

Friday, 17th August, 1951



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME IX, 1951

(7th August to 21st September, 1951)

Fourth Session

of the

PARLIAMENT OF INDIA

1951

CONTENTS

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

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

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

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

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

343

344

PARLIAMENT OF INDIA

Friday, 17th August, 1951

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

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

ORAL ANSWERS TO QUESTIONS

TELEPHONE FACTORY AT BANGALORE

***285. Shri Sidhva:** (a) Will the Minister of Communications be pleased to state:

(a) whether the Telephone factory at Bangalore is working according to the schedule to produce complete telephones by the end of 1952;

(b) whether all the buildings for factory and offices have been completed;

(c) how much machinery has so far arrived and been installed; and

(d) what are the percentages of parts already being manufactured in the factory?

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

(b) Out of 8 factory units, 5 have been completed and three are under construction. The administrative building for offices is almost complete. All the construction work is expected to be completed by the end of the year.

(c) Machines for the manufacture of the following items have been received and installed:

- (1) Telephone Instruments—Manufacture and Assembly.
- (2) Frame work Manufacture.
- (3) Relay—Manufacture and Assembly.
- (4) Bank—Manufacture and Assembly.

(5) Miscellaneous equipment for Tool Room, Plant, Heat Treatment and Impregnation.

(d) (1) Telephone instrument—all parts except dials and condensors.

(2) Intermediate Distribution Frames and Main Distribution Frames—100 per cent.

(3) Fuse Mountings Type Slip-in—100 per cent.

(4) Protectors Type 40B.—100 per cent.

(5) Single Line Protectors—100 per cent.

Shri Sidhva: What will be the total output when the factory starts working to full capacity?

Shri Raj Bahadur: The total output is estimated to be of the value of Rs. 2½ crores per annum; in terms of instruments turned out it is expected to be 30,000 telephone lines and 50,000 telephone instruments.

Shri Sidhva: Is any machinery still expected to arrive or has everything arrived?

Shri Raj Bahadur: All the important items of machinery have already arrived. I don't think any more important items are expected.

Shri Sondhi: Sir, the hon. Minister mentioned the word "year" in the course of his reply. Is it calendar year or financial year?

Shri Raj Bahadur: It always means financial year, unless otherwise specified.

FOOD GIFTS

***286. Shri Sidhva:** (a) Will the Minister of Food and Agriculture be pleased to state whether any gifts of foodgrains have been made from several parts of India to meet the Bihar and Madras situation?

(b) If so, what is the total quantity State-wise, received from the public or any other organization?

(c) How have they been distributed?

(d) Are all these gifts received in response to the appeal made by the hon. the Prime Minister and are they voluntary gifts?

(e) What quantity of foodgrains was given free by the citizens of Bombay?

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

(b) Information has been called for from the State Governments and a statement will be laid on the Table of the House when received.

(c) The gift foodgrains sent to the scarcity areas of Bihar and Madras are distributed free.

(e) Upto 31st of July, Bombay citizens donated 898 maunds of foodgrains.

Shri Sidhva: What is the agency for supervising the delivery of these food gifts to various centres? Is it a fact that these food gifts were not delivered to deserving persons, and was there any comment in the Press in Bihar in this respect?

Shri K. M. Munshi: So far as the giving of these gifts is concerned, they are either sent to Bihar or Madras and handed over to the District Magistrate of the District. As regards distribution, it is done in most cases through the District Magistrates. I have no information that these gifts are given to undeserving persons.

Shri Sidhva: Is there any supervising agency to see that they are delivered to the right persons?

Shri K. M. Munshi: As a matter of fact the District Magistrate is in charge of such agencies as distribute free and he is responsible for it. So far no complaints have been received that any of these gifts have been misapplied.

Shri Jnani Ram: May I know if the Railway authorities make any concession in the transport of food gifts?

Shri K. M. Munshi: I don't exactly know, but in most cases the receiving States, if I mistake not, pay the freight. But directions have been given that when gift grains are collected they should be handed over to the District Magistrate at the place of collection and an equivalent quantity is being handed over at the place where the gift should have been sent so that unnecessary freight may not be incurred.

The Minister of State for Transport and Railways (Shri Santhanam): I may add that we are moving all these gifts at half rates.

बाबू रामनारायण सिंह : यह जो बिना मूल्य वितरण का प्रश्न है, उस के सम्बन्ध में यहाँ से केन्द्र से क्या आदेश गया है कि सब को बिना मूल्य मिलना चाहिये या सिर्फ़ गरीब को मिलना चाहिये और अमीर को धन देकर मिलना चाहिये, मैं जानना चाहता हूँ कि यहाँ से क्या आदेश गये हैं और वहाँ से क्या रिपोर्ट आती है ?

[**Babu Ramnarayan Singh:** What instructions have been sent from the Centre regarding the free distribution of food? Is it to be distributed free to the poor and on payment to the rich? What are the reports received from there?]

Shri K. M. Munshi: So far as the foodgrains which are donated to the Prime Minister's Fund are concerned, they are only to be used in places where there is great scarcity and only for the very poor people.

Shri S. N. Das: May I know the names of the organisations which have collected foodgrains for Madras and Bihar?

Shri K. M. Munshi: I have not got the list of them here—I have got only the list of States who have collected.

Shri S. N. Das: May I know whether cases of unauthorised persons collecting foodgrains for scarcity areas have been detected anywhere in India?

Shri K. M. Munshi: No such case has come to our notice.

Shri Ramalingam Chettiar: Will the hon. Minister consider the suggestion that these gifts may be handed over to famine committees for distribution to poor people in the shape of gruel and other things?

Shri K. M. Munshi: As a matter of fact, it is for the State Government to find out the exact places where such gifts are distributable.

Shri Ramalingam Chettiar: Will not the famine committees be better agencies for the purpose?

Shri K. M. Munshi: But that depends upon the Madras Government. It is despatched to the Madras Government

and it is for them to decide which is the appropriate agency.

बाबू रामनारायण सिंह : समापति महोदय, मैंने नहीं समझा। मेरा प्रश्न था कि बिना मूल्य वितरण के सम्बन्ध में सेन्टर से केन्द्र से क्या आदेश गया है। यह वह सब को मिलना चाहिए, या जो दाम दे सकते हैं, उन को दाम से मिलना चाहिये और जो नहीं दे सकते हैं उन को बिना मूल्य के मिलना चाहिये, मैं जानना चाहता हूँ कि यहाँ से क्या आदेश गया है।

[**Babu Ramnarayan Singh:** Sir, I could not follow it. I wanted to know as to what instructions have been sent from the Centre regarding the free distribution of food, whether it is to be distributed to all or on payment to those who can afford to pay for it and free to those who cannot afford to pay for it?]

प्रधान मंत्री (श्री जवाहरलाल नेहरू) :

मैं कुछ ज्यादा जवाब इस सिलसिले में दे दूँ। जो पैसे के एवज में मिला हुआ खाना हमें पैसे से या मुफ्त में मिला है वह सब मुफ्त में उन लोगों को दिया जाता है जो खरीद नहीं सकते हैं। अब कहीं धोखा हो जाय तो और बात है, लेकिन हिदायत यही है कि जो लोग नहीं खरीद सकते, उन को खाना मुफ्त दिया जाय।

[**The Prime Minister (Shri Jawaharlal Nehru):** May I give a detailed answer in this connection? The food-grains that have been purchased with the help of cash donations or donated to us in place of cash are distributed free to those who cannot afford to pay for it. It is another thing if by chance at some place food-grains are distributed to wrong persons, but, generally, the instructions are that these should be given free to those who cannot afford to pay.]

AIR SERVICE BETWEEN INDIA AND KABUL

*287. **Shri Sidhva:** (a) Will the Minister of Communications be pleased to state whether negotiations to start an air service between India and Kabul (Afghanistan) has been completed?

(b) If so, what are the routes?

(c) If not, what are the reasons for the delay?

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

(b) Does not arise.

(c) A service between India and Afghanistan would involve flight over territory which the Government of Pakistan regard as "prohibited area" and they have, so far, declined to permit such a service on that ground.

Shri Sidhva: May I know whether the Afghan Government approached us for the purpose of an air service between India and Afghanistan?

Shri Raj Bahadur: So far as we and Afghanistan are concerned we have come to a settlement about the starting of an air service between India and Afghanistan but we are waiting for Pakistan to agree to it.

Shri Sidhva: May I know the reason why Pakistan has refused to let this service fly over their area? Under the international civil aviation rules may I know whether they are justified in refusing this permission?

Mr. Deputy-Speaker: He said Pakistan has declared it a prohibited area.

Shri Sidhva: I want to know whether they can do it under the international law.

Shri Raj Bahadur: For the information of the hon. Member may I invite his attention to article 9 of the Convention on International Civil Aviation. The relevant portion of that article is as follows:

"Each contracting State may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other States from flying over certain areas of its territory, provided that no distinction in this respect is made between the aircraft of the State whose territory is involved, engaged in international scheduled airline services, and the aircraft of the other contracting States likewise engaged. Such prohibited areas shall be of reasonable extent and location so as not to interfere unnecessarily with air navigation. Descriptions of such prohibited areas in the territory of a contracting State, as well as any subsequent alterations therein shall be communicated as soon as possible to the other contracting States and to the International Civil Aviation Organization".

Shri Kesava Rao: May I know whether a non-stop flight from India to Kabul is not possible.

Shri Raj Bahadur: Necessarily it shall have to pass over an area which Pakistan regards as prohibited.

Shri Jaipal Singh: I understood the reply to part (a) of the question to be in the negative. Does it mean that there is no difficulty in the negotiations between Afghanistan and ourselves, but the matter has been held up by Pakistan—is that so?

Shri Raj Bahadur: I have already said that is so.

Dr. Deshmukh: Is it the view of the Government of India that under the article which was just now read out, Pakistan is justified in refusing permission for our aircrafts to fly to Kabul through their territory?

The Prime Minister (Shri Jawaharlal Nehru): My hon. colleague has just read out some international regulation. The House will notice that it states that such prohibited area should be reasonable in extent. One cannot say that a whole country is prohibited, or a whole province, or a whole of a large area. We feel that the area at present called prohibited from this point of view is unreasonably big. We are trying to find some way of going to Afghanistan which may perhaps avoid going over too much of the prohibited area—that is, of course, with the consent of Pakistan.

Shri Sondhi: Is it not a fact that such prohibitions can only be during the period of a war—or rather based on military necessity—that is the wording of the clause. What is the military necessity at this stage?

Shri Jawaharlal Nehru: In times of war normally services cease.

Shri Deshbandhu Gupta: Is it or is it not open to Pakistan to hold it over indefinitely on that ground?

Shri Jawaharlal Nehru: Obviously, it is open to them, unless, of course, the International Organisation in charge of it deals with it and tries to induce Pakistan to agree to some reasonable solution.

Shri Deshbandhu Gupta: Has anything been done in that connection to invoke the aid of the International Organisation.

Shri Jawaharlal Nehru: I do not think so. The House will remember that we are flying over Pakistan territory, just as Pakistan aircraft are flying over our territory in certain places. For instance, we have to fly over East Bengal territory for going from some parts of West Bengal to

the north. And they fly over our territory, with our permission, from West Pakistan to East Pakistan. So that, it is not as if we have prohibited from flying over each other's territory. The question is that of particular parts. It is possible, without going over that particular area, one might quite slightly recede to the west, largely avoiding any prohibited area.

DELHI TRANSPORT AUTHORITY (BUSES)

*288. **Shri Kamath:** Will the Minister of Transport be pleased to state:

(a) the number of buses in running order with the Delhi Transport Authority as on 1st August 1951;

(b) the average number of passengers carried in these buses per day;

(c) the number of additional buses acquired to meet the needs of Delhi and New Delhi; and

(d) the number of covered shelters provided so far at bus stops on the routes between Delhi and New Delhi?

The Minister of State for Transport and Railways (Shri Santhanam): (a) 160.

(b) 80,444.

(c) Eleven buses were added to the fleet during the current financial year.

(d) Six. Eleven more are under construction and are expected to be completed shortly.

Shri Kamath: Of the 160 buses which are in running order, am I to understand that only the engines of these buses are in running order, though the bodies of many of them may be dilapidated and ramshackle and the roofs may be leaking?

Shri Santhanam: I do not quite understand the question. These 160 buses were plying on the 1st of August on the roads of Delhi. This number does not include those buses which are undergoing repairs in the workshops.

Shri Kamath: Has the hon. Minister cared to ascertain from the authorities how many of these running order buses are dilapidated in their chassis or body and the roofs of how many are leaking, with the result that the buses get flooded inside during the rains?

Shri Santhanam: I have not made any such enquiries, because there was no occasion for doing that.

Shri Kamath: With regard to the answer to part (d) of the question, between the date of the last session on which the Minister promised to have covered shelters built, and today,

how many new shelters have been built—or has the *status quo* been maintained?

Shri Santhanam: I have already said that six shelters have been built and 11 more are under construction.

Shri Kamath: When were they built—before the last session, or during or after the last session?

Shri Santhanam: The hon. Member may look to the reply to that question.

Shri Kamath: I know the reply—probably the hon. Minister has forgotten all about it.

Shri Deshbandhu Gupta: How many out of these 160 buses are new and how many are out of the lot which was purchased from the G.N.I.T.?

Shri Santhanam: Out of these 55 were purchased in 1948. 115 buses out of a total of 189 obtained from the G.N.I.T. have been scrapped. So only the balance of 74 out of these 160 and the other vehicles in the workshops belong to the old G.N.I.T.

Shri Kamath: Is the Minister in a position to state as to when exactly these 6 shelters were built?

Mr. Deputy-Speaker: What is the need for it?

Shri Kamath: Nothing has been built for the present monsoon. The six were built long ago.

Mr. Deputy-Speaker: He said that six have been built.

Shri Kamath: I want to know when they were built?

Mr. Deputy-Speaker: It is not material—I do not allow that.

Shri Kamath: If you do not allow, that is your look out.

Shri Sondhi: May I know when the workshop is expected to start. Already three years are over. A special committee was appointed and a special officer from Madras was asked to come over and report. According to his report a workshop is a basic necessity. It is now more than three years.

Shri Santhanam: Originally a site was chosen in Old Delhi. The new General Manager found that site unsuitable. A new site has now been chosen and matters have been more or less finalised.

Shri Sondhi: Can the hon. Minister assure us that at least in two or three years' time the workshop will be

completed, because without a workshop no transport service can work? That is a fundamental necessity

Shri Santhanam: Yes, Sir. We expect it to be completed in another two years.

Shri Deshbandhu Gupta: May I know, Sir, the amount paid to different private workshops for repair work during the last one year?

Shri Santhanam: I do not think that normally the Delhi Road Transport Authority take anything to private workshops. They have got their own workshop now which is more or less improvised. It is not as good as we want it to be. That is why we want a new workshop. But for any casual work which they might have done, I would like to have notice.

Shri R. Velayudhan: With regard to answer to part (c) of the question, may I know, Sir, whether the Minister is satisfied with the addition of eleven more buses only?

Shri Santhanam: The question was how many were added.

Now, the fleet will shortly be strengthened by 18 more new Albion Diesel engine buses. In addition, 80 Albion Diesel engine buses were ordered and have begun to arrive. Arrangements for building bodies on these vehicles have also been completed. These 80 vehicles are expected to be ready to be commissioned by December 1951. So, by the end of this year another 98 more new vehicles will be added to the Delhi Road Transport Authority.

Shri Shiva Rao: Is there any proposal before my hon. friend for throwing certain routes open to private enterprise in order to increase transport facilities in the City?

Shri Santhanam: There is no such proposal.

Shri Kamath: Has the Minister received complaints that between certain points on the route queues have got to wait sometimes for two to three hours before they can get a bus and, if so, what arrangements have been made at these points for more adequate transport?

Shri Santhanam: The whole bus transport is under a statutory Corporation and all complaints are forwarded to it. Certainly I think the Corporation should increase the number of buses, and arrangements have been made to put in more buses. As soon

as these ninety-eight buses are added all the routes will be served much more quickly than they are now.

Shri Sondhi: Is it a fact that there were more buses under the G.N.I.T. than there are now under the Government.

Shri Santhanam: I can give the number of passengers carried.

Shri Sondhi: I want the number of buses. You can overload. Is it not a fact that it was 227 and now it is 175?

Shri Santhanam: 15,286 was the mileage covered then which is now 18,000. Therefore it will be realized....

Shri Sondhi: I am asking for the number of buses running. You can run free also after ten o'clock—they are running free—and the mileage may be more. But the number of buses has gone down.

Shri Santhanam: I have not got the actual number of buses, but I think it was much less.

Shri Sondhi: It was 227 when we took it over.

Shri Santhanam: That number includes about one-third in the workshop.

Shri Sondhi: No, no. I was a member of the committee.

Mr. Deputy-Speaker: Order, order. No argument. Next question.

FOREST LAND

*289. **Shri Kshudiram Mahata:** Will the Minister of Food and Agriculture be pleased to state the area needed to be forest land in India for climatic, soil conservation etc. reasons?

The Minister of Food and Agriculture (Shri K. M. Munshi): It is estimated that the minimum area under forests should be one-third of the total land area or about 4.2 lakh square miles (about 270 million acres).

Shri Kshudiram Mahata: May I know what is the present acreage of forest lands and what is the area that is going to be deforested under the food self-sufficiency plan?

Shri K. M. Munshi: Forests constitute about 2.28 lakh square miles, i.e. about 18 per cent. of the total land area.

Shri Kshudiram Mahata: The second part of my question has not been answered. What is the forest area that is going to be reclaimed under the food self-sufficiency plan?

Shri K. M. Munshi: There is no question of reclaiming forest lands. We have already less than what is required. Our present 18 per cent. is less than the 33 per cent. which is required.

Shri Kshudiram Mahata: That I understand. I wanted to know whether any forest land is being deforested under the food self-sufficiency plan.

Shri K. M. Munshi: We do not want to reclaim any portion which is covered by forests. Of course scrub jungle is a different thing; *kans* reclamation is equally a different thing. But there is no proposal to reclaim any land which is covered by forests.

Shri Kshudiram Mahata: May I know whether Government is aware that in many States forest lands are deforested for various purposes?

Shri K. M. Munshi: Well, I have said it over and over again that on account of the abolition of zamindari, on account of integration and on account of various laws, private owners are deforesting their private forests.

Shri Kshudiram Mahata: May I know whether State Governments themselves are deforesting forest lands?

Shri K. M. Munshi: Well, I do not know of any such case.

श्री जांगड़े : क्या मानवीय मंत्री महोदय बतलायेंगे कि एक तरफ तो सरकार कह रही है कि अधिक वृक्ष लगावो और दूसरी तरफ जंगल बरबाद किय जा रहे हैं, यह बात सही है ?

[**Shri Jangde:** Is it a fact that on the one hand the Government are making propaganda that more trees should be planted while on the other forest lands are being deforested?]

Shri K. M. Munshi: I do not know which Government is deforesting forest land. I should like to have information about it if the hon. Member has any.

Shri T. N. Singh: In the figures that the hon. Minister has given about the forest area which is considered necessary, has he taken into account the forest areas required for fighting the spread of deserts towards the eastern part from Rajputana side?

Shri K. M. Munshi: The afforestation required for fighting erosion is in addition to what is already there.

Shri T. N. Singh: Is anything being done to afforest areas in order to check the growth of the desert towards the eastern side from Rajputana?

Shri K. M. Munshi: There is a Central Government scheme of putting up a forest in the Sirohi window through which the hot winds come and which makes the Rajasthan desert such a severe menace. I also understand that where it is encroaching upon Uttar Pradesh there is going to be a belt of forest.

Pandit M. B. Bhargava: May I know what steps have been taken by the Government to check deforestation by the zamindars and *Istimardars* in Ajmer and other places?

Shri K. M. Munshi: In some States private forests have been taken over and I understand there is some litigation about it. In other places owners have already cut the timber and made money and I do not think any action can be taken against them.

Shri Jaani Ram: May I know whether the Government of India is giving any subsidy to the States for embarking upon the plan of afforestation?

Shri K. M. Munshi: The only scheme which is now on the anvil is the Rajasthan afforestation scheme, and it does contemplate certain subsidies.

Shri R. Velayudhan: May I know if the Government of India have given any instructions to State Governments to keep a particular portion of the land as forest area?

Shri K. M. Munshi: The Government of India has always been telling the State Governments to increase their forests and to maintain such forests as are there.

Shri Amolakh Chand: Is there any proposal under Government to take over all private forests?

Shri K. M. Munshi: It is not a subject which is in List A. It is really the jurisdiction of the States to do so.

Shri Sondhi: Is Government aware that for an area of about twenty-five miles on the Grand Trunk Road on both sides, between Karnal and Ambala, thousands of pits have been dug and no trees have been planted, though the pits were dug last year?

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

CULTIVABLE LAND

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

(a) the area of lands under the cultivation of cereal at present;

(b) the area of lands required for cereal cultivation to make the country self-sufficient; and

(c) the area of lands reclaimed for cereal cultivation but till now not brought under such cultivation?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) 192.7 million acres during 1950-51.

(b) It is not possible to give any figure since self-sufficiency is proposed to be achieved both by undertaking intensive cultivation measures as well as by extending cultivation to uncultivated areas.

(c) About 2.56 lakh acres, reclaimed by the Central Tractor Organisation during January-June 1951, which could be cultivated only in the next Rabi season. Similar information in respect of land reclamation schemes in different States is being collected.

लाला अचिंत राम : क्या माननीय मंत्री कृपा कर के बतलायेंगे कि यह जो एरिया रिक्लेम किया गया है सीरियल कल्चिवेशन के लिये, उस में कुछ ऐसा एरिया भी है जो कि आप ने रिहैबिलिटेशन डिपार्टमेंट के सुपुर्द किया है और जो कि रिफूजीज के काम आ सके ?

[Lala Achint Ram: Will the hon. Minister be pleased to state whether out of the area reclaimed for the cultivation of cereals some has been handed over to the Rehabilitation Department so that it may be utilised for the benefit of the refugees?]

Shri K. M. Munshi: As a matter of fact, some part of this land is being given to the refugees.

लाला अचिंत राम : क्या आप ने कोई एरिया रिहैबिलिटेशन डिपार्टमेंट के सुपुर्द किया है so that they may give it to refugees!

[Lala Achint Ram: Have you handed over any area to the Rehabilitation Department so that they may give it to refugees?]

Shri K. M. Munshi: Some part of the land reclaimed in this manner has been given to refugees.

Shri Kamath: What is the per capita cereal ration on the basis of which this self-sufficiency is calculated—12 oz. or 16 oz.?

Shri K. M. Munshi: The self-sufficiency as calculated by Lord Boyd Orr....

Shri Kamath: Not by you?

Shri K. M. Munshi: There are a number of varieties of "self-sufficiency" in this country. One is 12 oz. in the urban areas and 16 oz. in the rural areas. That is the basis on which the calculation of self-sufficiency is made.

Shri Kamath: Is that the Lord Boyd Orr or the Government basis?

Shri K. M. Munshi: The word "self-sufficiency" which we use for Grow More Food is on this basis. There is another popular meaning of "self-sufficiency" which creates all this confusion—that is the state when the imports are stopped completely. Those two are entirely different.

Dr. Ram Subhag Singh: May I know the area of reclaimed land where co-operative farming is in operation?

Shri K. M. Munshi: Notice.

Shri A. C. Guha: May I know if there has been any increase in the cultivable land for cultivation of cereal from that which was available in 1947 and if so, whether the increase in production has been proportionate to the increase in area?

Shri K. M. Munshi: There is a considerable increase both in 1948-49 and 1950-51. In 1948-49 the area under cultivation of cereal was 1,86,803 and in 1950-51 it is 1,92,726 acres.

Shri A. C. Guha: May I know whether the increase in cultivable land was proportionate to the increase in production?

Shri K. M. Munshi: The production last year, as everybody knows was reduced on account of natural calamities and therefore they cannot afford a basis for comparison.

Shri Jnani Ram: May I know when the self-sufficiency scheme of cereals is to be fulfilled?

Shri K. M. Munshi: It depends upon this. The first self-sufficiency is concerned with Grow More Food and I think it will be easy to reach it in a couple of years' time but as regards the other self-sufficiency, i.e., stopping of imports, that is a much bigger question.

Shri Sidhva: As regards the import question, may I know how is it much bigger?

Shri K. M. Munshi: The distinction I made is clear. The self-sufficiency for Grow More Food is to produce, namely 46 million tons of cereals. That is the Boyd Orr estimate which was made up to 1952 and which is now extended up to 1953. The other self-sufficiency is subject to the three exceptions which have already been stated. People normally are satisfied with only 12 ounces in urban areas or 16 ounces in rural areas; nor is such a meticulous distribution possible. So in order to stop imports and remove controls altogether you require a much larger margin of safety, that is the wider self-sufficiency.

Shri Kamath: How can imports be stopped unless and until you reach at least the Boyd Orr quantity or target?

Shri K. M. Munshi: That is so. First of all you have to reach that target. Having reached that you have to try to acquire the margin necessary for reaching the other self-sufficiency.

Shri Kamath: What is that margin?

Shri K. M. Munshi: That margin would be anything from 4 to 5 million tons.

Shri Sidhva: Has the hon. Minister any data as to how much an average individual was eating before the war?

Shri K. M. Munshi: I think before the war it was a much higher average. To give a correct figure I would have to strain my memory and I do not want to be caught in contentious statistics by the hon. Member.

SURVEY OF BIHAR

*291. **Shri R. Velayudhan:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any survey was conducted in Bihar State to assess the food situation and the purchasing power of the community by the students of the Delhi University; and

(b) if so, what are the findings of the survey?

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

(b) A copy of the Summary of the Delhi School of Economics' Survey of the Bihar Food Crisis, prepared by the Director of the School, is placed on the Table of the House. [See Appendix II, annexure No. 24.]

Shri S. N. Das: Which of the districts were visited by this party?

Shri K. M. Munshi: They say in their report that they visited the districts of Seran, Muzaffarpur, Darbhanga and Purnia.

Shri Rathnaswamy: In view of the fact that the conditions in certain parts of Madras border on famine, do the Government propose to take steps to assist the food situation and also the purchasing capacity of the people? May I know if any private agencies have approached the Government to give them the necessary facilities to undertake such work?

Shri K. M. Munshi: As I pointed on the last occasion all steps are being taken to meet the difficulties of Madras.

Shri R. Velayudhan: In the report it is stated that the Government of India have shown remarkable efficiency though perhaps a little belatedly in moving foodgrains to the Bihar State. May I know whether the Government of India shares the same view?

Shri K. M. Munshi: The students of the school who went to inquire did not know that the Government of India had not the means to supply the necessary foodgrains at the time they referred to.

Shri R. Velayudhan: May I know under whose instructions did these school students and professors go to Bihar? Is it with the Minister's or with the Prime Minister's instructions?

Shri K. M. Munshi: It was a self-starting venture. They went by themselves.

Shri R. Velayudhan: May I know whether the expenditure for this tour was met by the Government or by the Government of Bihar?

Shri K. M. Munshi: No. It was just a private inquiry.

Dr. Ram Subhag Singh: May I know what steps were taken by the Governments both Central and provincial to provide work to those persons who were unable to buy food?

Shri K. M. Munshi: Yes. The work is being provided by the Government of Bihar.

Shri B. R. Bhagat: May I know the number of fair-price shops and the price of foodgrains in the open market?

Shri K. M. Munshi: That does not arise out of the question, but I am quite willing to give the figure. The total number of fair-price shops on the 31st July 1951 was 9,746 serving a total population of 1,87,77,300 persons.

RECRUITMENT FOR SPECIAL POLICE IN HYDERABAD

*292. **Shri R. Velayudhan:** Will the Minister of States be pleased to state:

(a) whether the Government of India have given sanction to the Hyderabad State Government to recruit Special Police force from outside the state; and

(b) if so, what is their number at present?

The Minister of States, Transport and Railways (Shri Gopalaswami): (a) and (b). The Hyderabad State Government are fully competent to make recruitment to their Police forces. No sanction of the Government of India is required for this purpose.

Shri R. Velayudhan: May I know whether the Government of India is aware that the Hyderabad Government have already recruited people from outside the State to maintain law and order?

Shri Gopalaswami: Yes. We are aware of it.

Shri R. Velayudhan: May I know whether it is with the sanction of the Central Government that they have recruited people from outside the State?

Shri Gopalaswami: I have said that our sanction is not necessary.

Shri R. Velayudhan: May I know whether the expenditure for this additional police force is met by the Government of India or by the State Government?

Shri Gopalaswami: A good many items in Hyderabad expenditure are met by the Government of India and with regard to the police, we are meeting a portion of the expenditure.

Shri R. Velayudhan: May I know if the people of Hyderabad have resented the recruitment of people from outside the State?

Shri Gopalaswami: Possibly the section of opinion with which the hon. Member is familiar objects to it.

WHEAT FROM AUSTRALIA

*293. **Shri Kesava Rao:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that Australia will supply wheat to India under the Colombo Plan;

(b) what is the quantity of wheat Australia will supply to India; and

(c) what are the other cereals other than wheat Australia has agreed to send to India?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes, it is a fact that Australia will supply wheat to India under the Colombo Plan during the period 1st July 1951 to 30th June 1952.

(b) Australia has offered to supply £ (A) 3,700,000 worth of wheat during the above mentioned period.

(c) The Australian Government initially offered to supply some quantities of barley, maize and sorghum and the balance in wheat [up to the total value of £ (A) 3,700,000], but later at our request they agreed to supply the entire quantity in wheat.

Shri Kesava Rao: May I know at what price the Australian wheat will be obtained?

Shri K. M. Munshi: We have asked them to supply at the price of the International Wheat Pool but so far they have not agreed. Anyway they offered one cargo of wheat for September shipment outside the Wheat Pool.

Shri Sohan Lal: May I know whether the Australian wheat will be cheaper or dearer in comparison to other wheat which have been imported?

Shri K. M. Munshi: It will depend on whether it comes within the Pool or outside it and what the prevailing market price would be on that day. If it is supplied within the Wheat Pool then 3,70,000 lbs. will fetch about 1.23 lakh long tons; otherwise it will be 1.24 lakh long tons at the free market price.

Shri Kesava Rao: May I know under this scheme when the Australian wheat ship will reach India?

Shri K. M. Munshi: I think it will take some time because they have said that they will settle everything after the new season comes in.

Shri Sidhva: In view of the fact that more than one quality is produced by Australia, what quality are

we going to get? Is it the best quality or is it an inferior quality?

Shri K. M. Munshi: I have not got the materials here. I think it is a good quality; it is not inferior quality.

Shri T. N. Singh: In view of the fact that wheat prices from Australia will work outside the Wheat Pool prices, will it not be better to avail the Colombo Aid Plan in other ways, because by this method we may be paying more and getting less in sterling?

Shri K. M. Munshi: That is really a suggestion which will be duly considered.

Dr. Ram Subhag Singh: May I know the quantity of wheat allotted to India under the International Wheat Agreement, annually?

Shri K. M. Munshi: That is, as I said, 1.5 million tons.

SHROFF COMMITTEE REPORT

*296. **Shri Raj Kanwar:** Will the Minister of Railways be pleased to state:

(a) what steps Government propose to take with a view to ensure a proper and thorough stock-taking of the accumulated stocks of stores of various kinds on the Indian Railways as recommended by the Shroff Committee; and

(b) what steps Government propose to take to ascertain and assess the culpability or otherwise of the various Controllers of Railway Stores and other officers concerned in regard to the disclosures made in the Committee's Report, especially with regard to the discovery of huge surplus stores?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Under the directions of the Railway Board, railway administrations have nearly completed the compilation of statements of stocks of various kinds in excess of 12 months requirements. In addition, a firm of Chartered Accountants has been appointed to compile a general inventory of total store-holdings on two railways as recommended by the 'Shroff' Committee.

(b) Accumulation of excess stocks is reported as due to various causes like carry-overs from war-time stocks; stocks coming to India after Partition; bunched supplies against old outstanding Supply Department orders fructifying long after their due date; stocks for specific works rendered surplus due to the stoppage of works under the stress of economy; and emergent purchases made by railways

due to uncertainty of deliveries and subsequent materialising of supplies from orders placed on the Supply Department. This may also be due to lack of Central control and co-ordination. Machinery for such control and co-ordination is being evolved. Individual cases of heavy surplus stocks are, however, under detailed investigation and further action will depend on the results of this examination.

Shri Raj Kanwar: What is the total book value of all the accumulated stocks of Railway stores referred to in the Shroff Committee's report?

Shri Santhanam: The Shroff Committee's report has referred only to certain illustrative items. We have just compiled a full list of items. They have not yet been evaluated.

Shri Raj Kanwar: Which of the Government Railways is the greatest offender in respect of purchase of surplus stores unlikely to be required for many years, and what is the explanation of the Chief Controller of Stores of that Railway with regard to this waste of public money?

Shri Santhanam: We are just getting full details of stocks. As I have said, one firm of Auditors has been appointed to go into the stores of two of the Railways which were considered to be the worst sinners in this respect. As soon as we get the report of the Chartered Accountants, we shall be glad to give the information.

श्री भट्ट : क्या माननीय मंत्री जी बतलायेंगे कि क्या श्राफ इन्वयरी कमेटी की रिपोर्ट पर पार्लियामेंट के मेम्बरों को चर्चा करने का मौका दिया जायगा ।

[**Shri Bhatt:** Will the hon. Minister be pleased to state whether the Members of Parliament will be given an opportunity to discuss the Shroff Enquiry Committee's report?]

Shri Santhanam: The report has been placed in the Library and copies have been circulated to all the Members of the Central Advisory Council as well as the Railway Standing Finance Committee. Members of the Central Advisory Council and the Standing Finance Committee may take it up with the Railway Ministry. I do not think it will be possible to find time in the Parliament unless Parliament itself urges it and the Leader of the House is willing to give time. I cannot say anything about time being available.

श्री भट्ट : क्या माननीय मंत्री जी का ध्यान श्राफ कमेटी के ऐसे क्विटिस्म के ऊपर गया है कि जिस में उन्होंने जनरल मेनेजर्स और स्टोर कंट्रोलर और कुछ रेलवे के एडमिनिस्ट्रेशन के बारे में काफी कड़ी और सख्त टीका की है ।

[**Shri Bhatt:** Has the attention of the hon. Minister been drawn to such criticisms of the Shroff Committee where severe strictures have been passed against the General Managers, the Store Controller and some branches of the Railway administration?]

Shri Santhanam: Yes, Sir. We have read every page and every para of the report. The hon. Member may remember that it was a committee appointed by us for the very purpose of finding out the truth regarding stores.

श्री भट्ट : शायद मैं अपनी बात माननीय मंत्री जी को नहीं समझा सका । क्या सिर्फ एक्सेसिव स्टोर के बारे में उन के एक्सप्लेनशन मांगने के सिवा रेलवे बोर्ड ने उन के ऊपर कोई और कार्रवाई की है ।

[**Shri Bhatt:** Perhaps, I could not make my point understood to the hon. Minister. Has any other action been taken by the Railway Board against the officials besides calling their explanations regarding the excessive stores?]

Shri Santhanam: We have asked for explanation for every detailed item. We have also issued instructions as to how they are to be prevented in the future. The whole procedure and the organisation are being re-modelled.

MARINE BIOLOGICAL STATIONS AND AQUARIUMS

*297. **Shri Jnani Ram:** Will the Minister of Food and Agriculture be pleased to state:

(a) the number of Marine biological stations and Aquariums in India;

(b) the places where they are situated; and

(c) the administrative authorities of the institutions?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Ten, out of which two are combined Marine Biological Stations and Aquaria.

(b) and (c). A statement giving the requisite information is laid on the Table of the House. [See Appendix II, annexure No. 25.]

Shri Jnani Ram: May I know the number of the staff there and the annual cost of the Central Marine Research Station, Mandapam?

Shri K. M. Munshi: I have not got the figures here now.

Shri Jnani Ram: May I know how far these Research Stations have been able to prepare schemes for solving the food problem?

Shri K. M. Munshi: They are Research Stations; they are not Grow More Food stations.

Shri Kamath: Grow More Fish stations?

Shri A. C. Guha: From the statement, it is seen that there is no station in Bengal side. Bengal being a fish eating province, will Government consider the establishment of any station in the Bengal side?

Shri K. M. Munshi: There is a station in Calcutta with trawlers which the Bengal Government has acquired. It does not answer the description Marine Biological station. That is the reason why it has not been included in the list.

SERVICE POSTAGE STAMPS

*298. **Shri Raj Kanwar:** Will the Minister of Communications be pleased to state:

(a) the total face value of Service Postage Stamps sold or issued during the last three years;

(b) the actual cost of printing them;

(c) whether it is a fact that post offices and postal officials are not required to affix such stamps to their official communications, but only to frank them; and

(d) why a different policy is followed in regard to Government offices other than the Postal Department in this matter?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). A statement is placed on the Table of the House giving all information asked for. [See Appendix II, annexure No. 26.]

(c) Yes. This incidentally accords with the International Postal Regulations.

(d) The Posts and Telegraphs Department is run on commercial lines and has to recover postage for

every article posted from all including the Departments of Government. If they are allowed to frank articles it will be impracticable to maintain a proper account of the legitimate revenue which should accrue to the Posts and Telegraphs Department, on account of postage for correspondence posted by them.

Shri Raj Kanwar: Are there any practical difficulties in following the same practice in all the Government departments and offices as is followed in the postal department and thus save some money, that is the cost of printing service postage stamps for the public exchequer?

Mr. Deputy-Speaker: He has answered in reply to part (d) that maintaining accounts is rather difficult.

Dr. Ram Subhag Singh: May I know whether our postal stamps are still printed in foreign countries?

Shri Raj Bahadur: That hardly arises from this question.

Shri R. Velayudhan: The hon. Minister just now said that stamps are done on commercial lines; may I know whether the increase in stamp duty is because of the increased expenditure in the making of stamps?

Shri Raj Bahadur: The question is not quite intelligible.

Shri R. Velayudhan: Certainly I am more intelligent than the hon. Minister.

Mr. Deputy-Speaker: The House must decide that.

Shri R. Velayudhan: I want an answer from the hon. Minister.

Mr. Deputy-Speaker: The hon. Minister is not able to follow the question.

Shri Kamath: Have you disallowed Dr. Ram Subhag Singh's question, Sir?

Mr. Deputy-Speaker: The question was whether stamps are still printed in foreign countries. The hon. Minister said that it does not arise out of the question. I also agree that it does not arise.

Shri Kamath: Do you agree?

Mr. Deputy-Speaker: Yes. This question relates to Service postage stamps, face value and the actual cost of printing.

Shri Raj Bahadur: I have not the slightest objection to oblige my hon. friend with an answer to his question.

But, I think he would also please oblige me by putting a proper question.

Mr. Deputy-Speaker: Hon. Ministers are ready nowadays to give the answers in their possession. Whenever they are not able to answer and say that a proper question may be put, it means that they have not got the answer.

Shri Sondhi: What is the significance of 'nowadays' that you said, Sir?

Mr. Deputy-Speaker: After all, hon. Members are anxious to ask a number of supplementary questions which may not relate to the question and which may not be strictly relevant. Even they, the hon. Ministers are prepared to answer.

Shri Raj Bahadur: I am perpetually prepared to answer questions. But, I only said that the question relates to Service Postage stamps.

श्री जांगड़े : क्या माननीय संचरण मंत्री यह बतलायेंगे कि क्या सरकार के ध्यान में यह बात आई है कि कहीं कहीं सरकारी कर्मचारियों ने अपने निजी कार्यों के लिए सरविस पोस्टेज स्टाम्प का उपयोग किया है। यदि हाँ, तो क्या उन्हें दंडित किया गया ?

[**Shri Jangde:** Will the hon. Minister of Communications be pleased to state whether the attention of the Government has been drawn to the fact that at some places Government employees have used the Service Postage Stamps for their private purposes? If so, have they been punished?]

श्री राज बहादुर : भिन्न भिन्न समय पर विभिन्न शिकायतें इसके बारे में आती हैं उनकी जांच होती है और जहाँ जांच से कोई अपराधी पकड़ा जाता है उचित कार्रवाई की जाती है।

[**Shri Raj Bahadur:** Complaints regarding this are received at intervals. Enquiries are made and whenever anybody is found guilty he is suitably dealt with.]

श्री जांगड़े : क्या माननीय मंत्री जी बतलायेंगे कि किन श्रेणियों तक के कर्मचारी

इन सरविस पोस्टेज स्टाम्प का उपयोग कर सकते हैं और किन किन कार्यों के लिए इनका उपयोग कर सकते हैं ?

[**Shri Jangde:** Will the hon. Minister be pleased to state as to which class of employees are authorised to use these Service Postage Stamps and for what purposes?]

श्री राज बहादुर : समस्त सरकारी कर्मचारी सरविस पोस्टेज स्टाम्प का उपयोग कर सकते हैं किन्तु केवल सरकारी काम के लिए।

[**Shri Raj Bahadur:** All the Government employees can use these Service Postage Stamps but only for Government purposes.]

Shri Dwivedi: Is the hon. Minister aware that certain clerks have already used service stamps for their private purposes, to the extent of several hundreds of rupees, and may I know whether any action has been taken against those clerks?

Shri Raj Bahadur: If specific cases are brought to the notice of the authorities, proper action will be taken.

RAILWAY STORES

*299. **Shri D. S. Seth:** Will the Minister of Railways be pleased to state:

(a) the target fixed for each Railway for reducing its stores balance before the end of the current year;

(b) what firm, if any, has been entrusted with the task of preparing general inventory of the stores holdings of the railways; and

(c) the arrangements made for investigation by an expert into the conditions of railway printing equipment and press buildings?

The Minister of State for Transport and Railways (Shri Santhanam): (a) A general directive was issued to railways in May 1951 for effecting a reduction of 15 to 20 per cent. in their stores balances by the end of the current year. As a result of the review of the stock position targets for reduction are also being fixed for each railway.

(b) Messrs. N. M. Raiji and Co., Chartered Accountants, Bombay.

(c) The Ministry of Railways will share the services of an expert whom the Ministry of W.P. and S. are trying

to engage for the purpose of improving the working of Government of India Presses.

Shri R. Velayudhan: May I know whether the Government have accepted the recommendations submitted by the Shroff Committee?

Shri Santhanam: Yes, we have accepted all the recommendations.

Shri R. Velayudhan: Is it a fact that according to this committee, while there were lots and lots of surplus lying in the workshops, still more stores were bought?

Shri Santhanam: The report is there in the Library for the hon. Member to read.

Shri R. Velayudhan: May I know whether the hon. Minister has gone through that report?

Mr. Deputy-Speaker: What is the use of putting such questions? It is quite easy for the hon. Minister to say that the hon. Member has not even opened that report. What is the meaning of such questions suggesting that the hon. Minister has not read the report? The hon. Member should have due regard to the prestige of the House and its proceedings.

Shri R. Velayudhan: Yes, yes.

Mr. Deputy-Speaker: I say that the answer given is perfectly in order and I also say that the question put by the hon. Member is out of order and improper.

Shri R. Velayudhan: Yes, yes.

Mr. Deputy-Speaker: There is no use the hon. Member saying "Yes, yes." He should correct himself.

RICE QUOTAS

*300. **Shri Alexander:** Will the Minister of Food and Agriculture be pleased to state whether it is a fact that the rice quotas to rice-consuming areas have not been increased, and if so, why?

The Minister of Food and Agriculture (Shri K. M. Munshi): It is correct that we have not been able to increase the rice quotas of rice-consuming areas as, though we are importing more rice than 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 Bihar and Assam to whom normally only small quantities or no quantities of rice are given.

Shri Rathnaswamy: May I know what quantity of rice was asked for by the State of Madras and what quantity was allotted to that State?

Shri K. M. Munshi: What we supplied to Madras is 200 thousand. They would like to have very much more.

Shri Rathnaswamy: Is it a fact that even the quantity allotted to that State has not been received by it due to transport difficulty?

Shri K. M. Munshi: Sometimes it has been found that due to shipping difficulties it is not possible to give the allotted quantity within the period mentioned. But I may add that the Madras Government has sufficient stocks of rice.

Shri A. C. Guha: May I know if in Bengal the rice quota per capita, has been reduced?

Shri K. M. Munshi: Well, I don't think it is reduced, for the moment.

Shri A. C. Guha: Will the hon. Minister please enquire if the rice quota has been reduced from 1 seer 5 chataks to 1 seer only per week?

Shri K. M. Munshi: Not recently.

Shri A. C. Guha: Quite recently, not even 2 months ago.

Shri K. M. Munshi: If it is two months, then it is not recent. That is old history.

Mr. Deputy-Speaker: If it is only two months since it happened, then the hon. Member expects the hon. Minister to know about it.

Shri K. M. Munshi: I thought it was within the last week or so. If it was two months back, it has been already covered by numerous questions in the House.

Shri Alexander: May I know whether the Travancore-Cochin State has not asked for an additional rice quota?

Shri K. M. Munshi: The Travancore-Cochin State has asked for it. It is given the highest quota in the country, and according to the availability of shipping facility, it is getting this quota regularly.

Shri Alexander: Is it a fact that in many parts of the State even 4 oz. rice ration is not being given?

Shri K. M. Munshi: As I pointed out, it is for the State to fix its ration. Certain quotas have been allotted to the State and they are being given as and when ships arrive. This year's

allotment is higher than last year's and I have also given the reason why there has been greater demand by the rice-consuming areas. It is because the internal procurement is not as much as it should have been. And two States got into difficulties and so some rice had to be diverted to them.

Shri Alexander: Is it a fact that the Centre is denying the Travancore-Cochin State more rice on the ground that tapioca is being used as staple food there?

Shri K. M. Munshi: That is only when their demand was beyond what was allotted to the State—2,75,000, the highest in the country. The fact remains that in Travancore-Cochin there is considerable rural population which lives on tapioca and therefore the distribution of rice to them leads to considerable black-marketing.

Shri Rathnaswamy: Has the Madras Government made a request to the Centre that the wheat allotted to that State may be exchanged for rice because wheat is not the popular food-grain in that State?

Shri K. M. Munshi: I think my first answer covers everything. I have not got more rice to give. I am quite willing to take the wheat back, without giving the rice.

Shri S. N. Das: May I know whether the rural areas of North Bihar have not been supplied rice for the last two months?

Shri K. M. Munshi: The hon. Member may please give me notice to give him a detailed answer to the question. But Bihar has been supplied with 91,000 tons of rice as against 9,000 tons of last year.

श्री द्विवेदी : मैं यह जानना चाहता था कि जहाँ चावल प्रधानतः खाया जाता है वहाँ क्या ऐसा ही चावल दिया जाता है जैसा कि दिल्ली में राशनिंग में दिया जाता है ?

[**Shri Dwivedi:** I wanted to know as to whether the same type of rice is distributed in those places, where rice is the staple diet of the people, as is being given under the rationing arrangements in Delhi?]

Shri K. M. Munshi: The quality depends on whatever rice we get from abroad—it is medium, coarse or fine.

Shri A. C. Guha: Will the hon. Minister please state what is the quantity of rice that was promised to Bengal and what quantity was supplied?

Shri K. M. Munshi: If the hon. Member will give notice, I shall look into the files.

Pandit M. B. Bhargava: May I know whether there are any States where staple food is not rice and still rice is being compulsorily being supplied to them?

Shri K. M. Munshi: No state is being supplied with rice where the staple food is not rice.

Mr. Deputy-Speaker: The question-hour is over.

WRITTEN ANSWERS TO QUESTIONS.

LAND RECLAMATION IN MADRAS

*294. **Dr. M. V. Gangadhara Siva:** Will the Minister of Food and Agriculture be pleased to state:

(a) how many tractors have been lent to the Government of Madras State for reclamation purposes and on what terms;

(b) the capacity of tractors and how much land has so far been reclaimed; and

(c) how much land in Madras State is to be reclaimed and how long it would take to complete the reclamation programme?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The Government of India have not lent any tractors to the Madras Government for reclamation purposes. It is, however, understood that State Government possess 268 tractors, of which, 224 are of types suitable for land reclamation.

(b) 144 tractors are "Medium" size i.e. 30 to 45 H.P. and 80 tractors are "Heavy" size i.e. over 60 H.P. 58 "Medium" tractors and 78 "Heavy" tractors are equipped with Bulldozers. The following acreage are stated to have been reclaimed:

1946-47	4360 acres
1947-48	10025 "
1948-49	35569 "
1949-50	44629 "
1950-51	69433 "

(c) The Madras Government propose to reclaim 100,000 acres in 1951-52. The programme for the succeeding years is not known.

FOOD POSITION

*295. **Dr. M. V. Gangadhara Siva:** Will the Minister of Food and Agriculture be pleased to state whether he

will make a statement regarding the food prospect in India during the year 1951?

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

AERIAL SURVEYS

***301. Sardar B. S. Man:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total number of aerial surveys undertaken during the years 1949-1950 and the current year; and

(b) the areas covered and the total amount spent so far?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) During 1949 and 1950-51 the Survey of India did a total of 36 and 28 aerial surveys respectively.

(b) The area covered was 15,401 and 19,539 sq. miles, respectively. The amounts spent upon these surveys are Rs. 28,40,000 and Rs. 19,20,000 respectively and have been fully recovered. These include payments of Rs. 7,32,000 and Rs. 6,92,000, respectively, made to the Air Survey Company of India for air photography.

RAILWAY ACCIDENT ON O.T. RAILWAY

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

(a) whether there was any railway accident on the 8th July, 1951 when a goods train was on way to Kathgodam on the O.T. Railway;

(b) what was the nature of the accident;

(c) what were the causes of the accident;

(d) what was the total loss sustained by the Railway; and

(e) whether there was any casualty?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). On 8th July, 1951, Down Boulder Special parted while running between Baheri and Richha Road stations on the Bareilly-Kathgodam section of the Oudh-Tirhut Railway. The Driver of the train, unaware of the parting, was running with the front portion of the train and when he brought it to a stop at Richha Road to pick up token (line clear) the rear portion which was also rolling behind, down the gradient, collided with it at about 3-15 hours. As a result 3 wagons derailed and 15 capsized.

(c) An enquiry has been held but the case has not yet been determined.

(d) The approximate cost of damage to engine, rolling stock and permanent way was Rs. 1,700.

(e) No.

मिलो

***३०३. सेठ गोविन्द दास :** (क) क्या साथ तथा कृषि मंत्री यह बतलाने की कृपा करेंगे कि अब तक भारत में कितनी मात्रा में मिलो आयात किया जा चुका है ?

(ख) इसमें से सरकार के पास गोदामों में अब कितना मिलो बच रहा है ?

(ग) सरकारी गोदामों में बचे हुये मिलो के विक्रय के सम्बन्ध में सरकार क्या कार्यवाही कर रही है ?

MILo

[*303. Seth Govind Das: (a) Will the Minister of Food and Agriculture be pleased to state the quantity of Milo imported into India so far?

(b) How much of it is still left with Government in the godowns?

(c) What arrangements are being made by Government for selling the remainder stocked in the Government godowns?]

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The quantity of milo imported into India since 1st January, 1951 till 31st July, 1951 is 5,77,700 long tons.

(b) No quantity of milo is stored in the Central Government's godowns as reserve. From time to time some quantities lie in the godowns at the ports awaiting movement to the central parts of the country.

(c) In view of the answer to (b) above the question does not arise.

RESEARCHES ON WHEAT AND PADDY

***304. Shri T. N. Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any researches have been carried out on wheat and paddy as a result of which there will be more than 10 per cent. increase in yield of these crops;

(b) if so, whether any of these researches have been put to test under normal field conditions on any appreciable extent; and

(c) whether similar researches have been carried out on any other major food crops and if so, with what results?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) to (c). Researches have been carried out on wheat, paddy, barley, maize, jowar, bajra and other millets, sugarcane and potatoes. As a result of these researches improved varieties have been evolved which give significantly higher yields than the local varieties. Researches have also been conducted into crop manuring, tillage and preparation of land before sowing. As a result of these researches increases in yields exceeding 10 per cent. have been obtained.

After completing the laboratory stages of research the superiority of improved varieties and efficacy of manuring are put to test under normal field conditions. The results of the researches conducted by Research Stations of the Central Government and Agriculture Department of the State Governments are being applied to an increasing extent by cultivators on their fields.

कृषकों द्वारा खाद्यान्न का संग्रह

*३०५. श्री जांगड़े : खाद्य तथा कृषि मंत्री यह बतलाने की कृपा करेंगे कि क्या यह सत्य है कि भारत सरकार ने राज्य सरकारों को ऐसे अनूदेश भेजे हैं, जिनके अनुसार वह कृषक जिसके पास ३० एकड़ से अधिक भूमि हो एक निर्धारित मात्रा से अधिक खाद्यान्न का संग्रह नहीं कर सकता है ?

STORING OF FOODGRAINS BY FARMERS

[*305. **Shri Jangde:** Will the Minister of Food and Agriculture be pleased to state whether it is a fact that the Government of India have issued instructions to the State Governments whereby a farmer having more than 30 acres of land cannot store more than a specified quantity of food-grains?]

The Minister of Food and Agriculture (Shri K. M. Munshi): The Government of India have not issued any such instructions to the State Governments. In order, however, to prevent hoarding and profiteering and in the interest of procurement, the State Governments were advised to fix a maximum limit for possession of foodgrains by producers, traders and consumers. In pursuance of this advice the Madhya Pradesh Government have

fixed the maximum quantity of food-grains which may be possessed by them at any one time at any part of the year. This limit is on a sliding scale and takes into consideration the seasonal requirements of producers including the quantity required for consumption.

AERODROME FOR MANGALORE

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

(a) whether any steps have been taken towards the construction of a civil aerodrome in Mangalore, South Kanara; and

(b) if so, what progress has so far been achieved?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). Yes, Sir. Preliminary works e.g. acquisition of land, levelling of site and preparation of strips, provision of fencing, construction of residential accommodation, etc. are in progress and are expected to be completed within the course of the next two months. The other works viz., construction of runway and taxi-tracks, terminal building, wireless transmitting station, roads, etc. will also be started very soon. The project is likely to be completed by June 1952, but the aerodrome is expected to be available for limited use by the end of this year.

PROCUREMENT OF FOODGRAINS

*307. **Shri T. N. Singh:** (a) Will the Minister of Food and Agriculture be pleased to state the progress of procurement of Rabi food crops in U.P., Bihar, Madras, Bombay, West Bengal and Madhya Pradesh in 1951?

(b) How do these compare with the procurement made during this period in the previous year?

(c) If the procurement has been comparatively less, what are the reasons for it?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) and (b). There is hardly any Rabi cereal crop in West Bengal and Madras. A comparative statement showing the procurement of Rabi foodgrains in U.P., Bihar, Bombay and Madhya Pradesh during the period January to July, 1951 as compared to the procurement during the corresponding period of 1950 is placed on the Table of the House. There has been an appreciable shortfall only in the case of Uttar Pradesh.

(c) The shortfall in procurement in Uttar Pradesh is largely due to the

delayed harvest, and greater consumption by producers due to shortage of Kharif grains, and extensive hoarding in certain parts.

STATEMENT

(in ,000 tons)

State	January to July, 1951	January to July, '50
Uttar Pradesh	184.8	295.8
Bihar	0.3	0.7
Bombay	92.6	108.8
Madhya Pradesh	12.7	18.3
Total	290.4	423.6

MADHYA BHARAT JAGIRDARI ABOLITION BILL

***308. Shri Ghule:** (a) Will the Minister of States be pleased to state whether Government have approved the Madhya Bharat Jagirdari Abolition Bill?

(b) If so, when was the approval given?

(c) When was the Bill sent by the Madhya Bharat Government to the Government of India for approval?

(d) Is it a fact that a deputation of Jagirdars of Madhya Bharat or a representation on their behalf was received by the Government of India in this connection?

(e) What were the salient points put before Government by the Jagirdars and what was the reply given in regard to them?

The Minister of States, Transport and Railways (Shri Gopaldaswami): (a) to (c). The Madhya Bharat Government have been in consultation with the Government of India in regard to their Jagirdari Abolition Bill. It is proposed shortly to have further discussions with the State Government on this Bill.

(d) Yes.

(e) The deputation of the Jagirdars suggested that the general lines of settlement of this question should be settled by the Central Government. They have been advised to seek an interview with the Chief Minister, Madhya Bharat and discuss their problem with him since Madhya Bharat Government are primarily responsible for the legislation.

ROLLING STOCK (PURCHASE)

***309. Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Railways be pleased to state the value of the rolling stock that Government propose to purchase during the year 1951-52 from abroad?

(b) What is the estimated production of rolling stock in India during the next two years?

(c) What is the estimated cost of production of proposed rolling stock to be purchased from the U.K. during the year 1951-52 if it is manufactured in India?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The approximate cost of the rolling stock which the Government propose to order during 1951-52 from abroad, amounts to Rs. 20.45 crores, of which 15.57 crores are for new works and 4.88 crores for throwforward.

(b) The production of rolling stock in India during the next two years for various items of rolling stock is estimated as follows:

Locomotives	1952-53	100
	1953-54	122
Boilers	1952-53	49
	1953-54	63
Coaches	1952-53	950 in units
	1953-54	950 in units
Wagons	1952-53	6000 in 4-wheelers
	1953-54	6000 in 4-wheelers

(c) The landed cost of imported rolling stock is approximately fifty per cent. higher than the cost of similar stock produced in India by established industries. In the initial stages of development of new industries the cost of production is higher than the cost of imported stock. If capacity was available and manufacture established in India the cost of production of the stock referred to in the first part of the question would be about Rs. 14 crores.

PREVENTIVE DETENTION ACT

***310. Sardar Hukam Singh:** Will the Minister of States be pleased to state:

(a) the number of persons detained under the Preventive Detention Act on the 31st March, 1951 in PEPSU jails;

(b) the number of persons whose cases have since been examined by the Advisory Board and who have been released;

(c) the number whose cases still remain to be examined; and

(d) the number who have suffered detention for more than a year?

The Minister of States, Transport and Railways (Shri Gopalaswami):
(a) Thirty-five.

(b) and (c). All the cases have been examined by the Advisory Board and under their advice two persons were released.

(d) Twelve.

AIR LINK BETWEEN DELHI AND ASSAM

***311. Dr. Ram Subhag Singh:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that Government have granted a licence to air link Assam and Delhi via Agra, Kanpur, Patna, etc.; and

(b) if so, when will that service start operating?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes, the licence has been granted by the Air Transport Licensing Board.

(b) From about the 25th August 1951.

CUTTACK RICE RESEARCH INSTITUTE

***312. Shri S. C. Samanta:** (a) Will the Minister of Food and Agriculture be pleased to state the result of the research on various kinds of paddy seeds in the Cuttack Rice Research Institute?

(b) How many and which States are using those experimented seeds in their respective areas and with what results?

(c) How many varieties of foreign paddy seeds are now under research in the said Institute?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) to (c). A detailed statement giving the information is placed on the Table. [See Appendix II, annexure No. 27.]

RECLAMATION OF LAND IN VINDHYA PRADESH

***313. Shri Dwivedi:** Will the Minister of Food and Agriculture be pleased to state:

(a) the reason why the Central Tractor Organisation could not make tractors available for use in Vindhya Pradesh, resulting in the surrender of a sum of Rupees five lakhs meant for the purpose;

(b) the efforts which are being made by the Vindhya Pradesh Government to reclaim land for Growing More Food; and

(c) the estimated amount of money which the Government of India have set apart for use in Vindhya Pradesh for various agricultural purposes during the current year?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The hon. Member may please refer to the hon. Member may please refer to the reply given on 27th April, 1951 to his Starred Question No. 3589 on the same tion was fully employed elsewhere. A portion of the advance was utilized for other Grow More Food schemes.

(b) The State Government propose to reclaim 2500 acres during the current agricultural year with the help of their own tractors. The State Government have also approached the Central Tractor Organisation, for reclaiming 10,000 acres. The Central Tractor Organisation will, however, be able to undertake this work only if they can spare a unit and if the land is found to be suitable, after surveys.

(c) Grants and loans totalling Rs. 98,870 and Rs. 5,49,000 respectively have been sanctioned upto date for the year 1951-52 in connection with various Grow More Food schemes in Vindhya Pradesh. Financial assistance is accorded on the merits of the schemes submitted by the State Governments from time to time and some of the schemes of Vindhya Pradesh are under consideration.

पशु चर्बी

*३१४. श्री खारडे: (क) क्या खाद्य तथा कृषि मंत्री यह बतलाने को कृपा करेंगे कि १९५०-५१ वर्ष में भारत में कितनी मात्रा में पशु चर्बी उत्पादित की गई तथा विदेशों से कितनी मात्रा में चर्बी आयात की गई? (ख) भारत में उसका किस किस प्रकार से उपयोग किया जाता है?

ANIMAL FAT

[*314. Shri Khaparde: (a) Will the Minister of Food and Agriculture be pleased to state the quantity of animal fat produced in India during the year 1950-51 and the quantity imported from abroad?

(b) To what various uses is it put in India?]

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Animal fats include butter, ghee, lard, tallow

and suet. It is presumed that information is required in regard to the last three items. Lard is obtained from pigs and not much of it is produced in this country. Suet and tallow are obtained from beef. Information as to the production of these fats in India is not available. During the year 1950-51, 91,718 cwts. of animal fats were imported into this country.

(b) Lard is used as a cooking medium and tallow is largely used in leather industries.

MERGER OF SCINDIA STATE RAILWAY WITH G.I.P. RAILWAY.

*314-A. **Shri Ghule:** (a) Will the Minister of Railways be pleased to state whether there is any proposal to merge the Scindia State Railway with the G.I.P. Railway?

(b) If so, when is the merger going to take place?

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

(b) No date has yet been fixed.

DAMAGE TO FOOD CROPS

56. **Shri Kamath:** Will the Minister of Food and Agriculture be pleased to state:

(a) the damage caused to food crops in each of the Part 'A', Part 'B' and Part 'C' States during the years 1948-49, 1949-50, 1950-51 and the current year up to 1st August, 1951, on account of (i) Floods, (ii) Excessive Rain, (iii) Drought, (iv) Locusts, (v) other Pests and Plant diseases and (vi) Bad storage; and

(b) the measures taken so far, or proposed to be taken to combat (i), (iv), (v) and (vi) above in the coming years?

The Minister of Food and Agriculture: II, annexure No. 28.]

not possible to maintain statistics of damage to crops by each individual factor or natural calamity, since the effect of one factor cannot generally be separated from that of the other. However, two statements showing available information are placed on the Table of the House. [See Appendix II, annexure No. 28.]

(b) A brief note on the measures taken to combat damage to crops is placed on the Table of the House. [See Appendix II, annexure No. 29.]

AERONAUTICAL AND GROUND ENGINEERING INSTITUTIONS

57. **Shri D. S. Seth:** Will the Minister of Communications be pleased to

state the names of the institutions where people are trained in aeronautical and ground engineering?

The Deputy Minister of Communications (Shri Raj Bahadur): I lay on the Table a statement giving the required information. [See Appendix II, annexure No. 30.]

DERAILMENT OF RAILWAY TRAIN NEAR BHATNA

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

(a) whether it is a fact that 71 Up Gorakhpur-Allahabad Fast Passenger derailed on 2nd July, 1951 near Bhatna on the O.T. Railway;

(b) if so, what are the details of the accident;

(c) whether there was any casualty;

(d) what were the causes of the accident; and

(e) the loss sustained by the Railway?

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

(b) At about 1-20 hours on 2nd July, 1951, while No. 71 Up Gorakhpur-Allahabad East Passenger was entering Turtipur station on the Bhatna-Banaras section of the Oudh Tirhut Railway, four coaches, 4th to the 7th from the engine, derailed at the facing points, after the engine and the first three coaches behind it had safely passed over them.

(c) No.

(d) The proceedings of the enquiry are still in the process of finalisation.

(e) The approximate cost of damage to rolling stock and permanent way was Rs. 650.

NATIONAL HIGHWAYS

59. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Transport be pleased to state the length of National Highways, as on the 15th August, 1947 and the 15th August, 1951?

(b) Which are the States within which the increase in mileage lies?

The Minister of State for Transport and Railways (Shri Santhanam):(a) Total mileage of approved Provisional National Highways was approximately 13,400 miles on both 15th August 1947 and 15th August 1951. The length of roads maintained from National Highway Funds was, however, 10,120 miles on 15th August 1947 and 12,100 miles on 15th August 1951.

(b) Assam, Bihar, Bombay, Hyderabad, Madhya Bharat, Madhya Pradesh,

Orissa, Punjab, Rajasthan, Travancore-Cochin, Vindhya Pradesh and West Bengal.

LAND UNDER CULTIVATION IN VINDHYA PRADESH

60. **Shri Dwivedi:** Will the Minister of Food and Agriculture be pleased to state the total extent of land brought under cultivation either as Governmental effort or as private effort in Vindhya Pradesh during the years 1948-49, 1949-50 and 1950-51?

The Minister of Food and Agriculture (Shri K. M. Munshi): The following areas were brought under cultivation in Vindhya Pradesh during the years under reference:

	Acres		
	By Govt. effort	By private effort	Total
1948-49	Nil	Nil	Nil
1949-50	728	Nil	728
1950-51	2,660	1,857	4,517
Total	3,388	1,857	5,245

RAILWAY ACCIDENT

61. **Shri Sidhva:** (a) Will the Minister of Railways be pleased to state whether it is a fact that on the Assam Railway between Dhansiri and Rangapahar on the Lumding-Mariani section ten wagons of a goods train derailed on or about the 22nd June, 1951?

(b) If so, to what extent the damage was caused and what were the causes of the accident?

(c) Has any enquiry been made?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes. At about 15-40 hours on 22nd June, 1951, while No. 513 Up Goods was running between Dhansiri and Rangapahar stations on the Lumding-Mariani section of the Assam Railway, 12 wagons on it derailed at mile 402/5-19. Nine of the derailed wagons capsized.

(b) and (c). The approximate cost of damage to rolling stock and permanent way was Rs. 4,800. An enquiry was held by a Committee of District Officers, the cause of the accident, however, has not yet been finally determined.

PURCHASE OF SPARE PARTS FOR TRACTORS

62. **Shri Sidhva:** (a) Will the Minister of Food and Agriculture be pleased to state whether it is a fact that the Chairman of the Central Tractor

Organization has left for United States to purchase spare parts for tractors purchased from the proceeds of the World Bank loan?

(b) When were these tractors imported and within what period were the parts worn out?

(c) What will be the total value of the spare parts to be purchased?

(d) How many spare parts with their value are now available with the organization?

(e) Was any effort made to purchase these parts by correspondence and negotiations through our Stores Department in the U.S.A.?

(f) If not, what are the reasons for sending the Chairman personally to purchase these parts?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes, Sir. The Chairman of the Central Tractor Organisation has been placed on deputation in the U.S.A. and U.K. He will arrange for the purchase of not only spare parts for tractors, but also spare parts of ploughs and transport equipment and also other urgently needed additional machinery.

(b) The 240 tractors referred to in part (a) of the Question were received during the period October, 1949 to September, 1950. The other items for which spare parts are required were received during 1946 and 1947 and most of them were old disposal equipment. The period during which the parts have worn out, therefore, varies from 1 to 10 years approximately. It may, however, be stated that spare parts proposed to be purchased are not merely to replace worn out parts, but for stock piling for future use.

(c) The value of the spare parts proposed to be purchased in the U.S.A. is estimated at one million dollars. The value of spare parts proposed to be purchased in U.K. is estimated at £25,000. This includes spare parts not only for tractors, but for ploughs and transport equipment also.

(d) It is not possible to give the quantity of spare parts in stock. The number of items run into some thousands. Approximately Rs. 25 lakhs worth of spare parts are available with the Organisation.

(e) and (f). The spare parts will be purchased through our Stores Departments in the U.S.A. and U.K. The Chairman, Central Tractor Organisation will merely assist in finalizing the orders. It is not possible to purchase them with reasonable promptitude by correspondence, because due to shortage of supplies, manufacturers

are unwilling to hold stocks pending confirmation from indentors. Experience has shown that the spare parts designated by us are not available according to the indent and an early decision on alternatives is necessary. If a representative of the indentor is present, he can choose alternatives on the spot. This is the main reason why it was necessary to depute an officer to help in these purchases. The World Bank Mission which recently visited India in order to look into the working of the Central Tractor Organisation, and which included two well-known experts strongly recommended that the Chairman should be deputed to U.K. and U.S.A. to contact likely suppliers personally and to progress the purchase of spare parts, lack of which in the judgment of the mission was a defect needing speedy remedying.

PILOT (HOURS OF DUTY)

63. **Shri Sidhva:** (a) Will the Minister of Communications be pleased to state how many hours a pilot on an aircraft on Schedule service is supposed to give per month under the Rules?

(b) Do all Companies comply with the stipulated hours under the Rules?

(c) Have Government verified at any time with the journey log book of the aircraft and the Tower clearance that a pilot has not exceeded the period under the Rules?

(d) If so, in how many cases this check up was done and with what results?

(e) Has any company been warned where the rule was violated?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Not more than 125 hours, ordinarily.

(b) Yes, normally, but when the companies have a rush of work pilots obtain authority for exceeding the limit, after passing a special medical examination at present prescribed under the Rules.

(c) and (d). Every airline pilot's flying hours are checked with certified extracts of his log book every six months at the time of the renewal of his licence. Check up with Aerodrome Control log book and Aircraft Journey Log Book is made only when the entries in the pilot's log book are found to be irregular. This has never so far been found necessary.

(e) Yes. During the period of one year ending 31st March, 1951, there were 20 cases in which the companies

as well as the pilots concerned were warned.

INSURANCE REMITTANCE TO PAKISTAN

64. **Shri A. C. Guha:** (a) Will the Minister of Communications be pleased to state whether there has been any agreement with Pakistan about the Postal Life Insurance policies of undivided India?

(b) If so, what are the terms?

(c) What would be the number of policies involved to be paid by each side?

(d) What is the amount involved for each side?

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

(b) Under the agreement, the liability for Postal Life Insurance Policies issued by the Government of undivided India and not matured for payment before the 15th August 1947, falls on the Government of Pakistan in the following cases—

(i) where the insurant has finally opted for service in Pakistan; or

(ii) where he was not entitled to option, he was on the 31st March 1948, serving under a Government in Pakistan; or

(iii) where he was not in service on that day, he was, or his beneficiaries under the policy were, ordinarily resident in Pakistan on the 31st March 1948. In all other cases, the liability is that of the Government of India.

(c) Compilation of lists of policies which are the liabilities of Pakistan has not yet been completed by the Pakistan Posts and Telegraphs. Against a total number of 92,900 policies current on the 14th August 1947, the Pakistan Government have so far taken over 4,271 policies.

(d) This is not yet possible to determine, since the list of Pakistan policies has not been completed. Against the total face value of Rs. 19,10,64,052, the value of 4,271 policies so far taken over by the Pakistan Government, comes to Rs. 1,36,48,980.

LOWER GAZETTED SERVICE (RAILWAYS)

64-A. **Shri A. C. Guha:** Will the Minister of Railways be pleased to state:

(a) the number of officers in Railways in lower gazetted service cadre— not yet confirmed;

(b) the number of such officers who have been in unconfirmed service for over ten years;

(c) whether there have been any cases where such officers have to retire before being confirmed; and

(d) if so, their number?

The Minister of State for Transport and Railways (Shri Santhanam):(a) to (d). The information is being collected and will be laid on the Table of the House in due course.

SENIOR RAILWAY ACCOUNTS OFFICERS

64-B. Shri D. S. Seth: Will the Minister of Railways be pleased to state the posts of Senior Accounts Officers in the various Railway Accounts Offices other than the Ministry of Railways stationed at Delhi to which special pay is attached and the amount attached to each?

The Minister of State for Transport and Railways (Shri Santhanam): Only the post of Deputy Director, Railway Clearing Accounts Office has special pay of Rs. 100 attached to it.

Friday, 17th 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

CONTENTS

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

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

THURSDAY, 9TH AUGUST, 1951—Contd.

Columns

Businesses of the House—	
Change in Hours of Sitting	260—62
Employment of Children (Amendment) Bill—Passed, as amended	262—67
Opium and Revenue Laws (Extension of Application) Amendment Bill— Passed, as amended	267—71
Sea Customs and the Central Excises and Salt (Amendment) Bill—Passed	271—73
Resolution <i>re</i> Convention for Suppression of Traffic in persons and exploitation of Prostitution—Further discussion postponed	273—78
Notaries Bill—Motion to consider moved	278—80
FRIDAY, 10TH AUGUST, 1951—	
Death of Shri Narayana Murthi	281
Motions for Adjournment—	
Dalkhowachar and Salapara Islands	281—83
Alleged election arrangement between Food Minister, U. P., and Sugar Industrialists	283—84
State Financial Corporations Bill—Presentation of Report of Select Committee	284
Tariff Commission Bill—Presentation of Report of Select Committee	284
Forward Contracts (Regulation) Bill—Extension of time for presentation of report of Select Committee	284—85
Delhi Premises (Requisition and Eviction) Amendment Bill—Extension of time for presentation of Report of Select Committee	285—93
Go-Samvardhan Bill—Extension of time for presentation of Report of Select Committee	293—94
Motion on Address by the President—Discussion not concluded	294—329
Papers laid on the Table—	330—72.
Correspondence between the Prime Ministers of India and Pakistan	329
SATURDAY, 11TH AUGUST, 1951—	
Presentation of the Report of the Committee on the Conduct of a Member	373
Motion on Address by the President	373—500
MONDAY, 13TH AUGUST, 1951—	
Papers laid on the Table—	
Statement <i>re</i> Railway Stores Enquiry Committee	503
Resolution <i>re</i> raising of export duty on groundnuts and levy of export duty on oilseeds and vegetable oils not otherwise specified—Adopted	504—43
Evacuee Interest (Separation) Bill—Introduced	543
Punjab State Legislature (Delegation of Powers) Bill—Discussion on motion to consider—Not concluded	544—90
TUESDAY, 14TH AUGUST, 1951—	
Message from the President	591
Business of the House	591—92
Punjab State Legislature (Delegation of Powers) Bill—Discussion on motion to consider—Not concluded	593—706
THURSDAY, 16TH AUGUST, 1951—	
Indian Explosives (Amendment) Bill—Introduced	707—08
Punjab State Legislature (Delegation of Powers) Bill—Further consideration postponed	708—10
Indian Companies (Amendment) Bill—Referred to Select Committee	710—74
FRIDAY, 17TH AUGUST, 1951—	
Papers laid on the Table—	
Statement showing action taken by Government on assurances etc., given during Third Session (Second Part) 1951	775
Punjab State Legislature (Delegation of Powers) Bill—Passed, as amended	776—821
Delhi and Ajmer Rent Control Bill—Referred to Select Committee	821—31

(iii)

	<i>Columns</i>
FRIDAY, 17TH AUGUST, 1951—Contd.	
Notaries Bill—Discussion on motions to consider and to refer to Select Committee—Not concluded	832—41
Import of Dates	842—52
SATURDAY, 18TH AUGUST, 1951—	
Displaced Persons (Debts Adjustment) Bill—Introduced	853
Notaries Bill—Referred to Select Committee	853—56
Evacuee Interest (Separation) Bill—Referred to Select Committee	856—99
Tariff Commission Bill—Discussion on motion to consider—Not concluded	899—930
MONDAY, 20TH AUGUST, 1951—	
Forward Contracts Bill—Presentation of Report of Select Committee	931
Displaced Persons (Debts Adjustment) Bill—Referred to Select Committee	931—74
Tariff Commission Bill—Discussion on motion to consider, as reported by the Select Committee—Not concluded	974—1014
TUESDAY, 21ST AUGUST, 1951—	
Papers laid on the Table—(i) Amendments to Delhi Motor Vehicles Rules, 1940, (ii) Amendments to Punjab Motor Vehicles Rules, 1940	1015—16
Tariff Commission Bill—Consideration of clauses—Not concluded	1016—98
WEDNESDAY, 22ND AUGUST, 1951—	
Papers laid on the Table—	
Declarations of Exemption under Registration of Foreigners Act, 1939	1099—1100
Agreement <i>re</i> Loan from U. S. A. for purchase of Foodgrains	1100—01
Motion for Adjournment—	
Fast by public men of Andhra <i>re</i> formation of Andhra Province	1101—03
Tariff Commission Bill—Consideration of Clauses—Not concluded	1103—80
THURSDAY, 23RD AUGUST, 1951—	
Resolution <i>re</i> measures for increased food production—Negatived	1181—1205
Resolution <i>re</i> necessity for an All India Bar—Withdrawn	1205—09
Resolution <i>re</i> opening of Provident Fund Accounts in Post Offices—Withdrawn	1209—11
Resolution <i>re</i> altering the boundaries of West Bengal—Negatived	1212—54
SATURDAY, 25TH AUGUST, 1951—	
Railway Companies (Emergency Provisions) Bill—Introduced	1255
Papers laid on the Table—	
Statement <i>re</i> Food Position	1255—56
Business of the House	1256—59
Tariff Commission Bill—Passed, as amended	1259—87
Benares Hindu University (Amendment) Bill—Referred to Select Committee	1287—1328
Aligarh Muslim University (Amendment) Bill—Referred to Select Committee	1287—1328
Government of Part C States Bill—Consideration of clauses—Not concluded	1328—56
MONDAY, 27TH AUGUST, 1951—	
Statement <i>re</i> Japanese Peace Treaty	1357—62
Business of the House	1362—63
Papers laid on the Table—	
Constitution (Removal of Difficulties) Order No. II (Third Amendment) Order	1363
Third Annual Report of Industrial Finance Corporation	1363
Indian Companies (Amendment) Bill—Extension ² of time for presentation of report of Select Committee	1363—64
Government of Part C States Bill—Consideration of clauses—Not concluded	1364—1426

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

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

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

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

Papers laid on the Table—

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

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

775

776

PARLIAMENT OF INDIA

Friday, 17th August, 1951

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

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

3-30 P.M.

PAPER LAID ON THE TABLE

STATEMENT SHOWING ACTION TAKEN BY
GOVERNMENT ON ASSURANCES ETC.
GIVEN DURING THIRD SESSION
(SECOND PART) 1951.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table a statement showing the action taken by Government on various assurances, promises and undertakings given during the Third Session (Second Part) of Parliament 1951. [See Appendix III].

श्री भट्ट : माननीय उपाध्यक्ष जी, एक बात की तरफ मैं आप का ध्यान दिलाना चाहता हूँ कि इस भवन की कार्रवाई सुनने में, और सुनाने में बहुत कुछ विकृत होती है और यह माइक्रोफोन (microphone) बगैरह का इन्तिजाम जो है वह जितना चाहिये उतना कारगर नहीं हो रहा है। इसलिये मैं आप से प्रार्थना करूँगा कि और कोई उचित इन्तिजाम किया जाय।

[Shri Bhatt (Bombay): Sir, I wish to draw your attention to the great diffi-
230 PSD

culty we are experiencing in listening to the proceedings in the House as well as in making ourselves heard. The arrangements of microphones etc. are not as efficacious as they should be. I would therefore request you to have some more suitable arrangements made.]

Mr. Deputy-Speaker: I understand that the height of the present microphones is going to be reduced and after the experiment is tried additional microphones will also be installed to improve audibility.

The Minister of Home Affairs (Shri Rajagopalachari): Sir, when a new arrangement is installed it takes a little time for people to readjust themselves to it. My own impression is that now there is very little of reverberation and disturbance and if only hon. Members will speak forgetting the microphone, imagining that they are addressing an ordinary public meeting everything will be all right so far as audibility goes.

Mr. Deputy-Speaker: Instructions will also be issued from the office as to how the microphones should be properly taken advantage of.

PUNJAB STATE LEGISLATURE
(DELEGATION OF POWERS)
BILL—concl'd.

The Minister of Home Affairs (Shri Rajagopalachari): Sir, the first thing that I should mention to the House is that the course which the Government is going to take will greatly reduce the apprehensions and difficulties that have been given expression to by many hon. Members. But before I go on to that I should deal with the matter as I should at this stage of the debate.

Pandit Thakur Das Bhargava made a very long speech in Hindi and later in English. I was able to follow him...

Shri J. R. Kapoor (Uttar Pradesh): Is it the debate on the Punjab State Legislature (Delegation of Powers) Bill?

Shri Sondhi (Punjab): When the main debate was proceeding on the previous day the last speaker, Mr. Kapoor, was still on his legs.

Mr. Deputy-Speaker: I did not see Mr. Kapoor stand up in his seat at all today.

Shri J. R. Kapoor: I did not know that this Bill was going to be taken up today just now. Only a few minutes before the House met when I was talking to the Secretary to the Law Ministry I was given to understand that this Bill will be taken up at 5 P.M.

Mr. Deputy-Speaker: I do not know who told the hon. Member that it would be taken up at 5 P.M. It stands as the first item on the Order Paper today.

Shri Sondhi: We have not received a copy of the new amendments that are to come up.

Mr. Deputy-Speaker: Is it necessary that I should call Mr. Kapoor now? (*Shri Sondhi*: No, Sir.) There are a number of amendments and the hon. Member can speak on the clauses.

Shri J. R. Kapoor: Does it mean that I will not be able to speak now?

Mr. Deputy-Speaker: I do not want to stand on any technical ground. If Mr. Kapoor was on his legs last time and did not stand up today I do not want to deprive him of his opportunity to speak. I did not know that he was on his legs on the last occasion, nor was a note placed before me to that effect. Otherwise I would have called him. If the hon. Home Minister will stand out, Mr. Kapoor may speak, after which the hon. Minister may reply to the debate.

Shri J. R. Kapoor: On the last occasion when this Bill was under discussion, before the House rose for the day I was expressing my view that this Bill should not be accepted in its present form, because I was of the view that its provisions were against the spirit of the Constitution, that the provision relating to the delegation of law-making authority by the President to the Governor or any other authority was neither proper nor necessary and that our being called upon to divest ourselves of our right to enact the necessary legislation with regard to the State of Punjab was an undemocratic suggestion and was almost of a suicidal nature.

Today I find myself in the happy position of talking in an entirely different strain, because I was given to understand that the Home Minister proposes suitably to amend this Bill so as to meet all our objections and virtually all our demands. (*An Hon. Member*: Virtually?) Yes, for all practical purposes.....

Shri Rajagopalachari: Most, not all.

Shri J. R. Kapoor: He may not think that he has acceded to all our demands but so far as I am concerned and my suggestions on the previous occasion are concerned I feel even more than satisfied. On the last occasion I was suggesting firstly that the President should not be given the authority to redelegate the law-making authority to the Governor or anybody else. That suggestion I understand is going to be accepted in its entirety. My second suggestion was that the President should not be vested with authority to legislate when Parliament was sitting. The implication of this was that when Parliament was not sitting it would be open to the President to enact any legislation he desired in respect of the Punjab and this Parliament would have had nothing further to do with it. But according to the amendment which I understand the hon. Minister is going to move every enactment made by the President will be laid before Parliament, meaning thereby that even those enactments made, when Parliament is not sitting or in session, will be laid before it and it would be open to Parliament to suggest any necessary modifications. That is made on the suggestion that was made on that day and though out of modesty the hon. Minister may not be prepared to take all the credit, I am prepared to give him the credit which in fairness I must give him.

It appeared to me to be a little ungracious or even ungrateful on the part of some Members on the other day when they expressed their resentment at the Minister seeking to secure the adjournment of the discussion on the Bill in order to be able to draw up suitable amendments to meet our demands. I am sure even my hon. friend Mr. Kamath would join with me today in expressing our appreciation and gratitude to the hon. Minister for having gone a very long way, almost the whole way, to accede to our request. (*Interruption*) Mr. Kamath reminds me that it was his amendment. The mere fact that it is his amendment and it is going to be accepted, almost in toto, by the Home Minister.....

Shri Kamath (Madhya Pradesh): I never said so. I said that the amendment has not been given to the House.

Shri J. R. Kapoor: I may assure him that the new amendment that is going to come before us is almost in the same form in which Mr. Kamath had proposed to move it, with only slight verbal alterations here and there. The substance of his amendment is going to be proposed and accepted by the hon. Minister. It was therefore that I was hoping—I am now almost sure—that today my hon. friend, Mr. Kamath will join us in expressing our appreciation and gratitude to the Home Minister for having gone almost the whole way to meet our demand. The other day my hon. friend, Prof. K. T. Shah—he is not here now—had remarked that even Rajaji was once upon a time a democrat. If Prof. Shah were here today I am sure he would have agreed that he has continued to be a democrat, or at any rate he is so today. This being the position today I have very great pleasure in extending my whole hearted support to the Bill in the amended form in which it is proposed to be passed.

Shri Rajagopalachari: I am sorry, Sir, if I was taken to be in too great a hurry. I waited for a minute to see if anyone rose and when you called me I got up with a view to reply...

Mr. Deputy-Speaker: I am sorry, I too did not notice it.

Shri Rajagopalachari: I was saying with reference to Pandit Thakur Das Bhargava's speech that I was able to follow most of his Hindi speech. But he followed up with an English speech the next day wherein the line taken was slightly different. I cannot be doing justice if I did not explain some things which he said on the first occasion. He made out, rightly, that it was relevant to go into the previous history of the matter in order to make grounds for opposing the delegation that is now proposed to the President and to the Governor; I was at some pains myself to explain that strictly speaking it would be relevant. In going into past history, however, I feel, if I understood him aright, he has done grave injustice to the Governor of the State and it would be unfair to him if I did not explain the true position. It was sought to be made out that the Governor, not having helped in the maintenance of the Ministry and the creation of conditions for a stable Ministry to continue, had defaulted, and therefore it was that objections were raised strenuously for powers being given to the President ultimately to be delegated to the Governor. I wish to say that whatever the merits of the opposition to the proposal might be, the grounds are unfairly put. The Governor, I might assure the House and all concerned from intimate knowledge of the proceedings from

start to finish, tried his best to maintain his position as a constitutional head of the State and did not in the least wise try to interfere in the politics of the State or of the party; he kept himself perfectly neutral as he ought to have done, and he had truly no interest in the party disputes or difficulties. All that he was interested in was the maintenance of a stable Ministry and the securing of a stable Government. He did his best to be fair and therefore it is an improper thing to suggest that he had forfeited the confidence of this House with respect to delegation by reason of what he did; it is not true in any sense. That is why I go out of my way, if I may say so, to lay emphasis on this.

Pandit Thakur Das Bhargava (Punjab): By way of a personal explanation, I beg to submit that I never suggested for a moment that the Governor did something by virtue of which this position was brought about. All that I submitted in respect of the President and the Governor was that they were in duty bound, under article 355 and other articles of the Constitution, to see that the Constitution was properly maintained. I never suggested that they brought about this situation.

Shri Rajagopalachari: In spite of this explanation I wish to reassert that the Governor did his best to do what the hon. Member has just referred to. But what can a Governor do if the party under whose authority and mandate a Chief Minister is working has given him the direction to resign and no other person in the party is willing to undertake the responsibility, and when obviously there is no meaning in going to an odd group of seven persons to form a Ministry? What more could the Governor do? He was helpless and that is why his position stands as it is today. We cannot leave a gap in the constitutional governance of the country; we have to fill it. Is it fair to make any statements which, rightly intended or otherwise, might leave the impression that the Governor of a State has brought about a situation which we are facing? He is, in fact, in no way responsible for it.

Pandit Thakur Das Bhargava: I never stated that he has brought it about.

Shri Rajagopalachari: And then the question is whether he would have been wise and constitutional if he had even attempted to go into party matters and tried to settle disputes between groups in the same party. I would have deprecated any such attempt on his part even if he had attempted to do so and

[Shri Rajagopalachari]

he had asked me. Therefore, in every way there is no reason whatsoever for blaming the Governor. If for other reasons it was necessary to delegate powers to the Governor, I might assure the House that we could not find a better officer to meet the situation. He had done nothing whatsoever to deserve even the possible misunderstanding that could arise from Pandit Bhargava's speech.

Pandit Thakur Das Bhargava: If a person chooses to misunderstand me how can I help being misunderstood? These things have been put in my mouth. I never suggested them at all.

Shri Rajagopalachari: My Hindi knowledge was imperfect. I shall leave it at that. The present assurance is more valuable than any maintenance of my knowledge of Hindi. The present position taken up by Pandit Bhargava is perfectly satisfactory and I do not wish to dwell any further upon that subject. The Governor is facing a very difficult task now. Whether Parliament delegates as proposed now or not is a different question, but in any case the Governor is facing a very difficult position. It would be unwise for us to do anything which would detract from his position or the confidence which he commands. Already we get news that people, I think we might call them "alleged blackmarketeers", who have been detained and who have now gone to court to say that he has no legal position to carry on the Government, that his government is invalid and therefore the detention is wrong. He has to take severe steps in the present contingency of affairs and we will have to strengthen him in every way. Certainly we should not do anything which will detract from his moral authority in fulfilling his task.

Let me not be misunderstood. I must at once say that I was deeply moved when Pandit Bhargava spoke the other day. I was deeply moved because a man cannot help being moved when there is a natural expression of one's free emotions, especially as Pandit Bhargava did. It was a fervid oration and gave expression to his natural feelings in the matter and I was deeply touched. In fact, I might confess that when the resolution was debated on the previous occasion I was greatly relieved when I saw Pandit Bhargava did not stand up to speak.....

Shri Sondhi: And so many others also who would have spoken.

Shri Rajagopalachari: But I was especially relieved when I did not see Pandit Bhargava stand up, and I have

reasons to feel relieved like that. But he has taken full opportunity, and if I may say so, even with a vengeance, to speak during the debate on this Bill. He has, so to say, lost the ground which he had gained in that respect. He has let himself go. So far as the Governor went, I need not repeat it. I think he need not have dwelt so long on the Governor. Then he has argued that the situation should have been met otherwise. As I have already explained, the party situation or the political situation could not have been met otherwise. It was impossible for us to do it. Other hon. Members also have referred to that point. They have said that instead of passing this Bill we should make our best effort to bring about a settlement and get a stable Ministry to take charge. For different reasons and for different motives, different Members have urged this. I must say on behalf of Government that Government is anxious that a popular Ministry should be in charge and it should be a stable Ministry. But let us face the position frankly. Punjab is a Province—I do not say that other Provinces are free from difficulties, but each Province has its own difficulties—but in Punjab my unfortunate conviction is that no popular Ministry will find the task easy at any time. The popular Ministry there has to face an environment which is incorrigibly communal, in my opinion. The composition of the population is such that any Ministry, however able and however excellent it may be, has to control a communal environment. Now, we all know well that we do not like certain things, but we have to recognise the existence of certain things and face them also. Here, we hope—and all hon. Members I have no doubt hope—that the communal environment will be gradually overcome and controlled by the Ministry with its Congress principles. Unfortunately, sometimes as it happens, instead of controlling the environment the environment gets the mastery over us, and instead of dependence on communal environment being reduced, we gradually get more and more into it, so to say. Hence the difficulty has arisen. I cannot and I ought not to go, however, into that matter. But I want to show that I understand the difficulty of any Ministry there and I want hon. Members in the House to understand. It is no use blaming a position when it has arisen on account of a natural difficulty, and the inherent hardships and difficulties of the matter cannot always be overcome by the mere wish. We have to work hard to get over it and I do hope that the present problem

will be solved gradually, if not at once. But it will not be solved in terms of previous conflict. Several hon. Members spoke on the subject as if the present Bill was a result of something which we had neglected. It is not so. By thinking of the past conflicts, we do not solve the present problem. We ought to try to solve it in a different way. I shall leave it at that.

Let us consider whether we can leave this emergency position as it is, as Dr. Mookerjee—who is not here—suggested. With great ability he put forward his position and asked now that the whole of the administration has been handed over to the Governor through the President, why should any law-making power be transferred now? This House should be very jealous about its own privileges and authority and therefore he claimed that the law-making jurisdiction of the House should not be transferred to anyone at all for the time being. From a different angle, the same thing was said by other Members also. They asked: What is the hurry? What is the requirement? There is nothing much to be done. We can if necessary spare a few days, and so on. I want hon. Members to remember the changed position on account of the Constitution that governs the governance of the country now. At every point statutory authority becomes necessary. Legal authority becomes essential. No Government can under this Constitution or under any written Constitution be conducted without adequate legislative authority being provided for. Whatever may be the machinery, legislative authority is absolutely essential. Otherwise, at every turn we will find interested parties contesting the authority of the executive and successfully contesting it. Therefore it is that legislative authority is absolutely necessary for important things. Some things appear trifling but they may have large results if we do not attend to them. Therefore, provision for legislation is essential.

Then I come to Dr. Deshmukh's remarks. In the language of an old advertisement, he laid his finger on the spot when he asked: What is the policy of the Government? Are they going to take up all and sundry legislation and push it through under the authority proposed to be got from this Bill, or are they going to work as caretakers only for the time being? That is a question which I should answer and I am glad to answer. It is not the intention of Government to take up all legislation simply because they have authority for a summary process and

go on with every kind of thing simply for the sake of making laws. What they have to take is only that which is most urgent and most necessary either from the point of view of the present emergency or from the point of view of any emergency that may arise in the Province. Their intention is only to take up absolutely essential legislation. Hon. Members referred to there not being much to be done in the Legislature in the Punjab. They took the actual turn-over of the work there and argued on that. But let me suggest that that is a dangerous way of finding out the state of things. There may be many reasons why the Legislature in the Punjab was not able to get along or was not willing to get along with many pieces of legislation.

Shri Sondhi: May I point out that as many as seven Bills were passed in one day? So there is no question of dearth of legislative work.

Shri Rajagopalachari: They may do that also. Neither does the matter pointed out by the hon. Member who interrupted prove anything except that sometimes they can do some work. What I am suggesting is that many important Bills are pending and probably they have got to be got through.

Shri Sondhi: That is the condition here too.

Shri Rajagopalachari: But if they are controversial and are likely, so to say, forestall the legitimate activities of a popular Ministry. I promise that such things will not be tackled and it is not a pleasure for Government to tackle such things. We shall only deal with necessary things. It is impossible to leave a gap. Therefore, legislative authority must be provided for the governance of the State and it must be provided not with any intention to cover all the ground which a popular Ministry and a Legislature could cover but only the necessary amount of ground.

Having explained this, let me proceed to say that it is one thing to provide positive power and another thing to provide checks. We cannot govern a country by mere checks any more than we can drive a car merely with a brake. All that we can do is to put the brake on if the car runs too fast. In the same manner, here, while we are all intent on providing checks we should also be intent on the need for providing positive legislative authority. Having provided it, let us by all means provide checks against abuse of that authority or misuse of position. That is why I carefully and

[Shri Rajagopalachari]

earnestly listened to the debate and that is why I said yesterday that Government was thinking it over in order to meet the wishes of the Members of Parliament in that respect. So far as checks go, it certainly is a matter for consideration as to what kind of checks may be put and what should be avoided. Without actually damaging the positive authority there is no harm in providing such checks as would be desirable to maintain the authority of Parliament in the matter, and for the responsibilities of Parliament to be discharged.

Then, it was argued that this House could go through the whole thing in a few days and so on. Well, I am glad if this House could do work so speedily and quickly and I am sure presently we will, if not now, achieve such an accelerated pace. But it is not a question of Punjab being more important than other matters. The moment any question of relative importance arises, things are judged from different angles and we cannot always be sure that Punjab would be given precedence in this matter and we would have very often to judge beforehand if we consider a question to be one of priority and importance before we go into the matter at all. What one Member might think is important another Member might not think is important and a discussion would be necessary even for fixation of relative importance. Therefore, we should be conscious of a certain amount of difficulty in regard to arranging work if Parliament is to take up the whole work. In the circumstances, I submit with all respect that we should not be unwilling to part with powers provided we put down certain checks.

4P.M.

That is exactly the proposal which ultimately I will put before the House.

The Bill contains two provisions—one to delegate power to the President and the other to delegate legislative power to the Governor. I may in advance mention that I am going to accept on behalf of Government the amendment that the delegation to the Governor might be completely given up and I do so for this reason. I may in this connection as well take the House into confidence. The procedure was laid down even before this Bill was framed as to how the Governor should exercise his authority. It was definitely decided that the Governor will have to put forward his proposal; the Government of India will have to examine those proposals and it is only when the President and the Government of India have agreed to these proposals

that the Governor will make laws and it would come again for the assent of the President in the usual course. That was the intention. So that there is no difference between what we had intended to do and what we will now have authority from the House to do. Even if the laws are not enacted in the name of the Governor and they are enacted in the name of the President, the substantial procedure will be the same. I may give notice here then that I am going, on behalf of Government, to accept the deletion of clause 4.

Then I propose to accept the amendments with regard to laying before Parliament and also have a clause that any modifications that may be adopted by resolution here—as was proposed by Mr. Kamath in his brilliant amendment—may be accepted as part of the law. But there was one difficulty which stood in the way. It may be constitutionally difficult to make a resolution work in that manner especially when we have delegated legislative authority to the President. Whether we could take it back and have a summary procedure raised some doubts in the mind of our legal advisers. I propose, with Mr. Kamath's permission, to modify his amendment to a certain extent and the House will then have an opportunity to accept it in that form. In substance it comes to this that instead of the House going through the entire legislative work of the Punjab State, it will have an opportunity to see what is enacted by the President and immediately place its fingers upon those spots which require modification and those modifications will practically have the force of law. The President will immediately give effect, as an amending Act, to the resolution that the House passes. This will remove all legal difficulties and meet the apprehensions of the House. I shall not detain the House any longer.

Shri Sondhi: When can we expect to get the draft of the amendments?

Shri Rajagopalachari: Immediately; I shall read them at the proper stages.

Shri Sondhi: Are they not going to be circulated?

Shri Rajagopalachari: Mr. Kamath's amendments have been circulated. Two or three of them are overlapping—for instance, Mr. Das's amendment and Mr. Kamath's amendment are the same, for laying of President's Acts on the Table of the House.

Mr. Deputy-Speaker: The question is:

"That the Bill to confer on the President the power of the Punjab

State Legislature to make laws and to authorise him to delegate such power to any other authority, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.— (Conferment on the President of the power of the State Legislature.)

Shri Kamath: I propose to move, Sir, amendment No. 6 of List No. 2 and, by your leave, seek to amend 4A as sub-clause (3) of clause 3. That is a very minor modification.

I, therefore, beg to move:

In page 1, after line 15, add:

"(3) Every law made under subsection (2) of this section shall, as soon as may be after it is made, be laid before Parliament and shall be subject to such modifications therein as may be made by Parliament on a motion made during the session in which the law was so laid."

May I in commending this amendment to the House express my appreciation of the undeserved compliment which the Home Minister paid to me? I was almost overwhelmed by the adjective which he used, and I find that I am learning a little day by day at his feet since he came into office, a little more of this art of legislating, and I hope to learn from him more as the days roll by.

I am glad that the proposition enunciated by my friend Sardar Bhopinder Singh Man has fallen flat on the House and has not been accepted by the House. He went so far as to say that this Parliament is not competent to legislate for the Punjab, and the astounding argument that he put forward was that many of the Members, if not a vast majority of them, are more or less ignorant of the affairs of the Punjab. And he challenged my proposition that Parliament should have the ultimate scrutiny or control or supervision over the legislation enacted by the President in this regard. This House is well aware how we who have come from various parts of India have been taking interest in the affairs of every little bit of India, not merely during the Question Hour but also in the course of our discussion on the various Bills that have come before the House. My friend Pandit Mukut Biharilal Bhargava knows how we have

taken interest in the Ajmer-Merwara Bill, the Delhi Eviction and Requisition Bill and so many other Bills, about which Sardar Man could have argued that Members from parts other than those States are wholly ignorant. I am sorry that this sort of argument should have been advanced in this House at all, because the very fact that it is the Parliament of India is proof positive of the position that every Member of this Parliament is or ought to be actively and keenly and deeply interested in the affairs pertaining to every bit of India, and that every Member of this House is competent to speak about, and certainly take interest in, and contribute his mite—whatever it may be—to not merely the solution of the problems of the various States of India but also the legislation pertaining to every State of India.

I am glad that the Home Minister on behalf of Government has accepted the proposition that Parliament is competent, and he has accepted, on that basis, the spirit, the substance of my amendment. I am only keen about the substance of it—I do not fight for the shadow—I am keen about the spirit of it and not the letter. I am therefore glad that the spirit of it has been accepted, though the Minister has reworded and recast it according to the Law Minister's advice.

It is really gratifying to note that though at the time the Bill was moved by the Minister hopes were rather slender as to whether the Bill would be modified at all, yet in the spirit of democracy—of which my hon. friend and teacher the Home Minister is such an exponent and champion—I am glad to see that in accordance with democratic traditions and the true spirit of democracy he has bowed to the wishes of the House and the opinions expressed on the floor of the House, and has modified this Bill accordingly.

I would only point out to him one little difficulty which might arise in the future, and that is this. Clause (4) of article 356 of the Constitution says that this sort of arrangement can remain in force only for six months from the date of the passing of the resolution approving the Proclamation. The resolution was passed by the House, I think, on the 8th or 9th, and so the six months period will expire perhaps early in February. I do not know when exactly the elections will be held and the new Assembly will be constituted in the Punjab. If of course a new Ministry is formed in a month or two, before the elections are got

[Shri Kamath]

going, then the position will be easy. Otherwise this thing will have to come before Parliament again, in another session of Parliament, whether November, December or January. Therefore, in view of this difficulty that might arise in the future it would be perhaps better if the Ministry is reformed or reconstituted in the Punjab so as to obviate this difficulty and before the expiry of six months' the Minister might take steps to see that the need for coming to the House for a renewal of its sanction may not arise.

Shri J. R. Kapoor: Under clause (2) of article 357 this Act will be in operation for one year.

Shri Kamath: No. Six months.

One last point, and that is this. It is good that the President is no longer the all-in-all or no longer the plenipotentiary—he does not have all the powers in his own hands. It is all to the good that the Minister has thought fit to accept this position that the President's Acts will come before Parliament and will be subject to the scrutiny and modification by this House, and the House will therefore have an opportunity...

Shri R. K. Chaudhuri (Assam): On a point of information. Will the law be effective before it is laid in Parliament? Suppose Parliament is not in session, will the law made by the President be effective before it is laid on the Table of this House?

Shri Kamath: The Minister will answer that. The only difficulty—the final difficulty—that still remains is this that when Parliament is not in session if Acts are enacted by the President, then, considering that perhaps this is the last session of Parliament, we may not have any opportunity of scrutinising those Acts which might be passed during the recess, during the off-session period. I would therefore make a specific request that whatever Acts the Government have in mind may be enacted by the President during the session of Parliament while we are sitting here so that those Acts may come before this Parliament and we shall have an opportunity of modifying them if necessary. I would request that the Acts may not be held over till Parliament is adjourned or prorogued. I would earnestly appeal to the Minister that he should soon decide this matter of legislation of the Punjab so that before the House is adjourned or prorogued, all the Acts of the President may come well in time before the House, so that we may take action for

any necessary modification of this Bill. I therefore commend my amendment, accepting the modification sought to be made by the Minister to my amendment.

Mr. Deputy-Speaker: Amendment moved:

In page 1, after line 15, add:

“(3) Every law made under sub-section (2) of this section shall, as soon as may be after it is made, be laid before Parliament and shall be subject to such modifications therein as may be made by Parliament on a motion made during the session in which the law was so laid.”

Shri Rajagopalachari: I suggest to the hon. Member that if he will accept the modified form in which I have amended his amendment and a copy of which I have given to the Secretary of the House, I shall accept it straightway.

Shri Kamath: May I read it in substitution of mine?

Shri Rajagopalachari: Yes.

Shri Kamath: I beg to move:

In page 1, after line 15, add:

“(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before Parliament.

(4) Parliament may, by resolution passed within seven days from the date on which the Act has been laid before it under sub-section (3), direct any modifications to be made in the Act and such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.”

Mr. Deputy-Speaker: Am I to take this as a substitution?

Shri Rajagopalachari: Yes.

Mr. Deputy-Speaker: Amendment moved.

In page 1, after line 15, add:

“(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before Parliament.

(4) Parliament may, by resolution passed within seven days from the date on which the Act has been laid before it under sub-section (3), direct any modifications to be made in the Act and such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2).

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended."

Shri Kamath: May I suggest a further proviso to this amendment if the Minister is prepared to consider it. It is this.

"Provided further that no Act of the President shall be enacted when Parliament is not in session."

Shri Rajagopalachari: I have given an assurance to the hon. Member that while we do not wish to take advantage of the power of enacting all kinds of laws, neither should we hurry and rush as suggested. I may assure the House in answer to his last observation made when the hon. Member was on his legs that if any law is enacted when the House is in session, it will be in the same position as in the present session but if the House is not in session, it will have to be laid before Parliament. All such laws will have been published in the Gazette and in the newspapers all over the country and there is no question of hon. Members not having the time to see it. A law enacted, whether it is by the House or by the President under this provision, will be public property and so, as soon as they meet, it will be available for consideration. So I do not think that there would be any difficulty by way of want of knowledge or information. If we lay down a proviso that nothing should be done when Parliament is not in session, it is rather self-contradictory. It is only because sometimes Parliament is not in session that we want this power.

Shri Kamath: Parliament may not meet at all after this session is over and so any such law may not come before Parliament.

Shri R. K. Chaudhuri: I wish to make a few observations on this.

Shri J. R. Kapoor: May I suggest a very small amendment which I am sure will be readily acceptable?

Instead of the word 'direct' we may have the word 'recommend' because we should be respectful in dealing with the President. It will read like this: "Parliament may, by resolution passed within seven days from the date on which the Act has been laid before it under sub-section (3) recommend any modifications..." By accepting my amendment the effect will be absolutely the same.

Shri Rajagopalachari: The idea was that the modification is directed and not that the President is directed, but surely I should be most agreeable if the House accepts Mr. Kapoor's suggestion without discussion.

Mr. Deputy-Speaker: I ask the hon. Member to consider whether it is at all necessary. Today Parliament is sovereign. The hon. Member was not here...

Shri Rajagopalachari: It is a legislative power that we are giving. I had no feeling of compunction about it.

Mr. Deputy-Speaker: The hon. Member was not here. In the previous Assembly we were always recommending to the Governor-General by way of resolution. The form of the resolution now is that 'this House is of opinion etc.' and it is the duty of the Government to do so. We have got a right to direct. It is not a mere recommendation in which case it is open to the President to accept or reject the recommendation. I do not know how he is trying to enhance the position.

Shri J. R. Kapoor: Some hon. Members from Punjab think they can argue a matter in any way they like. But we are not of that view. I submit that even if we have the word 'recommend' the obligation of the President will be the same.

Mr. Deputy-Speaker: The hon. Minister does not see eye to eye with the hon. Member.

Shri Kamath: He has been a Governor-General himself and he knows what the word means.

Shri R. K. Chaudhuri: We have a very pleasant function this afternoon...

Mr. Deputy-Speaker: Can we not reserve it for the third reading?

Shri R. K. Chaudhuri: I am speaking in support of the amendment. I am not wasting the time of the House. Mr. Kamath was first of all overwhelmed by the speech of appreciation

[Shri R. K. Chaudhuri]

delivered by my hon. friend the Home Minister. Not to be beaten, Mr. Kamath began his programme of overwhelming the hon. Home Minister by calling him a teacher, although as a matter of fact, he was not a teacher and calling him a preceptor, although as a matter of fact.....

Shri Kamath: I did not say preceptor.

Shri R. K. Chaudhuri: Or something like that. The process of overwhelming is still going on. I want to know...

Shri Hussain Imam (Bihar): Do you also wish to overwhelm?

Shri R. K. Chaudhuri: But, who is being overwhelmed, I have not been able to know even now. My hon. friend Mr. Kamath is hoping that something good will come out of this amendment. My hon. friend the Home Minister is also hoping that very good results will come out of it. There are different ways of hoping for things. For instance, Government is hoping that the Hindu Code Bill will be passed in this session; there are other friends who are hoping that the Hindu Code Bill will not be passed in this session. We are not concerned with hopes. I wanted to know what has actually been achieved; that is to say, whether the President's law will actually come into force before that law is laid on the Table of the House.....

Shri Rajagopalachari indicated assent.

Shri R. K. Chaudhuri: And, therefore, any modification which may be subsequently made by the House will be rather infructuous and valueless.

Mr. Deputy-Speaker: No; it would not be.

Shri R. K. Chaudhuri: If that law comes into force and action is taken under that law, what is the use of giving a *post-mortem* judgment over that law?

Shri Rajagopalachari: That is why I dwell a little on providing a machinery for legislation and a check. Otherwise, it will be a complete withdrawal of the whole Bill. I am afraid the hon. Member did not appreciate my point that it is necessary to provide a legislative authority in the Government to meet the present situation as well as more emergent situations that might arise from time to time. But, the check is in Parliament. If the President of the Union, under the advice of the Government of India, acts so wrongly, they will be liable to be checked more forcefully than even by a mere modification. We must be

content sometimes with assurances and clarifications that we have.

Shri R. K. Chaudhuri: So, any law made after the present session of Parliament is over will be effective and Parliament will have no opportunity to modify.....

Shri Rajagopalachari: Till it meets and modifies.

Shri R. K. Chaudhuri: If my hon. friend Mr. Kamath thinks that he has gained something by this, the verdict of the House would be that he has been completely overwhelmed by what has been said by the hon. Home Minister.

Shri Rajagopalachari: He may be emotionally overwhelmed; but he has got all his points, I may assure you.

Pandit Thakur Das Bhargava: I am very grateful to the hon. Home Minister for agreeing to omit clause 4, because the main objection to this Bill was that the Governor, or for the matter of that, any single person could be given the power to enact laws. That has been taken away, and that is a distinct improvement in the Bill. So far as article 357 or article 356 is concerned, article 356 does not require any powers to be delegated and the general opinion of the House was that Parliament should retain its authority and be able to legislate whenever any occasion arose. But, article 357 authorises Parliament to delegate powers in a certain way. It is clear that delegation for purposes of article 357 must be complete and unconditional. So far as it goes, it does not admit of any conditions. According to the latter portion of article 357 (1)(a), the delegated authority can delegate with conditions. But, at the same time, I must submit that, in the proposed amendment as a matter of compromise, some authority is retained by Parliament also. The present amendment achieves this object, that some authority is retained by Parliament though it may be of a flimsy character. Because, as pointed out by Mr. Kamath, if some Acts are enacted by the President after this session of Parliament is over and there is not another session, where the Acts will be laid and how Parliament will make any modification, I do not know. But, at the same time, this could be done otherwise also. Suppose this Bill had not come and the President wanted to issue an Ordinance the same thing could happen. After all in matters like this we must have confidence in the Government and the Government should behave in such a way that it does not take away the powers

of Parliament. and, it takes note of the feeling of hon. Members of this House. I have every hope, and the hon. Mover has already expressed so, that in regard to such Acts, he will see that if such Acts are enacted during this session, they will be laid before the House. If Government want to circumvent, they can do so in spite of all that we want to put in the Bill. If they do not want to circumvent, they will give effect to the spirit of what is done here. As the matter is one of compromise between Mr. Kamath and the hon. Home Minister, and as both are happy over it, I should not say a word against the agreed conclusions so far as they have been given shape in this amendment.

Shri Kamath: I am only moderately happy.

Pandit Thakur Das Bhargava: My hon. friend Mr. Kamath says that he is only moderately happy. All the same, I am very glad because he is happy for the first time in the lifetime of this Parliament.

Though I am not convinced of the legality of the proposed amendment, I would not like to say a word against this compromise in this sense that I think that after all a compromise is always a compromise and if it is accepted by the parties in good taste, the effect is that both the parties are happy. The powers of Parliament have been retained. The hon. Home Minister was influenced by the fact that, in certain circumstances, it may be necessary for the purpose of speedy execution that the President should be enabled to put a law in motion as soon as possible. That object is also being achieved. Therefore, so far as this amendment goes, though I personally would have liked the Bill to be withdrawn, as the Bill is not likely to be withdrawn, we have to be content with what is happening. In that view of things, I will not oppose this amendment.

श्री भट्ट : माननीय उपाध्यक्ष महोदय, मैं क्यादा समय नहीं लेना चाहता क्योंकि हमारे माननीय मंत्री जी ने अपनी बड़ी चतुराई से एक बीच का रास्ता सुझाया है जिस रास्ते से कि उन्होंने ने यह चाहा है कि पार्लियामेंट का समय बच जाय। यह एक खास तौर से उस का लक्षण है। लेकिन जो सुझाव यहां किया गया

है उस से कोई समय बचेगा इस का मुझे अन्देशा है।

दूसरी मुश्किल की बात यह है कि जब राष्ट्रपति जी की ओर से एक ऐक्ट बन के आता है तो उस में सुझाव देने में या संशोधन पेश करने में मुश्किल होती है। मैं आप को मिसाल के तौर पर बतलाऊं कि जब चुनाव क्षेत्रों का प्रश्न यहां पेश था तो उस के बारे में हम से कहा गया था कि राष्ट्रपति जी की जो आज्ञायें हुई हैं उन में कम से कम रद्दोबदल किया जाय क्योंकि यह राष्ट्रपति जी की आज्ञायें हैं और राष्ट्रपति जी की आज्ञाओं में हम जितना ही कम फर्क करें उतना ही उन के लिये शोभास्पद है। यह एक दलील हमेशा दी जाती है और इन कानूनों में भी यह दलील हमारे सामने आयेगी, और यह बात इस में साफ नहीं लिखी हुई है कि प्रस्ताव द्वारा जो कुछ हम सुझावेंगे उस के लिये दो तिहाई मंजूरिटी (majority) की या एब-सोल्यूट मंजूरिटी absolute majority) की जरूरत रहेगी या नहीं। लेकिन मान लीजिये कि मामूली तौर से बहुमत की राय से जो प्रस्ताव पेश होंगे वह मंजूर किये जायेंगे और राष्ट्रपति जी उन के मुताबिक कानून में दुरुस्ती कर लेंगे। लेकिन मुझे फिर भी सन्देह है कि उस समय कहा जायगा कि यह बात सही है पर इस पर आप्रह न कीजिये क्योंकि अब यह राष्ट्रपति जी ने कर लिया है और यह छोटी सी बात है इसलिये इस पर आप्रह न कीजिये और इस को छोड़ दीजिये। इस तरह की दलीलें हमारे सामने आवेंगी।

दूसरा मेरा यह अन्देशा है कि इस से समय बचने वाला है नहीं। जब

[श्री भट्ट]

पालियामेंट नहीं बैठे होंगी उस समय तो राष्ट्रपति जी ऑर्डिनेंस से हर एक कार्यवाही कर ही लेंगे। तो मैं अपनी मूढ़ बात पर हूँ। लेकिन क्योंकि मंत्री जी ने और हमारे भाई कामत जी वगैरह ने मान लिया है तो मुझे कोई दिक्कत नहीं है। लेकिन जितनी आसानी से काम इस तरह होता कि बिल हाउस में आते और उन पर काम होता उतनी आसानी से अपेक्षित काम होने वाला नहीं है।

(English translation of the above speech)

Shri Bhatt (Bombay): Sir, I do not want to take much time of the House because the hon. Minister has very prudently suggested a middle course whereby he desires the time of the Parliament to be saved. This is the chief feature of that suggestion. But I am doubtful if any time would be saved thereby.

Another thing is that it is always difficult to make suggestions or move amendments in regard to an Act made by the President. I may for instance tell you that when we were discussing the question of constituencies here, we were told that the least possible changes should be made in the President's Orders in this connection because they were President's Orders and as such the lesser the alterations we made, the more becoming would it be for us. This is an argument which is always put forward and in the case of these Acts too, the same argument will be advanced. It has not been clearly provided here whether or not a two-thirds majority or an absolute majority would be necessary with regard to the resolutions that we would move in support of our suggestion. Even supposing that resolutions moved in this connection would generally be accepted on the principle of a simple majority and that the President would amend the Acts accordingly, I have a lurking suspicion that we might be told at that time, "Your suggestion is no doubt good but please do not press it because after all this has been decided by the President. It is a minor thing and hence do not insist on it and let it go as it is." So, arguments such as these would be brought forward.

Another doubt which I have in my mind is that time may not be saved by

this method. When Parliament is not in session the President will of course achieve his purpose by issuing Ordinances. So I do not desist from the original stand I have taken. But since the hon. Minister and my hon. friend Shri Kamath have reached a compromise, I have no objection. But the object in view would not be achieved so easily as it would be if Bills were presented in the House in the normal way and discussions had then taken place on them.

Shri Kamath: On a point of clarification, I may point out that the wording of the proposed sub-clause (4) will not be quite happy if we have the word resolution there. The Rules of Procedure in Parliament, in Chapter X thereof, make a distinction between a resolution and a motion. If the word is "resolution" then quite an elaborate procedure will have to be gone through, but if it is a motion then it could be disposed of quite expeditiously. In the case of the President's Delimitation of Constituencies Orders, as the House will remember, the word used was "motion". If it is a resolution, you require fifteen days' notice etc. under rule 113 of the Rules of Procedure. So I suggest that instead of the word "resolution," we may make use of the word "motion". That will obviate all difficulties.

Shri Rajagopalachari: I have no objection; if it is so desired, instead of "resolution passed" we may have the words "motion made and adopted", if otherwise there is no objection.

Shri Ramalingam Chettiar (Madras): But then it may not be adopted within seven days.

Mr. Deputy-Speaker: The object is that it should be adopted also.

Shri Rajagopalachari: I do not really think that there will be any difficulty. Instead of the word "passed" we must have both the words "made and adopted." Even if it is a motion, the word "resolved" will be there in the proceedings.

Mr. Deputy-Speaker: It is not an ordinary resolution that we have to deal with here. It is not a resolution connected with the ordinary work of Parliament, but it is a peculiar right conferred on Members of Parliament under a statute passed by itself. This is not the kind of resolution provided for in the Rules.

Shri Kamath: Then why was the word "motion" used in connection with the President's Delimitation of Constituencies Orders?

Mr. Deputy-Speaker: I cannot say why exactly it was used. But all I can say now is that here the word "resolution" does not lead to the complications referred to by the hon. Member. This is a statutory right and we need not wait for fifteen days as in the case of an ordinary resolution. The rules made here cannot militate against a later Act of Parliament.

Pandit Thakur Das Bhargava: It is for the Government to see that the resolution is passed within seven days.

Mr. Deputy-Speaker: So, though the word "resolution" is used here, it would not partake of the nature of resolutions for which separate days are allotted.

Shri Kamath: As regards the proviso it is here stated:

"Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended."

May I suggest that this may apply only in the case of those Acts enacted when Parliament is not in session? If an Act is enacted when Parliament is in session, then it cannot be given effect to until it has been approved by Parliament.

Shri Rajagopalachari: In fact it is when the House is in session that it is easier for the change to be made. Therefore, I am not able to accept the suggestion made. This merely provides an indemnity clause to say that even if the House makes a change any action taken in the interval may be valid.

Shri Kamath: Take a concrete instance. Under the Public Safety Act, enacted by the President, some arrests are made. Suppose Parliament either does not approve of the Act or modifies the Act. Does it mean that the action taken will be undone subsequently?

Mr. Deputy-Speaker: Whatever action has been taken will not be rendered illegal, not that if Parliament comes to a definite conclusion, Government will not react to it. Government will take due note of Parliament's decision and take action.

Shri Rajagopalachari: A court cannot hold it to be invalid for the intervening period.

Shri Hussain Imam: On a point of procedure, Sir. If Government undertakes to bring forward a resolution to

which we give our approval or amend it within seven days, that will obviate all the difficulties.

Mr. Deputy-Speaker: Instead of the Government doing so, their Bill is there and it is open for any private Member to bring forward amendments and get it amended. I think the procedure prescribed here is perfectly sound.

Pandit Kunzru (Uttar Pradesh): I think the amendment of Shri Kamath was very well conceived and I am glad the Home Minister has accepted it with such amendments as would make it easily workable. Attempts are now being made to hedge it round with restrictions which will make it difficult for the President to exercise the powers that are being conferred on him. I think that the Home Minister's position, that anything done under any law enacted by the President, in accordance with any law made by Parliament under article 357, should not be rendered invalid by any subsequent amendment made by Parliament, is perfectly reasonable. Did we not provide such safeguards in every law? There is no reason, therefore, why in the particular case before us, the provision that the hon. Home Minister seeks to make should be opposed.

It has been suggested by my hon. friend Shri Kamath that the powers of the President to make laws while Parliament is not in session should be restricted. I think the hon. Home Minister has given a very satisfactory reply. We have to decide whether we shall confer any power on the President to make laws under article 357. If we decide to confer such power on the President, I think we ought not to introduce restrictions that would make any law passed unworkable. We approved the other day of the Proclamation issued by the President. I thought therefore that the debate on the Bill would be of a very short duration. But objections were taken to the Bill by some of those even who had supported the Proclamation on the ground that this House was being deprived of the power that should properly belong to it. I think that the amendment proposed by Mr. Kamath and accepted in a modified form by the Home Minister solves the matter. It enables the President to act expeditiously and at the same time it enables Parliament to exercise its supervisory powers. I therefore support the amendment proposed by the Home Minister and I hope that it will be passed in the form proposed

[Pandit Kunzru]

by him. There seems to me to be no reason why the President's powers should be so curtailed as to prevent him from making any law considered by him to be necessary, while Parliament is not in session.

Shri Rajagopalachari: I have nothing to say except that I am grateful for the remarks made by Pandit Kunzru.

Lala Achint Ram (Punjab) rose

Mr. Deputy-Speaker: There should be nothing more to say after all this discussion. If the hon. Member has anything to say he may reserve it for the third reading.

The question is:

In page 1, after line 15, add:

"(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before Parliament.

(4) Parliament may, by resolution passed within seven days from the date on which the Act has been laid before it under sub-section (3), direct any modifications to be made in the Act and such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

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

Clause 4.—(Delegation of the legislative power etc.)

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was negatived,

Clause 1 was added to the Bill.

Amendment made:

In that Long Title, omit:

"and to authorise him to delegate such power to any other authority."

—[Shri J. R. Kapoor]

The Title, as amended, and the Enacting Formula were added to the Bill.

Shri Rajagopalachari: I beg to move:

"That the Bill, as amended, be passed."

I have nothing more to say except thank all those who have given their cooperation on this measure. The Bill is short but, I submit once again, it is very important

Mr. Deputy-Speaker: Motion moved:

"That the Bill, as amended, be passed."

Lala Achint Ram: Sir, I wanted to make one or two observations. There has been discussion about giving power to the President and there is no dispute about it. Powers should be given to the President. There are two periods involved in this matter. One relates to the period when Parliament is in session and the other relates to the period when Parliament is not in session. My contention is that there is no need to give any power to the President when Parliament is in session.....

Shri Sondhi: Parliament may be in session but not sitting.

Lala Achint Ram: We do not object to giving power to the President when Parliament is not in session, when the President may enact any law. But when Parliament has its session, say after two months, all the enactments should come before Parliament for such modifications as may be made by Parliament. Thus you may maintain the supreme authority of Parliament and at the same time the due regard to the President. Thus the prestige and authority of the President could be maintained when Parliament is not in session and he is given the power to make laws during that period. But those enactments should come before Parliament for modification when it meets. There seems to be some hesitation about this. If this straight course had been taken it would have been much better. Both Parliament's prestige and the authority of

the President would have been maintained.

Shri Hussain Imam: May I know whether under this Bill as now amended it is open to the House to bring forward questions on the administration of the Punjab in this House? There is no local Government there and this is the place where such questions may be asked in all matters of provincial administration relating to the Punjab.

Shri Kamath: On a point of constitutional clarification, may I know, if it is permissible to ask at this stage, what exactly is the difference between "conferment of powers" and "delegation of powers". During the course of the debate we have been using the word "confer" in place of "delegate". The Constitution uses the words "confer powers on the President". Is "confer" tantamount to "delegation" or not? It is a point on which the Home Minister may throw some light, if possible.

Shri Rajagopalachari: I cannot give a legal opinion but I can give my own interpretation. "Confer" does not take away the right of Parliament but "delegate" would mean a transfer of our powers to the President.

Pandit Thakur Das Bhargava: May I know if the word "delegation" denotes that if Parliament delegates powers to the President, Parliament is left with no powers at all?

Shri Rajagopalachari: The word "confer" creates no difficulty and therefore the word is used.

Pandit Thakur Das Bhargava: As the Deputy-Speaker remarked, while I was speaking on the Bill, by delegating the powers to the President Parliament does not as a matter of fact lose its own powers. That is the proper interpretation. In my opinion by virtue of delegation Parliament does not lose its powers to make laws. Even after passing this Bill it will be open to any Member to bring in any Bill so far as Punjab is concerned.

Shri Rajagopalachari: May I point out that we are talking without any need? The Constitution as well as this Bill proposes to 'confer'. Therefore, no question arises as to what 'delegation' would lead to.

Pandit Thakur Das Bhargava: The only question put by my hon. friend Mr. Hussain Imam was as to what are the powers of this Parliament and I am addressing myself to answering that question. In my humble opinion, article 357 only deals with the power

to make laws and therefore the powers as regards questions, resolutions, adjournment motions etc. which the Punjab Legislature had are enjoyed by this House and similarly if a private Member wants to bring in a Bill his powers are not taken away. Moreover, even if Parliament so chooses, it still retains the power to legislate, in spite of the delegation. That is my submission.

Mr. Deputy-Speaker: It is not necessary to go into those matters. We shall consider each point when it comes. No one can consider hypothetical questions and decide.

Pandit Thakur Das Bhargava: I wish to speak on the Bill.

On the third reading, I shall be very brief. I must submit that I am not very happy with this Bill, not because it is a compromise Bill but because, in my humble opinion whenever a Proclamation is issued under article 356, it is likely to be taken as a precedent that article 357 must necessarily come into operation. Article 357 was enacted by way of an exception to the rule and therefore in my humble opinion the ordinary and the normal course is that when a Proclamation is issued under article 356, article 357 does not necessarily come into operation. On the contrary, I should think that normally Parliament gets the powers of the State to make laws. Since this Bill has been introduced and it is difficult to take away a Bill once it has been introduced, we have been really forced to accept the position.

In regard to one or two points on which the hon. the Home Minister was not happy with me, with your permission, I would just like to explain in what connection I made those remarks. I maintain that under article 355 it is the duty of the Central Government to see and take all measures necessary when it comes to their knowledge that in a particular State the Constitution is breaking down. It is their duty to see that the State Government's action is made conformable to the Constitution. It is only when the whole thing fails, when the Central Government fails to control that Government, it is only then that the Central Government should bring article 356 into operation. I also cited article 256. I humbly ask the Home Minister: What steps had been taken by the President or the Central Government when the Constitution was not being carried out in the Punjab to bring that State Government to book and what directions were issued asking that Government to conform to the Constitution?

Mr. Deputy-Speaker: All these matters were raised at an earlier stage and the hon. Minister replied that it is not on account of any maladministration that the Government in the Punjab has been superseded, but the majority party which consisted of 70 persons refused to form a Government and thus under article 356 the Government could not be carried on under the Constitution. This is what the hon. Minister stated. We are not going to go into that again.

Pandit Thakur Das Bhargava: I accept what the Home Minister has said. It was therefore that I did not make any comment on what the Central Parliamentary Board did. But when the iron curtain is there and we do not know what happened in the Parliamentary Board or in the Congress Party or in the Government, we are entitled to know what was the reason. It was in this connection that I submitted that the Governor and the Central Government or the President ought to have satisfied themselves as to whether the Constitution could be carried on or not. I did not make any point against the Governor. I did not say that he brought about this situation. I am very sorry that as I spoke in Hindi very probably Rajaji misunderstood me. According to us, the only thing which the Governor had was the resignation as well as the unwillingness of the party to run the Ministry in future. On that it is clear that the Governor could not have acted otherwise. When I criticised the President and the Governor, I only raised a constitutional question. Why should the Minister be angry at that? I did not say anything personal about the Governor or the President. I only said that the Governor should have acted differently.

Mr. Deputy-Speaker: Not that I am entitled to ask, but I want to know for my own satisfaction whether the hon. Member thinks that when the majority party consisting of 70 persons refuses to form a Government the Governor or the President should form another party and give them a majority?

Pandit Thakur Das Bhargava: I did not pursue that question purposely, but since you have mentioned it, I shall answer it. The Governor could have called the Leader of the Opposition. Though at that time the Opposition consisted of seven members, other members of the party could have joined that party and made the Opposition. You see, this is possible. This is one aspect.

The other aspect is that when the resignations came, it was within the province of the President to find out whether they were forced ones or free ones. He could have also found out whether the Leader of the Opposition had been called by the Governor and asked to form Government. The President had this right and this duty. It was only in this respect I raised the constitutional question. If it is distasteful, I cannot help it. I am very sorry that this particular thing should have caused something of a displeasure to those whom we respect. At the same time, I can understand if Rajaji had taken offence and gone out of his way, but he did not go out of his way and say to me things which his colleague said. His colleague the hon. Maulana Azad said to me that my attitude would go a long way in obstructing the achievement of the object which I had in mind and further he said that as a result of my conduct their attitude will be stiffened. I am not prepared to take any threat from anybody, be he a Minister or anybody else. In this House, we all have to work according to our convictions and if the talk of any hon. Member is not very pleasant to any Minister, this is not the place where he can stand up and take an arrogant attitude and say to me that the attitude towards Punjab will be changed. Let it be changed. Let the attitude of the whole Government be changed. I do not care a bit. I do my duty and that is all. I did not say a word about the Central Parliamentary Board. I did not talk of any Minister. I know many things, but I knew it would not be right to say them here. But I do not like that in a matter of this importance any Minister should take up such an attitude. I said this publicly, because this is a question of privilege of every Member of this House.

Shri Rajagopalachari: I am sorry I have not been able to follow the hon. Member. Did I say any such thing?

Pandit Thakur Das Bhargava: You did not say any such thing; on the contrary, when I pointed this out, you accepted my explanation. I have not a word to say against the hon. the Home Minister. All these matters are in the proceedings of the House. I am not saying anything which is not there. I was only anxious that a proper reply was given to my arguments. Anyhow this matter is now closed. But so far as this Bill is concerned, I have to submit that I am not happy because there is no vindication of the powers of Parliament.

As was pointed out, this proposed amendment will result in a more complicated procedure; this will take more time and in the end will not attain the object which the Bill had in view. The procedure we are adopting, if it is not properly followed and in the true spirit, will give room for the charge that the House has been deprived of its right. Suppose the necessity for legislation arises after the session is over and another session is not called. The House will feel that Government has not played fair by asking the House to give them powers to make modifications and by seeing that there is no opportunity to make those modifications.

Therefore, I would like the House to consider and I would at least like it to have it on record as my personal opinion that in future if any such contingency arises, we should see that recourse to article 357 is not resorted to, because it is an abnormal thing.

बाबू रामनारायण सिंह : इस विषय पर, इस बिल पर, एक दो बातें में भी कहना चाहता हूँ। पहली बात तो यह है कि यह जो कहा जाता है कि यह बिल ऐसा है जिस में पंजाबियों का ही सरोकार है, दूसरों का नहीं, यह तो बिल्कुल गलत बात है, यदि हम देश भक्त हैं और यदि हम देश सेवक हैं, तो पंजाब भी हमारा उसी तरह है जैसे मद्रास है और बिहार है और जब कोई विषय ऐसा संसद् में आता है, उस विषय पर हर एक का कर्तव्य ही नहीं है, बल्कि हर एक सदस्य का धर्म भी है कि इस विषय पर विचारे और अपनी राय दे। अभी जो यह कहा गया कि गवर्नर रूल (Governor's Rule) होने की वजह से ९५ फी सदी लोग प्रसन्न हैं, खैर लोग प्रसन्न हैं तो मैं उन्हें बधाई देता हूँ, लेकिन मैं कहूँगा कि गवर्नर के शासन से प्रसन्न तो नहीं होना चाहिये। लोग प्रसन्न हैं तो रहें। दूसरी प्रसन्नता हम यहां इस भवन में सुन रहे हैं कि लोग बड़े खुश हैं कि लोगों की राय के मुताबिक सरकार ने बिल में संशोधन कर दिया, खैर उन को भी मैं बधाई देता हूँ। लेकिन मैं यह कहता

हूँ कि सरकार का तो यह काम है, सरकार का तो यह धर्म है कि जो संसद् के लोग कहें वह करे। संसद् की राय के प्रतिकूल जो सरकार चलने वाली है, उस सरकार को मैं सरकार भी नहीं कहूँगा। उस को तो बल्कि मैं शैतान कहने के लिये तैयार हो जाऊँगा। सरकार वही है, सच्ची सरकार वही है जो देश के लोगों की राय से चले, संसद् के सदस्यों की राय से चले तो यह ताज्जुब की बात नहीं है, न इस में खुशी की बात है। अगर खुश होते हैं तो हों।

एक बात और मैं कहना चाहता हूँ और वह यह है कि हमारे राजा जी जो गृह मंत्री हैं और देश की तीस, पैंतीस वर्ष से सेवा कर रहे हैं और जिन का देश देशान्तर में काफ़ी नाम है, आज गृह मंत्री हो कर सेवा भाव को आप ने भुला दिया है और अब सेवा की जगह गवर्न (govern) या शासन करने की बात कहते हैं। मेरा और राजा जी का बहुत दिनों तक साथ रहा है और उन के मुँह से सेवा के स्थान पर शासन करने की बात सुन कर दुख होता है। उचित तो यह है कि आज कोई मिनिस्टर, गवर्नमेंट की तरफ से कोई आदमी ऐसा कभी नहीं बोले कि वह देश में हुकूमत करना चाहते हैं। उस का काम है, उस का धर्म है कि वह कहे कि वह सेवा करना चाहते हैं और सेवा करने के तरीके में अमुक-अमुक कार्यवाही होनी चाहिये। हमें उन को सेवा भाव सिखाना होगा, लेकिन मुझे बड़ा दुख होता है जब मैं यह देखता हूँ कि वह लोग जो सेवा भाव सिखे सिखाये थे, उन्होंने ने मंत्री हो कर उसे भुला दिया और वह सेवा भाव भूल गये और अब देश पर शासन करत हैं। राजा जी ने एक बात और कही। उन्होंने कहा कि पंजाब में लोग कम्युनल-माइन्डेड (communal-minded) हैं, उन में

[बाबू रामनारायण सिंह]

साम्प्रदायिक भावना है और वहां पर सरकार चलाना बहुत मुश्किल हो गया है और आगे चलाना भी मुश्किल होगा। तो मैं क्या कहूँ, अभी मेरे भाई पंडित ठाकुर दास भांगव ने कहा कि वह केन्द्रीय पार्लियामेंटरी बोर्ड का प्रसंग लाना हाउस के सामने नहीं चाहते हैं और उस का जिक्र यहां लाना नहीं चाहते हैं। मैं जहां तक समझता हूँ और जानता हूँ कि पंजाब में जैसी लड़ाई होती थी और आपस में लोग लड़ते थे, तो ऐसी लड़ाई जैसा और लोगों ने लड़ा और मैं भी कहता हूँ और यह बात बिल्कुल सच है कि हर सूबे में, हर स्टेट में और हर राज्य में इस तरह के झगड़े हो रहे हैं और ईमानदारी का तकाजा तो यह था कि इसी तरह की हुकूमत सब जगह जारी कर देते। और यह कौन सी मुनासिब बात है कि वहां पर पार्लियामेंटरियन पंचायती रूल हटाकर गवर्नरी रूल जारी किया गया। मेरा तो विश्वास है कि अगर थर्ड पार्टी (third party) का हाथ न होता और कोई थर्ड पार्टी उन को कहने वाली नहीं होती, तो वह लड़ने झगड़ने के वावजूद भी अपना पंचायती शासन सूबे पर चलाते रहते और गवर्नरी रूल की नौबत न आती। और उप सभापति जी, सब से बड़ी भयानक बात जो देश के लिये है वह यह है कि आज पंजाब सूबे में एकता नहीं हो सकी, और वहां का पंचायती पार्लियामेंटरी रूल (Parliamentary Rule) हमें तोड़ना पड़ा। और यह सब जो पंजाब में हुआ उस के लिये अकेले पंजाब के लोग ही जिम्मेदार नहीं हैं, बल्कि पंजाब के बाहर रहने वाले लोग, चाहे वह पार्लियामेंटरी बोर्ड के सदस्य हों, चाहे मंत्रिमंडल के सदस्य हों, इस में बाहर के लोगों

का षडयंत्र है। जैसा अभी आप कह रहे थे कि जब ७७ सदस्यों में से ७० सदस्यों ने कह दिया कि वह सरकार नहीं बना सकते हैं, तब गवर्नर क्या करता, तो मैं आप को बतलाना चाहता हूँ कि साहब ऐसा षडयंत्र किया गया था कि ७० सदस्य सब के सब कह दें, मेजरिटी पार्टी (majority party) कह दे कि यहाँ हम लोग शासन चलाने का भार नहीं ले सकते हैं और हम लोग मंत्रिमंडल नहीं बना सकते हैं, यह परिस्थिति ख़ाम तौर पर पैदा की गई थी।

यह ठीक है कि वहां के लोग इस परिस्थिति के लिये कसूरवार हैं, लेकिन बाहर के लोग भी इस के लिये जवाबदेह हैं। इस सम्बन्ध में मैं आप को एक छोटी सी कथा सुनाये देता हूँ कि ऐसी परिस्थिति में सुलह होना और शान्ति होना कितना कठिन हो जाता है। वह दो मित्रों की कथा है जिन में काफ़ी मित्रता थी, उन की मित्रता तोड़ने के लिये बहुत कोशिश हो रही थी, उन दोनों मित्रों के मां बाप चाहते थे कि उन की मित्रता टूटे, लेकिन वह नहीं टुटती थी। तब उन मित्रों के मां बाप ने उस काम पर एक कुटनी बुढ़िया को लगया ताकि उन की मित्रता टूटे।

Mr. Deputy-Speaker: The hon. Member will kindly remember that this is the third reading.

बाबू राम नारायण सिंह : मैं ज़्यादा समय हाउस का नहीं लूंगा। तो उस कुटनी बुढ़िया ने बीड़ा उठाया कि उन लोगों की दोस्ती में तोड़ दूंगी। वह दोनों मित्र कहीं जा रहे थे, वह कुटनी बुढ़िया लोगों में भेद भाव डालने वाली उन दोनों के पास गई और उन में से एक को कुछ दूर हटा कर ले गई और ले जा कर के उस के कान के नज़दीक वह अपना मुँह ले गई

जिस से दूसरा दोस्त और बाहर के लोग यह समझ सकने थे कि कुटनी ने अमुक दोस्त के कान में कुछ कहा जरूर है, लेकिन असल में बुढ़िया ने कहा कुछ नहीं और बुढ़िया इस के बाद अपनी राह चली गई। तो दूसरा मित्र जो अलग खड़ा था उस मित्र के पास आता है और पूछता है कि बुढ़िया ने तुम्हारे कान में क्या कहा। उस के मित्र ने जवाब दिया कि कुछ नहीं कहा। इस पर भी उसे अपने मित्र पर विश्वास नहीं हुआ और उस के दिल में शक हो गया कि देखो तो सही वह बुढ़िया उस के पास गई और उस के कान तक अपना मुंह ले गई और मालूम होता था कि उस ने उस के कान में कुछ कहा और यह कहता है कि कुछ नहीं कहा और इस तरह वह कुटनी बुढ़िया अपने काम में सफल हो गई और दोनों में आपस में दिलों के अन्दर भेद पड़ गया और आखिर उन दोनों की दोस्ती भी टूट गई।

आखिर भेद दोनों में बढ़ गया और दोस्ती भी टूट गई। इसी तरह पार्लियामेंटरी बोर्ड ने उन को भड़का दिया, लेकिन जैसा मैं कहता हूँ, मेरा हृदय कहता है, और मैं दुःख के साथ कहता हूँ कि तीसरे दल ने, बाहर के लोगों ने, कुछ ऐसा प्रबन्ध किया है जिस से वहाँ की सरकार नष्ट भ्रष्ट हो जाय और गवर्नर का शासन हो जाय।

मैं पंजाब के भाइयों से एक अनुरोध करूँगा और वह यह कि अगर वह लोग चाहें तो जो सब के सब सदस्य हैं या कम से कम उस में से बहुमत ईमानदारी के रास्ते पर, सत्य व न्याय के रास्ते पर, बल्कि देशभक्ति के आधार पर मिल जायें और वह लोग एक सरकार बना लें और

सरकार बना कर गवर्नर से कह दें कि अजी, हम लोग इतने आदमी सरकार बना कर चलाने के लिये तैयार हैं। बस, जितनी आप की बहस, जितने कायदे कानून हैं सब खत्म। फिर पंजाब में पंचायती हुक्मत ज्यों की त्यों कायम हो सकती है। मैं पंजाब के यहाँ के लोगों से भी निवेदन करता हूँ और जो लोग गैर हाज़िर हैं उन से भी कहता हूँ कि धर्म का तकाज़ा है, और यह हम सब का धर्म है कि हम सब लोग मिल जायें और कोशिश करें कि वहाँ पंचायती राज्य चले, और जिन लोगों ने वहाँ गड़बड़ की उन लोगों का भी धर्म यही था कि ऐसी कोशिश करते कि वहाँ पंचायती राज्य चल सकता।

अब मैं और अधिक नहीं कहूँगा लेकिन पंजाब के भाइयों से कहूँगा कि जो इस समय कानून पास हो रहा है उस को व्यर्थ कर दें। सब लोग आपस में मिल कर नया शासन, पंचायती शासन, कायम करें, गवर्नर को तो करना ही होगा, प्रैसीडेंट को करना ही होगा, संविधान तो है ही, किसी बात की कमी नहीं है, लेकिन मैं बहुत प्रेम से अपील करता हूँ सब भाइयों से, इस समय ऐसा करें कि जिस से सब को मालूम हो जाय कि पंजाब में फिर से पंचायती शासन आ गया और गवर्नर का रूल खत्म हो गया।

(English translation of the above speech)

Babu Ramnarayan Singh (Bihar):
Sir, I would also like to submit a few points on this Bill. The first thing is that it is absolutely wrong to say that the Bill concerns only the Punjabis and none else. If we are patriots in the real sense, we should have the same interest in and solicitude for Punjab

[Babu Ramnarayan Singh]

as for Madras or Bihar or any other State. When a subject like this comes up in Parliament, it is not only the duty of the hon. members but their *dharma* also to express their views and opinions on the matter. It was said just now that 95 per cent. of the people were happy on account of the Governor's rule. Well, if they are happy, I congratulate them but I must say that there should not be any rejoicing on the introduction of the Governor's rule. But if they are happy, let them be. Then again, we see that people are very happy in this House also because the Government have amended the Bill in accordance with the views of the members, and I congratulate them as well. But I submit that it is the duty and *dharma* of the Government to do that which is desired by the Parliament. I will not call that Government a Government which acts contrary to the wishes of the Parliament. I would be prepared to call it a Satan. A good Government is that which acts and functions according to the wishes of the people and the Members of Parliament. Hence that is not a matter to get surprised and feel happy about. If they are happy let them be.

Another point that I would like to submit is that our hon. Minister of Home Affairs Shri Rajaji, who has been serving the country for the last thirty or thirty-five years and who has earned a name for himself both in the national and international circles, has completely lost sight of that spirit of service since he became the Minister of Home Affairs and instead he talks in terms of "governing and ruling". Rajaji and I have been close associates for long and I am simply pained at the way he talks about 'governing' instead of doing service. As a matter of fact the proper thing is that no minister or other person representing the Government, should say that he wants to rule over the country. On the other hand, he ought to say, and it is his *dharma* to say so, that he wants to serve the people and that certain things have to be done in the course of that service. We will have to train them in this spirit of service but it gives me much pain to note that those who were already trained in this spirit have, after becoming Ministers, forgotten it and they are now 'governing' the country. Shri Rajaji has stated that people in Punjab are communal-minded and that it is very difficult to form a Government there and run it. I do not propose to comment on it. My hon. friend Pandit Thakur Das

Bhargava also told you just now that he did not want to make a reference to the Central Parliamentary Board in the House. So far as I know, and it is a fact, that personal rivalries and quarrels, that were common in Punjab are, as other members observed and I also say, found in every State and province and the strictly logical course should have been to set up this type of administration everywhere. It does not seem proper to replace parliamentary rule by the Governor's rule in Punjab alone. I am convinced if a third party had not interfered and if it had no hand, they would have run the parliamentary Government in their State despite personal rivalries and the Governor's rule could have been avoided. The most dangerous thing for the country today is that unity could not be brought about in Punjab and we had to suspend parliamentary rule there. And for all that has happened in Punjab, the people of Punjab alone cannot be held responsible but, on the contrary, outsiders, whether they be Members of Parliament or of the Cabinet, have a positive hand in it. The hon. Minister said that the Governor had no alternative when 70 out of 77 members expressed their inability to form a Government, but I might tell him that things were so manoeuvred that all the seventy members, that is to say, the majority party had to say that they were unable to take the responsibility of running the administration and form a ministry. Such a situation was created on purpose. It is no doubt true that the people of that State are to be blamed for the situation but outsiders too are responsible to a certain extent. I might relate to you a short story in this connection showing how difficult it becomes to maintain peace and harmony under such conditions. It is a story of two persons having an intimate friendship with each other. As the story goes, efforts were made to break their friendship and their parents too wanted this friendship to end but they all failed. Then, their parents deputed a mischievous old woman for this purpose.

Mr. Deputy-Speaker: The hon. Member will kindly remember that this is the third reading.

Babu Ramnarayan Singh: I will not take much time of the House. So, that old woman took upon herself the task of breaking their friendship. Once, when the two friends were going out, that old mischief-monger approached them and took one of them aside. Then she brought her mouth quite

near to his ear so that his friend and other people might believe that the woman had certainly spoken something to him. But in reality the old woman did not say a single word and went her way. Now, his friend, who was standing away, came up and asked him what had the old woman spoken in his ears. His friend naturally replied that she had not said anything. But he could not trust his friend and a suspicion arose in his mind for he thought that the old woman had gone up to him, had brought her mouth to his ears and, it seemed to him, that she did say something in his ears yet the other man persisted that she had not said anything. And, thus, the old woman succeeded in her job and differences arose between the two friends which ultimately led to the breakdown of their friendship. Similarly the Parliamentary Board incited them and I say it with deep sorrow that a third party—the outsiders—has manoeuvred things in such a way that the Government of the State has broken down and the Governor's rule been set up.

I would urge my brethren from Punjab that all of them or at least a majority of them should unite not only on the basis of honesty, truth and justice but also on the common ground of their love for the country, and form a Government. After that they can tell the Governor that they are prepared to run the administration of the State. That would end these long discussions as well as all these acts and ordinances and the parliamentary form of Government can again be established in Punjab. I appeal to those friends from Punjab who are here and also to those who are absent that it is their *dharma* and as a matter of fact it is the *dharma* of everyone of us to come together and make efforts so that a parliamentary government may be set up there. It was the duty of those persons also who brought about this situation to have tried to secure the smooth functioning of a parliamentary government in that State.

I will not take more time of the House but would again urge my friends from Punjab to make the present Bill, which will soon become an Act, ineffective by pulling together and forming a new democratic government in their State. The Governor or the President will have to run the Government and our Constitution is there which provides for all sorts of arrangements but I sincerely appeal to all friends that at this time they should act in such a way which may restore parliamentary government in Punjab and end the Governor's rule there.

Mr. Deputy-Speaker: Let the speeches be short. We have already spent many days over this Bill.

Sardar Hukam Singh (Punjab): I will be very brief, Sir.

The only reason that has now been given by the hon. the Home Minister is that we should realize that powers must be created first and then checks can be put upon them. It is not clear why that power should be created. The power already vests in Parliament. That was the only question that was to be decided. Now, by virtue of that Proclamation, it is Parliament which can exercise that authority. Is there any reason why it should be delegated to the President or that he should delegate it further? (*Interruption*). Now it is decided that it would not be delegated further, but that was the original thing. Now we have come to this position that the power has been delegated to the President. The reason given was that Parliament will have no time, and that has already been discussed.

What I was surprised to hear today was that Mr. Jaspal Roy Kapoor stood up and expressed his satisfaction that Government had conceded all the—I should not say opposition—the objections that had been taken. In my opinion, I should congratulate the hon. the Home Minister that he has not conceded a single point! That is what I consider. He stands where he was.

Shri Sondhi: Clause 4 has gone.

Sardar Hukam Singh: That is a concession, I agree. But I was referring to the rest of the amendments. Further, I was surprised to find that even my hon. friend Mr. Kamath was moderately happy and he thought he had got a good deal.

Shri Sondhi: They do not know where the shoe pinches!

Sardar Hukam Singh: But what I find is that we are almost where we stood. It has been conceded this much that any law made by the President shall be placed before Parliament. That was the amendment that Mr. Kamath suggested. What I understood from that was that it would not become law unless Parliament had given its suggestions and they had been considered—within seven days or any time that was appointed. But what do we find now? Of course, I do not suggest that we should not confide in the Government. But what I mean to say is this that already there is the objection that there will be very little time for this Parliament to enact laws—

[Sardar Hukam Singh]

we may not find time or they may not be made during this session. The laws would be made by the President. In that case our position would be the same as was originally conceived in the Bill. We shall have no opportunity to give our opinion on them. In that case this would be no improvement of the original position. The power lies even now with Government, and if Government really mean business it is for them to see that they bring all the important legislation during this session. In that case only would this alteration that has been made be welcomed by the people and by the Members of Parliament. Otherwise, it will be considered that Government wanted to reserve all the powers to itself without taking this House into its confidence.

Shri J. R. Kapoor: This Bill, as now amended, has obviously become so innocent and yet so useful that I am surprised that there should be any opposition to it even now. Amending clause 3 of the Bill in the manner in which it has been amended is only just short of withdrawing the whole Bill. After all what powers are we going to confer on the President by this enactment? It is supposed by some of my hon. friends coming from Punjab that very great powers are going to be conferred on the President. Nothing like it. On the other hand, I submit, rather than conferring any power on the President, we are imposing a certain duty on him and that duty is to draw an enactment and to place it subsequently before Parliament for our consideration as it were. We are imposing a duty on the President virtually to act as a Select Committee for us. The President will now be drawing up an enactment; of course, it will immediately have the force of law but, if Parliament is sitting, it will be placed before us on the very day probably after it is enacted or one or two days thereafter and we shall immediately be seized of that enactment and we will have the authority to amend it as we like so that the Bill, as it were, after having been duly prepared and analysed by a Select Committee functioning through the President, will be before us and we shall scrutinize it, analyse and amend it as we like.

Pandit Thakur Das Bhargava: What happens to the proviso?

Shri J. R. Kapoor: The proviso is there only as a formal safeguard. Does any hon. Member seriously contend that between one or two days of

the enactment by the President when Parliament is sitting certain very grave things will be done by the executive knowing it full well that only one or two days thereafter or certainly within seven days thereafter Parliament can do whatever it likes. Will any sensible executive Government do anything which it thinks is likely to be upset by Parliament, so soon thereafter? Surely not. Then, several of my hon. friends have harped on one thing, namely, that the President should not be conferred all the power to legislate when Parliament is not in session.

Shri Sondhi: On a point of information. The hon. Home Minister said that there was hardly anything which he had changed. That was the trend of his speech but Mr. Kapoor says that there is nothing that the Home Minister has not given up.

Shri J. R. Kapoor: He may say so, but I am not so subservient to the views of the hon. Minister as my hon. friend Mr. Sondhi may be. Even if it is the view of the hon. Home Minister that he has changed nothing, it may be agreeable to my hon. friend Mr. Sondhi, but according to my view, he has practically given up everything except the semblance of the Bill.

Shri Sondhi: The man who gives does not know it.

Shri J. R. Kapoor: It does so often happen that if a man is so generous enough, he does not know what he is giving and he does not even remember what he has given. Some hon. Members are thinking that by this Bill they are conferring a right on the President to legislate when Parliament is not in session. I request them to refer to article 123 of the Constitution itself which authorizes the President to enact any Ordinance when this Parliament is not in session. So here, when Parliament is not in session, you are not conferring any right on the President which right he has not under the Constitution itself. On the other hand you are imposing a limitation even on that right because he had the right to enact an Ordinance which would have been in force for full 45 days after the reassembly of Parliament. What do you do here? This Act of President which otherwise he could have enacted in the shape of an Ordinance will come up before Parliament as soon as it may be, after it re-assembles, which means within three or four days after it re-assembles, and then within seven days after these three or four days it will be open to us to scrutinize it so that after twelve days of the re-assembly of Parliament, we shall be in

a position to amend that Act, whereas if it were in the nature of an Ordinance only, it would have been in operation for full 45 days. Are we not gaining something by this?

Shri Sondhi: Provided there is a session.

Shri J. R. Kapoor: We are virtually restricting the power of the President by this legislation. So, my submission is that in the first place we are not giving him any power which he has not when Parliament is not in session, rather we are restricting that power. Secondly, we are not giving him virtually any power to enact any legislation even when Parliament is sitting because after three or four days after enactment it has to come before Parliament. I hope the hon. Minister would be pleased to give an assurance that within one or two or three days of the making of the enactment by the President, when Parliament is sitting, he would bring it before us for our final consideration. I therefore support the Bill in the form in which it is amended with pleasure and enthusiasm because the situation in Punjab is of a threatening nature and I feel that there must be an enactment like this on the statute book.

Shri Rajagopalachari: I first wish to point out, with all respect, that the issue is not whether the Government or the Home Minister has made any concession but the issue is whether the Bill is good or not. The Bill, I submit, makes adequate and necessary provisions for the governance of a State which has lost its Ministry and the only issue is whether it is good or bad and I do not think any question of appraisal of the amount of concession secured has any relevancy at all. After all, who are we who are discussing and debating. Are we enemies of one another? We are part of a common organization and any concession given or concession taken makes no difference in the sum total of it all. I want hon. Members to remember this. It is not as if I wish to give precepts and advice but I am really amazed at the manner in which so much time has been spent and counter-questions have been asked by Member after Member as to whether really, or how much, concession has been given and how much has not been given. What does it matter? In a matter of consultation, it is not a concession, we help one another to come to a right conclusion and anything that is given or taken is merely a process of mutual help and not a concession or a matter for gratitude or congratulation.

I then proceed to something that is a little more unpleasant. I am sorry I shall not be able to convince Pandit Bhargava in a matter where you yourself failed to convince. Article 356 has come into operation so far as this House is concerned not because of any alleged misconduct or failure on the part of the Ministry but on account of the fact that the members who formed an overwhelming majority in that House refused to form a Ministry at the instance of their own party executive. All the arguments that were advanced by our revered and hoar-headed hon. Member, Babu Ramnarayan Singh, could well be advanced with great relevancy in a meeting of the All India Congress Committee but not in Parliament. It is on the express desire of that Ministry to withdraw from Government that action had to be taken and in view of the fact that no one was available to run the Government.

Then my friend, Pandit Bhargava somehow mixes up the merits of the party decision with the procedure which the Government has had to follow. I could understand hon. Members like Sardar Hukam Singh and others who are not members of the Congress Party refusing to recognize a difference between the Government and the party and throwing upon the Government all the charges which they could throw on the party because, so far as the outsiders are concerned, the Government and the party may be one and it is only a point of order that could be raised. But so far as Pandit Thakurdas is concerned, I fail to understand why he should mix up the question as to the merits of the decision of the party with the merits of the steps which Government have been compelled to take. I am sorry I have to say it but it is necessary so that it may not be thought that I accept as Pandit Bhargava does that the Governor should have done this or done anything else to bring about a situation in the party so that they could run the Ministry. It is not for him to poke his nose into this matter. It is for others to say so in a different capacity. The hon. Member is entitled to say that Members of Government in another capacity might have done this or might not have done that and he could say so in a different place but not in this House and I might have much to say in defence but here there is no relevancy for all that on the issue before us.

I submit I have nothing more to say except this. Hon. Members have spoken about this being a precedent.

[Shri Rajagopalachari]

What is it a precedent for? It is a precedent for this, if at all, that if 70 Members out of 77 Members refuse to form the Government, all these things will follow. I submit it is a very healthy precedent, if it is to be considered as a precedent. Otherwise, it forms no bad precedent. The only question is whether the conferring of powers on the President by Parliament is right. There is no question of any precedent. There is a provision in the Constitution providing for it. It is Parliament that decides whether that power should be given or not. It is not any question of precedent.

Babu Ramnarayan Singh: Why were not elections ordered?

Shri Rajagopalachari: I thought I explained at the time when the resolution was debated that there were sufficient reasons, which I advanced, why elections were not ordered, and even a very keen parliamentarian like Mr. Kamath accepted that argument by the gesture that I noticed when I made it.

Shri R. Velayudhan (Travancore-Cochin): He belongs to the Congress party.

Shri Rajagopalachari: I hope the Bill will be accepted by the House.

Mr. Deputy-Speaker: The question is: "That the Bill, as amended, be passed."

The motion was adopted.

DELHI AND AJMER RENT CONTROL BILL

Mr. Deputy-Speaker: The next item stands in the name of Shri Ajit Prasad Jain. He wanted to have it passed over. I will therefore call the next Bill standing in the name of the hon. Shri N. V. Gadgil.

The Deputy Minister of Works, Production and Supply (Shri Buragohain): Sir, on behalf of my hon. colleague, Shri N. V. Gadgil, I beg to move:

"That the Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the States of Delhi and Ajmer, be referred to a Select Committee consisting of Shri B. Shiva Rao, Pandit Mukut Bihari Lal Bhargava, Shri Deshbandhu Gupta, Shri Indra Vidyavachaspati,

Pandit Thakur Das Bhargava, Master Nand Lal, Shri Gokul Lal Asawa, Lala Achint Ram, Thakur Lal Singh, Shri Ram Sahai Tewari, Shri Gokulbhai Daulatram Bhatt, Shri R. K. Sidhva, the hon. Shri N. V. Gadgil and the Mover, with instructions to report by the 1st September, 1951."

Shri Kamath (Madhya Pradesh): On a point of order, Sir, and I appeal to you as the guardian of the rights and privileges of the Members, that wherever there is a departure or deviation from the order in the List of Business, the Members should be given due notice, and not taken unawares. This sort of going up and down the agenda may be convenient to the Ministers; but it is unfair to the Members. We do not know why this sudden change has taken place. If the reasons had been given, we would have understood why this change has taken place. Suddenly the next Bill is taken up.

Shri Hussain Imam (Bihar): If, even during the session, it had been pointed out in the earlier hours, we may have prepared for this Bill. We all thought that this Bill will be coming tomorrow. Therefore, none of us were prepared for this.

Mr. Deputy-Speaker: I agree entirely with the hon. Members that it would be difficult when suddenly some items in the Order Paper are passed over and other items are taken up. No doubt, all these Bills are there in the Order Paper. But, no hon. Member can anticipate that legitimately he must be prepared for any other Bill. I believe the hon. Minister when he wanted this Bill to be passed over, must have had exceptional reasons. But, I shall make sure in the future that unnecessary inconvenience is not caused to hon. Members. If any particular Bill is to be passed over, sufficient notice will be given to hon. Members so that they may be ready with other Bills. After all, hon. Members cannot be ready with every Bill and carry all the amendments in their minds.

The Minister of Home Affairs (Shri Rajagopalachari): As I am here and as I am partly responsible for all the trouble, I would like, if you will permit me, to say this. Shri Ajit Prasad Jain was perfectly prepared to go on with his Bill. On the analogy of lists in courts, with which most hon. Members are familiar, everybody is expected to be ready for everything. No one can charge any one else if there is any abrupt stoppage or reduction of time

and things of that kind. Otherwise, non. Members can say, we thought that this Bill would take much more time, but we were suddenly taken un-awares. Apart from my personal view, it was not thought that my Bill would take so much time, especially after we met again and accepted the amendment. Shri Ajit Prasadji was ready with his work if I could finish this Bill quickly or if I promised to prolong it till the end of the day. He had accepted a previous engagement which he could not put off. He had to attend a public meeting of the refugees, which concerned his own department. He waited till now so that another Bill could be ready. The hon. Shri Buragohain has come. He is already late for the meeting. I submit no one has any reason to complain although everyone has his own difficulties. Hon. Ministers sometimes come prepared and the thing is not taken up. Can they complain? No. ✓

Shri Kamath: In all humility, I am only suggesting that so far as Ministers are concerned, Parliament work must, with them, take precedence over public meetings.

Shri Rajagopalachari: That is true and that is why I mentioned the character of the meeting also. As a Minister he cannot be efficient unless he does some such work.

Mr. Deputy-Speaker: So far as public meetings and Parliament are concerned, we are representatives of the public and they ought not to be disappointed. Therefore, it is necessary that Ministers should be in touch with the public. But, so far as the work is concerned, the analogy of the courts does not apply, with all respect.

Shri Rajagopalachari: I was only casually referring to it.

Mr. Deputy-Speaker: I have also been practising in the courts and I know a lot of inconvenience is caused when suddenly some cases are passed over and those lower in the list complain if something is passed over and appeal to the Judges and say that they did not expect this case to come up and all that. But, I would not like to take any hon. Member by surprise and expect them to be like persons in the courts. That may be a different matter altogether. Here we are engaged in public work. Hon. Members must also bring all their faculties into play and all the knowledge they command and they must prepare for the work. Normally, I expect, whatever may be the work, when a particular Bill is passed over, sufficient notice

must be given to the Members. So far as this particular case is concerned, there has been a previous engagement for a meeting and if the Minister is not able to attend, it will badly reflect on the Government itself that Ministers are not keeping their engagements. The whole Parliament is interested in Ministers keeping up their engagements outside also. That may apply to the present case. In the future, I would only request the hon. Minister and the Ministry as a whole through the hon. Home Minister that whenever a particular Bill is passed over, sufficient notice should be given to the House. If it is wanted to be passed over in the afternoon, notice may be given in the morning.

Shri Kamath: Similarly, if Members of Parliament also give preference to public meetings, there will be no quorum in the House.

کہانی جی - ایس - مسافر : میں
پوچھنا چاہتا ہوں کہ کیا وہ بل چھوڑ
دیتا ہے یا کہ وہ جلد آوے گا - اور
اگر آوے گا تو کب تک آوے گا -

[**Giani G. S. Musafir (Punjab):** I want to ask whether that Bill has been dropped or will it come up soon; and if so, when?]

Shri Hussain Imam: It will come on Monday, I think.

Mr. Deputy-Speaker: The Agenda will be circulated to hon. Members.

Shri Hussain Imam: May I suggest for the convenience of the Members who have not come prepared, that the discussion on this motion should not be concluded today, but, if necessary we should adjourn at 6.30, to give the staff also some time, and time to us to study.

Mr. Deputy-Speaker: It is not necessary to make such a request. We are going to proceed to the half-hour discussion on Mr. Sidhva's question at 6-45 P.M. Even on small Bills, hon. Members are taking so much of time. There is no necessity to make such requests.

Shri Buragohain: The House will remember that the Delhi and Ajmer-Merwara Rent Control Act, 1947, which was to expire on the 24th March this year was extended for a further period of two years by the Delhi and Ajmer-Merwara Rent Control (Amendment) Act, 1951. When this measure was before the House, several hon. Members expressed the view that the enact-

[Shri Buragohain]

ment that was placed before the House was not a happy one and they desired that some of the desirable amendments should have been incorporated, which experience had proved to be necessary. Assurance was then given by my hon. colleague the Minister that a comprehensive Bill would be brought before the House, introduced, and referred to a Select Committee and would embody all suitable amendments.

[SHRIMATI DURGABAI in the Chair]

Soon after the passage of the amending Bill, a conference of the various interests was called, in which representatives of landlords and tenants, the Chairmen of the Delhi and New Delhi Municipal Committees, some hon. Members of this House, the Chief Commissioner of Delhi and the Rent Controller and others were present. Various amendments suggested were discussed in that conference and some suggestions were also made. In the working of the existing Act, during the last four years also, some defects and lacunae had come to light and the judicial decisions that have been pronounced by the various High Courts from time to time, also brought to light certain defects. Besides, there are some healthy provisions in the various State Acts, such as the Acts of Bombay and West Bengal and these, it was felt, could usefully be incorporated in a comprehensive Act and made applicable to the States of Delhi and Ajmer. It was therefore decided to amend and consolidate the law on the subject by incorporating the necessary amendments and also by removing the defects and lacunae in the existing Act. The present Bill, which seeks to achieve these objects, was accordingly introduced towards the end of the last session of Parliament and is now before Parliament for its consideration and reference to a select committee.

The main amendments which have been incorporated in the present Bill include exemption of new constructions from the operation of Rent Control, provision of a higher return for the capital invested by landlords, with a view to encouraging building activities, the introduction of a summary procedure for the more expeditious disposal of rent fixation and eviction cases, amplifying the definition of tenants to include sub-tenants and others who derive title under a tenant, provision to secure repairs without detriment to rights of tenants, vacant possession to be secured for landlord and deposit of rent when suit is in progress.

These are the more important changes that are sought to be introduced here.

In addition to these and other amendments, Part IV of the Bombay Rents, Hotel Rates and Lodging House Rates Control Act, 1944, which was extended to the Municipalities of Delhi, New Delhi and the Notified Area of the Civil Station by a Gazette notification in 1947, has been incorporated in this Bill, and this forms an independent Chapter.

The provision relating to encouraging new constructions will be found in clause 38 of the Bill. With a view to encourage new constructions, it is proposed that such constructions as were not started or had not been completed before the passing of the new Act, could be exempted for a specified period to be indicated by notification issued by Government, and by virtue of such notification exemption may be given from the operation of all or some of the provisions of the Act.

It may, however, be pointed out as contended in this House that such exemptions had better be given or provided for by statutory provisions and not by executive orders. This is a matter which can be left for consideration by the Select Committee.

The Bill provides for exemption of cinema and theatre houses from the operation of the Rent Control law by Government's executive orders. Whether such exemption should be given in this manner is also a matter which may be left to be decided or considered at the Select Committee stage.

In clause 2(j) of the Bill, the definition of "tenant" is sought to be amplified. The present definition of tenant does not include sub-tenants and others who derive title under a tenant or persons put in possession of the premises without the consent of the landlord by the tenants and also by the members of the tenant's family. The proposed amendment which is based on the lines of the Bombay Acts seeks to cover such cases so as to avoid difficulties that crop up in enforcing decrees for eviction, etc.

Clause 8(4) relates to the enhancement of return on capital invested. The ceiling return in the shape of rent at present admissible under the Act is considered to be low. The proposal is to amend the Act with a view to fixing this ceiling at $7\frac{1}{2}$ per cent instead of the present 6½ per cent for old build-

ings. and at nine per cent instead of 7½ per cent for new buildings for gross return in fixing rent. A view has been expressed and is likely to be pressed in the House that in respect of new buildings there is greater justification for reducing the percentage of return on the capital cost than for increasing it from 7½ per cent to nine per cent as now provided for in the Bill. This is a matter which may well be left to be decided at the Select Committee stage.

Clause 32 of the Bill provides for uniformity of procedure for old and new buildings and expedition in disposal of cases. At present cases of disputes regarding rent of old buildings constructed prior to 24th March 1947, the date on which the original Act came into force, go to the civil courts, while rent cases in respect of a later construction go to the Rent Controller. It is now proposed to bring all buildings coming under the purview of this Bill within the jurisdiction of civil courts.

As regards expediting disposal of cases, it has been provided in clause 36(2) of the present Bill that a court may hold a summary inquiry into any application or other proceedings under the Act.

Under the existing Act there is no limitation in respect of filing suits either by the tenant or by the landlord for fixing of standard rent. It is now proposed to fix the limitation at six months and is provided for in clause 11 of the Bill.

According to the present Act, a landlord requiring *bona fide* a purely residential premises which he owns, for occupation by himself or his family for residence, can secure the eviction of the tenant only if he can prove that he "neither has nor is able to secure other suitable accommodation". These words operate harshly where a landlord's other premises, for example, are under requisition by Government. These words have accordingly been deleted from the corresponding clause in the Bill.

Clause 17 of the Bill deals with eviction of industrial and other employees in occupation of quarters after the termination of their services. Various industrial concerns, educational institutions, hospitals, charitable institutions, etc. have quarters for their 6 P.M. workers. It is necessary that these quarters should be vacated when the occupants thereof cease to be employees of these concerns. Under the present law these concerns have to go through an elaborate court procedure for eviction of ex-employees. A

summary procedure for eviction has accordingly been provided for in such cases in the present Bill. This provision has been incorporated at the instance of the Standing Committee of Parliament attached to this Ministry who desired that where a person had secured accommodation by virtue of being an employee of a local body or an industrial undertaking he should be summarily evicted under the Act from the premises as soon as he ceases to be such an employee.

There is no provision in the existing Act to the effect that while decreeing against a tenant to give vacant possession to the landlord for essential repairs the court should also order that the tenant should be put back in possession by the landlord after such repairs are carried out. Provision for restoring the tenant to his accommodation in such cases has been made in clause 15 of the Bill. The provision follows the corresponding provision in the Bombay Act.

The Act, as it stands at present, does not provide for a decree of court passed against a tenant for his eviction being executed against a person who may either be a sub-tenant or a person fraudulently put in possession of the premises by the tenant or a trespasser. It has been provided in the present Bill that a decree or order of eviction in such cases should be binding on all persons who may be in occupation of the premises and vacant possession thereof shall be given to the landlord by evicting all such persons. This is provided for in clause 21 of the Bill.

Clause 9 of the Bill provides for deposit of rent when suit is in progress.

Shri Kamath: It seems to be a false alarm.

Mr. Chairman: Mr. Kamath seems to be alarmed about the ringing of the division or quorum bell. The bell is only being tested and not deliberately rung with any other purpose. However, it is good that so many Members have come into the House.

Shri Kamath: Even the Prime Minister has come.

Shri Buragohain: I was referring to clause 9. It is felt that unless a provision is made for realisation of some rent on a provisional basis when a suit is in progress there will be a danger of the landlord not being able to realise any arrears of rent. It has accordingly been provided that in all

[Shri Buragohain]

cases the court shall, as expeditiously as possible, make an order specifying the amount of rent to be paid by the tenant to the landlord pending the final decision of the application for fixing the standard rent or for increase of such rent.

The Standing Committee of Parliament attached to this Ministry desired that a provision should be made in the Bill on the lines of the West Bengal Rent Control Act for major repairs done to the house by the tenant at the landlord's expense with the permission of the Court. This is provided for in clause 39.

I feel that I have indicated the more important amendments that have been made in the present Bill to improve upon the provisions of the existing Act. Without taking more time of the House I commend the motion to the House for its acceptance.

Mr. Chairman: Motion moved:

"That the Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the States of Delhi and Ajmer, be referred to a Select Committee consisting of Shri B. Shiva Rao, Pandit Mukut Bihari Lal Bhargava, Shri Deshbandhu Gupta, Shri Indra Vidyavachaspati, Pandit Thakur Das Bhargava, Master Nand Lal, Shri Gokul Lal Asawa, Lala Achint Ram, Thakur Lal Singh, Shri Ram Sahai Tewari, Shri Gokulbhai Daulatram Bhatt, Shri R. K. Sidhva, the hon. Shri N. V. Gadgil and the Mover, with instructions to report by the 1st September, 1951."

Dr. V. Subramaniam (Madras): There are many welcome features in the amendments proposed by the Minister in the Bill but I find that there is no provision to put a stop to *pugree* system. It is more or less an indirect rent charged on the buildings because of the Rent Control and other Acts. Even today there are many buildings changing hands, in spite of orders, in the Connaught Place, where unless the landlord gets a *pugree* of Rs. 10,000 or 20,000 a person cannot get a building. There are many newly constructed buildings in regard to which large amounts are paid as *pugree*. These facts are known to the Government and to the administrators and some provision must be made against this in the Rent Control Order itself, so that *pugree* may be brought

under the purview of the Bill. If it is proved by the tenant that he has paid such *pugree* it should be deducted from the rent. It is my suggestion to the Select Committee that some such provision should be made and I am sorry that it finds no place in the Bill in its present form.

A statutory assurance must be given to new buildings that this Bill will not bind them. A specific date like 1953 or 1954 is to be fixed in this Bill and all buildings constructed within that period will not be bound by this Rent Control Order. There are many buildings requisitioned by Government. If this is adopted private owners would invest their capital in new construction and thus we can avoid the building scarcity that is now prevalent.

Then the highest return must be put at 7½ per cent., whereas it is mentioned that the return would be 7¼ per cent. for old buildings and nine per cent. for new buildings. The return should be uniform at 7¼ per cent. both for new and old buildings. Old buildings might have been constructed at a cheaper cost. But even if the return is fixed at six per cent. it will be a good return. If the return is fixed at 7½ per cent. for old and new buildings it would prove a good bargain. Even as fixed deposits the banks do not pay more than four per cent. on large amounts. As interest on the large capital invested on big buildings four per cent. may be paid, two per cent. for depreciation and 1½ per cent. for annual repairs, which will cover also the municipal taxes. So 7½ per cent. must be the uniform return on all capital invested.

Then the exemption of cinema houses is not a healthy sign. Owners may compel cinemas to be vacated from buildings and there will be a racket. That also must be brought under the purview of the Bill.

Pandit Thakur Das Bhargava (Punjab) rose—

Mr. Chairman: Only yesterday a ruling was given that those who are not Members of the Select Committee will be allowed to speak and I find that Pandit Thakur Das Bhargava is one of the Members of the Select Committee.

Shri Munavalli (Bombay): There were some exceptions made.

Mr. Chairman: Only under extraordinary circumstances.

The Minister of Works, Production and Supply (Shri Gadgil): In reply I have only to point out to my hon. friend that clause 5(2) provides:

"No person shall, in consideration of the grant, continuance or renewal of a tenancy or sub-tenancy of any premises, claim or receive the payment of any premium, *pugree*, fine, advance or any other like sum in addition to the rent."

And if he contravenes this provision then the penalty is provided for in clause 42 which states:

"If any person receives any payment in contravention of the provisions of section 5, he shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to an amount exceeding one thousand rupees by the amount as value of payment so received by him, or with both."

If the Members of the Select Committee find this penalty somewhat lenient, I am prepared to increase the quantum of punishment as also the quantum of fine.

As regards the rate to be allowed on the capital invested, I am not dogmatic about it. If I find some proposal more reasonable, I am quite willing to accept it.

Mr. Chairman: The question is:

"That the Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the States of Delhi and Ajmer, be referred to a Select Committee consisting of Shri B. Shiva Rao, Pandit Mukut Bihari Lal Bhargava, Shri Deshbandhu Gupta, Shri Indra Vidyavachaspati, Pandit Thakur Das Bhargava, Master Nand Lal, Shri Gokul Lal Asawa, Lala Achint Ram, Thakur Lal Singh, Shri Ram Sahai Tewari, Shri Gokulbhai Daulatram Bhatt, Shri R. K. Sidhva, the hon. Shri N. V. Gadgil and the Mover, with instructions to report by the 1st September, 1951."

The motion was adopted.

Mr. Chairman: The immediately next item on the agenda is the Government of Part C States Bill and I would like to announce that this Bill will be passed over and it will not be taken up even tomorrow. We shall now proceed with the Notaries Bill.

NOTARIES BILL—contd.

The Minister of Law (Dr. Ambedkar): I have already made a motion that this Bill be taken into consideration. All that remains for me is to say a few words in order to explain the nature of this particular measure, and the necessity for bringing it forward. The Notary Public is an official who discharges certain functions relating to certain documents which arise out of what are called 'mercantile' transactions. The position with regard to the Notary Public in India is that under the Negotiable Instruments Act the Government of India has got the power to appoint Notaries Public in order to deal with the documents which are negotiable instruments under that Act. But there are also other mercantile transactions which create certain other mercantile documents but which are outside the purview of the Notaries Public appointed under the Indian Negotiable Instruments Act. Those Notaries Public which are outside the Indian Negotiable Instruments Act are appointed by authorities in Great Britain.

The history of this institution is probably interesting. Originally, the appointment of the Notary Public all over England and perhaps even Europe was made by the Pope. It was an ecclesiastical office and the function of that officer was to deal with ecclesiastical matters, that is to say, if a dispute arose as to the seating arrangement in a particular Church, the dispute was decided by the Notary Public. If a question arose as to whether a person who had died was entitled to a public burial or whether he was to be doomed to what was called a private burial in some unrecognised part of the Church, that matter was also decided by the Notaries Public. Later on, certain commercial duties were also attached to the Notaries Public under which they performed the duties of noting, protesting, or preparing or noting honour or dishonour about these transactions. When the Protestant Revolution took place, the authority of the Pope so far as Great Britain was concerned ended, and it was assumed by the British King and the British King transferred the jurisdiction that he had acquired from the Pope in the matter of the appointment of the Notaries Public to the Archbishop of Canterbury who also became his officer, because under the Protestant Revolution, the State became supreme as against the Church and all the officers of the Church became the officers

[Dr. Ambedkar]

of the State. The Archbishop had attached to him what was called a Court of Faculty, an officer who dealt with the Church matters to which I have already made some reference and in England all the Notaries Public were appointed by what was called the Court of Faculty under the superintendence of the Archbishop of Canterbury. That body also continued to appoint Notaries Public in India. All that we did was that we cut out a little portion from the authority of the Court of Faculty in England which had acquired this legal jurisdiction to appoint Notaries so far as the Negotiable Instruments Act was concerned.

The position today in India therefore is that a group of Notaries who deal with documents under the Negotiable Instruments Act are appointed by the Government of India while all other documents which do not come under the Negotiable Instruments Act are dealt with by Notaries who are appointed from England. Our Constitution, namely, the India (Consequential Provisions) Act, 1949 and article 372(1) of the Constitution permitted that any officer who was appointed before the Constitution may continue to exercise that authority, so that notwithstanding the fact that India became independent and notwithstanding the fact that the President got the authority to make appointments of Notaries, by virtue of these two provisions I have quoted, these people still continue to function as Notaries although they were appointed by an authority not subject to the Indian Constitution. It is felt very desirable that this anomaly should be ended and that the right of appointment which is now enjoyed by the Court of Faculty should be discontinued. That is the main purpose of this Bill and I do not think that any Member of Parliament can have any objection to it. On the other hand, I believe that many Members of Parliament might well ask as to why these officers were allowed to function even after the Constitution had come into existence. All I can say is that it is better to be late than never. That is the only justification.

The main clauses of the Bill are these: Clause 3 empowers the Central Government to appoint Notaries with authority to practise as such anywhere in India. Each State also is empowered to appoint Notaries within its own territory to function within its jurisdiction.

Clauses 4 and 5 say that the Notary will not be entitled to practise unless

he gets his name registered and obtains a certificate of practice. He is required to pay a certain fee under the rules. These are prescribed under the authority of clause 14(2).

Clause 6 deals with the annual publication of the lists of Notaries. The Central Government as well as the State Governments are required to maintain a register of Notaries who have got their names registered.

Clause 7 deals with the seal of the Notary.

Clause 8 deals with the functions of the Notary. They are the normal functions which a Notary is required to perform both under the English Law and practice. They have practically been taken from Halsbury's Laws of England.

Clause 9 prohibits any person from practising as a Notary without a certificate of practice. Persons who are already Notaries have been given one year's time to get themselves registered under this Bill.

Clause 10 is the usual clause dealing with the removal of names from the Register of Notaries, if the Notary has committed any act which is said to disqualify him from holding the post of Notary Public.

Clause 11 provides that any reference to a Notary Public in any other law is purely interpretational and shall be construed as a reference to a Notary entitled to practise under this Act.

Clauses 12 and 13 deal with penalty and cognizance of offences.

Clause 13A is a new clause which has been inserted to validate on a reciprocal basis the Notary's act done in any foreign country.

This is all that the Bill does and I hope that the House will see its way to grant its accord to my motion.

Mr. Chairman: Motion moved:

"That the Bill to regulate the profession of notaries be taken into consideration."

Shri Sidhva (Madhya Pradesh): This is a very simple Bill. I am very glad that the hon. the Law Minister has given us a very interesting history. I did not know that the notaries who were appointed in India were appointed by the Archbishop of Canterbury; I thought it was done by the Government of India. This was really a piece

of news, I think, to several of us—at least I did not know that.

This Bill does not require any comment, except this that it would have been better if the hon. Minister had told us the practice prevailing in Great Britain regarding the appointment of a Notary Public. Are only legal practitioners appointed, or persons who have knowledge of commerce and important public matters, and as such have to deal very much with documents, are also appointed? On account of my commercial experience, I know the kinds of documents that are sent to the Notary Public. Clause 3 of the Bill says that:

“Government.....may appoint as notaries any legal practitioners or other persons who, in its opinion, are duly qualified to discharge the functions of a notary under this Act.”

I want to know the meaning of the word “duly qualified”. Does it mean duly qualified in law?

Dr. Ambedkar: Not at all.

Mr. Chairman: That will be governed by rules framed under clause 14, perhaps.

Shri Sidhva: Here, there is a definite clause regarding appointment of notaries; so the rules will not be of any material help to us, because rules cannot supersede the provisions of the Act. Since the hon. Minister has clarified the point, I do not consider it necessary to move the amendment, notice of which I have given. But if the hon. Minister were to make it beyond doubt by the words “other than a lawyer” it would be better.

I do not want to say anything more. I support this Bill, but I hope the hon. the Law Minister will clarify the interpretation he has given. I therefore support this Bill and hope that he would make the position clear to avoid any ambiguity and suggest any amendment of his own.

Pandit Thakur Das Bhargava (Punjab): I am rather afraid that the Bill is too technical.

Mr. Chairman: May I know whether the hon. Member is moving his amendment? This is the first reading of the Bill. I want to know whether the hon. Member wants to move his amendment for reference to the Select Committee now or at a later stage.

Pandit Thakur Das Bhargava: I want the Bill to be referred to a Select Committee. If you like I may not speak at this stage and I will speak later.

Mr. Chairman: Very well, the hon. Member may move his amendment now.

Pandit Thakur Das Bhargava: The amendment has not been supplied in today's Order Paper, but with your permission, I beg to move:

“That the Bill be referred to a Select Committee consisting of Dr. Bakshi Tek Chand, Dr. Panjab-
rao Shamrao Deshmukh, Shri
Deshbandhu Gupta, Shri Gokul-
bhai Daulatram Bhatt, Pandit
Mukut Bihari Lal Bhargava, Shri
Prabhu Dayal Himatsingka, Shri
Arun Chandra Guha, Shri
Rohini Kumar Chaudhuri, Shri
Banarsi Prasad Jhunjhunwala,
Shri R. K. Sidhva, Shri C.
Subramaniam, and the Mover,
with instructions to report before
the 31st August, 1951.”

It is rather a Bill of a technical nature, and the history of it as pro-
pounded just now makes it still more
difficult for us to understand, and it
is problematical whether this insti-
tution which has such an ancient
history in western countries will at
all be well grounded in India. In all
bigger towns, for instance in Calcutta,
Bombay and Madras probably under
the Negotiable Instruments Act these
Notaries Public are appointed. But in
the rest of the States and Provinces I
do not think this institution of
Notaries Public is to be found in vogue.
On the contrary we have got some-
thing akin to it—they are not known
as Notaries Public, but they are known
as Oath Commissioners. For instance
the High Court of the Punjab autho-
rises certain lawyers, and perhaps
other people also, to attest affidavits
or statements on oath. But there are
certain rules according to which they
work. Now, this is also a new insti-
tution. I do not know what obtains
in the rest of the Provinces or in the
States, but so far as I know there is
not such an institution like Notaries
Public in all other places except
perhaps in big towns. I speak subject
to correction. There also the work
which is assigned to them is only
under the Negotiable Instruments Act.

Dr. Ambedkar: No, all. Originally
it was only under the Negotiable
Instruments Act.

Pandit Thakur Das Bhargava: Are
there other powers given to them now?

Dr. Ambedkar: They will be the Notaries Public who will be doing the work of the Notaries Public outside even the Negotiable Instruments Act.

Pandit Thakur Das Bhargava: Under this Bill. But at present they perform their duties only under the Negotiable Instruments Act.

From a perusal of this Bill, I find that as a matter of fact a totally new institution is sought to be brought about in India now. The history of this institution is very interesting; it arose out of an ancient English statute—I did not know all this history...

Dr. Ambedkar: It is I that gave that history.

Pandit Thakur Das Bhargava: There is a reference to the Archbishop and then the Master of Faculties in England but all this is jargon to us and we do not understand it. What I understand is this. Today in the whole of India the lawyers execute instruments—a sale deed, a mortgage deed, a gift deed—and all this is done either by petition—writers or by lawyers. I can speak with authority so far as Punjab is concerned and there every lawyer is competent to write out a deed. Where petition-writers are there, they do this business and lawyers generally do not do it. By law they are authorized to do it. So far as the Oath Commissioners are concerned, they attest documents which are produced in courts. There are certain provisions in the Civil Procedure Code according to which affidavits have got to be attested and they are to be produced in courts. Besides this, there are many other things which have got to be attested by these Oath Commissioners and whenever a person wants to create an alibi in a criminal case, then also the certificates of these Oath Commissioners are utilized for the purpose of getting a document or two attested on a particular date.

Dr. Ambedkar: I did not know that sort of thing happened in the Punjab.

Pandit Thakur Das Bhargava: If my hon. friend made an inquiry about the rest of India, he will be disillusioned to find that Punjab is not an exception.

Dr. Deshmukh (Madhya Pradesh): It has something to teach everybody. Everybody has got something to teach somebody else.

Pandit Thakur Das Bhargava: It so happens that copies of these documents are not kept by the persons attesting them. Therefore the one thing that I

dread is that forgery and making of false documents will to a very great extent be increased if the Bill is allowed to appear in its present form.

As a matter of fact when I considered the Bill I did not find any provision by virtue of which these Notaries Public should be enjoined to keep copies of the documents which they attest. There is nothing to suggest that on a particular day such and such a person appeared before a Notary Public and he attested a document. As a rule the document is given back to the person, who brings it for attestation and then it can be utilized for any purpose by him and even in an attested document some entry or alteration can be made because every alteration is not initialled by the Notary Public. It is very easy for those who know the sort of writing in vernacular that the word *Na* can be put anywhere and everywhere in a document. The difficulty is that if you make these Notaries Public and appoint them in every place, unless and until rules are made for keeping copies of the documents which they are required to attest, they might prove of great assistance to forgers. Then the Bill says that Notaries Public will be appointed from out of legal practitioners or other competent persons. I do not know what will be the fate of those legal practitioners who are appointed Notaries Public. Will they be allowed to practise also?

Shri Sidhva: They are now practising.

Dr. Ambedkar: Yes, they do.

Pandit Thakur Das Bhargava: If the kind of work envisaged in the Bill is to be put on them I think the Notary Public should keep a regular office.

Dr. Ambedkar: They have; each Notary Public has an office.

Pandit Thakur Das Bhargava: Some evidentiary value must be attached to the documents which they attest. At the same time, this kind of an institution might come into conflict with the registration office. If you see clause 8, you will find that a Notary Public is capable of doing many things which are done by registering officers. It may be that so far as section 17 of the Registration Act is concerned, the validity of a document may not be the same. But, all the same, such documents as do not compulsorily require registration, will be got attested in the same way as they are got attested before a registering officer. As between

the two a conflict may arise. We do not know whether, so far as evidentiary value is concerned, the one will be preferred to the other.

Shri Sidhva: Today, it is being done by the Notary Public. He keeps a register. He has his office seal.

Pandit Thakur Das Bhargava: Today, he deals with negotiable instruments and nothing else. That is a very small matter. If you will kindly refer to clause 8, he has been given very large powers, the full implications of which are not realised by every person. Under clause 8, the wording is:

"Every notary may do all or any of the following acts by virtue of his office, namely:—

(a) verify, authenticate, certify or attest the execution of any instrument;"

So far as these words are concerned, it is very difficult to understand the exact implications of all that is mentioned here:

"(b) present any promissory note, hundi or bill of exchange for acceptance or payment;"

That is what is done now.

"(c) note or protest the dishonour by non-acceptance or non-payment of any promissory note, hundi or bill of exchange under the Negotiable Instruments Act, 1881;

(d)

(e) administer oath to or take affidavit from any person;"

This is a very important provision.

"(f) prepare bottomry and respondentia bonds and other mercantile documents;

(g) prepare any instrument relating to movable or immovable property situated in India;

(h) prepare and authenticate any instrument intended to take effect in any country outside India in such form and language as may conform to the law of the place where such deed is intended to operate;"

And further,

"(i) translate, and verify the translation of, any document from one language into another;"

The effect of this legislation will be realised only if all the implications of

clause 9 are considered. Clause 9 debars other people from doing the same work which a Notary Public is called upon to do, so that in the future, even the translation will not be got done by any other person except the Notary Public.

Mr. Chairman: May I suggest, if you look at sub-clause (2) of clause 8, it is provided that no act specified in sub-section (1) shall be deemed to be a notarial act except when it is done by a Notary under his signature and official seal. I think that would go a long way to see that this has evidentiary value of the highest order.

Pandit Thakur Das Bhargava: It means that so far as his seal and signature are concerned, they give some evidentiary value to the documents prepared. But, if you look into this Bill, there is no prohibition in the matter of appointment of Notary Public by the Government. Twenty people may be appointed in one district. They can appoint any number. This is just like the honorary magistrates affair.

Shri Sidhva: No; not like that.

Pandit Thakur Das Bhargava: You are speaking with experience; I am speaking without experience. I really want to know.

Dr. Ambedkar: You are expressing the fear of the unknown.

Pandit Thakur Das Bhargava: That is perfectly right. I do not want that an institution like this which is sought to be established in the whole of India should be accepted by us without knowing what it is. I therefore humbly request Dr. Ambedkar to explain these things in the Select Committee.

Dr. Ambedkar: I could explain these things in the House itself.

Pandit Thakur Das Bhargava: He wants to bring in a new institution which is foreign to this land, which we had not got for all these years.

Shri Sidhva: It is not a new thing; it is existing in the port towns.

Pandit Thakur Das Bhargava: That is for negotiable instruments. Dr. Ambedkar says so and I accept his version as better than yours.

Shri Sidhva: Notary Public exists today.

Pandit Thakur Das Bhargava: I have myself submitted that in Madras, Bombay and Calcutta and in some other places they do exist.

Dr. Ambedkar: Wherever there is the Negotiable Instruments Act in

force, the Notary Public is there. The Negotiable Instruments Act applies throughout the whole of India, except, I suppose in some Part B States. In the Part A and Part C States, the Negotiable Instruments Act is in force.

Pandit Thakur Das Bhargava: As regards the Negotiable Instruments Act, I have no quarrel. I know it applies to the whole of India. But we do not know how this measure will affect the public. There was the system of honorary magistrates or some other persons who used to do some work all over the land. Here you want to do something covering the whole of the country, something which is quite new. So far as patronage is concerned, the appointing authority will be the State Governments and the Central Government, and so it is there. And then, some qualifications have been prescribed. But we do not know how these offices will work. They will execute documents. But will they keep copies of the documents? Unless and until you make provisions for keeping copies, the fears which I have given expression to now will all arise. It is not as if I want to raise any bogey. The fear is quite real. And I am sure lawyers all over the land will not like this measure.

Dr. Ambedkar: Why not? This will afford them a supplementary occupation.

Pandit Thakur Das Bhargava: Now every lawyer is competent to execute documents and people go to them for executing these documents. But if you make these Notaries execute the documents, then you take away that much of jurisdiction from the lawyers. This is not a small matter which should be looked at from only the lawyers' point of view. What happens to the general public? A person requiring a document to be executed will have to come to a big city and suppose the Notary charges a high fee, he will have to pay it. This here is a new thing you are introducing. At least let us know the full implication of it. To bring in such a measure now and get it rushed through is not fair to us. If I understand it and am convinced that it is for the good of the people, then I will certainly support it. But till then, unless I am convinced, I will not touch it with a pair of tongs even. Let us first of all know whether it will be useful to the public or not. From the speech of the hon. Member I could not gather much.

Mr. Chairman: Will the hon. Member kindly resume his seat? It is now 6-45 P.M. and further discussion on this motion will follow tomorrow.

IMPORT OF DATES

Mr. Chairman: Now we take up the half-an-hour discussion of the question of which notice was given by Shri Sidhva under Rule 46(2):

"On a matter of public importance arising out of answers given on 8th August, 1951, to Starred Question No. 50 regarding Import of Dates."

Shri Sidhva (Madhya Pradesh): This discussion arises out of Starred Question No. 50 of the 8th August on the subject of the supply of distribution of dates from Iraq by the Food Ministry. Many supplementary questions were put on that date but satisfactory and complete answers were not forthcoming. You, madam, also wanted to put some questions. The debate reads:

"**Shrimati Durgabai:** I would like to have some information on some important matters.

Mr. Deputy-Speaker: On another important matter?

Shrimati Durgabai: On this question.

Mr. Deputy-Speaker: This has been closed. Next question."

The Minister stated then that much time had been taken on the question and that it could be discussed at the half-an-hour discussion. I have taken advantage of that suggestion, as I would like to have full information on the subject.

The transaction, as the Minister stated, costs Rs. 56,18,333 for the dates supplied from Iraq. I have sent my points through the Parliament Secretariat to the hon. Minister. I want to know the landed cost of the consignment of the dates. On a supplementary question put by Sardar Man on the 8th that question had been partially answered. I want to know whether all the dates came from Basra in Iraq.

[MR. DEPUTY-SPEAKER in the Chair]

There are two qualities of dates mentioned by the Minister, namely hallowi and zahidi. Zahidi is generally not used in India. The price of hallowi, which is the superior quality is Rs. 13/10 per maund and of zahidi, which is inferior quality, the price is Rs. 11/8. With whom was the order placed? Was it a Government-to-Government transaction or a contract

was given. If so, were tenders invited? What was the market rate prevailing at that time when the contract was placed and when the consignment arrived in Bombay? Were any efforts made to invite tenders and if not, why not?

I would also like to know what was the necessity for getting these dates. Did any State require them from the Centre as a subsidiary food for people? The Minister said in reply to a supplementary question that it was not forced on the States. That may be true in legal language but I want to know whether any State requested the Central Government on the ground that they required these as a subsidiary food for the people of the State.

I want to know how much money has actually been realised by the various States out of the Rs. 56 lakhs spent. What is the balance in stock? This figure was not available on the previous occasion. What was the loss to the Government of India and to the States? The Minister said in reply to my supplementary question that 155 tons deteriorated due to rain and in answer to a further question he also said that there was no loss to the Government. He said at one place that the amount of loss was Rs. 19,000. How does he reconcile the two statements? He said that some dates were supplied to Akola in Madhya Pradesh. What was the reason for this loss of Rs. 19,000 incurred by the Madhya Pradesh Government? Was it due to bad quality? What is the quality that is generally supplied in Bombay? Who gave the hon. Minister the idea that this inferior variety known as zahidi should be imported? Is it a fact, as he himself has stated, that 90 per cent. of the hallowi dates were sent to the ration shops whereas only 35 per cent. of the zahidi variety were sold. This shows that the latter variety was not wanted. He stated that the selling price in Bombay was six annas a seer. On the figure of Rs. 13-10-0 he has supplied, it works out to only Re. 0-5-3. Who has taken the nine pies? And then on the figure of Rs. 11-8-0 it works out to Re. 0-4-1. Who has taken the six pies? A certain amount of profit seems to have been made, whereas he said that it was on no-loss-no-profit basis. I visited the godowns in Bombay and found that the dates had deteriorated. The Minister was glad to have this information from me and he promised to make enquiries. Has he made enquiries and what is the reason for the deterioration and loss? What was the quantity involved? His staff have reported that

the dates deteriorated due to rain. That is not correct. All the foodgrains are discharged in Bombay during the rainy season. The real reason is bad quality. Without knowledge and experience, both here and in Bombay, they placed the order. I want to know whether any more contract has been entered into for supply of dates. What is the experience of the hon. Minister—do people like dates as a subsidiary food? Or is it thrust on them? How many qualities of dates are generally imported by merchants and who gave the hon. Minister the information that these two are the best qualities? I would like to have a full reply from the hon. Minister and if any points remain after his reply, I shall make them out later.

The Minister of Food and Agriculture (Shri K. M. Munshi): As I have said before the Food Ministry is the whipping boy of Parliament and whatever it does somebody or other must find fault with it. (Shri Sidhva: Why this preamble?) Preamble, for this reason that I am going to tell you that the suspicions, allegations and some of the reports in the papers about the dates deal are entirely unjustified. Hon. Members should look back to the situation in November or December. The whole of our procurement had collapsed. I made it clear to the House that the situation was very bad and I was afraid of there being no food in some parts of the country, and of famine conditions prevailing there. The only thing was to import some food or other which could immediately be made available. If we had not obtained these dates, my hon. friends would very well have turned round, if there was famine somewhere, and asked why we could not get food from some country to feed the people?

Shri Sidhva: I do not believe that dates are a subsidiary food.

Shri K. M. Munshi: The position was that the only monopolist concessional Iraqi company put itself in touch with the Government of India. There was no other seller. Iraqi dates at that time were cheap. Now, as I pointed out the other day, the two qualities with regard to which the transaction took place were of two superior qualities, while the one which is generally consumed in India, the zahidi quality, is used as cattle feed in Iraq. That is the position.

My hon. friend wants to know the terms of the contract. We entered into a contract for 25,500 long tons. They arrived in two consignments—one of 17,500 and the other of 8,000 tons. As regards the first the c.i.f.

[Shri K. M. Munshi]

price was three annas six pies per seer, compared to the ruling price of one rupee- of the lower quality in Bombay. As regards the other, it cost us two annas nine pies per seer. Therefore, from the business point of view this was an absolutely good bargain in respect of much better kind of dates than what are sold in India.

Shri Sidhva: What were the wholesale prices prevailing in the commercial market?

Shri K. M. Munshi: The commercial price in India was Re. one per seer. The purchase was made from the sole concessionaire; it was not possible to purchase from any other party; it had the sole monopoly of selling these two varieties.

The name of the firm was Andrew Weir Shipping and Trading Co. The contract provided for inspection at different stages. One at that end by a very well known international firm at Basra, called Messrs. Middle-East Superintending Company, as regards quality, condition and pack. Then again there was inspection on arrival here.

The next question my hon. friend asked was—who wanted these dates and why? Now, I may tell the House that these 25,500 tons in all were allotted to different States which were in immediate need of providing some kind of food to scarcity areas. It was not a question of choice. The dates were distributed according to the demands of each State. Madhya Pradesh wanted 8,000 tons. As against it, the Centre could allot only 3,000 tons. Bombay wanted 13,500 tons; the Centre could allot only 7,000 tons. Therefore any allegation that the Central Government forced the dates on the State Governments is absolutely unfounded.

Then we come to the next point—were the consignments infested. or were they in a poor condition. Now, on a complaint from the Bombay Government special inspectors went on an inspection of the godowns. The fact of the matter was that the zahidi date sellers in Bombay, a powerful group, found that these dates of superior qualities were being put by the Government on the market at a considerably lower price and they had to bring down the prices of their goods on that account. They started a determined campaign that the Government of India had picked up rotten dates from Iraq, that

all of them had been infested, that some of them were deteriorated in quality and that the dates were uneatable. This created a scare. On that the Government of India got an inspection of the dates made in Bombay and it was found that a very small quantity, compared to the total quantity received, was either infested or had deteriorated and become juicy. I will give you the quantity. In the first consignment, out of 17,500 tons, only one consignment of 1,500 tons was reported to be juicy and loosely packed. Surely in a large consignment like this coming from Iraq all the way it is a very small quantity.

Then as regards the complaint that the second consignment was unsaleable and that the quality was very poor, it was found that out of the second consignment of 8,000 tons, only eight tons, or 0.001 per cent. was really uneatable or in an unwarrantable condition. Therefore the complaint that this was all rotten is entirely untrue.

7 P.M.

Shri Sidhva: What is the total quantity that had deteriorated?

Shri K. M. Munshi: 1,500 tons was juicy. You know that dates are not foodgrains. They are soft and by some chemical reason they may get a little juicy. The other lot which can be called unwarrantable—that was eight tons out of 8,000 tons. Such a thing would be found in any consignment. All that you find when you examine the complaints that are made is that out of 25,500 tons the quantity reported to have deteriorated or in stock on the 4th August, 1951 was 313 tons. When the matter was investigated it was found that the complaints were partially untrue, and in many respects very exaggerated.

In Bihar and in U.P. the dates were given with rations. In Bihar in several schools and other places they were given free. At that critical moment when we had no food this served as some substitute food. So far as dates are concerned you cannot call it even a subsidiary food. From the point of view of calories and nutritional value they are decidedly a better food than many others to which some of our people resorted in scarcity areas. To complain about it as a subsidiary food and as something contemptuous is really unjustified.

The whole difficulty arose because of the campaign of interested parties. We found on enquiry that the merchants themselves, as a result of

this campaign which they carried on, were able to sell in February 13,000 baskets of the lower variety which they would have had no chance of selling but for this canard. This is the position with regard to these dates.

My hon. friend asked me about the loss. So far as that is concerned, one lot was sold by the Bombay Government. My answer that there was no profit, no loss applied to the Government of India. The Government of India made no profit and made no loss on this transaction. They just took the price which they paid, and comparatively speaking the cost was very much lower than for dates bought generally in the market or any food-grain imported from outside. So far as the Provincial Governments were concerned, on account of the scare and on account of some part being infested, certain stock was found unsaleable. The attention of the Government of India was not drawn to the deficient quality immediately on arrival of the goods. Only later on they did. Then they sold it. And the result was this. The total cost of the dates imported into India came to about Rs. 89,94,000. The c.i.f. cost of it was Rs. 56.18 lakhs. After adding the customs duty, port wharfage, handling and other miscellaneous expenses it approximately came to roughly Rs. 90 lakhs. Out of that the loss amounted to Rs. seven lakhs of rupees. This Rs. seven lakhs is shared by the Government of Madhya Pradesh and Bombay. The share of Madhya Pradesh was Rs. 4.8 lakhs and Bombay suffered a loss of Rs. 2.2 lakhs. As regards Madhya Pradesh Government if they had taken timely action, this loss would have been saved.

Shri Sidhva: What is the meaning of 'timely action'?

Shri K. M. Munshi: When they found that the dates could not be sold, if they had told us, we would have taken them back and given them to other States which were anxious to get them. (*Interruption.*) I am speaking on behalf of the Government of India. If they had taken action immediately on their arrival and said that they are not able to dispose of them, we could have given possibly them to other States. When the Madhya Pradesh Government wrote to the Centre it could not sell on its own account. (*Interruption.*) The question may be addressed to the Madhya Pradesh Government.

Shri Sidhva: Am I to understand that the Bombay Government and the

Madhya Pradesh Government did not write that the quality was inferior?

Shri K. M. Munshi: The Bombay Government informed the Regional Food Commissioner that some part was inferior and some part was infested. On that a detailed inquiry was made and it was found that their complaint was not justified...

Shri Sidhva: The Peoples' complaint is not justified and the Government of Bombay also is not justified.

Shri K. M. Munshi: It is not my fault. All I could do is to make inquiries by proper, authorized people. I cannot go and eat all the dates myself and verify...

Shri Sidhva: That is a different matter.

Shri K. M. Munshi: The point, however, is that a large part of this 25,500 tons went to supply food to people at a time when they were short of food in certain parts of the country and, therefore, the whole transaction was a very good transaction. We got the food at a time when we had not got it. The little loss suffered could have been avoided if timely action had been taken at the proper time. But unfortunately any stick is good enough to beat.

Shri Sidhva: There is a loss of rupees seven lakhs according to your own figure. Do you consider that rupees seven lakhs is a negligible amount?

Shri K. M. Munshi: What is the Central Ministry to do about it?

Shri Sidhva: You say it was not the Central Government. The Bombay Government says that it was inferior. Who is to be believed?

Shri K. M. Munshi: Do not believe either and sit quiet. But if you ask me, I say, believe me.

That is how the position stands. It is very easy to say after the event, after we tide over the crisis why we did not do this or that. We must remember that it was a good transaction; it was a cheap transaction; and it was a very helpful transaction. No doubt in a Government affair where Government business runs into hundreds of crores, you must remember that there is some wastage here and there. If no wastage has to be increased you must be prepared to stop your control system and not undertake the feeding of the people in the country and tell the merchants to sell good dates and charge what-

[Shri K. M. Munshi]

ever they like. If you have to save a bad situation promptly you must do your best.

Shri Sidhva: My question has not been answered. I asked what is the total amount realized by all States out of this Rs. 89 lakhs because this will give us really an indication of the loss involved

Shri K. M. Munshi: Whatever quantity was required by the States was given to them on their account. The Government of India only gave a subsidy of Rs. 12 lakhs in order that the dates may be distributed free in some parts of Bihar and other places where there were very difficult conditions. That is one item. As regards the Rs. 80 or 90 lakhs, so far as the Government of India is concerned, the full amount has to be taken from the States.

Mr. Deputy-Speaker: The hon. Member wants that the hon. Minister may gather any information as to how far the States have been able to realise.

Shri K. M. Munshi: Seven lakhs is the loss up to now; and the States have got in stock 313 tons.

Shri Sidhva: Seven lakhs is the loss; 12 lakhs is the subsidy, according to him, which was given for free distribution. That means 19 lakhs. Am I correct?

Mr. Deputy-Speaker: Seven lakhs is the loss. Twelve lakhs is not a loss. What is the good of arguing. How can 12 lakhs be a loss? The poorer section of the community has eaten it. That is no loss. Therefore seven lakhs is the total loss borne by the Central Government or the Provincial Governments.

Shri Sidhva: According to the hon. Minister.

Mr. Deputy-Speaker: According to whom does the hon. Member want?

Shri Sidhva: I wanted to know...

Mr. Deputy-Speaker: He put a question to the hon. Minister. According to the hon. Minister that is the loss. Who else is to come into the picture?

Shri Sidhva: I wanted to know what was realised by the State Governments.

Mr. Deputy-Speaker: Eighty-nine minus seven.

Shri Sidhva: The hon. Minister does not say that.

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

Dr. Deshmukh (Madhya Pradesh): On hearing the explanation, I think my hon. friend deserves congratulation for the action he has taken in importing these dates. We can visualise the circumstances under which this was done. I think for these dates we are really indebted to him as well as to the Iraqi people who gave these dates to us at such low prices. I want to ask two questions. The first question is, what was the quantity on which this loss of Rs. 4.8 lakhs was caused to the Madhya Pradesh Government and what was the quantity on which this loss of Rs. 2.2 lakhs was caused to the Bombay Government? What was actually done with the dates on which this loss was sustained? And also, if there is any truth in the fact that so far as Bombay is concerned, a good deal of these dates were utilised for illicit distillation. That is the allegation made. I would like my hon. friend to answer these three questions.

Shri K. M. Munshi: I will give the facts. So far as Bombay is concerned, it wanted 13,500 tons. The Centre gave them 7,000 tons. We could not give all that they wanted. It has already disposed of 6,800 tons. This includes a part of the stock which they have sold and in respect of which they have suffered a loss. I have not got the exact figure. The quantity lying with the State on 4th August, 1951 is only 155 tons. This is the position so far as Bombay is concerned. This is the loss which it has suffered, except 155 tons.

Then, coming to Madhya Pradesh...

Shri Sidhva: What about distillation?

Shri K. M. Munshi: They have 155 tons still.

Shri Sidhva: What about illicit distillation? What is the amount recovered from that?

Shri K. M. Munshi: Bombay will recover the whole amount, whatever the price. That is a matter of calculation. You are a better mathematician than I am.

Mr. Deputy-Speaker: This is in answer to the question of Mr. Sidhva as to what amount was realised by the State Governments. Dr. Deshmukh has put a question as to how much of this quantity consumed by the public was used for illicit distillation of liquor.

Shri K. M. Munshi: I am sorry, I did not catch it. I am quite willing that the hon. Member should go there and make a special enquiry if the Ministry permits him to do that.

Mr. Deputy-Speaker: In this stock given by the Central Government, has any portion been utilised for illicit distillation? All that he wants to know is, now that prohibition is introduced in all these places, whether any portion has been utilised for illicit distillation.

Shri K. M. Munshi: It is not correct for me to guess things.

Pandit Thakur Das Bhargava (Punjab): A great amount of money must have been realised by the people who used the flates for illicit distillation. That should be taken into account in deciding the loss.

Mr. Deputy-Speaker: There is the question of black-marketing.

Dr. Deshmukh: Distillation may be left out. I want figures for Madhya Pradesh.

Shri K. M. Munshi: May I give the figures?

Mr. Deputy-Speaker: Already, half-an-hour is over. All right, the House is prepared to sit a minute more.

Shri K. M. Munshi: Eight thousand tons demanded; three thousand tons allotted. Quantity disposed of by the State 1,668 tons; they have got in stock on 4th August, 1951, 1,524 tons. The loss sustained by them is Rs. 4,82,500.

Mr. Deputy-Speaker: Before the House adjourns, I want to say that the hon. Minister of States, Shri Gopaldaswami Ayyangar, wanted me to inform the House that certain amendments had been suggested to the Government of Part C States Bill which would be brought before the House on Tuesday. So that sufficient time may be given to hon. Members, he says these amendments will be sent to hon. Members to-morrow night.

The House then adjourned till Half Past Eight of the Clock on Saturday, the 18th August, 1951.