have no idea.

Shri Sidhva: That is the point to be clarified.

Dr. Ambedkar: If you bring such cases to our notices we will examine them. So far as our Department is concerned we had collected all the information from all the Ministries. We examined them and found that these are the cases where the allowance exceeded the standard that we had fixed and therefore an indemnity was necessary. In other cases we found that the allowances did not offend against the basic rule and consequently no such indemnity was necessary.

Shri Sidhva: What is your information?

Dr. Ambedkar: You must accept our information. Let the Member who is affected make a representation that "I am drawing more but I am not exempted".

Shri Sidhva: Why not do it here?

Dr. Ambedkar: I cannot off-hand accept your suggestion. You may accept that your facts are not correct as mine may be. Yours are the labours of a single individual. Here hundreds have examined and surely their information may be taken to be more reliable.

My friend Mr. Kamath asked me something about the Assam Government Pleader. Well, I do not know, but I should like to say this. Whether a Government Pleader in a Province is the holder of an office of profit or not is a matter which has been decided long ago. So far as I remember, when the Government of India Act came into operation in the Provinces in 1937, a ruling was given, I believe, in some of the Provinces by their Advocates-General that this was an office of profit. In fact I have a case in mind where a certain Government Pleader had to resign on this account.

I do not know whether any such case had arisen in Assam. Maybe it had arisen; maybe it had not arisen. An uncharitable interpretation might suggest that a lawyer who is a Government Pleader ought to have been aware of the position.

Mr. Deputy-Speaker: I was informed that the hon. Mr. Wajed Ali himself was the Member and he wanted an opportunity to speak.

Dr. Ambedkar: If he speaks then I won't speak. But he one day came to me—I forget the day—and asked me whether he was disqualified. I think he will agree with me that I told him he was disqualified, that that was my view, and that any Member of Parliament who is a Government Advocate in a Province was disqualified. I told him that. He said that he was very sorry and that he did not know that. Thereupon I said that there may be provision for condonation and so on and so on and told him "You better make a representation to the proper quarters". I think he represented the matter to the Speaker, if I remember correctly, and the Speaker referred the matter to me that in view of the fact that the Member has stated definitely that he was not aware of this ruling and had continued to hold that office the Government might consider his case also for indemnity.

On that basis we did include his case. That is all I have to say.

Shri Kamath: The Coal Inquiry Committee was constituted after March, 1950, after the Constitution came into force. Why was this aspect of disqualification not considered at the time the Committee was constituted?

Dr. Ambedkar: Mr. Kamath, these are all very good and very nice points but as I feel Government was not very particular or very meticulous in applying Article 102 because we were working on an *ad hoc* basis. The whole trouble was created by the fact that so far as the Constituent Assembly was concerned, we had abrogated this rule and we had allowed the Constituent Assembly to function also as a Legislature. There was a certain amount of mix up and confusion and consequently the Government's attention was so to say not attracted towards this particular proposition but when the matter was brought to their notice they thought that this was the best thing that they could do in the circumstances and I hope the House will accord its support to this Bill.

Dr. Pattabhi (Madras): May I invite the attention of the House to a some-

what interesting view taken by the Madras Government in regard to the question as to whether a Public Prosecutor or Government Pleader is or is not a Government servant for purpose of legislative elections. Mr. Yahia Ali Public Prosecutor of Nellore was considered a public servant so far as election to the Legislature was concerned and the method adopted was this. He was to resign his office of Public Prosecutor so as to contest the legislative election, become a Member of the Assembly and then he was appointed by the Government to the public prosecutorship. He has done this three or four times and ultimately his troubles were put an end to by being transferred to the High Court Bench.

Shri Syamnandan Sahaya: Sir, may I have one information? In part (d) you have included the office of Members of the Railway Local Advisory Committees up to 1951. Perhaps you will propose an amendment to make it 1952. My difficulty is will you bring such motions year after year in order to include annually 1952, 1953 and 1954 or you will lay down that membership of Railway Local Advisory Committees will not act as a disqualification.

The other point is having now had all these different committees definitely laid down in this Bill does it not really place the President in an embarrassing position. He will now feel difficulty as the Parliament has only made mention of certain committees which will not be construed as offices of profit. If any matter is referred to him he may have a difficulty and he may have to call the Parliament even if the case is justifiable and within his competence to decide.

Dr. Ambedkar: I do not think my hon. friend need worry about the President. We make use of him for a variety of things and we have Article 392 whereby he can issue an order and we do not propose to take advantage of that in spite of the transitory situation.

Mr. Deputy-Speaker: We are starting another discussion after the discussion is over. I will put the motion to the House. There are other clauses and hon. Members have got ample opportunity.

The question is:

"That the Bill to declare certain offices of profit not to disqualify their holders for being members of Parliament, be taken into consideration."

The motion was adopted.

Clause 2.—(Prevention of disqualification etc.)**Amendment made:**

In page 1, (i) in line 23, omit "and"; and

(ii) after line 26, add:

"(f) the office of member of the Enquiry Commission appointed by the Government of Assam or by the Government of West Bengal in pursuance of the Agreement made between India and Pakistan on the 8th April, 1950, for any period not extending beyond the 31st day of December, 1950; and

(g) the office of member of the Bombay Revenue Tribunal for any period not extending beyond the 1st day of April, 1951."

—[Dr. Ambedkar]

Mr. Deputy-Speaker: We shall go to the other amendments.

Shri Kamath: As the Minister has explained the position, I am not moving 2 and 3, but No. 1 will come later on.

Pandit Thakur Das Bhargava: In view of the statement made by hon. Dr. Ambedkar, I do not think my amendment is necessary.

Shri Sidhva: I have got an amendment in which I have given the names of 29 committees and as an alternative I have also given another amendment to remove any doubt of disqualification being incurred by any member who had been a member of any committee in the past. I have heard patiently the explanation given by the hon. Minister of Law as to what actuated the Government to come to this decision and fix a particular amount of allowance, namely Rs. 20 maximum and that those who have drawn more than Rs. 20 will be considered disqualified. He is very clear on this point.

When I interrupted him and asked him what would be the position of those members who have in the past drawn more than Rs. 20 he said that they must make a representation to him. I am not going to make a representation to him if I am involved because I am discussing this Bill now and as a Member of Parliament I have a right to appeal to the House and show the reasonableness of my case and ask for its acceptance. I quite appreciate what Dr. Ambedkar stated for 'future purposes'. When this Article 102 was considered in the Constituent Assembly, we did feel that Parliament should have the power to consider as to what should be an office of profit and it should not be left to anybody to say that this power has been given,

so that Members could be induced—that is the word he used—to accept any office which would mean an office of profit. For the future I accept his proposition. In the morning he rightly stated that this Bill is to immunise the Members who are affected in the past, of which we were ignorant, ignorant in the sense we did not know that these committees which were appointed by the Government were offices of profit. He has today made it clear that if more than Rs. 20 has been drawn, it is an office of profit. He says he has made an enquiry from all the Ministries and that he has received no information from any Ministry stating that any Member has drawn more than Rs. 20, and therefore he has put in the Bill those committees the Members of which have received more than Rs. 20. The very first item of my amendment relates to the Foodgrains Investigation Committee. I was not a member of that committee. But, a member of that committee drew Rs. 40. I have myself got this corroborated just now, when Dr. Ambedkar challenged me. My point is this. Is it fair for Dr. Ambedkar now to tell the hon. Member to make a representation when the Bill is under discussion? The member did not know that receiving Rs. 40 would bring in a disqualification and that the Government would fix Rs. 20. I repeat I was not a member of that committee. I say it is most unfair now to ask that member to make a representation. When he puts in a nomination paper, all these difficulties will be raised. The President will be approached. The opposite party will also approach the President. The President may come to any decision. I do not necessarily say that he will accept Dr. Ambedkar's proposition. He may say that it is an office of profit. It is exclusively a matter for him to decide. Having brought this matter to his notice, may I ask you, as the custodian of the rights of Members of this House, what is the remedy when he definitely states that the Government have come to the conclusion that they do not want any member who has, in the past, as a member of a committee drawn more than Rs. 20, to remain as a Member of Parliament.

Mr. Deputy-Speaker: That would not be a disqualification for future elections. On the date of the nomination, if any person is there who has been a member of any of these committees, then, the question might arise whether he can or cannot stand for election later on. Now, so far as this Bill is concerned, it is only with respect to those persons who are sitting Members who have incurred this disqualification, no such question can be raised.

Dr. Ambedkar: I may explain, with your permission, the point raised by my hon. friend. Actually, when the Resolution was issued by the particular department concerned when they formed the Foodgrains Investigation Committee, the allowance mentioned was Rs. 20, and possibly the information supplied to the Law Ministry for the purpose of clarifying this position was that Resolution. We have acted on that Resolution. But I do now hear that the Food Ministry have changed that rule and have allowed the members to draw something more. But, the basis of our action is the Resolution.

Shri Sidhva: What will happen to that member?

Dr. Ambedkar: My friend Mr. Sidhva does not seem to understand the point. Unless the President issues an order that a Member is disqualified, the Member can sit in the House and function.

Shri Sidhva: I know that.

Dr. Ambedkar: Therefore, as I said, we have been supplied with the various Resolutions passed by the Ministries constituting the committees and we have found on the basis of the Resolutions that those committees did not offend the basic rule. If further information is supplied showing that there were such cases where Members in fact drew more, it would be perfectly possible to regularise the position. Where is the difficulty? I do not understand.

Shri Himatsingka: Why not do it in a general form?

Dr. Ambedkar: I cannot do it. I must make further enquiries as to what exactly is the position. Nothing is going to be lost if this Bill is passed and another Bill brought in to cover cases which actually are necessary to be covered.

Shri Sidhva: How can that be?

Dr. Ambedkar: Why? I do not understand.

Mr. Deputy-Speaker: This can be definitely looked into. It does not matter if this stands over till tomorrow.

Some Hon. Members: Yes, Sir.

Mr. Deputy-Speaker: But, if before tomorrow these matters cannot be settled, then, we can proceed with the Bill immediately. The President must, first of all say that a Member is disqualified. That is clear. Clause (1) (a) of Article 102 says: "If he holds any

office of profit under the Government of India other than an office declared by Parliament by law not to disqualify its holder." Independently of the procedure under Article 103, without a question arising and the matter being referred to the President, Parliament can say that an office shall not be deemed to be an office of profit where it is clear that the remuneration is what is thought to be a fair compensation. Without bringing another Bill, if it can be disposed of by a suitable amendment herein, the hon. Law Minister may consider that matter. There is a list of all these committees, and Mr. Sidhva's amendment will stand over. I will put the other amendment to the House which seems to be not opposed. That stands in the name of Shri Sri Narayan Mahtha.

Dr. Ambedkar: That I am accepting.

Mr. Deputy-Speaker: I shall put it to the House. Barring that, the other things given notice of by Mr. Sidhva may be looked into next day.

Dr. Ambedkar: He can give me the actual resolutions; I can verify.

Mr. Deputy-Speaker: This will be the first matter tomorrow. He need not bring any amendment. This will stand over so far as Mr. Sidhva's amendments are concerned.

Shri Himatsingka: May I suggest this for the consideration of the hon. Law Minister? If he puts the proposition in a general form that membership of any committee where the payment does not exceed a certain amount, in the past, will not be regarded as an office of profit, that would cover.

Mr. Deputy-Speaker: The hon. Law Minister has already said that such a general proposition...

Shri Himatsingka: That is only with respect to the past.

Mr. Deputy-Speaker: With respect to the past, there have been varying amounts paid: Rs. 40, 50, etc.

Shri Sondhi: Forty rupees is the maximum.

Mr. Deputy-Speaker: If the hon. Member brings these matters to the notice of the Law Minister, he will go into them instead of throwing open the floodgates and making it appear that we are trying to bring in the immunity to a vast number of members. Let us not lay ourselves open to that kind of accusation.

An Hon. Member: That is only for the past.

Mr. Deputy-Speaker: If any particular categories are there, they may be brought to the notice of the Law Minister and he will look into them.

Dr. Ambedkar: In this case, the resolution mentioned Rs. 20.

Pandit Kunzru: Before the discussion is adjourned till tomorrow, I might make a suggestion. The whole trouble has arisen because the Finance Ministry has decided that if any member receives a daily allowance of more than Rs. 20 for serving on a committee, he shall be regarded as holding an office of profit. If the Ministry decides that the limit should be increased from Rs. 20 to Rs. 40 which is the daily allowance drawn by a Member of Parliament for attending the meetings of Parliament, these troubles will disappear. I suppose that if this view had been accepted by the Finance Ministry, the Bill now brought forward by Dr. Ambedkar would not have been necessary. This Bill has been made necessary by the low limit fixed by the Finance Ministry. The Finance Ministry can do away with all this trouble and set the minds of hon. Members at ease by simply announcing that if a member receives an allowance not exceeding the daily allowance to which a Member of Parliament is entitled for attending the meetings of Parliament, he will not be regarded as holding an office of profit. No doubts will arise and no Bill will be necessary.

Dr. Ambedkar: I would just like to say one word of correction to what my hon. friend has said. What the Finance Ministry—I should not bring in the Finance Ministry—what the Government now says is this. For non-official members of a committee, certain allowances have been fixed, as I said, so much for travelling by air, so much for travelling by train, so much for living allowances, Rs. 15 for Calcutta and Bombay and Rs. 12-8-0 elsewhere. That is the standard which the Government accepts as the standard of payment in which no profit element is involved. I believe my hon. friend has omitted to take that into account. If we are to have a mixed committee consisting partly of Members of Parliament and partly of members who are not Members of Parliament, obviously, we cannot prescribe different standards of payment. The standard of payment that we must adopt for a mixed committee of this kind is the standard which has been laid down for payment for members who are not Members of

Parliament and consequently that standard becomes the ruling standard.

Shri Sondhi: I would like to make one submission, Sir. There is a committee from the Agriculture Department, the Central Arecanut committee. The daily allowance is Rs. 12-8-0 and not Rs. 12. Are we disqualified? There are four members here.

Pandit Thakur Das Bhargava: I have heard Dr. Ambedkar with great attention and respect, but I must very humbly point out that his is an entirely wrong way of looking at the question. Article 102 of the Constitution makes it quite clear that the President is the final authority, that he has the final power of deciding about a particular case. And in the alternative it is Parliament which can decide whether certain offices if held would not amount to disqualification. The Finance Ministry or the Government as such has absolutely no power whatsoever in this connection. They cannot fix any standard whatsoever. Suppose there is a committee the membership of which carries an allowance of only Rs. 10 or even Rs. 5 but still the committee may be of such importance that its membership may be considered an honour and many would like to serve on the committee, in which case it will be perfectly open to Government to exercise its patronage in appointing the members to such a committee, exactly the thing which Dr. Ambedkar and we all want to avoid. Therefore I say, it is no business of the Government to decide whether an office held is an office of profit or not. That is something for the president or for Parliament to decide.

Dr. Ambedkar: That is why the Bill has been brought before Parliament.

Pandit Thakur Das Bhargava: For Government to arrogate this power to themselves is certainly wrong. If they say that they have got the President in the hollow of their hand and they can fix a standard of profit I do say they are wrong. In certain cases it is the President in consultation with Election Commission who has to decide whether an office is an office of profit or not and in other cases Parliament decides. I do not think that the Finance Ministry or the Government can decide this matter at all.

Shri Sidhva: Shall we not agree that whatever allowance is drawn up to the limit of the allowance of a Member of Parliament shall not be considered a disqualification? House should decide this matter and not Dr. Ambedkar.

Mr. Deputy-Speaker: Having heard the discussion, I can only say at this stage that there is nothing to prevent us from adding a clause here to the Bill itself to say that notwithstanding anything contained so far, if a Member of Parliament is on any committee and does not draw an allowance more than that drawn by him as a Member of Parliament, he shall not be deemed to be disqualified. That is just a suggestion. In that case it would not be open to the objection that Government is placing allurement's before Members, because nothing more than Rs. 40 will be paid. But there is this difficulty that if an official is appointed on a committee he will continue to draw a different rate of allowance, probably according to the salary he draws. But this matter may be considered. I would therefore allow this to stand over till to-morrow and get through with Mr. Narayan Mahtha's amendment.

Shri Kamath: Sir, last year this House decided that the offices of the Minister of State and the Deputy Minister would not amount to disqualification under this Article. Therefore the present Ministers of State and Deputy Ministers do not incur any disability. But what about the newly born Parliamentary Secretaries?

Mr. Deputy-Speaker: They are also included in the Act.

Dr. Ambedkar: Sir, with reference to the suggestion made by you that this may be taken up to-morrow may I point out that it may not be possible for me to undertake that this matter will be taken up to-morrow. This is a matter which I have to refer back to the Ministries and that may take time. So if it is kept over, it may be taken up on any convenient date.

Mr. Deputy-Speaker: Is it the wish of the hon. Law Minister that we may get through the other amendments?

Dr. Ambedkar: The amendments may be moved. I accept Shri Narayan Mahtha's amendment.

Shri S. N. Mahtha (Bihar): Sir, I beg to move:

In page 1, line 23, after "March, 1951" insert:

"or for the year ending on the 31st day of March, 1952".

Shri Sidhva: But, Sir, we have not received notice of this amendment at all. It has not been circulated among us.

Dr. Ambedkar: It is just a small amendment.

Shri Sidhva: It may be small according to the Law Minister, but it may be a very important one.

Mr. Deputy-Speaker: Then does the hon. Member want this also to stand over? It is just a small amendment extending the period from March, 1951 to March, 1952.

Shri Sondhi: Let this also be considered along with the whole Bill later on.

Mr. Deputy-Speaker: It is a simple amendment extending the period up to March, 1952. There need not be any speeches on it and I shall place it before the House.

Amendment moved:

In page 1, line 23, after "March, 1951" insert:

"or for the year ending on the 31st day of March, 1952".

Shri Sidhva: Sir, these local advisory committees are permanent committees elected by the Railway Standing Committee. Therefore, I would like to know whether every year amendments like this will have to be brought in to remove the disqualification? Will it not be better to consider this matter in greater detail and devise some proposition under which this annual performance may not be necessary?

Mr. Deputy-Speaker: As the hon. Member will see, this relates to the sitting Members. The year 1951-1952 has already started and to remove the disqualification from the whole period, the date has to be extended to 31st March, 1952.

Dr. Pattabhi: But we are sitting in April, 1952 also.

Mr. Deputy-Speaker: If it is not extended, Members who have agreed to serve on committees would be obliged to resign straightaway. Therefore the period is being extended to 31st of March, 1952. We are in the middle of the year 1951-1952 and therefore, this amendment is necessary. As to whether this amendment should be effected now or hereafter, it is for the Law Minister and the House to consider and decide. We are not bringing in a legislation to remove disqualifications under various categories.

Shri Sidhva: Sir, what you state is perfectly correct. But these Advisory Committees are very important bodies. My point is—and I may add that I am not a member of an Advisory Committee—my point is, as Members of Parliament we are interested in the carriage of passengers and goods by the railways and just because as a member of the committee a person draws an allowance of Rs. 30 or so, he

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Boundaries) Bill

[Shri Sidhva]

should not be debarred from being a Member of Parliament. In this matter the Railway Finance Committee and the Advisory Committee have to be consulted. So this question of changing the date from March, 1951 to March, 1952 may also be postponed and considered along with the other provisions of the Bill when the Bill comes next to us.

Dr. Pattabhi: Why not say "during the tenure of the present Parliament.?"

Dr. Ambedkar: I thought that the amendment was a very simple one. The reason why the Bill originally did not mention the words that are now sought to be introduced by the amendment was because the Bill was expected to be passed much earlier. That did not happen. Members have continued to sit. If you want to completely exonerate them from the application of this office of profit rule it is necessary to continue the period. With regard to the future I understand that the allowances have been reduced, so that no disqualification should be incurred.

An Hon. Member: By how much?

Dr. Ambedkar: The same Rs. 20.

The Minister of State for Transport and Railways (Shri Santhanam): I shall give the information on the next day.

Mr. Deputy-Speaker: It has been so reduced as not to impose this disqualification. This only applies to existing members.

The question is:

In page 1, line 23, after "March, 1951" insert;

"or for the year ending on the 31st day of March, 1952".

The motion was adopted.

Mr. Deputy-Speaker: The rest of the Bill will stand over to such other day as the hon. Law Minister may find convenient to bring it before the House.

Pandit Kunzru: As the hon. Law Minister has been given time to think over the matter I hope he will arrive at a correct decision.

Dr. Ambedkar: I should like to say that I would be very much dependent upon the advice of my hon. friend.

ASSAM (ALTERATION OF BOUNDARIES) BILL

The Deputy Minister of External Affairs (Dr. Keskar): I beg to move:

"That the Bill to alter the boundaries of the State of Assam consequent on the cession of a strip of territory comprised in that State to the Government of Bhutan, be taken into consideration."

In asking the House to take the Bill into consideration I would like to place certain facts before the House. According to the treaty signed between India and Bhutan a small strip of territory was ceded to Bhutan. Article 4 of the treaty.....

Some Hon. Members: We cannot hear.

Dr. Keskar: It is not my fault; it is the fault of the microphone.

Dr. Pattabhi (Madras): We hear you, Sir, when you bend your head at a particular angle. Suddenly we do not hear you and again the voice comes breaking our ear drums. Certain instructions have to be observed in speaking and we must be instructed therein.

Dr. Keskar: I hope we will be instructed in the science of speaking into the microphone. I was saying that Article 4 of the treaty reads:

"Further to mark the friendship existing and continuing between the said Governments, the Government of India shall within one year from the date of signature of the treaty return to the Government of Bhutan about 42 sq. miles of territory in the area known as Dewangiri. The Government of India shall appoint a competent officer or officers to mark out the area to be returned to the Government of Bhutan."

The treaty was signed on the 8th August, 1949 and it was ratified on the 22nd, September 1949.....

Shri R. K. Chaudhuri (Assam): Without consulting us?

Dr. Keskar: Consulting whom? Yourself?

In the meantime before the cession of the territory could take place, on the 26th January 1950 the new Constitution of India came into force and as the demarcation of territory did not take place before the coming into force of the new Constitution, in order to cede any bit of territory according to the new Constitution

An Hon. Member: There is so much noise and talking we cannot hear anything.

Mr. Deputy-Speaker: Order, order. Wherever hon. Members are talking their voices are being heard along with the voice of the Member who is on his legs and speaking. I would request hon. Members to adjourn to the lobby or elsewhere to continue their talk.

Dr. Keskar: According to Article 3 of the new Constitution any cession of territory requires the assent of Parliament and therefore this Bill has been brought forward for the consent of the House.

With regard to this Bill I would like to place two or three points before hon. Members. At the time the Bill was introduced there were criticisms put forward by a friend from Assam who unfortunately is not here at this moment. The first was that the treaty was not brought before the House, though there is a question of cession of territory. As I said, the Constitution was not then in being and any question regarding cession of territory or ratification of treaties could take place according to the laws then in force. According to the Government of India Act which was then in force and which after the coming of independence was adapted and modified in a certain measure it was not necessary, either for ratification of the treaty or for modification or cession of territory, that it be brought before Parliament. The treaty was ratified on the 22nd September by the Governor-General.

A question has been raised with regard to the position regarding the cession of territory after the coming into being of the new Constitution. I would like to draw the attention of my hon. friends to the fact that even under the new Constitution the right to make treaties, which is entry No. 14 of List I is an executive authority of the President. There is no ban yet put by Parliament that treaties involving cession must be approved by Parliament, though there is no doubt that the operation of such a treaty, by which the territory in question has been ceded, will have to come before Parliament for approval. But the fact of ratification need not be brought before Parliament as long as Parliament by legislation does not enact that it is necessary for any treaty, which has got as one of its clauses cession of territory, must be brought before Parliament. There is nothing in the

Constitution which requires that a treaty will have to be brought before this House for ratification. As the question of cession of territory to Bhutan could not be completed before the coming into force of the new Constitution, the matter is now brought before the House.

I would like to remind the House that the territory in dispute was taken away from Bhutan by the then British Government after conquest. Quite a bit of that territory is considered by them, from a cultural and prestige point of view, as something which not only belongs to them but which ought always to belong to them.....

Shri Kamath (Madhya Pradesh): When was it taken over by the British Government?

4 P.M.

Dr. Keskar: After the last Bhutan War in 1865, about 80 years ago. And since that time, I would like to remind the House, the Government and Maharaja of Bhutan have been consistently trying to get back the territory, putting it to the British Government that the territory had been taken from them by force, that it was Bhutanes by culture and otherwise, and that it should be returned. But their proposals were turned down many times.

In negotiating this treaty, as it is said in Article 4 of the treaty, "in order to mark the friendship that is existing between the Government of Bhutan and ourselves", and to strengthen that friendship, we decided as a gesture to give back to them what belonged to them; but not the whole of it—only a small strip of that area, comprising about 32 square miles is being given back, a very large part of which is jungle area with very little population. As they attach a very great importance, a sentimental importance to this area, we thought it right and proper that we give back, as a symbolic gesture on our part, a part of that territory back to Bhutan.

This is the background of why we are proposing to hand over this bit of territory to the Government of Bhutan. Now under the Constitution it is also necessary that the opinion of the State Legislature is taken in any such transfer or cession that takes place. The President has taken the consent of the Legislative Assembly of Assam, which at its meeting held on the 27th March, 1951 adopted the following resolution:

"The House recommends to the President of the Indian Union the transfer of about 32 square miles

[Dr. Keskar]

of territory in the Dewangiri hill block to the Bhutan Government as in the Schedule below in pursuance of the Treaty of Darjeeling of 8th August, 1949."

Dr. Pattabhi: It only recommends—it has not given its consent.

Dr. Keskar: According to the Constitution, the President need only take the opinion of the State concerned; he is not bound to take the formal consent—though by this resolution, even if my hon. friend will not agree, the consent also is there.

Sir, I have nothing more to say with regard to the general question of the treaty which is unexceptionable and which intends strengthening the friendly relations between Bhutan and India.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to alter the boundaries of the State of Assam consequent on the cession of a strip of territory comprised in that State to the Government of Bhutan, be taken into consideration."

I have got a little doubt here under Articles 3 and 4 of the Constitution. Can you give away any portion of the territory belonging to the Indian Union to any other State which is not in the Union? Is that contemplated in Article 3? It provides for diminishing the area of one State by throwing some of its territory into another State of the Union. It also provides for altering the boundaries between two States of the Union. From Madras you can give a chunk to Bombay. But can you give a portion to a foreign State?

Dr. Keskar: It says, "diminish the area of any State".

Mr. Deputy-Speaker: But you cannot diminish the area of the Union as a whole.

Dr. Keskar: As it is not definitely mentioned anywhere it does not mean that we cannot do it.

Dr. Deshmukh (Madhya Pradesh): Because there is no provision does it mean you can give away anything?

Dr. Keskar: Parliament can give away anything.

Mr. Deputy-Speaker: Now we will continue with the Bill.

Shri R. K. Chaudhuri: It is very difficult for us who are Members of Parliament and who represent Assam to accept the proposition that because there has been a recommendation from some State that a certain portion of the State should be excluded, therefore we should agree to such diminution of our own area. After all, the Government of Assam has no business to give away some portion of its own territory to some other State or to some other Power unless some such instruction has been given to it by the Government of India itself. So the entire responsibility for such diminution of area is the responsibility of the Government of India. I hope I am perfectly clear. The Government of Assam has no business, no consideration, no necessity for thinking of parting with any portion of its area in favour of another Power; but when the Government of India, in consideration of some political reasons, wants to satisfy the Bhutanese State, they may think of doing so. But even then it is entirely the responsibility of the Government of India, and it being the responsibility of the Government of India every Member of Parliament has the duty of finding out whether it is absolutely necessary to diminish the territory of a certain State to benefit some other Power.

I know perfectly well that this portion which is going to be transferred to Bhutan, at this moment at least, is culturally entirely Assamese. The residents of that area are as good as Assamese. The Assamese people have gone and resided there. There are tribal people there who for all practical purposes are the same as the tribals of Assam. What right have you to transfer that area and bring it under Bhutan without consulting the inhabitants of that area who are entirely Assamese. My friend was under a misapprehension when he thought that the transfer from Bhutan to British India took place only thirty years ago. It is not so; it was nearly eighty years ago that the transfer took place and during these eighty years the place was being gradually inhabited by the tribal people of Assam. And what do we find? When India was under the British rule the Assamese people living in that area could carry on their lives with their cultural freedom, but after achieving independence you, the Indian Government, transfer the area, an area which was inhabited by Assamese people who also fought for the country's independence; you are now transferring them and making them the subjects of the Bhutanese Chief who has no democratic form of Government at all. What

right has the Government of India to transfer the suzerainty of these people living there and make them subjects of shutan? That is a point which has to be considered.

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): May I point out that there is not a single Indian national residing in these 32 square miles of territory that is being ceded?

Shri R. K. Chaudhuri: I challenge the proposition. I am not prepared to accept that as an authority. If it is said that they are all Bhutanese residents, it is absolutely incorrect. Indian traders live there.

Shri Feroz Gandhi (Uttar Pradesh): He was the Governor of Assam; so he knows better.

Shri R. K. Chaudhuri: But I am a resident of Assam. I hope my hon. friend the ex-Governor of Assam has seen this area—I am referring to Dewangiri, where a large number of Assamese traders are living.

Dr. Keskar: I would like to remind my hon. friend that the Bill relates only to a very small part of the Dewangiri area. The whole Dewangiri area is many times bigger.

Shri Sri Prakasa: I should like to remind my hon. friend that Darang is not included. The place where the annual fair takes place still remains with us. It was included in the original territory which the British got from Bhutan, but the territory that we are now proposing to cede does not include Darang where the annual fair takes place.

Shri R. K. Chaudhuri: Not Darang, but Dewangiri. Then take Bodalguri. I hope my hon. friend Shri Sri Prakasa knows that Darang is a district. Of course, it is also in the border of Bhutan. But Bodalguri, Dewangiri and Darang—these are all Indian villages for all practical purposes. A reference was made to the forests. The forests in these areas were being administered by the Government of Assam. The forest produce was utilised by the people of Assam. Gradually, these areas were inhabited by the Assamese people. Bhutanese did not live there. They only came during the winter season when they brought their ponies, dogs, blankets and other things for sale to the Indians. But for this kind of trade, the forests and everything have been managed by the Government of Assam so long. So, I say that we should cry a halt to this surrender of certain portions of the territories of Assam into other hands. Take for instance, the three villages in Man Cachar area in Goalpara dis-

trict. They were encroached upon by the Pakistanis. Actually, they turned out the Indian Armed Police and took possession. Later on, we heard that these villages did not actually belong to us but they belonged to Pakistan. If they had not belonged to us, what was the necessity of keeping Indian Armed Police there? Then, again, take Golaganj where there was a Post Office belonging to India. That area has been occupied by Pakistan. The mile post has been simply removed and put one mile away. Now, the Assam Government simply say that this village does not belong to India. This is a place which is inhabited by Kasi people. Then, take Dauki. One and a half miles of Indian territory has been encroached upon and taken possession of by Pakistan. When this question was raised some time ago and my hon. friend Shri Gopalswami Ayyangar visited the place, he could see that the territory really belonged to Assam and yet it had been occupied by Pakistan. If this is the way in which you are going to make a free gift of different places to different powers merely because you do not care to know how actually the place stands and what is the sort of people that inhabit these areas, then Assam would be gradually reduced in size. This may only help the Government of India indirectly. They may have some sort of patched-up friendship with some power but this will be only for a limited period.

Shri Sarwate (Madhya Bharat): On a point of order, Sir, I would draw your attention to Article 1 (2) which reads thus:

“The States and the territories thereof shall be the States and their territories specified in Part A, B and C of the First Schedule.”

So, no change can be effected in that Schedule. Of course, Article 3 has to be read in consonance with Article 1 and when we do so, the effect is that the boundaries of one State and another can be changed, but the whole territory which is comprised in Schedule I cannot be changed unless the Constitution is amended. This implies that no territory mentioned in Schedule I can be bartered away. Thus, I submit that the present Bill conflicts with Article 1(2) and therefore is not in order.

Shri Kamath: Boundaries of States can be changed; that is provided in Article 3(c) which refers to diminishing the area of any State. But there is no power conferred upon Parliament to cede or diminish any property or territory as regards the whole of the Indian Union. No part of the Indian Union territory can be ceded.

Dr. Pattabhi: Again, Article 5 refers to Indian citizens. Everybody living in these areas is an Indian citizen. Now we are giving away these Indian citizens. How can you give away Indian citizens to some other State? That also is a difficulty. I think the matter requires looking into.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I confess that I see no difficulty at all about the various points raised. First of all, to consider this matter as a cession of territory, though it may be accurate strictly legally, hardly explains the position. It is a very small, minor rectification of a boundary, the kind of rectification which States have frequently to undergo, which does not mean very much and takes place when two States agree. I am not speaking as a lawyer for the moment, but from an ordinary, if I may say so, commonsense point of view, is it supposed that no rectification, no addition, no variation here and there is ever going to take place in the future? If so, who is going to do it? Parliament, of course—nobody else. To deny the right of Parliament or to say that nobody can ever add or subtract or vary or rectify the boundaries would be I think rather an extraordinary situation to face, because such things do happen, are bound to happen, and there must be some final authority by whose consent this could be done and that final authority can only be Parliament. Therefore, I beg to submit that it is hardly correct for us to say that Parliament itself cannot do it. If that is so, then the only course left open is to amend the Constitution, if the occasion for it arises, not now. But I do submit that these things are within the inherent power and authority of Parliament and the interpretation that some hon. friends have put about the State boundaries, etc., is a somewhat strained interpretation.

Then again, my hon. friend Mr. Chaudhuri, I think rather confused the issue by bringing in Pakistan into the picture. That is a completely different thing which has nothing to do with this matter. Here we are talking about rectification of boundaries—between whom? Not with a foreign country, but with a State with which we are intimately allied, whose defence, whose foreign affairs and communications and various other things are under our control. It is not technically speaking a part of the Union of India, but it is very closely allied, and in fact, in some matters under the control of this Parliament, in regard

to those subjects in which it has acceded, or is in alliance with India. It is not a new thing. It is the continuation of an old thing which has now been put on a permanent basis by a treaty. So that one must look upon this not as though he was dealing with a foreign State, but rather as dealing with a State, which though not technically a part of the Union of India, yet is very closely allied with us.

Secondly, it is not really cession. It is a very small rectification of boundary, mostly of forest land. There are various fairs held in that border and because there was a certain amount, if I may say so of religious sanctity attached to a small area there, we felt that it was far better to give that small area to a colleague of ours, closely associated with us to gain their goodwill rather than hold on to a bit of forest land, a very small patch.

Dr. Pattabhi Sitaramayya said something about Indian citizens in that area. I have no direct personal knowledge on the point. But I do have something from my hon. colleague Shri Sri Prakasa about a speech which the Chief Minister of Assam delivered to the Assam Assembly. In fact there is a misunderstanding between the original demand of the Bhutan Government which was for a larger area and which was resisted by the Assam Government and the Government of India and this tiny patch to which we ultimately agreed. In regard to this portion of territory the Chief Minister of Assam says: "There is not a single Indian national residing in this area." I presume that he knows what he is talking about. Moreover, this matter has been under enquiry for the past two or three years. It has not suddenly come up here. I was a little surprised to hear Mr. Chaudhuri's statement. I do not know whether he has gone to this area, or whether he has made enquiries. But when the Chief Minister after long correspondence, enquiry, protests and all that arrives at a certain conclusion, in conformity with the Government of India's conclusion in regard to facts and other matters, I think we might presume that he is right. May I also say quite clearly that the responsibility for this is largely that of the Government of India. But the Government of India's responsibility was not enough. We did try to have the assent and the goodwill of the Assam Government. Therefore we approached the Government of Assam and after a great deal of consideration, argument, examination, conferences and the like, they agreed to the transfer of this particular territory. So, I submit that this

issue does not raise any major legal or constitutional point; nor does it raise any material political point either in regard to the area involved or in regard to the State to which we are transferring this territory, because that State is almost as near to us as any State of the Indian Union. I think it will be a good thing if we treat these States as nearly allied to us as possible rather than consider them aliens. Of course Bhutanese subjects need not be considered to be Indian nationals. But when this Parliament finally controls major policies about that State, when the Government of India gives them annual subsidies and aids, it is far from an alien State. In fact we want to develop cordial relations with these States by a psychological approach. If we treat them as aliens they cannot come here, we cannot go there. Thus barriers grow up. We want in this treaty of alliance not only to provide for economic, political and other matters and our control so far as foreign affairs, communications and defence are concerned, but also to create a psychological feeling of oneness and kinship. They said that they attach value to this particular area from a religious point of view. Hardly any human beings live there—just a handful. We thought it a very good decision to arrive at to give that area to gain their goodwill. As a matter of fact the whole area does not go anywhere else.

Now, may I also remind the House that it is all very well for my hon. friend Mr. Chaudhuri to say that these people are Assamese. I presume Mr. Chaudhuri knows nothing about these people. It is sheer rhetoric that he was indulging in.

Shri R. K. Chaudhuri: I have seen the place myself and I ask the hon. Mr. Sri Prakasa to tell me whether this forest was not under the control of the Assam Government, whether our people were not bringing timber from there, and whether the grazing lands there were not used by the Indian people?

Shri Jawaharlal Nehru: May I express my entire agreement with Mr. Chaudhuri that not only the forest, but every tree and every sapling belongs to the Government of India. Every blade of grass belongs to it and can be used for grazing purposes. That is just the point I am making. We are dealing with a bit of forest and grazing land with a handful of persons, and of the inhabitants as live there permanently, according to the Chief Minister of Assam, not one is a national of India. I accept his word.

Now all these frontier areas have a mixed population, culturally connected with both areas. Now Mr. Chaudhuri's own province of Assam, a very beautiful and fertile place—potentially very rich, which unfortunately has been suffering from great calamities,—has a rich variety of people. Right from the borders of Burma, China and Tibet you see people of all kinds. The term "tribal area" is a very vague one. As a matter of fact there is as much difference between one tribe and another, as between a tribe and the plains people. You cannot therefore consider all of them alike. Even now it is quite a possibility that you may have to deal with some of them in a somewhat different way. It is quite possible that they may come up to you even for slight amendments of the Constitution to deal with somebody in a slightly different way if Parliament agrees to it—about minor things, nothing major.

But the main thing is to make them grow and feel that they are organic units of this great country and that they can live their lives without being imposed and exploited by others, because that is their great fear. People in the mountains have certain virtues, and certain failings. People in the plains have certain other virtues and certain other failings. Normally, people in the plains are cleverer than the people in the mountains—though I am not prepared to admit that they are better. And people in the plains go to people in the mountains and often exploit them in a monetary way, in a financial way, grab their land, and otherwise do a bad deal with them. And so a fear has grown in the people of the mountains all over the Himalayas, if I may say so—not confined to this area of Assam or Kashmir or somewhere in Kumaon—that the people of the plains come and exploit us and take away our lands or other things. Therefore they require protection.

This has nothing to do with this Bill. What I am venturing to point out is that these border areas are difficult areas and that they have to be approached not with a big stick but, psychologically, in a friendly way so that they may feel that they are meeting with friends and not people who impose themselves on them. They have affections on either side; they have marriage ties on either side of the border. They come and go. Culturally speaking, it is a very mixed area. On the one side there is the Tibetan culture flowing into India, and on the other side there is the typical Indian culture going up there. It is good that this is so. I do not object

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to it. But it does create problems, and one has to adjust oneself to those problems by making those people feel that they can live their own lives and grow without imposition, and by their own free will they become nearer and nearer to us. We want the people of Bhutan as a whole to be much closer to India and looking to India not only politically but even culturally, than to any other place.

If in order to do that we come to certain minor adjustments of territory, a little bit of forest etc., without upsetting anybody, I do not see how we do the slightest injury to our great country. In fact we do something which a great country should always do—to show how it looks upon its little brothers in a friendly, generous way and protects and helps them to grow.

I submit that this little Bill which my hon. colleague the Deputy Minister has put forward is a very very simple proposition which raises no basic issues, constitutional or political, and which, the House may remember, is a story that started a long time ago, years ago. In fact, before the Republic came into existence under this Constitution the thing was really completed, but owing to certain difficulties in giving effect to it the matter has hung over, and we should finalise it now. Not to do so does not do much good or harm to us. But it does make the people feel that we have not kept our word with them and that something that we had agreed to three years ago and more has been disagreed to and the whole thing is upset and all kinds of difficulties are produced about a very small matter.

Mr. Deputy-Speaker: As regards the point of order...

Shri Naziruddin Ahmad (West Bengal): Sir, I just wish to point out one Article of the Constitution...

Mr. Deputy-Speaker: I have already heard sufficiently.

Shri Naziruddin Ahmad: It is something new. I should draw your attention to Article 1, clause (3), sub-clause (c), namely:

"such other territories as may be acquired".

We can acquire territory.

And Article 2 says:

"Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit".

We can admit new States. But we cannot cede territories. That is entirely outside the scope of the Constitution. Therefore, all that is needed is that the Constitution should be amended; or Parliament has no power. We act within the power given to us by the Constitution.

Mr. Deputy-Speaker: With regard to the point of order that has been raised, the scope of the Bill does not seem to me—though it might have been termed as such—to be real cession! It is not one of cession: as a matter of fact, it is a settlement of a disputed boundary. According to the Bhutan Government a larger chunk of land belonged to that State. According to us that area belonged to us. In between, therefore, it could not be said definitely at the time that the Constitution was framed that "this area belonged to us and that area belonged to them". Under those circumstances it was under dispute. Therefore the real scope of the Bill is not to cede but to settle a disputed boundary. As such I do not think there is any constitutional difficulty, although apparently what is contemplated in Articles 1 and 2 is acquisition and not cession. But Article 3 gives some support to increase the area or diminish the area of any State. It is no doubt urged that this must be read along with Articles 1 and 2 so that no portion of the Indian Union may be ceded. But I take it this is not cession but only adjustment of a disputed area. So the point of order does not arise.

Further, it has always been held by the Chair that with respect to such constitutional issues the Chair cannot dispose of it as a point of order. Whenever such constitutional issues—with respect to entries in the various Schedules, Provincial subject or State subject or Central subject—arose, the matters were always left to the decision of the House.

I find that this is only a settlement of a boundary and it is not in substance one of cession. Besides, it is not competent to the Speaker to say whether this requires a change of the Constitution or not. The House will decide it. As I look into it the point of order does not arise and it is for the House to decide.

Shri Syamannandan Sahaya (Bihar): Arising out of what we have heard from you that it is a boundary dispute, may we know whether this bit of land was under the possession of the Assam Government under the Indian Union, or was it to the knowledge of the Indian Government in

the possession of the Bhutan Government at any time? There is a difference between agreeing to a settlement over a disputed portion and handing over a portion of the Indian Union to the Bhutan Government. I do not think there is anything objectionable in it. Sometimes States in their negotiations with other States on the boundaries come to such decisions. So I do not object to it. But I would like to have the information whether this land belonged to and was in the possession of the Government of India and is now as a result of negotiations, or for the maintenance of goodwill, or as the Prime Minister said for helping a comparatively junior and smaller neighbouring nation, being handed over to them—whether it is handling over a property.....

Shri Jawaharlal Nehru: Yes.

Shri Syamnandan Sahaya: Belonging to us?

Mr. Deputy-Speaker: It is a disputed territory. I have given my ruling. I understood from the Prime Minister that it was disputed territory and therefore a portion was being given in settlement of the dispute. As such there is no point of order. So far as the general issues are concerned the debate may go on.

Shri Kamath: Nobody, no Member of the House will question the validity of the very sound proposition laid down by the Prime Minister that Parliament must have authority to add or subtract or otherwise alter the boundaries of the various States which comprise the Indian Union and nobody will dispute the equally sound proposition laid down by him that it is in our own interest to promote goodwill with our neighbouring countries; and it is with that object in view that, as we just now learned from the Prime Minister, that this transfer of territory has been made or, as you said, the boundaries have been adjusted between India and Bhutan. But, Sir, what I would like to stress at this stage is that while we should not take a legalistic view of the matter, yet this Parliament can function as a sovereign Parliament, but only within the ambit of the Constitution. That is unfortunately the case with all countries which have a written and therefore, a rigid Constitution. Had we not had a written Constitution, this trouble would not have arisen at all, but having gone through the trouble and the hard work of drafting and promulgating this written Constitution, Parliament cannot go beyond the powers that have been conferred on it by the provisions of the Constitution.

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Mr. Deputy-Speaker: May I remind the hon. Member that as to the matter whether this is within the scope of the powers conferred in the Constitution or not, I have already held that this is within the scope. It is only a settlement of a dispute and therefore it is that I gave my ruling on the point of order.

Shri Kamath: I think you said it was for the House to decide.

Mr. Deputy-Speaker: What I said was it is open for the House on any of the grounds to accept or reject the Bill.

Shri Kamath: That is what we are doing.

Dr. Pattabhi: We accept your ruling but I should like to know under what section of the Constitution is this Bill being brought. I will be quite satisfied if you mention the section.

Mr. Deputy-Speaker: Under Article 3 of the Constitution.

Dr. Pattabhi: It only mentions States 'that comprise this Indian Republic'. It does not comprise Bhutan, Nepal and so on and so forth. The States have been categorically mentioned in the Schedule. There are Part A, Part B and Part C States. Under which part are you going to bring it? I can understand that on political grounds, on grounds of high expediency and policy we may give it away. By all means give it away in the manner in which the Prime Minister has been pleased to present it. We have no quarrel but do not bring it as a law. Here we are functioning as the custodians in Parliament, of the law and the Constitution of the Indian Republic. Therefore we are hedged in by the 395 Articles that are found in this volume. I want you to say which Article controls and guides this Bill that you are bringing up. Of course, it is open to Parliament to amend the Constitution. There is no provision unfortunately in the Constitution whereby you can cede a portion of the territory though there is a provision for taking over a portion of other's territory. There seems to be no hurry. For what has been given to Bhutan, we have to amend the Constitution as an urgent measure. Bring it up. Then we shall gladly vote for it. We accept all the sentiments that the Prime Minister has expressed. Of course, he is the custodian of the best interests of our country. He knows what is good for us. He knows that this portion does not really belong to us. He knows what the culture of the areas is, though, of course there are

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no people to form the culture; there are animals there; there are trees. It is Bhutan's animals and Bhutan's trees that you have and yet there is a culture there which is Bhutanese as we are told. Yes, we have no objection, but there are no people. We agree that there are no people. Therefore, I say there is no hurry for passing this Bill and it is a very bad precedent for future occasions. Let our legal luminaries and remembrancers be consulted in the matter and let the whole matter go through them in the light of the remarks made by us lay men.

I am sorry I could not hear most of what Jawaharlaljee, the Prime Minister has said, but my sister here pointed that I put my ear to this brass drum here, then we could hear through it in a very intensified voice the speech of the Prime Minister. That is a new trick which she has discovered and which I pass on for the benefit of the House free of fees. However that be, I hope I have got the points he has mentioned and the points are that it is both in the interests of equity and fairplay and justice and culture that we should give away this chunk. Do give it by all means. You have already given it. Do not rake it up now. Do not create a legal trouble and parliamentary trouble. Take your own time, amend the Constitution and bring it up or consult the lawyers once again in the light of the remarks that we have made. We want to co-operate with the Government and we want to make things above board.

Mr. Deputy-Speaker: When I said it was within the Constitution, the hon. Prime Minister read out a portion from the proceedings of the Assam Legislature, wherein it was said that the Bhutan Government was claiming a larger chunk of territory and we were denying that right. In between, therefore, it could not be said that the territory exclusively either belongs to India or Bhutan. When there is a dispute as to whether that belongs to them or belongs to us, a larger territory is claimed and a smaller territory is ceded I feel that there is absolutely no constitutional objection but as I already said, I leave it to the House to decide.

Shri Kamath: May I resume my speech that was interrupted by an elder Member. He has finished his speech and I may be permitted to resume at the point where I had left. I was saying that as Parliament can function only within the ambit of the Constitution, the only course open to

Government is either to move for an amendment of this Constitution or if that be not quite feasible just now, acting on the basis of your observation which was prompted by the Prime Minister's statement itself that it is not really a cession, but a readjustment of a boundary dispute. I humbly suggest that this Bill should be withdrawn because this Bill as it has been brought before the House seeks the approval of Parliament for cession of territory which Parliament cannot do under the Constitution. Therefore the only course open to Government is to withdraw the Bill today and re-introduce it after suitable alterations, i.e., redrafting it as settlement of a boundary dispute. The word 'cession' that appears in the Bill militates against the provision of Part 1 of the Constitution and it would be quite clear to the Prime Minister if he had only taken care to read Articles 1, 2 and 3 together and not read Article 3 by itself, that the power Parliament has got under the Constitution is for acquisition of new territory, and not for cession of its own territory to other foreign States. Therefore I could not see how this Bill can be passed by this Parliament and if it is passed, then I am afraid that it may be held as *ultra vires* by the Supreme Court. We have had so many cases of reference to the Supreme Court already and we do not want to swell such instances so far as we can prevent them or avoid them. I agree with the Prime Minister that this little adjustment need not form the subject matter of an amendment of the Constitution. But, unfortunately, the language used has been very unhappy. The word "session" used has been definitely unhappy. If this Parliament will approve of this Bill, I for one have no hesitation in saying that it will be completely contrary to the provisions of the Constitution, and *ultra vires* of Parliament. The Government would therefore do well to withdraw the Bill and re-introduce it at a later stage of this session or in the next week or earlier...

Shri Naziruddin Ahmad: Or tomorrow.

Shri Kamath: ...or tomorrow as my hon. friend suggests. I hope he will be ready to offer his services for re-drafting and it will be done sooner than otherwise. There will be no difficulty about that. Many Bills have been withdrawn in the past even after they had been discussed. As difficulties have arisen from the provisions of our own Constitution, this Bill must be withdrawn and re-introduced in a suitable form so that the word 'cession' will not appear there, and so

that the real intention of Government, that is to say, the adjustment of boundary disputes may be brought in the Bill clearly. Otherwise, I for one am unable to support the motion for consideration of this measure.

Shri Sri Prakasa: With your permission, I should like to intervene in this debate to explain so far as I can, the constitutional issue raised by my hon. friend opposite before I proceed to the merits of the Bill. Article 3 of the Constitution definitely says:

"Parliament may by law—

(a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;

(b) increase the area of any State;

(c) diminish the area of any State;....."

Parts (b) and (c) would be redundant if the Constitution was only thinking of adding or subtracting from the States that comprise the present Union of India and adding a portion of one State by subtracting from another. Parts (b) and (c) definitely take into their purview foreign States as well.

Some Hon. Members: No. no.

Shri Sri Prakasa: Hon. Members will please bear with me. I shall try to explain my point of view. Tomorrow, there may be a little dispute about territory with, for instance, our neighbour Burma. It may be decided that certain portions of the Burmese territory should be added on to our State of Assam. Then, it will come under part (b) and the area of Assam will be increased by that portion. I do not think that any Member of Parliament is entitled to say that for all time the boundaries of India have been settled and there can be no increase or decrease. The Constitution takes this matter into consideration; and I think it is perfectly constitutional for the Government to present this Bill.

Shri Kamath: No. no.

Shri Sri Prakasa: So far as the merits of the case go, I should like to draw the attention of my hon. friends particularly from Assam to the terrain on the frontiers between Bhutan and Assam. In the north of the districts of Goalpara and Kamrup, we have the State of Bhutan. The forests and the mountains of the two sides are all inextricably mixed up. For instance, if my hon. friend will

go in the Manas reserve, sitting on his elephant, he will find little notices put up at various places, saying; "This is Bhutan territory". There is really no difference between this territory and that. From time to time, surveyors come and mark the boundaries. In fact, in this very territory called the Manas reserve, on the banks of the Manas river, we have got the salt-lick in Bhutan territory where elephants from our side go to have their lick of salt. No one stops them and they don't worry as to whose territory it is. When we go there, there are no barriers placed against our going and there are no persons stationed there to stop any person from going from one side to the other.

What happened in this particular case is this. The British in their expansionist campaign came in conflict with Bhutan. As was their want, they put all the fault on the other side. Let me read out Article 2 of the Treaty of Sinchula dated 11th November, 1865. The House will judge the value of the pompous language used. The Treaty reads as follows:

"Whereas in consequence of repeated aggressions of the Bhootan Government..."

You may take it that the aggression was all on the side of the British.

"...and of the refusal of that Government to afford satisfaction for those aggressions, and of their insulting treatment of the officers sent by His Excellency the Governor-General in Council for the purpose of procuring an amicable adjustment of differences existing between the two States, the British Government has been compelled to seize by an armed force the whole of the Doar; and certain Hill Posts protecting the passes into Bhootan and whereas the Bhootan Government has now expressed its regret for past misconduct..."

Evidently, they could not do anything else!

"...and a desire for the establishment of friendly relations with the British Government..."

We know what that means.

"it is hereby agreed that the whole of the tract known as the Eighteen Doars, bordering on the Districts of Rungpoor, Cooch Behar, and Assam, together with the Talook of Ambaree Fallacotah and the Hill territory on the left bank of the Teesta up to such points as may be laid down by the

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British Commissioner appointed for the purpose is ceded by the Bhootan Government to the British Government for ever."

Among the many wrongs that we have to right, I think this is one and an important one too. According to this treaty, a large territory came to be acquired by the British Government.

Shri Kamath: We do not question the merits.

Shri Sri Prakasa: The Bhutan Government has been pressing that that territory should be given back to them. For 30 years and more, for sentimental and other reasons, they have been wanting to acquire this territory by cession, by lease or otherwise. There are no Indian nationals there; despite my hon. friend Mr. Rohini Kumar Chaudhuri doubting that fact. Only a few Bhutias live there. They are really for all intents and purposes citizens of Bhutan. As my hon. friend knows better than myself, these Bhutias cross over from Bhutan and settle here and there not knowing exactly where Bhutan territory ends and Assam territory begins. No Assamese proper live in this area of 32 square miles. What the Bhutan Government wanted was that the whole of the territory that was ceded to the British should be given back to them.

Shri R. K. Chaudhuri: May I know what is the Bhutia population in this area of 32 square miles? There are none.

Shri Sri Prakasa: I do not know the exact number; there may be a few dozens.

The Government of Assam investigated the whole question. That is why the terms of the Friendly Treaty between ourselves and Bhutan of 1949 has not yet been implemented. We were to have implemented those terms within a year; but, we have not been able to do so, because, proper enquiries took a long time. The Govern-

ment of Assam says that in the interval that this territory has been with them, they have invested large sums of money to improve it. There is, for instance, the famous Manes reserve which also was included in the original territory ceded to the British.

5 P.M.

And after all this enquiry, it has been agreed to between the two Governments that only a small bit of territory—about 32 sq. miles—should be given back to Bhutan. I do feel Sir, that there should be no objection to that. The hon. Prime Minister has already explained, how this will create better relations between Bhutan and ourselves.

Shri Kamath: We welcome that.

Shri Sri Prakasa: And we do not stand to lose anything at all. As a matter of fact the cession will make no actual difference to our position. This territory is used only by the Bhutanese people once a year when they come down to pitch their tents in order to attend the Darranga Fair which is held in the neighbourhood. Even Darranga remains with us. It is not going back to Bhutan. Only 32 sq. miles of forest land to which the Bhutanese attach special sentiment, is going back to them. I do hope that the House will agree to our handing over or parting with this small bit of territory and

Shri Syamnandan Sahaya: You are not parting with any territory, but only adjusting the boundary which was by force fixed by the British.

Shri Sri Prakasa: Call it what you like, we are actually parting with some territory that has been with us so long. Put it in any way you like; but the fact is this territory has been with us all these many years since 1865, and now we shall part with 32 square miles of the tract that originally came to us. I do hope that the House will agree to this. We have everything to gain and nothing to lose.

The House then adjourned till a Quarter to Eleven of the Clock on Wednesday, the 8th August, 1951.