

INDIAN TARIFF (AMENDMENT)
BILL

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934."

The motion was adopted.

Shri T. T. Krishnamachari: I introduce* the Bill.

RUBBER (PRODUCTION AND
MARKETING) AMENDMENT
BILL—concl'd.

Mr. Speaker: The House will now proceed with further consideration of the motion moved by Shri T. T. Krishnamachari on the 8th May 1954, namely:—

"That the Bill further to amend the Rubber (Production and Marketing) Act, 1947, be referred to a Select Committee consisting of Shri A. M. Thomas, Shri Amarnath Vidyalankar, Shri Ramananda Das, Shri Lalit Narayan Mishra, Shri A. Ibrahim, Shri Ram Dhani Das, Shri M. K. Shivananjappa, Shri C. R. Iyyunni, Shri Bheekha Bhai, Shri Piare Lall Kureel Talib, Choudhary Raghbir Singh, Shri Bulaq Ram Varma, Dr. M. V. Gangadhara Siva, Shri Hira Vallabh Tripathi, Shri U. R. Bogawat, Shri Gulabshankar Amritlal Dholakia, Shri S. C. Deb, Shri M. Muthukrishnan, Shri Balwant Sinha Mehta, Shri I. Eacharan, Shri Sohan Lal Dhusiya, Shri N. C. Govindaswami Kachiroyar, Dr. Natabar Pandey, Shri R. Velayudhan, Shri Y. Gadilingana Gowd, Shri Nettur P. Damodaran, Shri P. T. Punnoose, Shri Mangalagiri Nanadas, Shri Sivamurthi Swami, Shri M. R. Krishna, Shri D. P. Karmarkar and Shri T. T. Krishnamachari with instructions

to report by the last day of the first week of the next session."

There is also an amendment to the effect that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th April, 1955.

Pandit Thakur Das Bhargava (Gurgaon): The hon. Minister was to be called for reply. The discussion had closed that day.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I would like first to deal with the motion for circulation moved by the hon. Member, Shri Sreekantan Nair. The motion is avowedly a dilatory one and is intended to have a negative effect—in effect to vote down the motion before the House. The hon. Member who moved the amendment did not disguise his intention in any manner. In fact, I had anticipated in some measure a possible argument that might be put forward for not dealing with the measure now. That was that a committee has been appointed to go into all matters affecting the plantation industries and that there was no need for this measure.

Mr. Speaker: Order, order. Let there be no talk.

Shri T. T. Krishnamachari: I had indicated, to the extent that I am able to make myself clear, that the needs of the rubber industry which ought to be met in the immediate future or should have been met all along, are not exactly covered by the scope of the work of this committee. If may be, they would overlap.

The hon. Members would realise that this Bill was brought forward sometime in 1952. A year and six months had lapsed before we took it into consideration. I do not suppose any hon. Member, however uncharitable he might be, would be inclined to say that the Commerce and Industry Ministry has no work and in order to provide some work they have thought of a Bill of this nature, drafted it and put it before the

*Introduced with the recommendation of the President.

House. Surely, that is not fact, It is really intended to progress the development of the industry. It was found that in the organisational set-up which covers the works of this industry there are lacunæ which have to be remedied. The question of organisation was dealt with. The idea of democracy was brought into play and it was suggested: why should not there be an elected Chairman? I have said to the extent that I have been able to point out that the executive of the Board is not strong. The executive, at the moment, consists of a Rubber Production Commissioner who is a technical man. We have found in practical experience that a full-time Chairman is necessary in order to deal with the work of this Board. It was suggested, why should there be a Vice-Chairman who should not be elected? In fact, I have conceded this point in the Tea Board Act. The Tea Board elects the Vice-Chairman. Even amongst the representatives of the rubber industry who did not agree *in toto* with the Bill, there was a difference of opinion whether or not there should be a full-time Chairman.

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

A full-time Chairman for dealing with the executive work of a Board which is intended primarily to develop an industry is, in my humble opinion, not anti-democratic.

Again, there are certain other facts which I should like to bring to the notice of the House. The Tariff Board in its Report in 1951 had indicated broadly certain lines of development, and in para. 16 of its Report in 1951 it has mentioned these facts:

(1) If the Indian rubber plantation industry is to survive and compete in a free world market, it is essential that rubber should be produced as cheaply as possible in the country, and this can be only done by the introduction of new high-yielding clones.

(2) We believe that the proposals made under the scheme are well-conceived. But we think it desirable that the details of the scheme should be

fully examined. We recommend that the I.C.A.R. should be requested to examine the scheme and report to Government as to whether any modifications in the scheme are necessary.

(3) The I.C.A.R. should, while examining the development scheme, also consider the proposal for the creation of a separate Development Fund. Pending the examination of this matter by the I.C.A.R. and the consideration of the Council's recommendations in this behalf by Government, the rubber producers should be allowed to retain the Rs. 6'82 per 100 lbs. provided for rehabilitation and be given an opportunity to undertake rehabilitation work in their estates and holdings.

(4) If it is found at the end of a year, that the rubber growers are not utilizing the amount for rehabilitation, of their estates and holdings, Government should consider the question: whether the fair selling price to be paid to the rubber growers should not be reduced by the amount of the rehabilitation fund instalment provided by us in our estimate of fair selling prices.

This is what the Tariff Board said in 1951. Actually, this has again been reiterated in 1952 by the officer who went into the question of fair prices.

Shri A. M. Thomas (Ernakulam): Did the I.C.A.R. submit any report, as contemplated?

Shri T. T. Krishnamachari: I am coming to that point.

So what has really happened is that no move has been made in the matter. Neither has the question been examined, nor has any further action been taken. I do not propose to apportion any blame on anybody. But it happens that commenting on the appointment of a Plantation Committee, an organ called *Rubber India*, which is supposed to represent the interests of the industry as such, has pointed out that in view of the fact that the Rs. 6'82 which is allowed in the price for the purpose of development has not been made use of, Government should reduce the price to that extent. It is

[Shri T. T. Krishnamachari]

not my intention in any way to interfere with the price that the rubber producer gets. I am not one of those who believes that he is getting an undue price. On the other hand, I believe that probably the price is not very attractive so far as the small holdings are concerned. I am just pointing this out to say that there is a lack of co-ordination. And if today I have in this Bill asked for powers for Government to realise a cess so as to undertake development, I have done so because there has been no organisation to implement the recommendations of the Tariff Board and if the suggested charges are not made there would be no organisation to utilise the cess to be collected, and it may be ultimately that when the new Board comes into being, provided the House approves of the scheme and also the Select Committee approves of the scheme, as also the enhanced cess, payments out of the cess may be made conditional on an equal amount coming from the producers for development. We can readapt the suggestion of the Tariff Board so as to enable us to undertake development. These matters cannot afford to wait, and we cannot wait for the committee's report. There may be various facets to be examined when that report comes out. All this will take time. I, as a member of the Government, am not prepared to take shelter under the usual excuse that "I have appointed a committee and therefore my responsibility is over".

Therefore I maintain that this question of shelving the Bill is wrong. In fact any person who suggests that it should be shelved and nothing should be done for the development of the industry is not serving the interests of the industry at all.

Other hon. Members spoke about the non-democratic nature of the Board that is to be constituted, and we had various lectures on democratic aspects, that democracy must begin from the top and end at the bottom and so on. I have no quarrel with any person voicing his own views on

democracy. One of the subjects on which there can be a variety of opinions in the subject of democracy. It has been my good fortune that I attended one of these international gatherings under the auspices of the U.N., and I found in the expression of the views of the two blocs on democracy each one saying that it represents democracy and that the other does not—and, I do not know, probably democracy is somewhere in between, with people who have not got the necessary amount of pull, like us and not with either of the blocs. But I do not propose to enter into a discussion of that subject. Mention was made about the way in which we nominated members to the Tea Board, as an illustration of how Government does not act well. When the Bill in respect of the Tea Board Act was on the anvil, I gave an assurance....

Mr. Deputy-Speaker: Order, order. I find discussions going on in groups. The hon. Minister will wait for a second before all these discussions are ended. I do not like hon. Members standing and carrying on conversations. We ought not to distract the attention of the House by conversations within groups. Hon. Members may go into the lobby and talk. The hon. Minister may go on. I want the undistracted attention of every hon. Member in this House to what is going on, in the order in which it is going on. If hon. Members cannot spend the time here, the lobbies are much bigger and larger than the House itself, and they can go there.

Shri T. T. Krishnamachari: At the time the Tea Board Bill was on the anvil, I gave an assurance that Government would not nominate *suo motu*, but would take into account the recommendations of the various bodies which are really concerned with the Industry. I do maintain that I have carried out my assurance right to the very last word. Various Associations were asked to send names. Mention was made about Travancore-Cochin. Between Travancore-Cochin and the rest of South India there are two

Planters' Associations, the U.P.A.S.I. and the Associated Planters of Travancore. I do not know the exact set-up of these organisations, but I am told on very good authority that the membership overlaps. In fact in the recommendations that came some of the names were similar. The Travancore Association sent three names, two Europeans and one Indian. We could not take the Indian because the name of another was suggested by the U.P.A.S.I. which we accepted, and there is a connection between the two as they were associated with the same firm. The two Europeans whose names were suggested, declined, both of them. We asked for further names, and the name that was given was in the matter of membership really common between the two organisations. The U.P.A.S.I. has given the name of a planter, whose name I may mention, Shri Ananta Sivan, who, I understand, is a member both of the U.P.A.S.I. and the Associated Planters of Travancore. I do not know the gentleman...

Shri N. Sreekantan Nair (Quilon *cum* Mavelikkara): As a matter of explanation, may I know if it is not a fact that that gentleman is in Coimbatore and has nothing to do with Travancore-Cochin?

Shri T. T. Krishnamachari: If my hon. friend had waited for a minute he would have had the information. I sent a telegram to the correspondent that I have in Kottayam. He said that the person is a Travancorean, belongs to Kottayam, and is a director of a firm whose registered office is at Kottayam and who are managing agents of several tea estates in Travancore-Cochin to the extent of three thousand acres, besides other estates in Malabar and Coorg. Either this telegram must be giving facts completely wrong, or my hon. friend's information is slightly imperfect.

The other issue that was raised by my friend Shri Tripathi was this. He mentioned about Assam having no labour member belonging to his own organisation. Actually, hon. Members

opposite, at any rate, must do me this justice at least. I have not been looking to the question of representation of labour according to organisations. The hon. Member over there mentioned that the representative of labour from South India did not belong to a particular organisation. We had to fit in various organisations.

Shri Punnose (Alleppey): You are impartial in the sense that you overlook the real representative.

Shri T. T. Krishnamachari: I have overlooked none. I asked for particular organisations to send names. In fact, we selected the names of representatives from each organisation. This particular Member representing Assam belongs to the Hind Mazdoor Sabha. I can also mention why another Member from Assam from labour point of view has been left out. The name of my hon. friend Shri K. P. Tripathi was suggested for the representation of the INTUC. Unfortunately, owing to the possible disqualification of membership of Parliament, the Law Ministry said that a Member of Parliament should not come in except as a representative of Parliament. Therefore, we had to write and ask Shri K. P. Tripathi, would your organization suggest somebody else? He suggested a name but he did not happen to come from Assam. It is a case of the responsibility of his being passed on to me.

Shri K. P. Tripathi (Darrang): We did suggest names. You chose a member of the H.M.S. which has no representation in Assam really. That is the objection.

Shri T. T. Krishnamachari: I am saying that finally when Shri K. P. Tripathi's name had to be substituted, he gave the name of a gentleman who did not belong to Assam. He should have given an Assam name. He did not. There is no point in going back to fundamentally what happened when he and I were born. I am asking, at the final stage, when his name had to be substituted, why he did not suggest somebody from Assam?

Shri T. N. Singh (Banaras Distt.—East): Why do you call it fundamental?

Shri T. T. Krishnamachari: That is so far as our misdeeds are concerned. I maintain in all humility that my conscience is clear. I have carried out the assurances that I have given in the House. I have not exercised any patronage. I hardly know any of the members. It was suggested that some body who happened to be sent to America was a distant cousin of mine, which he is not. The Tea Board asked for two names from the North and South India. The organisations gave the names and it was accepted by the Board. I ultimately knew about that. It may be, later on, when I want some kind of study to be made in a particular country, I may ask a particular person who is qualified to go. In these circumstances, I had not even the faintest knowledge of the persons that were selected or that he was a distant cousin though he comes from a different part of India namely Gujrat.

I have only to deal with the remarks which fell from my hon. friend **Shri K. P. Tripathi**, which did not quite concern this Bill. **Shri K. P. Tripathi** is a good friend of mine, a well-intentioned man, a well-meaning person. He likes tri-partite enquiries. Perhaps I do not. Why he likes that, I do not know. Perhaps that is because 'trayam' is common between his name and tripartite enquiries. I found to my cost that in the tri-partite enquiry made in Calcutta about tea, both labour and capital decided that the Government ought to pay. We are often left high and dry in such enquiries. Tri-partite enquiries are good in regard to matters that concern only labour and capital. When a third and bigger element, namely, the people of the country, is concerned, I maintain that tri-partite enquiries are not good. That is a matter of difference of opinion and I think as a democrat, **Shri K. P. Tripathi** would concede that I am entitled to have my own views.

Shri Debeswar Sarmah (Golaghat-Jorhat): May I ask for a clarification

from the hon. Minister? I understood him to say that **Shri K. P. Tripathi** could not be accepted and that **Shri K. P. Tripathi** did not suggest any Assamese name.

Shri T. T. Krishnamachari: **Shri K. P. Tripathi** was asked and he did suggest names.

Shri Debeswar Sarmah: And that could not be accepted?

Shri T. T. Krishnamachari: That was accepted. It did not happen to be an Assamese name. I do not want to create any trouble between **Shri K. P. Tripathi** and **Shri Debeswar Sarmah**.

Shri Debeswar Sarmah: There is no trouble between us. I want a clarification because he is trying to confuse the issue. I want to know clearly, when **Shri K. P. Tripathi** could not be accepted, did he or did he not suggest an Assamese name? My information from **Shri K. P. Tripathi**, who is sitting near me, is that he did suggest an Assamese name but that the hon. Minister could not accept it.

Shri T. T. Krishnamachari: I can mention this.

Mr. Deputy-Speaker: This matter has been already explained. Perhaps, the hon. Member was not here.

Shri Debeswar Sarmah: I have been listening to the whole thing.

Shri T. T. Krishnamachari: I would like to submit that I asked **Shri K. P. Tripathi** to telephone to my office the name which he wanted. The Joint Secretary, who took that telephone from **Shri K. P. Tripathi**, I think will bear out what I have said. We have accepted his suggestion. Between X and Y, what does it matter? If X comes from Bengal and Y comes from Assam, I merely took the advice of the organisation so far as I am concerned in the choice of the person.

Shri Debeswar Sarmah: We are left in confusion. The issue has been confused. I beg your pardon.

Mr. Deputy-Speaker: I am not going to allow this. How long are we to carry on this?

Shri Debeswar Sarmah: If you are not going to allow, that is a different matter. This is an important matter and it is being confused.

Mr. Deputy-Speaker: Hon. Members must have some sense of proportion in this House. This point has been debated enough. The hon. Minister is replying to the debate. At one time, Shri K. P. Tripathi put that question or made the suggestion as Shri Debeswar Sarmah is doing now. The hon. Minister pointed out what happened. It will be his answer. He must remember all these things. He cannot go on cross-examining endlessly until he is satisfied. I do not feel that either party will be satisfied so far as this matter is concerned.

Shri K. P. Tripathi: May I point out that the hon. Minister has said that he asked for two names, that I gave two names, that one was accepted and one was rejected? I am sure that what I said has been supported by what the hon. Minister has said.

Mr. Deputy-Speaker: Personal explanation ought to come from Shri K. P. Tripathi and not from Shri Debeswar Sarmah.

Shri Debeswar Sarmah: I have been listening to the whole thing. The greatest injustice has been done to Assam interests in this Bill. I wish that this should go on record.

Mr. Deputy-Speaker: It has doubly gone on record. Shall I underline it?

Shri Debeswar Sarmah: You must not take it lightly. It has injured Assamese interests.

Mr. Deputy-Speaker: I am not taking it lightly. I cannot go on allowing the same matter to be debated over and over again, for each emphasis allowing 5 minutes. There must be an end to this.

Shri T. T. Krishnamachari: It may be that when Shri K. P. Tripathi was called upon to suggest names at the spur of the moment, he suggested a name which may perhaps be not quite proper. We were naturally guided by his suggestion.

Mr. Deputy-Speaker: Is it too late now to amend?

Shri T. T. Krishnamachari: It cannot be changed. Unless the gentleman resigns, I cannot appoint anybody. I have no desire to go further into this matter.

My hon. friend Shri K. P. Tripathi wound up his address with a melodramatic touch. He said that he was the voice of India speaking and that I shall discard that voice at my peril. Sometimes we have to have a lighter touch even in our debates. I assume that my friend's contribution was intended for that purpose. Naturally if the voice of India speaks, we cannot discard the voice of India except at our peril.

Mr. Deputy-Speaker: The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th April, 1955."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Rubber (Production and Marketing) Act, 1947, be referred to a Select Committee consisting of Shri A. M. Thomas, Shri Amarnath Vidyalankar, Shri Ramananda Das, Shri Lalit Narayan Mishra, Shri A. Ibrahim, Shri Ram Dhani Das, Shri M. K. Shivananjappa, Shri C. R. Iyyunni, Shri Bheekha Bhai, Shri Piare Lal Kureel Talib, Choudhary Raghuraj Singh, Shri Bulaji Ram Varma, Dr. M. V. Gangadhara Siva, Shri Hira Vallabh Tripathi, Shri U. R. Bogawat, Shri Gulabshankar Amritlal Dholakia, Shri S. C. Deb, Shri M. Muthukrishnan, Shri Balwant Sinha Mehta, Shri I. Eacharan, Shri Sohan Lal Dhuisiya, Shri N. C. Govindaswami Kachiroyar, Dr. Natabar Pandey, Shri R. Velayudhan, Shri Y. Gadilingana Gowd, Shri Nettur P. Damodaran, Shri P. T. Punnoose, Shri Mangalagiri Nanadas,

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Shri Sivamurthi Swami, Shri M. R. Krishna, Shri D. P. Karmarkar and Shri T. T. Krishnamachari with instructions to report by the last day of the first week of the next session."

The motion was adopted.

HINDU MARRIAGE AND DIVORCE BILL

The Minister of Law and Minority Affairs (Shri Biswas): I beg to move:

"That this House concurs in the recommendation of the Council of States that the House do join in the Joint Committee of the Houses on the Bill to amend and codify the law relating to marriage and divorce among Hindus and resolves that the following Members of the House of the People be nominated to serve on the said Joint Committee, namely, Shri N. Keshavaiengar, Shri Gurmukh Singh, Musafir, Shri Ranbir Singh Chaudhuri, Shri S. V. Ramaswamy, Shri Narendra P. Nathwani, Shri Jayantrao Ganpat Natawadkar, Shri Fulsinhji B. Dabhi, Shrimati Tarkeshwari Sinha, Pandit Dwarka Nath Tiwary, Shrimati Anasuyabai Kale, Shri H. C. Heda, Sardar Amar Singh Saigal, Shri Suriya Prashad, Shrimati Ila Palchoudhuri, Shri Nibaran Chandra Laskar, Shri T. Sanganna, Pandit Sheo Narayan Fotedar, Shri Paidi Lakshmayya, Shri Ram Sahai Tiwari, Shri Panna Lal, Shrimati Uma Nehru, Shrimati Renu Chakravarty, Shri Bijoy Chandra Das, Shri Durga Charan Banerjee, Shri V. Veeraswamy, Her Highness Rajmata Kamalendu Mati Shah, Shri B. S. Murthy, Shri K. S. Raghavachari, Shri Nand. Lal Sharma and Shri Digvijaya Narain Singh."

*The mover has been nominated by the other House.

Mr. Deputy-Speaker: Of which he is a Member.

Shri Biswas: This is a simple motion soliciting the concurrence of the House to the recommendation of the Council of States for joining the Joint Select Committee, and also for nominating Members to serve on the Committee.

The House is well aware that this Bill is the first instalment of the lapsed Hindu Code Bill to which a reference was made by the President in his Address to both Houses of Parliament on the 16th May 1952. The House is also aware of the various stages through which the Hindu Code Bill passed without any definite result having been achieved.

In some form or other, the process of codifying parts of Hindu law or the whole of it has been before the legislature from the year 1939. Hindu law, as has been pointed out, is a spacious structure with many schools, and what the Rau Committee attempted was to evolve by a judicious selection and combination of the best elements in each of such schools a system which, while retaining the distinctive character of Hindu law, would satisfy the needs of progressive society.

Hindu society has never been static. In the old days, the task of codifying the law from time to time was performed for the people by successive law-givers and commentators who, by a well thought out process of selection and exposition of the ancient texts, moulded the law to the needs of the times while appearing to make no change. Very often irreconcilable viewpoints were reconciled by them in conformity with the changed conditions, because Hindu law had to keep abreast of the times.

The old commentators are now gone and we have the Legislature and the courts of law instead. The latter cannot, obviously, perform the function of moulding the law, and it is, therefore, for the Legislature alone to study the