

INTIMATION OF RELEASE OF SHRI K. SURYANARAYANA FROM JAIL

MR. DEPUTY CHAIRMAN: I have to inform the hon. Members that the following communication addressed to the Chairman has been received from the Stationary Sub-Magistrate, Nandikotkur:—

"I have to inform you that Shri Kommareddy Suryanarayana, M.P. who was convicted on 9th August 1954 in C.C. 1201/54 in respect of an offence under sections 143 and 447 I.P.C. and sentenced to suffer rigorous imprisonment for six months under section 143 I.P.C. and three months' R.I. under section 447 I.P.C., both the sentences to run concurrently, was released from the Central Jail, Bellary, on 20th September 1954."

PAPERS LAID ON THE TABLE

REPORTS OF THE DAMODAR VALLEY CORPORATION ENQUIRY COMMITTEE

THE DEPUTY MINISTER FOR IRRIGATION AND POWER (SHRI J. S. L. HATHI): I beg to lay on the Table a copy of each of the following papers:—

(1) Report of the Damodar Valley Corporation Enquiry Committee, 1952-53 (Abridged). [Placed in Library, see No. S-200/54.]

(2) (i) Chapter V of the Damodar Valley Corporation Enquiry Committee Report, 1952-53. [Placed in Library, see No. S-201/54.]

(ii) Government's decisions on recommendations of the D.V.C. Enquiry Committee together with the comments of the Governments of Bihar and West Bengal and of the D.V.C. on the Report. [Placed in Library, see Nos. S-203/54 and S-204/54.]

(iii) Statement of action taken on the decisions of Government on the recommendations contained in the Estimates Committee's Fifth Report. [Placed in Library, see No. S-202/54.]

DR. B. R. AMBEDKAR (Bombay): I want to put a question to the hon. Member who has just presented the paper, if you would permit me. Why has he presented to the House an abridged edition of the Enquiry Committee's Report? Why has he only presented Chapter V of the Report? What is the nature of the abridgement and what is the reason for the abridgement—whether it is economy or whether it is the desire of the Government to screen facts from the notice of this House?

SHRI J. S. L. HATHI: The main Report contained some extracts from confidential correspondence and that, it was decided, could not be placed here.

SHRI S. MAHANTY (Orissa): But does not that question relate to a case of over-payment to a particular firm of one crore forty-six lakhs....

MR. DEPUTY CHAIRMAN: Order, order. He says it is confidential correspondence.

**THE CONSTITUTION (THIRD AMENDMENT) BILL, 1954—
continued**

THE MINISTER FOR COMMERCE AND INDUSTRY (SHRI T. T. KRISHNAMACHARI): Mr. Deputy Chairman, I have listened to the 17 speakers—rather to some of them—and I have read the speeches of other hon. Members. I would like to take this opportunity of offering my apologies to those hon. Members who remarked that I was not present in the House when they were speaking. It was due to the fact that I had a commitment in the other House which I could not avoid. It was not intended to be a discourtesy either to this House or to the hon. Members who were speaking. I had my colleagues taking notes and I also read the speeches of hon. Members when the office gave me the full debate. I would therefore like to tender my apologies to those hon. Members who felt that my not being in the House to listen to them was something not quite proper.

[Shri T. T. Krishnamachari]

Sir, I must express my gratitude to hon Members on this side—eleven of them—who have in one sense lightened my task by not merely meeting the points that were made from time to time by the Opposition but also by making fresh points to justify this measure that is before us. It would be wrong for me to single out hon Members individually for expressing my gratitude because by and large all of them have made a very sincere attempt to study the provisions of the Bill and to offer the support that they have given, but there are one or two of course who have helped me considerably. To mention one, there was my hon friend Mr Chaman Lal. I was glad to hear him speak because it is quite some time since I heard him speak on the floor of the House and I am very grateful to him for his eloquent support. Many other Members on this side of the House have also made a very careful assessment and appreciation of the position. I mention particularly Mr Bisht who made an exhaustive study of the position and also quoted both from Jennings and from a decision in the Canadian courts supporting the position that the Bill has taken.

Sir, there is a very large amount of debt that I owe to my hon friend Mr Gupte for his dealing with this aspect of the matter but I shall refer to it later on.

So far as the Opposition speeches are concerned they fall under four categories. Mr Bhupesh Gupta aided by Mr Prasadarao, presented a point of view. Naturally, I must give him, being my very close friend, pride of place in my remarks. He was very frank. He made no bones about the fact that he did not attach any importance to this Constitution. He was also not very much concerned about the susceptibilities of the State Governments. What he was really concerned with was the well-being of the people. If that is his first concern I maintain that this Bill is intended for promoting and safeguarding the well-being of the people because it is only in the fear

that their well-being might be affected in some measure that production might not be kept up in the industries the raw materials for which are listed in this Bill, and that there might not be proper distribution of foodstuffs and other things among the various States, surplus and deficit ones, that this Bill has been brought forward. So there is that common ground which I find surprisingly between myself and Mr Bhupesh Gupta, but much of what he said was not very relevant to this particular measure. But I do not see why anybody should be at pains to be relevant in a matter like this. I think the fault, if anything is mine. When I bring forward a Bill the scope of which is so narrow and which has been discussed threadbare not only in this House but also in the other House and reported reasonably fully in the newspapers, there is hardly anything that one can say which is new and which is also relevant. In fact, one charge that Mr Bhupesh Gupta made against me was that I make one speech in that House and another speech in this House. I thought that he might compliment me on presenting a different aspect to this House because I do find that Members like Mr Bhupesh Gupta do read the proceedings of the other House and if I repeated those very things parrot-like, he might not be inclined to listen to me here. In fact one of the reasons for my slightly modifying my approach in this House is to make Mr Bhupesh Gupta listen to me.

Mr Prasadarao who belongs to the same party said that this Government has got a genius for doing the wrong thing at the wrong moment. Yes, I thought it was a good thing. The only thing you should not do is to do the right thing at the wrong moment or the wrong thing at the right moment. And that disposes of the criticism from the Communist Party.

Messrs Mathur and Dwivedy had a slightly different approach and that approach was not altogether inimical to the party in power. It was to some

extent an offer of co-operation or rather an offer of advice so that the party in power shall behave a little better in future. Well, Sir, at my age I realise the value of humility and during these 55 years, ever since I have been conscious, ever since I have been learning, I have been quite prepared to be educated and I have no quarrel with them on that account. Mr. Dwivedy found some subtlety in a person, I suppose, whose main fault would be that he is not subtle enough. I have nothing to be subtle about. In three lines you cannot be subtle. The Bill has only three or four lines. Where is the subtlety? Probably my hon. friend has had some experience of studying *Mimansa* and *Tarka Shastra*.

SHRI S. BANERJEE (West Bengal): The subtlety perhaps lies in its brevity.

SHRI T. T. KRISHNAMACHARI: That is what I say. Our *Shastras* generally make a brief code and somebody writes a *bhashya* for it. Probably they want that I should deliver a *bhashya* for this. He considers that there is something subtle because it is brief. Sir, I can assure him that there is no subtlety at all.

So far as Mr. Mathur was concerned, he heavily underlined the speech of my hon. friend Mr. B. C. Ghose. Apart from that, he also took up one point that Mr. Ghose made, namely, that this Bill is an abrogation of the rights of this House conferred on it under article 249. Apart from that, he said that the difficulties which are now envisaged should have been known to the Constitution-makers. I quite agree with him that one of the difficulties that the Constitution-makers were having when they made this Constitution was the lack of second sight. If that is the charge I am prepared to plead guilty as one of the Constitution-makers. I would like to draw his attention to the draft Constitution which was prepared and sent to the President of the Constituent Assembly under the signature of my hon.

friend Dr. Ambedkar. It was dated 21st February 1948 and it was suggested by my hon. friend Mr. Mathur that on the 21st February 1948, and weeks and months that preceded that date, the Constituent Assembly Members should have envisaged what would happen. I am sure the one thing that they did not envisage was that Mr. Mathur would be here to deliver this homily. He asked me whether the policy of the Government had changed towards greater centralisation. If my assurance is worth anything, I should like to assure him that the policy has not changed. The policy is the same as is contained in the Constitution. This Constitution is a Federation in structure with powers demarcated to the Centre and to the States. The Centre thinks that as far as possible the functions that are assigned to the States should be carried out by the States. He said no arguments had been advanced. How could I advance arguments when I do not concede the premise? If I concede the premise that the policy has changed towards centralisation, then I can advance arguments.

Another point that he made was that it was rather a unique combination that in the Select Committee all Members belonging to different political parties had joined together in opposing the Congress Party and this Bill. Yes, Sir, circumstances make strange bedfellows and if my hon. friend was not aware of that adage, I think he had better know it now. The circumstances of having to oppose one party have brought them together and they have become bedfellows.

SHRI S. N. DWIVEDY (Orissa): Taken together they represent 56 per cent. of the voters.

SHRI H. C. MATHUR (Rajasthan): You should not forget that some of the Congress Governments are also with us particularly Bombay and Bihar.

SHRI T. T. KRISHNAMACHARI: My hon. friend imagines things. I am

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prepared to allow him to dwell in that rich imagination of his and draw whatever picture that he wants to draw which gives him solace. Percentages are of no use in considering a very small Bill.

Then, the other speaker was my friend Mr. Kishen Chand. I am always somewhat intrigued when Mr. Kishen Chand gets up because he always produces something new. In general Parliament is a dull House.

AN HON. MEMBER: Doll House?

SHRI T. T. KRISHNAMACHARI: Not doll House, dull House; occasionally we get a little excitement; sometimes we have a little laughter. Sometimes we get my friend Mr. Bhupesh Gupta providing some kind of a diversion, but ordinarily the serious business is conducted in a dull atmosphere. But Mr. Kishen Chand produced a diversion by the range of his capacity for being inaccurate. Mr. Kishen Chand was rather excited because my friend Mr. Chaman Lall spoke. I quite agree that Mr. Chaman Lall is a good friend of mine, and excites a certain amount of envy in me, even though he is my friend because I have not got his manner of speech. I have not got his experience; I have not got his range of knowledge, and I am not able to make the House sit up and listen in the same way as Mr. Chaman Lall does. If envy is the sole motive of his criticising Mr. Chaman Lall, I am with him, because God, or whatever you call Him, has not created us equal in this world, has not provided us or endowed us with the same qualities that Mr. Chaman Lall possesses. I quite agree that we have a grouse and a grievance against Mr. Chaman Lall, but the matter stops short of it. I dislike Mr. Chaman Lall because he makes the House sit up and listen and they do not listen to me when I speak. I agree that I am in the same boat, but I object to the mulcting, the mutilating of the Constitution. It is suddenly found that the whole structure of this

proposed Bill item 33 in List III, Schedule Seven, is wrong merely because it does not contain a proviso that is contained in items 26 and 27 of List II of Schedule Seven. And then he goes on to say: take for instance item 45 of List II of Schedule Seven. What is that item 45? Item 45 is land revenue, including assessment and collection of revenue. I would suggest to him that if he really wanted to say that there should be an exception, he might have found another item which is slightly more germane, that is, item 14, agriculture. Probably items 14 and 45 are not very different. While the word "agriculture" is there in item 14, perhaps he finds a conflict in the wording of item 45. Anyway, he said, what is wrong, why should you want control over foodstuffs, cotton and jute? Well, we are importing two million tons of foodgrains; we are importing cotton; we are exporting foodgrains and we are exporting cotton. The one cancels the other. And all this is done with a diabolical intent, namely, this Government has bound itself by trade pacts and in order to fulfil the trade pacts that they have entered into with various countries, they are exporting and importing. Yes, Sir; I quite agree that at least this diabolical Government which has to honour its obligations, has imported foodgrains and exported some rice; we have imported some quantity of cotton and exported some cotton. We have up to the end of August imported 6½ lakh bales of cotton. We are exporting some cotton called Bengal Deshi, which is an extremely short staple cotton and we are allowing the export of certain other types of cotton like Oomras and Dolleras, which are not useful ordinarily in our textile industry, but it does not go very much. Some people are saying: "you must reduce the export duty, otherwise, the Oomras and Dolleras will not be exported". The quantity of cotton that we export is very small compared to the quantity we import. The quantity of foodgrains we export is very small compared to the quantity of foodgrains we now import. We have imported foodgrains this year for the purpose of building up reserves. The

whole idea of importing foodgrains is to build up reserves, since the Government is alive to the necessity of safeguarding the food position. We do not go on importing foodgrains merely for the pleasure of it and for denuding our foreign exchange resources which are not plentiful. There is no point in trying to answer Mr. Kishen Chand because he must revel in his inaccuracies.

Pride of place in regard to criticism should be given to Mr. B. C. Ghose. Mr. Ghose tries to subject himself to the overpowering necessity of being polite to make points. There are two ways; one is to make points when one has them; the other is, when one has no points to make, you might start thumping on the table, make noises. But I cannot expect my friend Mr. Ghose to resort to the latter stunt. But I am afraid he made points which I must confess, I am constrained to say, did not carry any conviction. They are undoubtedly the result of some admirable intellectual exercise, but they begin and end there. He has categorised his objections and said Government are not taking powers to put them in a glass case. Who said so? No. The hon. Member means to suggest that, foolish as the Minister is, he is spending about twelve hours in that House, some five hours in this House and about seven hours in the Select Committee merely for the purpose of amending the Constitution and putting it in a glass case. I quite agree that we are not putting it in a glass case. It is going to be used as occasion arises, but it will not be misused. Sir, there is no sense in taking the powers, if they are not to be used in collaboration with the States. The Centre has got no administrative machinery to wield these powers. We are dependent primarily—so far as the bulk of our economic activity is concerned—on the co-operation of the States for implementing the broad policies that the Centre lays down. If the State Governments do not co-operate, well, to that extent our policies will not, in that particular State, be implemented. We found instances of that in the past with

regard to our food administration. We find instances now and again, minor, petty, little instances, probably due to the officialdom acting in a narrow way, and so on. It is true that there is no sense in taking these powers if there is no State collaboration and State collaboration is what we depend on in all our economic matters; whether it be in social planning or in economic spheres, without the collaboration of the States—one hundred per cent. collaboration—we shall suffer. Then, Mr. Ghose produced an analogy. Well, you do require States' co-operation. You are getting it in the field of education and health. Yes. Planning, to some extent, it is true. The point really is this. We have to understand the position. Suppose for instance there is a strike by teachers, or there is a strike by students. A school is closed for a month. Or there is an epidemic and the school is closed for a couple of months. It is true the children would suffer. Normally, this suffering is not something which upsets the economy of the whole country. On the other hand, if there is a famine or flood, questions are asked not merely in the State Assembly, but also in Parliament. The Ministers of the Central Government have got to visit the area or fly over the area so that at least they can see from the air and see what is happening, get a bird's eye view of things. They do not fall in the same category as education or health. Education is undoubtedly very important. Health is very important. But a shortage of foodstuffs or a shortage of raw materials for industry, which creates mass unemployment or a diversion of our trade or the loss of our foreign markets is something which has got to be dealt with quickly. The time element is very important. There is no time for either the State Ministers to come here or for officers of the Central Government to go to the States, to negotiate and try to persuade, cajole, bribe, or do whatever you like. It is not possible in matters of this nature. So this comparison, though it looks at first sight to be something complete, is not proper. The two things do not at all fit in. They

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are not on all fours. You cannot say, merely because the Central Government has the power to co-ordinate university education, that the Central Government is not co-ordinating university education. The heavens would not fall if the Central Government did not intervene in the sphere of university education, merely because there is some deterioration, though the standards are going to be maintained and the quality of teachers is going to be ensured. I do realise, within the limits of my knowledge, that the absence of an all-India service or all-India standards in regard to teaching, say, for instance in the medical colleges has resulted in a deterioration—a considerable deterioration in the type of teaching in medical institutions. Well, the Centre has to act. At some time the Centre has probably to create an All-India Medical Service and say "Unless you are going to take some quantum of doctors to teach in your institution we won't recognise your degrees." But that could be done slowly. You cannot do that kind of thing in the case of foodstuffs or in the case of cotton, or in the case of jute.

Then, Sir, the argument he advanced was that sufficient powers were there already, and the last argument—and that is one of the most important ones—that he devised was this. He said that article 249 confers a right on this House and that right is being taken away. I do not think so, Sir. Article 249 is an article on which we spent a lot of time. Sir, this point was touched upon by my hon friend, Mr Gupte. I do not know whether he is here, but he is a person for whom I have great respect. Whenever there are such measures, he always touches upon the difficult spots. He provided a very good answer to this point. He said "The use of article 249, indiscriminately, is not an encroachment on the State rights, because an amendment of this nature has got to go before the States and the States have got to ratify it." So here we go to the States and tell them what we are going to do. We obtain their consent and if they do not give their consent, the whole Bill

drops and the time that is spent on the Bill here is wasted. I do not think the intention of article 249 is to confer any specific powers, either on this House or on the other House. It was an article of convenience, the provisions of which were to be utilised from time to time for temporary purposes, not of a very important nature, where the States are not consulted. My hon friend, Dr. Ambedkar said "Why don't you make a point of it? Why don't you let the people know about it? Why should not everybody be consulted?" and so on and so forth. Well, in the case of article 249, I give no notice excepting the notice that is required by the Secretariat of the Rajya Sabha. I table the resolution, come here, probably take you by surprise, you pass it, my hon friend, Mr B. C. Ghose, may not be here—he might be in Calcutta. That resolution will be passed even without his knowledge. We do not even give notice. We do not have this liability of having, Sir, by hook or by crook, to muster together at least 51 per cent. of this House. The publicity is here. It may be that we send telegrams. But the telegrams also mean publicity. Maybe, the contents of those telegrams find a mention in the press. Even that is publicity. All that we are going to do is to give the maximum of publicity to a measure which is proposed to be brought before the House. So, Sir, the arguments of my hon friends, as they are, I am afraid do not cut much ice, because, as I said, they do not carry with them even the intellectual conviction of the sponsors of those arguments.

Sir, my hon friend, Mr Gupte, made another very valuable point. I would like to heavily underline it. He asked "What were the conditions under which the Constitution was framed? We had provided for item 20 in List III—Economic and Social Planning. But what was the conception of that economic and social planning on the 21st of February 1948, when that Draft Constitution was sent to the President?" I say, he is quite right. We had really no idea as to what the planning was going to be. There was

a very vague idea of planning available to us at that time I think, even at the time when we drafted the First Five Year Plan, we did not have a full comprehension of the implications of the Plan. It is only today that we realise that our Second Five Year Plan must be this, that and something else, because during the first five years we learnt so many things. And I think that the point made by my hon. friend, Mr. Gupte, was quite correct when he said that when we put that item 20 in List III—Economic and Social Planning—we had no conception of the enormity, the range, the amount of work, and the amount of resources, that successful planning will need.

Yet another point was made by my hon. friend, Mr. Gupte. Sir, one hon. Member here said "The circumstances have changed for the better, we have all the food that we want, we have sufficient stocks of food. Then why do you bother?" Sir, the point which my friend, Mr. Gupte, made was this. All our food production happens to be marginal. There is nothing over and above what we need, to the extent that we can save out of this. The second point which he made is that as our capacity to grow more foodgrains increases, our capacity to grow more children also increases. It is not a question of small babies. I will tell my hon. friend, Mr. B. C. Ghose, that it is a question of lusty babies, big ones, stout ones, which want to consume more and more food, because the children that are brought into being now in the world are not five or six-pound babies, but they are nine-pound babies or ten-pound babies, and they are going to want more food. I am glad that my hon. friend, Mr. Gupte, said that it was no use taking into consideration merely isolated circumstances. That is what he really indicated. He said that the food situation is not static, it is not something that is going to be stationary, our population is growing, our needs are growing, and the amount of money that we are providing is growing. To that extent, food habits change. In my part of the

country, people were used to coarse grains now the number of people that want rice has increased. These are the factors which my hon. friend, Mr. Gupte, has pointed out to this House. And, I think, his arguments have ~~not~~ found any answer from the Opposition.

I say, Sir, that I take my stand on the arguments put forward by my hon. friend, Mr. Gupte, and I suggest to the House that the motion be accepted.

MR. DEPUTY CHAIRMAN: The question is

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

The motion is to be passed by a majority of the total membership of the Rajya Sabha, and by a majority of not less than two-thirds of the Members present and voting. A division will accordingly be called.

The House divided

Ayes 143

Noes 21.

AYES

Abid Ali, Shri
Adityendra, Shri
Agarwala, Shri R. G.
Agnibhoj, Shri R. U.
Agrawal, Shri A. N.
Agrawal, Shri J. P.
Ahmad Hussain, Kazi
Ahmed, Shri Fakhruddin Ali
Ahmed, Shri Gulsher
Aizaz Rasul, Begam
Akhtar Hussain, Shri
Alva, Shrimati Violet
Anup Singh, Dr.
Barlingay, Dr. W. S.
Bedavati Buragohain, Shrimati
Beed, Shri I. B.
Bharathi, Shrimati K.
Bisht, Shri J. S.

Budh Singh, Sardar
 Chaman Lall, Diwan
 Chandravati Lakhanpal, Shrimati
 Chaturvadi, Shri B. D.
 Chauhan, Shri N. S.
 Daga, Shri Narayandas
 Dangre, Shri R. V.
 Dasappa, Shri H. C.
 Das, Shri Biswanath
 Das, Shri Jagannath
 Deogirikar, Shri T. R.
 Deshmukh, Shri R. M.
 Dharam Das, Shri A.
 Dinkar, Prof. R. D. Sinha
 Doogar, Shri R. S.
 Doshi, Shri Lalchand Hirachand
 Dube, Shri Bodh Ram
 Dube, Dr. R. P.
 Dutt, Dr. N.
 Faruqi, Moulana M.
 Gilder, Dr. M. D. D.
 Gopal, Shri V. G.
 Gupta, Shri R. C.
 Gupte, Shri B. M.
 Gurumurthy, Shri B. V.
 Hardiker, Dr. N. S.
 Hathi, Shri J. S. L.
 Hemrom, Shri S. M.
 Hensman, Shrimati Mona
 Indra Vidyavachaspati, Shri
 Ismail Saheb, Janab M. Muhammad
 Italia, Shri D. D.
 Jafar Imam, Shri
 Jalali, Aga S. M.
 Kalelkar, Kakasaheb
 Kapoor, Shri J. R.
 Karayalar, Shri S. C.
 Karimuddin, Kazi
 Karumbaya, Shri K. C.
 Kaushal, Shri J. N.
 Keshvanand, Swami
 Khan, Shri Akbar Ali
 Khan, Shri A. S.

Khan, Shri Barkatullah
 Khan, Shri P. M.
 Kishori Ram, Shri
 Krishna Kumari, Shrimati
 Lakhamshi, Shri Lavji
 Lal Bahadur, Shri
 Lal, Shri K. B.
 Leuva, Shri P. T.
 Lilavati Munshi, Shrimati
 Mahesh Saran, Shri
 Mahtha, Shri S. N.
 Maithilisharan Gupta, Shri
 Malkani, Prof. N. R.
 Malviya, Shri Ratanlal Kishorilal
 Mazhar Imam, Syed
 Mitra, Dr. P. C.
 Mohta, Shri G. B.
 Mookerji, Dr. Radha Kumud
 Mujumdar, Shri M. R.
 Mukerjee, Shri B. K.
 Murari Lal, Dr.
 Nagoke, Jathedar U. S.
 Narayan, Shri D.
 Nausher Ali, Syed
 Nihal Singh, Shri
 Obaidullah, Shri
 Onkar Nath, Shri
 Pande, Shri T.
 Panigrahi, Shri S.
 Parikh, Shri C. P.
 Pattabiraman, Shri T. S.
 Pawar, Shri D. Y.
 Pheruman, Sardar D. S.
 Pillai, Shri C. N.
 Prasad, Shri Bheron
 Raghubir Singh, Dr.
 Rajagopalan, Shri G.
 Raju, Shri A. S.
 Rao, Shri Raghavendra
 Reddy, Shri A. B.
 Reddy, Shri Channa
 Reddy, Shri K. C.
 Roufique, Shri M.
 Sakanna, Shri H. P.

Sarwate, Shri V. S.
 Satyanarayana, Shri M.
 Savitry Nigam, Shrimati
 Shah, Shri B. M.
 Shah, Shri M. C.
 Shaik Galib
 Sharda Bhargava, Shrimati
 Sharma, Shri B. B.
 Shetty, Shri Basappa
 Shrimali, Dr. K. L.
 Singh, Babu Gopinath
 Singh, Capt. A. P.
 Singh, Shri B. P.
 Singh, Shri Ngangom Tompok
 Singh Panj hazari, Sardar Raghbir
 Singh, Shri R. K.
 Singh, Shri Vijay
 Sinha, Shri B. K. P.
 Sinha, Shri R. B.
 Sinha, Shri R. P. N.
 Sokhey, Maj.-General S. S.
 Srivastava, Dr. J. P.
 Subbarayan, Dr. P.
 Sumat Prasad, Shri
 Sur, Shri M. M.
 Surendra Ram, Shri V. M.
 Tajamul Husain, Shri
 Tamta, Shri R. P.
 Tankha, Pandit S. S. N.
 Tayyebulla, Maulana M.
 Vaidya, Shri Kanhaiyalal D.
 Valiulla, Shri M.
 Variava, Dr. D. H.
 Varma, Shri C. L.
 Venkataraman, Shri S.
 Vijaivargiya, Shri Gopikrishna
 Vyas, Shri Krishnakant
 Wadia, Prof. A. R.

NOES

Banerjee, Shri S.
 Bhanj Deo, Shri P. C.
 Deshmukh, Shri N. B.
 Dhillon, Shri G. S.

Dwivedy, Shri S. N.
 Ghose, Shri B. C.
 Gupta, Shri B.
 Kamalaswamy, Shri T. V.
 Kane, Dr. P. V.
 Kishen Chand, Shri
 Mahanty, Shri S.
 Mathur, Shri H. C.
 Mazumdar, Shri S. N.
 Narasimham, Shri K. L.
 Parvathi Krishnan, Shrimati
 Prasadaraao, Shri
 Sekhar, Shri N. C.
 Sinha, Shri Rajendra Pratap
 Sundarayya, Shri P.
 Vallabharao, Shri J. V. K.
 Venkataramana, Shri V.

MR. DEPUTY CHAIRMAN: 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.

We shall take up clause by clause consideration of the Bill. Clause 2. There are three amendments of which No. 3 by Shri Bhanj Deo is out of order. The other two may be moved.

SHRI B. C. GHOSE (West Bengal):
 Sir, I move:

"That at page 1,—

(i) the existing clause 2 be renumbered as sub-clause (1) of that clause;

(ii) in line 7, for the word 'substituted' the words 'deemed to be substituted' be substituted; and

(iii) after line 19, the following new sub-clause be added, namely:

'(2) The amendment made by this section shall have effect until the 25th January, 1960'."

SHRI P. C. BHANJ DEO (Orissa):
 Sir, I move:

"That at page 1, line 8, the words 'the production' be deleted."

MR. DEPUTY CHAIRMAN: The clause and the amendments are open for discussion.

SHRI B. C. GHOSE: Sir, there is nothing to be said as you are not permitting any speech nor is there any necessity to say much on this amendment. For, the matter has already been explained but it appears that the hon. Minister and myself think along the same lines. Though I appreciate the ingenuity of the arguments that he has put forward, they fail to inspire confidence in me. As a matter of fact my ingenuity or my experience do not match those of the hon. Minister. Certainly my imagination could never invent an argument which suggests that the indiscriminate use of article 249 would be a larger encroachment on the powers of this House than the amendments now suggested. Sir, I should have thought that I could never be so ingenious—I accept my defeat in so far as ingenuity is concerned to the hon. Minister. But I do strongly feel, as I have already stated, that these powers are not necessary and the arguments that we had put forward have not been answered at all and therefore we say that this amendment should not have at all been put forward but if at all we are agreeable to give the Government time for five years it is because they would not see the reason . . .

MR. DEPUTY CHAIRMAN: All these points have already been urged.

SHRI B. C. GHOSE: Therefore I press my amendment.

SHRI P. C. BHANJ DEO: Sir, I have moved the following amendment:

“That at page 1, line 8, the words ‘the production’ be deleted.”

May I say a few words?

MR. DEPUTY CHAIRMAN: We have already taken 6 hours instead of 4 hours.

SHRI H. C. MATHUR: Sir, the Member who is moving an amendment must be allowed to say a few words.

MR. DEPUTY CHAIRMAN: He has moved the amendment. All the points have already been urged. There is nothing new to be said. If you want to speak, we will have to sit through till we finish this.

SHRI P. C. BHANJ DEO: Sir, in putting forward this amendment, I don't want to repeat the arguments that have already been made in this House. I only say that in encroaching upon the spheres of the States in this manner, it would be very unwise for the Government to interfere and control small cottage and village industries and the work of mofussil small holders who make a living out of the sale of straw for instance. As the Government have to depend upon the States for carrying out their production programme in any case, I don't see why the Government should not accept this amendment by dropping the word ‘production, from the Bill. I will only end by making this remark that the Minister's contention that the number of children grow in a country with the betterment of the economic condition of the country is quite fallacious because in most countries with the growth economic standards, the population goes down and not up.

SHRI T. T. KRISHNAMACHARI: Sir, the only point I should like to make is that the present amendment follows the pattern of item 33 which now exists and which has a corresponding entry as item 26 and item 27 in List II. I cannot accept this amendment to remove the word “production” because that will alter the scheme of item 33.

MR. DEPUTY CHAIRMAN: The question is:

“That at page 1,—

(i) the existing clause 2 be re-numbered as sub-clause (1) of that clause;

(ii) in line 7, for the word 'substituted' the words 'deemed to be substituted' be substituted; and

(iii) after line 19, the following new sub-clause be added, namely.—

'(2) The amendment made by this section shall have effect until the 25th January, 1960.'

(After taking a count) Ayes: 20.
Noes: 113

The motion is negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That at page 1, line 8, the words 'the production' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: Now that we have disposed of all the amendments, to save the time of the House, I will put all the clauses together

The question is:

"That clause 2, clause 1, the Title and the Enacting Formula stand part of the Bill."

The House divided:

Ayes : 142

Noes : 24

AYES

Abid Ali, Shri
Adityendra, Shri
Agarwala, Shri R. G.
Agnibhoj, Shri R. U.
Agrawal, Shri A. N.
Agrawal, Shri J. P.
Ahmad Hussain, Kazi
Ahmed, Shri Fakhruddin Ali
Ahmed, Shri Gulsher.
Aizaz Rasul, Begam
Akhtar Husain, Shri
Alva, Shrimati Violet
Anup Singh, Dr.
Barlingay, Dr. W. S.
Bedavati Buragohain, Shrimati

Beed, Shri I. B.
Bharathi, Shrimati K.
Bisht, Shri J. S.
Budh Singh, Sardar
Chaman Lall, Diwan
Chandravati Lakhanpal, Shrimati
Chaturvedi, Shri B. D.
Chauhan, Shri N. S.
Daga, Shri Naryandas
Dangre, Shri R. V.
Dasappa, Shri H. C.
Das, Shri Biswanath
Das, Shri Jagannath
Deogirikar, Shri T. R.
Deshmukh, Shri R. M.
Dharam Das, Shri A.
Dinkar, Prof. R. D. Sinha
Doogar, Shri R. S.
Doshi, Shri Lalchand Hirachand
Dube, Shri Bodh Ram
Dube, Dr. R. P.
Dutt, Dr. N.
Faruqi, Moulana M.
Gilder, Dr. M. D. D.
Gopal, Shri V. G.
Gupta, Shri R. C.
Gupte, Shri B. M.
Gurumurthy, Shri B. V.
Hardiker, Dr. N. S.
Hathi, Shri J. S. L.
Hemrom, Shri S. M.
Hensman, Shrimati Mona
Indra Vidyavachaspati, Shri
Ismail Saheb, Janab M. Muhammad
Italia, Shri D. D.
Jafar Imam, Shri
Jalali, Aga S. M.
Kalelkar, Kakasaheb
Kapoor, Shri J. R.
Karayalar, Shri S. C.
Karimuddin, Kazi
Karumbaya, Shri K. C.
Kaushal, Shri J. N.
Keshvanand, Swami

Khan, Shri Akbar Ali
 Khan, Shri A. S.
 Khan, Shri Barkatullah
 Khan, Shri P. M.
 Kishori Ram, Shri
 Krishna Kumari, Shrimati
 Lakhamshi, Shri Lavji
 Lal Bahadur, Shri
 Lall, Shri K. B.
 Leuva, Shri P. T.
 Lilavati Munshi, Shrimati
 Mahesh Saran, Shri
 Mahtha, Shri S. N.
 Maithilisharan Gupta, Shri
 Malkani, Prof. N. R.
 Malviya, Shri Ratanlal Kishorilal
 Mazhar Imam, Syed
 Mitra, Dr. P. C.
 Mohta, Shri G. B.
 Mookerji, Dr. Radha Kumud
 Mujumdar, Shri M. R.
 Mukerjee, Shri B. K.
 Murari Lal, Dr.
 Nagoke, Jathedar U. S.
 Narayan, Shri D.
 Nausher Ali, Syed
 Nihal Singh, Shri
 Obaidullah, Shri
 Onkar Nath, Shri
 Pande, Shri T.
 Panigrahi, Shri S.
 Parikh, Shri C. P.
 Pattabiraman, Shri T. S.
 Pawar, Shri D. Y.
 Pheruman, Sardar D. S.
 Pillai, Shri C. N.
 Prasad, Shri Bheron
 Raghubir Singh, Dr.
 Rajagopalan, Shri G.
 Raju, Shri A. S.
 Rao, Shri Raghavendra
 Reddy, Shri A. B.
 Reddy, Shri Channa
 Reddy, Shri K. C.
 Ronfque, Shri M.

Saksena, Shri H. P.
 Sarwate, Shri V. S.
 Satyanarayana, Shri M.
 Savitry Nigam, Shrimati
 Shah, Shri M. C.
 Shaik Galib
 Sharda Bhargava, Shrimati
 Sharma, Shri B. B.
 Shetty, Shri Basappa
 Shrimali, Dr. K. L.
 Singh, Babu Gopinath
 Singh, Capt. A. P.
 Singh, Shri B. P.
 Singh, Shri Ngangom Tompok
 Singh Panjhazari, Sardar Raghbir
 Singh, Shri R. K.
 Singh, Shri Vijay
 Sinha, Shri B. K. P.
 Sinha, Shri R. B.
 Sinha, Shri R. P. N.
 Sokhey, Maj-General S. S.
 Srivastava, Dr. J. P.
 Subbarayan, Dr. P.
 Sumat Prasad, Shri
 Sur, Shri M. M.
 Surendra Ram, Shri V. M.
 Tajamul Husain, Shri
 Tamta, Shri R. P.
 Tankha, Pandit S. S. N.
 Tayyebulla, Maulana M.
 Vaidya, Shri Kanhaiyalal D.
 Valiulla, Shri M.
 Variava, Dr. D. H.
 Varma, Shri C. L.
 Venkataraman, Shri S.
 Vijaivargiya, Shri Gopikrishna
 Vyas, Shri Krishnakant
 Wadia, Prof. A. R.

NOES

Banerjee, Shri S.
 Bhanj Deo, Shri P. C.
 Biswasroy, Shri R.
 Deshmukh, Shri N. B.

Dhillon, Shri G. S.
 Dwivedy, Shri S. N.
 Ghose, Shri B. C.
 Gupta, Shri B
 Kamalaswamy, Shri T V.
 Kane, Dr. P. V.
 Kishen Chand, Shri
 Mahanty, Shri S.
 Mann, Lt-Col. J. S.
 Mathur, Shri H. C.
 Mazumdar, Shri S. N.
 Narasimham, Shri K. L.
 Parvathi Krishnan, Shrimati
 Prasadarao, Shri
 Sekhar, Shri N. C.
 Sinha, Shri Rajendra Pratap
 Sundarayya, Shri P.
 Suryanarayana, Shri K.
 Vallabharao, Shri J. V. K.
 Venkataramana, Shri V.

MR. DEPUTY CHAIRMAN: So 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.

Therefore, clause 2, clause 1, the Title and the Enacting Formula stand part of the Bill.

Clause 2, clause 1, the Title and the Enacting Formula were added to the Bill.

SHRI T. T. KRISHNAMACHARI: Sir, I move:

"That the Bill be passed."

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill be passed."

SHRI P. SUNDARAYYA (Andhra): Sir, I do not want to go into a long discussion at this stage. I only want the House to ponder over the vote both in this House as well as in the other House. This showed clearly that all the parties, with the exception of the Congress Party, were opposed to

this amendment. The Constitution is so framed that though they have got only 44 per cent. of the votes, they are in a majority here and are bringing in amendments to the Constitution.

THE DEPUTY MINISTER FOR LABOUR (SHRI ABID ALI): How many have they got?

SHRI P. SUNDARAYYA: The way in which they themselves have framed the Constitution, they are able to command a majority today to enable them to pass these amendments. The country and the people will not take it that you have the moral right to amend the Constitution. The Congress Party wants, by sheer majority, to amend the Constitution as it likes but let it be known by the unanimous opposition of all the parties that the Party is overriding the Opposition, overriding the wishes of the people also. I want the Congress Party which is in power to carefully consider this aspect of amendments to the Constitution. If they still want to carry on like this, it is for them to do and it will be the duty of the Opposition Parties and the people—who resent this attitude of the Congress Party—to take action.

SHRI ABID ALI: The people will always approve of it

SHRI T. T. KRISHNAMACHARI: The moral pedestal on which my hon. friend stands today amuses me. If that is all that he has got to say, that he has now assumed a role of being a moralist and from a moral pedestal he is telling the Congress Party that they are opposed, that if we carried on like this disaster will overtake us, well, Sir, I can only say that the warning is taken due note of. The very fact of the existence of my hon. friends is a warning to us and it is because of that warning that we are bringing forward such measures.

SHRI B. GUPTA (West Bengal): Are we listening to a Fascist Minister?

(Interruptions.)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. GUPTA: You represent 44 per cent. of the people; we represent 56 per cent. on this side.

MR. DEPUTY CHAIRMAN: Mr Gupta, please sit down.

(Interruptions.)

MR. DEPUTY CHAIRMAN: Let there be no disturbance.

SHRI T. T. KRISHNAMACHARI: Sir, communism has never been given to involuntary interruptions and the hon. Leader of the Communist Party will do well, at any rate, to induce some discipline in the members of his Party.

SHRI J. V. K. VALLABHARAO (Andhra): You refuse to do it.

MR. DEPUTY CHAIRMAN: Mr. Sundarayya, when you make certain remarks against the other side, you must be prepared to hear the reply. Let there be no disturbance. (Interruptions.) Order, order. Mr. Gupta, please resume your seat. Let there be no disturbance.

SHRI T. T. KRISHNAMACHARI. Well, Sir, as I said, the existence of the Communist Party is a warning to the Congress and I think that warning is enough.

SHRI B. GUPTA: We need not take any warning from the hon. Minister.

MR. DEPUTY CHAIRMAN: Let there be some give and take.

The question is:

"That the Bill be passed."

The House divided:

Ayes : 142

Noes : 22

AYES

Abid Ali, Shri.

Adityendra, Shri.

Agarwala, Shri R. G

Agnibhoj, Shri R. U.

Agrawal, Shri A. N.

Agrawal, Shri J. P.

Ahmad Hussain, Kazi

Ahmed, Shri Fakhruddin Ali

Ahmed, Shri Gulsher

Aizaz Rasul, Begam

Akhtar Husain, Shri

Alva, Shrimati Violet

Anup Singh, Dr.

Barlingay, Dr. W. S.

Bedavati Buragohain, Shrimati

Beed, Shri I. B.

Bharathi, Shrimati K.

Bisht, Shri J. S.

Budh Singh, Sardar

Chaman Lall, Diwan

Chandravati Lakhanpal, Shrimati

Chaturvedi, Shri B. D.

Chauhan, Shri N. S.

Daga, Shri Narayandas

Dangre, Shri R. V.

Dasappa, Shri H. C.

Das, Shri Biswanath

Das, Shri Jagannath

Deogirikar, Shri T. R.

Deshmukh, Shri R. M.

Dharam Das, Shri A.

Dinkar. Prof. R. D. Sinha

Doogar, Shri R. S.

Doshi, Shri Lalchand Hirachand

Dube, Shri Bodh Ram

Dube, Dr. R. P.

Dutt, Dr. N.

Faruqi, Moulana M.

Gilder, Dr. M. D. D.

Gopal, Shri V. G

Gupta, Shri R. C.

Gupte, Shri B. M.

Gurumurthy, Shri B. V.

Hardiker, Dr. N. S.

Hathi, Shri J. S. L.

Hemrom, Shri S. M.

Hensman, Shrimati Mona

Indra Vidyavachaspati, Shri

Ismail Saheb, Janab M. Muhamma

Italia, Shri D. D.

Jafar Inam, Shri
 Jalali, Aga S. M.
 Kalelkar, Kakasaheb
 Kapoor, Shri J. R.
 Karayalar, Shri S. C.
 Karimuddin, Kazi
 Karumbaya, Shri K. C.
 Kaushal, Shri J. N.
 Keshvanand, Swami
 Khan, Shri Akbar Ali
 Khan, Shri A. S.
 Khan, Shri Barkatullah
 Khan, Shri P. M.
 Kishori Ram, Shri
 Krishna Kumari, Shrimati
 Lakhamshi, Shri Lavji
 Lal Bahadur, Shri
 Lall, Shri K. B.
 Leuva, Shri P. T.
 Lilavati Munshi, Shrimati
 Mahesh Saran, Shri
 Mahtha, Shri S. N.
 Maithilisharan Gupta, Shri
 Malkani, Prof. N. R.
 Malviya, Shri Ratanlal Kishorilal
 Mazhar Imam, Syed
 Mitra, Dr. P. C.
 Mohta, Shri G. B.
 Mookerji, Dr. Radha Kumud
 Mujumdar, Shri M. R.
 Mukerjee, Shri B. K.
 Murari Lal, Dr.
 Nagoka, Jathedar U. S.
 Narayan, Shri D.
 Nausher Ali, Syed
 Nihal Singh, Shri
 Obaidullah, Shri
 Onkar Nath, Shri
 Pande, Shri T.
 Panigrahi, Shri S.
 Parikh, Shri C. P.
 Pattabiraman, Shri T. S.
 Pawar, Shri D. Y.
 Pheruman, Sardar D. S.

Pillai, Shri C. N.
 Prasad, Shri Bheron
 Raghubir Sinh, Dr.
 Rajagopalan, Shri G.
 Raju, Shri A. S.
 Rao, Shri Raghavendra
 Reddy, Shri A. B.
 Reddy, Shri Channa
 Reddy, Shri K. C.
 Roufique, Shri M.
 Saksena, Shri H. P.
 Sarwate, Shri V. S.
 Satyanarayana, Shri M.
 Savitry Nigam, Shrimati
 Shah, Shri M. C.
 Shaik Galib
 Sharda Bhargava, Shrimati
 Sharma, Shri B. B.
 Shetty, Shri Basappa
 Shrimali, Dr. K. L.
 Singh, Babu Gopinath
 Singh, Capt. A. P.
 Singh, Shri B. P.
 Singh, Shri Ngangom Tompok
 Singh Panj hazari, Sardar Raghbir.
 Singh, Shri R. K.
 Singh, Shri Vijay
 Sinha, Shri B. K. P.
 Sinha, Shri R. B.
 Sinha, Shri R. P. N.
 Sokhey, Maj.-General S. S.
 Srivastava, Dr. J. P.
 Subbarayan, Dr. P.
 Sumat Prasad, Shri
 Sur, Shri M. M.
 Surendra Ram, Shri V. M.
 Tajamul Husain, Shri
 Tamta, Shri R. P.
 Tankha, Pandit S. S. N.
 Tayyebulla, Maulana M.
 Vaidya, Shri Kanhaiyalal D.
 Valiulla, Shri M.
 Variava, Dr. D. H.
 Varma, Shri C. L.

Venkataraman, Shri S.
Vijaivargiya, Shri Gopikrishna
Vyas, Shri Krishnakant
Wadia, Prof. A. R.

NOES

Banerjee, Shri S.
Bhanj Deo, Shri P. C.
Biswasroy, Shri R.
Deshmukh, Shri N. B.
Dwivedy, Shri S. N.
Ghose, Shri B. C.
Gupta, Shri B.
Kamalaswamy, Shri T. V.
Kane, Dr. P. V.
Kishen Chand, Shri
Mahanty, Shri S.
Mathur, Shri H. C.
Mazumdar, Shri S. N.
Narasimham, Shri K. L.
Parvathi Krishnan, Shrimati
Prasadaraao, Shri.
Sekhar, Shri N. C.
Sinha, Shri Rajendra Pratap
Sundarayya, Shri P.
Suryanarayana, Shri K.
Vallabharao, Shri J. V. K.
Venkataramana, Shri V.

MR. DEPUTY CHAIRMAN: 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 Bill is passed.

The House will meet again at 3 o' clock instead of at 2-30.

The House adjourned for lunch at half past one of the clock.

The House reassembled after lunch at 3 of the clock. MR. DEPUTY CHAIRMAN in the Chair.

ALLOTMENT OF TIME FOR DISCUSSING THE INDIAN TARIFF (SECOND AMENDMENT) BILL, 1954

MR. DEPUTY CHAIRMAN: I have to inform hon. Members that under Rule 162(2) of the Rules of Procedure and Conduct of Business in the Rajya Sabha, the Chairman has allotted four hours for the completion of all stages involved for the consideration and return of the Indian Tariff (Second Amendment) Bill, 1954, by the Rajya Sabha including consideration and passing of amendments, if any, to the Bill.

THE INDIAN TARIFF (SECOND AMENDMENT) BILL, 1954

THE MINISTER FOR COMMERCE AND INDUSTRY (SHRI T. T. KRISHNAMACHARI): Sir, I beg to move:

"That the Bill further to amend the Indian Tariff Act, 1934, as passed by the Lok Sabha, be taken into consideration."

Sir, the Bill is not what might be called the ordinary Tariff Bill in the sense that it is similar to the Bills that we bring forward periodically before Parliament almost practically during every session, namely, to implement the recommendations made by the Tariff Commission. This Bill falls into two parts. The first one is the usual thing, that is, to give effect to the recommendations of the Tariff Commission. The other part of the Bill seeks to raise duties on a large number of items which are enumerated in the Schedule.

First, I shall deal with what you might call the routine part of the Bill. Those items which relate to the recommendations made by the Tariff Commission, very briefly put, are as follows. The first recommendation is about the withdrawal of protection in respect of Hurricane lanterns. I think the House will agree with me that an industry of this nature which needed protection is now no longer in need of it and it is also in a position to export Hurricane lanterns and meet competition from other countries abroad.

PANDIT S. S. N. TANKHA (Uttar Pradesh): May I enquire for how long