

Wednesday, 29th August, 1951



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

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THE
PARLIAMENTARY DEBATES
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PARLIAMENT OF INDIA

Wednesday, 29th August, 1951

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

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

LOCUST PLAGUE

***608. Shri Sidhva:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the U. S. Government have set aside a sum under the Point Four programme to help fight locust plague in India;

(b) if so, what is the amount and whether the operations have been carried out and if so, with what effect; and

(c) whether this amount will be eventually borne under the Point Four programme or some share is to be borne by the Government of India?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) to (c). The U.S. Government have sent to India, under the Technical Assistance programme, 3 small planes with 12 technicians to demonstrate aerial locust control operations in the desert breeding areas. The U.S. Government meets the charter charges of the planes, cost of transport to India and back, salary of the technicians and the cost of a specified quantity of insecticide. The exact amount involved is not known. The Government of India have agreed to bear the 'local' cost such as board and lodging expenses of the technicians, cost of fuel, diluents, provision of ground facilities and additional insecticide required.

The operations have only recently commenced and it is too early to assess results.

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Shri Sidhva: May I know whether this process is done by some powerful insecticide and whether they have been successful so far? What is the result so far, I want to know.

Mr. Deputy-Speaker: In this country?

Shri Sidhva: Yes.

Shri K. M. Munshi: Various chemicals are being used including what is called B.H.C. and Aldrin. The operations have commenced just now, last week. It is difficult to say what the result has been.

Shri Sidhva: What has been the experience in other countries?

Shri K. M. Munshi: In Iran, where this very fleet operated, the results were good.

Shri Sidhva: What is the area covered by this operation?

Shri K. M. Munshi: The area is about a radius of 50 to 100 miles of Bikanir, to start with.

Shri Sivan Pillai: May I know whether the Government propose to take advantage of the presence of the British Locust Expert Mr. Lean, now in India, in this matter?

Shri K. M. Munshi: Mr. Lean came to India only two or three days before. He met me yesterday. He is contacting our officers in order to see whether he could be helpful.

Shri Sivan Pillai: May I know whether the Government propose to purchase two helicopters for aerial control of locusts?

Shri K. M. Munshi: It was at one time proposed that we should buy some helicopters. In the meantime, these pipers cubs were operating in Iran. It was thought that we should have a trial with them before going in for helicopters.

Shri Kamath: With regard to the locust plague referred to in part (a),

of the question, is it a fact that the locusts are now retreating west from India and advancing on Pakistan?

Shri K. M. Munshi: They are breeding in India; I do not know what they will do thereafter.

Shri Jnani Ram: May I know whether the Government have prepared any scheme of contribution to be paid for this operation?

Shri K. M. Munshi: The total expense on our side comes to Rs. 450,000.

Shri Sidhva: May I know whether Mr. Lean to whom the hon. Minister made reference has got some other scheme apart from the American scheme?

Shri K. M. Munshi: At the time of the International Anti-Locust Conference held in Delhi in November, 1950, it was suggested that we can buy a few helicopters and do this aerial dusting of locusts. We were not quite sure whether it was going to succeed. We have no experience in this work. When the American fleet was operating in Iran, we thought it well to invite them here so that we can get experience.

Shri B. K. Das: Is this intended only for desert areas and not for the populated areas?

Shri K. M. Munshi: The locusts have a knack for breeding in deserts. They do not breed in cities. That is the difficulty.

श्री आर० ऐस० तिवारी : क्या माननीय मंत्री जी, यह बतलाने की कृपा करेंगे कि इस साल भारतवर्ष में टिड्डियों का आक्रमण कहां कहां हुआ है।

[**Shri R. S. Tewari:** Will the hon. Minister be pleased to state the places in India where locust invasions have taken place this year?]

Shri K. M. Munshi: As a matter of fact, they have been invading from North Bombay right up to the borders of Jaisalmer. If the hon. Member wants details, I will make enquiries.

Shri A. C. Guha: May I know whether the British Expert Mr. Lean has any experience of fighting locusts in tropical countries, and if so, in what countries?

Shri K. M. Munshi: Mr. Lean is connected with the operations from Africa onwards.

Shri S. N. Das: To what extent have our efforts in this direction been able to ward off Pakistani swarms coming into India?

Shri K. M. Munshi: There are no Pakistani and Indian locusts; they are all highly international.

The Minister of State for Finance (Shri Tyagi): They belong to the U.N.O.

FOOD GIFTS

*609. **Shri Sidhva:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any food gifts have been received from France and Norway and if so, what is the quantity supplied by each of these countries and whether they have arrived;

(b) whether any expenses have been borne by the Government of India in receiving these gifts;

(c) whether it is a fact that the executive board of the U. N. International Children's Emergency Fund have fixed certain amount for allocating to the distressed people in Bihar; and

(d) if so, whether the allotment has been received and whether this is gift?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Two tons of wheat as free gift from France has been received. No food gift from Norway has been received so far.

(b) Government of India have not incurred any expenses in respect of the free gift of foodgrains from France.

(c) Yes.

(d) Most of the medical supplies given by the United Nations International Children's Emergency Fund out of the fund allocated by them for purpose of relief in Bihar have been received and these are free gifts.

Shri Sidhva: What is the amount of free gift for Bihar which you have received?

Shri K. M. Munshi: Even for medical supplies?

Shri Sidhva: Yes.

Shri K. M. Munshi: The medical supplies will be approximately 60,000 dollars.

Shri Sidhva: May I know whether our Embassy in France made a big capital that France and Norway were

going to send big quantities of wheat to this country? Is it a fact or is that information wrong?

Shri K. M. Munshi: So far as France is concerned, these two tons were donated by the Citizens of the World Organisation, Paris. There is no other offer of free food. As regards the Norwegian offer, there was some offer which has not yet materialised. It is being pursued. The tonnage is to the extent of 750,000 pounds. There is again an offer of 50,000 gallons of Cod liver oil. That is all the offer.

Shri R. Velayudhan: Apart from Bihar, may I know whether any other State in India has received any food gift from the International Children's Emergency Fund, and in what form? Is it in the form of wheat, or milk or bread?

Shri K. M. Munshi: The other province to which it is sent is Madras. As regards the details, I have not got the figures here.

Shri A. Joseph: What is the method of distribution of that gift in Madras or Bihar?

Shri K. M. Munshi: It is done by the State Governments who generally employ agencies of approved service or the district magistrate.

Shri Jnani Ram: May I know the number of persons benefited in Bihar by this gift?

Shri K. M. Munshi: It is rather a very difficult question to answer.

COMMONWEALTH TELE-COMMUNICATION SERVICE

*610. **Shri Sidhva:** Will the Minister of Communications be pleased to state:

(a) whether the Financial Arrangements under the Commonwealth Telegraphs Agreement which ended in April, 1951 has been extended; and

(b) whether any saving to Government has accrued under this arrangement?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) The saving to Government is estimated at Rs. 5 lakhs per year, but it is not possible to give the actual figure as the traffic accounts of the Overseas Communications Service for 1950-51 have not been finalised.

Shri Sidhva: What are the principal terms of the agreement?

Shri Raj Bahadur: Recently, the Commonwealth countries pooled the

entire expenses on the maintenance of the equipment and service and the terms bind us to pay our proportionate share of that expenditure.

"CATCH MORE EAT MORE FISH" CAMPAIGN

*611. **Shri Kamath:** Will the Minister of Food and Agriculture be pleased to state what machinery has been set up, what methods are being followed and what expenditure has been incurred up-to-date by the Government of India in connection with publicity and propoganda for the "Catch More Eat More Fish" Campaign?

The Minister of Food and Agriculture (Shri K. M. Munshi): All the usual media of publicity are being employed to give an impetus to the Grow More Fish Campaign. Government have not found it necessary to set up any special machinery for the purpose. I may also add that there is no campaign of "Eat More Fish" because there is not sufficient fish in the country to meet even the present demand.

Shri Kamath: May be not in the land, but are there not enough fish in our rivers and in the sea?

Shri K. M. Munshi: So far as Sea fishing is concerned, experiment is going on in Bombay, Madras and Calcutta, in order to explore the possibilities of securing more fish. The present difficulty is that not sufficient fish is available for the existing demand in the country and so we cannot go and preach to the people to eat more fish.

Shri Kamath: Am I to understand that the Government have given up the attempt or plan to make the people of India more fish-minded?

Shri K. M. Munshi: Well, the effort has not been given up, but the production must also keep pace with it.

Shri Kamath: May I know, Sir, which State in India consumes the largest quantity of fish per capita?

Shri K. M. Munshi: May be Madras or Bengal, I have no idea. But it cannot be any other province.

Shri Lakshmanan: Are any exploratory trawlings done by the Government for off-shore fishing and if so with what result?

Shri K. M. Munshi: Exploratory work is being done by the Government of India at Bombay and it is done by the

Government of West Bengal in Calcutta. I think there is also a similar experiment being carried on in Madras, but I speak subject to correction.

सेठ गोविन्द दास : क्या माननीय मंत्री जी को यह बात मालूम है कि इस सम्बन्ध में उन के जो भाषण हुए हैं उन का कई समाजों और कई व्यक्तियों ने उग्र विरोध किया है और उन के भाषण में और उन की इस प्रकार की नीति से कई लोगों को बहुत दुःख पहुंचा है ?

[**Seth Govind Das:** Does the hon. Minister know that several persons and societies have strongly protested against his speeches in this connection, and that the feelings of several people have been injured by them and by his policy?]

Shri K. M. Munshi: Well, I am very sorry if people got shocked at what I stated; but all the same, I think the salvation of the country lies in the people eating more fish than they do now.

सेठ गोविन्द दास : तो क्या माननीय मंत्री जी ने स्वयं इस सम्बन्ध में कुछ प्रयोग आरम्भ कर दिया है ?

[**Seth Govind Das:** Has, then, the hon. Minister himself started any experiment in this connection?]

Shri K. M. Munshi: I am too old to start a new experiment now; but I have no objection to any one of the hon. Members starting it from tomorrow.

Shri Kamath: May I know whether the Food Ministry's nutrition expert or the food laboratories in the country have analysed and determined the food-value of various kinds of fish?

Shri K. M. Munshi: I know the Indian Council of Agricultural Research has financed several schemes of research in that direction.

Shri A. C. Guha: In view of the statement of the hon. Minister that there is not sufficient fish in the country to meet the present demand, have Government taken any steps to see that people who are not now eating fish are not hereafter induced to eat fish?

Shri K. M. Munshi: Both the processes can go on simultaneously—pro-

ducing more fish and eating more fish. If there is greater demand, the supply also will go up.

Shri R. Velayudhan: Has any State asked for any subsidy for carrying on experiment in trawler fishing? Has the State of Travancore-Cochin asked for a subsidy?

Shri K. M. Munshi: If the hon. Member wants to know about Travancore-Cochin, I may tell him that they have been given a grant of Rs. 1 lakh, and several States have been given considerable grants in order to encourage this work.

Pandit M. B. Bhargava: Does not the hon. Minister agree that even in this field practice is more effective than precept?

Mr. Deputy-Speaker: We go to the next question.

MESSAGE RATE SYSTEM

*612. **Shri Kamath:** Will the Minister of Communications be pleased to state:

(a) in how many cities the message rate system for telephone calls has been introduced;

(b) whether it has been uniformly applied in those cities to ordinary subscribers as well as to those who availed themselves of the "Own Your Telephone" Scheme; and

(c) if not, what is the difference?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Kanpur, Ahmedabad, Amritsar, Poona, Bombay, New Delhi, Delhi, Indore, Allahabad, Nagpur, Calcutta and Madras.

(b) and (c). Yes, except in Calcutta where the subscribers who obtain telephones by depositing Rs. 2,500 under the Own Your Telephone Scheme, pay at the rate of 10 calls to a rupee while others pay at 8 calls to a rupee.

Shri Kamath: Is it a fact that in those cities where this message-rate system has been introduced, the number of calls per telephone has greatly diminished?

Shri Raj Bahadur: Yes, a psychological effect was there and for the first month the number decreased; but later on as the people gathered confidence the number has come about to the original level.

Shri Kamath: Has the Government's attention been drawn to this or have they received representations to that effect, that where this system has been introduced the owners of private telephones have charged over two annas

per call from an outsider who calls on their phones and thus the P. and T. Department, which takes no action in the matter, has become a party to this profiteering on their part?

Mr. Deputy-Speaker: The hon. Member can put a question but not draw inferences.

Shri Kamath: Though they should charge only about one anna four or six pies, they charge two annas or more per call.

Mr. Deputy-Speaker: The hon. Member wants to know whether Government have taken steps to prevent owners of telephones from charging a higher rate from other users.

Shri Raj Bahadur: The contract for the payment of the rental charges is essentially between the subscriber and the Department. So far no complaint of the nature referred to has been formally communicated to us. In case it is found that something is down that is wrong on moral grounds, we shall take proper action.

Shri A. C. Guha: Is it not the fact that the message rate in Calcutta is the highest in the country?

Shri Raj Bahadur: Apart from the O.Y.T. system, the old British Bengal Telephone Company's telephone system is still in use and we have not been able to change or renovate it so far. As soon as that is done, the rates too will be revised.

श्री लाल अचिन्तराम : क्या माननीय मंत्री जी कृपा कर के बतलायेंगे कि गवर्नमेण्ट ने कभी इस बात पर शौर किया है कि टेलीफोनो का रेट कम कर के एक आना कर दिया जाय ताकि वह पापुलर हो जाय ?

[**Lala Achint Ram:** Will the hon. Minister be pleased to state whether the Government have ever considered the proposal of reducing the rate of telephone calls to one anna per call with a view to popularizing it?]

श्री राज बहादुर : मुझे खेद है कि ऐसा कोई सुझाव अब तक मेरी जानकारी में नहीं आया है । यदि माननीय सदस्य इस ओर ध्यान आकर्षित करेंगे तो उस पर विचार किया जायगा, किन्तु मैं समझता हूँ कि यह रेट और देशों को देखते हुए सही है । और

चूँकि यह डिपार्टमेण्ट कमर्शियल लाइन पर चलता है इस को देखते हुए भी यह ठीक ही है

[**Shri Raj Bahadur:** I am sorry I am not aware of any such proposal. Nevertheless, if the hon. Member will bring this proposal to the notice of the Government, it would certainly be considered; but I think the present rate is quite reasonable as compared to the similar rates prevailing in other countries. Also because this department is being run on a commercial basis, it seems quite reasonable.]

सेठ गोविन्द दास : जहाँ जहाँ यह नई पद्धति आरम्भ की गई है वहाँ वहाँ सरकार की आमदनी में क्या कोई वृद्धि हुई है और क्या इस सम्बन्ध में कोई सरकार की योजना है कि जहाँ जहाँ इतने इतने फोन हैं वहाँ यही पद्धति जारी की जाय ?

[**Seth Govind Das:** Has there been any increase in the Government revenue at places where the message-rate system has been introduced and is there any such plan under consideration of the Government that this system be introduced at those places, as well where a certain minimum number of telephones exist?]

श्री राजबहादुर : प्रश्न का दूसरा भाग जो है उस के बारे में मैं निवेदन करता हूँ कि जहाँ तीन सौ से अधिक लाइन्स का एक्सचेंज है वहाँ एक असें में यह मेसेज रेट सिस्टम जारी किया जायगा । जो पहला प्रश्न है उस के बारे में मेरा उत्तर यह है कि इस में पहले पहल तो आमदनी में थोड़ा फर्क आया, यानी कमी हुई, लेकिन अभी बहुत जल्दी है, यानी अभी समय कम ही बीता है और हम कह नहीं सकते कि आमदनी कम होगी या बढ़ेगी । लेकिन आशा की जाती है और विश्वास भी है कि आमदनी बढ़ेगी ही ।

[**Shri Raj Bahadur:** In reply to the second part of the question I would like to say that it is a long-term proposal to introduce the message-rate system at places where the Telephone Exchange comprises more than three hundred lines. With regard to the first part of the question my answer is that in the beginning it resulted in

a small fall in the Government revenue; but it is too early to say whether actually there will be any increase or fall in the revenue. Nevertheless, it is hoped and believed that the revenue would increase.]

श्री द्विवेदी : क्या मैं जान सकता हूँ कि लखनऊ में यह व्यवस्था क्यों नहीं जारी की गई ?

[Shri Dwivedi: May I know why this system has not been introduced in Lucknow?]

श्री राज बहादुर : यह शनैः शनैः किया जा रहा है। जैसे जैसे इस विषय में हमारी आवश्यकता बढ़ती जाती है और हम उन आवश्यकताओं को पूरा कर सकते हैं, वैसे वैसे इस को आगे बढ़ाया जाता है।

[Shri Raj Bahadur: This is being done gradually. As our needs in this connection go on increasing and we are in a position to meet them, this work is carried forward.]

Shri Sidhva: The hon. Minister stated that our charges are less than compared to those of other countries. May I know with what countries they have been compared? Is it not a fact that in Switzerland, Belgium and France the rate for a telephone call is less than what prevails in India?

श्री राज बहादुर : मैं ने यह निवेदन नहीं किया कि हम एक युक्त से हमारा रेट नीचा है। मैं ने कहा कि अगर औसत देखा जाय तो हमारा रेट अधिक ऊँचा नहीं है।

[Shri Raj Bahadur: I have not said that our rate is the lowest of all countries. I have only stated that if we take the average, our rates would not be in any way high.]

Shri A. C. Guha: Is it not a fact that the Government took over the concern at Calcutta from the private company several years ago and that they have not been able to revise the rate for so long a time?

Shri Raj Bahadur: As a matter of fact, Government took it over as early as 1943. The fact remains that the old system with the worn-out equipment had to be kept on. It had run its life entirely; and it will take some time to renovate the system and put it in proper gear so as to serve such a big city as Calcutta.

सेठ गोविन्द दास : माननीय मंत्री जी ने अभी यह कहा कि हमारे यहां के रेट दूसरे कई देशों से कम हैं। तो क्या मंत्री जी ने यह बात देखी कि जिन देशों का रेट हमसे अधिक है उन देशों के लोगों की आमदनी कितनी है और हमारे देश के लोगों की आमदनी कितनी है ?

[Seth Govind Das: The hon. Minister has just now stated that our rates are low as compared to the similar rates prevailing in other countries. Has he taken into account the income of the people of those countries where the rates are high and also that of the people of this country?]

श्री राज बहादुर : इस की तुलना करने की कोई आवश्यकता महसूस नहीं की गई। यह मानना पड़ेगा कि जो हमारे यहां का सिस्टम है उस को देखते हुये जितनी सरविस मिलती है बहुत काफी सन्तोषजनक है अगर परसेंटेज देखा जाय तो टेलेफ़ोनों की संख्या देश में बहुत कम है और हमारी आवश्यकतायें बहुत अधिक हैं।

[Shri Raj Bahadur: It has not been felt necessary to compare them. You will have to agree that the services available here from this system are fairly satisfactory. If we consider percentages the number of telephones in this country is small whereas our needs are far greater.]

SHIP CANAL FROM DIAMOND HARBOUR TO KIDDERPORE DOCKS

*615. **Shri S. C. Samanta:** (a) Will the Minister of Transport be pleased to state whether the investigations at the C.W.I.N.C. Research Station at Poona in connection with a ship canal from Diamond Harbour to Kidderpore Docks have been completed?

(b) If so, what is the result of the investigations?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). No, Sir. Two models of the River Hooghly have been constructed and are at present being operated to obtain correct tidal reproductions. Experiments on these models will have to be continued for a few years before any reliable conclusions can be reached as to the methods to be adopted for training and improving the River Hooghly.

Shri S. C. Samanta: What was the estimated cost and how much has been spent on the river models and the ship canal at the Poona Research station?

Shri Santhanam: An expenditure of Rs. 9,81,000 has been sanctioned in connection with the construction of the river models.

Shri S. C. Samanta: May I know whether Mr. Claude Inglis has again been consulted, because it was he who recommended the plan for the model construction at the Poona Research Station?

Shri Santhanam: The models have been built at Poona and are under observation. It will take four or five years before the results can be tabulated. No purpose will be served in consulting Mr. Inglis before the results are available.

Shri T. N. Singh: Was not there a proposal to make another channel from Diamond Harbour to Calcutta in order to obviate the difficulties in the passage of ships which have to go very slow in the channel?

Shri Santhanam: There was a proposal but all these are very costly proposals. In order to determine which proposal should be adopted these models have been constructed at Poona.

Shri T. N. Singh: Have Government taken into consideration the extra ten days taken by the ships in travelling by that route and the value in money lost every year as a result of this?

Shri Santhanam: It is not a question of mere time and cost. All the warehouses have been built along the existing river and if the existing river can be made suitable it will certainly be less expensive for the country as a whole. So both the models have been constructed and have been under observation.

Shri S. C. Samanta: When the Government is unable to accept this costly scheme, what feasible and immediate steps have been taken to see that the dangers and difficulties of navigation from Diamond Harbour to Calcutta Port are removed?

Shri Santhanam: That is exactly the purpose of these models, namely to find out whether river training works or dredging will be a suitable method of improving the method of communication. Until the observations give reliable data we cannot come to any conclusions.

Shri S. C. Samanta: How many dredgers have been employed since this scheme was taken up?

Shri Santhanam: This is a question of research and observation. The Calcutta port has enough dredgers for normal use.

Shri B. K. Das: Was any estimate made for this proposed canal and if so, what was the estimate?

Shri Santhanam: Reliable estimates are made only when the project comes to a late stage. I do not think this work has been taken up but I am not sure. I will have to get the information.

Shri T. N. Singh: Have Government seen the reports in the papers about the appearance of a bar in the channel which was likely to cause heavy damage to ships? How was it caused and what steps are being taken by Government to prevent the risk of damage to ships?

Shri Santhanam: The appearance of bar at various places is a normal phenomenon of the Hooghly river and the Calcutta port has devised elaborate measures as to when ships have to go, in high water or over the bars, how to dredge and when to dredge. All these things are a normal part of the Calcutta Port's routine.

Shri A. C. Guha: Since when has the proposal for digging a canal from Diamond Harbour to Calcutta port been pending? At what stage is it? Has it been abandoned or is it still under active consideration?

Shri Santhanam: The models have been constructed to find out which is the best method.

HOLDINGS IN DELHI STATE

*616. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Food and Agriculture be pleased to state:

(a) when the plan for consolidation of holdings was initiated in Delhi State;

(b) what area and how many holdings have been consolidated up till now; and

(c) what areas are proposed to be undertaken from September, 1951 and what are the plans for their consolidation?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) In 1929 through the Cooperative Department. Since 1st October, 1949 the plan is

being executed under the Revenue Agency.

(b) A statement is placed on the Table of the House.

(c) It is proposed to speed up the work in the three circles of Palam, Najafgarh and Narela. The State Government propose to carry out the plan under the provisions of the Punjab Consolidation of Holdings Act of 1948 which provides for compulsory consolidation in the notified areas.

STATEMENT

Progress of the Plan for the Consolidation of holdings in the State of Delhi.

	No. of holdings consolidated	Area covered
(1) 1929 to 30th September, 1949 (Under the Co-operative Department).	8,837	52,813
(2) 1st October, 1949 to 30th June, 1951 (Under the Revenue Agency)	20,390	26,949
(3) Total upto the 30th June, 1951.	29,227	79,782

	No. of villages completed
(1) 1929 to 30th September, 1949 (Under the Co-operative Department).	60
(2) 1st October, 1949 to 30th June, 1951 (Under the Revenue Agency).	22
(3) Total upto the 30th June, 1951.	82

Pandit Munishwar Datt Upadhyay: Arising out of the answer to part (b) of the question, may I know whether the size of the holdings has now been reduced. It appears that under the Cooperative Department the number of holdings was 8,837 over 60 villages covering about 52,000 acres. But during the second instalment of the plan between October, 1949 and June, 1951 it appears that the number of holdings is 20,000 whereas the area

covered is 26,000 acres over 22 villages. It looks as if the size of the holdings has been reduced and if so, what is the reason?

Shri K. M. Munshi: From the statement it is clear that the area where consolidation was carried out between the 1st October, 1949 and 30th June, 1951 was smaller, though the number of holdings was much larger. The reason was that the holdings were much smaller in size.

Shri Kamath: Is any information available with the Minister to show what is the size of the smallest holding and the largest in Delhi State?

Shri K. M. Munshi: I have not got the information. I would like to have notice.

Pandit Munishwar Datt Upadhyay: Was there any resistance by the cultivators when the consolidation of holdings was undertaken and were they helpful?

Shri K. M. Munshi: I am not aware of any resistance.

Lala Achint Ram: How long do Government propose to take to complete the consolidation of holdings in Delhi State?

Shri K. M. Munshi: The work was to begin from the 1st September and it is expected that it will be finished early in October, about 179 villages in all from the 1st of September. That will mean that about 240 villages would have been covered and then the remaining 118 will be taken on hand.

LAND TENURE SYSTEM IN DELHI STATE

*617. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Food and Agriculture be pleased to state:

(a) what is the system of land tenure generally prevailing in Delhi State;

(b) whether there is uniformity of land tenure in the whole of Delhi State;

(c) what is the land tenure system in the Shahdara area; and

(d) whether there is any proposal to have a uniform land tenure system?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) There are two land tenure systems prevailing in the State of Delhi. The Punjab System, governed by the Punjab Tenancy Act, 1887 and the Punjab Land Revenue Act, 1887, is in force in the area west of the river Jumna and

the Uttar Pradesh System, governed by the Agra Tenancy II of 1901 and the Uttar Pradesh Act III of 1901, is applicable to the area east of river Jumna.

(b) No.

(c) The Uttar Pradesh System.

(d) No.

Pandit Munishwar Datt Upadhyay: Is there any idea of bringing these laws into conformity with the land tenure laws now being enacted in U.P.?

Shri K. M. Munshi: As a matter of fact one of the reasons why uniformity could not be introduced was that zamindari abolition and land reform Acts are being revised. Only after that has been done some kind of change can be made in the system.

Pandit Munishwar Datt Upadhyay: May I know whether the existing land tenure ensures security of tenure and also helps production?

Shri K. M. Munshi: There are various kinds of tenures under the two systems which I have mentioned. Under the Punjab Act there are a few who have got the occupancy tenancy, whose tenancy is inheritable and transferable. As regards the non-occupancy tenants, that is tenants at will, they get the right of occupancy if they continue for a certain number of years but their tenancy is generally continued from year to year. The other system, that is the U.P. system, is more complicated.

Pandit Munishwar Datt Upadhyay: May I know whether there has been any demand from the tenants for the improvement in their tenancy law?

Shri K. M. Munshi: My specific attention has not been drawn to such a demand.

RAILWAY ACCIDENT NEAR DARBHANGA (REPORT)

*618. **Shri S. N. Das:** Will the Minister of Railways be pleased to state:

(a) whether the final report from the Government Inspector of Railways regarding the inquiry into railway accident at Darbhanga on the O. J. Railway on the 11th May, 1951 has been received;

(b) the number of persons on whom responsibility for the accident has been fixed;

(c) what actions have been taken against them; and

(d) whether the report contains any suggestions regarding prevention of such kind of accident in future?

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

(b) Primary responsibility on one and contributory negligence on two.

(c) The staff responsible have been placed under suspension. They were also taken into custody by the Police and have been released on bail. Course of departmental disciplinary action against them depends upon the final development in connection with their prosecution.

(d) Yes. Necessary action is being taken to implement them.

Shri S. N. Das: At present what are the arrangements for signalling and what is the procedure for receiving trains at Darbhanga station?

Shri Santhanam: All the details are regulated according to the rules and the Railway Code.

Shri S. N. Das: I want to know whether there are mechanical or manual arrangements at Darbhanga.

Shri Santhanam: I have no details regarding the various kinds of signalling and interlocking arrangements; probably this is a semi-manual signalling.

Shri S. N. Das: May I know what class of station is Darbhanga?

Shri Santhanam: I would like to have notice.

Mr. Deputy-Speaker: Accidents occur not only in 'A' class stations but also in 'C' class stations.

Shri Santhanam: The hon. Member wants to know about the nature of signalling arrangements. These being technical matters I would like to have notice.

Dr. Ram Subhag Singh: May I know the number of persons who have been suspended on account of this train accident?

Shri Santhanam: I said three; three have been suspended and police investigations are going on as to whether they should be prosecuted.

Shri S. N. Das: In view of this serious accident which was due to wrong setting of points, may I know whether Government is going to consider the establishment of the cabin system at Darbhanga?

Shri Santhanam: Whatever system is established we cannot escape some human error—even in a cabin wrong

setting can be done. However, in this case some recommendation has been made that the Darbhanga station yard should be remodelled separating the goods line from the passenger line. All these recommendations are being considered.

PEPPER CULTIVATION

*619. **Shri Alexander:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Government have taken any steps to bring more area under Pepper cultivation;

(b) the steps taken, if any, to improve the yield from pepper-vines by evolving better breeds; and

(c) whether there were any representations from organisations of Pepper-growers that a Pepper Board be constituted to re-organise pepper-cultivation and if so, the action taken by the Government of India in the matter?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) No.

(b) The Indian Council of Agricultural Research has sanctioned a six-year scheme beginning from the 1st April, 1949 for the establishment of a Pepper Research Station to undertake research on various aspects of pepper cultivation, e.g., evolution of higher yielding strains, control of pests and diseases, proper methods of cultivation and manuring, etc., with a view to increasing the yield. The scheme has started functioning in Taliparamba where preliminary work has been done. The research station is proposed to be established at Mattanur where arrangements are being made to acquire land and to provide facilities for the purpose.

(c) A proposal to this effect is being examined.

Shri Alexander: May I know whether it is a fact that we are earning about Rs. 5 crores by way of export duty on pepper and about Rs. 21 crores worth of dollars by its sale? If so, why is it that Government is so apathetic in the encouragement of pepper cultivation?

Shri K. M. Munshi: Government is not apathetic. The position is that the matter was being examined for several

years now and at present experiments are being carried out. Unless the basic research is carried out how is it possible to put up either an institute or a board?

Shri Alexander: May I know whether there was any demand from the Travancore-Cochin Government for the establishment of a pepper research in that State where the majority of the area under pepper cultivation is situated?

Shri K. M. Munshi: As a matter of fact, claims from a number of places for the establishment of the institute were considered and ultimately Mattanur was selected in view of its peculiar position.

Shri Karunakara Menon: May I know whether Government are aware that not only pepper but ginger and cardamom are as precious as pepper, and whether when the Pepper Research Station is established these products also will be taken as matters for investigation by that body?

Shri K. M. Munshi: Well, they are as important as pepper, certainly. But I have no information just now as to what is being done in connection with them. However, I am much obliged to the hon. Member for the suggestion. It is a valuable suggestion—I will consider it.

Shri Shankaraiya: Has it come to the notice of Government that the communists are instigating the labourers to abstain from work of harvesting pepper and other crops on account of the rise in prices? They are instigating the labourers not to go and work except on higher wages. What action has been taken by the Government?

Shri K. M. Munshi: I will make inquiries about it.

Shri R. Velayudhan: Taliparamba, the place now chosen for research in pepper is not a pepper-growing centre whereas it is Travancore-Cochin that grows most of the pepper?

Mr. Deputy-Speaker: These are all arguments. The hon. Minister has said that all these facts have been considered.

Shri Lakshmanan: May I know the present area under pepper cultivation and its distribution State-wise?

Shri K. M. Munshi: I require notice.

श्री मोहिन्द बख्त : इस जांच को आरम्भ हुए कितना समय हो गया है और इस सम्बन्ध में रिपोर्ट की कब तक सम्भावना है, और उस रिपोर्ट के अनुसार कार्य आरम्भ कब तक हो सकेगा ?

[Seth Govind Das: When was this research started, when is the report in this connection expected and when is the work likely to start according to that report?]

Shri K. M. Munshi: The position is that the problems of the pepper cultivation relate more to the technical side for which a research station is at the present moment considered adequate. The Board will be necessary when questions of orderly marketing or allocation of production between exports and internal consumption, etc., are involved. As soon as the research station is established the next question will be about putting up a marketing board.

Shri Alexander: May I know whether there is any increase in yield over that of 1949?

Shri K. M. Munshi: As regards production of pepper I have not got the figures here.

PRODUCTION OF FOOD GRAINS

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

(a) the latest estimate of total production of food grains in India during 1950-51 giving statewise figures;

(b) the total increase in food production over that of the last year; and

(c) which of the States have been able to produce more than that of the last year?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) A statement is placed on the Table of the House.

(b) Given an average season, there would have been an increase in the production. But due to exceptional calamities there was actually a decline of about 4 million tons.

(c) Increased production was obtained in the States of Orissa, U.P., West Bengal, Rajasthan, Travancore-Cochin, Ajmer, Bhopal, Bilaspur, Coorg, Himachal Pradesh and Tripura.

STATEMENT

Statewise total production of cereals during 1950-51**

States	1950-51 Production ('000 tons)
Assam	1,306
Bihar	3,431
Bombay	3,627
Madhya Pradesh	3,206
Madras	6,652
Orissa	2,302
Punjab	1,967
Uttar Pradesh	8,466
West Bengal	4,020
Hyderabad	1,336
Jammu and Kashmir	337
Madhya Bharat	827
Mysore	791
P.E.P.S. Union	489
Rajasthan	1,090
Saurashtra	282
Travancore-Cochin	400
Ajmer	38
Bhopal	133
Bilaspur	12
Coorg	44
Delhi	28
Himachal Pradesh	193
Kutch	28
Manipur	55
Tripura	202
Vindhya Pradesh	351
Andaman and Nicobar Islands	2
TOTAL	41,615

NOTE.—Cereals covered are Rice, Jowar, Bajra, Maize, Ragi, Small Millets, Wheat and Barley.

**Subject to revision.

Shri S. N. Das: What are the causes attributable for the decline in production in 1949-50?

Shri K. M. Munshi: They have been stated more than once: excessive rain, hailstorm and floods during June to September, drought from September to December in other States, and locust attacks in some States.

Shri S. N. Das: May I know whether there has been an increase in the average yield per acre during this year?

Shri K. M. Munshi: In some places where intensive cultivation is going on, there has been an increased yield. In fact, although there is an overall reduction of 4 million tons, in regard to the rabi crop there is a slight increase over last year.

Shri Rathnaswamy: May I know if these natural calamities are a regular

annual feature of India or of other countries also?

Shri K. M. Munshi: Not of the magnitude which we had last year.

Shri S. N. Das: May I know whether production has been heavily affected by the Grow More Food Campaign and the distribution of manure?

Shri K. M. Munshi: Last year, on account of these calamities we could not assess what amount was produced as a result of the G.M.F. Campaign. What we now have is a comparison of the estimates of production. We now know what was the total short-fall. It is 4 million tons as from 1949-50. Had there been a normal season, then this deficit of 4 million tons would have been covered and there would have been an additional 1.4 million tons produced.

सेठ गोविन्द दास : जो उपज इस साल घटी है वह अभी माननीय मंत्री जी के कहने से मालूम हुआ कि चावल की, यानी खरीफ की घटी है। रबी की उपज कितनी बढ़ी है और खरीफ की उपज कितनी घटी है ?

[**Seth Govind Das:** We have just now come to know from the hon. Minister that the deficit in production this year was that of rice, i.e., in respect of the *Kharif* crop. May I know the extent to which there has been an increase in the *rabi* crop and the deficit in the *kharif* crop?]

Shri K. M. Munshi: So far as last year's *kharif* crop is concerned, I will give the comparative figures. In 1949-50 it was 37 million 245 thousand tons. As against this, in 1950-51 it was only 32 million 355 thousand tons. Therefore, there was a deficit of 4 million 890 thousand tons. In the *rabi* crop the total production in 1949-50 was 8 million 383 thousand tons, while in 1950-51 it was 8 million 760 thousand tons, i.e., 377 thousand tons more. On the whole, however, there was a deficit.

Shri S. N. Das: What was the increase in acreage in this year over the previous year?

Shri K. M. Munshi: I think I gave that figure only a few days ago. I have not got it here.

HOTELS AND RESTAURANTS

*621. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Food and Agriculture be pleased to state what

is the quantity of cereals that the hotels and restaurants give on an average per meal per head?

The Minister of Food and Agriculture (Shri K. M. Munshi): The quantity of cereals admissible per head per day is 6 ozs. in European style residential and non-residential establishments and Indian style non-residential establishments. Indian style residential establishments are allowed to give as much cereals per day as is permissible under the ration scale in force in the locality.

Pandit Munishwar Datt Upadhyay: What is the principle on which the quotas of cereals are allotted to these hotels?

Shri K. M. Munshi: I gave the scale just now. The principles adopted is this. So far as European style restaurants are concerned, they do not consume that quantity of cereals which normally is consumed by the Indian style hotels.

Pandit Munishwar Datt Upadhyay: May I know whether it has been impressed upon these hotels that they should introduce more non-cereals in the menu, and have they responded?

Shri K. M. Munshi: As a matter of fact, they are taking to more and more non-cereal food.

Pandit Munishwar Datt Upadhyay: May I know the entire quantity that is allotted to these hotels?

Shri K. M. Munshi: I require notice.

Shri Kamath: Is any periodical or surprise check conducted by Government in order to see that so far as the cereal ration *per capita* is concerned, the hotels and restaurants do not underfeed their clientele?

Shri K. M. Munshi: We have not yet found a hotel which underfeeds its clientele. They supplement it by non-cereals and vegetables.

The Minister of State for Finance (Shri Tyagi): And charge extra!

TELEPHONE SERVICE WITH FOREIGN COUNTRIES

*622. **Shri Alexander:** Will the Minister of Communications be pleased to state:

(a) the countries with which direct wireless telephone service has been opened recently and the expenses on the same; and

(b) the average number of calls on each line per month and the revenues, if any, derived from the same?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Indonesia and Egypt. No extra expenditure is involved in providing these services, as these are worked with the equipment and staff provided for the India-United Kingdom Radio Telephone Service.

(b) India-Indonesia: approximately six calls per month. Revenue about Rs. 2,100 per month, India-Egypt: number of calls expected per month about 30. Revenue Rs. 800 per month.

Shri Alexander: May I know what is the advantage to the callers in time and money that is offered by this direct wireless telephone service?

Shri Raj Bahadur: Obviously, quick service.

Shri Kamath: How quick?

Shri Raj Bahadur: As quick as a radio transmission.

INDIAN AIRLINES

***624. Dr. Ram Subhag Singh:** (a) Will the Minister of Communications be pleased to state whether it is a fact that some Indian airlines have voluntarily agreed to reduce their intake of aviation spirit in view of the acute shortage of that material in India?

(b) If so, what are the names of those airlines?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No, Sir. In the case of airlines operating within India, Government indicated exactly how the operations should be curtailed and all the companies complied with the instructions.

(b) Does not arise.

Dr. Ram Subhag Singh: May I know the present supply position of aviation fuel in India, and whether the supplying Companies have given an assurance to the Government that aviation fuel would be made available to the country and if so, how soon?

Shri Raj Bahadur: Control over supply of aviation spirit is now with the Ministry of Works, Production and Supply and the question may please be addressed to them.

Dr. Ram Subhag Singh: May I know whether some aviation fuel has been imported from U.S.A.?

Mr. Deputy-Speaker: It may also be addressed to the same Ministry.

Shri Kamath: The Minister of Agriculture stated a little while ago that aviation spirit is being used for locust spraying also. How much is being diverted for this purpose?

Shri Raj Bahadur: I cannot answer that without notice.

AIR HOSTESSES

***627. Dr. Ram Subhag Singh:** (a) Will the Minister of Communications be pleased to state whether it is a fact that some air hostesses of India have been arrested by Egyptian police on charge of gold smuggling?

(b) If so, how many hostesses have been arrested?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No air hostess employed by any Indian Company has been arrested by the Egyptian Police.

(b) Does not arise.

HOSPITAL FOR BIRDS

***628. Shri Raj Kanwar:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that there is a Jain Birds' Hospital near the Red Fort in Delhi located in the premises of a Jain Temple known as Lal Mandir at which a large number of birds are treated;

(b) if so, whether it is recognised and subsidized by Government; and

(c) what is the policy of Government in regard to opening of hospitals for the treatment of ailing birds at selected places?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes.

(b) No.

(c) Government do not propose to open hospitals exclusively for the cure and treatment of birds. All birds including poultry and those in various zoos are treated at the Veterinary Hospitals maintained by the State Governments.

Shri Raj Kanwar: They say that there were hospitals for birds in the country during Asoka's days. As a practical demonstration of their sympathy for these winged creatures, do Government propose to take over the Jain Hospital for Birds under their control and run it as an efficient hospital for ailing and injured birds?

Shri K. M. Munshi: We are trying to catch up with Asoka's regime, but it is 2,300 years old; so it will take some time before we can have a hospital for birds.

Thakur Lal Singh: What kind of birds are kept? Are mosquitoes which are also winged birds kept?

Shri K. M. Munshi: All kinds of birds.

RICE FOR MADRAS

*631. **Shri Rathnaswamy:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government are aware of the fact that the rice ration is to be reduced from 8 oz. to 7 oz. in Madras State;

(b) whether any representations were made by the Madras Government to the Government of India for an increase in the rice quota and if so, with what result; and

(c) what are the various steps taken by Government to increase the rice position in the country and assure the minimum supply of rice to States?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The Madras Government have reduced the rice content of the ration in the statutorily rationed areas from 8 oz. to 6 oz. with effect from 12th August 1951.

(b) Yes, Sir. Madras will be supplied 200,000 tons of rice for 1951 as promised to them. The State Government have been asking the Central Government to increase the rice quota to 400,000 tons. It is not possible to give more than 2 lac tons, as, though we are importing more rice than what was originally contemplated, there has been a shortfall in the expected internal rice surpluses and there have been fresh demands on rice from States like Assam, Bihar etc. to whom normally only small quantities or no quantities of rice are given.

(c) (1) Government of India have maximised rice imports in 1951 to the largest extent possible. Imports of rice for 1951 total over 9 lac tons against about 4 lac tons in 1950.

(2) The Centre is also pressing rice surplus States to export as much as possible.

(3) Increase in internal production of rice is being taken up as a matter of the highest priority.

(4) State Governments are constantly being impressed with the necessity of procuring maximum quantities.

Shri Rathnaswamy: Is it a fact, Sir, that great apprehension is entertained in certain quarters in the Madras State that if sufficient supplies are not sent

to Madras, the whole rationing system might collapse in certain districts?

Shri K. M. Munshi: That general apprehension is there. The Government of India is doing its best to send as much as it can possibly secure. Twenty thousand tons which it had offered has now been raised to thirty thousand tons. But it is with the greatest possible difficulty.

Shri Rathnaswamy: The other day the hon. the Deputy Minister speaking on the floor of the House said that more rice would be made available to Madras State. Does it mean that more rice would be allotted to that State or the Government would speed up supply of rice to that State?

Shri K. M. Munshi: The question relates to two things. One is speeding up of supplies. The other part is, in view of extreme stringency of rice supplies we are only offering 20,000 tons so far. With great difficulty we have raised it to 30,000 tons. Beyond that it is impossible to go.

Shri Rathnaswamy: May I draw the attention of the hon. Minister to an observation made by an hon. Member from the Punjab State that the Government gives rice to such of those States which do not require rice, but to such other States which require rice more rice is not being sent?

Shri K. M. Munshi: We have been negotiating with Punjab for the supply of rice which they have in their possession. But so far we have not been able to secure and quantity.

Shri Rathnaswamy: May I ask the hon. Minister to state the causes for this rice shortage?

Shri K. M. Munshi: It is there in the answer itself.

TEMPLES IN TRAVANCORE-COCHIN

*632. **Shri Raj Kanwar:** Will the Minister of States be pleased to state:

(a) whether it is a fact that a number of Hindu temples in the Travancore-Cochin State have been desecrated or destroyed during the past two years;

(b) if so, the number of such temples; and

(c) the steps taken by Government to punish the offenders and to prevent a recurrence of such acts of vandalism in future?

The Minister of States, Transport and Railways (Shri Gopaldaswami): (a) and (b). According to reports received

38 cases of desecration of temples have taken place in Travancore-Cochin since May 1950.

(c) This is a matter which primarily concerns the Travancore-Cochin Government. According to the report received from the State Government most of the cases have been detected and the State Government are taking necessary steps to prevent such desecrations in future.

Shri Raj Kanwar: When was the last act of vandalism of this nature committed in the Travancore-Cochin State? Can the hon. Minister say that the situation has entirely changed since?

Shri Gopalaswami: The last act of desecration is reported to have taken place on the night of 31st July 1951.

Shri Raj Kanwar: What is the reply to the latter part of my question—whether the situation has since changed entirely?

Mr. Deputy-Speaker: It is going on.

Shri Gopalaswami: It has recently occurred; but I believe the number has diminished during recent weeks.

Shri R. Velayudhan: May I know, Sir, whether Government have received any memorial or representation from nine leading personalities of Madras State regarding the demolition of the Sabarimalai temple and the other thirty-two temples?

Shri Gopalaswami: Yes, Sir.

Shri R. Velayudhan: May I know whether the Government of India have taken any action regarding the hundreds of representations made by the people of Travancore regarding the destruction of the Sabarimalai temple?

Shri Gopalaswami: They have remitted all such representations to the Government which is responsible for dealing with them.

Shri R. Velayudhan: May I know, Sir, whether the statement made by the Travancore Government with regard to this that the Government of India is investigating in this matter is correct or not?

Shri Gopalaswami: I do not know to what statement my hon. friend refers.

Shri Lakshmanan: May I know, Sir, from the data so far collected by Government, whether there is any justification for attributing any communal colour to these acts of vandalism?

Shri Gopalaswami: Sir, in certain cases members of communities other

than the community to which the particular temple may be considered to be attached have taken part in these desecrations. Beyond that I cannot say whether there has been any communal colouring. I would also mention to the House that in several of these cases the motive for such desecration has been cupidity—an attempt to get hold of jewellery and cash that could be found in temples.

Shri Kamath: In how many cases have the reports received by the Minister from the Travancore-Cochin Government indicated that the Communists had a hand in such desecration?

Shri Gopalaswami: It has been alleged that the communists have had a hand in certain of these cases. But so far as this matter is concerned, I would bracket communists with robbers and dacoits who are after money.

Shri Lakshmanan: May I know, Sir, whether Government have come across instances in Travancore-Cochin State of thefts in other religious institutions such as churches and mosques?

Shri Gopalaswami: I think in the earlier stages, that is to say, about a year ago, one or two Christian churches were supposed to have been desecrated also.

Shri R. Velayudhan: May I know, Sir, whether the destruction of temples after temples continues in Travancore only after the coming into office of the Congress Government there?

Shri Gopalaswami: My hon. friend is entitled to his own inference. But I might say that some of those connected with these incidents are people who are politically nearer to him.

Shri Sivan Pillay: May I know, Sir, whether political parties have taken advantage of small and petty cases like these to their own ends.

Dr. Ram Subhag Singh: May I know, Sir, whether any of the persons who committed these acts of vandalism have been rounded up?

Shri Gopalaswami: A number of prosecutions have been launched in courts.

Short Notice Question and Answer

DERAILMENT OF ALLAHABAD BOUND GORAKHPUR EXPRESS TRAIN

Shri Sidhva: (a) Will the Minister of Railways be pleased to state whether derailment of an Express train on

Allahabad bound Gorakhpur occurred near Ramnathpur station on the O.T. Railway on the 18th August 1951?

(b) If so, how many coaches were derailed?

(c) What is the number of casualties?

(d) What are the causes of the accident?

(e) When was the particular track last inspected by the Permanent Way Inspector?

(f) What was the time of the accident and when did the relief train reach the scene of accident?

(g) What is the estimated loss caused to the Railway due to this accident?

(h) Does this track come within the jurisdiction where Railway Administration through the States have arranged to place Watch Guards on tracks to avoid mischief on track or sabotage?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes. At about 4-45 hours on 18th August, 1951, No. 73 Up Allahabad Express derailed between Saidabad and Ramnathpur stations on the Banaras-Allahabad section of the Oudh Tirhut Railway.

(b) The tender of the engine and 6 coaches next to it derailed.

(c) Two passengers were killed, 32 persons received injuries, 3 of which were grievous.

(d) The cause of the accident is under investigation. *Prima facie*, it is the entanglement of a truss bar, which had fallen on the track from a wagon on a preceding goods train, with the brake gear of the engine of 73 Up resulting in the breakage of the fork which dug itself into the ballast and caused the derailment of the tender of the engine and the other coaches in its wake.

(e) On 14th August 1951.

(f) As mentioned in reply to part (a) the accident occurred at about 4-45 hours. Medical Relief Trains from Allahabad and Banaras arrived at the site of the accident at 7-35 and 10-20 hours respectively. The District Medical Officer, O.T. Railway who was travelling by 73 Up rendered First Aid on the spot.

(g) The approximate cost of damage to engine, rolling stock and permanent way is Rs. 36,600.

(h) No.

Shri Sidhva: In reply to part (d) of the question the hon. Minister stated that some boulder was thrown on the railway track. May I know whether the driver was not able to see this foreign article lying on the railway track?

Shri Santhanam: There was no boulder. I said that from a preceding goods train a truss bar had fallen and it got entangled with the engine of the Express.

Shri Sidhva: Could not the accident have been avoided if the driver was alert? That is what I wanted to know.

Shri Santhanam: If the driver had known that the bar had fallen on the track he would have taken steps to stop the train. But the matter is being investigated and I am not prepared to pass any judgment now.

Shri Sidhva: Has any immediate enquiry by the Railway Inspector been made so far?

Mr. Deputy-Speaker: Under the rules, immediately an enquiry has to be started.

Shri Sidhva: But, Sir, they make an immediate enquiry before the regular inquiry takes place. May I know whether it has been made?

Shri Santhanam: The Government Inspector of Railways commenced his inquiry at 14-00 hours on the 19th, that is the very next day.

Shri Sidhva: I wanted to know what his report is.

Shri Santhanam: I have given the preliminary finding, but it must depend upon his final inquiry. What I stated was on his preliminary report.

Shri Sidhva: To what class did the derailed coaches belong? Were they third class or upper class coaches?

Shri Santhanam: I suppose most of them must be third class, but I have not got the details.

Shri Sidhva: Of these thirty-two persons who have been injured how many are still lying in hospital, and has any death taken place since the report was made?

Shri Santhanam: Only three people were grievously hurt and they were taken to the hospital. The other thirty-two had only slight injuries, they were attended to and they went away.

WRITTEN ANSWERS TO QUESTIONS

RADIO LICENCES

*613. **Shri Kesava Rao:** (a) Will the Minister of Communications be pleased to state whether Government have any estimate of unregistered radio sets in the country?

(b) What is the number of cases detected for non-registration of radio sets during the last three years and what is the action taken against them?

(c) What is the amount of money received towards license fees annually from these private radios during the last three years?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No.

(b) Number of cases detected:

1948-49	7,262
1949-50	24,351
1950-51	37,441

Action taken

	Cases compounded	Prosecuted
1948-49	7,126	136
1949-50	24,131	220
1950-51	37,201	240

(c) The license fee realised was as under :

	Rs.
1948-49	32,81,479
1949-50	51,42,722
1950-51	77,34,530/7-

ENGINEER CONSULTANTS BRANCH

*614. **Shri Kesava Rao:** Will the Minister of Transport be pleased to state:

(a) whether any Engineer Consultants Branch has been working to help the various States;

(b) what is the help given to the States by this Branch; and

(c) what are the States so far utilising the services of this Branch?

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

(b) The Branch provides the technical liaison required by the Consulting Engineer (Roads) with the various State executive agencies in the planning, construction and maintenance of National Highways and "other roads" financed by the Centre; and also affords technical advice as and when required

by the State Chief Engineers in respect of roads other than National Highways in Part A and Part B States.

(c) All the States except Mysore, Jammu and Kashmir and Andaman and Nicobar Islands.

OIL FROM SUN FLOWER SEEDS

*623. **Shri Amolakh Chand:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any research on the lines of American discovery that an edible domestic oil and basic oil for paints and varnishes can be extracted from sunflower seeds, is being conducted by Government; and

(b) if so, whether Government propose to encourage the growing of sunflowers as a regular crop?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) No systematic work is known to be in progress in any Government Institution at present. Experiments conducted some years ago indicated that while the utility of sunflower seed was beyond question, it would be un-economical under present conditions to cultivate it as a source of edible oil, lubricant or illuminant. The possibility of cultivating it on a commercial scale has again been taken up at the instance of the Indian Central Oilseeds Committee, and the results are awaited.

(b) This will depend upon the results of the experiments referred to in the answer to the first part of the question.

"GROW MORE FOOD" SCHEMES

*625. **Shri V. K. Reddy:** (a) Will the Minister of Food and Agriculture be pleased to state what is the total acreage brought under cultivation under the 'Grow More Food' schemes during the last three years?

(b) Does the land brought under cultivation by the landless labourers in various States include this land?

(c) If the answer to part (b) above be in the affirmative, what is the extent of the land so cultivated by them?

(d) What is the quantity of food-grains produced in the land cultivated by the landless labourers?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) A statement showing the available information for the years 1948-49 and 1949-50 is placed on the Table of the House.

The data for 1950-51 have not so far been received from the State Governments.

(b) to (d). The information required by the hon. Member is not available.

STATEMENT

The acreage benefited and the area reclaimed under the G. M. F. schemes during 1948-49 and 1949-50

(Thousand acres.)

	1948-49 (April 1948 to March '49)	1949-50 (April 1949 to June 1950)
Acreage benefited*	8,938	9,825
Area reclaimed†	370	672

*The area figures reported relate to the acreage benefited by various schemes. It is likely that more than one scheme may be in operation over the same area. Thus, these figures represent "outside estimates" and the actual area benefited is likely to be smaller.

†Exact information regarding the area actually brought under cultivation out of the area reclaimed is not yet available. It is, however, presumed that the area reclaimed in one season is put under cultivation either in the same season or in the next season.

POSTAL SEALS

*626. **Shri Amolakh Chand:** Will the Minister of Communications be pleased to state:

(a) whether the Government of India have decided to use postal seals in Devanagari characters in some States; and

(b) if so, from when?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) From November, 1950.

IMPROVED METHOD OF AGRICULTURE

*629. **Shri Kishorimohan Tripathi:**

(a) Will the Minister of Food and Agriculture be pleased to state whether there is any law enacted in any part of India for compulsorily enforcing the agriculturists to use chemical fertilizers, improved seeds and to take to the improved method of composting?

(b) Is it a fact that without proper legal authority with them, officers of the Agriculture Department find it hard to persuade agriculturists to take to improved method of agriculture?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) With regard to chemical fertilisers, there is

no law in any State making its use compulsory. As regards improved seeds, Punjab and Delhi have legislation in force empowering the State Governments to enforce the utilisation of improved seeds in certain areas. In regard to compost, the States of Bihar, Bombay, Madhya Pradesh, Orissa, Punjab, Hyderabad, Madhya Bharat, Mysore and P.E.P.S.U. have passed legislation making it obligatory on the municipalities to convert all the available refuse materials into compost manure. Of these States, Punjab and Mysore also have laws compelling Panchayat Committees to prepare compost manure and empowering them in turn to compel cultivators to conserve manure in the manner prescribed by these Committees.

(b) It is not the commonly accepted opinion that in order to persuade agriculturists to take to improved methods. Compulsion should generally be resorted to. The nature of the practice of agriculture is such that in most directions compulsion would be inappropriate. But there are certain practices, e.g., use of improved seed or composting where compulsion can usefully be brought in after the ground has been prepared by persuading the bulk of the cultivators of the locality about the utility of the practices advocated.

SUGAR CRISIS

*630. **Shri Kishorimohan Tripathi:**

(a) Will the Minister of Food and Agriculture be pleased to state what steps have been taken against those who have been held responsible for the Sugar Crisis of 1949-50 as a result of the enquiry already held?

(b) Who are the parties that have been held responsible?

(c) What is the total net profit which the Sugar industry, Trade and business made as a result of the artificial crisis?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) and (b). The main causes of the Sugar crisis of 1949, in the opinion of the Sugar Enquiry Committee as also of the Tariff Board, were the uncontrolled and accelerated releases of Sugar from the factories by the Indian Sugar Syndicate and the rumour that the Government were trying to facilitate the export of substantial quantity of sugar. The Uttar Pradesh and Bihar Governments have already withdrawn the recognition given to the Indian Sugar Syndicate under their Sugar Factories Control Acts, and it is now under liquidation. Action against the mills

or the trade is not possible because there was no statutory control over sugar during this period.

(c) It is not possible to calculate these profits with any degree of accuracy.

**DELHI TRANSPORT SERVICE
(PROTEST DAY)**

*633. **Shri Bhatt:** Will the Minister of Transport be pleased to state:

(a) whether a 'Protest Day' on duty was observed by the employees of the Delhi Transport Service on the 13th August, 1951;

(b) what were the demands of the employees;

(c) whether the authorities have examined the demands; and

(d) if so, with what results?

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

(b) A statement giving the information required is laid on the Table of the House. [See Appendix IV, annexure No. 35.]

(c) and (d). Yes. The Delhi Road Transport Authority has already discussed the demands with the representatives of the Union with a view to see how many could be accepted and the matter is still under consideration by the Authority.

ALLOTMENT OF RICE TO HYDERABAD

*634. **Shri Ganamukhi:** (a) Will the Minister of Food and Agriculture be pleased to state whether it is a fact that the Government of Hyderabad have requested the Government of India to make an additional allotment of rice for the current year?

(b) If the answer to part (a) above be in the affirmative, do Government propose to allot the same?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) and (b). The Government of Hyderabad have asked the Government of India for larger allotments of rice than it has been possible to promise them. There is no fixed quota of rice for Hyderabad for 1951. Up to August, 7,000 tons has been allotted. For the remaining months of the year, quantities ranging from 1,000 to 2,000 tons per month are likely to be given depending on availabilities.

**RAILWAY CLEARING ACCOUNTS OFFICE,
DELHI**

*635. **Shri D. S. Seth:** (a) Will the Minister of Railways be pleased to state whether a Committee was recently appointed by Government to report on the future of the Railway Clearing Accounts Office, Delhi, as a result of re-grouping of Railways?

(b) Who were the members of the Committee referred to in part (a) above and what interests did they represent?

(c) What recommendations have been made by the Committee in question and what action do Government propose to take on them?

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

(b) The members of the Committee were Director, Finance, Railway Board; F.A. and C.A.O., Southern Railway, and F.A. and C.A.O., B.B. and C.I. Railway.

(c) The Committee's recommendations are under consideration and it is not at present in public interest to publish them.

चीनी

*६३६. **बाबू रामनारायण सिंह:** **जाब**
तथा **कुचि** मंत्री यह बतलाने की कृपा
करेंगे कि राशन सम्बन्धी आवश्यकताओं
की पूर्ति के लिये पर्याप्त मात्रा की व्यवस्था
करने के पश्चात् चीनी पर से प्रतिबन्ध
हटाने के फलस्वरूप (i) क्या चीनी के
उत्पादन में वृद्धि हुई है तथा (ii) क्या
सरकार के व्यय में कुछ कमी हुई है ?

SUGAR

[*636. **Babu Ramnarayan Singh:** Will the Minister of Food and Agriculture be pleased to state whether, as a result of the lifting of restrictions on sugar, after the reservation of a sufficient quota for the fulfilment of the rationing commitments, (i) there has been any increase in the production of sugar, and (ii) there has been any reduction in Government expenditure?]

The Minister of Food and Agriculture (Shri K. M. Munshi): (i) Yes.

(ii) No.

RICE FOR WEST BENGAL

134. **Shri A. C. Guha:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the rice portion of ration has recently been reduced and if so, the reasons therefor;

(b) the quantity of rice that was allotted to West Bengal during the current year and the quantity actually supplied; and

(c) when the remaining portion of the allotment of rice is going to be supplied?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Madras, West Bengal and Travancore-Cochin have reduced the rice component of the ration owing to limited availability of rice and to conserve their present stocks.

(b) West Bengal's rice quota for the year is 30,000 tons. Against this 20,045 tons have already been allotted upto the end of August, 1951. About 11,100 tons have actually been delivered till 14th August, 1951.

(c) The balance of the rice quota will be supplied during September.

INCOME FROM RAILWAY FARE

135. **Shri Kshudiram Mahata:** Will the Minister of Railways be pleased to state:

(a) the income from Passenger fare during the months of April, May and June 1951 and that of the corresponding months of 1950; and

(b) the total number of passengers who travelled during the above period?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). A statement showing the income from passenger fare and the total number of passengers booked during the months of April, May and June 1951 compared with 1950 is placed on the Table of the House.

STATEMENT

Class I Railways

(In thousands)

	April	
	1950	1951
Passenger earnings .	8,60,88	9,80,63
Passengers booked .	106,691	95,390
	May	
	1950	1951
Passenger earnings .	9,13,54	10,54,71
Passengers booked .	110,217	108,768

June

	1950	1951
Passenger earnings .	8,31,93	9,64,84
Passengers booked .	109,002	106,705

NOTE.—Figures for June 1951 are approximates.

FORESTS

136. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Food and Agriculture be pleased to state what parts in India are over-forested and which are poorly forested?

(b) What is the total off-take of timber annually for various purposes?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The Andamans and Nicobars are over-forested. On the mainland the western half of the Indo-Gangetic Plain is poorly forested. Other States lie between these two extremes. On the whole the percentage of land under forests is 24, with Assam and Madhya Pradesh having a percentage of 42. It is considered desirable that the percentage for the country should be 33-1/3.

(b) Timber—2.0 million tons.

Fuel—4.2 million tons.

Total—6.2 million tons.

MINISTRY OF STATES (STAFF)

137. **Prof. K. T. Shah:** Will the Minister of States be pleased to state:

(a) the number of (i) Gazetted and (ii) non-Gazetted officers, clerks and Class IV servants in the Ministry and its attached and subordinate offices on: (i) 15th August, 1947; (ii) 31st March, 1948; (iii) 31st March, 1949; (iv) 31st March, 1950 and (v) 31st March, 1951; and

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

The Minister of States, Transport and Railways (Shri Gopalswami): The information is not readily available. Its collection will involve an amount of time and trouble which will hardly be commensurate with its possible use. If, however, the hon. Member has in view any important purpose for which these figures are essential, I shall make an effort to have them collected.

LOCUST CONTROL ORGANISATION

138. **Dr. Deshmukh:** Will the Minister of Food and Agriculture be pleased to lay on the Table of the House a statement giving the following information:

(i) the year in which the Locust Control Organization was started by the Government of India;

(ii) the total expenditure incurred every year from the period 1940-41 to 1951-52;

(iii) the contribution made by the Provinces and the Indian States every year from the period 1940-41 to 1947-48 (pre-partition) and the present States from the period 1947-48 (post-partition) to 1951-52;

(iv) the damage caused by locusts in each year; and

(v) the strength of the present Locust Control Organisation?

The Minister of Food and Agriculture (Shri K. M. Munshi): (i) The Central Locust Warning Organisation was started in 1939. A control wing is added whenever a locust cycle starts.

(ii), (iii) and (v). A statement giving the required information is laid on the Table of the House. [See Appendix IV, annexure No. 36.]

(iv) Estimates are not available.

खाद्यान्न (संचय)

१३९. **बाबू रामनारायण सिंह :** (क)

खाद्य तथा कृषि मंत्री यह बतलाने की कृपा करेंगे कि भारत सरकार के पास ३१ जुलाई, १९५० को तथा ३१ जुलाई १९५१, को खाद्यान्न की कितनी मात्रा स्टॉक में थी ?

(ख) जुलाई १९५० व जुलाई १९५१ में खाद्यान्न के क्रमशः क्या मूल्य थे ?

(ग) भारत में वर्ष १९५० में उत्पादित खाद्यान्न की कितनी मात्रा राशन सम्बन्धी आवश्यकताओं की पूर्ति के लिये काम में लाई गई ?

FOOD GRAINS (RESERVE)

[139. **Babu Ramnarayan Singh:** (a) Will the Minister of Food and Agriculture be pleased to state what was the quantity of foodgrains in stock with the Government of India on the 31st July, 1950 and on the 31st July, 1951?

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(b) What were the prices of foodgrains in the months of July, 1950 and 1951 respectively?

(c) How much of the quantity of foodgrains produced in India during the year 1950 was utilised for the rationing purposes?]

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) On 31st July, 1950, 31,600 tons of foodgrains were available in our central reserve depots and on 31st July 1951, 21,700 tons.

(b) A statement showing the market prices in different centres of the major foodgrains prevailing during July 1950 and July 1951 is placed on the Table of the House. [See Appendix IV, annexure No. 37.]

(c) Out of the 1949-50 cereal crop, Government procured 4,617,000 tons for distribution under different forms of Rationing.

INFORMATION BUREAUS

140. **Shri Sidhva:** Will the Minister of Communications be pleased to state:

(a) whether the Information Bureau opened in Bombay has become popular; and

(b) if so, whether it is intended to open similar information bureaus at Calcutta and other places?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) If the hon. Member is referring to the Information Bureau opened by the Overseas Communications Service the reply is in the affirmative.

(b) An Information Bureau was opened at Calcutta also on 1st August, 1951. Similar Bureaus will be opened at other important places like Delhi and Madras as and when convenient.

SALVAGE OF Ramdas

141. **Shri Sidhva:** Will the Minister of Transport be pleased to state:

(a) whether it is a fact that the Bombay Port Trust in consultation with the Government of India have undertaken to salvage the vessel *Ramdas* which sank in Bombay waters in 1947 and if so, to whom this work has been entrusted and at what cost; and

(b) whether the Port Trust will share the cost of salvage or the company will bear the entire cost?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes. It is proposed to entrust the work to an Italian Firm, Messrs. D. Tripcevich and Co., Trieste. The total

cost is estimated to be Rs. 13,86,000 which includes the cost of salvage of two other vessels sunk in the harbour.

(b) The Port Trust will bear the expenditure in the first instance. If, after salvage, the owners claim the wrecks, they will have to pay the salvage cost and the expenditure incurred by the Port Trust plus 20 per cent. If, however, the owners do not put in such a claim, the wrecks will be sold by public auction six months after they have been salvaged in accordance with section 14 (2) of the Indian Ports Act, 1908.

THEFT OF POSTAL STAMPS

142. **Shri Sidhva:** Will the Minister of Communications be pleased to state:

(a) whether theft of postal stamps pasted on letters by the Departmental employees has been detected;

(b) what is the estimated value in rupees of the theft of stamps since April 1951, as compared with the previous year;

(c) whether Government have taken any steps to stop pilferage of stamps on letters posted by public; and

(d) if so, what they are?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) Since in most cases the stamps are stolen from unregistered articles which are destroyed by the culprits, no reliable estimate of the value of the stamps stolen during a particular period can be made. But from the reports received from the Heads of Circles, it appears that, except in West

Bengal, for which no figures are readily available, the estimated value of stamps pilfered in this manner is negligible.

(c) Yes.

(d) The steps taken are detailed in the reply to part (c) of Question No. 2923, dated the 9th April, 1951. In addition, the help of the Special Police Establishment has been obtained where necessary and posts of Inspectors of Stamps have been sanctioned at Calcutta and Bombay specially for detecting malpractices in the use of stamps. In the Telegraph Check Office, Calcutta, stamps borne on telegraph messages which have been previously cancelled at the office of booking are being punched as soon as the message drafts are received.

SUPPLY OF DRINKING WATER ON RAILWAY STATIONS

143. **Shri Sidhva:** (a) Will the Minister of Railways be pleased to state at how many stations is drinking water supplied on payment?

(b) Is it the responsibility of Government to supply drinking water free, whether ordinary or cool water?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Drinking water is available for supply to passengers free of charge at all stations. During summer season, however, as an additional amenity, electrically cooled water is also supplied at a few stations on certain major Indian Railways, some of whom charge a small fee.

(b) No.

Wednesday, 29th August, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME XIV, 1951

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

Fourth Session

of the

PARLIAMENT OF INDIA

1951

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PARLIAMENT OF INDIA

Wednesday, 29th August, 1951.

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

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-35 A.M.

MOTION FOR ADJOURNMENT

**MAINTENANCE OF ELECTRICAL EQUIPMENT
IN PARLIAMENT CHAMBER**

Mr. Deputy-Speaker: I have received notice of an adjournment motion from Shri Hari Vishnu Kamath in the following terms:

"The failure of Government to maintain their electrical equipment and appliances in good order as evidenced yesterday by the narrow escape of several Members of Parliament from fatal injuries almost caused by the flying blade of a revolving electric fan fixed in Parliament Chamber".

Has the hon. Minister anything to say in this connection?

The Minister of Works, Production and Supply (Shri Gadgil): I sincerely regret for this incident. From the brief enquiry I have made after I received a copy of the notice of the adjournment motion given by my friend Mr. H. V. Kamath, the facts are that in the month of July and thereafter there was some change in the temperature, and suggestions were made that additional fans should be installed. So, over and above the normal number, some five fans were installed, and this is one of them. Before these fans were installed they were examined, and every week all these fans are examined, probably

265 PSD

1526

on Sunday mornings. From the inspection that I made—and I have also shown the thing to my friend Mr. Kamath—it appears that the particular portion simply gave way, and *prima facie* it appears to me that there was no case of negligence or anything of that kind. However, I am directing further enquiries in the matter. I think my hon. friend will be satisfied with what I have said.

Shri Kamath (Madhya Pradesh): May I ask if the report of the enquiry will be laid on the Table of the House as soon as possible?

Shri Gadgil: Well, as far as I understand, that is what the House is entitled to.

Shri Kamath: Who is conducting the enquiry?

Shri Gadgil: An expert.

Mr. Deputy-Speaker: But it is a very serious matter. By an act of Providence it has not caused an injury to anybody. I am sure the hon. Minister will see that the enquiry is conducted properly so that the life of every Member here, which means the lives of so many millions of people outside on account of their representative character, may be safe.

Shri Kamath: May I request that if negligence is proved the person concerned should be brought to book and punished?

Mr. Deputy-Speaker: Yes, certainly. All that will follow. That goes without saying. But we are more interested in seeing that in future there is greater safety. We do not know at this stage whether it is due to the getting of any bad machine or otherwise or of some screw not being quite in order and so on. All that will be known later on. I am sure when the report comes in, it will be given to the Speaker and placed also, if necessary, on the Table of the House for information.

[Mr. Deputy-Speaker]

In view of the statement made by the hon. Minister for Works, Production and Supply I do not consider that the adjournment motion is necessary.

Now the House will proceed to the other business.

Shri Kamath (Madhya Pradesh): Before the House proceeds to the other business may I invite your attention to the fact that a White Paper on the Japanese Treaty was to be placed on the Table of the House yesterday or today. I do not question the delay that has occurred—it may take a little longer. But I would request you to convey to the Prime Minister through the Minister of State for Parliamentary Affairs that the White Paper might include also a copy of the Anglo-American draft of the Japanese Treaty, if it is not already included therein. That must also be included in the White Paper.

Mr. Deputy-Speaker: The hon. Minister of State for Parliamentary Affairs will convey it to the proper quarters and will make an enquiry also.

PAPERS LAID ON THE TABLE

DELHI ROAD TRANSPORT AUTHORITY
(ADVISORY COUNCIL) RULES 1951

The Minister of State for Transport and Railways (Shri Santhanam): I beg to lay on the Table, in accordance with sub-section (3) of Section 52 of the Delhi Road Transport Authority Act, 1950, a copy of the Delhi Road Transport Authority (Advisory Council) Rules, 1951, published in the Ministry of Transport Notification No. 51-TAG (32)/50, dated the 20th August, 1951. [Placed in Library. See No. P-201/51.]

MADRAS PORT TRUST (AMENDMENT) BILL

The Minister of State for Transport and Railways (Shri Santhanam): I beg to move for leave to introduce a Bill further to amend the Madras Port Trust Act, 1905.

Mr. Deputy-Speaker: The question is:

“That leave be granted to introduce a Bill further to amend the Madras Port Trust Act, 1905.”

The motion was adopted.

Shri Santhanam: Sir, I introduce the Bill.

GOVERNMENT OF PART C STATES BILL—Contd.

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the Bill to provide for Councils of Advisers in certain Part C States and for Legislative Assemblies and Councils of Ministers in Himachal Pradesh and Vindhya Pradesh.

Shri Shankaraiya (Mysore): Yesterday I was pointing out the fact that by the introduction of this legislative measure, vested interests would be created in the small States and that it would be a stumbling block in the way of merger and the larger issues in the country. The hon. Minister was pleased to put me a question and I was answering whether vested interests would be created in democratic institutions. The question is not whether democratic institutions are introduced now or not available by the merger because in either of the cases democratic institutions are being instituted. Even according to this limited and circumscribed kind of legislation if democratic institutions are introduced, by means of a merger, I was establishing the fact that it will not deprive the democratic nature of the administration and on the other hand by merging in larger States, they would be gaining in so many respects and I was about to give an illustration with regard to Coorg in this matter. Though democratic institutions are good, as to the results of the step taken whether it would be applicable or not, or as to what good effect it would produce, would greatly depend upon the time the circumstances and the conditions of the country in which it is being introduced. If it is a fit and proper State, I would think of it on a different level. These States, Coorg, Bhopal and Ajmer are too small in area and population and they have not got any sufficient material or income to maintain themselves and they will have to be entirely dependent upon the other neighbouring States for help or from the Centre and if these units should continue to be administered by the Central Government the burden will be greater and the Centre will have to bear huge expenses and they will have to be contributing very much from the Central funds. If I am only to illustrate as to how the circumstances and conditions of a country will affect the democratic institutions and the working of it, I would like to invite the attention of the House to the conditions that are prevailing in Coorg.

At the outset, I may also say when I am placing these facts before the House, as one coming from Mysore, the House should not be carried away by the idea that I am for the merger of Coorg with Mysore. If there should

be any doubt, I would like to allay it and I am placing these facts before the House just for the consideration of the facts on their merits, as they are at present, irrespective of the fact whether it is to be merged with Mysore, Madras, Bombay or any other province including Karnatic also. Coorg is a small province with a population of nearly 2 lakhs of people and with an income of nearly Rs. 45 lakhs. Even though there is a legislature the Government at present is being run by a small section of the people known as Coorgis. Out of the 2 lakhs of people they are only about 30 thousand to 35 thousand and not more than that. The majority of the people are of different classes. Taking into consideration the economic and social conditions of the people therein, these 35,000 people have been far advanced in education, culture and in economic matters and the rest of the people are tillers of the land and almost backward. Educational facilities, health facilities are hardly any. Their social and economic conditions are almost so to say in a highly backward condition. There has not been sufficient development. With these conditions and perspective in view I would request the House to consider the statement of my hon. friend, Mr. Poonacha who is a representative coming from Coorg and who was pleased to say that even though Coorg is centrally administered, they will not be a burden and they will not be asking for more funds from the Centre and that they have been meeting their own expenditure out of their own income. I would like to state that it is not a correct fact. Even though for the past few years, they have been meeting their expenditure. I would like the House to consider as to how much amount is spent out of this income for ameliorative purposes such as providing public services and benefits such as education, health, communications and transport facilities, trade and other economic facilities etc. Even though there has been some expenditure, there are very few schools provided for the education in the rural parts and except in a few big towns—3 or 4 in number—there are hardly any schools there and with regard to higher education, only recently they have started an Arts Intermediate College and all expenses on education are either met by the Mysore Government or the Madras or the Bombay Governments. They have not provided any facilities in the Coorg State itself and for educational purposes they have not spent anything. What little has been spent is spent in the 3 or 4 towns where this community has been concentrated and the villagers as such have been neglected. For educational facilities either they will have to

depend on Mysore or Madras or Bombay and as regards health facilities, there is only one hospital at Mercara and there are no other local dispensaries or hospitals provided for the rural areas and as we know, Coorg is a mountainous country, it is a Malnad area and malaria is very much rampant and hospital facilities are absolutely necessary and they are entirely dependent upon the hospitals at Mysore, Madras and Bombay. As regards conveyance and transport facilities the State being a mountainous country the rural parts have not been properly connected with the result that their economic conditions have not been improved. As regards trade and commerce facilities they are entirely dependent upon Mysore, Madras and Bombay for this purpose. That is why the legitimate aspirations of the Coorg people are directed to merger with any of these neighbouring provinces and not to continue as a separate entity, because the Coorg Government, as such is not providing any of these facilities for them now, and they will have to depend upon Mysore, Madras or Bombay Governments. Whatever is given to them now by these States is by way of courtesy and they cannot claim it as a matter of right and in Coorg they cannot have all these facilities for themselves. By merging with the neighbouring States they can demand it as a matter of right and all the facilities are already there in these larger States. I wish to bring to the notice of the House that many of these educated people in Coorg are not employed therein; they seek employment and carry on business in outside parts, mostly in Mysore. Most of these people are employed in Mysore Service and if I may inform the House the present Chief Justice of Mysore is from Coorg and most of the Conservators of Forests happen to be Coorgis; many of them have been taken in other Civil Departments. I therefore request the hon. Minister to consider whether by joining with the neighbouring States, these people would be benefited or not. Whether the democratic type of administration as now envisaged being of a limited nature, I would like the hon. Minister to consider whether this will not be taken advantage of by the smaller section that are already in power and who are trying to perpetuate that power for ever over the other illiterate and backward class people. That is why I was bold enough to say that vested interests would take advantage of this legislation to the prejudice of the majority of the people. If the wishes of the people are taken, I can boldly say that the people are for merger. When that is the aspiration

[Shri Shankaraiya]

of the people, why should the Government not carry out the wishes of the people and try to give them a higher type of democratic set up rather than creating this small type of democratic Government with a dyarchical system of administration and thus creating cleavage among the classes. I would like to point out that if this sort of administration is introduced, then, the consequences will be greater and when this small group of people in power try to perpetuate with the power, naturally there will be difference in opinion, and there will be class hatred. Unnecessarily, we will be giving room for class hatred by this sort of thing. The hon. Minister may also say that some of the people from Coorg have appreciated the introduction of this piece of legislation. I would say that they belong to this particular minority group and they are interested in having this sort of thing as it is to their advantage. But, the majority of the people are not willing to have this sort of administration; they want merger with a bigger State. They want to have proper facilities and claim as a matter of right. As between these two types of demands the demand for the present kind of limited legislation by a smaller section on the one hand and the demand for a democratic type of institutions with larger facilities in neighbouring States by the majority section of the people on the other hand, the Government will have to choose and go with the wishes of the larger section of the people and in the greater interest of the country. That was my point. I would therefore request the hon. Minister to consider this and drop Coorg from the application of this legislation.

I would also like to bring out another fact. Apart from these facilities that the Coorgis enjoy at the cost of the neighbouring States....

An Hon. Member: At the cost?

Shri Shankaraiya: Yes; they are meeting the cost of giving them education, hospital facilities etc.

Shri Poonacha (Coorg): May I point out to my hon. friend that after all Mysore is not affording free education to all people who come from Coorg. I think they not only charge the legitimate fees, but recover double the fees for non-Mysoreans. That is the case also with Madras. I am very sorry to say that facilities are only extended by the adjoining States Mysore and Madras at double cost.

Shri Shankaraiya: If by mere payment of fees education could be had, that would be all right. But, the Mysore Government and the other Governments will have to pay extra money from their State funds. Technical education and other scientific education cannot be had by merely paying a small amount of fees. For example, take Medical College, Engineering College or the Science College, if they want to have education in these institutions, by merely paying fees just as any other Mysorean does, they cannot have all this education. The State will be incurring higher expenditure. I was pointing out that all these facilities are not being provided by the local Coorg Government and that they are given by the other neighbouring States. As regards judicial administration, recently, it has been tacked on to the Mysore High Court. The ameliorative items of expenditure are met by the other States; judicial administration is also there. With regard to centrally administered subjects, they are administered by the circles and divisions that are situated either in Mysore or Madras. The only few things left for administration would be with regard to the administration of ordinary matters. The question is whether for this limited administrative purpose there should be a separate legislature at such a high expense, and whether it would be economical to have such a sort of Government, at this juncture when the people are against this kind of legislation and want a merger with the neighbouring States. Therefore, the principle of democratic institutions having vested interests is not ruled out and this is one of the instances. Even though a majority of the people are for merger, it is only a few people—if I may say so even amongst the Coorgis, many of the people are in favour of merger—it is only a few highly placed people both in the military and other departments.....

Mr. Deputy-Speaker: This Bill does not directly refer to merger.

Shri Shankaraiya: I am giving an instance.....

Mr. Deputy-Speaker: A casual reference may be made to it. But, the main point is whether Coorg has to be excluded or not. That can be dealt with.

Shri Shankaraiya: I have taken Coorg as a typical case and am trying to point out how the introduction of this democratic type of institution as envisaged in the Bill will not be suitable, that it will create vested interests

and subsequently come in the way of tackling the problem of merger and coming in the way of the wishes of the people. That was what I am pointing out.

Moreover, with regard to the type of administration that is to be set up, I wish to say that it is not completely a democratic set up. It introduces a sort of a dyarchical form of Government. The Chief Commissioner is given some powers. Whenever there is a difference between the Chief Minister, who is the popular representative and the Chief Commissioner, the Chief Commissioner has been given certain powers under certain circumstances. I would request the hon. Member coming from Coorg to consider whether he would like to accept this sort of administration and whether it would really be a democratic institution. Even on this ground, the introduction of this legislation to Coorg is not proper. Whether merger is possible now or not, is altogether a different question and it has to be tackled subsequently. The point that I am making out is whether the Government, before introducing this type of legislation, have exhausted the other remedies and tried to implement the wishes of the people there, whether they have taken any steps and found any difficulty, and if so, what the difficulties are, and why they should not carry out the wishes of the people? No answer has been given; no clarification has been made. It is only when this method is exhausted, then, as an alternative, this type of dyarchical form of Government or democratic institution of a limited type could be placed for consideration. When the wish of the people is for merger, I think it is high time that the wishes of the people should be carried out and Coorg should be dropped out from this legislation.

Mr. Deputy-Speaker: The hon. Minister.

Shri Shankaraiya: May I submit one more word, Sir? I have sent two amendments yesterday: one as an amendment to the amendment of the hon. Minister and the other as amendment to the amendment of Mr. Sidhva. I am not making any speech. With the permission of the Chair, I beg to move:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar in sub-clause (2) of the proposed clause 3 omit the word "Coorg".

I further beg to move:

In the amendment proposed by Shri R. K. Sidhva in the proposed

amendment to sub-clause (2) of clause 3, after the word "Bhopal" insert the word "Coorg".

Mr. Deputy-Speaker: All right. The hon. Minister.

10 A.M.

The Minister of States, Transport and Railways (Shri Gopalaswami): I rise to reply to the debate that has taken place on the first of the amendments moved by me, a debate which has lasted over nearly two days and a half. This debate has covered a large number of points. It has also dealt with certain of the amendments tabled by hon. Members to the amendment proposed by me and which have been taken as having been moved. In dealing with this matter, I should like to say a few words on the general questions that have been raised by various hon. Members.

The main theme of hon. Members, if I have understood it aright, has been this, that they are quite agreeable to the introduction of a certain measure of responsible government in some of the States. They are also agreeable to the introduction of something less than responsible government in the case of the three border States. But in the case of the rest, several of them have expressed their view that it is undesirable to introduce anything like responsible government in those States. They have adduced various arguments to support this point of view. As regards the first two out of the three matters I mentioned, there is hardly anything for me to say. There is one little matter about the three border States which has been raised by my hon. friend Shri A. C. Guha with which I shall deal later on. But with regard to the general question that has been raised, the main arguments are: that these States are small States, that they are States which should merge in neighbouring States sooner or later, that the introduction of anything like responsible government in those States would swell up the expenditure that is now being incurred in those States and they would not be in a position to bear it, nor is it desirable that they should shoulder such additional expenditure for what is considered to be only a mere transition period. Now, the other thing has also been said, that the introduction of responsible Government would create legislatures and Councils of Ministers in those States and when the question of merger has to be taken up in the future, these or those who compose these Legislatures and Councils of Ministers will constitute a group of persons with vested interests whose attempt will be to sabotage any attempt at a merger of these States with neighbouring States.

[Shri Gopalaswami]

Now, with regard to the last point I have just mentioned, it has been difficult for me to understand the mental attitude of the hon. Members of this House who have put forward this particular contention. I take it that they are all believers in democratic institutions, and if they are believers in such institutions, I do not think they can subscribe to the proposition that the introduction of a democratic institution necessarily inclines those who take part in such institutions to develop the narrow mentality of persons with vested interests who will be interested always in trying to perpetuate themselves. An attitude of this sort is absolutely inconsistent with any democratic principles, and I do not think that those who come to these Legislatures and Councils of Ministers will be people who will be inclined to perpetuate themselves. After all, what is the certainty that they will personally get perpetuated? They have to depend upon the votes of people in the particular areas concerned in order to get themselves returned to these Legislatures and they will have to depend upon the support of such people for getting into office as Ministers. Therefore, there can be no personal interests and they will have to look at the problem of merger from the purely public point of view. Let us also remember that at present, in the conditions which exist in India today, the desirability of a merger or the undesirability of it will have to be judged largely on administrative considerations. We want that democratic institutions should be available to every citizen of India. Whether he gets it in a small area or whether he gets it in a bigger area, he has to be given the feeling that he is taking part in the administration, that he has got certain rights which he can exercise, if not directly himself, certain rights which will enable him to choose the persons who are to administer affairs in his behalf. That being so, what in substance can be the attitude of persons who come into these new Legislatures and Councils of Ministers? They will have to weigh the advantages of their continuing in that particular set-up with the advantages and disadvantages of getting themselves merged in larger units, and if they find the latter the more advantageous course, I do not think that the mere fact that they have held office as members of the particular Legislative Assembly or the particular Councils of Ministers for a term or two, would stand in the way of their taking the right kind of decision. I therefore, brush aside this argument based upon vested interests.

Now, in the course of this debate, I was rather surprised to see hon. Members referring to the Legislatures and Councils of Ministers that we are proposing for these units, as something not serious in themselves, but as some paraphernalia—that is the word used—which will stand as obstacles in the way of the further progress of the area concerned. I am not willing to reduce democratic institutions of such an important character as Legislatures and Councils of Ministers to the level of mere entangling paraphernalia which will stand in the way of progress. I rather think that the existence of such institutions should, *prima facie*, make for greater progress in the particular area concerned, and they can give up that set-up only when they come to realise that their merger in a larger set-up will be more advantageous to them.

The argument was flung at me by more than one speaker that my distinguished predecessor in office pursued a policy of integration of States and that what I am trying to impose on the House today is something the reverse of it, something which will make for disintegration or, at any rate, for preventing the integration of certain small units into larger units, as those hon. Members believe the Sardar would have done had he lived today. Let me remind this House that before the Sardar came to be in charge of these Part C States there were only three centrally administered areas and for the creation of the remaining seven of them he is entirely responsible. I want to make hon. Members realise that one fact. When he was pursuing the policy of integration and did bring about the integration of about 562 States in the country into larger units, why did he think it necessary that these ten States should be made into separate entities under the direct administration of the Centre? He was not a man who took his decisions casually. He was a man who took his decisions deliberately. If he did so, he must have had good reason for doing so. It was because he thought, even in the rush of things for which he and others were responsible, in bringing about the unity of India it was desirable that those States were left to themselves for the time being until the time came for either merging them into neighbouring States or for giving them as separate entities a more satisfactory constitutional set-up than they have today.

For instance, it was asked why when the Sardar was able to bring about 562 Princes to agree to all sorts of unions and so on, it was difficult

for the present Minister of States to get the Nawab of a State to agree to a merger of the State of Bhopal with Madhya Bharat. Let me remind the House of the covenant in which the Nawab of Bhopal stipulated that without his consent no radical change in the Government of that State should be made for a period of five years and that covenant was entered into between the Sardar and the Nawab. Now the Sardar had over 18 months or nearly two years after that covenant was signed, in which he could have persuaded the Nawab to merge the State of Bhopal in Madhya Bharat. Why did he not do it? There were considerations present in his mind which prevented his forcing the pace in regard to Bhopal. Those considerations have not altogether disappeared and I for one cannot ride roughshod over a covenant to which my predecessor was a party: I must respect it. While I will make every endeavour to persuade the Nawab to agree to a change earlier than five years, I cannot say today that in spite of the stipulation of the covenant his State shall merge with Madhya Bharat.

Take, for instance, the other covenant about Himachal Pradesh. That also makes certain stipulations which we are trying to respect as much as we can. Not all of them are convenient or can even be respected in these days but we have to try and regulate our conduct so as to make the people who are the other party to the covenant feel that we are respecting it.

No doubt when the Sardar erected these ten Part C States as separate entities he did contemplate that a considerable number of them would merge in neighbouring States. He contemplated, for instance, the merger of Vindhya Pradesh in the neighbouring State or States. I think he made persistent endeavours to bring about this merger. At one time the people responsible for things in Vindhya Pradesh with my hon. and gallant friend Capt. Avadesh Pratap at their head told the Sardar "If it is your wish that this merger should take place we shall do all in our power to bring it about." I know that Capt. Avadesh Pratap now thinks that merger is not the proper destiny of Vindhya Pradesh.....

Shri Kamath (Madhya Pradesh): Is he gallant because he is Captain or otherwise?

Shri Gopalaswami: He is gallant, because I do not consider he has ceased to be so because he is only an ex-captain. I would still call him captain. He said so to the Sardar; he now thinks otherwise. I am mention-

ing this for this reason that a number of amalgamations, unions.....

Capt. A. P. Singh (Vindhya Pradesh): I may point out here what happened because you have referred to my name and said that I had told the Sardar that I was in favour of merger. I simply said that because it was the Congress Government we shall not oppose it tooth and nail, because that would be against the discipline of the Congress and we were bound to accept it. But as far as voting was concerned whenever there was a meeting of P.C.C. we always voted against merger. Even in this House in the presence of the Sardar, when he was alive, I opposed even this reduction of Vindhya Pradesh from Part B to Part C State, not to say anything about the merger. I want to make this clear. Even today if any decision is taken by you I shall have to abide by it because I belong to the Congress. But that is a different thing. I assure him in the end that I shall have to do whatever he asks me.

Shri Gopalaswami: I quite appreciate the embarrassment in which my hon. friend finds himself. Unfortunately I have with me the record of certain talks which he and others had with the Sardar in which the particular statement is made, which I did refer to a few minutes ago.

Capt. A. P. Singh: Is it signed by us?

Shri Gopalaswami: I am glad that he took the precaution of not signing it.

Capt. A. P. Singh: Anything may be written by I.C.S. persons because they know I am against them. I was making strong speeches against them, even when the Sardar was alive. It is just possible that they might have had quite a number of records against me saying this and that. I am not responsible for all those records.

Shri Kamath: That must be a secret file.

Shri Gopalaswami: I am very glad however that my hon. friend has told the House that even if he did not agree with any decision we might take he is prepared to implement it to its entirety.

Capt. A. P. Singh: Certainly.

Shri Gopalaswami: I hope he will follow that principle in his attitude towards this Bill.

Now as I said my distinguished predecessor was in favour of combin-

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ing Vindhya Pradesh with either Uttar Pradesh or Madhya Pradesh or both. But he did not succeed in his attempts. We, on the other hand today, according to our judgment of the facts that are before us, have come to the conclusion—unless some miracle happens in the future—that Vindhya Pradesh should continue to be a separate unit. So should Himachal Pradesh be. With regard to the others our position is that we should help those others to progress towards responsible government. To take the three border States, we are now proposing to give them immediately a more democratization, if I may use that word, of the executive, that is to say, to associate two or three people drawn from non-officialdom to share with the Chief Commissioner the power that vests in him, as a first step in democratization. We contemplate that the subsequent step should be to extend to those States the constitutional set-up we are giving to the other States, and for the States which get this constitutional set-up whether now or later in the future, what we contemplate is their evolution into full responsible government of the type that is now prevalent in Part A or Part B States. There are two ways of reaching this and the proper course of evolution should be that the several restrictions that we impose by this Bill on the powers of the legislature and the executive should be so exercised that help would be given to these particular areas to reach a fuller measure of responsible government from time to time. That is to say, what should happen is the growth of conventions which would render the exercise of these controlling or restricting powers unnecessary. If the administration of these States under the set-up we are going to give them is conducted in that way then they make it easier for themselves to evolve into the position of a Part A or Part B State. In the fullness of time when by convention the substance of full responsible government is achieved, you can proceed to consider whether you should not amend the Constitution and transfer these States from Part C to Part A. That will come in due course. That is the policy we are adopting.

As I said some time ago there is an exception which has been made in the case of Delhi and that exception, I take it, will be fully debated when you reach clause 26 of the Bill. What I want the House to recognise is that the merger of any of these States with the neighbouring States cannot be achieved at once; you must take time over bringing about a merger. Where merger is desirable, you must

effect a merger only when you are fully satisfied that the population of the area which wants the merger is fully in favour of it. Not only that; you must also ensure that the people of the area into which it is to be merged are also willing to have the merger. This can be attempted only in two ways: one is to ascertain the feelings and the opinions of the people of the area. Somebody said, what has the Government done to ascertain these views, and so on. There are two ways only in which it could be done: one is that you must, if you have a legislature there, obtain the opinion of that legislature; if you have no legislature there, obtain the opinion plebiscite. The taking of a regular plebiscite is, I think, a thing which we might well rule out in regard to matters of this kind; inside a large federation, to start upon a plebiscite for the purpose of determining whether a particular area would like to remain separate or would merge in another unit, that seems to be a thing which is not very desirable to attempt whatever justification there may be for attempting a plebiscite as regards disputes between countries. The other alternative is that of a legislature and that is the alternative which the Constitution has provided for. Article 3 is the article under which the mergers should take place and that article requires that at the instance of the President of the Republic, the legislatures of the areas affected by the proposal for merger should be asked to pronounce themselves on the desirability of the merger. You take any of these States. You take Bhopal; it has got no legislature today. The area into which it is to be merged, or it is suggested it should be merged, is Madhya Bharat which has got some sort of a legislature elected, I believe, under old conditions—it is not a legislature based upon adult suffrage. Take Ajmer-Merwara; it has got no legislature. Rajasthan into which it is to be merged has no legislature—I know that the present Government of Rajasthan wants the merger but the Government of Rajasthan is purely a kind of nominated Government, if I may say so, though of course it is based upon the largest political party in the State. But it would be much more satisfactory if we had a properly elected legislature, elected on the basis of adult suffrage, in Rajasthan which could be asked to give a verdict upon this question. You cannot have a legislature either in Ajmer or in Rajasthan until after the elections. Then again take a unit like Coorg. There is a legislature in Coorg. People have been trying to calculate the arithmetic of the support to merger or otherwise by the voting of the

seven non-officials who happen to be members of the Coorg Legislative Council. I do not think the House would ask us to take that as a conclusive decision on the opinion of the people of Coorg as a whole on the question of merger; you must have a proper legislature based upon adult suffrage. Similar is the case with Mysore; we must wait till a new legislature is constituted in Mysore. Coorg can merge with Madras, but there were some reasons which were adduced by the hon. Member from Coorg in another place which made the Coorg people hesitate to take a decision about merger with Madras with all that is looming in the horizon there.....

Shri Poonacha: On a point of clarification, may I ask the Minister whether this issue of merger or separation will be the main issue during the next elections that are to be conducted in those areas? According to him I feel it would be.

Shri Gopalaswami: No, Sir. I do not think we shall make this the issue in the elections. I am, of course, speaking for myself; I am not a regular member of the Congress Party, but I have no doubt that the Congress Party will not make this a local issue in the elections.

Now, Sir, that is why I said that merger cannot take place now in any of these places. If it is not to take place immediately, it can take place only after the elections. Various legislatures have got to be constituted. They have got to settle down to work and then the proposal must go forth from the Centre after a fairly detailed investigation of the whole matter in each case has been made by the Centre. Before all this takes place, it might be two years for aught I know and the question for us to consider today is whether for a period of two or two and a half years these areas should be left without any democratic institutions. Holding the principles that we do—and I claim to hold them as much as any Congressman in this House—I do not think that we can leave these areas without such institutions.

Now, we have been charged with having surrendered to vociferous advocates of certain Part C States on account of panic and fear. What is the panic, I should like to know and what is the fear? On the other hand, my own view—and I say it with a full sense of responsibility both for myself and my hon. colleague here as well as the other members of the Cabinet—my own view is that this decision has been taken with the greatest possible deliberation. There

was no panic about it. Let me also add that this decision has been taken with courage. I say courage because at an earlier stage we did propose something less than what we are prepared to agree to in the amendments of which I have given notice. It was taking a more advanced step in respect of some areas than we had first thought should be taken in their case. We heard the people who had things to say about those areas and we felt convinced that there was no reasonable ground on which we could deny those areas the set-up we are giving to other areas.

I have dealt with some of the objections already. One great objection that has been raised is about the additional financial liability that the Centre would have to shoulder if these new set-ups are established. Hon. Members have referred to the expenditure involved in a number of people coming together as legislators in a Legislative Assembly; of a few people taking office as Ministers; and of the ancillary expenditure that may be involved in their doing so. True, there will be some additional expenditure. But are we not incurring additional expenditure in the case of every other State and also in the case of the Centre? Are we not going to have in this House 500 Members after the elections and another 250 Members in the Council of States? Is not the strength of State Assemblies going to vary from something like 150 to about 350? What does all that mean? If we set up a democratic institution, these are inevitable items of expenditure and money has to be found for them, whether hon. Members who come into these legislatures are equally generous or not as regards the provision which the Government would like to make for social services, for instance. There will be a certain amount of additional expenditure, but I consider that it is not too much to pay for the constitutional reform that we would be inaugurating.

Now, what is the quantum of the Centre's liability? Taking all the ten States together including Bilaspur, the total deficit comes to something like Rs. 5 crores today. Mind you, every Part C State is in a deficit. If you isolate the receipts which could be considered to be receipts from items which would go into the State List and you also isolate the expenditure required for the administration of those subjects, and if you compare the two, there is a total deficit of about Rs. 5 crores in the current year's Budget and this has been provided for by contributions from the Centre. Parliament has passed that Budget. At the most, the additional expendi-

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ture can be estimated at about half a crore of rupees. And I say that that half a crore is money well spent on giving these areas institutions which they would appreciate and institutions through which they hope to get their needs more adequately served than they are today.

Now, there is one general point that I should like to insist on. I want the House to realize that, even after we give these new powers to certain Part C States, the Centre will still be ultimately responsible for the good administration of the State subjects in those States. In other words, they will continue to be States administered by the President through a Chief Commissioner or a Lieutenant Governor. That is the reason why so many safeguards have been provided in these amendments which would strengthen the hands of the Central Executive in the discharge of its own special responsibility for the good administration of those States. So long as they continue to be Part C States, that responsibility will continue and in the ultimate analysis if anything goes wrong the Centre has to be in the position of being able effectively to interfere and put matters right.

Now, proceeding to the particular amendments which have been moved to my amendment, I shall first of all take the amendment moved by my hon. friend Mr. Guha. His main proposal, I take it, is that in the three border States the electoral colleges that will come into existence for the purpose of returning members to the Council of States at the Centre should be treated as legislatures for those States and should be given such powers and functions as would enable them to function as legislatures. I have already given the reasons why these border States have to be given only the set-up that has been provided for them. They will have their Chief Commissioner; they will have two or three people of the locality who will share power with him; and these two or three people are supposed to voice the opinion and the views of the public as whose representatives they are brought into the executive. Now, to give these the assistance of a legislature also with powers and functions which they derive on account of a provision in the statute would run entirely counter to the scheme of this Bill. I am not telling my hon. friend that we would altogether neglect these electoral colleges. But if they are called into consultation, it must be on *ad hoc* occasions and for ascertaining their

views *ad hoc* on important matters and it is possible that in addition to these we might think of an advisory council which may get elected by these electoral colleges—but all this has to be on an informal basis. No doubt, while I am prepared to concede the substance of the idea at the back of his mind, I am afraid I am unable to agree that statutory provision should be made for such consultation in a regular way covered by rules and regulations issued for the purpose. I do not know if Mr. Guha raised any other point. At least that was his main point.

Shri A. C. Guha (West Bengal): I only wanted that they may be consulted more regularly: not only on an *ad hoc* basis.

Shri Gopalswami: My hon. friend from Vindhya Pradesh raised a somewhat fundamental issue. He wanted Vindhya Pradesh to be taken out of the company of States which get only a restricted form of responsible Government. He further proceeded to move another amendment which said "all the provisions of Part A States in the Constitution shall, *mutatis mutandis*, apply to Vindhya Pradesh." My hon. colleague has dealt with this particular amendment already and I do not wish to say anything more than this. Vindhya Pradesh will be in no sense in that company, if it delivers the goods—as I hope it will. I say I hope it will because experience does not incline one to believe that it will. But I hope it will deliver the goods and if it does so, the Centre will find less and less need to pull it up, to control it, and will probably leave many of its controlling powers unused. If it does so, Vindhya Pradesh will automatically walk first into Part A States as a matter of substance and later on walk into Part A States by an amendment to the Constitution.

Shri Kamath: He wants it to run, not to walk.

Capt. A. P. Singh: May I make one observation in this connection? The hon. Minister says that it cannot be done, since it is a Part C State. As far as I remember, the Prime Minister told us that it can be converted into a Part A State. What he meant was that even if Vindhya Pradesh were to be in Part C, it can enjoy all the rights and privileges of a Part A State. When I said that all the provisions of Part A States shall *mutatis mutandis* be applicable to Part C States, what I meant was that if you can give some more powers to Vindhya Pradesh that will be very kind of you.

Mr. Deputy-Speaker: The hon. Member cannot go on making another speech.

Capt. A. P. Singh: I want to explain my point of view, because that question has again been brought in. My point is this: what has been done in Part.....

Mr. Deputy-Speaker: The hon. Member need not labour his point. He has already said it more than once. The hon. Minister is now replying and as and when he goes on with his reply, the hon. Member need not stand up and reply to every point, item by item.

Capt. A. P. Singh: I have not said anything about this item.

Shri Gopalaswami: I understood my hon. friend to refer to something which the Prime Minister is supposed to have said. I do not think he took the precaution of getting the Prime Minister's signature to any document saying that. Apart from that my own understanding of the Prime Minister's assurance was that it is possible under the provisions of Article 240 to provide for Vindhya Pradesh or any other State a constitutional set-up which will practically be the same as that for Part A States. So long as you are a Part C State you cannot have everything that a Part A State has. If there was no difference between the two, the two could have been put into the same part of the Schedule. So long as they are in different parts of the Schedule you can only make Part C States as much near Part A States as possible. That, I think, was the Prime Minister's statement.

Then, Sir, I would refer to another amendment of my hon. friend namely, that we should substitute the word "Rajsamchalak" for "Chief Commissioner or Lieutenant Governor". That would be perhaps a new departure in legislation made by Parliament. Unfortunately, the Constitution requires that we should have legislation in English. In any case the authoritative text has to be in English and we have followed the practice of having the text in English, providing for authorised translations later on. Now, if you put in this word "Rajsamchalak" by a separate amendment and say that it would refer to Chief Commissioner or Lieut.-Governor wherever it occurs, then the question will arise whether you are going to use the word "Rajsamchalak", or you are going to use the word "Chief Commissioner" in places where that expression occurs. Let me also mention this

that the word "Chief Commissioner" occurs in many other enactments with which Part C States will have to deal and I think it is better to follow the precedent we have been following in regard to legislation—no: to introduce this word in this one piece of legislation. I would ask my hon. friend. . . .

Shri Dwivedi (Vindhya Pradesh): Will it not be possible to put in your amendment that the Chief Commissioner shall be understood to be "Rajsamchalak"?

Shri Gopalaswami: Certainly you can achieve the objects of it by suitable amendments in this Bill and elsewhere. I am talking about the practice we have been following and I for one, on behalf of Government, do not think it is necessary that you should introduce this word in this particular Bill.

Capt. A. P. Singh: The other day the Home Minister was pleased to accept it.

श्री भट्ट : हिन्दी अनुवाद में चीफ कमिश्नर के लिये मुख्य आयुक्त है ।

[**Shri Bhatt (Bombay):** Hindi equivalent of the word 'Chief Commissioner' is 'Mukhya Aayukt'.]

Mr. Deputy-Speaker: Therefore, there is a difference of opinion regarding that.

Shri Gopalaswami: The next amendment which I will refer to is the amendment of my hon. friend Mr. Dwivedi. I wonder if he wishes to press that. He wants the word "except the State of Bilaspur" to be omitted.

Shri Dwivedi: In view of the assurance given by the hon. Member I do not wish to press my amendment.

There is one important amendment which was moved by my hon. friend Mr. Sidhva and which was debated at very great length, a number of hon. Members having taken part in the debate. This particular amendment was that Ajmer and Bhopal should be omitted from the category of States which will get Legislatures and Councils of Ministers. In the course of the debate some hon. Members suggested that we might add Coorg also. When I dealt with this matter in my opening general remarks I tried to meet the arguments advanced in favour of dropping out what are called the smaller States, and I do not think I need add anything more to that. My own view is that because a State is small either in extent or in population

[Shri Dwivedi]

it should not go without a democratic set-up. I can understand a democratic set-up either not being given or being extinguished because of its having to merge in another State, but I cannot understand its being denied this set-up so long as it remains a separate State. And so far as these particular States are concerned Government have not ruled out the idea of merger. They want certainly to promote the idea of merger if the people of the areas concerned do want the merger. But the ascertainment of the views of the people of those areas cannot be done now because of the general elections intervening. There are other changes which will come into existence after the general elections, and when those have taken place and we have settled down we can consider this question of merger in a calm atmosphere.

A good deal of argument has been spent upon Bhopal. Bhopal, let me say, is in no worse position than any of the other States. We have got to remember that it was a separate entity as an Indian State before it was made a Centrally administered unit. We had a Ruler, in addition to him he had his own Council of Ministers appointed by him, he had a Legislature of sorts, probably consisting mostly of people nominated by him, some people elected by local authorities and so forth: so that Bhopal was not altogether foreign to some of the elementary things connected with responsible government. It is much easier for us, I mean for those critics of Government who have opposed this, to reconcile themselves to a responsible government set-up in Bhopal than perhaps in any other place. But I wish particularly to emphasize that I propose to continue my talks with the Nawab of Bhopal with a view to persuade him to accept the merger. Those efforts will continue and if they fructify in something which is agreeable to a merger then we shall initiate the procedure which the Constitution prescribes for bringing about that merger.

Shri T. N. Singh (Uttar Pradesh): Then why rush through this thing?

Shri Gopalaswami: There is no question of rushing through. I do not believe my hon. friend thinks that a matter which was adumbrated two years ago, on which consultations have taken place for months, we had a big debate during the Budget debate on this, we had another debate on the Resolution of my hon. friend Pandit Mukut Bihari Lal Bhargava, then we introduced the Bill, took it up to a

certain stage, then we had further consultations and have tried to improve this Bill—my hon. friend cannot by any stretch of logic call this rushing a measure through.

Shri J. R. Kapoor (Uttar Pradesh): We are going on in quite a leisurely way!

Shri Kamath: With regard to talks about the merger of Bhopal may I know whether they envisage a merger in Madhya Pradesh or Madhya Bharat?

Shri Gopalaswami: The present idea is Madhya Bharat.

Shri Sidhva (Madhya Pradesh): May I have a little more clarification on this point, Sir? I am glad that the hon. Minister has stated that the question of merger is open and he will take steps when there is a calmer atmosphere to ascertain the minds of the people as to what they want regarding this matter. But if the Act comes into force and if as a result of his enquiry or referendum—whatever, it may be—he finds that the people want that there should be a merger, in regard to Bhopal and Ajmer, will he bring this proposal again before Parliament and see that this enactment is nullified and that merger question is brought up? I want to know that. If after this Bill comes into operation he finds that the wish of the people is to have merger, will he come before Parliament with a new Bill to nullify this measure?

Shri Gopalaswami: My hon. friend knows—he has studied the Constitution—that no merger can take place except by Act of Parliament. I cannot merge one State with another unless I come to Parliament, introduce a Bill and ask you to pass it.

Shri Sidhva: But will the Government do it? That is what I want to know.

Shri Gopalaswami: The only thing is physical obstacles to Government being able to do it. We are in the last session of the present Parliament. This Parliament will go, a new Parliament has got to get elected. It can meet only after the elections. Then, the Legislatures of these States have to be consulted, and these Legislatures will get constituted only after the elections. Therefore it seems to me impossible that a merger can take place till after the general elections.

Sir, I do not wish to add anything more. I think that the general outlook as a result of these amendments of mine is going to be healthy. I do not think it will create any obstacle

which would stand in the way of Parliament refining the process we have started today or substituting for it something other than what we are doing today by passing a measure which would improve the present state of things. In these circumstances I oppose every one of the amendments that have been moved to this amendment of mine. I hope hon. Members will after this explanation of mine find themselves able to withdraw the amendments.

Shri Kamath: May I on a point of clarification just ask one little question? In conformity with the commendable desire of Government to give some sort of a democratic set-up to these various Part C States, is there any proposal before Government to give a similar sort of democratic set-up to the only Part D State, namely the Andaman and Nicobar Islands, in the near future?

11 A.M.

Shri Gopalaswami: Of course, I can give the usual answer. The Government have not yet taken that matter into consideration. I would only add this that Government could be expected to take it into consideration only after my hon. friend has persuaded a considerable body of his co-citizens in India to migrate to the Andamans.

Shri Sidhya: The hon. Minister has now laid down a policy that even a small State can also have a legislature. May I know why he wants to debar the Andaman and Nicobar Islands of this however small they may be.

Mr. Deputy-Speaker: A point has been raised and has been answered. We are not entering into a discussion over this.

Shri Kamath: Is the population of the Andaman and Nicobar Islands more than that of Coorg, for instance?

Mr. Deputy-Speaker: There are many books which give the population figures.

A point was raised some time ago whether the President's sanction was obtained for this Bill. I have to inform the House that the President has in pursuance of clause 3 of Article 117 of the Constitution of India recommended to Parliament the consideration of the Bill to provide for Councils of Advisers in certain Part C States and for Legislative Assemblies and Councils of Ministers in Himachal Pradesh and Vindhya Pradesh. So, whatever defect there might have been originally, is now cured.

An Hon. Member: May I know if this happened before or after the introduction?

Mr. Deputy-Speaker: This is after the introduction.

I believe in view of what the hon. Minister has said and the appeal that he has made, all the amendments that have been tabled to his amendment will be withdrawn. If hon. Members want the amendments to be put before the House, I have no objection to do so.

Shri A. C. Guha: With regard to my amendment, I wanted one clarification.

Mr. Deputy-Speaker: He should be satisfied with whatever clarification has been given already. With respect to clause 1, according to the rules, I propose taking it in the end.

Shri Dwivedi: I beg for leave to withdraw my amendments.

The amendments were, by leave, withdrawn.

Capt. A. P. Singh: I beg for leave to withdraw my amendments.

The amendments were, by leave, withdrawn.

Shri A. C. Guha: I beg for leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

Shri Sidhya: In view of the assurance given by the hon. Minister that the question is open for merger and that he will take steps in that direction, I have no objection to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The only amendments before the House are those moved by the hon. Minister to clauses 1 to 10. There seems to be some difficulty because all of them have been clubbed together. Clause 1, I will put to the vote of the House later. This is with regard to Short title and commencement. There will not be further discussion on clause 1. It refers to the title as also the extension of the Act, i.e., the operation. Though that matter has been discussed, it forms part of a single clause. I shall put the whole clause together in the end. Clause 1 will therefore stand over. There will not be further discussion on Clause 1.

Shri Dwivedi: In connection with sub-clause 2 of clause 1, I had sub-

[Shri Dwivedi]

mitted an amendment for its being omitted. I wanted to know why certain sections have been put here to be applied immediately and certain others should be applied by notification....

Mr. Deputy-Speaker: The argument stage is over. I am really surprised that doubts arise after the conclusion of the debate which has been going on for 2 or 3 days.

Shri Dwivedi: I beg for leave to withdraw my amendment in respect of sub-clause 2 of clause 1.

The amendment was, by leave, withdrawn.

Captain A. P. Singh: I beg for leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: So far as clause 1 is concerned, all the amendments are withdrawn and there are no more amendments. I might have put sub-clause 2 of clause 1 to the House straightaway but for the fact that it is linked up with sub-clause 1 of clause 1. The whole of the clause will stand over till all the other clauses are disposed of but so far as that clause is concerned, all the discussion is over. At that time no more amendments will be allowed to be moved. Merely it would be put to the vote of the House. The question is:

For clauses 2 to 10 substitute the following:

“2. *Interpretation.*—In this Act, unless the context otherwise requires—

(a) “article” means an article of the Constitution.

(b) “Assembly Constituency” means a constituency provided by order made under sub-section (2) of section 11 for the purpose of elections, to the Legislative Assembly of a State;

(c) “Delhi” except where it occurs in the expression “State of Delhi” means such area in the State of Delhi as the Central Government may by notification in the Official Gazette specify;

(d) “Election Commission” means the Election Commission appointed by the President under article 324;

(e) “Judicial Commissioner” includes an Additional Judicial Commissioner;

(f) “New Delhi” means such area in the State of Delhi as the Central Government may by notification in the Official Gazette specify;

(g) “State” means any State specified in Part C of the First Schedule to the Constitution other than Bilaspur.

(2) For the purposes of this Act, the Castes specified in the First Schedule shall be the Scheduled Castes in relation to the Part C State under which they are so specified, and the tribes specified in the Second Schedule shall be the Scheduled Tribes in relation to the Part C State under which they are so specified.

(3) Any reference in this Act to the Chief Commissioner shall, in relation to a State for the time being administered by the President through a Lieutenant-Governor, be construed as a reference to the Lieutenant-Governor.

(4) Any reference in this Act to laws made by Parliament shall be construed as including a reference to Ordinances made by the President under article 123.

PART II

LEGISLATIVE ASSEMBLIES

3. *Constitution of Legislative Assemblies and their composition.*—
(1) There shall be a Legislative Assembly for each State.

(2) The allocation of seats in the Legislative Assemblies of the States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and Vindhya Pradesh shall be as shown in the Third Schedule.

(3) In the Legislative Assembly of each State specified in the first column of the Third Schedule there shall be the number of seats specified in the second column opposite to that State which shall be filled by direct election, and of those seats—

(a) the number specified in the third column shall be the number of seats reserved for the Scheduled Castes, and

(b) the number, if any, specified in the fourth column shall be the number of seats reserved for the Scheduled Tribes.

(4) The composition of the Legislative Assembly of any State

which is not specified in the first column of the Third Schedule shall be such as the President may by order specify in relation to that State.

(5) As from the date on which the Legislative Assembly of Coorg is, after having been duly constituted under the provisions of this Part, summoned to meet for its first session, the Coorg Legislative Council shall cease to function and shall be deemed to be dissolved." •

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clauses 2 to 10 as amended, stand part of the Bill."

The motion was adopted.

Mr. Deputy-Speaker: That is the new clauses 2 and 3 are substituted for the original clauses 2 to 10 of the Bill.

Clauses 2 to 10 as amended were added to the Bill.

Mr. Deputy-Speaker: The House will proceed with the other clauses.

Clause 11.—(Delimitation of Constituencies)

Shri Gopaldaswami: I beg to move:

For sub-clause (2) of clause 11, substitute the following:

"(2) As soon as may be after this section comes into force in any State, the President shall by order determine—

(a) the constituencies into which such State shall be divided;

(b) the extent of such constituencies;

(c) the number of seats allotted to each such constituency; and

(d) the number of seats, if any, reserved for the Scheduled Castes or for the Scheduled Tribes in each Constituency."

Mr. Deputy-Speaker: Amendments to sub-clause (4) can also be moved.

Shri Gopaldaswami: That can be done, Sir.

I beg to move:

For sub-clause (4) of clause 11, substitute the following:

"(4) The Election Commission shall—

(a) in consultation with the Advisory Committee set up under

sub-section (1) of section 13 of the Representation of the People Act, 1950 (XLIII of 1950) in respect of each State other than Coorg, formulate proposals as to the delimitation of constituencies in that State under sub-section (2), and

(b) in consultation with the member of Parliament representing the State of Coorg formulate proposals as to the delimitation of constituencies in that State under sub-section (2), and submit the proposals to the President for making the orders under the said sub-section (2)."

I beg to move:

Omit sub-clause (5) of clause 11.

Mr. Deputy-Speaker: These are the three amendments. I believe the hon. Minister does not think it necessary to make any speech. Amendments moved:

For sub-clause (2) of clause 11, substitute the following:

"(2) As soon as may be after this section comes into force in any State, the President shall by order determine—

(a) the constituencies into which such State shall be divided;

(b) the extent of such constituencies;

(c) the number of seats allotted to each such constituency; and

(d) the number of seats, if any, reserved for the Scheduled Castes or for the Scheduled Tribes in each Constituency."

For sub-clause (4) of clause 11, substitute the following:

"(4) The Election Commission shall—

(a) in consultation with the Advisory Committee set up under sub-section (1) of section 13 of the Representation of the People Act, 1950 (XLIII of 1950) in respect of each State other than Coorg, formulate proposals as to the delimitation of constituencies in that State under sub-section (2), and

(b) in consultation with the member of Parliament representing the State of Coorg formulate proposals as to the delimitation of constituencies in that State under sub-section (2), and submit the proposals to the President for making the orders under the said sub-section (2)."

Omit sub-clause (5) of clause 11.

Shri Lakshmanan (Travancore-Cochin): There is an amendment to sub-clause (3) of clause 11, amendment No. 127 in list No. 8. I beg to move:

In sub-clause (3) of clause 11, for the word "it" substitute the word "him".

Shri Gopalaswami: The reference is to the Commission.

Mr. Deputy-Speaker: If it refers to the Commission, it must be 'it' and not 'him'.

Shri Lakshmanan: It cannot obviously refer to the Commission.

The Minister of Home Affairs (✓ **Shri Rajagopalachari**): It refers to the Commission.

Shri Lakshmanan: It cannot obviously refer to the Commission because under sub-clause (3), it is said,

"The President may, from time to time, after consulting the Election Commission, by order alter or amend any order made by it under sub-section (2)."

Under sub-section (2), the Commission is given no right to make any order. Therefore, when the word 'it' is used, it refers to the Commission; but the Commission has no right to make any order. The President alone has got the right to make any order under sub-section (2). To denote the President, the word 'him' has to be used.

Shri Gopalaswami: I accept the amendment.

Mr. Deputy-Speaker: The question is:

In sub-clause (3) of clause 11, for the word "it" substitute the word "him".

The motion was adopted.

Shri Lakshmanan: There is another amendment. It is No. 128 in the same list.

In the amendment proposed by the hon. **Shri N. Gopalaswami Ayyangar** in part (b) of the proposed sub-clause (4) of clause 11, omit the following:

"and submit the proposals to the President for making the orders under the said sub-section (2)".

Amendment No. 129 also goes along with No. 128.

Mr. Deputy-Speaker: Why should that be moved?

Shri Lakshmanan: I submit that the above sentence must be taken out of part (b) of the sub-clause and it must be separately put as suggested in amendment No. 129.

(✓ **Shri Rajagopalachari**: It should cover both (a) and (b).

Shri Lakshmanan: Yes; because under part (a) the formulation of the proposals in consultation with the Advisory Committee alone is contemplated in respect of States other than Coorg and in the case of Coorg alone it is stated in part (b) that the proposals formulated must be submitted to the President. In order that the submission should cover both (a) and (b), the portion "and submit the proposals to the President for making the orders under the said sub-section (2)" should be taken out of part (b) and put down either as part (c), or separately to cover both parts (a) and (b).

(✓ **Shri Rajagopalachari**: It is a simple thing. The amendment would come to this. These words that he refers to should be printed separately so as to cover both (a) and (b).

(✓ **Shri Gopalaswami**: There must be a separate part (c).

Shri Rajagopalachari: A separate but unnumbered part to cover both (a) and (b).

Shri Gopalaswami: He has given notice of an amendment:

"(c) and submit the proposals formulated under clauses (a) and (b) to the President....."

Shri Lakshmanan: I am not very particular that it should be included as part (c). It should be taken out of part (b).

Mr. Deputy-Speaker: Instead of making it part (c) as a substantive provision, it may be left to the Draftsmen as suggested by the hon. Minister.

Shri Rajagopalachari: It should read as part of the main sentence.

Mr. Deputy-Speaker: It may be a separate sentence or a separate para below to cover both. The amendment is not pressed. This will be taken note of by the draftsmen. The question is:

For sub-clause (2) of clause 11, substitute the following:

"(2) As soon as may be after this section comes into force in any State, the President shall by order determine—

(a) the constituencies into which such State shall be divided;

(b) the extent of such constituencies;

(c) the number of seats allotted to each such constituency; and

(d) the number of seats, if any, reserved for the Scheduled Castes or for the Scheduled Tribes in each Constituency."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

For sub-clause (4) of clause 11, substitute the following:

"(4) The Election Commission shall—

(a) in consultation with the Advisory Committee set up under sub-section (1) of section 13 of the Representation of the People Act, 1950 (XLIII of 1950) in respect of each State other than Coorg, formulate proposals as to the delimitation of constituencies in that State under sub-section (2), and

(b) in consultation with the member of Parliament representing the State of Coorg formulate proposals as to the delimitation of constituencies in that State under sub-section (2) and submit the proposals to the President for making the orders under the said sub-section (2)."

The motion was adopted.

Shri Sarwate (Madhya Bharat): Why is sub-clause (5) omitted? By that clause the orders made by the President were to be placed before Parliament.

Shri Gopaldaswami: The plain reason is it will not be feasible to do it immediately because Parliament will be adjourning and these things may not be ready.

Mr. Deputy-Speaker: It would not apply to the present session; it will be difficult. The question is:

Omit sub-clause (5) of clause 11.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clauses 12 and 13 were added to the Bill.

Clause 14.—(Membership of the Legislative Assembly)

Shri Gopaldaswami: I beg to move:

For parts (c) (ii) and (iii) of clause 14, substitute the following:

"(ii) in the case of any other seat, is an elector for any Assembly Constituency in that State."

[PANDIT THAKUR DAS BHARGAVA in the Chair].

Mr. Chairman: Amendment moved:

For parts (c) (ii) and (iii) of clause 14, substitute the following:

"(ii) in the case of any other seat, is an elector for any Assembly Constituency in that State."

श्री भट्ट : मेरा संशोधन लिस्ट नम्बर ६ में ११४ नम्बर पर है ।

I beg to move:

After part (c) of clause 14, add the following new part:

"(d) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament."

यह संविधान की धारा १७३ के अनुसार है । जहाँ क्वालिफिकेशन्स (qualifications) दी गई हैं वहाँ यह संगत है । इस लिय मैं मानता हूँ कि माननीय मन्त्री जी इस को मानने में कोई आपत्ति नहीं करेंगे ।

[**Shri Bhatt:** My amendment is item No. 114 in List No. 6. I beg to move:

After part (c) of clause 14, add the following new part:

"(d) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament."

This is in conformity with section 173 of the Constitution. This is relevant to the portion where qualifications are given. So I believe the hon. Minister will have no objection in accepting it.]

Mr. Chairman: Amendment moved:

After part (c) of clause 14, add the following new part:

“(d) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.”

Shri Sarwate: I also have an amendment to that effect.

Mr. Chairman: Let us hear the hon. Minister's reply to this.

Shri Gopalswami: Sir, this would be introducing a new thing. We are prescribing the qualifications under clause 14 and it seems unnecessary and it will be against what we have done in similar cases if we are going to give power to Parliament to prescribe other qualifications. Of course, it will be always open to Parliament to amend this clause whenever it likes. And so this seems to be absolutely unnecessary to add—such other qualifications as Parliament may prescribe. We are prescribing these things by law to-day and unless we have got any specific qualifications to suggest which may be included in this list, it does not seem necessary to have a sort of omnibus reservation in favour of Parliament—that is ourselves.

श्री भट्ट : में यह मानता था कि यह फार्मल चीज है कि जो कायदे कानून प्रोविन्सियल एसेम्बली (Provincial Assembly) के लिये वह उन पर भी लागू होगा। मैं नहीं मानता कि इस में कोई आम्नीबस पार्ट (omnibus part) कर देने से कोई नुकसान होने वाला है।

[**Shri Bhatt:** I thought it was a formal thing that if Parliament would make any rules and regulations for the provincial assemblies they would apply to them as well. I do not agree that it would do any harm if an omnibus provision is laid down.]

✓ **Shri Rajagopalachari:** This is a Parliamentary measure and in one Parliamentary measure to provide for further powers to Parliament is not usual. If it were a Constitution we could understand it, but this is a Parliamentary Act.

Mr. Chairman: Shri Sarwate?

Shri Sarwate: I had to urge the same thing as was put forward by Shri Bhatt.

Mr. Chairman: The question is:

For parts (c) (ii) and (iii) of clause 14, substitute the following:

“(ii) in the case of any other seat, is an elector for any Assembly Constituency in that State.”

The motion was adopted.

श्री भट्ट : माननीय सभापति जी, अगर मंत्री जी नहीं मानते हैं तो मैं वापस नहीं करता हूँ मैं वापस लेता हूँ।

[**Shri Bhatt:** Mr. Chairman, if the hon. Minister does not agree, I do not press it. I withdraw my amendment.]

The amendment was, by leave, withdrawn.

Mr. Chairman: There is no other amendment to clause 14. The question is:

“That clause 14, as amended, stand part of the Bill.”

The motion was adopted.

Clause 14, as amended, was added, to the Bill.

Clause 15. (Election to the Legislative Assembly)

Shri Gopalswami: I beg to move:

In clause 15, after the words “made thereunder” insert the words “for the time being in force”.

Mr. Chairman: The question is:

In clause 15, after the words “made thereunder” insert the words “for the time being in force”.

The motion was adopted.

Mr. Chairman: The question is:

“That clause 15, as amended, stand part of the Bill.”

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Clause 16.—(Sessions of Legislative Assembly)

Shri Gopalswami: I beg to move:

For clause 16, substitute the following:

“16. Sessions of Legislative Assembly, prorogation and dis-

solution.—(1) The Chief Commissioner shall from time to time summon the Legislative Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Chief Commissioner may, from time to time,—

- (a) prorogue the Assembly;
- (b) dissolve the Assembly."

Mr. Chairman: The question is:

For clause 16, substitute the following:

"16. Sessions of Legislative Assembly, prorogation and dissolution.—(1) The Chief Commissioner shall from time to time summon the Legislative Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Chief Commissioner may, from time to time,—

- (a) prorogue the Assembly;
- (b) dissolve the Assembly."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 16, as amended, stand part of the Bill."

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Clause 17.—(Speaker of the Legislative Assembly)

Shri Gopalaswami: I beg to move:

(i) For sub-clauses (1) and (2), substitute the following sub-clause:

"(1) The Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be."

(ii) In sub-clause (4) of clause 17, omit the words "an elected".

(iii) For sub-clause (6) of clause 17 substitute the following:

"(6) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may be respectively fixed by the Legislative Assembly of the State by law and, until provision in that behalf is so made, such salaries and allowances as the Chief Commissioner may, with the approval of the President, by order determine."

Mr. Chairman: Amendments moved:

(i) For sub-clauses (1) and (2), substitute the following sub-clause:

"(1) The Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be."

(ii) In sub-clause (4) of clause 17, omit the words "an elected".

(iii) For sub-clause (6) of clause 17, substitute the following:

"(6) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may be respectively fixed by the Legislative Assembly of the State by law and, until provision in that behalf is so made, such salaries and allowances as the Chief Commissioner may, with the approval of the President, by order determine."

Capt. A. P. Singh (Vindhya Pradesh): I have an amendment to this clause. It is No. 131 of List 8. I beg to move:

In sub-clause (4) of clause 17, for the words "as the Chief Commissioner may appoint for the purpose" substitute the words "as may be determined by the rules of procedure of the Assembly".

When it has been acceded to that the Speaker and the Deputy Speaker are to be elected by the Assembly and at the same time even the vacant seats are to be filled by the Assembly, I do not see any reason why the Chief Commissioner should be authorised to appoint a person during that period when the seat is vacant. Something should be provided in the rules of procedure and I hope, the Minister will accept the amendment.

Mr. Chairman: Who is to prescribe the rules of procedure? Is it not the Chief Commissioner himself according to this Bill?

Capt. A. P. Singh: It should be by the Assembly. There is a provision for that

Pandit M. B. Bhargava: There is a provision that the rules of procedure of the U.P. shall have effect in relation to the Legislative Assembly of a State subject to such modifications and adaptations as may be made therein by the Chief Commissioner.

Shri Gopaldaswami: I have no objection to it. I find that there is a similar provision in article 180 of the Constitution.

Mr. Chairman: The question is:

For sub-clauses (1) and (2), substitute the following sub-clause:

"(1) The Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be."

The motion was adopted.

Mr. Chairman: The question is:

In sub-clause (4) of clause 17, omit the words "an elected".

The motion was adopted.

Mr. Chairman: The question is:

In sub-clause (4) of clause 17, for the words "as the Chief Commissioner may appoint for the purpose" substitute the words "as may be determined by the rules of procedure of the Assembly".

The motion was adopted.

Mr. Chairman: The question is:

For sub-clause (6) of clause 17, substitute the following:

"(6) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may

be respectively fixed by the Legislative Assembly of the State by law and, until provision in that behalf is so made, such salaries and allowances as the Chief Commissioner may, with the approval of the President, by order determine."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 17, as amended, stand part of the Bill."

The motion was adopted.

Clause 17, as amended, was added to the Bill.

New Clause 17A

Shri Sarwate: I beg to move:

After clause 17, insert the following new clause:

"17A. (1) At any sitting of the Legislative Assembly while any resolution for the removal of the Speaker from his office is under consideration, the Speaker; or while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present preside, and the provisions of sub-section (4) and (5) of section 17 shall apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker, is absent.

(2) The Speaker shall have the right to speak in and otherwise to take part in the proceedings of the Legislative Assembly while any resolution for his removal from office is under consideration in the Assembly, and shall, notwithstanding any provisions in this Act, to the contrary, shall be entitled to vote only in the first instance on such resolution or any matter during such proceedings but not in the case of an equality of votes."

I may point that in section 17, the is sub-clause 3(c) which reads:

"may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly."

his corresponds to article 179 of the Constitution, which is exactly the same. When there is a resolution for his removal, then the Speaker is entitled to vote under article 181 but it is omitted in the present Bill. The result is that the Speaker would not be entitled to vote, which would be unfair and unjust. Therefore I have introduced this amendment which corresponds with article 181 which is in force in all States. I hope the mover will accept it.

Shri Rajagopalachari: Is there a clause for removal also?

Shri Gopaldaswami: If we followed the entire provisions of the Constitution, then we may have to do this. But that kind of elaboration seems unnecessary in this case. I take it that the rules of business which will be framed for the House will take a contingency of that description into consideration and provide for it. It is hardly necessary to burden this bill.

Shri Sarwate: You take all the other provisions of the Constitution. How can it be provided by the rules of procedure?

Shri Gopaldaswami: The affirmative provision for his removal by a resolution is made. The only question is the procedure to be followed at a meeting of the Assembly when this resolution is taken into consideration. The only question is who is to preside if the Speaker is impeached. When his removal is under consideration naturally it is to be expected that he will not be in the Chair. If necessary the contingency can be provided for in the rules of procedure.

Shri Sarwate: The question is whether the Speaker would be entitled to take part in the debate and vote. That is provided for in article 181 under which he has a right to vote. Otherwise he would not be entitled to vote.

Mr. Chairman: The hon. Member has just heard the reaction of the hon. Minister. Does he want me to put his amendment to the House?

Shri Sarwate: I would again appeal to him to consider my amendment.

Shri Gopaldaswami: In view of what he says I will accept it.

Mr. Chairman: The question is:

After clause 17, insert the following new clause:

"17A(1) At any sitting of the Legislative Assembly while any

resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside, and the provisions of sub-section (4) and (5) of section 17 shall apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker, is absent.

(2) The Speaker shall have the right to speak in and otherwise to take part in the proceedings of the Legislative Assembly while any resolution for his removal from office is under consideration in the Assembly, and shall, notwithstanding any provisions in this Act, to the contrary, shall be entitled to vote only in the first instance on such resolution or any matter during such proceedings but not in the case of an equality of votes."

The motion was adopted.

New clause 17A was added to the Bill.

Clause 18—(Right of Chief Commissioner to address) and new Clause 18A.

Shri Gopaldaswami: I beg to move:

In clause 18, for the words and figures "After the Chief Commissioner has ceased to hold the office of Speaker of the Legislative Assembly under section 17, he may address" substitute the words "The Chief Commissioner may address".

Mr. Chairman: Amendment moved:

In clause 18, for the words and figures "After the Chief Commissioner has ceased to hold the office of Speaker of the Legislative Assembly under section 17, he may address" substitute the words "The Chief Commissioner may address".

Shri Sidhva: We may take clauses 18 and 18A together.

Mr. Chairman: If it is the desire of the House we may take them together.

Shri Gopaldaswami: The only point I should like to urge is whether it is necessary for us to erect the Chief Commissioners in these States into the same position as Governors and Raj-

[Shri Gopalaswami]

pramukhs in Part A and Part B States. In those cases Rajpramukhs and Governors are merely constitutional figureheads while in the case of the Chief Commissioner we do contemplate that he takes a more active role in the administration.....

Mr. Chairman: I wanted to know the reaction of the hon. Minister to the proposal to take clauses 18 and 18A together. Is he agreeable?

Shri Gopalaswami: I have no objection.

Mr. Chairman: Then he may move the new clause 18A.

Shri Gopalaswami: I beg to move:

After clause 18, insert the following new clause:

"18A. Right of the Chief Commissioner and Ministers as respects the Assembly.—The Chief Commissioner and every Minister shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of the State, and to speak in, and otherwise to take part in the proceedings of any committee of the Legislative Assembly of which he may be named a member, but shall not by virtue of this section be entitled to vote."

Mr. Chairman: Amendment moved:

After clause 18, insert the following new clause:

"18A. Right of the Chief Commissioner and Ministers as respects the Assembly.—The Chief Commissioner and every Minister shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of the State, and to speak in, and otherwise to take part in the proceedings of any committee of the Legislative Assembly of which he may be named a member, but shall not by virtue of this section be entitled to vote."

There are amendments to this.

Shri Sidhva: I have got amendments Nos. 76 and 77 on list No. 3. I beg to move:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, in the proposed clause 18A, omit the words "the Chief Commissioner" wherever they occur.

No. 77 is a negation of the whole clause, so I do not wish to move it.

I find that the hon. Minister has moved that the Chief Commissioner and every Minister shall have the right to speak in the Assembly. First of all, I do not know why "Minister" has been mentioned here as having the right to speak in the Assembly; a Minister has an absolute right to speak when he is an elected Minister.

Mr. Chairman: As a matter of fact, in some other place there is a provision for the Minister also because he may or may not be a member of the particular House.

Pandit M. B. Bhargava: That provision there has been omitted—therefore it is necessary here.

Shri Sidhva: Then although it is stated that the Chief Commissioner shall have no right of vote he shall certainly have the right of speaking. That means that like other Members he can speak at any time and as many times as he likes. I do not approve of this kind of a system that is sought to be introduced here. If the Government's policy, as they have now announced, is to give the Part C States people as much power as possible, and more or less equal to the people of the other States, then I do not understand why this new method is sought to be introduced here. You may call him the Chief Commissioner but he should be a constitutional head just like the other constitutional heads like Rajpramukhs and Governors. I do not want to give any more power to the Chief Commissioner—I am very clear on this point—and I would strongly object to any amendment that gives the Chief Commissioner the right not only to speak but even to preside at certain meetings. When you introduce a democratic system of government you cannot blow hot and cold together. Government have stated that they want to give power to the people of these States and give them a democratic system of government. If that is accepted then they cannot take away by the left hand what has been given by the right hand by saying that the Chief Commissioner will have the right to speak. You know what his influence would be. He will be the boss as he is the constitutional head, and he will try to influence the members so that although some members may be against a particular motion, the influence of the Chief Commissioner will carry the vote in his favour.

We have experience of previous Assemblies. Even in this very Assembly, Members were nominated simply

to canvass votes. So, I do not want that system to be introduced here by a back-door method. If power is vested in these Part C States as is being done in the case of other States, then the Chief Commissioner should also be a mere figurehead and nothing more. Therefore, I strongly oppose this amendment, and if need be the whole clause 18A. I think I have made my position quite clear. The hon. Minister who has been generous enough to grant a democratic system of government to these States should not take it away by some other process. He might say that I am presuming that the Chief Commissioner will act in that way. Apart from presumption, the fact cannot be denied that he will try to influence members. If you had the Chief Commissioner merely as the figurehead or constitutional head, I could understand. He would only enjoy the powers that we have given to Governors and Raj-pramukhs, but here we are giving him more power and there is a likelihood of its being abused. You can very well understand what the position of the Chief Commissioner will be in comparison to an ordinary member. He will not be debarred from canvassing. Under these circumstances, I oppose the amendment.

Mr. Chairman: Amendment moved:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar in the proposed clause 18A, omit the words "the Chief Commissioner" wherever they occur.

श्री भट्ट: I beg to move:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar omit "The Chief Commissioner and".

यह मेरा संशोधन जो मैं ने पेश किया है वह लिस्ट नम्बर २ में ४७ नम्बर पर है, मेरा संशोधन नम्बर ४८ जो है वह अब जरूरी नहीं है, क्योंकि माननीय मंत्री जी ने अपने पिछले संशोधन में वह चीज डाल दी है।

अब आप मुझे बोलने के लिये क्या बाद में इजाजत देंगे ?

मिस्टर चोबरनेन : नहीं, आप इस के ऊपर अभी बोलिये।

श्री भट्ट : माननीय सभापति जी, भाई श्री सिधवा जी ने जो कुछ बताया है उस के अलावा मैं एक बात यह कहना चाहता हूँ कि चीफ कमिश्नर को जिस प्रकार से बोलने का अधिकार यहां दिये जाने के लिये सोचा जा रहा है उस से आप चीफ कमिश्नर के ओहदे को गिरा रहे हैं और चीफ कमिश्नर के पास जितने काम रहेंगे उन कामों में कई तरह की रुकावटें होंगी। धारा सभा में बोलने वाले कई तरह के अदमी आवेंगे और चीफ कमिश्नर के बोलने पर उन को कई तरह के लिहाज भी करने पड़ेंगे। इस लिये मैं मानता हूँ कि चीफ कमिश्नर को उन के ओहदे के लिहाज से और अगर उन से अच्छी तरह का काम आप निष्पक्ष रीति से लेना चाहते हैं तो धारा सभा में हाज़िर नहीं रहना चाहिये उन को बोलने का अधिकार नहीं देना चाहिये। मैं चीफ कमिश्नर को धारा सभा में नहीं बोलने देने के लिये इस लिये कह रहा हूँ कि जिन के हाथ में आप इस तरह से अमूक प्रकार की सत्ता देना चाहते हो अगर वह धारा सभा में आ कर बहस करेंगे तो उन के ऊपर दूसरे भी बहस करेंगे, उन की नुकता चीनी होगी, यह चीज अच्छी नहीं लगेगी। इस लिये मैं माननीय मंत्री जी से कहता हूँ कि डिगनिटी के लिहाज से भी यह चीज ठीक नहीं रहेगी। मैं समझता हूँ कि जिस तरह प्रोवाइजो को उन्होंने ने वहां से निकाल दिया, इसी तरह वह इस में चीफ कमिश्नर को बोलने का हक नहीं देंगे। मैं ऐसी आशा करता हूँ।

(English translation of the above speech)

Shri Bhatt: I beg to move:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, omit "the Chief Commissioner and".

The amendment which I have moved is to be found in List No. 2, under item No. 47. My amendment under

[Shri Bhatt]

item No. 48 is not in any way necessary now, because the hon. Minister has accommodated it in his last amendment.

Would you, now, allow me to speak afterwards?

Mr. Chairman: No, you had better speak on it just now.

Shri Bhatt: Mr. Chairman, in addition to what Shri Sidhva has said in this connection I would like to submit that you are only lowering the dignity of the office of the Chief Commissioner by thinking in terms of giving him the right to speak in the Legislative Assembly and it will only create obstructions in his way in performing his own functions. People of different shades of opinion would be elected to the Legislative Assembly. They would be subject to many hesitations in their comments on his speech. Hence I am of the opinion that if you want the Chief Commissioner to be an impartial person and also considering his position, he should not be present in the Legislative Assembly. He should have no right to speak in that Assembly. The reason why I am submitting that the Chief Commissioner should have no right to speak in the Assembly is that he enjoys a special position as the head of the State and if he will take part in the debate in the Assembly, others would also reply to him and would criticize him, which would not be a good convention. Hence I would suggest to the hon. Minister that it would not be a good thing so far as his dignity is concerned. I think the hon. Minister would drop the provision about giving the right to the Chief Commissioner to speak in the Assembly in the same way as he has dropped the previous proviso.

Mr. Chairman: Amendment moved:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, omit "The Chief Commissioner and".

Capt. A. P. Singh: My amendment is No. 133, List No. 8.

Mr. Chairman: It is a negative amendment. It cannot be moved. He can speak, if he likes. Is there any other amendment? I find none.

Pandit M. B. Bhargava (Ajmer): I should like to say a few words on new Clause 18A. I do not want to go as far as Mr. Sidhva goes. We have accepted the scheme without any reservation, that is, the Chief Commissioner will not be akin to the Governor in Part A or Part B States. But my

respectful submission is that in clauses 41 and 45 there are powers reserved to control the Chief Commissioner and also to preserve the Chief Commissioner's superiority over the Council of Ministers. For instance, under clause 41 if the Chief Commissioner is present at a meeting of the Council of Ministers he will have the right to preside, that is, ordinarily he will be present at a meeting and he will be in a position to influence their decision. This provision does not exist in relation to Part A or Part B States. We have accepted this provision here. But so far as the new Clause 18A is concerned, I humbly suggest that it is fraught with great dangers. Article 175 contains a provision similar to clause 18, that is, the Governor can address the Assembly and also send messages when he likes for the consideration of the Assembly in respect of any Bill. While Article 175 is discretionary, Article 176 is more or less mandatory. The Governor shall have the right to address the Assembly at the commencement of each session and explain the reasons why the session has been called. In clause 18 the provision is that the Chief Commissioner will have the right to address the Assembly and also send messages when he likes. In view of that, I do not know why 18A should be further added. Clause 18 clearly lays down that it will be open to the Chief Commissioner to speak at the meeting of the Assembly as frequently as he may choose. Not only this. The words are "he may speak, or otherwise take part in the proceedings of the Assembly". I cannot for a moment imagine what these words "otherwise take part in the proceedings of the Assembly" could mean? (An Hon. Member: by voting.) The right of voting is denied to him.

12 Noon

Shri Bhatt: By answering questions.

Pandit M. B. Bhargava: I do not presume that the Chief Commissioner will be called upon to reply to the interpellations in the place of the Ministers. The provision that he shall have a right to address the Assembly whenever he likes and as frequently as he may like is already incorporated in the Bill. To allow him to take part in the proceedings of the Assembly is quite unnecessary. If the Chief Commissioner were to speak in the Assembly and otherwise allowed to take part in the proceedings he will get involved in party politics. That does not behove the dignity of the office of the Chief Commissioner.

It was made clear by the hon. Minister in his reply to the debate

that in course of time healthy democratic conventions will grow up and the Chief Commissioner will be raised to the position of that of a constitutional head. If that is the goal, if that is the ideal which we want to reach, the incorporation of the new clause 18A will be a stumbling block and an obstacle in the way of its achievement. By frequently participating in debates and influencing the decisions of the Assembly, sometimes by supporting and sometimes by opposing some motions, he will come to join hands with one party or the other. That will be a very unhappy position and it will reduce the dignity of the high office of the Chief Commissioner to a position lower than that of a member of the House. Because while the member of the House will enjoy all the rights in addition to the right of voting, the Chief Commissioner will not have the right of voting. Whatever may have been the object underlying this clause, I am constrained to say that it is an unhappy one. It is bound to create trouble and may result in the entire failure of this experiment in democracy. I would therefore appeal to the hon. Minister to consider the deletion of this clause 18A.

Shri Sarwate: While my hon. friend Pandit Bhargava has urged one aspect, I would like to place another aspect of the case. By clause 18 the dignity of the Chief Commissioner has been raised to that of a Governor. He has been empowered now to send messages and to address the Assembly. So, in a way he is to be on a par with a Governor of a province. The Constitution places the Governor above party politics; he can send messages, but he does not take part in the controversy over his messages. He does not take part in the debate arising out of his address. Now what clause 18A seeks to do is that it empowers the Chief Commissioner to take part in the proceedings.

For instance under this clause he moves a vote of thanks on his own address. I know that this is ridiculous and he would not do so. But what is the effect of this provision. The object of the Chief Commissioner sending a message is that the whole atmosphere of the Assembly is expected to be free. This atmosphere could not be secured so long as the Chief Commissioner is present.

The hon. the Mover explained that the object in allowing him to speak was that he was considered to be an executive head, whereas the Governor is not an executive head. Therefore to explain his actions he should be allowed to be present in the Assembly. This can very well be secured by

other means. As was pointed out by an hon. Member, the Chief Commissioner has the right to preside over the Council of Ministers. If he is not able to persuade the Council of Ministers about the reasonableness of his actions, I fail to understand how he would be in a position to do it in the Assembly. While this provision would serve no useful purpose, it will take away the dignity of his office.

The object of allowing the Chief Commissioner to send messages to the Assembly is that full weight should be given to his messages, because it is coming from a person who is above party politics. This clause frustrates that object. Thus the provisions of clause 18 and 18A are inherently contradictory and inconsistent. I would therefore request the hon. the mover to drop 18A.

Capt. A. P. Singh: I think that this clause is basically wrong. When the Chief Commissioner will come to the Assembly to address it, he will come with all his paraphernalia and he will sit either on the chair of the Speaker or just beside him. This is not clear, but he will sit there. But when he comes, according to clause 18A, he will have to rub shoulders with other Members and he will also be called to order. All these things I think will be humiliating to the position of the Chief Commissioner. So I think that the hon. Minister himself will not like that the Chief Commissioner should be reduced to this position. Once he has got a good position—and he wants that he should be the head of the State—then the head of the State should not be so treated in the House as he wants him to be treated. Because, then he will have to rub shoulders with the others, many persons will speak against him and say “the hon. Member is unparliamentary”, and all these things will be there. So I hope the hon. Minister himself will agree to our proposal and drop out the words “Chief Commissioner” from clause 18A.

Shri Deshbandhu Gupta (Delhi): I wish to point out that in the informal talks one consideration was urged on behalf of the Government for inclusion of the words “Chief Commissioner” which weighed with some of us. That was that they are not providing for the office of an Advocate-General or Solicitor-General and it may be necessary at times for the head of the State or for somebody on behalf of Government to play that role. That was the main consideration. But after hearing what has been said now and after considering the matter further I also feel that it would be quite incompatible with the position of the Chief Commissioner as the head of the State

[Shri Deshbandhu Gupta]

to participate in the debates as an ordinary Member. According to the amendments which have been proposed the Chief Commissioner will be presiding ordinarily over the meetings of the Cabinet. His point of view will be explained to the Council of Ministers. Then, he has got the further power of not agreeing with the decisions of the Council, and in certain matters he has also got the power virtually of vetoing, at least temporarily. Therefore it is hardly necessary to ask the Chief Commissioner to be present in the House as an ordinary Member. I would therefore request the hon. Minister to kindly consider this aspect of the question and not press for the inclusion of the words "Chief Commissioner".

✓ **Shri Bajagopalachari:** We are at one of those points where the character of the compromise brings us into difficulties. This is a compromise. The Constitution is not cent. per cent. democratic. We have already agreed in principle in the basic structure of the Bill that the Chief Commissioner should be in the Cabinet, presiding over the Cabinet and playing his part not merely as head of the State but also as a responsible Minister, though he is not called by that name. It was in view of that it was proper, and I thought it had been agreed in the previous consultations as was hinted by the hon. Member Shri Deshbandhu Gupta who spoke last, that the Chief Commissioner should be present in the Assembly, if he likes and whenever it is necessary, like any Minister. The idea that we have erected him into a head of the State should be remembered but without forgetting the other idea of the compromise namely that we have mixed him up with the executive authority of the State. If Members want an explanation for any action done by way of administration, if they want a question to be answered, if an explanation is wanted, or if influences have to play one upon the other, it should not be given a bad name and then hung. The mutual influence of members of the Legislature need not be bad. The mutual influence of Ministers and members of the Legislature need not be always corrupt. The influence of one over another should be presumed to be good. If we want the Chief Commissioner to play his part under this Bill it is necessary to make him rub shoulders with the members of the Legislature. That is the essence of this compromise. Of course I can caricature one aspect or the other. Any compromise lends itself to caricature. But when we take it as a whole, I think it is better on the whole for the progress of the Constitution that we are giving that

people meet one another rather than that the Chief Commissioner should be isolated in dignity and not allowed to come and rub shoulders with the Ministers. He is a Minister after all. Though the Chief Minister is chief Minister, they work together and joint responsibility is not to be abolished from the very outset. So I suggest that hon. Members may forgive the ridiculous elements of the matter—whether he should sit with the Speaker up there or elsewhere. Does the Prime Minister lose his authority because he sits with his colleagues here? Neither does the Chief Commissioner. I therefore beg to submit to the hon. Member Captain Avadesh Pratap Singh that no dignity will be lost.

The Prime Minister (Shri Jawaharlal Nehru): May I say a few words on this? This is not, I suppose, one of the very vital matters on which the whole fate of this Bill hinges. Nevertheless, there is something of importance in it. My colleague the Home Minister has just said something with which I entirely agree. I have just a few words to add to it.

Now, I believe in the dignity of the head of the State, as indeed I believe in the dignity of every Member of Parliament. Dignity has to be kept up in the State. But I have an intense dislike for pomposity, and sometimes this dignity is mixed with a pompous demeanour. I am terribly afraid of doing anything which encourages any person to imagine that he belongs to a class apart and he goes about moving with a brigade of A.D.C.'s, Military Secretaries, this Secretary, that Secretary and the like. In regard to certain high officers one has to keep up, for a variety of reasons, and it depends on the holder of that high office whether he does it with just dignity or with a mixture of something else too. But when you come to a Chief Commissioner, to refer to him as Governor—it is bad enough to have Governors, if I may say so, I mean to say not Governors but all the ceremonial that goes about with them (dignity, certainly)—but to have a Chief Commissioner too more or less as a miniature Governor, I think, is wrong. In the old days every Governor had a private orchestra and private band. We have not got it. Though orchestras are good the idea of each Governor having it was bad. I think it will be fundamentally wrong on our part to instil into the mind of the Chief Commissioner, to make him feel that he is something apart, something superior. He has some powers, of course, which he will exercise naturally in co-operation with his Ministers or under the instructions of the Central Government, whatever the case may

be. But to isolate him would be, I think, a bad thing and it will create a certain barrier, and the result would be that there will be a greater tendency both for him to be criticised and for him to resent that criticism, sitting apart—instead of an occasional give and take, as happens in democratic assemblies, and knowing each other more intimately than in official interviews and the like. You will create those barriers. Therefore, by the provision that is made, without taking away anything from his dignity—because dignity will come from him, not from the red-coated chaprassis around him, if he is the proper man—you will make it easier for him and his Ministers and others to work in co-operation with each other.

श्री भट्ट : धारा १८ की जरूरत नहीं है। Why should he address and send messages? अगर वह धारासभा में हाज़िर रहते हैं हर रोज़, तो फिर उनके एड्रेस की क्या जरूरत है।

[Shri Bhatt: There is no need for section 18. Why should he address and send messages? If he remains present in the Legislative Assembly, what importance has his address got then, and what is the necessity of his message?]

Shri Sidhva: I want a little clarification. The hon. Minister stated that for the purpose of a compromise this arrangement was arrived at. May I know if instead of the Attorney-General, another person of the same rank and knowledge say, the Legal Remembrancer, be permitted to go and address the House, just as the Attorney-General is allowed here in this House.

Shri Gopalaswami: There is a difference between the Attorney-General or the Advocate-General coming and addressing a legislature and somebody else like the Chief Commissioner in this case or any other person addressing the House. The Attorney-General does not come here, to represent the Government; he comes here for the purpose of exposition of points of law and things of that kind. He does not come here to support the policy of the Government. What is envisaged in this particular clause is that there may be matters which come before the Legislative Assembly on which the Chief Commissioner would be in a position to give information to add to the knowledge of the Members before they come to a decision. It is possible that in the give and take of the debate a decision could be beaten out which would be acceptable to

everybody. There may be some things with which the Ministers by themselves may not be quite conversant and that is why it is provided that the Chief Commissioner should have this opportunity. I do not think there is any analogy between the Chief Commissioner coming into the Assembly and the Attorney-General coming to Parliament.

Shri Deshbandhu Gupta: May I know if the hon. Minister would be agreeable to this thing? The Chief Commissioner can come and participate when the Council of Ministers want him to do so. Ordinarily the Ministers will be the mouth-piece of the Government in the Assembly and whatever decisions are taken in the Cabinet in which the Chief Commissioner will be presiding the Ministers will be representing their point of view but if at any time the Ministers in any particular State felt that it would be an advantage to the Council of Ministers to have the presence of the Chief Commissioner in order to carry the decisions of the Government in the Assembly then let it be left to the Council of Ministers to invite him to be present, whenever it is necessary. I thought that would be a good compromise because after all what we want is that the decisions taken by the Cabinet should be fully discussed in the House with all the knowledge which the House should possess and therefore, if and when the Council of Ministers feel that they are not in a position to do that effectively they might ask the Chief Commissioner to be present.

Shri Bhatt: The Council of Ministers will resign. What is this suggestion?

Shri Gopalaswami: Either my friend, Mr. Deshbandhu Gupta concedes the position that in regard to any particular debate a Chief Commissioner can add to the information on which hon. Members have to arrive at their decision or he does not. If he thinks that the Chief Commissioner can contribute to the value of a particular debate, there is no purpose in saying that he should come there only if the Ministers want him to do so. The Ministers and the Chief Commissioner form one united team and it should be left to the discretion of the Chief Commissioner to find out whether it is worth his while to go to the Assembly and give his information. He would not go there as a matter of course everytime that he gets the opportunity. On the other hand no Chief Commissioner would behave as hon. Members want him to behave; he would be less inclined to go to the Assembly than perhaps an ordinary Member will be. He would go there

[Shri Gopalaswami]
only when it is absolutely necessary. Why put on him these restrictions of Ministers wanting him to come etc.

श्री भट्ट : मैं यह कहना चाहता था कि जैसा कि श्री देशबन्धु गुप्ता ने कहा कि जब मंत्रिमंडल चाहे, तब चीफ कमिश्नर वहाँ असेम्बली में आ कर बात को समझाये, लेकिन मैं समझता हूँ कि ऐसा वाक्या कभी होने वाला नहीं है, क्यों कि जो मंत्रिमंडल धारा सभा में बैठा हुआ होगा; वह धारा सभा के बहुमत के आघार पर बैठा होगा। और जो एक पालिसी बना रहा है, वह पालिसी धारा सभा के सामने आयेगी, जब उसकी पालिसी धारा सभा मंजूर करेगी, तो ऐसी स्थिति में चीफ कमिश्नर के कोई विशेष अनुमोदन की ज़रूरत हो, ऐसी कोई बात नहीं रहेगी। इस लिये मैं तो माननीय मंत्री महोदय से यह कहना चाहता हूँ कि या तो वे धारा १८ को रखें या १८ ए को रखें, दोनों साथ-साथ कभी नहीं चल सकती हैं।

[Shri Bhatt: I wanted to say as Shri Deshbandhu Gupta has suggested, that the Chief Commissioner would go to the Assembly to explain things only when the Cabinet would like him to do so, but I think such an occasion can never arise because the Cabinet itself would be there on the support of the majority of the members of the Legislative Assembly and the policy which they would adopt would first of all come up before the Legislative Assembly which, in its turn, would approve it. Under these circumstances there is no need to have the Chief Commissioner's approval. So I would like to request the hon. Minister that he should keep either section 18 or section 18A there; both of them cannot go together.]

Mr. Chairman: I will put the amendment to the House . . .

Shri Gopalaswami: I wonder if I can intervene at this stage to draw the attention of hon. Members as to what they are voting for. The amendment is . . .

Mr. Chairman: I am very sorry, I have asked the Members to stand and this is not the time for reopening the discussion.

Shri Gopalaswami: I want you, Sir, to read the actual amendment; they do not seem to understand it.

Mr. Chairman: I find that Mr. Sidhva's amendment refers to 18A. I will put clause 18 now.

Shri Deshbandhu Gupta: I beg to submit that the suggestion made was that clause 18 may be voted first and if it is dropped, then 18A remains. There is no opposition as such.

Mr. Chairman: I will put them both successively. I will put clause 18 and then 18A. One does not negative the other.

The question is:

In clause 18, for the words and figures "after the Chief Commissioner has ceased to hold the office of the Speaker of the Legislative Assembly under section 17, he may address" substitute the words "The Chief Commissioner may address".

The motion was adopted.

Mr. Chairman: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Mr. Chairman: Clause 18A. There is an amendment No. 47 in list No. 2. There are two amendments; both happen to be the same. I will put one of them: No. 47 in list No. 2. The question is:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, omit "The Chief Commissioner and".

I think the 'Noes' have it.

Some Hon. Members: No; the 'Ayes' have it.

Mr. Chairman: I will put it again.

Shri Kamath: There is no such amendment.

Mr. Chairman: It is in list No. 2, amendment No. 47.

Shri Kamath: That does not apply to No. 12, but to 13.

Mr. Chairman: It was moved.

Shri Sidhva: I had moved my amendment No. 76.

Shri Rajagopalachari: We are dealing with clause 18A. Government amendment is No. 13.

Mr. Chairman: There is some mistake in printing. It should read as 13. The question is:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, omit "The Chief Commissioner and".

I think the 'Ayes' have it. I will request those who have called 'Aye' to stand.

Shri Kamath: Is it challenged? It is not challenged.

Shri Rajagopalachari: The 'Noes' have it, Sir.

Mr. Chairman: There will be a Division.

An Hon. Member: Why not stand up?

Mr. Chairman: There will be regular division.

The question is:

In the amendment proposed by the hon. Shri N. Gopalswami Ayyangar, omit "The Chief Commissioner and".

The House divided: Ayes 25; Noes-91.

Division No. 2]	AYES	[12-35 P.M.
Bhatt, Shri	Kunzru, Pandit	Shukla, Shri S. N.
Chattopadhyay, Shri	Lakshmanan, Shri	Sidhva, Shri
Dholakia, Shri	Maitra, Pandit	Singh, Capt. A. P.
Dwivedi, Shri	Pillay, Shri Sivan	Tek Chand, Dr.
Ghule, Shri	Ramnarayan Singh,	Tewari, Shri R. S.
Goenka, Shri	Babu	Vaidya, Shri V. B.
Gupta, Shri Deshbandhu	Ranjit Singh, Sardar	Velayudhan, Shri R.
Jhunjhunwala, Shri	Sarwate, Shri	Vyas, Shri Radhelal
Kamath, Shri	Shah, Prof. K. T.	
	NOES	
Ahammedunni, Shri	Gopalswami, Shri	Poonacha, Shri
Alagesan, Shri	Guha, Shri G. S.	Pustake, Shri
Alexander, Shri	Gupta, Shri V. J	Raj Bahadur, Shri
Amrit Kaur, Rajkumari	Hasan, Shri M. A.	Rajagopalachari, Shri
Arya, Shri B. S.	Hazarika, Shri J. N.	Ramiah, Shri P. Kodandam
Balmiki, Shri	Hazarika, Shri M.	Rao, Shri J. K.
Barman, Shri	Himatsingka, Shri	Rao, Shri Shiva
Beni Singh, Shri	Himatsinhji, Major-General	Rao, Shri Thirumala
Bhagwant Roy, Kaka	Inait Ullah, Khwaja	Rathnaswamy, Shri
Bhargava, Pandit M. B.	Iyyunni, Shri	Raut, Shri
Bhatkar, Shri	Jagjivan Ram, Shri	Saksena, Shri Mohan Lal
Borooh, Shri	Jain, Shri A. P.	Samanta, Shri S. C.
Brajeshwar Prasad, Shri	Jajoo, Shri	Saprawnga, Shri
Buragohain, Shri	Joseph, Shri A.	Satish Chandra, Shri
Chandrika Ram, Shri	Kannamwar, Shri	Shankaraiya, Shri
Das, Shri B. K.	Karmarkar, Shri	Singh, Dr. Ram Subbag.
Das, Shri Jagannath	Keskar, Dr.	Sinha, Shri A. P.
Das, Shri Nandkishore	Krishnanand Rai, Shri	Sinha, Shri S. N.
Das, Shri Ram Dhanl	Kumbhar, Shri	Siva, Dr. M. V. Ganga-dhara
Deogirikar, Shri	Kunhiraman, Shri	Sivaprakasam, Shri
Desai, Shri Khandubhai	Malaviya, Pandit	Snatak, Shri N.
Deshmukh, Dr.	Menon, Shri Karunakara	Sochet Singh, Sardar
Deshmukh, Shri C. D.	Mishra, Shri M. P.	Sohan Lal, Shri
Diwakar, Shri	Mishra, Prof. S. N.	Subramaniam, Dr. V.
Dixit, Shrimati	Misra, Shri S. P.	Swaminadhan, Shrimati Ammu
D'Souza, Rev.	Mohiuddin, Saikh	Tripathi, Shri H. V.
Durgabai, Shrimati	Moidu, Moulavi	Tyagi, Shri
Faiznur Ali, Maulvi	Munavalli, Shri	Upadhyay, Pandit
Gaigil, Shri	Naik, Shri M.	Munishwar Datt
Gautam, Shri	Nehru, Shri Jawaharlal	
Ghose, Shri S. M.	Pant, Shri D. D.	

The motion was negated.

Mr. Chairman: The question is:

After clause 18, insert the following new clause:

"18A. *Right of the Chief Commissioner and Ministers as respects the Assembly.*—The Chief Commissioner and every Minister shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of the State, and to speak in, and otherwise to take part in the proceedings of any committee of the Legislative Assembly of which he may be named a member, but shall not by virtue of this section be entitled to vote."

The motion was adopted.

New Clause 18A was added to the Bill.

Clause 19.—(*Oath or affirmation by members.*)

Shri Gopalaswami: I beg to move:

In clause 19 for the words "the First Schedule" substitute the words "the Fourth Schedule".

Mr. Chairman: The question is:

In clause 19 for the words "the First Schedule" substitute the words "the Fourth Schedule".

The motion was adopted.

Mr. Chairman: The question is:

"That clause 19, as amended, stand part of the Bill."

The motion was adopted.

Clause 19. as amended, was added to the Bill.

Clause 20.—(*Voting in Assembly.*)

Capt. A. P. Singh: I beg to move:

In sub-clause (4) of clause 20, for the words "one-third of the total number of members of the Assembly" substitute the words "ten members of the Assembly".

This amendment is about quorum. Sub-clause (4) of this clause says:

"The quorum to constitute a meeting of the Legislative Assembly of a State shall be one-third of the total number of members of the Assembly."

My amendment proposes that the quorum should be ten members. In the Constitution the quorum has been laid down as ten members or one-

tenth of the total number. One-tenth cannot be applied here because as the number will be sixty at the most one-tenth of that will be just six. Therefore, automatically we should fix it at ten. In my amendment I have suggested that the quorum should be at least ten—otherwise if we keep it at one-third the quorum may be lower than ten which will be somewhat ridiculous. I commend my amendment for the acceptance of the hon. Minister.

Mr. Chairman: Amendment moved:

In sub-clause (4) of clause 20, for the words "one-third of the total number of members of the Assembly" substitute the words "ten members of the Assembly".

Shri Gopalaswami: The only thing I wish to point out is that while ten will be more than one-third in the case of Coorg and just one-third in the case of Ajmer and Bhopal, in the case of Delhi, Himachal Pradesh and Vindhya Pradesh it will be less than one-third—very much so in the case of Vindhya Pradesh; it will be one-sixth and not one-third in the case of Vindhya Pradesh.

Capt. A. P. Singh: Then it may be put as one-third or ten whichever is greater.

Shri Gopalaswami: I prefer to accept it in the form, "one-third of the total number of members of the Assembly or ten in number whichever is greater".

Capt. A. P. Singh: I accept that amendment.

Mr. Chairman: The question is:

In sub-clause (4) of clause 20, after the words "one-third of the total number of members of the Assembly" substitute the words "or ten members of the Assembly whichever is greater".

The motion was adopted.

Mr. Chairman: The question is:

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

Clause 21 was added to the Bill.

Clause 22.—(*Disqualifications for membership.*)

Shri Gopalaswami: I beg to move:

For clause 22, substitute the following:

"22. *Disqualifications for membership.*—A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly of a State, if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under any of the provisions of article 102."

Shri Dwivedi: I think that after the words "Article 102" we should add "of the Constitution".

Mr. Chairman: There is an amendment to that effect by Mr. Sidhva.

Shri Gopaldaswami: I oppose it for the reason that 'Article' has been defined as an Article of the Constitution.

Shri Sidhva: I do not move it.

Mr. Chairman: The question is:

For clause 22, substitute the following:

"22. *Disqualifications for membership.*—A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly of a State, if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under any of the provisions of Article 102."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 22, as amended, stand part of the Bill."

The motion was adopted.

Clause 22, as amended, was added to the Bill.

Clauses 23 and 24 were added to the Bill.

Clause 25.—(Salaries etc. of members)

Shri Gopaldaswami: I beg to move:

In clause 25 for the words "by order by the Chief Commissioner with the approval of the President" substitute the following:

"by the Legislative Assembly of the State by law and, until provision in that respect is so made, such allowances as the Chief Commissioner may, with the approval of the President, by order determine."

Mr. Chairman: Amendment moved:

In clause 25 for the words "by order by the Chief Commissioner

with the approval of the President" substitute the following:

"by the Legislative Assembly of the State by law and, until provision in that respect is so made, such allowances as the Chief Commissioner may, with the approval of the President, by order determine."

श्री भट्ट : I beg to move:

For clause 25, substitute the following:

"25. *Allowances of Members.*—Members of the Legislative Assembly of a State shall be entitled to receive such allowances to be determined by the Legislative Assembly of the State by law."

मैं ने यह संशोधन इसलिये रखा है कि बात चीत हो गई थी। भत्ता देने की बात थी वेतन देने की बात नहीं थी, क्यों कि जितना हो सके कम खर्चा करना चाहिये। प्रदेश की धारा सभा जो भत्ता मुकर्रर करेगी वह दिया जायगा और रिट्रोस्पेक्टिव इफेक्ट (retrospective effect) से भी दिया जा सकेगा, इस में कोई आपत्ति नहीं होगी। इस लिये मैं में मानता हूँ कि मंत्री जी इस को स्वीकार करेंगे।

[**Shri Bhatt:** I beg to move:

For clause 25, substitute the following:

"25. *Allowances of Members.*—Members of the Legislative Assembly of a State shall be entitled to receive such allowances to be determined by the Legislative Assembly of the State by law."

I have introduced the amendment because there has been some talk going on about allowances and not salaries, keeping in view the fact that the expenditure incurred on this account should be as little as possible. The allowances, which would be determined by the Legislative Assembly of the State, would be given to the Members with retrospective effect; there would be no objection to it. Hence I believe the hon. Minister would accept this amendment.]

Shri Gopalaswami: Sir, may I explain this? I thought a point was made that we must vest this power in the Legislature. Until the legislature provided for it by law the Chief Commissioner should have the power. We have included both salaries and allowances as matters which could be provided for by law. So far as the Chief Commissioner is concerned, before the legislature makes a law about this, we only confer on him power in regard to allowances for the interim period. I have no objection to accepting the suggestion of the hon. Member if the House wants it.

Mr. Chairman: Amendment moved:

For clause 25, substitute the following:

"25. Allowances of Members.—Members of the Legislative Assembly of a State shall be entitled to receive such allowances as to be determined by the Legislative Assembly of the State by law."

Shri Dwivedi: I oppose this amendment. This has been provided for in the amendment moved by the hon. Minister. The Assembly of the State will be responsible enough and will look into the matter of economy in every State. This amendment is, therefore, not necessary.

Shri Bhatt: I beg leave of the House to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Chairman: The question is:

In clause 25 for the words "by order by the Chief Commissioner with the approval of the President" substitute the following:

"by the Legislative Assembly of the State by law and, until provision in that respect is so made, such allowances as the Chief Commissioner may, with the approval of the President, by order determine."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 25, as amended, stand part of the Bill."

The motion was adopted.

Clause 25, as amended, was added to the Bill.

Clause 26.—(Extent of Legislative Power)

Shri Gopalaswami: I beg to move:

(i) To sub-clause (1) of clause 26 add the following proviso:

"Provided that the Legislative Assembly of the State of Delhi shall not have power to make laws with respect to any of the following matters, namely:

(a) public order;

(b) police including railway police;

(c) the constitution and powers of municipal corporations and other local authorities, of Improvement Trusts and of water supply, drainage, electricity, transport and other public utility authorities in Delhi or in New Delhi;

(d) lands and buildings vested in or in the possession of the Union which are situated in Delhi or in New Delhi including all rights in or over such lands and buildings, the collection of rents therefrom and the transfer and alienation thereof;

(e) offences against laws with respect to any of the matters mentioned in the foregoing clauses;

(f) jurisdiction and powers of all Courts, with respect to any of the said matters; and

(g) fees in respect of any of the said matters other than fees taken in any Court.

(ii) In sub-clause (2) of clause 26 for the words "such State" substitute the words "a State".

Mr. Chairman: Amendments moved:

(i) To sub-clause (1) of clause 26 add the following proviso:

"Provided that the Legislative Assembly of the State of Delhi shall not have power to make laws with respect to any of the following matters, namely:

(a) public order;

(b) police including railway police;

(c) the constitution and powers of municipal corporations and other local authorities, of Improvement Trusts and of water supply, drainage, electricity, transport and other public utility authorities in Delhi or in New Delhi;

(d) lands and buildings vested in or in the possession of the

[Shri Deshbandhu Gupta]

Union which are situated in Delhi or in New Delhi including all rights in or over such lands and buildings, the collection of rents therefrom and the transfer and alienation thereof;

(e) offences against laws with respect to any of the matters mentioned in the foregoing clauses;

(f) jurisdiction and powers of all Courts, with respect to any of the said matters; and

(g) fees in respect of any of the said matters other than fees taken in any Court.

(ii) In sub-clause (2) of clause 26 for the words "such State" substitute the words "a State".

I would ask hon. Members, if they have got any amendments, to move their amendments first.

1 P.M.

Shri Deshbandhu Gupta: I have an amendment standing in my name. It is amendment No. 139 in List 8. I beg to move:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, omit the proposed proviso to clause 26.

Have I only to move? Is that the idea?

Mr. Chairman: Is it only one amendment? He can also speak on this, and if he has any other amendment he may move that also, so that when all the amendments have been moved there may be a discussion.

Shri Deshbandhu Gupta: There is another amendment standing in my name. This is amendment No. 7 in typed list No. 3. The notice was given today and probably it has not yet been circularised. I beg to move:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, for the proposed proviso to sub-clause (1) of clause 26, substitute the following:

"Provided that the Legislative Assembly of the State of Delhi shall not have the final power to make laws with respect to the following matters—

(a) public order;

(b) Police;

(c) Lands and Buildings vested in the possession of the Union situate in New Delhi; and

(d) Jurisdiction and powers of Courts; and the President shall have, on or without the recommendation of the Chief Commissioner, in regard to such laws, power to modify them or any provisions contained in them at his discretion."

Shri Gopalaswami: Is he moving both?

Shri Deshbandhu Gupta: As I suggested, I want to move the first amendment. But since you said that I will not have the right later on to move the second amendment, I have moved this also. But the question of moving my second amendment should really arise if the first is not accepted. In that case I will restrict myself to the first one.

Mr. Chairman: Then he may speak on the first amendment.

Shri Rajagopalachari: Mr. Gopalaswami Ayyangar's amendment is the Proviso, and that is negated so that there is no need to treat it as an amendment.

Shri Deshbandhu Gupta: My opposition is to the amendment, not to the clause.

Mr. Chairman: As a matter of fact, this amendment No. 17 only proposes a Proviso, and the amendment of Mr. Deshbandhu Gupta seeks to omit that Proviso. So it is only a negation of that proposition. The hon. Member can speak on it.

Shri Deshbandhu Gupta: My point is this. There is clause 26. My hon. friend seeks to amend that clause. I seek to amend the amendment and ask for the clause to stand as it is. That is all. Clause 26 is there. He has brought an amendment and I say that that amendment should not be passed.

Some Hon. Members: That is negation.

Shri Rajagopalachari: It is perfectly clear that the rule of negation applies to the original clause as well as to amendments. An amendment to an amendment should be a real one. Opposition to an amendment should be voted on as an opposition.

Mr. Chairman: Therefore as far as the amendment goes it is merely a negative amendment. It is not allowed by the rules. If the hon. Member wants to speak he is at liberty to do so.

Shri Deshbandhu Gupta: There is an amendment to the substantive clause and my amendment is just to oppose that amendment.

Mr. Chairman: If the hon. Member by his speech persuades the House to negative this amendment, then the purpose will be served. There is no point in moving an amendment of a negative character. The original amendment is a positive proposition and it can be opposed as such but it cannot be negated by a mere negative amendment.

Shri Deshbandhu Gupta: Is it necessary then to take up the other amendment at this stage or will it be open to me to take it up at a later stage?

Mr. Chairman: I have already requested hon. Members to move the amendments before a general discussion starts. It is necessary that all the amendments should be before the House.

Shri Deshbandhu Gupta: The second amendment that I have moved may be taken up.

Mr. Chairman: Amendment moved:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, for the proposed proviso to sub-clause (1) of clause 26, substitute the following:

"Provided that the Legislative Assembly of the State of Delhi shall not have the final power to make laws with respect to the following matters—

- (a) public order;
- (b) Police;
- (c) Lands and Buildings vested in the possession of the Union situate in New Delhi; and
- (d) Jurisdiction and powers of Courts; and the President shall have, on or without the recommendation of the Chief Commissioner, in regard to such laws, power to modify them or any provisions contained in them at his discretion."

If the hon. Member so chooses, he can speak on this amendment. (*Interruption*). Hon. Members have not followed what I have been submitting. I want that all the amendments may be moved and the hon. Member moving the amendment may make also a speech in regard to that amendment. When all the amendments are moved, then the subject matter will be open for general discussion. Since

the hon. Member has moved this amendment, he can speak on this amendment and if he chooses he can make comments on the clause. After all the amendments are moved and speeches are made, then I will allow a general discussion on all the amendments.

Shri J. R. Kapoor: Do I take it that any Member who moves an amendment and also speaks thereon will have a second opportunity when the whole clause and all the amendments are thrown open for discussion?

Mr. Chairman: Certainly not.

Shri J. R. Kapoor: A more convenient procedure will be that all the amendments or amendments to amendments should be before the House, so that any hon. Member who wants to speak with reference to any amendment may have the opportunity to do so. Otherwise, once the opportunity is lost while speaking on any one amendment or an amendment to amendment then....

Mr. Chairman: I appreciate the point made by the hon. Member but at the same time the rules provide that when an amendment is moved an hon. Member has the right to speak only once and he cannot be allowed to speak again. That is the rule which stands against my allowing a Member who has once spoken to speak again. The balance of convenience may be perhaps in the hon. Member's favour but the rule is there that he has no right to speak again.

Shri J. E. Kapoor: I was only submitting that all the amendments may be moved straightaway and the speeches may follow.

Mr. Chairman: There are two courses open. We have been following this course also. The amendments are allowed to be moved and then hon. Members are asked to make their speeches. At the same time this procedure is perfectly right and according to rules i.e., an hon. Member who wants to move his amendment can move his amendment and speak at the same time.

Shri J. R. Kapoor: I was not at all questioning the propriety of the procedure that you have in mind. I was only throwing out a suggestion for your consideration.

Mr. Chairman: If the House wants...

Shri Rajagopalachari: As far as I am able to follow the procedure so far followed, all amendments are formally

moved and after that there is general discussion including the Members who have moved the amendments. Everybody will have a right to speak once. That is to say, the amendments will be moved only formally, no speeches being made. Then, everybody will speak.

Mr. Chairman: The general rule has been that when there is a very large number of amendments and amendments are only given with a view to secure an opportunity to speak, then, it happens that all the amendments are got moved, and there is general discussion so that all the Members are not entitled to speak on those amendments and only such of them speak as catch the eye of the Chair. However if that is the general wish of the House, because this is a matter relating to a Bill, all the amendments may be moved first and then we may have a general discussion. I have no objection.

Several Hon. Members: Yes, yes.

Mr. Chairman: Then, let the other amendments be moved also.

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

Shri Sidhva: I have got an amendment before that. It is No. 80 in list 3. I beg to move;

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, omit parts (a), (b) and (c) of the proposed Proviso to sub-clause (1) of clause 26.

There is another amendment No. 83. I beg to move:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, in part (d) of the proposed Proviso to sub-clause (1) of clause 26, omit the words "in Delhi or".

Mr. Chairman: Any other amendment?

Shri J. E. Kapoor: This amendment is an amendment to amendment....

Mr. Chairman: The general practice is that amendments given notice of on the very day they are sought to be moved are allowed only if the hon. Minister accepts them or gives his consent. Since it is almost 2 minutes to 1-15, the amendment could certainly be moved tomorrow. If the hon. Minister consents, I will allow the amendment to be moved today.

Shri Gopalaswami: I have not seen it.

Mr. Chairman: Has a copy been given?

Shri J. R. Kapoor: This is an amendment to the amendment of the hon. Shri Gopalaswami Ayyangar, which had already been given notice of by yourself. Subsequently, since you went to occupy the Chair, in order that there may not be any technical difficulty, I am moving that amendment. I have also given notice of that.

May I submit respectfully that the procedure as I understand the rules relating thereto is that though necessary timely notice must be given with regard to amendments, in the case of amendments to amendments....

Mr. Chairman: Order, order. It is 1-15. The House stands now adjourned to 8-30 A.M. tomorrow.

The House then adjourned till Half Past Eight of the Clock on Thursday, the 30th August, 1951.