

Thursday, 9th August, 1951



# PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

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## CONTENTS

*Volume IX—From 7th August to 21st September, 1951.*

	<i>Columns</i>
<b>Tuesday, 7th August, 1951—</b>	
Member Sworn . . . . .	1
Oral Answers to Questions . . . . .	1—27
Written Answers to Questions . . . . .	27—46
<b>Wednesday, 8th August, 1951—</b>	
Oral Answers to Questions . . . . .	47—73
Written Answers to Questions . . . . .	73—92
<b>Thursday, 9th August, 1951—</b>	
Oral Answers to Questions . . . . .	93—125
Written Answers to Questions . . . . .	125—154
<b>Friday, 10th August, 1951—</b>	
Oral Answers to Questions . . . . .	155—183
Written Answers to Questions . . . . .	183—206
<b>Monday, 13th August, 1951—</b>	
Oral Answers to Questions . . . . .	207—235
Written Answers to Questions . . . . .	235—258
<b>Tuesday, 14th August, 1951—</b>	
Oral Answers to Questions . . . . .	259—293
Written Answers to Questions . . . . .	293—308
<b>Thursday, 16th August, 1951—</b>	
Oral Answers to Questions . . . . .	309—338
Written Answers to Questions . . . . .	338—342
<b>Friday, 17th August, 1951—</b>	
Oral Answers to Questions . . . . .	343—372
Written Answers to Questions . . . . .	372—398
<b>Saturday, 18th August, 1951—</b>	
Oral Answers to Questions . . . . .	399—420
Written Answers to Questions . . . . .	420—428
<b>Monday, 20th August, 1951—</b>	
Oral Answers to Questions . . . . .	429—457
Written Answers to Questions . . . . .	457—472
<b>Tuesday, 21st August, 1951—</b>	
Oral Answers to Questions . . . . .	473—503
Written Answers to Questions . . . . .	503—518
<b>Wednesday, 22nd August, 1951—</b>	
Oral Answers to Questions . . . . .	519—545
Written Answers to Questions . . . . .	545—566
<b>Thursday, 23rd August, 1951—</b>	
Oral Answers to Questions . . . . .	567—595
Written Answers to Questions . . . . .	595—612
<b>Saturday, 25th August, 1951—</b>	
Oral Answers to Questions . . . . .	613—641
Written Answers to Questions . . . . .	641—652

	<i>Columns</i>
<b>Monday, 27th August, 1951—</b>	
Oral Answers to Questions . . . . .	653—684
Written Answers to Questions . . . . .	684—702
<b>Tuesday, 28th August, 1951—</b>	
Oral Answers to Questions . . . . .	703—734
Written Answers to Questions . . . . .	734—742
<b>Wednesday, 29th August, 1951—</b>	
Oral Answers to Questions . . . . .	743—774
Written Answers to Questions . . . . .	775—786
<b>Thursday, 30th August, 1951—</b>	
Oral Answers to Questions . . . . .	787—818
Written Answers to Questions . . . . .	818—830
<b>Friday, 31st August, 1951—</b>	
Oral Answers to Questions . . . . .	831—870
Written Answers to Questions . . . . .	870—876
<b>Monday, 3rd September, 1951—</b>	
Oral Answers to Questions . . . . .	877—909
Written Answers to Questions . . . . .	909—932
<b>Tuesday, 4th September, 1951—</b>	
Oral Answers to Questions . . . . .	933—967
Written Answers to Questions . . . . .	967—986
<b>Wednesday, 5th September, 1951—</b>	
Oral Answers to Questions . . . . .	987—1014
Written Answers to Questions . . . . .	1014—1036
<b>Thursday, 6th September, 1951—</b>	
Oral Answers to Questions . . . . .	1037—1065
Written Answers to Questions . . . . .	1065—1074
<b>Friday, 7th September, 1951—</b>	
Oral Answers to Questions . . . . .	1075—1104
Written Answers to Questions . . . . .	1104—1120
<b>Monday, 10th September, 1951—</b>	
Oral Answers to Questions . . . . .	1121—1154
Written Answers to Questions . . . . .	1154—1164
<b>Tuesday, 11th September, 1951—</b>	
Oral Answers to Questions . . . . .	1165—1201
Written Answers to Questions . . . . .	1201—1208
<b>Wednesday, 12th September, 1951—</b>	
Oral Answers to Questions . . . . .	1209—1256
Written Answers to Questions . . . . .	1256—1274
<b>Friday, 14th September, 1951—</b>	
Oral Answers to Questions . . . . .	1275—1309
Written Answers to Questions . . . . .	1309—1324
<b>Saturday, 15th September, 1951—</b>	
Oral Answers to Questions . . . . .	1325—1355
Written Answers to Questions . . . . .	1356—1364

<b>Monday, 17th September, 1951—</b>	<i>Columns</i>
Oral Answers to Questions . . . . .	1365—1400
Statement by Deputy Minister of Defence in Connection with Starred Question No. 747 of 4th September, 1951 re Control Committee on Cantonments . . . . .	1400—1401
Written Answers to Questions . . . . .	1401—1414
<b>Tuesday, 18th September, 1951—</b>	
Oral Answers to Questions . . . . .	1415—1445
Written Answers to Questions . . . . .	1445—1470
<b>Wednesday, 19th September, 1951—</b>	
Oral Answers to Questions . . . . .	1471—1500
Written Answers to Questions . . . . .	1500—1512
<b>Thursday, 20th September, 1951—</b>	
Oral Answers to Questions . . . . .	1513—1543
Written Answers to Questions . . . . .	1543—1548
<b>Friday, 21st September, 1951—</b>	
Oral Answers to Questions . . . . .	1549—1580
Written Answers to Questions . . . . .	1580—1594





थी, क्या खास उजह है कि इतना अर्सा गुजरने पर भी इस मामले का निपटारा नहीं हुआ ?

[Shri Raj Kanwar: In view of the fact that four years have passed since the partition of the country and the negotiations or talks regarding the division of the India Office Library, what is the main hurdle that stands in the way of a settlement?]

Mr. Deputy-Speaker: Order, order. The question ought not to be a speech or a debate. The question must be short. Two or three questions ought not to be rolled into one.

Shri Sondhi: It is only one; probably you have not understood it. That was the preamble to the question.

Mr. Deputy-Speaker: Order, order. It need not be followed by so much argument or reasoning. The question may be put and the answer elicited.

Shri Raj Kanwar: The simple question is what is the cause of the delay in settling this matter.

مولانا آزاد : پارٹیشن کے بعد ہی یہ بات گورنمنٹ کے سامنے آئی تھی اور گورنمنٹ آف انڈیا نے یہ سوال اٹھایا تھا لیکن اس کے بعد ایک کے بعد ایک ایسی رکاوٹیں پیدا ہوتی گئیں کہ اس معاملہ کو آگے نہیں بڑھایا جا سکا۔ ابھی ہم نے پھر کوشش کی - لیکن ہم نے دیکھا کہ یہ وقت اس کے لئے تھیک نہیں ہے اس لئے سروسٹ اس کو ملتوی کر دیا -

[Maulana Azad: The matter came up before the Government only after the partition and the question was taken up by the Government of India. But subsequently, difficulties cropped up one after another and the matter could not be pursued further. Recently, we made yet another attempt but we saw that it was not the proper time for it and so we postponed it for the time being.]

سٹھ گووینڈ داس : क्या अभी जब माननीय मंत्री जी बिलायत तशरीक ले गये

थे उस वक्त इस मामले में कोई बात हुई थी ?

[Seth Govind Das: Did the hon. Minister have any talks on the subject during his recent visit to England?]

مولانا آزاد : ہاں بات ہوئی نہی لیکن جو اصلی معاملہ میں جو پیچ پڑا ہوا ہے وہ آئیڈیل ممبر کو معلوم ہے۔ پہلے انڈیا اور پاکستان میں فیصلہ ہونا چاہیئے۔ وہ فیصلہ کس طرح کیا جائے یہ بات سوچنے کی ہے -

[Maulana Azad: Yes, I did have a talk but, as the hon. Member is aware, the complication is that the matter has to be settled in the first instance between India and Pakistan. Now, how that settlement is to be brought about is yet to be considered.]

سٹھ گووینڈ داس : اور अगर इस मामले में हिन्दुस्तान से पाकिस्तान का कोई फैसला नहीं हो रहा है तो सरकार इस मामले में क्या करने वाली है ?

[Seth Govind Das: What are the Government going to do if no settlement is arrived at with Pakistan on this subject?]

مولانا آزاد : ابھی تک یہ معاملہ اس نتیجے میں آیا ہی نہیں کہ پاکستان اور ہندوستان نے بات چیت کی ہو اور فیصلہ نہ ہوا ہو۔ اب کوشش کی جائے گی اور میں سمجھتا ہوں کہ ضرور فیصلہ ہونا چاہیئے - کوئی وجہ نہیں ہے کہ فیصلہ نہ ہو -

[Maulana Azad: The matter has not yet come up to the stage where negotiations with Pakistan might have been started and failed. Efforts will be made now and I think some settlement should be arrived at. There is no reason why a settlement should not be reached.]

डा० बेशमूल : क्या माननीय मंत्री महोदय ने यह सीवा था कि तकसीम

करने में बहुत एक्सपर्ट रहे हुए लाई माउन्टबेटन के सुपुर्व यह मामला कर दिया जाय ताकि वह इन चीजों को जल्द तकसीम करवा दें।

[Dr. Deshmukh: Did the hon. Minister consider the advisability of entrusting the matter to Lord Mountbatten who is supposed to be an expert at partitioning so that he might have the work of division expedited?]

मोलाना آزاد: में में समझता हूँ  
दुनिया में सारी चीजों का बँटवारा हो  
सकता है मगर लाइब्रेरी का बँटवारा नहीं  
हो सकता है -

[Maulana Azad: I think all things in the world can be divided except a library.]

सरदार बी० एस० मान: बजीर  
तालीम साहब ने अभी फरमाया है कि  
मौजूदा वक्त मौजू नहीं है। क्या मैं दरयाफ्त  
कर सकता हूँ कि वह कौन से कारण और  
उल्लाव हैं जिन की बिना पर आप मौजूदा  
वक्त मौजू नहीं समझते ?

[Sardar B. S. Man: The Education Minister said just now that the present time was not opportune. May I know the reasons and the complications on the basis of which he considers the present time to be inopportune?]

मोलाना آزاد: केली हुयी बात है  
के आजकल हन्दुस्तान और पाकिस्तान के  
तेलकत बहुत कडुदा हो रहे हैं -  
अरिबल मمبر तसलیم करीं के के ये  
वक्त मوزों नहीं है -

[Maulana Azad: Evidently, the relations between India and Pakistan are very much strained at the present moment. The hon. Member must concede that the present time is inopportune.]

#### PROTECTED MONUMENTS

\*84. Shri Raj Kanwar: Will the Minister of Education be pleased to state:

(a) whether a complete and up-to-date list of the protected monuments in the country has been compiled and

published in book form, and is available to the public at a moderate price; and

(b) if not, whether Government have taken any steps to issue such a publication?

मन्स्टर ऑफ़ ऐड्युकेशन (मोलाना آزاد):  
(अ) और (ब) - गवर्नमेंट ऑफ़ इंडिया जन  
परानी इमारतों और आरकल जेकल जेकल  
की حفاظत कर रही है उन सब की  
चेहरी हुयी लसत मजुद है - लेकिन  
ये लसत अभी तक मरुदगी काम  
के लिये काम में लायी जाती है - अब  
गवर्नमेंट अस पर मरुदगी देगी  
के एक लसत ऐसी तैयार कर दी  
जाएँ जिस से साम तौर पर लोग फाँदे  
आता सकें -

[The Minister of Education (Maulana Azad): (a) and (b). There is a list of all monuments so far protected by the Department of Archaeology, Government of India, but this list is for official use alone. Such a list has not yet been published for general information. The Government will, however, consider this matter now.]

श्री राज कंवर: आर्कलॉजिकल मानु-  
मेन्ट्स रवा वह नेशनल इम्पार्टेंस की हों  
रवा हिस्टारिकल इम्पार्टेंस की हों उन  
सब की फेहरिस्त तैयार करने में किस  
कवर असा लगेगा ?

[Shri Raj Kanwar: What time will it take to prepare the list of all these archaeological monuments, whether of national or of historical importance?]

मोलाना آزاد: में में समझता है  
बहुत लिये मरुदगी लिये गा - ल अब के  
सामने है - जेहों ही ये मरुदगी मरुदगी  
हो गया एक मरुदगी तैयार कर के  
जेहों ही जाँके ली -

[Maulana Azad: I don't think it will take a long time. The Bill is before

you and as soon as the matter clears up a complete list will be prepared and published.]

**Mr. Deputy-Speaker:** Next question. There is a Bill pending before the House and hon. Members may take part in that discussion.

#### TRAVELLING ALLOWANCES TO MINISTERS

\*86. **Shri Sidhva:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Comptroller and Auditor-General of India has issued instructions that no allowance will be paid to Ministers, both at the Centre and in the States going out of station purely or mainly for rest or private work;

(b) if so, whether this order will have retrospective effect or will be for future only;

(c) whether Government have made any rules or regulations for the purpose; and

(d) how many Ministers in the past have gone out purely for rest and private work and what was the expense involved?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) The Auditor-General issued a ruling to audit officers that travelling allowance would be admissible to Ministers only for journeys performed in the public interest, the criterion being whether a particular journey was performed in the public interest or wholly in the personal interest or for some private business of the Minister.

(b) The Auditor-General's instructions which were issued in December 1950 did not ask audit officers to reopen past claims.

(c) and (d). Invite the attention of the hon. Member to my reply to Shri Jangde's starred question No. 1954 on the 7th March, 1951. The Auditor-General's instructions will be considered by the Cabinet and, if necessary, be modified or further clarified.

**Shri Sidhva:** May I know whether after the Auditor-General's remarks any rules have been framed by the Cabinet for the guidance of Ministers in this respect?

**Shri Rajagopalachari:** The rules were there already and the Auditor-General's instructions seem to conform to them. But, the question will be examined in further detail from time to time and probably very soon.

**Shri Sidhva:** What is the meaning of 'private visit'? When the Auditor-General says private visit, what are the categories that come under it? Will the opening of a factory outside Delhi or the opening ceremony of Somnath Temple be private work or public?

**Shri Rajagopalachari:** Perhaps it is entering into a debate. I cannot say what the Auditor-General's intention was. If the hon. Member wants to know my own view, some of the things would be in the public interest. It can easily be judged in such cases.

**Shri Kamath:** Arising out of part (a) of the question with regard to travel on private work, has the Minister's attention been drawn to reports appearing in a certain section of the Press that a Bill for Rs. 51,000 has been presented by the Government of India to the Ex-Minister for Communications on account of the Defence Ministry's aircraft engaged by him for non-official flights?

**Shri Rajagopalachari:** I must confess I have not enough information to answer the question. But, I think that it would be better, Sir, that assumptions are not made in that way when putting a question.

**Shri Kamath:** I have not made any assumptions. I have only drawn his attention to a Press report.

**Mr. Deputy-Speaker:** Such individual cases ought not to be raised. This is a general matter relating to rules. The Auditor-General has issued a rule and action is sought to be taken. If in individual cases information is sought to be elicited, that may be done if the question is admitted to be of public importance. Hon. Members by asking such supplementary questions are taking away the opportunity for the Speaker to find out whether it is in the public interest to allow such a question. Supplementary questions are governed by the same rules as original questions themselves. If it is open to the Speaker in the case of original questions to find out in the interest of the public whether it is proper to make such an assumption or whether there is sufficient foundation or not, supplementary questions of this nature ought not to be thrust. I would advise hon. Members, if they have got any information, to put in a regular question, bring to the notice of Ministers the portions which appeared in the Press and so on. Therefore, this question need not be allowed or answered.

**Shri Kamath:** Is it your ruling, Sir,.....

**Mr. Deputy-Speaker:** I cannot say offhand now; nor should I be invited to give any opinion offhand on these matters. All I can say is that with respect to particular cases in which hon. Members may feel that in the interest of the public, a question must be put and answers elicited, they must go through the proper channel, give notice to the Speaker, supported by such reliable evidence as is available, and give an opportunity to the Speaker to decide whether it can be put down as a question or not. That is the manner in which it ought to be done, particularly when the honour of a Member is concerned.

**Shri Kamath:** Has Government no information?

**Mr. Deputy-Speaker:** What I say is, this is a general matter in which particular questions ought not to be put.

**Shri Kamath:** But here one part of the question refers to Ministers going on private work and that is what I am referring to.

**Mr. Deputy-Speaker:** The hon. Minister cannot be expected to have at his finger's end information to show whether a particular Minister made a visit in his public capacity or in his private capacity.

**Dr. Deshmukh:** May I know whether any instance has come to the notice of Government where as a result of these instructions any T.A. bills have been disallowed?

**Shri Rajagopalachari:** This again, Sir, is a question of detailed information and.....

**Dr. Deshmukh:** No, no.

**Shri Rajagopalachari:** I have understood the hon. Member. He is asking whether any T.A. bills have been disallowed as a result of these instructions. It is difficult for me to say from the papers before me whether in the Finance Department that has been done. I would like to have notice of the question.

**Pandit Kunzru:** May I know, Sir, whether you have ruled that in the course of a supplementary question, no question may be asked about an individual officer?

**Mr. Deputy-Speaker:** I have given my ruling and a ruling has got reference to the particular question on hand. The question here is whether the Comptroller General issued instructions and whether Government

have made any rules. That is the general question. This the hon. Minister has answered and the other question about particular details I rule out as out of place and irrelevant. If it is in the public interest to elicit information on a particular matter, then certainly questions can be put; but then it must be supported under rule 35 which says that if a statement is made, the Member shall make himself responsible for the accuracy of the statement. The Speaker would naturally call for information on which the statement is based so that the hon. Member may make himself responsible for the statement. To put a supplementary question of this nature off-hand in connection with a general question would be to take away this right from the Speaker. Therefore I still hold the view that this question should not be allowed by way of a supplementary question.

**Shri Syamnandan Sahaya:** But let me point it out to you, Sir, that there is in part (d) of the question a reference to private work as part (d) asks:

"How many Ministers in the past have gone out purely for rest and private work and what was the expense involved?"

In view of this part (d) I think a supplementary question like the one put by Mr. Kamath arises. And of course, it is always open to the Speaker to decide if a supplementary question should be allowed or not.

**Mr. Deputy-Speaker:** I do not think it will be advisable for hon. Members to ask how many Ministers have gone out purely on private work. The question can be whether a journey for private work was charged on the public treasury. A Minister can go on private work. Ministers do not cease to be private men because they have become Ministers. There is no good trying to enlarge the scope of this particular question by introducing various things about individual Ministers' tours.

**Pandit Kunzru:** Do I understand you to say, Sir, that your decision applies to this particular question? Am I right?

**Mr. Deputy-Speaker:** Each decision relates only to that particular question.

**Shri Hussain Imam:** Here the question of the rules was raised and in that connection Mr. Kamath has asked whether a part of the Government—the Ministry of Defence—has made certain charges under the rules. And.....

**Mr. Deputy-Speaker:** Hon. Members need not unnecessarily labour this point. I am able to understand the question. The question was whether rules were framed in consonance with the directions or advice of the Comptroller-General. To that the answer was given. Now to go into individual cases, whether a particular Minister had contravened a particular rule and so on, is a different matter. I have already ruled that it is out of order.

**Shri Kamath:** May I put another question?

**Mr. Deputy-Speaker:** Yes.

**Shri Kamath:** Is it a fact that a committee representing several Ministries of Government has been asked to go into this matter of Ministers found to have drawn allowances or monies on account of travels on private work?

**Shri Rajagopalachari:** If the question is whether consideration is being given in committees to the exact form in which the rule should be framed and enforced, I say 'Yes'. But if the question is whether a committee is going into the correctness of past payments, I say, 'No'.

**Sardar B. S. Man:** Is it permissible, Sir, on the part of Ministers to draw allowances and travelling expenses when they are attending party meetings such as the A.I.C.C. meetings?

**Shri Rajagopalachari:** I have already referred to this in a previous answer that I gave sometime ago. Any journey done purely for party purposes should not be charged on the State.

**Shri Kesava Rao:** May I know whether the Auditor-General has issued instructions regarding payment of travelling allowances to Ministers who travel by third-class?

**Mr. Deputy-Speaker:** That does not arise.

#### GOVERNMENT ADVERTISEMENTS TO NEWSPAPERS

\*87. **Shri Sidhva:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the names of newspapers which receive Government advertisements from time to time;

(b) when the list was last revised;

(c) whether there are any conditions for giving advertisements to the newspapers; and

(d) whether there are any newspapers which are blacked out for the purpose of Government advertisements?

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

(a) The list of names of newspapers considered suitable from a commercial point of view to receive Government of India advertisements is a secret document, for official use only.

(b) The list is constantly under review and is revised from time to time.

(c) The factors taken into consideration are the circulation, standing, language etc. of the newspaper.

(d) No, Sir.

**Shrimati Durgabai:** What is the policy of the Government in the matter of giving advertisements to the vernacular papers?

**Shri Diwakar:** It is done according to the merits, depending on the importance of the paper, its circulation, etc.

**Shri Sidhva:** The hon. Minister of State has stated that he cannot disclose the names of the newspapers because that is considered secret. May I know whether this is a new policy of the Government to treat the names of these newspapers as a secret, or whether it has been so even before? We have in this very House during the British regime and also during our own regime, been given the names of newspapers. What is the secrecy about the names of these newspapers?

**Shri Diwakar:** There is a list of 642 papers and it is a secret document, meaning that it is for official use only.

**Shri Sidhva:** If all the 642 papers are entitled to receive advertisements, I would like to know how many of them are to-day receiving and how many are not.

**Shri Diwakar:** What I mean is, 642 are on the approved list and each Ministry when it advertises, it has to consider to which papers to give, from the point of view of the particular advertisement, from the point of view of the region etc.

**Shri Sidhva:** How many of these papers are now receiving advertisements?

**Mr. Deputy-Speaker:** I am not able to follow the question of the hon. Member. It is not as if every advertisement is given to every one of these papers. It depends on the nature of the campaign or advertisement and the Ministry has to decide what papers should be given what advertisements.

**Shri Sidhva:** The hon. Minister said that about 640 papers are recognised. I wanted to know how many newspapers there are out of which these 640 are recognised and how many are blacked out.

**Shri Diwakar:** There are none which have been blacked out.

**Shri Deshbandhu Gupta:** May I know whether it is a fact that no language paper is allowed to receive the U.P.S.C. advertisements?

**Shri Diwakar:** There are what are called classified advertisements with which this Ministry does not deal. At the same time it is true that just at present language papers are not considered for what are called classified advertisements such as for recruitment to Government service. But that matter is under consideration.

**Shri Deshbandhu Gupta:** May I know whether the reply given by the Minister pertains to his Ministry alone or to all Ministries?

**Shri Diwakar:** In what connection?

**Shri Deshbandhu Gupta:** The general reply that the Minister gave was that over 600 papers are receiving advertisements. Does it mean that the advertisements are emanating from the Information and Broadcasting Ministry or also the Home and other Ministries?

**Shri Diwakar:** So far as advertisements regarding the services are concerned they come under the U.P.S.C., which works under the Home Ministry. Yet, as I said, language papers are being considered now for that purpose.

**Shri Deshbandhu Gupta:** So far as English newspapers are concerned, may I know whether it is a fact that there are three categories (A, B and C) and in regard to these 600 and odd papers (which is the number given by the Minister) directives are issued from time to time by which papers are taken from one category to another and circulation certainly is not the main consideration?

**Shri Diwakar:** Circulation is one of the most important considerations.

**Shri Deshbandhu Gupta:** Is it a fact or not that there are.....

**Mr. Deputy-Speaker:** The hon. Member has already put three supplementary questions. I am calling Shrimati Durgabai.

**Shrimati Durgabai:** Does the policy of giving advertisements depend upon the importance of the subject matter

of the advertisement or does it depend upon the circulation of newspapers?

**Shri Diwakar:** As I said, it depends upon so many things. It depends upon the subject, language, the region and upon the class of readers. All these considerations are involved.

**Shrimati Durgabai:** My question was whether circulation alone was the factor or any other factors of importance are taken into consideration?

**Mr. Deputy-Speaker:** The Minister has already said that many things are taken into consideration?

**Pandit Munishwar Datt Upadhyay:** What is the total amount spent on advertisement through newspapers? Out of the money spent on advertisements through newspapers, how much money is spent on vernacular papers and how much on others?

**Shri Diwakar:** I want notice of that question.

सेठ गोविन्द दास : इन ६४० पत्रों में से जिन की कि सूची सरकार के पास है कितने पत्र अंग्रेजी के हैं और कितने दूसरी भाषाओं के, और जो एडवरटाइजमेंट इन पत्रों को दिया जाता है उस में से साल भर में कितना रुपया अंग्रेजी पत्रों के एडवरटाइजमेंट पर खर्च होता है और कितना दूसरी भाषाओं के पत्रों पर खर्च होता है।

[Seth Govind Das: Out of these 640 papers which are on the list of the Government, how many papers are of English and how many of other languages and what is the amount of money spent yearly on the advertisements given to the English papers and those of other languages respectively?]

**श्री दिवाकर :** दोनों के लिए नोटिस होना चाहिए :

[Shri Diwakar: I require notice for both the matters enquired about.]

**Shri Deshbandhu Gupta:** If the information is correct that there are three categories of papers such as A, B and C, will the Minister state the number of papers in each category respectively?

**Shri Diwakar:** I would like notice.

**Mr. Deputy-Speaker:** Pandit Maitra.

**Pandit Maltra:** Thank you, very much, Sir. I wanted to know from the Minister with regard to the approved list of 600 papers, which he had referred to. Would he indicate to the House what are the considerations that weigh with the Ministry for this approval? Which is the body which approves—whether it is the Cabinet, the Minister himself or is there any board for the purpose?

**Mr. Deputy-Speaker:** He has already answered it.

**Pandit Maltra:** We could not catch it.

**Mr. Deputy-Speaker:** He said that many things have to be taken into consideration. Next question.

#### PRE-FABRICATED HOUSING FACTORY

\*88. **Shri Sidhva:** Will the Minister of Health be pleased to refer to the reply to my short notice question asked on the 7th June, 1951, regarding the pre-fabricated housing factory and state:

(a) whether the recommendations made by the Technical Committee of Engineers and Scientists have been examined by Government; and

(b) if so, what is the decision of Government and when the factory is expected to start the manufacture of pre-fab. houses and other materials?

**The Minister of Health and Communications (Rajkumari Amrit Kaur):** (a) and (b). The recommendations of the Technical Committee for the Government Housing Factory are still under the consideration of Government.

**Several Hon. Members:** Inaudible, inaudible.

**An Hon. Member:** Let Dr. Ambedkar read the answer.

**The Minister of Law (Dr. Ambedkar):** The recommendations of the Technical Committee for the Government Housing Factory are still under the consideration of Government.

**Dr. Deshmukh:** On a point of order, Sir, two hon. Members are standing simultaneously.

**Mr. Deputy-Speaker:** There is no point of order. Hon. Members wanted to hear the answer properly and it is not fair to object...*(interruptions.)* There are many questions on the list which have to be gone through and instead of raising such objections hon. Members would do well to proceed further with the questions.

**Shri Sidhva:** In the meantime has any additional amount to that sanctioned by the House been spent from the month of June up to this period? What is likely to be spent hereafter also?

**Rajkumari Amrit Kaur:** Some additional money has been spent. The staff has been reduced considerably and the cost now on staff plus the experiments carried out is Rs. 37,000 per month.

**Shri Sidhva:** May I know whether any further amount up to the end of December is likely to be spent and if so, how much and will it come before the House?

**Rajkumari Amrit Kaur:** It will have to come up before the Standing Finance Committee.

**Shri Sidhva:** May I know if the Committee's recommendations are receiving the attention of the Government? What is the additional amount spent? Are the Government contemplating to manufacture houses as under the original scheme or only parts will be manufactured?

**Rajkumari Amrit Kaur:** Hon. Members will know that the Bhatnagar Committee sat and submitted a report. Dr. Bhatnagar has been abroad recently and he has taken advantage of his tour abroad to glean some further knowledge about foam-concrete. He has just submitted his report which is going to be considered by the Cabinet, probably next week.

**Shri Kamath:** Will the Minister be pleased to place on the Table of the House a copy of the Mulgaonkar Committee report or is it still under the consideration of Government?

**Rajkumari Amrit Kaur:** The Mulgaonkar Committee report has not been placed on the Table of the House and Government has no intention of placing it at the moment because another committee was appointed and we are now considering their report.

**Shri Kamath:** In connection with the working of the factory the hon. Minister stated that the recommendations of the Bhatnagar Committee are under consideration. What were the reasons that impelled Government to dispense with the services of the Managing Director, Dr. Koenigsberger when, in the words of the Prime Minister himself, he had built a magnificent factory?

**Rajkumari Amrit Kaur:** His services were no longer required. The factory had been built and for making further



use of the factory his services were not required and therefore they were dispensed with.

**Shri Kamath:** Am I to understand that the Managing Director is not competent to produce the things which the factory is going to produce in future, but was competent to produce only houses, which he did not produce?

**Mr. Deputy-Speaker:** That is argumentative.

**Dr. Deshmukh:** Is it not a fact that the factory is working now and if so what is being produced there and what is the income?

**Rajkumari Amrit Kaur:** The factory is not working on production. It is still in an experimental stage.

**Shri Sidhva:** Up to the end of December what is the additional amount likely to be spent, which would be considered as a loss or profit. We were told that some.....

**Mr. Deputy-Speaker:** The hon. Minister said Rs. 37,000 a month. The hon. Member may calculate up to December.

**Shri Sidhva:** I wanted to know whether that will be a total loss or...

**Mr. Deputy-Speaker:** Loss or gain will be settled after the committee's report has been considered. Next question.

**Shri Kamath:** What is being produced now?

**An Hon. Member:** Fabrication.

#### SMUGGLING OF DIAMONDS

\*89. **Dr. Ram Subhag Singh:** Will the Minister of Finance be pleased to state:

(a) the number of cases in which diamonds have been attempted to be smuggled into this country by foreign passengers during 1949-50 and 1950-51;

(b) how many such cases have so far been detected; and

(c) what is the total value of diamonds so far detected by customs officials?

**The Minister of State for Finance (Shri Tyagi):** (a) and (b). It is not possible for Government to give details of all attempts made to smuggle diamonds. The number of cases in which diamonds have actually been detected while being smuggled into India by foreign passengers during 1949-50 and 1950-51 are 3 and 7 respectively.

Since the beginning of this financial year one such case has been detected.

(c) The total value of the diamonds detected in all these 11 cases is Rs. 7,06,594-12-0.

**Dr. Ram Subhag Singh:** May I know the value of smuggled diamonds detected by customs officials in the current year?

**Shri Tyagi:** Only one case of a Belgian national who arrived at Bombay from Antwerp was detected by the customs officials and the diamonds were confiscated; the value of these diamonds was to the tune of Rs. 3,39,000.

**Dr. Ram Subhag Singh:** May I know whether any Indian passengers returning from abroad have also been detected while smuggling diamonds into this country?

**Shri Tyagi:** During the past two years some Indians too were found smuggling diamonds between Pondicherry and India.

**Dr. Ram Subhag Singh:** May I know whether any action has been taken by Government against those smugglers?

**Shri Tyagi:** Yes, Sir. The diamonds have been confiscated, but as to what further action has been taken with regard to conviction in these cases, I have no information just now.

**Shri Syamnandan Sahaya:** What do the Government propose to do with the diamonds thus seized?

**Shri Tyagi:** All confiscated articles are taken possession of by the Government and then sold by public auction.

#### NON-INDIAN COMPANIES

\*90. **Dr. Deshmukh:** Will the Minister of Finance be pleased to state:

(a) the names of companies incorporated in India whose managing agents are non-Indians;

(b) the names of non-Indian companies doing business in India; and

(c) if Government have no information, whether they propose to collect the same?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) and (b). The information is not available.

(c) No, Sir. The labour and expense involved in the collection of the required information will not be commensurate with the results.

**Dr. Deshmukh:** Am I to understand that no effort whatever has been made to ascertain the number of managing agencies by non-Indian companies of Indian concerns, or is there a total lack of information?

**Shri C. D. Deshmukh:** The position is that the information, in detail, is available with the Registrars of Joint Stock Companies. It might be recalled that there was a question asked by Shri Biyani in the last session of Parliament and in accordance with the undertaking then given we have collected information from State Governments and we find that it is incomplete. 2,434 such companies were at work on 1st January, 1951 in States other than Bombay and West Bengal. The Governments of Bombay and West Bengal have not found it possible to collect the necessary information within five months as the statutory responsibilities devolving on the Registrars leave them little time to undertake an onerous survey of the nature envisaged in parts (a) and (b) of the question. The trouble is that most of the non-Indian companies and Indian companies managed by managing agents have been incorporated in Bombay and West Bengal.

**Dr. Deshmukh:** Is it a fact that there is a growing tendency to give managing agencies to non-Indian firms at the present moment? Has at least that been noted by Government?

**Shri C. D. Deshmukh:** No such tendency has come to our notice, Sir.

**Shri B. Das:** May I know whether in the case of non-Indian firms incorporated in India after independence with the same name as they use in U.K. and the Continent, the profits of parent companies are liable to Indian income-tax?

**Mr. Deputy-Speaker:** We are going away to another subject. This question relates to managing agents and wants to know how many non-Indian managing agents there are. Merely because it is the Finance Minister who is answering, why should the hon. Member switch on from company law to finance?

**Shri B. Das:** I wanted to know about the position of income-tax on profits in England and Continent of the parent companies.

**Mr. Deputy-Speaker:** I don't know if it arises. Will the hon. Minister be willing to answer it?

**Shri C. D. Deshmukh:** I understood him to ask something about income-tax, Sir. This question relates to certain sections of the Indian Companies Act.

**Mr. Deputy-Speaker:** Exactly. Because it is the hon. Finance Minister answering, that question also is put.

**Shri A. C. Guha:** May I know if the Government has received any reports that some of these companies under foreign management, particularly in Calcutta, have been appointing Europeans and other foreigners at very high salaries and almost in unnecessary posts and, if so, whether Government have any control over the management of these companies?

**Shri C. D. Deshmukh:** I have not received notice of any such appointment but if the hon. Member has information I shall be glad to receive it and to look into any problem that such information might indicate.

**Mr. Deputy-Speaker:** There is a Bill relating to managing agents which is coming up. These are points relating to that.

**Shri Sondhi:** May I know what is the capital involved in these 2400 odd companies on which information is already available with the Finance Minister?

**Shri C. D. Deshmukh:** I am sorry, Sir, I have not got the information here.

**Shri T. N. Singh:** In view of the reply of the Finance Minister that he has not got the names or numbers of non-Indian managing agents, may I know what his Department does in regard to the income-tax assessments of non-nationals having incomes here as managing agents?

**Shri C. D. Deshmukh:** Well, individual cases come within the purview of income-tax officers. What I lack is a compilation of that information.

**Dr. Deshmukh:** With respect to part (c) of my question, may I know if the hon. Minister is going, after all, to collect the information or not? He referred to Mr. Biyani's question and said that it was being collected and that some part of it was collected. May I know if he intends to collect it fully and supply it to the House?

**Mr. Deputy-Speaker:** He said the labour involved would not be commensurate with the results.

**Dr. Deshmukh:** He referred to the reply he gave to Mr. Biyani's question wherein he promised to give the information.

**Shri C. D. Deshmukh:** That combined with my answer now indicates that at the moment I don't think it worthwhile spending time on collecting this information in spite of the protest of the Bombay and West Bengal Governments. If the problem assumes importance then perhaps at a later stage I might be prepared to do so.

**Dr. Deshmukh:** Will the hon. Minister please lay on the Table whatever information he has received?

**Shri C. D. Deshmukh:** I shall have to look at this list to see if in any compact form this information could be laid before the House—I have no particular objection except its voluminousness.

**Shri A. C. Guha** rose—

**Mr. Deputy-Speaker:** I don't think any more questions need be put on this now. There is the other Bill on Managing Agents which is coming up when hon. Members can say as much as they like.

**Mr. Deputy-Speaker:** Next question, No. 91.

**Shri Kamath:** If you agree, Sir, Question No. 94 also can be taken together.

**Shri Sondhi:** Questions Nos. 91, 94 and 99 can be taken together.

**Shrimati Durgabai:** May I submit there are more than four or five questions on this subject? We understand the Home Minister's Resolution on this subject is coming up later today and I suggest these questions be put off.

**Hon. Members:** No, no. Questions are questions.

**Mr. Deputy-Speaker:** Let us hear the hon. Minister.

**The Minister of Home Affairs (Shri Rajagopalachari):** Question No. 91 I am answering but it should apply to Question No. 94 also.

#### TAKING OVER OF PUNJAB ADMINISTRATION

**\*91. Dr. Deshmukh:** Will the Minister of Home Affairs be pleased to state:

(a) the causes and circumstances that led to the resignation of Dr. Bhargava, ex-Chief Minister of Punjab;

(b) whether the Government of India gave any directions to Dr. Bhargava; if so, what they were; and

(c) the causes that led to the Punjab administration being superseded by the Governor of Punjab?

#### TAKING OVER OF PUNJAB ADMINISTRATION

**\*94. Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Governor of the Punjab reported to the President that the administration in that State could not be carried on in accordance with the provisions of the Constitution;

(b) if so, when, and on what grounds;

(c) on what date action under Article 356 of the Constitution was taken by the President;

(d) whether there is any proposal to revoke or any prospect of revoking the proclamation of emergency; and

(e) if not, in what manner Parliament will exercise the powers of the Punjab State Legislature?

**The Minister of Home Affairs (Shri Rajagopalachari):** The points raised by the hon. Members will be covered during the debate on the Resolution, which is in my name in the Order Paper, regarding the Proclamation issued by the President on the 20th June, 1951.

No direction was given by the Government of India to Dr. Bhargava outside the ordinary scope of official work.

**Dr. Deshmukh:** Was there any investigation before the Ministry was suspended and were there any charges framed and was the Ministry found guilty?

**Shri Rajagopalachari:** This supplementary is covered by my answer that the points raised will be covered in the debate.

#### JEEPS FROM U. K.

**\*92. Shri Kamath:** Will the Minister of Defence be pleased to refer to the answer to my starred question No. 4801 asked on the 9th June, 1951 and state:

(a) whether the inspection of the Jeeps contracted for in the U.K. on the 2nd March, 1951, has been completed;

(b) who inspected them;

(c) how many have so far arrived in India; and

(d) how many are on their way?

**The Minister of Defence (Sardar Baldev Singh):** (a) No. Deliveries will not be completed until the middle of 1952, and inspection will be carried

out according as deliveries come forth each month.

(b) India Stores Department Inspectors, assisted by an officer sent by the Ministry of Defence from India, will do the inspection.

(c) and (d). Nil.

**Shri Kamath:** Is it a fact that as stated by the Deputy Minister in the last Session of Parliament the contract provided for delivery to commence on the 2nd June and if so, what action does Government propose to take for non-performance of the contract?

**Sardar Baldev Singh:** As I have stated, the inspection had to be carried out and we decided to send an officer from here to assist the Inspectors of the India Stores Department and this delay in inspection and also the other formalities which had to be tied up are responsible for the non-delivery.

**Shri Kamath:** Was there any clause in the contract providing for delay in performance owing to unforeseen circumstances and if so, what was that clause?

**Sardar Baldev Singh:** I am not aware of the exact clause, but there is one general understanding that the deliveries will be completed by the middle of 1952. If in the beginning deliveries are not up to the required number, that deficiency will be made up in the subsequent months.

**Shri Kamath:** Is it a fact, as stated by the Deputy Minister in the last Session, that our Inspectors went there as early as June, and still am I to understand that they have not completed the work of inspection even though two months have elapsed?

**Sardar Baldev Singh:** The position is that the pilot model which had to be approved by the Inspector has now been approved and it is according to that model that the supplies will be made in future. According to the information available with me, the Inspectors were required to approve the final model by the end of June. Most probably,—I speak subject to correction—they have taken a little longer. But the sample model has now been completed and according to that the supplies will be made.

**Shri Kamath:** In the light of the rather costly experience that we have gained during the last two or three years, has the procedure for purchase of defence and warlike materials and stores been tightened up and if so, in what respects?

**Sardar Baldev Singh:** I do not know what the hon. Member means by tightening up.

**Shri Kamath:** It was lax.

**Shri Sidhva:** What is the amount that we have paid as advance to these contractors?

**Mr. Deputy-Speaker:** The hon. Member knows that it is Rs. 1,40,000 and odd. Hon. Members who know something need not put questions about what they know.

**Shri Sidhva:** Is the hon. Minister satisfied that this contractor has placed orders with *bona fide* manufacturers?

**Mr. Deputy-Speaker:** This has already been debated again and again.

**Shri Shiva Rao:** Is a copy of this contract available with the Defence Ministry?

**Sardar Baldev Singh:** Yes.

**Shri Kamath:** Have our Purchase Missions abroad got with them lists of approved supplying firms and are the names of firms which have failed to perform contracts struck off the list?

**Mr. Deputy-Speaker:** It is a general question and does not relate to this jeep matter.

**Shrimati Durgabai:** Questions 93 and 114 are on the same subject. I suggest that they may be answered together.

**Mr. Deputy-Speaker:** Yes.

#### FIXING OF ELECTION DATES

\*93. **Shri Kamath:** Will the Minister of Law be pleased to state:

(a) whether Government have decided upon a date or dates for the holding of elections to the House of the People and the State Legislative Assemblies;

(b) if so, what that decision is, and between which dates polling will be held in each of the States;

(c) by what date the final results are expected to be declared with regard to the House of the People as well as the various State Legislative Assemblies; and

(d) when it is proposed to constitute the Council of States at the Centre and Legislative Councils in the States, and to elect the President of the Indian Union?

**The Minister of Law (Dr. Ambedkar):** (a) Yes.

(b) Polling is scheduled to begin on or about the 3rd January and end by the 24th January 1952, subject to such

minor adjustments of the dates as might be necessary to meet exceptional difficulties that might exist in certain areas. In Himachal Pradesh, in parts of Kangra district in Punjab and, possibly in the high altitude regions of Uttar Pradesh, the polling may have to be finished by the end of October this year, since later on these areas will get snow-bound.

(c) The Election Commission has proposed the 15th February 1952 as the date by which the declaration of results is to be completed.

(d) While it is not possible to say precisely at this stage when the Council of States and the State Legislative Councils will be constituted, it is expected that on the basis of the programme outlined above, it should be possible to constitute these Houses by about the end of March 1952. The election of the President will take place immediately after the due constitution of the two Houses of Parliament and the State Legislative Assemblies.

#### DATES OF GENERAL ELECTION IN STATES

\*114. **Shri J. N. Hazarika:** Will the Minister of Law be pleased to state:

(a) whether the States have fixed the dates, for the next General Elections, in their respective States, if so, which are such States and the dates fixed by them; and

(b) whether the constituencies have been called to elect their representatives to Parliament and State Assemblies?

**The Minister of Law (Dr. Ambedkar):** (a) No, Sir. The Election Commission has addressed the State Governments on the subject.

(b) No.

**Shrimati Durgabai:** Has the attention of the hon. Minister been drawn to the recent broadcast talk by the Chief Election Commissioner to the effect that nearly 25 lakhs of women voters are disqualified; if so, may I know whether opportunity will be taken of the postponement to qualify the disqualified women voters?

**Dr. Ambedkar:** It does not arise out of this question. This question relates to the dates of election and not to electoral rolls.

**Shri Kamath:** In view of the fact that polling in Himachal Pradesh will take place by the end of October, has Government already announced the exact date of polling so as to enable the voters as well as the candidates to get on with their work?

**Dr. Ambedkar:** I have no doubt about it that Government will take all the necessary steps.

**Shri Kamath:** Has Government any idea as to when the first Session of the new Parliament is likely to be convened?

**Dr. Ambedkar:** Well, it could not be convened unless all the preliminary stages have been gone through.

**Shrimati Durgabai:** May I know whether the women of Rajasthan have sent a memorandum in regard to the electoral rolls?

**Dr. Ambedkar:** It does not arise out of this.

**Shrimati Renuka Ray:** It does arise, because the question relates to the dates of the election.

**Mr. Deputy-Speaker:** It is a very important matter, of course. But unfortunately it does not relate to this question.

**सैठ गोविन्द दास :** पोलिंग की तारीख तो माननीय मंत्री जी ने बताई। लेकिन पोलिंग के पहले जो और कार्रवाहियाँ चुनाव के सम्बन्ध में होती हैं, जैसे नामजदगी और दूसरी बातें, उन के लिये क्या गवर्नमेंट कोई पूरी योजना तैयार कर रही है, और अगर कर रही है तो नामजदगी, स्कूटिनी, पोलिंग, इन सब की जो अलग अलग तारीखें हैं वे कब मालूम हो जावेंगी ?

[**Seth Govind Das:** The hon. Minister was pleased to state the date of the polling. But are the Government preparing a complete scheme for the preliminary work that has to be done in connection with polling e.g., nomination and other things and, if so, when will the dates for nomination, scrutiny and polling be made known?]

**Dr. Ambedkar:** That is already set out in the People's Representation Act.

**Shri Sondhi:** In view of the fact that simultaneous voting will have to take place both for the State Legislature and the House of the People, will it be necessary to have at least seven constituencies of the State to complete one for the House of the People in Kangra district in Punjab?

**Dr. Ambedkar:** Whatever is necessary will have to be done. Government certainly will not tolerate any irregularity with regard to elections.

**Shri Sondhi:** There are five plains seats and two hill seats. I want to know whether elections will be for seven or only two.

**Dr. Ambedkar:** These are governed by rules: I think exceptions will be made when circumstances justify.

**Shri Sondhi:** I want to know because polling is going to take place shortly.

**Mr. Deputy-Speaker:** The hon. Minister may not carry with him details with respect to every single constituency. Hon. Members will therefore appreciate the difficulty.

**Shri Sondhi:** Because the time now left is only two months.

**Shri Sonavane:** Will elections in a particular State be over within a day, or will they be spread out over several days?

**Dr. Ambedkar:** It depends upon the available administrative machinery. If the State has got sufficient machinery to complete all the elections in a single day, certainly the State will do it. Otherwise Government is quite prepared to spread the elections over a certain period in order to enable them to cope with the difficulties.

**Shri Kamath:** Arising out of answers to parts (a) and (b) of the question, have regional Commissioners been appointed in the other parts of India and have the State Governments been asked to assist the Regional Commissioners in 'going ahead' with arrangements for polling and other cognate matters?

**Dr. Ambedkar:** The question of appointment of Regional Commissioners is under consideration. It is expected there will be regional Commissioners.

**Shri Kamath:** Have the final electoral rolls been published?

**Dr. Ambedkar:** I cannot give an off-hand answer. Certainly they will be printed in due course.

**Shri Dwivedi:** In view of the fact that Ministries of States and Home Affairs have accepted the principle that certain Part C States will have legislatures, I want to know whether the elections for the legislatures in Part C States will be held simultaneously with the General Elections.

**Dr. Ambedkar:** I cannot say what the provisions of the Bill are.

**Shrimati Ammu Swaminadhan:** May I ask the hon. Minister what are the dates which are fixed for polling in Rajasthan?

**Dr. Ambedkar:** I cannot give an answer to that.

**Shri Kamath:** By what date will the rules under the Electoral Bill be finalised and notified?

**Mr. Deputy-Speaker:** Next question.

**Dr. Ambedkar:** It is expected that they would be finalised by the end of this month.

**Mr. Deputy-Speaker:** I am afraid hon. Members go on putting questions and hon. Ministers go on giving answers. I have called the next question: the hon. Minister need not have answered.

**Shri Kāmāth:** I did not hear you, Sir.

#### SHORTAGE OF SCHOOLS IN DELHI

\*95. **Giani G. S. Musafir:** Will the Minister of Education be pleased to state:

(a) whether Government are aware that the people in the State of Delhi are experiencing great hardship in respect of admission of their children to schools and colleges; and

(b) if the answer to part (a) above be in the affirmative, the steps that Government propose to take in removing the difficulty?

مستقر آف ایجوکیشن (مولانا آزاد) :

( اے ) ہاں -

( بی ) گورنمنٹ نے پچھلے تین

بوسوں کے اندر پوری کوشش کی ہے کہ

نئے اسکول کھولے جائیں - گورنمنٹ نے

ہر طرح کی آسانیاں ان لوگوں کے اٹے

مہیا کر دی ہیں جو پرائیویٹ

اسکول کھول سکتے ہیں یا پرائیویٹ

اسکولوں کی نئی شاخیں بکھول سکتے

ہیں - جو اسکول چل رہے ہیں انہیں

اس کی اجازت دے دی گئی ہے کہ اگر

کلاس روم میں گنجائش ہو تو ۳۵ سے

زیادہ ودیارتھیوں کو بھی لے سکتے ہیں -

جہاں تک خرچ کی موجودگی تک

اجازت دیگی گورنمنٹ اور اسکولوں کے

کھولنے کی بھی کوشش کریں گی -

[The Minister of Education (Maulana Azad): (a) Yes, Sir.

(b) To meet the increased demand for admission to Schools, all encouragement is given to private managements to open either more schools or additional sections in the existing schools. Schools have also been authorised to admit more than 45 students in a class or section wherever the size of a class room admits this. Subject to the availability of funds, new schools are also opened by the Government.]

گیانی جی - ایس - مسافر : نئی کالونیز جو دہلی کے نزدیک بنائی گئی ہیں کیا ان میں بھی بچوں کے لئے تعلیم کا انتظام کیا گیا ہے ؟

[Giani G. S. Musafir: Have any arrangements been made for the education of the children in the new colonies that have been built near Delhi?]

مولانا آزاد : ہاں - کوشش کی گئی ہے - اس سے پہلے میں ایک سوال کے جواب میں بتلا چکا ہوں کہ سہ ۲۷ کے بعد اسکولوں کی کتنی تعداد بڑھ چکی ہے - اس میں ہر جگہ کے اسکول شامل ہوں - سہ ۲۷ میں پرائمری اسکول ۲۵۷ تھے اب ۵۲۷ ہیں - یعنی دوگنے سے بھی ان کی تعداد بڑھ گئی ہے - مڈل سیکنڈری اسکول ۱۱۷ تھے اب ۱۲۶ ہیں - گورنمنٹ تسلیم کرتی ہے کہ ابھی اور مانگ ہے اور گورنمنٹ کوشش کرے گی -

[Maulana Azad: Yes, efforts have been made. I have already stated in reply to a previous question to what great extent the number of schools has increased since 1947. The figure includes the schools in all localities. In 1947 the number of primary schools was 257; now it is 547 i.e., their number has increased by more than double. The middle secondary schools were 117 in number; now they are 146. The Government realize

that there is still more demand for schools and would make further efforts.]

گیانی جی - ایس - مسافر : کیا مانگ ملنے ملتے رہتا ہے ہوں کہ نئی آبادیوں میں کل کتنے اسکول اور کس قسم کے اسکول کھولے گئے ؟

[Giani G. S. Musafir: Will the hon. Minister be pleased to state the total number of schools that have been started in the new colonies and their various categories?]

مولانا آزاد : یہ تعداد میں ابھی نہیں بتا سکتا -

[Maulana Azad: I am unable to state the number now.]

श्री देशबन्धु गुप्ता : क्या यह अत्र वाक्या नहीं है इस वक्त देहली में कई सी की तादाद में ऐसे प्राइवेट स्कूल हैं जो दूकानदारी के सिस्टम पर चलाये जाते हैं और उन में हज़ारहा तालिबेइल्म तालीम पा रहे हैं और उन पर गवर्नमेंट की कोई निगरानी नहीं है ?

[Shri Deshbandhu Gupta: Is it not a fact that at present there are hundreds of private schools in Delhi that are run on business lines and thousands of students are getting education there and that Government has no supervision over them?]

مولانا آزاد : جی ہاں - ایسے بھی اسکول ہیں - اس لئے کہ آبادی بہت بڑھ گئی ہے - ان میں سے جن اسکولوں کو سرکاری مدد مل رہی ہے وہ قواعد کے اندر آجاتے ہیں اور ان کی نگرانی کی جا رہی ہے - جن کو سرکاری مدد نہیں دی گئی ہے ان کی حالت - چھسا کہ انریبل ممبر نے کہا - بہت اچھی نہیں ہوگی -

[Maulana Azad: Yes Sir, there are such schools. The reason for their

existence is the increase in population. Such of these schools as are receiving Government aid come within the purview of rules and they are supervised. The condition of those not receiving any Government aid may not be satisfactory, as the hon. Member has said.]

**श्री देशबन्धु गुप्ता :** क्या गवर्नमेंट उन स्कूलों पर जो कि प्राइवेट तौर पर अपना कामाने की ग़रज़ से चलाये जा रहे हैं निगरानी करने का कोई इन्तज़ाम कर रही है और क्या गवर्नमेंट के पास इन स्कूलों की फ़ंहरिस्त मौजूद है।

[**Shri Deshbandhu Gupta:** Are the Government making any arrangements to keep supervision over those schools that are being run privately on a profit basis and do they have a list of these schools?]

مولانا آزاد : نہیں - گورنمنٹ نے اس وقت تک ان اسکولوں کی نگرانی کا کوئی خاص انتظام نہیں کیا ہے اور جب ان کو مدد نہیں دی جا رہی ہے تو مشکل ہے کہ ہم ان کو اپنے قاعدوں میں باندھیں - لیکن بہرحال گورنمنٹ سوچے گی کہ اس بارے میں اور کیا کیا جا سکتا ہے -

[**Maulana Azad:** No Sir, the Government have made no particular arrangements for the supervision of these schools. When no grant is being given to them it is difficult to impose our regulations on them. However, the Government will consider what more can be done in the matter.]

**Mr. Deputy-Speaker:** Next Question.

**श्री द्विवेदी :** मैं एक सवाल पूछना चाहता हूँ दिल्ली के बारे में।

[**Shri Dwivedi:** I want to ask a question about Delhi.]

**Mr. Deputy-Speaker:** The question relates to Delhi and I know who comes from Delhi.

#### CORRUPTION CASES AGAINST DELHI POLICE OFFICIALS

**\*96. Giani G. S. Musafir:** Will the Minister of Home Affairs be pleased to state:

(a) the number of cases of corruption against Police officials in the Delhi State tried judicially from 1st January 1951 up-to-date; and

(b) the number of such cases resulting in conviction?

**The Minister of Home Affairs (Shri Rajagopalachari):** The information given now relates to the half year ending 30th June 1951:

(a) 4

(b) Convicted—2.

. Pending—2.

#### TRAINING OF INDIANS IN U. S. A.

**\*97. Shri Kesava Rao:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that U.S.A. has asked the Government of India to send some persons to be trained in America under the Point-4 Programme;

(b) if the answer to part (a) above be in the affirmative, what is the number of scholars to be sent for training; and

(c) what are the subjects in which they will be trained? -

**The Minister of Finance (Shri C. D. Deshmukh):** (a) and (b). It has been agreed between the Governments of India and the United States that 44 persons would receive training in America under the Point Four Programme.

(c) A statement giving the required information is laid on the Table of the House. [See Appendix I, annexure No. 24.]

**Shri Kesava Rao:** May I know how many applications have been received for the training?

**Shri C. D. Deshmukh:** There is no question of any application. These are selections made by the Ministries concerned.

**Shri Kesava Rao:** From whom?

**Shri C. D. Deshmukh:** From among their staff.

**Shri Kesava Rao:** May I know whether the selection is made by the Central Government or the candidates are sent by the State Governments?



**Shri C. D. Deshmukh:** Mostly they are Central Government trainees.

**Mr. Deputy-Speaker:** But who makes the selection?

**Shri C. D. Deshmukh:** Finally the Central Government.

**Maulvi Wajed Ali:** What is the basis of selection of these scholars?

**Shri C. D. Deshmukh:** Fitness for the training.

**Shri Shiva Rao:** May I understand from my hon. friend's reply that the selection of scholars is exclusively confined to officials?

**Shri C. D. Deshmukh:** In the present list all the trainees are officials. We have sent a supplementary list to the American Government requesting for training facilities for 34 persons in various subjects in the private sector of industry.

**सेठ गोविन्द दास :** क्या इस बात का ध्यान रखा जाता कि ऐसे ही विषयों के लिये लोगों को बाहर भेजा जाय, अमेरिका आदि, कि जिन विषयों की शिक्षा हिन्दुस्तान में नहीं दी जा सकती ?

[**Seth Govind Das:** Is it kept in view that people are sent abroad, to America and elsewhere, for training in those subjects only for which there are no arrangements in India?]

**श्री सी० डी० देशमुख :** अवश्य ।

[**Shri C. D. Deshmukh:** Certainly.]

**Shri Lakshmanan:** May I enquire, Sir, whether the hon. Minister is in a position to place on the Table of the House a State-wise list of scholars?

**Shri C. D. Deshmukh:** I shall be prepared to, if that could be compiled.

## WRITTEN ANSWERS TO QUESTIONS

### MYSORE RADIO STATION

\*85. **Shri Shankaraiya:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether there is any proposal to improve the "Akashvani" Radio Station at Mysore city;

(b) whether the scales of pay and dearness allowance etc., of the staff have been equalised with the All India Service after its integration; and

106 PSD

(c) how many of those employed there in a permanent or temporary capacity before integration have been retained and how many retrenched?

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

(a) Yes; proposals to improve the technical quality and production of programmes are under consideration.

(b) Steps are being taken to equate the posts which formerly existed under the State Governments in the Departments dealing with "Central" subjects with appropriate posts in the corresponding Departments of the Central Government. The rates of Dearness allowance have already been equated.

(c) None has so far been retrenched.

### RECRUITMENT TO TERRITORIAL ARMY

\*98. **Shri Kesava Rao:** (a) Will the Minister of Defence be pleased to state the number of persons recruited so far to the Territorial Army?

(b) Are all the units contemplated to be raised complete?

(c) Is any publicity carried on in rural areas to get more personnel recruited to this Army?

**The Minister of Defence (Sardar Baldev Singh):** (a) and (b). It is not in the public interest to divulge this information.

(c) Yes.

### APPOINTMENT OF ADVISERS TO PUNJAB GOVERNOR

\*99. **Sardar Hukam Singh:** Will the Minister of Home Affairs be pleased to state whether the Governor of the Punjab alone would continue to act for the President or there is any intention to appoint any advisers to the Governor?

**The Minister of Home Affairs (Shri Rajagopalachari):** Government have, at present, no intention of appointing Advisers to the Governor of the Punjab. The question will be considered as and when necessity is felt.

### OVERSEAS SCHOLARSHIPS

\*100. **Dr. M. V. Gangadhara Siva:** Will the Minister of Education be pleased to state:

(a) whether the Government of India have published any information regarding the award of overseas scholarships in 1950 and 1951;

(b) how many applications were received in 1950 by Government from each State; and

(c) how many applicants were called for interview and out of those how many were selected from each State?

**The Minister of Education (Maulana Asad):** (a) No.

(b) Nil, since the Overseas Scholarships Scheme was not continued in the year 1950.

(c) Does not arise in view of (b) above.

#### INCOME-TAX FROM MADRAS STATE

**\*101. Dr. M. V. Gangadhara Siva:** Will the Minister of Finance be pleased to state:

(a) the total amount of income-tax collected from the Madras state during the year 1950-51;

(b) what percentage of this amount has been given to Madras State; and

(c) whether the Madras Government have made any representation to the Central Government for increasing this amount, if so, with what result?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) Account figures are not yet available but according to the report received from the Commissioner of Income-tax, Madras, the total amount of income-tax collection in Madras State during 1950-51 was about Rs. 12,57,00,000.

(b) The amount payable to a State is not dependent upon the collections in that State. According to the Constitution (Distribution of Revenues) Order, 1950, Madras State gets 17.5 per cent. of the divisible pool of income-tax allocable to the State; and the amount paid to that State under these arrangements in 1950-51 amounted to Rs. 8,29,15,000.

(c) No, Sir.

#### IMPORT DUTY ON GOLD

**\*102. Dr. M. V. Gangadhara Siva:** Will the Minister of Finance be pleased to state:

(a) when the import duty on gold was levied; and

(b) how much income was derived on this account each year by Government since the import duty was levied?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) With effect from the 1st April 1946.

(b) Import duty realised on gold bullion, coins, plates and sheets is as follows:

1946-47—Rs. 86 lakhs and 34 thousands.

1947-48—Rs. 99 lakhs and 37 thousands.

1948-49—Rs. 38 lakhs and 74 thousands.

1949-50—Rs. 40 thousands.

1950-51—Rs. 82 thousands.

#### ESTIMATE OF SEWANE DAM—D.V.C.

**\*103. Shri Jnani Ram:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) if the plans and estimates of Sewane Dam have been completed by the Damodar Valley Corporation;

(b) if so, the time when the work will be started; and

(c) the total cost of the Dam?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) Preliminary plans and estimates are ready.

(b) At present there is no intention to start work.

(c) According to the Preliminary Estimates the cost is Rs. 24.4 lakhs.

#### FLOODS IN ASSAM

**\*104. Shri Biyani:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether it is a fact that Government were forewarned by the experts about the probability of floods in Assam;

(b) what steps Government took to avoid the danger;

(c) what is the damage caused by the floods to men and property; and

(d) what steps the Government have taken to help the flood-stricken people?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) Presuming that the question refers to the current year, the answer is in the affirmative.

(b) For the protection of important towns viz. Sadiya, Dibrugarh and North Lakhimpur from flooding, protective works recommended by the Advisory Committee on the earthquake and floods in Assam, were taken in hand and carried out by the Government of Assam. Measures to raise the banks of the shallow rivers by pallsading as recommended by them, were undertaken near Saikhoaghat on the Lohit, near Chaldoa on the Subansiri, and near Lakhimpur on the Ranga Nadi. Some other measures suggested involved detailed surveys of the areas and certain rivers, which could not be taken in hand due to rains. These will be carried out after the flood season.

(c) the extent of damage caused by floods this year, cannot be ascertained at this stage, as the flood season is not yet over and detailed enquiries by the State Government are still proceeding.

(d) The State Government have taken the following steps to help the flood-stricken people—

(i) Selection of higher sites for evacuation and subsequent rehabilitation, if necessary.

(ii) Stock-piling of food-stuffs at suitable places in the affected areas.

(iii) Provision of sufficient number of boats for rescue and relief work.

(iv) Installation of wire-less sets in such areas from which communication is likely to be cut off.

(v) Establishment of cheap grain-shops at several suitable places in the affected areas.

(vi) Air-dropping of food-stuffs in isolated and inaccessible places.

(vii) Provision of funds for adequate gratuitous relief to the deserving flood affected people as also for issue of agricultural loans to the needy agriculturists of these areas.

(viii) Remission and suspension of revenue in deserving cases.

#### REPAYMENT OF 1951-54 LOAN AT PAR

\*105. **Shri S. N. Sinha:** Will the Minister of Finance be pleased to state:

(a) whether Government have decided to repay the entire loan of 1951-54 at par in September 1951; and

(b) if so, the reasons for this decision, particularly when fresh loans are being floated?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) Yes, Sir.

(b) The decision has been taken on a balancing of all the relevant factors, such as past policy and possible market reactions, programme of future borrowing and trends of interest rates.

#### DETENUIS ADVISORY BOARDS

\*106. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Home Affairs be pleased to state the total number of Detenus on the day when the three member Advisory Boards were constituted under the Preventive Detention (Amendment) Act?

**The Minister of Home Affairs (Shri Rajagopalachari):** The Advisory Boards were constituted in different States on different dates. On the 28th February, 1951, the total number of persons in detention (except in Jammu and Kashmir) was 2714. Of these approximately 730 were released and the orders of detention confirmed against the rest on the advice of the Boards.

#### LITERACY DRIVE IN DELHI

\*107. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Education be pleased to state:

(a) whether there has been any special literacy drive in the State of Delhi during the year 1951;

(b) how many teachers have been engaged for this scheme; how many institutions have been working and what is the total number who have been made literate so far; and

(c) what is the monthly expenditure on this drive?

**The Minister of Education (Maulana Azad):** (a) Social Education in the urban areas of Delhi State is at present the concern of the Local Bodies. So far as rural areas are concerned, a scheme was introduced by Government in 1948-49 and has since then been in operation. In December, 1950, the scheme was amplified and intensified to quicken progress.

(b) The services of 294 teachers were utilised in the Government scheme (from December, 1950 up to June, 1951). 5,728 adults took advantage of the literacy classes during this period.

(c) The monthly expenditure on the Government scheme is Rs. 9,000 excluding cost of Caravans, Post-Literacy Centres, Libraries etc.

#### REMITTANCES TO INDIA FROM PAKISTAN

\*108. **Sardar Hukam Singh:** (a) Will the Minister of Finance be pleased to state whether persons domiciled in Pakistan as well as Indians residing in Pakistan are able to make remittances to India for any purposes?

(b) Is there any maximum amount fixed for such remittances?

(c) Are there any other limitations on such remittances?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) to (c). A statement based on the information available with Government is placed on the Table of the House. [See Appendix I, annexure No. 25.]

#### DELHI ENFORCEMENT POLICE

\*109. **Sardar Hukam Singh:** Will the Minister of Home Affairs be pleased to state:

(a) the expenditure incurred during April, May, June and July, 1951 by the Government of India in maintaining Delhi Enforcement Police;

(b) the duties entrusted to this force; and

(c) the number of cases of black-marketing and smuggling detected by them during these months in Delhi?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) Rs. 28,770.

(b) Enforcement of various laws and statutory orders passed by the Central and Delhi State Governments for the maintenance of supply of essential commodities i.e. to deal with offences of smuggling, blackmarketing, misuse of ration cards etc.

(c) Cases detected during the past 3½ months from the 1st April to 15th July, 1951, are given below:

Smuggling cases—179.

Blackmarketing cases—228.

Illegal possession of controlled commodities—99

Misuse of ration cards—112.

#### KOSI PROJECT

**\*110. Shri B. R. Bhagat:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether the work on the first stage of the Kosi Project is likely to be started this year;

(b) if so, when; and

(c) the amount to be spent (first stage) by the Central Government?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) and (b). The Project Report as prepared by the Central Water and Power Commission is under examination with the Advisory Committee set up by Government of India. Final decision regarding execution of different stages of the Project will depend on the report of the Committee and availability of funds.

(c) The first stage of the Project is estimated to cost about Rs. 10.5 crores, part of which will be made available by Cash contributions by Government of Nepal and Bihar. The total cost to be incurred on the Project if sanctioned and the amount to be loaned by the Central Government, will depend on the recommendations of the Advisory Committee and decision of the Government thereon.

#### D.V.C. FINANCIAL ADVISER

**\*111. Shri B. R. Bhagat:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether any decision on the appointment of a new Financial Adviser to the Damodar Valley Corporation has been taken; and

(b) if so, whether and when the appointment will be made?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) At an Inter-State Conference held on 5th May, 1951, it was decided that a senior officer should be appointed to the post of the Financial Advisor to the D.V.C.

(b) Steps are being taken to secure the services of a suitable officer.

#### I.A.F. DAKOTAS FOR ASSAM FLOOD RELIEF

**\*112. Shri J. N. Hazarika:** Will the Minister of Defence be pleased to state:

(a) the number of I.A.F. Dakotas that had been in operation of food dropping, and for other purposes if any, during the recent flood in Assam;

(b) the quantities of various food grains, numbers of Postal bags and other goods dropped in the tribal areas for the flood-affected areas;

(c) the number of marooned People rescued and sick persons lifted by the Dakotas; and

(d) whether the civil authorities asked for more Dakotas for the smooth operation of the relief of the flood-affected people?

**The Minister of Defence (Sardar Baldev Singh):** (a) Two.

(b) I lay a statement on the Table of the House.

(c) Nil.

(d) No, Sir.

#### STATEMENT

Salt	84,260 lbs.
Rice	33,722 "
Miscellaneous e.g. tents, Hurricane lamps, acid jars, bedding etc.	1,615 "
Canvas boats with parts	549 "
Blankets ●	120 "
Telegraph Eng. Stores	3,444 "

#### BLOCKING OF RAILWAY TRAFFIC IN CALCUTTA

**\*113. Shri J. N. Hazarika:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Railway traffic between Calcutta and Ranaghat (E.I.) was held up with blocking the track by the East Bengal displaced persons, for several days in the last week of June; and

(b) if so, what are the reasons therefor, and what is the estimated loss and sufferance, if any, by the Railways due to such absence of traffic?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) Refugees from Coopers Camp, Ranaghat, squatted on the Railway track at Ranaghat and the train service was stopped for 2½ days.

(b) The object was to force the Government of India to redress certain grievances of the inmates of the Camp. It is not possible to assess, with any degree of accuracy, the resultant financial loss to the Railways, but it is estimated to be about Rs. 25,000. ↘

#### SYMBOLS FOR POLITICAL PARTIES

**\*115. Shri S. N. Das:** Will the Minister of Law be pleased to state:

(a) the names of political parties which were invited by the Election Commission to consider allotment of symbols to different parties in the coming general elections;

(b) on what basis these parties were invited;

(c) before inviting these parties whether any effort was made to ascertain as to which of the political parties were going to contest the elections; and

(d) whether any decision has been taken regarding allotment of symbols?

**The Minister of Law (Dr. Ambedkar):** (a) (1) Indian National Congress.

(2) All India Forward Bloc (Ruikar Group).

(3) All India Forward Bloc (Marxist Group—Party of Workers and Peasants of India).

(4) Akhil Bharat Hindu Mahasabha.

(5) Kisan Mazdoor Praja Party.

(6) Akhil Bhartiya Ram Rajya Parishad.

(7) Socialist Party.

(8) All India Scheduled Castes' Federation.

(b) and (c). Such of the parties as, in the opinion of the Election Commission, actually function in all the States or most of the States and are expected to set up candidates therein, were invited to the conference.

(d) Symbols have been allotted by the Election Commission as follows:

(1) All-India Forward Bloc (Marxist group)—Standing Lion.

(2) All-India Forward Bloc (Ruikar group)—Human Hand.

(3) Akhil Bharat Hindu Mahasabha—Horse and Rider.

(4) Kisan Mazdoor Praja Party—Hut.

(5) Akhil Bhartiya Ram Rajya Parishad—Rising Sun.

(6) All-India Scheduled Castes' Federation—Elephant.

An early decision is expected to be taken regarding the symbols to be assigned to the Indian National Congress and the Socialist Party of India.

The Communist Party of India also has selected two symbols and informed the Election Commission of them. These are being considered by the Commission.

#### KOSI PROJECT REPORT

**\*116. Shri S. N. Das:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether the Expert Committee appointed by the Central Government to scrutinise the various stages of Kosi Project has submitted its Report; and

(b) if so, what are its findings?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) The Expert Committee that is now sitting, is expected to submit its report by the end of August, 1951.

(b) Does not arise.

#### LOANS TO LOCAL BODIES

**\*117. Shri S. C. Samanta:** Will the Minister of Health be pleased to state:

(a) the amount set apart for loans to Local Bodies in the year 1951-52;

(b) the corresponding amount in the year 1950-51; and

(c) how has the amount been distributed up till now and who are the recipients with the amount allotted to each?

**The Minister of Health and Communications (Rajkumari Amrit Kaur):**

(a) Rs. 74 lakhs.

(b) Rs. 66 lakhs.

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

## STATEMENT

The amount of loans so far Distributed to Local Bodies during the years 1950-51 and 1951-52.

Name of local body	Amount of loan distributed during	
	1950-51	1951-52 (up to now)
	Rs.	Rs.

**Delhi**

- (1) Delhi Joint water & Sewage Board 40.27 lakhs 10 lakhs
- (2) Delhi Municipal Committee 8.00 lakhs
- (3) New Delhi Municipal Committee 7.00 lakhs
- (4) Shahdara Municipal Committee 0.73 lakhs

**Ajmer**

- (1) Ajmer Municipal Committee 5.00 lakhs
- (2) Be war Municipal Committee 4.50 lakhs

## RESTRICTIONS ON BANKS

\*118. **Shri Biyani:** Will the Minister of Finance be pleased to state:

(a) the names of the banks that were asked to stop receiving fresh deposits by the Reserve Bank of India during the period beginning from March 31, 1951 and ending June 30, 1951;

(b) the reasons for issuing such directions by the Reserve Bank of India; and

(c) the effects of such directions on the business of the banks concerned in particular and banking business in general?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) Only one bank, namely, the Calcutta National Bank Ltd. was prohibited from receiving fresh deposits by the Reserve Bank of India under section 42(3A)(b) of the Reserve Bank of India Act during the period.

(b) The prohibitory order was issued by the Reserve Bank of India on account of the Bank's persistent defaults in the maintenance of the statutory balances with the Reserve Bank as required under section 42 of the Reserve Bank of India Act.

(c) The Calcutta National Bank Ltd. was prohibited from accepting fresh deposits with effect from the 14th of May, 1951. The bank suspended payment from that date and on an appli-

cation made by it, the Calcutta High Court granted it an interim moratorium up to the 21st May, 1951 which has subsequently been extended up to 27th August, 1951.

The suspension of payment by the Calcutta National Bank Ltd. did not have any adverse repercussions on other banks or banking business in general.

## ELECTION EXPENSES

\*119. **Shri S. N. Das:** Will the Minister of Law be pleased to state:

(a) whether the various State Governments have been asked to give their suggestions regarding fixation of maximum election expenses as envisaged in the Representation of the People Act (No. 2);

(b) if so, whether their opinions have been received and considered; and

(c) what is the final decision of Government in this respect?

**The Minister of Law (Dr. Ambedkar):** (a) Yes.

(b) and (c). The suggestions received from the various State Governments are at present under consideration, and the maximum election expenses will be laid down in the rules which are shortly to be made under the Representation of the people Act, 1951, as envisaged in section 77 of that Act.

## WOMEN VOTERS OF RAJASTHAN

\*120. **Shri Raj Kanwar:** Will the Minister of Law be pleased to state:

(a) whether it is a fact that the names of some five lakh women voters of Rajasthan have been struck off the Electoral Rolls of that State as, instead of their proper names being recorded therein, they were somehow described as wife, sister or daughter of so-and-so, and that this was apparently done under a misapprehension;

(b) whether such a situation has arisen or a similar mistake crept in in respect of any other State also and if so, in which State; and

(c) if the reply to parts (a) and (b) above be in the affirmative, what steps Government have taken or propose to take in the matter in order to ensure a proper notification of the mistake at this stage?

**The Minister of Law (Dr. Ambedkar):** (a) to (c). In the draft electoral rolls of some States, entries relating to a large number of women voters did not contain their names, but gave only

their description as, for instance, 'wife of', 'daughter of', or 'sister of', so and so. Such entries are not in consonance with law which requires the names of electors to be entered on the rolls. In order to assist women voters to get themselves properly registered and avoid being disenfranchised, the Election Commission issued instructions to the State Governments that every effort should be made, through governmental agencies, to ascertain the real names of those women voters who were not registered on the rolls by their actual names. The public were invited to assist in giving the names of such women voters, and the period for the filing of claims and objections to the preliminary electoral rolls was also extended from time to time in some of the States for this purpose. In Rajasthan particularly several such extensions were given. While in some States, advantage was taken of these new instructions and the extensions of time given to set right the defective entries, in some others, the response was poor, with the result that the names of a certain number of women voters had to be removed from the electoral rolls. A statement showing very roughly the estimated number of such women voters in each State is laid on the Table. [See Appendix I, annexure No. 26].

The Election Commission is of the opinion, and Government agree with the Commission, that nothing more can be done at this stage to improve the position without seriously affecting the election programme.

#### STORAGE OF STOCKS AT MILITARY DEPOTS

\*121. **Shri T. N. Singh:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that storage conditions in various Military stores depots are far from satisfactory and that many articles have seriously deteriorated owing to their lying in the open; and

(b) by which time Government hope to store these goods under covered sheds?

**The Minister of Defence (Sardar Baldev Singh):** (a) Yes--to the extent there is not adequate accommodation. Every endeavour is being made to place all kinds of stores under cover, preference being given to valuable and perishable ones.

(b) As soon as covered accommodation required for the purpose can be built within the limitations of finance and building material.

#### EXEMPTION TO PRINCES FROM INCOME-TAX

\*122. **Shri T. N. Singh:** Will the Minister of Finance be pleased to state:

(a) the loss in income-tax due to exemptions to Princes so far as these exemptions apply to business concerns owned by these Rulers;

(b) whether it is a fact that certain businessmen are profiting from such exemptions by reason of partnership with Princes in such concerns; and

(c) how many Princes are beneficiaries from such exemptions from income-tax?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) The income from business carried on by or on behalf of the Rulers of the erstwhile Indian States and the Ruler of Jammu and Kashmir is not exempt from income-tax, but by virtue of an executive concession which has been continuing since the year 1917, the personal income of the Rulers is exempt from super-tax. It is not possible to give any idea of the loss of super-tax on the business income of the Rulers since no separate statistics have been maintained in respect of such tax.

(b) The exemption from super-tax, but not from income-tax, applies only to the personal income of the Ruler. The businessmen in partnership with the Ruler will not therefore be exempt and he cannot profit by the exemption.

(c) The information is not available, but it is being collected and will be placed on the Table of the House.

#### PANDIT COMMITTEE ON AYURVEDIC TREATMENT

\*123. **Shri B. N. Munavalli:** Will the Minister of Health be pleased to state:

(a) whether Government have received a report of the Pandit Committee appointed to advise on the subject of research and teaching Ayurveda;

(b) if so, what its main recommendations are;

(c) whether Government have accepted any of the recommendations; and

(d) if so, what are they?

**The Minister of Health and Communications (Rajkumari Amrit Kaur):** (a) Yes.

(b) A statement showing the main recommendations of the Committee is

laid on the Table of the House. [See Appendix I, annexure No. 27].

(c) and (d). Government have accepted in principle the Committee's recommendation that the proposed Central Research Institute in Indigenous Systems of Medicine should be established at Jamnagar in association with the Gulab Kunwarba Ayurvedic Institute. The necessary details regarding the administrative machinery, the housing of the Institute and other matters connected with the setting up of the Institute are being worked out in consultation with the Saurashtra Government. The other recommendations of the Committee, which are contained in Part II of its Report, are still under examination.

#### AID FOR TECHNICAL EDUCATION FROM U.N.E.S.C.O.

\*124. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Education be pleased to state the aid in men, money or material which India has received from the U.N.E.S.C.O. for the furtherance of technical Education?

(b) What is the total number of Indian students who are now receiving higher technical education abroad under U.N.E.S.C.O. Schemes?

**The Minister of Education (Maulana Azad):** (a) A statement is laid on the Table of the House. [See Appendix I, annexure No. 28].

(b) Nil.

#### CHAMBAL HYDRO-ELECTRIC SCHEME

\*125. **Shri Ghule:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether it is a fact that the site where the work of the Chambal Hydro-electric Scheme was going on, had to be changed recently?

(b) If so, what are the reasons?

(c) Who was responsible for selecting the wrong site?

(d) What amount of money would be lost due to this change?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) Yes, Sir.

(b) (i) Unsuitable foundations at the original site and consequent expensive and uncertain remedial measures involved in its treatment; and

(ii) Suitable foundation conditions at the new site—3 miles downstream which offer scope for a saving both in time and money.

(c) The original site was selected by the Indore State authorities, before the

merger, on the recommendations of Dr. S. M. Baxter—a foreign geologist.

(d) About Rs. 10 lakhs in foundation excavations and 2 lakhs on other miscellaneous works. But as mentioned in answer to part (b) above, the change of site is expected to effect a substantial overall saving.

#### KIDNAPPING OF CHILDREN IN DELHI

\*126. **Shri Ghule:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that a gang of child-lifters has been arrested in Delhi recently.

(b) the number of children and young girls rescued from these criminals; and

(c) how many persons have been arrested in this connection?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) Yes.

(b) 33.

(c) 35.

#### ELECTRICITY PRODUCTION

\*127. **Shri Amolakh Chand:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the number of kilowatt hours of electricity produced in Part C States from April, 1950 to March, 1951 as compared to the electricity produced from April, 1949 to March, 1950; and

(b) whether there is a decrease in production of electricity in the year 1950-51 and if so, the reasons therefor?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) 138.9 million units (kilowatt hours) of electricity were produced in Part 'C' States from 1st April, 1950 to 31st March, 1951, as compared with 128.2 million units (kilowatt hours) produced from 1st April, 1949 to 31st March, 1950.

(b) As will be seen from answer to part (a) above, there has been an increase of 10.7 million units (kilowatt hours). The question thus does not arise.

#### FILM ENQUIRY COMMITTEE

\*128. **Shri Amolakh Chand:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether the attention of Government has been drawn to the recent violent criticisms appearing in



various English and language papers against the present trend of Indian Films which do not represent Indian culture but degenerate Indian youth;

(p) if so, what steps have been taken by Government to improve the Indian films;

(c) whether the report submitted by the Films Enquiry Committee has been published;

(d) if not, whether Government propose to publish it; and

(e) what steps have been taken to implement its recommendations?

**The Minister of State for Information and Broadcasting (Shri Diwakar):** (a) and (b). Government have seen certain comments in newspapers which have been brought to the notice of the Central Board of Film Censors for suitable action.

(c) and (d). The report is under print and will be published shortly.

(e) The recommendations are under examination in consultation with State Governments.

पाकिस्तान को कपड़े का चौयानियन

१२८ (ए) डा० देवी सिंह : क्या वित्त मंत्री यह बतलाने की कृपा करेंगे कि :

(क) क्या यह एक तथ्य है कि छोटी सादड़ी (राजस्थान) से होकर पाकिस्तान को चोरी से भेजा गया कपड़ा पाकिस्तान की सीमा पर पकड़ लिया गया ;

(ख) यदि ऐसा है तो इस मामले में क्या कार्यवाही की गई ; तथा

(ग) क्या यह कपड़ा बेचने के लिए व्यापारियों को लौटा दिया गया ?

CLOTH SMUGGLED TO PAKISTAN

[\*128-A. Dr. Devi Singh: Will the Minister of Finance be pleased to state:

(a) whether it is a fact that cloth smuggled to Pakistan through Choti Sadri (Rajasthan) was seized at the Pakistan border;

(b) if so, what action has been taken in the matter; and

(c) whether the cloth was again given to the merchants for sale?]

**The Minister of Finance (Shri C. D. Deshmukh):** (a) No.

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

#### MAINTENANCE OF BUILDINGS

\*129. Prof. Ranga: (a) Will the Minister of Defence be pleased to state how much is budgeted for new works and how much on the repairs of existing works in the Defence Services?

(b) What steps are being taken to ensure that the expenditure on repairs is minimised and with what results?

(c) Is there any relationship between the cost of the total establishments and their repairs, that is, under normal conditions?

(d) What steps are being taken to see that either unnecessary repairs are not undertaken or that inadequate repairs on repeated occasions are not taken up leading to waste of public funds?

(e) What portion of this expenditure is incurred in demolishing the out-dated buildings and other structures?

(f) What steps are being taken to utilise buildings which have exceeded their life-periods for specific purposes, for less essential purposes for some more years, instead of demolishing them?

**The Minister of Defence (Sardar Baldev Singh):** (a) Budget provision for 1951-52 is as follows:

(i) New Works	Rs. 12.35 crores.
(ii) Maintenance of Buildings, communications and maintenance and operation of installations.	Rs. 9.45 crores.

(b) Grants for maintenance have in recent years been less than those authorised according to prescribed percentages and therefore only essential maintenance works are carried out.

(c) It is difficult to separate repairs or maintenance from the total works load as the same staff whilst carrying out new works deal with maintenance. The establishment charges of the M.E.S. are, therefore, related to the whole works load and every possible effort is made to ensure economy in these charges.

(d) Budget grants are inadequate and therefore, only minimum essential repairs are carried out. Repairs, where essential, are carried out adequately as a whole and not by bits.

(e) If the out-dated structures happen to be within occupied set of lines, then the general practice is to

carry these out by troop labour. Serviceable material recovered from demolition are taken on books, and issued to other works. In the case of buildings outside occupied lines, they are generally sold by auction, which includes clearance of site. The M.E.S. expenditure on establishment does not, therefore, include charges for demolishing the out-dated buildings.

(f) All installations, buildings, etc., within and without Cantonments are carefully reviewed by the Heads of the Services to see how best they can be used for their own Service, after suitable repairs. If they are not required, they are offered to other Central Ministries and State Governments. In accepting the need for constructing new buildings the position of the existing buildings and the possibility of their utilisation after essential repairs is fully considered.

#### COUNTERFEIT COINS

\*129-A. **Shri V. K. Reddy:** (a) Will the Minister of Finance be pleased to state what is the number of cases of making counterfeit coins and notes, detected during the last year?

(b) What was the value of these notes and coins detected?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) and (b). So far as counterfeit notes are concerned, I would invite the attention of the hon. Member to the reply given by me on the 23rd May, 1951 to Starred Question No. 4432. As regards coins, the actual number of cases in which the counterfeiters were apprehended by the various state authorities is not known but two such cases were reported in the Press. 2,73,756 counterfeit coins of different denominations of the value of Rs. 58,311-7-6 were cut at Treasuries and Railway Stations during 1950-51.

#### PUBLICISING OF ELECTIONS

\*129-B. **Shri Jagannath Das:** Will the Minister of Information and Broadcasting be pleased to state what steps Government have taken or are taking for explaining to the people the importance of general elections through the press, radio and film etc.?

**The Minister of State for Information and Broadcasting (Shri Diwakar):** Broadcasts on the Constitution of India, adult suffrage, preparation of electoral rolls, procedure of elections and similar aspects of the coming elections have been arranged by all stations of All India Radio; in addition a number of short talks in simple terms

have also been included in the programme in various Indian languages. These broadcasts are being put out since April, 1950.

A film entitled 'Rights and Responsibilities', dealing mainly with the franchise and the functions and duties of the electorate, has been exhibited on the circuits of the Films Division covering over 3,000 cinema houses. 16 mm. copies have been supplied to State Governments for exhibition through mobile vans.

A film dealing with the mechanics of general elections is also under preparation in consultation with the Election Commission for release shortly before the elections. A pamphlet on the same subject is also under preparation and it is further proposed to provide information to the Press in the form of a series of feature articles.

#### ECONOMY IN OFFICES UNDER I. AND B. MINISTRY

\*129-C. **Shri Jagannath Das:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the economy measures taken so far to reduce the expenditure in the Press Information Bureau, All India Radio, Publications Division and Film unit; and

(b) the amount saved in each case?

**The Minister of State for Information and Broadcasting (Shri Diwakar):** (a) and (b). A statement is laid on the Table of the House. [See Appendix I, annexure No. 29].

#### EXPENSES ON HIRAKUD PROJECT

\*129-D. **Shri Jagannath Das:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the expenses incurred so far on Hira Kud Dam project and the progress made;

(b) the present stock of tools and plants and approximate value;

(c) the amount spent after health amenities of officers, and other ranks separately for the years 1949, 1950 and the first half of 1951;

(d) who is working at present as Chief Engineer, his salary and qualifications,

(e) the details regarding method of paying wages bill to labourers;

(f) the additional expenses per month towards labour employed on muster rolls besides work done through contractors; and

(g) when it is expected to complete the project?

**The Minister of Natural Resources and Scientific Research - (Shri Sri Prakasa):** (a) The expenditure incurred on the Hirakud Dam Project to the end of June, 1951 is Rs. 10.43 crores. As regards the progress of work on the project, all the preliminary works relating to the roads and railways are complete. The building works are nearing completion. The foundations for the main dam have been opened out and excavated. The earthen dam and dykes are under construction. The foundations of subsidiary dam are under excavation. 25 per cent. of the work of the subsidiary reservoir (earth dam) has been completed. 450 miles of main canal and branches have been aligned and 25 per cent. of the work in excavation of Canals has also been completed. Orders for two units of 24,000 kW for Power House No. 2 and two units of 37,500 kW for Power House No. 1 along with Switchgear and sub-station equipment have been placed. Most of the construction plant has been received.

(b) The present stock of ordinary tools and plants consists of more than 1,500 items such as levelling instruments, theodolites, drilling instruments and implements, axes, pick axes, shovels etc. Approximate value of present stock is Rs. 9,45,783.

(c) Figures of annual expenditure incurred on health amenities are not available separately for officers and other ranks. Total expenditure on health amenities for both the categories is:

	Rs.
1948-49	... 372
1949-50	... 48,982
1950-51	... 1,22,311
1951-52 (upto 6/51)	... 24,859
<b>Total</b>	<b>... 1,96,524</b>

(d) Shri Kanwar Sain, I.S.E., C.E. (Roorkee) M.I.E. (India), M.Am. Soc. C.E., M.Am. C.I., is working as Chief Engineer of the Project in addition to his own duties as Member (Designs) of the Central Water and Power Commission.

His pay is Rs. 3,250 per mensem less 5 per cent. emergency cut.

(e) Labour is generally employed on muster roll and work-charged basis. Muster roll mazdoors are paid weekly by a Supervisor or Sub-Divisional Officer, and work-charged staff monthly by the Sub-Divisional Officers.

(f) The average monthly payment made to labour employed on muster roll is about one lakh of rupees.

(g) The Project is expected to be completed in the year 1955-56, subject to the provision of requisite funds.

#### ADMINISTRATIVE AND JUDICIAL OFFICERS

\*129-E. Maulvi Wajed Ali: (a) Will the Minister of Home Affairs be pleased to state whether former I.C.S. Officers used to do both executive and Judicial work and there were two separate Cadres for the same?

(b) Are the present I.A.S. Officers exclusively recruited for Administrative work, or are they required to do Judicial like former I.C.S. Officers?

(c) If the answer to part (b) above be in the negative, do Government propose to recruit officers for exclusive judicial work on an all-India service basis?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) There were two Branches in the former I.C.S. Cadre in its senior grade; an Executive Branch and a Judicial Branch which were however not water tight divisions. Those assigned to the Executive Branch were to perform administrative including magisterial functions while those assigned to the Judicial Branch performed purely judicial functions.

(b) They are recruited for administrative work which, of course, includes Magisterial functions.

(c) No, Sir. It has been left to the State Governments to create such Judicial Services as they may require.

#### RAILWAY PASS TO MILITARY PERSONNEL

\*129-F. Dr. Deshmukh: Will the Minister of Defence be pleased to state:

(a) if Army Personnel on leave are given passes only to travel by passenger and not by Mail or Express;

(b) the date from which this rule has been brought into force;

(c) the difficulties in the way of continuing the concession to travel by Mail and Express; and

(d) whether Government would consider the matter sympathetically?

**The Minister of Defence (Sardar Baldev Singh):** (a) Yes, in so far as the journeys covering a distance of less than 400 miles are concerned.

(b) 1917.

(c) Shortage of funds and also to prevent over-crowding on these trains.

(d) The decision was taken after due consideration.

**CRIMINAL TRIBES ENQUIRY  
COMMITTEE**

\*129-G. **Shri Kesava Rao**: Will the Minister of Home Affairs be pleased to state whether any of the recommendations of the Criminal Tribes Enquiry Committee have been implemented?

The Minister of Home Affairs (**Shri Rajagopalachari**): The views of the State Governments on the recommendations made by the Committee have been asked for, and replies from some of them are still awaited. Government are advised that the repeal of the Criminal Tribes Act and its substitution by a less stringent Act as recommended by the Committee is within the sole legislative competence of the State Governments. The Government of India have recommended to them in the meantime, that, pending legislative action, the administration of the Criminal Tribes Act may be liberalised and made less stringent.

There are no tribes classified as Criminal Tribes in Himachal Pradesh, Manipur, Andaman and Nicobar Islands, Coorg and Bilaspur. Action is being taken in Bhopal and Vindhya Pradesh to enact a measure on the lines of the Habitual Offenders Act in force in Bombay and Madras. Replies are awaited from Ajmer, Kutch and Tripura.

Certain difficulties have been pointed out in Delhi in connection with the movement of an unknown number of persons belonging to groups registered under the Criminal Tribes Act in West Punjab and elsewhere. These difficulties are being examined by Government.

**MEDICAL UNIT TO KOREA**

\*129-H. **Shri Joachim Alva**: Will the Minister of Defence be pleased to state:

(a) when the Medical Unit was sent out to the Korean front to relieve the distressed;

(b) whether this Unit was despatched only to the South Korean front; and

(c) why was no Unit despatched to the North Korean front?

The Minister of Defence (**Sardar Baldev Singh**): (a) 8th November, 1950.

(b) and (c). The Medical Unit was sent to assist the United Nations Forces fighting in Korea. The question of sending the Unit specifically to North or South Korea does not, therefore, arise.

**HIGHER EDUCATION FOR ABORIGINALS**

\*129-I. **Shri Blyani**: Will the Minister of Education be pleased to state:

(a) the number of students who received benefit from the amount set apart each year for the promotion of higher education among the aboriginals and hill tribes; and

(b) the names of the States where this amount was spent and how much of it was spent in each State?

The Minister of Education (**Maulana Azad**): (a) and (b). The hon. Member's attention is drawn to a statement laid on the Table of the House. [See Appendix I, annexure No. 30.]

**STAFF OF HOME MINISTRY**

\*129-J. **Prof. K. T. Shah**: Will the Minister of Home Affairs be pleased to state what was the number of officers, clerks or servants, in the Ministry of Home Affairs including all attached and subordinate offices appointed temporarily in the first instance and were either made permanent, retrenched or retired in each of the years 1947-48 (post-partition period only), 1948-49, 1949-50 and 1950-51, in or under the Ministry?

The Minister of Home Affairs (**Shri Rajagopalachari**): The information asked for is not readily available. Its collection will involve a disproportionate expenditure of time and labour and I hope the hon Member will not press for it.

**NATIONAL CADET CORPS, ASSAM**

\*129-K. **Maulvi Wajed Ali**: Will the Minister of Defence be pleased to state:

(a) the total number of National Cadet Corps Centres so far opened in the State of Assam;

(b) the total number of officer and the total number of Cadets so far received or are receiving training in Assam; and

(c) whether Government propose to open additional training centres in Assam during the present year?

The Minister of Defence (**Sardar Baldev Singh**): (a) Twentyfive.

(b) 19 Officers of the Senior Division and 29 Officers and 810 cadets of the Junior Division have completed their training.

810 Cadets of the Junior Division and 469 cadets of the Senior Division are now receiving training.

(c) No, Sir.

## LIBRARIES IN INDIA

\*129-L. **Dr. Ram Subhag Singh:** Will the Minister of Education be pleased to state whether it is a fact that the U.N.E.S.C.O. has requested the Government of India to send to that organisation an up-to-date complete list of libraries in India of all kinds?

**The Minister of Education (Maulana Azad):** Yes.

## SET UP OF DAMODAR VALLEY CORPORATION

19. **Shri Kamath:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether any change in the financial set up and in the autonomy of the Damodar Valley Corporation has recently been effected or is contemplated so as to make it more amenable to Central and Parliamentary control; and

(b) if so, on what lines and in what respects?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) and (b). No change in the financial set up or in the autonomy of the Corporation is at present contemplated. These matters were thoroughly discussed recently at two conferences with the representatives of the Governments of West Bengal and Bihar, and the D.V.C. It was agreed at these conferences that instead of taking recourse to the letter of the law, conventions should be set up with a view to making the desired improvements in the working of the D.V.C. One such convention is that whenever there is a difference of opinion between the Financial Adviser and the Corporation, the former should refer the matter to the Government of India under intimation to the D.V.C. and ask for a decision.

## ELECTORAL ROLLS FOR GENERAL ELECTION

20. **Dr. M. V. Gangadhara Siva:** (a) Will the Minister of Law be pleased to state by which date the preliminary electoral rolls are likely to be finalised in various parts of the country?

(b) What time is likely to be taken in the printing of the final electoral rolls and is it proposed to print them in India or outside?

**The Minister of Law (Dr. Ambedkar):** (a) The electoral rolls are expected to be finally published by the end of this month.

(b) The rolls are not to be printed before final publication. Only addenda and corrigenda necessitated by claims and objections will be printed and added to the preliminary rolls. No printing has been or will be done outside India.

## DELHI IMPROVEMENT TRUST LAND

21. **Dr. M. V. Gangadhara Siva:** (a) Will the Minister of Health be pleased to state how much land under the control of the Delhi Improvement Trust is available for building purposes?

(b) Are all the lands sold by auction or by fixation of prices?

(c) Has any co-operative Housing Society been allotted land?

(d) If not, what is the policy of Government as regards the fixation of prices and other conditions of allotment of plots of such lands to co-operative societies for construction of building?

(e) Do Government propose to grant lands at concessional rates to lower middle class people, who can build houses on co-operative basis?

**The Minister of Health and Communications (Rajkumari Amrit Kaur):** (a) The developed land at present available with the Delhi Improvement Trust for building purposes, is 21.34 acres.

(b) According to the Land Disposal Rules of the Trust, all land is normally disposed of in a competitive manner either by auction or tender.

(c) No.

(d) and (e). The question as to how co-operative Housing Societies can be helped to acquire land is under the consideration of Government.

## USE OF CHARTERED PLANES BY MINISTERS

22. **Shri Kamath:** Will the Minister of Home Affairs be pleased to refer the answer given to my Starred Question No. 4804 asked on the 9th June, 1951 regarding rules governing the use of special or chartered planes by Ministers and state:

(a) whether it is a fact that certain Cabinet Ministers while travelling on duty by chartered planes allowed some non-entitled persons to travel with them;

(b) whether any sums are due from any Minister or Ministers on that account;

(c) if so, the names of such Ministers; and

(d) the amount recoverable from each of them?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) Yes.

(b) and (c). The sums due were written off under the orders of Government. The journeys in question were undertaken before clear rules were laid down for the chartering of 'planes by hon. Ministers and probably in the belief that there was no irregularity involved. It is not considered desirable under the circumstances to name the Ministers.

(d) The sums due were Rs. 1,015 in one case and Rs. 822 in another. It is not possible to ascertain what the sum due was in a third case, as the list of non-entitled persons is not available with the Air Companies concerned and no records were maintained by the Ministry.

#### CALCUTTA NATIONAL BANK

**23. Shri Kamath:** Will the Minister of Finance be pleased to state:

(a) whether the Calcutta National Bank Ltd., on whom the Reserve Bank of India served notice last May ordering it to virtually suspend operations, has been advised or assisted to merge with some other Bank so as to enable it to resume its normal working; and

(b) if so, where the matter rests at present?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) and (b). The Reserve Bank of India did not serve any notice on the Calcutta National Bank Ltd. to suspend its operations, but in view of its repeated failure to keep the minimum prescribed deposit with the Reserve Bank, they prohibited the Bank under section 42(3A)(b) of the Reserve Bank of India Act, from receiving fresh deposits. The Bank suspended payment of its own accord. The Reserve Bank have no statutory power to direct any bank to amalgamate or merge with any other bank. They can advise only when the Bank concerned comes to an arrangement with other bank or banks for an amalgamation or merger and approach the Reserve Bank. No such scheme of amalgamation has so far been submitted for the approval of the Reserve Bank.

#### WOMEN VOTERS AND ELECTORAL ROLLS

**24. Shri S. N. Das:** (a) Will the Minister of Law be pleased to state the total number of entries made for women voters which were subsequently removed according to the instructions issued by the Government of India on the ground that they

did not bear the proper name of women voters—giving Stateswise figures?

(b) Is it a fact that these entries were made by the enumerators without asking the names from those for whom these entries were made?

(c) Is it a fact that a large number of representations have been received by Government to revise the electoral roll with a view to include the names of large number of such women voters?

(d) If so, have Government considered those representations and come to any decision?

**The Minister of Law (Dr. Ambedkar):** (a) to (d). The attention of the hon. Member is invited to the reply to starred question No. 120 given on 9th August, 1951.

#### REHABILITATION FINANCE ADMINISTRATION

**25. Sardar Hukam Singh:** Will the Minister of Finance be pleased to state:

(a) the number of applications of displaced persons disposed off by the Rehabilitation Finance Administration during April, May, June and July, 1951;

(b) the amount of loan sanctioned and the amount actually advanced as loans;

(c) the number of applications still awaiting disposal on the 31st July, 1951; and

(d) whether Government intend allowing the Finance Administration to receive fresh applications for loans?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) The number of applications disposed of is as under:

April, 1951	...	973
May, 1951	...	889
June, 1951	...	858
July, 1951	...	1051

(b) The amount of loans sanctioned and that advanced during the above period is given below:

	Amount	
	sanctioned	advanced
	Rs.	Rs.
April 1951	32.62 lakhs	10.55 lakhs
May, 1951	29.21 ..	16.13 ..
June, 1951	30.60 ..	18.0 ..
July, 1951	27.60 ..	13.66 ..

(c) 7,355 applications.

(d) It has been decided that the Administration will entertain fresh applications from all categories of displaced persons irrespective of the date of their migration upto the 30th September, 1951.

INCREASED D. A.

**25-A. Shri A. C. Guha:** Will the Minister of Finance be pleased to state what will be the total increase in Government expenditure consequent on the decision of Government to sanction an increase of Rs. 5 in the dearness allowance of the Central Government servants?

**The Minister of Finance (Shri C. D. Deshmukh):** The total increase in Government expenditure is estimated at Rs. 9 crores per annum approximately.

#### HIGH COURTS JURISDICTION

**25-B. Shri S. N. Das:** Will the Minister of Home Affairs be pleased to state:

(a) the names of High Courts functioning in India;

(b) the names of such High Courts which exercise jurisdiction in any area outside the state in which they have their principal seats giving the extent of jurisdiction in each case?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) There is a High Court in every Part A and Part B State.

(b) The Calcutta High Court has jurisdiction over the Andaman and Nicobar Islands; the Madras High Court over Coorg; and the Punjab High Court over Delhi.

Thursday, 9th August, 1951



# PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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VOLUME XIV, 1951

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

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Fourth Session

of the

PARLIAMENT OF INDIA

1951



## CONTENTS

*Volume XIV.—6th August, 1951 to 29th August, 1951*

	<i>Columns</i>
<b>MONDAY, 6th August, 1951—</b>	
President's Address to Parliament . . . . .	1—28
<b>TUESDAY, 7th August, 1951—</b>	
Motions for Adjournment—	
Exorbitant rise in the price of cloth . . . . .	29
Civil Defence of India against invasion by Pakistan . . . . .	29—31
Papers laid on the Table—	
President's Assent to Bills . . . . .	31
Report of the India Delegation to the Twelfth Session of the United Nations Economic and Social Council . . . . .	31—32
President's Proclamation assuming to himself all functions of the Government of Punjab . . . . .	32
Expenditure incurred on Medical Treatment in India and abroad of Ministers	32
Toofan Express Accident . . . . .	32
Ordinances promulgated after the termination of the Third Session of Parliament 1950-51 . . . . .	32
Essential Services (Prevention of Strikes) Bill—Introduced . . . . .	33
Indian Railways (Amendment) Bill—Introduced . . . . .	33
Parliament Prevention of Disqualification Bill—Further consideration of clauses—Postponed . . . . .	33—79
Assam (Alteration of Boundaries) Bill—Discussion on motion to consider—Not concluded . . . . .	80—100
<b>WEDNESDAY, 8th August, 1951—</b>	
Business of the House—	
Hours of Sitting . . . . .	101
Papers laid on the Table—	
Expenditure from the Aviation Share of the Petrol Tax Fund . . . . .	102
Indian Companies (Amendment) Bill—Introduced . . . . .	102
Punjab State Legislature (Delegation of Powers) Bill—Introduced . . . . .	102—03
Assam (Alteration of Boundaries) Bill—Passed, as amended . . . . .	103—62
Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Bill—Discussion on motion to consider—Not concluded . . . . .	162—90
<b>THURSDAY, 9th August, 1951—</b>	
Papers laid on the Table—	
Notifications under Section 2C of Insurance Act, 1938 . . . . .	181
Amendments to Cinematograph (Censorship) Rules, 1951 . . . . .	191
Notification in accordance with Section 4A of Indian Tariff Act, 1934 . . . . .	192
Appropriation Accounts—Defence Services, 1948-49; Audit Report, Defence Services, 1950; Commercial Appendix to Appropriation Accounts, Defence Services, 1948-49; Appropriation Accounts—Railways, 1948-49 (Parts I and II); Railway Audit Report, 1950; Balance Sheets of Railway Collieries and Statements of all-in cost of coal etc. for 1948-49; and Capital Statements, Balance Sheets and Profit and Loss Accounts of Govt. Railways, 1948-49. . . . .	192—93
Resolution re President's Proclamation on Failure of Constitutional Machinery in Punjab—Adopted . . . . .	193—255
Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Bill—Further Consideration postponed . . . . .	255—60

(ii)

	<i>Columns</i>
<b>THURSDAY, 9TH AUGUST, 1951—Contd.</b>	
Business of the House—	
Change in Hours of Sitting . . . . .	260—82
Employment of Children (Amendment) Bill—Passed, as amended . . . . .	262—67
Opium and Revenue Laws (Extension of Application) Amendment Bill— Passed, as amended . . . . .	267—71
Sea Customs and the Central Excises and Salt (Amendment) Bill—Passed . . . . .	271—73
Resolution <i>re</i> Convention for Suppression of Traffic in persons and exploita- tion of Prostitution—Further discussion postponed . . . . .	273—78
Notaries Bill—Motion to consider moved . . . . .	278—80
<b>FRIDAY, 10TH AUGUST, 1951—</b>	
Death of Shri Narayana Murthi . . . . .	281
Motions for Adjournment—	
Dalkhowchar and Salapara Islands . . . . .	281—83
Alleged election arrangement between Food Minister, U. P., and Sugar Industrialists . . . . .	283—84
State Financial Corporations Bill—Presentation of Report of Select Committee . . . . .	284
Tariff Commission Bill—Presentation of Report of Select Committee . . . . .	284
Forward Contracts (Regulation) Bill—Extension of time for presentation of report of Select Committee . . . . .	284—85
Delhi Premises (Requisition and Eviction) Amendment Bill—Extension of time for presentation of Report of Select Committee . . . . .	285—93
Go-Samvardhan Bill—Extension of time for presentation of Report of Select Committee . . . . .	293—94
Motion on Address by the President—Discussion not concluded . . . . .	294—329
	330—72.
Papers laid on the Table—	
Correspondence between the Prime Ministers of India and Pakistan . . . . .	329
<b>SATURDAY, 11TH AUGUST, 1951—</b>	
Presentation of the Report of the Committee on the Conduct of a Member . . . . .	373
Motion on Address by the President . . . . .	373—500
<b>MONDAY, 13TH AUGUST, 1951—</b>	
Papers laid on the Table—	
Statement <i>re</i> Railway Stores Enquiry Committee . . . . .	503
Resolution <i>re</i> raising of export duty on groundnuts and levy of export duty on oilseeds and vegetable oils not otherwise specified—Adopted . . . . .	504—43
Evacuee Interest (Separation) Bill—Introduced . . . . .	543
Punjab State Legislature (Delegation of Powers) Bill—Discussion on motion to consider—Not concluded . . . . .	544—90
<b>TUESDAY, 14TH AUGUST, 1951—</b>	
Message from the President . . . . .	591
Business of the House . . . . .	591—82
Punjab State Legislature (Delegation of Powers) Bill—Discussion on motion to consider—Not concluded . . . . .	593—706
<b>THURSDAY, 16TH AUGUST, 1951—</b>	
Indian Explosives (Amendment) Bill—Introduced . . . . .	707—08
Punjab State Legislature (Delegation of Powers) Bill—Further consideration postponed . . . . .	708—10
Indian Companies (Amendment) Bill—Referred to Select Committee . . . . .	710—74
<b>FRIDAY, 17TH AUGUST, 1951—</b>	
Papers laid on the Table—	
Statement showing action taken by Government on assurances etc., given during Third Session (Second Part) 1951 . . . . .	775
Punjab State Legislature (Delegation of Powers) Bill—Passed, as amended . . . . .	776—821
Delhi and Ajmer Rent Control Bill—Referred to Select Committee . . . . .	821—31

## (iii)

	<i>Columns</i>
<b>FRIDAY, 17TH AUGUST, 1951—Contd.</b>	
Notaries Bill—Discussion on motions to consider and to refer to Select Committee—Not concluded . . . . .	832—41
Import of Dates . . . . .	842—52
<b>SATURDAY, 18TH AUGUST, 1951—</b>	
Displaced Persons (Debts Adjustment) Bill—Introduced . . . . .	853
Notaries Bill—Referred to Select Committee . . . . .	853—56
Evacuee Interest (Separation) Bill—Referred to Select Committee . . . . .	856—99
Tariff Commission Bill—Discussion on motion to consider—Not concluded . . . . .	899—930
<b>MONDAY, 20TH AUGUST, 1951—</b>	
Forward Contracts Bill—Presentation of Report of Select Committee . . . . .	931
Displaced Persons (Debts Adjustment) Bill—Referred to Select Committee . . . . .	931—74
Tariff Commission Bill—Discussion on motion to consider, as reported by the Select Committee—Not concluded . . . . .	974—1014
<b>TUESDAY, 21ST AUGUST, 1951—</b>	
Papers laid on the Table—(i) Amendments to Delhi Motor Vehicles Rules, 1940, (ii) Amendments to Punjab Motor Vehicles Rules, 1940 . . . . .	1015—16
Tariff Commission Bill—Consideration of clauses—Not concluded . . . . .	1016—98
<b>WEDNESDAY, 22ND AUGUST, 1951—</b>	
Papers laid on the Table—	
Declarations of Exemption under Registration of Foreigners Act, 1939 . . . . .	1099—1100
Agreement <i>re</i> Loan from U. S. A. for purchase of Foodgrains . . . . .	1100—01
Motion for Adjournment—	
Fast by public men of Andhra <i>re</i> formation of Andhra Province . . . . .	1101—03
Tariff Commission Bill—Consideration of Clauses—Not concluded . . . . .	1103—80
<b>THURSDAY, 23RD AUGUST, 1951—</b>	
Resolution <i>re</i> measures for increased food production—Negatived . . . . .	1181—1205
Resolution <i>re</i> necessity for an All India Bar—Withdrawn . . . . .	1205—09
Resolution <i>re</i> opening of Provident Fund Accounts in Post Offices—Withdrawn . . . . .	1209—11
Resolution <i>re</i> altering the boundaries of West Bengal—Negatived . . . . .	1212—54
<b>SATURDAY, 25TH AUGUST, 1951—</b>	
Railway Companies (Emergency Provisions) Bill—Introduced . . . . .	1255
Papers laid on the Table—	
Statement <i>re</i> Food Position . . . . .	1255—56
Business of the House . . . . .	1256—59
Tariff Commission Bill—Passed, as amended . . . . .	1259—87
Benares Hindu University (Amendment) Bill—Referred to Select Committee . . . . .	1287—1328
Aligarh Muslim University (Amendment) Bill—Referred to Select Committee . . . . .	1287—1328
Government of Part C States Bill—Consideration of clauses—Not concluded . . . . .	1328—56
<b>MONDAY, 27TH AUGUST, 1951—</b>	
Statement <i>re</i> Japanese Peace Treaty . . . . .	1357—62
Business of the House . . . . .	1362—63
Papers laid on the Table—	
Constitution (Removal of Difficulties) Order No. II (Third Amendment) Order . . . . .	1363
Third Annual Report of Industrial Finance Corporation . . . . .	1363
Indian Companies (Amendment) Bill—Extension <sup>1</sup> of time for presentation of report of Select Committee . . . . .	1363—64
Government of Part C States Bill—Consideration of clauses—Not concluded . . . . .	1364—1426

**TUESDAY, 28TH AUGUST, 1951—***Columns***Papers laid on the Table—**

(i) Recommendation by I. L. C. concerning Vocational training of adults including disabled persons ; and (ii) Action proposed to be taken by Government of India on the recommendation . . . . .	1427
Occupation of two islands in the Brahmaputra by Pakistan Police . . . . .	1427—30
Government of Part C States Bill—Consideration of clauses—Not concluded	1430—1524

**WEDNESDAY, 29TH AUGUST, 1951—****Motion for Adjournment—**

Maintenance of electrical equipment in Parliament Chamber . . . . .	1525—27
---	---------

**Papers laid on the Table—**

Delhi Road Transport Authority (Advisory Council) Rules, 1951 . . . . .	1527
Madras Port Trust (Amendment) Bill—Introduced . . . . .	1527
Government of Part C States Bill—Consideration of clauses—Not concluded	1528—94

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

191

PARLIAMENT OF INDIA  
Thursday, 9th August, 1951

The House met at a Quarter to  
Eleven of the Clock

[MR. DEPUTY-SPEAKER in the Chair.]

QUESTIONS AND ANSWERS

(See Part I).

11-45 A.M.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER SECTION 2C OF  
INSURANCE ACT, 1938

**The Minister of Finance (Shri C. D. Deshmukh):** I beg to lay on the Table (i) a copy of the Ministry of Finance Notification No. Ins. A.83(1)/49, dated the 12th May, 1951, under sub-section (2) of Section 2C of the Insurance Act, 1938. [Placed in Library. See No. P-187/51.]

I also beg to lay on the Table (ii) a copy of the Ministry of Finance Notification No. Ins. A.87(1)/50, dated the 24th May, 1951, under sub-section (2) of Section 2C of the Insurance Act, 1938. [Placed in Library. See No. P-188/51.]

AMENDMENTS TO CINEMATOGRAPH (CENSORSHIP) RULES, 1951

**The Minister of State for Information and Broadcasting (Shri Diwakar):** I beg to lay on the Table certain further amendments to the Cinematograph (Censorship) Rules, 1951, under Section 9(5) of the Cinematograph Act, 1918. [See Appendix I, annexure No. 32.]

217 PSD

192

NOTIFICATION IN ACCORDANCE WITH  
SECTION 4A OF INDIAN TARIFF ACT,  
1934.

**Shri C. D. Deshmukh:** I beg to lay on the Table a copy of the Ministry of Finance Notification No. 52-Customs, dated the 30th June, 1951, in accordance with sub-section (2) of Section 4A of the Indian Tariff Act, 1934. [Placed in Library. See No. P-190/51.]

(i) APPROPRIATION ACCOUNTS-DEFENCE SERVICES, 1948-49; (ii) AUDIT REPORT, DEFENCE SERVICES, 1950; (iii) COMMERCIAL APPENDIX TO APPROPRIATION ACCOUNTS, DEFENCE SERVICES, 1948-49; (iv) AND (v) APPROPRIATION ACCOUNTS—RAILWAYS, 1948-49 (PARTS I AND II); (vi) RAILWAY AUDIT REPORT, 1950; (vii) BALANCE SHEETS OF RAILWAY COLLIERIES AND STATEMENTS OF ALL-IN-COST OF COAL ETC. FOR 1948-49; AND (viii) CAPITAL STATEMENTS, BALANCE SHEETS AND PROFIT AND LOSS ACCOUNTS OF GOVT. RAILWAYS, 1948-49.

**Shri C. D. Deshmukh:** I also beg to lay on the Table a copy of each of the following papers, in accordance with the provisions of Article 151 of the Constitution:

- (i) Appropriation Accounts of the Defence Services for the year 1948-49. [Placed in Library. See No. IV. O. 1(94).]
- (ii) Audit Report, Defence Services, 1950 (including Report on the Appropriation Accounts of the Defence Services for the year 1948-49). [Placed in Library. See No. IV. O. 1(95).]
- (iii) Commercial Appendix to the Appropriation Accounts of the Defence Services for the year 1948-49 and the Audit Report thereon. [Placed in Library. See No. IV. O. 1(96).]
- (iv) Appropriation Accounts of Railways in India for 1948-49. Part I—Review. [Placed in Library. See No. IV. U(a) (36).]

[Shri C. D. Deshmukh]

- (v) Appropriation Accounts of Railways in India for 1948-49. Part II—Detailed Appropriation Accounts. [Placed in Library. See No. IV. U(a) (36).]
- (vi) Railway Audit Report, 1950—Report on the Audit of the Accounts of the Railways in India, including the Appropriation Accounts for 1948-49. [Placed in Library. See No. IV. U(a)(76).]
- (vii) Balance Sheets of Railway Collieries and Statements of all-in-cost of coal, etc. for 1948-49. [Placed in Library. See No. IV. U(a)(71).]
- (viii) Capital Statements, Balance Sheets and Profit and Loss Accounts of Indian Government Railways, 1948-49. [Placed in Library. See No. IV. U(a)(74).]

**RESOLUTION RE. PRESIDENT'S PROCLAMATION ON FAILURE OF CONSTITUTIONAL MACHINERY IN PUNJAB.**

**Mr. Deputy-Speaker:** The House will now proceed with the Resolution to be moved by the hon. Shri Rajagopalachari.

**Dr. Deshmukh (Madhya Pradesh):** Before that may I request you to give your decision with regard to the meetings of the House, whether we are going to meet from tomorrow in the morning or in the afternoon?

**Mr. Deputy-Speaker:** Is the time of the Resolution to be taken away by this? I shall take time to consider the matter.

**The Minister of Home Affairs (Shri Rajagopalachari):** I beg to move:

"That this House approves the Proclamation issued by the President on the 20th June 1951, under clause (1) of Article 356 of the Constitution assuming to himself all the functions of the Government of Punjab".

The circumstances in which the President issued the Proclamation are probably already known to most Members of the House, I will briefly recapitulate them.

On the 16th of June, the Chief Minister of the Punjab, Dr. Gopichand Bhargava, called on the Governor and submitted to him the resignation of

himself and his colleagues in the Ministry. He also informed the Governor that he was not prepared to form a Ministry. The Governor asked for time to consider the matter and asked Dr. Gopichand in the meanwhile to carry on. The Punjab Legislature consisted of 77 Members, of whom 70 were believed to owe allegiance to the Congress. The Governor felt that under the peculiar circumstances which had come to his notice he must ascertain whether any other Congressman was prepared to form a Ministry. Dr. Gopichand informed the Governor that in view of the directive of the Congress Parliamentary Board no Congressman in the House would agree to form a Ministry. But the Governor felt that he should ascertain it for himself. Accordingly he invited Shri Bhimsen Sachar, ex-Chief Minister and Sardar Pratap Singh Kairon, the President of the Punjab Congress Committee to meet him which they did the next day. In the course of the discussion they made it clear that they were not prepared to form a Ministry. The Governor decided that as the strength of the Congress was nearly 70 out of 77, there was no point in sending for any of the others and came to the conclusion that it was impossible to form an alternative stable Ministry. He submitted these facts to the President in a report on the 17th of June and asked for the instructions of the President in accordance with Article 356 of the Constitution. As it was quite clear that there was no possibility in the circumstances reported, of an alternative Ministry being formed, the President was advised by Government to issue a Proclamation and take over to himself, as President of India, all the functions of the Government of the Punjab.

These are the immediate facts which justify constitutionally the issue of the Proclamation. The State of Punjab was created in circumstances of great difficulty. The Ministry that was set up on the 15th August, 1947 had to function in very difficult conditions which no other Government in this country has had to face. The people of the Punjab too have, ever since Partition, gone through great tribulations. It is a remarkable demonstration of their resilience and spirit of enterprise that they have gone through these difficulties with courage and practical sense and have made great progress in rehabilitating themselves. But in the difficult conditions that have existed since Partition, the majority Parliamentary Party in the Punjab Legislature and the Ministry have had to pass from crisis to crisis. The first Ministry that was set up after

Partition resigned in April, 1949, and an alternative Ministry of the same Party took office. With a view to ensuring cohesion and unity of purpose, the Congress Central Executive arranged that the new Ministry should include some of those Congressmen who went out with the former Ministry and, in particular, Dr. Gopichand himself. This Ministry, however, had to resign in six months and Dr. Gopichand came back as Chief Minister in October, 1949. Internal disputes unfortunately developed again and it became difficult for the Ministry to function satisfactorily.

The Congress Parliamentary Board had to consider the situation in the light not merely of feelings in the Party and the political situation in the Punjab but also in the context of the Punjab being a vital frontier State, and directed the Chief Minister to submit his resignation and instructed that no other Congressman in the Assembly Party should agree to form a Ministry. This led to what I already stated, viz. the formal report of the Governor and the Proclamation of the President.

I have had to deal with Party matters which ordinarily do not need to be referred to in the House. But I felt it would be fair to explain things up to the point of making the position understandable.

It is a matter of very deep regret to us that within so short a period after the inauguration of the new Constitution, it should have been found necessary to suspend normal constitutional arrangements in any part of India and to take over the affairs of the State under direct Central supervision under the Government of India. This is not the same as the old picture under Section 93 of the Government of India Act by which provincial autonomy was substituted by arbitrary authority, under certain circumstances. Here there is no cessation of responsibility to democracy. Yet the Government regret that it became necessary to disturb the normal distribution of responsibility. Our regret is all the greater because the Punjab passed through so much suffering and distress, and made such magnificent efforts to rehabilitate herself. It is our earnest hope that these unfortunate difficulties will become a story of the past and that a situation will arise in which normal constitutional arrangements will be restored. In the meanwhile, however, there is no alternative to the administration of the State being vested in the President and I therefore ask the House to

approve of the Proclamation issued by him. I may inform the House that all reports show that the people of the State appreciate the difficulties that led to the Proclamation and have reacted in a most co-operative spirit to the appeal of the Governor.

**Mr. Deputy-Speaker.** Resolution moved:

"That this House approves the Proclamation issued by the President on the 20th June, 1951, under clause (1) of Article 356 of the Constitution assuming to himself all the functions of the Government of Punjab".

**Shri Kamath (Madhya Pradesh):** On a point of clarification, may I ask whether in the Punjab Legislature there was a recognized opposition and whether after Dr. Gopichand Bhargava resigned and expressed further his inability to form a Ministry, did the Governor formally send for the Leader of the Opposition and ascertain his views as regards his ability to form a Ministry?

**Mr. Deputy-Speaker:** There is no recognized opposition.

**Shri Rajagopalachari:** If it is a supplementary question, I can answer straightaway but if it is a debate, I can understand the thing coming in the ordinary course but I do not wish to delay having heard the question. I have already said that 70 out of 77 belonged to the Party and the Governor felt that there was no point in sending for others if the object was to create an alternative stable Ministry but in a theoretical way he might have gone through it, but I said what actually happened.

**Mr. Deputy-Speaker:** There are a number of amendments. After the amendments are moved discussion both on the Resolution and also on the amendments will take place.

**Sardar B. S. Man (Punjab):** I beg to move:

That at the end of the Resolution the following be added:

"till the general elections have taken place and the new State Assembly meets."

**Mr. Deputy-Speaker:** Amendment moved:

That at the end of the Resolution the following be added:

"till the general elections have taken place and the new State Assembly meets."

**Dr. Deshmukh:** I do not wish to move but I want to make the suggestion in a speech.

**Shri R. Velayudhan** (Travancore-Cochin): I beg to move:

That at the end of the Resolution the following be added:

"but is of the view that the Government of India is responsible for creating a situation which took away from the people of Punjab the right of democratic Government."

**Mr. Deputy-Speaker:** Amendment moved:

That at the end of the Resolution the following be added:

"but is of the view that the Government of India is responsible for creating a situation which took away from the people of Punjab the right of democratic Government."

**Sardar Hukam Singh** (Punjab): I stand in an amendment yesterday.

**Mr. Deputy-Speaker:** I have got the amendment of the hon. Member. I am afraid it is out of order. His amendment reads as follows:

That at the end of the Resolution the following be added:

"and is of the opinion that the Ministers and Members of the Legislature suspended, against whom there may be reasonable grounds for believing that they have been guilty of corruption, nepotism or other serious misconducts, may be proceeded with and suitably punished."

The amendment does not fall within the scope of the Resolution. The hon. Member may if he likes bring forward an independent Resolution in this matter as this relates to the manner in which it ought to be done. The House will proceed to discuss the Resolution and the amendments that have been moved.

**Sardar B. S. Man:** I have to rise with a sense of sorrow and pain to offer my observations and move my amendment that a suspension of State

**Mr. Deputy-Speaker:** Hon. Members are aware that this is a Resolution, as such there is a limit of time on the speeches. Not more than 15

minutes will be allowed for each Member.

**Dr. Parmar** (Himachal Pradesh): May I know how long the discussion will continue?

12 NOON.

**Mr. Deputy-Speaker:** As long as hon. Members want to speak at the rate of 15 minutes per Member. Possibly it may be closed today. Hon. Members may not be under the impression that there will be another day allotted, so that they may reserve their speeches for the next day. They must try to go by the time and finish possibly before the end of the day.

**Sardar B. S. Man:** I am indeed pained when I move my amendment that the suspension of the Constitution, the State Assembly and its Ministry continue till the General Elections have taken place and the new Assembly meets. Ordinarily, I would not have moved this amendment but for the reasons, that in the Presidential speech as well as the hope expressed today by the hon. Mover of the Resolution that soon conditions may be restored there and that a Ministry may be re-installed. The President in his speech says that he regrets very much that it should have been necessary to issue this Proclamation and hopes that it will not be very long before normal constitutional arrangements are re-introduced in Punjab.

It is a very regrettable incident for that unfortunate Province to the lot of which misery after misery has come after the attainment of Independence, uprooted humanity, refugees still unsettled, a State without its capital, no industry yet established and that at such a time such a calamity should fall upon them and that they should be denied the constitutional right to govern through their own chosen representatives, and I do admit that I share the shame of the Province which accompanies such an incident and such a step.

But at this stage let the impression not go down that perhaps it was through the incompetence of Punjab, its people or its chosen representatives that such an impasse came about and not forget the role of very high personages at the Centre, played in bringing about and foisting such a shame upon the Province. I will not tire you with the details of personal rivalries, jealousies, group politics, intrigues in the State Assembly. Indeed I say which is the Province which is free really from these jealousies, these muddy politics? Which Province is really free from all this today? It was an unfortunate case that Punjab



was very near the capital and jealousies and intrigues can travel very speedily to Simla, the distance between Delhi and Simla being too small. Otherwise we were just sharing the politics and intrigues that were happening in other States.

Ordinarily, it is true we could not have referred to this and when a political party issues directions to its members, they are perfectly entitled to do so, but the peculiar circumstances of this case do warrant that we should refer to them lest we may forget in our anxiety to lay the blame on easy victims who were really behind the scenes pulling the wires. First the direction was issued that a no-confidence motion may be brought about against Dr. Bhargava. That no-confidence motion was brought about and was defeated. Then he had a perfect constitutional right to proceed with his Government, but later on again a directive was issued that in spite of the fact that he was in a majority, he could not form the Ministry. Perhaps this was a repetition of the old precedent which was established long before when Mr. Saahar was elected as the Leader of the Party. He was not allowed to form a Cabinet of his own choice and he was asked to have nominees of the opposing group. This was a repetition of it this time. Exactly it recoiled upon Dr. Bhargava. I would not tire the patience of the House by going through all the internecine and internal quarrels. But, let no credit be taken that because my Province was bleeding or unfortunate in this respect, it was with a very soft corner for the Province that the Government came to the conclusion that there should be no Ministry. In fact, the real difficulty arose in the Congress executive and they could not reconcile the opposing camps of group politics in the Punjab. Reversely speaking, may I take it that, because the Province, is very unfortunate and so steeped in misery, and if Dr. Bhargava—of course he was permitted to be the Chief Minister and he was asked to take two nominees of the opposing camp—had taken the two other Ministers who had earlier been Ministers, into the cabinet, all the misery and misfortunes that have befallen the province would have vanished overnight? I consider personally that it was not at all a soft corner or even a desire on the part of the Central Government to smooth out the affairs.

**Master Nand Lal (Punjab):** On a point of order, Sir, has the hon. Member the right to talk about party politics here?

**Sardar B. S. Mani:** May I proceed to reply to the point? I hope I will be permitted to refer to these things in the peculiar circumstances of the case and in view of the precedent created by the Mover of the resolution when he referred to the circumstances in which it came about that Dr. Bhargava, in spite of the fact that he was in a great majority, refused to form a Ministry. It was not for the love of resignation that Dr. Bhargava did it. After all, we people sitting in this House should know the real facts, and then, we could apportion the blame where it is due.

I was saying that a directive went to Dr. Bhargava to take in two Ministers of the opposite camp. I would like to refresh the memory of the hon. Members here that in the Punjab, all these persons who were named to be Ministers were at one time or other Ministers. This hue and cry that for the clearance of the Augean stables in the Punjab or the purification of the administration, or to remove corruption, such a step was taken, I consider, does not appear to be correct. Mr. Sachar was the Chief Minister. Sardar Pratap Singh Kairon was a Minister and was in charge of the Anti-Corruption department. He was a Minister for one and a half years. I beg to state that all the ministerial permutations and combinations had been tried in the Punjab. There was no new Minister with such a vital personality or drive who was to be brought in to effect purification. The persons were there and they had chances of being Ministers earlier. It was purely a family matter, purely a group matter, due to wire-pulling at the Centre. In fact, it is an open secret that different Ministers and different Members from the Punjab seek inspiration from New Delhi. Every morning they came to Delhi and went back to Simla in the evening. I wanted to make it clear that this effort to take credit and show that because the administration in the Province was too corrupt, such a step is taken, is wrong and is not absolutely borne by the facts.

[SHRIMATI DURGABAI in the Chair]

Strangely enough by the time these intrigues, pulling down of Ministries and again and again trying different combinations, and shifting loyalties in the Assembly were taking place, the people in the Province were dissatisfied. Unwittingly, good has flown, though unintentionally, from this step. The people were frustrated and they have welcomed the move. That is why I say that I welcome this move. But, the argument should have been that because of the corrupt practices of the politicians, they were forced to take

[Sardar B. S. Man]

the step. That is the reason why people have welcomed the move and I have moved my amendment that, if ever they succeed in bringing about a reconciliation between the different personalities and compromising the different rivalries in the State Assembly, even then, I request that the Government here should rise above narrow sectional points of view and not instal a Ministry which definitely is not representative of the people, in the peculiar circumstances. We are uprooted people. Many of our constituencies are not there. Many Members are still representing Multan, Rawalpindi, Jhelum, Lyallpur and Lahore. There is no sanction behind them to participate in constitutional matters in the Assembly. They are liable to be free-lances. It is a fact that the present Assembly does not reflect the true political opinion of the Province. Such being the case, if through the efforts of some well-meaning friends, a certain reconciliation is brought about between different groups, I am afraid that perhaps my charge that it was just because they could not reconcile the opposing camps that this step has been taken may come to be true and you will instal a Ministry. The Governor in the Province has started well. In fact, it is a healthy competition. Perhaps, he wants to show that what the popular representatives could not do, he will do. He has started rooting out corruption. But, I am afraid, he has started at a lower level. Only petty officials are being caught. Those people who were in conspiracy with the previous Ministry are being allowed to go scotfree. It would be much better and it would be a healthy precedent too if beginning from the Ministers, and the responsible officials who were responsible for the corrupt political life of the Province are also brought to book. With these words, I move my amendment and want to have an assurance that, whatever were the motives before, a truly healthy practice will be brought about. If at all a Ministry is contemplated to be installed, let it be declared now that it will not be installed simply because the rival personalities have compromised between themselves; but let the people, and there is a large section which is not represented in the Assembly, be given a chance and a fairly broad-based Ministry representing and reflecting the true political opinion of the Province be installed till the general elections. Let there be no illusory and temporary gain. The argument again and again has been that if they have a neutral administration,

perhaps the Congress will not fare well in the elections. I know people here are democratic and they are very fair. Let the new elections in the Punjab take place under a neutral administration and let the people be permitted to send true representatives. Let there be no illusory temporary gain; let there be a long-range and broad-based Ministry in the Province.

**Sardar Hukam Singh:** I rise to support the Resolution wholeheartedly. It is a strange coincidence, certainly. I have not been supporting the Government on most occasions. But, I have to congratulate myself that at least once I have found an opportunity where I entirely concur with the action that has been taken by the Central Government.

I am coming to the reasons and if the action taken is just and can be justified on merits, certainly I will develop that habit and continue in it.

**An Hon. Member:** Or if it is in your favour.

**Sardar Hukam Singh:** If the policy or the actions of these Ministers are found to be so heinous and reprehensible, then certainly my hon. friends would allow me to continue in the course that I am pursuing just at present. It has been given out that the Congress Party interfered, called for the Chief Minister, asked him to resign and further gave a directive that no other member of the Congress Party should form a Ministry. Certainly it can be understood that when there were seventy members out of seventy-seven who owed allegiance to the Congress, there was no use calling the opposition to form a Ministry. I know there was no recognised opposition. There were only seven members who could also not combine among themselves. So there was no use calling them and asking any one of them to form a Ministry, because that was not possible at all. Therefore, the only course open for the Central Government was to advise the President, under these circumstances, to assume all powers for that Province.

It has been stated here by the Mover, how unfortunate this Province of the Punjab has been during partition and even after partition. These tales cannot be related on the floor of the House just during this Resolution. I am however, glad that the Mover has recognised that the Punjabis have shown a marked spirit of perseverance and have stood on their own legs, though I have a complaint that in certain cases, no encouragement has been given, and even when they could stand on their own legs they were

discouraged sometimes. In the beginning it was not considered that they had suffered so much and it was the responsibility of the Government to go to their help as much as possible. But I need not go into those facts now. Anyhow, we have seen that the Punjabis were conspicuous and were head and shoulders above—hon. Members will pardon me if I say—those of any other part of the country.

**An Hon. Member:** Not in all respects.

**Sardar Hukam Singh:** In every respect, I should say.

**An Hon. Member:** Then why quarrel?

**Sardar Hukam Singh:** That also shows virility, particularly at this moment. I have sometimes thought over this matter and I feel that it is due to vitality and virility and these are qualities that India requires, and if these qualities are not encouraged just at present, we will be sorry for that. Everybody here—and I have been talking to my friends in this House—should realise that this physical strength, this bravery, this vitality and even this quarrelsomeness is an asset to our country and must be preserved.

**Sardar Sochet Singh (P.E.P.S.U.):** There are no quarrels in the graveyard! The living only fight.

**Sardar Hukam Singh:** But I have to complain that these qualities are being discouraged and we are being demoralised. Perhaps we are not found to be in tune with the other parts of the country. We are told that the Punjabis are quarrelsome. Certainly we fight against each other when it is peace, but when you want us for war, we are all united and we can show our mettle.

Well, as I said, it is unfortunate that the Punjab has had to face this fate. It is often said that the people get the Government that they deserve; but I assure you that that is not the case with the Punjab. For the people of the Punjab are not to blame. It was not the fault of the people. They were as democracy-minded as anybody else in any other part of the country. They could not choose between this or that. The real fault, as has been stressed by my hon. friend Sardar B. S. Man just now, lay in the fact that during partition, certain circumstances had taken place and the constituencies had got scattered. Most of the people who had elected most of these members had come over to this

side, but they had all been dispersed at different places. The members were not responsible to these people now. They did not go to those particular electors. They could appeal to new ones for fresh votes and therefore, they had become irresponsible. The fault lay with those members and not with the people of the Punjab. The people of the Punjab would certainly prove in the next elections that they can choose their best representatives in whom they could confide.

It was for the Government to see where the trouble lay. I need not go into those facts and as to what the party had been doing, though I entirely endorse the complaint that in choosing the Ministry or in calling upon the leader, always the same criterion had not been applied. Different touchstones were used at different times, and that was the real trouble which brought about all these problems. Anyhow, I admit that there was corruption. There was nepotism and there was every evil that you can hate, though I do maintain that similar things are prevalent in other Provinces as well. But that does not justify that this Ministry also should have been allowed to go on. Rather, we should have expected such action earlier, and I can assure you, the masses feel relieved. Most of us must have read in the newspapers that at some places a 'Deliverance Day' was observed by the people, that they had been delivered from this corruption and nepotism and the other faults that were there.

**Pandit Thakur Das Bhargava (Punjab):** The Muslim League observed a 'Deliverance Day' when the Congress Ministry ended.

**Sardar Hukam Singh:** But the Akali Dal has not observed any, I can assure you. It is the other sections that have observed that 'Deliverance Day.' But I know how the people feel now. They actually feel relieved. There is a definite change in the Secretariat. The general tone of work has gone up. There is punctuality. There is greater honesty and everybody gets down to his own work and feels that there is somebody who can check him. I am not, therefore, afraid to make these observations and say that the masses feel a relief now. The Services are glad and everybody feels happy, though I feel sad and ashamed that democracy has failed in my Province. Though I am glad at the action taken, I feel ashamed that such things should have happened at all. In the address of the President and also in the opening remarks of the hon. Minister there was the hope expressed to restore some constitutional machinery again.

[Sardar Hukam Singh]

the Punjab. I only want to say that I do not have any objection if some other representatives could be brought on top and entrusted with the authority to carry on the administration. But to entrust the Government to those men whom you have already tried and found wanting would be a folly. Rather the prestige of the party in power would go down. Although I have no connection with the party, but from press reports I have seen I find that even the prestige of the State Congress has gone up and there is some improvement everywhere. My only submission is that if you want that this thing should not go on for a longer period you can hold the elections earlier. In the Himachal Pradesh you are holding them in October and there is no harm if you hurry up the elections in the Punjab and hold it in October, in another two months' time. People would be glad. It would be better if the real representatives are brought but it would not now be fair to the electorate if you restore those very men whom you have tried and found wanting.

My amendment went further, that they should all be tried. I know as a matter of fact that there are allegations against certain persons that they were guilty of serious crimes. An enquiry was also made by the Governor and it has been completed. The files are there. I see no reason why such persons should not be proceeded with and some fine examples set for future generations.

With these words and with all the emphasis at my command I support the Resolution placed before the House.

**Shri R. Velayudhan:** Madam, at the outset let me inform the House that when I moved my amendment to the resolution of the Home Minister I had no desire to cast any bad reflections on the Congress Party which was ruling that State, even though hon. the Home Minister himself has had a lot to say about the Congress Party and its activities in that State. I must express with due emphasis that I have one thing in my view, that is, the great principle of Democracy that is involved in the action taken by the President, which is now going to be approved by this House through the Resolution moved by the Home Minister.

India is now in a process of experiment in democracy and our democracy is as infant as that of any other Democracy in Asia. For this reason alone we

should have been very careful when we deal with Democracy, and when we take steps to nourish the same to give proper growth in the country. My own assumption regarding the suspension of constitutional government in Punjab is that all the responsibility for this falls on the Government of India that is ruling this country through its prototypes or counterparts in the States as well. The emergency power now taken by the President is an unprecedented action and I think the Government of India should have foreseen earlier the deterioration that has taken place in that Province. It was not a new thing that there was chaos and confusion in the Punjab Congress Party and among the various groups and communities there. If the Central Government had taken proper steps then and there I think this unwarranted action could have been avoided and the shame heaped on the people of the Punjab could have been avoided.

The Government of India is not a dictatorship Government. It is in the position of a trustee of the people of the various States and they should have dealt with this problem just as a trustee in whom the future of that State's people's democracy is vested. In this respect they have broken the trust and they stand accused before the world of democracy and also before the people of India.

The previous speaker was happy over the taking away of the democratic powers from the people of the Punjab. I must say that I am not at all happy over it because India is passing through a testing process in Democracy. The Government of India should have guided the party in power properly. If it had been done in proper time this situation could have been avoided.

Today the tendency is that the Central Government wants to grab all the power from the States. When I moved this amendment I had one supreme feeling in my mind. When in the Punjab which is the northern most part of India things like this happened similar things may also happen in the South in Travancore-Cochin State also. Only yesterday I heard rumours from representatives of that Government who are here that there is every possibility that the Centre may intervene and perhaps one fine morning the President may issue a Proclamation taking away responsible Government from my State. If it happens I am sure that the Government of India alone would be responsible for imposing such a thing in my State.

**An Hon. Member:** So there is confusion among you also!

**Shri R. Velayudhan:** The Central Government should know that millions of people in the country are not fools or unintelligent. They are capable of managing their own problems and shaping their destiny. They waited for the last four years without any prospect of an election. I think even the General Election which has been tommotted to take place in January may also be postponed indefinitely. As regards the Punjab, the Government themselves have said that they are well prepared for the elections. Now that the delimitation work is over and the electoral rolls are prepared, why should not the elections take place there? Within fifteen days the election could have been conducted there. But the Government of India, I think, do not want an election. They wanted to rule the Punjab as the British did. They want dictatorial power in the name of a phantasy taking shape in the other side of Punjab.

What happened in the Punjab can happen in other States also. The Central Government once wanted to mould in India a type of democracy. But they themselves want now to grab it and have taken dictatorial powers in their hands. It is high time that the people of India rose as one man to see that this dictatorial power is eliminated in the country and democracy established both in the Centre and in the Provinces.

Let us look at the background of the Punjab affairs. There was an elected Legislature in the Punjab before Partition. But the present East Punjab Legislature is the rump of the undivided Punjab Assembly. If the Centre wanted a really representative Government in the Punjab, they could have called the representatives of all the political parties and constituted a ministry as in Rajasthan or Madhya Bharat when there is no elected Legislature at all. But the Government of India do not want even a popular Ministry, they want the Governor's rule there. Who is the Governor of Punjab today? He was the Secretary of the Defence Department when India was waging the war of independence. He was at that time defending Britain against India. And you have hailed your Governor today as the hero of democracy in Punjab! Is there no shame on the part of the Government to hail such—I won't say an individual—an officer as a hero of democracy? Well, the Government of India have now begun to say that the Government in the Punjab is running

well, the administration is going on well, and there is no corruption, there is no scandal and permits and licenses are flowing into the hands of proper persons.

**Dr. Parmar:** Ask the people of Punjab about it.

**Shri R. Velayudhan:** Of course the people of Punjab are not given a chance to express their opinion and you will not give them a chance because you want to rule the country with dictatorial powers. We have asked for plebiscites in other States, we have asked for plebiscites in other countries too. Why cannot the Government take a plebiscite in the Punjab and ask the people whether they want this Government or not? Why should they impose a Governor's rule on the people? The Constitution was framed and the emergency powers were incorporated therein not to be used as the Government like, not to be used as the hand-maid of the present Government according to their likes or dislikes.

**Dr. Parmar:** Have you read the Constitution?

**Shri R. Velayudhan:** Of course. I know the language more than the hon. Member does. Now, if the spirit of that particular Article is taken it would be clear that that power should be taken only when an emergency has arisen, not at a time when half a dozen Members of the executive of the Congress Parliamentary Board decide that the Government should be suspended in that State.

Therefore, I say that the point that we have to consider is that Government have violated a serious principle, a great principle for which the Constitution stood, the principle of democracy. They have violated that principle while the people of India stand for that principle. (*Interruption*). If the hon. Member could not understand my speech I am not to be blamed.

**Mr. Chairman:** May I draw the hon. Member's attention to the fact that the Resolution states that action was taken under Article 356.

**Shri R. Velayudhan:** Therefore there is still time to rectify this mistake. And if the Government do not want to hand over power in Punjab to their own Ministers of the Congress Party, let them hand it over to members of a coalition party. There are other political parties in the Punjab. I think instead of the Governor's rule it is better to have a coalition Government. If India had a

[Shri R. Velayudhan]

coalition Government in place of Congress Government this kind of deterioration, this kind of demoralisation, would not have set in among the people as well as the Government. But you have a majority today and you think you can rule the country with that brute majority. Let me tell you finally that you have done a serious crime in advising the President to suspend the normal constitutional Government in the Punjab.

**Dr. Deshmukh:** My reason for taking part in this debate is not confined to the fact that I derive my name from the State of Punjab. However my interest in the affair is purely constitutional. We have a very curious spectacle before us: here is an Assembly consisting of 77 members seventy of whom belong to one particular party. There is nothing to show that any particular individual Minister or the Ministry as a whole did not enjoy the confidence of the Assembly because essentially the principle on which we are working is that so long as the Ministry enjoys the confidence of the members of any particular party and the party constitutes a majority in the Assembly till then the Ministry is entitled to continue. But here we have a spectacle that in spite of the fact that a particular Ministry enjoys the confidence of the majority, and a very large majority of the members of the Assembly the Chief Minister has tendered his resignation. Naturally we cannot go into the relationship between this Ministry and the Congress Party or the Central Parliamentary Board of the Congress in this House. That is a matter which need not detain us for any length of time because my purpose is to examine the situation from the point of view purely of the Constitution and to see whether it was inevitable that the Government should have come to this conclusion and taken this step. Another reason also why I wish to examine the propriety of this action is to see whether this would constitute a good enough precedent for us to follow in the future. That is why I have really made up my mind to speak on this motion.

If we accept the Resolution—and I have no doubt we should accept it—we would unfortunately be laying down a very curious precedent and that precedent would be that at any moment when the Government of India thinks that a particular Ministry should be suspended, they shall be entitled to do it, because under the present circumstances, although we have the nominal resignation of Dr.

Bhargava, if we read the statement that he has given to the public it is quite clear that he has many things to say. He has also taken up the constitutional issue by pointing out that out of the seventy members that constitute the Congress Party in that Assembly as many as forty follow him and follow him in spite of his decision to resign.

So we have this very curious situation. We are removing a Ministry in spite of the fact that that Ministry enjoys the confidence of the Assembly. We have also not stated the reasons and the whole of India has been led to imagine that there must be some unsatisfactory situation in the State. I would have liked that before any reference to the report of the Governor, according to the Constitution, was made, we should have had some information as to why a party and a Ministry enjoying the confidence of the Assembly was considered undesirable and should be suspended and the Governor's rule introduced. I would have liked the hon. Minister in charge to have stated before this House at least a few grounds on which it was necessary and inevitable that this step should be taken and was called for and that no other step was considered proper and adequate. We cannot ask the Central Parliamentary Board of the Congress, for instance, as to why they called upon Dr. Bhargava to resign, but we can certainly ask the hon. Minister. We have had certain speeches from Members belonging to the Punjab, saying that the whole of Punjab is happy that there is no Ministry. Well, if this were to be the criterion I think there are at least a few Ministries in the whole of India whose suspension or whose removal would give complete satisfaction to the people living in that particular State. So, I submit this is not much of a criterion because if this same criterion were to be applied even to a portion of the Government of India they will have to consider deeply the desirability or otherwise of the continuance of any particular sections of the Cabinet. In acting in this way, we are, of course, not inclined to challenge the motives of the Government nor of the President—we have no such quarrel with them—but in any case it would have been a little better if this step had not been taken at so early a stage. After all, who is Dr. Bhargava? He is a person who is obeying the fiat or order of the Congress implicitly and without protest although constitutionally he would have been quite correct in resisting the demand. If Dr. Bhargava had refused to resign there was nothing anywhere by which

it would have been possible for the Government of India to compel him to resign so long as he enjoyed the support of the majority of the members in the Assembly. Under these circumstances, if the Government had, before taking this step thought of dissolution and re-election or at least of allowing a Council of Ministers or some other Advisers to be associated with the Governor, there would have been some semblance of democratic Government; but instead they have given wholesale and absolute powers in the hands of the Governor. I therefore have proposed an amendment indicating this intention of mine, that even if it was necessary and the Government of India did not see its way to act up to any particular course of action excepting the suspension of the Ministry, it should continue to make a very serious effort to see that the absolute power of the Governor is terminated as early as possible. Some hon. Members have suggested\* that the Governor's rule should continue till the next General Elections. I take the view that in saying so we are condemning ourselves and condemning the democratic method of Government when we say so. The eulogies and praises of the people of Punjab which were offered by Sardar Hukam Singh were absolutely incongruous when he came to the conclusion that the removal of a Ministry which was supported by a majority of the Members was liked by the people of the Punjab. After having paid a compliment to the people of Punjab for their bravery as well as their quarrelsomeness and everything, he ultimately came to the conclusion that they wanted a Governor's rule in preference to the rule by the representatives of the people. Sardar Hukam Singh therefore indulged in a self-contradictory statement. So my only point is that this matter should not be left with the Resolution, but every effort should be made to see that people's representatives are associated in some manner or the other. If it is not possible to have Dr. Bhargava to carry on the Government, I frankly say that I am not interested in any individual in the Punjab, some one else may be asked to undertake the task. I only say that we should not act in a way which smacks of arbitrariness and denial of peoples rights. We should try our best to associate the representatives of the people of Punjab with the Government.

**Dr. S. P. Mookerjee (West Bengal):**

This is one of those rare cases where perhaps the recommendation made by Government seems to be inescapable and at the same time the circumstances which have led to it are of a

most unhappy nature. The history of the Punjab Ministry during the last two years has been a most unfortunate one. Attempts were made from time to time to compose the differences amongst the members of the Party which was ruling the destiny of that Province. All such attempts failed. But here a procedure was adopted which is bound to give rise to misgiving in the minds of all who would like to see the provisions of the Constitution properly followed. The Home Minister started his story by referring to the 16th of June when Dr. Bhargava communicated his resignation to the Governor and the Governor found that no other Ministry could be formed, thus compelling him to report to the President that the emergency powers should be exercised, and the Governor's rule should be promulgated. But how did Dr. Bhargava communicate his decision to the Governor? In fact, the decision had been taken by the All-India Congress Working Committee previously and there the Members of the Congress Working Committee who took this decision were distinguished members of the Central Government itself. It was a case of Dr. Jekyll and Mr. Hyde working in a strange fashion. Shri Rajagopalachari as a member of the Working Committee, among others, had previously decided that Dr. Bhargava should go and that no other Congressman should be called upon to form a Ministry in Punjab. If Dr. Bhargava had refused to accept this mandate of his party executive, it might have led to other consequences which we need not pursue just now. In any case, this was not the kind of case which was contemplated when these emergency powers were embodied in the Constitution. The executive of the Party in power decides for whatever reason that it will not allow any member of its Party to function within a particular State although the Members of the Legislature there might decide in a different way, and the Members of the Central executive of that Party who happen also to dominate the Central Government virtually accept the decision of the Congress executive and advise the President to set in operation the emergency provisions of the Constitution. The Home Minister may ask: Well, what is the alternative if it appears that no stable Ministry could be formed in a particular State because, even if it is admitted for the sake of argument, the members of a particular party quarrel amongst themselves and could not agree to form a stable Ministry, what is the alternative? The other alternative, as has been pointed out

[Dr. S. P. Mookerjee]

by the previous speaker, is that the Legislature must be dissolved. That can only be the other alternative. For a temporary period there may be a Caretaker Government. If this procedure is not followed, the conclusion will become inevitable that a particular Party which is controlling the destinies of the whole country and is dominating over the Central Government may not allow the provisions of the Constitution to operate at all and may continue to exercise its authority over that particular area in an indirect fashion behind the backdoor, which obviously is not the intention of the Constitution.

As I said in a case like this obviously there was no other alternative for the Government of India than to suspend the Constitution and hand over the Province to the Governor because it is the common story that there were too many quarrels amongst Congress members in the Punjab, perhaps sometimes backed by sectional differences amongst the High Command. Therefore, that particular regime had to go. One remark which was made by Shri Rajagopalachari at the end of his speech is interesting. He thanked the people of the Punjab for their co-operative spirit and he said that they reacted excellently to this decision of Government. What exactly is the significance of this? Is it that the people of the Punjab were sick of Congress rule and they wanted a change? When he said this, did Shri Rajagopalachari as a member of the Congress executive and also as Home Minister of the Government of India make an open admission to this House and to the country? It may be so, I do not know. But in that case, it is a very serious affair.

**Sardar Hukam Singh:** What is your opinion?

**Dr. S. P. Mookerjee:** My opinion will be judged some months later. I won't express it now. If that is the case, then this criterion is a rather dangerous one. If you start judging the popularity of each Ministry throughout the country and take decision leading to the dissolution of that Ministry and handing over the State to the Governor, then it will be very difficult to find any exception including the Central Government. Fortunately or unfortunately, there is no provision in the Constitution which can authorise us to suspend the Central Government.

**Shri Rajagopalachari:** If I may interrupt for a minute, the hon. Member has been arguing at some length

on this point, based upon a slender foundation of my having said that the people of the Punjab welcome this thing. Did I say 'welcome'? I did not say 'They welcome'. I said 'They have appreciated the difficulties and have co-operated'.

**Dr. S. P. Mookerjee:** Well, I thought Shri Rajagopalachari had given up his legal profession many years ago.

**Shri Rajagopalachari:** I have not given up accuracy.

**Dr. S. P. Mookerjee:** In any case it is a fact which is admitted on all hands that this decision has been welcomed by the people of the Punjab generally. Shri Rajagopalachari may not specifically admit it, but it is the general verdict of the people of the Punjab that they welcome this change.

Now, to conclude, I would suggest that Government should make up its mind as regards its future policy as soon as possible. It is not desirable that the State of Punjab should remain under Governor's rule until the general elections are held in January. There is no reason why elections here should not be held earlier. And, if in future any such step is taken with regard to any other State, where it appears that although the majority of the members of the legislature are willing to work the Constitution but the executive of the all-India party controlling the destiny of such members of legislature decide otherwise, then the only honourable course and the only constitutional course which can be followed by the Government—not by the executive of that party—is immediately to dissolve the legislature and give the people of the province a chance to decide whether they will return that party to power or whether they will make any other choice. I would like the hon. the Home Minister to make some pronouncement on this very important constitutional issue, so that we may not set a bad precedent for the future.

Several Hon. Members rose—

**Mr. Chairman:** Is any further discussion necessary?

**Prof. Ranga (Madras):** I think the whole of today is set apart for this Resolution.

**Mr. Chairman:** If hon. Members are anxious to speak they can certainly have it.



**बीषरी रनबीर सिंह :** सभानेत्री महोदय, मुझे फ़ैसला करना पड़ा कि मैं हिन्दी में ही बोलूँ क्योंकि मेरे बहुत से साथी ऐसा चाहते हैं, गो अच्छा होता कि मैं अंग्रेज़ी में बोलता क्योंकि आनरेबिल मिनिस्टर साहब शायद हिन्दी को इतने अच्छे ढंग से नहीं समझते हैं। बहरहाल, मैं हिन्दी में ही बोलने का फ़ैसला करता हूँ। जहाँ तक कांस्टीट्यूशन (Constitution) या संविधान का वास्ता है, मैं समझता हूँ कि आर्टिकल ३५६, जिस का हवाला दिया गया है, इस कांस्टीट्यूशन के अन्दर एक सेफ़्टी वाल्व (safety valve) है। जहाँ तक इस मामले का वास्ता है डाक्टर पंजाबराव देशमुख जी ने जो कई बातें कही हैं मैं उन से बहुत कुछ सहमत हूँ। लेकिन मैं यह कहे बीर नहीं रह सकता कि जहाँ तक सेंट्रल गवर्नमेंट (Central Govt.) ने फ़ैसला किया वह कानून के नुकते निगाह से देखा जाय तो बिल्कुल सही है। जहाँ उन्होंने कहा था कि वह इस बात के अन्दर नहीं जाना चाहते कि इस के पीछे क्या बीज थी, क्या कारण थे, अगर इस के अन्दर नहीं जाया जाय तो इस में जरा भी शक नहीं है कि कांस्टीट्यूशन के नुकते निगाह से जो कुछ हुआ है वह दुस्त है। लेकिन इस के साथ जिस सूबे का यहाँ जिक्र है मैं उस सूबे का रहने वाला हूँ। उस के बारे में माननीय मंत्री महोदय ने भी अपनी स्पीच में यह जिक्र किया है कि ७७ मेम्बर्स में से ७० मेम्बर्स कांग्रेस पार्टी के थे। इस के आगे चल कर उन्होंने जो बातें कहीं और उन्होंने जो स्थाल जाहिर किया मैं समझता हूँ कि यह अच्छा होता कि वह उस को जाहिर नहीं करते, क्योंकि मुझे याद है कि जब बंगलौर में कांग्रेस मीटिंग था उस वक़्त पंडित जवाहरलाल नेहरू जो ने एक स्टेटमेंट (statement) निकाला था। उसके अन्दर जो कहा था कि वह बिल्कुल मुश्किल था।

**सभापति महोदय :** क्या आनरेबिल मेम्बर कंटीन्यू (continue) करना चाहते हैं ?

**बीषरी रनबीर सिंह :** जी हाँ।

**Mr. Chairman:** Then the House will stand adjourned till 2-30 p.m.

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

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

[MR. DEPUTY-SPEAKER in the Chair]

**बीषरी रनबीर सिंह :** उपाध्यक्ष महोदय, मैं यह कह रहा था कि कांस्टीट्यूशन के नुकते निगाह से जो कार्यवाही हुई है, उस में तो जरा भी शक नहीं है कि वह बिल्कुल दुस्त थी और विधान में जो सेफ़्टी वाल्व रखा गया था उस का ठीक तौर से इस्तेमाल हुआ। लेकिन इस के साथ साथ कई एक दोस्तों ने और माननीय मंत्री महोदय ने जो टेढ़े तरीके से अपने बयानों में यह जाहिर करने की कोशिश की कि पंजाब के अन्दर यह इसलिये किया गया कि वहाँ पर एक स्टेबिल मिनिस्ट्री (stable ministry) नहीं बन सके। मैं ऐसा समझता हूँ कि यह जो कारण है वह कोई बहुत ज्यादा ठीक नहीं है। यह पंजाब सूबे की ही थकेली बदकिस्मती नहीं है कि जहाँ पर एक से ज्यादा दफ़ा मिनिस्ट्रियां बदली हों और बज़ारत में उथलपुथल हुआ हो। मद्रास में आप के सूबे के अन्दर मेरे हयाल में तीन मर्तबा मिनिस्ट्रियां बदली हैं। इसी तरह से बंगाल के अन्दर भी कोई तीन दफ़ा मिनिस्ट्री बदली है। त्रावनकोर-कोचीन के अन्दर कोई चार पांच मर्तबा बज़ारतों में उथल-पुथल हुई है। आपस के लड़ाई झगड़े का जहाँ तक ताल्लुक है, उस में भी पंजाब कोई एक अकेला सूबा ही ऐसा नहीं है जहाँ सिर्फ़

[चौधरी रनवीर सिंह]

लड़ाई होती हो। मैंसुर में अदम एतमाद में मुश्किल से वहां की बजारत ने एक राय से जीता, हो सकता है कि चार से जीता हो, बहरहाल यह जो मिनिस्टरी की स्टेबिलिटी (stability) का सवाल है, यह सिर्फ पंजाब का सवाल नहीं है और मैं ऐसा नहीं मानता कि यह चीज सिर्फ पंजाब ही में थी और जिस कारण ऐसा ऐक्शन (action) लिया गया हो।

दूसरी बात जो मुझे अर्ज करनी थी वह सिधवा साहब के अमेंडमेंट (amendment) के मुतालिक थी जिस को कि मूव (move) करने का उन्होंने नोटिस दिया था। गो कि उन्होंने उस को मूव नहीं किया है, मैं समझता हूँ कि वह सरासर गलत है। पंजाब की लड़ाई और जो आपस की पार्टी पालिटिक्स (politics) और राई-वैलिरी (rivalry) है, यह हर गान्त में है और मैं यह कोई कारण ऐसा नहीं समझता कि जिस की वजह से बजारत का जो कांस्टीट्यूशन पंजाब में था उस को सस्पेंड (suspend) किया गया हो, बल्कि इस के विपरीत मैं ऐसा मानता हूँ कि पंजाब के अन्दर जैसा कि कई दोस्तों और भाईयों ने कहा है और सरदार हुक्म सिंह जब बोल रहे थे तो उन्होंने भी बतलाया कि पंजाबियों के अन्दर कई एक गुण हैं, लेकिन वह लड़ाई झगड़ा भी करते हैं, हो सकता है कि वे किसी हद तक दुस्त हो और उन में लड़ाई झगड़ा ज्यादा हो लेकिन जहां तक डिस्सिप्लिन (discipline) का ताल्लुक है, मैं यह साफ बतला देना चाहता हूँ कि पंजाब इस में सब से आगे है। आज दूसरे सूबों में हम क्या देख रहे हैं कि आये रोज लोग बजारत छोड़ कर भाग रहे हैं इस डर से कि शायद कांग्रेस आइन्दा इलेक्शन (election) में कामयाब न हो। लेकिन यह पंजाब का ही सूबा है कि जहां बजारत हटा दी गई, असेम्बली को तोड़ दिया गया

और कल क्या होगा यह पता नहीं, तिस पर भी वहां पर एक भी आदमी ने कांग्रेस पार्टी से इस्तीफा नहीं दिया, डिस्सिप्लान का इस से बड़ कर और क्या सबूत मिल सकता है ?

पंजाब का आदमी डिस्सिप्लनड (disciplined) भी है और यह भी साबित हो चुका है कि अच्छे काम के लिये अच्छा फाइटर (fighter) भी है। लेकिन जैसा माननीय मंत्री ने कहा कि ७७ में से ७० आदमी कांग्रेसी थे तो भी क्यों नहीं वे वहां पर हुकूमत चला सके ? मैं तो ऐसा मानता हूँ और जैसा मैं ने पहले कहा था माननीय पंडित जवाहरलाल नेहरू ने बंगलौर सेशन के वक्त मैं एक स्टेटमेंट दिया था, मैं समझता हूँ कि वह ठीक स्टेटमेंट और सच्चा स्टेटमेंट है और वही कारण है जिस की वजह से कांग्रेस पार्लियामेंटरी बोर्ड (Congress Parliamentary Board) इस बात पर मजबूर हुआ कि वह पंजाब की असेम्बली पार्टी के लीडर को यह पलाह दे कि वह अपना इस्तीफा दे दें। कांग्रेस पार्टी ने यह फ़ैसला बहुत दिन से किया हुआ है कि जो टिलर आफ दी स्वायल (tiller of the soil) है उस का एक्सप्लायटेशन (exploitation) बन्द हो लेकिन पंजाब गवर्नमेंट बावजूद इस के कि उस के दोनों नेताओं डाक्टर गोपी चन्द भार्गव और लाला भीम सेन सच्चर ने यह ऐलान किया कि वह जमींदारों के अत्याचारों को बन्द करेंगे और टिलर आफ दी स्वायल के एक्सप्लायटेशन को बन्द करेंगे और उस के लिये जरूरी क़ायदे क़ानून बनायेंगे, अभी तक कोई नतीजा नहीं निकला। जब सच्चर साहब ने इस के लिये क़ानून बनाने की कोशिश की तो उस के बाद उनकी बजारत न टिक सकी, डाक्टर गोपीचन्द भार्गव इस में शक नहीं कि वह

एक आर्डिनेंस (ordinance) बनवा सके थे और एक ऐक्ट भी जिसे टेनेन्ट्स सीक्योरिटी ऐक्ट (Tenants Security Act) कहते हैं, बना सके, लेकिन वह कानून जो उन्होंने बनाया वह इस किस्म का अधूरा कानून था कि जो लोग बीसियों साल से ज़मीन की काश्त करते आते थे, उन को भी आज इजेक्टमेंट (ejectment) का नोटिस दिया जा रहा है। जो भाई पंजाब के नहीं हैं, मैं उन्हें बतलाना चाहता हूँ कि अस्ल में जो परेशानी है, वह टिलर आफ दी स्वायल के एक्सप्लायटेशन की है और यह एक बेसिक प्रिंसिपल (basic principle) था जिस की वजह से कांग्रेस पार्लियामेंटरी बोर्ड इस बात पर मजबूर हुआ कि उन्होंने यह एडवाइस (advice) दी। कई एक दोस्तों ने कहा और मान साहब ने अभी कहा कि कुछ लोगों का ख्याल है या उन को यह खतरा है कि ऐसी कोशिश करते हैं कि आपसी भेदभाव मिटा कर वज़ारत बना दी जाय, मेरा तो विश्वास है कि यह लड़ाई कोई परसनल (personal) लड़ाई नहीं थी। हाँ अगर प्रिंसिपल (principle) का आपस में कोई समझौता हो सकता है तो मैं नहीं समझता कि किसी तरीके से कोई बुराई होगी और पंजाब के अन्दर वज़ारत दुबारा बना दी जाय और उस के लिये मैं समझता हूँ कि सब से बड़ी बात जो जरूरी है वह वह कि उस में जैसा तय किया हुआ कि टिलर आफ दी स्वायल का एक्सप्लायटेशन बन्द हो और अगर कोई सरकार इस एक्सप्लायटेशन को बन्द कर सकती है, तो ऐसी वज़ारत के बनने में कोई कठिनाई और रोड़ा नहीं आना चाहिये और मेरा तो ख्याल है कि हमारे सरदार हुकूमसिंह साहब जो यहां बैठे हुये हैं वह अकाली पार्टी के प्रधान हैं। वह भी इस के बनाने का विरोध नहीं करेंगे

और मैं ऐसा मानता हूँ कि पंजाब स्टेट कांग्रेस पार्टी का भी इस में कोई व्यक्तिगत विरोध नहीं है। इस के साथ साथ अभी जो कई एक दोस्तों ने कहा कि लोग त्रिवेदी का राज्य होने से खुशी मना रहे हैं। खुशी कोई त्रिवेदी के राज्य में नहीं है। मुझे तो ताज्जुब होता है जब यहां संसद् के कुछ सदस्य इसे गवर्नर का रूल (rule) कहें, यह गवर्नर का रूल नहीं है, यह तो प्रेज़ीडेंट का रूल है और प्रेज़ीडेंट रूलल दूसरे शब्दों में पार्लियामेंट का रूल है, और इस रूल को जो आज पंजाब में चल रहा है अनडेमोक्रेटिक रूल (undemocratic rule) नहीं कहा जा सकता है। लेकिन मुझे डर है कि इस रूल पर जो आज खुशी है, वह मुमकिन है कि रंज में तबदील हो जाय, क्यों कि जो लोग आज खुशी मना रहे हैं, उन को यह आशा है कि यह जो टिलर आफ दी स्वायल का एक्सप्लायटेशन है, उस को हिन्दुस्तान की सरकार शायद बन्द कर देने में सफल होगी, लेकिन जैसा कि हम ने अभी तक देखा कि काफ़ी अर्सा हो गया और आसानी से एक आर्डिनेंस से उस के अन्दर तबदीली हो सकती थी और बीस, बीस साल और पचास, पचास साल तक बोनो वाले मुजारों का इजेक्टमेंट बन्द हो सकता था। आज तक इस किस्म का कोई आर्डिनेंस या ऐक्ट में कोई इस तरह की तबदीली करने की कोशिश नहीं की गई और मुझे डर है कि अगर यह कोशिश नहीं हुई तो इस में ज़रा भी शक नहीं कि यह जो खुशी आज है, वह बहुत ज़्यादा दिन टिकने वाली नहीं है।

हमारे पंजाब के अन्दर एक सिस्टम (system) था जिसे ज़ैलदारी सिस्टम कहते थे और ज़ैलदारी सिस्टम में वह आदमी ज़ैलदार हुआ करते थे जो आमतीर

[चौधरी रनबीर सिंह]

पर जायज़ और नाजायज़ सब कामों में अंग्रेज़ी साम्राज्य की मदद किया करते थे।

पहले अगर कोई देशभक्त गांव में अपनी बात कहने आता था तो उस के खिलाफ अगर कोई शहादत देता था तो वह यह ज़ैलदार होता था। पंजाब गवर्नमेंट ने अपने जाने से कुछ दिन पहले यह फैसला किया था कि पंजाब के अन्दर ज़ैलदारी सिस्टम को रिक्वांस्टिट्यूट (re-constitute) किया जाये। एक तरफ तो पंजाब की बज़ारत और सेन्ट्रों को घर भेज दिया गया दूसरी तरफ पंजाब स्टेट कांग्रेस के उस प्रस्ताव पर कोई ध्यान नहीं दिया जा रहा है। पंजाब कांग्रेस ने जहाँ अपने टैनेन्सी ऐक्ट (Tenancy Act) में तत्रदीली करने का प्रस्ताव किया, या वहाँ ज़ैलदारी को दुबारा रिवाइव (revive) न किया जाय यह भी पास किया था। आज गवर्नर इस बात की कोशिश में है कि तमाम पंजाब के अन्दर १५ अगस्त से पहले पहले, ज़ैलदार बना दिये जायें। पहिले जो कैबिनेट (cabinet) थी उस ने ज़ैलदारी रिवाइव करने के आर्डर दिये थे लेकिन उस के अन्दर एक मुहत्तलफ़ प्रिंसिपल था। मैं आज अपने ज़िले के बारे में कह सकता हूँ कि जितने आदमियों को दुबारा ज़ैलदार बनाया गया है उन के लिये किसी तरह से यह नहीं कहा जा सकता कि वह रचनात्मक ढंग से गवर्नमेंट के साथ कोऑपरेट (co-operate) करने वाले हैं, बल्कि जो पुराने ढर्रे के आदमी हैं, उन्हीं को ज़ैलदार बनाया गया है।

مولانا آزاد : گورنر پنجاب کی یہ  
کارروائی نہیں ہے۔ پچھلی مجلسوں کی  
تعمیراتی دھڑ، مگر چکی ہے۔

चौधरी रनबीर सिंह : जनाब आला, जैसा मैं पहले अज़र कर रहूँ था, जो पंजाब गवर्नमेंट थी उस ने प्रस्ताव पास किया था, लेकिन इस में एक प्रिंसिपल सेट (set) किया गया था कि जो आदमी कंस्ट्रक्टिव एक्टिविटीज़ (constructive activities) में गवर्नमेंट का मदद करेगा उस को ज़ैलदार बनाया जायगा। आज हमारे ज़िले में जो ज़ैलदार बनाये जा रहे हैं वह वही आदमी हैं जो ऐन्टी कांग्रेस (anti-Congress) हैं। मैं मौलाना साहब को बतलाना चाहता हूँ कि हमारे ज़िले के अन्दर एक अक़सर ने एक कांग्रेस वाले सज़्जन से जो ज़ैलदार बनना चाहते थे पूछा कि आप को अगर ज़ैलदार बना दिया गया.....

سردار بی - ایس - مان : صاحب  
صدر - کیا ایٹلی کانگریس ہونا اتنا بڑا  
جسم ہے کہ اس کو ذیلدار نہ بلایا جائے  
اور صرف کانگریس والے کو ہی ذیلدار  
بلایا جائے ؟

चौधरी रनबीर सिंह : मेरे लायक़ दोस्त मुझे ग़लत समझ रहे हैं। मैं ने कहा कि मैं खुद हर सिस्टम के खिलाफ़ हूँ। लेकिन मैं बताता हूँ कि जिस तरह ऐन्टी कांग्रेस होना पाप नहीं है, उसी तरह कांग्रेसमैन होना भी पाप नहीं है।

बाबू रामनारायण सिंह : अब तो पाप हो गया है।

चौधरी रनबीर सिंह : आप का यह खयाल हो सकता है क्योंकि आप कांग्रेस को छोड़ भागे हैं लेकिन मैं ऐसा नहीं मानता।

तो मैं हाउस का ज्यादा समय नहीं लेना चाहता। मेरे लायक दोस्त मान साहब ने एलेक्शन के बारे में अभी कहा कि एलेक्शन होने तक मिनिस्ट्री न बन जाय जिस से एलेक्शन फ़ेअर (fair) हो सके। मुझे इस बात का डर नहीं, मुझे इस बात की उत्सुकता भी नहीं कि मंत्रिमंडल जल्द बन जाय। एक महीने में बने, दो महीने में बने, लेकिन एक बात जरूर कहना चाहता हूँ कि जो इम्पार्शल एलेक्शन (impartial election) की बात कहते हैं मैं उन से यह पूछता हूँ कि क्या यह बात सच नहीं है कि पंजाब स्टेट के जितने मुलाजिम हैं वह या तो उस ढर्रे में पले हैं जो कम्यूनलिज्म (communalism) का ढर्रा है या उस ढर्रे के हैं जिस के अन्दर जात पात की भेद भाव की नियत रग रग में घुसी हुई है, उन के नीचे इम्पार्शल एलेक्शन होगा यह मैं नहीं समझ सकता।

(English translation of the above speech)

**Ch. Ranbir Singh (Punjab):** I had to decide to speak in Hindi because most of my hon. friends here want me to do so, although I would have liked to speak in English as the hon. Minister is probably not very well conversant with Hindi. Anyway, I decide to speak in Hindi. So far as the Constitution is concerned, I think Article 356, that has been referred to, is only a safety-valve. As for this particular matter, I am in agreement to a large extent with what Dr. Panjabrao Deshmukh has said. But I must say that the decision taken by the Central Government is quite correct from the legal point of view. If, as he said, he did not want to go through all those reasons and happenings that led to this step having been taken so also we are not to go into these details, then there is not the least doubt that whatever has been done is correct from the constitutional point of view. But I would like to remind the House that I belong to the very State, the affairs of which are now being discussed. The hon. Minister has also said about it in his

speech that there were as many as 70 members out of 77 who belonged to the Congress Party. The hon. Minister then made certain observations and expressed certain views on the matter. It would have been better, in my opinion, had he not done so, because I remember that Pandit Jawaharlal Nehru gave a statement in this connection at the time of the Bangalore Session of the Congress. What he stated therein was totally different from this.

**Mr. Chairman:** Does the hon. Member wish to continue?

**Ch. Ranbir Singh:** Yes, Madam.

**Mr. Chairman:** Then the House will stand adjourned till 2-30 P.M.

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

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

[MR. DEPUTY-SPEAKER in the Chair]

**Ch. Ranbir Singh:** I was submitting that from the constitutional point of view there is no doubt that the step taken is wholly justified and the safety valve provided for in the Constitution has been rightly used. But some of my friends and the hon. Minister have, in an indirect manner, tried to point out that the step taken in Punjab was due to the reason that a stable ministry could not be formed there. I think this argument is not very correct. It is not the misfortune of the State of the Punjab alone that the Ministries have changed more than once and that some ministerial upheaval has taken place. In Madras, your own State, ministries have changed on no less than three occasions. Similarly, the ministry has changed three times in Bengal, and there has been a ministerial crisis four or five times in Travancore-Cochin. So far as the question of personal rivalries and jealousies is concerned, I submit that there too Punjab is not the only State where these things exist. In Mysore, the ministry survived the censure motion only by one vote, or may be by four votes. Anyway, the formation of a stable ministry is not a problem peculiar to Punjab alone and I am not prepared to admit that this was the case only with Punjab and that this was the solitary reason for this action being taken.

Another point that I have to submit is with regard to the amendment of Shri Sidhva of which he gave notice, although he has not moved it. I think it is totally wrong. Party politics

[Ch. Ranbir Singh]

and personal rivalries, that existed in Punjab, can be found in every State and I do not think that could be a reason for suspending the constitution in that State. But, on the other hand, I am prepared to admit, as many of my hon. friends said and as Sardar Hukam Singh also pointed out in his speech, that the people of Punjab possess many qualities but at the same time they are more quarrelsome. All this might be correct to a certain extent and that there might be comparatively more quarrels among them, but so far as discipline is concerned, Punjab is the foremost State. Today, in other States, we find that persons, one after the other, are quitting the ministry because they doubt the success of the Congress Party in the forthcoming elections. But it is the province of Punjab alone where, in spite of the removal of the ministry, in spite of the suspension of the Assembly and in spite of the shaky state of affairs, not a single person has resigned from the Congress. What more convincing proof of discipline than this can there be? The people of Punjab are undoubtedly disciplined and it has also been proved that, for a good cause, they are good fighters as well. But, as the hon. Minister said, if 70 out of 77 members belonged to the Congress party, why could they not form a ministry and run the Government? There I agree and, as I said earlier, the hon. Pandit Jawaharlal Nehru gave a statement during the Bangalore Session,—and I believe it is a correct and true statement—and that is the reason why the Congress Parliamentary Board was forced to advise the leader of the Punjab Assembly Party to submit his resignation. The Congress party has long taken the decision that the exploitation of the tiller of the soil must be stopped but despite the declarations of both the leaders of the Punjab Government, Dr. Gopi Chand Bhargava and Lala Bhimsen Sachar, that the tyrannies of the Zamindars would be brought to an end, that the exploitation of the tiller of the soil would be stopped and that necessary legislation would be enacted, no result has so far come out. When Shri Sachar tried to enact laws in this connection, his ministry could not stay long. Dr. Gopi Chand Bhargava also could not do much although there is no doubt that he could issue an Ordinance and also make an Act, which is known as the Tenants Security Act, but this legislation was so inadequate, and incomplete that even those who have been tilling the land for more than twenty years are being served with

ejection notices. I want to tell those friends of mine, who do not belong to Punjab, that the real difficulty is about the exploitation of the tiller of the soil and that was the basic principle whereby the Congress Parliamentary Board was obliged to advise like that. Many of my friends and Shri Man also said that some people think, or apprehend, that efforts are being made to close up the ranks and then install a ministry there. I personally believe that these differences were not of the nature of personal differences. Of course, if there could be a compromise on principles, I do not think there would be anything wrong and a ministry might be reinstated in Punjab. For that, I think, the most important thing is that the exploitation of the tiller of the soil should, as has already been decided, be stopped and if any Government is capable of stopping it, there should not be any difficulty or obstacle in the formation of such a Government. I also think that Sardar Hukam Singh who is the President of the Akali Party would also not oppose its formation and I believe the Punjab State Congress party too would have no personal objection to it. Now, some of my friends have just said that the people of Punjab have welcomed Trivedi rule and are very happy. I beg to say that the happiness is not because of Trivedi rule. I am rather surprised when some hon. members of this Parliament call it Governor's rule. It is not the Governor's rule, it is the President's rule which, in other words, means the rule of the Parliament. The present rule in Punjab cannot be called an undemocratic rule. But I have a fear that the happiness over the present rule may possibly change into sorrow and regret because those people who are rejoicing today are nourishing a hope that the Government of India would be able to stop the exploitation of the tiller of the soil. But as we have seen, a long time has passed—and as a matter of fact these changes could have been effected by just one ordinance and the ejection of those who have been tilling the soil for twenty and even fifty years could be stopped—but no attempts have so far been made to bring about these changes by any such ordinance or Act and I am afraid if such an attempt is not made, the present happiness is certainly not going to last long.

There was a system in Punjab known as the *Zaidari* system, and under this system only those were appointed

Zaildars who generally helped and supported all acts, whether good or bad, of the British Imperialistic regime. In the past, when some patriot came to the villages and addressed the people, it was the *Zaildar* who used to give evidence against him. The Punjab Government, before going out of office, decided that the *Zaildari* system in Punjab should be reintroduced. On the one hand, the Ministry and members of Punjab were asked to quit but, on the other, no consideration is being given to that resolution of the Punjab State Congress. While the Punjab State Congress suggested changes in the Tenancy Act of the province, it also passed a resolution that the *Zaildari* system should not be revived. Today, the Governor is trying to appoint *Zaildars* in the whole of Punjab before the 15th August. The former Cabinet had given orders to revive *Zaildari* but that decision involved a different principle. Talking about my own district, I can say that all persons who have been appointed *Zaildars* are those about whom it can never be said that they would co-operate with the Government in any constructive manner. On the other hand, those very people who belong to the old system have been appointed *Zaildars*.

**The Minister of Education (Maulana Azad):** The Governor of Punjab has not done it. The proposal had already been made by the last Ministry.

**Ch. Ranbir Singh:** Sir, as I have said earlier, the former Punjab Government did accept that proposal but at the same time a definite principle was laid down that only those persons, who would help the Government in their constructive activities, would be appointed *Zaildars*. Those who are being appointed *Zaildars* in our district today are anti-Congress people. I would like to draw Maulana Saheb's attention to the fact that an Officer in my district asked a Congressman, who aspired to be appointed as a *Zaildar*, that if he was made a *Zaildar* . . . . .

**Sardar B. S. Man:** Is it such a big crime for a man to be anti-Congress that he cannot be appointed a *Zaildar*? Can only a Congressman be appointed?

**Ch. Ranbir Singh:** My hon. friend has not followed me correctly. I have said that I am myself against the re-introduction of that system. But I wish to submit that just as being anti-Congress is not a crime, similarly being a Congressman is also not a sin.

**Babu Ramnarayan Singh (Bihar):** Now it has become a sin.

**Ch. Ranbir Singh:** It might be your view because you have deserted the Congress but I do not subscribe to that view.

I do not want to take much time of the House. My learned friend Sardar B. S. Man just said that the ministry should not be constituted till elections were over so that the elections might be fair. I do not fear that, nor am I too eager for the early formation of a ministry. It might be after one month or two months but I would certainly like to say one thing. I ask those who talk about impartial elections whether it is not a fact that all the employees of the Punjab State are either brought up in an environment of communalism or are persons in whom the mentality of sectarianism and the spirit of discrimination have taken deep roots. Under these conditions, there will be an impartial election is beyond my comprehension.

**बाबू रामनारायण सिंह:** सभापति महोदय, मैं आप को घन्यवाद देता हूँ कि आप ने मुझे इस विषय पर बोलने का अवसर दिया। अभी मेरे भाई चौधरी रनबीर सिंह ने कहा कि कांग्रेसमैन (Congressman) होना पाप नहीं है। इस पर मैंने तफ़ीह में कहा कि अब तो पाप हो गया है। तो इस पर उन्होंने कहा कि हाँ, चूँकि आप ने कांग्रेस छोड़ दिया है इस लिये पाप हो सकता है। लेकिन कांग्रेसी होना पाप नहीं है। मैं तो कहता हूँ कि जिन जिन बातों के लिये कांग्रेस का संगठन हुआ था, जो जो कांग्रेस के सिद्धान्त हैं और जिन जिन प्रभावों, जिन जिन शक्तियों के जरिये हम ने विदेशी राज्य को यहाँ से उखाड़ फेंका उन सभी बातों को अपनाने वाला कांग्रेसमैन होना पाप नहीं है। आज भी मैं समझता हूँ कि बीसा कांग्रेसमैन होना गौरव है लेकिन जिस तरह की दलबन्दी और लूट पाट हम अब कांग्रेस में देख रहे हैं, उस तरह की कांग्रेस में रहना अब मैं समझता हूँ कि पाप है, हर एक आदमी को ऐसा सोचना चाहिये।

सभापति जी, जिस विषय पर हम लोग आज बातें कर रहे हैं वह

[बाबू रामनारायण सिंह ]

बहुत ही मनाहू विषय है। वह साधारण विषय नहीं है। और मैं तो सदस्य से, सारी संसद से प्रार्थना करूंगा कि इस विषय पर वे बड़ी गम्भीरता से विचार करें। मैं तो कहता हूँ कि जो अखिल भारतीय कांग्रेस कार्यकारिणी कमेटी है, जो भारत सरकार है उन सब को भी इस विषय पर विशेष रूप से विचार करना चाहिये। साधारण तौर पर विचार करने से काम नहीं चलेगा। सभापति महोदय, पंजाब में कांग्रेस रूल (Congress rule) खत्म किया गया। यहाँ तक कहा जाता है कि पंजाब के लोग बहुत खुश हैं कि गवर्नर का रूल आया। तो मैं समझता हूँ कि रूल की बात जहाँ तक है, जो लोग शासन से प्रसन्न होने वाले हैं, उन की तो मुबारकबाद है, लेकिन कांग्रेस के सम्बन्ध में जहाँ तक बात कही जा सकती थी और कही जा सकती है तो कांग्रेस देश में सवा के लिये थी और रहेगी। शासन के लिये नहीं। यह बात ठीक है कि जो लोग चाहते हैं कि उन पर शासन हो, तो उन के लिये तो गौरव करना ठीक ही है लेकिन मैं चाहता हूँ, देश चाहता है बाप सब चाहेंगे कि नहीं, सरकार के जरिये से सेवा होना चाहिये, और सेवा यदि पंचायत के द्वारा होनी है तो पंचों को बहुत ईमानदार होना पड़ेगा। इस में कोई शक की बात नहीं है, वैसे कि हमारे चौधरी साहब ने कहा कि वह कौन सा कारण है जिस से पंजाब में गवर्नर रूल कर दिया गया। इस तरह के झगड़े तो सभी जगह हैं। उन्हीं ने बिहार को भी कहा मैं भी जानता हूँ। सभापति महोदय, अखिल भारतीय कांग्रेस कमेटी या प्रबन्धकारिणी या भारत सरकार के जितने सदस्य हैं, राजा जी और मोराना साहब भी बैठे हुए हैं, सारे यह सोचें तो क्या वे यह नहीं जानते हैं कि जिस तरह से

पंजाब में झगड़ा होता था इसी तरह हर सूबे में प्रायः सारे देश में झगड़े होते हैं।

एक माननीय सदस्य : क्या बिहार में नहीं हैं ?

बाबू रामनारायण सिंह : बिहार में तो उस से भी बुरा झगड़ा है। मुझे दुख के साथ कहना पड़ता है, लज्जा से कहना पड़ता है। यह मैं प्रसन्नता के साथ, गौरव के साथ नहीं कहता। आज पंजाब के मंत्रियों को इस्तीफा देना पड़ा ; क्या यह हमारे लिये गौरव की बात है, क्या मैं इस बात की प्रशंसा करूंगा कि वहाँ यह मड़ बड़ हुई। मेरे लिये भी यह लज्जा की बात है। लेकिन जिन के हाथों में ज्यादातर शासन की बागडोर है, जिन लोगों ने पंजाब के मंत्रिमंडल को खत्म किया उन के हृदय में कुछ और बल होना चाहिये। उन में थोड़ी और ईमानदारी होनी चाहिये। देश में जितने मंत्रिमंडल हैं आप उन को खत्म करें। खास कर के यह बात मैं बिहार के बारे में तो मजे में कह सकता हूँ। जो गुलाम लोग हैं वे तो इस से खुश होंगे क्यों कि उन को तो शासन चाहिये, लेकिन जो देश भक्त हैं वह इस से खुश नहीं हो सकते। देश भक्त तो शासन नहीं चाहता, वह तो सुन्दर प्रबन्ध चाहता है, सुन्दर सरकार चाहता है ताकि सारे देश में सुख हो और देश की सेवा हो। शासन चाहने वाले तो गुलाम होते हैं और उन को तो शासन ही चाहिये। लेकिन जो महात्मा जो का सिद्धान्त था और जो स्वराज्य का सिद्धान्त था वह तो यह था कि हमें पंचायती राज्य चाहिये। यह ठीक है कि पंचायती राज्य होने के लिये पंचों में बहुत बड़ी पवित्रता होनी चाहिये। मैं तो कहता हूँ कि यह जो पंजाब का मंत्री-मंडल हटाया गया उस पर मैं जिन



जिन लोगों की बात सुनता हूँ तो कहता हूँ कि शायद ठीक ही हुआ, लेकिन फिर सोचता हूँ तो देखता हूँ कि लोग चाहे कुछ भी कहें पर यहां तो डेमोक्रेसी (Democracy) का सिद्धान्त टूटता है। यह बात सही है जो गवर्नर (Governor) हैं वह तो बहुत दिनों से हुकूमत करना सीखते रहे हैं और इस लिये शासन करना अच्छा जानते हैं, लेकिन जो मंत्री हैं वे कल तक तो जेल में जाते थे पर आज मंत्री पद पा कर शासक बन गये हैं। तो मैं यह कहता हूँ कि जब तक हमारे लोगों में यह शासन की बात रहेगी तब तक तो यह गवर्नर का ही शासन चलेगा। इस वक्त एक घटना हो गई है और ज़रूरत इस बात की है कि हम इस घटना से ज्ञान प्राप्त करें। मैं भी दुर्भाग्यवश, आनन्द से नहीं, शोक से नहीं, एक नई पार्टी में चला गया हूँ, जिस के लिये मुझे कोई गौरव नहीं है वरन दुःख है कि देश में पार्टी बन्दी से कोई लाभ होने का नहीं है। मैं उन सदस्यों को याद दिलाना चाहता हूँ कि जो विधान परिषद के सदस्य रहे थे कि उन को याद होगा कि जो सब मेरे पहला प्रस्ताव जवाहर लाल जी ने पेश किया था, आबजेक्टिव रिजोल्यूशन (objective resolution) उस में मैंने दो संशोधन दिये थे। एक संशोधन तो यह था कि : "The State shall not recognize the existence of any party" और मेरा दूसरा संशोधन यह था कि जब चुनाव हो उस समय में कोई यह न कहे कि मैं उम्मीदवार हूँ। लोग जिस की चाहें उस को चुनें। खैर मेरे संशोधन तो पास नहीं हुए, पर मेरा वही ध्येय है। यदि आप लोग देश का कल्याण चाहते हैं, और मैं खास तौर से कहूँगा कि ही सकता है कि सब से बड़े देश भक्त आप ही हों, तो आप को चाहिये कि देश में जो दलबन्दी है उस को तोड़िये। कांग्रेस को भी तोड़िये। यह महात्मा गांधी

का हुक्म था। कांग्रेस की भी हुकूमत की ज़रूरत नहीं है। कांग्रेस के ज़रिये भी अच्छे हो रहे हैं, कोई भला काम नहीं ही रहा है। साथ ही मैं यह भी नहीं कहता कि जो और दल बन रहे हैं उन से मुझे कोई कल्याण की आशा है। मुझे उन से भी कोई आशा नहीं है।

मोलाना آزاد : آپ ایک نئے دل میں  
کیوں شریک ہوئے ?

बाबू रामनारायण सिंह : मोलाना साहब, मैं पहले ही कह चुका हूँ कि मैं जो दूसरे दल में गया हूँ तो कोई शोक से नहीं गया हूँ बल्कि कांग्रेस वालों के अनर्थ और अत्याचार की वजह से लाचार हो कर गया हूँ। मैं चाहता हूँ कि देश में जितनी दलबन्दी है सब को तोड़िये और सब कोई मिलिये और सब मिल कर कोई रास्ता निकालिये बाकि देश में सुख हो। मैं एक दूसरे सूबे की बात भी कहे बैठा हूँ .....

Mr. Deputy-Speaker : पंजाब को आइये। Hon. member will now address himself to the Resolution.

बाबू रामनारायण सिंह : सभापति महोदय, बात तो यह है कि पंजाब की कोई विशेष बात नहीं है। बात तो सिद्धान्त की है कि इस गवर्नमेंट ने पंचायती राज्य को तोड़ कर गवर्नरी शासन कायम किया है। यह तो सिद्धान्त की बात है। इस में पंजाब की कौन सी बात है। इस वास्ते दूसरी जगह के उदाहरण भी यहां आ सकते हैं और यह बिल्कुल ठीक है। तो मैं अपने सूबे बिहार के बारे में कहता हूँ कि वहां जो कांग्रेस कहलाती है वह दो हिस्सों में बंटी हुई है। एक हिस्सा श्री बाबू की कांग्रेस कहलाता है और दूसरा

[बाबू रामनारायण सिंह]

हिस्सा अनुग्रह बाबू की कांग्रेस कहलाता है। इतना ही नहीं है। लेकिन इस से भी एक बहुत बुरी बात है जिस से ज्यादा कोई बुरी बात नहीं हो सकती। वह यह है कि जो सरकारी अफसर हैं उन में से कोई आदमी श्री बाबू का आदमी कहलाता है और कोई अनुग्रह बाबू का कहलाता है। इस तरह की गड़बड़ी सब जगह चल रही है। तो मैं कहता हूँ कि हम सब लोग बैठ कर ईमानदारी से सोचें और कोई उपाय मिल चुक कर निकालें जिस से देश में पंचायती राज्य ठीक ठीक स्थापित हो। सौभाग्यवश हमारे प्रधानमंत्री जी भी पहुंच गये हैं। प्रधानमंत्री जी हमी हैं पार्टी सिस्टम आफ गवर्नमेंट (party system of Government) के, लेकिन मैं उन से यह बात अज्ञ कहूँगा कि : *The Party System of Government strikes at the very root of democracy.* डिमोक्रेसी के मानी क्या होते हैं ?

एक माननीय सदस्य : आप दूसरी पार्टी में क्यों चले गये ?

बाबू रामनारायण सिंह : मैं पार्टी के बिल्कुल खिलाफ हूँ। पार्टी में रह कर पार्टी की बात मानी पड़ती है, हम देश की बात नहीं सोच सकते।

तो मैं कह रहा था कि डिमोक्रेसी के मानी क्या होते हैं डिमोक्रेसी क मानी होते हैं रूल बाई दी मैजोरिटी (rule by the Majority)। लेकिन जहाँ पार्टी सिस्टम चलता है वहाँ मैजोरिटी तो रहती ही नहीं है। माइनोरिटी (Minority) चालाकी से मैजोरिटी बन जाती है। यह बात तो हम ने जब कांस्टीट्यूशन का अमेंडमेंट (amendment) हो रहा था उस वक्त देख ली।

अगर हम लोग सदस्यों से अलग में बात करते तो उन में से बहुत तो यही चाहते थे कि कांस्टीट्यूशन (Constitution) में बदल न हो लेकिन पार्टी की वजह से और प्रधानमंत्री के हुक्म से वह पास हो गया। तो मैं आप से कहूँगा कि जो आप ने किया है उस से काम यूँ नहीं खलेगा अब चुनाव आने वाले हैं और चुनाव तब तक सही नहीं होंगे जब तक आप सभी मंत्रिमंडलों को नहीं तौड़ देंगे। अगर आप चाहते हैं कि चुनाव ठीक हों तो सारे मंत्रिमंडल तोड़िये और सब जगह गवर्नर का शासन करिये। सब से बड़ा काम तो यह होगा कि पार्टी बन्दी को खत्म किया जाय और सब कोई मिल कर अपने देश में सुन्दर शासन कायम करें, सुन्दर प्रबन्ध कायम करें जिस से देश से देश की सेवा हो, शासन नहीं। लेकिन दुख की बात है कि हमारे लोग अब तक शासन की ही बात सोचते हैं। मैं कहता हूँ कि शासन का समय तो अंग्रेजों के साथ चला गया। देश में अब शासन की जरूरत नहीं है बल्कि सेवा की जरूरत है। मैं और अधिक नहीं कहूँगा। क्योंकि मेरा समय खत्म हो रहा है। लेकिन मैं सारे देश से और सारी संसद् से अपील करता हूँ कि पंजाब में जो यह एक घटना हो गई है इस की लेकर हम सब मिल कर ऐसा उपाय निकालें कि जिस से देश सुखी हो, सुन्दर प्रबन्ध हो और देश में सच्चा स्वराज्य हो।

(English translation of the above speech)

Babu Ramnarayan Singh: Sir, I am thankful to you for giving me an opportunity to speak on this subject. My friend Ch. Ranbir Singh said that to be a Congressman was not a sin. On that, I, in a light vein, replied that now it had become a sin and he remarked that it might have become so since I had left the Congress. Indeed, it is not a sin to be a Congressman: it is not a sin to be a Congressman so long as one adheres

to the ideals that led to the formation of the Congress, to the principles for which the Congress stood, and retains the qualities by which we could throw away foreign domination. Even now I believe that to be a Congress man of that type would be a matter of pride. But I think it is a sin to remain within the Congress infested as it is with party factions and selfish motives.

Sir, the subject that we are discussing today is one of far-reaching importance. It is not an ordinary matter; and I would request the House to give it serious consideration. The All-India Congress Committee and the Government of India should also pay particular attention to it. A passing consideration would not do. Sir, the Congress rule has been superseded in Punjab. It is even said that the people of Punjab are happy at the advent of the Governor's rule. So far as the matter of rule is concerned, people who want governing power may be happy at it. But what could be said and what can be said about the Congress is that it was meant for serving the country and it should continue doing that. It was not meant for ruling over the country. The Governor is all right for those who want to be governed. But I want, the country wants, and all of us here want that service should be the main objective of the Government. If that service has to be done through *Panchayat*, the *Panchs* shall have to be very honest persons. There is no doubt about that. As our friend Shri Chaudhuri asked, what was after all the reason that Governor's rule was imposed on Punjab when these conflicts were going on everywhere? He also mentioned Bihar. I know. Sir, all the Members of the All-India Congress Committee and of the Cabinet, including Rajaji and Maulana Azad, should consider over the matter. Do they not know that these conflicts, which prevailed in Punjab, exist in every Province and practically all over the country?

**An Hon. Member:** Do they not exist in Bihar?

**Babu Ramnarayan Singh:** I have to say with sorrow and shame that conflicts in Bihar are even worse. I am not happy or proud in saying so. Is it something for us to take pride in that the Ministers in Punjab had to submit resignations? Should I acclaim this muddle that took place there? Indeed, that is a matter of shame for me too. But those who hold the strings of the Government in their hands, those who dissolved the Ministry in Punjab, should be a little

more strong of heart and a little more honest. They should put an end to all the Ministries in the country. I can easily say that, especially with regard to Bihar. Those who are of a slavish mentality would feel happy over that for they only want to be ruled. But those who have the country's good at heart cannot be happy over it for such people do not want to rule; they want a good administration and a good Government for the welfare and service of the people. Those who want to rule are of a slavish mentality and so they need it. But according to the principles of Mahatma Gandhi and those of freedom we should strive for a *Panchayati* rule. In a *Panchayati* rule, it is necessary for the *Panchs* to be persons of great integrity. When I hear the views of the people on the dissolution of the Ministry in Punjab I begin to think it was probably a right step, but then, when I ponder over, I feel that whatever the people may say this action amounts to violation of the principles of democracy. It is true that the Governors have been learning to rule for long and can therefore have better administration while the Ministers were till yesterday having experience of jails but have now become rulers on getting Ministerial posts. I can say that so long as our people continue to have the mentality of being ruled, the Governor's rule is bound to prevail. An event has occurred in Punjab and we must take a lesson from it. Unfortunately, not happily or willingly, I have also joined a new party for which I am not proud but sorry because party politics is going to do no good to the country. I want to remind those hon. Members who were also the Members of the late Constituent Assembly that I had moved two amendments to the first resolution, the objectives resolution, moved by Pandit Jawaharlal Nehru. One was that "the State shall not recognize the existence of any party". The other was that when the elections took place, no candidate should himself canvass his candidature. The people should elect whomever they liked. My amendments were not carried, but my ideal is still the same. If you want the good of the country, and you may possibly be the greatest patriots, you must do away with the party politics. You must dissolve the Congress also. That was the wish of Mahatma Gandhi. The rule of the Congress is also not needed for many black deeds are being committed in the Congress Raj and nothing good is being done by it. With this, however, I also do not hope for anything good to come out of the other parties that are forming. I have no hope from them.

**Maulana Azad:** Why did you join a new party?

**Babu Ramnarayan Singh:** I have already said that I have not joined the other party out of any fond impulse but have been compelled to join it because of the misdeeds and atrocities of the Congressmen. I want all the partisanship in the country to end and all to come together to find some way out towards the prosperity of the country. I may also mention another Province . . . . .

**Mr. Deputy-Speaker:** Please refer to Punjab, Hon. Member will now address himself to the Resolution.

**Babu Ramnarayan Singh:** Sir, the thing is that the matter does not concern so much particularly to Punjab alone. The matter is one of principle, that is to say that the Government have set up the Governor's rule after dissolving the *Panchayati* rule. That is a matter of principle. What is there about Punjab? Examples of other places can also be cited. I can say about my own State, Bihar, where the Congress is divided between two groups. One group is called the Congress of Shri Babu and the other group is called the Congress of Anugrah Babu. Not only that. There is something worse than that which can hardly be surpassed. It is that some of the Government officials are called the men of Shri Babu and others those of Anugrah Babu. Such muddles are going on everywhere. Indeed, we should all come together and try honestly to find out a way for setting up a true *Panchayati raj*. Fortunately, our Prime Minister is also here. He is in favour of the party system of Government. But I would dare submit that the party system of Government strikes at the very root of Democracy. Then what is democracy?

**An Hon. Member:** Why did you go over to the other party?

**Babu Ramnarayan Singh:** I am entirely against parties. By remaining in a party you have to abide by the decisions of the party and have little occasion to think of the country.

So, I was saying as to what is meant by Democracy. Democracy means rule by the majority. But where the party system works, the majority is never there. The minority becomes the majority by manipulation. That we saw at the time the Constitution was being amended. If we talked to the Members individually we found that a number of them wanted no change in the Constitution, but it was passed because of the Party and at the Prime Minister's direction. Hence I say what this system of party Gov-

ernment would not work. The elections are coming and they cannot be held impartially until the Ministries are dissolved in all the Provinces and Governor's rule established. But the biggest accomplishments would be to put an end to the party system and, all joining together, set up a good Government and bring about good administration in order to serve and not to rule over the country. But it is a matter of great regret that our people still think in terms of a ruling. The time of ruling has gone with the English rulers. The country now needs service, not rule. I would not say more for my time is nearly up. But I appeal to the whole country and to the House that looking to the Punjab episode we should evolve some way for bringing about happiness, good administration and real independence in the country.

3 P.M.

**Prof. Ranga:** I agree entirely with what fell from the lips of my hon. friend Dr. Deshmukh this morning. What he said in regard to the constitutional position deserves serious consideration at the hands of my hon. friend the Home Minister. There is also another aspect of it which ought to be considered by the hon. Minister and that is the political aspect. What is likely to happen? Suppose at the end of the next general elections there were to be some Provinces which would come under the sway of parties other than the Indian National Congress, how would the Central Government deal with them if, perchance, it were to be displeased with the policies and programmes and general activities of those Provincial Governments? In the Punjab Govt. of India came to find that the Government—the Congress Government as it happened to be—was not behaving properly and did not give satisfaction to the people, and for various reasons and in various ways they came to that conclusion and they simply set aside that Government and advised the President to take back all the powers of the Provincial Government and issue an Ordinance. Now, would they pursue the same policy in regard to any other Provincial Government which may come to be controlled by any other political party? If they were to do so, how are they going to justify their action before the public? That is why the suggestion made by my hon. friend Dr. Deshmukh becomes very relevant, namely, that the Central Government should first of all, guard itself against any kind of misrepresentation or misunderstanding by instituting an enquiry, however emergent it might be, and by satisfying

themselves. Afterwards, with that as their authority, they can satisfy the public also, that the conduct of such and such Provincial Government is such as deserves this kind of action.

Sir, when this question came to be discussed in the Constituent Assembly, whether these emergent powers should be given to the President or not, I found myself in agreement with the great majority in the Constituent Assembly in saying that these powers should be given to him. But why did I do so? Why did most of the Members also agree to it? We wanted that such power should repose in the President in emergencies, if it was a real emergency, not for any and every occasion. What is the case that the Government of India can possibly make out even to-day that such an extraordinary position had come to prevail in the Punjab? Can they justify their action at the moment that they took it? Can they say that the position had reached the maximum point at that moment? Or can they say that it had not reached that maximum much earlier and why they did not take action earlier? How do they justify their inactivity then? Could they not possibly have waited for a few months more and given a chance to the electorate to decide for themselves whether they wanted this discredited Ministry which then happened to be there, or whether they wanted to have another Ministry? I can quite understand the political difficulties of my hon. friend the Home Minister, in his other capacities as a member on the Parliamentary Board, and as a member of the Working Committee and I can understand his saying to himself that he should try and save the prestige of the Indian National Congress. And I do wish to congratulate him and the Congress also upon having taken courage in both hands at least now and saying to the public that they have failed in the Punjab and therefore they are going to give a chance to the public as a whole to have their choice later on, independent of the Ministers who formed the Government at the time and who called themselves as congressmen and who formed the M.L.A.'s. After all there is the Congress which is bigger than the legislators and the Ministers and there must be plenty of Congressmen in the Punjab who are much better than the legislators and the Ministers there. Therefore it was felt that these other congressmen also should be given a chance and so the public were told, "Look here, do not judge us by the activities of this Ministry and these legislators. We the Congress are going to give you better Ministers next time. Therefore give

us a chance". Therefore this Ministry was dismissed and the Governor was given the power. I can understand such a position. But supposing it had been some other Ministry, a Ministry belonging to some other party, are they going to deal with that Ministry also in the same summary fashion, and according to me, from a political point of view, an immoral fashion? What happened in Europe? There also they had a President. Hitler was there. He came into power as the leader of a minority in the Reichstag. He was brought in through the backdoor, probably by Hindenburg who was President or Chancellor then. But when Hitler came in, he found himself face to face with Communist Ministers and also Socialist Democratic Ministers. But under some pretext or other he removed responsibility from them and put in his own men instead and over these areas Von Papen was put in as Dictator on behalf of the Chancellor of the Reich. Is it impossible for anyone to contemplate the possibility of a repetition of such a thing in this country in the near future? In order to guard against any such event, and in order to guard themselves also, the suggestion made by Dr. Deshmukh should be accepted. In order to guard against the Congress Ministry being misunderstood, here or elsewhere, that they are likely to behave in such a fashion, I would ask the hon. Home Minister to give us an assurance in the House that what was done in the Punjab would not be taken as a precedent for future action and what was done was due to the special circumstances that came to prevail there. There is only one party in power at the Centre and in the States and this was done in a sort of a domestic fashion, for the convenience of India, under the special circumstances prevailing in this country.

One thing, however, could have been done. As soon as the Governor found that it was impossible to form a Ministry he could have constituted a care-taker Ministry of men comprising all the available talent. There are many precedents of this in England in English history. Such a thing could have been done here also. There was a regime of advisers in India also. I do not want to have it now, but what I suggest is, such a care-taker Ministry could have been constituted in the Punjab. My hon. friend Mr. Velayudhan also meant the same thing, though by a slip of his tongue or his language he called it a cosmopolitan cabinet. He could have called it a care-taker or a composite cabinet. I do not know why that was not done. It was not done.

[Prof. Ranga]

possibly because many of the important leaders in the opposition and many of the important leaders in the official bloc of the Congress themselves had at one time been Ministers and had discredited themselves. There was therefore, no choice for the poor Governor between these two sets of people to form the Ministry. If he were to select anyone else he would have had to go in for second-rate and event third-rate people. He could certainly have called upon the President of the Provincial Congress to give him a list of people who enjoyed his confidence. After all the Congress is the organisation to which all congressmen owe allegiance and out of that list he could have constituted a Ministry. But he simply assumed to himself, with the help of the Central Government and the authority of the President this Fuhrer's power and after he has become the Fuhrer my friends here fall prostrate before him and give him all praise. What happened in Bengal? Once the Prime Minister went to West Bengal, not in his capacity as Prime Minister, but as a national leader and came back completely convinced that the Ministry there should go out of office and the legislature should be dissolved and that there should be a general election. The Working Committee also accepted this. But what happened afterwards? Some other force came across and nothing more happened. Evidently this force did not come in, in the present case. There was a big notary in one group of the Working Committee and there was another in another group and they could not settle among themselves what should be done. In that case, the best thing it was felt, was to have this Fuhrer's regime in the Punjab.

**Shri B. Das** (Orissa): I thought you were a party to that settlement in West Bengal.

**Prof. Ranga**: There was no settlement at all.

There is this fact that the Congress was the majority party and it had come to be recognised for the formation of a Ministry, as the majority party. So it should have been possible for the central authority to leave all powers in regard to the control over the Ministry to the local representative of the party, that is, the Provincial Congress Committee. If they had left it to them they would have made themselves responsible to the people of the Province. They were the local chiefs. If it had been left to the Provincial Congress Committee President I am sure he would have

been able to control the 70 members of the legislature party. Instead of that all that power was concentrated in the Centre and in the Government. This kind of centralisation is rather dangerous. I wish to remind you, Sir, and the House of one thing that happened. You will remember that when we met in the Constituent Assembly, in the earlier stages we were all in favour of more and more power for the States. As we proceeded in our work we became all in favour of giving more and more power to the Centre and that within three years there was a big swing of public opinion, because we were not satisfied with the way in which many of the Provincial Governments were behaving. We were satisfied of course with our own national leadership. We thought we could repose our confidence in our Prime Minister and the Deputy Prime Minister. If, on the other hand, the Central Government were to use its powers in the manner in which it has used them in the Punjab, I am afraid there is likely to be again a reaction away from the Centre to the Provinces with all the dangers that are beset in it or with all the advantages that may come in its wake. Therefore I would like my hon. friend the Home Minister to give the assurance in regard to the constitutional and political issues, namely the fact that they have found it necessary to act in the Punjab is not likely to be taken by themselves as a precedent for their future activities and it need not be taken by this House as a precedent for the future activities of the Union Government in its relations with the State Governments.

**Shri D. S. Seth** (Uttar Pradesh): It is no pleasure for me to have to oppose the Resolution moved by the hon. Minister for Home Affairs. My point of view is quite different from what friends have already stated here. I feel that the ordinance promulgated and the Resolution moved here are both unwarranted and uncalled for. Was there a state of serious emergency in the Punjab, I ask? Certainly not. Was there a major crisis, political or constitutional, in the Punjab? I say not. What actually happened was that there was a quarrel in the Congress party in the Punjab. There was wrangling for power, disunity, indiscipline, corruption and what not and the projection of this internal quarrel was wrongly and unconstitutionally given the name of a crisis. The constitution was suspended, democracy was thrown to the dogs and in this way the party and the Government were both identified with each other. That is quite wrong, unconstitutional and unprecedented.

The Congress Parliamentary Board ought to have been in a position to control the Congress legislature party in the Punjab. They ought to have restored discipline and made them rule in the interest of the common people and the electorate. Instead of doing that the Parliamentary Board, the Congress High Command, the Congress party and the Legislature Congress party in the Punjab are all guilty of a great betrayal of democracy. The electorate voted the Congress party to power to rule them democratically in their own interest and not to throw democracy to the dogs and replace democratic rule by the autocratic and personal rule of the Governor. There appears to be no emergency, no crisis whatever in the Punjab, which warranted the suspension of the Constitution. The party and the Government are two quite different things. One cannot be identified with the other. If, however, the Parliamentary Board, the Congress High Command or the Government of India were confident that the Congress Party in the Punjab is unfit to rule and its rule should not be continued in the public interest any longer, then the right way was for the Central Government to have ordered the Punjab Government to immediately prepare for an election. It was not the right of the Congress legislature party to change the democratic rule into an autocratic rule. If a party is in a majority and that, too in absolute majority in the legislature it carries on its shoulders a grave and heavy responsibility. I think both the ordinance and the Resolution moved are uncalled for and I feel that immediately instructions should be issued to the Governor of the Punjab to hold fresh elections under the supervision of the Election Commission, so that democracy may be restored in the Punjab as early as possible.

As my other friends have already spoken on the various points which I wanted to touch upon, I need not take up much more time of the House.

**Pandit Kunzru** (Uttar Pradesh): The issues which the question before us raises are of much more than provincial importance. They concern the Constitution and therefore the whole country. There is no doubt that there was great dissatisfaction in the Punjab with the Governments that ruled there after the 15th August, 1947. What we have to consider is what is the proper remedy for this state of things. Should not the electorate be asked to understand its position and the power that it wields or should the Central Government intervene to protect their interests? The theory of democratic

Government requires that it should be based on the consent of the electorate. Where the people have serious grievances the power to remove the Government is in their own hands. This question was discussed when the emergency provisions contained in the Draft Constitution were considered by the Constituent Assembly. Unfortunately, those in charge of the direction of affairs did not accept the view that the training of the people in Self-Government and in the understanding of their responsibilities was ultimately of much greater importance than good Government. Article 356 replaces an Article which was modelled on the provision existing in the Government of India Act, 1935 for the assumption of powers of Government by the Governors. It was in form less objectionable than the provision it replaced but the fact remains that the theory behind Article 356 is that the Central Government has the power to intervene when it thinks that a State Government is acting in such a way as to injure the interests of the people. The Central Government is all-powerful and it can almost compel parties not accepting its viewpoint to fall into line with it.

I personally do not approve of the theory lying behind Article 356. I agree with my hon. friend, Mr. Ranga that when this Article was discussed it was thought that the Central Government should have the power to act in the interest of the whole country when its security was affected, but unfortunately action has been taken in the Punjab on other grounds. My hon. friend, the Home Minister in dealing with the matter has dealt with it in such a way as practically to give away his case. Even if the Central Government wanted to intervene in the interest of good Government, it was the duty of the Home Minister to show not merely that there would be no stable Ministry there but that the administration of the State was not being properly carried on, and that the mismanagement there was of such a degree as to affect seriously the economic interests of the people and their morale. The diplomatic speech that he gave concealing every reason that could have been given for what I may call the supersession of the popular Ministry has considerably weakened the Government's case. There is no doubt that there was great dissatisfaction with the popular Ministries in the Punjab since 1947. It is also a melancholy fact that owing to their experience, unfortunate experience, the people have almost with one voice welcomed the assumption of powers of Government by the President. One or two

[Pandit Kunzru]

Members referred disparagingly to the efforts that the Governor of the Punjab was making to improve the administration and to instil a sense of confidence in the people. I think that it is only fair to say that both the Central and the Punjab Governments are to be congratulated on the fact that the Punjab at this moment has a Governor who is administratively efficient, whose honesty of purpose and energy and efficiency are widely recognised in the Punjab. There is no doubt that the action taken against profiteers recently in some districts of the Punjab has adversely affected some sections of the business community there but the Governor and his senior colleagues are trying to do their best both to deal with corrupt officials and the unsocial elements in the business community. I think that instead of criticising them we ought to welcome the action taken by them and to support them in their determination to root out corruption in the State.

The question that arises now is, how long the Governor's rule should be maintained. As I have already said, notwithstanding the dissatisfaction of the people with their Government. I for one should have been prepared to allow the Government that was in power to go on till the elections were held. The people would then have decided whether the old Ministry should be returned to power. But the Ministry having been compelled to resign by the Congress Party which is controlled by the Central Government, it has to be considered whether it would be wise to bring into existence a new popular Ministry so soon. If the Central Government were really concerned with the interests of the people and not with the interests of their party only, then I see no reason why ministerial rule in the Punjab should be restored quickly. If you want good Government—and that is the purpose that lies behind Article 356—then give the Governor and the Punjab Administration whom you have entrusted with a very difficult task sufficient time to clean the Augean stables there. But you will be doing a double wrong to the State if after superseding the Ministry you bring it back to power now. Do you think that if any Ministry by any chance in any other part of India is superseded in future you will get the wholehearted co-operation of the Administration in removing the difficulties on account of which the Central Government was compelled to take the extraordinary step of superseding the popular Government. I think it is the path of wisdom that having taken the

action that they did, Government should remain firm now and wait till the new elections are held, so that the people may have an opportunity of deciding what kind of Government they want. I am raising this question because the reference in the President's Address to the hope "that it would be possible before long for the Government to re-introduce normal constitutional arrangements in the Punjab" has created a feeling of great uncertainty. I have no doubt that the Central Government are being told that it is necessary in the interests of the Congress Party that a Congress Ministry should begin to function there very soon. It is feared that the absence of a popular Ministry would be used as a handle by the non-Congress elements to defeat the Congress candidates. The Central Government could have thought of this problem before it asked its party to compel the Punjab Ministry to resign. But I do not think that the early reintroduction of responsible Government in the Punjab, i.e. before the elections, can be justified on any but purely party grounds. I am not against any Ministry or in favour of any Ministry. If I go on my personal relations with the people who constituted these Ministries, I have every reason to be in favour of the Ministry that was compelled to resign. But the question that we are discussing is not a personal one. It concerns the vital interests of the people of the Punjab and of the whole of India and I think, as the Tribune said some time ago, it is necessary in the interests of the Punjab that no Ministry based on the present Legislature should be allowed to function. The people must be given time to pronounce their verdict and a new Ministry should be formed only after the elections have taken place. I hope that the Home Minister will be able to tell us that the reference in the President's Address to the early reintroduction of normal constitutional arrangements for the Punjab was only of a formal character and that the Central Government have no intention of changing the present state of things before elections under the Constitution have taken place.

Shri Mallayya (Madras): I beg to move:

"That the question be now put."

Mr. Deputy-Speaker: The question is:

"That the question be now put."

The motion was adopted.

Shri Rajagopalachari rose—

Shri Naziruddin Ahmad (West Bengal): May I seek clarification in regard



to one point? The hon. Minister stated that this supersession is entirely different from the supersession that we knew of under Section 93 of the Government of India Act of 1935. Will he clarify in what respect the two Sections differ? To me the wordings appear to be word for word the same.

**Shri Bajagopalachari:** I had thought that I had made that point clear enough, but I do not object to stating it again. Under Section 93 of the old Act, power was not transferred to any representative Parliament at the Centre ultimately controlling the executive authority, whereas now even the continuance of this Proclamation depends upon Parliament, and all powers are exercised by a President who under the Constitution is under the advice of the Government of India, who again holds office under the confidence of Parliament. It is a perfectly democratic arrangement. It is only a transfer of the distributed measure of the responsibility from one to another. That is the real difference, not to speak of the foreign character of the old Government. There was no responsible Government at the Centre in the sense in which we have it today.

Now the point which Prof. Ranga made and which might create an immediate impression of importance was this. He asked the question: If after the General Elections we have Governments in some States which are not of the same party as the Central Government, are you going to do the same thing with that party, in which case it would be autocracy and not democracy? The question is easily answered. If for instance in any State the Government was of a different party from the Government at the Centre, the Centre could not possibly take the step which they have taken now, which they could take only because of the identity of the party and the Government in both the cases. If a State was governed by a different party, how could the Parliamentary Board send a directive to the Ministry functioning in that State, so that the question though it looks very impressive and important is really one which answers itself. There will be no such difficulty arising at all because there could not be action taken as in this case.

Pandit Kunzru confirmed the hope or the fears of Sardar Hukam Singh and Sardar Bhopinder Singh Man who spoke expressing apprehension in different degrees that the Government of India was interested in securing a new Ministry in Punjab soon for party pur-

poses and that therefore the present good Government in Punjab might come to an early termination, which they did not like. Now, I cannot discuss that more than to this extent. The fact that in the President's address the hope was expressed that this suspension of the normal constitutional Government may not last longer than is necessary is the basis of these remarks. What else could the President say in ordinary decency? No one can say: "The Constitution has been suspended; it is a very good thing and we hope it will continue suspended longer than is necessary." I do not think that much can be made out of the hope that was expressed, nor have I said anything which could give rise to a notion that for party reasons we will bring to an end what is considered good administration now. I think that fear is unfounded.

On the contrary, let me draw the attention to a fact which perhaps has been missed on account of the numerous constitutional points that have been raised. It is this. Has not this Government acted in a manner entirely disproving such party objectives or intrigues? Any party placed in the position of the party that now controls the Government of India would have considered a hundred times before dismissing a Ministry of their own in the manner in which they have done it now. We have introduced Government by the President in Punjab, I claim, against all party interests. Obviously the step taken by the President in issuing this Proclamation is a step which goes against the prestige of the Government and of the party to which the Government belongs. Why has Government taken that step? It took that step because it felt that it was fair and necessary for the people of Punjab and for the people of India. Therefore I hope that the obvious courage of the step would be appreciated and that no more fears would be entertained that for reasons of party objectives and motives any step will be taken between now and the general elections which would not be otherwise justifiable. I want all apprehensions in this respect to be dropped. When any automatic adjustment-takes place in a country, or a part of the country, whereby people come together and good and orderly democracy could be re-established, I would agree—and even those Members who have expressed an apprehension in this matter would agree then—because it is an automatic adjustment. Unless things improve in Punjab we won't get the results which you think would lead to our establishing a Ministry there

[Shri: Rajagopalachari]

before December. Therefore, there need be no apprehensions on this account. It is self-adjusting as most things in this world are.

There is, however, a contradiction or rather there is a confusion between the party and the Government which I am afraid I have to touch in replying. It is true that those Members of the House who do not belong to the Congress Party feel that the introduction of the powers under Article 356 is based on steps taken by the party executive and therefore they should be free to discuss the merits of that party decision. They have a right to feel like that and that is why I did not ask the Chair to consider the question of order in that matter. It is a serious point of order as to whether we can go into the merits of a party decision in a discussion here in the House. It would be easy to point out that it would be out of order, but I did not wish to suppress the semi-moral rights, if I may say so, of those who are not in the Congress for a moment to ask the House to consider the real causes of the introduction of 356 rule and ask the House to consider the merits of that case. I did not raise a point of order. But at the same time I would respectfully ask the House to consider now whether it is relevant or even useful to consider the merits of the decision of the Parliamentary Board in this matter. Many hon. Members who took part in the debate said that this could have been done, or that could have been done. But who could have done it—not the Government of India, but the party executive. Now, if we have any good advice to give to the party executive, if we have any good criticism to offer to the party executive, it could only be offered to them and usefully offered to them. How could we change the course of events in the party except through the decision of the party. It is the party alone that is responsible for the decision and it has brought about that decision. They must have considered, we may presume, the pros and cons of the matter. They must have seriously considered the injury that would be done to Congress as such by any action under Article 356 which would amount to a confession that the Congress Ministry was not able to carry on in that State cohesively and with united purpose. They must have considered all that and finally decided on this step which obviously took grave risks on behalf of the prestige of the Congress. Therefore, I submit that the decision was either wholly right or at least

was taken without any party interest in view. It should be appreciated that they did take the step; beyond that we cannot go on discussing as to what they might have done or what they might not have done. The Government of India could only operate under Article 356.

The fact that some Members of the Government of India are Members of the Parliamentary Board should not be a reason for bringing into discussion here the merits of the decision of the party. It is not easy to discuss such a matter here and, as I said, it would serve no useful purpose to discuss it here.

Pandit Kunzru based his argument on the basic principle that Article 356 should be brought into play only if the Government at the Centre is satisfied that good Government was not being done in the State and that the State was being ill-governed. I submit that this is not the basis of Article 356. Article 356 deals only with a position which is created in this manner: "If the President on receipt of a report . . . is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution." It does not give any discretion to the President or the Government of India to consider whether the Government was good or bad. That is the inherent problem in democracy. The inherent defect—if you may so call it—in democracy is that good Government is not a substitute for democracy and that good Government cannot be equated with democracy. The only thing that in democracy we could examine under Article 356 is whether it was not possible to carry on the Government under the constitutional provisions.

**Pandit Kunzru rose—**

**Shri Rajagopalachari:** I shall give way after I have finished my sentence. It was not possible for the Government of India to advise the President to consider or base a decision on the merits of the Government of Punjab. Any democratic State Government could then object that it is not the business of the Centre to give a verdict on the merits of the Government of the State. It would not be right; it would not be constitutional either. It was on that basis that Pandit Kunzru argued that we should have held an enquiry and things of that kind.

**Pandit Kunzru:** I did not say that the Central Government should intervene when there is mis-government. I

was opposed to that view. All that I said was that as Article 356 was based on the view that it was the duty of the Central Government to intervene when good Government was in danger, the Government of India must in the case of Punjab have intervened because it felt that the Province was being misgoverned. But if it was so, the hon. the Home Minister's speech completely gave away the Government's case, because that case was made to depend not on good Government, not on maladministration in the Province, but on other grounds altogether. And I did not say a word about enquiry, although the people in the Punjab want an enquiry into the actions taken by the Governments that have ruled the Punjab in the last four years.

**Mr. Deputy-Speaker:** I believe the hon. the Home Minister's point is that under Article 356 the presence or absence of good Government is not the requirement there.

**Shri Rajagopalachari:** Pandit Kunzru now affirms my proposition but adds that I gave away my case, assuming that my case was based on a failure of good Government there. It is not my case. The case that I am putting before the House is the constitutional case under Article 356 and it was not based on failure of good Government. Therefore, I did not give the case away at all. Apart from that I may add that the remarks which Pandit Kunzru made towards the end of his speech rather gave away his own case, this way. He said that it is a good thing that has happened, and he even went further and actively suggested that we should not make any change in the present state of things till the elections are over.

**Pandit Kunzru:** May I interrupt my hon. friend? All that I said was that it was a melancholy fact that the action taken by the Government of India had been welcomed by the people of the Punjab. I made it clear that I myself was against the removal of the Ministry under Article 356. All that I said was that as a matter of fact the people of the Punjab preferred the Governor's rule to Ministerial rule.

**Shri Rajagopalachari:** If I can summarise the position taken up by Pandit Kunzru, it is this that at that time, he thinks, we were wrong in interfering with the Ministry under Article 356. I say that proposition is not correct. We were bound to interfere under the state of things that

developed. He thinks now that we should not intervene again but should allow the thing to go on till the end of the elections. I would be inclined to agree certainly if the position did not improve. But if the position improved, everybody in the House would be interested in re-examining it at that time and there will be plenty of opportunity.

**Sardar B. S. Man:** Improved in what respect?

**Shri Rajagopalachari:** In respect of the constitutional position primarily and in respect of other matters secondarily.

The position taken by Sardar Hukam Singh and Sardar Bhopinder Singh Man in giving whole-hearted support to this Resolution is one which I should first appreciate. Hon. Members sitting by the side of Sardar Hukam Singh took the opportunity good-humouredly to twit him about his whole-hearted support to the Government. Sometimes we should be in the right. If we generally fail, we should make up for it some time. And I am glad Hukam Singhji has today supported the Government!

**Sardar Hukam Singh:** On merits.

**Shri Rajagopalachari:** Of course he is entitled to say that we sometimes go right and then he joins us—each one is entitled to say. It is good that sometimes we agree. This flexibility of opinion is useful in Parliament and keeps its life and importance going.

**Shri Kamath:** We are all human, after all!

**Shri Rajagopalachari:** May I point out a parallel to this unique occurrence that Sardar Hukam Singh rose once in his life-time to support the Government? Parallel to this is the fact that the Congress Party for once has acted against its own interests in an administrative act, and that too not by any error or recklessness on the part of those in Government but by a decision of the party executive itself: so that I think this has been very unique in many respects, and we should congratulate ourselves on these things and learn and not merely amuse ourselves by the contradictions.

The real issue is this. Here is a party which runs the Government in a State. Whatever it may be—good or bad Government—if the party is unable to get on properly, it is difficult for the Ministry to get on. Under these circumstances what should the Centre do? Could it postpone and

[Shri Rajagopalachari]

follow dilatory tactics, or was it right for them to take the action that they have taken? I am very glad to see as a result of the debate on the whole that in spite of Seth Damodar Swarup's opinion, most of the speakers—all the speakers excepting him—have approved of the action taken and in varying degrees have given their appreciation and approval.

Mr. Velayudhan dealt with one aspect which is important. He said, what would amount to an insinuation, that it was in order to maintain the Congress Party authority in the Punjab that this step was taken. Otherwise, he said, the thing you should have done would have been to dissolve the Assembly and to order elections. Again, it is a proper-looking argument. May I point out, however, as a practical man, and I ask you, Mr. Deputy-Speaker, and the House to judge as practical men, whether the action that was taken was not the only possible thing. The circumstances could have legally furnished an excuse for dissolving the Assembly there. But we were preparing the rolls for elections on the basis of adult franchise throughout the country. We were expecting to hold elections pretty early in the latter part of the year. But things had to be altered. The time-table had to be altered on account of difficulties encountered and protests made in various Provinces. This half year has been full of doubts as to when the general elections could take place. How in the interval could we have ordered a dissolution of the Assembly in the Punjab and ordered an election at that time? The rolls were not ready on the basis of adult franchise. And any other basis would have been objected to. These were the considerations which prevented us from dissolving the Assembly. There would not be much difference so far as time is concerned in waiting for the general elections to be over. This is the justification that I depend upon on the issue whether we should have dissolved the Assembly at that time. And I think that in any event a Caretaker Government would have been necessary in the interval. I would ask hon. Members who do not belong to the Congress Party to consider and give their appreciative opinion in this regard. Is it not a great piece of sacrifice that the Congress Party, instead of somehow making up some patch-accommodation and controlling the general elections in the Punjab, have handed over the Government to what can be called the best form of

neutral Government at the present moment and taken the risks and chances of an election? No further proof could be asked by any party or any individual member of any other party better to demonstrate our detachment in this matter and detachment I say is not any wonderful exercise of virtue. I say the detachment comes out of normal constitutional conscience and nothing else. I think every congressman has been trained to think somewhat in that way and it should be appreciated. There is the further fact that it is an important province, a vital frontier State, where we could not take risks for party interests in that manner. These were the reasons which led to the detachment and I think that all things happen on account of causes but yet we might appreciate some things that happen if they happen in a good way. That is the position with regard to that. I do not think that I should trouble the House with any more discussion on the subject. Most of the arguments that were advanced were based on a process of equating the Government of India with the Parliamentary Board. As I said already that is not possible. Even though we might think alike, it is not possible to start a discussion here on the merits of the issue that was before the Parliamentary Board.

I hope, therefore that the House will give its approval and that the amendments will not be pressed and if they are pressed, I will ask the House to reject them. One amendment is that the words: "till the general elections have taken place and the new State Assembly meets" should be added. I have already explained that there is no ground for any apprehension that anything wrong would be done in that matter but if circumstances improve, everybody including Sardar Man would join in putting democracy on its feet in Punjab. Therefore, I do hope that he will withdraw that amendment. As regards Mr. Velayudhan's amendment "but is of the view that the Government of India is responsible for creating a situation which took away from the people of Punjab the right of democratic Government" being a recent member of a party which is not the Congress Party, I do not think he will withdraw but I do request him, also to withdraw that amendment.

**Mr. Deputy-Speaker:** I shall put the amendments to the vote of the House.

**Sardar B. S. Man:** I am inclined in view of what has been stated by the

Home Minister, to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

That at the end of the Resolution the following be added:

"but is of the view that the Government of India is responsible for creating a situation which took away from the people of Punjab the right of democratic Government."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That this House approves the Proclamation issued by the President on the 20th June, 1951, under clause (1) of Article 356 of the Constitution assuming to himself all the functions of the Government of Punjab."

The motion was adopted.

ANCIENT AND HISTORICAL MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS (DECLARATION OF NATIONAL IMPORTANCE) BILL.

Mr. Deputy-Speaker: (Now the House will proceed to other legislative business, namely the Bill standing in the name of Maulana Abul Kalam Azad relating to Historical Monuments and Archaeological Sites and Remains.

منسٹر آف ایجوکیشن (مولانا آزاد):

جناب میں اس وقت آپ سے درخواست کرنا چاہتا ہوں کہ یہہ بل (Bill) جو پیش کیا گیا ہے اس کی بحث اس وقت ملتوی کر دی جائے اور کورنٹس و موقع دیا جائے کہ لیگل ایڈوائس (Legal advice) لیکر وہ بعض ضروری تبدیلیوں کے معاملہ پر غور کر سکے۔

جس وقت یہہ معاملہ پہلے پہل

ایجوکیشن منسٹری (Ministry of Education)

کے سامنے آیا تھا تو اسی

وقت یہہ خیال کیا گیا تھا کہ یہہ

طریقہ مناسب نہ ہوگا کہ ایک ایک جگہ

کے لئے ہاؤس (House) کی منظوری

حاصل کی جائے اور ایک پوری لسٹ

(List) پیش کی جائے۔ اس کی جگہ

کوئی اور سیدھا سادا طریقہ اختیار کرنا

چاہئے جس کی وجہ سے پارلیامنت

(Parliament) کا فیصلہ بھی ہو

جائے اور ان کا موقعہ بھی باقی رہے کہ ہم

وقتاً وقتاً نئی جگہیں بڑھاتے رہیں۔

کہونکہ یہہ معاملہ ایسا ہے کہ ایک

موتبہ میں اس کا پورا فیصلہ ہونا

مشکل ہے۔ بہت سی جگہیں ہیں جن

کے لئے ہمیں آگے چل کر ضرورت پیش

آ سکتی ہے۔ لیکن اس وقت قانونی

وائے ہمیں یہ دی گئی کہ کانستٹی

ٹیشن (Constitution) کی دفعہ ۶۷

میں جس طرح یہہ بات رکھی گئی

ہے اس کے بعد اس کے سوا چارہ نہیں

رہا ہے کہ ایک پوری لسٹ پیش کی

جائے۔ جب پچھتے دنوں یہہ بحث ہو

رہی تھی کہ کانستٹیوٹیشن میں کچھ

امینڈمنٹس (Amendment) کئے

جائیں تو اس وقت بھی میں نے یہہ

سوال اٹھایا تھا کہ دفعہ ۶۷ میں

ترمیم کر دی جائے۔ لیکن میرے

ساتھیوں کا یہہ خیال ہوا کہ کانستٹی

ٹیشن میں جس قدر کم ترمیمیں

ہو سکیں بہتر ہے۔ یہ ترمیم کرنا

[ مولانا آزاد ]

ملاسب نہ ہوگا اس لئے یہہ چھوڑ  
گئی۔ آج صبح بعض دوستوں سے اس  
بارے میں گفتگو ہوئی تو ایسا معلوم  
ہوا کہ اگر پھر "منسٹری (Ministry  
of Law) کے موقع ایسا جائے اور وہ  
اس پر غور کرے تو شاید زیادہ آسان  
صورت نکل سکتی ہے۔ اسی لئے میں  
درخواست کرتا ہوں کہ چلد دنوں کے  
لئے اس بل پر غور کرنا ملتوی کر دیا  
جائے اور موقع دیا جائے کہ چلد  
دنوں کے بعد اس پر غور و فکر کریں۔

श्री कामत : मैं जानना चाहता हूँ कि  
क्या इस बिल को बजरीरे तालीम विदड़ो  
(withdraw) कर रहे हैं ?

مولانا آزاد : میں ودقروا نہیں کر  
رہا ہوں بلکہ بحث کر ملتوی کر رہا  
ہوں۔

श्री कामत : क्या दूसरा बिल पेश  
किया जायेगा ?

مولانا آزاد : یہی بل آئے گا۔ لیکن  
ہو سکتا ہے کہ اس میں کچھ چینج  
ہو۔

Mr. Deputy-Speaker: Hon. Members  
made some references yesterday. The  
hon. Minister says that he will take  
into consideration all those points and  
bring the Bill before the House at a  
later stage.

Dr. Deshmukh On this suggestion  
of the hon. Minister, I do not think  
that anybody has really suggested that  
the Bill was ilconceived, although that  
was my impression when we saw a  
huge list of various monuments from  
various territories of which very few  
people knew anything about and those

who knew had found that there were  
omissions. So I do not know if merely  
postponement would really cure the  
matter. It would probably be necessary  
to have a different Bill altogether. I  
hope, therefore, that it will not be  
enough to see how far this particular  
Bill is to be proceeded with but as  
far as possible a new Bill which will  
empower the Government would be  
brought in.

مولانا آزاد : نہیں اس کے لئے  
گورنمنٹ تیار نہیں ہے کہ اس کو  
واپس لے لے اور نیا بل پیش کرے۔

श्री कामत : इस पर गौर तो किया  
जाना चाहिये ।

مولانا آزاد - میں سمجھتا ہوں  
اس میں کچھ ایسی تبدیلیاں ہو سکتی  
ہیں کہ جس کے بعد یہ زیادہ  
آسان ہو جائے۔ اور اس وقت جو  
مشکل پیش آگئی ہے کہ ایک ایک  
جگہ کے لئے ہاؤس میں بل لانا  
غور و غور ہو گیا ہے کہ یہ دور ہو  
جائے۔ اسی لئے میں چاہتا ہوں کہ بحث  
کو ملتوی کیا جائے تاکہ چلد دنوں کی  
مہلت ملے۔ میں بل واپس نہیں لے  
رہا ہوں اور یہہ خیال نہیں ہے کہ نیا  
بل لیا جائے۔

श्री कामत : लेकिन कानूनी सलाह  
यह हुई कि इस बिल में तबदीली को गुंजा-  
इश नहीं है तब तो आप को नया बिल  
लाना ही पड़ेगा ।  
Mr. Deputy-Speaker: We need not  
exhaust all these remarks.

(English translation of the above  
speech)

The Minister of Education (Maulana  
Azad): Sir, I would like to make you  
a request that further consideration of  
the Bill, that has been introduced in  
the House, be postponed and the Gov-  
ernment be given an opportunity to

**Monuments and Archaeological Sites and Remains (Declaration of National Importance) Bill**

consider the question of making some necessary alterations in it with the help of legal advice.

Even when this subject came up before the Ministry of Education, in the first instance, it was thought that it would not be a proper method to get sanction of the House for each and every site and that a complete list of the sites should be submitted. It was thought that a simple procedure should be adopted which may not only help Parliament in making its decision but at the same time give us an opportunity to include more and more sites in it from time to time, because this is a matter which cannot finally be decided all at once. There are many sites which may have to be included in the list afterwards. But the legal advice that was given to us at that time was that there was no other alternative but to submit a complete list in accordance with Article 67 of the Constitution. Recently, when the question of amendment of the Constitution was being discussed, I raised the point that Article 67 should also be amended. But some of my colleagues held the view that it was better that the least possible amendments should be made in the Constitution, and that the amendment under question would not be proper, and so the matter was dropped. I talked to some of my friends about it this morning and it appeared that if the Law Ministry could be given another opportunity to consider the matter a more convenient way might be found out. That is why I request, Sir, that further consideration of this Bill be postponed for some days and an opportunity given to consider it after some days.

**Shri Kamath (Madhya Praesh):** I would like to know whether the Minister of Education wants to withdraw this Bill?

**Maulana Azad:** I am not withdrawing it but only postponing further debate on it.

**Shri Kamath:** Would another Bill be introduced?

**Maulana Azad:** This very Bill will be there but it is possible that there may be some changes in it.

**Mr. Deputy-Speaker:** Hon. Members made some references yesterday. The hon. Minister says that he will take into consideration all those points and bring the Bill before the House at a later stage.

**Dr. Deshmukh (Madhya Pradesh):** On this suggestion of the hon. Minister, I do not think that anybody has

really suggested that the Bill was ill conceived, although that was my impression when we saw a huge list of various monuments from various territories of which very few people knew anything about and those who knew had found that there were omissions. So I do not know if merely postponement would really cure the matter. It would probably be necessary to have a different Bill altogether. I hope, therefore, that it will not be enough to see how far this particular Bill is to be proceeded with but as far as possible a new Bill which will empower the Government would be brought in.

**Maulana Azad:** No. Government is not prepared to withdraw it and bring a new one.

**Shri Kamath:** It should be considered over.

**Maulana Azad:** I think that certain changes can be made in it which would make it more simple. It is possible that the difficulty that has cropped up viz. that a separate Bill be brought before the House for each and every site, might be removed. That is why I want to have the debate postponed so that we may be able to have a few days time. I am not withdrawing the Bill, nor is there any idea of introducing a new one.

**Shri Kamath:** But in case legal advice finds that this Bill does not admit of any change you will have to introduce a new one.

**Mr. Deputy-Speaker:** We need not exhaust all these remarks.

**BUSINESS OF THE HOUSE**

**CHANGE IN HOURS OF SITTING**

**Mr. Deputy-Speaker:** A suggestion was made that as during the last Session, we may have only one sitting, so that there may be sufficient opportunity for both the Ministers and the Members to attend a number of Select Committee meetings; then there is the Estimates Committee. There is practically no time. Therefore, a suggestion was made that this may be done as an experimental measure to see as to how far it will succeed. I propose that from Monday next, we may sit from 8-30 A.M. in the morning till 1-15 P.M. (*Interruption*). We are not reducing the present time even by a second. Now we shall proceed with the next Bill.

**Shri Kamath (Madhya Pradesh):** The hon. Speaker in this connection remarked as follows on the 19th of

[Shri Kamath]

April when this matter came up for discussion. He said:

"I too share the view that Parliament will be putting through its best work in the mornings, though I appreciate that hon. Members would thereby lose the advantage of cool air conditioning.

But for all practical purposes, the present is the only summer Session and the morning Session will not be for any appreciable length of time. It is therefore desirable to adopt what the substantial majority desires for the present Session only and leave the question of permanent timings for the summer Session to the next Parliament. The House will therefore sit from 8-30 A.M. to 1 P.M. on all working days from and after the 23rd inst."

The Speaker definitely said that those timings were for that summer Session only. I think it would be wrong on our part to take a decision in the absence of the hon. the Speaker when he has clearly expressed himself in this way about the timings of the Session. Therefore, I think we had better wait till he returns.

**An Hon. Member:** We are sovereign.

**Mr. Deputy-Speaker:** I am equally anxious to follow whatever the hon. Speaker has advised: as anxious as the hon. Member. That is why I advisedly said that we will have it as an experimental measure for ten days. Let us see. If it works well, it will continue and the Speaker will follow that. The decision is that from Monday, next, we meet at 8-30 A.M. and carry on till 1-15 in the afternoon. There will be one sitting only.

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** We had the experiment of the morning session last time. May we not have the experiment of the afternoon session this time?

**Mr. Deputy-Speaker:** It is also suggested that we have afternoon Sessions. But, there is this difficulty. Hon. Members will appreciate that even now Parliament sometimes sits till 6 o'clock to dispose of some particular Bills. On a normal day, the House rises for the day at 5 o'clock. The office has to sit till late in the night. Every day we get notices for the next day, etc. If the House sits from 3 o'clock till 8 o'clock, the

officers will have to sit till about midnight. Some opinion has also been expressed by the Press that the proceedings of the day would not be published that very day or the next morning and that it will take a long time. All these matters have been considered. Hon. Members are anxious that the proceedings of Parliament which are watched anxiously must reach the ends of this continent as early as possible. For these considerations, the morning Session will stand.

**Shri Kamath:** Only as an experimental measure.

**Mr. Deputy-Speaker:** Always an experimental measure.

#### EMPLOYMENT OF CHILDREN (AMENDMENT) BILL

**The Minister of Labour (Shri Jagjivan Ram):** I beg to move:

"That the Bill further to amend the Employment of Children Act, 1938, be taken into consideration."

This is a very simple measure to ratify the convention of the International Labour conference, prohibiting the employment of young persons during night time in factories, mines, Railways and ports. So far as mines are concerned, the Mines Bill is already pending before Parliament. The Factories Act provides for the prohibition of employment of young persons during certain hours of the night. It is proposed to bring in the other laws also in conformity with the convention. Here we are amending the Employment of Children Act which applies to Ports and Railways so that we may ratify the Convention of the International Labour Conference. It is a very simple measure and practically it has one clause with a view to prohibit the employment of young persons during certain hours of the night. I commend this Bill to the House.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill further to amend the Employment of Children Act, 1938, be taken into consideration."

**Dr. Deshmukh (Madhya Pradesh):** As has been described by the hon. Minister, this is certainly a very simple Bill because all that it is seeking to do is to perform a formality on account of certain Convention adopted by the International Labour Conference. My intention in making a few observations on this Bill is mainly to point out that we should



not, so far as the care and welfare of children are concerned, confine our attention to formalities, but go a little deeper and see that the provisions we have already made are really brought into effect, and are observed.

In his brief speech, the hon. Minister did refer to the provisions in the Factories Act. But, I do not know what machinery there is to see that these provisions are really respected and obeyed. In the very metropolis of Delhi, I have personally seen in many a small undertaking, I do not know whether they will come under the name of factories or not, a number of children being engaged, and in many cases were made to do all manner of work, which is ordinarily done in every factory. Child labour was being exploited in a very cruel and harsh manner. I wish therefore to draw the attention of the hon. Minister to the facts, so that some definite steps may be taken to see that the provisions of law do not merely remain on the statute book, but are enforced in actual practice. Actually there is no other commodity in India, which is more neglected than children. We care for trees; we care for even manure and fertilisers. But, so far as children are concerned, they are left more or less entirely to their fate. This is the one subject which I have taken very seriously from the beginning of my career in this Parliament and have been trying to see that more adequate provision was made so far, at any rate, as destitute children are concerned. My Bills so far as that point is concerned have not been allowed to progress in any satisfactory manner and I find that the Government are not at all anxious; indeed not only not anxious but are definitely obstructive in allowing these measures to pass. There was also another Bill of mine by which I sought that young people of India should be employed in more beneficial occupations and that there should be arrangements for their training, and that the Government should hold itself responsible, as provided in the Constitution, not only for the care of children, but also for their employment when they come of age. All these attempts of mine have failed so far. Now that the hon. Minister is reminded about children, as a result of this Bill, I hope he will take more kindly to one Bill with which he is concerned and see that the children of this soil are better cared for and better looked after.

So far as this Bill is concerned, the provisions are not very contentious. Nor is there much to be suggested

except that I would have liked the definition of 'child' to be extended to 18 years rather than confine it to 15 years as has been proposed here. Of course, there is this virtue in the proposal namely that in all the enactments about children, the age has been kept at 15 years. As against this, I have seen certain enactments in Great Britain in which the age of a child has been extended right up to 18. But apart from that, my main contention is that there should be a more careful supervision over child labour throughout the country and some steps ought to be taken in the direction of seeing that child labour is not exploited in the manner in which it is being exploited. I would invite the hon. Minister to take a drive in some distant part of this city itself and see for himself how almost naked children are being made to work not only for the hours that have been stated here, but probably for twice as many hours as have been mentioned in these enactments. It is with a view to draw the Minister's attention to the miserable condition so far as children's employment is concerned, that I have made these few observations.

**Mr. Deputy-Speaker:** The question is:

"That the Bill further to amend the Employment of Children Act, 1938, be taken into consideration."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

**Clause 5.—(Insertion of new sections: 3 D and 3 E. etc.)**

श्री भट्ट : माननीय उपाध्यक्ष महोदय, इस में मेरे शाब्दिक संशोधन हैं और माननीय मंत्री जी कहते हैं कि यह ला मिनिस्ट्री (Law Ministry) पर छोड़ दिया जाय। हम पर छोड़ दिया जाय। लेकिन एक बात की तरफ में उन की खास तबज्जह दिलाना चाहता हूँ। यह बिल (Bill) रेलवे और पोर्ट पर लागू होने वाला है और मैंने यह सुझाया है कि अंग्रेजी के साथ-साथ हिन्दी भी रक्खी जाय। तो उस में कोई

[ श्री भट्ट ]

बड़ी आपत्ति होने की सम्भावना नहीं है और माननीय मंत्री जी ने यह सुझाया है कि यह हम पर छोड़ दिया जाय और वह जैसा मुनासिब होगा वैसा करेंगे। इस लिये उन के इस खुलासे और आश्वासन के बाद मैं उन की बात मानता हूँ। और मैं अपने इन संशोधनों को पेश नहीं करता हूँ।

[Shri Bhatt (Bombay): My amendments are verbal. The hon. Minister says this should be left to the Ministry of Law. But, I would, in particular, draw your attention to one thing. This Bill is going to be applied to Railways and ports as well and I have suggested that Hindi may also be prescribed along with English. I see no likelihood of any objection being raised. The hon. Minister has suggested that this should be left to him and he would do the needful. After such an assurance from him, I would accept his advice and not move my amendments.]

Mr. Deputy-Speaker: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6.—(Substitution of new Section).

श्री भट्ट : माननीय उपाध्यक्ष महोदय, मैं अपना संशोधन पेश कर रहा हूँ :

In page 2, for lines 35 and 36, substitute:

"shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both."

मैं मानता हूँ कि इस का उद्देश्य बहुत ही सीधा सादा है। हम चाहते हैं कि जिन को हम छोटी उम्र का गिनते हैं उन जाय और काम में न लगाया जाय। इस लिये उस के वास्ते

जो सजा हो वह ऐसी ही जो कि कुछ कड़ी सी हो। इस लिये मैंने सिपल इम्प्रीजन्मेंट (simple imprisonment) एक महीने की रखने के लिये सुझाया है। मैं समझता हूँ कि माननीय मंत्री जी इस को मान लेंगे।

श्री जगजीवन राम : मैं इस को मान लेता हूँ।

[Shri Bhatt: I beg to move:

In page 2, for lines 35 and 36, substitute:

"shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both."

I concede that its object is very simple. We want that those whom we consider young should not be put on a job and should not be employed. Therefore, the punishment in such a case should be little severe. That is why I have suggested one month's simple imprisonment. I hope the hon. Minister will accept it.

Shri Jagjivan Ram: I accept it.]

Mr. Deputy-Speaker: The question is:

In page 2, for lines 35 and 36, substitute:

"shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Enacting Formula were added to the Bill.

Shri Jagjivan Ram: I beg to move:

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

**Mr. Deputy-Speaker:** The question is:

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

The motion was adopted.

**OPIUM AND REVENUE LAWS (EXTENSION OF APPLICATION) AMENDMENT BILL.**

**The Minister of Finance (Shri C. D. Deshmukh):** I beg to move:

"That the Bill to amend the Opium and Revenue Laws (Extension of Application) Act, 1950, be taken into consideration."

This Bill seeks to amend the Opium and Revenue Laws (Extension of Application) Act, 1950 by which certain taxation laws were brought into force in Part B States in 1950. I shall first give the background to this legislation.

In connection with the Federal Finance integration of the Part B States, a number of taxation Acts, namely, the Income-tax Act, the Sea Customs Act, the Land Customs Act, the Indian Tariff Act and the Central Excise and Salt Act, were extended to Part B States by making the necessary provision in the Finance Act, 1950. Certain ancillary laws were brought into force in these States by the Opium and Revenue Laws (Extension of Application) Act, 1950. One of these was the Taxation on Incomes Investigation Commission Act 1947. The only State which prior to the financial integration had a law similar to the Indian Investigation Commission Act was the former State of Travancore. In respect of that law, it was provided in the Opium and Revenue Laws (Extension of Application) Act of 1950, that that law would remain in force. But the investigation of the cases referred to thereunder to the State Commission would be made by the Central Commission. The Central Commission was to determine the procedure and exercise its powers in relation to the cases referred under the State law according to the State law itself. Now, that as it happened, was a mistake; because when the Central Commission came to deal with these cases, it found that it could not discharge its duties in relation to the Travancore cases effectively unless it could exercise the same powers which it had under the Indian Investigation Commission Act. And that explains why the necessity has now arisen for amending the Opium and Revenue

Laws (Extension of Application) Act, 1950. The Travancore Investigation Commission Act was passed in March, 1949 and did not contain some of the procedural provisions which were introduced in the Indian Investigation Commission Act later in 1949. I will give some instances of missing provisions.

There was no provision for interim reports being made by the Commission. There was no provision for empowering the Commission to retain documents produced before it. And there was no provision for empowering the Commission to examine any person who is likely to be in possession of any information or document which might be relevant to the case referred to the Commission. Also there was no power to authorise an official to examine books and accounts, to enter the business premises and seize books in the course of search. Nor was there any power to the Commission to grant immunity in deserving cases or to withdraw it if the terms of grant of the immunity were not satisfied and truthful disclosure is not made.

Therefore, in view of the fact that the Travancore law was deficient in these procedural provisions, the Central Commission recommended that it should have and exercise the same powers in the disposal of the Travancore cases as it has under the Indian laws if these cases were to be disposed of properly.

Now, that is one of the three reasons mentioned in the Statement of Objects and Reasons.

The second one is a somewhat peculiar matter. In all fourteen cases were referred under the Travancore Act, out of which eight cases are pending. Out of these, six cases were referred by the Travancore Government on the ground that the reductions made in these cases by the Chief Revenue Authority of the State were improper and unauthorised. In fact the Travancore Income-tax Act did not empower the Chief Revenue Authority to grant or order any reduction or modification in an assessment; nor was the Chief Revenue Authority an income-tax authority under the Travancore Income-tax Act. Thus even if the Central Commission were to come to a finding on the investigation of a case that the reduction allowed by the Chief Revenue Authority was not justified, in fact effect to it could not be given unless the Chief Revenue Authority is deemed to be an income-tax authority for the purposes of section 8(2) of the Travancore Investigation Commission

[Shri C. D. Deshmukh]

Act. This section 8(2) lays down that after considering the report of the Commission the Government shall direct such proceedings be taken in the case as it thinks fit and thereupon such proceedings shall be completed notwithstanding any decision of a different effect given in the case by any income-tax authority or income-tax appellate tribunal. Thus any decision given by the Chief Revenue Authority could not be upset, unless that authority were deemed to be an income-tax authority for the purposes of section 8(2) of the Travancore Act and this is what the proposed new clause (bb) of section 3 of the Opium Act attempts to secure. It is understood that in the two cases decided by the State Commission, in which a reduction was made by the Chief Revenue Authority reference applications have been filed to the High Court on the ground that the Commission was not competent to set right such reduction.

Now I come to the third reason and that has reference to the life of the Commission. According to section 4(3) of the Travancore Commission Act, the State Commission was appointed in the first instance up to the 16th August, 1950 and its life can be extended by one year up to the 16th August 1951. As the life of the Central Commission has been extended indefinitely and the Central Government is empowered to extend the Commission's term of appointment from time to time, it is necessary to make it clear that the life of the Commission in relation to Travancore cases is determined under the Central Act and not under the State Act. The proposed clause (b) in clause 2 therefore secures that in the disposal of Travancore cases the Central Commission would be entitled to act for the same term as under section 4(3) of the Taxation on Income Investigation Act 1947.

To sum up the Bill seeks to secure these three things in regard to the disposal of Travancore cases which have been transferred to the Central Commission on the financial integration of Part B States.

(1) The Central Commission will have to exercise the same powers as it exercises in the investigation of cases referred to it under the Taxation on Income Investigation Act 1947.

(2) The life of the Commission in relation to these cases will be co-extensive with its life in relation to other referred cases.

(3) Any modification made in the referred cases of Travancore by the Chief Revenue Authority would be regarded as made by the income-tax authority.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill to amend the Opium and Revenue Laws (Extension of Application) Act, 1950, be taken into consideration."

**Shri Sivan Pillay** (Travancore-Cochin): I am in full agreement with the Finance Minister in that this Act is necessary but I was prompted to speak a few words, because one or two sentences in the Statement of Objects and Reasons give an impression that the Travancore Government has done something wrong and that this is a Bill to correct it. Only for that purpose I wish to speak a few words.

In the second part of the Statement of Objects and Reasons it is said that in some of the cases referred to the Travancore Commission the Chief Revenue Authority of Travancore who was not an income-tax authority had made some unauthorised reductions in the assessments. In the Finance Minister's speech he had made it clear that the only State Government in India which had an income-tax investigation commission was the Travancore Government. Further I want only to make it clear that even the Travancore Government itself had found that these reductions made by the Chief Revenue Authority were improper and so, that Government itself had referred the matter to its own Investigation Commission for rectifying it. Therefore I want only to clear the impression, if that is carried, that anything wrong has been done by the Travancore Government and that this is a Bill to correct it.

**Shri C. D. Deshmukh:** That has already been made clear that the Travancore Government referred six of those cases on their own initiative on the ground that the reductions made in those cases by the Chief Revenue Authority of the State were improper and unauthorised. That is to say, they sat in judgment on the Chief Revenue Authority.

**Mr. Deputy-Speaker:** The question is:

"That the Bill to amend the Opium and Revenue Laws (Extension of Application) Act, 1950, be taken into consideration."

The motion was adopted.

Clause 2.—(Amendment of Section 3 etc.)

**Shri C. D. Deshmukh:** I beg to move:

In page 1, lines 15 and 16,

for "the Chief Revenue Authority of Travancore-Cochin" substitute "the Chief Revenue Authority of Travancore or of Travancore-Cochin."

The amendment seeks to make it clear that the Chief Revenue Authority may be of the former Travancore State or of the Union of Travancore and Cochin. This is just by way of abundant caution.

**Mr. Deputy-Speaker:** The question is:

In page 1, lines 15 and 16,

for "the Chief Revenue Authority of Travancore-Cochin" substitute "the Chief Revenue Authority of Travancore or of Travancore-Cochin."

The motion was adopted.

**Mr. Deputy-Speaker:** The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 1, the Title and Enacting Formula were added to the Bill.

**Shri C. D. Deshmukh:** I beg to move:

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

**Mr. Deputy-Speaker:** The question is:

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

The motion was adopted.

SEA CUSTOMS AND THE CENTRAL EXCISES AND SALT (AMENDMENT) BILL.

**The Minister of State for Finance (Shri Tyagi):** I beg to move:

"That the Bill further to amend the Sea Customs Act, 1878 and the Central Excises and Salt Act, 1944, be taken into consideration."

217 PSD

Under the Sea Customs Act as it stood when the new Constitution came into force, customs duties were levied on all goods imported by the Central Government or by State Governments. Duties of Central excise were also due to be paid on all dutiable articles produced or manufactured by or on behalf of any governmental agency. With the commencement of the Constitution, notwithstanding the provisions of Article 372 continuing in force existing laws and their adaptation, it has been considered that the specific exemption granted under Article 289(1) in the case of property and income of a State, would stand in the way of the continued levy of the above duties in respect of goods imported when they are the property of a State Government and excisable goods produced and manufactured in a Government undertaking or when they are the property of a State Government. It is probable that the above consequences were not entirely foreseen when the exemption from Union taxation for State Government property was sought to be provided in the Constitution. The position earlier was that under the Government of India Act, 1935 an exemption existed for lands and buildings only and not for all manner of goods which were the property of a State Government. During the discussions in the Constituent Assembly on the 9th September, 1949 it was pointed out how Articles 264 and 266 were drafted on somewhat parallel lines and the hon. Law Minister explained in particular about the former Article that it was designed to maintain the *status quo*. In regard to Article 266 only exemption from direct taxation of public utility undertakings owned by a State Government were discussed and sought to be covered by the exemption. As the duties of customs and Central excise levied under the Union law are commodity taxes to be paid in the ultimate resort by consumers, it would create anomalies if State Governments, as distinct from the Union Government, were exempt in respect of their importation or if Government importations as a category are exempted and a class of favoured importers or suppliers is created *vis-a-vis* the private section. The Bill seeks to obviate this anomaly and restore the statutory position as it existed before the 26th January, 1950.

Opportunity has also been taken to incorporate in the Bill certain clarificatory amendments to remove certain defects which have come to notice in the working of the Sea Customs Act.

[Shri Tyagi]

One of the changes is in respect of section 38 of the Sea Customs Act under which it is now proposed to be provided that where an exporter is allowed to deliver a shipping bill in advance of the arrival of the vessel for purposes of levy of the duty, the shipping bill shall be deemed to have been presented only on the date on which, on arrival of the vessel, it has taken permission to load cargo.

A further change is to make more precise the time limit prescribed in section 39 for reckoning the period of limitation for preferring demands for short levy of customs duties. In accordance with long-standing practice, the date is proposed to be counted from the date of issue of the demand notice instead of leaving it in doubt as to what is the correct date on which the demand was made or deemed to be made.

A further change has been made in section 111 of the Sea Customs Act so as to render goods, which have been warehoused without paying import duty, liable to the export duty on their re-export, a liability which they would not have avoided had they been cleared for home consumption on importation in place of being warehoused.

**Mr. Deputy-Speaker:** The question is:

"That the Bill further to amend the Sea Customs Act, 1878 and the Central Excises and Salt Act, 1944, be taken into consideration."

The motion was adopted.

Clauses 1 to 6 were added to the Bill.

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

**Shri Tyagi:** I beg to move:

"That the Bill be passed."

**Mr. Deputy-Speaker:** The question is

"That the Bill be passed."

The motion was adopted.

**RESOLUTION RE. CONVENTION  
FOR SUPPRESSION OF TRAFFIC  
IN PERSONS AND EXPLOITATION  
OF PROSTITUTION.**

**Mr. Deputy-Speaker:** The next item in the Order Paper stands in the name of the Law Minister. I do not find him in his seat.

**The Minister of Home Affairs (Shri Rajagopalachari):** He is somewhat indisposed. I suggest we may take the next item.

**Mr. Deputy-Speaker:** But the House must be informed whenever an item of business stands in the name of an hon. Minister and he is unable to be present—something is due to the House.

**Shri Rajagopalachari:** I did not really expect that the hon. Member would be absent—I am informed now. But the next Resolution which I would move is one which would be hailed by all Members of the House without notice.

**Mr. Deputy-Speaker:** Very good.

**Shri Rajagopalachari:** I beg to move:

"This House approves the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of others signed at Lake Success on the 9th day of May, 1950, by the representative of the Government of India on behalf of India and is of opinion that the said Convention be ratified by the Government of India".

As a result of discussions extending over several years, the League of Nations prepared in the year 1937 a draft Convention for the Suppression of Prostitution. A conference to finalise the Convention was to have been convened in the year 1940 but it could not be held due to the outbreak of war.

The Economic and Social Council of the United Nations requested their Secretary-General in March 1947 to resume the study of the draft Convention. The Secretary-General was subsequently requested to prepare a new and comprehensive draft Convention for the Suppression of Traffic in Women and Children and the Prevention of Prostitution. A consolidated draft Convention was finally adopted by the General Assembly at its Fourth Session in December, 1949. A copy of the Convention is available in the Library. The important provisions are the parties to the Convention agree to provide in their law for punishment:

- (i) For procuring, enticing or leading away, for purposes of prostitution, another person even with the consent of that person.
- (ii) For exploiting the prostitution of another person even with the consent of that person.

- (iii) For keeping, managing or financing of a brothel.
- (iv) For knowingly letting or renting a building etc. for the purpose of the prostitution of others.

The Convention also provides for:

- (v) the prohibition of registration or licensing of prostitutes;
- (vi) the exchange of information between Member-States in regard to offences committed under the Convention and persons found guilty of such offences;
- (vii) the encouragement through public and private educational and other services, of measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution;
- (viii) the taking by the Member-States of such measures as are necessary for checking international traffic in prostitution.

The Convention lays down that it does not affect the principle that the offences to which it refers shall in each State be defined, prosecuted and punished in conformity with its domestic law.

Not only does the Convention not contain anything to which India can object but we are in complete sympathy with its different Articles. In fact, our domestic law has already gone far in the direction stated in the Convention. There are sufficient powers under the various State Acts and the relevant Section of the Indian Penal Code substantially to comply with the Article regarding procuring, enticing or leading away a person for the purpose of prostitution. There is no system of licensing and registration of prostitutes in India; this is a negative point but I do not suppose the fundamental rights guaranteed in the Constitution would cover this profession or that there is likely to be any agitation for lawful and protected non-martial satisfaction. In regard to the Article regarding the punishment of persons who keep and manage brothels or knowingly let buildings for the purpose of prostitution, the position varies in different States. In due course, the Government of India may propose to State Governments in what way they should adapt their legislation to bring it in general conformity with the Convention.

The Convention was signed by our representative on the 9th of May, 1950, and I hope Parliament will have no difficulty in according approval to it.

**Mr. Deputy-Speaker:** Resolution moved:

"This House approves the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of others signed at Lake Success on the 9th day of May, 1950, by the representative of the Government of India on behalf of India and is of opinion that the said Convention be ratified by the Government of India."

**Shri Sidhva (Madhya Pradesh):** The hon. Minister in his speech stated that a copy of the Convention is in the Library. Ever since this subject was put on the agenda three days ago, I have been wanting to see this Convention. I went to the Library and every day I have been told that it is not available. They told me that a copy has not yet been supplied by the Ministry. However, they have been good enough to give me the YEAR BOOK OF THE U.N. It contains some information but I would like time to study it. This subject of prostitution and brothels is a provincial one and we would like to know what are the particular objects of this Convention that India is required to follow. Conditions in India are quite different from what they are in western countries. There brothels are prohibited, but in India brothels are situated in the heart of the city and when citizens protest and want them to be removed somewhere else the State Governments cannot comply with it. It is really nauseating to see respectable people residing side by side with prostitutes in the heart of the city. Will the hon. Minister enlighten us as to whether, under this Convention, the Government of India can direct the State Governments to take action in this matter? If that is so, then it is worth while ratifying this Convention and taking the necessary steps. This is the main point. Of course, I do not like postponement because we have not got a copy, but the hon. Minister can enlighten us on this point.

**Shri Kamath (Madhya Pradesh):** I have the same difficulty as my hon. friend Mr. Sidhva. I could not get a copy of the Convention. Therefore, I submit that it is very unfair to the House that the Minister in charge should proceed with a Resolution without making available copies of relevant papers. Last Session, when

[Shri Kamath]

Mr. Mahtab's Resolution was before the House, you were good enough to rule that Members were not in possession of certain information the Bill could not be proceeded with, and the debate was postponed. On the same grounds, I submit that in all fairness the debate on this resolution should be adjourned to some other date, i.e. some date by which Members will be in possession of the relevant documents and will have studied them properly.

**Dr. Deshmukh** (Madhya Pradesh): I support the suggestion made by my hon. friend Mr. Kamath, because if this Convention has any meaning we ought to consider it more seriously. From what the hon. Minister read out, I think the system of prostitution is by itself to be condemned and the man who goes to a prostitute commits an offence and would be liable to punishment. I do not know what force this ratification or the pompous signature of our representative to the Convention has got. Is this going to be the law of the land? Is that the force of this Convention and our acceptance of the Resolution proposed by the hon. Minister for Home Affairs? Or is it merely a pious wish like the Objectives resolution, having no force at all excepting that it defines our ideals. If this is the purpose, one would probably have no objection, but if the various things which have been read out to us for the first time are supposed to be obeyed and made effective throughout the whole length and breadth of the country, then I think that it is very reasonable to expect that we should know what it is that we are approving; what it is that we are ratifying; and what exactly is the force of this ratification.

**Shri Rajagopalachari**: I do not wish to object to the suggestion that they should have more time, but I wish to explain something in order to clear a misapprehension. The details of the legislation are left to each State. The Convention so to say expresses the ideal that prostitution should be suppressed and discouraged. Mr. Sidhva asked as to whether we shall have more powers to control the States on account of this Convention. Certainly not. The Convention only brings about an agreement among all States of the world to work towards this end and help each other because prostitution has become an international affair. With regard to the control

which the India Government would have over its own States, that is a matter entirely of domestic law. Of course, moral influence would have its sway.

**Mr. Deputy-Speaker**: I think Parliament has got the power under Article 253 which reads:

"Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body."

Since hon. Members want to express their opinion on a matter like this and they have not had the papers, we may adjourn the debate, if the House agrees.

**Hon. Members**: Yes.

**Shri Rajagopalachari**: I have given a copy of the Convention just now in a handy form to be placed on the Table. [See Appendix I, annexure No. 33.]

**Mr. Deputy-Speaker**: Anyhow, this Resolution stands over.

#### NOTARIES BILL

**The Minister of Law (Dr. Ambedkar)**: I am sorry I was not present in the House when I was called. I was in my room dealing with a Priority Committee.

**Shri Kamath** (Madhya Pradesh): You had not been taken ill?

**Dr. Ambedkar**: I have been ill, as hon. Members know. I am ill. At the same time, I do discharge my functions.

**An Hon. Member**: It is no use proceeding with a new Bill, because very few minutes are left.

**Dr. Ambedkar**: I shall merely move the Bill and reserve my speech for tomorrow.



**Mr. Deputy-Speaker:** Yes.

**Dr. Ambedkar:** I beg to move:

"That the Bill to regulate the profession of notaries, be taken into consideration."

**Shri Kamath (Madhya Pradesh):**  
Are we sitting on Saturday also?

**Mr. Deputy-Speaker:** If the discussion on the President's Address is not concluded tomorrow, it will go on till Saturday and we may start fresh business on Monday.

*The House then adjourned till a Quarter to Eleven of the Clock on Friday the 10th August, 1951.*