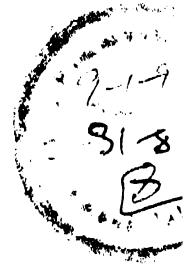


Thursday, 31st May, 1951



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

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PARLIAMENT OF INDIA

1951

THE
PARLIAMENTARY DEBATES
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PARLIAMENT OF INDIA

Thursday, 31st May, 1951

*The House met at Half-past Eight of
the Clock.*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

FACT FINDING COMMITTEE

***4710. Shri Kamath:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that a 'Fact Finding Committee' about Refugee problem in the Punjab was appointed by Government some months ago under the Chairmanship of Justice Khosla of the Punjab High Court;

(b) the terms of reference of the enquiry made by the Committee; and

(c) for how many months, did the Committee work, and the total expenditure incurred thereon?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) and (b). No Fact Finding Committee was appointed under the Chairmanship of Mr. Justice Khosla. A Fact Finding Organisation was however set up by the Ministry of Rehabilitation in October, 1947, to collect factual information relating to the atrocities perpetrated on non-Muslims in West Pakistan.

(c) The Fact Finding Organisation worked from 10th October, 1947 to 10th August, 1948 and the total expenditure incurred on the organisation was about Rs. 1.11 lakhs.

Shri Kamath: Which district in West Punjab did the organisation visit?

Shri A. P. Jain: From the details of the expenditure I have, I find that a total sum of Rs. 800 was spent on travelling allowance by the organisation 119 PSD.

tion and I am therefore led to doubt if they visited any district in West Punjab. But of course they collected a lot of evidence.

Shri Kamath: From the reports available did the Pakistan Government place any impediments in the way of their touring or summoning witnesses for examination?

Shri A. P. Jain: I believe that the hon. Member should have no doubt that Pakistan would not welcome an organisation like that and they would place every possible impediment in the way of the work of that organisation.

Shri Kamath: Did that organisation submit a report to Government ultimately?

Shri A. P. Jain: Yes, it did.

Shri Sondhi: Will the report be released for publication or at least made available to the Members of the House?

Shri A. P. Jain: I cannot promise that.

Prof. S. L. Saksona: Is there any reason why the report was not published and why Members of the House should not see it?

Shri A. P. Jain: The reasons are obvious. It was meant for the guidance of the Government and to be used by them on the appropriate occasion and when that appropriate occasion comes it may be used.

Shri Sidhva: Under the auspices of the Fact Finding Committee the Tata Social Services Institute was invited from Bombay to take statistics of all persons who came from West Pakistan regarding their profession, trade and other particulars. What became of that and will that report be made available?

Shri A. P. Jain: The object of this organisation was a specific one, to

find out and assess facts about the atrocities committed on non-Muslims in Pakistan. As for the information to which the hon. Member has referred, a census has been taken and we have fairly reliable figures.

DELIVERY OF COAL TO AUSTRALIA

*4711. **Shri Sanjivayya:** (a) Will the Minister of Works, Production and Supply be pleased to state whether it is a fact that shipments against contracts to supply coal to Australia are far behind the scheduled time owing to want of shipping facilities?

(b) What arrangements do Government propose to make in order to get over this difficult situation?

The Minister of Works, Production and Supply (Shri Gadgil): (a) Yes, Sir. The delivery is behind schedule.

(b) Every possible assistance is being given to the shippers to charter available steamers at short notice.

Shri Sanjivayya: What is the quantity of coal which India has to supply to Australia according to the contract and how much of it has yet to be delivered?

Shri Gadgil: The contract was for the supply, during the period July, 1950 to June, 1951, of 650,000 tons, out of which only 1,94,194 tons have been shipped.

Shri Sanjivayya: Did any representative of the Australian Government visit India in this connection and if so, what is the result of his talks with the Government of India?

Shri Gadgil: The Minister did come here and we had discussions. We are trying our best to help the shippers, as I have stated in answer to part (b) of the question.

Shri Chaliha: May I know whether the Government of India have approached the U.K. Government for shipping facilities?

Shri Gadgil: The position is that partly it is the responsibility of the firms. They are also doing their best. But the difficulties about shipping are there all over the world and therefore I do not think there is much hope of help from that quarter.

Shri Sondhi: What is the fixed rate, if any, for the supply of coal to Australia?

Shri Gadgil: The coal is supplied at the controlled rates.

IMPORT OF PETROL

*4713. **Shri Rudrappa:** Will the Minister of Works, Production and Supply be pleased to state:

(a) the quantities of petrol imported into India during January, February, March and April, 1951;

(b) whether the shortage is due to the transport difficulty; and

(c) whether any precautionary measures are taken by the Government of India to ensure continuous and systematic import of petrol; and, if so, what are they?

The Minister of Works, Production and Supply (Shri Gadgil): (a) The following quantities of petrol were imported into India:

	<u>gallons.</u>
January, 1951	... 14,515,071
February, 1951	... 7,326,997
March, 1951	... Not available.
April, 1951	... "

(b) Yes.

(c) Government are in constant touch with the major oil Companies, who are doing their best to safeguard our supplies.

Shri Rudrappa: What is the reason for the fall in the import in February?

Shri Gadgil: Sometime it does happen, because tankers are not easily available.

Shri Chattopadhyay rose—

Mr. Speaker: The convention I am establishing is that the person who tables a question must have the fullest chance, and if time permitted, others will have their chance. Mr. Rudrappa.

Shri Rudrappa: As a precautionary measure have Government explored the possibilities of entering into contracts with other Companies than the Persian Oil Company?

Shri Gadgil: There are no other oil Companies and the combination of the oil Companies with which the Government of India deal have given us fairly satisfactory service up to now. Although there are troubles in the area from which the oil is imported into India the position is still satisfactory.

Shri Rudrappa: Is the import of petrol even now continuous and systematic and there is no deficiency?

Mr. Speaker: He has said so already.

Shri Eudrappa: Is it due to inadequacy of storage tanks that difficulty is felt in the import of petrol?

Shri Gadgil: The storage facilities are there for many years. The difficulty is not about the supply at ports. The difficulty has arisen because there are not enough wagons or what are called tankers to take the supply from the ports to upcountry.

Shri Chattopadhyay: Is it a fact that due to the shortage of petrol for over a fortnight in the industrial areas of Asansol and Jamshedpur some sort of rationing has been introduced?

Shri Gadgil: As I answered a few days ago, we have given powers to the State Governments to exercise their right to introduce rationing of petrol or other control, if they thought that the circumstances of the case justified it.

MILL MACHINERY AND MACHINE PARTS

*4714. **Shri S. C. Samanta:** (a) Will the Minister of Commerce and Industry be pleased to state the comparative figures in quantity and price of the import of mill machineries and machine parts from soft as well as hard currency countries during the years from 1947 to 1950 (yearwise and countrywise)?

(b) Which of the imported machineries and machine parts are being experimented to be manufactured in India and by which factories?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Information in the form asked for by the hon. Member is not readily available. The amount of time and labour involved in collecting it will not be commensurate with the results achieved. However, a statement showing the value of imports of machinery and millwork and parts for the years 1948-49, 1949-50, and 1950-51 (April-February) is laid on the Table of the House. [See Appendix XXVIII, annexure No. 1.]. The Chief sources of supply from the hard and soft currency areas have been the U. S. A. and the U. K. respectively and imports from these countries have been shown separately in the statement.

(b) A statement showing the types of machinery and machine parts which are being manufactured in the country together with the names of the Indian manufacturers is laid on the Table of the House. [See Appendix XXVIII, annexure No. 2.]

Shri S. C. Samanta: What facilities and protection are given to those fac-

ories that are producing indigenous machineries?

Shri Karmarkar: I shall require notice.

Shri S. C. Samanta: The jute mill machineries that are imported are to the value of about Rs. 2 crores. May I know whether any protection has been given to the factories that are producing jute mill machineries?

Shri Karmarkar: I shall require notice.

MAINTENANCE ALLOWANCE

*4715. **Dr. Ram Subhag Singh:** Will the Minister of Rehabilitation be pleased to state the time limit for the receipt of applications from infirm and unattached displaced women seeking maintenance allowance?

The Minister of State for Rehabilitation (Shri A. P. Jain): The last date for the receipt of maintenance allowance applications originally fixed was 31st October, 1949. This was extended by more than a year—up to November 30, 1950. Thus the persons concerned have had sufficient time in which to apply. As a result of representations received from certain local authorities, eminent persons and recognised public institutions, permission has, however, been accorded to the local authorities to entertain applications after that date in cases where special hardship is involved.

Dr. Ram Subhag Singh: What is the total amount of money so far given to infirm and unattached women as maintenance allowance?

Shri A. P. Jain: That question has been answered in this House. I think, about half a dozen times. It would be between 2.5 and 3 lakhs per month.

Dr. Ram Subhag Singh: May I know the number of unattached refugee women living in Faridabad and other refugee camps?

Shri A. P. Jain: With all respect, I should submit that this question has nothing to do with the disabled persons, old and infirm, living in camps. It is a question relating to maintenance allowance.

काला अचिंत राम : क्या माननीय मंत्री
कृपा कर के बतलायेंगे कि जो दरखास्तें
मेंटिंस एलाउंस के लिए आई हैं उन में
से अनडिस्पोसब कितनी हैं ?

[Lala Achint Ram: Will the hon. Minister be pleased to state as to how

many applications received in respect of maintenance allowance are still lying undisposed?]

श्री ए० पी० जैन : उन में से २६७ दरखास्तें दिल्ली की हैं। वह तब नहीं हुई हैं, और उन को भी जल्दी खत्म कर दिया जायगा।

[Shri A. P. Jain: Out of them, 267 applications are from Delhi. They are still lying undisposed, but soon they will also be disposed of.]

काला अचिंत राम : अब तक खत्म हो जायेंगी ?

[Lala Achint Ram: How long will it take to dispose them of?]

श्री ए० पी० जैन : कुल ३५,३८१ दरखास्तें आई थीं और उन में से खाली २६७ बाकी हैं। तो कोई परेशानी की बात तो है नहीं।

[Shri A. P. Jain: Out of a total number of 35,381 applications only 267 remain to be disposed of. Therefore, there is nothing to be worried about.]

काला अचिंत राम : यह कितनी पुरानी है ?

[Lala Achint Ram: How old are they?]

Mr. Speaker: Next question.

MANUFACTURE OF NEEDLES

*4716. Shri Jnani Ram: Will the Minister of Commerce and Industry be pleased to state:

(a) whether ordinary sewing needles, sewing machine needles and gramophone needles are manufactured in India;

(b) if so, the quantities manufactured annually; and

(c) if not, the attempts made by Government to install such factories?

The Minister of Commerce and Industry (Shri Mahtab): (a) At present only gramophone needles are manufactured in India.

(b) The manufacture of gramophone needles has commenced only in January, 1951 and it is too early to assess annual production.

(c) Not many parties have so far evinced interest in the industry. Those who have come forward with proposals for starting manufacture of needles, have been given every reasonable facility to obtain plant and machinery, raw materials, technical assistance etc.

Shri Jnani Ram: May I know the quantity of needles imported in 1950?

Shri Mahtab: The total value of all types of needles for which import licences were issued during 1950 was for Rs. 96,315.

Shri Jnani Ram: May I know the time by which we can expect machines for manufacturing of needles.

Shri Mahtab: Manufacture of sewing machine needles will commence in 1952.

Shri Sondhi: The hon. Minister said that facilities are given for the import of machines by persons who desire to install them for manufacture of needles here. May I know what is the result—has any machinery been imported?

Shri Mahtab: As a matter of fact the Needle Industries, Limited, Kotagiri (Nilgiris—South India) are going to start manufacture of sewing machine needles; their machinery will arrive in December. Then we have helped three firms—one in Nagpur and two in Calcutta, to import machinery from Japan. They have placed orders.

Maulvi Wajed Ali: Will the Minister kindly say whether the Usha Sewing Machine Company and other Indian Sewing Machine Companies are manufacturing sewing machine needles here?

Shri Mahtab: The hon. Member refers to sewing machines; we are dealing with sewing needles here.

Shri Kamath: Is the Minister paying any attention to the manufacture of pins as well, besides needles?

Shri Mahtab: At present we are concerned with needles.

Shri Kamath: No pins at all?

COAL PRODUCTION

*4717. Shri Jnani Ram: Will the Minister of Works, Production and Supply be pleased to state:

(a) whether the production of coal in State Collieries has improved since the discussion of the matter in March last; and

(b) if so, the average daily production of coal at present in comparison with the figures for previous years?

The Minister of Works, Production and Supply (Shri Gadgil): (a) Yes, Sir.

(b) The daily average production was 9,980 tons in the month of April, 1951 as against 9,291 tons and 9,732 respectively in the corresponding months of 1950 and 1949.

Shri Jnani Ram: May I know if Government propose wide-scale retrenchment in labour in Government collieries?

Shri Gadgil: The retrenchment has not yet started. What is being done is the preparation of different categories of labourers in each colliery; in the light of that retrenchment will be ordered.

Shri Jnani Ram: Is it not a fact that apprehension has arisen in the mind of labour and consequently production is decreasing.

Mr. Speaker: This is all inferential and argumentative.

Shri A. C. Guha: Some time back it was stated in this House that there was surplus of labour in the Government collieries and that is one of the causes of loss in these collieries. May I know how Government is going to tackle the problem?

Shri Gadgil: As I have stated already, it is the intention of Government to retrench surplus labour. With a view to doing that lists are being prepared colliery-wise.

Shri Chaliha: May I know, if the Government lost Rs. 60 lakhs owing to maldistribution of wagons by the Coal Controller last year?

Mr. Speaker: Order, order. I think he is going much beyond the question.

Shri A. C. Guha: In that connection it was also stated that the distribution of labour in the railway collieries was not evenly done—for instance coal face workers' number was not adequate, so that the production of coal was not proportionate to the total number of workers. How is Government going to tackle that?

Shri Gadgil: During the discussion this point was no doubt made.....

Mr. Speaker: I do not think it requires any reply.

LABOUR WAGES IN MICA FIELDS

*4718. **Shri Jnani Ram:** Will the Minister of Labour be pleased to state:

(a) whether Government have taken steps to fix labour wages under the Minimum Wages Act in mica fields in view of the fact that the Conciliation Award of 1948 is due to expire in July next; and

(b) if so, the steps taken in this regard?

The Minister of Labour (Shri Jagjivan Ram): (a) The State Governments are the appropriate Governments under the Minimum Wages Act, 1948, to fix minimum rates of wages in mica factories in the 'Employment in any Mica works'. As regards mica mines, the Central Government is the appropriate Government under the enactment. In order to avoid duality of control and to fix the responsibility of implementing the provisions of the Act in mica works and in mica factories on a single agency, the Central Government, with the concurrence of the Governments of Madras, Bihar and Ajmer delegated to them the powers of the Central Government under the Minimum Wages Act, 1948.

(b) The Government of Madras have published draft proposals under Section 5(1)(b) of the Act for the information of persons likely to be affected thereby. The Governments of Bihar and Ajmer have constituted Committees under Section 5(1)(a) for advising them to fix minimum rates of wages in the Employment in any mica works. It is hoped that minimum rates will be fixed in the near future.

Shri Jnani Ram: Have Government appointed any Committee to enquire into the matter?

Shri Jagjivan Ram: Yes, Sir. These Committees have been set up to advise Government to fix minimum wages in mica works. They will examine all the questions. They need not make any enquiry into that.

CONFERENCE OF EMPLOYERS AND EMPLOYEES OF BANKS

*4719. **Shri Sidhva:** (a) Will the Minister of Labour be pleased to state whether any conference of representatives of employers and employees of Banks was convened recently?

(b) If so, what was the result of the said conference?

(c) Besides the working hours for employees, was the question relating to extension of banking hours also considered?

The Minister of Labour (Shri Jagjivan Ram): (a) Yes.

(b) An agreement was arrived at between the parties to refer some of the outstanding points in dispute to a Conciliation Board. The employers also generally agreed not to disturb the salary scales, allowances and hours of work which were prevalent on the 1st April, 1951.

(c) Yes.

Shri Sidhva: May I know whether the Conciliation Board has been appointed?

Shri Jagjivan Ram: The Board's function is to conciliate and settle the disputes.

Shri Sidhva: True, but may I know whether the personnel have been selected and the Board constituted?

Shri Jagjivan Ram: Yes, it has been constituted and it has also been gazetted.

Shri Sidhva: May I know whether in this conference the question of revising hours as far as business circles are concerned, (over which the hon. Finance Minister stated that he would certainly give consideration), was considered and, if so, with what result?

Shri Jagjivan Ram: This question was considered incidentally. The main question considered was the hours of work for the employees, and while considering the question of hours of work the question of banking hours also arose and was considered to some extent.

Shri Sidhva: What was the result?

Mr. Speaker: Have Government considered the recommendations, if any?

Shri Jagjivan Ram: As I said, the employers generally agreed not to disturb the pays and allowances and hours of work which were prevalent on 1st April, 1951. So far as the banking hours were concerned, there were divergent views. The workers held that even in these hours of work there was the possibility of increasing the banking hours in order to give more facilities to the public, whereas the employers thought there was none.

Shri Venkataraman: Is it a fact that the bank award did not fix anything with regard to banking hours but only with regard to hours of work for employees, and that the bank

award was not responsible for cutting out the banking hours on Saturdays?

Shri Jagjivan Ram: It is a fact because the dispute was between the employers and the employees, and so far as the Tribunal was concerned it fixed the hours of work for the employees; and during that period what work the employers will take from the employees was left to the employers. So, it cannot be said that the banking hours were reduced as a direct result of the award.

Shri Sondhi: In view of the fact that the bank clients are put to a lot of inconvenience on Saturdays for clearing their cheques, will Government move in the matter?

Shri Jagjivan Ram: The entire question has now been referred to conciliation in which both the employers and the workers are represented, and they will consider this question as well.

IMPORT OF MINERAL OILS

*4720. **Dr. M. M. Das:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether it is a fact that restrictions have been imposed upon the imports of various kinds of mineral oils on account of large scale adulteration of edible vegetable oils with these mineral oils;

(b) if so, the names of the different mineral oils upon the imports of which restriction has been imposed; and

(c) how the imports have been affected by these restrictions?

The Minister of Works, Production and Supply (Shri Gadgil): (a) Yes.

(b) Import restrictions have been imposed on the following lubricants:

White Spindle Oil, Transformer Oil, Switch Gear Oil, Insulating Oil, Medicinal Liquid Paraffin to USP/BP Specifications, and Oils of viscosities 90 seconds and less (Redwood I at 140°F.)

Imports of white Oil have been completely banned.

(c) With the restrictions on imports the Oil Companies are only able to import quantities required *bona fide* for the industries in the country.

Dr. M. M. Das: May I know what are the general purposes for which these oils are generally used and whether by the imposition of these restrictions the consumers who use these oils for purposes other than adulterating vegetable oils have suffered any disadvantage?

Shri Gadgil: These oils are used by the textile industry, the electrical industry and for pharmaceutical purposes. All the suppliers have to make applications to the Petrol Division of this Ministry; those applications are screened, and only on a certificate being issued by this Ministry the Chief Controller of Imports issues licences. In order to stop abuse every oil company has to sell the oil to the customer against a guarantee in writing that it will not be used for any other purposes. At the end of every month these guarantees are transferred to the States concerned who are asked to verify, and in any case where they find an instance of abuse they are asked to take strict action under the Pure Food Laws against the persons found abusing it.

Dr. M. M. Das: May I know how far these restrictions imposed have been successful in checking adulteration of vegetable oils?

Shri Gadgil: I should say there is a fair measure of success.

Shri Sondhi: Has the attention of Government been drawn to a Press report recently published that on account of lack of mineral oils some of the new tractors supplied to the Punjab Government and the general public are not in working order now?

Shri Gadgil: I do not know of any such Press report.

Pandit Munishwar Datt Upadhyay: What is the percentage of reduction in the import of these oils on account of the restrictions imposed?

Shri Gadgil: I cannot give the figure but I can say that the *bona fide* needs of the industry are met.

Pandit Munishwar Datt Upadhyay: What are the quantities required for their *bona fide* needs?

Shri Gadgil: I require notice for that.

Dr. Deshmukh: As a result of these restrictions on imports have the prices of these oils gone up and, if so, by how much?

Shri Gadgil: I do not think there is a price schedule that is prepared by the Ministry and that is generally followed by the Oil Companies concerned.

DEMURRAGE PAID BY STATIONERY OFFICE, CALCUTTA

*4721. **Shri A. C. Guha:** (a) Will the Minister of Works, Production and Supply be pleased to refer to the replies given by him to Starred Question No. 2872 on the 6th April, 1951 regarding the demurrage paid by the Government Stationery Office, Calcutta and state when the consignment of paper lying at the port was detected and by whom?

(b) When was the demurrage of Rs. 14 lakhs paid?

(c) How and when is the recovery of Rs. 11 lakhs expected?

(d) Have Government verified the exact dates on which the consignments of paper arrived?

The Deputy Minister of Works, Production and Supply (**Shri Buragohain**): (a) It is not correct to suggest that somebody suddenly discovered that these consignments of papers were lying unattended to at the port. Paper arrived in large quantities with intimation from the Shippers from the end of 1947-48 till the middle of 1949-50 in quick succession. Clearance from the docks continued throughout the period. The delay in clearance was noticed towards the end of 1949.

(b) The demurrage was paid during the years 1947-48 to 1949-50.

(c) Refunds are made by the Port Commissioners both in cash and by adjustment. Total refund received so far amounts to Rs. 7,23,338/-. The balance claim is still under scrutiny of the Port Commissioners.

(d) Yes, the exact dates of arrival of consignments were verified by special audit staff.

Shri A. C. Guha: May I know when the first consignment was received and when the last consignment arrived?

Shri Buragohain: The first consignment came in September, 1947 and the last consignment arrived in July, 1949.

Shri A. C. Guha: So, there was nearly a period of two years. When was it first detected that the whole lot was lying in the port?

Shri Buragohain: The clearance was going on all the while and accumulations were also increasing. It was not as if the clearance work was entirely neglected.

Shri Sidhva: May I know whether the inquiry made into this matter has

been completed and, if so, with what result?

Shri Buragohain: The Departmental inquiry, as I stated some time ago on the floor of the House, was completed and we were waiting to hear from the Comptroller and Auditor-General the result of the independent inquiry that he was entrusted with. His report has since been received a few days ago. Now the question of framing charges against the particular officers is under the consideration of the Government.

Shri A. C. Guha: Some time ago the hon. Minister stated that two officers were suspended. When were they suspended and are they still under suspension?

Shri Buragohain: Only one officer was suspended, but although he was involved in this particular case he was suspended in relation to quite another matter which happened during the war years.

Shri A. C. Guha: May I know.....

Mr. Speaker: We will go to the next question

Shri Sidhva: Sir, I want to know...

Mr. Speaker: Let us go to the next question. The matter is under inquiry.

Shri Sidhva: You may remember, Sir, that in this matter I had sent notice for a half-hour discussion.....

Mr. Speaker: And he knows I had disallowed it.

Shri Sidhva:.....and therefore, I hope you would allow me the opportunity of putting a question.

Mr. Speaker: No. Next question.

GOVERNMENT BUILDINGS WITHOUT ELECTRIC LIGHT

*4722. **Shri S. N. Das:** Will the Minister of Works, Production and Supply be pleased to state:

(a) the number of Government buildings in New Delhi in which there is no provision for electric light;

(b) the classes of people who are occupying these buildings; and

(c) the reasons for non-supply of electric light to these buildings?

The Deputy Minister of Works, Production and Supply (**Shri Buragohain**): (a) 3521 (quarters).

(b) Class IV Government servants and Work-charged staff.

(c) The question of providing electric installations in these quarters was considered in 1947 but the proposal was held in abeyance in view of the high cost of material and labour and also the heavy load on the electricity supply in Delhi. The matter is however being considered *de novo*.

Shri S. N. Das: Have any of the people occupying these buildings ever applied for installation of electricity?

Shri Buragohain: In fact, this matter was agitated during the days of the old Legislative Assembly and representations were also made to Government. Then the matter was considered and was held over because these quarters were allotted free of rent. Later, on a representation made by the association representing these occupants the matter had been considered again and the principle of the necessity for providing electric installation had been accepted by Government. Owing to the heavy cost of materials this decision, however, was kept in abeyance. The matter has recently been taken up again by Government.

Shri S. N. Das: May I know whether the servants' quarters attached to the different classes of bungalows are fitted with electric lights?

Shri Buragohain: Probably, as a rule they are not. There may be one or two cases where they might have been fitted up with electricity.

Shri S. N. Das: May I know whether it is a fact that inside New Delhi area there are buildings outside of which there is a flood of light and inside there is no light?

Mr. Speaker: Order, order.

Shri Kamath: Is it a fact that there are some Government hostels which are fully equipped with electric installations but the servants' quarters attached to them have not got a single electric bulb, though the House Committee of Parliament has made a recommendation to that effect?

Shri Buragohain: Sir, I would like to have notice of the question because, as far as I know, I am not aware of any such recommendation made by the House Committee of Parliament.

Shri Dwivedi: May I know what was the reason for not supplying electricity to these servants' quarters?

Shri Buragohain: I have already explained it. It is because they are allotted free and no rent is charged in respect of them. But the matter

is now under consideration, and the costs and other things are being enquired into.

Pandit Munishwar Datt Upadhyay: Although rent is not charged for these quarters, may I know what is the approximate rental value of these quarters?

Shri Buragohain: I would like to have notice of it, because it will depend on the construction costs and other things.

PRODUCTION OF POWER ALCOHOL

*4725. **Shri Sanjivayya:** (a) Will the Minister of Commerce and Industry be pleased to state what is the quantity of power alcohol produced in India during 1950-51?

(b) What steps are Government taking to popularise the use of power alcohol with petrol?

(c) In which State is it used in a large quantity?

The Minister of Commerce and Industry (Shri Mahtab): (a) 47,27,626 gallons.

(b) Does not arise as the use of petrol blended with power alcohol is statutorily enforced in those areas where power alcohol is available and facilities for such blending at the petrol depots exist. No straight petrol is sold in such areas.

(c) Uttar Pradesh is the largest consumer. Delhi, Hyderabad, Bihar and Mysore come next in order of consumption.

Shri Sanjivayya: Which is the State which produces the largest quantity of power alcohol?

Shri Mahtab: Uttar Pradesh.

Shri Amolakh Chand: In view of the fact that petrol consumption in India is about 2½ million tons and the import from the Persian Companies is to the tune of 2 million tons, may I know what steps Government are taking to expedite the further production of power alcohol in Uttar Pradesh?

Shri Mahtab: I do not know what further steps could be taken. It is now statutorily enforced that no straight petrol should be used and that power alcohol must be blended with petrol. As the hon. Member knows, the manufacture of power alcohol depends on the supply of molasses, and in that respect I think there is no complaint in U.P. but there is some complaint in Mysore.

There the production of power alcohol is reported to be not regular.

Shri Sanjivayya: Have Government received any representation from any Automobile Association complaining that the use of power alcohol with petrol impairs the efficiency of the machines?

Shri Mahtab: That sort of complaint was received some time ago and it was investigated by various authorities. It was found that the complaint was baseless.

Shri Rudrappa: May I know the quantity of power alcohol produced in Mysore?

Shri Mahtab: In 1950 the production in Mysore was 13,680 gallons, but from about a year ago the production has become irregular and now the production is negligible.

Shri Shankaraiya: May I know whether any percentage of this power alcohol is reserved for agricultural purposes?

Shri Mahtab: If the hon. Member wants to know how much is used in running tractors etc., we have not got separate figures. But in U.P. and all these Provinces where there is statutory obligation to blend power alcohol with petrol I am quite clear in my mind that it is being done with regard to tractors also.

Shri Sarangdhar Das: May I know how much power alcohol is produced in Bihar?

Shri Mahtab: The production in Bihar in 1950 was 1,13,325 gallons and in the period January to March, 1951 it was 88,948 gallons.

EXPORTS TO CHINA

*4726. **Shri Rathnaswamy:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total quantity of rubber and other materials exported by India to China in the last two years; and

(b) whether these were on a barter basis or on other terms?

The Minister of Commerce and Industry (Shri Mahtab): (a) The attention of the hon. Member is invited to the statement laid on the Table of the House on the 28th May, 1951 in answer to part (a) of the Starred Question No. 4587.

(b) These were through normal trade channels, except for a small quantity of gunnies which were exchanged on a barter basis for rice during 1950-51.

Shri Rathnaswamy: Is it a fact that China insisted on getting Indian rubber as a condition for giving food-grains to India?

Shri Mahtab: That is not a fact.

Shri Kamath: Has the Chinese Government made any recent demand for increased supplies of jute and rubber tyres from India?

Shri Mahtab: There has been no such demand.

Dr. Ram Subhag Singh: May I know whether rubber export to China has in any way been affected by the recent decision of the U.N. Sub-Committee to place an embargo on the export of strategic war materials to China?

Shri Mahtab: Long before this decision of the U.N.O. we had banned the export of tyre to any country, not only to China but to any other country because of our short supply here.

Shri Rathnaswamy: May I know if the decision of the U.N.O. to place an embargo on the export trade with China has in any way affected our trade relations?

Shri Mahtab: Not yet.

Shri Rathnaswamy: What is the normal trade route along which the trade is being carried on between India and China?

Mr. Speaker: I am afraid it is going much beyond the scope of the question.

Shri Rathnaswamy: I want to know whether the trade route has in any way been affected by the recent decision of the U.N.O.

Mr. Speaker: That he said.

Shri Mahtab: Not yet.

OFFICERS LENT TO U. N. O.

*4727. **Shri Rathnaswamy:** Will the Prime Minister be pleased to state:

(a) how many officers have so far been lent to the different departments of the United Nations Organisation by the Government of India; and

(b) whether these posts are held by these officers on a contract basis and if so, what is the maximum and minimum number of years for which their services are loaned?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). The information asked for by the hon. Member is being collected and will be placed on the Table of the House.

Shri Rathnaswamy: May I know whether the Government have any information as to whether these officers were lent from the Centre or from the States also?

Dr. Keskar: Both. There are officers lent by the Centre and also by the States. But I will not be able to answer the question until I get more information.

Shri Rathnaswamy: May I know whether the officers lent to the U.N.O. will be governed by the Government Servants' Conduct Rules of India or by any other rules and regulations?

Dr. Keskar: That will be indicated in the information which will be laid on the Table.

Shri Sidhva: Is not information kept in the External Affairs Ministry of the officers lent from that office to the U.N.O.?

Dr. Keskar: No, Sir.

Shri Hussain Imam: May I submit Sir, that the statements promised to be laid on the Table of the House are not available to Members till months after they are so placed? Because the copy which is printed is very much delayed. And may I therefore request you to order that the questioner may get the copy as soon as it is laid on the Table of the House?

Mr. Speaker: It seems that the hon. Member has completely lost sight of the existing practice, I believe, for nine months at least the practice is that whenever a statement is given in reply to a question, the fact that a statement is given in respect of question number so-and-so is notified and a list of the questions with the statements is also placed on the Notice Board of the Notice Office; and the Member putting the question, if he cares to have a copy of the question is supplied with that copy.

Shri Hussain Imam: It is a very good innovation of which they have taken advantage of. Questions in respect of which answers are not immediately available would be laid on the Table of the House. I may draw attention.....

Mr. Speaker: With reference to that, the practice has been that when the statement is laid or information promised is collected, it is forwarded to the Parliament Secretariat. The Parliament Secretariat or the Minister for Parliamentary Affairs then makes a statement before the House stating that the information or the statement promised in respect of

questions so and so has been laid on the Table or the Library of the House. That is the practice. So far as the printed reports are concerned, in spite of every attempt to expedite, it is very difficult to bring out the printed report, apart from other difficulties, especially because of the increased pressure of printing matter. I do not think it is possible.....

Shri Hussain Imam: A copy may be forwarded to the questioner from the cyclostyled copies that are made available.

Mr. Speaker: The hon. Member is confounding again. These copies are supplied to the Parliament Secretariat for being placed on the Table of the House. Naturally, they cannot be forwarded to each Member separately as and when they are ready. It becomes a difficult matter.

Next question.

TRADE WITH PAKISTAN

*4728. **Dr. Deshmukh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the date on which the Government of India recognised the exchange rate between the Indian and Pakistan rupee;

(b) the value of goods in Indian rupees imported from and exported to Pakistan from that date upto the 30th April, 1951;

(c) if complete information is not available, the value of the export and import transactions on Government account; and

(d) whether any definite agreement for exchange of goods has been entered into and if so, what it is?

The Minister of Commerce and Industry (Shri Mahtab): (a) 27th February, 1951.

(b) and (c). The values in Indian rupees of goods imported from and exported to Pakistan from the 27th February, 1951 to the 30th April, 1951 are Rs. 3,88,44,931 and Rs. 3,34,44,518 respectively.

(d) The hon. Member's attention is invited to the Indo-Pakistan Trade Agreement of February, 1951, copies of which are available in the Library.

Dr. Deshmukh: May I know, if on the whole the trade between India and Pakistan is on the increase or decrease since the date of the agreement?

Shri Mahtab: It is on the increase.

Dr. Deshmukh: Is there any possibility of getting any cotton from Pakistan?

Shri Mahtab: That depends on the prices. Because of the prices of Pakistan cotton, it is not being imported now.

Shri A. C. Guha: May I know what would be the estimated adverse balance of trade under this agreement?

Shri Mahtab: That would depend on the actual import and export. Up till now the balance of trade is against us to the extent of Rs. 54,00,413.

Shri Hussain Imam: May I know whether the reduction in export duty on Egyptian cotton had any effect on the cotton prices of the world?

Shri Mahtab: I cannot say. It is beyond the scope of this question.

Shri Kamath: May I know if the expectations entertained at the time the agreement was entered into have been realised?

Shri Mahtab: It is a question of opinion, but in my opinion it has been realised.

Shri S. C. Samanta: May I know what was the time limit agreed to by both the parties? Has it been observed up till now?

Shri Mahtab: The time schedule is not been observed by both the parties on account of various factors over which neither side has any control.

BICYCLES

*4729. **Dr. Deshmukh:** Will the Minister of Commerce and Industry be pleased to state:

(a) what the target of production of bicycles in India for the year 1951 is;

(b) the number of Indian technicians who will be trained by companies which have entered into agreement with foreign firms for manufacture of bicycles; and

(c) the number of bicycles proposed to be imported in 1951?

The Minister of Commerce and Industry (Shri Mahtab): (a) About 1,17,000.

(b) Three Indian firms have entered into foreign participation for the manufacture of bicycles. In their agreements, it has been provided for the training of Indian personnel by their foreign collaborators, but the number of persons to be trained has not been specified.

(c) Statements showing the number and value of bicycles imported against period January to March, 1951 and licences issued for January to June, 1951 are laid on the Table of the House.

STATEMENT I

Cycles imported whole or in part during the period January to March, 1951.

Period	Quantity	Value
	(Nos.)	(Rs.)
January to March, 1951.	57,321	51,11,000

STATEMENT II

Value of licences issued for import of bicycles against January to June, 1951.

Value of licences to established importers.	Value of licences to new comers.	Total
Rs.	Rs.	Rs.
26,98,906	39,42,716	66,41,622

Dr. Deshmukh: May I know what is the total number of foreign firms which are proposing to manufacture bicycles in India?

Shri Mahtab: As I have already said three Indian firms have entered into participation with foreign firms. No foreign firms by itself and without any collaboration with any Indian firm has set up any plant here.

Dr. Deshmukh: Are there any negotiations going on with any additional foreign firm with respect to manufacture of bicycles?

Shri Mahtab: Yes. Negotiations are going on between some firms here and some other firms abroad.

Dr. Deshmukh: How many?

Shri Mahtab: I have no exact information at the moment.

श्री गोविंद दास : क्या हिन्दुस्तान में बाइस्किक्लस जो हर वर्ष बनाई जा रही हैं, उन की संख्या बढ़ रही है और अगर बढ़ रही है, तो गवर्नमेंट कब तक यह जांच करती है कि हिन्दुस्तान में बाइस्किक्ल बाहर से मंगाने की ज़रूरत नहीं रहेगी ?

[Seth Govind Das: Is the annual production of bicycles in India increasing and if so, when do the Government

expect that it would not be necessary to import any more bicycles in India?]

श्री महताब : बाइस्किक्लस यहाँ पर बनने की तादाद बढ़ने के साथ साथ उन की डिमाण्ड भी बढ़ रही है और उस के लिये हम बाहर से इम्पोर्ट भी बढ़ाते जा रहे हैं।

[Shri Mahtab: Along with the increase in production the demand for bicycles is also increasing and therefore, we are also increasing their import.]

Shri Shiv Charan Lal: Will Government be pleased to state whether all the parts necessary for the bicycle are manufactured here or some parts are imported from outside?

Shri Mahtab: All the parts are not manufactured here. Some parts are imported.

Shri Hussain Imam: The hon. Minister, in reply to part (c) of the question, gave the value of the bicycles to be imported. Does it include the part or whole cycles?

Shri Mahtab: The figures which I have given are with regard to complete bicycles.

Mr. Speaker: Order. order. Next question.

FOREIGN FIRMS

*4730. **Dr. Deshmukh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Government of India scrutinize the agreements of foreign firms which start manufacture of goods in India and if so, whether it is seen that the maximum number of Indians shall be trained in the minimum of time;

(b) whether there are any agreements with foreign firms which do not contemplate training of Indians; and

(c) whether it is Government's policy to see that as early as possible all foreign firms employ Indian personnel to the maximum possible extent and if so, what steps are taken to realize this objective?

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

(b) No, Sir.

(c) Yes, Sir. It has been decided that the Controller of Capital Issues will keep a watch over the progress

of such firms with the help of the Ministry of Commerce and Industry.

Dr. Deshmukh: Is the Government aware as to what percentage of employees of foreign firms consists of Indian personnel?

Shri Mahtab: I think the hon. Member means the 'joint' firms. Government had previously no machinery to investigate into these things. Now the machinery has been set up and I shall be able to give the information as early as possible.

Shri Shiv Charan Lal: Are any conditions imposed upon the foreign firms to have certain percentage of Indian share money?

Shri Mahtab: How can there be any collaboration then? Collaboration means joint investment.

Mr. Speaker: Next question.

DISPLACED HARIJANS REHABILITATION BOARD

*4731. **Shri Sanjivayya:** Will the Minister of Rehabilitation be pleased to state:

(a) whether any grant was given by the Ministry of Rehabilitation to the Displaced Harijans Rehabilitation Board in 1949-50 and 1950-51; and

(b) if so, how much?

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

(b) Rs. 75,000/- for 1949-50 (9 months) and Rs. 1,00,000/- for 1950-51.

Shri Sanjivayya: Have Government issued any directive to this Board with regard to the manner and the purpose for which these grants should be utilized?

Shri A. P. Jain: These grants are made only to provide the expenses of administration of the Harijan Board and all other expenses by way of rehabilitation are borne by Government.

Shri Sonavane: What percentage this amount bears to the total amount spent on the displaced persons.

Shri A. P. Jain: The total budget figures are there i.e., Rs. 34.85 lakhs. This is only Rs. one lakh out of this.

Shri Sonavane: Is there any proposal before the Government to increase this grant to the Rehabilitation Board?

Shri A. P. Jain: On the other hand I have reduced this grant for 1951-52

on the basis of the revised figures of 1950-51.

Mr. Speaker: Next question.

Dhories AND Sarees

*4732. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Commerce and Industry be pleased to state whether the production of dhories and sarees has gone up according to Government's directive to all the textile mills in India?

(b) Has the scarcity of these articles been relieved in any appreciable degree by now?

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

(b) Yes, Sir.

Shri Kishorimohan Tripathi: May I know what was the total production in March and what is it now?

Shri Mahtab: The hon. Member will have an idea if I give him the comparative figures for 1950 and for a few months of 1951:

The monthly average packing for civil consumption in 1950 was 16,610 bales of dhories. Packing for civil consumption for the months of January, 1951 9,179 bales. For the month of February 12,233 bales and for March 21,825 bales. Similarly the monthly average packing for civil consumption in 1950 in sarees was 18,665 bales. Packing for civil consumption in 1951 for the month of January was 7,326 bales, February 12,069 bales and March 15,278 bales.

Shri Kishorimohan Tripathi: Has any instance come to the notice of Government where any textile mill has violated the instructions of Government with regard to the production of sarees and dhories?

Shri Mahtab: No, Sir.

श्री जांगड़े : क्या माननीय मंत्री बतलायेंगे कि किसी विदेशी राज्य में भारत से प्रोतिया और साड़ियां निर्यात की जाती हैं।

[**Shri Jangde:** Will the hon. Minister be pleased to state whether dhories and sarees are exported from India to any foreign country?]

Shri Mahtab: I do not think so.

श्री द्विवेदी : मैं यह जानना चाहता हूँ कि सरकार के आवासनों के बावजूद भी

कस्टोड की स्टिक दुकानों में बोलियाँ और साड़ियाँ नहीं मिलती, इसका क्या कारण है ?

[Shri Dwivedi: May I know the reason of non-availability of dhoties and sarees at the control retail shops in spite of the assurances given by the Government?]

Shri Mahtab: Complaints to that effect have been received by me and I am making personal enquiries as to why the additional supply is not available to the consumers. It seems to me that there is some looseness somewhere in the administration of the controls in the States. That has been taken up now.

श्री ऐस० ऐन० दास : बोलियों और साड़ियों के उत्पादन के सम्बन्ध में हाल की जो सरकारी आज्ञा है, उस के मुताबिक बनी हुई बोलियाँ और साड़ियाँ बिहार में कितनी भेजी गयी हैं।

[Shri S. N. Das: How many dhoties and sarees have been sent to Bihar under the recently issued Government orders regarding the production of dhoties and sarees?]

Shri Mahtab: I cannot give that information offhand. If the hon. Member puts a separate question, I can give the State-wise distribution.

Shri Kishorimohan Tripathi: May I know in respect of the additional production or increased production, what portion is superfine and fine variety and what portion is coarse variety?

Shri Mahtab: Roughly, we may take it that fine and superfine would be about 25 per cent. of the total production.

PENSION AND PROVIDENT FUND OF DISPLACED PERSONS

*4733. Shri Sidhva: Will the Minister of Rehabilitation be pleased to state:

(a) what is the cause of delay in the provisional payment of pensions and provident funds to displaced persons; and

(b) when payment will start?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) It always takes time to set up a new procedure and organisation. Instructions for payment had to be issued by the Auditor-General to the Accountants-General and audit officers. These

took some time to clear. Clear instructions for making payments against the authorizations issued by the Central Claims Organization have since been issued by the Comptroller and Auditor General of India on 8th May, 1951.

(b) Now that authorities have issued and the Comptroller and Auditor-General has also issued the necessary instructions, the Accounts Officers in India should commence payments in all those cases where authorities have been issued.

Shri Sidhva: How many cases for payment of pension have been received and how many are likely to be disposed of immediately?

Shri A. P. Jain: Altogether 3,641 cases have been received out of which 1529 have been disposed of. The rest are in the process of being disposed of.

Shri Sidhva: In these 1529 cases which the hon. Minister states to have been disposed of, will payment be made now immediately?

Shri A. P. Jain: Not in all the cases. Some cases have been rejected. In other cases, full details had not been given and they have been sent back to the claimants to complete the details. In all cases in which instructions have been issued, payment will be made. The procedure is that at the end of the month next following we will get the figures from the Comptroller and Auditor-General as to the amount of payment that has been made in the previous month.

Shri Sidhva: Is there any difference of opinion between the Rehabilitation Ministry and the Comptroller and Auditor-General regarding the procedure in this matter which has caused the delay?

Shri A. P. Jain: None, whatsoever. A slight delay has been caused on account of the fact that the office of the Comptroller and Auditor-General was being shifted from Simla to Delhi. We made the request in the month of March. On account of shifting, the sanction could not be issued before the 9th May, 1951.

Shri A. C. Guha: May I know if the Government has taken any action as regards payment of pension and provident fund for the East Bengal refugees as well?

Shri A. P. Jain: I believe it only applies to the West.

NEWSPRINT

*4734. **Shri Sidhva:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Government have been able to secure some newsprint from the Pulp and Paper Commodity Group;

(b) if so, what is the quantity and at what price; and

(c) when is the newsprint likely to arrive in India?

The Minister of Commerce and Industry (**Shri Mahtab**): (a) to (c). The fact is that the Pulp and Paper Committee of the International Materials Conference, Washington, is examining the question of emergency allocation of newsprint to countries in dire need of the commodity, and India is considered as one of these countries. Certain statistical information which was required urgently by the Committee has been furnished. The allocation has not yet been made.

Shri Sidhva: In the information supplied by the hon. Minister, what quantity has he stated that India will require?

Shri Mahtab: For this year, we would require 31,000 tons.

Shri Sidhva: This year means up to December, 1951?

Shri Mahtab: Yes.

CAPITAL REQUIREMENTS OF NEPA MILLS

*4735. **Shri Kamath:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the attention of Government has been drawn to a Press note issued by the Madhya Pradesh Government on the 28th April, 1951, explaining the position regarding the capital requirements of Nepa Mills in Madhya Pradesh;

(b) whether Government have decided to give any financial assistance to the Nepa Mills; and

(c) if so, to what extent?

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

(b) and (c). No financial assistance has been given by the Central Government so far. The matter is still under consideration.

Shri Kamath: Is the Press note issued by the Government of Madhya Pradesh correct in stating that the

answer given by the Minister here in Parliament on the subject on the last occasion was incorrect?

Shri Mahtab: According to that statement they do not require as much as I once stated in the House. According to our information, they require as much. This will have to be settled by discussion and not by long range press statements.

Shri Kamath: What was the loan asked for by the Madhya Pradesh Government?

Shri Mahtab: At different times they have mentioned different figures. That has created the misunderstanding.

Shri Kamath: What is the latest figure?

Shri Mahtab: There is no latest request; it is a long process of correspondence.

Shri Kamath: Is it a fact that the report of the Shroff Committee which was appointed by the Madhya Pradesh Government some time last year has been published? If so, what are its recommendations in regard to the Nepa Mills?

Shri Mahtab: If the report is published, the hon. Member can find out what the recommendations are.

Shri Kamath: Has the Shroff Committee made any definite recommendation in regard to the financing of the Nepa Mills project and what help from the Centre has been suggested by the Shroff Committee?

Shri Mahtab: The Shroff Committee has made no recommendation for the financing of the scheme by the Central Government. They have simply made recommendations with regard to how the scheme itself can be financed by whatever source it is possible.

Mr. Speaker: Next question.

Seth Govind Das: One question, Sir

Mr. Speaker: Let us proceed to the next question.

RENTAL INCOME FROM EVACUEE PROPERTIES

*4736. **Shri Kamath:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that under the Inter-Dominion Agreement, settlement of accounts of rental income from evacuee property in Pakistan and India has to be made every six months, and the money collected is to be disbursed through Government to displaced owners;

(b) whether it is a fact that Pakistan has not paid a single pie in this direction; and

(c) if so, what steps have been or are being taken by Government in this matter?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) An agreement, to exchange the statement of rent of evacuee property every six months by both the Dominions was reached at the Inter-Dominion Conference held at Karachi in January, 1949. It was found soon after that the Pakistan Government decreased the rent of urban property and was unwilling to recover rents for agricultural property.

(b) Yes.

(c) In view of the attitude of the Government of Pakistan, the Government of India had no alternative except to continue to retain in India the rent recovered from evacuee property in India.

Shri Kamath: Am I to understand that as a measure of reciprocity Government have not paid anything to Pakistan in this direction?

Shri A. P. Jain: Exactly.

Shri Hussain Imam: Is it a fact that the Custodian at Karachi paid an amount of five lakhs in February-March this year?

Shri A. P. Jain: Not on this account.

Mr. Speaker: I think the Question-hour is over.

WRITTEN ANSWERS TO QUESTIONS

COTTAGE INDUSTRIES EMPORIUM, NEW DELHI

*4712. Shri Mudgal: (a) Will the Minister of Commerce and Industry be pleased to state whether there is any proposal under consideration to run the Cottage Industries Emporium, New Delhi, on commercial lines; and, if so, on what terms?

The Deputy Minister for Commerce and Industry (Shri Karmarkar): The Question of running the Cottage Industries Emporium on commercial lines is under consideration.

IRON ORE

*4723. Shri M. Naik: (a) Will the Minister of Commerce and Industry be pleased to state which are the countries

that are the main consumers of our iron ore surplus?

(b) Is it a fact that export of iron ore to Japan is expected to yield higher exchange earnings and yet lack of transport facilities is handicapping this export trade?

The Deputy Minister for Commerce and Industry (Shri Karmarkar): (a) Japan is the main consumer of our iron ore.

(b) There are occasional difficulties. The existing transport facilities have however been able to handle the normal traffic in iron ore meant for export.

METALLURGICAL COAL

*4724. Shri M. Naik: (a) Will the Minister of Works, Production and Supply be pleased to state whether it is a fact that a revision has been effected in the export policy of metallurgical coal from India?

(b) What is the internal annual consumption and output of this variety of coal in India?

The Minister of Works, Production and Supply (Shri Gadgil): (a) Yes, as a temporary measure.

(b) 11,334,903 and 14,560,939 tons respectively during 1950.

IMPORTS

*4737. Shri Jhunjunwala: Will the Minister of Commerce and Industry be pleased to state:

(a) how much of the goods imported in 1950-51 from various countries as a result of Bilateral Trade Agreements are classified as essential consumer goods and non-essential consumer goods; and

(b) the balance of trade in 1950-51 with the countries with which we have Bilateral Trade Agreements?

The Minister of Commerce and Industry (Shri Mahtab): (a) A statement containing the available information is laid on the Table of the House. [See Appendix XXVIII, annexure No. 3.]

(b) At the present moment, India has Bilateral Trade arrangements with the following countries:

- (i) Austria.
- (ii) Egypt.
- (iii) Finland.
- (iv) Western Germany.
- (v) Hungary.
- (vi) Indonesia.

(vii) Pakistan.

(viii) Poland.

(ix) Spain.

(x) Sweden.

A statement containing the figures of balance of trade with these countries for the year 1950-51 (April-February) is also laid on the Table. [See Appendix XXVIII, annexure No. 4.]

CONFERENCE OF MINISTERS OF STATES

*4739. **Shri V. K. Reddy:** Will the Minister of Commerce and Industry be pleased to state:

(a) the result of the deliberations at the recent States Ministers' Conference regarding the position of cloth and yarn in various States; and

(b) the steps Government propose to take to implement the decisions taken at the Conference?

The Minister of Commerce and Industry (**Shri Mahtab**): (a) and (b). The States Ministers' Conference considered the question of distribution of cloth and yarn in the States and their major recommendations were that:

- (i) The quotas of cloth should be fixed on a flat per capita basis for every State with an additional allowance for large concentrations of urban population.
- (ii) The quantum of mills' free-sale cloth be reduced from 33½ per cent. to 20 per cent. the first charge being exports within this percentage.
- (iii) Control over the powerloom cloth be imposed.
- (iv) Transmission of cloth and yarn by post parcels be banned.
- (v) In respect of cloth from non-selected mills, bale to bale distribution be introduced.
- (vi) Separate quota should be allotted by the Centre to each State for the handloom, powerloom and other ancillary industries on the basis of figures supplied by the State of the number and capacity of handlooms, powerlooms, etc.

Orders have been issued for implementation of the above recommendations.

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TIMARPUR CLERKS' QUARTERS

*4740. **Shri Dwivedi:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether it is a fact that cracks have developed in the walls of clerks' and peons' quarters at Timarpur?

(b) whether it is a fact that some balconies of the same quarters have sagged;

(c) whether the cement, mortar and cement concrete used in the construction of these quarters were tested and whether they were found to be in order;

(d) the causes of cracks, etc.;

(e) the amount of financial loss, if any, resulting because of defective materials used and bad construction, etc.; and

(f) whether any action has been taken against anybody responsible for this?

The Deputy Minister of Works, Production and Supply (**Shri Buragohain**): (a) No cracks have developed in the walls of these quarters, though in two or three of the clerks' quarters some cracks have developed at the joints of reinforced cement concrete slabs.

(b) No. A visible slope occurred in some of the balconies at the time of construction, but it is not a case of sagging.

(c) Yes.

(d) The few cracks noticed in the clerks' quarters are due to expansion and contraction of the reinforced cement concrete slab and the shrinkage of concrete during setting.

(e) Nil.

(f) Does not arise.

PILGRIMS FROM PAKISTAN

*4741. **Maulvi Wajed Ali:** Will the Prime Minister be pleased to state:

(a) the number of pilgrims from Pakistan who visited Ajmer during the last Urs held from the 9th to 14th April, 1951;

(b) whether it is a fact that these pilgrims had to stop for about 12 hours at Delhi Railway Station on their way to Ajmer from Lahore;

(c) whether it is a fact that these pilgrims had difficulties in arranging buses and escorts for visiting religious places and tombs in Delhi and near about and could only visit three such places;

(d) who looks after these pilgrims during their journey and stays at intermediate stations; and

(e) whether Government propose to provide facilities to such pilgrims for visiting religious places during their stay at intermediate stations, if asked for by them?

The Deputy Minister of External Affairs (Dr. Karkar): (a) 87.

(b) Yes.

(c) Information is being collected and will be laid on the Table of the House when it becomes available. But in the meantime, the attention of the hon. Member is drawn to the fact that no request had been received by the Government of India for any facilities for visits to shrines in Delhi.

(d) Police escorts are provided for that purpose.

(e) This is not practicable as it would be extremely difficult to make the necessary arrangements at intermediate stations.

EXPORTS AND IMPORTS

357. Dr. Ram Subhag Singh: (a) Will the Minister of Commerce and Industry be pleased to state the total value of imports into India from all sources including Pakistan during the period January to April, 1951?

(b) What is the value of total food imports during the same period?

(c) What is the total value of India's exports to the same sources during the same period?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Rs. 2,24.23 lakhs approximately. This does not include the value of imports by land, figures for which are not readily available.

(b) The value of total food imports during January to March, 1951 was Rs. 28.81 lakhs. This figure does not include the value of the food imports for March, 1951 at the ports of Saurashtra and Travancore-Cochin. The figures for April, 1951 are not yet available.

(c) The total value of India's exports during the period January to April, 1951 was Rs. 2,49.98 lakhs. This figure does not include the value of exports by land during the month of April, 1951 as the information is not yet available.

TOWNSHIP NEAR HASTINAPUR

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

(a) whether it is a fact that a new township is to be constructed near Hastinapur;

(b) if so, the cost of the same; and

(c) whether plans and estimates have been finally prepared and sanctioned?

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

(b) Rs. 30.36 lakhs.

(c) Yes, the township is under construction.

GROUND-NUT AND GROUND-NUT OIL

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

(a) the periods during which export of groundnut and groundnut oil was permitted during 1950;

(b) what the quantity of groundnut and groundnut oil exported from India during 1950 was;

(c) what the number of licence holders who exported the goods was;

(d) what the prices prevailing in India were during the period when export was allowed and at what price the contracts for export were made;

(e) what was the margin of profit to the exporters per ton;

(f) whether any export quota for the year 1951 has been fixed; and, if so, what it is;

(g) whether it is a fact that these quotas are announced when groundnut is sold by producers and is with the trader;

(h) what was the minimum and maximum price per ton that was obtained by the grower in the year 1950 and what prices did the traders and exporters get; and

(i) whether free export of groundnut and groundnut oil is permitted at the present time; if not, when it was stopped and how long the ban will last?

The Deputy Minister of Commerce and Industry (Shri Karmarkar):

(a) Export of groundnut oil was permitted throughout the year 1950. The export of groundnut was, however, prohibited during the period February to September, 1950.

(b) The quantity of groundnut and groundnut oil exported from India in 1950 was 96,653 tons and 34,131 tons respectively.

(c) Information is not readily available.

(d) A statement showing the wholesale prices of groundnut and groundnut oil during 1950 is placed on the Table of the House. [See Appendix XXVIII, annexure, No. 5.] The prices at which contracts for export were made are not available.

(e) Information is not readily available.

(f) A quota of 1,00,000 tons of groundnut and groundnut oil in terms of oil was fixed for the year July, 1950 to June, 1951.

(g) No, Sir. An export quota was announced for the year 1950-51 in the month of September, 1950 while the groundnut crop starts moving to the market from the beginning of November only.

(h) Information is not available.

(i) No, Sir. Exports up to a certain percentage of the sales registered in March-June period are allowed at present.

COST OF LIVING OF FACTORY WORKERS

360. Shri Kishorimohan Tripathi: (a) Will the Minister of Labour be pleased to state how the average cost of living in respect of factory workers stood at Kanpur, Bombay, Calcutta, Ahmedabad and Delhi during April, 1950 and April, 1951?

(b) Did the average real earning of the workers rise or fall proportionately?

The Minister of Labour (Shri Jagjivan Ram): (a) No family budget enquiry among the working class population has been conducted in recent years in the cities in question. As such, the average cost of living data are not available. However, the working class cost of living index numbers are being compiled and published regularly on the basis of family budget enquiries conducted previously. A statement is appended showing such numbers for the cities in question. [See Appendix XXVIII, annexure No. 6.] Figures for April, 1951 are not yet available for centres other than Kanpur. The figures for March, 1951 have therefore been given for those centres.

(b) The rates of dearness allowance paid to the workers in order to compensate for the rise in cost of living

vary from industry to industry and from unit to unit in the same industry at the same centre. A statement showing the rates of minimum basic wage and dearness allowance generally paid to the cotton mill workers at the centres in question is appended. [See Appendix XXVIII, annexure No. 7.] It will be seen therefrom that the dearness allowance is linked with the cost of living index numbers at all the centres except Calcutta where the allowance is paid at a flat rate. In some cases the dearness allowance has kept pace with the rise in the cost of living index numbers.

TRADE WITH U. K.

361. Shri Jhunjhunwala: Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity and value of our imports from the U.K. in the years 1933-39, 1948-49, 1949-50 and 1950-51, separately in regard to each of the items listed in Schedule IV of the Indo-British Trade Agreement of 1939;

(b) the percentage share of these imports to total imports from U.K. in those years;

(c) the quantity and value of our exports to U.K. in the years 1938-39, 1948-49, 1949-50 and 1950-51 separately in regard to each of the items listed in Schedule I of the Indo-British Trade Agreement of 1939; and

(d) the percentage share of these exports to our total exports to U.K. during those years?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) to (d). Two statements furnishing the required information to all the four parts of the question for the years 1938-39, 1948-49, and 1949-50 are placed on the Table of the House. [See Appendix XXVIII, annexure No. 8.] Figures for the year 1950-51 are not readily available.

CONSUMER GOODS (IMPORTS)

362. Shri Jhunjhunwala: Will the Minister of Commerce and Industry be pleased to state:

(a) the total value of consumer goods imported into India in 1950-51, excluding foodgrains;

(b) how much of these imports are classified as essential consumer goods and non-essential consumer goods; and

(c) the list and value of these goods separately for essential and non-essential goods.

The Minister of Commerce and Industry (Shri Mahtab): (a) to (c). It is not clear what the hon. Member

means by 'consumer goods'. I would invite the hon. Member's attention to the Seaborne Trade Returns which give import figures in some detail. Taking the expression to mean finished articles used in that form by the consumer, and excluding finished articles as well as other materials which are used in the process of production, storage or transport, a list of broad categories of such goods is laid on the Table of the House. The total value of goods included in this list imported during 1950-51 is Rs. 48.65 crores.

Essentially is a matter of degree and cannot be rigidly defined. I can assure the hon. Member that nothing which is really unessential is allowed to be imported.

STATEMENT

List of consumer goods showing the main heads only.

- (1) Fish (excluding canned fish).
- (2) Fruits and Vegetables.
- (3) Provisions and Oilman's stores.
- (4) Spices.
- (5) Sugar.
- (6) Other food and drink.
- (7) Fodder, Bran and Pollard.
- (8) Drugs and Medicines.
- (9) Glassware and Earthenware.
- (10) Paper, Paste Board and Stationery.
- (11) Rubber Manufactures.
- (12) Liquors.
- (13) Furniture Cabinetware and manufactures of wood and timber.

TRAINING OF WOMEN

363. **Shri Kesava Rao:** Will the Minister of Labour be pleased to state:

(a) the number of women trained at the various vocational training centres during 1949-50 and 1950-51; and

(b) what are the vocations for which they were trained?

The Minister of Labour (Shri Jagjivan Ram): (a) 292 women completed training during the period April, 1949 to March, 1950 at the Training Centres of the Ministry of Labour. No

women trainee completed the course during 1950-51, but 261 women were under training on 30th April, 1951.

(b) A list of vocations in which women are trained is placed on the Table of the House.

STATEMENT

- (1) Hand weaving of cotton and art silk fabrics.
- (2) Knitting with hand and machines.
- (3) Bleaching, dyeing and printing of cloth.
- (4) Embroidery and needle work.
- (5) Basketry and willow work.
- (6) Type-writing (English).
- (7) Type-writing (Hindi).
- (8) Commercial and clerical work.
- (9) Cutting and tailoring.
- (10) Preservation of fruits and vegetables including making of syrups, squashes, jams, pickles, etc.

RADIOS (IMPORT)

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

(a) the total number of radios imported into India during each of the last three years; and

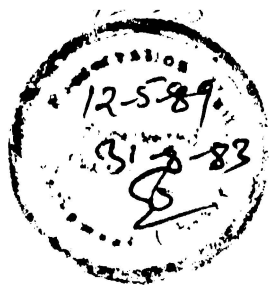
(b) the names of countries from which and the numbers or quantities in which they were imported?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). A statement is laid on the Table of the House.

STATEMENT

Countries	1948-49 Quan- tities in numbers	1949-50 Quan- tities in numbers	1950-51 Quan- tities in numbers
U. K.	27,486	34,171	2,203
U. S. A.	3,889	597	108
Netherlands	7,650	6,139	1,238
Other countries	3,418	2,448	5,461
Total	42,443	43,355	10,010

Thursday, 31st May, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

Third Session

of the

PARLIAMENT OF INDIA

1950-51

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PARLIAMENTARY DEBATES**

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PARLIAMENT OF INDIA

Thursday, 31st May, 1951

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

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-30 A.M.

**LEAVE OF ABSENCE FROM THE
HOUSE**

Mr. Speaker: Before the House proceeds with any other business, I would like to inform hon. Members that Shri Sardar Singhji has requested for leave of absence under article 101 (4) of the Constitution as he has gone abroad for the sake of health.

Is it the pleasure of the House to grant him leave?

Leave was granted.

**CONSTITUTION (FIRST AMEND-
MENT) BILL—contd.**

Mr. Speaker: Before we go to the further consideration of the motion that the Bill to amend the Constitution of India, as reported by the Select Committee, be taken into consideration, I would like to place before the House some points with reference to the timetable for the present Bill.

As agreed to yesterday, we finish the present consideration stage by one o'clock to-day. This means that I shall be calling upon the hon. the Leader of the House to reply at about 12 o'clock. Hon. Members will know that under article 368, a certain majority is required for the passing of the Bill and its provisions. That means the majority

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voting, if at all they choose to, has to be a majority of the total membership of the House and a majority of two-thirds of the Members present. That being the case, I think in this case, rather than go by voices, it is necessary for me to have the voting by the division of the House, not only in respect of the present motion, but even in respect of each clause and perhaps in respect of each amendment which is going to be sponsored, if at all, by Government for acceptance, or by private Members which is going to be accepted by Government. Of course, in respect of other amendments they have got to be decided only by voices. I need not even ask hon. Members to stand and then count. Well, this means that this procedure will require a long time, because each time a motion comes, a division will be necessary. Therefore, in this case also some time has to be left for divisions and also time for reply.

Now, I find that only nine speakers have taken part and a large number of Members are still waiting to express their views. But it is physically impossible to meet the wishes of each and everyone who wishes to speak. Therefore, if the House is agreeable—I do not want to put it myself—I can lay down a limit of 15 minutes for each speaker. Is the House agreeable?

Hon. Members: Yes.

Mr. Speaker: Very well. Then.....

Shri Deshbandhu Gupta (Delhi): But that would be very unfair to those who have not so far participated in the debate.

Mr. Speaker: Maybe, but it is the result brought about by those who have spoken for a longer time. Anyway, irrespective of the time that the hon. Member has taken yesterday, I shall take into consideration this fact and not deduct the whole of the time he has already taken, from his fifteen minutes to-day, but a substantial portion of it. We must give an opportunity to all in a fair and square

[Mr. Speaker]

manner. This time-limit, of course, does not apply to the hon. Ministers of the Government who wish to participate in the debate. So that is one thing.

As regards the next stage—the clause by clause stage—which comes up tomorrow, I do not want to make any suggestion now but shall place before the House my own reactions. Hon. Members have the whole of to-day to consider it and then we shall decide finally to-morrow.

I should think that, in the clause by clause stage, it would be better if we have a time-table for each clause. Now, there are in all thirteen clauses...

Shri Kamath (Madhya Pradesh): Fourteen, Sir.

Mr. Speaker: Hon. Members may allow me to finish. They need not anticipate me. There are fourteen clauses—not thirteen. Now, my idea is, looking to the subjects with which these clauses deal, we should reserve more time for clauses of an important nature and very little or none even, for the matter of that, for clauses which are absolutely of a formal nature. The division to me appears to be somewhat like this.

Article 15 may be taken to be important. The order of importance may be settled to-morrow. And then there is article 19. It would certainly require more time. Then there is clause 4 which deals with article 31A and then clause 5 dealing with article 31B; and clause 14 which deals with the addition of a Schedule is also one of the important clauses and that may take some more time. It appears that clauses 6, 7, 8, 9 and clause 12 dealing with article 372 are more or less formal ones and for these we do not require much time, unless someone requires to say something in respect of them. And then, I am not quite sure of clauses 10 and 11 dealing with articles 341 and 342; it is possible that there may be some arguments on them. Then comes clause 13 dealing with article 376 and that may be considered somewhat important.

So, looking to the comparative importance of these clauses we may fix the time for each of them. Unless we do that, it will not be possible for us to finish this Bill according to the schedule.

And it has also to be remembered that in respect of each clause and each amendment, separate voting will have to be there, which means as many divisions as there are clauses, unless

the House agrees that some clauses may be put together as they have the unanimous support of the House, though even then division will be necessary. Of course, the clauses can be taken together. In the cases of clauses in which there are dissensions, each clause and each amendment has to be voted upon separately. If there is less of difference of opinion and more of unanimity, we shall be saving a substantial amount of time so far as the divisions are concerned.

These suggestions may please be borne in mind and we shall decide the matter to-morrow. I shall give my second reactions also tomorrow without taking much time, because I do not want to spend much time of the House in these preliminaries.

Shri Kamath: On a brief point of clarification, Sir.....

Mr. Speaker: Let us have it tomorrow. To-day we shall conclude the consideration stage.

Shri Sidhva (Madhya Pradesh): Are we to understand that to-day's division will take place after the hon. the Leader of the House has completed his speech, even if it goes beyond one o'clock?

Mr. Speaker: No, it cannot go so far. I hope the Leader of the House and other hon. Ministers who may participate will not take much time so that we may have the division by one o'clock and not later.

That is how the programme goes on.

Shri Hanumanthaiya (Mysore): Sir, article 368 demands that the Bill has to be passed with a certain majority. Whether this majority has to be adhered to at each stage of the Bill or at the final stage is the question. Your observations, Sir, seem to denote that it is necessary to have this majority at each stage of the Bill, that is to say every clause and every amendment has to be passed with this majority. Since we are dealing with the matter for the first time in this House it is going to create a precedent. And so this has to be decided carefully. I personally think that the word "passed" need not be construed as referring to every stage of the Bill, but it has to be construed as referring to the final passing of the Bill.

Mr. Speaker: I can assure the hon. Member that I have myself very carefully considered this provision and in order to strengthen my own view, or have it corrected if I am wrong, I have also had the benefit of the opinion of the Attorney-General and what I expressed in the House now is the

opinion both of myself and the Attorney-General. That is in reference to the first part of the question. Then there is the other aspect. The hon. Member will remember that this is an important legislation and whatever our own feelings in the matter may be about the interpretation of what is meant by "majority" and what is meant by "passing", it will be taking too much of a risk to stick to our interpretation and leave the whole legislation open to challenge in judicial courts; and therefore we shall be erring on the safer side in having the division and voting record on each amendment and that is the procedure which I am going to follow, as is said in legal parlance *ex majoricautela*, as a matter of extra caution, apart from the interpretation which I have given.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Naturally, Sir, we accept your ruling in this matter generally speaking but I am not quite clear as to what you said about the amendments. Are we still to vote in that way even in regard to minor amendments or verbal amendments? I can understand of course that in the case of each clause as that is the real amendment of the Constitution. But in dealing with the clause if minor or major amendments come in before the whole clause is put, will that also undergo the same process?

Mr. Speaker: About that point, I have indirectly touched it when I said a few things here. Minor amendments, really speaking, ought not to matter but when incorporated in the clause itself they become amendments of the Constitution to that extent. For example, the amendment the Select Committee has made now, it is not coming here but the word 'reasonable' is added. I am merely illustrating. Suppose some amendment requires addition of the word 'reasonable', it gives a different colour.

Shri Jawaharlal Nehru: If they come up as a clause.

Mr. Speaker: I am going through this with extra caution to leave no room for arguments later on and what I have in mind is this, that I do not want that all amendments or each amendment as it is moved or accepted should be immediately put to vote. But with regard to the accepted amendments—I mean accepted by Government—what I propose to do is this. Let all amendments which Government want to have to a particular clause be moved and debated and I shall ask the House to divide only in respect of all the amendments put together. That

means there need not be a division on each amendment. I shall put them to vote together and let them be adopted. I do not think there will be many amendments.

The Minister of Home Affairs (Shri Rajagopalachari): Without making the debate take any substantial part of the time we have, I would like to mention to you with reference to the last point that we know the procedure as to amendments and it would be impossible if any particular procedure is to be followed for each amendment for this reason that the net result on the amendment to the Constitution proposed in a particular clause would depend very much on the form which the clause takes by various amendments. Therefore, the reasonable interpretation with regard to quantum of voting would be, I submit, to record the votes on the clauses and not on each particular fraction of it which may have contrary and counter effects on one another because each amendment has its own value in its place but the totality of the clause would have to be voted upon in the form in which it takes after the amendments are passed. I wonder whether it would be more reasonable and convenient and also fulfil the purpose in full measure if we take it that each clause should have the majority that is prescribed.

Mr. Speaker: Let us not have this debate further. That is what I was suggesting a little differently. Therefore I said that all amendments which the Government are going to accept will be put together instead of each amendment being put to vote separately.

Shri Jawaharlal Nehru: With the clause?

Mr. Speaker: Not with the clause. I am not clear on that myself.

Shri Rajagopalachari: I quite appreciate the policy that we should err on the safe side but we need not err unnecessarily all the same. What I submit is it may be quite a contradiction if you follow this procedure. For instance, the large majority of the House may be in favour of an amendment or may be against it but they may have quite a different view when the amendment is incorporated in the clause. Therefore, instead of having split votes, so to say, could we not take the issue on each clause as a whole? But I do not want to further argue the matter. I leave it to the Chair.

Mr. Speaker: I shall consider the matter. Therefore, I was suggesting

[Mr. Speaker]

the procedure that I have explained. To my mind it would not mean more than two or three divisions at the most.

Shri Rajagopalachari: True. It will save the time of the House if we follow the procedure I have suggested. The real point is whether an amendment to a clause should be voted upon in a particular way separately, or whether the clause as amended—whether the House is free to consider the whole picture and vote for or against.

Mr. Speaker: I have no doubt on that point that, if the clause as amended is put and is accepted by the House, automatically the House accepts the amendments. That is clear to me. On that there is no doubt. As I said, I was just considering from this point of view as to what possible objection could be raised and to meet that possible objection. I thought we might have just a few minutes more. After all it does not matter—we have spent so many days over the discussion of this Bill and we may as well spend a few hours more in going through the formality of a couple of divisions but on the substance I am clear.

Shri T. T. Krishnamachari (Madras): The provisions of article 368 will be attracted only by what we are altering in any article of the Constitution. It is only in the finality of the process, after the various stages which it passes through, that the provisions of 368 are to be observed—not in regard to an amendment to a particular clause that Government propose.

Mr. Speaker: That need not be argued now. I have not yet made up my mind on that aspect. So far as the clause is concerned, I am very clear. We will consider it further and see what can be done.

Shri Rajagopalachari: The matter is in your hands.

Pandit Kunzru (Uttar Pradesh): You proposed to put all the amendments to a clause to the vote at one and the same time. I would like you to consider whether this is possible under this procedure. It is quite possible that two-third majority may be obtained for one amendment but not for another but if you force the House to take all the amendments together and decide in that case, even the amendments that would not have been accepted had they been put singly to vote, would have to be accepted by the Members of the majority party. I do not think, therefore, that all the amendments to a clause should be put

to vote together. Each amendment should, according to our usual procedure be put to vote separately.

Mr. Speaker: I will see what the position is and decide about it. Let us now proceed to the business on hand.

Shri Hanumanthaiya: Sir, I have a suggestion.....

Mr. Speaker: Not now.

Shri Deshbandhu Gupta: In my opening remarks yesterday, while complimenting the Select Committee and the Government on seeing the reasonableness of introducing the word "reasonable" before "restriction" in clause 3 of the Bill and thereby improving that part of the Bill considerably, I had said that the Press of India was still opposed to this part of the Bill and some of their objections were of a fundamental nature.

Before dealing with such objections I would like to answer some criticisms which have been levelled on the floor of the House against the Press. Some hon. Members have suggested that the Press is opposing the amendment of article 19 (2) because of selfish reasons. One such insinuation was made yesterday by Prof. Mishra. I would like such hon. Members—luckily their number is small—to remember that newspapers have no rights or claim no rights which are not guaranteed to all citizens of the country. The freedom of expression is not a special privilege of the newspapers but a right of all citizens. This is so in all democratic countries and more so in our country, where in the Constitution there is no specific clause guaranteeing the freedom of the Press as exists in the Constitution of the U.S.A. Let there be no mistaken notion on this point.

Some criticism has also been levelled against the tone of certain newspapers. I am sorry to admit that there is some justification for this criticism. The A.I.N.E.C. has itself more than once deplored such writings and have even condemned some journals which indulged in such writings. But there again I would say that while considering the important Fundamental Right of freedom of speech and expression, the House should not be swayed by any such consideration. I may also remind hon. Members, particularly those sitting on the Treasury Benches—who also share some of this criticism—that a country gets the Press it deserves. If today independent newspapers like the *Independent* of Lucknow, the *Swarajya* of Madras, the

New India of Madras, the *Forward* of Calcutta are not in existence, it is not because they were not fighting the cause of freedom or because they were not maintaining a high standard, but because public opinion in this country was not sufficiently educated to back such papers and allow them to flourish. Therefore I would like you to distinguish between the responsible journals and irresponsible journals. The number of irresponsible journals in our country is very small and let us not exaggerate that side of it. (Shri Sidhva: It is growing.)

The Prime Minister also has personal experience of some newspapers and I am sure he knows from what an amount of handicap important newspapers, which try to be independent and which are not in any way associated with the capitalists, suffer. Therefore let such newspapers which maintain a high standard of journalism be encouraged and let not all papers be dubbed as irresponsible papers. The fact of the matter which should be recognised by Government is that unfortunately there is such an amount of discontent today in the country against the manner in which the Government is conducting its affairs that a large section of the people like to reach such journals and newspapers which indulge in downright abuse of the Government. The way to curb such papers is not to seek to abridge the freedom of the Press and thus offend even the friendly Press which has all along been supporting the cause of the country. I would suggest that the best way to handle this matter is first of all to improve the tone of the administration (Babu Ram Narayan Singh: Hear, hear), and secondly to create a strong public opinion against their objectionable writings. The question which I would like our leaders to address to themselves is: Why is it that these very people who till yesterday were prepared to lay down their lives at their beck and call and who used to swear by them, have today turned so hostile as to patronise such journals which indulge in such downright abuse of the Government? This is a serious question which can only be answered by those who adorn the Treasury Benches. My only submission is that the way to deal with such papers is not to curb the freedom of the Press. Statesmanship requires that instead of seeking to curb the freedom of the Press we should go deeper into it and try to remove the real causes of discontent.

The other day, while replying to the debate at an earlier stage, the Prime Minister had referred to a new

development in Indian journalism, that is the growth of chain papers. He had hinted that these chains constitute possibly a greater threat to the freedom of the Press. I have no difficulty in agreeing with him on that point. But this is a development which is by no means confined to our country, it is a development which we find in other countries particularly in the U.K., U.S.A., where perhaps they are more in existence today. Therefore this constitutes an entirely different problem and the Government will have to solve it one day. Personally speaking, I would be very happy if this tendency can be checked. I would like to say one word more about this.

If you will go into the history of the development of these chains, you will find that the Government itself cannot be absolved of its responsibility in this matter. It was during the war that this growth started. I am sure if you will refer to the criticisms of the newspapers at that time you will find that strong exception was taken by responsible newspapers to this tendency. But what happened? Instead of taking any steps to curb or check that tendency, our leaders—and I am sorry to say, some of the Ministers—started patronising even more those capitalists who had the advantage of controlling the newspapers. I say so with the fullest sense of responsibility that I command. The result was that other people who had got ill-gotten profits during the war tried to copy that. (Interruption.) I say that it is to our shame. The result was, and I am sure the Prime Minister will agree with me, that other chains started. When one chain started it was followed by others. This is the history of this rot. This is a very serious problem and as I said the Government cannot be altogether absolved of its responsibility. I might add that even today newspapers which are not connected with any capitalistic chain suffer under a disadvantage. I know it and the Prime Minister knows it. I am not therefore happy, about this development in Indian journalism and I am at one with the Prime Minister that the sooner we can check it the better it will be for the country and as well as the Press. But here again I would say it is no reason for curbing the freedom of the Press and it is no use calling names to the papers on that account.

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Now I come to the main fundamental objection to which I had referred yesterday. I would deal later with other objections that the Press has to the revised draft which has come before the House; the main objection that we have against the proposed

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amendment is this: Let me first tell you that since I spoke last on the Bill I had called an emergent meeting of the Standing Committee of the Newspaper Editors' Conference. They gave careful consideration to this amendment and went into the full details and implications of the amendment. The conference was attended by a large number of leading editors, of important newspapers of the country. The Prime Minister, Sir, was also good enough to grant two interviews to the representatives of this body. Subsequently some correspondence also took place which has already been published. I do not wish to take the time of the House by referring at length to that correspondence, but I would like to refer to one passage from the Prime Minister's letter of 20th May to me. In that letter, Sir, the Prime Minister said:

"I told you and your colleagues this morning that in proposing an amendment to article 19 (2) we were not thinking of the Press at all. We had certain other considerations in mind affecting the law and order situation in the country and both the domestic and international situations. I recognise that even though we do not have the Press in mind, the Press might be affected by this amendment. Because of that I made it clear to you that we were prepared to ensure, so far as we could, that no adverse effect was produced on the Press by this amendment. It was also proposed that legislation should be brought in Parliament as soon as this can be conveniently done, to replace such laws as could be presumed to continue to exist, by a wider and more comprehensive approach to the question. This legislation would form the freedom of the Press and we intended consulting responsible newspapermen in regard to it."

He went further and said:

"But the intervening period, so far as we are concerned, need not be long. This matter will be dealt with by Parliament, not by State Legislatures."

These were the assurances which the Prime Minister gave in his letter which he was kind enough to write to me on the 20th May. And he was good enough to repeat these assurances while supporting the suggestion made by Shrimati Durgabai in her dissenting note that instead of the word "State" the word "Parliament" may be substi-

tuted so as to make it the exclusive jurisdiction of Parliament to frame laws relating to freedom of speech and expression.

The Standing Committee of the Newspaper Editors' Conference took note of all that but found itself unable to agree to the proposal of amending article 19 (2). They hold the view that it was uncalled for and unwarranted. They pleaded that this part of the Bill should, at any rate, be postponed till the next session and public opinion might be elicited on same. They have not said in their resolution that they do not recognise the difficulties of Government. All that they have asked for is a little time to think. I still hold that this is the right course for the Government to follow. The reason is simple. As I have pointed out, the Prime Minister has very kindly undertaken to bring forward a comprehensive legislation dealing with the various laws relating to the Press. He has expressed himself strongly against the retention of section 124A of the Penal Code on the statute. In one of his letters he has gone to the extent of saying that the said Bill will seek to enlarge the freedom at present enjoyed by the Press. He has said that some of the recommendations of the Press Laws Enquiry Committee did not go far enough. When such is the intention of the Government, may I ask: Will it not be better for the Government to bring forward that proposed Bill and thereby set at rest the fears and apprehensions that have been raised by this Bill in the mind of the Press, and then amend article 19 (2) if they must do it? If no other argument appeals to them, I ask: Is it not pure and simple expediency to adopt such a course? Today I am sorry to say that the country and the Press have not got the same amount of confidence in the word of the Government which it had before. This is unfortunate. But as realists and legislators we have to take note of this fact, howsoever much we may dislike it. The Government has, therefore, not merely to give an assurance but, in order to win back the confidence of the people, do something more, and it is for that reason that I feel that it would have been better if Government had laid its cards on the table and at least introduced the contemplated comprehensive Bill dealing with the Press laws. It did not matter if it could not be passed—we would have at least known what the comprehensive Bill was. That would have created an amount of good will for the Government and a better atmosphere for the consideration of the amendment of the Fundamental Rights in respect of free-

dom of speech. I feel it is still the best course to follow. Nothing would be lost if this part of the Bill is postponed and brought later in a separate Bill....

Shri D. D. Pant (Uttar Pradesh): Sir, is it permissible for the hon. Member to read his speech and bore the House?

Shri Deshbandhu Gupta: I am very sorry, Sir, the ears of my hon. friend are very delicate although he claims to be the editor of *Shakti*. Let him take some *chandrodaya*.

I was submitting that that was still the best course for the Government to follow—nothing will be lost if this is postponed till the next session. Let them pass the rest of the Bill unanimously and with the wholehearted support of all the sections of the House. If I mistake not, such a course was suggested also by a State Government, and if my information is correct it was no other Government than the Government of Uttar Pradesh which is the biggest State Government in India today. If that Government in its wisdom had advised the Government to confine the Bill to abolition of zamindari, may I know how is it unreasonable on my part or on the part of those who are very anxious to see that the liberty of the Press and the freedom of speech and expression are in no way thwarted, to ask the Government to postpone this part of the Bill for another two months? Some hon. Ministers also, I understand, hold the same view. It is never too late to do the right thing, and I appeal to the Prime Minister for whom the Press of India have the highest regard and who we still believe is the best friend of the Press, to accept my suggestion. I repeat nothing would be lost, and everything would be gained, by following this course. You will be able to retain the good will of the entire Press of the country and make the passage of this amendment much easier and smoother if the Government were keen to have this amendment.

I do not propose to enter into a detailed examination of clause 3 at this stage. I will do so when I move my amendment for its deletion. Nor do I wish to burden my speech with any quotations from foreign writers and leaders of thought on the importance of the liberty of the Press and the inadvisability of tampering with the Fundamental Rights. I am sure the Prime Minister knows much more on the subject than anyone else in this House. And if there was need for that, my hon. friend, Dr. Syama Prasad Mookerjee, in his eloquent speech yesterday, has fulfilled that need. I

only wish to point out that the most serious and fundamental objection which the Press has to this amendment is that of imposing a previous restraint which it seeks to impose on the editors of newspapers. Newspaper editors do not mind being punished for their writings. If they transgress the law of the land, punish them by all means—hang them if you like—but for God's sake do not impose any restraints on their pen. Do not inflict on them the indignity of submitting their copies to a magistrate for censorship, a magistrate who may not even know how to distinguish between a leading article and a news item. This was all right in the old days. We have had enough of it. It does not behove the present Government, a Government headed by our respected leaders who have brought freedom to this country, to employ the same methods which were employed by a foreign bureaucracy. This is one of the greatest objections, the most serious objections the Press have and up till now in the speeches delivered by the Prime Minister and others who support this Bill no assurance has been forthcoming that Government does not intend to impose previous restraints on the newspapers. If this is not the intention, why take the odium?

I have read the judgments of the Supreme Court in the *Organiser* and *Crossword* cases. These judgments have only held the security and censorship sections as *ultra vires* of the Constitution. I am not concerned here with the offence involving violence or murder which the Patna High Court has dealt with. I am concerned with the Supreme Court judgments in the *Organiser* and *Crossword* cases and as I said they have only held that imposition of censorship or asking for security is repugnant to article 19 (2). If this is all, and if the intention of the Government is not to have a regulated Press, and I know it is not, if the Government do not wish to impose any fresh restrictions on the Press, as has been said I want to know what exactly do they seek to do? What then is the obstruction which the Supreme Court judgments have created, so far as the Press is concerned? If they do not propose to arm themselves with these powers, what would be lost if this part of the measure is postponed? I would respectfully submit to the hon. the Prime Minister that we would be placing ourselves in the wrong not only in India but in foreign countries as well, if we pass this part of the Bill. Yesterday a reference was made to an international organisation dealing with freedom for information. The one thing they have strongly advocated

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is that there should be no censorship. It is a straight question and I want to have a straight answer. Do or do not Government by having this amendment, propose to arm themselves with the power of precensorship? If that is not the intention, then that should be made perfectly clear.

My attention has been drawn to certain writings in foreign papers. Foreign papers, as is usual with them, have taken advantage of the situation. One responsible newspaper of America has devoted two columns to saying that the Government has brought forward this measure just to crush or kill one news-weekly of Bombay.

Shri Feroz Gandhi (Uttar Pradesh): It was published by mutual arrangement.

Shri Deshbandhu Gupta: I want to make it perfectly clear, Sir, from this place that the Press of India which has always stood by the side of the country is not going to be a party to such campaigns of falsehood, vilification, or malicious propaganda against the Prime Minister. I also want to make it clear that if the forces of reaction feel, that if they make out that the Press of India is offended against the Government and that they do not see eye to eye with the Government, the Press of India will support them in their designs, they are completely mistaken. The Press of India, in its own humble way has rendered some little service to the cause of the country. They would like to maintain that distinction. With all earnestness that I command, I once more make a last minute appeal to the Prime Minister, the Home Minister and other Ministers to please realise the importance of this question. Do not offend a friendly Press. The Press is always with you; the Press has always helped and stood by you, whenever the country's needs demanded it, even going to the extent of proposing punishments for their own papers.

That being the background, is it right to ignore the entire opinion of the country's Press, to ride rough-shod and just go on with this amendment? I assure you, Sir, if a comprehensive Bill, as is proposed by Government, is brought forward even in this session, and we are assured that Government does not really mean to curb the freedom of the Press, I have no doubt about the intentions of the Prime Minister. I have the greatest regard for him, the country has the greatest regard for him and the Press has the greatest regard for him. That being

the case, I want to urge on him, please for God's sake do not rush through this part of the Bill, but postpone it to the next session. Do not offend a friendly Press on this account.

With these words, Sir, I am sorry, I have to say with deepest regret, that I am not in a position to support the consideration motion.

Shri Rajagopalachari: My desire to intervene was not very strong, but in view of the particular connection which my function in the Government has with the criticisms that have been offered, I consider it incumbent on me to intervene, though I value the time of the House at this stage far too greatly to do it with pleasure.

My hon. friend Shri Deshbandhu Gupta has been very reasonable in his appeals, whatever the reasons may be. His appeal I do not say is wrong; but his reasons one cannot accept. With all respect, I wish to say that this scare that the Press has gone into is wholly unnecessary and there was no cause for it whatsoever. I can only think for comparison of recent scares about children being kidnapped! There is hardly any reason whatsoever for the fears expressed and for the manner in which these fears have been expressed. At the same time while logically admitting that any general law made, would apply to the Press as much as to others, what I object to is the unnecessary application they have made to themselves of a proposal that has been made. Is it perhaps due to the fact that the Press is far too conscious of their own black-sheep that they got into this scare? I do not at all mean anything against what has been termed the responsible Press. But I think it is probably a fact that there are far too many irresponsible—I do not say the majority, let the words not be misunderstood—expressions in the Press now and then which perhaps make the Press as a whole rather too conscious of the fact that this proposal might be aimed at them. But I once again assure my hon. friend Mr. Gupta and all those who stand behind him that this was not intended as a weapon against the Press and this is not going to be intended as a weapon against the Press. Nor indeed, let me say, is this a weapon at all. This amendment as well as all the amendments that have been proposed in this Bill—none of them is a weapon. It is no laws that we are enacting. It is only a permission out of the constitutional restrictions placed in certain respects that we are seeking. Now the question is very obvious to those who have thought about it. But I am afraid

there are many who do not see exactly this difference or at least do not remember it even if they have grasped it in the course of a particular discussion.

I shall not deal with any other part of the Bill except article 19 (2), that is to say, clause 3 of this Bill. Article 19 (2) as proposed to be amended would run thus:

"(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, including, in particular, any existing or other law relating to contempt of court, defamation or incitement to an offence."

Now, what is this right that we are discussing? This right that we are discussing is a natural right, the right of freedom of expression and speech. It is a natural right. No one can claim that a natural right is like a right given in a clause of a lease or an insurance policy, to be enforced like Snylock's pound of flesh, according to the letter of the law. A natural right should be subject to natural restrictions. Therefore the proper way of approaching the question is whether the amendments that we propose do away with any natural and proper restrictions, whether the proposals that we make only refer to such unnatural things and abuses that everybody must agree to prevent. Was it the intention of any non-Member who was party to the Constitution, was it the intention that the freedom of speech should allow anybody to act adversely, by speaking or writing, to the security of the State or to friendly relations with foreign States or to public order or decency or morality or that the law of contempt of court should be abolished or that the law of defamation should be abolished or that incitement to offence should become part of the charter of freedom of speech? It is a perversion of logic to say that a natural right which has been acknowledged in the Constitution as binding should be so interpreted, by reason of its specific insertion in the Constitution, as if it were a legal document by which a man can claim his pound of flesh under it whatever the injurious consequences.

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Judges have given their opinions with reference to the facts in each case, and they generally express their opinion carefully and after much consideration. What have they said in this case? I need not waste the time of the House by repeating everything, word for word. But it has been clearly pointed out and eminent Judges have held that the language as it stands permits, and Parliament cannot pass any law and Government cannot deal with any man who makes speeches, writes pamphlets and distributes literature, inciting people to murder—that is to say the extreme case. If a law has been adopted as a part of the Constitution by which such a thing according to an eminent Judge is allowed, is there any time to be wasted in showing or in demonstrating that we must clarify the position? It is absolutely essential that the law must be clarified after what eminent Judges have pointed out in this regard, as I have just now said.

Dr. Mookerjee has said in the course of his speech, "Well, I have no objection to remove the doubt and clarify the position so as to avoid any incitement to violence and to offence involving violence". True. It is a very easy position to grant. But I want him to consider his position from that point where he has reached. If one has to admit that the law is not laid down in clear terms so that it has become necessary to remove this defect namely that even incitement to murder, incitement to grave violence would be covered by the protection given for freedom of speech, if it is admitted that article 19 (2) was open to that construction by a court of eminence, where then is the objection?

The point was generally raised: "once the Constitution has been made do not interfere with it." It is obvious that this has to be amended. Now the question is how it should be amended. The general proposition raised that Constitutions having once been made they should not be touched in this manner hastily, falls to the ground as I have just now explained. If it has to be admitted even by the worst opponents of this Bill that attempts to incitement to murder and violence would be included in the protective clause of article 19 as it stands, the argument that no amendment is necessary falls completely to the ground, because eminent courts have raised it as a bar even to interfere with incitement to violence.

Then the question is where shall we stop in defining the amendment that

[Shri Rajagopalachari] - we have introduced now. Dr. Ambedkar's speech was quoted by Dr. Mookerjee in a very relevant way, and I propose to deal with it immediately and briefly. Dr. Ambedkar's speech was quoted to show that the specific exceptions that have been adopted in our Constitution are a ground for arguing that no more can be added to them. It is a perfectly right argument—that certain specific exceptions having been admitted in article 19, no more can be added. That is just the reason why we have to add now certain specific exceptions which have been lost sight of and which were not there,

one very patent illustration of which is incitement to murder being covered by this protection. Therefore, the argument that was raised on a quotation from Dr. Ambedkar's speech, far from supporting Dr. Mookerjee's position, I submit, makes it clear that an amendment is necessary.

Then the question is what are the objectionable points. Now, I shall deal only with the incitement to offence clause to which great objection has been taken. What is the clause relating to incitement to offence? Hon. Members agree that violence should be kept out. But do hon. Members want that other forms of crime should be encouraged or allowed to be encouraged? If Parliament gravely sits down to pass a law that people should not sell wheat or gram at above a certain price, if hon. Members make a law that people should not commit theft, if hon. Members make a law in any other matter which does not involve violence, is it to be conceived that the freedom of speech granted by the Constitution should go to the extent of encouraging or inciting people to commit those very crimes which we have defined after deliberation and put into the statute book? It is not between great and small that we should distinguish. What we should distinguish is between crime or no crime. If Legislatures have decided that certain things are so bad for society that they should be punished, then I say that freedom of speech should not cover incitements to committing those very things that have been forbidden. The ordinary way would be that if a prosecution is to be launched in any matter, trifling things may be ignored. Probably Government have to ignore various things, trivial or big. But the question is what should the law and Constitution be? We cannot be contradictory in our attitudes though we may be contradictory in our arguments for the time being. Our attitudes must be

consistent. Do we want certain things to be crimes or do we want them to be not crimes? If they are not bad do not make the law of crime cover such things. But once you make up your mind that they are important and a certain thing should be treated as a crime and punished, then there is no sense in allowing people to use their freedom of speech for the purpose of incitement to that crime.

Then the question is raised—it works that way in the minds of lawyers—that there is the law of abetment. That is, you can proceed if the man abets a crime and you need not curb his freedom of speech. I want to know whether courts would hold that an abetment which is only an exercise of the right of freedom of speech would be admitted as a crime once this article stands here. It is absolutely necessary and hon. Members may consult any lawyer of any eminence. If it is necessary to pass a law that certain acts are to be punished as offences in order to govern the country, then incitement to such crimes should not be encouraged. An incitement to offence is not necessarily an abetment. An abetment has to be directed to a particular offence and it should be proved in a particular manner, but surely we do not want people to say on the one hand, there should be no black-marketing and on the other hand say, people should be allowed to write and freely circulate statements and expressions saying: we honour men who break this law and we want you to break the law so that the law itself may be changed. We do not want that kind of contrary attitude with regard to crime. Let us pass laws with reference to crime with all the care that we can. But having passed that law once, let us not stultify ourselves by saying that freedom of expression must be so far protected that any man may circulate stuff inciting people to break that law and reduce it to nullity. Take the very popular measure with regard to prohibition of drink. Suppose we make laws that drink should be prohibited. May we at the same time allow the people to write: "It is a noble thing to break this law. Carry bottles in your trouser pockets. Try to smuggle wherever you can"? If we really mean governance, we should uphold the law of crime that we put into the statute book, we cannot allow the freedom of the Press to run counter to the law of crime. A restriction in this respect is necessary. Therefore, with respect to any offence so far as it is admitted as an offence by any Legislature, we must guard that law properly. If you pass this law, it does not make incitement to offence as such

a crime. What this clause allows is for Legislatures and Parliament to pass laws which would take notice of such incitements to offence in a suitable manner. It does not mean that every incitement to crime becomes a crime by itself, apart from abetment. This clause only permits Legislatures to take notice and take due measures to prevent such incitement to offence and that is the reason behind this clause and not any intention to curb the freedom of speech. 'Freedom of speech' put most briefly is a thing to be used and not to be abused. Of every natural right there can be use as well as abuse and Governments and Parliaments and Legislatures have to prevent abuse and it is not interference with that freedom if we prevent that abuse.

Mr. Deshbandhu Gupta on behalf of the Press spent a great deal of energy and time on the Press laws as such. I have said before, and I say so again, that it is the intention of Government to replace what had been declared by the previous decisions based on article 19 of the Constitution to be void and of no effect. We will have to reframe the laws so that they may be consistent with the Constitution, as it stood and as it will now stand if this amendment is accepted and that law will have to be introduced and I promise on behalf of Government that it will be drawn up and after due consideration, it will be placed before the country and before the House and will be passed in due course. Thereafter no other law by any other Legislature would be entitled to go in contradiction to that law and it would be a sufficient way of conformity to the principles on which we should deal with the Press as such.....

Shri Deshbandhu Gupta: May I interrupt the hon. Minister. When he is thinking of that law, is it the intention of the Government not to revive section 4 of the Press (Emergency Powers) Act?

Shri Rajagopalachari: It would have been more gracious for me to be allowed to say without being asked but the hon. Member has taken that grace out of it. I was going to say something more which the hon. Member has not in his mind and which will certainly be welcomed by him. We are not only going to bring a comprehensive measure, dealing justly and properly with all those questions which arise in that connection and in consonance with the spirit of the Constitution and not only the letter, but also the removal of all things that have been felt to be bad. Certainly pro-

ensorship is bad and it is open for the House at that time when that law is introduced, if Government still persist in bringing such a measure to oppose it. It is not the intention of the Government to bring such a proposal at all. Such things as are considered by the Press to be wrong would not be there. I may as well assure the Members who speak on behalf of the Press that the time will come when that law is taken up and we shall justify the statements that we have made at that time. I have no doubt about it. I go further and since the hon. Member was so particular about the details in that connection, I say that I for my part—I have not consulted any of my colleagues or the Government as such—would agree that contrary to and differing from all other trials, every dispute with regard to such matters in which the Press is interested in any particular case shall be decided by a jury composed of Press men, editors, etc., as such. 'Let them decide it.' I have seen how the Press associations have failed to curb their own individual members who have gone wrong and therefore, it is that I am proposing it. Let them be sworn into the jury box, let them hear the evidence and let the verdict come from the mouth of the members of the Press. I would like such a procedure to be adopted. I shall press with all the power that I can command, if I continue here, that such a tradition should be accepted. There can be no complaint. Let an editor be tried by his own peers. I have no objection at all. Let us see how the peers will work. It will be open to the public to decide who is right and who is wrong fairly easily when any matter appears before them. I think the Government would be well advised in putting this system to work.

I will carry my point with reference to this incitement to offence a little further by an illustration. What I said is not mere theory. There are some people who are obsessed by the thought that this would prevent a method of agitation to which we are used, namely agitation by disobeying the law, which we do not like. Now I want you to clearly understand that there is no point in adopting that method of agitation if there is no penalty behind it. It is like my trying to learn to ride on a wooden horse. It must be a real horse; it must kick and throw out. If I am to learn riding and in the same manner if any citizen dislikes a particular law and wants to adopt an attitude of opposition today to the extent of disobeying it for the purpose of getting the law annulled, not only to criticise but actually disobey the law

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to get it annulled, surely if there is no penalty for that kind of conduct, then there is no efficiency at all in your medicine. Therefore I say it is necessary to make laws with the full purpose of punishing those who break the law. It is necessary for those who want to annul the law to criticise, to agitate, to demonstrate and even disobey but also take the penalty so that the point of their agitation may have point and go home. Therefore, there can be no objection to this from any party. Now, am I saying all this merely from the book? I want to bring to the notice of the House that in Sweden—not an old charter of the 18th century of Washington's time, but in 1949—a whole chapter of laws with regard to the freedom of the Press in particular was adopted and in sub-clause 4 of chapter 7 provisions corresponding to what we propose are there in print. After laying down the general doctrine that in Sweden every Swedish citizen shall have the right of the freedom of expression and speech, these restrictions are laid down. Apart from graver things:

"Libel or other defamatory act against the King or other member of the royal family."

"Affront to a Government administration acting in place of the King or to the Riksdag, its departments or committees or to flag or shield of Sweden or any other symbol of Swedish sovereignty".

is excepted from the freedom of speech. Flag apart:

"Incitement to criminal acts, neglect of civil duties or disobedience to authority."

A little wider than we have made.

Dr. S. P. Mukherjee (West Bengal): It applies to Ministers also.

Shri Rajagopalachari: Yes, yes. What I said was if a Minister is acting in the place of the President of the Union, he is somebody entitled to some respect. But, I am not proposing the laws which I want you to make; I am reading from the Swedish law. The law of freedom of the Press there is restricted among other things against incitement to criminal acts in general; not only that; neglect of civil duties or disobedience to authority. This is not mere autocracy. I shall explain what it means. Supposing the newspapers make up their mind that there should be no electric supply in the city of Delhi and they write, "Well, we have tried our best to reduce the taxes;

Government have refused; we must see that this Government goes; therefore, let there be no electric supply for one week." It may not be a criminal act; but it is neglect of civil duty and disobedience to authority. There is no violence about it. They have simply not to go to the power house. They have only to stay in-doors and allow everything to go wrong without committing a single act of violence. The pointsmen in a Railway may be asked not to be at their points without any disturbance of public order. All you say is "Do not commit any act of violence; we are true Gandhites; remain at home; do not attend to the points". That is all.

Shri Deshbandhu Gupta: Is it not covered by the Essential Services Act?

Shri Rajagopalachari: The Essential Services Act cannot go against the Constitution, if it stands as such. A man who does something can be punished; but a man who sits in his home or newspaper office cannot be touched. That is the difference. They escape. We want to provide, not by punishing these people. I do not want to punish them. I want to make it clear that they have not got the right to do such a thing. Let us deal with them as things arise. If they are very serious things, they will be punished also. If they are trifling, they will be treated as trifling. But, it should not be thought that that is a right: "Just as a man has a right of way to a well and draw water this right of mine has been put in this Constitution of India, and therefore I am entitled to do it and I shall do it whatever anybody might say; and the courts have said that one can say anything even inciting to murder."

Then:

"Dissemination of false rumours or other false statements with the intention of endangering the security of the kingdom, public welfare or public order and security or of undermining respect for authority or other bodies with the right of decision in public matters."

Once you give A, B or C the right to decide things in public matters, you must support that man's authority. It does not lie on your part rightly to say: "Oh, he is only a Minister; he need not be respected; you condemn that Minister".

Shri Goenka (Madras): However wrong he may be.

Shri Rajagopalachari: However wrong he may be. Dismiss him in the elections when you have the chance. However wrong he may be is not the claim that I make. If he is very wrong, the Prime Minister will dismiss him, before you come and interrupt. If a thing is very wrong, the law does not permit it. If it is wrong, the courts will not execute that order. There are other things which are very wrong which cannot come under the right of freedom of speech if the law is not amended as I propose it should be.

I have taken the time of the House over this only to show that it is not mere theory that I am putting forward and that it is not mere logic that I am putting forward. It is the experience of modern people, modern times, modern statesmen. Perhaps Sweden has one of the best forms of Government that the world can possibly frame. The Swedish people as well as the Swedish Government and the Swedish laws, I may tell you, are of the most civilised pattern. Therefore, it is a good thing that I am quoting from it and not from some retrograde group which has made certain laws.

Then:

"Threats, calumnies or libel against groups or people because of their origin or religion."

There, the freedom of speech does not include this. Let me take the time of the House usefully. Threats, calumnies or libel against groups or people because of their origin or religion are debarred from the freedom of speech that is granted to them under the Swedish Constitution. We want that kind of thing to be debarred here also.

Much stress has been laid on the word 'violence' by hon. Members. "Violence" is used in a vague and general way. Violence has a definite legal meaning. Bribing is not violence. Suppose the newspapers in Bombay write, "The prohibition department is an ass; everybody should try to show them up; let us offer them bribes and exactly place them where they are", such a thing is absurd, no doubt. But such absurd things are being written, let me remind hon. Members. Take the counterfeiting of coins. No violence is involved. There is nothing in it to associate it with violence. But, would Gandhiji approve of counterfeiting coins, because no blood is shed? He used to use the word violence in a free way. He used to condemn many

things as violent which have not to do with bloodshed. It would be wrong to introduce legal phraseology bound down with the word violence.

The same is the case with false weights. Suppose Mr. Munshi's department has a law. People may say levies should not be accepted, and no procurement should be allowed because the administration is going wrong and the law is wrong. I can understand *satuagraha* being organised that way. If you like you may encourage it and we may have to bear the difficulties consequent upon it. What I say is, it is not a legal attitude to look upon things in that way. We cannot permit incitement to breach of the laws that we have ourselves made. This is not a new thing. If you like, you may read Mill, written long ago. Every word of it is true today as if it had been written for the time being. He was an extraordinary man. You may read Socrates. He pleaded, "Well, I must obey the law at the end of it". When his friends asked him to escape, he said, "No, I cannot escape; have not the laws supported me throughout my life? Have they not supported my father, my family, my parents? Every inch of my body can be traced to the support that law has given; therefore, I must be true to the last; I cannot escape." That is the respect which we should pay to the laws that we have made.

Everybody rises against black-marketing. Does freedom of speech cover that also or not as it stands? If a man incites others to do what you call black-marketing, a felicitous and free phrase, he goes scot-free. What we want is that all that should be guarded against. We cannot allow article 19 to become a handy weapon to incite people to break our laws.

Criticism has nothing to do with this. Criticism is not incitement to break. Therefore criticism is not covered by anything that we propose to get power for here. I have explained as to what we propose to do with reference to the Press and I do hope that the Press will drop this scare that it has taken unnecessarily in this matter.

I understand their difficulty. It is not as if our law is so bad and therefore the Press has got disturbed. The Press has now become a costly investment. A paper which had a circulation of 5,000 has today a circulation of 100,000. They have to have a Rotary and lakhs of rupees are invested. The obligations that have arisen in recent times with reference

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the investment necessary to run a newspaper have increased their fears. I assure them on behalf of the Government that this measure will not touch adversely, but will improve the position of the Press.

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

Shri D. D. Pant: I would have been the first man inside this House to oppose this Bill if I had the slightest fear that it was in any way going to curtail the freedom of speech or the freedom of the Press. I am myself an editor and the editor of a paper that has fought successfully for years with the mightiest imperialism in the world. I genuinely feel that this measure intends to secure real freedom to the Press, and I support it. After all, what is the Press in India to-day? How many people are controlling it? Not more than five or six. These men are on the All India Newspaper Editors' Conference as managing editors, they are not editors, they do not put their pen to paper, but they are the people who represent the Press in these conferences. If it were not unparliamentary I would have said that they are not editors but imposters. And then there are the newspaper societies. There these same persons go and defend the interests of the proprietors so that they may continue to make as much money as possible. They also create the maximum tension inside the country through their newspapers so that the hands of the Government may be quite full with maintenance of law and order and these newspaper men could do what they liked. And then, these very gentlemen are the directors of the PTI also and censor the news. Do they not know that they signed away the freedom of the Press when they put their signatures to that agreement with Reuters? Unfortunately these are the very people who oppose this measure and take upon themselves the responsibility to speak on behalf of the Press in India.

My submission is that this amendment which we are now considering will go to liberate the Press from the present chains put round it by these Press lords. The real people who have built up the Press in India are the working journalists and these working journalists know their interests and they know that this measure is going to safeguard the real liberty of the Press.

Shri Deshbandhu Gupta: Has not my hon. friend read the resolution passed by the All India Federation of

Working Journalists condemning this part of the Bill?

Shri D. D. Pant: My submission is the working journalists who have built up the Press know full well what exactly is the freedom of the Press. We know how they have been put into chains so that they may not be able to represent the true state of affairs to the world. As I said, if the Government had been doing anything which would go against the freedom of speech or expression, I would have been the first to oppose it and to speak against it and would even give my life to save it. As the House will remember, I was one of the very few people here who opposed the Preventive Detention Bill and I said that I opposed it not because I distrusted Rajaji, but because I had the fear that the administrative machinery might abuse the powers given under this Act. But at that time these very same men who are now opposing this measure and claim to represent freedom supported that measure. These lovers of freedom then supported the Preventive Detention Bill and wanted it to be even more stringent. I can say on behalf of the small journalists and those who edit the local papers that they do not fear anything from the Government. If the Government goes against them, they have the support of the people behind them and will change the Government. They will get the support of the people and not the support of those so called capitalists and black-marketeers. I am glad Shri Rajaji intends to bring in a set of laws to see that the journalists really get freedom of expression and freedom from the chains of black-marketeers. That is what is needed. These people all the time talk of democracy and freedom, try to make a fetish of it, to safeguard their own interests. There is always full freedom to write and to express provided we know what is freedom. Everyone is free to walk on the road but not to do dirt on it. Let us not make a fetish of freedom and democracy, but see whether we have real freedom of the Press or not. And as I said, this measure is not opposed to freedom of expression or the freedom of the Press. It will actually liberate the Press from the chains of the black-marketeers and profiteers.

And it gives freedom not only to the Press but also to the zamindars—these zamindars who actually are like a fly sitting on the hind quarters of a bull and fancy they have a right to suck the blood of the animal. But they should know that if only the bull whisks its tail, they would be no more. And to them this measure gives liberty and protection.

If the Press had done its duty to India properly, we would not have had this black-marketing even in newsprint. As we know, we do not get even newsprint and there is black-marketing in this also. This measure is really for the sake of the freedom of the Press and I do not know why so much of the time of the House should have been spent on this discussion. So much time has been wasted because the measure is going to affect some who feel that if this Bill is passed into law all their power would vanish and so they howl against this Bill. But let me assure them that all the Pressmen of India are not

going to howl after them. They know better what constitutes real freedom of the Press and they do not want to get into the chains of the black-marketers and profiteers. I hope the Government will pass this measure and see that the Press is really liberated for the sake of those who sweat and work for it. With these words, I support the Bill.

Dr. Deshmukh (Madhya Pradesh): At this stage, I believe that most of the arguments which were advanced against the Bill have been satisfactorily met. I have been, I am sure, regarded as a very hard critic of the Government and I would not be surprised if many Members of the House expect me to condemn this Bill in certain respects at least. But I am sorry I have to disappoint them because I am going to welcome this Bill wholeheartedly, and not one clause or the other of it, but every clause of this Bill.

A great amount of criticism has been levelled against this measure and one of them is that it is too early to amend the Constitution. That has already been disposed of by the Prime Minister and my friend Rev. D' Souza. There cannot be a time-limit fixed for doing the right thing and I think it is perfectly opportune to amend the Constitution at the present moment because we should realise the difficulties that are likely to face us if we delay the amendment any further.

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Then the other argument used against this Bill is that there is no sufficient urgency. There also both the hon. Prime Minister and Dr. Ambedkar have advanced convincing arguments to show that the matter is urgent and it cannot be delayed. The first urgency that has been pointed out is that there is no law at present which it would be possible to

use so far as many desirable regulations on freedom are concerned. There is also imminent need of changing the laws so as to get the abolition of zamindari passed and enforced. It has been argued that the Supreme Court has not yet given a decision on the validity of the Zamindari Act and therefore we should have waited till then. This would be a very strange advice. If a house is on fire or some portion of it has caught fire should the members of the house assemble together and decide that the fire not being very serious should be left alone and that they should wait till it assumes any serious proportion, that till then no action should be taken for collection of water or any steps taken to extinguish it? This would be a counsel of that nature. Secondly, the importance we attach to the abolition of zamindari is so great that Government is quite correct in not waiting for the Supreme Court's decision for the amendment of this Act. The other amendment that is sought by the Bill is with respect to reservation of seats for those who are educationally and socially backward. The amendment is not coming a day too soon because there have been difficulties for Governments and it is necessary if we want to act up to the Constitution and to give effect to the various provisions of it, to pass this amendment of article 15. I would like very much to congratulate the hon. Prime Minister because of the courage he has shown in bringing forward this amending Bill in spite of the protests and condemnation all over the country. I offer congratulations also because we not only owe the Constitution to our own strenuous efforts and endeavours but much of it we owe to the noble idealism of the Prime Minister himself and if this is a fact, it is but proper that he should have taken upon himself to remove all impediments which he thought are likely to come in the way of the proper operation of the Constitution. I would like my friends who oppose the Bill to consider for a moment what would happen if the Constitution were not amended at this stage at least in respect of the abolition of zamindari. Does anybody imagine that it would be possible to get two-thirds majority in such a fashion and with such little effort after the next elections? I do not think so and if this does not happen and the zamindari abolition is impeded or prevented from taking place, what would be the remedy? We are all convinced that the zamindari system must be abolished and if those impediments were there, what would be the remedy left to the people because it would be impossible for us to bring about the desirable change

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the laws of the country. The only alternative that will be left would be either to set the Constitution at naught or to smash it by a bloody revolution and to bring about the desired change. I therefore think that it is eminently prudent of this Government and the Prime Minister to have thought of bringing this Bill so as to remove the impediments from their way. I was also surprised that two conflicting interests should have combined to condemn the Bill—the interests of zamindars and those who want untrammelled freedom of speech and expression. I personally think one is perfect anathema to the other. The food of one is really poison to the other. We are going to curb or investing ourselves with authority to curb the freedom of the people of expression and the Press—in whose interests? No doubt to a certain extent in the interests of peace and tranquillity in the country and the interests of the administration both in the States and the Centre.

Shri Deshbandhu Gupta: May I remind him that so far as the Press is concerned, they have not opposed that part of the Bill and they have made it abundantly clear that they are not opposed to the part which deals with article 15 or 31 regarding abolition of zamindari, etc. There seems to be some misunderstanding about it.

Shri Venkataraman (Madras): The *Hindu* has opposed even that.

Dr. Deshmukh: I do not intend dividing hon. Members into two camps but many Members have advanced both arguments. I was referring particularly to the advocacy which was wasted here on the part of the zamindars speaking in favour of freedom of expression. I was not referring to my hon. friend or his colleagues. So if we want to curb lawlessness, if we want to put restraint on our people, in whose interest are we trying to do it? It is only to protect those interests which, if not protected, will be smashed to pieces. If these laws are not there, they—the vested interests, the zamindars and big proprietors—are likely to be the first to suffer. From that point of view I would have expected that the zamindars should have been the first to say that if it is possible at the present moment to preach murder and yet escape scot-free, this was a desirable amendment of the Constitution and they should have welcomed it.

So far as article 31 is concerned, there was an imminent need and the

Government cannot delay the amendment even by a single day. There was also need so far as 19(6) was concerned because many difficulties were being experienced both by the States as well as by the Central Government and so far as article 15 was concerned, it should not be understood that the situation has arisen only in Madras and the amendment has been proposed only to remove those difficulties. If what has happened in Madras can be any lesson to us, it will have to be realised and borne in mind that similar difficulties are bound to arise in other parts also. It may be that people in other parts—the backward classes—are not yet so conscious as to assert their wishes and are prepared to put up with a whole-sale exploitation on uncertain grounds of merit and denied any opportunity of education and advancement. But that cannot remain so very long. Thanks to the freedom we have attained people are getting conscious of their rights and in the name of justice and equality that we have preached in the Preamble and our desire to help the weaker and backward classes to come forward, it is very necessary that adequate chances should be afforded to these people at least to get education. If we want them to do this, if we have sympathy for them—and it has been now fairly established in the House that every Member of the House has great sympathy for the backward elements in the society—then it is our duty to see that they get a chance to go to the best institutions and receive education which will put them on certain level of advancement and progress. I hope there will be no speech which will try to minimize the importance of this amendment or try to take away the force of it. I would have certainly liked a little stronger expressions used so as to obviate any fear or suspicion that this again may be questioned and there might be delay in enforcing what we have agreed to. My intention in proposing certain amendments or suggesting certain other phraseology was merely intended to see that a difficulty which has arisen in the past will not recur and the desirable facilities which we want to convey to these classes will not be denied to them. I would also like to say that the suspicions of the Select Committee expressed in the Report are absolutely ill-founded. I think many people do not know what is exactly happening regarding backward classes. There have already been schedules prepared by each State Government and if we compare them you will find that the social advancement and educational progress of these people is in no way better than the castes and communities which are included in the schedul-

ed castes and scheduled tribes. If anything, they are more backward in some respects at least. I quite realize that a caste here or there might have got certain advantages which they do not deserve. For that the remedy is not to condemn what is being done for a larger number of people who deserve it. The remedy is to take out those castes and deprive them the facilities. But if we try to oppose this amendment, then you are undoing something for which you have sympathy, which would not be a proper thing to do. I do not wish to illustrate the matter in any detail for want of time. If one looks at the schedules prepared by the State Governments at the instance of the Central Government a cursory glance will convince one that the facilities afforded to these classes are amply deserved. I have been a member of the scheduled castes, scheduled tribes and backward classes scholarship board for two years and I know from experience that the people who are getting the scholarships amply deserve them. Along with me on the board were the representatives of the scheduled castes and scheduled tribes and backward classes and they also know and are convinced that these boys who belong to the other communities were fully deserving of such facilities along with the scheduled castes and tribes. I hope therefore that there will be no criticism so far as this amendment is concerned. I also express the hope that this amendment will fully meet the requirements of the situation. In fact so far as the other backward classes are concerned very little has been done for them so far. I am very glad to say that people are becoming more and more eager to help the scheduled castes and tribes but the same eagerness is unfortunately wanting with regard to the other classes. I must express my gratitude to Maulana Azad because it was he who took a decisive stand and gave scholarship facilities to these backward classes for the first time in the history of India. These castes never organised themselves as separate entities from the Hindu community and they did not form their own Depressed Classes League. It was for this reason that they have been left behind. Much has yet to be done for them and I hope by this amendment we will start doing something more for them than has been done so far.

So far as article 19(2) is concerned I hope my friend Mr. Deshbandhu Gupta will admit that he is fully satisfied with the assurance given by Mr. Rajagopalachari, the Home Minister.

Shri Deshbandhu Gupta: We are being asked to forget all that we were taught so far.

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Dr. Deshmukh: So far as this article is concerned there has been much ado about nothing. I fully believe the Prime Minister's words when he said that what they are trying to do by amending the Constitution is only to enable the Government to pass enactments which will be considered desirable. I believe his contention that by this amendment we are only empowering Parliament to pass suitable legislation so far as this point is concerned. The Prime Minister has repeatedly given the assurance that it was not his intention to bring into force all those laws which conflict with the Constitution nor to use them so long as fresh laws are not brought before Parliament and Parliament has had an opportunity to have its say upon them. With this assurance I hope not only the Press in India but everybody should be satisfied.

I am amazed that the Bill has been looked at from a very suspicious point of view, as if the British Government of old had brought forward this Bill. The freedom of the country and the fact that a popular Government is in charge of the administration have not unfortunately made any difference to these gentlemen of the Press or the sponsors of the zamindari interest. Ours is a free country and the Government of a free country has brought this Bill. Unfortunately the bias which used to exist in the days of the British regime is being imported and the words and expressions similar to those which were used then are being profusely and wantonly used. I know that there are certain good reasons why this should be so. We have unfortunately not secured an administration in which we can put our implicit faith. My friend Mr. Deshbandhu Gupta is correct there. I know that many provisions of the law in the States are abused. I would like very much to urge both the Press and other leaders of public opinion in India that they should try their best to curb and even curtail our freedom to keep the vultures away from the infant freedom of India. That is a supreme responsibility that rests on our shoulders and in bringing this amending Bill forward it is intended to cope with the dangers that are likely to imperil the freedom of the country. With that end in view and with that intention I believe the Government has brought this Bill and hence I am in complete agreement with it.

A lot of time has been spent in quoting from the U.S.A. Supreme Court's decisions. By now the whole of the Supreme Court's decisions have probably been fully ransacked by the

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learned Members of the House. I think it was totally unnecessary to go so far. It is out-doing America itself in quoting the Supreme Court's decisions to the extent we did, without understanding the circumstances of the time when the First Amendment or there and saying this has not happened and without trying to understand the situation in India and the times we are living in. There is a lot of difference between the two. Merely taking out a word or a sentence here or there and saying this has not happened in America and how can it happen in India, as if the conditions in both countries are identical, will not do. We are living in different and difficult times; we have to deal with and govern a different kind of people, we have very large territories to administer and then there is the present world situation—all of which make a considerable difference. Being free citizens of a free India and ruled by a popular Government we should be more ready to put restraints upon ourselves and we should be prepared voluntarily to put more checks on our own freedom. We should not mind it. Since we have now adult franchise the remedy is in our own hands. The elections are not very far and if any Government misbehaves they can see to it that such a Government does not come into power once more. With all this guarantee I feel unnecessary time has been taken in the condemnation of this amending Bill. I would much rather that the opponents of this Bill had shown a little grace, a little patience, a little forbearance. If their desire is that these provisions may be there but that they only want that they should not be misused one could understand the criticism. After all they are at perfect liberty to condemn the Government if it misbehaves and can aspire even to take their place in time to come.

Shri Hussain Imam (Bihar): What about the existing litigations in which these Acts are being pressed by the Government against the public?

Dr. Deshmukh: I am prepared to admit that there may be one or two instances of the sort my friend refers to. I do not know which particular Act my friend means. I am prepared to concede that there may be instances in which such things might have happened although I have no positive case before me. But it does not mean that this Parliament should not have the capacity or authority to lay down the laws. It is nobody's contention that as soon as this amendment is passed all the laws are going to come into

force and will be utilised. On the contrary the Government have given the solemnest possible assurances that not a single provision of the laws will be used so long as Parliament does not authorise them to do so. With that assurance everybody should feel satisfied and there should be no more opposition or heart-burning. Otherwise we would be correct in concluding that the freedom that we have now has made no difference to our people. We are treating our own administration as if they have come from England and trying to rule the country in the manner as the British did in the past. If we compare the debates on this Bill with the debates on similar Bills in the days of the British Government, you will find very little difference. We were suspicious of every word and every thing that they said; we had no faith in them. We had the utmost contempt for anything that they tried to do. Is it correct to exhibit the same attitude today? There should be, in my view, a fundamental change in our approach to the whole question. We should not be so suspicious of everything that the Government says or does. We are dealing here with the Fundamental Rights. I for one was never in favour of the Fundamental Rights being incorporated in the Constitution, because I was a believer in the sovereignty of Parliament. But having the Fundamental Rights as we do, they should not be so fundamental as to weaken the freedom of the country. That is all that the Bill attempts to do. Though I have many other points to urge but, since there are many more Members who are anxious to speak, I will conclude by giving my whole-hearted support to the Bill.

Pandit Kunzru (Uttar Pradesh): It was a surprise to most of us that the hon. the Home Minister, who was principally concerned with the Bill before the House, should not have spoken at an earlier stage. We wondered why it was that he was resolutely maintaining silence. He has however chosen to speak today. He has made a very important speech and I welcome many features in it. He has assured us that the laws would be revised in accordance with the provisions of article 19(2). This should have been done under article 13 of the Constitution long ago. But I am nevertheless glad that Government have at last made up their mind to give effect to this article of the Constitution. He also referred to the apprehensions of the Press regarding the manner in which the increased power that the amended clause (2) of article 19 would confer on the State might be used against the Press. He said, as

Prime Minister has said before repeatedly, that it was not intended to place any further restrictions on the liberty of the Press. He also said that the Press laws too would be revised in accordance with the assurance given by him just as the other laws would be and he said that there was no reason why after this announcement any objection should be made to the language of the amended clause (2). He further said that this was only an enabling measure, Parliament was not passing a law but was only amending the Constitution in order to get the power to pass laws. Well, I shall deal with both these points in the order in which I have mentioned them.

The Home Minister, after making observations which must have pleased the representatives of the Press, expressed the opinion that after what he had said, there was no room left for any legitimate apprehensions. Now, it seemed to me that when he said this and also when he said that the Bill before us was only an enabling measure, he showed a misapprehension of the true character of the Constitution. The Constitution is not based on a single set of principles. It looks two ways: while in Part III it adopts the American system, in respect of the rest of its provisions it follows the English system. And when my hon. friend said that the Bill was only an enabling measure he forgot this important distinction between Part III and the rest of the Constitution. Part III has been put in the Constitution in order that Parliament may not have certain powers. But as regards the steps that Government have taken to allay the apprehensions of the Press, I should like the House to understand what the Home Minister's position is. He does not deny that the amendment of article 19 would legalise censorship and bans on the entry of newspapers into a State. Parliament would get that power. In fact, the States have that power. And unless the public security Acts are so revised as to take away this power from them, they will continue to enjoy that power and there will be the fear of its exercise. The Home Minister's position seems to be this: "We have a law but it depends on us whether we shall enforce it or, so to say, detain the offender without trial. Let the law relating to detention remain on the statute-book, or let Parliament have such a power in respect of the Press, but we assure the Press that this power will not be used." I ask him to be fair and say whether this is a satisfactory position in view of the importance accorded to Part III in our

Constitution. No man that understands the Constitution can ever argue in the manner that my hon. friend the Home Minister has done.

Now I come to that part of his speech in which he spoke about the suggestion made by Dr. Syama Prasad Mookerjee that the last part of clause (2) should be so amended as to make incitement to crimes of violence only punishable. He placed before us a lurid picture of what might happen if Dr. Mookerjee's suggestion were accepted. If I am not mistaken, there was a stage when my hon. friend was prepared to accept this suggestion. Had he not taken all the grave dangers that he referred to into account.....

Shri Rajagopalachari: May I explain, Sir, since the hon. Member speaking says I accepted a particular suggestion at one stage. I think he referred to me when he used the words, "my hon. friend". It is not accurate. The suggestion then was a little different from what he is now quoting. It included many more things besides violence and it excluded the "reasonable" clause.

Pandit Kunzru: It is true—I am not going to forget the other conditions. Had my hon. friend had a little patience he would have found that I would not have omitted to refer to them. The other conditions were "public disorder" and "sabotage". Now, he also said that the word "reasonable" was not there. But does the insertion of the word "reasonable" make it necessary for the Government to make incitement to crimes that do not involve violence punishable? I do not see the connection between the two, between the insertion of the word "reasonable", and the retention of the words "incitement to offence". My hon. friend said: Are we to do nothing if some people preach the advantages of black-marketing? Let anybody try to tell the public how beautiful a thing black-marketing is, and he will soon know to his cost that this is not as good a pastime as he thought it to be.

Shri Rajagopalachari: Does the hon. Member mean that the citizens will take the law into their own hands or does he mean that the law is against it?

Pandit Kunzru: No audience will be prepared to listen to such nonsense. That is what I mean, and my hon. friend the Home Minister knows it in his heart of hearts.

Shri Rajagopalachari: The hon. Member does not know that black-marketing in liquor is being preached.

Pandit Kunzru: I have never heard it being preached in public. Government may have received information that people are privately advising their friends to break the law relating to prohibition. But this was not the only instance that my hon. friend gave. He asked us to consider what would happen if farmers were advised not to part with their food-grains, so that the procurement policy of the Government might be a failure, or if points-men on duty were asked to remain away from their places of duty. He even referred to the Swedish Constitution where disobedience to authority is made a crime.

Shri Rajagopalachari: It is not made a crime. What I quoted was that it was not provided by the freedom of speech clause.

Pandit Kunzru: That is exactly what I mean. Disobedience to authority is not a speech; it is an action and it will be as much punishable in India as it is in any other country.

Mr. Deputy-Speaker: Incitement to disobedience to authority—for instance, asking civil servants not to work, etc?

Pandit Kunzru: The Constitution makes a difference, a distinction between freedom of speech and freedom of action. If anybody asked the farmers not to part with their food-grains, Government will obviously have to enforce the law against them, as otherwise it will lead to a disturbance of the public peace. It is obvious that such conduct would be liable in that case to punishment. Similarly, if railwaymen were asked not to discharge their duty, unless Government wish to be quiet and allow the railwaymen to do as they liked, the law would be enforced against them, as there would be an apprehension of a disturbance of public tranquillity or a danger to the security of the State. If the precise words of the amendment are not accepted, there is no reason to suppose that any of the dreadful consequences pictured by my hon. friend the Home Minister would befall the country. I do not want to dwell unnecessarily with this aspect of the Home Minister's speech, but I should like to point out, before I pass on to another point, that the words "public order" increase considerably the authority of the Government. I am sure that what Government mean is that they should have the power to check public disorder and if that is their intention as I feel persuaded from the speeches of the Prime Minister it is, then I think their purpose will be served if instead of using the words "public order" they

use the words "prevention of public disorder." I think that everyone here has to bear in mind that the security of the State is paramount. We can go about and discharge our daily duties only while the Constitution survives. Nobody, therefore, would like to denude the Government of the powers necessary to preserve tranquillity in the country, nor would anybody like so to amend clause (2) of article 19 as to leave the Government without any authority to deal with such actions as incite to violent crimes or create disorder. We are all one here in helping the Government and will try to strengthen the hands of the Government in respect of these purposes. But we feel that the words of clause (2) are even now unnecessarily widely worded. I recognise the important, the very important change introduced in clause (2) by the insertion of the word "reasonable". It may be thought that this places our Constitution, or our Supreme Court on a par with the Supreme Court of the United States of America. But I am afraid I cannot agree with that view. In the United States, for instance, the Supreme Court has declared that censorship of the Press is inconsistent with the terms of the First Amendment to the Constitution. Now by validating these parts of the public security Acts that have been rendered void owing to the decisions of the Supreme Court we are taking power to do the very things that the Supreme Court of the United States considers to be inconsistent with the Constitution.

Shri P. Y. Deshpande (Madhya Pradesh): Will not the insertion of the word "reasonable" prevent it?

Pandit Kunzru: I am asked whether the word "reasonable" will not prevent it. The word "reasonable" will give the court authority only to decide whether its exercise in any particular case is reasonable. But I doubt whether, in view of the validation of the public security Acts intended by the amended clause (2), the courts will be able to declare that anything relating to what is not called precensorship of the Press in India is void. This one illustration will suffice to show that in spite of the insertion of the word "reasonable", that introduces a very important change, it has not placed in the same position in which the United States is today.

There is one more point which I want to make before I sit down. The hon. the Law Minister speaking at an earlier stage referred to those decisions of the Supreme Court and the High Courts that had rendered the amendment of clause (2) of article 19 in-

evitable. Referring to clause (6) of article 19, he drew the attention of the House to the effect of the judgment of the Allahabad High Court in a case popularly known as the Motor Transport case. He gave a history of the case and then tried to make out that the amendment of clause (6) had become necessary because the Allahabad High Court had made certain steps taken by the U. P. Government invalid as involving discrimination. He then asked us to consider how the policy of nationalisation is going to be achieved if a Government like the U. P. Government is hampered in the manner that the judgment of the Allahabad High Court would hamper it in respect of nationalisation of road transport. I do not think that my hon. friend the Law Minister gave a correct account of the judgment of the Allahabad High Court. The Allahabad High Court pointed out that the U. P. Government could refuse to issue licences to motor buses only in accordance with the provisions of the Motor Vehicles Act passed by the Indian Legislative Assembly in 1939. It pointed out that those provisions had been disregarded and that consequently the action taken by the U. P. Government was invalid—not under the Constitution but according to a law passed by the Indian Legislative Assembly. Then as regards nationalisation all that the Court said was that nationalisation could not be carried out by an executive order. In its opinion legislation would be necessary for this purpose, and that legislation it said would presumably have to be in accordance with the provisions of clause (6) of article 19 of the Constitution. The House will therefore see that there is no substance in what the hon. the Law Minister said regarding the necessity for an amendment of clause (6) of article 19 of the Constitution.

There is another point too that I should like the House to consider. For, though clause (6) of article 19 has not received the attention that it deserves in view of its importance, it relates to a very important matter. The amendment of the latter part of clause (6) provides for any restrictions that the State may place on trade, business, industry or service in order to carry it on itself or have it carried on by a corporation owned or controlled by it. These provisions do not really mean nationalisation so much as the creation of a State monopoly. Suppose Government start a cotton textile mill of their own in Delhi and they issue an order to the Delhi Cloth Mill to cease working. I suppose such an order would, if the necessary legislation were passed, be

valid. And, as the Government would not, merely by issuing the order, be acquiring a property, their action I suppose would not fall under article 31 of the Constitution. I should like to know from the Prime Minister what is the exact intention of the Government in respect of this matter. How do they propose to use the amendment to the latter part of clause (6) of article 19? I am sure the House will agree that if it is used in such a way as to give no compensation to people whose property is rendered valueless, then, although they might not come under the operation of article 31, they would nevertheless be committing a grave injustice. I do not want that this amendment should be used to circumvent article 31 in respect of trade and industry in the same way as the proposed articles 31A and 31B would be used in respect of agricultural estates. I hope that my hon. friend the Prime Minister would be able to throw light on this matter and to assure us that Government want to do nothing contrary to the spirit of the Constitution and have no intention of setting at naught in an indirect way the provisions of article 31 in respect of trade and industry.

Shri Frank Anthony (Madhya Pradesh): I rise to support the amendments as finally introduced by the hon. the Leader of the House. I hope my friends will continue to applaud me as my line of reasoning unfolds itself. Like so many Members of this House I have given very considerable thought to these amendments. Quite frankly I have wrestled with conflicting emotions and conflicting thoughts. I now realise that my first approach was an approach perhaps dominated by sentiment, by a certain amount of democratic theory, by a certain amount of legalism. I think the final position which I have arrived at is a position which is as objective as it can humanly be, a position that squares with the needs of the country, that squares with the sense of realism to which the Prime Minister has made an appeal.

I confess that my first reaction to these amendments was one of opposition. Perhaps it would be more proper to describe it as one of righteously indignant opposition. I felt that the amendments were wanton and gratuitous. Without being offensive I think I can say that I was left quite unconvinced by the arguments of the hon. the Law Minister. No one has been more solicitous than myself in urging everything possible to suppress anything that is directed against the security of the State. And my original impression was that the first clause with regard to the security of the State

[Shri Frank Anthony]

was ample in order to suppress anything which did constitute a direct threat to the security of the State or tended to undermine it. The original clause attracted the clear and present danger rule, a salutary doctrine, a doctrine subscribed to and observed by all democratic countries. I also felt—I am talking of my past feeling, I am yet to come to the point of my conversion—that the effect of the clause relating to 'public order' was a blanket clause giving wide and unfettered discretion to the executive, which would be abused. At that time I saw in these amendments what I thought was an attitude of impatience by the executive, an attitude of chafing, finding irksome judicial interpretation which came down on the side of individual liberty. I must make myself clear. I am talking of the amendments to article 19(2). I may concede that the other amendments by and large have my support and my blessing but with regard to the amendments to article 19(2), I felt that they represented a dangerous precedent. I felt that the arguments advanced even by the hon. Law Minister, the technique adopted, were of a far reaching character which could at some future date be used to throttle our democracy. And although I know that the executive would repudiate any suggestion of conflict between the executive and the judiciary, I felt that in spite of their protestations, these amendments represented a widening gulf between the executive and the judiciary. I felt they underlined an increasing struggle between the executive and the judiciary. And I say with all respect to Dr. Ambedkar, for whom I have the greatest respect, that his remarks with regard to the judiciary, to put it mildly, were unfortunate. I felt that these amendments represented the first assault on the final bastion of individual liberty—the judiciary. But, as I have said, the more I thought of it, the more objectively I looked at the whole problem, the more I began to realize that my fears were the fears of a theorist, of a democratic visionary or perhaps of a doctrinaire legalist. I recalled what I read fairly recently by one of India's eminent jurists. He analysed our Fundamental Rights. He said that in spite of our solemn professions, measured against a juridical or legalistic yardstick, our Fundamental Rights are not so fundamental. Let us not delude ourselves, he said. Our Fundamental Rights can be changed as easily as the rights in any part of our Constitution, unlike the Fundamental Rights in the American Constitution which can only be changed by an elaborate, difficult strict procedure. Our Funda-

mental Rights can be changed by the simple majority rule. He went further to say that any one who is a lawyer or a jurist who analyses our Fundamental Rights will find that they are hedged around with so many restrictions, so many limitations, that the Part on Fundamental Rights is a misnomer; that jurist said that that Part would be more appropriately designated as a part of denial of Fundamental Rights. When I began to look at it objectively from this point of view and when I recalled the opinion of this jurist that our rights are not so fundamental, that with the various restrictions this Part can be appropriately designated "a Part on a denial of fundamental rights" I said to myself: Why bother if one or two more restrictions are added to this chapter of denials?

Then, as I looked around mentally and took stock of the position, a sense of realism bore in on me. I was worried about democracy; I was worried about the negation of democracy and then I asked this question: Why should we worry about democracy? Do the people want democracy? Is democracy suited to India? And in answering these questions, this truth dawned upon me and I state it without offence. I personally, rightly or wrongly, I believe rightly, felt that the people do not want democracy. I believe that democracy is not suited to the genius of the people of India. Probably in another 200 years, the glimmerings of the first elements of democracy may be borne in on the political consciousness of the masses, but we cannot wait for 100 years; we cannot wait for even 10 years.

[MR. SPEAKER *in the Chair*]

Events and time are racing against us. Because the masses of India do not understand democracy, do not appreciate its significance, that by itself is no reason not to try to build up democratic traditions in India. After all the masses have to be trained. At some point of time our people must be taught. Who is going to train them? And the awful truth dawned upon me that our leaders are incapable of thinking and practising in terms of democracy. I say it without offence. The structure of Indian society is such that our leaders, not for decades, not for generations, not for centuries, and perhaps aeons, have been nurtured in traditions of oligarchy, of antarchy and despotism (*Interruption*). You may say but look at the way we talk in this House, look at the way the Press fulminates. Yes. The British occupation taught us something, a res-

pect for the forms and trappings of democracy but the spirit and content of democracy have escaped the people and they have escaped our leaders. Until we change radically the structure of Indian society, the content and the spirit and the significance of democracy will always escape the leaders of this country.

An Hon. Member: Including yourself.

Shri Frank Anthony: Probably including myself. Perhaps I am a little more qualified to practise the part.

Mr. Speaker: The hon. Member will address the Chair.

Shri Frank Anthony: I am sorry. I beg your pardon. The previous speaker took thirty minutes but I am trying to cover my speech in 15 minutes' time. The hon. Leader of the House reminded us of an inescapable truth. He said that elaborate documents and written constitutions are no guarantee of individual liberty. I agree completely with that statement. No one was more enthusiastic about our Constitution; no one was more prepared to apotheosise our Constitution. Let me tell the hon. Leader of the House what has been my experience. No one was more grateful to the Congress Party for the safeguards which were incorporated in the Constitution on behalf of the minorities. But any document, however perfect, after all is a dead meaningless thing. It is not worth the paper it is written on unless the people who interpret it infuse life and meaning, body and flesh into it. But because people have not got that spirit, many parts of the Constitution today are dead. I said to myself as a realist: If the Constitution is largely dead, if it is largely still-born why worry about making an excision? Even if the excision is in respect of the heart or a major part of the body, after all, it is an excision in respect of something which is dead or dying.

That does not mean that I am in favour of anarchy or chaos. I believe firmly that India can only achieve unity, that India can only achieve strength and cohesion through dictatorship. I know that this doctrine of mine will sound a little novel and it may strike a discordant note. But I believe that we can only hammer something out of the present lack of cohesion, a shiftlessness, laziness, even lack of elementary civic values, that we can only hammer something out of it under dictatorship. My own conviction is that sooner or later dictatorship is going to supervene in this country. I

say it is going to be. (*Interruption*). My hon. friend is not going to stop it. I say inevitably there is going to be a dictatorship of the proletariat: that dictatorship will probably improve the country and may give it a sense of unity but I have one objection to dictatorship of the proletariat. Heads may roll; my head may roll but it will roll in good company along with those of my hon. friends. Because of that I feel. I am quite convinced, that wishy-washy, middle of the way parties are not going to stop the dictatorship of the proletariat. I feel that even the democratic socialism of the Congress Party under Jawaharlal Nehru is not going to stop the supervening of a dictatorship by the proletariat. But I do feel that this will be a later dictatorship and the only way to stop it is the sooner dictatorship. I say that without any sense of flattery. I know the Leader of the House and I can trust him. I say that the only way to stop the inevitable, ultimate dictatorship, communist dictatorship is a dictatorship of Jawaharlal Nehru. Perhaps Jawaharlal Nehru will say: God save me from my friends who thrust dictatorship on me. I know that absolute power will corrupt but still I firmly feel that ultimately there will be a hard core of fair play, decency, of democratic instinct. And that is why I am prepared to give blanket powers, arming the Government with excessive powers which by a democratic yardstick I am not prepared to give. But because I believe that a dictatorship today is the only way to prevent a later dictatorship, I am prepared to give blanket powers to Jawaharlal Nehru. That is my only reason for supporting these amendments completely. But I must also make this very clear. While I am prepared to give blanket powers, I am not prepared to accept the argument that these amendments are only an amplification, a clarification. That is not so. They are a revolutionary, radical change in the original article 19(2). But, I am prepared to give these blanket powers. But I am prepared to give them only to Jawaharlal Nehru. I am not prepared to give these blanket powers to every Tom, Dick and Harry in the political field.

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Dr. Deshmukh: There are too many of them.

Shri Frank Anthony: I am not prepared to give these blanket powers to the State Legislatures in spite of any assurances given by the Leader of the House and the hon. the Home Minister. I have the greatest regard for their integrity and their sense of proportion.

[Shri Frank Anthony]

But as soon as we give State Legislatures these blanket powers, they will be abused. In the name of public order, in the pre-election period, the State legislatures, some if not all, will bring in oppressive, malafide legislation to disable political rivals, crush and silence all opposition and the Press. It may be argued against that that we have got the Supreme Court. But, political rivals will be in jail and the Press will be silenced by the time the Supreme Court is seized of it. It will take a year and the elections will have been fought and concluded. So I say that I am prepared to give complete blanket powers to the Leader of the House, if possible through Parliament. As I have already said, I believe democracy is unsuited to India; more than that, at this stage, it is almost a crime to talk in terms of democracy. Our concept of democracy is peculiar. I am not convinced even with the concept of democracy as advocated by the Press. I think it goes so far and no further. The concept of democracy with most of us is to think in terms that your doxy is heterodoxy and my doxy is orthodoxy. That is the extent to which our democracy goes. So I say this, if the Prime Minister is prepared to bring in an amendment so as to bring these blanket powers within the exclusive legislative control of Parliament, I will support it. If there are some insuperable constitutional difficulties against that, I would plead with him at least to reserve State Legislation for the certification of the President. Then, whatever potential mischief there is, that will be largely qualified.

Shri Jawaharlal Nehru: I confess that the last speech of the hon. Mr. Anthony has somewhat diverted me from my normal line of thought. It was not my intention in these closing remarks of mine to say much, because, I think almost every aspect of this matter has been very fully discussed and anything that I could say would be more or less a repetition. I did not wish to trouble the House any more by any lengthy speech. All I wished to say was to explain one or two simple matters. But, Mr. Anthony has discussed wide and grave problems. I do not wish to go into them and I do not believe that it will be good for this country if any individual or any small group has any blanket powers given to it. A grave emergency, if it arises, naturally has to be met by grave measures. If a grave emergency arises in this country, then Parliament will have to meet it and decide how to meet it, even according to the Constitution, as the Constitution provides very special measures.

For the moment, we are not thinking in terms of such grave emergencies although we cannot completely put them out of our minds because we do live, if I may repeat a trite phrase, in strange and moving times and no man can say when that grave emergency may come. In a great country, famous for its history of freedom, France, developments are taking place which might in the next few weeks mean very great, basic constitutional changes: no man knows. France is today facing in some ways a greater constitutional crisis than at any time since this republic came into existence in the seventies of the last century. France is a great liberty loving, highly cultured, stable country. So, if any of us imagine that we are safe from having to face these grave emergencies, then we are mistaken.

But, let us forget it except to keep it at the back of our minds, except to prevent ourselves from becoming complacent and static in outlook and talking only of the petty troubles of the day or thinking only of the elections that are to come. I attach importance to these elections obviously because Parliament and Provincial Assemblies emerging from these elections will naturally play a highly important part in the future of India for the next few years. But, I do not attach importance to these elections so much as to forget that they are only a small part of this big moving scene of India in the world.

Coming to the particular amendments that are proposed, various criticisms and attacks have been made upon them. In the main, the attacks are concentrated upon clause 3 or article 19 (2), and in the main that attack has also been on the part of the Press or some of those who represent the Press here or outside. When we said that this is an enabling measure, and that we were not passing any actual law, that was criticised partly rightly and partly, if I may say so, not rightly. Of course, even an enabling measure has to be looked into and scrutinised to see that not too wide and unlimited powers are given so far as Fundamental Rights are concerned. At the same time, you cannot, in the very nature of things, limit that enabling measure very greatly. I should like to give an example. There is this question of incitement to an offence which is very wide and which may mean anything and everything. Some people say, make it incitement to violent offence. My hon. colleague the Home Minister has dealt with this matter, how violence, if I may say so, is sometimes infinitely preferable to many other things which are not violent.

There are many other things which degrade humanity, degrade the community and degrade the individual and do more serious harm without indulging in any physical violence. How are you going to limit this? It is very difficult. Again, suppose you describe actually the serious offences. Immediately, you inferentially arrive at the conclusion that the newspapers or people speaking in public can incite for every thing except what is mentioned actually in the Constitution. That is a ridiculous position. Therefore, it becomes difficult to limit these things. Ultimately, you have to rely on Parliament and if you like, the judiciary.

Now, as this clause is amended, Parliament of course comes into the picture; the judiciary also comes in. So that, if you do not trust them now, it means that you neither trust Parliament nor the judiciary, nor the two put together. What then are we going to trust? Whom do we trust? In our fear to trust this or that, we try to disable ourselves and put ourselves in a position when we may not be able to meet a particular contingency when needed.

According to our thinking, we cannot meet wholly the present contingency. Let me be frank with you, we do not want every single thing that has been put down in this amendment. For my part, speaking as the Minister of foreign affairs, I want no law from you for the present moment restricting in the slightest degree criticism of foreign countries or their policies. But, I do not know how far and when an occasion may arise when the actual possibility of our relations being disturbed so much as to threaten war or something like that may arise, when we may have to be a little more careful. But for my part I do not want any law and I am not coming to you so far as I can envisage, for any law flowing from the words "friendly relations with foreign States." But I have put that in because even though we do not want it now, it is something which may be necessary in the scheme of things in the world and we cannot come to the House repeatedly to amend the Constitution. When we are doing it now it is as well that we put it in although it may not be necessary now. We have come to the House with this Bill because in other matters urgent amendments were required, and also to be frank, as far as this particular matter goes, it might be necessary for the future. We have to trust Parliament in certain things and we have to trust the judiciary, and ultimately you have to trust yourself and the people. There is no other way. If our people or if we as Parliament do not function as

we ought to, or go to pieces—if I may use a colloquialism—then no amount of constitution will save us, no provision or anything.

Mr. Anthony pleaded for Parliament to deal with this and not so much the State Assemblies. Now for my part, I think there is a great deal in that argument, and I would have gladly accepted that change or alteration in this clause, but for certain difficulties that arise. I would have accepted it not so much because I distrust the State Assemblies, but rather because I feel that in matters of this kind there should be some uniformity and not variety. When I say that I do not distrust the State Assemblies I do not mean to say that I trust them entirely. I think it is possible for a State Assembly sometimes, to go beyond the mark. It is quite possible to do something which you and I might not approve of. But it is in the very nature of democracy that we should take that risk. And if you do not take that risk and try to stop them or impose yourself on them then things begin to go wrong at the bottom and it does not help you much except for a little while. Nevertheless I would have liked the word "Parliament" here instead of the word "State" in clause (2). But after a great deal of consideration and enquiry we are told by those who ought to know and those who dabble in these high legal matters, that this is not possible, without upsetting the whole scheme of things, because it means interfering with the powers of the States as laid down in the Constitution. What the interpretation of judicial courts might be later on if we changed it this way I do not know, but there is grave fear that it might be challenged and challenged with success, and when such advice is given to us, we cannot possibly take the risk of changing the word there.

Then Mr. Anthony said if that is not possible then as an alternative we might have some clause about having the President's assent to such laws as may come under clause 19(2). In fact, I think there is in article 31A some such clause. For our part, we are completely agreeable to that, largely for the sake of uniformity and for knowing what is happening and for keeping together. We have always to consider this question of the cohesiveness of India, apart from other things. Each State or Province should not walk along its own path farther and farther away from the others. So this is desirable and so far as we are concerned, if the House so wishes, we are perfectly agreeable to have that. But apart from this, whether you have that

[Shri Jawaharlal Nehru]

or not, please remember that any matter coming under this, comes in the concurrent legislation of Parliament and the States. Now, it has become a convention—I cannot immediately say whether it is anything more and whether it is in the Constitution itself—that anything coming under the concurrent list of legislation, any law passed by a State Assembly, has to come up here for examination and for the President's approval. Is that so?

An Hon. Member: Not until this House has passed a law.

The Minister of Law (Dr. Ambedkar): If it is inconsistent.

An Hon. Member: Not until this House passes a law.

Shri Jawaharlal Nehru: What I meant was, if there is obvious repugnance then, of course, it does not come into effect. That is obvious. But in order to examine that there is no repugnance, in order to see that it is what the legislative lists contemplate, it comes up here for the President's assent. Therefore, in effect.....

Shri Bharati (Madras): Not necessarily.

Shri Jawaharlal Nehru: I do not say it is necessary, in the sense that the law does not take effect. But I am told that it is practically automatic and anyhow it has been in practice automatic. And such laws have to come up here, every one of them, for they come up daily, first of all to the Home Ministry to examine and to the Law Ministry also to examine and it comes before the President to see whether he expresses his approval or not. So it can be taken for granted that, especially in a matter of this kind it must inevitably come. I go beyond that and if the House wishes I am perfectly willing to add that clause about the President's assent to article 19. It is for the House to decide.

Now, of course, we have not arrived at the stage of amendments, but I have seen a large number of amendments of which hon. Members have given notice. I think after all this discussion and after all the careful scrutiny in the Select Committee, we do not feel that any amendment would improve the wording. It may be that there might be one or two minor verbal amendments put forward by Government itself. But that will not change the real meaning of the article.

One thing has been mentioned, and I might mention it now too, that there

is a certain slight doubt or confusion about the description or definition of the word "estate" more particularly in regard to jagirs and the like. We think it would be desirable to clear that up and mention them, if necessary, by name or otherwise, so that there might be no doubt left about it.

I must confess that with all my, if I may say so, instinctive sympathy for the Press and for the reaction of the Press, I do feel that the hon. Members who have spoken on behalf of the Press have rather over-reached themselves, have over-shot the mark. We have been told that this Government is riding roughshod over the entire Press. I put it to this House, is that correct?

Several Hon. Members: No, no.

Shri Jawaharlal Nehru: It amazed me. Therefore, I say vague language, after all, comes out of vague thought or the lack of thought. People get lost in the phrases they use and do not connect them with any consistent or logical thought. The result is many phrases are hurled at us about curbing the freedom of the Press, riding roughshod and all that, and I have been totally unable to connect them with any reality in this amendment or elsewhere. It is true that by bringing forward this amendment, Parliament is given certain powers to deal with certain matters affecting the Press. Therefore, there is a certain risk involved in the minds of journalists, pressmen and the like that Parliament may exercise them to their disadvantage. I recognize that. I recognize that it is legitimate for them to try to check or limit this or to try to prevent this power being exercised to their disadvantage. Apart from the high-sounding phrases like the freedom and liberty of the Press which are important in the sense that they represent important ideas, in the ultimate analysis we come across, in every phase of social activity, vested interests. Now, vested interests may be good or bad. One can easily understand a vested interest trying to protect itself and they are justified in doing that. To-day the whole question of the Press which we have—sometimes on a high level and sometimes on lower levels—is something entirely different, completely different, from what it was when these great judgments which often are quoted, are placed before us, were given or when those arguments took place in the nineteenth century in regard to the freedom of the Press. Generally speaking, the idea of freedom of the Press is admitted. It was not admitted in the authoritarian countries, whether they were on the one side, the

Communist side, or the Fascist side. They deliberately do not allow it. There the matter ends. There is no argument. So far as other countries are concerned, they accept it or admit it. Admitting it, they come up against certain inevitable restrictions, whether they are unwritten in the common law or written or judicial as the case may be, but meanwhile strange things have been happening and the Press to-day is something entirely and absolutely different from what it was—let us say—50 years ago. It has no relation to it. The great newspapers of the world are mighty organs representing an enormous financial strength behind them. I am not referring to the Indian papers—none of them is quite so big though they hope to become big. No person to-day can start a daily newspaper, say in England or America unless he is a multi-millionaire. Therefore there is the freedom of the Press so far as big newspapers are concerned. You cannot take economic advantage of it—you may do it by issuing a small weekly paper or something like that in a limited sphere—but you can never compete with those great national organs with vast circulations and money power behind them because no man and no group of persons without that great money power can start a newspaper to-day in those countries. The position is not quite the same in India but it goes in that direction and it is bound to go in the nature of things.

There is another thing. We talk about freedom of Press and freedom of opinion. Now strangely enough there is a new development of our mechanical civilization. I am not talking about Fascism and Communism because they are based upon regimentation deliberately. I am talking of democratic countries which have constitutional freedom guaranteed in the Constitution or otherwise. In those States the whole nature of the development of their mechanical civilization is such that the mind of the people becomes mechanized and regimented and you find, therefore, great countries moved by mass hysteria because the newspapers help them or for other reasons and the poor non-conformist is as badly off as if he had no Fundamental Right or freedom of the Press or anything. There are these great tendencies. I am merely pointing it out to the House because the problem becomes more and more difficult, more and more intricate and complicated. Ultimately this problem, as any other problem, depends upon the quality of the human beings and of the community at large. If in India the quality

is good, it is well with us. If it is not, then it is not well with you whatever constitutional guarantee we might have or not have.

Take again the Press. What is the Press? There is the enormous variety from the well-known great daily newspapers or weekly newspapers going or shedding off step by step to enormous number of news-sheets and the like. I mentioned, in one of my speeches in this House in regard to this Bill, my deep distress at certain tendencies in what I suppose is called the Press of India because there are some news-sheets, views-sheets and other kinds of sheets. The other day I was looking through a large number of cuttings from the Urdu and Hindi Press. I cannot tell you how thoroughly ashamed I felt, I blushed with shame to read that such things should be printed day after day, cartoons and letter Press and the rest. I could not imagine anything more disgusting and obscene and vile. I am not talking about political criticism. People seem to think that we are dealing with political opposition. Nothing at all so far as I am concerned, and so far as I have any say in the matter, there should be no curb to the most extreme political criticism of any country—foreign or of any party in India. But there is something else—not political at all, although it affects politics because it degrades politics, because it affects all our public life by degrading it and there is this new tendency in not a very small number but a very large number. Mr. Deshbandhu Gupta said it was a small minority. I say it is a very large number. Small sheets come out—it is easy to print them—that does not require much capital even. I saw them—Hindi and Urdu. Hindi and Urdu are languages with which I am partially acquainted—I cannot speak for other languages in the country. In English too I have sometimes seen the same but I take it that there is no great difference and I was astounded to see the extreme descent into obscenity and vulgarity applied to politics. It is bad enough without and I wonder if this thing went on, what the poor villager or townsman or anybody or our soldier who reads them would feel about it. His morale will go down and his standard will go down. What do we do and what can we do about it? You can tell me, "Why do you not take action against it because it contains defamation?" One can and should do that but it is not so very easy. Do you expect me to go and put in some-kind of a petition or start a suit for defamation against every petty paper and waste my time and energy and give the wretched paper publicity and

[Shri Jawaharlal Nehru]

all that—the Prime Minister going into a court of law? So we ignore them and yet there is this danger of ignoring them. Because they go on step by step and get worse and worse. It astonishes me. So then, what is the Press? Let us agree to it completely that every type of political criticism, as extreme as possible, must have the most absolute freedom in opposition anywhere, wherever it may be, but are we going to agree to obscenity having freedom as this kind of utterly degraded criticism bringing in the personal life of individuals and so on? Obviously not—nobody will say 'yes'. These two things get mixed up completely.

As I said on an earlier occasion, we did not think of the Press specially when we brought this amendment. I am mentioning these matters to you not really in connection with this Bill but because there has been so much talk of the Press. Therefore I am referring to it. I would invite the All India Newspaper Editors' Conference to appoint—and I am prepared to appoint a Committee or a Commission myself on behalf of Government and I am prepared to put in persons chosen by the All India Newspaper Editors' Conference—to examine the state of the Press to-day in India. Let them examine the state and the content of the Indian Press today and report to us.

My hon. colleague made another suggestion, which I forget for the moment. (*Hon. Members: Trial by jury.*) Yes, trial by jury. I can understand our newspapers themselves assisted by one or two others examining the state and the content of the Press, meaning thereby all types of Press—big, small and middling—and report to us what they consider to be right or wrong in it. I shall be prepared to accept their judgment in this matter.

Therefore, it is not a question of putting any curb on the Press, because a curb on the Press presumably is and is meant to be on the political aspects of this question.

Some people, I think it was Mr Anthony, who mentioned something about the General Elections, etc. Mr. Anthony is a seasoned campaigner. I suppose. Does not Mr. Anthony realise that the most effective way to lose an election is the use of those powers by any Government or any Minister or any person connected with the Government? If any Government or any person connected with the Government uses Governmental powers against his

opponent too much—he may perhaps do so in secret a little—the public reaction against that would be so great as to injure him infinitely more than any help he can get thereby. That is inevitable: we have known that all the time. Even in the days of the British rule it was so. In this matter there is no half way house, because constituted as we are as a democratic society and democratic Government—we may misbehave, some district magistrate or Provincial Government may misbehave here or there—either way you have either to go full steam towards repression or coercion of your opponents. Or if you remain in the middle then you fall between two stools. Either you adopt the full democratic process completely taking all the risks and dangers involved in it, hoping that ultimately truth will survive or you adopt the normal autocratic process of coercion, coercing your opponent or those whom you do not like or who go against you, which normally a foreign Government does. Even they cannot go beyond a certain limit. I can understand either of these courses. You cannot have extremes and to some extent a middle course has to be followed. In any attempt really to mix the two you perhaps lose the benefit of either and you fall between two stools. It is obvious that whatever sins the Central or Provincial Governments may suffer from or indulge in it is not possible, in the nature of things, for them to function as complete autocrats. They just cannot do it. Howsoever evil their intention may be, in the very nature of things they cannot go far in that direction without creating a great deal of trouble for themselves. So you have to rule out that extreme step. If they do adopt it, red revolution may follow. So that I would like you to consider that all this talk of Government curbing the Press is normally speaking, physically impossible, for a Government cannot go far in that direction, even if they wanted to. Government can go far if it can adduce adequate reasons for going far and if they can satisfy Parliament and the judiciary. If conditions become very bad, whether in relation to the Press or the public order that Government has to adopt some extreme measures and Parliament and the judiciary approve of it, then there it is. But if the people disapprove of it completely then the people will show the way either normally in an election or abnormally in other ways by riots and the like. This is how democratic Government function. They have to take the middle path somewhat. Now these amendments are an attempt at keeping alive that democratic process and yet slightly taking the middle path so as to avoid danger to that very democratic process. Because if you do not

allow yourself that flexibility it is possible that the democratic process itself may be uprooted and the very freedoms that we are so anxious to preserve may themselves fade away before some other attack.

{ Therefore, I beg the House to consider these amendments from this wider point of view and to accept them. If the House thinks that there is some *mala fide* intention on the part of Government which they have not disclosed, well, then I have nothing further to say and my words cannot carry any weight. But if they trust, if they think that the words mean just what they say and nothing more, and that we felt that in the existing situation in the country some such power should vest in Parliament, or, if you like, some such power which we had thought had vested in Parliament but which had been doubted by judicial decisions should be clarified, whichever way you look at it, we thought this necessary, and we have brought this up before Parliament for it to put a seal on it, relying on the wisdom of Parliament in future to use this right properly, rightly and wisely, then I see no difficulty in the way of anyone, whether he represents the Press here or any other cause, to be at all anxious or worried about it. } Parliament, I take it, represents and will represent in future the general sense of the community in India, that is of the great majority of the Indian population. It will be an unfortunate thing if the Press comes into some kind of conflict with the public—it is not a contingency that can be ruled out. It is a very strange thing and you may have noticed it in the highly developed countries like the United Kingdom and the United States of America with powerful organs of public opinion, that although the Press may say one thing, yet some election takes place and it is completely contrary to the opinion of the Press. It is happening there in spite of the great power of the Press there and, generally speaking, the high standard of the Press there, because a hiatus is developing between what is called public opinion and the Press which is presumed to represent that public opinion. Now if that kind of thing happens here it would be unfortunate, it would be undesirable. Even the Press cannot live in an ivory tower of the All-India Newspaper Editors' Conference. It has to come down: it has to come down first of all to the ordinary journalist and the sub-editor and the editor and all that. It has to come down, next, to the compositor, the pressman and the other people. And finally it has to come down to the

man in the street, in the field, and in the factory.

These are odd considerations which I have put before the House and, personally, I do feel that this debate has clarified the atmosphere greatly—if I may say so with all respect, clarified the atmosphere completely in favour of this amending Bill that I have moved.

Mr. Speaker: To the original motion there are two amendments moved by Mr. Naziruddin Ahmad.

Shri Naziruddin Ahmad (West Bengal): I wish to press only the first amendment.

Mr. Speaker: So, I shall put his first amendment to the House.

The question is:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the first week of the next session of Parliament.”

The motion was negatived.

Mr. Speaker: What about his other amendment?

Shri Naziruddin Ahmad: Probably, I may not move it.

Mr. Speaker: It is already before the House. He must either withdraw it, or I shall have to put it to the House.

Shri Naziruddin Ahmad: I ask for permission to withdraw it.

The amendment was, by leave, withdrawn.

Mr. Speaker: I am now putting the original motion to the House.

The question is:

“That the Bill to amend the Constitution of India, as reported by the Select Committee, be taken into consideration.”

As I said in the morning I am calling for a division of the House. On this motion the House will divide.

The House divided: Ayes, 246.

Noes, 14.

[Division No. 3]

AYES

[12-45 Afternoon]

Achint Ram, Lala
 Ahammedunni, Shri
 Alagesan, Shri
 Alexander, Shri
 Ali, Shri A. H. S.
 Alva, Shri Joachim
 Ambedkar, Dr.
 Amolakh Chand, Shri
 Ansari, Shri
 Anthony, Shri Frank
 Arya, Shri B. S.
 Asawa, Shri
 Ayyangar, Shri M. A.
 Baldev Singh, Sardar
 Balmiki, Shri
 Barman, Shri
 Barrow, Shri
 Beni Singh, Shri
 Bhagat, Shri B. R.
 Bhagwant Roy, Kaka
 Bharati, Shri
 Bhargava, Pandit M. B.
 Bhargava, Pandit Thakur
 Das
 Bhatkar, Shri
 Bhatt, Shri
 Bhattacharya, Prof. K. K.
 Biyani, Shri
 Borooah, Shri
 Brajeshwar Prasad, Shri
 Buragohain, Shri
 Chaliha, Shri
 Channiah, Shri
 Chattopadhyay, Shri
 Chaudhri, Shrimati Kamala
 Chaudhuri, Shri R. K.
 Chettiar, Shri Ramalingam.
 Das, Dr. M. M.
 Das, Shri B.
 Das, Shri B. K.
 Das, Shri Biswanath
 Das, Shri Jagannath
 Das, Shri Napdkishore
 Das, Shri S. N.
 Deo, Shri Shankarrao
 Deogirikar, Shri
 Desai, Shri Kanayalal
 Desai, Shri Khandubhai
 Deshmukh, Dr.
 Deshmukh, Shri C. D.

Deshpande, Shri P. Y.
 Devi Singh, Dr.
 Dharam Prakash, Dr.
 Dholakia, Shri
 Diwakar, Shri.
 D'Souza, Rev.
 Durgabai, Shrimati
 Dwivedi, Shri
 Faiznur Ali Maulvi
 Gadgil, Shri
 Galib, Shri
 Ganamukhi, Shri
 Gandhi, Shri Feroz
 Gautam, Shri
 Ghose, Shri S. M.
 Ghule, Shri
 Goenka, Shri
 Gopalaswami, Shri
 Gopinath Singh, Babu
 Govind Das, Seth
 Guha, Shri A. C.
 Guha, Shri G. S.
 Gupta, Shri Deshbandhu
 Gurung, Shri A. B.
 Haneef, Maulvi
 Hanumanthaiya, Shri
 Haque, Shri
 Hasan, Shri M. A.
 Hathi, Shri
 Hazarika, Shri J. N.
 Hazarika, Shri M.
 Heda, Shri
 Himatsinhji, Major-General.
 Hiray, Shri
 Husain, Shri T.
 Hyder Husein, Shri
 Inait Ullah, Khwaja
 Iyyunni, Shri
 Jagjivan Ram, Shri
 Jain, Shri A. P.
 Jain, Shri N. S.
 Jajoo, Shri
 Jajware, Shri Ramraj
 Jangde, Shri
 Jayashri, Shrimati
 Jhunjhunwala, Shri
 Jnani Ram, Shri
 Jogendra Singh, Sardar
 Joseph, Shri A.
 Kala Venkatarao, Shri

Kaliyannan, Shri M.
 Kamath, Shri
 Kameshwara Singh, Shri.
 Kanaka Sabai, Shri.
 Kannamwar, Shri
 Kapoor, Shri, J. R.
 Karmarkar, Shri
 Kazmi, Shri
 Keskar, Dr.
 Khaparde, Shri
 Krishna Singh, Thakur
 Krishnamachari, Shri F.T.
 Krishnanand Rai, Shri
 Kumbhar, Shri
 Kunhiraman, Shri
 Kunzru, Pandit
 Lakshmanan, Shri
 Lal Singh, Thakur
 Mahata, Shri Kshudiram
 Mahtab, Shri
 Mahtha, Shri S. N.
 Maitra, Pandit
 Malaviya, Pandit
 Mallayya, Shri
 Massey, Shri
 Meeran, Shri
 Menon, Shri Damodara
 Menon, Shri Karunakara
 Mirza, Shri
 Mishra, Shri M. P.
 Misra, Shri S. P.
 Mishra, Prof. S. N.
 Mishra, Shri Yudhishtir
 Mohiuddin, Saikh
 Mookerjee, Dr. H. C.
 Moidu, Moulavi
 Mudgal, Shri
 Munshi, Shri K. M.
 Munshi, Shri P. T.
 Naidu, Kumari Padmaja
 Naidu, Shri Ethirajulu
 Naidu, Shri Ramaswamy
 Naik, Shri M.
 Naik, Shri S. V.
 Narayana Deo, Shri
 Nathwani, Shri
 Nehru, Shrimati Uma
 Nehru, Shri Jawaharlal
 Nijalingappa, Shri
 Obaidullah, Shri.

Pande, Dr. C. D.	Sharma, Shri K. C.	Tripathi, Shri Kishori- mohan
Pannalal Bansilal, Shri	Shiv Charan Lal, Shri	Upadhyay, Pandit
Pani, Shri B. K.	Shukla, Shri A. C.	Munishwar Datt
Pant, Shri D. D.	Shukla, Shri S. N.	Upadhyaya, Shri R. C.
Parmar, Dr.	Sidhva, Shri	Vaidya, Shri K.
Pattabhi, Dr.	Singh, Capt. A. P.	Vaidya, Shri V. B.
Pillai, Shri Nadimuthu	Singh, Dr. R. U.	Vaishya, Shri M. B.
Poonacha, Shri	Singh, Dr. Ram Subhag	Varma, Shri B. B.
Pustake, Shri	Singh, Shri B. P.	Varma, Shri M. L.
Rahman, Shri M. H.	Singh, Shri T. N.	Venkataraman, Shri
Raj Bahadur, Shri	Sinha, Shri Anirudha	Vidyavachaspati, Shri
Raj Kanwar, Shri	Sinha, Shri A. P.	Indra.
Rajagopalachari, Shri	Sinha, Shri B. K. P.	Vyas, Shri Radhelal
Ramachar, Shri	Sinha, Shri K. P.	Wajed Ali, Maulvi
Ramaswamy, Shri Arigay	Sinha, Shri S. N.	Yadav, Shri
Ramaswamy, Shri Puli	Sinha, Shri Satya	Yashwant Rai, Prof.
Ram Dhani Das, Shri	Narayan	Zakir Husain, Dr.
Ramaiah, Shri V.	Siva, Dr. M. V.	
Ranbir Singh, Ch.	Gangadhara	NOES
Ranjit Singh, Sardar	Sivaprakasam, Shri	Birua, Shri
Rao, Shri J. K.	Snatak, Shri N.	Das, Shri Sarangdhar
Rao, Shri M. V. Rama	Sochet Singh, Sardar	Hussain Imam, Shri
Rao, Shri Shiva	Sohan Lal, Shri	Hukam Singh, Sardar
Rao, Shri Thirumala	Sonavane, Shri	Jaipal Singh, Shri
Rao, Shri Kesava	Sonshi, Shri	Kripalani, Acharya
Rathnaswamy, Shri	Sri Prakasa, Shri	Kripalani, Shrimati
Raut, Shri	Subramaniam, Dr. V.	Sucheta
Ray, Shrimati Renuka	Subramaniam, Shri C.	Mookerjee, Dr. S. P.
Reddi, Shri P. Basi	Subramanian, Shri R.	Naziruddin Ahmad,
Reddi, Shri Ranga	Sunder Lall, Shri	Shri
Reddi, Shri V. Kodanda- rama	Swaminadhan, Shrimati	Ramnarayan Singa,
Reddy, Shri K. V. Ranga	Ammu	Babu
Reddy, Dr. M. C.	Tek Chand, Dr.	Saksena, Prof. S. L.
Rudrappa, Shri	Tewari, Shri R. S.	Seth, Shri D. S.
Sahaya, Shri Syamnandan.	Thakkar, Dr. K. V.	Shah, Prof. K. T.
Saksena, Shri Mohan Lal	Thimmappa Gowda, Shri	Subbiah, Shri
Samanta, Shri S. C.	Tiwari, Shri B. L.	
Sanjivayya, Shri		
Santhanam, Shri		
Sarwate, Shri		
Satyanarayana, Shri		
Satish Chandra, Shri		
Sen, Shri P. G.		
Shah, Shri C. C.		
Shah, Shri M. C.		
Shankaraiya, Shri		
Sharma, Pandit		
Balkrishna		
Sharma, Pandit Krishna		
Chandra,		

The motion was adopted.

Mr. Speaker: Therefore the motion is carried by a majority of the total Membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The House then adjourned till Half Past Eight of the Clock on Friday, the 1st June, 1951.