

Monday, 20th 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

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PARLIAMENT OF INDIA

Monday, 20th August, 1951.

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

[MR. DEPUTY-SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

TROOPS FOR USE OF U.N.O.

*344. **Shri Sidhva:** Will the Prime Minister be pleased to state:

(a) whether the U.N.O. has asked that a certain number of troops should be ear-marked for use by U.N.O.;

(b) if so, what was the number they required and for what purpose; and

(c) the reply that Government of India has given to this?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). The General Assembly of the United Nations passed a resolution at their 5th Session recommending that Member States might earmark some of their Armed Forces "for service as a United Nations unit or units, upon recommendation by the Security Council or the General Assembly". No number was specified.

(c) The Government of India's reply to the Secretary-General of the U.N. was in the following terms:—

"They are of the view that in the present international situation the creation of a United Nations force would emphasise the compulsive rather than the mediatory function of the United Nations and would, therefore, not help in the creation of a proper psychological atmosphere for the preservation of peace. This apart, the Indian Army is a force designed purely for internal defence and does not include an

expeditionary element for service overseas. Nor would it be possible for the Government of India; in their present financial condition, to create such an expeditionary element, even if there were no objection in principle."

Shri Sidhva: Has there been any correspondence between the Government of India and the U.N.O. after this letter was despatched?

Dr. Keskar: No, Sir.

Shri Sidhva: What are the main principles of the U.N.O. Charter in this respect—whether in the event of a dispute between one country and another the armed force will have to be used or whether negotiation and persuasion will be used?

Dr. Keskar: Sir, it will not be possible to reply in detail to the possibilities that might arise out of the various clauses of the U.N. Charter. But such possibilities were discussed when this particular resolution was discussed before the General Assembly. I think it would be going too much into detail if we discuss those possibilities here.

Shri Rathnaswamy: May I know if there is any standing army maintained by the U.N.O. and, if so, what is the strength of that army?

Dr. Keskar: Sir, my hon. friend is under a misapprehension. This particular resolution that was passed asked member States to keep in their army certain units which might be called upon by the U.N. at a particular emergency for use. Even this resolution does not create a United Nations Force.

Shri A. C. Guha: May I know if the Government have got any information as to what other countries have acceded to the request of the United Nations in this respect?

Dr. Keskar: Yes, Sir, quite a number.

Shri A. C. Guha: May I know the names of the countries and also what the reply of the Pakistan Government was?

Dr. Keskar: I would require notice.

Dr. Ram Subhag Singh: What is the attitude of the Government of India with regard to that resolution of the General Assembly?

Mr. Deputy-Speaker: The answer has been given already. It has been read out *in extenso*.

Shri Kamath: Has the U.N.O. suggested this course or made this proposal for use of these troops in actual warfare as a part of military sanctions against any aggressor or only for international policing purposes?

Dr. Keskar: I think the objective was both, but not against any specific Power as such, because the resolution is a resolution on principles. It will be, according to the resolution, for the United Nations General Assembly to decide whether such an emergency has arisen that member States can be asked to send their armies on behalf of the United Nations.

TRADE WITH PAKISTAN

*345. **Shri Sidhva:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether under the Indo-Pakistan Trade Agreement, the supply of foodgrains and jute to India have been according to schedule;

(b) the extent to which the supplies of these two commodities were expected to be completed before the 31st July, 1951;

(c) the balance which remains to be received and the reasons for the delay, if any; and

(d) the quantity of coal and cloth supplied by India to Pakistan as on 31st July, 1951 in terms of the Agreement and the reasons for short supply, if any?

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

(b) to (d). The quotas fixed under the Agreement are divided into two parts, namely, those to be supplied up to the end of June, 1951 and those to be supplied during the period of 1st July 1951 to 30th June, 1952. A statement giving the required information in regard to the supply of the commodities in question during these two periods is laid on the Table of the House. [See Appendix II, annexure No. 32.]

Shri Sidhva: From the statement it appears that the import from Pakistan as far as foodgrains are concerned was considerably less—against 40,000 tons

we received only 13,000 tons up to the 30th of June 1951 and the balance as on 1st of July 1951 was 27,000 tons. And the reason given for this is that certain formalities were not completed and therefore the period has been extended up to 30th September 1951. Has there been any improvement in the exports from Pakistan since 30th June 1951?

Shri Mahtab: Columns 6 and 7 show the receipts in the months of June and July.

Shri Sidhva: I have seen that. After 30th June 1951 has there been any improvement in the month of July? We are now in the month of August.

Shri Mahtab: July figures have also been given in the statement.

Shri Sidhva: Column 8 gives the balance as on 1st July 1951 out of the quantity fixed for the period up to 30th June 1951.....

Shri Mahtab: May I read out? The hon. Member will find in the statement columns, 2, 3, 4, 5, 6 and 7. Column 7 gives the figure up to 31st July 1951—actual imports and exports up to 31st July 1951. Therefore he has got the figures in the statement.

Shri Sidhva: I want to know the figures after that period and whether anything has been received after 31st July.

Shri Mahtab: July figure has been given. It is not possible to give the figures for August.

Shri Sidhva: As far as jute is concerned, against the agreed quantity of 1,000,000 bales only 535,163 bales were supplied up to 30th June 1951 and 464,837 bales is given as the balance on 1st July 1951. The reason given is that the Government of Pakistan stated that the delay in effecting supplies was solely due to factors beyond human control. May I know if any further light could be thrown on this matter as to what was the factor beyond human control which necessitated this delay?

Shri Mahtab: Supply of wagons. The main difficulty was the difficulty of transport, and also the actual shortage of stocks in Pakistan as they represented to us. All these matters have now been taken up and we are proposing to meet and discuss the working of this Trade Agreement shortly.

Shri A. C. Guha: After the new jute crop has been harvested is there any export of jute from Pakistan to India?

Shri Mahtab: I am sorry those figures are not available. Whatever figures were available I have given in the statement. But I think the jute position is likely to improve because of the new harvest.

Shri A. C. Guha: Has there been any allotment of jute from East Bengal?

Shri Mahtab: I cannot say, but my impression is it has not been made.

Shri Barman: Have Government received any complaint regarding the foodgrains supplied by Pakistan, that they are out of the 1948 stock and mostly unfit for human consumption?

Shri Mahtab: According to the Agreement there was an arrangement for inspection of the foodstuffs. Whatever foodstuffs have been imported have been inspected by our own officers and we have received no such complaints as suggested by the hon. Member.

Shri Rudrappa: In view of the threat of war by Pakistan, has the Government of India thought of stoppage of export of coal to Pakistan?

Shri Mahtab: That situation has not arisen in my opinion.

Shri Barman: Is it a fact that the Indian Tea Planters' Association which has been allotted this food from Pakistan has made complaints to the Government of India that the food that was supplied was not fit for human consumption? And as regards the statement made by the hon. Minister that they had the right to inspect the food, may I know whether it is not a fact that under the Agreement the I.T.P.A. had to deposit the money first and therefore had no other alternative?

Shri Mahtab: The Tea Planters' Association made their own arrangements, and they took the permission of the Government of India only to import it. The arrangements were made by themselves and I have not received any complaint from them.

Shri A. C. Guha: Has there been any complaint from the Indian Jute Mills Association or the jute mills of Calcutta that they are not receiving any supply of jute from East Bengal from the new crop?

Shri Mahtab: As I said I cannot say off-hand with regard to the allotment of the new crop. If the hon. Member gives a fresh notice, I will get him the facts about the jute crop and so far as the old crop is concerned, I have already given the information.

EXPORT OF GLYCERINE TO PAKISTAN

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

(a) the quantity of glycerine together with the value thereof, exported from India to Pakistan during each of the years 1948-49, 1949-50 and 1950-51;

(b) whether it is still being exported, and if so, how much has been exported this year up to date; and

(c) whether it is an important ingredient of T.N.T.?

The Minister of Commerce and Industry (Shri Mahtab): (a) 20 tons of glycerine valued at Rs. 33,900 was exported to Pakistan in the year 1949-50. There were no exports of glycerine to Pakistan in the years 1948-49 and 1950-51.

(b) No exports have taken place in this year up to date.

(c) No, Sir.

Shri Kamath: May I know if the exports have been completely stopped as a matter of policy or is the matter under consideration?

Shri Mahtab: Refined glycerine is under export control and is allowed to be exported to hard currency countries only. A quota of 450 tons have been fixed for the period ending July 1951. Crude glycerine was under O.G.L. but has recently been brought under control. The licensing procedure for crude glycerine is still under consideration.

Shri Kamath: When was it brought under control, on what date?

Shri Mahtab: The notification is dated the 14th July 1951.

Dr. Deshmukh: Is there any relationship between the stoppage of export of glycerine to Pakistan and the worsening of the relations between India and Pakistan?

Shri Mahtab: Obviously it is not. The hon. Member will see that the export has ceased in 1949-50.

Shri Kamath: With regard to the answer to part (c), which is in the negative, has the Minister ascertained the view of any scientist or is it the view of the Secretary of his Ministry who is not a scientist?

Shri Mahtab: This is a matter of common knowledge. I do not think of much knowledge of science is necessary for these things.

PROHIBITION

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

(a) whether it is a fact that Government have referred the question of extending, suspending or otherwise modifying the policy of Prohibition to the Planning Commission for opinion; and

(b) if so, what view has the Commission expressed thereon?

The Parliamentary Secretary to the Prime Minister (Prof. S. N. Mishra):

(a) and (b). No such reference has been made by the Government to the Planning Commission.

Shri Kamath: Have the Central Government advised the State Governments formally or informally in the matter so far?

Prof. S. N. Mishra: No, Sir. This matter has not been referred to the State Governments, I may however inform the hon. Member that this question has been examined by the Planning Commission but since investigations are under way in the states of Madhya Pradesh and Bombay, it would not be possible for the Planning Commission to make a definite recommendation at this stage unless authentic assessment of the results is made available.

Shri Kamath: Has the Government's attention been drawn to the Madhya Pradesh Prohibition Inquiry Committee's opinion that prohibition in that State has not been a success?

Prof. S. N. Mishra: I do not think, Sir, that the Madhya Pradesh Investigation Committee has submitted its report and if the report is submitted, the Planning Commission will give due thought to it.

Shri Kamath: Does Government propose to adopt a uniform All India policy in this matter or leave it to each State to do as it likes?

Prof. S. N. Mishra: I think at the present moment prohibition affects only a few states but since it concerns a very big slice of the revenue spread all over, the Planning Commission in its final report may give thought to that aspect also.

Shri Kamath: Is it a fact that the Congress Party which is in power today in the Centre and in the States has omitted any reference to prohibition in its election manifesto, and if so, what is the implication or significance of such omission?

Some Hon. Members: We are not discussing this here.

Mr. Deputy-Speaker: That does not arise. The hon. Member is also a member of the Congress. Hon. Members can put questions and no doubt the Government of the day is a Congress Government, but we should not go into questions relating to whatever is done outside this House by the Congress Organization such as the A.L.C.C. as a whole, or any outside organization. For the party in power there is an agent here and we could only ask him questions in so far as they affect the persons of the Government or the actions of Government.

शैठ गोविन्द दास : मध्य प्रदेश और बम्बई की सरकारों के सिवा और जहाँ जहाँ पर प्रोहिबिशन है उन में से क्या किसी और सरकार ने इस सम्बन्ध में कोई जांच कमेटी बिठाई है, और यदि नहीं बिठाई है तो उन प्रदेशों में जो तजुर्बा हुआ है उस के सम्बन्ध में क्या केन्द्रीय सरकार कोई प्रवन्ध कर रही है कि वहाँ की रिपोर्ट भी प्राप्त हो सके।

[**Seth Govind Das:** May I know if, in addition to Madhya Pradesh and Bombay, the Government of any of the other States where prohibition has been enforced, has set up an Investigation Committee in this connection; if not, whether the Central Government are making any arrangements to obtain Reports from these States regarding their experiences?]

प्रो० ऐस० ऐन० मिश्र : जहाँ तक प्लानिंग कमीशन का तात्लुक है मुझे यह नहीं मालूम होता है कि कहीं दूसरी जगह भी इस के लिए कोई जांच कमेटी गठित हुई है, लेकिन अगर कहीं पर हुई हो तो उस की भी रिपोर्ट प्लानिंग कमीशन मंगाने की कोशिश करेगी। लेकिन इस की इत्तला प्लानिंग कमीशन को नहीं है कि मध्य प्रदेश और बम्बई के सिवा किसी और जगह भी जांच कमेटी बनाई गई है।

[**Prof. S. N. Mishra:** So far as the Planning Commission is concerned, I do not think that an Investigation Committee has been set up in this connection anywhere else, but if it has been set up anywhere, the Planning Commission would try to get its report

also. But the Planning Commission is not aware whether an Investigation Committee has been set up at any other place except Madhya Pradesh and Bombay.]

Shri Rathnaswamy: May I know if some time back certain foreign Governments wanted to elicit the opinion from the Government of India as to the working of prohibition in the various states in the country? If so, whether any information has so far been given to them as to the successful working of prohibition or otherwise in the various states in the country?

Prof. S. N. Mishra: So far as any information elicited by any foreign Government is concerned, I do not think that the Planning Commission could have been in a position to give any correct assessment of the results achieved in those States, when the Planning Commission itself has not received any correct report. Without any authentic report, I do not think that it would be in a position to furnish any information particularly to foreign Governments.

Shri Amolakh Chand: May I know if the policy of going slow in prohibition has been approved by the Planning Commission?

Mr. Deputy-Speaker: The Planning Commission is still considering.

Rev. D'Souza: Although the Planning Commission may not have received official reports, has not the Commission gathered at least the opinion in the country regarding the success of the experiment?

Mr. Deputy-Speaker: I suppose hon. Members do not want the Planning Commission, which is an august body to come to definite conclusions off-hand.

Shri Kamath: As regards those States where prohibition is either completely or partially in force, has the Central Government asked those States to submit a report about the working of prohibition in those States before the report of the Planning Commission is finalized?

Prof. S. N. Mishra: I do not think that it was necessary anyway. Even in the two States where investigation had been in progress probably their results would be symbolic of the results that would obtain in other States also.

INDIAN FOREIGN SERVICE

*348. **Dr. Deshmukh:** Will the Prime Minister be pleased to state:

(a) the number of vacancies in the Indian Foreign Service that are proposed to be filled out of candidates passing the I.A.S. Examination;

(b) how many vacancies would be filled directly; and

(c) whether the *ad hoc* Selection Board is still functioning?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):

(a) Four, this year.

(b) None.

(c) No.

Dr. Deshmukh: How long did this *ad hoc* Selection Board function? May I know the length of time for which it functioned?

The Prime Minister (Shri Jawaharlal Nehru): Probably a year, but it ceased to function a long time ago.

Dr. Deshmukh: Is there any likelihood of its being revived or is the selection going to be confined hereafter to I.A.S. Examination only?

Shri Jawaharlal Nehru: There is no present proposal to revive it but there are proposals for some special selection machinery, that is, something in addition to what exists now to pick out people for the foreign service by a different form of *viva voce*. In other countries there are special methods adopted, because the quality required are somewhat different from the qualities required for the service. Various proposals are under consideration. But for the moment there is no suggestion that a special board like the old board should be constituted.

Dr. Deshmukh: May I know the approximate number of candidates that might have been chosen in this way by the *ad hoc* Selection Board?

Mr. Deputy-Speaker: Already?

Dr. Deshmukh: Yes; during the one year's functioning of the Board.

Shri Jawaharlal Nehru: I said I have no idea.

Mr. Deputy-Speaker: Long ago it has ceased to function. A similar question has already been answered the other day. This Board came into existence for a special purpose. Now, it is only the Union Public Service Commission that is doing the work.

Dr. Deshmukh: I only wanted to know the number of candidates.

Mr. Deputy-Speaker: The hon. Minister, has not got that information.

सेठ गोविन्द दास : आई० ए० एस० का जो पाठ्य-क्रम है वह क्या काफी है बंदेशिक काम के लिए। या जो बंदेशिक काम के लिए परीक्षा देना चाहते हैं उन के लिए आई० ए० एस० के पाठ्य-क्रम में और कोई विषय भी जोड़ने का विचार किया जा रहा है।

[**Seth Govind Das:** May I know if the I.A.S. syllabus is enough for the foreign service or is it proposed to add more subjects to the I.A.S. syllabus for those candidates who want to appear at the examination for foreign service?]

श्री सतीश चन्द्र : आई० एफ० एस० या आई० ए० एस० का कोई निश्चित पाठ्य-क्रम नहीं है। वह एक इम्तहान होता है जिसमें नियमानुकूल योग्यता रखने वाले व्यक्ति भाग ले सकते हैं। उनमें जो सर्व प्रथम पास होते हैं वह रिक्त स्थानों की संख्या के अनुसार ले लिए जाते हैं। यह परीक्षा किसी विशेष पाठ्य-क्रम द्वारा शिक्षा देने के बाद नहीं होती है, बल्कि भर्ती करने से पहले ली जाती है।

[**Shri Satish Chandra:** There is no regular syllabus for the I.F.S. or I.A.S. It is an examination at which persons possessing the requisite qualifications can appear. Out of those who pass, as many persons are selected in the order of merit as is the number of posts vacant. This examination is not held after the imparting of education according to a particular syllabus; it is held prior to the recruitment.]

सेठ गोविन्द दास : अगर ऐसा मान भी लिया जाय तो भी उन को बंदेशिक काम के लिए क्या कोई खास बात या कोई खास उत्तर देने की आवश्यकता है। क्या उन्हीं में से भेजे जा सकते हैं या उन के लिए किसी खास बात की आवश्यकता होती है।

[**Seth Govind Das:** Even admitting that, are they not required to answer special questions or to show special

aptitude for the foreign service? Are they selected along with the others, or are they required to qualify in some special manner?]

Mr. Deputy-Speaker: The other day it was said by the hon. Home Minister that they have added External Affairs and some other subject also as special subjects for those people who want to go for Foreign Service.

Seth Govind Das: That is what I wanted to know.

Mr. Deputy-Speaker: That has already been answered in the House.

Seth Govind Das: Those subjects have not been disclosed. What are the subjects which should be necessary for Foreign Service?

The Deputy-Minister of External Affairs (Dr. Keskar): I think there is some misapprehension in the mind of the hon. Member. The method of selection of whatever number the External Affairs Ministry wants is that out of the candidates who top the list of I.A.S., the External Affairs Ministry selects the number that it wants, taking into consideration the aptitude of the candidates for Foreign Service. No subject specially for Foreign Service has been prescribed as such. It is quite possible that the Government with a view to make the candidates more proficient, might prescribe such subjects in the future.

Dr. Deshmukh: From the reply given by the hon. Prime Minister, am I to assume that it is likely that Boards may be constituted when candidates demand and not that the Boards will be constituted and the candidates referred to that Board?

Shri Jawaharlal Nehru: That matter was under consideration; I really cannot be more precise as to what might be done.

INCREASED EXPORT DUTY ON TEXTILES

*349. **Dr. Deshmukh:** Will the Minister of Commerce and Industry be pleased to state:

(a) how the export trade and traders have reacted towards the increased export duty on textiles;

(b) whether the revenue from this source is showing signs of fulfilling expectations; and

(c) whether there is any likelihood of any contracts being cancelled owing only to the enhanced export duty?

The Minister of Commerce and Industry (Shri Mahtab): (a) The reaction of the trade towards the enhanced export duty on cotton textiles is not favourable.

(b) and (c). It is too early to say as the duty was enhanced only from the 1st June, 1951.

Dr. Deshmukh: With reference to part (c) of the question, have any cases come to the notice of the hon. Minister where contracts previously entered into had to be cancelled owing to the increase in the export duty?

Shri Mahtab: No such case has been brought to our notice.

Shri R. Velayudhan: May I know whether any import duty is imposed on cloth which was already exported to Singapore and other Malayan States and which are being re-exported into India?

Mr. Deputy-Speaker: This question relates to export duty. The hon. Member wants to know about import duty.

Shri R. Velayudhan: This is also a kind of export. It was exported, and now it is being re-imported.

Mr. Deputy-Speaker: Export is the earlier stage. Import comes later. That is not covered by this question. Next question.

Shri Jhunjhunwala: Arising out of the answer that the reaction of trade is not favourable, what are the grievances and the reasons which trade gives regarding the export duty to arrive at the conclusion that it is not favourable?

Shri Mahtab: Reason has, of course, been put forth. The obvious reason is that the margin of profit is lessened by the increase in the export duty.

POWER-LOOM FACTORIES AND TEXTILE MILLS

*350. **Shri Kshudiram Mahata:** Will the Minister of Commerce and Industry be pleased to state the difference between the retail price of stamped cloth and the market price of powerloom produced cloth of the same quality?

The Minister of Commerce and Industry (Shri Mahtab): The retail prices of mill cloth are 14 per cent. over the ex-mill prices, but there is no control over the prices of powerloom cloth and its prices vary according to the market demands. It is, therefore, not possible to indicate the difference between the retail prices of mill cloth and the market prices of powerloom cloth which fluctuate.

Shri Kshudiram Mahata: My question was regarding the comparison of retail price of mill cloth and the market price of powerloom cloth of the

same quality. Am I to assume that the hon. Minister is not aware of the market prices of the power-loom cloth?

Shri Mahtab: The market price of power-loom cloth varies from place to place and from period to period. But, the price of mill cloth is fixed. It is not possible to compare.

Shri Kshudiram Mahata: May I know the difference between the cost of production of mill cloth and the powerloom cloth?

Shri Mahtab: The cost of production of mill cloth has been investigated by the Tariff Board in 1948. That formula still obtains. With regard to powerloom cloth, no investigation has been made up till now.

Shri Chattopadhyay: Has the Central Government issued any instructions to the State Governments to fix the price of powerloom cloth or handloom cloth?

Shri Mahtab: With regard to powerloom cloth, we have advised the State Governments to exercise some control over them and the procedure has been laid down that wherever there are powerloom associations, they may be utilised; where there are individual power-looms, some difficulty has arisen. We are trying to solve that difficulty. We are thinking as to how to control the prices of powerloom cloth.

Shri Dwivedi: Is it a fact that the price of certain classes of fine and superfine cloth has been increased by more than 100 per cent.? What is the cause of such sudden rise?

Shri Mahtab: A question about that subject is coming up. Here, we are concerned with the difference between the prices of mill cloth and powerloom cloth.

Shri Shiv Charan Lal: Is it a fact that the market price of powerloom cloth, at present, is lower than the market price of mill made cloth of the same quality?

Shri Mahtab: I have got the figures for the Delhi market which show that the market prices of powerloom cloth are much higher than the stamped prices of mill cloth.

Shri Shankaraiya: May I know whether any complaints have been received with regard to restraint placed on the movement of the powerloom cloth and whether it is likely to be relaxed?

Shri Mahtab: Complaints have been received from the traders. But, I do

not think there is any scope for relaxation in view of the scarcity of cloth at the present moment.

Shri S. N. Das: As a result of the instructions sent by the Central Government, which of the State Governments have been able to fix the prices of power-loom cloth?

Shri Mahtab: None of them has so far done it; we are persuading them.

CLOTH PRICES

*351. **Shri Kshudiram Mahata:** Will the Minister of Commerce and Industry be pleased to state:

(a) the different stages of increase or decrease in prices of cloth since the introduction of cloth-control in 1943 up till now and the rates of increase thereon; and

(b) the percentage of increase in prices of cloth at present over the prices of 1943?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). A statement is placed on the Table of the House. [See Appendix II, annexure No. 33.]

Shri Kshudiram Mahata: On the 10th last, the hon. Minister stated that the prices of cloth are so high because of the rise in the price of foreign cotton. In view of the fact that one pair of superfine cloth roughly contains about one pound of cotton, and the price of one pound of cotton at present is rupees three, roughly, that is double the price which was prevailing in 1944, am I to understand that due to the rise of Re. 1-8-0 in the price of one pound of cotton, the price of one pair of superfine cloth has been raised from something like rupees nine to Rs. 20?

Shri Mahtab: I am sorry I could not follow the question.

Shri Kshudiram Mahata: On the 10th the hon. Minister stated that the price of cloth had risen only due to the rise in the price of cotton. In view of the fact that one pair of superfine cloth contains only 1 lb. of cotton roughly, and the price of 1 lb. of cotton has increased by Rs. 1/8/- as compared to the price in 1944, am I to understand that for this increase of Re. 1/8/- in the price of cotton, the corresponding increase in the cost of a pair of superfine cloth is from rupees nine to Rs. 20?

Mr. Deputy-Speaker: This is not a debate. The hon. Member seems to make a speech and not put a question.

Shri Mahtab: I may explain the position. The hon. Member will see from the statement that in 1948 when there was decontrol, there was immediately an increase in prices. When the controls were re-established in 1948 there was already an increase in the price of about 40 per cent. The Tariff Board formula was adopted in 1948 and the increase in the price subsequently was only due to the increase in the price of cotton and it has no relation to the price which was prevailing before 1948, in 1944. In the statement it will be seen that there has been an automatic increase of about 48 per cent. in some cases and in some cases of about 45 per cent. in 1948.

Shri Kshudiram Mahata: What is the relation between the increase in the price of a pound of cotton by Re. 1/8/- and the increase in the price of a pair of superfine cloth from rupees nine to Rs. 20?

Shri Mahtab: After 1944 the price automatically went up in 1948. Subsequently the price went up due to the price of cotton.

Mr. Deputy-Speaker: The hon. Member wants to know how far the price of superfine cloth has shot up due to the corresponding increase in the price of cotton. Are the millowners trying to make a big profit at the cost of the consumers because the price of cotton has gone up by Re. 1/8/- per pound?

Shri Mahtab: This has been asked in part (b) of the question which asks for "the percentage of increase in prices of cloth at present over the prices of 1943". And in the statement, in reply to part (b) it has been stated that the percentage of increase in prices of superfine cloth at present over the prices in 1943 is about 52.50. And so the answer is already there.

Mr. Deputy-Speaker: But he wants to know about the cotton price. Is this increase in price of cloth due to the increased cotton price?

Shri Mahtab: This 52.50 per cent. is not related to cotton price only. If the hon. Member will give me a fresh notice, I shall give him the break-up.

Shri Dwivedi: I want to know whether there has been an increase by more than 100 per cent. in the prices of certain classes of fine and superfine cloth and what is the reason for this sudden increase.

Shri Mahtab: My claim is that there is no increase as the hon. Member suggests. As I said, the increase in the price of superfine cloth is about 52.50 per cent.

Shri Amolakh Chand: Is it a fact that the black-market price of 1948 after de-control automatically became the legal fair price after the re-imposition of control? And if so, how far was the black-market responsible for this increase in prices?

Shri Mahtab: As a matter of fact, there was no black-market then because it was the open price as there was decontrol. The then prevailing price was accepted as the basic price.

Shri Chattopadhyay: May I know the reason why superfine cloth has been put in the market for free sale while coarse cloth has not been so put?

Shri Mahtab: That is because the supply is less in the case of coarse and medium and the supply of fine and superfine is larger at the present time.

सेठ गोविन्द दास : जो कपड़ा हमारे देश की रुई से बनता है उस रुई की कीमत कितनी घटी है और क्या उस के बने कपड़े की कीमत घटने की निकट भविष्य में कोई सम्भावना है ?

[Seth Govind Das: To what extent, has the price of the indigenous cotton, from which cloth is manufactured, come down and is there any likelihood, in the near future, of a fall in the prices of the cloth produced from it?]

Shri Mahtab: The price of coarse and medium cloth has increased only to the extent of the rise in the price of cotton since 1948. Whenever the price of cotton goes down, the price of cloth also will come down.

सेठ गोविन्द दास : यही तो मैं जानना चाहता था कि इस वक़्त रुई की कीमत विदेशों में घट रही है और इस देश में भी सायद घट रही है। इस हालत में क्या कपड़े की कीमत घटने की भी निकट भविष्य में सम्भावना है ?

[Seth Govind Das: That is exactly what I wanted to know. The price of cotton is going down in foreign countries and perhaps in this country also. Under the circumstances, is there any likelihood of a fall in the prices of cloth also in the near future?]

Shri Mahtab: These points will be cleared up, I think, in the middle of September when the October prices are fixed. Any fall in the price of foreign cotton and its repercussion on Indian

cotton will be taken into consideration when the October prices are fixed.

Shri Shiv Charan Lal: Does the hon. Minister mean by the automatic increase in the price of cloth that the millowners have autocratically increased the price of cloth by about 50 per cent.?

Shri Mahtab: When cloth was decontrolled in 1948, the price rose up and obviously a portion of the profit must have gone to the mill-owners, there is no doubt about that.

Shri A. C. Guha: After the control was re-imposed, did Government take steps to bring down the price, or did they simply stabilise it at the prevailing black-market rate?

Shri Mahtab: It was not a black-market rate, because there was no control then. The prevailing price then was accepted as the basic price.

Shri Amolakh Chand: Is it a fact that the percentage of profit of the millowners has increased on account of the increase in the price of the cloth?

Shri Mahtab: Since 1948, the percentage of the profit allowed to the mills has not been increased.

TRAINING-CUM-WORK CENTRE AT FULIA

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

(a) how far the Training-cum-work Centre at Fulia in West Bengal has progressed upto 30th June 1951:

(b) how many displaced persons are engaged at present and how many are to be taken in the near future:

(c) which technical subjects are being taught there: and

(d) what sum is proposed to be spent on this Training-cum-work Centre?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) The Training and Work Centres at Fulia which are two different organisations are progressing satisfactorily. The former has 317 trainees as against a target of 400 while both employ 200 workers against a target of 600.

(b) 200. About 400 are to be taken up in the near future.

(c) (1) Carpentry.

(2) Fitting, Plumbing, Blacksmithy and Sheet Metal (Tinsmithy).

(3) Brush-making.

(4) Welding.

(5) Printing Press and Book Binding.

- (6) Draftsman—Mechanical and Civil.
 (7) Electrician and Wireman Class.
 (8) Weaving, Dyeing, Bleaching and Calico Printing.
 (9) Hosiery.
 (10) Tailoring.
 (11) Commercial Art.
 (12) Leather Work.
 (13) Agriculture.
 (14) Ladies Activities Centre.
 (d) (i) Approximately Rs. 5 lakhs on Training Centre.
 (ii) Rs. 8.14 lakhs on Work Centre.

Shri S. C. Samanta: May I know when this Centre was opened and how many such Centres there are now in India?

Shri A. P. Jain: This Centre was opened in August 1950. There is a large number of Training-cum-Work Centres in India; but I am sorry I cannot give their exact number.

Shri S. C. Samanta: May I know whether at this Centre they experience difficulty due to the short-supply of yarn for the looms there?

Shri A. P. Jain: We have no such report.

Shri S. C. Samanta: Is Government aware that recently a polytechnic institute has been opened near Jalpaiguri where about 90 per cent. of the trainees are displaced persons? And may I know what are the difficulties in the way of the Government taking over the institution and running it?

Shri A. P. Jain: I have no information about the institution at Jalpaiguri. I shall, of course make enquiries from the State Government.

Shri S. C. Samanta: Is it not a fact that this institution is receiving aid from the Rehabilitation Ministry through the Government of West Bengal?

Mr. Deputy-Speaker: The hon. Member could have added Jalpaiguri also in his main question, instead of confining it to only Fulia. In that case the hon. Minister would have collected the information about Jalpaiguri also. There is no good reserving certain questions for supplementary and then springing them on the hon. Minister.

Shri A. C. Guha: May I know whether the trainees receive any stipend?

Shri A. P. Jain: Yes.

Shri A. C. Guha: At what rate?

Shri A. P. Jain: Usually at about Rs. 30.

Shri A. C. Guha: What subjects are dealt with at the work-centre and what at the training centre?

Shri A. P. Jain: At the work-centre there is no training, but there is work. The subjects taught at the training centre, I have already mentioned.

Shri A. C. Guha: Is any allowance given to those at the work-centre?

Shri A. P. Jain: No.

Shri Shiv Charan Lal: Are the Centres self-supporting?

Mr. Deputy-Speaker: How can a training-centre be self-supporting?

लाला अर्चित राम : क्या माननीय मंत्री बतलायेंगे कि आप के पास कोई शिकायत ऐसी आई है कि जो विद्यार्थी इन ट्रेनिंग सेन्टर्स में ट्रेनिंग लेते हैं, वह उस को समाप्त करने के बाद इस लायक नहीं होते कि वह अपना कोई काम कर सकें या नौकरी कर सकें, क्योंकि उन की शिक्षा अधूरी रहती है ? क्या ऐसी कोई शिकायत आप के पास आई है ?

[Lala Achint Ram: Will the hon. Minister please state whether he has received any complaints that those persons who receive training in these training centres are not fit enough after the completion of their training to start their own work or to take up some job because their training is incomplete? Has he received any such complaints?]

श्री ए. पी. जैन : आम शिकायत तो इस किस्म की नहीं आई, लेकिन ऐसा जहर है कि कुछ ऐसे भी विद्यार्थी होते हैं जो शिक्षा से पूरा लाभ नहीं उठाते और वह अक्षकचरे रह जाते हैं और काम नहीं कर पाते।

[Shri A. P. Jain: There is no general complaint about it but one thing is, of course, there that some trainees do not take full advantage of the training with the result that they are not fully trained and cannot start any work.]

डा० देशमुख: क्या यह शिक्षा का दोष है या विद्यार्थियों का दोष है ?

[Dr. Deshmukh: Is it the fault of the training or the trainees?]

Mr. Deputy-Speaker: It is a matter of inference.

HOTEL CHARGES IN DELHI

*353. **Sardar Hukam Singh:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether any maximum has been fixed for a *table d'hote* meal charges in Delhi Hotels;

(b) whether any complaints of over-charging have been received against the hotel keepers in Delhi; and

(c) if so, what action was taken against them?

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

(a) Yes.

(b) No.

(c) This question does not arise.

Sardar Hukam Singh: Independently of the complaints made to the Government, may I know whether Government itself exercises any checks to find out whether the hotel keepers charge exorbitant rates to their customers?

Shri Buragohain: This is a matter in which the Chief Commissioner is concerned and he has got his Controller of Rationing to assist him. I might inform the hon. Member what the Chief Commissioner has stated, that recently some gentleman who did not disclose his identity rang up the Controller to complain about over-charging in a particular restaurant. He was asked by the Controller to submit particulars in writing but he has not yet done so.

Sardar Hukam Singh: I wanted to know whether independently of the complaints made by disclosed or undisclosed persons Government exercises any checks to find out whether hotel keepers charge exorbitant rates.

Shri Buragohain: These are matters which come under the Control Orders which are issued by the Chief Commissioner with the prior approval of the Food and Agriculture Ministry.

Dr. Ram Subhag Singh: Arising out of part (d) of the question, what is the maximum charge fixed?

Shri Buragohain: The maximum charge for any single meal whether a *la carte* or *table d'hote* is Rs. 3/8/- excluding the cost of any alcoholic liquor or aerated water supplied at the request of the customer. There are ten hotels which provide special amenities like music, cabaret, refrigeration, etc. and they are allowed to levy in addition a cover charge up to a maximum of Rs. 3/8/- for a *la carte* meals provided by them.

Shri Kamath: In the case of those hotels about which complaints of persistent overcharging have been received, have Government considered or asked the Chief Commissioner to consider such drastic or deterrent measures as cancellation of their liquor licences?

Shri Buragohain: I have already said that no complaints have been received.

Mr. Deputy-Speaker: The members want to know whether Government has got its own agency to inspect periodically to see that exorbitant charges are not made by hotels.

Shri Buragohain: The question should properly be addressed to the Food and Agriculture Ministry, as the question relates to meal charges.

Mr. Deputy-Speaker: Next question.

INDO-PAKISTAN CONFERENCES

*354. **Sardar Hukam Singh:** Will the Prime Minister be pleased to state:

(a) the number of Conferences held between India and Pakistan during 1951; and

(b) the points of disputes discussed at each of these Conferences and the points on which agreements could be reached?

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

(b) In all 24 items were discussed in these Conferences. Twentyone items related to financial matters on which agreement could not immediately be reached and they were deferred for further examination and discussion at a future conference. The remaining 3 items related to (i) Trade, (ii) Permit System and (iii) Boundary in Ferozapore District. Agreement was reached only in the case of (i) and (ii).

Sardar Hukam Singh: Am I to assume that during all these conferences no discussion took place about the shrines situated in Pakistan as regards their management, etc.?

Dr. Keskar: No, Sir.

Sardar Hukam Singh: May I know whether there is a proposal to convene a conference just now for the settlement of this dispute?

Dr. Keskar: Yes, Sir, we are trying to have such a conference in the immediate future.

Sardar Hukam Singh: Is there any truth in the press report that the Government of India have asked Pakistan to fix a date for this conference and, if so, have our Government received any reply?

Dr. Keskar: We have asked the Pakistan Government to fix a date for such a conference but no reply has yet been received.

सेठ गोविन्द दास : जिन जिन बातों का निर्णय इन कान्फ्रेंसेज में हो चुका है, क्या उन पर पाकिस्तान ठीक तरह से अमल कर रहा है ?

[**Seth Govind Das:** May I know whether Pakistan is abiding by the decisions taken at these conferences?]

Dr. Keskar: With regard to trade, I will not be able to reply in detail. The Minister for Commerce and Industry would be in a better position to do that. But as the hon. Member is aware there was an agreement regarding the exchange of commodities between both the countries. With regard to the permit system a general agreement on the principles was reached but it has not yet been implemented.

Shri Sidhva: With regard to the permit system the hon. Minister for Rehabilitation stated in this House that the matter has not been definitely decided and that the Pakistan Government has not given any answer to the arrangement that has been arrived at. May I know which statement is correct?

Dr. Keskar: There is no contradiction.

The Minister of State for Rehabilitation (Shri A. P. Jain): The position is that the agreed minutes of the conference at secretariat level were with the Government of Pakistan. They have sent a certain communication in connection with it and we have replied to it. It has not been finalised yet.

Sri Amolakh Chand: The Minister said that certain conferences were postponed and may I know whether any postponed conference is going to be held in the near future?

Dr. Keskar: I did not say that the conferences have been postponed. There were certain conferences regarding specific subjects. There were in all 24 items on which we had discussions. On about 21 items, as I said, we could not reach any decision and they have been deferred. No dates as such have been fixed in connection with them.

Shri Kamath: Did any conference take place after Pakistan had moved its troops nearer our borders and if so, was this matter raised at that conference?

Dr. Keskar: No, Sir.

Shri Kamath: Does the negative reply apply to the conference or the subject?

Mr. Deputy-Speaker: No such conference was held.

Dr. Deshmukh: How many of these 22 points on which decision could not be reached were discussed at more than one conference?

Dr. Keskar: I would require notice. There were 21 or 22 items and it is not possible to give a reply.

Shri A. C. Guha: Was the working of the Delhi Pact as regards the minorities in East and West Bengal and Assam ever discussed at any of these conferences?

Dr. Keskar: Whatever is done regarding the Indo-Pakistan Agreement is done under the clauses of that agreement. Regular conferences are held between the Ministers of East and West Bengal, the special Ministers appointed for Minorities and also secretaries to the Governments of East and West Bengal. Those conferences do not come under this category.

Shri A. C. Guha: In the proposed conference regarding shrines, do Government propose also to take up the question of temples and shrines in East Bengal?

Dr. Keskar: We have put forward certain proposals in general terms to the Pakistan Government. If they are accepted then what particular items should form the subject matter of the conference will be taken up.

Shri Kamath: As regards the two matters about which the Minister said that agreement had been reached.....

Shri Sidhva: The agreement regarding permits is not yet finalised.

Shri Kamath: As regards the other, has the Pakistan Government fulfilled the terms of the agreement since that date?

Dr. Keskar: The same question was put by Seth Govind Das and I have replied to it. With regard to permits what I said was that agreement was reached on the general principles but I did not say that the agreement has been finalised and is being implemented.

CLOTH QUOTA TO MADRAS STATE

*355. **Dr. M. V. Gangadhara Siva:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity and value of the latest quotas of cloth allotted to the Madras State;

(b) the basis on which the respective quotas were fixed; and

(c) whether in awarding the quotas provision was made for the population of labour classes?

The Minister of Commerce and Industry (Shri Mahtab): (a) Quota of cloth released to Madras State under controlled distribution during January—June 1951 was 90,312 bales valued at about Rs. 18 crores, 6 lakhs and 24 thousands rupees.

(b) The cloth quotas of States were fixed in 1948 on the basis of production during that year and the 1941 census figures of population with allowance for inter-casual increase in population at 18, 15, 12 yards per capita per annum respectively for the population in cities, urban and rural areas.

(c) Yes, they are included in total population.

Dr. M. V. Gangadhara Siva: May I know how much out of the quota had actually been despatched to Madras State up to last month?

Shri Mahtab: I have already said that the actual despatch to Madras from January to June was 90,312 bales.

Dr. M. V. Gangadhara Siva: May I know whether the Minister is aware of the fact that a special quota was allotted to the labour classes in the year 1945-46? I want to know whether any statistics are kept of supplies made to the labour classes and, if not, why not.

Shri Mahtab: No special quota is given to the labour classes but in view of the labour population in the cities more cloth is given to city areas. Therefore, it is for the State Government concerned to allocate the quotas as they think best.

Shri Kesava Rao: May I know whether the cloth allotted to the Madras State during June and July has been lifted?

Shri Mahtab: I think so.

Shri Rathnaswamy: May I request the hon. Minister to give us some information as to the quantities of dhoties and saris sent to the Madras State out of the quota allotted to that State?

Shri Mahtab: In January and February no dhoties and saris were sent to Madras. Figures for the subsequent months are as follows:

	Dhoties	Saries
	(bales)	(bales)
March ..	405	89
April ..	733	72
May ..	1374	167
June ..	1869	233

Shri Rathnaswamy: I think last week or so the hon. Minister made a statement that there is an abundant supply of mill-made cloth available in the market but that at the same time prices are exorbitantly high. How does the hon. Minister reconcile these two statements?

Shri Mahtab: There is no inconsistency in these two statements because under the Tariff Board formula the prices of cloth are fixed taking into account the price of cotton, labour charges etc. While there is plenty of availability, prices will come down only when the prices of these factors will come down, especially when the price of cotton will come down.

Shri Venkataraman: May I ask whether the quota consists of large parts of fine and superfine variety and therefore the quantity of cloth available to the middle and lower classes has become very small?

Shri Mahtab: The percentage of fine and superfine cloth is much larger today because of the larger quantity of foreign cotton used. In 1948 the percentage was about 38 and the rest was coarse and medium whereas the percentage today is about 48. I think the position will very much improve after October when the new cotton crop will be used by the mills.

Dr. V. Subramaniam: Has Government received any reports that when mills despatch goods to States and to dealers the yardage despatched differs from the way bill and there is a shortage?

Shri Mahtab: According to the present practice the State Governments have to give one month's notice of their requirements and supplies are made to the States according to their requirements and according to the production in the mills. Therefore, I don't think there will be any inconsistency there.

PRICE OF NEWSPRINT

***356. Dr. M. V. Gangadhara Siva:** Will the Minister of Commerce and Industry be pleased to state:

(a) what is the world market price of newsprint based on New York prices;

(b) what is the price obtaining in India per ton; and

(c) what steps Government propose to take to bring the Indian prices in line with the world market price?

The Minister of Commerce and Industry (Shri Mahtab): (a) The price varies from country to country. The U.S. quotation at present is reported to be \$105 to \$116 per short ton.

(b) The price in India is approximately Rs. 1,400 to Rs. 1,600 per ton at present.

(c) Government have no intention of controlling the prices of newsprint at present. These prices in India are based on the landed cost of newsprint obtained mostly from European countries where the prices are higher than those in the United States of America.

Dr. M. V. Gangadhara Siva: May I know what are the prices of newsprint prevailing in the manufacturing countries like Scandinavia, Russia, Canada and America?

Shri Mahtab: The United States has made a forward purchase of the production of Canada. Therefore, the only possible source of supply to India is European countries where the prices are much higher than those obtaining in U.S.A. or Canada.

शेठ गोविन्द दास : क्या यह बात सही है कि हिन्दुस्तान में बख्तबारी कागज की कीमत इसलिए बहुत ज्यादा है कि यह कागज हिन्दुस्तान में नहीं बन रहा है और क्या यह बात सही है कि हिन्दुस्तान में सिर्फ एक मिल इस कागज को बनाने के लिए नईमार की जा रही है और जिसको प्लानिंग

कमीशन ने दो करोड़ की मदद देने का निर्णय किया है, इस सम्बन्ध में गवर्नमेंट का क्या निर्णय हुआ है ?

[Seth Govind Das: Is it true to say that the price of newsprint in India is exorbitant because it is not being manufactured in India and is it a fact that only one mill is being set up in India to manufacture newsprint and that the Planning Commission has decided to give it two crores of rupees as subsidy? What is the Government's decision in this matter?]

Shri Mahtab: All help will be given provided the money is available.

Shri Karunakara Menon: May I know whether Government are contemplating to conserve a proportion of the imported newsprint in order to distribute it equitably among newspapers that are in need of it?

Shri Mahtab: Recently the International Commodity Committee have allotted about 2,100 tons to India. That will be distributed under Government direction; stocks in possession of various newspapers will be taken into consideration and distribution made accordingly.

MUSLIM ABDUCTED WOMEN

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

(a) the extent of the machinery employed by the Government of India and the amount which the Government of India are spending per mensem on the recovery of Muslims abducted women in India; and

(b) the total expenditure so far incurred by Government on this work?

The Minister of States, Transport and Railways (Shri Gopaldaswami): (a) The Government of India's machinery for the recovery of Muslim abducted persons in India comprises the following:

(i) The Central Recovery Office in New Delhi with two small branches:

(ii) the Displaced Persons' Enquiries and Search Service, New Delhi, with a branch for the Jammu and Kashmir State at Jammu;

(iii) a Recovery squad in Punjab (I), composed of Special Police and Social Workers;

(iv) the Search Service Bureau for West Bengal at Calcutta;

(v) the various transit camps for recovered Muslims in different States, with Special medical arrangements at Amritsar.

Not all these branches are exclusively engaged on the recovery of abducted Muslims, some of them have been entrusted also with the work of collecting information in India about abducted non-Muslims to be recovered from Pakistan. For this reason, it is not possible to give the exact figure of monthly expenditure solely on the recovery of abducted Muslims in India. The average monthly expenditure, during the twenty-seven months ending June 1951, on the entire recovery organisation of the Government of India, which also comprises a few branches exclusively for recovery of non-Muslims in Pakistan, is Rs. 56,800.

(b) Till the end of the financial year 1948-49, the expenditure on recovery work was being met from the general evacuation funds and no separate accounts were maintained. From the beginning of April 1949 to June, 1951 a sum of Rs. 15,33,600 has been spent on the organisation.

WRITTEN ANSWERS TO QUESTIONS

SPORTS GOODS AND SURGICAL INSTRUMENTS

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

(a) the value of (i) sports goods and (ii) surgical instruments imported into India from foreign countries during the last three years;

(b) the names of the factories in India which have started the manufacture of (i) sports goods and (ii) surgical instruments, more or less on the same lines as was done at Sialkot (now in West Pakistan) before the partition of the country; and

(c) what subsidy or concessions, if any, are granted to any such factories?

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

	Imports		
	1948-49	1949-50	1950-51
	Rs.	Rs.	Rs.
Toys and requisites for games and sports	17,56,201	18,38,761	6,60,261
Surgical instruments	39,93,752	35,47,632	1,04,67,105

(b) A Statement is laid on the Table of the House. [See Appendix II, annexure No. 34.]

(c) These two industries have not approached the Central Government for any subsidy or concession. All possible assistance is however being given to them in the procurement of raw materials from indigenous as well as foreign sources. The State Governments of Uttar Pradesh and the Punjab, where these two industries are mostly concentrated have advanced loans to displaced industrialists for the rehabilitation of these industries. Suitable sites have been allotted to them for housing their factories. The Government of Uttar Pradesh is further understood to have exempted the manufacturers of sports goods from the payment of sales tax since 1947-48.

ELEPHANTS (EXPORT)

*359. **Sardar B. S. Man:** Will the Minister of Commerce and Industry be pleased to state:

(a) the reasons for prohibiting export of elephants except through permits; and

(b) the basis for granting permits?

The Minister of Commerce and Industry (Shri Mahtab): (a) The reason is that it is desirable to regulate exports on the basis of annual catch and internal requirements.

(b) Licences for export are issued as and when applied for against an overall quota of 75 for the present.

EUROPEAN PAYMENT UNION

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

(a) how far the European Payment Union has helped to expand Indo-European Trade; and

(b) how far it has helped to improve import of capital goods to India?

The Minister of Commerce and Industry (Shri Mahtab): (a) There has been an increase of the import and export trade of India with the member-countries of the European Payments Union after the formation of the Union. It is, however, not possible to say what proportion of the increase is due to the Union.

(b) It cannot be said that the Union has helped the import of capital goods.

SILK YARN

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

(a) whether it is a fact that the country including Kashmir is short of silk yarns;

(b) if so, the quantity to be imported during the year; and

(c) the countries from which it is to be imported?

The Minister of Commerce and Industry (Shri Mahtab): (a) Presumably by silk yarn the hon. Member means raw silk. If so the answer is in the affirmative.

(b) The annual deficit is estimated to be about 2 million lbs. The quantity to be imported depends on the availability, prices, etc. During 1950-51 nearly 13 lakh lbs. of raw silk were imported into India.

(c) China, Japan and Italy.

FLOW OF INDIAN CAPITAL FROM MALAYA TO INDIA

*362. **Pandit Mnuishwar Datt Upadhyay:** Will the Prime Minister be pleased to state:

(a) whether there is any flow of Indian capital from Malaya to India;

(b) if so, what the reasons therefor are;

(c) when and how this flow started and how much of such capital has come to India;

(d) what facilities our Government have offered for this flow of capital; and

(e) whether there is any legislation for nationalization undertaken by the Malaya Government?

The Deputy Minister of External Affairs (Dr. Keskar): (a) to (c). There has been some flow of Indian capital from Malaya to India. This represents part of the savings of Indians in Malaya. Some part may be due to the present unstable political conditions in Eastern Asia. It is not possible to give exact figures.

(d) The present concessions under the Indian Income-Tax Act is that any person who sends money to India during a year in which he has been residing abroad will not render himself liable to taxation on the amount of such remittance. A bill has recently been introduced in Parliament which proposes to exempt foreign profits which are remitted to India by non-

resident persons in the first two years of their becoming resident in India.

(e) No, Sir.

DISPLACED PERSONS LEAVING CAMPS

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

(a) the number of displaced persons that left the camps at Gaya and Bihta (Bihar) in the month of June 1951;

(b) the reasons for their leaving; and

(c) the places to which they have been transferred?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) 942 from Gaya Camp and 1,304 from Bihta Camp.

(b) The hon. Member's attention is invited to the reply given on June 4, 1951, to Part (c) of Starred Question No. 4822 by Shri B. K. Das.

(c) Those who were found at the Howrah Station were removed to rehabilitation and accommodation centres. A list of such centres is placed on the Table. [See Appendix II, annexure No. 35.] Government have no information of the destinations of the others.

HANDLOOM CLOTH (PRICES)

*364. **Shri Alexander:** Will the Minister of Commerce and Industry be pleased to state:

(a) the steps, if any, taken to control the rise in price of handloom cloth, especially *dhories* etc.; and

(b) which States have defaulted in lifting their quotas at the proper time from the production Centres?

The Minister of Commerce and Industry (Shri Mahtab): (a) There is no control on prices of handloom cloth.

(b) So far lifting of quotas of cloth by States have on the whole been very satisfactory.

विदेशों द्वारा भारतीय कपड़े का क्रय

*३६५. **सेठ गोविन्द दास :** (क)

क्या वाणिज्य तथा उद्योग मंत्री यह बतलाने की कृपा करेंगे कि सरकार को विदित है कि पाकिस्तान ने बड़े हुए मृत्यों के कारण भारत से कपड़ा क्रय करना अस्वीकार कर दिया है ?

(ख) क्या इसी प्रकार अन्य किसी देश जयवा देशों ने भी कपड़ा क्रय करना अस्वीकार किया है ?

PURCHASE OF INDIAN CLOTH BY FOREIGN COUNTRIES

[*365. Seth Govind Das: (a) Will the Minister of Commerce and Industry be pleased to state whether Government are aware that Pakistan has declined to purchase cloth from India due to the prevailing high prices of cloth?

(b) Is there any other country or countries which have similarly declined to purchase cloth?]

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

(b) No.

IMPORT OF CONSUMER AND CAPITAL GOODS

*366. Shri T. N. Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) the proportion of consumer goods to capital goods allowed to be imported in the latter half of 1951 as a result of liberalisation of the imports for the period; and

(b) out of these increased imports, how much in value will be imported from hard currency areas and how much from soft currency areas?

The Minister of Commerce and Industry (Shri Mahtab): (a) The recent liberalisation of imports to which the hon. Member refers had the following objects in view:

(i) to provide for the general rise in world prices of all commodities;

(ii) to remove from licensing restrictions and increasing number of essential goods particularly raw materials; and

(iii) to readjust the position in respect of those items where actual experience showed that our past policy was too restrictive.

The effect of this liberalisation will not be fully felt during the latter half of 1951 because of the timelag between the placing of orders and actual arrival of the supplies against them. It is however not expected that the proportion of consumer goods to capital goods will be altered in any way on account of this liberalisation though the changing trends in world supply position owing to international developments might well have some effect on this.

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(b) According to our present estimates there will be a 10 per cent. increase in the value of commercial imports during July—December as compared with January—June 1951, both from hard and soft currency countries. Much, however, depends upon the pace of deliveries which is a matter outside our control.

RETURN OF MIGRANTS

*367. Shri T. N. Singh: Will the Prime Minister be pleased to state:

(a) the number of Muslims who have been allowed to return and re-settle in India from West Pakistan during 1951; and

(b) the number of Indians who have been allowed to return and re-settle in West Pakistan during the same period?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Between 1st January, 1951 and 31st July, 1951, permits for permanent resettlement were issued to 11,141 Muslims who had earlier migrated to Pakistan.

(b) As any permits issued to Indians for return to and permanent resettlement in Pakistan are to be issued by the Pakistan permit-issuing authorities, the Government of India have no direct information. It is understood that number of Muslims have been given such permits and that resettlement permits during this period were also issued to 17 Hindus and 9 Christians. The Pakistan Government had agreed to take back those Sindhi Hindus, who left owing to fear of disturbances during February—May 1950. Some Hindus of this category applied for resettlement and their applications were supported by the High Commissioner for India in Pakistan, Karachi, but some of the applications were not sanctioned while the rest are still under consideration of the Government of Pakistan.

MIGRATION TO AND FROM WEST BENGAL

*368. Shri Raj Kanwar: Will the Prime Minister be pleased to state:

(a) the total number of Hindus from East Bengal who migrated to West Bengal and *vice versa* during the months of June and July, 1951;

(b) the total number of Muslims from West Bengal who migrated to East Bengal and *vice versa* during the same period; and

(c) the steps taken by the two Governments to meet the situation?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). During the months of June and July 1951, 2,95,397 Hindus and 1,00,463

Muslims travelled from East Bengal to West Bengal by rail via the border railway stations of Banpur and Bongaon in West Bengal, while 2,33,679 Hindus and 1,01,026 Muslims travelled from West Bengal to East Bengal by the same route. These figures include all kinds of travellers to and from East Bengal and not merely migrants.

(c) The matter is now the subject-matter of correspondence between the two Governments.

RETURN OF EVACUEE PROPERTY

*369. **Giani G. S. Musafir:** Will the Minister of Rehabilitation be pleased to state:

(a) whether there is any truth in the statement issued by Dr. Choith Ram Gidwani that property worth about rupees fifty lakhs has been returned to Mr. Mohammed Din, a business man of Delhi;

(b) whether the said Mr. Mohammed Din's property had been declared evacuee property by the Punjab High Court; and

(c) whether Mr. Mohammed Din has also been allotted evacuee property in Pakistan as a displaced person?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) and (b). The position has been explained in the Government of India Press Communiqué, dated July 31, 1951, relevant portion of which is laid on the Table of the House. [See Appendix II, annexure No. 36.]

(c) Government have no information.

COMMONWEALTH CONFERENCE ON RAW MATERIALS

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

(a) whether the U.K. has convened a Commonwealth Conference to be held in September 1951 or nearabouts to discuss the question of raw materials;

(b) if so, whether India has been invited; and

(c) whether India has drawn up any scheme for pooling of raw material resources of the South East Asian countries?

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

(c) No, Sir.

RAJPURA TOWNSHIP

*371. **Giani G. S. Musafir:** Will the Minister of Rehabilitation be pleased to state:

(a) whether there are any arrears of compensation yet payable to land owners from whom land was acquired for the Rajpura township; and

(b) if the answer to part (a) above be in the affirmative, the probable date by which Government propose to pay off the said arrears of compensation?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) and (b). Awards have been recently announced and the compensation will be paid within the next few months.

INFLUX OF DISPLACED PERSONS

*372. **Giani G. S. Musafir:** Will the Prime Minister be pleased to state what plans Government have got to accommodate the increasing population on account of fresh influx of Hindus and Muslims from East Pakistan.

The Minister of State for Rehabilitation (Shri A. P. Jain): Displaced Hindus arriving from East Pakistan either go to their relatives or friends and look after themselves, or else are taken to our camps from which they are shifted to rehabilitation centres as early as possible. Muslims returning to India even after the 31st March, 1951 retain the right of ownership of their property, and no special rehabilitation benefits are considered necessary in their case.

INSTALLATION OF STEEL PLANTS

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

(a) whether it is a fact that Mr. Martin Steel Expert of Messrs. Koppers Co., Pittsburgh, U.S.A., was recently in Bombay;

(b) whether the attention of Government has been drawn to a statement made by him in Bombay, and published in the *Hindu* dated the 29th June, 1951 (Page 4, Col. 5), regarding steel plants to be set up in India;

(c) whether he has communicated to Government his view about the location of the first new steel plant to be installed in our country; and

(d) if so, what his view is?

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

(c) No.

(d) Does not arise.

JAYADHAR AND LAKSHMI COTTON

*374. **Shri Munavalli:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of Jayadhar and Laxmi cotton grown in India during 1950-1951;

(b) whether the said varieties of Jayadhar and Laxmi cotton are placed outside the purview of cotton control;

(c) whether any representation has been made to Government to grant subsidy to buyers of cotton of the said varieties; and

(d) if so, what Government intend to do or have decided to do in the matter?

The Minister of Commerce and Industry (Shri Mahtab): (a) Production of 'Jayadhar' and 'Laxmi' cotton during 1950-51 was as under:

'Jayadhar' cotton.—Approx. 43,000 bales of 400 lbs. each.

'Laxmi' cotton.—Approx. 17,000 bales of 400 lbs. each.

(b) Yes.

(c) Yes.

(d) Government have not found it possible to accede to this request as it would involve raising the prices of cloth and yarn of the count groups in which these cotton are used.

MILITARY AID TO NEPAL

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

(a) how many times during this year the Nepal Government has sought Military aid from the Government of India for suppressing disturbances created by rebels in its territory;

(b) in how many cases help sought has been given; and

(c) the total amount of expenditure incurred by the Government of India in this regard?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). Military aid was given, at the request of Nepal Government, on three occasions. The first was in February, 1951, and the operation lasted for less than one week; the second was in April and lasted for seven days; and the third in July and lasted for two weeks.

(c) The expenditure has not been calculated.

LONG-CLOTH AND *Malmal*

*376. **Shri Ghule:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact

that shortage of long-cloth and *malmal* is still being experienced in the country?

(b) What steps have Government taken to remove this shortage?

The Minister of Commerce and Industry (Shri Mahtab): (a) No complaints about shortage of Mulls have been received by the Government recently. On the other hand while States have been lifting Mulls in Bleached and Dyed Finish, many of them have been refusing to lift Mulls in Printed Finish. States like Punjab, P.E.P.S.U., Jammu and Kashmir, etc., which use Mulls for head dress have drawn attention to the necessity of increasing the present availability of one or two particular sorts of Mulls manufactured by specific mills.

(b) Efforts are being made to increase the production of particular sorts of Mulls required for the head dress of the public in States like Punjab, P.E.P.S.U., Jammu and Kashmir, etc. With regard to long cloth although the supply position has now improved very much, some of the States are asking for increased allotment of this variety of cloth. The question of increasing the production of this cloth is, therefore, being examined.

SALT (IMPORT)

*377. **Dr. Ram Subhag Singh:** (a) Will the Minister of Works, Production and Supply be pleased to state the quantity of rock salt imported into India from Pakistan in the year 1950-51?

(b) What quantity of rock salt has so far been imported into this country during the current financial year?

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

(a) About 2½ lac maunds. In addition to this, there was an unauthorised import of about half a lac maunds, which has been confiscated.

(b) An unauthorised import of about 17,000 maunds, which has been confiscated.

GORWALA REPORT

*378. **Shri Raj Kanwar:** Will the Prime Minister be pleased to state whether Government propose to place a copy of the Report on Public Administration recently submitted by Shri A. D. Gorwala on the Table of the House?

The Prime Minister (Shri Jawaharlal Nehru): The hon. Member's attention is invited to the answer given to Unstarred Question No. 50 on the 16th August, 1951.

**INDIAN SERVICE OF ENGINEERS
(SUPERANNUATION)**

*379. **Sardar Hukam Singh:** Will the Minister of Works, Production and Supply be pleased to state:

(a) the age of superannuation fixed for the cadre of Indian Service of Engineers; and

(b) the number of officers of the Indian Service of Engineers serving under the Central Government, who have become superannuated and are yet being retained in Service and the reasons for their retention in each case?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) 55 years.

(b) Three. They have been retained as suitable officers possessing the requisite administrative and technical experience to fill the high posts which they hold, are not available at present.

अमेरिका से जूतों के आर्डर

*३८०. श्री सोहन लाल : क्या वाणिज्य तथा उद्योग मंत्री बतलाने की कृपा करेंगे :

(क) क्या अमेरिकन सशस्त्र सेनाओं की आवश्यकता के लिए मेसर्स कूपर ऐलन एण्ड कम्पनी (कानपुर) को १५ से २० लाख जूतों के जोड़े बनाने का आर्डर प्राप्त हुआ है ?

(ख) भारत में अन्य ऐसी कौन सी कम्पनियाँ हैं जिन्हें इसी प्रकार जूते एवं चमड़े का अन्य सामान बनाने के आर्डर प्राप्त हुए हैं तथा उक्त सामान की मात्रा क्या है ?

(ग) यह सामान कब तक अमेरिका को दिया जायेगा ?

(घ) क्या इस सामान का भुगतान अमेरिका डालरों में करेगा अथवा इस के बदले में अन्य सामान देगा ?

ORDERS FOR SHOES FROM AMERICA
[*380. **Shri Sohan Lal:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Messrs. Cooper Allen and Company (Kanpur) have received any order for supplying 15 to 20 lakh pairs

of shoes for the requirements of the American Armed Forces;

(b) which are the other companies in India who have received similar orders for supplying shoes and other leather goods and in what quantity;

(c) how long it will take to supply all these goods to America; and

(d) whether America will make payment for these goods in dollars or whether it will supply other goods in exchange?]

The Minister of Commerce and Industry (Shri Mahtab): (a) Government have no information about Messrs. Cooper Allen and Company (Kanpur) having received an order for the supply of 15 to 20 lakh pairs of shoes for the American Armed Forces. Government are, however, aware of the firm having received early this year a trial order for the supply of civilian leather footwear to the U.S.A. and Canada as a private transaction.

(b) There is no control on the export of leather footwear and leather goods and this information is, therefore, not available.

(c) Does not arise.

(d) Payment will naturally be in dollars.

PLANTATION LABOUR BILL

*381. **Shri R. K. Chaudhuri:** (a) Will the Minister of Labour be pleased to state whether it is a fact that Government have received numerous demands from different Planters' Associations for passing the Plantation Labour Bill, 1951, which was introduced in Parliament in June last, during this Session?

(b) If so, what steps are being taken to implement this demand?

The Minister of Labour (Shri Jagjivan Ram): (a) No.

(b) The question does not arise.

DISPLACED PERSONS IN ASSAM

*382. **Shri R. K. Chaudhuri:** (a) Will the Minister of Rehabilitation be pleased to state whether it is a fact that there is more than one lakh of displaced persons in different districts of Assam excluding Cachar, awaiting rehabilitation and that only a sum of eight lakhs of rupees has been granted to Assam for the purpose of rehabilitation?

(b) Is it a fact that lands belonging to private persons have been offered for sale to the Government of Assam for the purpose of rehabilitation of displaced persons and that the Government of Assam have not been able to purchase them for want of funds?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) A number of displaced persons in Assam have been given rehabilitation facilities, other have secured employment or rehabilitated themselves by their own efforts. Those who have to depend entirely on Government for rehabilitation go generally to camps, and there are now no persons on the dole in camps in Assam awaiting rehabilitation.

An expenditure of over Rs. 52 lakhs was incurred on the relief and rehabilitation of displaced persons in Assam upto the 31st March, 1951. During the current financial year, an allotment of Rs. 26.5 lakhs has been made for Assam. This does not include loans given by the Rehabilitation Finance Administration.

(b) I am informed that 1,200 acres of land was offered by a private individual but was not purchased by the State Government as the land was unsuitable for agricultural rehabilitation. In two other cases, smaller plots of land were offered for sale and the State Government have decided to purchase them.

CLOTH AND YARN (PRICES)

***383. Shri M. Naik:** Will the Minister of Commerce and Industry be pleased to state the effect of the last revision of the prices of cloth and yarn on their ultimate retail prices?

The Minister of Commerce and Industry (Shri Mahtab): The prices have been reduced by 1 to 1½ per cent. in the case of fine cloth and 13 to 14 per cent. in the case of superfine cloth, the prices of coarse and medium cloth, have however, remained stationary.

DIRECTION TO EMPLOYMENT EXCHANGES

***384. Shri Venkataraman:** Will the Minister of Labour be pleased to state whether any directions are given by the Government of India to the Employment Exchanges in the country regarding supply of workmen to factories in which workmen are on strike and if so, what are they?

The Minister of Labour (Shri Jagjivan Ram): Employment Exchanges have instructions to accept vacancies which have arisen as a result of a strike only if the appropriate Government, through a duly authorised officer, declares the strike to be illegal and its continuance contrary to the public interest. Even in such cases, the Employment Exchanges are required to inform the employment seekers that the vacancies have arisen as a result of an illegal strike.

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TOWNSHIPS FOR DISPLACED PERSONS

69. Shri A. C. Guha: (a) Will the Minister of Rehabilitation be pleased to state the number and names (with location) of townships contemplated to be constructed for the East Bengal displaced persons in West Bengal, Assam, Bihar and Orissa?

(b) How many have been constructed and how many are under construction?

(c) What are the facilities that are being provided in each of these in the form of vocational opportunities, communication and civil amenities?

(d) Do Government have any proposals for starting any scheme of small-scale industries, setting up a municipality and an up-to-date hospital and affording better communication facilities at Habra (24 Parganas)?

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

MOVEMENT OF MIGRANTS BETWEEN EAST AND WEST BENGAL

70. Shri A. C. Guha: Will the Prime Minister be pleased to state the figures of weekly passenger traffic between East and West Bengal on communal basis during the months of May, June and July 1951?

The Prime Minister (Shri Jawaharlal Nehru): The figures of weekly passenger traffic between East and West Bengal by rail via the border stations of Banpur and Bongaon in West Bengal on communal basis during the months of May, June and July, 1951 are given below:

For the week ending	From East Bengal to West Bengal		From West Bengal to East Bengal	
	Hindus	Muslims	Hindus	Muslims
6.5.51	29,479	12,795	34,800	12,689
13.5.51	26,552	12,374	37,409	12,247
20.5.51	25,070	12,462	39,490	18,747
27.5.51	27,188	12,140	40,191	12,896
3.6.51	30,123	12,565	37,123	13,134
10.6.51	32,110	12,789	34,258	12,291
17.6.51	33,499	11,941	29,163	11,563
24.6.51	44,825	11,929	29,146	10,949
1.7.51	32,943	9,871	21,408	8,571
8.7.51	37,911	11,173	26,190	11,613
15.7.51	36,582	12,891	27,938	12,448
22.7.51	26,096	11,041	23,197	12,619
29.7.51	29,643	10,044	20,086	12,101
Total	4,10,021	1,54,715	3,99,879	1,56,958

**PRIME MINISTER'S SECRETARIAT
(STAFF)**

71. Prof. K. T. Shah: Will the Prime Minister be pleased to state:

(a) the number of (i) Gazetted, and (ii) non-Gazetted officers, clerks, and class IV servants in his Secretariat on:

(i) 15th August, 1947; (ii) 31st March, 1948; (iii) 31st March, 1949; (iv) 31st March, 1950; and (v) 31st March, 1951; and

(b) the number of the officers, clerks and class IV servants appointed temporarily in the first instance and subsequently (i) made permanent, (ii) retired or (iii) retrenched, during each of the years 1947-48 (post-partition), 1948-49; 1949-50; and 1950-51?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). A statement giving the required information is placed on the Table of the House. [See Appendix II, annexure No. 37.]

WAR REPARATIONS FROM GERMANY

72. Shri A. C. Guha: Will the Minister of Works, Production and Supply be pleased to state:

(a) whether it is a fact that the following machines or factories have been received from Germany as reparations for the War:

(i) Methanol or Ammonia Plant from B.A.S.F. Luduciplepeea;

(ii) Trinitrotoluene (T.N.T.) factory of Alfred Nobies factory at Schlenbusen;

(iii) Glycerine Plant (Vacuum Distillation Set);

(iv) Precision machine tools manufacturing factory of Stiefelmeyer;

(v) two complete Bunsen Furnaces for producing steel by acid process;

(b) if so, what were the producing capacities of each of these and their respective price at which they have been valued for reparations and what would be the approximate cost of setting up each of these factories;

(c) how these have been utilised or disposed of;

(d) whether these were complete units; and

(e) if not, how far they are likely to be used as self-sufficient producing units or factories?

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

(a), (b) and (c). The required information is given in the attached statement. [See Appendix II, annexure No. 38.]

(d) and (e). All the plants have been allotted to India as complete units and can be utilised as self-sufficient producing factories.

Monday, 20th August, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME XIV, 1951

(6th August, 1951 to 29th August, 1951)

Fourth Session

of the

PARLIAMENT OF INDIA

1951

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THE
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OFFICIAL REPORT

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PARLIAMENT OF INDIA

Monday, 20th August, 1951

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

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-30 A.M.

FORWARD CONTRACTS BILL

**PRESENTATION OF REPORT OF SELECT
COMMITTEE**

The Minister of Commerce and Industry (Shri Mahtab): I beg to present the Report of the Select Committee on the Bill to provide for the regulation of certain matters relating to forward contracts, the prohibition of options in goods, and for matters connected therewith.

**DISPLACED PERSONS (DEBTS
ADJUSTMENT) BILL**

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

“That the Bill to make certain provisions for the adjustment and settlement of debts due by displaced persons, for the recovery of certain debts due to them and for matters connected therewith or incidental thereto, be referred to a Select Committee consisting of Shri Raj Kanwar, Lala Achint Ram, Dr. Bakhshi Tek Chand, Prof. Yashwant Rai, Sardar Ranjit Singh, Shri Jaspat Roy Kapoor, Pandit Tbakur Das Bhargava, Giani Gurmukh Singh Musafir, Sardar Hukam Singh, Sardar Bhopinder Singh Man, Shri B. L. Sondhi, Shrimati Uma Nehru, Dr. Ram Subhag Singh, Shri Amolakh Chand, Shri H. V. Tripathi, and the Mover, with instructions to

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report by the 15th September, 1951.”

The Bill which I have placed before the House is one of great importance. I start by confessing that it is a drastic measure. Ordinarily, the relations between a creditor and a debtor are regulated by contract, but in this Bill the contractual relations are intended to be superseded by what might be termed ‘considerations of equity’ arising out of the peculiar conditions that have occurred on account of Partition. Why have we done so? The House is aware that about fifty lakhs of persons have come over from West Pakistan to India leaving behind all their immovable property and much of their moveable property. The creditor advances loans on the credit of the property possessed by the debtor. The property of the debtor, although legally it stands in his name, does not in the real sense of the term belong to him. He can neither transfer it nor can he derive any benefit out of it. The condition of the displaced persons therefore today is that while their assets have been left behind in Pakistan and they have brought the titles of their property, at least in some cases....

Dr. Deshmukh (Madhya Pradesh): On a point of order. What has happened to the Tariff Commission Bill? Why has it not been taken up? We thought that it would be taken up first today.

Mr. Deputy-Speaker: This has been given preference. The Tariff Commission Bill will come in due course.

Shri Sidhva (Madhya Pradesh): You were pleased to state the other day that the Part C States Bill will be taken up tomorrow. We have prepared ourselves on that assurance. Now that this Bill has been given precedence, are we to take it that the Part C States Bill will be superseded or it will take the usual course?

Mr. Deputy-Speaker: Government will so arrange their business as to stand by the assurance given already

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The Minister of States, Transport and Railways (Shri Gopalaswami): So far as I am concerned, I am prepared to take it up tomorrow.

Mr. Deputy-Speaker: That is what I stated the other day. I was asked to state it on behalf of Government. So, I expect the Part C States Bill to be taken up tomorrow.

The Minister of Commerce and Industry (Shri Mahtab): If that Bill is taken up tomorrow, the Tariff Commission Bill will be indefinitely postponed.

Shri Kamath (Madhya Pradesh): We shall dispose of the Tariff Commission Bill, and then take up the Part C States Bill.

Dr. Deshmukh: We are worried about the Tariff Commission Bill being passed. Why not complete the Tariff Commission Bill before going to the other one?

Mr. Deputy-Speaker: If that is the desire of the House, let it be so. As soon as the present Bill is over, we shall take up the Tariff Commission Bill. No hon. Member should rise in his seat and say that Government have not stuck to their assurance regarding the Part C States Bill.

Shri Kamath: Our complaint has been about Bills being taken up before the Scheduled date and not after.

Shri A. P. Jain: Does this mean that the discussion of my motion will be stopped?

Mr. Deputy-Speaker: No. He will go on. After it is completed, the Tariff Commission Bill will be taken up for consideration.

Shri A. P. Jain: As I was saying, the position today is that while about fifty lakhs of persons have left behind all their assets in West Pakistan, they have brought the burden of indebtedness with them. The question is: Should we attach greater sanctity to a document evidencing a loan than to a document evidencing title to property? Under these circumstances, Government enacted certain measures four years ago to give partial relief to the displaced debtors. Those were piecemeal legislations not intended to cover all different aspects of the case. In December last, I held out a promise to this House that the whole question of the indebtedness of the displaced persons will be examined carefully and in all its varied aspects. Government requisitioned the services of an

eminent Judge, Shri Bind Basini Prasad of the Allahabad High Court, and entrusted the whole matter to him for examination. He spent considerable time and labour in studying the question. He examined certain memoranda and documents submitted by the representatives of various associations of the displaced persons and individuals. He also invited a number of persons to give oral evidence. As a result of his labours, a report was prepared and this Bill has been framed on the basis of his report.

I said that this is a measure of a drastic nature, because it is meant to remedy conditions which are of an extraordinary character. In the provisions contained in this Bill, we have tried to strike a balance between the reduced capacity of the debtor to meet his obligations and at the same time we have taken sufficient care to see that a debtor who is in a position to pay may not deny payment to his creditor. I maintain that this Bill will ultimately do quite a lot to help the rehabilitation of displaced persons. I have been receiving representations and letters from various associations of displaced persons and individuals urging that this Bill should be enacted into law at an early date.

Shri Sondhi (Punjab): Were the banks consulted?

Shri A. P. Jain: Yes. They did make representations to the hon. Judge and some leading bankers were also examined as witnesses.

I mentioned a minute before that ordinarily it is the contract that regulates the relations between a creditor and a debtor. It is true that in certain cases where the contract imposes rigours on the debtor reliefs have been given, but that has been given mostly by way of deduction of interest or allowing payment of the money to be made in instalments or shortening the period of limitation during which a debt-decree can be enforced. In this Bill, we have introduced what might be called a somewhat revolutionary principle, namely, that no debtor will be called upon to pay more than his paying capacity. I shall later on define what the words 'paying capacity' mean, but here it may be enough to mention that paying capacity of a debtor has been defined in a rather liberal manner after allowing fairly large assets which will not be capable of attachment. Now the conception of the paying capacity is not generally known to law except in the case of insolvency proceedings. But insolvency proceedings attach certain disqualifications of a drastic nature on the debtor

In this Bill we have taken care to see that although the debts of displaced persons will be reduced to the paying capacity, the stigma of the disqualifications which attach to insolvency proceedings will not attach to a person who applies under this law. I refer to clause 51 of the Bill which says that "the debtor shall not be deemed to be insolvent or to have been adjudicated as such within the meaning of any law."

This Bill is applicable to the whole of India except the State of Jammu and Kashmir in regard to which territory this Parliament is not capable of enacting law on this subject. In this Bill we have maintained the ordinary machinery of law courts, but we have simplified the procedure.

Now, in order to correctly appreciate the provisions of this Bill, hon. Members will do well to cast a glance on the definition of "debt" and of "displaced persons" given in clause 2. "Debt" is defined as:

"any pecuniary liability, whether payable presently or in future, or under a decree or order of a civil or revenue court or otherwise, or whether ascertained or to be ascertained, which—

(a) in the case of a displaced person who has left or been displaced from his place of residence in any area now forming part of West Pakistan, was incurred before he came to reside in any area now forming part of India;"

That is, it will cover a very wide range of liabilities which were incurred by a displaced person in Pakistan before he came over to India.

Now the definition of a displaced person will show that it comprehends much more than the definition of displaced persons in other laws. It does not confine itself only to displaced persons who have migrated from West Pakistan to India; it also includes those persons who have never lived in Pakistan, but who own property in Pakistan. That is, an Indian citizen who owns property in Pakistan is also to an extent a displaced person for the purposes of this law.

This Bill provides for a kind of general liquidation of indebtedness of displaced persons. Under clause 5 a displaced debtor can apply for the adjustment of all his debts. Along with his application he shall have to attach four schedules; one schedule containing full particulars of his debts; the second schedule containing full particulars of his property, movable and immovable which are not liable

to attachment. For that purpose you have to look to Section 60 of the Civil Procedure Code and clause 31 of this Bill which adds to the provisions of Section 60 of the Civil Procedure Code. The third schedule will contain full particulars of the property both movable and immovable which are liable to attachment. The last schedule will give particulars of all properties in respect of which a claim has been submitted to the "Registering officer under the Displaced Persons Claims Act of 1950 and where an order has been passed in relation to the verification and valuation of the claim under that Act, with a certified copy of the order."

The next important clauses are clauses 10 and 11 which provide that where a creditor of a displaced person has filed a suit against him, the displaced debtor will have the right to put in an application containing all the particulars mentioned in clause 5 and then the proceeding will take the shape of a kind of general liquidation proceeding of the same nature as in clause 5. Clause 13 deals with claims by displaced creditors against persons who are not displaced debtors. That is not comparatively so important because it only gives relief in respect of court fees. We felt that under the depressed economic condition of the displaced creditors, it is necessary that we must give them some relief against the huge amount of money which they have to pay as court fees etc.

Clause 15 defines the consequences that will follow on the filing of an application under clause 5 or clause 11(2). It says that all proceedings pending at the date of such application in a civil court to which the displaced debtor is subject, will be stayed. All attachments, injunctions and orders appointing receivers or other processes will become void and no fresh suits shall be filed against him.

These are the principal provisions under which proceedings can be started under the Act. Now a very important part of this Bill is Chapter III which lays down the reliefs that will be available to a displaced debtor. Clause 29 of the Bill says that after the 15th of August no interest shall accrue. Clause 31 is another important provision to which I made a reference. It amends Section 60 of the Code of Civil Procedure and protects many more properties of displaced debtors against attachment. This is a very important provision because in framing this clause we have taken care to see that in all cases the displaced debtor should have to himself protected a house and

[Shri A. P. Jain]

sufficient income to maintain himself. We have also protected any business or property built out of a loan advanced by Government. No displaced person shall be liable to arrest and detention on account of any debt payable to him (Clause 30). Now after disallowing interest under clause 29, the court will determine the total amounts payable by the displaced person.

Clause 32 lays down how this amount will be scaled down. This amount will be divided into two parts: that is the decree will consist of two parts. The first part will be correlated to his paying capacity (presently I will define what we mean by paying capacity), and the second part will be realizable from the cash or the property which may be given to the displaced person on account of the claim made by him in respect of the property left behind in West Pakistan.

The Explanation to clause 32 defines what 'paying capacity' means. It means the aggregate of the market value of all the attachable assets in India of the displaced debtor plus the income which is likely to accrue to him for the next three years succeeding, excluding from the computation of such income a sum calculated at the rate of two hundred and fifty rupees a month.

I have mentioned that all the properties which are specified under section 60 of the Civil Procedure Code, as amended by clause 31 of this Bill, will be protected properties. Any properties in addition to those protected properties will go towards determining the paying capacity of the debtor. His income up to Rs. 250 a month will be protected, and any income above Rs. 250 a month will go towards determining his paying capacity. That will not extend to an indeterminate period but only for the three years following. That is how the paying capacity will be determined, and I submit that the exemptions we have provided are quite liberal and ample.

The first part of the decree will be payable in instalments. We have laid down certain principles which will help the court to determine the instalments. They are laid down in clause 33. These are the present income of the displaced debtor from all sources and the income that is likely to accrue to him in future, the size of the family dependent upon him for the ordinary necessities of life and the expenditure likely to be incurred for the education and marriage of the children of the displaced person dependent upon him. Where a displaced creditor is a minor, or a widow or a person suffering from physical

disability or who is permanently disabled from earning his livelihood, the instalment may be increased by twenty-five per cent. as compared to the instalments payable to other persons.

I submit that these are all very necessary and humane considerations which take into account the actual paying capacity of the debtor.

Under clause 37 we have curtailed the period of limitation during which a decree is executable, from twelve years to six.

Clause 38 is a very important provision and it introduces quite an important principle. It has been found that sometimes in court sales properties are knocked down for a song. They do not fetch full value. Therefore in clause 38 it has been provided that the court will set aside a part of the property of the displaced person equivalent to the amount of the decree on the basis of market value. It will be open to the creditor to take over the property and his decree will be deemed to be satisfied. If he does not choose to take over the property in satisfaction of the decree, it will be sold and whatever it fetches in the market will be given to the creditor, and that will satisfy the decree whether the amount is equal to the value of the decree or is less than that.

Clause 39 encourages settlements.

These are some of the reliefs, and I dare say very important reliefs, that have been given to the displaced persons.

During the course of the examination we have found that certain specialised kinds of cases have occurred which cannot be covered by the ordinary debt laws and about which the displaced persons stand in need of immediate relief. I will take those cases seriatim.

The first is the case of debt against security of immovable property left behind in Pakistan. It is open to the creditor to retain his security and be treated as a preferential creditor. In that case he will not be entitled to get the first part of the decree, that is, he will not be entitled to get any money on the basis of the paying capacity of the debtor. But when compensation is awarded to the displaced debtor in respect of the property left behind by him in Pakistan, he will have the first charge, not for the whole amount but for an amount which bears the same proportion to his total debt as the value of the compensation given to the displaced person here bears to the value of the

property left behind in Pakistan. That is, his debt will be reduced proportionately. If he relinquishes his security in Pakistan, then he will be treated *pari passu* with other simple creditors and he will be entitled to share the proceeds received from the first part of the decree as also from the second part of the decree. The choice will be his.

Clause 17 deals with debts secured on movable property. That is very important. We have provided that where the movable property was pledged and the security was in the hands of the creditor it will be open to the creditor to sell the property and to appropriate the proceeds thereof towards the payment of his debt. If there is any excess it will be returned to the displaced person. But beyond that he will not be entitled to recover anything from the displaced person. Experience has shown that creditors always take property of a much larger value as pledge than the loan advanced. When the property is in the possession of the creditor although under the law the creditor has the right to recover his money both from the sale proceeds of the pledged property as well as from the displaced person, here are the extraordinary circumstances beyond the control of the debtor. The entire property in many cases has been lost. So why should the loss be entirely borne by the debtor? We have therefore knocked off his personal liability to pay.

10 A.M. *

Another important thing which came to our notice was the claims against insurance companies. Many goods and properties were insured with insurance companies against fire, theft, civil commotion and the like. The terms of the policy lay down certain very rigid and strict conditions, for instance, such as lodging a report with the police or making a claim within a certain period. Some of the companies have also taken up the contention that what happened in the Punjab was not a civil commotion. We felt that it would be unfair that any insurance company should turn down the claims of the insured person on such technical grounds. There may be many more conditions contained in the deed of agreement and therefore, we have provided that the Central Government shall have the power from time to time to notify what conditions should be treated as technical conditions whose performance should be waived. The whole idea is that where certain technical conditions were laid down by the Insurance company before filing which a displaced person could

not claim the insurance money on account of his being a displaced person then in that case those conditions will be deemed to have been waived. Now we have provided a certain amount of flexibility in this. The Tribunal shall make a report to the prescribed authority about the amount of money which an insured person is entitled to receive and that prescribed authority will look into the amount that has been previously paid and certain other obligations that may arise from an insurance company entering into a contract of insurance with a third or fourth company. On the basis of this insurance and after examining that in the light of the Insurance Law and all the complexities that may arise, the prescribed authority shall report to the Tribunal the amount that should be paid to the assured and the recommendations of that prescribed authority will be binding upon the Tribunal. I believe that this is a very necessary and healthy provision which will meet a very difficult situation on account of which many assured persons have been deprived of their rights.

Another matter which came to our notice is the question of shares of companies registered under the Indian Companies Act and the co-operative unions or companies. Some of these shares were not fully subscribed and the displaced persons are not in a position to pay the balance of the call money. Some of these companies, we understand, have forfeited these shares on account of default in payment of the call money. We have declared all such forfeitures to be null and void with retrospective effect. No company shall be entitled to call the share money or the balance of the share money for the next ten years to come. After ten years, they can call for the amount. In the liquidation proceedings as well, this money cannot be called from the shareholders. Clauses 19 and 20 between themselves also give the power to the displaced shareholder to have fully paid up shares of a value equivalent to the amount paid on partly paid up shares.

Clause 21 deals with powers to revise certain decrees and settlements and to bring them in conformity with this law.

Clause 22 deals with the apportionment of joint debts. It is based on very sound and healthy principles. "If the liability of each debtor is defined, then according to the defined share of each; if the debt was taken for any trade or business of the joint debtors, then according to the shares held by each of the joint debtors in

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the trade or business." If the respective liability of the joint debtors cannot be determined, then it will be divided equally. No money will be recovered from a surety unless first a full attempt has been made to recover it from the principal debtor.

Clause 34 provides that where maintenance allowances are payable to a displaced person but on account of his reduced capacity to pay he is unable to pay the full allowance, then those maintenance allowances shall be adjusted according to his present paying capacity.

Clause 43 lays down that where certain societies or companies were originally functioning in Pakistan and the holders of the majority of shares or interest in those companies or societies have come over to India, these can be registered here in India by the Registrar of Joint Stock Companies or the Registrar of Co-operative Societies and their entity will be deemed to be a continuing one. They shall be able to realize the loans payable to them in Pakistan.

The House would be aware that some displaced banks had entered into schemes of arrangement with the sanction of the High Court. As a result of the law that we are passing in this House some of these schemes will be vitally affected, and therefore under Clause 52, we are giving powers to the High Court to modify the schemes of arrangement in the light of the decrees or orders that may be passed under this law.

I might refer to another important clause, namely clause 47 which provides that where displaced persons omit to mention any property or any debt in the schedule, then that debt or the property will not be affected by the provisions of this law, that is, if it is a protected property under the Bill and if a displaced person omits to mention it in the schedule, it will cease to be a protected property and he will also not get any relief in respect of a debt which is omitted from the schedule. It will be recoverable in full. This clause is of course, meant to discourage fraud and to discourage wilful omission. If there is an incidental omission or incidental error, it can be corrected. We have maintained the existing procedure in the Courts but we have simplified it because a prolonged procedure and the complexities of the civil courts mean a lot of money. We have provided only one appeal in clause 40.

Then in clause 23, we have laid down a simplified procedure, that is,

it shall not be necessary in certain cases for the court or the tribunal to record full evidence; it can just maintain a memorandum of evidence.

I have tried to cover as many important provisions of this law as it was necessary. I believe that we have covered practically all the questions that arose between the creditors and the debtors. We have not bound ourselves by any technicalities of law or the terms of the contract. If the contract were to prevail, our law would have become unfruitful. We have tried to adjust the law to the conditions and circumstances that have come into existence beyond the control of the displaced debtors and beyond the control of everybody else in this country. So far as I am concerned, I feel proud of this piece of legislation. It is not for the first time that I have had to deal with debt laws. While I was in U.P., I was responsible for the enactment of certain laws that gave relief to the debtors. They were quite important and far-reaching. But, they accepted the principal of the debts as they were and gave only minor reliefs either in respect of rate of interest or payment in instalments or curtailing the period over which a debt could be recovered. Sometimes, they also protected some properties. But, the basic conception in all those laws was while certain appendices or surpluses of the principal advanced may be trimmed here or there, the principal stood where it was. In this law, we have accepted a very equitable principle, that is, the debt is recoverable only to the extent of the capacity of the payer at the time that payment is being enforced. In a way, it is a fulfilment of the vision that I used to see at one time. There may be differences here or there; we may have to round off a rough corner here or there in this Bill. I do not claim any perfection for the Bill that I have placed before the House. But, nonetheless, I can assure the House that at all stages, we have taken the displaced persons and their representatives fully into confidence. We appointed an officer with vast experience of judicial courts and all the debt laws to examine the case and it has taken us quite a few months. If the hon. Members of this House care to examine the various provisions of which I have given a bare outline, I hope they will agree with me that the provisions are of a very complicated nature and range over a very wide area. I commend my motion for the acceptance of the House.

Shri Sondhi: I would like to ask for some information from the hon. Minister. I want to know how he has tackled

the problem of these refugee shareholders who have bought partly-paid Indian shares while they were in Pakistan.

Mr. Deputy-Speaker: There are two ways of doing this. Any questions which any hon. Member who does not want to speak, may have, may be passed on to the hon. Minister and he may reply once for all, in his final reply, instead of answering them now.

Shri Syammandan Sahaya (Bihar): I have some questions. I shall put them now or later as you like it, Sir.

Mr. Deputy-Speaker: I shall first place the motion before the House.

Motion moved:

"That the Bill to make certain provisions for the adjustment and settlement of debts due by displaced persons, for the recovery of certain debts due to them and for matters connected therewith or incidental thereto, be referred to a Select Committee consisting of Shri Raj Kanwar, Lala Achint Ram, Dr. Bakshi Tek Chand, Prof. Yashwant Rai, Sardar Ranjit Singh, Shri Jaspal Roy Kapoor, Pandit Thakur Das Bhargava, Giani Gurmukh Singh Musafir, Sardar Hukam Singh, Sardar Bhopinder Singh Man, Shri B. L. Sondhi, Shrimati Uma Nehru, Dr. Ram Subhag Singh, Shri Amolakh Chand, Shri H. V. Tripathi, and the Mover, with instructions to report by the 15th September, 1951."

Now, I shall first dispose of the questions.

Pandit Thakur Das Bhargava (Punjab): May I suggest the name of Shri Shiv-Charan Lal, to the Select Committee?

Mr. Deputy-Speaker: I do not think the hon. Minister has any objection.

Shri A. P. Jain: And also the name of Shri C. C. Shah.

Mr. Deputy-Speaker: I will put it at the end.

Dr. S. P. Mookerjee (West Bengal): May I ask a question, Sir?

Mr. Deputy-Speaker: Now I will request hon. Members who have to put questions, to put them.

Shri A. C. Guha (West Bengal): I have also some points for clarification.

Mr. Deputy-Speaker: I will certainly call upon the hon. Member.

Dr. S. P. Mookerjee: May I ask the hon. Minister to explain why he has omitted all reference to displaced persons from East Bengal. I know there are some special arrangements in existence regarding East Bengal, West Bengal and Assam. But, there will be several lakhs of displaced persons who have definitely come away from East Bengal with no intention of going back, who are in the same position as persons who have come away from West Pakistan. In fact, none of the previous Bills made any distinction between the two. I would request the hon. Minister to include refugees from East Bengal and also to add some Members from Bengal and Assam in the Select Committee.

Shri A. C. Guha: On the same point, I have got some questions, and it would be better if the hon. Minister could reply after hearing all the questions. Justice Bind Basini Prasad sent a circular to us also about who may represent East Bengal displaced persons. Mr. B. K. Das and myself were given two hours. We discussed all points and he took down notes. Now I find that the Acts: now existing, are going to be repealed under clause 60 of the Bill. Both these Acts apply to East Bengal and West Bengal. The definition of displaced persons in these two Acts has been—any person coming from any area now forming part of Pakistan. There is another point i.e. regarding displaced banks. Most of the banks of Bengal would come under this category. I think that the misfortunes and miseries of Bengal Banks are mostly due to the fact that these banks had their origin in East Bengal and had a good volume of business in East Bengal. These privileges which are being given to displaced banks must also be given to the banks now operating in West Bengal. When these two existing Acts are going to be repealed, I do not understand why the East Bengal refugees should have been denied these privileges. It does not relate solely to property in Pakistan; it relates only to indebtedness. It does not pertain to our relations with Pakistan; it is only a question of internal affairs.

Shri A. P. Jain: The question of Dr. S. P. Mookerjee is why this Bill has not been made applicable to displaced persons from East Bengal. The other day, when I was speaking in this House, I made it clear that the conditions of displaced persons from West Pakistan and East Bengal are very different. Here, the evacuee property law is applicable and it has been accepted by the Government that compensation will be paid to displaced persons for property left behind by them in West Pakistan. The whole of

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the conception of this Bill is to tag the indebtedness of the displaced persons to the property which they receive as compensation. That is the basic idea behind the Bill. So far as the East is concerned, the displaced persons, in the first place, are coming and going. Our statistics go to show that even under strained conditions, several hundreds are daily coming from and going to East Bengal. So there is not the same fixity in the East as in the West.

In the second place, the displaced persons from East Bengal own property and they can exercise their right of ownership over their property in East Bengal. They can sell their property. They can mortgage their property or transfer their property. So the basic principles underlying this Bill would be wholly inapplicable to the East. If it becomes necessary and when it becomes necessary we may bring in another legislation for them. This law is meant to deal with the special conditions that exist in the West and it will be most inappropriate for the conditions prevailing in the East.

Shri B. Das (Orissa): What about the points raised by Mr. Guha?

Shri A. C. Guha: Sometime back, on behalf of the Prime Minister the Deputy Minister himself said in reply to a certain question that Hindus residing in East Bengal find it almost impossible to sell their property or to get anything out of it. What the hon. Minister now states may be the theoretical position, but the real position is quite different and the Government knows it also, that it is not possible for the displaced persons to sell their property in East Bengal.

Moreover, the two Acts which I have mentioned confer certain privileges on the displaced persons and now it is proposed to repeal those two Acts without extending the new Act to them. What will happen?

I refer in particular to the banks which were started in East Bengal. They are now working under serious handicaps and they have to wind up a lot of their business in East Bengal. What happens to their property and their indebtedness?

These will have to be considered before Government categorically exclude East Bengal displaced persons from the operation of this Bill.

Shri A. P. Jain: I can give the assurance that so far as the existing protection or privileges that the laws give to the displaced persons are concerned, they will be retained. The law will be repealed only to the extent that

it is applicable to the displaced persons from West Pakistan and not so far as it is applicable to displaced persons from East Bengal. Beyond that I am not able to give any further undertaking, because this law is fundamentally meant for conditions that prevail now in West Pakistan where the titles of the displaced persons to property left in Pakistan are only nominal. In the East it is not so. Unless Bengal decides that the titles to property of the displaced persons left in East Bengal are quashed or are treated on a purely nominal basis as in the West, it will not be possible to apply this law to the East Bengal displaced persons.

Shri A. C. Guha: What about the banks and the insurance companies?

Shri A. P. Jain: Nothing.

Dr. S. P. Mookerjee: I had no desire to intervene in the debate, as I thought that the question which I put to the hon. Minister would evoke some satisfactory response from him. But I am greatly disappointed at his answer. It is really idle for any responsible Minister to say that because there had been some sort of agreement between Pakistan and India with regard to East Bengal, the case of Hindus living in or coming from East Bengal would be examined from a different angle of vision. It has been stated beyond all doubt that whatever agreement might have been reached between India and Pakistan, that agreement is not being implemented by Pakistan. It is surprising that of all persons the Minister for Rehabilitation should state that it is possible for Hindus in East Bengal to sell their property, to mortgage their property or otherwise dispose of it to their advantage. That is not so. I can give that categorical answer to him. We have received information, not from one source, but from various sources, not in respect of a few individuals, but in respect of many, that it is impossible to sell property, so far as the Hindus are concerned, in a manner which would be of benefit to the Hindus. Here what is it that is being done? Here you are discussing the possibility of our having some special laws so that claims may be disposed of in a manner advantageous to the interests of debtors or creditors who have come away from Pakistan. If there are Hindus who have come away from East Bengal to India who are willing to go back, then obviously they will not take advantage of this law. But there are at least four to five millions—some 40 to 50 lakhs of people who have come away definitely and who have no intention of going back to East Bengal. Why should we hesi-

tate to give them the same facilities as we are giving to the refugees who have come from West Pakistan? The answer that Mr. Jain gives is absolutely—if I may say so, without any force whatsoever.

Mr. Guha rightly referred to the two existing laws which have been passed by the Dominion Legislature—Act XXV of 1949 and Act XLVII of 1948. These will be repealed and.....

Shri A. P. Jain: The special provisions of these Acts, to the extent they apply to the refugees from East Bengal, will continue to apply.

Dr. S. P. Mookerjee: But that is no answer at all. The hon. Minister introduces a Bill where it is seriously suggested that both these laws will be repealed. My hon. friend, by way of answer to the point raised by Mr. Guha, may now say that he will be generous enough to repeal them only partially. But what was the sense of responsibility displayed by the hon. Minister when he originally proposed that the two previous laws would be repealed in their entirety? It is all right for the hon. Minister now to get up and say that he is prepared to consider a partial repeal of the laws. That is not my point. My point is this. Once Government having accepted the principle that with regard to special facilities in respect of claims by displaced persons no distinction should be made between refugees coming from the East and those coming from the West, should Government now go back upon this policy and introduce a Bill making a distinction between the two? That is my point and that point has not been answered. Even when these two laws were passed, there were special arrangements for evacuee property in East Pakistan. That did not deter Government from having one set of special laws with regard to the control of suits by displaced persons. Why should they not continue this even now? I do not think that this matter has been properly examined by Government. The hon. Minister spoke of his vision. That vision should not remain confined to the West. Even the eastern horizon should have a little part of that mighty vision and the hon. Minister might extend the provisions of this Bill to cover cases coming from East Pakistan also.

I would therefore, suggest an expansion of the Select Committee. But I do not know the procedure, whether it is open to the Select Committee to extend this Bill to East Pakistan.

Mr. Deputy-Speaker: If that is the desire of the House, it can be done. The House must express its desire in the matter. Nothing can be done unless

the House expresses the desire to do something.

Dr. S. P. Mookerjee: Then I would suggest to the hon. Minister to expand the Select Committee to include three or four from Bengal and Assam so as to examine the question there-bare in the Select Committee. I can see if it is not possible to devise some formula so as to make the measure applicable to East Bengal also. To rule out the matter altogether is not fair or desirable.

Shri A. C. Guha: I can only say that I fully agree with what Dr. S. P. Mookerjee has said. In fact when Government undertook to bring in a new measure after repealing the previous ones, the idea was that the new measure would apply to East Bengal displaced persons as well i.e., to persons coming from East Pakistan. Otherwise the Special Officer—Justice Bind Basini Prasad would not have sent his note to the Members from West Bengal and also to the displaced persons from East Bengal. He was also kind enough to grant us an interview and he discussed the matter with Shri B. K. Das and myself for over two hours.

In addition to what Dr. Mookerjee has said, I would specially make a claim on behalf of East Bengal displaced persons being included on account of the fact that many banks and companies have their origin there and have been doing a great volume of business in East Bengal. Most of the present day miseries of the banks in Bengal, so many of them being closed down, is due to the fact that they had their origin in East Bengal and had a good volume of business there. All these facts should be taken into consideration and Government should now extend the facilities to these banks and companies which had originally been doing business in East Bengal; otherwise they will suffer greater handicaps and there may be more casualties among the banks of West Bengal. Apart from the inclusion of displaced persons, they should consider the case of banks and insurance companies. I know that many industrial firms and most of the textile mills of Bengal had their origin in East Bengal. Now they have migrated to West Bengal. All these things should be taken into consideration and Government should not launch upon a hasty legislation without giving due consideration to the consequences that might arise out of this Act and affect the economic life of West Bengal. With these words I support the proposal that this Act should extend to the displaced persons of East Bengal

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also and that the Select Committee should take this into consideration and extend the operation of the Act to displaced persons from East Bengal also.

Shri B. Das: I entirely endorse the views expressed by my hon. friend Dr. Syama Prasad Mookerjee. It is indeed very painful for me to see that the Rehabilitation Ministry has remained sectionalised in regard to this matter and nobody in it has understood the problem of East Bengal. Three years ago in the Constituent Assembly it was my lone voice which raised the question of the immigrants from East Bengal and unfortunately the Rehabilitation Minister of the time took no notice of my warning until the recent tragedy took place only last year. My friend Mr. Jain has shown a great deal of sympathy to this problem. He has visited Calcutta and has spoken once or twice expressing his sympathy to East Bengal emigrants. But that has ended there. As Dr. Mookerjee pointed out the callous way in which this Bill has been brought forward and the callous way in which the two Acts have been suggested to be repealed without taking into account the problems of East Bengal shows that neither the Rehabilitation Minister nor the members of his Ministry have realised the importance and gravity of the problem nor done their duty in the situation which Bengal has to face. Is it because that most of the officers of the Ministry are from U.P.? The hon. Minister is from U.P. and even his predecessor was from U.P. Most of the officers of the Ministry are from West Pakistan or from U.P. None of them has the imagination to visualise the stupendous nature of the problem that refugees from East Bengal are facing.

As has been pointed out by Mr. Guha 99 per cent. of the banks in Bengal were founded by people in East Bengal. Some forty or fifty banks have already been liquidated and a few of them have been or are likely to be amalgamated. These banks can survive and grow up to their full stature only if the properties they own in East Bengal are properly compensated for. Why does Mr. Jain fight shy of looking into the problems of East Bengal?

I want to know whether his legal advisers have advised him in the drafting of this particular Bill, that the two previous Acts should be withdrawn. Recently it has been very painful to notice that Ministers have been introducing Bills in this House over which no legal advice had been taken. I want to know whether the Law

Ministry was consulted before this Bill was brought before the House. Was the Solicitor General or all the paraphernalia which the Law Ministry possesses today availed of before the Bill was moved in the House? Did they examine the problems that the Bill had to tackle? I have my own doubts about it. I feel that the Government of India has not been paying sufficient attention to consult either the Law Ministry or their legal officers before bringing in new Bills in this House. It is rather a funny situation that today in every Ministry there is a law officer. This came about in 1946-47, when every Ministry wanted a legal adviser. I do not know whether my friend Mr. Jain has his own legal adviser. If he has, that man should be dismissed. Why should there be law officers in every Ministry when their work is so unsatisfactory as we have found in this case as also in regard to the Punjab State Act with respect to the President's powers? The legal adviser to the Home Ministry did not properly advise the Home Minister and hence the painful situation that he had to face in this House.

An alternative course was suggested, namely that if the House expressed its desire the Select Committee would have the authority to extend the scope of the Bill. Apart from that I would suggest that my friend Mr. Jain withdraw the Bill instead of allowing the Select Committee to tinker with it. Let his legal advisers first examine the situation. I do not know if my friend suffers from the malady that some other Ministries suffer from, namely of not consulting the Ministry of Law. I remember ten or fifteen years ago one draughtsman of the Government of India used to scrutinise every Bill and give proper advice to the Government. Today there are three or four draughtsmen in the Ministry of Law. Apart from that there are so many other officers in the Law Ministry. How then is it that the Ministers and Ministries are not alive to their responsibility and do not take proper legal advice over legislations that come before the House? I have not much respect for those Ministries which are not consulting the Law Ministry or the legal advisers of the Government of India before they bring forward Bills before Parliament.

I hope a sufficient number of Members from Bengal and Assam will find a place in the Select Committee. If my friend Mr. Jain does not want to bring in a piecemeal Bill but a whole Bill he can do it. Otherwise I hope the Select Committee will do justice and

will not further penalise the people of East Bengal as has been done by the Ministry and the Government of India till now.

Shri Shiv Charan Lal (Uttar Pradesh): I thoroughly went through the Bill and tried to find out whether it gave any relief to the displaced debtors. In the Bill I found great anxiety on the part of the Minister certainly to do justice and to give some relief to the displaced debtors. But the question is whether any relief has been given at all. We have to see whether the displaced debtors get any sort of relief by the time they get compensation, by the time their rights are decided or by the time their rights are partitioned. Do they really get any relief by that time? Certainly not. This Bill is a long process, a very costly process. And for what? They will be fighting and litigating for the property that is in Pakistan in the hope that they will get it back, or some of it, or at least some compensation either from Pakistan or from our Government. They will be spending lots of money in that hope but nothing is going to happen in the near future nor will they get anything in that direction.

The hon. Minister has certainly tried and spent time over it in travelling over the whole legal domain. He has to some extent dealt with the Civil Procedure Code, the Criminal Procedure Code, wherein the question of maintenance is dealt with; he has dealt with the Evidence Act, the Registration Act, the Companies Act, the Co-operative Societies Act, and what not. He has tried to deal with every possible law in this Bill in order to find out whether there can be any relief possible for these people. But the angle of vision of the hon. Minister is not revolutionary, is not helpful. The angle of vision from which he has tried to draft this Bill is very old-fashioned, is *dakiya nusi*. He has tried to keep a debtor a debtor; once a debtor always a debtor! Even if he has come far away from the Punjab, has lost all his property, has been reduced to poverty, still he must be told that he is a debtor and the decree must be passed against him!

Shri J. R. Kapoor (Uttar Pradesh): Must he be converted into a creditor?

Shri Shiv Charan Lal: My other friend who unfortunately belongs to a class other than the debtor class comes to the help of the people who he thinks will be deprived of their undue share by giving relief to these debtors.

Shri J. R. Kapoor: I may assure my hon. friend that I am a debtor still.

Shri Shiv Charan Lal: The question to be considered is what relief should be given to these people taking into consideration the plight to which they have been reduced. All their immovable property has been lost, all their movable property has been snatched away from them; the businesses they were doing and the houses in which they were living, all that has been lost. They are here now; in some places helped by the Government, in some helped by relations, somehow they are trying to build up their position again. The case may be different with those people who have their property in India and that property is mortgaged. I have no soft corner for those debtors whose properties are in India and are mortgaged. Let them be dealt with according to the ordinary law of the land and by the ordinary courts; there is no need to fix up other tribunals in order to decide the claims on those properties which are in India from which the creditors can realise their money in the ordinary course. I am concerned with the case of those debtors whose properties have all been lost in Pakistan. If any other party had been in power than the one actually in power now, they would have adopted a different and more revolutionary means; a more revolutionary means would have been to wipe out all those debts with which they had been burdened while in Pakistan and which they have no means of paying back now.

Such debts I would divide into several categories. Those debts which are personal must certainly be wiped out. Those debts which were secured on properties in India are of another category where the creditor has got the liberty of realising his debt in the ordinary course of law. But those debts which were secured on properties left behind in Pakistan and for which there is no chance of retrieving are in a different category. Why introduce unnecessary litigation in the case of these debts and ask people to spend a lot of money on lawyers' fees and other things in the hope that they will get some compensation either from Pakistan or from our Government? Do you hope that the Pakistan Government will pay any compensation for the properties left behind there? Do you think our Government will be able to compensate even to one-tenth of the extent of the properties left behind in Pakistan? I do not think any of these things is possible. Then why, in that hope, do you ask these people, through this measure, to spend whatever they may still have with them, over litigation?

[Shri Shiv Charan Lal]

You are certainly giving a bumper crop for the lawyer people and nothing else—more courts, more litigation, more work for the High Courts and more work for the lawyers, all with no result. May I point out to you that in Uttar Pradesh there have been so many debt relief measures during the time when my hon. friend was in the Ministry there? May I remind my hon. friend of this and ask him whether those measures have given any relief to debtors?

Shri A. P. Jain: Yes, they have.

Shri Shiv Charan Lal: Litigation over the Encumbered Estates Act and the Agricultural Debt Relief Act passed in 1934—seventeen years ago—is still going on; in very few cases have final decisions been reached. A few years after the passing of these Acts amendments were made to them which in their turn have given further scope for litigation. The same will be the fate of the present measure. Therefore, I submit, try to make this measure more conducive to achieving the purpose, more sympathetic to the debtors; do not burden them, do not remind them of their past burdens which they are unable to free themselves of. Free them of those debts; free their hands again and enable them to make their livelihood in this country; give them a chance to become men again; make their position better, do not allow them to ruin themselves again through this litigation.

Coming to the Bill itself, in clause 43 the hon. Minister has tried to interfere with registration. I think clause 43 does not fit in in this Bill because this measure is the Displaced Persons (Debts Adjustment) Bill and does not deal with the method in which registration can be effected—that may be done in the proper place in the Registration Act.

Then again, clause 34 is about maintenance which also, in my opinion, is not necessary here because the law lays down that in maintenance cases, wherever there is a decree, the judgment-debtor can always apply to have the decree modified at any stage; whenever he thinks that his income has fallen he can apply to the court that the amount of maintenance that was once decreed should be reduced. Therefore, there is no need for its provision here. Anyway, there are minor points that may be dealt with by the Select Committee, but the basic point that I have made my submission upon is that this Bill is certainly not going to give much relief to the displaced debtors and a more radical Bill

should have been brought forward to achieve the purpose.

Shri Syamandan Sahaya: This Bill in so far as it proposes to grant relief to the debtors wherever they may be has to be accepted as a welcome measure. The question we have to consider is to what extent it will or can be of use to displaced persons. I would divide the creditors of displaced persons into three categories. The first category would be creditors of displaced persons who are in Pakistan and the property which is pledged to such creditors is also in Pakistan. I have no doubt that there is a vast proportion of loans belonging to this category. The second category of creditors would be those who are in India and the property of the displaced person is also in India. Then the third category would be creditors of displaced persons who are in India but the property mortgaged or pledged is in Pakistan. For instance, there may be a transaction between two displaced persons both of whom having come away from Pakistan leaving behind their property. In my opinion, this law will be of no use in the case of the first category of debtors, that is, where the creditor is in Pakistan and the property is also in Pakistan, unless the Government of India have come to an arrangement with the Government of Pakistan so that they may also pass a similar law in that country. But I am very doubtful if Pakistan will ever agree to doing such a thing. In regard to the other two categories, I think this law will be effective only in cases where the creditor is in India and the property is also in India. But where the creditor is in India and the property is in Pakistan, this law cannot and will not be of much avail. Therefore, in reality this law might give relief only to a very small percentage of the debtors. But that is no argument for not granting the relief. In whatever measure relief can be given, it should be given. But I see no reason why refugees from East Bengal should not be included in this legislation. As this Bill is likely to benefit only displaced debtors in India whose properties also are in India even though there may be a distinction between refugees from West Pakistan and those from East Pakistan—this Bill should apply to East Bengal refugees also as it will relate to property in India in both cases. I was hoping that the special Minister for Minorities, Mr. Biswas, will throw some light on this Bill as well as the other one which we passed the other day, but he seems to have decided not to speak at all in this House, although we have been very

anxiously waiting to hear what he has to say on these problems because he is supposed to deal with them directly and personally. He has even left the House, entrusting the matter to the able hands of the Rehabilitation Minister and the House. However, that is another matter. But surely, he could have given the information, namely, what is the real condition of the displaced persons in East Bengal and West Bengal. I have felt, and I am sure other Members are with me in this, that Government's general impression, their policy and their attitude towards refugees in Bengal is not as it should be,—to put it moderately. Whatever we may say, however big we may talk about compromises, about truce and about this agreement and that, the fact remains that these agreements have been honoured more in the breach than in observance by the Pakistan Government and it would not do for the Government of India now to say that conditions in East Bengal are such that the displaced persons can easily sell their property. In the face of the reply given by the Deputy Minister of External Affairs only a few days ago, it would not lie in the mouth of any other Member of the Government now to say that conditions are such in East Bengal that the refugee laws, the facilities and the concessions given to West Pakistan refugees need not necessarily be given to East Pakistan refugees on the ground that conditions are better in East Pakistan. The Bill is being referred to a Select Committee and so I would not detain this House any longer, but before I resume my seat I would make an earnest appeal to the hon. Minister to consider the question of East Bengal refugees more carefully, as the conditions which he visualised or visualises do not really exist and East Bengal refugees are deserving of the same kind of treatment, if not better treatment than the one accorded to refugees from other parts of the country.

Shri C. C. Shah (Saurashtra): I support this Bill. A certain amount of criticism has been levelled against this Bill and the line of that criticism is two-fold. One is whether this law should be applied to East Bengal refugees or not. The second is whether the nature of the reliefs granted is adequate or not. It is not for me to say anything about the extension of the provisions of this Bill to East Bengal refugees. The provisions of this Bill are of a far-reaching character. It is a very important and complicated measure. The hon. Minister rightly stated that it is of a drastic nature and overrides the provisions of several other existing laws, e.g., the

Insurance Act, the Contract Act, the Company Law, the Limitation Act.

Shri Sondhi: The Bill is being referred to a Select Committee. Why not leave it to the members of the Select Committee to give their opinion as to whether this Bill should be extended to East Bengal refugees or not?

Shri C. C. Shah: I am not opposing it. I am only saying a few words of my own. If Mr. Sondhi desires that I should not express my opinion, I will not do so then.

As I was saying, this Bill is of a drastic nature and would require detailed consideration as to whether its provisions should be extended far beyond the scope of the Bill as it exists at present. Conditions in one place may entirely differ from those in another area. I do not mean to say that I oppose extension of its principle to East Bengal refugees, but as I said, it will have far-reaching repercussions on the conditions in India also, because this Bill is not confined to displaced persons only. It concerns and affects Indians also, because the creditors may be Indians. The assets may be in India or partly in India and partly outside. Shri Syammandan Sahaya, for example, mentioned three categories. But there is a fourth category in which displaced persons of both categories are in India. In Bombay, I have seen Sind refugees. Between themselves, there are creditors as well as debtors and there is considerable litigation going on between themselves. While it is alleged by the displaced creditors that the paying capacity of the displaced debtor is sufficient to pay off the debts, the displaced debtor alleges that he has not enough paying capacity. This Bill introduces certain principles which are hitherto unknown to law, inasmuch as it relates the liability to pay to the capacity to pay and at the same time abrogates the principle of the insolvency law. To that extent, the Bill is very important and needs very detailed examination. The definition of displaced persons includes not only persons who have come from West Pakistan but also persons resident in India but who have any immovable property in Pakistan. That definition is of a far-reaching character. There may be a person in India who has some immovable property in West Pakistan but the bulk of whose assets are in India and the bulk of his creditors are in India. It is for consideration whether it is wise to extend the provisions of this Bill to such persons who have always been resi-

[Shri C. C. Shah]

dent in India. I can understand if the bulk of their property is in Pakistan.

11 A.M.

Shri A. P. Jain: It will be applicable to assets left in Pakistan, not in India.

Shri C. C. Shah: The bulk of his property may be in India; but if he has left any property in Pakistan, this Act will apply to him and he will get relief.

I will refer to clause 13, where certain relief is sought to be given to displaced creditors. A displaced creditor may have his debtors in India; probably his debtors may be Indian debtors. I submit it is entirely out of place to include the provisions of clause 13 in this Bill. The only relief which the hon. Minister stated could be granted to them is in the matter of court fees. That relief is already given in previous legislation. If necessary, it can be granted in some other way. But to apply the principles of this Bill to displaced creditors whose debtors are in India and to take away such debtors out of the purview of existing legislation is doing something which is contrary to the principles of law.

Special tribunals will be set up to consider the provisions of this Act. Power is given to the State Governments to appoint courts. I hope they will be tribunals not below the rank of district courts.

Clause 18 relating to insurance companies is a well-conceived provision, I should say. I have come across several cases where insurance companies have rejected claims of displaced persons on technical grounds and the displaced persons have been placed at a great disadvantage by reason of the fact that they have been unable to fulfil the technical provisions of the insurance law.

The Bill also gives retrospective effect to certain provisions: We have had to pass several Acts to this effect. It is always a drastic procedure to give retrospective effect to any measure. While it is necessary in certain cases to do so, I submit we should limit the retrospective effect of a Bill to the minimum.

On the whole the Bill does give considerable relief to displaced persons and it would be wrong to suggest that it does not give any relief. It is a well conceived measure, probably because it has undergone examination by a High Court judge and on whose

recommendations it is based. I support the Bill.

Shri Barman (West Bengal): I do not oppose the suggestions of Dr. Mookerjee and my hon. friend Mr. Guha for inclusion of a few more Members from Assam and West Bengal in the Select Committee, but I have much hesitation in accepting their downright proposal that the principle of the Bill or the Bill itself should be extended to West Bengal, without examining the matter thoroughly. I must confess that I did not give much thought to this matter before, because I did not scrutinize the provisions of this Bill.

So far as the object of the Bill is concerned, I presume it is simply to give relief to displaced debtors and also to give some advantage to displaced creditors in the composition of debts. It is certainly a good piece of legislation. I do not find anything in it which may affect West Bengal or Assam displaced persons. But if the extension of the provision of this Bill to the Eastern part of India, will bring along with it the application of other pieces of legislation, which we have passed in relation to West Pakistan refugees, then I certainly have grave objections. Whatever might be the position of East Bengal Hindus at the present moment, still I must maintain that the conditions of the two parts of Pakistan are entirely different. Even now hundreds of thousands of Hindus from West Bengal and Assam are going to East Bengal. Though their properties are not safe and they are not able to get the full benefits out of it, they are still in touch with them and are getting something out of them. It is not due to any legislation passed by the East Bengal Government that they are deprived of it, but due to other circumstances over which they may or may not have control. But there is no denying the fact that they are in touch with their properties. In the same way many Muslims from West Bengal and Assam who have left and have gone over to Pakistan have their properties here and they are in possession of their property. So to say that the position of East Pakistan and West Pakistan is the same is not correct.

If I remember aright, when the Bill on evacuee property came before this House and the hon. Minister had some informal discussions with us, we objected to the measure being applied to East Pakistan. Just before that we came to know that the Government of East Bengal had prepared a list of all families, anyone of whom had gone to West Bengal or Assam, so that they

may include in the list of evacuee property, the property of the whole family. That was a very dangerous move and if at that time we had extended the provisions of the evacuee property Bill to that area, Pakistan would have done the same thing. We must still hope against hope for bringing about an amicable settlement of this matter. There is practically no fixed boundary demarcated between India and Pakistan. Though Bengal has been divided into two, both Hindus and Muslims in either part have their relations and connections in the other part. I think therefore that we should not enforce any situation which will precipitate matters and bring much more calamity to both Hindus and Muslims of that part of India. So my only submission is that if the passing of this Bill, and extending it to the eastern part of India also means repercussion elsewhere or means amending or enforcing the other pieces of legislation that we have already passed, such as the Evacuee Property Act, in the eastern part of this country I have certainly grave objections to that. It is for the hon. Minister to consider. I have not given much thought to the matter. But if the House thinks that the principle of extending it to the eastern part may be entrusted to the Select Committee, in that case I would request the hon. Minister to extend the time for submission of the Select Committee's report sufficiently so that he may get in touch with the West Bengal Government and with public opinion there and be guided by them on the question of so extending it.

Mr. Deputy-Speaker: Pandit Thakur Das Bhargava. Though the hon. Member's name is on the Select Committee he particularly wanted to speak on the question whether the operative provisions of the Bill may be extended to the eastern part or not. He wants to place a few facts before the House on that aspect. He will not go into the other matters, and I will allow him as an exception.

Pandit Thakur Das Bhargava: I am not going into the merits of the Bill as the House has already held that it is for the Members who are not on the Select Committee to speak on the merits. I only want to take part in the discussion in regard to the question whether the East Bengal refugees should be included in this Bill or not, and with your permission I would advance one or two arguments to show that the Bill is well conceived and the East Bengal refugees ought not to have been included in it. I quite see the force of the remarks that the two laws which are sought to be re-

pealed by clause 60 of this Bill ought not to be repealed so far as East Bengal refugees are concerned. In so far as that is concerned the hon. Minister for Rehabilitation has already given an undertaking that he will see that these parts are not repealed. In regard to the other question the Bill has been so designed and even the definition of 'displaced debtor' so made, as well as the other provisions so well drafted that they apply very well to the conditions and circumstances of the situation which occurred in West Pakistan, that is in the Punjab, etc. The same circumstances are not to be found in regard to the refugees from East Bengal. My humble submission is that the situation and the circumstances are so different that the same set of rules will not apply to both of them. For instance, goods worth crores of rupees were pledged to certain banks in so far as Lahore and other places were concerned. And there was a civil commotion. Either the Pakistan Government took possession of those goods or they were looted, etc. Similar things did not happen in Bengal. It is not that this House or the Rehabilitation Ministry has not got the same amount of feeling or the same amount of sympathy towards displaced persons from East Bengal.

Shri E. Das: But they have been treated differently.

Pandit Thakur Das Bhargava: As for the remark that those refugees have been treated differently, I think so far as this House is concerned, so far as we Members of this House are concerned, we make absolutely no difference in their case. East Bengal refugees are our countrymen and they are equally dear to us. We want that these debtors should be equally protected.

With regard to the other question, this Bill speaks of evacuee property, the compensation to be given and certain charges against those properties. So far as compensation is concerned the conditions are not the same in regard to persons who have come from West Pakistan and those who have come from East Bengal. So far as the situation of East Bengal refugees is concerned we are as anxious to see that they are protected as we are anxious to see that persons from West Pakistan are protected. I would therefore request the hon. Minister for Rehabilitation to kindly consider if he can bring another Bill for that purpose on the same lines on which protection has been given to the debtors from West Pakistan, so as to give protection suited to the circumstances to

[Pandit Thakur Das Bhargava]

the refugees from East Bengal on these very lines.

Shri B. Das: Why did he not do it before he brought this Bill?

Pandit Thakur Das Bhargava: So far as that is concerned the Bill would become more complicated and more unwieldy and it will not apply to the conditions with regard to these refugees and the other refugees, which are not the same. (Interruption). Why is my friend so angry for their not having been brought in here? The Acts of 1948 and 1949, which are sought to be repealed, applied to all the refugees, both from West Pakistan and from East Bengal. He has a right to say anything he likes, that the same amount of relief has not been given to the East Bengal refugees, etc. There opinions differ. I saw the conditions of those people who had come from East Bengal. I had something to say at that time. I went to West Bengal and saw the conditions of the people coming from East Bengal into West Bengal, Assam and other places. I may submit that there is no doubt that those persons were in a very bad condition. Persons who went from outside could get the impression that their condition was even worse than the condition of the people who had come from West Pakistan. As a matter of fact, the condition of those people who came from East Bengal and who were in the camps was certainly deplorable. I went so far as to say that it was just like hell. It does not mean that the House or the Rehabilitation Ministry have not the same amount of duty and sympathy towards those people. But the conditions are different. The amount of relief which was given under different circumstances was a bit different. So far as legal protection is concerned, the House cannot differentiate between the refugees from West Pakistan and those from East Bengal. But my humble submission is that at this moment to insist that in this very Bill those should be included will be complicating this Bill. I would rather beg of the hon. Minister for Rehabilitation to assure the House that so far as the conditions permit and so far as they are suitable to them he will bring in another Bill for the East Bengal refugees.

Shri Sondhi: During this Session.

Pandit Thakur Das Bhargava: Of course during this Session. I want it to be brought as soon as possible. But at the moment to bring into this Bill all those provisions will not be easy. Therefore, while supporting my friends

who want to see that the sufferers from East Bengal are protected in the same manner—I have the same sympathy and the same duty towards them. I do not shirk any duty, and I think the Ministry has got the same amount of duty and sympathy towards them—at the same time I beg of them not to complicate the issue by insisting that in this very Bill the provisions should be included which are not suitable for them.

Shri Sondhi: I would like to suggest the name of Shri Sidhva also in the list of names for the Select Committee.

Shri A. P. Jain: It is acceptable.

बाबू रामनारायण सिंह : उपाध्यक्ष जी, जब मैं कानून की किताबों को पढ़ता हूँ तो उन से मालूम होता है कि कानून बनाने का मकसद यह होता था कि एक तो समाज में झगड़ा न हो, और दूसरा अभिप्राय यह होता था कि अगर झगड़ा हो तो जल्दी से खत्म हो। लेकिन आज कल जो कानून बनते हैं, जिन में मेरा भी हिस्सा रहता है, मालूम होता है कि आज कल कानून के जरिये से झगड़े बढ़ाये जाते हैं। मालूम होता है कि गवर्नमेंट आफ इण्डिया (Government of India) में जितने डिपार्टमेंट (Department) हैं उन के पास कोई काम नहीं है इसलिये कानून बना बना कर काम पैदा करते हैं। जैसे सिविल प्रोसीज्योर कोड (Civil Procedure Code) है, अब उस में जितनी धारयें हैं, जितने विषय हैं उन के मुताबिक बहुत से मामले तै हो सकते थे। हो सकता है कि एक दो बातें ऐसी हों कि जिन के लिये नये कानून की जरूरत पड़ जाय। लेकिन बात यह है कि कर्जदार और कर्जा देने वाला दोनों पाकिस्तान से चले आये हैं, दोनों के पास कुछ है नहीं, कर्ज का विषय है सम्पत्ति, वह सब वहीं रह गई है, तो सब झगड़ा तो एक तरह से वहीं खत्म हो गया। इस सम्बन्ध में जितने मुकदमे होते, उन को खत्म माना जाता। ऐसी हालत में लोगों के लिये मुकदमा करने का और फ़ैसला करने का यह जो सब झगड़ा लाया गया है

यह सब व्यर्थ है। हमारे भाई शिव चरण लाल जी ने बड़ा सुन्दर कहा है कि इस से लाभ तो किसी को नहीं होगा हां वकीलों के लिये बम्पर क्रीप (Bumper Crop) हो जायगी, उन के लिये बहुत काम हो जायगा और बहुत आमदनी होगी। तो मैं कहता हूँ कि इन बातों को तो बिल्कुल नहीं आना चाहिये था। इस की ज़रूरत नहीं थी। खैर बिल लाया गया है। अब यह बहस चल रही है कि जो लोग वेस्ट पंजाब (West Punjab) से आये हैं उन पर तो यह कानून लागू हो लेकिन जो ईस्ट बंगाल (East Bengal) से आये हैं उन पर लागू न हो। हमारे मित्र ठाकुर दास जी बहुत अच्छी बहस कर सकते हैं। उन में यह तारकत है कि जहर को अमृत और अमृत को जहर सिद्ध कर सकते हैं। जब निर्वासित लोगों के लिये कानून बनाया जा रहा है तो मैं कहता हूँ कि यह मामूली अक्ल की बात है कि सब के लिए बनाया जाय और अगर आवश्यकता हो तो एक दो सदस्य और सिलेक्ट कमेटी (Select Committee) में ले लिये जायं और कुछ धारयें और जोड़ दी जायं। तो यह कहना कि ठीक नहीं होगा और इस से बहुत गड़बड़ हो जायगी, यह तो दिमाग में नहीं बैठता है। अगर फिर से दूसरा कानून आवेगा तो फिर से देश के पैसे खर्च होंगे और बहुत दिनों तक लोग बहस करेंगे। अगर इस को करना है तो इसी बिल के साथ कीजिये और जैसा कि मुखर्जी साहब ने कहा है और गुहा साहब ने कहा है उसी तरह से कर देना चाहिये। क्या ज़रूरत है कि फिर से एक नया बिल आवे और काम बढ़े। हमारे भाई ठाकुर दास जी कहते हैं कि दोनों में बहुत फ़र्क है। एक आदमी यहां चोरी करता है और दूसरा आदमी वहां चोरी करता है। तो इस में यह कहना कि जो एक जगह हुआ बिल्कुल वैसा ही दूसरी जगह भी होना

चाहिये यह बहस तो अजीब है। हो सकता है कि कुछ फ़र्क हो, तो इस के लिये दो चार धाराओं की ज़रूरत हो सकती है वह इस में और रख दी जायं।

श्री सौंघी: अब आप की गवर्नमेण्ट आने वाली है उस वक़्त कर लीजियेगा।

बाबू रामनारायण सिंह: खैर, बात यह है कि जितना काम बढ़ाना चाहेंगे उतना बढ़ता जायगा। देश का पैसा फ़िज़ूल खर्च होगा। और समय फ़ीज़ूल खर्च होगा तो मेरा कहना तो यही है कि यह बिल तो आ ही गया है। ईस्ट बंगाल के निर्वासितों के लिए भी जो जो किया जा सकता है वह भी ज़रूर होना चाहिये। अगर ज़रूरत हो तो कुछ धारयें इस में और जोड़ दीजिये और कुछ सदस्य कमेटी में और ले लीजिये। इस के लिये फिर मौक़ा नहीं रखना चाहिये और इस तरह काम बढ़ाना नहीं चाहिये और काम बढ़ा कर झगड़ा नहीं बढ़ाना चाहिये।

मैं और अधिक नहीं कहूंगा। जो जो सजेसन्स (Suggestions) दिये गये हैं और जो राय दी गई है उसे मान लेना चाहिये।

(English translation of the above speech)

Babu Ramnarayan Singh (Bihar): When I read books on law, I find that the main purpose of law-making has been that no disputes should arise in society; and, secondly, if they arise at all they should end in a short time. But nowadays whatever laws are made—and I too have my hand in making them—tend to prolong disputes. It seems that the various departments of the Government of India have little work to do and so they create work by making these laws. For instance, take the Civil Procedure Code. Most of the cases could be settled in accordance with the provisions and sections of this Code. It is possible that there may be one or two things for which we may feel the necessity of bringing forth a new legislation. But the main thing is that the debtor and the creditor both have migrated from Pakistan.

[Babu Ramnarayan Singh]

Both are bereft of any means. The basis of any loan is property which they have left behind in Pakistan. In a way the whole dispute ended there. All suits of that kind should have been declared as ended. Under these circumstances, all these provisions relating to the institution and adjudication of suits are useless. Our brother Shri Shiv Charan Lal has well said that it would benefit nobody but the lawyers, for whom it would provide a 'bumper crop'. They would get plenty of work and lot of money. Hence I submit that it would have been better had all this not been brought in at all. There was no need for it. Anyhow the Bill has been introduced now and the issue which is being discussed here is that it should apply to those persons only who have migrated from West Punjab and not to those who have migrated from East Bengal. Our friend Shri Thakur Das Bhargava can argue so well. He can prove by his arguments that poison is nectar or that nectar is poison. When legislation is being made for displaced persons it is just common-sense that it should be made for all the displaced persons and, if necessary, one or two members more should be taken on the Select Committee and a few more sections added to the Bill. It would not be correct to say that that would result in great confusion; this is not at all convincing. If a fresh and separate legislation is introduced in this connection at a later stage it would mean waste of money, and people would go on having debates on that Bill for days together. If anything is to be done in that direction it should be done along with this very Bill on the lines suggested by Dr. Mookerjee and Shri Guha. Where lies the necessity of bringing forth a new bill and increasing the volume of work? Our brother Shri Thakur Das says that there is a lot of difference between the two cases. A person commits theft here and another commits theft there; it cannot be argued that both the cases should have been of the same form and type; that would be indeed strange. It is possible that there may be some difference between the two cases. Two or three sections more in the Bill would suffice and they might be added.

Shri Sondhi: When you have your own Government, which you are going to have, you should do it then.

Babu Ramnarayan Singh: Whatever that may be, the thing is that the more you would like to increase the volume of work, the more would it go on increasing. The country's funds would be wasted and so also the time. Hence my submission is that when this bill

is already before the House, everything that could be done for the displaced persons of East Bengal should be done here and now. If necessary a few more clauses may be added to the present Bill and a few more members be taken on the Select Committee. This should not be left over for another day for that would mean more work and more work would mean more trouble.

I would not say more. It is hoped the suggestions and opinions that have been put forth will be accepted.

Dr. S. P. Mookerjee: May I suggest that the names of Messrs. A. C. Guha, B. K. Das and R. K. Chaudhuri may be added to the list of members of the Select Committee? I should like to know Government's reactions to this proposal.

Shri A. C. Guha: If the Government does not agree to extend the operation of the Bill to East Bengal refugees, then I do not think any purpose will be served by adding to the number of members on the Select Committee.

Shri A. P. Jain: A kind of indirect charge has been levelled against me that I am not extending the same facilities or at any rate, I am not treating the East Bengal refugees with the same consideration as I am giving to the West Pakistan refugees. I assure this House that I would be unworthy of the position that I am holding if I discriminate between the refugees of the West and East. They are both equal to me, and as the House is aware all these schemes of relief and rehabilitation by States except the Centrally Administered Areas, that is, the Part C States, are being carried on or being executed by the State Governments. In Bengal, they are being executed by the West Bengal Government, in Punjab by the Punjab Government and in the rest of the Provinces by the State Governments concerned. It is not by way of a challenge but by way of a very humble expression of a determination when I say that I invite any hon. Member of this House to point out one scheme that has been sent to me by the West Bengal Government which I have turned down. I have paid more consideration, at least during the last one year to the schemes that have been received from any of the States where refugees from East Bengal have come than to the States where the refugees have come from West Pakistan. The reason is a simple one. Quite a lot has been done for the West and not so much for the East because the exodus from the East is a recent one. It is not merely for the sake of argument that I am saying

this, but I invite my hon. friend, Dr. Mookerjee to have the fullest information from the West Bengal Government and from his Province and then to write to me, pointing out any scheme which was sent by the West Bengal Government and which I have not accepted. I have gone farther. I have recently transferred some of the schemes which I was doing direct to the West Bengal Government. I refer to the transfer of the Cooper scheme. In fact, in West Bengal, we are only executing one scheme and that is the Fulia scheme and I dare say that that scheme is following higher standards than any scheme of Punjab. At any rate, I need not go into that particular question at any great length.

It appears that the main criticism that has been made against this Bill is why it has not been extended to refugees from East Bengal. My hon. friend Mr. A. C. Guha asked why representatives from West Bengal were invited by the hon. Judge if it was not intended to extend the operation of this law to that area. My explanation is this. To begin with we had no formed opinion. We wanted to examine the question on merits and we wanted to see whether it would be possible to formulate one law for the whole of India or separate legislation for the West and the East. A common notification was published in all the Papers as to whether there should be a debt law. Not one representation was received from West Bengal: not even from Dr. S. P. Mookerjee. When the hon. Judge began to examine this question, I suggested to him that although the West Bengal Government as also our friends who represent the displaced persons from West Bengal had made no formal representation, he should invite some Members of Parliament and have their opinion as to whether this Bill could and should be made applicable to the whole of India. I shall read out two paragraphs from the report of the hon. Judge. In para 14, he says:

"No representations were received by the Government from the displaced persons in West Bengal. Except two hon. Members of the Parliament from West Bengal, who appeared before me on invitation—(Please remember on invitation)—as witnesses, no witnesses from West Bengal appeared before me. No demand has so far been made by the displaced persons in West Bengal for any legislation in regard to their debts. Such demands have come from the displaced persons of West Pakistan only and they are insistent now."

In para 15, he says:

"As the proposals I am going to make are related to the compensation likely to be received by the refugees for their properties in West Pakistan, they would not be appropriate for the displaced persons from East Pakistan. If and when it becomes necessary to undertake any legislation in regard to the debts of displaced persons from East Pakistan, it will have to take a different shape to suit their requirements. The proposed law should, therefore, apply only to the displaced persons from West Pakistan."

It is not a mere *ad hoc* opinion that the hon. Judge gives. He has given definite details and cogent reasons for his recommendations. Then, I come to para 12.

Shri B. Das: Why did not the Judge visit Bengal and enquire about matters in person?

Shri A. P. Jain: He did not visit any place; he sat in Delhi.

Shri B. Das: He belongs to Delhi; that is my point!

Shri A. P. Jain: No. Para 12 says:

"There is a great deal of difference in the debt problem between the West and East Pakistan. The migration from the West Pakistan took place almost suddenly, giving hardly any time to the refugees to wind up their affairs or to dispose of their properties or to bring any substantial portion of their assets to this country. Their properties in Pakistan now vest in the Custodian of evacuee property. Their title in the property is but nominal. They do not get any income from it and are not able to enjoy their properties nor can they hope to enjoy it in the near future. Some of the displaced persons from the West Punjab have been allotted land on a quasi permanent basis in the East Punjab."

In para 13, he says:

"On the other hand, although the refugees from East Pakistan have also suffered, the extent of their loss in property was not so great as of those who migrated from the West Punjab. The ownership of the property left by them in East Pakistan still vests in them. The migration from East Bengal started with the Noakhali troubles. The evidence before me shows that prior to 1948, the migration from

[Shri A. P. Jain]

East Bengal to West Bengal was a continuous but a slow process. Displaced persons who have come over to West Bengal are at liberty to return to East Bengal. The Administration of the Evacuees property Act, 1950, does not apply to West Bengal, Assam, Tripura and Manipur. There is no question of payment of compensation for the property left in East Pakistan because the title in the property still vests in the displaced persons and in some cases those properties are still being managed by the owners or through their agents. They have the power to transfer the property though it has been stated that they have difficulty in getting buyers. Calcutta was an economic centre for the whole of Bengal before the Partition. Many persons of East Bengal had their connections and properties partly in Calcutta and partly in East Bengal. In some cases, the entire family has now migrated to the Indian Union and are depending on the earning of the Member who was residing in the Indian Union from before. Displaced persons from East Pakistan are able to realise some income from their properties there."

Not that we have not examined the question. But, we have come to definite conclusions after fully examining the question. Nevertheless, I am prepared that if any law is necessary for giving relief to displaced persons from the East, we shall be prepared to consider it; but, that must be considered on a different level.

Shri A. C. Guha: During the life time of this House?

Shri A. P. Jain: No amount of patch work in this Bill will either be proper or will give relief to displaced persons. I am one with them; I am prepared to sit with them from day to day and bring in legislation as soon as possible.

My hon. friend Dr. S. P. Mookerjee criticised the repealing of clause 60. I partially accept his criticism, because if there is an error, we must accept it. But, let me point out the circumstances. Clause 60 repeals two laws. One is the Displaced Persons (Institution of Suits) Act, 1948 and the other is the Displaced Persons (Legal Proceedings) Act, 1949. Every hon. Member of this House knows that before the 1st January, 1950, although displaced persons were trickling from East Bengal, they were coming under circumstances very different from the people coming from the west or from the east after

1st January, 1950. These two laws were fundamentally conceived for the West, although they were applicable to the East. Because the displaced persons from East Bengal can derive some advantage from these laws, I am not going to repeal to the extent that they benefit displaced persons from the East. There were no *mala fides* in the draft. There was no intention behind it. These laws were passed at a time when the big exodus from East Bengal had not begun and a radical remedy was not needed.

Mr. A. C. Guha spoke about displaced banks. I am sorry that he has not given full thought to the question. I will refer him to the definition of 'displaced persons' in clause 2, sub-clause (10). A 'displaced person' does not include a displaced bank. The general scheme of this law will not be applicable to displaced banks. There is only one provision which is applicable to displaced banks.

Mr. Deputy-Speaker: There is a separate definition of 'displaced bank'.

Shri A. P. Jain: I am coming to that. A 'displaced bank' is separately defined.

All these reliefs are confined to displaced persons who are either debtors or creditors. The only provision in the whole of this law with regard to displaced banks is clause 52. Quite a number of banks which were carrying on their operations in West Pakistan after the Partition found themselves unable to meet the claims of their creditors. They were not insolvent. They went to the Punjab High Court and put in a petition for preparing a scheme of arrangement so that their liabilities may be gradually liquidated. All that we have laid down here is this. If by virtue of any provisions of this law, the position of displaced banks is affected and they are not in a position to fulfil the scheme of arrangement, then they can go to the High Court and say that we are affected by the provisions of the law in such and such a manner as our debtors are getting such and such reliefs. Therefore please modify the scheme in such and such a manner. Beyond that no relief or help has been extended to the displaced banks. I have made enquiries from my officers and there is no such bank in West Bengal. Nevertheless, if any such question arises, we can consider it when the question of indebtedness about East Bengal is taken up. I would have been prepared to accommodate my friends, had I not felt that if this Bill were extended to West Bengal it would be ruinous to the displaced persons.

Dr. S. P. Mookerjee: Why not discuss it in the Select Committee?

Shri A. P. Jain: There is no use discussing it because, this law cannot fit in with the conditions of East Bengal displaced persons. But I can say that we are prepared to consider the whole question in detail and we are prepared to come forward with a suitable legislation.

Shri A. C. Guha: May I know whether that will be within the lifetime of this House?

Shri A. P. Jain: Well, I am prepared to sit with you. Beyond that I cannot hold out any promise in terms of time. If you are prepared, I am prepared to introduce a measure.

Very few objections have been raised with regard to the main provisions of the Bill. My friend Shri Shiv Charan Lal said that it does not give any relief. I am simply sorry for that observation. He says, "Wipe off all the debts." But after all there are displaced persons who are also creditors, and sometimes they are widows or orphans and persons incapable of earning a livelihood. I expect hon. Members of the House to try to look at things in the proper perspective and thus balance the advantages and the disadvantages. It is no use ruining one section of the people who are also displaced persons. A man in one capacity may be a debtor and in another capacity he may be a creditor. We cannot apply *ad hoc* formulas to all these matters. Human affairs are so complicated that they have to be considered in their various aspects and remedies found out. You cannot have one patent medicine for all ailments. My friend has objected to the inclusion of clause 53. He is an old friend of mine and an eminent lawyer of the Allahabad High Court. But I am sorry to say he has not cared to study the provisions of the law here. If he had looked at the preamble, he would have seen that this is not meant to give relief to the debtors but also for the recovery of certain debts due to them. There are societies and companies which were registered in Pakistan and the overwhelming majority of the shareholders have come over here. The societies have no legal entity in India. We propose to give them legal entity so as to be able to recover their dues. Where then is the question of a square peg in a round hole?

I am grateful to my friend Shri C. C. Shah who has made some weighty observations. I wish he had found time to serve on the Select Committee to help us. One of the objections raised by him was that displaced persons

include persons who have been living in India but who own property in West Pakistan which they cannot manage or supervise. He seems to think that this law will be indiscriminately applied to all the debts owed by such persons. It is not so. The definition of debt in relation to such persons clearly lays down that it should have been incurred before 15th August 1947 on the security of the property situate in West Pakistan. Shri C. C. Shah also objected to the inclusion of clause 13. I explained in my preliminary remarks that this is a provision meant to give relief to the creditors and to save them from heavy expenses.

On the whole I find that this Bill has been kindly received by the House and it will go to the Select Committee and we shall examine its provisions more thoroughly there. I hope that it will come back as an improved measure, from the Select Committee.

Mr. Deputy-Speaker: Before I put the motion formally to the House, I would like to know if any names have to be added to the list of members in the Select Committee. Some names were mentioned here. If the hon. Minister accepts the names, then a formal motion has to be moved, suggesting their inclusion.

Shri A. P. Jain: Mr. Sondhi suggested the name of Shri Sidva. He can be there in place of Shri C. C. Shah.

Mr. Deputy-Speaker: But other names also were suggested. Dr. S. P. Mookerjee suggested a few. If they are to be included, it must be moved in the form of a formal motion or amendment to this motion and accepted by the House. No amendment can be made after I put the motion to the House.

Shri Sondhi: But probably they feel that in view of the views expressed by the hon. Minister and also the explanation he has given, it will not be worthwhile joining the Select Committee.

Dr. S. P. Mookerjee: Even if a separate Bill is brought up, there is no harm in a few Members from Bengal and Assam sitting on the Select Committee.

Shri A. P. Jain: Yes, that will be useful experience gained by them. I have no objection.

Shri A. C. Guha: If this measure is not going to be extended to East Bengal, what is the use of adding to the number of members on the Select Committee?

Mr. Deputy-Speaker: It will at least give them some idea of the complexities of the case. Viewing the outside or the bare skeleton of the Bill it may seem as if it could be applied to East Bengal. But when discussing the various details

[Mr. Deputy-Speaker]

in the Select Committee probably it will be clear how the Bill cannot be applied to East Bengal and how a separate Bill is necessary for that. And so can we add the names of Shri A. C. Guha, Shri B. K. Das and Shri R. K. Chaudhuri?

Shri A. P. Jain: I am agreeable to it. At any rate it will give valuable experience to our friends.

Dr. S. P. Mookerjee: I move it formally, that these names be added.

Shri A. P. Jain: Why not the name of Dr. S. P. Mookerjee also?

Dr. S. P. Mookerjee: I do not wish to be on it because I may not be here.

Mr. Deputy-Speaker: Nobody can force a Member in the Select Committee against his will.

Shri A. P. Jain: He raises a storm and escapes himself.

Shri Sondhi: Put Dr. Mookerjee also in.

Dr. S. P. Mookerjee indicated assent.

Mr. Deputy-Speaker: So the additional names for the Select Committee are Shri A. C. Guha, Shri B. K. Das, Dr. S. P. Mookerjee, Shri R. K. Chaudhuri. I shall now put the motion to the House with the inclusion of these names.

The question is:

"That the Bill to make certain provisions for the adjustment and settlement of debts due by displaced persons, for the recovery of certain debts due to them and for matters connected therewith or incidental thereto, be referred to a Select Committee consisting of Shri Raj Kanwar, Lala Achint Ram, Dr. Bakhshi Tek Chand, Prof. Yashwant Rai, Sardar Ranjit Singh, Shri Jaspat Roy Kapoor, Pandit Thakur Das Bhargava, Giani Gurmukh Singh Musafir, Sardar Hukam Singh, Sardar Bhopinder Singh Man, Shri B. L. Sondhi, Shrimati Uma Nehru, Dr. Ram Subhag Singh, Shri Amolakh Chand, Shri H. V. Tripathi, Shri Shiv Charan Lal, Shri R. K. Sidhva, Shri A. C. Guha, Dr. S. P. Mookerjee, Shri R. K. Chaudhuri, Shri B. K. Das, and the Mover, with instructions to report by the 15th September, 1951."

The motion was adopted.

Mr. Deputy-Speaker: I have an announcement to make. It is for the Speaker to appoint a Chairman to the Committee. I appoint Dr. Bakshi Tek Chand to be the Chairman of the Committee.

On a former occasion some difficulty arose regarding the minutes of dissent that were handed over, particularly in the case of Pandit Thakur Das Bhargava who desired to hand over his minute of dissent. The practice is not clear but as soon as a member puts his signature to the report he has to hand over his minute of dissent also. Therefore I would advise the Select Committee to take its final decision and take the signatures of the members 24 hours after the final decisions are taken, so that by the time the signatures are taken hon. Members who want to append their minutes of dissent may get them ready and hand them over at that time. Otherwise they would not form part of the report. I would make that suggestion to the House.

Also if there is evidence of witnesses examined or other documents supplied to members of the Select Committee, wherever they are printed, they may also be added to the Select Committee report, so that the House may know what all information was given to the Select Committee.

12 Noon

TARIFF COMMISSION BILL—contd.

Mr. Deputy-Speaker: On the previous day Mr. Gokulbhai Bhatt was speaking.

श्री मट्ट : माननीय उपाध्यक्ष जी, मैं परसों आप का ध्यान उस ओर खींच रहा था कि आस्ट्रेलियन ऐक्ट में सेक्शन १५ में (e) धारा में यह बताया गया है कि

'the Ministry shall refer to the board for enquiry and report the following matters' उसमें है 'the necessity for granting bounties for the encouragement of any primary or secondary industry in Australia.

शायद आपका यह ख्याल रहा है कि धारा १७ में टैरिफ बोर्ड को अधिकार दे दिया गया कि वह खुद इन बातों में जाय। लेकिन यहाँ मैं खास तौर से यह बता देना चाहता हूँ कि आस्ट्रेलियन ऐक्ट में है कि जो रक्षण दिया जाना चाहिये और उस के

बारे में जो अज्ञियां हों, वह अज्ञियां मिनिस्टरी को उन के हवाले कर देनी चाहियें। उन को सुओ मोटू पावर्स मी दी गई हैं और एक दूसरी जगह यू० एस० ए० (U.S.A.) में तो जहां तक कि मुझे याद है वहां पर टैरिफ एग्रीमेंट्स (Tariff agreements) जो दूसरे देशों के साथ होते हैं, उन के मुताल्लिक भी टैरिफ बोर्ड की राय पहले ले ली जाती है और उस के बाद फंसला किया जाता है। लेकिन मैं उन बातों में इस समय नहीं जाना चाहता हूं। तो इस तरह की टैरिफ कमीशन को जो सत्ता दी जानी चाहिये, वह कोई हमारी सरकारी सत्ता को कम करने वाली बात नहीं है, वह मामूली सी बात है और सरकार को उस में कोई आपत्ति नहीं होनी चाहिये। सरकार सारी अज्ञियां जो उन के पास आती हैं, उन अज्ञियां को टैरिफ कमीशन के हवाले कर दे। इस लिये मैं माननीय मन्त्री जी से प्रार्थना कर रहा था कि आप इस मेरे सुझाव को मान लें और इस को मानने में आप को कुछ खोना नहीं है, बल्कि उल्टे जनता और उद्योगों का फायदा होने वाला है। अब इस सुझाव के विरुद्ध यह कहा जाता है कि अगर सरकार को जिन चीजों को रक्षण देना है, उन चीजों की अज्ञियों के बारे में कोई निर्णय देने का अधिकार न दिया जाय और अगर सरकार वह सारी सत्ता टैरिफ कमीशन को दे दे तो फिर सरकार की जरूरत ही क्या है? दी गवर्नमेंट ने ऐंबडीकेट (The Government may abdicate)। मालूम नहीं इतने सख्त अल्फाज माननीय मन्त्री जी ने क्यों इस्तेमाल किये? यह ऐंबडीकेशन आफ पावर्स (Abdication of powers) ऐसी कोई चीज नहीं है। हम तो जो चीज उनके क्षेत्र में है, उन से इस सुझाव को मंजूर करने की प्रार्थना करते हैं कि टैरिफ बोर्ड अपनी जांच के बाद सरकार के सामने अपनी रिपोर्ट पेश करे।

[SARDAR HUKAM SINGH in the Chair]

दूसरी बात यह कही गयी कि यह पालिसी (policy) का सवाल है कि किन किन उद्योगों को रक्षण दिया जाय। इसमें पालिसी का सवाल है, मैं जरूर मानता हूं कि पालिसी का सवाल है और वह रक्षण देने के समय आप के सामने आ जायगी। क्यों कि फिस्कल कमीशन ने १९५० में सुझाव दिया था कि कौन से उद्योग चन्चे को रक्षण देना चाहिये और उस के लिये कोई प्लान (Plan) बनाया जाय और उन्होंने प्लानिंग कमीशन (Planning Commission) की बात सुझाई और ह्यूबारे यहां प्लानिंग कमीशन बैठ गया और उसने अपना मसविदा हमारे सामने पेश किया। लेकिन मैं यह कहना चाहता हूं कि उस के पहले भी सन् १९२३ में भी एक प्लान बना था और एक रेजोलूशन (Resolution) की मार्फत यह बताया गया कि किन किन और फजानी कक्षा के उद्योगों को रक्षण देना चाहते हैं। सन् १९४५ में भी इस तरह ध्यान दिलाया गया और सन् १९४८ में जब सरकार की इंडस्ट्रियल पालिसी (Industrial Policy) घोषित की गई तो उस में बतलाया गया कि सरकार कौन सी चीजों की तरफ उपादा तबज्जह रखती है और किन उद्योगों को बहुत महत्व का मानती है। पैराग्राफ चार, छै में इन सब चीजों को बतलाया गया है और उन में यह लिखा गया है कि सरकार इन सब चीजों को आल फ्रीसिलिटिज आफ इन-करेजमेन्ट (all facilities of encouragement) देगी और एक तरह से हम ने अपनी योजना अपनी मंशा और विचार देश के सामने रख दिया है। अब इस के सिवा और कौन सी पालिटिक्स (Politics) हो सकती है कि जो देश को आगे ले जाने वाली चीज है, देश का कल्याण

[श्री भट्ट]

करने वाली चीज है देश की सुख और सम्पत्ति को बढ़ाने वाली है ? इस के अलावा इस में क्या पालिटिक्स हो सकती है, और क्या कमी हमारे माननीय मन्त्री जी ऐसा सोच सकते हैं कि कोई हम पार्टी पालिटिक्स (Party politics) की बात इस में कर रहे हैं, ऐसा वह कमी सोच नहीं सकते हैं। हम तो जो बात कह रहे हैं, वह इस चीज को दृष्टि में रख कर कह रहे हैं कि किस में राष्ट्र का हित है। प्लानिंग कमीशन जो हम ने बिठाय है उस ने एक रिपोर्ट पेश की है, उस के बाद जो हम तय करेंगे, वही हमारी राष्ट्रीय पालिसी बनेगी, वही हमारी पालिटिक्स बन सकती है, दूसरी कोई नहीं। उस के अलावा कोई दूसरा राजनीतिक कारण हमारे सामने नहीं आ सकता है। इसी दृष्टि से मैं कहना चाहता हूँ कि जब हम ने एक चीज बनाई है, और मुकम्मल हम एक चीज बनाने जा रहे हैं, तब सरकार को उस में कोई आपत्ति नहीं होनी चाहिये। जो उद्योग धन्धे वाले अर्जों भेजेंगे, वह हम उन के पास भेज देंगे जो हमारी एक्सपर्ट बोडी (Expert Body) है। हमारे आई टी० टी० कृष्णभाचारी ने कहा था कि अर्जियां बहुत आ जायेंगी और उनको स्क्रीनिंग (Screening) करने में बहुत दिक्कत होगी। कमीशन की क्यों इस पचड़े में डालते हो ? गवर्नमेन्ट को यह काम करने दीजिये। तो उस के लिये मैं तो कहूँगा कि गवर्नमेन्ट का काम हम जितना हल्का कर सकें करें, यानी मुहकमों का काम, डिपार्टमेंटों का काम हम जितना कम कर सकें, उतना कम करें। इस से काम में तेजी आयेगी और घूसखोरी कम होगी और रेड टैपिज्म (red tapism) में बहुत कमी हो जायगी। इस लिये मैं यह समझता हूँ कि ऐसी सारी अर्जियां वहां पर भेज दी जायं।

सभापति जी, मैं क्यादा लम्बे में न जा कर यह कहना चाहता हूँ कि फिक्शल कमीशन ने जो प्रश्नावली तैयार की थी, उस प्रश्नावली के दो प्रश्न थे। खासतौर से प्रश्न ८२ और ८४, और वह इस प्रकार थे :

Q.82.—“Do you think that the present procedure under which an industry's fitness for protection is considered only when an application by that industry is sent? If not, why would you like it to be modified?”

Q.84.—“Where the procedure provides for an application for protection, should the application be addressed to Government or to the Tariff Board?”

माननीय सभापति जी, मैं उन के जवाब सब पढ़ कर सुनाना नहीं चाहता हूँ, हालांकि मैं ने बहुत मुस्तसिर में उन को लिख रखा है, समय कम है। लेकिन मैं आप से यह कहना चाहता हूँ कि जिन जिन ने इस के मुताल्लिक जवाब दिया है करीब करीब सब ने यह कहा है कि आज का जो बिलम्ब करने का तरीका है, रवेया है, उस को बन्द करना चाहिये और यह अर्जियां सीधी टैरिफ बोर्ड या टैरिफ कमीशन के सामने जानी चाहिये, ऐसा न सिर्फ ब्यापारिक संस्थाओं ने कहा है, लेकिन ऐसा बड़े बड़े अध्यापकों, प्रोफेसरों और विद्वानों ने जिन को इस की अच्छी समझ बूझ है उन सब लोगों ने इस तरह की बात कही है। मैं उन सब चीजों को पढ़ नहीं रहा हूँ। इस के अलावा जो हमारे विशेष आदमी हैं जिन्होंने फिक्शल कमीशन की रिपोर्ट पेश की है उन की राय मैं आप को बताऊँ। उन्होंने एक जगह यह लिखा है कि आज की रक्षण देने की नीति में क्या क्या न्यूनतायें हैं और डिफेक्ट्स (defects) हैं। उन डिफेक्ट्स में एक चीज यह बताई है। इसमें जो पहला दोष या न्यूनता है मैं उस के बारे में खिन्न कर रहा हूँ। दूसरी

और तीसरी में अब जरूर फर्क हुआ है और अच्छा फर्क हुआ है। लेकिन उन्होंने पहले दोष के बारे में और पहली न्यूनता के बारे में बताया है :

"In the working of the policy some of the noticeable defects are:—

(a) the delay that took place in referring cases to the Board;

(b) the time taken by the Board to conduct enquiries; and

(c) the time taken by the Government to arrive at decisions on the Board's recommendations."

यह फ्रिक्ल कमीशन की रिपोर्ट कह रही है और अब फ्रिक्ल कमीशन की रिपोर्ट में बताया गया। मैंने परसों कहा था कि मैं बड़ा कम नसीब आदमी हूँ कि मुझे जो जानकारी चाहिये वह नहीं मिल रही है, लेकिन फ्रिक्ल कमीशन ने भी कहा कि हमें जो जानकारी चाहिये वह नहीं मिलती :

"There is no record of the time taken by the Government to refer cases to the Tariff Board, nor is it known in how many cases applications were rejected by the Government without referring them to the Tariff Board. Witnesses have brought to our notice the difficulties caused to industries by such delays.

क्या बात है? क्या तरीका है हमारे महकमों का कि उनमें जो चीज फोरन मिलनी चाहिये वह जल्दी नहीं मिलती। लेकिन आज मेरे पास हमारे मन्त्री जी श्री करमारकर साहब ने कुछ जानकारी भेजी है। उसमें से सिर्फ एक ही जानकारी काम की है। दूसरी जानकारी की तफ़्सील नहीं थी जैसा कि मैं चाहता था। लेकिन उस जानकारी का मैं पृथक्करण करना चाहता हूँ। वह जानकारी यह है कि कितनी अज्ञियां सरकार ने टैरिफ बोर्ड को भेजी थीं और कब भेजी थीं और भेजने में कितना समय लगा। इस की तरफ मैं आप का ध्यान दिलाना चाहता हूँ। और

वह जानकारी भेजी गई है सन् १९४९ के दिसम्बर से फरवरी १९५१ तक की। मैं आप का ध्यान इस की तरफ दिलाना चाहता हूँ कि पहले कालम में जो लिखा गया है उस के पारेन्थेसिस (parentheses) में लिखा हुआ है विद इन्फार्मेशन काल्ड फ़ार (with information called for)। अभी मैंने माननीय मन्त्री जी और उन के सरकारी मन्त्री वगैरह से पूछा तो उन का यह सवाल है कि इस विद इन्फार्मेशन काल्ड फ़ार के माने यह है कि अर्थात् कई दिन पहले आ चुकी है, लेकिन उस के बाद उस की जांच करने में और और जरूरी चीज करने में टाइम लगा है, वह टाइम नहीं लिखा गया है। लेकिन जानकारी मांगते मांगते एक चीज मुकामिल तो मिल गई है। उस के बनने पर मैंने पूछा कि हमें उस की तारीख बताइये। मैं यह जानना चाहता हूँ कि कितनी अज्ञियां आई थीं और कब, उन अज्ञियों के बारे में उन को जानकारी पाने में कितना समय लगा और बाद में फिर उन्होंने उसे रैफर (refer) कब किया। यह तीन चीजें हैं जो हमारे सामने आ जातीं तो मैं कह सकता कि कितनी पालिटिक्स है, और कितनी महकमे की लापरवाही है। लेकिन अब मैं अफ़सोस करता हूँ कि हमारे पास यह चीज नहीं है कि कितनी अज्ञियां नहीं भेजी गईं और क्यों नहीं भेजी गईं। इसलिये मैं उस की ज्यादा अनालिसिस (analysis) में नहीं जाना चाहता हूँ। मैं आप का ध्यान आकषित करना चाहता हूँ इस तरफ कि उन ११ अज्ञियों में से जो उन्होंने रैफर किया चार अज्ञियां ऐसी थीं जिन के लिये डेढ़ महीने से तीन महीने के बीच का समय लगा रैफर करने के लिये। दूसरी सब अज्ञियों को रैफर करने में तीन महीने से ले कर आठ महीने पच्चीस दिन तक का समय लगा। और अगर उद्योग धर्मों के बारे में पूछा जाय

[श्री भट्ट]

तो अगर मुझे पहले से जानकारी की सूची दे दी गई होती तो मैं आपको बता सकता कि कापर सल्फेट (copper sulphate) जैसी चीज की जांच करने में और रैफ़र करने में ६ महीने लग जाते हैं। दूसरी बात आती है बिजली के पंखों की। उस को टैरिफ़ बोर्ड के पास भेजने में आठ महीने लग जाते हैं। मैं इस के लिये खास तौर से आप का ध्यान दिलाना चाहता हूँ कि यह तरीका बिल्कुल ग़लत तरीका है। जब हम एक अपना स्थायी टैरिफ़ कमीशन बना रहे हैं। अब जब टैरिफ़ कमीशन के ऊपर आप रुपया खर्च करने वाले हैं और जिस से हम आशा करने वाले हैं, उन को यह काम सुपुर्द कर दिया जाय तो बेहतर होगा।

इस लिये अब मैं आप का ज्यादा समय नहीं लूंगा क्यों कि मैं काफ़ी बोल चुका हूँ और मेरे मित्र सिधवाजी कहते हैं कि आप को कितने मिनट और लेने हैं। लेकिन मैं उन से कहना चाहता हूँ सिधवा साहब जैसे बादमी से जिन को यह मालूम नहीं है कि जो रिव्यू आफ़ वर्क (Review of work) ओ में ने पढ़ कर सुनाया यह क्या है, वह कहते हैं कि कौन सी किताब आपने पढ़ी, वह आप की है या किसी और की, उन से मैं कहता हूँ कि मैं कोई बाहर की चीज नहीं बताता हूँ।

अब एक दूसरी बात की तरफ़ आप का ध्यान खींचूंगा। फिस्कल कमीशन की रिपोर्ट में बताया गया है कि टैरिफ़ बोर्ड को अधिकार होना चाहिये या यह कि गवर्नमेंट मस्ट टेक इनीशियेटिव (Government must take initiative)। इस प्रकार की कई बातों का जिक्र उन्होंने किया है जिस के आधार पर यह बिल आया है लेकिन अगर

आप उन बातों को देखेंगे और जो बिल आज आया है उस को देखेंगे तो हीरान हो जायेंगे। और जिन बातों के लिये फिस्कल कमीशन ने यह कहा था कि वहां गवर्नमेंट इनीशियेटिव होना चाहिये वहां हम सुओ मोटू पावर दे देते हैं, और बातों को छोड़ना चाहते हैं। उन को सिर्फ़ यह चिन्ता है कि कहीं अड़ियां बाला ही बाला न चली जायें। इतने में ही उन को बड़ा खतरा मालूम होता है। यह बड़े आश्चर्य की बात है कि उन को इतना खतरा क्यों महसूस होता है। एक दूसरी बात यह कि सिलेक्ट कमेटी के सामने जब यह बिल आया तब व्यापारिक संस्थाओं ने अपनी राय भेजी। उस में भी उन्होंने यह बताया था कि यह अर्जों के बारे में विचार करने का अधिकार, सुओ मोटू पावर, टैरिफ़ कमीशन को देना चाहिये। इस पर उन्होंने जोर दिया है। लेकिन मालूम नहीं क्यों हमारे माननीय मन्त्री जी हमारी बात नहीं मानते हैं। मज़ंगे या नहीं यह भी मैं नहीं कह सकता, लेकिन मैं कोशिश करूंगा, और उन के दिल व दिमाग में ठसाने की कोशिश करूंगा और जब तक मैं कामयाब नहीं होता हूँ तब तक अपनी बात को दोहराता रहूंगा।

मैं इन बातों पर ज्यादा विशेष समय न लेते हुए इतना कहना चाहता हूँ कि यह जो सुओ मोटू की जो पावर है, या शॉल (shall) और मे (may) की बात जो है उसे फिर से सोचेंगे और सहानुभूतिपूर्वक सोचेंगे, क्योंकि मैं मानता हूँ कि मे (may) में रुकावट है, मे (may) में धूसखोरी है, और रेडटेपिज्म वगैरह तमाम चीजों को बढ़ाने की बात है और शॉल (shall) में स्फूर्ति और सहूलियत है। इस लिये मैं ने इतनी थोड़ी सी बात को लम्बा कर के कही है।

दूसरे मुद्दों के बारे में जब मैं संशोधन पेश करूंगा तब बोलूंगा।

इतना कहते हुए मैं माननीय मन्त्री जी का आभार ज़रूर मानता हूँ कि उन्होंने सिलेक्ट कमेटी में कुछ न कुछ बात मान ली है, लेकिन मेरी दृष्टि से जो गहरी बात है उस को मानने के लिये वह तैयार नहीं हैं। मैं आशा करता हूँ कि संशोधन आते आते कुछ फ़र्क पड़ेगा।

श्री अमोलक चन्द : आप ने उस दिन भाषण में यह कहा कि “अगर हमारा ध्यान न भी गया तो और दूसरे ज़रिफों से यह चीज आयेगी कि इसमें पक्षपात हुआ है और इन उद्योगों को नाजायज़ फ़ायदा मिला है, क्योंकि टैरिफ़ कमीशन के सब सदस्य ख़रीदे गये थे, और न सिर्फ़ टैरिफ़ कमीशन के सब सदस्य ख़रीदे गये थे, बल्कि सरकार के भी सब मन्त्रिगण ख़रीदे गये थे और इस तरह पार्लियामेंट के सामने यह चीज आने वाली है”। क्या मैं जान सकता हूँ कि कौन लोग ख़रीदे गये थे और क्या चीज होगी ?

श्री भट्ट : आप जो पढ़ रहे हैं वह मेरा अशुद्ध भाषण पढ़ रहे हैं। मैं ने ऐसा नहीं कहा। मैं ने कहा था कि मान लीजिये कि यह ख़रीदे गये हैं। तो वह चीज भी पार्लियामेंट के सामने आनी चाहिए।

(English translation of the above speech)

Shri Bhatt (Bombay): Sir, the day before yesterday I was inviting your attention to Clause (e) of Section 15 of the Australian Act which says that “the Ministry shall refer to the Board for enquiry and report the following matters” one of which is “the necessity for granting bounties for the encouragement of any primary or secondary industry in Australia”.

Probably your impression has been that the Tariff Board was empowered by Clause 17 to deal with these matters independently. I should, however, like to mention here specifically that the Australian Act lays down that the applications in connection with protection should be transferred by the Ministry to the Board. It has also been given *suo motu* powers and, so far as I remember, in the U.S.A. the opinion of the Tariff Board is obtained before a decision is arrived at in regard to any proposed tariff agreements with other countries. However, I do not want to go into these matters at this moment. I was saying that the powers that should be given to the Tariff Commission would not curtail the powers of the Government and so the Government should have no objection. The Government should entrust all the applications received by them to the Tariff Commission. I, therefore, request the hon. Minister to accept my suggestion. They are not going to lose anything by accepting it. On the other hand, it is going to benefit the people and the industries.

An argument put forward against this suggestion is that if the Government did not keep to itself the power of decision over the applications received for protection and gave all the authority to the Tariff Commission, it would be bereft of all power and might as well abdicate. I do not know why the hon. Minister used these strong words: “the Government may abdicate.” There is nothing in it like abdication of powers. We are simply making them a request to do some thing which is within their jurisdiction, suggesting that the Tariff Board should submit its report to the Government after making proper enquiries.

[SARDAR HUKAM SINGH in the Chair.]

Another point made is that it is a matter of policy as to which industries should be given protection. I quite agree that it is a question of policy; and that would come up before you at the time of affording protection. The Fiscal Commission recommended in 1950 as to which industries should be given protection and that a plan should be prepared for that and also suggested the setting up of a Planning Commission. The Planning Commission was set up and its draft has already been presented before us. But I want to say that even before that, in 1923, a plan was prepared and the names and categories of the industries sought to be protected were communicated

[Shri Bhatt]

through a Resolution. Attention was also drawn to this in 1945 and when in 1948 the industrial policy of the Government was announced, they specified the things towards which they paid more attention and the industries to which they attached greater importance. Paragraphs 4 and 6 describe them and say that all facilities and encouragement will be given to them. Thus in a way, we have put before the country our programme, our views and our intentions. What other politics could there be for leading the country to wealth, prosperity and happiness? What politics could be there except that? Could the hon. Minister ever think that we were talking in terms of party politics? He can never think like that. We are saying all this from the point of view of the country's welfare. The Planning Commission, that was set up, has submitted a report and whatever we decide after considering it would become our national policy. Only that can be our politics and naught else. No other political consideration can influence us. Therefore, I say that when we have constituted a new body and when we are going to make it permanent, the Government should have no objection of that kind. The applications received by them should be referred to the Commission which would be their expert body.

Our friend Shri T. T. Krishnamachari has said that a very large number of applications would be received, that the task of screening them would be a difficult one, that the Commission should not be loaded with that botheration and that the Government might be allowed to do that work. For that however I would submit that we must lighten the work of the Government as much as possible, we must lighten the work of Government Department to our best. That would bring about an early disposal of work and reduce bribery and red-tapism to a great extent. So I think that all such applications should be sent there.

Sir, without going into details, I should particularly like to refer to two questions Nos. 82 and 84 of the questionnaire prepared by the Fiscal Commission which were like this:

Q. 82.—“Do you think that the present procedure under which an industry's fitness for protection is considered only when an application by that industry is sent? If not, why would you like it to be modified?”

Q. 84.—“Where the procedure provides for an application for protection, should the application be addressed to Government or to the Tariff Board?”

Sir, I do not want to read out the answers to these questions, although I have prepared a gist of them, for the time is short. But I want to tell you that almost all those who have replied have stated that the existing system which involves delay should be done away with and these applications should go direct to the Tariff Board or the Tariff Commission. That view has not only been expressed by commercial bodies but also by learned teachers, professors and scholars who have a grip on the subject. They have all expressed themselves to be of that view. I am not going to read out all that. I may also give you the opinion of our own experts, those who have submitted the report of the Fiscal Commission. At one place they have noted the shortcomings and defects in our policy of protection. This is one of the defects pointed out. I am referring to the first defect they have pointed out. There has since been some change for the better in regard to the second and the third. In regard to the first defect they say:

“In the working of the policy some of the noticeable defects are:—

- (a) the delay that took place in referring cases to the Board;
- (b) the time taken by the Board to conduct enquiries; and
- (c) the time taken by the Government to arrive at decisions on the Board's recommendations.”

This is what the report of the Fiscal Commission says. I was saying the day before yesterday that I was unfortunate in not getting the information I required. But the Fiscal Commission has also said that they did not get the required information. To quote them:

“There is no record of the time taken by the Government to refer cases to the Tariff Board, nor is it known in how many cases applications were rejected by the Government without referring them to the Tariff Board. Witnesses have brought to our notice the difficulties caused to industries by such delays.”

What is the reason? How do our Departments work that the information required soon is not readily forthcoming? However, the hon. Minister

Shri Karmarkar has today sent me some information. Only one thing therein is of use. There were no details in respect of the other information that I wanted to have. But I want in detail that information. The information asked for was, what was the number of applications transferred by the Government to the Tariff Board, when were they sent and how much time was taken. I want to invite your attention towards this. The information received relates to the period between December, 1949 and February, 1951. I would invite your attention to the first column there. But within parentheses there are the words "with information called for". I questioned the hon. Minister in charge and his Secretary etc. They think that the words "with information called for" mean that the applications were received many days before but some time was taken in examining them and going through other necessary formalities and that time was not shown. However, by asking again and again for information at least one complete information was obtained. After getting it in full, I asked for the date. I wanted to know how many applications were received and where, how much time was taken in examining them and when were they referred to the Board. If these three things had come before us, I could have said as to how much of politics was there and how much of departmental carelessness. I am sorry however, that the information is not with us and that it has not been sent even after so long, and I do not know why has it not been sent. So I do not want to go into any detailed analysis of it. I want to draw your attention to the fact that four out of these eleven applications took one and a half to three months' time to be referred while all the rest took from three months to eight months and 25 days' time. So far as industries are concerned, if I were supplied with that information beforehand, I could have told you that six months are spent in examining and referring an industry like copper sulphate. Then there is the industry of electric fans. Eight months are taken to refer it to the Tariff Board. So I draw your attention towards this inefficient system in particular. Now when we are setting up a permanent Tariff Commission and a large sum is going to be spent on it, it would be better if this work is entrusted to them.

I shall not take more of your time now for I have spoken enough and my friend Shri Sidhva asks how many more minutes I am going to take. About the review of work I read out he asked from what script did I read? Was it mine or somebody else's? I

may tell him that I do not give any outside thing.

I would now draw your attention towards another thing. It has been said in the report of the Fiscal Commission that either the Tariff Board should have the powers or the Government must take initiative. They have mentioned several such things which have led up to this Bill. But if you will see those suggestions and compare them with the provisions of this Bill you will be surprised. Where the Fiscal Commission said that Government should take initiative, we are providing for *suo motu* power but want to leave out other things. They have only one anxiety, that the applications should not go direct—they scent some big danger even in that. It is indeed strange that they should be so scared at this. Another thing is that when this Bill came up before the Select Committee, commercial bodies sent in their opinions. They thought that the power to examine applications, the *suo motu* power, should rest with the Tariff Board. They have emphasized it. I do not know, however, why the hon. Minister does not agree to it. I also cannot say whether he will agree to it or not. But I shall try to convince him of the propriety of that demand and shall insist on it till I am successful.

Without taking any more time on these things I should like to submit that the question of *suo motu* power, or that of 'shall' or 'may', should be considered again and sympathetically, for I know that 'may' leaves room for delay, bribery and red-tapism and other evils of that kind, while 'shall' connotes swiftness and straightforwardness. For that reason, I have spoken at length on that small point. The other point I shall take up at the time of moving my amendment.

With these words I also express my gratefulness to the hon. Minister that he has accepted some suggestions of the Select Committee. He is, however, not prepared to accept my suggestion. I hope there may be some change in his attitude by the time the amendment comes up.

Shri Amolakh Chand (Uttar Pradesh): The other day you said in your speech that "even if our attention is not drawn to that, there are many other ways through which it is bound to come to our notice that partiality has been shown and undue concessions have been given to these industries because not only all the members of the Tariff Commission but even Ministers were purchased and thus this matter is bound to come

[Shri Amolakh Chand]

up before Parliament". May I know who were purchased and what is that thing which is to come up before the Parliament?

Shri Bhatt: You are reading my uncorrected speech. I did not say so. I said that if they had been purchased, that matter should also come up before the Parliament.

Shri Sidhva (Madhya Pradesh): I am really glad that the Select Committee has given due consideration to the suggestions made by several Members of this House when the original Bill was under discussion. I am also glad that the hon. Minister has not been obstinate as some of the other hon. Ministers, who see that their viewpoint and not the viewpoint of the Select Committee prevails. In several important respects, he has taken the view of the Select Committee into consideration.

This measure is a very important one so far as the protection of our industries is concerned. Prior to this, we had a Tariff Board. It had no specific rules or regulations for the purpose of giving protection to industries. In spite of continuous protection for a number of years, several industries did not make any headway, and this cost the nation very dearly. The Select Committee by making several improvements in this Bill has tried to see that such a thing shall not happen in future.

I attach great importance to Chapter III of the Bill. It lays down in very wide terms the procedure to be followed by the Commission for giving protection. My hon. friend Shri Bhatt has appended a minute of dissent. Some of his points are minor, but in the course of his long speech he tried to bring the House round to his viewpoint. Unfortunately, he was not able to convince the Select Committee members. In one respect, however, I agree with him. I straightaway agree that instead of three years, the Commission's term should be extended to five years. But I do not agree with him, and rather strongly object to the suggestion contained in his note, with regard to sub-clause (3) of clause 6. He made several quotations. What does this sub-clause say? It says:

"A member of the Commission ceasing to hold office as such shall not hold any appointment in any private industry or undertaking, for a period of three years from so ceasing to hold office, save with the consent in writing of the Central Government."

Shri Bhatt has taken objection to the whole sub-clause. I say that this sub-clause is a salutary sub-clause. I have given notice of an amendment to delete the words "save with the consent in writing of the Central Government." I want to lay greater emphasis. I want to leave no loophole for Government to make exceptions. My hon. friend asked where else such a provision exists? He argued that Supreme Court Judges are free to practise after retirement. He said that if this clause is retained, people will not serve faithfully. My hon. friend forgets that under the Constitution, Supreme Court Judges are prohibited from practising after retirement. In the last Budget discussion, during the Railway Budget debate the hon. Minister in charge stated that the Chief Commissioner of Railways who was due to retire had discussions with Tatas prior to his retirement, and immediately he retired he took up an appointment with Tatas. Several Members here objected.

Shri B. Das (Orissa): I strongly object to my hon. friend making these remarks.

Shri Sidhva: Government should make a rule that for a period of two years after retirement, no officer should take any office.

Shri B. Das: On a point of order. My hon. friend Shri Sidhva referred just now to the former Chief Commissioner of Railways. We know that Shri Bakhle left the Government of India under painful circumstances and the job was abolished. Mr. Sidhva now wants to have a post-mortem examination and say that Mr. Bakhle could not accept any job. Can he refer to that matter? I suggest that this passage should be expunged.

Mr. Chairman: I do not think there is any point of order in that and there is no need to expunge. The hon. Member was discussing a question of principle as to whether a retired person can take up a job or not in a private firm. In his opinion, he should not. That is his opinion and we have to hear him.

Shri Sidhva: As I was stating, the House at that time was strongly of the opinion that a rule should be framed to prevent this happening, when to our surprise the hon. Minister replied that a rule did exist, but that Mr. Bakhle had taken permission from the Government to join the Tatas. Anyhow, we did not like that.

Shri B. Das: What about Dr. Matthai a former Minister who has joined the Tatas?

Shri Sidhva: I am not going to give way; you can have your say when your opportunity comes.

Mr. Chairman: Hon. Members are requested not to carry on conversation among themselves. Unless a Member is permitted he should not speak; every Member should address the Chair.

Shri Sidhva: It was Mr. Das who gets up and raises points of order.

Mr. Chairman: That is perhaps because he feels very much on that point. The hon. Member should not lay much stress on it.

Shri Sidhva: What I was stating was that this is a very healthy sub-clause...

Shri Goenka (Madras): This applies to temporary members as well; would you like to have it?

Mr. Chairman: May I ask the hon. Member not to address another Member direct?

Shri Sidhva: I am strongly of the view that it should apply as much to temporary members as to permanent members. After all what is the difference between a temporary member and a permanent member. In a Commission of high standing, the difference is subtle. Should we look to the nation's good or should we look to individual's good—I want to know?

An Hon. Member: Both!

Shri Sidhva: This is a very important piece of legislation so far as our industries are concerned, and we should take all precautions to see that it is made fool-proof.

My hon. friend Shri Amolakh Chand Jain quoted from the speech of Shri Gokulbhai Bhatt in the course of which he said *Sale ko khariden ge*. He said that the Minister could be purchased and so on. Well, if that is the calibre of persons we have in India, as could be so easily purchased.....

Mr. Chairman: He said that it is an uncorrected speech and that it does not represent what Mr. Bhatt said. Therefore, the hon. Member should not have referred to it.

Shri Sidhva: Even as a hypothetical argument, it does not fit in. My point, therefore, is that this sub-clause should remain as it is and I have tabled an amendment to that effect,

which I shall move at the opportune moment.

Then my hon. friend Mr. Bhatt referred to clause 11 which says:

"The Central Government may refer to the Commission for enquiry and report.....etc."

He harped too much on the point that the word "may" should be substituted by the word "shall". He said that if that is not done, the work of the Commission will be considerably increased and that delay would take place. As far as the legal aspect of the word "may" is concerned, I am at times perplexed. Sometimes legal experts and judges say that "may" has the same meaning as "shall"; sometimes it is said that the meanings are quite different. Mr. Bhatt quoted from the Tariff Board's report and said that when the papers go to the Government they have to appoint a Committee, consisting of the Commerce Member, Industries Member, the Finance Member, etc., who would go through the applications and send them to the Board Personally, I would certainly like that Government should examine the papers. After all we do not want to exclude the Government absolutely. They have the inherent right of entrusting everything to the Commission. We know the fate that has overtaken those subjects which we have handed over to autonomous bodies. Therefore, we have to be doubly careful, and if Government makes a preliminary examination, it will be to the good. After all it will be the Commission's decision that would prevail. If there were no Committee to examine these applications, the Tariff Commission will be flooded with them. So, if you want to save the delay and the expenditure in the Government, that will happen in the Commission's office, their staff will have to be increased.

My hon. friend then complained of inordinate delays of six and eight months that have taken place. That is bad. That is a general complaint of all of us in regard to Governmental departments, and we are certainly entitled to tell the Government that a matter should not be delayed and that a reference should be disposed of within a month and sent to the Commission. There is no reason why it should not be done: why should it take eight or ten months? To that extent I agree with him. But that is no reason why the responsibilities of the Government should be transferred to the Commission.

[Shri Sidhva]

Then I come to sub-clause (3) of clause 14, to which the Select Committee have added two new parts:

"(g) the use in the industry of indigenous products, whether raw or manufactured;

(h) the time within which an industry, in respect of which protection has been given in advance of production, should start production;"

Another important clause which we have added is that protection shall be given to an industry which has not started production. But we have to be very careful in this matter. It will cut both ways. It may be good; it may as well be bad, because it is liable to be misused. Instances were given to us sometime back, where, if protection had not been given before production started, the industry could not have materialised at all. I saw the force of the argument and supported the step. But I want to sound a note of warning to Government in this connection. In cases protection is guaranteed even before production is started, Government should carefully examine with a view to seeing that such industries would really serve the interests of the nation. Previously when protection was given for a particular number of years, the Tariff Board should not touch them. I have now tabled an amendment to the effect that when protection is given to an industry, the Tariff Board will have the right to examine from time to time whether that industry is progressing well, whether that industry is in a position to stand on its own legs, whether that industry is producing to its full capacity and whether that industry is improving its quality. These are very important factors, on account of the negligence of which our industries have not progressed sufficiently. Protection has been given and they have gone on enjoying the protection without improving the quality, and although they have got a larger capacity of production to gain their own interest of getting a higher price they have been producing less, presumably because they have got the three years' protection. These things are mentioned here, but there is no clause to the effect within what time they should be checked. I have tabled an amendment to the effect that that should be made clear. That is, after giving protection the Commission should examine and watch the working of the industry from time to time so as to see whether the industry really deserves the pro-

tection or not, and if the industry is not carrying out the Commission's instructions the protection should be withdrawn. That is the little loop-hole in this clause which I hope the hon. Minister will kindly examine when my amendment is taken.

Clause 16 deals with the action on the Commission's report. It is not very clear to me. It says that the Commission's report will be made to the Central Government and that the Central Government will place a copy of it on the Table of Parliament.

Shri A. C. Guha (West Bengal): You are reading from the original Bill, not from the Select Committee report.

Shri Sidhva: My friend is mistaken. I am reading from the Select Committee's report. It is here on page 5. Sub-clause (2) of clause 16 says that "a copy of every final report (the word 'final' is underlined to indicate that it is at the suggestion of the Select Committee) made to the Central Government, together with a report of the action taken thereon by the Central Government under sub-section (1), (these words have been added by the Select Committee) shall be laid on the table of Parliament within three months of the submission of the report to the Central Government, if Parliament is then sitting, or, if Parliament is not then sitting within seven days of its re-assembly." All these words which are underlined are additions made by the Select Committee. Am I to understand that it will be merely placed on the Table of Parliament or whether it will come up for discussion and adoption or rejection before Parliament? As we know, at the present moment the Tariff Board's recommendation for protection comes before this House. Even in the last session this House discussed the question of protection. I want to know whether there is any other provision anywhere or whether the Commission's functions have been expanded and all the functions have been given to them and Parliament has been told not to examine this report. If that is so I certainly do not agree. Of course I have given an amendment. Parliament's inherent right remains and I do not want it to be curtailed. I want to be satisfied on this very important matter in respect of the right we are enjoying at present. I want to know whether the report will be merely placed on the Table. I would like the hon. Minister to make this point clear as to why the right which is existing at present has been taken away. The Select Committee has made certain good suggestions, but they have

allowed this to remain. I would therefore like a little clarification on this point.

With regard to some of the other points made by the Select Committee I entirely agree with them. I have nothing more to state. I welcome the report of the Select Committee. I am confident that the Commission will function in the spirit and letter in which this Act is made, and I am sure the rules which will be framed by the Government will also be in consonance with the spirit of this Act and the intention of the legislature. If all these are followed, this Act will be a landmark in the history of our country. If the provisions of this Act are followed strictly and with the commonsense exercised by the Members of the Commission I am confident that our industry will have a bright future and will expand considerably. The only point is how it is to be worked. I hope that while appointing the members the Government will bear in mind that they should examine all these points and that Government will keep a watch, and not merely entrust to the Commission everything which has been provided for in this Act but keep an eye on these matters. I hope Government, at least for five years, in the earlier stages will watch how the Commission is functioning. I think that Government have a right to intervene and pass on some suggestions to them, even though it may not be within the purview of the law. Normally the Commission will act under the provisions of the law but if they feel that the intention of the legislature is not very well carried out, I hope Government will intervene and see that the provisions are carried out in the strictest sense in which they have laid down this Bill. I wholeheartedly support this Bill.

Shri A. C. Guba: I support this Bill and not only support it, but I welcome it, as I think it will be a landmark in the history of our industrial and fiscal development. For years India was treated as a colonial country and its fiscal policy was dictated by Britain. Then only the exigencies of the First World War made our British masters realize that India should have industrial development and then in 1921 the Secretary of State for India accepted the principle that India should have fiscal autonomy. In 1922 a Fiscal Commission was set up and in 1923 the Central Legislative Assembly passed a Resolution recommending to the Governor-General that India should have autonomy in fiscal matters. Since then we can say we have our own fiscal policy but even then, we have been moving in a somewhat

haphazard way and not with a systematic and consolidated idea or aim.

Though the first Fiscal Commission recommended in 1922 that there should be a permanent Tariff Board, the Government was content only to set up *ad hoc* Board to inquire into some cases occasionally referred to them. Then in 1945 by a Resolution Government first set up the Tariff Board for two years. Then in 1947 it was extended for another three years. In 1949 there was a further extension. So the Tariff Board was never a permanent feature in the Government machinery and it cannot be expected on a temporary basis to work efficiently and with courage. This year the Fiscal Commission put the case boldly and said that there should be a permanent quasi-judicial body to consider the question of our tariffs, so as to give proper protection to our industries. So I welcome this Bill and congratulate the Government on having brought forward such a Bill which would establish a permanent and quasi-judicial Fiscal Commission (*Interruption*). It will no longer be a Board. It will be a Fiscal Commission which will consider the question of protecting our industries.

The Bill as it was presented before this House has been significantly improved in the Select Committee. I would like to mention some of the provisions. In clause 16, the original provision was that only the report of the Tariff Commission should be placed before the House within one month. I think the Government was not wise in putting such a provision. The report of the Tariff Commission should be somewhat of a confidential nature and unless the Government has taken any definite step or action on this report, it should be kept confidential. It was a bad proposal that the report of the Tariff Commission should be placed before this House before the Government has come to any decision. It has now been recommended that the final report together with the decision of the Government will be placed before this House within three months from the date of the submission of the final report. We have been told in the Select Committee that generally the Government takes near about 10 weeks or 3 months to come to a decision; but that in certain cases, a decision is delayed quite a long period sometimes extending over a year. It should be made obligatory for the Government that they must come to a decision within a reasonable period. But, there may be occasions when the Government may not come to any decision in certain cases; in those cases, the Government will place before the House the reasons

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for which they have not been able to come to any decision.

Then about the functions of the Commission, hitherto the function of the Tariff Board was to give protection or some fiscal privilege or subsidy to the industries. Now, it has been proposed in this Bill that not only fiscal, but even non-fiscal protection should be given and that should also be within the purview of the Tariff Commission to recommend. But, what form that non-fiscal help would take, it is not so easy to precisely define. So, it has been stated, whether by grant of subsidy, or levy of protective duties or in any other suitable form, for the encouragement of any industry in India. It may take the form of helping any industry by getting the raw materials or it may also take the form of giving some railway priorities or some freight concessions or any other form of concession or by curtailing imports.

The Commission has also been given power to see that the protected industry behaves properly. Tariff protection has a wider bearing on the economy of the nation. It affects cost of living and also the tax structure of the country. So, the Tariff Commission is authorised to see how it affects the consumers. Generally, we very often forget the case of the consumers, who form over 90 per cent. of the population, and who contribute a good deal to our public revenue.

We often see things from a sectional point of view, either from the point of view of the industry or sometimes of labour. That is the case often with this House and the Government. We are apt to forget that the interests of the consumer are the most important and the most significant thing. There is sufficient indication in this Bill to say that the Tariff Commission should consider this aspect of the problem, as to how new subsidies or helps either in the form of protective duties or tariffs or any other form, would affect the tax structure of the country and the consumer's interests or the general cost of living. These also should be considered by the Commission before it accords any protection to any industry.

Further a protected industry often conducts its business in a very selfish way. I know that in 1905 or 1906 when the agitation against the Partition of Bengal started and there was the *swadeshi* movement in Bengal, the textile mills of Bombay did not care much for the national interest though they were reaping very good profits from the *swadeshi* movement. This

Bill has authorised the Tariff Commission to see that the protected industries should look to the greater interests of national economy as a whole. So it has been provided that cottage industries and small-scale industries and their interests should also be considered before any protection is given to a big industry. I consider this a very healthy provision and quite consistent with the ideology to which the Party running the Government and the Government are wedded. We as members of the Congress have for years been trying to develop an economy—a decentralised economy—based on what may be called the small-scale and cottage industries. At the same time we have never been forgetful of the necessities of the present age and in order to meet the necessities of the present age, we have not neglected the development of the big industries. It has also been provided that an industry, as far as possible, should use indigenous articles. An industry getting protection from the Government may go in wholesale for foreign articles, for its raw materials or for other purposes. The Tariff Commission should be entitled to enquire how far the protected industry has been helping the other indigenous industries by using indigenous articles.

Then the Commission has been given *suo motu* power to enquire into the working of the protected industries and to make necessary changes either by way of curtailment of protection or extension of protection. In the original Bill this *suo motu* power was limited. But the Select Committee has widely extended it so as to cover almost all the provisions, except the grant of new protection to an industry which was not receiving any protection as yet. When an industry needs protection the Tariff Commission should have power, on its own initiative, to inquire into its working and recommend the necessary modifications in the protection given. It has also been provided that a protected industry should not take undue advantage of the Tariff protection granted to it, particularly as regards "charging unnecessarily high prices and acting or omitting to act in a manner which results in high prices being charged to consumers, through limitation of quantity, deterioration in quality or inflation of cost of production and the like."

Sometimes it has been noted that the protected industry being assured of protection goes on increasing its overhead charges and lowering the quality. Just as we have been accustomed to the go-slow process on

the part of labour, industrialists also have very often taken recourse to that process. I know that in Calcutta several industries can be accused of this go-slow process as also of deliberately curtailing their production or lowering the quality or increasing the cost of production. The other day I mentioned of some European firms which have been indenting high-paid European or foreign officers by creating almost unnecessary new posts for them. This has become a common practice not only among European industrialists but among Indian industrialists also. Sometimes industries are run as if they were family concerns. The interest goes down to sons, nephews, sons-in-law and so on and every body in the family is provided with a big designation and a big salary, though he may not have much to do with the management of the business. The Tariff Commission has been authorised to inquire into these things and I hope the Commission will exercise its authority properly and efficiently.

As regards the composition of the Commission its number has been fixed at not less than three and not exceeding five. I think the term of appointment should have been five and not three years. These members of the Commission should feel something like permanence so that they may take up, consider properly and deal systematically with cases. From that point of view three years would be too short. I can even agree that if a member is appointed a second time, the second term may be for three years but the first appointment should be for five years.

About the appointment of additional part-time members both in the Select Committee and in this House there have been some objections. If the pressure of work demands it, the Government should have the right and power to appoint more members temporarily. But it has been said that the disabilities fixed for members on retirement would also attach to these additional or part-time members and that it would be difficult to get efficient and honest men to serve on this term in the Commission. The Select Committee was conscious of this and it has recommended that the Central Government should consider the case of these members more favourably by permitting them to join any private firm after retirement from their temporary office as a member. It would be the business of those gentlemen who would come on these temporary jobs to see whether it would suit their own advantage to accept the job or not. If any such person is available Govern-

ment would naturally not appoint any additional members; but I think Government should be able to find suitable persons if they feel the necessity of appointing part-time or 'em-porary additional members.

In most of these Bills it has become a practice with the draftsmen to put the Members of Parliament or of any other legislature in the same category as insolvents, insane persons or criminals. *Ab initio* they have been debarred from election, nomination or appointment to certain posts. Being a Member of this House is not a disqualification by itself though I can understand that a person should not continue to be both a Member of the House and of the Commission. The original clause has been suitably amended so that if the Government thinks that a Member of the House should be appointed as a Member of the Commission then he will either resign his seat here or would not prefer to be a Member of that Commission.

It has been provided that rules should be framed by the Government under this Bill. From my experience of some other autonomous bodies I can say that these autonomous bodies very often take too much power and very often misuse their authority. Why should they be allowed to appoint their officers without the help of the Public Service Commission? The Public Service Commission is a specialist body created by the Government for recruitment to fill up all the vacancies. Why should an exception be made in the case of the staff of these autonomous bodies? The Select Committee have expressed a desire that Government should make suitable rules so that the Tariff Commission may have to recruit all its officers getting salaries of Rs. 300 and above through the Public Service Commission and not directly. When I could not persuade the Select Committee to make any definite provision here in the Bill itself, I had to be satisfied with that. I hope Government will provide for this in the rules.

1 P.M.

It has also been provided that the Tariff Commission will be authorised to give protection to an industry which has not yet started production. There may be certain occasions for giving such protection; with the business honesty that is prevalent now we can visualise a situation when the market will be dumped with certain foreign goods before production would start; and when production would start our Indian manufactures would not find a proper market. So, it may be necessary that pre-production protection

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would have to be given in certain cases. But at the same time I would again say with the business honesty that is prevalent now we may not be giving too much privilege to those industries which would get this benefit. I think the House is not ignorant of a case in which protection was given in the last Budget to an industry and that protection was not properly utilised. I hope similar misuse of this provision would not take place. I insisted that the Select Committee should put in a provision fixing a definite time-limit, say one year, within which the industry must start production; but the Select Committee has left it to the Tariff Commission to fix the date and it has added a new sub-clause to clause 14.

Another point also I should mention. A member of the Commission can be removed by Government for physical or mental disabilities. I requested that in all such cases the matter should be referred to a properly constituted medical Board. It should not be said that a certain member has been removed simply because he incurred the displeasure of the Government or because of certain influential persons he has been removed on the plea of physical or mental disabilities. There also the Select Committee thought it fit that it should be provided in the rules. I wish the Government would make this point clear while framing the rules. My own experience in cases of this type has not been happy. When the Banking Companies Act was being revised, I repeatedly pressed that in all cases of bank failures and liquidations, the Reserve Bank should apply to be appointed the liquidator, but the then Finance Minister pleaded with me about the insufficiency of efficient staff in the Reserve Bank and we had to be content with putting a clause that the Reserve Bank may apply to be appointed liquidator and with an assurance that the Reserve Bank would generally do that. But in about 150 cases of bank failures in Bengal, the Reserve Bank did not apply and has not been appointed liquidator in a single case. This is a flagrant violation of a solemn pledge given by Government. I hope that in regard to the present assurance given during the Select Committee stage we shall not have that sad experience.

With these few remarks, I commend this Bill and I welcome this Bill because I believe that it marks a new chapter in our fiscal and industrial development.

पण्डित ठाकुर दास भागंब : माननीय चेयरमैन साहब, आज हिन्दुस्तान का खूबसा दुनिया में सिर्फ एग्रीकल्चरल कन्ट्री (agricultural country) का नहीं रहा है और अब हिन्दुस्तान इंडस्ट्रीज (Industries) की तरफ काफी तरक्की कर रहा है। सन् १९२१ में जब पहला फिस्कल कमीशन (Fiscal Commission) मुक़र्रर किया गया उस वक़्त यहां अंग्रेजों का राज्य था और वह नहीं चाहते थे कि देश के अन्दर इतनी इंडस्ट्रियल (Industrial) तरक्की हो जितनी कि हिन्दुस्तानी चाहते थे। चुनावे उन्होंने जो पहला फिस्कल कमीशन मुक़र्रर किया उस में ग्यारह आदमी मुक़र्रर किये जिसमें से चार अंग्रेज थे और सात हिन्दुस्तानी थे, और उन सात हिन्दुस्तानियों में से पांच हिन्दुस्तानियों ने अपना नोट आफ़ डिसेन्ट (Note of dissent) लिखा और उस के अन्दर जो मेजोरिटी के व्यूज (Views of the majority) थे, उन को क्किटि-साइज (criticize) किया। आज परमात्मा का शुक्र है कि हमारा फिस्कल कमीशन जो अभी मुक़र्रर हुआ उसमें सिवाय दो छोटे नोट आफ़ डिसेन्ट्स के बाकी तक्करीबन सारे फ़ैसले यूनानिमस (Unanimous) हैं। आज अगर हिन्दुस्तान का इंडस्ट्रियलाइजेशन (Industrialization) करना है तो उस के वास्ते सब से जरूरी क़दम टैरिफ़ कमीशन (Tariff Commission) की तक्करीबी बफ़ है और एक परमानेन्ट टैरिफ़ कमीशन जो हर वक़्त इंडस्ट्रीज के लिये वाच डोग (Watch-dog) का काम करे। मैं इस वास्ते गवर्नमेंट को और उस से भी ज़्यादा फिस्कल कमीशन को मुबारकबाद देता हूँ उन्होंने हमारे मुल्क के इंडस्ट्रियलाइजेशन को मजबूत बनाने के वास्ते टैरिफ़ कमीशन को एक परमानेन्ट बाडी (permanent body)

बनाना क़बूल किया और इसी गरज़ से अभी यह बिल हमारे सामने आया है। इस बिल के अन्दर सिलेक्ट कमेटी ने जो तरमीम की हैं मैं उन में जाना नहीं चाहता। उन का बाज़ तौर पर ज़िक्र उन साहब ने, जिन्होंने पहले स्पीच की है, कर दिया है और मैं मूनासिब नहीं समझता कि मैं उन को यहां फिर दुहराऊं। लेकिन चन्द एक बातें जिन पर मुझे सिलेक्ट कमेटी (Select Committee) से इत्तिफ़ाक़ नहीं था, उन के बारे में थोड़ा सा अर्ज कर देना चाहती हूँ और मैं ने एक डिसेंटिंग नोट (Dissenting note) सिलेक्ट कमेटी के एक मेम्बर की हैसियत से पेश किया था, लेकिन बदकिस्मती से वह नोट शायी नहीं हो सका। आज हमारे डिप्टी स्पीकर साहब ने आयन्दा के वास्ते यह क़ायदा कर दिया है कि जब कोई सिलेक्ट कमेटी का मेम्बर किसी रिपोर्ट पर दस्तख़त करे, तो उसी वक़्त अगर वह चाहे तो अपना डिसेंटिंग नोट भी उसी के साथ दे दे। अगर यह रूल पहले रायज़ होता तो मेरे साथ जो वाक़या पेश आया वह नहीं होता। जिस रोज़ सेलेक्ट कमेटी की मीटिंग (meeting) थी, उस रोज़ भी मैं यह उम्मीद करके गया था कि मैं सिलेक्ट कमेटी को कई बातों में अपने साथ कर लूंगा और हमल्याल कर लूंगा। और मुझे याद है कि हमारे आनरेबल मिनिस्टर साहब (Hon. Minister) के इन्स्टेन्स (instance) पर हमने जो ड्राफ़्ट (draft) तय्यार किया था, उस को थोड़ा तबदील भी कर दिया था, और उस सिलसिले में मुझे आनरेबल मिनिस्टर साहब को मुबारकबाद देने में ज़रा भी ताम्मुल नहीं और मैं श्री सिधवा की बात से पूरी तरह सहमत हूँ कि दोनों मिनिस्टरों ने सारे वक़्त अपना बिल्कुल ओपेन माइंड (open mind) रक्खा और कई तजवीज़ ऐसी थीं जो इन मिनिस्टर साहबान ने हमारी उम्मेदों

के खिलाफ़ लेकिन दुरुस्त तौर पर मंज़ूर कर लीं। चुनावे आखिरी दिन भी मैं यह उम्मीद कर रहा था कि चन्द बातें जिन को मैं समझता था कि बहुत ज़रूरी हैं, उन की बावत मैं अपने दोस्तों की राय बदल सकूंगा और तरयीब दे सकूंगा ताकि वह भी मेरे हम ह्याल हो जायं और मेरे सुझाव को मंज़ूर कर लें। मीटिंग के दो तीन घंटे बाद दस्तख़तों के लिये जब मेरे पास रिपोर्ट लाई गई, मैं ने उस पर लिख दिया सब्जेक्ट टू नोट आफ़ डिसेन्ट (subject to note of dissent) मैं ने उसी दिन नोट आफ़ डिसेन्ट लिख। दिया और अगले रोज़ मेरा नोट आफ़ डिसेन्ट जहां जाना चाहिये था वहां पहुंच गया लेकिन बदकिस्मती से उस वक़्त तक काफ़ी देर हो चुकी थी और मैं इस को शिक़ायत की तौर पर नहीं कहता। मेरी अर्ज है कि इन नोट आफ़ डिसेन्ट के वास्ते कम से कम एक दिन की मुहलत ज़रूर मिलनी चाहिये। जिस रोज़ दस्तख़त हों, उसी रोज़ यह बात न हो, क्यों कि उस वक़्त भी वहां पर कोई चेन्जेज़ (changes) हो सकें, उस वक़्त नोट आफ़ डिसेन्ट दे। अब मेरी गुज़ारिश यह है कि नोट आफ़ डिसेन्ट मेरा इतना ज्यादा ज़रूरी नहीं था और वह छोटी छोटी बातों पर था, सिवा एक बात के जो निहायत ज़रूरी थी और मैं उन चन्द एक बातों के मुतालिक़ कुछ अर्ज करना चाहूंगा कि दरअसल मैं क्यों इख़्तिलाफ़ रखता हूँ और वह क्या वज़ूहात हैं जिन की बिना पर मैं अर्ज करता हूँ कि हाउस को उन को मानना चाहिये।

एक नोट आफ़ डिसेन्ट मैं यह लिखा था कि मेम्बर साहबान तीन नहीं, पांच मुक़रर होने चाहियें। तीन नहीं, चार नहीं, बल्कि पांच मुक़रर होने चाहियें। इस के अलावा मैं ऐडीशनल मेम्बर्स (Additional mem-

[पण्डित ठाकुर दास भार्गव]

bers) की तक्रर्री के खिलाफ हूँ। मेरी नाक्रिस राय में यह जो हमारा परमानेंट टैरिफ कमीशन (Permanent Tariff Commission) है उस के वास्ते सब से बड़ी और अहम चीज यह है कि उस का टेन्योर आफ आफिस (Tenure of office) पांच साल के वास्ते होना चाहिये। मैं हर-गिज नहीं चाहता कि कुछ ऐडीशनल मेम्बरस एक खास गरज के वारते केवल छे महीने या एक साल के लिये मुकर्रर किये जायं। जो सब से जरूरी चीज ध्यान में रखने की है वह यह है कि इस कमीशन को बिल्कुल इंडिपेंडेंट (independent) होना चाहिये, उस के ऊपर किसी क्रिसम का किसी तरह का भी दवाव गवर्नमेंट का नहीं होना चाहिये। जब हम ने ऐसा कमीशन मुकर्रर किया है और टेक्निकल क्वालीफिकेशनस (technical qualifications) के लोगों को उस में हम ने मुकर्रर किया है तो हमारा यह फ़र्ज है कि हम देखें कि कमीशन बिल्कुल किसी के दबाव से अलग होना चाहिये और उन का टेन्योर (tenure) में चाहता हूँ कि पांच साल के लिये होना चाहिये। जैसे हाईकोर्ट जज्ज (High Court judges) की तक्रर्री के अंदर हम लिखते हैं कि वह हमेशा के वास्ते मुकर्रर किये जाते हैं, वह ऐसा नहीं है कि उनका टेन्योर जब चाहा सलम कर दिया जाय और यही वजह थी कि उन की इंडिपेंडेंस (independence) रही। और इस वजह से मैं समझता हूँ कि तीन वर्ष का वकफ़ा बहुत थोड़ा होगा, क्योंकि साल भर तक एक मेम्बर जरूरी तजुर्बा हासिल कर पायेगा, और अगर यह तीसरे साल तबदीली की सोझं आफ डेमौक्लीज (sword of Damocles) उस के ऊपर लटकती रहेगी, तो वह हर वक़्त यह समझता रहेगा कि मेरा अब खात्मा

होने वाला है और वह काम ठीक तरह से नहीं कर पायेगा और दूसरे लोग उस आफिस को पाने के लिये जो हर तीसरे साल बदलता रहेगा कोशिश करेंगे, यह मुनासिब नहीं होगा। मैं तो यह अर्ज करना चाहता हूँ कि जिस ने साल भर के अन्दर वहां का तजुर्बा हासिल करा है, उस का हम आयन्दा चार साल तक पूरा पूरा फ़ायदा उठा सकें और फिर गवर्नमेंट को भी यह मौक़ा हो कि जिस मेम्बर ने अच्छा काम किया है और जिसको कि गवर्नमेंट समझती है कि उस ने चार साल तक बिल्कुल इंडिपेंडेंटली काम किया है, गवर्नमेंट उस को दुबारा तीन साल के वास्ते मुकर्रर कर सकती है। मैं अर्ज करना चाहता हूँ कि सरकार ने दफ़ा छे के अन्दर जो यह डिस्क्वालीफिकेशन (disqualification) लानी चाही है, कि जो मेम्बर साहबान इस तक्रर्री को मंजूर फ़रमायेंगे, वह आयन्दा चन्द साल तक किसी प्राइवेट (private) काम में मशगूल नहीं हो सकेंगे और वह कोई प्राइवेट नौकरी नहीं कर सकेंगे। जहां तक प्राइवेट काम करने का सवाल है, मैं उस में थोड़ी सी तबदीली चाहता हूँ। आप भले ही यह रोक रखिये कि वह कोई नौकरी नहीं कर सकेंगे, लेकिन आप ने यह भी रखा है कि वह खुद कोई इण्डस्ट्री भी नहीं चला सकेंगे, क्योंकि उस में लिखा है कि वह खुद काम नहीं कर सकें। मैं अर्ज करना चाहता हूँ कि आप ने यह जो रोक रखी है, यह न तो ज़ग़दा गैरमुनासिब है और न ही ज़यादा मुनासिब है और अगर आप ऐसी रोक न भी रखें तो कोई नज़रान नहीं होता है। मैं समझता हूँ कि सब से बड़ा ओहदा मिनिस्टेरशिप (ministership) का होता है। वह आज्ञादाना तौर से काम कर सकता है, उस के साथ यह शर्त नहीं है कि मिनिस्टरी से हटने के बाद वह तीन साल तक कोई नौकरी न करे। तो कोई वजह

नहीं मालूम होती कि जब इतने रिस्पेक्टबिल (respectable) ओहदे के वास्ते ऐसी कोई पाबन्दी नहीं है, तो टैरिफ़ कमीशन के मेम्बरों के वास्ते ऐसी पाबन्दी क्यों आयद की जाय ? उस में बड़े टेकनिकल (technical) आदमी होंगे और बड़े तजुर्बा हासिल किये होंगे और उस में मेन आफ़ स्टैंडिंग (men of standing) होंगे, और कोई वजह नहीं मालूम होती कि क्यों यह चीज़ उन के वास्ते हम रखें और में इस के हक़ में नहीं हूँ कि ऐसी कोई चीज़ रखी जाय। लेकिन अगर गवर्नमेंट इस को रखना ही चाहती है तो मैं अदब से पूछना चाहूँगा कि इस से देश का क्या भला होगा और वह आरज़ी मेम्बर जिन को आप सिर्फ़ छे महीने या साल भर के वास्ते मुक़र्रर करेंगे और जिन को कि आप तीन साल के वास्ते मुक़र्रर करेंगे उन के वास्ते यह शर्त लगा दें कि वह अपने टेन्योर ख़त्म होने के बाद कोई काम नहीं कर सकेंगे, तो मैं पूछूँ कि वह आखिर किस तरह अपनी रोज़ी कमायेंगे ? और आप पायेंगे कि बहुत से मेम्बरों (members) जिन पर आप का एतबार होगा वह इस कमीशन में तक्रररी से परहेज़ करेंगे और वह हरगिज़ मेम्बर होना क़बूल नहीं करेंगे। और ऐसी शर्त आप के रखने से देश का नुक़सान ही होगा। सिधवा साहब का यह कहना कि वह आंख खोल कर इस चीज़ को यानी कमीशन की मेम्बरी को क़बूल कर सकते हैं, और अगर जो शर्त रखी है, वह उन्हें क़बूल न हो तो न क़बूल करें, यह ठीक है, लेकिन मैं उन से अदब से पूछना चाहता हूँ कि आखिर यह नुक़सान किस का है ? इस से तो देश का नुक़सान होने वाला है। मैं अदब से अर्ज़ कर्हूँगा कि मेरी नाकिस राय में और इस हाउस (House) के अन्दर भी मैं देखता हूँ कि बहुत सी रायें इस के हक़ में हैं कि तीन साल के बजाय पांच साल की

अवधि कर दी जाय और साथ ही जैसा मैं ने पहले अर्ज़ किया यह वाज़े रहना चाहिये कि हम एडीशनल मेम्बर नहीं चाहते। पुराने फ़िस्कल कमीशन ने भी तजवीज़ की थी कि पांच मेम्बर मुक़र्रर होने चाहियें और यह भी ग़य़ जाहिर की थी कई सूरतों में काम इतना ज्यादा हो सकता है कि जब पांच मेम्बरों से काम न चल पाये तो एडीशनल मेम्बर भी उस के लिये लिये जा सकते हैं। मैं अदब से अर्ज़ कर्हूँगा कि गवर्नमेंट ने यह तजवीज़ कि तीन साल से कम न हों, और पांच साल से ज्यादा न हों और काम अगर बढ़ जाय तो दो एडीशनल मेम्बर और लिये जा सकें, मंज़ूर की थी। तो अगर वह तीन हैं और दो का और एडीशन (addition) किया गया तो वह पांच के बराबर भी आ जाते हैं।

इस तरह से मैं अर्ज़ कर्हूँगा कि अगर ऐसा होता है तो जितना बाल्यूम आफ़ वर्क (volume of work) देश के सामने होगा उस को पांच मेम्बर बखूबी पूरा कर सकेंगे। और अगर काम ज्यादा होगा तो हम ने एक और प्राविज़न रखा हुआ है कि उन की सब-कमेटीज़ (sub-committees) बन सकती हैं, छोटी छोटी इंडस्ट्रीज़ के वास्ते जिस में खास खास एप्टिट्यूड (aptitude) के मेम्बर हों जिन का उस इण्डस्ट्री से वास्ता हो। तो ऐसी सब-कमेटीज़ (sub-committees) मुक़र्रर की जा रही हैं। मेरी नाकिस राय में मेम्बरों को पांच साल के टेन्योर के लिये मुक़र्रर होना चाहिये। लेकिन मैं चाहता हूँ कि यह कमीशन ठीक तरह से काम करे जिस में किसी का दबाव उस पर न हो। मैंने सिर्फ़ यही एक छोटा सा नोट आफ़ डिसेन्ट रक्खा था। मैं अर्ज़ कर्हूँगा कि यह हाउस इस पर गौर करे और अगर मेरी

[पंडित टाकुर दास भार्गव]

राय उसे पसन्द हो तो इस को मंजरकिया जाय।

(English translation of the above speech).

Pandit Thakur Das Bhargava (Punjab): India is no longer merely an agriculture country; it is making a great headway in the industrial field as well. In the year 1921 when the first Fiscal Commission was appointed, there was British regime in the country and they did not want that there should be so much industrial progress as the Indians desired. So much so that the first Fiscal Commission which they appointed comprised four Englishmen and seven Indians; and out of those seven Indians five put in their notes of dissent and criticized the views of the majority. Thank God, the decisions of our Fiscal Commission, which was only recently appointed, are almost unanimous, excepting two small notes of dissent. Today if we are to industrialize our country, it is essential that a Tariff Commission be appointed—a permanent Tariff Commission which would serve as a watchdog for the industries all the time. I, therefore, congratulate the Government and more so the Fiscal Commission for accepting the Tariff Commission as a permanent body for putting the industrialization of the country on a secure footing. This Bill that has come up before us fulfils that very purpose. I would not like to go into the details of the changes which the Select Committee has made in this connection. The gentleman who spoke earlier has explained them fully and I do not think it proper to repeat the same thing. But I would like to say a few words on some of the points on which I did not agree with the Select Committee. I submitted a dissenting note in my capacity as a member of the Select Committee, but unfortunately it could not be published. Now, for our future guidance, the Deputy Speaker has made it a rule that a member of a Select Committee would be expected to submit his note of dissent, if any, at the time he is called upon to sign the report. Had this rule been there previously, this thing would not have happened. On the day when there was the meeting of the Select Committee, I went there with the hope that I would convince the other members of the Select Committee with regard to certain matters and make them agree with me. I also remember that we made some slight changes in the draft that had been prepared at the instance of the hon. Minister. In this connection, I would not hesitate

for a moment in congratulating the hon. Minister, and I am in full agreement with Shri Sidhva when he says that both the Ministers throughout kept an open mind at the meeting. There were several suggestions which they accepted, no doubt against our expectations, but none the less rightly. So even upto the last day I hoped that I could be able to persuade my friends to change their mind, to make them agree with me and to accept my suggestions. But two or three hours after the meeting I was called upon to sign the report. I signed it and put down the words "subject to note of dissent" on it. I wrote my note of dissent on that very day and it reached its destination the next day; but unfortunately it was too late. I do not mention this as a matter of grievance. My submission is that we should get at least one day's time to submit our notes of dissent. We should not be called upon to submit our notes of dissent on the very day on which the report is signed, because it is possible that some changes may be made in it even at the eleventh hour. Hence some time should be given for submitting the notes of dissent. My submission is that my note of dissent was not in any way so important; it related to some minor matters except one which was very important. With regard to those few points I would like to submit why I differ and why I request the House to accept my viewpoint.

In one of the notes of dissent it has been suggested that the number of members should be five instead of three; neither three, nor four, but five members should be appointed. Apart from this I am against the appointment of any additional members. In my humble opinion it is essential that the tenure of office of this permanent Tariff Commission should be five years. I am not in any way in favour of appointing additional members for any specified purpose for a short period of one year or six months. Another important point which we should keep in mind is that this Commission should be completely independent and there should be no undue pressure whatsoever over it from any quarter including the Government. When we appoint a Commission of such a standing and appoint men with technical qualifications to serve on it, it becomes our duty to see that this Commission remains free from any pressure; and at the same time, I want their tenure of office to be fixed as five years. When any High Court Judge is appointed it is mentioned in his appointment letter that he is appointed for all time, and not that his tenure

of office would depend upon the pleasure of the Government. That is the reason why the High Court Judges have preserved their independence. And so I think three years' term would be very short, because it would almost take a year for a member to get the requisite experience, and if the sword of Damocles in the form of three years' term of service remains hanging on their heads, they would always be thinking that their term is approaching its end, and, in this way, they would not be able to function effectively. On the other hand, the new candidates would begin striving to get an opportunity to serve on the Commission—which would be changing hands after every third year; it would not be at all proper. As against it I would submit that the services of the man who would have got the requisite experience in one year's time, would be fully utilized in the next four years; and even after that the Government would have a chance to retain the services of the member, who would have served independently during his tenure of office, for another three years. The Government has, under section 6 of the Bill, attempted to lay down a disqualification, viz., that the members who would agree to their appointment would be bound not to engage in any private business or serve any private concern for the next few years after relinquishing their post. So far as the question of private business is concerned, I want that some alteration should be made in it. You might keep the restriction that he should serve in no private concern; but you have also laid down that he would not be allowed to run any industry personally. I beg to submit that the restriction that you have imposed is neither quite reasonable nor quite unreasonable, and I think if no restriction of this sort were imposed, it would do no harm. I think the highest post in the country today is that of a Minister. A Minister can pursue his vocation without any restrictions whatsoever. There is no such restriction for him that after leaving his post, he should not take up any service for a period of three years or so. In view of this, I do not see any reason why these restrictions should be imposed upon the members of the Tariff Commission when similar restrictions do not apply to other respectable posts, as, for instance, a ministership. There would be highly qualified technical persons serving on it who would be men of vast experience and standing. There seems to be no reason why these restrictions should be imposed on them, and hence I am not in favour of any such provision being retained in the Bill. But if the

Government is bent upon keeping this provision in it, I would like to ask what purpose would it serve to the country. How would those temporary members who would be called upon to serve on the Commission for a short period of six months or one year and the members whom you would appoint for three years, be able to earn their living if you impose this restriction, that they would not be allowed to pursue their respective vocations after the tenure of their office ends. Again, you will find that many members, in whom you have confidence, would shun being appointed on this Commission; they would never accept the membership of this Commission. The result would be that the country would suffer because of this restriction on the members. Shri Sidhva is right when he says that people should first weigh all pros and cons and then accept this office and in case they are not prepared to accept these conditions they had better not accept membership of the Commission. The argument is no doubt good, but I most humbly ask him as to who is going to suffer from that; the country alone will suffer on that account.

I respectfully submit that in my humble opinion—and I see many people in the House who lend support to this opinion—the tenure of office of the members of the Commission should be fixed as five years and not three years. At the same time we should be clear about it, as I have pointed out earlier, that we are not going to have any additional members. The old Fiscal Commission too had proposed that the tenure of office of the members should be five years and had also expressed the opinion that in certain cases where the work would be heavy and five members would not be in a position to cope with it, some additional members might be taken. I would respectfully submit that the Government at that time had approved the suggestion of the Commission that the tenure of office of the members should not be less than three years or more than five years, and that in case of heavy work additional members be taken. So if we make an addition of two years in this prescribed period of three years, it would come to five years only.

I would thus submit that in case my suggestions materialize the five members of the Commission would be in a position to cope with the total volume of work easily. And in case the work is heavy, we have kept another provision to deal with such a situation; it is that Sub-Committees can be appointed for smaller industries, which would

[Pandit Thakur Das Bhargava]

consist of members who possess a special aptitude for those particular industries. In this way Sub-Committees of this nature can be appointed. In my humble opinion, the tenure of office of the members should be fixed as five years. At the same time I want that this Commission should function effectively, and that there should be no pressure on it from any quarter whatsoever. This is the only small note of dissent that I have given in regard to the report. I would request the House to think over it; and in case my

suggestions are agreeable to them they should accept them.

Mr. Chairman: Would the hon. Member like to continue for some time tomorrow?

Pandit Thakur Das Bhargava: Yes.

Mr. Chairman: Then the House stands adjourned till Half Past Eight tomorrow morning.

The House then adjourned till Half Past Eight of the Clock on Tuesday, the 21st August, 1951.
