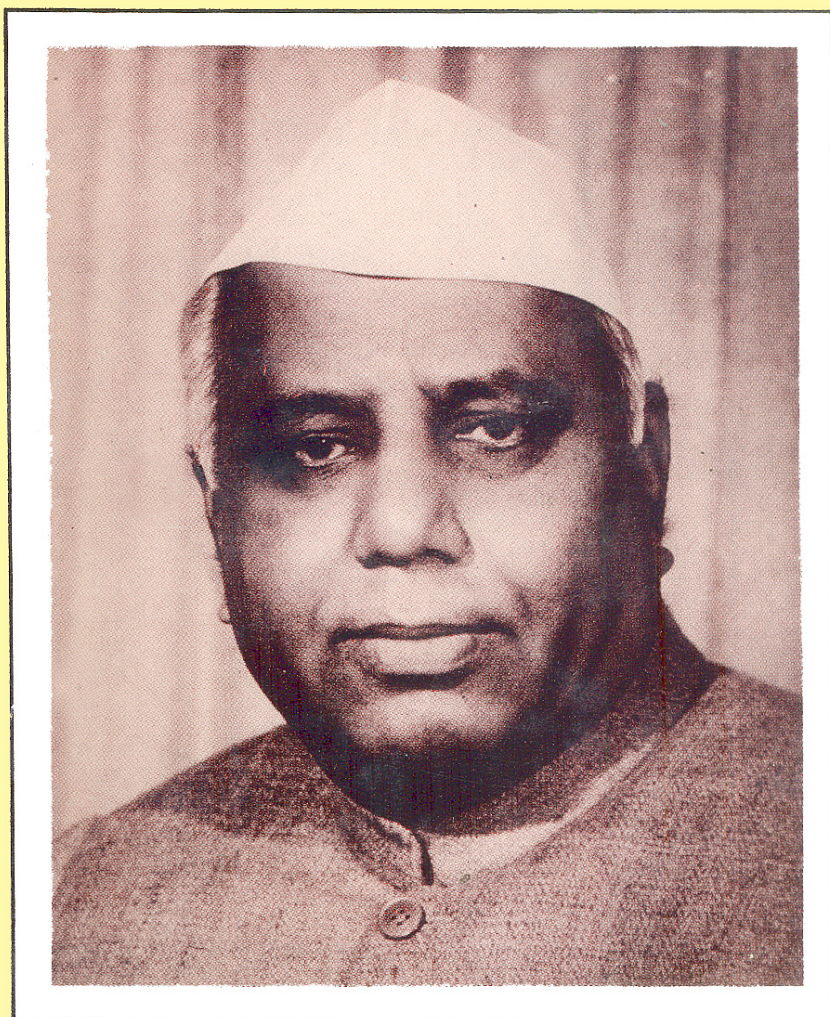


# Yashwantrao Chavan

Selected Speeches  
in the State Legislatures : 1946-62

Volume 2



Editor  
Dr V.G.Khobrekar

**YASHWANTRAO CHAVAN**

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# Yashwantrao Chavan

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Volume 2

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Date :

## **Foreword**

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The present volume brings to a close the speeches delivered in English by Shri YASHWANTRAO Chavan in the Bombay/Maharashtra Legislatures from 1946 till 1962. The series covers one of the most crucial periods of history of modern Maharashtra. They reflect the unassailable views of a young visionary, who was a son of the soil in the real sense of the word. They bring out the scholar in him who gravitated to politics because the call of Bharatmata proved to be stronger than the theories of political ideologies and because fate had ordained that he be the architect of modern Maharashtra and the saviour of the downtrodden.

From 1946 onwards Shri Chavan, continued to adorn the ministerial portfolios in the Bombay Legislative Assembly and then in the bilingual Bombay State followed by what can be described as an apogee of his political career, the inauguration of united Maharashtra State. His stints as minister in the cabinet are as follows:

Parliamentary Secretary (1946-52), Minister for Local Self-Government and Civil Supplies, Planning and Community Development (1952-54); on November 1956 he assumed the stewardship of the bilingual Bombay State. From 1 May 1960 to November 1962, he was the Chief Minister of Maharashtra State. Thus over 16 years, Shri Chavan displayed his unique ability to handle intricate State issues in his capacity as legislator and administrator, in each case the youngest. His ability to accept challenges was enormous. He never lost his temper and equipoise in the face of the gravest of provocations. He disarmed the angry opposition members with his suave manners and took the wind out of the sails of their wrath.

Shri Chavan was Minister in charge of several portfolios. He spared no efforts in taking measures that would benefit the common man. He piloted the ship of the bilingual Bombay State although he was the youngest Chief Minister of it without being fazed by the fissiparous Forces that were at work at the time. The result was that he won the acclaim and respect of both the Gujaratis and Maharashtrians. He successfully persuaded Shri Nehru to give up his adamant attitude on the issue of a Maharashtra State with Bombay as its capital. Shri Chavan did this cleverly. He was convinced that linguistic chauvinism was not practical; yet he ensured that Maharashtrians did not give up their asmita (self-identity); but was careful enough not to alienate the feelings of non-Maharashtrians. After bringing the mangal kalash of unilingual Maharashtra State he had to weather many a storm like the Panshet Dam disaster. Thereafter his popularity and prestige went up. But suddenly he was called by Pandit Nehru to shoulder the responsibility of the Defence Ministry.

Shri Chavan belonged altogether to a new class of politicians. As they say 'of earth's earthy' without any fanfare of western type environment or education. He was of course influenced by western thinkers. He would be at home in his dhoti and kurta. Yet he was sophisticated enough to disentangle political intricacies and tantrums of the worst kind.

This volume 2 in the series has been very meticulously edited by Dr. V. G. Khobrekar, Director, YASHWANTRAO Chavan Jeevan Karya Sanshodhan Kendra of YASHWANTRAO Chavan Pratishthan. I am glad to say that the editor and his staff deserve compliments for their devoted and valuable work in bringing out this volume in record time.

I feel confident that this volume will prove useful to the research scholars and others as it deals with the most important period of history of modern Maharashtra.

January 15, 1990

Bombay

**SHARADCHANDRA PAWAR**

Chief Minister, Maharashtra.

## Publisher's note

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This volume is the second in the series of volumes of speeches and correspondence of the late Shri YASHWANTRAO Chavan. The speeches included in this volume were delivered by Shri Chavan in Bombay/Maharashtra State Legislatures from the year 1946 to 1962.

The name Shri Y. B. Chavan, conjures up in ones mind a benign face concealing an interior of a farsighted and astute statesman adept at engaging his opponents without hurting them. His was a very cultured and enlightened personality. His suave manners, cogent thinking and a lucid, rustic style of presentation born out of his constant contact with intellectual giants like M. N. Roy, scholars like Laxmanshastri Joshi and several others and the mellow environment of Krishna river on the banks of which he spent his boyhood days. His near perfect balanced language, his equipoise, in the face of provocation were the outstanding qualities which quite enhanced his personality from other politicians. What he abhorred was dogmatism and holier-than-thou-attitude trying to push down the throats of his listeners. Narrow sectarianism never even touched his mind, not even when he was a schoolboy and movements such as Satyashodhak Mandal were taking roots in Maharashtra. The reason is obvious, the universal appeal of Gandhian philosophy which shunned hatred had ingrained itself even in the budding youth that Chavan was. It is indeed a divine dispensation that a farmer's son should through tenacity, grit and grace, rise to be the first Chief Minister of united Maharashtra and the Defence Minister of the country at a critical juncture in the history of modern India.

The political career of Shri Y. B. Chavan unfolds itself from the days of his youth through a successful span of about a quarter of a century and reaches its zenith at the time of the formation of the united State of Maharashtra. It was not an easy task for Shri Chavan, because he had to pilot the ship of the bilingual State of Bombay with all the statesmanship and manoeuvres that he could muster. It was a litmus test for him. It

was no joke to steer the ship of the bilingual State of Bombay clear of the muck, maliciousness and hatred and split it into two without any trace of rancour or ill-feeling left behind.

Then came the call of the Himalayas. Nehru had chosen the right man to head the Defence Ministry. A level-headed man with foresight, he did his best to undo the ignominy we had suffered at the hands of the enemy. He laid the foundations of our north-eastern border's sound defence structure. Another outstanding feature of Shri Chavan's personality was his polite demeanour even with his political foes. Some may call this trait, "opportunism" or "sitting-on-the-fence" policy. But Mahabharat describes this trait of nurturing friendship by going beyond differences of opinion as a virtue of a true kshatriya. The charge is often made that Shri Y. B. Chavan was an opportunist, that he always sat on the fence and jumped on the winning side's bandwagon. But our Chanakya and the West's Machiavelli, though sometimes are quoted pejoratively, politics being full of pitfalls, politicians need tread warily.

Shri Chavan though not a votary of the philosophy of Chanakya and Machiavelli it must not be forgotten that both of them kept the interests of their countries paramount in their minds. So did Shri Chavan. Methods may vary. The two famous men who enunciated the basic principles of diplomacy and administration laid stress on ruthlessness to achieve their ends. But Shri Chavan was essentially a man of compromise. He was reluctant to hurt anyone. Persuasion was the keynote of his strategy. To-day by publishing this collection of his speeches we are honouring ourselves. When the famous French writer Voltaire was made the member of the French Academy, its President had said that by enrolling Voltaire as a member, the French Academy was honouring itself, because nothing lacked in his glory. It is they who lacked it. The same can be said about Shri Y. B. Chavan. In eulogizing him by publishing his speeches we are honouring ourselves.

**ANNASAHEB SHINDE**

Vice-Chairman

State Planning Commission and Vice-President

YASHWANTRAO Chavan Pratishthan,

Bombay.

January 22, 1990

Bombay.



## Introduction

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Maharashtra has always produced statesmen, warriors, scientists, literateurs that have distinguished themselves not only in their native Maharashtra but in the whole of India. The Great Shivaji of course comes to the mind of every true Maharashtrian. In fact, despite the attempts of his detractors to denigrate his image, Shivaji was, it has been established, a warrior of the stature of Alexander the Great. There have been hundreds of others in different fields.

The late Shri Y. B. Chavan, was one of such national leader, who transcended the borders of Maharashtra. The famous poet, the late Shri Shripad Krishna Kolhatkar, has described this trait of Maharashtrians in his famous poem on Maharashtra in the following words, आकांक्षापुढति जिथे गगन ठेंगणे (the sky is the limit for the ambitious).

It would be no exaggeration here to assert that Shri Y. B. Chavan was one of the very few leaders in Maharashtra, who could easily be included in the galaxy of the political luminaries like Dadabhai Naoroji, Mahadev Govind Ranade, Gopalkrishna Gokhale and Bal Gangadhar Tilak. But, the personality of Shri Y. B. Chavan differed from the above giants of Indian politics, inasmuch as that his roots were in rural ambient of Maharashtra where he familiarised himself with the conditions of the toiling masses and hardworking peasantry who form the backbone of this country. This rural background stood him in good stead in his career in adopting a realistic and down-to-earth approach to problems facing him.

After an apprenticeship as a freedom-fighter, during the forties and a couple of jail terms, Shri Chavan was rather hesitant about the future course of action. In the jail he was introduced to the writings of the legendary M. N. Roy, whose thinking had a great impact on him.

Later he met Roy and became a "Royist" also. But, while -all this was happening, he was working as a Congress worker. Under the influence of Roy, Shri Chavan could mould his ideas about social and economic

concept of independence and give intellectual orientation to his thinking. Then came war and Roy sided with the British which young Chavan could not gulp down, ardent patriot as he was and he rightly realised that such a stance would not appeal to the masses and jeopardise the country's freedom struggle. The rest is history.

In March 1946 Chavan's career as a legislator began. The first Chief Minister of Bombay province, the late Shri B. G. Kher, chose Shri Chavan as Parliamentary Secretary in his cabinet. The latter was a little disappointed at first; but compromise was Shri Chavan's forte, and when Morarji Desai who was Minister for Home and Revenue chose him as his Parliamentary Secretary, giving instructions that, no papers should be submitted to him without being examined by Shri Chavan, the young politician from Karad was happy to note that his talent was recognised. Gradually, his standing grew high.

Shri Morarji Desai during his tenure as Minister-in-charge of Revenue, brought a Bill called "Prevention of Fragmentation and Consolidation of Holdings Bill". It was a progressive piece of legislation intended to prevent further division of land holdings in Maharashtra which plagued it for years and prevented better yield from the land. Shri Morarji Desai entrusted his lieutenant, Shri Chavan, with the task of persuading the Opposition to accept the official line as the scientific approach in the circumstances which would benefit the farmers. Shri Chavan ably quoted figures about similar agricultural reforms in Europe and silenced the critics of Government.

On 16 March 1950 in reply to baseless allegations made by Shri Tulsidas Jadhav that Shri Chavan had addressed a meeting that ended in a riot, Shri Chavan refuted this charge by explaining what had happened in the meeting and in the end warned that such baseless allegations could only lead to the throttling of democracy, and that it was only a propaganda gimmick the Opposition was indulging in.

Speaking on the demand for sanctioning grants on the Police Department, Shri Chavan, stressed the need to update the police machinery with sophisticated equipment. He emphasized the urgency of arming the police department with the latest gadgetry for the detection of crime.

In 1952 elections, Congress was returned to power again with Morarji

Desai at the helm of affairs. Shri Chavan was appointed Minister for Civil Supplies, in which capacity he worked very hard to minimise the hardships of the people. Later he also worked as Minister for Forests, Local Self-Government and Accommodation.

On the occasion of the debate on the Governor's Address in May, replying to the Opposition charge that compared to the soaring prices the subsidy given by the Centre was inadequate, Shri Chavan, as Minister for Civil Supplies pointed out that he also shared the anxiety of Opposition members as regards the sky-rocketing food prices and its effects on the cost of living; but, he added that the problem of subsidy was linked with the world prices.

In July, Shri Chavan, took the House into confidence to explain the economic condition of the country on the whole and the basic features of the control policy of the State Government and analysed the measures adopted by Government to ameliorate the conditions of the masses. Shri Chavan, also assured the House that a fresh approach regarding the policy of controls would be made after the rainy season when the crop situation would become clear. He effectively delineated the policy of the Civil Supplies Department.

A new era of planning was ushered in and Shri Chavan was placed in charge of Planning and Community Development which portfolios he discharged with great resourcefulness.

Two years after, as Minister of Local Self-Government, Shri Chavan introduced a Bill to consolidate and amend the law for the making and execution of Town Planning Scheme. While speaking on this Bill he pointed out how this question of planning of industrial loans is tackled. He emphasized the paramountcy of adopting this Bill and recalled how the conference of all Improvement Trusts held in 1948 had held a thorough survey of all small towns. He elucidated the general features of the Bill which included the Development Plan, the Town Planning Scheme and co-related points.

Replying to a debate on the Governor's Address on 18 February 1955, Shri Chavan pointed that compared to the prices of cereals in other States, the prices of cereals in Bombay State were quite reasonable and that even though Bombay State was a deficit State in regard to foodgrains, there was nothing so alarming that the Opposition should raise a hue

and cry. He added that before expecting the farmers to produce more we had to provide them with facilities to store foodgrains, supply them with better inputs to enhance production. Finally Shri Chavan assured that it was the avowed intention of the Government to broaden the scope of Gram Panchayats by bestowing more autonomy on them.

In his speech made on 23 February 1955 while justifying the demands for additional funds for extra staff for Accommodation Department, Shri Chavan explained how the department had to tackle applications made by thousands of persons in respect of suppressed vacancies of tenements and added that it was important in the light of Supreme Court's verdict to allot the vacant flats to the first informant. Shri Chavan also pointed out that such a measure was essential in view of the evil system of pugree.

Introducing the Bill to amend the District Municipal Act 1901 and the Municipal Boroughs Act 1925 on 19 July 1955, Shri Chavan delivered a speech to bring home the importance of adult franchise by doing away with the business and taxation qualifications in the elections to the municipalities.

In reply to a Cut Motion tabled by Shri N. C. Bharucha and others to repeal the Bombay Land Requisition Act 1949, Shri Y. B. Chavan as Minister for Local Self-Government and Accommodation gave stress on the democratic aspect of the legislation and how it was essential to secure residential accommodation to the needy by putting a check to the evil of pugree system. Speaking on additional grants sanctioned to Village Panchayats on 12 September 1955, Shri Chavan observed that it was very necessary that these grants should be spent by the Panchayats judiciously.

In reply to criticism from Opposition regarding controls on foodgrains and demand for decontrol, Shri Chavan defended the Government policy vis-a-vis the charges made by Shri B. C. Kamble in particular. Shri Chavan laid emphasis on the need to import foodgrains from abroad and even make good the deficit by asking for subsidy from the Centre. Unsatisfactory rainfall also contributed to the difficulties which is why, Shri Chavan concluded, additional expenditure had to be incurred for procurement of foodgrains and their imports.

Keeping an effective control on funds of District Local Boards was the

subject of the speech of Shri Y. B. Chavan when he moved a Bill further to amend the Bombay Local Boards Act. He pointed out that there were two aspects. One was related, he observed, to the preparatory time required to hold elections to such bodies. Government proposed to reduce it to 15 days from 30 days. The second purpose was to keep a control over the deposits of these bodies by specifying the banks in which the funds should be deposited. Another important piece of legislation was brought before the Legislative Assembly by Shri Y. B. Chavan on 17 September 1956 in his capacity as Minister for Local Self-Government providing for the extension of the term of office of the Councilors of the Greater Bombay Municipal Corporation to avoid clash with the probable dates of the General Elections to the State Legislature and Parliament.

Introduction of the Bill to provide for the administration of Local Authorities whose members resigned on 17 February 1955 provided yet another opportunity to Shri Chavan to defend Government bona fides in making a provision to hand over the administration of Local Self-governing Bodies whose elected representatives chose to resign en masse creating a deadlock. Shri Chavan added that it was not at all the intention of the Government to suppress the democratic institutions and added that advisory bodies could be appointed to advise the Administrators.

On 20 February 1956 Shri Y. B. Chavan, Minister for Local Self-Government introduced a Bill to further amend the Bombay Village Panchayats Act 1933. In his speech defending the Government's step, Shri Chavan remarked that the purpose was to remove the restriction in section 4 of the Act and to introduce certain important functions in the working of the Village Panchayats and to bring practically every village in the State under the purview of the Village Panchayats.

Then followed a period of linguistic controversy. At this time, he had to use all his skill and tolerance to pacify Maharashtrian feelings which were hurt as the demand of Samyukta Maharashtra was not conceded. It was a tight rope walk, but Chavan successfully persuaded and convinced the agitated Maharashtrian minds how it was in the best interests of all to abide by the decision of the Centre to form a bilingual Bombay State.

He became the Chief Minister of the bilingual Bombay State in 1957, with the Samyukta Maharashtra agitation still alive and heading towards a crisis. The Centre was no doubt worried about the course the events

would take, for the State was the most important State in India. But, as Shri Chavan has himself admitted, he succeeded in winning over Maharashtra for the Congress despite heavy odds. He is reported to have candidly told Nehru that the bilingual State would not work any more, and a decision was taken to bifurcate the Bombay State. On May 1, 1960, the new State of Maharashtra came into being, needless to say with Shri Chavan as its Chief Minister.

While introducing the draft of the Bombay Reorganization Bill on 15 March 1960, in the Bombay State Legislative Council, Shri Y. B. Chavan, reiterated the promise that the interests of the people of Vidarbha and Marathwada would be safeguarded and assuaged the fears of some people regarding the implementation of the Nagpur Pact. He also pacified members who were outraged by the 'ceding' of the 'Dangs' and 'Umbargaon' area, to Gujarat by emphasising the paramount need of give and take spirit in such matters.

On 18 March 1960, Shri Chavan, in a speech full of persuasive skill explained why May 1 had been chosen as the Maharashtra Day and that the dates in themselves had no significance, the sentiments were important, he said in conclusion adding that we could well consider that Shivaji Maharaj was reborn on May 1. He strongly opposed the proposal to form three independent Marathi-speaking States. He refuted the allegation that the bilingual Bombay State had to be split because of lack of emotional integration. Frictions certainly were bound to be there but emotionally we were all Indians. Shri Chavan insisted, and it was with the intention of eliminating the minor frictions that the State had been split up, he said. Even the three parts of the Marathi-speaking State will have to be tuned to emotional integration. It is with this point in view that it had been decided to have a Nagpur Bench of the Bombay High Court.

Appreciation of the services rendered by Shri D. B. Lala as Chairman of the Council was the subject of speech by Shri Y.B. Chavan on 25 March 1960. Shri Chavan was all praise for Shri D. B. Lala popularly known as Lalakaka. The dignified manner in which Shri Lala presided over the proceedings of the House had earned the encomiums of one and all. His guidance and advice would serve as a beacon to all the future aspirants to the post.

Speaking on the issue of grant of Government land at Nagpur to nav-

Bouddhas the Chief Minister, Shri Y.B. Chavan, elaborately explained the importance of the piece of land which had come to be known as Deeksha Ground to neo-Buddhists and the gesture of Government in donating it to the community. The neo-Buddhists had built a 'stupa' on the site and Lord Gautam Buddha was revered by non-Bouddhas too which precludes the clash of any feelings.

Holding of the Session of the Legislature at least once in a year at Nagpur was the subject of debate in the Legislative Council and Shri Chavan, spoke on two issues on 12 August 1960. Namely (1) State Legislature Session to be held once a year at Nagpur and (2) capital itself should be moved to Nagpur for a specified period. Replying to the amendments suggested by Shri B. S. Vyas, Shri Chavan pointed out that Government would be functioning from Nagpur for at least three months when the Legislature Session would be held there. Shri Chavan, further said that the proposal for inclusion of Marathwada in the jurisdiction of the Nagpur Bench of the Bombay High Court was not acceptable. Shri Chavan, dismissed some of the proposals put forward by Opposition members such as the moving the capital to Nagpur as containing the seeds of decentralisation and separatism. On 22 August 1960, Shri Chavan, announced the amalgamation of the Vidarbha Bank with the State Co-operative Apex Bank and explained the delay in taking over the Dhanraj Mills, Bombay and Narsing Girji Mills of Sholapur. Speaking on Third Five Year Plan of Maharashtra State on 25 August 1960, Shri Chavan observed that it would be hazardous to expect quick solutions in the matter of planning and because some of the Communist countries have found such quick solutions to problems of planning there, it would be wrong to expect the same miracle in this country because the conditions are quite different. The same was true, he added, about co-operative farming. We need not adopt the pattern of western countries because we too have time-tested systems of agriculture. As regards education and social services they would be given priority and the necessary emphasis. In the end, Shri Chavan, remarked that planning could be said to be successful only if it could hold the price line. What was to be borne in mind was that compulsion in any form in any field of life would not achieve the desired effects.

Speaking during a discussion on the Annual Reports of the Bombay Public Service Commission on 17 February 1961, Shri Chavan observed that it was true that the best of our talented young men migrate to

foreign countries because of lack of scope for them in public sector and that every effort was being made to arrest the brain-drain. Replying to criticism that posts, such as the Director General of Publicity were filled independently, Shri Chavan remarked that the Public Service Commission was always consulted before making such appointments because they came under a special category. As for the post of the Deputy Director, Small Savings, he explained that it was excluded from the purview of the Public Service Commission because Government wanted a man who could achieve results and not be merely brilliant.

On 13 April 1961 the Chief Minister, Shri Y. B. Chavan described in a speech in Legislative Council, the circumstances leading to disturbances that took place at Nagpur under the aegis of Nag- Vidarbha Andolan Samiti. The latter, he said, was against the celebration of Shri Chavan's birthday by the Nagpur Congress Committee and, therefore, decided to stage a demonstration as a precautionary measure against which, the District Magistrate, Nagpur issued prohibitory orders banning meetings and processions. Even so, the District Magistrate gave permission to a meeting, but the police had to resort to a mild lathi charge in order to disperse the unruly Nag-Vidarbha advocates, Shri Chavan stated and defended police firing and lathi charge. Commenting again on 12 June 1962, on the performance of the Bombay Public Service Commission (1959-60) Shri Y. B. Chavan, gave the assurance in the Legislative Council that the defects and shortcomings in the procedural matters would be removed at the earliest. He further conceded the need to impart coaching to candidates appearing for the Commission's examination. He reaffirmed Government's policy of giving concessions to Backward Class candidates as regards age but not merit. On the medium of instruction he opined that he favoured Marathi as the medium of instruction but the knowledge of English had to be perfected through more efficient teachers.

In his reply to the debate on the discussion on supplementary statement of expenditure on 25 July 1962, Shri Chavan, allayed the fears of many members of the Council regarding various issues such as the criteria of appointment of members of the Legislature to the Police Commission by pointing out that there was no favouritism or anything fishy about it. The objections raised by the Opposition members were superficial, he added.



One of the noteworthy and remarkable features of his role as Chief Minister of Maharashtra was that he encouraged co-operative farming and brought Zilla Parishads into being because he believed in democratic decentralisation of power.

Shri Chavan had to face many contretemps during his tenure as Chief Minister. But he withstood all of them like the colossus and earned the popularity of the masses as well as the politicians and intellectuals.

Shri Chavan who had hobnobbed with Communism and Socialism in his early days never let himself be swayed by extremism. He hated dogmatism in politics. He therefore, gave full scope to industrialists to launch new ventures in the State, solely with an eye on the objective of making Maharashtra the most progressive State in all spheres. The fruits of his efforts are there for all to see and Maharashtra leads all other States in industrial development, agrarian reforms and in other spheres of life.

The reader, we are sure will find in the pages that follow glimpses of the personality that enriched the life of Maharashtra by his mature and versatile outlook and a foresight that exceeded all expectations. When Krishna Menon's inability to get on with the Army Chiefs proved to be intractable, Nehru decided to replace him with Shri Chavan which was indeed a reward for all the selfless services, loyalty to the party and intelligent leadership of a high order.

My attempt has been to make a representative selection, so as to give the reader an idea of Chavan's views on all the important topics with which he was concerned. The selection has been arranged in chronological order. The text of the speeches has been taken from the original source of publication, and the original text has been strictly followed, except in a very few cases of obvious misprints or other errors, where the necessary corrections have been made.

I have no words to express my gratitude to Shri Sharadrao Pawar, Chief Minister of Maharashtra and worthy disciple of Shri Chavan for giving me this opportunity of compiling these speeches for the posterity and I thank the YASHWANTRAO Chavan Pratishthan members for reposing confidence in me to fulfil this onerous task.

It is my pleasant duty to thank all those who helped me in various ways in the preparation of this volume; Shri Thorat, the Librarian of

Legislative Assembly Library, Bombay and his assistants Sarvashri Upadhyay and Pashtekar for supplying the necessary books and other material; all those friends and scholars who encouraged me in this task and my colleagues who helped me in bringing out this volume. To the printers I express my appreciation of their cooperation.

**DR. V. G. KHOBREKAR**

January 8, 1990,  
Bombay.

## Landmarks in the life of Shri Y.B. Chavan

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- \* Born on 12 March 1913 at village Devrashtre in Satara district (now Sangli dist.).
- \* Primary education at Devrashtre in the local primary school. Father Balwantrao Chavan dies in the plague of 1918-19.
- \* Passes Vernacular Final Examination from the Karad Central School in 1927. Secures admission in the Tilak High School of Karad. Becomes the recipient of the first prize of Rs 150/- in the elocution competition held on behalf of the Nutan Marathi Vidyalaya of Poona for best speech on the subject "Village Improvement" in 1931.
- \* Participation in Non-cooperation Movement and sentenced to 18 months' imprisonment from 1930 to 1932.
- \* Released from jail in May 1933.
- \* Passes Matriculation examination in 1934 and joins Rajaram College at Kolhapur where he comes in close contact with Prof. N. S. Phadke and Dr. Balkrishna whose guidance stood in good stead in his future career.
- \* Passes B.A. examination of the Bombay University with History and Politics as his principal subjects in 1938.
- \* Shri Chavan is influenced deeply by the political philosophy of M. N. Roy during the period 1936-38.
- \* In 1940 Shri Chavan is elected President of the Satara District Congress.
- \* In 1940-41 he gets through the LL.B. examination and starts legal practice.
- \* On 2 June 1942 Shri Chavan gets married and is forced to go under ground for his political activities some months thereafter.

- \* Shri Chavan assumes leadership of Satara district 'Quit India' movement launched by Mahatma Gandhi on 9 August 1942.
- \* The same year he is elected Chairman of the Seminar held under the auspices of Dakshin Maharashtra Sahitya Sammelan (South Maharashtra Literary Conference).
- \* Joins underground movement in Satara district-directs and guides it.
- \* Succeeds in being in company with Smt. Venutai Chavan who is ill during the period August 1942 to 1943. Arrested by the police during his stay in Phaltan.
- \* Bereaved in 1943 as a result of elder brother Dyanoba's death. Released from jail in 1945.
- \* Elected to the Bombay Legislative Assembly from South Satara in the first General Elections in 1946.
- \* Appointed Parliamentary Secretary in Home Department of the Bombay Government on 14 April 1946.
- \* Second brother Ganpatrao passes away in 1947.
- \* Elected Secretary of the M.P.C.C. in 1948.
- \* Re-elected to the Bombay Legislative Assembly in 1952, appointed Minister for Civil Supplies.
- \* Signs the Nagpur Pact on 25 September 1953 along with the late Shri Bhausahab Hiray and Shri Nanasaheb Kunte.
- \* Establishes the Bombay Rajya Panchayat Sangh in 1954.
- \* Inauguration of Shivaji Memorial at Pratapgad on 19 November 1957 at the hands of Pandit Jawaharlal Nehru.
- \* Appointed member of the All-India Congress Committee in 1958. Undergoes surgery in March 1959; rest for 42 days.
- \* Inaugurates the Vidarbha Sahitya Sammelan on 13 February 1960 at Savargaon Dukre.
- \* Presides over the formation of the new Maharashtra State and becomes its first Chief Minister on 1 May 1960.
- \* Public felicitation at Pune on behalf of the Maharashtra Pradesh

Congress Committee on 21 October 1960.

- \* Appointed member of the All-India Congress Election Council in November 1960.
- \* Consents to the holding of one session of Maharashtra Legislature every year at Nagpur as part of the implementation of the provisions of the Nagpur Agreement (first session was held from 10 November 1960).
- \* Establishment of Maharashtra Rajya Sahitya Sanskriti Mandal. Inauguration at Nagpur on 21 December 1960.
- \* Inauguration of Shivaji statue at Bombay, December 1960.
- \* Elected to the All-India Congress Committee from the Congress High Command in 1961.
- \* Chairman of the Reception Committee of the Forty-third Marathi Natya Sammelan held at Delhi in 1961.
- \* Launches the Panchayat Raj Scheme on 1 May 1962.
- \* First article in Marathi entitled 'Niyaticha Hat' (The Hand of Fate) published in the Diwali special issue of Kesari.
- \* Assumes office as India's Defence Minister on 23 November 1962.
- \* Elected unopposed to the Loksabha from the Nasik district in 1963.
- \* Visit to the U.S.A. in 1963 in response to invitation by Mr. McNamara, U.S. Defence Secretary.
- \* Visit to U.S.S.R. in August of the same year; Discussions with Mr. Khrushchev, 1963.
- \* Tour of Russia from 28 August 1964.
- \* Elected President of the Maharashtra Education Society of New Delhi in 1964.
- \* Inaugurates the Forty-seventh Session of the All-India Marathi Natya Parishad at Nanded in January 1965.
- \* Attends Shastri-Ayub Khan talks at Tashkent in January 1966.
- \* Appointed Home Minister at the Centre on 14 November 1966.

- \* Appointed Finance Minister on 26 January 1970.
- \* Participates in a seminar on financial matters in the Conference of Developing Nations, in 1971.
- \* Appointed Minister for External Affairs in October 1974.
- \* Visit to Guiana, Cuba, Lebanon, Egypt, Peru, America, Afghanistan, Iraq, Kuwait and France in 1975.
- \* Chairman of the Reception Committee of the All-India Marathi Sahitya Sammelan held at Karad in December 1975.
- \* Visits Turkey and Algeria in 1976.
- \* Leader of Opposition in Loksabha in 1977-78.
- \* Joins Sanjiv Reddi Congress following differences with Smt. Indira Gandhi in 1978.
- \* Appointed Deputy Prime Minister and I Home Minister in the coalition Government of Shri Charan Singh in July 1979.
- \* Elected to Loksabha from Satara constituency in 1980 (only victorious candidate of Reddi Congress in Maharashtra).
- \* Re-entry into Congress-I. Appointed Chairman of the Eighth Finance Commission.
- \* Bereavement following the sudden death of Smt. Venutai Chavan, on June 1983.
- \* Breathes his last at Delhi at 7-45 p.m. on 25 November 1984.
- \* Cremated at the 'Priti Sangam' of Krishna-Koyna on 27 November 1984 at 3-40 p.m. at Karad.
- \* His autobiographical book Krishnakath is awarded the Sahityasamarat N. C. Kelkar Prize in 1984.
- \* Given posthumous award 'Samajik Nyay Puraskar' on behalf of the Ramshastri Prabhune Pratishthan of Kshetra Mahuli (Satara dist.) on 31 May 1986.

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**Part I**  
**Assembly Debates**

# 1

## Fragmentation of land -a disaster

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*On 12 February 1947, **Shri Morarji R. Desai**, Minister for Revenue, moved (Bombay Legislative Assembly (BLA) Debates, Vol. 10, Part V, Feb.-April 1947, 14 February 1947, pp. 282-85.) in the Bombay Legislative Assembly Bill No. XVII of 1946 to provide for the Prevention of the Fragmentation of Agricultural Holdings and to provide for the Consolidation of Agricultural Holdings for the purpose of better cultivation thereof.*

*On 14 February 1947, Shri Y. B. Chavan, then Parliamentary Secretary, rose to speak in support of the Bill.*

*He brought to the notice of the House that not many of the speakers might have tried to touch even the fringe of the problem of poverty in India which has no relevance to the Prevention of Fragmentation Bill. He expressed the view that the real problem was to improve Indian agricultural economy. After tracing the history of agricultural reforms in western countries in the last century, he quoted the statistics of land in Bombay Presidency for the year 1936-37 and said that there was no case for the redistribution of land in this Province. Here he related how in Russia, the Communist Party tried to collectivise agriculture and how they met with disastrous results. He spelled out three principles on which the redistribution of land in foreign countries was based and concluded that the agrarian reforms as suggested in the Bill of Prevention of Fragmentation was the best solution.*

*(‘Consolidation of holdings’ means the amalgamation and where necessary the redistribution of holdings or portions of holdings in any village, Mahal or Taluka or any part thereof.)*

**Mr Speaker** Sir, of course I rise in support of the Bill. I was hoping to hear some relevant criticism from the hon. Leader of the Opposition, but let me tell you frankly that I am completely disappointed. I must, however, try to confine myself to the actual facts and the real case of the Bill. Many of the speakers who opposed the Bill have tried to touch the problem of poverty of India. Everybody tries to see the problem of

poverty from his own point of view. This reminds me of an old story of six blind men and their efforts to see what the elephant was like.

The problem of poverty of India is not a one-point proposition. We cannot say that it is a problem of population. We cannot say that it is a problem of the absence of this or that particular thing. The problem of India is a problem which has been brought about by many contributory factors which, I think, we have to consider if at all we want to solve it. And coming to that, I would say that if India's agricultural economy and its problem is to be solved, then the problem will have to be seen and faced in its reality. Some people try to suggest that redistribution is the real solution and the hon. Member Mr Dange who unfortunately is not present here now, while advocating the cause of redistribution referred to the reforms in some of the continental countries. The history of agricultural reforms in the continental countries is very interesting and I think I may contribute something to the debate if I place some facts in this connection before the House.

The history of agricultural reforms in continental countries in the last century reveals three distinct types or categories of reforms according to the different blocs of countries and the nature of the reforms which they introduced. The Continent can be classified into the following three distinct groups: (1) The Western European countries, which are really speaking industrial countries where essentially the problem was quite different; (2) the Central and Southern European countries (the Baltic and the Balkan countries), where the problem was of quite a different type; and (3) Russia, the home of collectivisation as they call it. The method of redistribution I was tried in the Central and Southern European countries; and it will be interesting to see why they tried it there. The hon. Member Mr Dange while advocating this cause has given a very sound proposition and I am prepared to accept it. He said that before accepting the method of redistribution there ought to be some sort of polarisation of the classes. Yes, that is true, but is there that type of polarisation existing in this Province? I am afraid there is not.

Sir, I am not trying to reply to one particular member. I am trying to meet the argument that he (Mr Dange) has advocated. In Czechoslovakia and in other countries of Central Europe there was that type of rural polarisation. For example, I would give the statistics of Finland about land position. Out of the total land only 7.5 per cent was

under cultivation, and the remaining was either forest or pasture land. Then what was the position of the rural families? Twenty-three per cent owned the land, 34 per cent rented the land, while 43 per cent had no land at all. I think this position existed in all other countries in the Central Zone. Even in Poland the same thing existed. It was quite all right in those countries, but is it necessary in our Bombay Province? It is not. I can give you some statistics. If I am repeating certain things, I hope I shall be excused. I shall now quote from the statistics relating to the Bombay Presidency pertaining to the year 1936-37 which have been referred to by the Indian Famine Commission. The number given is in millions of holdings. Up to 5 acres, it is 1.13; between 5 and 15 acres, it is .67; between 15 and 25, it is .25; between 25 and 100, it is .22 and over 100 acres, it is .02. If these figures are accepted as correct, we will have to accept that there is absolutely no polarisation of the land-owning classes, and the greater bulk is the middle class peasants who own the land. Therefore, there is absolutely no case for redistribution. Under these circumstances, if anybody tries to redistribute the land or expropriates ownership, the results that followed in Russia are likely to be met with here in India also in Russia the Communist Party tried to collectivise and they met with disastrous results. The peasantry opposed it, and opposed it tooth and nail. They resorted to the tactics of sabotage. They tried to kill all the live-stock and non-co-operated with the Government. The result was that 50 per cent of the horses, 55 per cent of the cattle, 66 per cent of the sheep and 43 per cent of the pigs were completely destroyed. Is it not a thing from which we can take a lesson? I think we should take a lesson from this. Even the leaders of the Communist Party in Russia took a lesson. Sir, I would here read a warning which the leader of the Communist Party gave to his own comrades. The leader whose quotation I am giving is no less a person than Lenin, the Father of Soviet Russia. He said 'Nothing is more stupid', — stupid is his word, not mine, — 'than the very idea of applying coercion in economic relations with the middle-class peasant: If this warning has any significance, I think it should be accepted by those who claim to be Communists, and also by those who are their strange bed-fellows. The case for redistribution of land has absolutely no ground in this Province. Even in those countries where redistribution was tried, the problem of fragmentation still, persisted. Therefore, redistribution of land is not a solution to the problem of fragmentation. Where there is inequity of distribution, redistribution may be a solution, but fragmentation of land

is a problem by itself, which will require a solution of its own, namely consolidation. Even in those countries where redistribution was tried, for instance in Poland, Czechoslovakia, Bulgaria and all the Baltic countries, simultaneously they had to enact the type of legislation we are enacting to-day. Unfortunately, while quoting the history of agricultural reform in other countries, the members opposite never tried to see the real light in it. The principles on which those reforms have been based are, I think, three. One is to stabilise the cultivator on the land which he cultivates. The second is to discourage unprofitable small holdings; and the third is linking up the notion of absolute ownership with the interest of the community. These are the three principles on which all those reforms were based, and what is the programme this Government is following? I think the agrarian programme or the agrarian policy which this Government is following is based on these very three fundamental principles of agrarian reform. The Tenancy Act, the Money-lenders' Act, the Debt Relief Act and the Bill that we are now considering are all aiming at the same objective.

Sir, I would like to bring one more fact to the notice of the hon. Members who tried to put forward the case for redistribution, and that is from the statistics for the year 1936-37. It will be seen that the land given out by the absentee landlords to the tenants is 30 per cent of the total land. Under the Tenancy Act all the tenants under these absentee landlords are secured of their tenancy. They are cultivating the land without any danger of being evicted. Is it not a sort of redistribution? If at all redistribution is to be there, this process of redistribution in a legitimate form is already there, and I think it will evolve itself out to such a state that there will be absolutely no cause for complaint. If all these things are taken into consideration, I think there will be wholehearted support to the Bill, not only from this side of the House, but even from those who have tried to find fault with the Bill only because they had to do so.

Sir, with these words, I support the Bill.



## 2

### Role of the Police praised, better deal recommended

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*After explaining ( BLA Debates, Vol. 16, Part I, 16 March 1950, pp. 1515-16.) some of the remarks made by the hon. Member **Shri Tulsidas Jadhav**, regarding the alleged meeting in Kanna Chowk in connection with the elections to the Sholapur Municipality, Shri Y. B. Chavan said that he had never gone there nor did he address any meeting there. He clarified that while addressing the meeting at the Patryachi Talim, a young man tried to disturb the meeting which, however, passed off peacefully and he hoped that the hon. Member would accept this as true and would correct himself. Shri Chavan observed that the propaganda which he (Shri Jadhav) was carrying on would kill democracy.*

Mr Speaker, Sir, I am taking this opportunity to explain some of the remarks my hon. Friend Shri Jadhav has made regarding me yesterday. Unfortunately I was not present in the House yesterday, but I am glad that he has given me this opportunity to explain myself. It is a fact that I had been to Sholapur in connection with the elections to the Sholapur Municipality. I addressed some four meetings in Sholapur. One was in Phaltan Galli, the second was in Patryachi Talim, the third was in Subhash Chowk and the fourth was in Vijapur Ves. I tried to remember all the details of what had happened at those meetings, and I do not remember to have mentioned the name of one Shri Sattha. I do not know why his name has been brought in by my hon. Friend here. Really speaking I had no reason to mention the name of **Shri Sattha**. I personally asked the hon. Member this morning to which particular meeting he wanted to refer. He told me that it was the meeting in Kanna Chowk. Let me tell him that I never addressed any meeting in Kanna Chowk. I do not know about the Kanna Chowk meeting. In fact, I do not know what the Kanna Chowk is like. I had never gone there nor did I address any meeting there. I hope he will correct himself about this statement.

The only incident which I remember took place in the meeting which I addressed at the Patryachi Talim. While I was addressing the meeting one young man sitting in a motor-car with a microphone attached to it came shouting all sorts of slogans in vulgar language near the meeting. I thought he was in a mood to disturb the meeting and, if possible, to break it up. I saw some policemen also moving about there. I told the audience—it was a largely attended meeting—that it was better the young man was given an opportunity to go away and so I sat down. The police escorted him out. When he, turned round the corner, I again started the meeting and then the, meeting was a peaceful affair. That was the only thing that happened there and the police had to escort him. This is all that happened in Sholapur and this, I hope, the hon. Member, Shri Tulsidas Jadhav will accept as true. I believe he has respect for the truth and if he has, he should correct himself. But, unfortunately, he has developed a new art of repeating untruths, so that they can be passed on as truths. He claims to be a democrat and I hope he is a democrat. But this is not the way of carrying on a propaganda for democracy. The propaganda which he is carrying on is propaganda for killing democracy. Let him not at least in the name of democracy carry on propaganda to kill democracy. Sir, this is all that I have to say.

# 3

## Police force in districts

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*On 10 March 1951, the Government placed before the Assembly a demand of Rs 6,06,75,600 to be voted by the Assembly for the expenditure on District Executive Force and District Police Force. There were several Cut Motions. Shri Chavan, as Parliamentary Secretary, replied (BLA Debates, Vol. 18, Part II, (Inside No. 23), 12 March 1951, pp. 1394-98.) to the discussion on 12 March 1951.*

*He gave reasons for the increase in, the expenditure on Agriculture, the Police, Civil Administration, stating the circumstances requiring it. He asserted that the success of the novel experiment introduced in the Police Department would depend on (1) the appreciation of that method by the Legislature, (2) the proper guidance and support of the administration and (3) the active co-operation of the people.*

Mr Speaker, Sir, I shall try to classify the arguments that have been advanced by my hon. Friends, Shri Jadhav and **Shri Bhapkar** and the hon. Mover of the Cut Motion into two or three categories. They have exhausted all their information about what is happening in the State in their speeches which took up practically three hours. I, however, find that there are only a very few of their arguments which need to be replied to.

The first argument that was advanced by my hon. Friend, Shri Bhapkar was regarding the disproportionate expenditure on the police item. The hon. Member Shri Jadhav also referred to this point. I shall take up that point first. The question of expenditure on the police by itself is an interesting subject for study. I had a look at the expenditure on this item for the last 10 years and I came across some very interesting information.

In 1940-41 the expenditure was about 1 crore and 57 lakhs. It is true

that in 1951-52 the expenditure has come to 9 crores and 8 lakhs. No doubt, it appears to be a very stupendous increase, but we must try to examine why this increase has come about. Those who have tried to study this aspect have divided this period into two parts, namely, the period upto 1945-46 and the period from 1946-47 to 1951-52. In the first period, the increase is from 1 crore and 57 lakhs to 4 crores and 92 lakhs. This is the period when the Second World War was on. Anyone who has tried to look into the increase in the revenue resources of our State in this period would have marked that the revenue resources shot up from nearly 12 crores to 45 crores. The expenditure on every item, namely, agriculture, police, civil administration, etc., also went on increasing in this period. This question was examined by the Administrative Enquiry Committee and it gave its verdict upon the reasons for the increase in the revenue resources as well as expenditure. The Administrative Enquiry Committee has said that because the scope of activities of these departments was naturally widened and because of the circumstances then prevailing, this increase in expenditure was inherently justified. So, we have got the opinion of experts as regards the increase in expenditure in the first period and that goes to show that we have tried to look at things from a scientific point of view.

In the latter part of the period, that is to say, from 1946-47 to 1951-52, the expenditure went up from 5 crores and 72 lakhs to 9 crores and 8 lakhs. The explanation that my hon. Friend Shri Bhapkar tried to give in this connection is rather unfair to himself. If we try to go into the causes of this increase in expenditure, it will be seen that the explanation that he gave was incorrect. It was a too simplified explanation. This process of increase in expenditure during an exceptional period is not such a process that it can be explained away by such a simple explanation. It is a process the reasons for which are economic, social and political. If the hon. Member realises that these are the reasons for the increase in expenditure during this period, I am sure he will come forth and say that this increase is certainly justifiable. What are these reasons? After 1946-47, the area and population of Bombay State have increased by nearly one-third. As a result of that we had to increase the establishments and increase the number of police stations. Then again, there was the question of revising the pay-scales and dearness allowance. The hon. Member Shri Jadhav who preceded me just now complained that the lower staff of the Police Department is not well paid. I think that is a

hackneyed argument that is usually advanced without looking into facts. If he compares what is paid to the lower staff in this State with what is paid in other States and also compares what was paid before 1946-47 and what is paid now, he will have to admit, if he has any regard for truth, that what is being paid today is certainly reasonable. This is one of the causes why the expenditure on the police has increased. If the police force which is an instrument of law and order in any State is to be efficient, then such an increase in expenditure on the police is justifiable. This point was discussed in this House on a previous occasion and then many of us were convinced that the increase in expenditure on the police force on account of the increase in pay-scales and dearness allowance that were sanctioned to them was certainly reasonable. This is one of the reasons why the expenditure on the police has gone on increasing.

There is the third reason for the increase in the expenditure. In order to make our police force more efficient and effective we must allow it to have modern, scientific and mechanical instruments. Our police is equipped with the wireless, motor units, finger-print bureaux, etc. Expenditure on this account has gone on increasing. During this period there were disturbances of peace and there was the threat of a railway strike. On these occasions additional expenditure on the police had to be met. It can be seen that this additional expenditure, as compared with the general increase in the police expenditure, is negligible. The implication of my hon. Friend Shri Bhapkar's repeated stress on the increase in police expenditure seemed to be that social services in this State are being starved. The hon. Finance Minister has in this budget speech dealt with this question at great length. However, since the hon. Member Shri Bhapkar tried to compare the police expenditure in Madras State with the expenditure on police in this State, I should like to place before the House the per capita expenditure on social services in this State and in Madras State. Let him compare these figures also. In 1949-50 the per capita expenditure on social services in Bombay was Rs 7-12-0, in Madras it was Rs 3-5-0 in LIP., it was Rs 2-15-0; in 1948-49 in Bombay it was Rs 6-15-0, in Madras Rs 3-3-0, in U.P. Rs 2-8-0; in 1947-48 in Bombay it was Rs 5-6-0, in Madras Rs 2-12-0 and in U.P. Rs 1-9-0. I would like the hon. Member to compare these figures for his own satisfaction and I am sure he will have to admit that though expenditure on the police in this State increased and the increase was reasonable

and necessary, items of social service not starved.

Sir, I must say that this cry that expenditure on police in this State is more is made out of ignorance. My hon. Friend Shri Bhapkar advanced an argument which is, I should say, unfair to himself. He said that the justification for this increased expenditure lies in the international situation. He said that the world is divided into blocs —Anglo-American bloc and Russian bloc — that the Anglo-American bloc has created certain artificial conditions in this country and that this Government and the Government of India have been following the Anglo-American bloc and that is why this Government has to spend more on police. The fallacy of this argument is obvious. The hon. Member said that Madras with Communist disturbances is spending less on the police while Bombay, without any such Communist disturbances is spending more on the police. If the logic of his argument is accepted, then in Madras too, by following the police of the Anglo-American bloc expenditure on the police should have been more. Sir, it was quite unnecessary to link up the expenditure on police with the international situation. To explain away a complex social phenomenon by such a simple explanation is to deceive oneself. I hope the hon. Member Shri Bhapkar will see the fallacy of his argument.

The hon. Member complained that the police force was used to suppress an ideology. He paid compliments to his own memory by reminding himself that he was once a Congressman. I am glad that he remembers that he was once a Congressman. He told us that even when he was a Congressman he had been detained once.

If the hon. Member Shri Bhapkar has eyes to see, he can easily see that there is the Congress. If he wants to shut his eyes and does not want to see the world before him, I cannot help it. I cannot help it if he sees only darkness before him when the sun is shining bright before his eyes. The hon. Member Shri Bhapkar said that he had to go to jail when he was a Congressman. I would say, Sir, that this is conclusive proof of the bona fides of this Government. Even when he was a member of this party and when he tried to tread on the path of violence, he was made to pay for it even though he was a member of this party.

I know he has a sort of fascination for Courts because he is a pleader. He can take his chances outside. As regards his allegation that the police are used to suppress an ideology, I may inform the House that many

times the Government has on the floor of this House declared that it has no quarrel with any ideology as such, whether it is Communism, Socialism or any other ism, including the ideology of the Hindu Mahasabha of establishing a Hindu Raj in this country, but that it has a quarrel only with the means employed to implement such ideologies. If in carrying out the ideologies, they resort to violence, subversive activities and sabotage, then no Government worth the name can allow it for a moment. The police force must be used to prevent such things from happening. If such things are prevented from happening, then my hon. Friend Shri Bhapkar says that the police are used to suppress an ideology. To say so is to misuse the word 'ideology'. Ideology is always associated with creating something new and noble. Nobody can have any quarrel with such an ideology.

My hon. Friend Shri Jadhav said that we should be able to do without the police. I should very much like to share that dream with him. That dream might be realised one day if he desists from preaching to the people as he does now and instigating them to do things which they are doing now. It is no use indulging in dreams. Nobody unnecessarily wants to spend more on the police. The happy days which my hon. Friend is dreaming of are still long to come.

Then Sir, the hon. Members of the Opposition went on telling us tales about the inefficiency of the police administration. Both the hon. Mover of the Cut Motion and the hon. Member Shri Jadhav were telling us many tales which were doubtful and vague. I would invite the attention of the House to certain references which these hon. Members made. They made some allegations against some of the hon. Members of this House who belong to Satara District. I have the honour to belong to Satara district. The hon. Member **Shri Hujare** made some allegations against some hon. Members belonging to Karad town in the district of Satara. If the hon. Member had the courage and the honesty of purpose, then he would have mentioned the specific name out of those four or five hon. Members coming from this town against whom he has made certain allegations. I may mention that one of the hon. Members from the Opposition also belongs to this town. Therefore, the hon. Members Shri Hujare ought to have mentioned the name of the hon. Member against whom he wanted to make the allegations. He has not mentioned the name and that is the way he has tried to create a

bitter atmosphere by making vague allegations. He went on telling very vague things. He went on describing in a graphic manner old things, and made them appear as if they have taken place just now. The hon. Member Shri Jadhav's complaint is that he does not feel that there is a change for the better so far as the police administration is concerned. Well, Sir, he will certainly feel that there is a change for the better if he looks beneath, but he wants to create an atmosphere – an unhappy atmosphere – in which he feels that all is not well. There may be certain individual officers who may be committing mistakes. But if he had tried to approach somebody superior to these officers, or if he had tried to approach the hon. Home Minister and complained about the individual officer, the hon. Home Minister would have looked into the matter. But the hon. Members of the Opposition said that they saw a certain officer making unnecessary investigations. What further action the officer took was not disclosed by these hon. Members. They conveniently forgot to disclose that. In this way they create an atmosphere in which they want to feel that all is not well. Nothing is farther from the truth. Let me tell the hon. Members, Sir, that we are making an experiment to see that the administration is made more efficient. The scientific methods which the police were using in the last regime to keep us in bondage are now sought to be changed and we are now trying to use those methods for the service of the people. But in order that these methods should be brought into force, patience and strength are necessary. There should also be co-operation from the people to bring about that change, but unfortunately the necessary co-operation from the hon. Members of the Opposition like the hon. Members Shri Hujare and Jadhav is not forthcoming. I am sure that this new experiment will be a success. It is a great experiment on the success of which depends the future of this country. There are three or four factors on which depends the success of that experiment. The first of such factors is the appreciation of these methods by the Legislature. The second one is the patient but strong guidance by the administration; and the third is the actual co-operation from the people. These are the three factors and I hope that, if hon. Members will keep these factors in mind and act accordingly, then they will have no further cause for making any grievances about the police administration.



## 4

## Food subsidy inevitable

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*Under Article 176(1) of the Constitution of India, the Governor addressed both the Houses at a joint meeting in the Assembly Hall on 10 May 1952. At the conclusion of the address **Shri K. K. Shah** moved a Motion of Thanks to the Governor for the Address. During the discussion which took place on 9 and 10 May 1952, the members drew the State Government's attention to the rise of prices and the insufficient subsidy given by the Government of India. Shri Chavan, Minister for Civil Supplies, explained (BLA Debates, Vol. 21, Part VII, May 1952, 10 May 1952, pp. 222-25.) the reasons for the rise in food prices, and the effect of the food prices on the cost of living in Bombay and other places. He observed that the question of subsidy arose out of the necessity of keeping parity between world food prices and Indian food prices.*

Mr Speaker, Sir, it is a happy coincidence that when in this House we are discussing His Excellency's speech and also when our minds are focussed on the main question, namely, the question of the food subsidy, the Government of India, on a reconsideration of the whole question, has come out with a decision declaring a special subvention of Rs 2 per Bengal maund, further subsidising the milo which is popularly known as the poor man's food. I know that for the last few days the mind of everyone of us was greatly exercised over this question and other questions, for example what is this subsidy, why has the Government of India withdrawn this subsidy, why cannot the Government of Bombay restore the subsidy, if the Government of India is not coming forward with the subsidy what are we going to do, etc. These were the questions which were agitating the minds of us all here. I do not propose to reply to every query or to every point because it is not humanly possible to do so. I am only going to put before the House certain information and leave it to the House to judge the whole situation.

Sir, it is necessary to trace in brief, if possible, the history of this subsidy. The question of a subsidy arose for the first time in India in

1946. Even before that, in 1943, the Government of India had to import food from abroad. But then the world prices of food and the prices of food in this country were almost at the same level. But when in 1946 the world prices of foodgrains began to rise sharply, there arose a certain disparity between the prices in this country and the world prices. Just to remove this disparity the Government of India decided to step in and to subsidise, if possible, the imported food with a view to maintaining parity between the two sets of prices. So, from 1946 onwards right up to March 1952, we have this, what I may call, a tragic tale of subsidies in this country. For some time, the Government of India shouldered the whole burden of the subsidy. Then they started sharing it with the State Governments sometimes in the proportion of 3 : 2, 4 : 1 and so on, and now they have thrown the whole burden on the State Government. This is how the question of subsidies came in. Here I may point out one thing, that in spite of the rising trend of the world prices of food we had to import food from abroad and our aim was to supply food to the people in this country at a reasonable price, and that is why the Government had to subsidise food in order to maintain parity between the world prices and the prices of food in this country. The present rise of prices in this State is not entirely due to the withdrawal of the subsidy. This year, again, the tendency of the world prices of food was to go up. There was a sharp rise in the world prices of food. So, the present rise in the prices of food in this country is due to two factors. One factor is, of course, the withdrawal of the subsidy; and the second factor is the rise in the world food prices and the rise in shipping freight, handling charges, and so on.

When the subsidy was withdrawn by the Government of India, and as it caused a lot of hardships to the consumers in this State, we immediately took up the matter with the Government of India and, as you know, the Government of India itself being alive to the hardships of the people, have come forward to subsidise the poor man's food, namely, milo, to the extent of Rs 2 per Bengal maund. Sir, I have tried to calculate the percentage of the rise in the food prices in this State. Before the rise in prices in this State, the ration per week per head cost about Rs 1-0-10<sup>1</sup>/<sub>2</sub>. After the increase in prices, it comes to about Rs 1-9<sup>1</sup>/<sub>2</sub>, that is, a 48 per cent rise. In view of the subsidy that we are getting now and if we compose the ration quantum this way, that is, 8 chhataks of rice, 18 chhataks of wheat and 20 chhataks of milo, the price of the ration

quantum per week per head will be about Rs 1-4-4 $\frac{1}{2}$ , that is, a 20 per cent rise. That is, we are reducing the rise in prices by 28 per cent. If we further change the composition of the ration and make it 21 chhataks of wheat and 20 chhataks of milo, that is, 50 per cent of milo, the price will go still lower. It will come to Rs 1-3-5 $\frac{1}{2}$  per head per week, that is, a 15 per cent rise. Thus we are practically cutting down the rise by 35 per cent. Of course, we cannot cut it down cent per cent but I would request the hon. Members to consider this question basically. What alternative have we? Some of my hon. Friends suggest that we should go to the Government of India. Going to the Government of India means one thing according to them and according to me it means something else. In view of the relations between the State Governments and the Union Government, as they are contemplated under the Constitution of India, we have to put our reasons before them and leave it to them to decide the matter. After all, they are our own people. They are as much responsible to the people as we are and the interests of the people are as much closer to their hearts as they are to ours.

Another pertinent question which everyone asks is whether in case the Government of India cannot subsidise the food, this State Government can do it out of its own funds? I will try to put before the House certain statistics. I am not an expert in these matters but I wanted to understand myself the whole question in all its aspects. When I tried to find out what amount of imported food would be required to meet the needs of the people of this State, I found that we would require 12 lakhs of tons and if we are to subsidise the whole of this imported food, taking the price level to that of March 1951, the cost will come to Rs 23 crores or thereabouts. If the House were to suggest that this step should be taken or that to this extent we should be prepared to subsidise food, then I would say, Sir, that it is not a reasonable proposition. So, it is not possible to subsidise food out of our own budgetary provisions to the extent that we would like to do. Of course, this Government did what it could by subsidising milo from the beginning immediately after the subsidy was stopped. As the House knows His Excellency's Address makes reference to the fact that Rs 2.5 crores to Rs 3 crores were already sanctioned to subsidise milo. The only question is of giving relief to the poor people who are supposed to be hit hard by the increase in food prices and every attempt is being made in this direction. An approach to the Government of India was made and it has proved successful to a certain extent. The result of our approach, Sir, I have already made known to the House.

Then, there is another factor which also needs consideration. What has really been the effect of food prices on the cost of living in Bombay and other places? The index of the cost of living for April is not available today. It may be available by the end of this month. But then we wanted to calculate how far the food prices have affected the cost of living index. So, we took the offtake for the month of March and I hope hon. Members opposite would not quarrel with it because they would concede that the offtake for the month of April had been reduced as compared with the offtake for the month of March. Now, I may inform the House that the highest cost of living index reached in 1951, when the subsidy fully operated, was 337 for Bombay, 278 for Ahmedabad, 325 for Sholapur and 500 for Jalgaon. Now on the basis of the offtake for the month of March and the price level of April, the figures indicate that there is only a  $4\frac{1}{2}$  per cent rise for Bombay, a 6 per cent fall in the case of Ahmedabad, a 3 per cent rise in the case of Sholapur—I would like the hon. Member Shri Jadhav to mark this—and a 12 per cent fall for Jalgaon. Now, if the reduction in offtake is taken into consideration I am sure that the rise that is recorded in the case of Bombay and Sholapur would disappear. And with the further subsidy which will take effect from 18th May, this rise will go the other way. I am trying to place this information before the House so that those hon. Members who have an interest in this affair, who want to study this question from a rational point of view if they can, may feel satisfied and arrive at a correct conclusion.

Sir, I want to strike a personal note of appeal before I conclude. This question of subsidy as I have told you in the beginning arose out of the necessity of keeping parity between world food prices and Indian food prices and there is an inherent tendency of world food prices to rise steeply. It seems to us the poor man's livelihood, the food problem of poor India is thus chained to the speeding chariot of world food prices. This is a tragic picture indeed. But this also brings home to us the reality, a kind of inheritance that history has bequeathed to us, namely, the backwardness of our agricultural economy. If we are to face this reality, it is no use simply quarrelling over the withdrawal of subsidy either with this or that Government. It is necessary that we create an atmosphere in this country whereby we can break those chains which link us with the world food prices and make our country self-sufficient by our own efforts. Will that atmosphere be created? The success or failure of the food policy in this country depends on the answer to that

question. For that purpose, with your permission, Sir, I would make an appeal, if I may make an appeal to the hon. Members opposite to treat this question of food as a non-party and non-political question. If they can do it, possibly there is some hope that we may get out of the rut of food scarcity, and there will be no trouble regarding the food of the poor people for whom they have sympathy, for whom we have sympathy, for whom everyone of us has sympathy. I do not wish to deny to anybody sympathy for the poor. If we take that attitude on the food question I am sure we may be able to solve this question. With this appeal, Sir, I take leave of the House.

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## Controls essential

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*On 16 July 1952, in the Bombay Legislative Assembly there was a lively debate on general policy and administration of the Civil Supplies Department. As the Minister-in-charge, of the Civil Supplies Department, Shri Y. B. Chavan replied (BLA Debates, Vol. 22, Part I, June-July 1952, 16 July 1952, pp. 946-54.) to the points raised by the Opposition members, and explained to the House the economic condition in the country, basic features of the control policy in the State, storage capacity and constructive programme undertaken by the Government.*

Mr Speaker, Sir, I am really grateful to the hon. Members of the Opposition, particularly for the way in which they have contributed to the discussion on this very important question of this State. There was, of course, vehemence in the discussion but there was no bitterness.

While replying to the points raised in this House, I would first of all try to deal with the points of a general nature and then I would reply to the individual points of details made out by the hon. Members.

The speech of the hon. Member **Shri V. N. Patil** raises certain fundamental issues regarding the economic conditions in this country and the world. He has got a philosophical point of view according to which all problems emerge out of the conditions obtaining in the world. He takes into consideration those world conditions and tries to draw the inference that those conditions are applicable to our own conditions either in a village or a town. Therefore, in this particular case his conclusion or his suggestion is that as the economic crisis has developed in the world today, it is responsible for everything that is happening in this country. Perhaps, according to him, that is the only factor which explains away the policy of this Government, if I have understood him correctly and if I have summarised him well. When I try to consider this question of food, I hope the hon. Member will pardon me if I say that I never try to consider that question from this radical point of view. At least on that

point I agree with the hon. Leader of the Opposition who said that I do not look at the question of controls from a doctrinaire point of view. I am not one of those who show contempt the moment the word 'control' is used. I do not belong to that category. I am not one of those who again would at once feel enthused the moment the word 'decontrol' is uttered in the present context of things in this country. I look at it this way. It is a question which vitally concerns the lives of millions of people in this country, and, therefore, it is our duty, it is our obligation, to be very practical about it, and to see that the lives of the people of this country are in no way harmed by the policy that we may adopt in this matter. Therefore, accepting the blame, for repetition, I may say that we are not thinking in terms of decontrol at present. I would like the words 'at present' to be underlined. In this context, the hon. Member **Dr Amul Desai** suggested that this House should be taken into confidence if any modification in the policy is contemplated. With all respect to you, Sir, to this House and to its sovereign status, I submit that it would be very difficult for any Government, in any country, and in any stage to consult the House every now and then in regard to modifications of policies. But, certainly, if the need arises, and if time permits, I would consult some of the leading hon. Members of the Opposition. As far as I am concerned, I am not unwilling to do that. That is the only assurance that I can give to the hon. Members of the Opposition.

Before going into the maze of details, I would request the House to look at the basic features of the control policy in this State. The policy is aimed, as it should be, at giving to all citizens a reasonable quantum of grain, at a reasonable price. To achieve that aim, we have adopted the policy of monopoly purchase and sale and have selected certain areas for statutory rationing of foodgrains. Even granting that we may be going in for decontrol, this aim will have to be there. Our obligation to supply to all citizens a minimum quantum of foodgrains at reasonable prices will continue. (Interruption.) I have used the word 'minimum' carefully and cautiously. If we can achieve that aim in this State, I should not be afraid of going in for a modification in our present food policy. That is all that I can say at this stage about the general food policy that I have in mind at present.

Sir, I will now try to reply to the various points made by several hon. Members during the course of the debate. The hon. Member **Shri Kadam**, who moved the Cut Motion, referred to the question of rates, transport,

procurement, prosecutions and so on. I should think that he was dealing with such cases in his capacity as a lawyer. It would have been better if the hon. Member had approached me with the material facts of the cases. He had approached me in one such case, and, speaking subject to correction, he was defending the accused in that case in a court of law. I am glad that he is defending them in this House also.

When the position was brought to the notice of the Government, the parties were informed that if they were prepared to pay to the Government the remaining quantum of levy that was expected of them, the Government would be prepared to withdraw the cases. The Collector had a sort of an understanding with the hon. Member who moved this Cut Motion, but I do not know what happened afterwards and why he withdrew from that position. That is the position according to my information, and Sir, I have taken the first opportunity to explain the position in regard to these prosecutions to the House. I agree with the hon. Member that when questions of this nature are to be tackled, they should be tackled, as he himself emphasised, in a non-political manner. May be a certain set of propositions is going to help a certain political party and its ideology. But it is better for him, it is better for me, and it is better for all concerned that political considerations should not be allowed to enter in this matter.

Then, Sir, the hon. Member made some reference to the godown at Katur. I might here remind the House of a short notice question tabled by the hon. Member **Shri Bharucha**, and in reply thereto I had made a reference to certain damage done to rice in the Karwar district. I had then in view this particular godown. As far as my information goes, there were only three instances brought to my notice: one in Bombay, the second in Belgaum and the third in Karwar, and I have tried to deal with them as was necessary under the circumstances.

Then, Sir, the hon. Member referred to the hardships caused to the Bhandaris and fishermen living near the sea-shore. I can assure the hon. Member that if he comes to me with particular cases which have some merit in them, I will certainly try to consider them with all the care that those cases would need and demand.

Next to him followed the hon. Member Shri Bharucha and I must, first of all, express my thanks to him for pointing out a certain mistake regarding the storage capacity and the construction programme



undertaken by Government. He suggested that there must be something wrong with the policy of the Government in regard to the construction programme. I may assure the hon. Member that there is nothing wrong with the construction programme of the Government, but there is something wrong with the printing. As he stated, the information given is that with the expenditure of Rs. 89 lakhs the capacity provided for storage is only 18,000 tons! I may inform the hon. Member and the House that in printing the figure one '1' was dropped, which really ought to have been at the third place from the left thus making the storage capacity to 1,81,000 tons. For the information of the House, I may also state that this year we have a programme under construction costing Rs. 6 lakhs and we propose to have a storage capacity of 10,000 tons. I hope the correction which I have made now will remove all doubt or misunderstanding that might have been entertained by the hon. Members of this House.

Sir, I really do not propose to burden the House with further statistical information and just to avoid this, Government kept at the disposal of the hon. Member of this House, only two days before, the latest statistical information. I do not want to repeat what is stated there, but I must explain the difference in the statistics given by me and by my predecessor. Last time, while speaking on the floor of this House on the question of subsidies I had mentioned that the probable amount that we will have to spend on that account would be Rs. 23 crores and, Sir, I still stand by that statement. The important thing is how you look at the question. The hon. Member Shri Bharucha explained his point view. He said that he stands for preferential treatment to be given to the cities. When I mentioned the figure of Rs. 23 crores I was not thinking in terms of the four cities only. In the month of May we were thinking, under the basic plan of import of this State, of importing something like 11,50,000 tons of foodgrains from the Central Government, and if that whole amount of foodgrains were to be supplied throughout the State at the price level prevailing in the month of March in the city of Bombay, then Sir, Rs. 23 crores would have been necessary. I still repeat what I had said at that time. The hon. Member also tried to point out a sort of discrepancy in the statement made by my hon. Colleague **Shri Dinkarrao Desai** in the month of March. He had mentioned then that probably Government would have to find an amount of Rs 9 to Rs 10 crores. I may say, Sir, that he had in view then only those four cities. If one takes

certain statistics out of context and compares them, something that cannot be explained will result. I am trying to put before the House the facts based on my own information.

The hon. Member tried to make out a point about the four cities. I may assure him, Sir, that I have the interests of the four cities as near to my heart as he may claim to have, but, at the same time, I cannot afford to ignore the interests of the people residing outside those four cities. Whatever help that we got from the Government of India, we tried to distribute it uniformly throughout the State. On principle, I am against showing preference to any particular cities. I have dealt, Sir, with the hon. Member Shri Bharucha's points in a cursory way.

Then, Sir, the hon. Member Shri Patil spoke about 'no profit, no loss' scheme and he was wondering why an amount of Rs 2 crores had been asked for. The hon. Member does not seem to have gone through the information that is contained in the White Book, where it is specifically mentioned that Rs. 2 crores have been asked for subsidising grains to be distributed in the State. The point relating to subsidy has been explained previously by me. The hon. Member also made some reference to statistics, but I do not propose to repeat again and again what I have already said.

I shall now come to the points that were raised by the hon. Member Shri Jadhav. I unsuccessfully tried to interrupt him while he was speaking. That was done merely with a view to knowing what he himself thought about the fundamental question of control and decontrol in the State, but, Sir, he cleverly, if I may say so, avoided to commit himself, as he normally does, on vital questions affecting the people of this State. He said, 'If you are going to have controls, have them and take the discredit; if you want to decontrol, yes, have it that way and have the discredit.' He is only trying to put discredit on the head of the Government which is not to his liking, but, Sir, with your permission, I may tell him and this Hon. House that, whenever one tries to criticise a certain policy followed by the Government, in order to offer constructive criticism, it is necessary to commit oneself as plainly and as explicitly as possible to definite sets of principles on the basis of which an alternative policy can be formulated. But unfortunately, the hon. Member Shri Tulsidas Jadhav has not committed himself to any set of principles which can be called an alternative to the policy of this Government.

I also believe in the principle that controls are not indispensable, but we must consider what is necessary in the context of circumstances in the State because we are discussing questions which affect the State at the present moment. We are not discussing questions which affected us in the past or which will affect us after 10 or 15 years. We are discussing questions which are likely to affect us today or tomorrow or in the immediate future. If the policy followed by the Government is criticised then it is necessary that the House and the public at large should know exactly what policy the hon. Members opposite want this Government to follow. The real point is that it is not the policy that is being followed or that is going to be followed that they do not like. Their only desire is that the present Government should be discredited in one way or the other.

My hon. Friend Dr Amul Desai tried to define a politician. I do not want to attack the whole definition as such, but I think that half of it is, quite applicable to that category of the hon. Members or politicians who simply want to create difficulties, difficulties and difficulties, without suggesting any solution to the existing problems. I hope the hon. Member Shri Tulsidas Jadhav does not belong to that category and I would be glad if he does not belong to that category.

Then, Shri Jadhav referred to a statement that I made last time requesting co-operation of the members opposite. I may tell him that I am quite sincere about it. In this connection he made a reference to the question of the appointments of the members opposite on the District Supply Advisory Committees and the Taluka Supply Advisory Committees. He was pleased to hand me over a copy of the proceedings of the District Supply Advisory Committee of Sholapur on the basis of which he tried to speak. I am afraid he has not read them himself correctly. When I got them from him I tried to read them completely. This is how they read:

सरकारी हुकूम नं.६०५-जून-२८८२-२ अ ता. ७-६-१९५२ हा सभेस खुलासेवार संपूर्ण वाचून दाखविण्यांत आला. सभेस माहिती देण्यांत आली की, वरील हुकूमान्वये जुने अेम.अेल.अेज. आणि अेम. अेल. सीज. यांच्याअैवजी नवे अेम. अेल.सीज हे जिल्हा पुरवठा समिती, तालुका पुरवठा समिती आणि रेशनिंग सल्लागार समिती यांच्यावर नेमण्यांत यावेत.

Now I would like to refer to the relevant portions of that order also:  
According to the Constitution of the District Supply Advisory

Committees all the members of the State Legislatures, that is, the Bombay Legislative Assembly and the Bombay Legislative Council, other than the Ministers, Parliamentary Secretaries and the President and Speaker of the Council and Assembly respectively, are the ex-officio members of such committees. In view of the recent general elections, new members have been elected to the State legislature who, according to the constitution of the Districts Supply Advisory Committees become their ex-officio members in the Districts, whereas the former Members of the Legislative Assembly and members of the Legislative Council who have not been re-elected cease to be members of these Committees; the new Members of the legislative Assembly and members of the Legislative Council should, therefore, be invited to attend instead of their predecessors . . . The sub-committees of the District Supply Advisory Committees and the Taluka Advisory Committees should also continue to function with the new Members of the Legislative Assembly and Members of the Legislative Council .. .

I find that certain names of members of this House, Members of the Legislative Council as well as Members of Parliament have been included. I have given Members an outline of the policy that has been accepted by this Government. As regards the particular case in Sholapur, I shall certainly look into it.

Sir, he tried to read certain portions of the Gupte Committee Report. I am afraid he has changed his position now. Naturally I grant him that right to change if it is meant for something good. But the change which is not for a healthy growth is something very dangerous. I should say it sometimes ends in death. I do not expect that kind of change in the case of the hon. Member.

As regards the question of the rise in prices, to which he referred, it was ably dealt with by my hon. Friend **Shri Bharde** in his speech. As far as the question of the uniformity of prices of procurement in this State is concerned, I may tell the House that we are considering that question and at the proper moment, perhaps in the month of September or October, this question will be solved on its own merits.

Then, Sir, my hon. Friend, Dr Amul Desai, while speaking, made a reference to the import of coarse grain into Surat district and also to its export. I tried to check up the figures given in the booklet that have already supplied to hon. Members and I found that in the current year

we have imported about 25,000 tons of coarse grain and in the year to which he made a reference not a single grain of it was exported from Surat. He even tried to emphasise not once, but twice or thrice, that coarse grain was exported and imported. I may mention, Sir that Surat is a deficit district so far as coarse grain is concerned. I, therefore, leave it to the House to draw its own inference.

Then, Sir, he made a reference to a certain case of hay which is a matter of detail. I assure him that I will certainly look into the matter and consider the question on its merits. That is the only thing I can do in this matter.

Then, Sir, the hon. Member requested that Government should take the whole House into its confidence before embarking on the policy of decontrol. I have tried to deal with this question.

Lastly, he made a reference to Satyagraha. I do not know whether any reference to Satyagraha is admissible. But I may repeat, if I am allowed to repeat, that the satyagraha, as far as the Socialists were concerned, was a misnomer. Sir, we also claim to be satyagrahis; we have also an interest in the theory of Satyagraha has made a contribution to the working of democracy in this country and in the world. Even then to call what they tried to start and conduct in this State 'a satyagraha' is being unfair to true satyagraha and also to themselves. He betrayed himself when he criticised the attitude of Government to the satyagraha in these words, 'It is a grand strategy on the part of Government to stifle the voice of the people, and to see that the demonstration of the satyagraha does not get due publicity'. No Government can oblige anybody in that way. I would only request the hon. Member that instead of resorting to such satyagraha it will be better if they go back to their old slogan of land army. Instead of organising a land army, they are trying to lead an army which is fighting with none and which is winning no war. Let them not try to raise such an army. We welcome the efforts that they wanted to make in the interests of the country and we would request them to repeat their own slogan again and help the Government in executing a national plan.

A reference was made by the hon. Member **Shri Popatlal Joshi** to a report in the Press with regard to cloth. This report is incorrect. We never had any loss till now since cloth distribution was undertaken by the Civil Supplies Department, nor will we have any loss when we may wind up

this whole scheme. We are not going to incur any loss. I would like to give this assurance to the House. Certain interested parties may have spread some sort of rumours like these and sometimes it is unwise to contradict such rumours or reports that appear in the Press. Sometimes it is difficult to cope with the problems that such rumours might create if we contradict them. But I may assure the House that we are not going to incur any loss on the cloth scheme. This Government has worked this scheme without incurring any loss during the last few years and it is not likely to incur any loss as long as it is working this scheme.

Sir, I have replied to the important points raised by the hon. Members, and I would now request the House to turn down the Cut Motion moved by the hon. Member Shri Kadam and to support the Demand that I have placed before the House.

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# Removal of controls

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*On 18 August 1952, a resolution regarding the Removal of Controls was moved by, **Shri Ambalal C. Shah** (Dabhoi), requesting the State Government to move the Government of India to reconsider its policy of controls with regard to foodgrains and other articles of consumption, by allowing their sale in the free market.*

*The question of partial decontrol was discussed for nearly two days in the Bombay Assembly. on 18 and 22 August 1952.*

*Replying (BLA Debates, Vol. 22, Part II, July-August 1952, 22 August 1952, pp. 2619-22.) to the debate, Shri Chavan, Minister for Civil Supplies, explained the policy of the State Government on the question of food on 22 August 1952. Stating that the procurement in the State depended on the rabi crop, he said that the Government would think over all the arguments that were made on the policy about controls in the House.*

Mr Speaker, Sir, we have discussed this question of partial decontrol for nearly two days now and all the possible arguments in favour of control and decontrol have been advanced on the floor of this House. Sir, this is the third occasion when I am called upon to speak on the policy of the Government on the question of food in this State in the last three months, and I may be excused if I do not speak in detail regarding every argument that has been advanced in this debate. I do not want to anticipate the conditions that would prevail in the month of November because it is the intention of the Government to decide on a definite policy regarding this very controversial issue of control and decontrol in the month of November. We must remember that much depends on the monsoon. I may tell those who clamour for decontrol that we had a shortage of 2 inches of rain in last October which completely changed the whole picture, and practically more than half-a-dozen districts had to be declared famine areas and some as scarcity areas. This year we can be glad that the rains have obliged us so far and let us expect more from it in the days to come. May I remind the hon. Members of this House

that procurement in this State mostly depends upon the rabi crop. That will show its sign probably in the month of November and so we shall decide on our policy about controls in the month of November.

Before deciding on our policy, certain questions will have to be considered carefully. Some hon. Members made a mention of the visit of the hon. **Shri Kidwai** to Poona. The hon. Members must be aware that they have had occasion to know Shri Kidwai's mind on the question of an all-India policy. Sir, the success of a policy of decontrol, if at all decontrol is to come in this State, depends upon many basic conditions. May I ask the hon. Members to go back to 1943 and consider the conditions then prevailing? I would further ask them to consider whether those basic conditions have changed. I can see from the speeches made in this House that there is an overwhelming number of Members in this House who are in favour of partial decontrol. I may assure them that I have made a note of their feelings, but I must remind them that the basic conditions which prevailed in 1943-44 have not changed. I am glad that the hon. Members of this House are quite aware of this reality. Most of them have admitted that this State is a deficit State. Most of them have also admitted that complete decontrol is not likely to be successful in this State. I may tell them that I am one with them on this point.

If the presumption that this is a deficit State is correct, then we will have to be very careful about two or three fundamental questions before we embark upon any change in the present policy. The first is that we must have some assurance or clarification from the Government of India about what their import policy is going to be for the next year. The second is what is going to be the price level that they want to adopt for imported grains in the next year because we are aware that this year and the last year the heavily priced overseas grains which were imported in this country had to be sold at unreasonable prices with consequent sufferings to the people. If we are going to have decontrol in this State, many of the hon. Members have suggested that we should have a system of fair price shops, but may I ask them, can we run fair price shops properly with the price level of imported food grains in this State? My reply to that question would be an emphatic 'No'. If at all we are to run fair price shops then the selling prices of the grains that we import from other States and other countries would have to be very reasonable and within the reach of the consumer. When I say 'consumer' I have



got a particular category before my eyes. I do not speak of a consumer who has got a high purchasing power nor do I mean a consumer who is himself a big producer. There is a class of consumers who have got only the minimum purchasing power in the country and who are non-producers or non-agriculturists. Our policy must have reference to and priority for this class of consumers.

Those who pleaded for decontrol reminded me of the law of supply and demand and asked me to think in terms of that law and allow it to have its own course. Yes, I am quite aware of this very fundamental law of economics but may I tell them that there is another law, a superior law, the law of nature, the law of hunger which neither forgets, nor forgives, nor discriminates. If we ignore this fundamental law of nature, I am sure neither the Press nor the public outside will forgive this Government and the hon. Members of this House. So, before embarking on any change in our policy we will have to be very cautious on this question. As I have already told the hon. Members our policy will be influenced by these two very basic conditions, namely, the price level that will prevail and the import policy that the Government of India are going to adopt for the coming year or two.

At the same time I would like to assure the House that we are not going to be guided by a doctrinaire point of view. I refuse to think in terms of ideologies as far as questions of decontrol and controls are concerned. We must try to meet the people's demand reasonably. If decontrol is going to solve the question, I should say I will go in for decontrol. There is no question of simply using the word 'decontrol'. I may assure the hon. Members of this House that if these two basic conditions are fulfilled, certainly we will consider what policy we should adopt for the years to come.

Then certain criticism was levelled against the Government. It is a matter of detail, but I would like to reply to some of the points raised because if I go on ignoring those points possibly, I will be misunderstood and the Government's policy also will be misunderstood. The most important point that was made by the hon. Member Shri Tulsidas Jadhav was about starvation deaths in the State. The hon. Member always takes pride in creating panic about scarcity conditions in this State, but may I tell him that the report about starvation deaths to which he referred is not true. The incident of starvation deaths in East Khandesh which was

reported in the Press was properly enquired into. I personally asked the Collector to look into the matter and we have found out that the woman who committed suicide had nothing to do with the availability of food or otherwise. There are many people who choose to commit suicide for their own reasons and it is no use blaming Government for such deaths. This is a wrong approach to the question. That is not the proper way to do things. It is on record that the ration for the previous week had been drawn by that family and, therefore, there is no question of there being no money to purchase the ration. If such deaths are called starvation deaths, why not say that all the deaths that took place in that month were starvation deaths and throw the blame on the shoulders of the Government? I can only say that such an argument is cynical and wholly unjustified and unfair. I do not want to say anything more on this point.

Further, the necessary result of decontrol, apart from other considerations, would be the retrenchment of the staff employed in the Civil Supplies Department. Now, I know that if for financial reasons the Government effect any retrenchment in the staff, these very hon. Members will make a grievance of it. May I get an assurance from the hon. Members opposite that if ever decontrol comes in and retrenchment of the staff employed in the Civil Supplies Department follows, they will not lead a deputation to the Government on behalf of the unemployed persons? It is a very unfair attitude to try to hit at the Government for anything and everything.

I think that what the hon. Member **Shri Purohit** said was all right. He said that the ever increasing number of eating mouths was larger than the number of producing acres and that we shall have to think seriously of birth control. The State Government cannot undertake any programme of birth control, but I may say that this is a programme which the social workers can undertake. Then, as regards a certain grievance which was made by the hon. Member **Shri Ambli**, I may say that he is very much misinformed about the matter. He said that there was a difference of Rs 9 per maund in the procurement price and the selling price of jowar in his district. I may tell him that his information is quite wrong. The actual purchase price is Rs 9-1-0 per Bengal maund and if, as he says, the difference between the procurement price and the selling price is Rs 9 per maund, it would mean that the selling price

is 100 per cent more than the procurement price, which is not a fact. If it is a fact, it will be a sort of condemnation of this Government. But it is not a fact and I wish the hon. Member had not made such a sweeping statement based on wrong information.

Then one of the hon. Friends opposite said that in many cases even a 12 oz. ration was not being issued. This is absolutely wrong. I have not received any such complaint and I can assure the House that a ration quantum of 12 oz. has been maintained throughout the State so far and it will be maintained also in the days to come.

Sir, I have said what I had to say about the food policy of this Government. We will certainly consider all the arguments that were made in this House on this question in the month of November next when possibly we will be able to re-examine the whole question.

I believe the hon. Member will withdraw his resolution in view of the explanation given by me.

# 7

## Civil Supplies Department

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*On 24 March 1953, a Cut Motion about matters pertaining to general policy of Civil Supplies Department and about the day-to-day administration of the general policy was tabled by Shri B. C Kamble, to which Shri Chavan, Minister for Civil Supplies, replied (BLA Debates, Vol. 23, Part II, March-April 1953, pp. 1492-96.) as follows:*

Mr Speaker, Sir, I will naturally confine myself to those points, concerning the Civil Supplies Department which were raised during the debate. I am grateful to those hon. Members who made a reference to these points because there was a stage in the debate when I felt that there was not going to be even a mention of the very essential problem, the problem of food. I thought that there was going to be a complete silence, and as I was about to get away with this compliment of silence, fortunately, certain hon. Members intervened to say something about matters pertaining to the Civil Supplies Department. As a matter of fact, those who spoke did not definitely criticise the department, but raised certain questions, posed certain issues and made certain queries, and my effort will be to deal with them as briefly as possible.

The issues and questions raised can be classified in two groups. The first group consists of matters concerning the general policy with a view to seeking certain information and clarification and the other group consists of particular matters arising out of the day-to-day administration of that general policy.

I will take the first group first, namely, the general policy. While referring to this question, the hon. Member Shri Bharucha raised a very pertinent question and asked me whether the Government was groping in the dark. He expressed his deep doubt about the new policy of the relaxation of the control on millets, and he wanted to know what are the basic considerations that influence our food policy and he also wanted

to know what is going to be our future policy. I may tell him and this House, that there are two basic considerations which guide us in framing our food policy in this State.

The first is that it is our conviction, whether there is to be control or decontrol, partial or complete, that the policy should be formulated, executed and enforced on the basis of the country as a whole. The second principle that guides us is that we are not doctrinaire so far as our standpoint about control or decontrol is concerned. Considerations of expediency do weigh with us. I may make it clear at the outset that an all-out decontrol in the immediate future is out of question. If I may use words spoken by the Prime Minister of India, control is necessary at some strategic points. But it cannot be an ideal of any Government to perpetuate controls indefinitely. So, control is necessary, for some time, at some strategic points and our efforts will be to minimise controls to the extent it is possible. So, these are the two principles which will always guide us in framing the policy of this Government.

As regards the general policy that we have adopted in this State in the last few months, one can reasonably ask these three questions: what is the policy, why is it there and how is it being enforced? Any food policy can reasonably have three objectives before it. First, the stabilising of prices; second, proper distribution; and third, building up reserves for emergencies. I think these are the three very general objectives which any food administration can set for itself. We have always tried to put before ourselves these three objectives. The Government of India is also trying to follow them.

What is control basically? Control, on the supply side, means the import from other countries and procurement from inside the country. Procurement inside the country also means making the marketable surplus available in the hands of Government so that that surplus can be taken to strategic points when an emergency arises.

What is control on the distribution side? On the distribution side, we have in this State what is known as statutory rationing in big cities and informal rationing in the rural areas. This, mechanism is supposed to perform two very important functions. One, which is very obvious, is that it guarantees equitable distribution and guaranteed distribution in the rationed areas to the consumers; and the second, which is not so obvious but is very important, is that it cuts off completely those

areas where the purchasing power is more concentrated and more organised and thus cordons off the competitive source of demand from the existing supplies. This is a very vital function which the system of rationing does either under the system of control or under the system of decontrol. Taking these basic considerations of the system of control in view, we are trying to find out what are the advantages of the system of control and what are the advantages of the system of partial control, and we have tried to combine the advantages resulting from both these systems. That is how the new pattern of a food policy is gradually but definitely coming into existence. The advantages of the system of control are that it eliminates speculative purchasing and hoarding of foodgrains. Secondly, as I have said, it cordons off some strategic areas, certain cities like Bombay, Ahmedabad, Poona and Sholapur; and thirdly, it gives a sort of machinery which can be used in the days of emergency. These are possibly the three important advantages of the system of control. The partial decontrol system also gives certain advantages. They give a sort of freedom from the psychology of scarcity because control means regimentation of all sorts. The irksome features of controls create psychologically a bad effect. So, partial decontrol gives freedom from such psychologically bad effects. There is also, as I said, internal procurement which gives the possibility of getting in our possession the marketable surplus. The partial decontrol system makes the marketable surplus completely free in the free zone. The third advantage which is very important is that it limits the commitments of the Government to feed the people to the minimum and only wherever it is absolutely necessary. These are the considerations which led us to accept this new pattern of food policy and that is how we are trying to run it. I need not take the time of the House in describing the features of the new policy because this House knows them, as the system is actually working for the last two or three months. But it is my responsibility to inform the House how it is working. For that also, we must try to find out what are the tests on which we can examine a particular system. For this system, I should say that there are five tests. The first is the general availability of millets in the open market. The second is the number of merchants coming forward to take out licenses to deal in millets. The third is the trend of offtakes from the Government shops, the fourth is the behaviour of the food prices in the open market; and the last but not the least is the psychological reaction of both the producer and the

consumer. If we apply these five tests to this system, I have reason to believe that the system is working satisfactorily. As regards the general availability of millets, there was some difficulty in the first month as the private trade was not well organised. The traders took at least a month to take out licenses and so in the month of December there was a sort of erratic nature of the price of millets. But from the middle of January the situation improved and I have sufficient information at my disposal which gives me good reason to believe that the prices have shown a trend towards stabilization. As regards the number of merchants who came forward to deal in millets, in the month of January their number was about 6,000. In the month of February about the same number of merchants took out licenses and in the month of March a substantial number of merchants must have come forward to deal in millets. I think this is a reasonable and substantial number of merchants to carry on trade satisfactorily in the State. The third test as I said, is the tendency of the offtakes in the open market and I will try to give certain information to the House. In the rural areas, including the de-rationed towns, in the first week of January the offtake was 7,100 tons. In the last week of January the offtake was reduced to 4,600 tons. If I take the consumption or offtake of millets in the month of January 1953, it was 24,000 tons; but in the year 1952, for the same month, it was 32,000 tons; in the year 1951 for the same month it was 54,000 tons; and in the year 1950 for the same month it was 38,000 tons. If we take the State as a whole and if we compare the offtake in these two months of January and February 1953 to the offtake during the last three years, it will be found that it is less by 31,000 tons. This tendency of the offtakes shows the general availability of millets in the free market.

That is another question which I may have to reply to because the hon. Member Shri V. N. Patil also raised that point. He said that the purchasing power was going lower and lower. I think it is a general question of the economic condition of the country and I do not think I am competent to pass judgment on this question nor do I think that the members are competent enough to say one way or the other. Coming back to the original theme, as I said, looking to the question of the behaviour of the prices from the month of December to the month of February, it is obvious that they are lowering. We have set up a sort of machinery in every district through which we get information about the general trend of prices in the districts and there is a definite tendency of

the prices coming down in the free market.

As far as the psychological reaction of both the consumer and producer—the fifth test that I have laid down—is concerned, it is for every hon. Member of this House to judge for himself. But I may say that both the consumer and the producer are satisfied.

Let us now go to the other group of questions raised. Several questions were asked as to what is the procurement target for this year, what about the promise of the Government of India to make up the deficit in the State and so on. I may tell the House that I have had very long discussions, and that too, repeated discussions, with the Food Minister of the Government of India and he has promised me—it is a solemn promise given by a member of the Government of India—that his Government would give us whatever quantity of foodgrains we need and even when the discussion was going on in this House, I got confirmation of this promise from the Food Minister of the Government of India when he was here last week. So, people need not worry about the help from the Government of India.

Now, about the target of the actual procurement for this year. As we have given up the procurement of millets, that is, jowar and bajri, our targets are in respect of rice and wheat now. We had kept the target of 1,25,000 tons for rice and a target of 50,000 tons for wheat. I may tell the House the happy news that so far as rice is concerned, we have already exceeded the target. We have procured 1,29,000 tons of rice. Figures for the procurement of wheat have yet to come and I cannot say what the procurement of wheat will be, but before we introduced this new food policy we also procured sufficient quantities of millets and at present our total procurement in this State stands at about 1,66,000 tons. We have every reason to be proud of it. Of course, this procurement has taken place in spite of scarcity and famine conditions in the State and that is why I said that we have every reason to be proud of it.

Then the other question raised was about adequate prices to the producer. This year we have permitted a rise in the prices of rice, millets and wheat that we have procured. There was a certain disparity about the procurement prices, but now in every district we propose to procure the same quality of rice at a uniform rate. In Maharashtra and Karnatak districts we have permitted a sufficient and reasonable rise in the prices to the producers, and as far as my information goes, the producers are



happy about it. So, I do not think that the hon. Member Shri Bharucha will persist in his complaint that the producer is not getting a reasonable share in the price.

Then a complaint was made about the quality of foodgrains sometimes issued in ration. I might concede that point in the case of overseas wheat, but I cannot say so in the case of all the other grains. I have no control over that situation of supply of overseas wheat. Whatever we get we have to issue, but we issue only after cleaning and after taking all the care that we can.

The other question raised was about the percentage of the loss in the godowns. The hon. Member Shri Bharucha said that this percentage works out to 8, but I have got figures calculated for 1950-51 and 1951-52. This loss includes shortages, thefts, shrinkages, conversion losses, wastage, and so on. The percentages work out to .709 in the year 1950-51 to the turnover and .897 in the year 1951-52. From this I do not think that anybody can reasonably say that this is an excessive loss.

Then there was a consistent demand made by hon. Members that I should give certain information about the future of the staff retrenched from the Civil Supplies Department. We have given our thought to this question and we have tried to do whatever we can to our utmost. As far as recruitment in this State in the Government departments is concerned, the Government has decided to shut out the recruitment from the open market, if I may use that term. We have instructed all the recruiting officers and the heads of departments that in Bombay and in the districts they should employ only those persons who are on the list of retrenched persons from the Civil Supplies Department. As regards the recruitment to be made through the Public Service Commission, we cannot keep the same condition. The Public Service Commission will send its advertisements to our officer and we might send our information to it, if called for. The other thing that we have done is that we have relaxed the condition about the age limit. We have, however, kept one condition, that he must have been within the age limit when he was first appointed in the Civil Supplies Department. In order to mitigate the hardships of people who are retrenched, we are granting them terminal leave and gratuity, provided they have put in at least five years' service.

There is the difficulty about the condition regarding qualifications. When we are throwing certain persons out of service, it is quite

legitimate for us to see whether the person who wants re-employment is educationally qualified or not. That is why we have to retrench educationally non-qualified persons first. We cannot help that. It is also very difficult for us to insist on giving preference to educationally non-qualified persons in the matter of recruitment. Therefore, I am unable to do anything in the matter.

The hon. Member Shri Jadhav made a reference to the question of the supply of seeds. So far we used to supply seeds from the Civil Supply Scheme because we used to procure millets and other varieties of grains, but this year we have given up that procurement and so we have not got any seed to give to the cultivators. The relevant department, namely, the Agriculture and Forests Department, has been asked to do this work and it is trying its best to meet the needs of the cultivators from other States. It is also trying to get some quantity from the Government of India for the purpose.

These were some of the points raised by the hon. Members in the course of their speeches about civil supplies. I cannot conclude my speech without making a reference to the general trend of the speech of the hon. Member Shri Kamble. I cannot give all the information that he has asked for. I was pained to hear him making a reference to the inability of certain hon. Members. He only betrayed a sense of arrogance by referring to his own brothers in that manner. However, I feel a sense of relief that he is not the man at the head of the administration. One could imagine what would have been their fate if he were at the head of the administration. We have every feeling that we are trying to do our utmost for the Backward Classes. It may be that there are certain limitations but our efforts will always be to do as much as we can. The only fear that I have got is that prejudices die very hard. My only wish is that these prejudices die soon.

## 8

# Estimates Committee's Economy Recommendations

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*On 30 March 1953, Dr Jivraj N. Mehta Finance Minister, moved in the Legislative assembly that the Fourth and Fifth Interim Reports of the Estimates Committee for the year 1951-52 and the Seventh Report for the year 1952-53, be taken into consideration. The Speaker called upon the hon. Members to participate in the debate and requested the members to restrict their remarks only to the contents of the reports. Shri Naushir Bharucha and Shri S. G. Warty took part in the debate and raised certain points. Shri Y. B. Chavan, Minister for Civil Supplies, intervened ( BLA Debates, Vol. 23, Part II, March-April 1953, pp. 1715-16.) in the debate and gave the following information to the House:*

Sir, at the outset, I regret that the information was not supplied to the Legislature Department in time, but then it does not mean that it is the intention either of this department or of the Minister-in-charge of it to show scant respect to this House. We have got sufficient information on hand to show that we have taken action on every recommendation of the Estimates Committee. So, with your permission, Sir, I may intervene in the debate at this stage to give certain information to the House which will facilitate further discussion on the Estimates Committee's Report with regard to this department. I will try to give the house information as regards the action taken on the Recommendations of the Committee and I shall begin from the last recommendation.

The recommendation to retrench the Deputy Food Controller's post has been entirely accepted by the Government and the post was retrenched from 1st September 1952.

With regard to the recommendation of the Estimates Committee to retrench the post of Public Relations Officer, it has been fully accepted.

Not only has the post of Public Relations Officer been retrenched but also some of the staff have been retrenched. So, in place of a saving of about Rs 7,000 per annum recommended by the Committee, on account of the further retrenchment of certain officers, we have actually effected an economy of about Rs 28,624 per annum.

As regards the recommendation of the Estimates Committee made in paragraph 4 to abolish one post of Assistant Director of Civil Supplies and one branch, this has not been found feasible. But then we have abolished certain other posts and economy to the tune of Rs 25,000 a year has been effected. About the first recommendation, which contemplates an economy of about Rs 7,000, the Government does not consider it feasible and practicable to accept that suggestion.

With regard to frequent examinations and periodical checks I might inform the House that we are frequently making these checks and examination of the staff.

So, Sir, the Estimates Committee has recommended a total economy of Rs 1,04,000. By accepting some of the recommendations, we have brought about an economy of about Rs 63,900. This is the information that I want to put before the House.

## 9

# Remuneration to elected members of Local Bodies

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*On 22 February 1954, a Bill No. LXXXIV of 1953 (A Bill to provide for the Salaries and Allowances of the members of the Local Authorities) was introduced (BLA Debates, Vol. 26, Part I, March-April 1954, pp. 72-73.) in the Assembly. Shri Y. B. Chavan, Minister for Local Self-Government summed up the arguments advanced by the members and defended the Bill.*

Mr Speaker, Sir, before I proceed to reply to the arguments advanced by the Mover of this Bill and those who supported him, I would, for the convenience of the House, as most of the speeches were made in the last Session, try to recapitulate the arguments that were advanced. I find that the arguments in favour of the Bill, to put them briefly, were three. First, the claim is that by introducing the idea of payment to the elected representatives of local authorities, it would bring about the desired efficiency and the integrity in the administration. Secondly, it is feared that by not giving remuneration to the elected representatives of the local authorities, these bodies are likely to be the monopoly of the rich people only. Thirdly, on the analogy of the Bill that was passed providing for salaries and allowances to the hon. Members of this House, it was argued that the principle of remuneration to the elected representative of local authorities should be accepted.

Sir, I shall deal with each of these arguments. At the outset, I must tell the House that the Government is opposed to this Bill. The reasons are these. In Indian public life we have certainly accepted the idea of honorary public service. We have compromised only in certain respects. For instance, we have compromised as far as the members of this House are concerned, and that too only on certain sound and reasonable grounds. I would like to put them before you.

Sir, it is not correct to say that whosoever is elected should be given some remuneration. We have to take into consideration two other important factors. Firstly, the nature of the work that the elected member is expected to attend to, as also the loss of time and loss of work that is involved in doing so. Secondly, we have to take into consideration the financial condition of the authority which is supposed to pay for the remuneration. These criteria will have to be taken into consideration when we decide this question one way or the other. When it is proposed that the same principle should be applied to the local authorities, namely, the local boards and municipalities, it is stretched rather too far. Those who advance the argument, that by not giving some remuneration to these members only rich people would be elected on these local authorities are not aware of the realities. It cannot be said that in the present day elected members of municipalities and local boards are only rich people. I do not know whether the hon. Mover of the Bill really wants to stick to this argument. If I point out to him the administration of the district local board of the district from which he comes, will he be prepared to concede the point that that district local board is composed of only rich people? I am sure, he would not. It is our common experience and it is also my personal knowledge that representatives of local authorities genuinely represent the poorer class, the exploited class. So, the argument and the fear that it would be the monopoly of only rich people if remuneration is not paid is not real. The other argument is that only by making remuneration compulsory, the efficiency and integrity of the elected representatives will be brought out. If this position were to be accepted, I think we would be approaching the stage of liquidating the whole of our public life. The real spirit of honorary public life will have to be accepted as a basic rule. If we have accepted the formula of remuneration to the members of this House, it was done on practical, reasonable and sound principles. This analogy to local authorities cannot and should not be applied.

We have tried to collect information on this issue from other countries as well. We find that only in rich countries like the U.S.A., Canada and Brazil salaries are paid to members of local authorities. In no country in the Continent including the U.S.S.R. is remuneration paid to members of local authorities. In no Asian countries is this payment made. So, it would not be correct to go from one extreme of honorary public service to the other extreme of remuneration to all the elected members of local

authorities. We will have to find out a golden mean, a *via media*, and that is what exactly we are doing. If some local authorities can afford to make this payment, and if it is necessary, certainly we will consider that point. If this principle is accepted now, tomorrow the hon. Member may quite reasonably try to extend the same principle to the village panchayats as well, and then it would be very difficult to resist that demand at that stage. If the financial position of these local authorities is taken into consideration, it will be found that it is difficult for them to carry on their normal activities, let alone bear this additional burden. On this ground the Government is opposed to this Bill. I, therefore, oppose the first reading of this Bill.

## 10

# Rehabilitation of retrenched Civil Supplies Personnel

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*From 4 March 1954, the general discussion on the Budget for the year 1954-55 was resumed by the House. On 5 March. Shri Y. B. Chavan, Minister for Civil Supplies, placed (BLA Debates, Vol. 26, Part I, February-March 1954, pp. 645-48.) some facts before the House regarding the various measures taken by the Government to solve the problem of retrenchment and absorption of the Civil Supplies personnel, which arose due to the policy of decontrol. He also gave details of the assistance which was sought from the Bombay Public Service Commission and the Union Food Ministry to absorb retrenched Civil Supplies personnel.*

Mr Speaker, Sir, I am at this stage intervening to explain and place some facts before the House regarding the measures taken by this Government to re-absorb the retrenched Civil Supplies personnel. This question was referred to by many hon. Members of this House; and I thought it fit that instead of giving any reply to the criticisms made by the hon. Members Opposite I should place before the House the Government's point of view, Government's difficulties and the efforts made by the Government in this direction.

Before I go into the actual measures taken by the Government I would like to refer to one fundamental question regarding this problem of retrenchment and re-absorption of the Civil Supplies personnel and it is about the approach to be made to this problem. Normally, retrenchments are of two types. I should say that the first type of retrenchment is that which is necessitated out of reasons of economy.

Wherever there is over-staffing we always consider retrenchment necessary. The retrenchment that we are faced with today is not a retrenchment of this type. The other kind of retrenchment is one that has



to be effected as a result of a major change of policy. This retrenchment is the result of an all-India policy accepted by this Government, welcomed by the people and which is in the interests of the people, I mean the policy of decontrol. The Civil Supplies Department itself came into existence when there were difficulties about the supply of food. So, this very machinery came into existence at a time when we were passing through difficult times to provide a solution for a difficult problem. When that problem is disappearing, it is quite natural that the machinery created to face it should also disappear, and that is how we will have to look at this problem of the retrenchment of the Civil Supplies staff. When the policy of decontrol was accepted we were faced with this problem of retrenchment. Some hon. Members asked that if Government were thinking of decontrol, then why did we not plan for the re-absorption of the staff. I doubt whether those who asked this question knew what they were speaking about. It will be realised that we have adopted this policy of decontrol somewhat cautiously. No doubt we were planning ahead for it, but even then it was difficult to think of any measures for the absorption of the staff. It was very difficult to plan for the re-absorption of the staff in the way the hon. Members Opposite wanted us to do. If we take these factors into consideration, then probably, we will be able to know and appreciate the measures that we have taken and the efforts that we have put in, in this direction.

When these people were appointed they were also very suddenly appointed. As administrative questions arose they had to be appointed. A large number of unqualified people thus came to be employed. Probably, if the normal standards and tests were applied, these very people could not have been employed anywhere in Government service. This fact also will have to be taken into consideration. Nobody has given them any undertaking that they would be permanently absorbed because it would have been wrong on the part of anybody to give such an assurance. Even if somebody has said so, it is wrong to expect the Government to give these people a guarantee of permanent absorption. I am not saying this in an attitude of replying to any points made out, but I am simply trying to explain the difficulties of the Government in this respect.

In spite of all this, when retrenchment began we thought of a method of re-absorption. The only thing that I can assure on behalf of the Government is a guaranteed method of their re-absorption. We

cannot assure any definite results in a given time, because when such a large number of people are going to be retrenched suddenly, their re-absorption is bound to take some time as it is going to be done in a definite process. I can only assure the hon. Members of the Opposition that we have evolved a method for their re-employment. I shall explain the method that we have employed. I have already explained it to the House on another occasion. The method that we have decided upon is still in the evolutionary stage. It expands as the circumstances necessitate. It expands as the parties concerned respond to our efforts and it is in that sense that I say that the method that we have decided on is still in the process of evolution. By Government Resolution dated 12 March 1953, immediately after partial decontrol was brought into effect in December 1952, we have decided that all those people who are qualified and who are within the age limit should be given preference while filling any vacancy that occurs in any department which is not to be filled up by the recommendation of the Public Service Commission or by promotion. All these vacancies will be considered for the retrenched Civil Supplies personnel and they will be given preference.

There were certain temporary servants in Government service, whose services were for less than 3 years. It was decided to discontinue them and in their places retrenched Civil Supplies servants who have served for more than 5 years should be appointed.

Then there was a concession given about the age limit. The age limit will be relaxed in the case of the retrenched Civil Supplies employees for the purpose of their re-absorption provided they were within the age limit when they were first appointed even though they are overage at the time of their re-absorption. Then there was another concession that was made in regard to the age restriction. All those persons who were overage at the time of their first appointment in the Civil Supplies Department are allowed relaxation of the age limit of one year for every three years of completed service, in addition to the age concession admissible to the retrenched personnel. This was an additional concession that was made to persons thus retrenched.

There was also another provision made with regard to the concession relating to terminal leave and gratuity. We have thought deeply about this problem. All temporary employees discharged as a result of retrenchment will be given all earned leave standing to their credit on the eve of their discharge. In the case of gratuity, we have evolved

the following formula: half a month's pay for each completed year of service, if the pay does not exceed Rs 180 per month; three-eighth month's pay for each completed year of service if the pay exceeds Rs 180 per month. The gratuity is admissible to those who have completed five years of service. The maximum gratuity admissible is five months' pay or Rs 1,500, whichever is less. So terminal leave was provided and provision for gratuity was made.

I have told the House that it is a process evolved as circumstances arose, as difficulties disappeared and as some of the parties concerned responded to us. This is a part of that process. So, Sir, gratuity is provided, terminal leave is provided, age limits has been considered and certain other concessions have been given. Those people who are qualified will be provided for in vacancies that might occur in other departments.

There are certain other difficulties so far as the city of Bombay is concerned. In the city of Bombay, for certain categories of posts the staff is recommended by the Public Service Commission. That is the rule as it stands today. The Government has taken up the matter with the Public Service Commission, and if they accede to our request, probably we will be able to absorb more of the retrenched people in the city of Bombay. It will thus be seen that we are not sitting silent over this matter.

We are also taking up this matter with the Government of India. We have written to them in this connection. In the beginning of this week I happened to be in Delhi and I took up this matter with the Union Food Minister. He has promised to take up this matter with the different departments of the Government of India and to see that some of these people are absorbed in the various Government of India departments.

We have also approached the State Transport Corporation and the Housing Board and they have responded to us favourably. Through the Local Self-Government Department we have appealed to all the District Local Boards and Corporations also to give a sort of preferential treatment to the retrenched Civil Supplies personnel. I may assure the hon. Members opposite that, on a point of sincerity and sympathetic consideration, we shall never be a step behind their expectations. I would only ask of them one thing. This is a very complicated problem which has arisen suddenly and it will have to be tackled with some patience. It is patience that is going to come to our help in solving this

problem. All that I would appeal to the hon. Member opposite is, 'Please use your strength, your wisdom and every thing you have to see that an atmosphere of co-operation is created, but not an atmosphere of demonstrations and fasts.'

My hon. Friend Shri Joshi had made a reference to the point about recoveries. Certain recoveries were to be made because a doubtful interpretation was put on the Government Resolution and some excessive payments were to be recovered in small instalments. When this matter was brought to the notice of the Government and it was found that those recoveries would continue even during the period of retrenchment, we certainly reconsidered the question and we thought it fit not to make any recovery when the person concerned was not employed. There is nothing unjust if the same man is made to pay small instalments of the excess amount paid to him when he gets employment. My concept of justice seems to be different from that of my hon. Friend Shri Joshi but I still feel that there is nothing unjust about it. I would merely say that putting things in an exaggerated form does not help the problem to be solved.

I would like to end with a note of appeal to the hon. Members opposite, and that is, please help those who are in difficulties, to find a real way out; and the real way is to have patience and find out constructive methods for solving this problem.

# 11

## Town Planning

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*On 23 August 1954, Shri Y.B. Chavan, Minister for Local Self-Government, introduced (BLA Debates, Vol. 27, Part-II, Aug.-Sept. 1954, 23 August 1954, pp. 7-14, 31-33.) L.A. Bill No. XLI of 1954 to consolidate and amend the law for the drawing up and execution of the Town Planning Scheme before the House. He explained how the western countries solved the problem of the chaotic growth of industrial towns by town planning. He emphasised the necessity of adopting the Act and referred to the Conference of all the Improvement Trusts in India held in 1948, which had agreed to have a thorough survey of all small towns. He elucidated the general features of the Bill which included the Development Plan or the Master Plan; the Town Planning Scheme and the Preliminary Town Planning Scheme, and also provision for penalties and the Board of Appeal.*

Sir, this is an important piece of legislation that is coming for the consideration of this hon. House. When this House is to consider this Bill for the first reading, I think that it would be appropriate for me to speak about the problem of town planning and the Bill generally. I, therefore, propose to approach this question from three aspects; first, what is exactly understood by the term 'town planning' in this country and outside the country; secondly, what is the nature and extent of this problem in this State and in our country and what has been done so far; and thirdly, how far is this problem likely to be solved by the present Bill which is before the House.

Now when we try to understand what is exactly meant by 'town planning', it would be very interesting to see the process of the development of the idea of town planning as it is understood in most of the modern industrialised countries. Towns are not existing only in the modern industrialised world; towns were existing even before the Industrial Revolution set in, but those towns were of a different nature. By the term we usually mean "an area where a self-contained

and a balanced community is supposed to work and live". When the Industrial Revolution set in, the functions of the town changed, the purposes for which the population came to settle in towns also changed, and therefore, the nature of the problem also changed. The same idea started with some people who thought that if they planned towns in a particular way, possibly it might contribute to the welfare and well-being of the people not only from the physical point of view but also from the health point of view, from the economic point of view and from the cultural point of view. Thus, the idea of town planning started evolving. The problem of town planning really started confronting the planners at the beginning of the last century. When towns started spreading, in the words of a known author it was simply a sort of chaotic blind growth. People from the rural areas started flocking to the cities and towns and the growth of population was unprecedented. Thus the idea of town planning came as a sort of solution to the problems that arose in the then urban life and as the problems went on increasing in number, the idea of town planning also correspondingly went on changing and enlarging in content. That is how this idea of town planning originated and that is how it has evolved during the last century and a half in all the industrialised countries. In our State we had the first Town Planning Act in the year 1915. Curiously enough, England also had legislation of the same type about a decade before us. It was only in the year 1909 that England also had such a type of planning for the first time. As a matter of fact, the problem that the modern towns had to face started arising in countries like England about two centuries ago, but statutory recognition to this problem was given at the beginning of the century. Fortunately, we were very close to them and so within a decade of their passing this legislation we came to pass it. In the beginning, town planning meant simply a sort of an extension of the art of architecture. They wanted to change the designs of buildings or a group of buildings. That is how town planning was understood in the beginning. Then it was thought that it was not enough because the number of people that came into the towns was such a vast one that it was rather beyond their strength to tackle this problem simply by changing the designs. Sir, I may give certain information about towns and the increase in urban population in England in the first 50 years of this century. If we take the year 1851 as the base year and if we take the population then as 100, in 1901 it was 192. That means, that within 50 years the increase in population in the

city of London was practically a hundred per cent. When such a large number of people come into the towns you may realise how difficult it will be to deal with this problem. As the population went on increasing, the problem was to settle this multitude somehow or other, anywhere and as quickly as possible. That was the problem in the beginning. When they withstood this question somehow, the other question started namely the further process of suburbanisation as it is called. When people somehow settled down, new means of communication came in. Electric trams, buses and railway trains were introduced. Other means of quicker transport were introduced. Then those people who wanted to work in the central parts of towns and cities could afford to stay in the suburban area and leisurely take their way to their place of work. I am simply mentioning this fact because at a later stage by town planning it was meant only suburbanisation of the town. The idea of simply improving the architectural design of buildings extended to the suburbanisation of the towns and developing the areas on the outskirts of the towns. It was thought that the problem would thus be solved but then they saw that the problem was not solved. The demands of the people were going in a direction which was quite different because they wanted some public amenities. It was not simply enough to have housing. It was also necessary to have good ways of communication. There was also a demand for cultural amenities. They wanted schools for their children. They wanted places of worship too. They wanted recreation grounds. They also wanted other cultural amenities. In this way the idea of town planning went on changing in England. Ultimately in England by town planning is meant not only simply improvement of certain areas and roads, the structure of the houses, the number of floors, the vacant space roundabout the houses, but a definite social policy. A revolution of the idea of town planning from simply architectural improvement to a definite social attitude towards the problem has now been accepted.

Sir, I am simply mentioning this because when we try to solve the problem of town planning it is also necessary to know what is understood by town planning in other countries. If we try to understand what is exactly meant by town planning in England, then we will find that it is not only enough to plan for a particular part of the town but it is also necessary to plan for the whole town. It is not only enough to plan for the whole town but we will also have to plan for the whole town in relation to its environment, in relation to other towns, in relation to the

industries that are being run there and in relation to the natural resources that will be available in the town and the roundabout areas. That is what is meant by town planning schemes in other countries. Therefore, as I said, in England by the Town and Country Planning Act of 1947 they have accepted that town planning does not simply mean improvement of certain areas but that town planning means a definite allocation of the land to different uses; namely, how the land is to be used for a particular purpose and how the population should be distributed for the use of the land and so on. It is curious to see how practical difficulties influenced this growth of the idea. During the war in South Africa they found that no suitable young men could be recruited to the army because the health of the population in the towns was not quite good. So they thought of environmental sanitation and other things. To make town planning successful it was at a time suggested that some of the existing industries should be removed from the congested areas of the town. The idea of town planning in this aspect was considered a fantastic idea. But during the Second World War for the purpose of defence the authorities in England had to remove certain industries from the congested areas. Later on, they saw the advantages of this and so this idea was included in the town planning scheme. When they were short of food supplies during the war, they realised that it was due to the fact that England had become completely urbanised: that England had more than 80 per cent of urban population and that they had wrongly and disproportionately allocated the use of land for industrial purposes.

Sir, I am mentioning these facts simply to explain how the idea of town planning found favour and went on receiving encouragement, became comprehensive to include many social problems and, ideas. If that is clear to the House, then it would be able to appreciate what we propose to do by this Bill. I know that by introducing this Bill we would not perhaps be in a position to go the length England went. But I am simply mentioning these facts to appreciate the problem before us which we are just beginning to solve; Unless we prepare ourselves by a series of legislations of this type and educate our people to accept these ideas we would not be able to go all the way that is necessary for us to go. In this country the pattern of growth of the population is the same as in England. In Bombay State, if I may quote from the tables given in the Census of India, 1951, we find that our urban population percentage is also increasing. In 1872 the percentage of the urban



population was 17.8; in 1951 it went up to 31.1 practically a cent per cent rise. This general percentage rise has some specific meaning. If we go to the percentage increase in the manufacturing towns, the problem becomes more difficult. This growth is not simply by an increase in the number of births. The growth of population in the cities is more by the immigration of the people from the rural areas. We will have to think how to check this flow of people from the rural to the industrial areas. I can understand the argument that by simply stopping this flow of people from rural areas to towns or industrial areas, we would deprive the people of all the facilities that they get in the modern civilization of the towns. But that is not the correct test. We can think of the problem in the other way. We can also possibly provide them with those facilities in the villages. First of all, we will have to train them in the ideas of town planning, and if necessary, to extend town planning to smaller villages. I am simply mentioning this fact of the growth of towns in Bombay State just to impress upon the House that our problem is the same as in other countries and unless we remind ourselves of this situation often and often, we would not be in a position to accept and follow the solution offered to us by the history of other countries. So far as we in Bombay State are concerned, we realised this fact long ago and as early as in 1915 the Bombay Town Planning Act was put on the statute-book and efforts were made in bigger cities in this direction. The work of the Improvement Trust in Bombay is too well-known to need repetition. They did certain improvements but even then the problem cannot be said to have been solved. The populations are still increasing, particularly in manufacturing cities and the process has accelerated after the partition of our country and after our Independence. We have to face this question with all the seriousness we can command and it is this consideration which has prompted this Government to think of ways and means, and to bring this legislation before this House.

I may point out for the information of the House that a conference of all the Improvement Trusts in India was called in 1948 to consider this question which assumed a greater proportion after the Partition and Independence; and this conference considered in all aspects the question of town planning, particularly from the point of view of the availability of finance and technical personnel and certain conclusions were reached. Two or three conclusions reached at the conference were very important and I would like to make a mention of them. Firstly, it was

thought necessary that we should in this country not only draw a plan to suburbanise all the cities and towns but we must also have a thorough survey of all the smaller towns. In other words, we should have a flexible Master Plan as they call it. We need not get frightened by the word 'Master'. By 'Master Plan' we mean a sort of advisory development plan, a sort of a key plan which should serve as a guide to the local authorities to control the haphazard growth of area within their jurisdiction. This was one conclusion reached at the conference. The second conclusion reached was that we should try to introduce the idea of a green belt around the town while trying to draw up the development plan. I am mentioning these two conclusions because they are very important ones and have been accepted in this Bill before this House. Sir, as you know, this question has been agitating our minds and this House has accepted the slum clearance policy and we have authorised local authorities to prepare slum clearance schemes. Upto now we have sent seven such schemes to the Government of India, which would cost more than Rs 4 crores, for sanction and for the purpose of supplying finances. We have been pursuing this question with all the energy that is humanly possible for any Government to bring to bear on it. I have thus stated before the House the nature of the problem we have to face and the work that we have done in this State so far.

The third aspect of the Bill which I wish to place before the House is the general features of this Bill meant to solve the problem as we understand it in this State. If we see the Bill before the House, it will be clear that more than 30 sections are sought to be added to the Town Planning Act as it exists today. Two new Chapters are sought to be added and this gives us an idea as regards the volume of the new provisions that are sought to be added as a result of this Bill. But apart from this, there are three or four more important things to which I would like to draw the attention of the House. Experience has shown us that the procedure provided by the existing Town Planning Act is rather cumbrous and results in infinite delay. It was found by experience that it was difficult to reach the stage when a town planning scheme would get functioning. So we have taken great care and pains in the Bill to see that this cumbrous procedure is reduced to the minimum. I will try to mention some of the relevant clauses by which we have tried to achieve that object. But another thing which is more important and to which I would like to invite the attention of the House is Chapter II on

the 'Development Plan'. This Chapter does not simply recommend to the local authorities to prepare a 'Master Plan'. But we have made it a statutory obligation on them to prepare such a Plan and a definite period has been provided for the purpose. From the date of the passing of this measure and its notification as such, within a period of four years, every local authority in the State will have to finalise its development plan, because without knowing how the cities are to develop and without the local authorities having a clear and full picture about it, it will never be possible to carry out the schemes of development efficiently.

Sir, some people have objection to the Master Plan because they are afraid that we are thinking of doing much more than we can actually do, but then we will be unable to do anything unless we have a plan as a whole. If at all we have to plan, we have to plan as a whole and then we have to think how far we can plan a particular part of it. That is why the idea of a Master Plan has not simply been accepted but it has been made a sort of statutory obligation on the local authority today. There are, Sir, many other features of the Development Plan which I do not want to burden this House with at this stage.

Another important change that we have made is, this. So far, town planning schemes could be made only with respect to those areas which were in the process of development or with respect to areas which were likely to be used for building purposes, that is to say, all the areas which were built-up areas were excluded from the operation of the Town Planning Act. This provision we have removed from the Act and now the Development Plan can be prepared for the whole town, including the built-up area. The town planning schemes also which are to be implemented can be made for all' the areas, meaning thereby areas which are built-up areas, which are in the process of being built up and which are likely to be built up in future.

There are three types of schemes contemplated under the Bill. One is the Development Plan or the Master Plan; the second is the Town Planning scheme. As I have said, the Development Plan or the Master Plan is a sort of a general plan, including the general plan of development; the Town Planning scheme is a scheme which is prepared in all its details or which can be started and implemented immediately. There is another type of scheme to be 'prepared under the Act, and that is the preliminary town planning scheme, that is to say, a scheme which

can be prepared by the Town Planning Officer on an application by a local authority. If a certain urgent scheme for a public purpose is to be taken up, as for instance, if a bridge is to be constructed or a garden or a recreation ground is to be prepared, the local authority can, in these cases, apply to the Town Planning Officer who can make the scheme.

Then, Sir, the other important change that we have introduced is the provision for penalties. Under the existing Act the provision for penalties is made under the rules but now we have introduced the clause relating to penalty in the law itself. We have also provided for a minimum punishment because the penalties under the law, if they are not to be given effect to rigorously, are capable of being ignored. That is why a minimum punishment is provided.

Then, Sir, we have changed certain nomenclature. Formerly, an officer who was in charge of preparing such schemes was called an Arbitrator; now he will be called a Town Planning Officer; the body which sat in appeal on the decision of the officer was called the Tribunal of Arbitration, now it will be called the Board of Appeal. This is also an important change as far as I can see.

Then, Sir, so far as the President of the Board of Appeal is concerned, formerly in Bombay in the High Court, the Judge used to be the President of this Tribunal; now henceforward the principal Judge of the City Civil Court will be the President of the Board of Appeal. This is another change that we have introduced.

Then, Sir, as I have said, we have tried to reduce the delay in the preparation of the schemes. That is also an important feature of the Bill. I would like to mention some of the clauses which we have introduced for reducing the delay in preparing the schemes and finalising them. Government sanction to make a draft scheme as provided in Section 9 of the Town Planning Act, that is the present Act, is done away with as the local authority can straightaway prepare the draft town planning scheme after the date of declaration of the scheme. This will reduce the period by about 3 to 4 months between the date of the declaration of the intention to make a town planning scheme and the date of Government sanction to make the scheme.

Secondly, it is now provided in Clause 23 that a draft scheme shall be prepared and published within 12 months from the date of declaration of the intention to make a town planning scheme and this period will

be extensible by six months instead of twelve months as provided in Section 10 of the present Act. This provision will reduce the period by six months at least for the preparation and publication of Town Planning Schemes.

Then, Sir, as provided in Clause 28, the draft scheme is required to be submitted within three months instead of four months, extensible by three months, as provided in the rules under Section 52 of the Town Planning Act. This will reduce the period by about three months. Clause 28(2) says that after receiving such application and after making such inquiry as it may think fit and after consulting the Consulting Surveyor, the State Government may, within six months from the date of its submission, by notification in the official gazette, either sanction such scheme with or without modifications and subject to such conditions as it may think fit to impose or refuse to give sanction.

Then, Sir, under Section 30 of the Town Planning Act, no time limit has been fixed for the Arbitrator appointed under Section 29 to finalise the scheme. Clause 33 of the Bill prescribes a time limit of twelve months for the Town Planning Officer to decide all matters referred to in the clause. This limit will expedite finalisation of town planning schemes. Taking all these provisions into consideration, it is hoped and expected that at least a period of two to three years will be reduced in the preparation of the town planning schemes and in their finalisation, and if this is achieved, I will have had the satisfaction of having done much for the town planning of the State.

I have tried to explain the general features of this Bill and some of the new ideas of town planning that have been introduced in this Bill, which, if the House accepts, it will be the Act of the State. I have no doubt that, unless we gradually go on accepting these ideas about town planning, there will not be any solution to the problems of the urban population of this country. The time has come when we should have a recognizable distinct national town planning policy but that also will be a sort of gradual achievement. It all depends upon how we approach the question and how we deal with it. It is a question of educating people, educating ourselves first, thinking of the problem in a constructive way, providing finances for the schemes and implementing them. This is how we will have to approach the plan and try to deal with it.

If the House so desires, we might examine the provisions of this Bill in a Select Committee. This is an important Bill which affects many interests, and, therefore, it would be worthwhile to consider and scrutinise this Bill in a Select Committee.

I hope, Sir, that the House will accept the first reading of this Bill. *(Thereafter Shri N. C. Bharucha, MLA. raised some points in his speech to which Shri Chavan gave replies in the following speech.)*

Mr Speaker, Sir, at this stage I do not propose to consider every criticism that was levelled against some individual clauses in the speeches of the hon. Members who spoke on the first reading of this Bill, but I will try to deal with some of the general criticism that was levelled against this Bill.

Generally speaking, there are two or three important points that were raised. One was about the finances, the other was about there being more centralised power in the hands of the officers and the third was about Government's attitude to shirk its own responsibility in the matter of financial commitments.

For any authority or any Government which is thinking in terms of planning and planning for the future, it is never wise to lay down any definite commitments on the financial side. Chapter VIII has indicated how the finances should be raised and how the schemes which are to be implemented in the particular towns can be financed.

Sir, the hon. Member Shri Naushir Bharucha forgets the basic fact about the Government and a local authority. When he says that Government should immediately indicate all the responsibility it is going to take about the plan which we are embodying in this Bill, he forgets that no State Government, not even the Central Government, can indicate any financial commitments at this stage. It can very well be visualised that a local authority, if it is keen to implement the town planning scheme, might possibly think in terms of raising loans. It is quite possible that the State Government or the Central Government might go to the help of the local authority. When the hon. Members make a suggestion that Government should contribute towards any special development work done in any area, they forget that money has to be taken from somebody who is not benefited by the scheme. So, naturally, those who are likely to be benefited by the scheme must shoulder the responsibility of bearing the burden, and that is the simple principle on which considerations of

finances are based.

The other point that was raised by my hon. Friend Dr Amul Desai was about too much centralisation of power in the hands of officers. He has made a particular reference to Clause 33 under which more power is sought to be given to officers.

I may point out that, if we are to provide a development plan and implement it, it is quite necessary that certain decisions should be left to the discretion of officers also. Centralisation or decentralisation of power does not necessarily mean power with a collectively functioning body. It may also be pointed out that, when Government delegates certain powers to officers, it takes into consideration the efficiency of the officers also. Giving of power in the hands of officers must not be taken as centralisation of power, on the contrary, such delegation is a form of decentralisation that would help in the expedition of certain matters and it would ultimately be in the interests of the plan itself.

The third point is about Government's attitude to shirk its own responsibility in the sharing of financial commitments. That issue can very reasonably be raised when a particular scheme is before the local authority or Government for implementation. At that stage, these questions can be considered on the merits of each case, but in a measure which is providing the necessary machinery for planning, it is difficult to lay down any such principles. How the finances can be raised and how Government can participate in them can be decided at the proper time.

There were certain special references made by the hon. Member **Shri Sane** about a particular case in the city of Sholapur. Fortunately, he himself has realised the shortcomings of his arguments, in the matter of giving retrospective effect to punishments. It is also difficult to give an assurance, which he expects at this stage, to undo something now which was done a long time ago. The very idea of town planning means in a way to undo things which are not in the interest of the civic life of a town, and to do things from the health point of view of the town and from the point of view of economic and cultural development as well, but it is very difficult to think in terms of punishing anybody retrospectively. I hope the hon. Member will realise this. The hon. Member has raised another point about the interim development control which is contemplated under Clauses 12 and 29. The hon. Member Shri Sane has particularly made a

reference to Clause 12 which relates to the restrictions on development work after the publication of a development plan. He said that no owner of land or property can carry out any repairs to buildings etc., but I that he has not been given the necessary freedom when that phase has changed. Clause 29 refers to a stage when the development plan has reached a further phase of the town planning scheme; that means, a detailed scheme which is about to be implemented. When a town planning scheme is to be implemented, it is difficult as also injurious for the scheme itself to give the owners of property any power to repair or to carry out any changes in the building. That is likely to affect the cost of the scheme and is also likely to create many complications. That is why this right is not given under Clause 29 because that phase is quite a different phase and an advanced phase.

Sir, another point was that slum clearance is not specifically mentioned in this Bill. I am afraid that possibly he has not caught correctly the spirit of the legislation itself. When we say that the entire area of the town is to be developed and put into the schemes of town planning, it includes the slums also. When we say that roads are to be put in a better condition, that housing condition is to be improved and that other cultural facilities are to be provided in the town, it necessarily means the abolition of slums. It is not necessary to mention particularly the removal of slums in this Bill.

Another point that he mentioned was about the persons affected by the plan. He mentioned that under Clause 4 everybody is allowed to make a suggestion about planning and then he complained that this right has been restricted in the succeeding provisions of the Bill. He must understand the procedure that is provided for in the legislation. When a plan is thought of, when the intention to prepare it is declared and when the notification is issued, then everybody must be free to make a suggestion about the town as a whole. But when a scheme is prepared and when it is about to be implemented, it is but natural that only those persons who are affected by the plan should have the right to make a grievance or suggestion about it. Then, he wanted to know what is meant by 'the person affected by the plan'. If it is a house, it is the owner, and if it is a road, the residents around it who are affected by it will have the right to make suggestions or grievances.

As regards other details to which references were made, I do not



want to deal with them at this stage. As the Bill is going to be considered in a Select Committee, I should like to defer my remarks about them to a later stage.

# 12

## Jurisdictions of Collector and District Judge

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*On 27 August 1954, Shri Y. B. Chavan, Minister for Local Self-Government, introduced (BLA Debates, Vol. 27, Part II, Aug.-Sept. 1954, 27 Aug. 1954, pp. 191-92, 200-01.) in the Assembly the Bill No. XLIX of 1954 to amend the Bombay District Municipal Act, 1901, giving powers to the municipalities to frame bye-laws requiring an owner to provide adequate means of lighting at night time on staircases and passages and to appoint non-qualified persons in case of leave vacancies.*

Sir, this amendment proposes to introduce some amendments with a view to removing the difficulties that were felt in the course of the administration of the Act. Clauses 2, 3, 6 and 7 propose to amend both the District Municipal Act and the Municipal Boroughs Act with a view to removing the likely conflict in the jurisdiction of the Collector and that of the District Judge. Under the present section the powers of removing a person who is not legally elected are vested in the Collector and the District Judge as a result of which the jurisdictions of both come into conflict with each other. That is why it is proposed to retain the jurisdiction of the District Judge and to take away the jurisdiction of the Collector in this matter.

Secondly, it is proposed to give powers to enable municipalities to frame bye-laws requiring an owner to provide adequate means of lighting at night time on staircases, passages, etc.

There is another provision under Clause 8 which is intended to facilitate the appointment of non-qualified persons also in the case of leave vacancies because this situation is sometimes created in municipalities. As there is no provision to appoint persons beyond the period of 2 months if they are not qualified, the posts remain unfilled

sometimes and that creates a difficulty.

It has been laid down by the Bombay High Court that the assessment list must be authenticated not later than the close of the official year, but sometimes it is found that municipalities do not observe this condition. So, a statutory condition has been laid down requiring them to publish the authenticated list before a definite date.

It is for these purposes that this amendment has been introduced and I hope the House will accept it.

# 13

## Water supply to public and Bombay Port Trust

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*Shri Y.B. Chavan, Minister for Local Self Government, moved ( BLA Debates, Vol. 27, Part II. 18 and 20 September 1954, pp. 578-79. 596-97 and 600-2.) the Bill No. XXXVI of 1954 in the Assembly to amend (3rd Amendment) the Bombay Municipal Corporation Act. Moving L.A. Bill No XXXVI of 1954, in the first reading, Shri Y.B. Chavan clarified that the Bill had been introduced for three purposes, to exclude from the purview of the Bombay Public Service Commission the appointments of Government Officers belonging to the cadre of I.C.S. or I.A.S., if they were appointed to hold municipal offices by the Bombay Municipal Corporation, to regulate the supply of water by the meter system and to make a provision in the Act on the lines of Section 171 of the Madras City Municipal Act, 1919, so as to impose a specific statutory obligation on the Corporation to supply water to the Bombay Port Trust.*

Sir, this Bill to amend the Bombay Municipal Corporation Act has been brought in mainly for three purposes: first, to exclude. from the purview of the Bombay Public Service Commission the appointments of Government officers belonging to the cadre of I.C.S. or I.A.S. if they are appointed to hold municipal offices by the Bombay Municipal Corporation. We have to appoint some of the eminent officers from these cadres to some of the posts in the Bombay Municipal Corporation and it becomes very difficult to wait for the sanction of the Public Service Commission in these cases. Government feels that it is not necessary to take the sanction of the Public Service Commission in regard to the appointment of such officers. Clause 2 seeks to make the necessary provision.

The second purpose relates to the supply of water by the meter system. The relevant provisions are made under Clauses 3, 5, 6 and 7. They relate to the supply of water by the meter system in the Bombay Corporation area, under the Bombay Municipal Corporation Act. At

present, the water tax is levied on the basis of the rateable value of the property and if the tax is based on the measurement of consumption of water through the meter system, it becomes difficult to recover the amount which is in excess of the water tax. This is why a provision has been made to see that the landlord could recover the difference between the water tax and the water charge which is the nomenclature that is given to this new tax under this amending Bill.

The third purpose was to make a provision in the Act on the lines of Section 171 of the Madras City Municipal Act, 1919, so as to impose a specific statutory obligation on the Corporation to supply water to the Bombay Port Trust. But after the Bill was printed, Government has taken the decision to delete Clauses 4 and 8.

**Mr Speaker,** Sir, the discussion on the first reading of this Bill calls for a very brief reply. The only point which has been repeated by most of the hon. Members who opposed this Bill was about the possibility of transferring the increase to the tenants in the shape of increased rents, and some of the hon. Members tried to describe this as a backdoor device of transferring the responsibility of paying more rent to the tenants. The only thing that I can do, in answer to these charges, is to refute them. Even at present under Section 10 of the Rent Control Act the principle has been accepted that whenever there is an increase in the liability of the landowner in respect of municipal taxes, such liability will be shifted to the tenant. But, Sir, the real point for consideration in this Bill can be whether or not we want to have the meter system for the supply of water. I can understand the logic of the criticism of the hon. Member Shri V.N.Patil who said that he was opposed to the system itself, but I have not been able to follow the arguments advanced by some hon. Friends who said that they were in favour of the meter measure system but were still opposed to the payment of water charges as conceived under this amending Bill. When we accept the meter measurement system we accept the idea of payment for the quantum of water that is consumed by the party concerned. If we accept the idea of the hon. Member Shri Bharucha that the water should be supplied through the meter measure system but the payment should be made by the landlord we shall reach an impossible position. We shall give the tenant the liberty to consume any amount of water at the cost of the landlord. I do not see any justice in this idea that has been suggested by him.

I might try to give information on some points raised by some hon. Members who were opposed to the idea of the meter measure system, mainly on the ground that the capital cost of the Scheme is likely to be very heavy. That impression was created because of the remarks made by the hon. Member **Shri Parikh** on this side. I have before me some information from the Hydraulic Engineer of the Bombay Municipal Corporation. The hon. Member Shri Parikh happened to be, some years back, the Chairman of the Standing Committee of the Bombay Municipal Corporation, and if he had tried, he could very well have obtained the latest information from the officer concerned; and having done that he would not have misled himself and the House by the information that he gave. At present, about 800 properties have been metered in Bombay city. There are approximately 54,000 properties in the city out of which about 36,000 are residential buildings, of which again only about 800 have been metered. So, the remaining 35,000 properties will have to be metered. The Municipal Corporation proposes to progressively meter the properties in the course of 20 years; and the estimated cost of it according to the Corporation would be less than Rs. 2 crores. Meters are, no doubt, at present imported from the United Kingdom, but there is a factory which has gone into the production of meters in the U.P., and if the production doubles, in course of time most of our leading cities in India will possibly be in a position to get the meters which they require from the indigenous industry.

It was said that the cost involved would be very heavy, more than 7 or 8 crores of rupees, and then the cost of repairs of these meters in the course of 8 or 10 years would practically be of the same order. I feel that this sort of frightening picture was put before the House possibly to mislead some hon. Members here. As I said, we accepted the concept of supplying water to the city through the meter system with a view to minimising the waste of water. It is not the intention of this Government to reduce the use of water.

The hon. Member Shri V. N. Patil said that the use of water is perhaps an index of culture. If that is so, I do not know how many more indices can be indicated in this way. It is not the intention of this Government to reduce unreasonably the use of water. Those who want to use more water, they should certainly be prepared to pay more for it. The difficulty, at present, is that the richer areas of Bombay city, where the Municipal

Corporation has started introducing the meter system, come in the way of the poorer areas where the supply of water is much below the needs of the people. If, therefore, the meter system is introduced in these richer areas and if the people concerned are forced to pay according to the use of water, it is but natural that they will be inclined to use water just according to their needs. There will be less wastage of water, with the result that some of the poorer areas will naturally get more water.

Therefore, Sir, the introduction of the meter system will go a long way in ensuring a better distribution of water amongst the poorer sections of the public, and hence I see no reason why the House should not pass the first reading of the Bill unanimously.

Mr Speaker, Sir, the bitter speech that I have heard from Shri B.C. Kamble just now was based on certain fallacious arguments and missed the relevant point. The relevant point is that a section already existing in the Act, is being amended by this amending Bill. It concerns the municipal servants and this category is not contemplated by the articles of the Constitution read by the hon. Members. And, therefore, these are not applicable in this case. The hon. Member has read many Articles of the Constitution and tried to parade his knowledge of the Constitution and has also tried to cast aspersions on the Minister-in-charge of the Bill and on the Legal Department. Had he paused to consider even for a minute as to what he was speaking about, he would at once have found out that he was beside the point. The real point to consider is whether or not it would be right to amend Section 80-B of the Bombay Municipal Corporation Act. Under that Act, provision has been made with the approval of this Legislature for the appointment of an officer of a Municipal Corporation, also for the manner in which he is to be appointed. There it has been provided that in certain cases the Public Service Commission has to be consulted. It is that provision which is being amended and this legislature has all the authority and competence to do that. Further, Government knows its responsibilities. The hon. Member should not speak in such an irresponsible way on the floor of the House.

What is provided in the present amending Bill is the payment by a person for the water that he consumes for his daily use. Therefore, if he considers this as a gift, then I feel that he has been referring either to a dictionary of his own or to a dictionary which is not in existence.

There is nothing unjust in asking people who are consuming water to pay according to the quantum of water which they use. At present the water tax is related to the rateable value of the property, but now we are introducing a new system of actually measuring the quantity of water that is supplied. There is no question of protecting a richer tenant, whose brief the hon. Member Shri Bharucha seems to hold. There is nothing like a gift in this amending Bill, and I, therefore, cannot accept the amendment.



# 14

## Discussion on Governor's Address

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*On 18 February 1955, a discussion on the Governor's Address began in the Bombay Legislative Assembly. Many Members participated in the debate, tabling and moving 35 amendments to the Motion of Thanks. Shri Y. B. Chavan, Minister for Civil Supplies, intervened (BLA Debates, Vol. 28, Part II, Feb-April 1955, pp. 173-77.) in the debate and replied to the questions regarding agricultural prices raised by some of the Members.*

Mr Speaker, Sir, at the outset, I must say that we do not deny that this question of all the agricultural prices has been asserting itself in the recent few weeks in the whole country, but I must also admit that I have completely failed to understand why so much of a fetish has been made out of a non-reference to that question in the Address of the Governor. It is not that all the aspects of every question which are likely to be dealt with in the course of a debate are referred to in one speech made on behalf of Government. Some of the hon. Members quoted some reference from what an officer said somewhere to show that the prices have catastrophically fallen. I propose to give some statistics to this hon. House not to prove that there is no question of a fall in prices, but simply to indicate that certainly the time has not come when we have to take such an alarming view of the situation. Comparisons of prices can be made from three points of view. The procurement price of commodities can be compared with the prices of the same commodities in this State last year. The prices of the agricultural commodities can be compared with the prices of other commodities; and lastly, the prices of agricultural commodities in this State can be compared with the prices of agricultural commodities in the other States. First of all, I will try to give the nature of the fall in prices in this State as compared with the prices which prevailed in times when there was control in our State because

some of the percentages that were referred to here are somewhat misleading. The House is aware, after decontrol, the prices of some of the agricultural commodities went up and quite naturally so. The rise in some cases was by 20 per cent. If we now compare the present level of prices with those which had risen in the recent past, then naturally that will show a somewhat steep fall. The basic unit for comparison should be the rate of procurement price. The real test should be that the fall should be compared with the prices that we gave for the procurement of those commodities when controls were existing, and that is how I propose to indicate the fall. I have got some statistics regionwise. I will for illustration take Gujarat. As you are aware, the price of jowar was Rs 11. If we take that as the basis, namely 100, then the present price level, that is, on 15th January 1955, is 73; that means the fall is to the tune of 27 per cent. I can also indicate the fall in the price of rice. The price of rice then was 19.3. At present the price level of rice is 15.6. So the fall in price is to the tune of 20 per cent. Thus, except in the case of bajri, and that too, in Gujarat and in Karnatak, nowhere the price level has gone below 66. That means the fall of prices is nowhere below 34 per cent. Sir, I might mention here that some of the hon. Members of the Opposition have sent resolutions to be moved in the House and in those resolutions they have made a suggestion to Government that Government should fix up the minimum prices of these commodities at 66 per cent of the procurement rates. That means that even according to the Opposition, 66 per cent seems to be the reasonable level and the minimum that should be maintained. Well, if that is the standard to be accepted as a reasonable one, then at least in this State I feel that the prices have not gone down below that reasonable minimum. I do admit that there is a tendency of a fall in prices, but that fall is not such that we need take any alarming view of the situation.

Sir, I would like to give indices for the purpose of comparing agricultural prices with the prices of other commodities. These indices are for the whole of India. The index of cereals is 342, of oils-seeds 361, of manufactured articles 377 and other commodities, 363. Even these indices do not show that there is any reason for getting alarmed. There is no doubt that the prices of agricultural commodities are falling, but where is the necessity for getting alarmed? I would now like to take some of the prices of agricultural commodities that are prevailing in other States. The price of jowar in Bombay State is Rs 9-10-0. This

price prevailed at the end of December. In Madhya Pradesh the price of that commodity is Rs 7 while the price of the commodity in Rajasthan is Rs 5. In the case of wheat, the average price prevailing in Bombay is Rs 14-13-0, while the prices that prevail of that commodity in Madhya Pradesh and Punjab are Rs 12-8-0 and Rs 14 respectively. I might, Sir, also indicate the prices of paddy. The average price of paddy in Bombay is Rs 8-11-0 and in Andhra it is Rs 6-3-0 while in some other places it is Rs 6-7-0. I have given these figures to show that the price level of agricultural commodities in Bombay State compares very well with that of other States. Of course, I do not mean to say that Bombay is going to be independent of price levels that are prevailing in other States. Bombay is a deficit State and a deficit State has got certain advantages as well as disadvantages. But in the case of the present price level we are in an advantageous position. Because some hon. Members of the Opposition took such an alarming view of the matter, they made all sorts of allegations saying that no reference has been made to this fact in the Address.

Sir, the price level is one of the factors that we have to consider in relation to the agricultural economy of this country. The agricultural economy has been showing many tendencies. A few years ago there was scarcity. Some time back there was famine and there was also a rise in prices. And what happens is that whenever we begin to talk on behalf of the consumers, we complain that the prices of these things are rising; while when we talk on behalf of the agriculturists, we complain that the prices of these commodities are falling because there is more production in the country. We should not always draw merely a graphic picture of what is happening in the rural areas and how the rural areas are suffering because of a fall in prices, but we must try and understand the nature of the problem. In order to understand the nature of the problem we must know what exactly is the agricultural economy in the country.

Sir, the agricultural economy suffers from two weaknesses. One is the internal weakness and the other is a sort of external weakness. The internal weakness arises out of the lack of capacity of the cultivators to produce more. That was the weakness that we had to face so far. That internal weakness arises from many factors such as the uncertainty of the legal relations of the cultivator with his land, lack of irrigational facilities, lack of better technique of production, lack of better implements, better

seeds, lack of fertilizers and so on and so forth. In the last few years we tried to deal with these weaknesses and for the first time we have secured that confidence that we can now produce more.

Now, the other problem that arises is that when we have produced more, what should we do with such a large production? Here, we are facing a difficulty which might be called an external weakness. A producer produces more, but then he has to face the other economic fields of our national economy. When we say that the prices of agricultural commodities should be stabilised we have really in mind the fact that the price of an agricultural commodity has got some relation to the cost of production and to prices of other commodities. All of us are aware that the nature of the agricultural industry is quite different from the nature of other industries in the country. Agriculture by its very nature is a decentralised industry. When we say that the tiller of the soil should be the owner of the land, we want an individual to use his own means of production and as such when there is a great deal of production, it is very difficult to arrive at the definite cost of production. Therefore, when we say that there should be a reasonable price fixed for agricultural commodities, we mean to say that the price should have also a relation to the prices of other commodities which the agriculturist has to purchase for his daily requirements. So, the real problem that is existing today is the maladjustment between the prices of agricultural commodities and the prices of other commodities, and that problem has really got to be solved by reducing the prices of other commodities. In order to solve that problem we have to meet the external weakness. That external weakness can be met in three or four ways. Now, when an agriculturist produces a commodity, it has got to be stored somewhere; it has got to be transported to the market-place and so on, and we have also to see that the agriculturist who produces that commodity gets a better bargaining capacity. We have to solve his problems which I have just narrated. We must help him to store his goods, we must give him transport facilities, we must help him to have better marketing facilities for his produce. And in order to do all these, we have also got to see that he has got better credit facilities. Unless we do all those things, merely shouting the slogan 'stabilise the prices' will not solve the difficulties of the agriculturist.

I will advise the hon. Members to see what Government has tried to do in order to remove these external and internal weaknesses.

For that, they will have to look at every programme that Government has undertaken in the last five years. You will see, therefore, that all the efforts are being made to remove these agricultural weaknesses in the agricultural economy. Even, Sir, coming back to what is being done about the price problem, I must say that the national leadership has also assisted in solving the question of the fall in prices. Many of the hon. Members have made reference to the Avadi Congress and made some random reference to the socialistic pattern of society. Sir, the Avadi Congress itself has passed a resolution in which they have taken cognizance of the fall in prices and they have directed the Central Government, particularly, because if at all this question has to be tackled effectively and energetically, it should be tackled on an All-India basis. No State Government can effectively think of tackling this question by itself. So the Government of India is already assisting in the solution of this problem. As the House is probably aware, the Government of India has already put forward a scheme which has been started in certain States, to deal with the prices of jowar and bajri. If the price falls below Rs 5-8-0, they have started making purchases in certain mandis. I know those who think in terms of price support, think of the American type of a price support policy. Sir, the American type of price support is not possible in this country. What is good for the American economy may not be good for us. In America if there is surplus production, they can afford to take ship-loads and either dump them in the sea or put fire to them. We cannot afford to do that. Only a few months back, we were clamouring for more production. Even if we examine our present Five-Year Plan, it is to the question of more production that we have given greater prominence. As I mentioned now, the price of Rs 5-8-0 fixed by the Government of India is a sort of a relief measure. Due to lack of communication facilities or lack of purchasing power, and because of certain scarcity conditions, the prices are falling in certain pockets in our State and we have made a reference to the Government of India making purchases in those areas also. In the case of cash commodities, the Government of India have taken a very liberal view and they have given very liberal facilities for export, but, Sir, as you are aware, many of the agriculturists also know, in recent times when liberal export quotas were given for groundnut export, we hoped the prices would go high, but the prices have gone down. The real question, therefore, is to make a very effective demand for agricultural commodities in our country itself

and there comes again the question of tackling what I termed as the 'external weaknesses' of our rural economy. But that is a long-range programme which will have to be thought of very calmly and coolly. This Government is very conscious of the interests of the agriculturists and they want to be very loyal to the interests of the agriculturists. They want to help them but they refuse to get alarmed only because some difficulties have arisen. Sir, this is what I had to say in regard to the agricultural prices.

Sir, before I sit down, I must make a reference to some of the remarks made by my hon. Friend Shri Warty about Village Panchayats and Local Boards. Sir, according to the present policy of Government, we propose to have Village Panchayats all over the State. We do not want to have any village uncovered by the Panchayat. We are giving them more powers. We want to make an experiment of decentralisation, because we want to give more functions to them. Some of the works looked after by different departments which can reasonably be transferred to District Local Boards and Village Panchayats are being transferred to them. We have already transferred some of them, but really speaking, Sir, the experiment of decentralisation can succeed only when we create a proper atmosphere in the villages, a proper enthusiasm among the villagers to try the democratic experiment, because it is ultimately the sense of responsibility that is going to help the democratic programme. I would expect that co-operation from the hon. Members sitting opposite. If they do that, I am sure, the programme will succeed. I have done, Sir.

# 15

## Suppressed accommodation to the first informant

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### **Demand for additional staff for Accommodation Branch.**

*Justifying the demand for additional funds made under section 25 General Administration, Shri Y B. Chavan, Minister for Local Self-Government, said (BLA Debates, Vol. 28, Part II, April 1955, pp. 377-78.) on 23 February 1955, that the demand for additional staff for Accommodation Department was made because of the increase of work due to thousands of applications of informants regarding suppressed vacancies in response to the Supreme Court's decision to give possession of accommodation to the first informant. He also stated that the purpose of this Act was to remove the social evil of Pugree by giving accommodation to the public, Government servants and to the homeless.*

Mr Speaker, Sir, I will just intervene at this stage to reply to some of the remarks made by the hon. Member Dr Amul Desai and the hon. Member Shri Naushir C. Bharucha on the provision regarding the Accommodation branch. Sir, the demand that is made consists of mainly two parts. The first demand that is made is for merely a continuance of what was already sanctioned before and the second demand is for the additional staff which was necessary due to the increase of the work. Sir, a pertinent point was made by Dr Amul Desai and which was also repeated by Shri Bharucha that when Government has given certain concessions in respect of certain categories of rent groups regarding the suppressed vacancies and a part of the Bombay city has been excluded from the operation of the Act, why there should be additional staff. Sir, I have two explanations for that; firstly, I would like to point out that after the reorganisation of the Department in October/November, 1953, the different applications were grouped under different categories of rents, and it was found that there were many arrears of work amounting to thousands of applications which had to be looked into for the first

time. That is why the additional staff was asked for and which has been now asked to be further continued from September to February. The additional staff that is asked for is due to other reasons as well. As the House is aware, there was a time when we were freely requisitioning premises for Members of the 4 public also. On check up, we found that some of the occupants of these 11 premises had started changing their premises and subletting them to others, and therefore, we have found it necessary to take up a house-to-house check to find out whether those persons whom we have allotted the premises are occupying them or not, so that we can take up further action in the matter of the premises. Just to have this check up and complete it, this additional staff is asked for, and I think in view of the very large commitments that Government has in this respect, it is necessary that this staff should be sanctioned.

Sir, I might mention another thing also. After the decision of the Supreme Court, at present even the first informants of the public are entitled to get the premises and naturally, therefore, there is a sort of a rush of applicants with their own applications which run into thousands. Then, Sir, I would like to point out another thing, because the hon. Member was trying to make out that there is practically no work in the office and the Officers are trying to create some work for the convenience of the department. Sir, this is far from the truth. I might mention here that in an accommodation case, the applicant concerned goes on making appeals more than half a dozen times to the Minister, the Chief Minister and in certain cases, they go even to the Prime Minister of India. Every time they try to take a new stand, and as we are anxious to alleviate the human suffering such things involve, we never refuse to consider and reconsider the cases quite a number of times whenever they make an appeal. Naturally, therefore, Sir, there is duplication, and triplication of work if you would like to call it. The work, therefore, increases and we have naturally to attend to the requests and representations made by the public.

Then, Sir, my hon. Friend Shri Bharucha made a reference to certain individual cases without making any specific reference to the name of the person concerned. He also made a mention of his own personal experience. Sir, it is for the first time that I am hearing a complaint from him about his own case and before making any reference to such cases on the Floor of the House, if he had done justice to us by referring this matter to me, Sir, I would have personally looked into this case and



tried to do justice to him and to the Department. Sir, I would like to tell the hon. Member that it is not fair to take certain instances out of their context and try to show things which are not there.

# 16

## Village Panchayat for every village

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*On 28 March 1955, Shri Y. B. Chavan, Minister for Local Self-Government, recommended (BLA Debates, Vol. 28, Part II, 28 March 1955, pp. 1506-09, 1574-75 and 1596-97.) to the Bombay Legislative Assembly a very important Bill (No. XXII of 1955) to amend the Bombay Village Panchayats Act of 1933.*

*He stated that the purpose of this Bill was to cover all the villages of this State with the organisation of Village Panchayats. The Government proposed to make some permanent arrangements to the resources of the Village Panchayats.*

*He said that it was proposed to withdraw statutory grants being given to them and give a share of 30% of the Land Revenue and during famine periods interest-free advances for continuing the work of village panchayats, which are very important organisations in the democratic set-up of this country.*

Mr Speaker, Sir, this is a very important piece of legislation which I commend to this House for its acceptance. While doing so, I would like to give some of the important reasons why I do so. It would be appropriate if I anticipate some of the arguments against the Bill which are indicated by some of the amendments that are going to be moved to this Bill at the second reading stage.

The purpose for which this Bill is being moved is based on a very important decision of Government to cover all the villages of this State with the organisation of village panchayats. This necessitates some permanent arrangements to be made for the financial resources of the village panchayats. If we had pursued only the policy which so far we were pursuing, possibly it would not have been within the reach of this Government to provide finances to provide all the villages of this State with the organisation of village panchayats. That is why we had to consider and readjust the procedure and the method of financial help that Government have been giving to the village panchayats. If I may

give certain information to the House, it would be rather interesting to know that our State has at present about more than 34,000 villages with a population of 2.48 lakhs. Out of these villages, about 6,000 villages are covered by village panchayats, the exact number being 5,636. That leaves about 30,000 villages to be covered by village panchayats. If these villages which are very small in number and which have a small population are grouped together then the number of village panchayats that remain to be established in our State comes to about 12,000.

Sir, here I would like to give in detail the financial assistance that we give to the village panchayats at present. At present there are three types of financial assistance which we give to the village panchayats. One is the 15 per cent land revenue grant. The second is the grant-in-aid towards three-fourths of the expenditure of the village panchayats on account of payment of the salary and allowances of their secretaries; and the third is the grant-in-aid to meet 50 per cent of the expenditure on the dearness allowance paid to the village panchayat staff other than the secretary. The total expenditure on these three items, at present, comes to about Rs 64,52,700. If the proposal made in this amending Bill is accepted, then the commitment of Government which will be of a permanent nature will mean an expenditure of Rs 2 crores per year. So it cannot be said that this arrangement which is being proposed by this amending Bill is meant to make a saving in the expenditure of Government on this account. It is not the intention of Government to save in the expenditure. On the contrary, Government has gone a step further, and, with your permission, Sir, I may say, without going into a discussion of the amendments, that Government proposes to bring its own amendment to raise the grant which is 25 per cent as mentioned in the Bill to 30 per cent, thus making an addition of 5 per cent to the land revenue grant.

Of course, there are certain very legitimate complaints which it is my duty to explain at this stage. By this amending Bill we are giving up the statutory responsibilities for certain grants that we have been making towards the expenditure of the village panchayats, and I must explain why we want to do that. I have already mentioned to the House the various types of financial assistance that we give to the village panchayats at present. If we were to stick to that arrangement it would not be possible for Government to extend the organisation of village

panchayats to all the villages. Secondly, it is a rather very unrealistic thing for any local authority to go on making payment to its staff dependent upon the guarantee of somebody else. Our intention is not to make any saving in the amount of money that we are at present giving to the village panchayats. We only want to make a permanent arrangement to enable the village panchayats to meet their expenditure. What happens at present is that in certain village panchayats, even though it is not necessary to appoint a secretary, they appoint a secretary simply because the grant for the payment of his salary is coming from Government. This is not a realistic thing to do.

We want the village panchayats to be realistic and a very effective medium of democratic action in villages. In that case we must make them realise their own responsibilities, limitations and strength. It was, therefore, thought that the sort of aid that is being given at present should be withdrawn, but it does not mean that we should leave them without any resources to meet their expenditure. That is why it was thought that while we are withdrawing the statutory grants towards the payment of a part of the salary and allowances of the secretaries and part of the dearness allowance to the remaining staff, we should give them a further share of the land revenue. I hope it will be admitted by all that this is a very great step taken by this State. This is probably the only State in the whole country which will be giving such a large percentage of the land revenue of the State as a grant to the village panchayats. Of course, as I have said, there may be some legitimate grievances arising out of this decision of the Government to give 30 per cent of the land revenue in place of the various forms of assistance given at present. There may be certain village panchayats— I know that there are certain village panchayats in certain districts—which will possibly lose something under the new arrangement, in that they will be getting something less than what they are getting now. The reason for that is this. Land revenue assessment is not the same in all the villages throughout the State; it varies from district to district because it depends upon the nature of the soil and so many other factors. That is why in certain districts some village panchayats will possibly lose something and they may not get what they are getting at present under the existing arrangement by which we give 15 per cent of the land revenue in addition to the grant for the payment of the salary and allowances of the secretaries and the further grant for the payment of the dearness allowance of the other staff.

But I may assure the House that it is not the intention of Government to make these village panchayats suffer. It will certainly help in deserving cases. When I say deserving cases, possibly it might be misunderstood and it might be said that we might give more grants to some and less grants to others. That is not the intention of Government. It does not mean that all the expenses of the village panchayats will be paid for by Government. When I said 'deserving cases' what I meant is that there are certain village panchayats whose area and whose population cannot be, called strictly rural but which can be called, if I may say so, rural-cum-urban, where the land revenue is quite nominal, and where there are other sources of income which are very real. For instance, the income from the house tax is quite substantial in certain cases. In such cases Government will be very careful in making such grants.

Then, there are certain village panchayats where full-time secretaries are not necessary, but because Government is taking the responsibility for the payment of the salary and allowances of the secretaries, they would not mind having full-time secretaries. In such cases Government will not consider the request for additional help. But in other cases where there is real hardship to the village panchayats concerned, Government will certainly give help.

Another point that occurred to some Members and which was mentioned also during the discussion on the Budget is that there may be scarcity or famine years when the recovery of land revenue may be suspended and if the grant to the village panchayats were to be made dependent on the collection of land revenue what would happen to the village panchayats in those areas in those years. That was a very pertinent question that was raised. We have given our thought to that question also and I can assure the House that in such cases the Government will give them interest-free advances for continuing the work of the village panchayats and that can be adjusted against the future grants to be made to them.

I have mentioned some of the difficulties that are likely to be raised and I have pointed out how we propose to meet them. I hope the House will accept the very important principle of this Bill, which as I have already mentioned, is to cover all the villages of the State with village panchayats, which are a very important organisation in the democratic set-up of this country and are going to be the nerve centre of all the

progress and developmental activities in the State. For this purpose we want to help the villages substantially and sincerely. Sir, I have summed up my arguments briefly and I hope this House will give its due consideration to this Bill and accept it unanimously.

Mr Speaker, Sir, I have heard the debate on this Bill with great attention and with every care that I could give to it and I find that the Bill has been appreciated to a certain extent. It has been opposed on certain points and it has been misunderstood a lot.

The two points which this Bill contemplates are, first, the further allotment of land revenue to village panchayats, which has been accepted in principle by every hon. Member who has spoken on the first reading of the Bill, except for a theoretical objection taken on the ground that the land revenue is a relic of the feudal system. Besides that, the provision of increasing the quota of land revenue that is being given to village panchayats has been supported by most of the hon. Members who have spoken. What has been objected to is the deletion of that part of the Act which guarantees a portion of the pay of the secretaries of the village panchayats and also the policy of Government to stop the grants towards the dearness allowance of the staff of village panchayats. My answer will be confined only to this aspect of the question. As I have already said, it is not our intention to reduce what exactly these village panchayats are getting at present. I am speaking of the village panchayats which are in existence at present. A pertinent question can be asked, namely, that if that is not the intention of Government, then why is this part of the Act sought to be deleted? As I have already explained, by this system a sort of unrealistic atmosphere is created in the administration of the village panchayats. When an authority is supposed to appoint its servants whose pay and dearness allowance are being guaranteed by someone else, a tendency develops to appoint persons unnecessarily and without having any regard to its own resources. As I mentioned, a number of village panchayats, which do not require full-time secretaries, have appointed them. This sort of unrealistic attitude brings about a demoralisation in the administration of the village panchayats.

The question of the working of the village panchayats was examined in a number of conferences in this country and two of the most important reasons that were given for the inefficient working of the village panchayats were party factions in the villages and the inefficient working

of the secretaries. We have to look to these factors and particularly so far as the secretaries are concerned, we have to see that whenever they are appointed, the village panchayats do take into consideration their own resources. In order to achieve this, it was felt necessary to remove this part of the statutory guarantee that is given to the village panchayats. Henceforward, we can consider every case of a village panchayat. We will consider them, examine them and see whether the staff appointed by them is necessary. We will also take into consideration the resources of these panchayats. My hon. Friend Shri Warty referred to Navapada and my hon. Friend from Chikodi mentioned the case of Chikodi. I also know a number of village panchayats which are not in the real sense of the term village panchayats. The population there is mostly an urban population. They have other sources of income such as house tax, etc., and their income is substantial. I do not understand why such institutions should get a grant from Government towards the salary of the secretary and part of the dearness allowance of the remaining staff when they themselves can afford to pay. It is for this very reason it was found necessary that this artificial guarantee must be removed. I can understand a legitimate demand for a further dose of land revenue. I can understand if for the sake of argument somebody says that the village panchayats should be given 50 per cent or 75 per cent, or, as my hon. Friend **Shri P. R. Patel** suggested, 95 per cent of the land revenue. I can even understand the suggestion that they should be paid 100 per cent of land revenue. I am prepared to understand and appreciate that argument on its merits. I really fail to understand why hon. Members feel that this guarantee towards the payment of pay and allowances should be there. What percentage of the land revenue should be given as a grant is a matter to be considered by Government looking to its own financial resources, considering whether it is practicable and whether it can do so without disbursing the financial arrangements of the State as a whole. So that is a different matter altogether. Therefore, I really fail to understand why so much grievance has been made against this decision of Government to remove the statutory responsibility for payment of the grant to the village panchayats towards the expenditure on the payment of part of the salary and allowances of their secretaries and part of the dearness allowance of the other staff. I have made it clear that we will consider the cases of those who are made to suffer as a result of the new arrangement because, as I have already told the House, land revenue is not uniform throughout the State and it varies from

village to village and from district to district because it depends upon the assessment and the assessment in turn depends upon the nature of the soil and other factors. That is why there are a certain number of village panchayats in the State which are likely to lose as a result of this new arrangement, but as I have already stated, we have decided to consider sympathetically the case of those village panchayats which are likely to lose under the new arrangement and I repeat that assurance which I gave in my speech on the first reading of this Bill.

Then, a mention was made by certain hon. Members about the grant that is given to village panchayats at the time of their inauguration and first elections. A sum of Rs 100 used to be given as such a grant. I have already explained why this is sought to be stopped by the new arrangement. So far, the grant of 15 per cent of the land revenue was subject to a condition that the village panchayat would first tax itself with either of the two taxes mentioned in Section 89(2). By this amending Bill we are removing that condition. Now immediately a village panchayat is formed, it will be entitled without fulfilling any condition to get 30 per cent of the land revenue collected in the village in the previous year. That is why immediately a village panchayat is inaugurated, it will have no difficulty on the ground of the lack of the availability of funds for its immediate working. Formerly, the condition that it has first to tax itself before it can become entitled to the grant of 15 per cent land revenue was there and that is why the initial grant of Rs. 100 used to be given to enable it to begin working. That condition has now been removed by this amending Bill and hence the necessity of paying an initial grant of Rs 100 no longer remains.

As regards the point regarding the nature of land revenue I do not wish to enter into a debate which could only be of an academic nature, because as long as land revenue is a source of income of this Government I do not see why it should not be shifted back to the people. If it is a feudal tax, then I think that to the extent that it is given to the people, it ceases to be feudal. When it goes back to the people for their own use, I cannot understand how it remains feudal. As a matter of fact, I think hon. Members should welcome this arrangement because then the very nature of the tax is transformed. Since the arguments of hon. Members have been of an academic nature I do not wish to enter into a debate over those arguments. I may only say that as long as land revenue is there, it will remain a very substantial source of income. It has been



accepted as a very important source of income which should be shared by the State with the local authorities. This principle has been accepted also by the Taxation Enquiry Commission.

It is not on the basis of any recommendation of the Taxation Enquiry Commission that we have brought forward this Bill but I may say that this question has been agitating our minds for a long time and it is on the basis of that, that we have brought forward this Bill and it has nothing to do with any recommendations of the Taxation Enquiry Commission. I may say that this Bill was published even before the report of the Taxation Enquiry Commission was published. So it is not correct to say that this Bill has been brought forward as a result of the recommendations of the Taxation Enquiry Commission. But this point is a point of principle which has been accepted by all and this is a question which has been agitating our minds for a long time and to that extent it should be said that this Bill is certainly a progressive measure.

I can very well understand the criticism as to whether it is maintaining the status quo or not. I may say that in the case of certain village panchayats it is going to increase their income; in the case of certain others it is going to keep the status quo and in the case of some others it is going to reduce their income. As regards the third category of village panchayats my assurance stands, namely, that we will see that these village panchayats do not lose provided the other two things which I mentioned before are satisfied.

Sir, I do not wish to take more time of the House at this stage. My hon. Friend Shri V. N. Patil made a reference to certain recommendations of the Local Self-Government Conference held at Simla. We are considering many of these recommendations and we are going to accept some of the recommendations made by the conference of the Ministers of Local Self-Government. In the next Session, Government is thinking of bringing another Bill which will embrace all these aspects. For the present, it will consider the ways and means to make the village panchayats an effective agency to facilitate the working of the development plans of the country. Some of the hon. Members have emphasised and underlined the need to continue the grant-in-aid to meet part of the salary and dearness allowance of the Secretaries and part of the dearness allowance of the remaining staff. I wonder whether they were representing the case of the village panchayats or they were simply representing the case of the

secretaries and other staff. Sir, the real work of the village panchayats should be looked at from this point of view, namely, how far they can be useful and effective in the implementation of the developmental activities that are being done in the rural areas. Sir, crores of rupees are spent in the villages and we want the village panchayats to be a really effective medium of making the various development plans a success and that alone will give our planning in this country a sort of a real democratic form. For that, we must see that in every village there is a Village Panchayat. It is with this view that the Government has thought of a very ambitious plan, but the fulfillment of this ambitious plan depends upon the co-operation of the people. Taking into consideration the spirit behind the Bill, Sir, I hope the House will accept its first reading.

# 17

## Adult franchise for municipal elections and funds for schemes

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*On 19 August 1955, Shri Y. B. Chavan, Minister for Local Self-Government, introduced (BLA Debates, Vol. 29, Part VII, (Inside No. 3), August 1955, pp. 91-92.) L.A. Bill No XXXVII of 1955 to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, mainly to do away with the business qualification and the taxation qualification in the elections of the Municipalities and to introduce adult franchise and to allow the administration of local bodies to spend on such schemes like bus transport or dairy farming outside their areas.*

Mr Speaker, Sir, this amending Bill is based on three or four important changes that we propose to introduce in the District Municipal Act and the Bombay Boroughs Municipal Act. In the first instance, Sir, we propose by this amending Bill to remove or to do away with the business qualifications and the taxation qualifications in the elections of municipalities. At present, Sir, as the House is aware, there are three types of qualifications, namely, the residential qualification, the taxation qualification and the business qualification. By this amending Bill, the latter two, namely, the business and the taxation qualifications are sought to be removed and the residential qualification, as it is expressed in the Assembly Electoral Rolls will be given effect to. Sir, Clauses 2, 3, 4, 5, 8, 13, 15, 16, 17, 18 and 23 deal with these aspects of the question. Sir, as the principle of adult franchise has been accepted in all the elected political institutions of this country, we thought it fit to bring in line the elections of the local bodies with this new principle and hence this amendment.

Sir, the second change that we introduce in the administration of the local bodies is this. At present a local body can have certain activities in

its own area of operation. But there are certain activities which it would be better if a local authority is allowed to perform outside its area also, because that would suit the convenience of the local authority. Hence we propose to allow expenditure on such schemes as bus transport or dairy farming outside their areas.

Sir, Clauses 6, 9 and 21 are intended to bring in certain aspects of the Bombay District Municipal Act and the Bombay Municipal Boroughs Act on the same lines.

In the case of the Bombay Municipal Boroughs Act, a bye-election within four months of the expiry of the term of office of a Municipal Councillor is not allowed and we thought that it should be done in the case of a District Municipality also. Similarly, Clauses 9 and 21, seek to bring about similarity in provision.

Sir, under Clauses 12 and 22, it is proposed to amend the District Municipal Act and the Municipal Boroughs Act, respectively, with a view to enabling to take cognizance of offences within six months of the discovery of the offences. In certain cases, offences are continuous and it is very difficult to launch a prosecution within the period of six months. So, a provision has been introduced whereby prosecution can be launched within six months from the discovery of the offence. These are some of the important observations that I wanted to make at this stage.

Sir, I have no further remarks to offer except to refer to the suggestion made by the hon. Member Shri Warty about the Bassein Municipality. The difficulty he has pointed out may seem to be real, but then I cannot give him the assurance that the Assembly Rolls will be so printed as to meet the needs of the Municipality. The Municipality will have to arrange the rolls in such a way as to suit their own wards. So, it will be rather very difficult to give an assurance. To my mind, possibly the municipalities will have to spend some money. Except for this explanation, I have nothing more to add at this stage.

# 18

## Accommodation and the evil of pugree

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*In reply to a Cut Motion tabled by Shri N. C. Bharucha and others to repeal the Bombay Land Requisition Act, 1948, Shri Y. B. Chavan as Minister for Local-Self Government and Accommodation, stated that the purpose of the Act was to provide accommodation to the public, Government servants and homeless persons, thereby avoiding the evil of pugree. He also stressed (BLA Debates, Vol. 29, Part II, (Inside No. 11), Aug.-Oct. 1955, 30 August, 1955, pp. 505-08.) the need for continuing the Act. Besides, he announced that the Government would not requisition any vacancy in a new building.*

Mr Speaker, Sir, I would also like to be brief in my reply to the debate that has taken place in the House just now.

Sir, I have heard the speech of the hon. Member Shri Bharucha with all the care that it deserved and the only impression which I received was that he did not like the Act and does not like it. That seemed to be the only argument advanced against the continuance of this Act which has proved very useful specially in the city of Bombay. I would like to make it clear at the very outset that it was never the claim of the Government that this will be a permanent measure on the statute-book. It is also the desire of the Government to continue this Act only as long as it is necessary for the benefit of the citizens of this State. I may take the opportunity to let the House know that, not only does this Government want to discontinue this Act but the Government proposes also to bring a Bill in this Session to continue the Act, subject, of course, to the approval of this hon. House, till 31 December, 1958. Anyway I must thank the hon. Member for having given me this opportunity to discuss the operation of the Act once more on the floor of this House.

Sir, the necessity of this Act arose out of a very delicate and difficult situation created by the Second World War. As we know during and

immediately after the war, there was, a sort of influx of population from the rural areas to the industrial cities like Bombay because of the easy availability of employment in Bombay. The conditions that prevailed during the war continued to exist even after the war. Immediately after the war and after independence, as we know, there was a very large influx of displaced persons into the city of Bombay due to unfortunate reasons which we all know. We had to continue this Act for these reasons. The hon. Member has not made out a case for not having this Act at all in our State. For the Government the only point that is to be proved is whether some conditions exist to justify the continuance of this Act, and in my humble opinion those conditions which prevailed in 1943-44, though not in their entirety, to a certain extent still exist in the State and hence the continuance of this Act. The attitude of the Government regarding the operation of this Act is not static. As the conditions changed the operation of the Act also underwent certain changes. I can give a long list of concessions that were given during the last 5 or 6 years in the operation of this Act. The real purpose of this Act has been very ably explained by my hon. Friend **Shri Taleyarkban.**

The first purpose was certainly to give accommodation to the public. There was also the necessity of administration, namely, to provide accommodation to Government servants. Further there was also the need to provide houses to houseless persons who had come from Pakistan and also to certain victims of house collapse tragedies. Besides this, the other purpose was to avoid or restrict, as far as possible, the social evil of pugree. It cannot be denied reasonably by any person who has any sense or any respect for logic or even for truth that in the circumstances as they existed in Bombay city this Act has restricted or curbed the prevalence of the evil of pugree in Bombay city. There was a time when there was a feeling of helplessness, seeing that the evil of pugree was on the increase. It is only the operation of this Act that has put some reasonable restriction on the evil of pugree.

Sir, I was going to refer to the concessions that have been given in the operation of the Act. I had the opportunity to state them before on the floor of this House, but I might repeat them once more. As you are aware, Sir, that a portion of the city of Bombay which is beyond Mahim and Sion has been exempted from the operation of the Act. The hon. Member Slid Bharucha made out a point that if the Act was really meant for the removal of the evil of pugree, was it right to exempt a portion of

the city from the operation of the Act? I think, Sir, he is taking a static view of the operation of the Act. As I have said we wanted to restrict the operation of the Act as far as possible, and when we found that a certain area was not necessary to be kept under the operation of the Act we excluded that area.

Sir, I would like to correct the impression of my hon. Friend that we have completely removed the operation of the Act as regards tenants or premises carrying a rent of Rs 15 or below. That is not correct: We have relaxed or given a concession to this category of premises if they were occupied before a certain period. That period has now been extended upto the end of 1951 and in the case of information of suppressed vacancies upto the end of 1953. As regards this category of premises if the occupation has started before the end of 1951 we do not undertake enquiries. We have allowed the near relations of unauthorised occupants to continue as tenants and even if they are brought to our notice as suppressed vacancies, we do not requisition them.

Sir, the hon. Member made a reference to some case. I have no definite information to give because I do not know which particular case he has in mind. I would take this opportunity to invite the hon. Member to come to me and discuss any number of cases which he has in mind. Unfortunately he did not make any specific reference to the case and so I cannot explain the facts thereof. But then he made a reference to a personal case of his own. On that I tried to get telephonic information from the Controller's Office and what little information I could get is this. The hon. Member had applied for an exchange on 1 June 1954 and the necessary permission was given on 11 June 1954, that is, within 11 days. I do not think this can be called delayed disposal. I would not consider this as delay, looking to the pressure under which this office is working. As regards other cases I want to make it clear that I would get the full facts. If the hon. Member had earlier mentioned the facts to me, I would have been able to give a full and clear picture to the House. I would have been glad to do so. That is why about the cases he has in mind I am inviting him to come to me or write to me. Then I shall give him all possible information and try to prove to him that whatever is being done is bona fide and it is also done as early as possible.

Then, Sir, I would like to give certain information about the working of this Act. It has been said that all sorts of premises were taken mainly

to provide for Government servants. That is true and I do not deny that fact. Here I would like to state certain facts. As the House knows, due to the decision of the Bombay High Court the work of requisitioning premises for non-Government servants had to be stopped for a certain period of time. It was nearly two and a half years. I have before me certain figures from 1948 to June or July of 1955. The allotments to Government servants were 4,490. The allotment to non-Government servants was 1,436. It comes to about 25 per cent of the allotment to Government servants, and that too, in spite of the ban on the Government to provide accommodation to non-Government servants during the two and a half years out of a total period of six or seven years during which the Act has been in operation. I have included the figures of 1955 when we were authorised to give accommodation to the first informant who is also a homeless person. This will show that the Act has done a yeoman service to those persons who have not been in Government service. This will show that this Act was very essential for the needs of the citizens of Bombay and that it is still necessary because at present we have got a list of 1,831 Government servants who need accommodation. I am giving this information so as to show that the necessity of this Act has not disappeared. It is still there.

There is another aspect which the hon. Member has completely lost sight of and that aspect is, what is going to happen to these people for whom we have requisitioned premises? At present, there are about 6,000 requisitioned premises, That means, 6,000 families have been provided with accommodation as a result of the operation of this Act. As proposed by the hon. Member Shri Bharucha, if the operation of this Act is stopped, what will happen to these 6,000 families? Has he any answer to it? (Interruption). He is an eminent lawyer. I have granted him that position. But my legal advice is quite the contrary and we will have to find a way out. I do not say that there is no way out of it. We will have to think about it. You cannot come and say, 'Scrap the Act overnight and as a result of that nothing will happen'.

The other day I heard his speech in this House Sir, on the tenancy legislation and to my delight I found him taking the side of the tenants. Now while speaking on this Bill in this hon. House he is advocating the cause of the landlords. I have not been able to reconcile the pleader for the landlord and the pleader for the tenant in two different fields. He is prepared to put a tulusi patra on his head when it suits him. (Interruption).



I am in possession of the House, and I am not going to give in. The hon. Member, of course, has the right to have his say or to express his own views. Whenever he makes a contradiction, certainly I have a right to point it out to him, so that he may not repeat it. He always makes a reference to what one Congressman said here or to what one Congressman said there. There are certain people in the Congress who hold the view that this Act should not exist in our State. But that shows the freedom of views in the Congress Party. But the whole question will have to be decided by this House because this measure has been enacted by the majority of the hon. Members of this House and not by the majority of the people who hold the view similar to that of the hon. Member Shri Bharucha. The only point that I have thought fit to concede is that this Act is not going to remain a permanent feature. It will have to be withdrawn at some time. But when that time will come is a question for very careful consideration and very careful decision. This Government has taken into consideration the situation obtaining in this State and has come to the conclusion after very careful deliberations that this Act is very essential for the present and that it will have to continue for some years to come and whichever Government happens to be in power at the time of the expiry of the life of this Act will have to think whether it is further necessary or not. That is why this Government proposes to bring in a Bill which seeks to extend the life of this Act, of course, subject to the approval of this House till the end of December 1958.

I would like to make two announcements. So far, the Government has not been requisitioning first vacancies in the new constructions. As a further liberalisation of this concession that has been given so far, we have now decided not to requisition any premises in the new buildings whether for the first time or subsequent vacancies.

# 19

## Additional grants to village panchayats

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*On 12 September 1955, Shri Y. B. Chavan, Minister for Local-Self Government, made a Demand (BLA Debates, Vol. 29, Part II, (Inside No. 19), Aug.-Oct. 1955, 12 September 1955, pp. 856-57.) before the House for a supplementary grant of Rs 3,45,170 under the major head of account '57 Miscellaneous'. This was a supplementary grant in respect of the additional grant to village panchayats. In his speech, Shri Chavan replied to the queries of the Members of the Assembly as follows*

Mr Speaker, Sir, only two points have been made out by the hon. Members of the Opposition, namely, one whether the Government is capable of establishing the number of village panchayats which it aspires to establish. I might mention for the information of the House that the target for this year is to establish about 3,300 village panchayats and up to now— by now, I mean up to the end of July—we have issued preliminary and final notifications in respect of 2,200 villages. Thereafter, in the month of August and the few weeks of September that have passed up to now, I am sure several number of villages must have been notified with a view to establishing village panchayats in those villages this year. We are very serious about it. We mean what we say as far as the establishment of the village panchayats is concerned. Therefore, the amount of the demand asked for is really intended to be spent this year only.

The only other question that was referred to by the hon. Member Shri Bharucha was about the propriety of amending the Village Panchayats Act. It was on the floor of this House that I had said that whatever loss the village panchayats might incur would be made good, and it is with a view to fulfilling that promise made on the floor of the House that the Government has come forward with a demand for Rs 7.5 lakhs. It is said

that it was the prophecy that the Opposition then made has come true. If they want credit for that, I am in all seriousness, prepared to concede that, but I would only say that it was not a prophecy which needed more intelligence. It was very obvious that the panchayats were going to incur more expenditure. What the Government really wanted to do was that when certain allowances were statutorily guaranteed by the Government to the village panchayats, those amounts should be spent by the village panchayats only for the particular purpose. The grant earmarked for the allowances of the secretaries should be used for the particular purpose. The additional grant that the Government is going to make to the village panchayats is to make good the loss of the village panchayats on this account. The village panchayats should not be allowed to spend the amount in any way they like. That is the fundamental change which the Government wanted to make in the Act and that is why the Government gave an undertaking to give a certain share of the allowances of the secretaries of village panchayats. I maintain that that was the intention of the Government. I have mentioned this only because a reference was made to it by the hon. Member.

I have nothing more to add. If the village panchayats are established in this financial year, the grants will be given to them. That is our intention.

The calculation in respect of the old village panchayats is included. The additional percentage of land revenue was given to the old village panchayats also and on the 30 per cent basis the grant to be given to the new village panchayats will also be calculated.

## 20

## Controls and Centre's food aid

*On 26 September 1955, Shri Y. B. Chavan, Minister for civil Supplies, made a Demand for expenses for the year 1951-52 under the head '85 A, Capital Outlay on State Schemes of Government Trading' and requested (BLA Debates, Vol. 29, Part II, (Inside No. 29), Aug-Oct. 1955, 26 September 1955, pp.1316-18.) the House to give its approval to this excess expenditure. On this demand Shri B. C. Kamble raised certain points to which Shri Y. B. Chavan explained the mechanism of the control that was working in the State and the circumstances under which the Government had to accept the allotment of food made by the Government of India in the interests of the State.*

Sir, the hon. Member Shri Kamble has raised certain queries, one of which at least requires a definite answer. That is about what exactly is meant by an enhanced rate. I am presenting that information to this House at the outset.

Sir, the rates of foodgrains in 1950 and onwards were like these. The rate of wheat in 1950 was Its 15 per maund. In 1951 it was Its 16-6-0. From 9 July 1951 it was Rs 18-6-0. In the case of fine rice the rate in 1950 was Rs 22 per maund. Throughout 1951, it was Rs 26-8-0. The rate of coarse rice in 1950 was Rs 22 per maund. Up to 8 July 1951 it was Its 22-11-0 and from 9 July 1951 it was Rs 23-6-0. The rate of milo was Rs 11-4-0 per maund from 1 January 1950 to 3 June 1950. From 1 July 1950 to 31 December 1950 the rate was Rs 10-4-0. To a certain extent the rate was reduced. But in 1951 again it jumped up to Its 12 per maund. This is the specific information regarding the enhanced rates which I am giving to this House.

The hon. Member Shri Kamble has raised another point regarding the import of foodgrains. He asked that when foodgrains were imported, why an effort to make internal procurement of foodgrains was made. Sir, the hon. Member has not, really speaking, understood the mechanism

of the control that was working in our State when it was in force. In order to meet the deficit needs of the people of this State, we had to use the double machinery of using the stock from imports and also to make available the marketable surplus in our own State. And in order to get the imported allotment from the Centre regularly it was necessary to show what capacity we had to secure the marketable surplus in our State. That is why we had to depend on both these sources for our supply. Sir, the difficulty about the imported stocks was that the Government of India had to negotiate with different countries. Sometimes allotments were made by the Government of India quickly; sometimes the shipments were delayed. Sometimes the Government of India had to dispose of the imported stocks immediately. It is under these circumstances that the Government had to accept the allotment and it was in the interests of this State to accept this allotment, even though that might not be necessary for the particular financial year, but would be necessary for another year which possibly was not expected to be a good year. In practice, we found it to be so. In 1952-53 we had to face famine days and we were able to carry on very well because we had very large stocks of imported foodgrains. So, this explains why the expenditure had to be incurred both for the internal procurement of foodgrains and also for the imports.

Sir, the other point that the hon. Member Shri Kamble raised was whether this excess expenditure could have been brought to the notice of this House earlier. Sir, it can be argued that it could have been done earlier, but the fact is that it was not done, and I will try to explain why it was not done. This particular expenditure on account of the enhanced allotment came to the notice of the Government or of the department concerned in the month of February 1952, when the Legislature was not in session. And that is why the difficulty had to be faced by making this excess demand at this stage.

Sir, certainly it is the desire of this Government to give every information to the House, but this took place under the circumstances which I explained just now. I think that this reply will satisfy the hon. Member.

## 21

# Representation of the Peoples' Act

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*On 26 September 1955, Shri Y. B. Chavan, Minister for Local Self-Government, introduced L. A Bill No. XLII of 1955 to amend the Bombay Municipal Corporation Act and explained (BLA Debates, Vol. 29, Part II, Aug.-Oct. 1955, pp. 1381-85.) the purpose for which this Act required amendment in the following speech:*

Sir, for two major purposes this Act is being amended. The first purpose is to organise elections to the Bombay Municipal Corporation in a more effective and faultless manner. It is proposed to incorporate in the Act some of the provisions of the Representation of the Peoples' Act. To mention a few of the provisions, it is proposed to incorporate provisions regarding (1) prohibition of use of vehicles for conducting voters, (2) requisitioning vehicles and premises, (3) prohibition of canvassing near polling stations, (4) prohibition of use of any apparatus for the amplification or reproduction of human voice near a polling station etc.

It is also proposed that certain clauses of this Bill should come into force immediately, whereas it is provided that Section 28 H, which is part of Clause 5 and Sub-Clause (2) of Section 6 and Sections 7 and 8 will come into force after the Legislature gives its consent to this Bill and gets also the consent of the Governor. The other parts of this Bill will come into effect after 31 December 1955. This is one purpose for which this Act is being amended.

The second purpose is very important as far as I can see. As we know, the Bombay market is a very important market of fruits and vegetables. These commodities are produced in the neighbouring districts of Nasik, Thana, Poona and even in some parts of Sholapur. From these areas and other distant places in the country, that is, vegetables and fruits

are being brought into the Bombay market, i.e. in Bombay city for sale. There is a very curious practice which is known as hatha practice in the Bombay market, a practice whereby sales are made secretly. The exact rates for which sales are effected are not known by the producer and it is feared that there is much scope for the exploitation of the producer under this system. In order to eliminate this element of exploitation from this market it is proposed to give certain powers to the Corporation to regulate market conditions in respect of these particular commodities. Also there are some other commodities which are mentioned in the Schedule and whose sale will be regulated under the provisions of this Bill. It is another important purpose for which the Act is being amended.

Mr Speaker, Sir, the only point made out by the hon. Member Shri V. N. Patil while supporting this Bill and conceding that this is certainly a progressive step, is that even if the Act is made applicable to the Bombay markets, the producers and the cultivators are not likely to control or regulate the procedure that will be followed in these markets. He is right when he makes out that point, but there is a very genuine difficulty in this respect as far as the Bombay market is concerned. The Bombay market receives produce not only from certain districts which are around Bombay, but it is also a very important national market and it receives fruits and vegetables from the farthest parts of the country, namely, the Punjab, certain parts of the U.P. and also certain parts of Madras State. So, to give representation to these producers by applying the Agricultural Produce Markets Act to the Bombay market will be a very impracticable task.

Sir, there is another difficulty in our way. We want to take the Bombay Municipal Corporation with us on this point. We do not wish to impose certain things from outside on the Bombay Municipal Corporation. So, this is a step which we have taken in consultation with the Bombay Municipal Corporation. I am very glad that the Bombay Municipal Corporation has very willingly accepted it. It is only after this acceptance of the Bombay Municipal Corporation that we have come before his House with this amending Bill.

Sir, I should be more glad if I could accept the suggestion which the hon. Member Shri Patil has made; but, Sir, it is not possible for me to accept the same. As things are, I am satisfied that this is a progressive

step that is being taken and certainly it is in the interests of the people of this State. Sir, I have no answer to give to the point that has been raised by the hon. Member **Shri Gadag** regarding cotton seeds, etc. These are matters for the Development Department to consider and they will certainly be considered by that department.



## 22

# Acquisition and requisition of immoveable properties

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*On 27 September 1955. Shri Y. B. Chavan, Minister for Accommodation, introduced in the Legislative Assembly, a Bill (No. LVIII of 1955) to amend the Bombay Land Requisition Act, 1948, and briefly explained (BLA Debates, Vol. 29, Part II, (Inside No. 30), Aug.-Oct. 1955, pp, 1381-85.) the reasons for this amendment in his speech which is as follows:*

Mr Speaker, Sir, this Bill proposes to introduce two important propositions; first, to extend the life of this Act till the end of December 1958, and secondly, to provide a certain procedure for claiming compensation by the landlords.

This House had an opportunity, the other day, to discuss the question about the necessity of the continuance of this Act when an hon. Member from the Opposition moved a Bill for the repeal of this Act. I might perhaps repeat some of the points then mentioned to show that the necessity of this Act is still felt and it is in the interests of the public that this Act should continue for a further period. As hon. Members are aware, there is also a Central Act of a similar nature for the acquisition and requisition of immoveable properties. The life of that Act also is till the end of March 1958. Therefore, in respect of our Act, this Government also has every reason to follow the same line followed by the Centre.

The other proposition introduced by this Bill is about making it compulsory for landlords to put in their applications for compensation within a definite period. Those provisions have been mentioned in Clause 3 of the Bill. As the House is aware, the question of compensation arises generally on three occasions. When recurring compensation is fixed, the landlord has to prove his claim for compensation with all the evidence necessary. Sometimes, it is necessary for the landlord to claim terminal

compensation. Even at that time he has to put in an application. The necessity for an application arises also in certain cases where there are arrears of compensation accumulated. In such cases the landlord has to make a complaint to the Controller for the payment of the compensation that is fixed according to the order. But sometimes it is found that landlords choose to wait for an indefinite period. They wait till the compensation is allowed to accumulate for months together and then they choose to run to the Controller for help. In such cases, sometimes it becomes very difficult to pursue the allottees and in some cases the allottees also plead their inability to pay after such a length of time. As the House is aware, some of the allottees are non-Government servants. In respect of such allottees it becomes a liability on the Government to pay the compensation payable by them. That involves a heavy financial liability on the Government. Therefore, the Government has come forward with this Bill making it compulsory on the landlords to put in their applications for a compensation within a definite period mentioned in the respective clauses of this Bill.

These are the two very important reasons for which this Bill has been brought before the House for its approval and I hope the House will accept the first reading of this Bill unanimously.

Mr Speaker, Sir, I have never before heard a more self-contradictory speech than the one which the hon. Member Shri Bharucha has made just now. Sir, the purpose of his amendment is to extend the life of this Act up to 31 March 1957. The argument made in support of this amendment was that there is no sense in extending the life of the Act at all. If there is any sense in extending the life of this Act till the end of March 1957, there is still more sense in extending the life of this Act up to 31 December 1958.

Sir, another point that the hon. Member has tried to make out is that the purpose is simply to give concessions to the new premises whenever vacancies occur in them even for the second time. Sir, it was a concession given to encourage the building activities in Bombay, and it is only on that basis that the question of housing is being solved in the city of Bombay. Sir, I had also mentioned last time that the Government was considering the question of having new buildings for its own employees. It is by concentrating the effort on building new premises that the question of housing will be solved. The question will not be solved by

simply mentioning some tragic cases or instances of married couples or instances which come to the court or which take place outside the court. I may tell the House that the Government has got every sympathy for such people. I may also state that I have got every sympathy for such people. There are a number of cases of this type and merely by abolishing this Act, the housing problem is not going to be solved. It cannot be said that if the life of the Act is extended, the new married couples are not going to get premises in Bombay. All the same, there are at present some chances of the married couples, who are Government employees, of getting accommodation. Sir, the approach to this problem must be from a practical or a realistic point of view. Sir, there is nothing new in the points raised by the hon. Member Shri Bharucha to which I should give any further reply. I, therefore, oppose the amendment.

## 23

### Collector, vis-a-vis, DLBs - new cadre of engineers

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*On 27 September 1955, Shri Y.B. Chavan, Minister for Local Self-Government, introduced an amendment to the Bombay Local Boards Act, 1923, and the Bombay Village Panchayats Act, 1933, suggesting (BLA Debates, Vol. 29, Part II, (Inside No. 30), pp. 1383-85.) the removal of business and taxation qualifications for election to the District Local Boards, for giving certain powers to the Collector to run the administration of the Board for a certain period, and for disallowing the Village Panchayat to collect the professional tax, if the District Local Board was collecting it. The amendment also created a new cadre of engineers of the District Local Board on a regional basis.*

Mr Speaker, Sir, this Bill proposes to amend both the Bombay Local Boards Act and the Bombay Village Panchayats Act.

First, Sir, the amending Bill proposes to introduce certain changes in the voting qualifications. In view of the extension of adult franchise in the election system in the country, the Government thinks it right now to remove the business and taxation qualifications for elections to the District Local Boards.

Sir, by this Bill it is also proposed that the Assembly Electoral Rolls should be adopted as the basis for the voters' list for these elections. It is further proposed to incorporate in the Act qualifications and disqualifications of voters and councilors on the lines of the provisions of the Representation of the Peoples' Act.

There is an anomaly in the Act as it stands at present. In case the President and Vice-President of a District Local Board either resign or cease to hold their offices, there is no provision in the Act to meet such a situation, there is nobody to run the administration. So, it is proposed to give certain powers to the Collector to run the administration of the

institution for a certain period.

Sir, there is another point and that is regarding the levy of the profession tax. At present both the Village Panchayats and the District Local Boards are entitled to levy profession tax and collect it. It is proposed by this amending Bill to disallow the Village Panchayats from levying the profession tax if the District Local Board is levying the profession tax and in that eventuality it is the Village Panchayats who will collect the tax and they would be entitled to share it at the maximum rate of 50 per cent of the gross collection. It was found that if the taxation is to be of any help to either of the two bodies, either the District Local Board or the Village Panchayat should have it in order to avoid double taxation. That is why this important step has been taken and I hope that it will work smoothly and effectively.

Sir, there is another element that is noticed in the administration of the District Local Boards. By this amending Bill it is proposed to create a new cadre of engineers of the District Local Board. Sir, I know that this is one of the highly debated questions in the sphere of administration of the Local Self-Government Institutions; but the Government proposes to introduce this method at least in the field of the engineering staff. While doing so, I do not propose to run down any particular administration or any particular District Local Board. It is quite possible that the engineering staff of a particular District Local Board may be good. I do not propose to claim that the Public Works Department engineering staff is very efficient as compared to the District Local Board staff. That is also not my contention while moving this Bill. But, Sir, if we look to the future of the District Local Boards and the nature of the activities which they will have to undertake in times to come, it would appear that the amount of work that the District Local Boards will have to handle will increase enormously as a result of the decentralisation. It is to meet this eventuality that it is considered advisable at this stage to try to introduce the system of cadre. Sir, the method that is contemplated under the proposed Bill is that either the cadre will be of the State Government or that it will be vested in an authority. At present Government is considering the proposal. If the House approves this idea of creating a cadre—I am indicating the way in which the Government's mind is working—the cadre will be on a regional basis and an authority will be constituted in which representatives of the District Local Boards, will be allowed a majority.

In that case the fear that is normally expressed about this cadre will not have any ground to exist and it is from this point of view that I request the House to examine this new proposal embodied in this amending Bill.

Sir, I hope the House will accept the first reading of this Bill unanimously.

## 24

### District Local Board Funds

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*On 17 February 1956, Shri Y. B. Chavan, Minister for Local Self-Government, moved in the Legislative Assembly a Bill (No. VII of 1956) further to amend the Bombay Local Boards Act 1923. Shri Chavan explained (BLA Debates, Vol. 31, Part II, 17 February-April 1956, p. 26.) to the House that the reason for the amendment was to keep an effective control on the deposits of the funds at the disposal of District Local Boards by making a statutory provision for the purpose.*

Sir, this Bill seeks to amend the Bombay Local Boards Act, 1923 in two particulars. One relates to the preparatory time required to hold elections to such bodies. The preparatory period provided for now is of one month but experience has shown that such a long period for the purpose is not necessary. Therefore, the Government proposes to reduce the period from one month to fifteen days.

The second amendment relates to the deposits of the funds at the disposal of District Local Boards. Most of the funds at the disposal of such bodies are either Government grants or the share of such bodies in the land revenue collections. The Government has always thought it fit to keep a control on the deposits of those bodies by specifying the banks in which the funds should be deposited. It was thought necessary to have a statutory provision for the purpose, so that there would be an effective control on the deposits. The proposed amendment seeks to achieve the purpose. I commend the Bill for the unanimous approval of the House.

## 25

# Extension of the term of Bombay Municipal Corporation

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*On 17 February 1956, a very important piece of legislation was brought (BLA Debates, Vol. 31, Part II, February 1956, 17 February 1956, pp.27, 28, 54-57.) before the Legislative Assembly by Shri Y. B. Chavan, Minister for Local Self-Government, providing for the extension of the term of office of the Corporators of the Municipal Corporation of Greater Bombay, to avoid conflict with the probable dates of the general elections to the State Legislative Assembly and Parliament.*

Sir, this is a very important piece of legislation inasmuch as it concerns a topical question. In fact, we feel glad to have been able to introduce this Bill on the very day on which Government has been able to lay the Ordinances on the Table of the House with a view to enacting into an Act the provisions of the Ordinance. Elections to the Bombay Municipal Corporation were due in the month of February this year. But as the House is aware, the question of the reorganisation of the States is before the country, and the Government of India is considering the matter. It is quite possible that the question of the city of Bombay will be decided in a manner which will involve probably certain changes in the jurisdiction of the Corporation and possibly in the status of the Corporation also. This has compelled us to consider the question of the elections to the Corporation. Government thought it fit to postpone the elections as it would be futile, in view of the possible changes in the jurisdiction and the status of the Body, to hold elections now and again after the change, only a few months thereafter. That is why Government thought it necessary to postpone the elections, and, therefore, promulgated the Ordinance which has been laid on the Table of the House to-day. This Bill purports to enact the provisions of the Ordinance into an Act.

The only important change in the provisions of the Bill as compared



to those of the Ordinance is this. In the Ordinance, under the relevant provisions, the elections were sought to be postponed for one year only. But under the Bill the period is proposed to be extended upto the end of the following July, with a view to avoiding the elections of the Corporation coming in conflict with the probable dates of the general elections to the State Legislatures and to Parliament. This is the general background to the Ordinance, and we thought it fit to place before the House the Ordinance and the Bill incorporating its provisions at the earliest possible opportunity. I hope the House will give its assent to the Bill.

Mr Speaker, Sir, some hon. Members have participated in the discussion on the first reading of this Bill and I am sorry to say that unfortunately the real issues which were behind this Bill have been mixed up with something which is very wrong. Sir, this Bill has nothing to say on the merits of the proposal of the reorganization of the States. But everybody went according to his own inclinations on the subject and possibly wanted to ventilate their own views and feelings on the floor of the House, but perhaps on a wrong occasion.

Sir, the last two speeches that I heard naturally arose out of certain bitterness which I can understand. I can tell them that I am as good a Maharashtrian as they claim to be, but my further claim is that I am a wise Maharashtrian and I say that possibly a time will come when they will come to me and say that I was right and that they were wrong.

Sir, there is nothing undemocratic in postponing the elections. There is nothing unconstitutional in issuing an Ordinance. It is a constitutional method recognised in all democratic countries, which is resorted to in emergent situations when the legislature is not in session. An hon. Member said that the Bill is a disgrace to the public and to the House. He is at liberty to use whatever adjectives he is fond of using, but I must say that there is nothing disgraceful in this legislation. There is no intention to postpone only the elections to the Bombay Municipal Corporation. I may tell the House that Government has already issued a notification proposing to postpone the elections to the Ahmedabad and the Poona Municipal Corporations on the same grounds. In the case of the Ahmedabad Corporation, there is no controversy as to where the city of Ahmedabad should go, but as a result of the reorganisation its jurisdiction may probably change. In the case of the Poona

Corporation, there is no dispute as to where Poona should go, but the question of postponing the elections arose because of the suicide committed by the Body. All the Corporators have resigned. (Interruption). If he understands the meaning of the figurative expression, he should be able to follow its meaning. The hon. Member **Shri Dalvi** used the word 'marekari' with reference to this Bill. He has been used to such language for the last two or three months. I would request him to forget the language. I can understand his bitterness and I have full sympathy for him. But, this Bill has nothing to do with the merits or demerits of the decisions about the States reorganisation. The MPCC has its own views in the matter, and I subscribe to them as I am a member of it. I do not on this occasion wish to say anything on the merits of the question of reorganisation. The real point at issue is, whether in the circumstances now obtaining in the city, elections should be held. The decision of Government was that the elections were not now necessary. I was expecting relevancy in arguments particularly from those hon. Members who are in the profession where relevancy is honoured. But, unfortunately, there was a lack of relevancy in the arguments. The hon. Member Dr Amul Desai did not know whether to congratulate me or sympathise with me. I may tell him that both these commodities are not necessary for me. I do not want him either to congratulate me or to sympathise with me. I want him only to properly understand the issue. As he himself has rightly said, an agitational approach is not going to serve any useful purpose. I entirely agree with him when he has said so. If we have learnt anything in this long and agonising period of three or four months, it is that domestic questions like the States reorganisation cannot be tackled successfully by an agitational approach. It is only an attitude of argument or agreement that would help to solve such questions successfully, and we must understand that. Given that sort of attitude and understanding, they would be able to see the reason why the Government has brought forward this amending Bill. If they adopt an attitude, they would not attribute the motives which some of the hon. Members opposite tried to do. When the question of the reorganisation comes before the House, It will certainly be possible for hon. Members to explain their attitude to it. But I would seek your permission, Sir, to refer to some of the questions, which, though they were not really pertinent or relevant to the Bill, were raised during the course of the debate, and offer a personal explanation. Reference was made to the Resolution of

the MPCC, to which I was a party. I am aware that this is not a place where party questions can be discussed, but I cannot help referring to them as the question of resignations was referred to. The question of resignations did not arise out of any attitude of non-cooperation. If the hon. Member Shri Dalvi carefully goes through the Resolution he will find that ultimately it was made clear that the MPCC would abide by the orders of the leadership of the national organisation. That is why, even though the members of the MPCC wanted to resign, they did not do so and in the end accepted the call of the nation. I am glad that the hon. Member himself has not resigned his seat in the House. If really he is such a strong advocate of noncooperation, what prevented him from resigning? However, it is good that he has not resigned and I hope we will continue to sit together in the House. Sir, I would appeal to him not to try to judge other people by other standards. Let him give the credit that is due for their bona fides, for their outlook on the question. Simply because others do not agree with him, he should not call them 'marekari'. By saying that, he not only does injustice to other people, but he would not be able to serve the cause he wants to serve. Sir, I had to make these observations because the question was raised.

The only point which really needed an answer was about the bye-elections, to which the hon. Member Dr Amul Desai referred. There is nothing unconstitutional about the decision to postpone the elections because under the Municipal Acts it is done under certain circumstances. That is a permanent feature of these Acts and the hon. Member, whenever he finds time for it, may refer to the relevant provisions in the Municipal Boroughs and District Municipal Acts. It was asked why elections should not be held as Bombay city is now calm and quiet and peaceful. I would request him to place himself in the position in which I am and then try to understand the question. If a large number of bye-elections are allowed to be held, particularly in the field of the Corporation, would that calm and peaceful atmosphere be retained? (Interruption). Yes, it is a political issue and the bye-elections to the Assembly also do and can involve a political issue.

Sir, it is really difficult to understand the point which the hon. Member Shri Kamble has raised, namely, that on the question of reorganisation the wishes of the people should be ascertained by holding bye-elections. It is a valid argument and I can see it. But there are two opinions on the point whether, in order to solve the question of Bombay city, the

wishes of the people should be ascertained, and whether elections to the Corporation can be the legitimate forum for it. I would appeal to him to ponder on that issue. Now I am asked to state what is the proper forum. I would say: Let our Parliament decide it. I cannot decide it. I would suggest any other forum for it except the forum of the local authority. I am firm on that point (Interruptions). There have been enough indications good or bad. The hon. Member wanted to give me a warning. I am prepared to accept that warning. What happened in Bombay is not only a warning to a Member of Government, but it is also a warning to everybody else in the country, to all those who care for the future of democracy in this country and for the unity of this country. We should all accept that warning, as should also all those who want to see that in future also India remains as united as it is today. Sir, I would again request hon. Members to forget all these questions relevant or irrelevant concerning the merits of reorganisation and consider the question involved in this Bill in a detached and limited way in which it should be considered. Then possibly I feel they will realise that this Bill is not meant to sidetrack any question relating to reorganisation. It is simply anticipating a certain administrative situation and trying to get ready for it. That is the intention of this Bill.

I hope, Sir that after this explanation the hon. Members will accept this Bill unanimously.

## 26

### Local Authorities granted extension of term

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*On 17 February 1956, Shri Y. B. Chavan, Minister for Local Self-Government, moved L.A. Bill (BLA Bill (No. VI of 1956) to provide for the administration of Local Authorities (the Members of which have resigned) to remain in power for two years.) (No. VI of 1956) to provide for the administration of Local Authorities (the Members of which had resigned) to remain in power for two years. He defended (BLA Debates, Vol. 31, Part I, February-April 1956, 17 February 1956, pp. 67, 92-93.) the Government action as follows:*

Mr Speaker, Sir, this was another Ordinance issued or promulgated and it is being proposed to be converted into an Act on the first opportunity available to us. This Ordinance became necessary when there were series of resignations coming from the local authorities, and it became impossible to run the administration in some of the local authorities.

The information I have received so far shows that majority of Members of 22 municipal authorities have practically resigned, one District Local Board of Ahmednagar and one Corporation of Poona have resigned.

In these circumstances, it is quite apparent that some sort of arrangement was necessary to run the administration, and therefore the Governor had to issue the Ordinance, which as I said is now being converted into this legislation.

The important part of this Bill is that it will remain in force for two years. In the first instance, the administration will be handed over to the Administrator for a period of one year which can be extended up to a period of 18 months. If necessary, advisory bodies can be appointed to advise the Administrators in their work. I think this has nothing directly to do with the reorganisation of the States though indirectly it has arisen out of that question. As a matter of fact, this Bill has nothing to do with the reorganisation of the States and the views expressed thereon.

Hon. Members have asked as to why the bye-elections are not held, why the general elections are not held. It is very difficult to guarantee that these Members will again be elected, and even if they are elected, they will not resign. It may probably be a game of hide and seek elections and resignations, followed again by elections and resignations. So we have thought it wise not to hold elections now and to allow the administration to be run by administrators. If some of the Members or if those who are acquainted with the administration desire to co-operate, then if possible, those advisory bodies will be appointed to carry on the administration.

I commend the first reading of the Bill for the acceptance of the House.

Mr Speaker, Sir, I have heard with interest all the speeches that have been made on the first reading of this Bill. Particularly I have heard the last speech with respect because it was really very interesting. I am not very happy while moving a Bill like this. As a matter of fact, none who believes in the basic principles of democracy will be happy to move such a Bill, but it is the circumstances that have forced Government to move such a Bill. When the Members of one local authority after another go on submitting resignations and creating thereby a sort of deadlock in the administration, there is no other way but to come forward with such a measure. One has to do such things as a matter of duty. Sir, it is not the intention of the Government to deprive the people of their right to elect their own representatives in the Local Authorities. But at the same time, it is not desirable to allow the Local Authorities to be the scene of conflicts and controversies about a question which does not primarily concern them. When we find that smaller units of Village Panchayats are made a sort of platform for such a controversial issue which resulted in the stoppage of all useful social services which these Local Authorities are supposed to do, there is no other way or alternative but to come forth with a measure like this. Sir, I can give many instances, at least I will give one, where the head of the administration of a Local Authority—his name I need not mention—gives me in writing that the elections of that Local Authority should be postponed because there is an element of compulsion in the atmosphere and the very next day he goes back to his own town and persuades himself and his colleagues to give their resignations en masse. Sir, this shows the kind of atmosphere that is prevailing and certainly it cannot be said that it represents the well-

considered opinion. I am not prepared to accept it as a well-considered opinion. There is an element of bitterness in it. I have already said, while speaking on the previous Bill, that I can understand that bitterness also. But when it ultimately results in creating a deadlock in the day-to-day working of these Local Authorities, certain way will have to be found out. If there is any expediency and I must say there is an expediency of work, — it is not a political expediency as said by my hon. Friend Dr Amul Desai, but it is an administrative expediency that has compelled us to come forward and take this step. Sir, the hon. Member Shri Kamble, while making a reference to certain argument that I advanced in reply to the last Bill, said that there is very little scope for arguments. Sir, if he is talking with reference to the question of States reorganisation, I can certainly claim success for an argument even in case of Samyukta Maharashtra. It cannot be said that the argument has not succeeded in furthering the cause of Samyukta Maharashtra. Sir, it is not certainly the occasion and place now to speak about this question of States reorganisation, but as this question has been raised by the hon. Member, I would like to advance some arguments. Sir, tracing back to the history of the movement of States reorganisation for the last two or three months, it must be conceded that it was only in deference to the public wishes in Maharashtra that the idea of the S. R. C. bilingual State was given up. It was certainly a triumph for the methods of arguments and persuasion. It was a triumph for the public opinion in Maharashtra that the idea of the separate State of Vidarbha was dropped. Certainly a process of unification of all Marathi-speaking areas into a single State has started and if we adopt methods of arguments and persuasion, it will reach its final culmination in complete success. But if we do not believe in 'argument' and if we give up persuasion, then that is the beginning of the end of democracy. Let me warn the hon. Members that if we start losing faith in argument and the method of persuading other people, then certainly that is the end of democracy. I have not lost my faith in democracy. I have still faith in democracy and that is why I entirely depend upon argument and agreement in these matters.

Then, Sir, the hon. Member Shri Kamble has cited certain instances in Maratha History and he said that this Bill is ध चा मा (*Distort facts cleverly.*) I do not want to go back to those instances. Certainly it is not the desire of Government to go back to those instances. Certainly I am very unhappy that this step had to be taken. But this step is taken to see that the

functions of these local authorities like public health, education, social services and sanitation are not interrupted and that they should not be subjected to this unhappy controversy. It is only with this intention that we have come forward with- this measure. If this basic bona fides of this Government is accepted, I do not think that allegations of undemocratic attitude will be thrown at us and I hope that reason will prevail with the hon. Members opposite and that they will also persuade themselves to take the right course. With these words, Sir, I request that the first reading of this Bill be adopted.



# 27

## Functions of Village Panchayats

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*On 20 February 1956, Shri Y. B. Chavan, Minister for Local Self-Government, introduced (BLA Debates, Vol. 31, Part II, 20 February 1956, pp. 112-14, 118-20 and 126-27.) in the Legislative Assembly, Bill No. IX of 1956 for further amending the Bombay Village Panchayats Act, 1933, in order to remove the restriction that existed in Section 4 of the Act, to introduce certain important functions in the field of Villages Panchayats and to cover practically all the villages in the State with Village Panchayats within a definite period and to make democracy a success in its real sense through Village Panchayats. He mentioned in his speech the important changes proposed to be made in the bills.*

Sir, this amending Bill seeks to make important changes in the Village Panchayats Act as it stands now. Previously, Government had intended to amend and consolidate the Village Panchayats Act and to put it on a different basis altogether. But as we found that most of the important changes that Government wanted to introduce might necessitate longer time to implement them. Government therefore, did not pursue that Bill in view of the pending reorganisation of States. However, certain matters of a very immediate nature were required to be pursued in order to bring into existence a larger number of Village Panchayats in this State, to remove some of the defects found in the working of the Act and also to introduce certain important functions in the field of Village Panchayats. That is why Government has proposed to bring this amending Bill before this hon. House.

Sir, the amendments that are proposed can possibly be classified into five or six important topics. The first important amendment is to amend Section 4 of the Village Panchayats Act so as to allow Village Panchayats being established in villages having a population less than 2,000. At present, there is an enabling provision that Government can

establish Village Panchayats in villages having a population less than 2,000. We have now announced that the policy of Government is to cover practically all the villages in the State within a definite period and this amendment seeks to remove the restriction which at present exists in Section 4 of the Village Panchayats Act.

The other important topic is about the removal of the business and taxation qualifications just as we have done in the case of other local bodies. In order to carry out this important reform Government has introduced an amendment which provides for adopting the State Legislative Assembly Roll for the Village Panchayat elections.

Linked up with this important topic is the other amendment which is contemplated by Clause 5. As explained in the Statement of Objects and Reasons, Clause 5 seeks to remove the age and residence qualifications. Section 8, as it stands at present, has been rather more rationalised. In this connection, I may mention the other important change that has been introduced by Clause 6 and that is the incorporation of the provisions of the Representation of the People's Act relating to the prohibition of the use of vehicles, etc. at the time of the Panchayat elections.

According to me, the most important changes that have been contemplated are provided for in Clauses 7 and 8. As the House is aware, Sections 26 and 26A of the Village Panchayats Act, deal with the obligatory and discretionary duties and functions of the Village Panchayats. Looking to the new trend of activities that are expected from Village Panchayats, it is necessary now to link up the activities and administration of Village Panchayats with the new developmental trend in the country in all spheres of activity. The present era is an era of planning and planning has started from above. Now the country needs planning to be started from below. It is with this view that the Village Panchayats must be an integral part of our administration in shaping the plan of our country. It is considered necessary that they should have more comprehensive functions allotted to them as their obligatory duties and, in order to enlarge the field of their obligatory duties, certain new functions have been added.

Clause 4 relates to the discretionary duties of the Village Panchayats. Sir, there are other important changes also, as I may say. There are certain functions regarding the properties of Village Panchayats, particularly in the case of properties like the public roads or street lands

vested in them which sometimes becomes absolutely unnecessary and the Village Panchayats at present have no power to stop up this road or street and to make use of the land for a better purpose. That is sought to be achieved under Clauses 9, 10 and 11. Sir, in the case of Village Panchayats, particularly in the case of those Village Panchayats having an income of less than Rs 3,000, we have suggested that they need not have a full-time Secretary. In fact, it is not necessary to have a full-time Secretary for these Village Panchayats. That is why, we have made amendments with a view to allowing the Village Panchayats to appoint a part-time Secretary when their income is less than Rs 3,000. Our experience is that the Village Panchayats with a meager income have to spend a large percentage of their income on appointment of staff, while they have got very little time to devote to the developmental activities or activities for providing the essential services to the villagers. That is why we found it necessary that this might go a long way to help the Village Panchayats if they can save some of their resources for better purposes.

Sir, the other important amendment to which I might invite the attention of the House is Clause 15. Sir, the hon. Finance Minister in his last budget speech had made a mention of one important change that Government contemplated in order to enable the Village Panchayats to raise the source of income by allowing them to have the power to increase the cess. Sir, this has been allowed by Clause 15. If the Village Panchayats decide that they should have an additional cess on the land revenue in their villages, the Government will allow the Village Panchayats to raise the cess and will also arrange to collect it and hand it over to them for their purpose. Sir, Government itself is not taking any decision about the fixation or allowing the Village Panchayats to have the cess. But if the Village Panchayats themselves decide to adopt any such measure, then the Government would certainly come to their help to increase their source of income.

Sir, I have already tried to invite the attention of the hon. I louse to some of the important amendments that are proposed to be brought forward in this Bill, and I hope the House will give its full consideration to the Bill.

Mr Speaker, Sir, I am glad that at least the important features of the Bill have been welcomed by the two hon. Members of the Opposition who spoke on the first reading. The hon. Member Shri Kadam said that

he has some points to pursue but he would do so at the time of the second reading. I also feel that that would be the stage when I shall give a reply to him. So I do not propose to reply to him at this stage.

I am wondering why the hon. Member Dr Amul Desai is in the mood of a funeral procession. Whatever he does not like, he calls a funeral procession. The question of holding elections by raising hands is not referred to in the Bill but since he has raised it, he has given me the right to reply to that point. His idea of democracy seems to have been derived from text books on democracy. A Village Panchayat, as we understand it, is an institution which has been in India from times immemorial. The idea of democracy in a village in India is very simple and ought to be very simple.

I do not know what exactly he had to say about 420. Probably, it was a reference to the anti-social element in the village and I may tell him that I know what Section 420 of the Penal Code is. But merely having secrecy of voting will not help to check or eliminate 420 if they are in the villages. The very idea of a Village Panchayat working in the conditions of village life has to be understood rather very intimately. What exactly is a Village Panchayat expected to do? I can understand the views he holds can legitimately be advanced. But the view I hold is also legitimate and democratic. My point is that he should not simply turn it down because he does not agree with it and call it a funeral procession of democracy. I know there may be certain Members on this side of the House who may not agree with my view, and I assure him that if most of the Members do not agree with it, then we shall change it. The true idea of democracy as we understand it is to make the villager more fearless, because it must be remembered that we have given to the Village Panchayats the powers of nyaya Panchayat, powers which are not given to any other local authority—not even to a great Corporation like Bombay. If a man elected is to give justice and if the villager is to take that justice from him, certainly we will have to introduce that element of fearlessness in the minds of the people who elect people as also those who get elected. That is one thing. Secondly, in a village with a population of 500, 700 or 1,000 a few people would like to have that cumbersome procedure of ballot-boxes, queues of voters etc. I do not know whether that sort of democracy is likely to flourish in the villages of India. In order to make it more simple it is necessary that we will have to make certain experiments as to the methods of voting. This method

of a 'show of hands' is being tried in the elections of Parish Councils in England. I personally felt that this particular experiment will lead us to better results and that was the consideration when Government made certain modifications in the Rules. But, as I said, if there is a general feeling in the Village Panchayats or a large majority of the Members of this House desire for a change, Government will certainly reconsider its decision and make the necessary change in the Rules. The hon. Member also referred to certain Government Resolutions and desired to look into them. I shall certainly look into them because as I said we are just making an experiment in a large number of villages. There are certain difficulties in the working of the Village Panchayats, but I would like to tell the hon. Member Dr Amul Desai that all our efforts are directed towards making democracy a success in its real sense in the Village Panchayats. We do not desire to lead a funeral procession of anything, least of all, of democracy.

Mr Speaker, Sir, I heard the eloquent speeches made by two or three Members on this amendment. But I believe that they criticised it because of their ignorance about the Government's intentions. There is no doubt in anyone's mind about the place of the secret ballot in democracy. But I don't think it must be implemented in the Gram Panchayat set up. The experiment of democracy which we intend to put into practice in the form of Gram Panchayats, will not find any parallel in any part of the globe. I am convinced that this is entirely a new experiment. After studying the situation here, Government thought that the system of voting by raising hands was the most suitable, and from this point of view that provision has been made in this Bill. This amendment will prove very useful as Government intends to start Gram Panchayats even in the remotest of villages.

However, the description of the life in the villages made by the hon. Shri B. C. Kamble is realistic. There are caste differences and the gap dividing the rich and the poor. But these differences are an offshoot of the inequality, social and economic, prevailing in all the villages in India. As a result of this, there is a possibility of the use of influence being made to rig elections. If Government comes to know that evil influences are excessive in Members, the Gram Panchayat will have to think of putting an end to these practices. However, there is another important aspect to the amendment envisaged by Government in the Bill. This aspect is that despite casteism in the villages there is a feeling of co-operation

and there is brotherhood despite inequality. If we appeal to this sense of brotherhood good work can be done. I think it is unrealistic to give importance by assuming the role of prophets of democracy. I emphasize that Government is not overlooking the difficulties arising from the casteism. It is because of this that we reserved seats for Harijans. I think when a Gram Panchayat is established by bringing together four or five small villages, the fears of discrimination will prove wrong.

If we go through the powers given to the Gram Panchayats that are on the anvil, we shall realise that even the Bombay Municipal Corporation has not been given such powers. The powers given to them from the viewpoint of direct justice will prove far-reaching. Justice will not be dispensed properly if there is a fear of discrimination. Only a fearless man can do the work efficiently and this experiment of democracy will be a success. Some of my hon. Colleagues will not agree with this. But the charge that this experiment is being implemented for killing democracy and enhancing the Party's image is totally false. The hon. Member Dr Amul Desai, though he did not say so, in so many words, he did, I think suggest so. Good and bad elements are there in every party and he will agree with me when I say so, otherwise I could give him the illustrations of a few Sarpanchas belonging to P. S. Party. I would like to make it clear that the Government is blind to the points raised by him. I hope he will agree that Government is led by democratic principles in its intentions. It could be a travesty of facts to think that one's point of view only is 100 per cent correct and the point of view of others is totally incorrect. Government is duty bound to study this problem in all its amplitude and it will set right any confusion that may have arisen at all. New rules will be made to correct the mistakes. I am not one of those who insist on one's own opinions for their own sake. The amendment suggested by Dr Amul Desai cannot, therefore, be accepted. It is to be hoped that he will withdraw his amendment in view of my assurance.

## 28

### Excess expenditure unavoidable

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*On 12 April 1956, Government placed before the Assembly for voting a Demand for excess grants under 85-A capital outlay on State's schemes of Government Trading. Shri B. C. Kamble while speaking on this Demand remarked that Government should not come before the House with a statement of the excess expenditure to which Shri Y. B. Chavan, Minister for Civil Supplies and Local Self-Government, replied (BLA Debates, Vol.31, Part II, March-April 1956, 12 April 1956, pp. 2135-37.) in brief as follows:*

Sir, the hon. Member Shri Kamble while speaking on this demand raised certain questions to which I shall try to reply in brief.

The hon. Member questioned about the desirability of bringing forward the excess demands. That is a sort of general question which I think will be dealt with by the hon. Finance Minister when he replies to the debate. Personally I feel that the way in which the hon. Member raised that question simply meant that the hon. Member has an utter lack of knowledge about the administrative problems which any Government has to face. This is not the only Government which has to come forward for making excess demands. I would like to remind the hon. Member Shri Kamble—since he sits at the feet of Dr Ambedkar—that when **Dr Ambedkar** was a Minister in the Central Government, he also came forward with such demands. I am simply telling him that any Government has to come forward with excess demands because they are necessary due to certain procedural matters.

Coming back, Sir, to the individual item on which there was some discussion, the hon. Member raised certain points which I would like to explain as far as I can. I cannot promise him that I will be able to convince the hon. Member, but I shall try to give reasonable explanations as far as I can. He has raised a doubt about the word 'fluctuating'.

In the ordinary sense, the word 'fluctuating' means 'changing'. That is the dictionary meaning of that word. But in this context it means that a certain volume of transactions was expected during a month and then, Sir, there are certain procedural matters which have been prescribed by the Accountant General in this respect. Sir, I would like to give some information as to what sort of procedure is adopted in these matters. 'According to the prescribed procedure, interest is calculated on the transactions of each scheme as under.' I am reading from a note prepared by office in this respect. 'So, according to the prescribed procedure, interest is calculated on the transactions of each scheme as under;

(i) if the net capital outstanding is a plus amount both at the beginning of a month and its end, interest will be charged for the month on half the sum of the two;

(ii) if the net capital outstanding is a minus amount both at a month's beginning and end, no interest will be charged for the month;

(iii) if the net capital outstanding is a plus amount at a month's beginning and a minus amount at its end, interest will be charged on half the plus amount for a fraction of the month equal to the proportion of the plus amount to the numerical sum of the two amounts'.

I do not know whether the hon. Member has understood what I have read, but I suppose he will try to understand. In many cases, demands in every district go on changing. Then, in case certain receipts are not made within a particular month, the amount is locked up in a business concern and interest will have to be charged and that becomes known after some time. He has also made a reference to the expression 'some time after the year'. He wanted to know what exactly that expression 'some time after the year' meant. That expression two or three months means after the close of the year and after that period the amount is adjusted through the Accountant General for the same year. He stated why it could not be done as a supplementary demand for the next year. That also is a matter of accounting procedure which is to be fixed by the Accountant General. He adjusts a particular entry for the same year and that is why this excess demand is to be made before this House.

The hon. Member also wanted to know whether there was any provision made for that year for interest. A provision of about Rs



13,52,000 was made for that year and as the House is aware, the interest charge was raised from 3 per cent to 4 per cent. Now when interest is raised from 3 to 4 per cent, the increase comes to nearly one-third. This is simply an arithmetical calculation. He wanted to know the extent of the increase of the interest. As I said, this can be calculated by arithmetical calculations.

There was another reason which was not given in the notes and that reason is that in that particular year, the subsidy given to the districts was stopped and it was confined only to the four industrial cities of Bombay, Poona, Ahmedabad and Sholapur, and naturally the grain that had to be purchased had to be purchased at higher prices which were about 20 to 40 per cent higher. That also involves an increase in the volume of transactions. That factor also is responsible for not correctly assessing the volume of the transactions. These are the elements which contributed to the fluctuating nature of the transactions. This is exactly what is meant by the word 'fluctuating.'

Then the hon. Member wanted to know about the losses. There are no losses which I can tell the hon. Member because the interest is adjusted to the revenue. As far as the civil supplies schemes are concerned, the hon. Member is aware that these schemes are carried out on the side of profits and we all know that large sums were credited to the General Revenue from the profits made by the Civil Supplies Schemes.

Then, the hon. Member wanted to know the total volume of the transactions or the capital involved in the schemes. Sir, as far as I know, the sum of about Rs 70 crores was involved in this particular type of transactions in the districts. I tried to understand the arguments advanced by the hon. Member about the city of Bombay. If I have understood his arguments correctly, what he wanted to know was about the exact difficulty experienced in adjusting interest charges. But the question was whether all the interest charges should be combined or whether the status quo should be allowed to continue. It was decided that the status quo should be continued. That means that the interest was to be credited to the General Revenue. When that decision was taken, naturally the interest that was charged had to be adjusted during the next year. That is why the excess demand is necessary.

These are the only points that I can think of for giving necessary explanation. I have tried my best to explain the points raised. I do not know whether the hon. Member will be satisfied with that explanation.

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## 29

### Checking hawker nuisance

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*On 13 April 1956, Shri Y. B. Chavan, Minister for Local Self-Government, introduced L A. Bill (No. XXVII of 1956) for amending the Bombay Municipal Corporation Act and in his speech explained (BLA Debates, Vol. 31, Part II, February-April 1956, pp. 2172.) important points for which the Bill was brought forward in this House as follows:*

Sir, while moving the first reading of this Bill, I would like to explain one important point for which it has been brought forward in this House. The nuisance of hawkers is well-known in Bombay; in fact, it is quite notorious. Now, if we refer to Sections 313 and 313-A of the Bombay Municipal Corporation Act, we find that they prohibit hawking as such without a license, and Section 314 of the same Act enables the Municipal Commissioner to take certain action against such illegal activities. We have found that there is a sort of lacuna in the section as it stands now, and so effective action cannot be taken against this hawkers' nuisance. So, it is only to remove this lacuna and to make the power very effective that Section 314 of the Bombay Municipal Corporation Act is being amended. At present, Sir, the hawkers resort to an unusual trick. The articles that are exposed for sale on the street can be taken possession of by the officers concerned only if they are on the street. The only thing that a hawker has to do is to lift the articles on the street to save himself from the operation of the Act. There are many other ways that they have found to evade the provision of law and it is in order to remove this defect in the operation of the Act that this amending Bill has been brought forward.

## 30

### Not panic but cautious approach

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*On 20 April 1956, a discussion took place in the House on a short notice question of the prices of certain essential commodities. Shri Y. B. Chavan, as the Minister for Civil Supplies, replied to the points raised by the Opposition Members in his speech. He stated that the question of prices and the level of prices was a national question, the solution of which was based on the monetary, economic and financial policy. Further, Shri Chavan gave some information (BLA Debates, Vol. 31, Part I, (Inside No. 31), February-April 1956, pp. 837-40.) about the general index of the prices of the main commodities such as cloth, rice etc. and asserted that the index was not alarming.*

Mr Speaker, Sir, this discussion arose out of answers given to a short notice question put by the hon. Member Dr Amul Desai. Most of the information that was given was accepted by him, except certain figures about the prices of cloth. I think my responsibility will be over in this discussion if I simply give him that information. He has raised many other points of policy for which, really speaking, the Government of India is responsible in the sense that they are formulating that policy.

The hon. Member has tried to question some of the arguments and points of information given by the Finance Minister of India. It is very difficult for me to assume a position whereby I am forced to answer on behalf of the Finance Minister of India. That would be a false and an impossible position. I do not want to take up such a position, but certainly I can let him have my own views or the views, as far as possible, of this Government on this point.

As a matter of fact, this question of prices and the level of prices is a national question. It involves a question of policy, of monetary, economic and financial policy and the question of the price level will have to be decided, by and large, on the basis of the effect it has on the nation

as a whole. It cannot be based on what effect it has on the dispensary of one doctor or of one doctor practicing in the city of Bombay. I am not trying to underestimate or ridicule the information which he gave to the Mouse, but the effect and values of a question like this cannot be judged by certain information about the effect it has on a particular individual. It is only in this context that I made a reference to this. I will now proceed to give some information about cloth.

The hon. Member made a reference to certain journals controlled by some Congressmen here and there. I am glad that at least on this matter he relies on Congress papers, because it suits him. I am giving information from a very important official document published on behalf of the Economic Adviser to the Government of India, wherein they give the index number of wholesale prices in the whole country. I will give him certain information about cloth. I will particularly try to give him information about the two relevant weeks. In the case of cloth, I will try to give him the prices of cloth a week before the budget was announced and a week after that. That will possibly try to meet the case that he has tried to make.

In the case of the week ending on 25 February 1956 the price of grey standard shirting was Rs 1-4-3 and it was the same on 3 March 1956, 10 March 1956, 17 March 1956 and also on 24 March 1956. I can give information about the other type of cloth also but I think it would be sufficient if I give the index number of the cotton manufactured as a whole. It was 403 on 25 February 1956 as well as on 3 March 1956. I am giving the index number to show that it was the same before the Budget was announced and I hope that this will meet the point raised by the hon. Member Dr Amul Desai as far as the prices of cloth are concerned.

Similarly, this statistical information is collected for the guidance of the whole country and it is officially accepted and, therefore, he is not entitled to say that these figures are bogus.

Coming to the point of deficit financing, the hon. Member is taking a panicky view about it. He should remember that in an underdeveloped country like India, deficit financing is a necessity. This principle has been accepted by all the thinking people in the world of economics as well as in the world of politics. The only question is to what extent it should be resorted to and it is on this point that there is a wide range of difference

of opinion. But if deficit financing is resorted to, then the only thing that can be expected is vigilance and not panic. I agree that we will have to watch every situation very carefully. We will have to watch the rising prices and their effects on the national economy and the living conditions of the people, that is, both the consumers and the producers. All these questions will have to be taken into consideration, in order to find out as to what effect it has on the national economy as a whole. I am afraid that the hon. Member has not taken all these aspects into consideration and therefore he has taken a panicky view about it. In order to satisfy him I can do nothing better than quote a paragraph on the price trends and their effects appearing in an article written by the Division of Monetary Research of the Department of Research and Statistics in the Reserve Bank of India Bulletin, February 1956. That will give the whole picture of the price trends and their effects. It reads as follows:

“The price trends during the last five years have presented a zigzag movement, each phase lasting not more than about a year (Table 1 and Graph). Thus the Economic Adviser’s general index of wholesale prices (base: year ended August 1939=100) rose by 15.6 per cent between June 1950 (pre-Korean War) and April 1951, when the peak for the Korean War boom was reached. After this, there was a decline which culminated in the sharp recession of February 1952, with an aggregate fall of 19.8 per cent in the general index over the April 1951 level. The index, however, recovered between May 1952 and August 1953, rising by 11.8 per cent and continued generally steady thereafter with an occasional dip, till April 1954.’

This is a very important date. It is further stated:

‘After this the prices again turned downward rather intermittently till September 1954 but steeply thereafter, the fall being 15.1 per cent between April 1954 and May 1955. Thereafter, once again, prices have been on the uptrend, rising by 7.7 per cent between May and December 1955.’

Why I gave this description was, when we take the present rise into consideration, we have also to take into consideration the downward trend that we witnessed from April 1954 to May 1955 and, Sir, I can remind the hon. Member that last year about this time there was an uproar about the fall in agricultural prices and there was a demand that

Government should take effective steps to stop the downward trend of prices. When we talk of the general economy of the whole country, we have to take into account the effect it has on the common man and who is the common man of the country? It is not the hon. Member Dr Amul Desai or any other man of his standard. It is the farmer in our remotest villages who is the common man of the country. So, if we look from his point of view, we will have to admit that the present rise is not certainly alarming. Of course, I must say that we expect no more rise in prices and, therefore, the Central Government and this Government will have to be vigilant about the constant changes taking place in the situation and we will have to take immediate steps, if necessary, to check the further upward tendency. But one will have to concede that for the planning and development of the country deficit financing is necessary and all that we have to do now is to remain quite vigilant in the matter. I assure the hon. Members of this House that this Government would certainly be vigilant in the matter and I hope that the Central Government would also take prompt steps whenever they are found necessary.

# 31

## Ahmedabad bye-elections source of tensions

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*On 13 October 1956, Shri Y.B. Chavan, Minister for Local Self: Government, introduced a Bill (No. XLVIII of 1956) to provide for the postponement of bye-elections to the casual vacancies of the posts of Councillors of the Municipal Corporation of the City of Ahmedabad and defended (BLA Debates, Vol. 32, Part II, (Inside No. 10), October 1956, pp. 382-85.) the Government's action in the following speech:*

Mr Speaker, Sir, I have heard the speeches on the first reading of this Bill with care, and I have found that most of the arguments advanced on the Motion regarding the Ordinance have been repeated while speaking on this Bill which is on the same subject. Therefore, Sir, in the beginning I felt that I should not reply all those arguments. But then I feel, Sir, that it would not be correct to allow the hon. Members of the Opposition to create an impression that there are no answers to one of the arguments which had been oft-repeated on the floor of the House and that argument is that it is they who are the real defenders and protectors of democracy, and it is only to protect democracy that they are here. Sir, what is their main grievance? Their grievance is that the bye-elections are postponed and such a postponement is not in the real interests of democracy and that it is against democratic practice. Sir, I have at the very outset admitted that I am not very happy to come with such a piece of legislation before this House. But it is important to see how this emergency arose and how this difficulty arose. What made Government to come here with such a Bill, is an important question to consider. It is that question which requires to be examined very seriously. After all, what is a bye-election? It is an election held to fill in a casual vacancy which has arisen on account of death, resignation, etc. I can also understand a number of resignations being given and resignations organised on the

issues which may affect the working of the institutions concerned. It is said that we want to lead a democratic life in this country. Democratic life is not merely a formality. The hon. Member Shri Warty the other day threw out a quotation from Bernard Shaw about democracy. Well, I can very well appreciate the satire of it, but I can also request him to examine the conduct of the opposition parties on this subject which is under discussion. I can very well reply to him by advancing the same ground he has advanced. But, Sir, leaving aside that, I can also quote another equally great con-temporary of Bernard Shaw, Sydney Webb who has said: 'Democracy is not a mere bundle of academic theorems. It is just a way of life.' If it is just a way of life, what is that way of life? They wanted the local self-governing institutions. For what? Just to encourage the principle of decentralisation. What is decentralisation? Decentralisation is in theory and even in practice the functional division both horizontal and vertical, as it is said. It is really division of labour. This is what these corporations, local self-governing institutions are supposed to do. They must carry out the functions they are supposed to carry out. They must carry out the obligations which are supposed to be statutory obligations. Here, in this particular case, a number of resignations were born out of a fear complex, a fear complex that was the product of mob hysteria which was created by irrational propaganda for which, of course, the hon. Members opposite might be responsible. And, Sir, if such large number of resignations, which had nothing to do with direct issues involved in the administration concerned, were to be allowed what will be the future of those democratic institutions? Are the hon. Members opposite, who talk the loudest about democracy, really serious that this practice should be encouraged? I can understand the Communist attitude, because that is their political strategy, that is their basic principle of political life that everything that is likely to lead to discontent is to be linked up with some fundamental issue and try to exploit it. On that consideration, discontent is fostered, organised and then led to a sort of revolutionary discontent as they call it. I can understand their political strategy. But then let it be admitted as a political strategy and let it not be called democracy.

Sir, the hon. Member Shri V. N. Patil, unconsciously perhaps, but I consider very honestly, admitted that all these resignations have done real harm to the local self-governing institutions. I am glad that he did it. (Interruption). But he said there were fundamental political issues



involved. If really all the working of all democratic institutions be linked up with some fundamental issue as one decides it and if we are to build up democracy, I am afraid it will not lead us to democracy but there will be chaos. As I said, we want really to work functional democracy on the principle of decentralisation, and in order to illustrate the working of decentralisation the example of the body organism is taken. The body organism works on the principle of decentralisation. The brain does its work and so also the other organs like the teeth, nose, eyes, etc., do their respective functions. Suppose tomorrow for some fundamental issue the brain decides to do the work of the eyes and the eyes decide to do the work of brain and so on, there will naturally be chaos and death will ensue. I am afraid that is what is being done in the name of some fundamental issue and that will only result ultimately in the death of democracy. So, I would like to warn the hon. Members to think, if they are real admirers of democracy, a hundred times before they justify this practice. And, Sir, I really do not consider that we are doing anything wrong. Certainly, as I honestly said it, I am not very happy to come forward with a legislation which although for some time, discontinues or prohibits bye-elections. But what were the circumstances under which these bye-elections have arisen and what would be the result of these bye-elections? It is these things which need to be considered and very seriously. (Interruption). If they will consider the matter seriously, and if they are the rational lovers of democracy, then I am sure they will come forward to admit that there is no alternative but to prohibit the holding of bye-elections at least for some time.

About the factual data, some of the things have been referred to by the hon. Member Shri Taleyarkhan and I can give many more instances for the information of the House, but I am sure that is not going to convince the hon. Members opposite. (Interruption). The hon. Member Dr Amul Desai knows some of these things and he was told some instances just now. It is not my ambition to convince my hon. Friends opposite. The only thing that I can do is to try to put facts as they are for their consideration, and if they are in a mood to consider them dispassionately, they will be convinced about what I am saying. But I have no aspiration to convince either the hon. Member Dr Amul Desai or his other hon. Friends on the opposite side. (Interruption). I have tried and I shall continue to try. I shall not get disappointed. I have tried to put the question before them for their consideration as best as

I could. I can no doubt give instances, but I know that ultimately they will not satisfy them because they accept only those instances which their Friends and informants give. It was really mental tension that was responsible for these things. It still exists in Ahmedabad which is an obvious fact. What they really want to do is to increase that tension. (Interruption). You have asked enough and I am giving you enough information in answer but I am sure you will not be convinced. I have tried to put my side before the House and I hope that the hon. Members opposite will try to consider it.

## 32

### Date for voter's list and pension for municipal employees

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*On 18 October 1956, Shri Y. B. Chavan, Minister for Local Self- Government, introduced L. A. Bill (No. LVI of 1956 A Bill further to amend certain Acts relating to Local Authorities) suggesting (BLA Debates, Vol. 32, Part II, (Inside No. 13), October 1956, p. 535.) that Government proposed to declare a certain date on which the list of the Assembly Voters would be considered as the list of voters for the election for the local authorities. He also introduced rules enabling the municipal servants to join the pension fund or avail themselves of other service benefits.*

Sir, this Bill tries to make certain propositions. One is that recently we have amended all the Acts pertaining to the different categories of local authorities and provided that the list of voters for the Bombay Legislative Assembly will be the list of voters for the Local Authorities as well. But, as we know, the list of the Bombay Assembly are a sort of flexible thing as they are in constant modification from time to time and it is very difficult to make a specific use of them as no difference is provided for. So, that defect is being tried to be rectified by permitting Government to declare a certain date on which the list of the Assembly will be considered as the list for the election of the Local Authorities. That is one point.

The other point is this we have provided in the case of District Local Boards to make rules enabling their officers and servants to join pension funds or other things. Similar rules will be necessary in the case of Municipalities also. In order to make this provision, the necessary amendments are proposed to be made in the Municipal Act. There are the two provisions which are proposed to be introduced by this Bill and I hope the House will accept it unanimously.

## 33

# Appointment of Secretary to Village Panchayats

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*Shri Y. B. Chavan, Minister for Local Self-Government, introduced (BLA Debates, Vol. 32, Part II, (Inside No. 13), October 1956, pp. 535 and 537.) L. A. Bill (No. LVI of 1956 further to amend the Bombay Village Panchayats Act, 1933,) on 18 October 1956. The Bill would remove the ambiguity about the appointment of Secretary and part-time Secretary to Village Panchayats.*

Mr Speaker, Sir, the hon. Member **Shri Borole** has given a specific instance of the Jalgaon Municipality and he wanted to know why the elections there were postponed. I cannot give him all the facts because I have not got them here with me, but I know this much that there were some difficulty in arranging the elections there because of the applicability of the electoral rolls of the Legislative Assembly to that area. There is no finality in the case of the Assembly electoral rolls, and it was difficult to say the Assembly electoral rolls of which year should be taken as the electoral rolls for purposes of municipal elections. Of course, Government was contemplating to bring forward this Bill, but it would have been wrong on the part of Government or, I should say, it would be a contempt of this House if we had taken for granted a certain amendment as passed by this House and then proceeded to go about on those lines. It would not have been right for me or for any Government to take it for granted the passing of such an amendment and to apply it accordingly. That is the only explanation I can give to the hon. Member Shri Borole to the point raised by him.

The hon. Member Shri V. N. Patil wanted to know as to why a specific time or a specific period could not have been fixed for the preparation of the electoral rolls prior to the holding of the elections. According to the rules, the time that is prescribed for the preparation of the electoral rolls

would vary according to the different local authorities, and, therefore, it is very difficult to mention any particular time. It is very obvious that the date that is contemplated in this Bill is fixed; it will be a date prior to the date on which preparations for the elections are supposed to start. That much provision is contemplated. It was not necessary to indicate it here as such and there is no reason why the hon. Member should question the bona fides of Government in this matter. This is not a big power or power which can do any harm. This is only a power taken to stipulate a date on which the electoral rolls of the Assembly for the time being in force shall be considered as the list of voters for the election of local authorities. That is the only explanation that I can give in this matter.

## 34

### Town Planning Act : validation of some schemes

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*A Bill (No. LVIII of 1956) to remove doubts and to establish the validity of certain proceedings taken in connection with certain town planning schemes in the city of Bombay) was introduced (BLA Debates, Vol. 32, Part II, (Inside No. 13), 18 October 1956, pp. 538-39.) by Shri Y. B. Chavan, Minister for Local Self-Government on 18 October 1956 stating that by this amendment certain lapses found in implementing the Town Planning Act in the whole of the city of Bombay would be validated and the lacunae in expenditure on the town planning schemes approved by the Municipal Corporation and sanctioned by the State Government could be removed.*

Sir, this is another Bill which aims at converting into an Act the ordinance that was recently promulgated by the Governor. I must say that the difficulty arose out of a certain lapse in not issuing a notification that was necessary under the Town Planning Act. The whole history is given in the Statement of Objects and Reasons and I shall briefly recapitulate it. Originally by Notification No. 709, dated 28 January 1919, on the application of the Municipal Corporation of the city of Bombay, the Town Planning Act was extended to the whole of the city of Bombay.

But when this Act was again amended, that notification was not re-issued as it was not thought necessary then to do so. Secondly, the schemes that were later approved by the Municipal Corporation and sanctioned by Government were undertaken, certain expenditure was incurred, the Arbitrators and the Tribunal of Arbitration were appointed and several other Acts were done for the purpose of the making of the said schemes. It was then pointed out that there was a sort of a lacuna in the whole thing and that it was likely that the whole thing would go waste. It was at this stage that it was thought necessary to validate this lapse which arose as a result of not issuing the notification under the amended Act and, therefore, an Ordinance was issued and that Ordinance

is now sought to be converted into legislation. The purpose is the same. It is only supposed to validate certain town planning schemes which are undertaken in the city of Bombay and to see that the expenditure that was incurred under these town planning schemes should not go waste. It was with that intention that this Ordinance was issued and this Bill only seeks to convert that Ordinance into an Act. I commend this Bill for the acceptance of the hon. House.

# 35

## Incorporation of suburban municipalities in GBMC

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*On 18 October 1956, Shri Y. B. Chavan, Minister for Local Self-Government, introduced (BLA Debates, Vol. 32, Part II, October 1956, pp. 540-41.) a Bill (No. LIX of 1956, A Bill further to extend the limits of the Municipal Corporation of Greater Bombay and other municipal authorities charged with carrying out the municipal administration of Greater Bombay and to amend the Bombay Municipal Corporation Act in certain other matters.)*

*The Bill seeks to achieve the object of including the areas of local authorities in the jurisdiction of the Corporation of the city of Bombay.*

Sir, this is a very important Bill which is likely to affect a very important change in the civic life of the city of Bombay. The idea of a Greater Bombay was mooted years ago as it was thought that this great city of Bombay was likely to increase in size as clays or years roll by. It was thought that it would be necessary to think in terms of a planned development of the entire area which is likely to be the city of Bombay in the years to come. As we know, areas were added to the Corporation from time to time. Now, again the time has come when it is necessary to think in terms of further expansion. I am trying to put the whole thing in a nutshell. I am not going to dilate on matters which are likely to be controversial at this stage, but I would certainly like to give certain necessary information at this stage.

The Bill proposes to add certain areas which are mentioned in the Schedule which include the areas of certain local authorities such as the Malad Municipality, Kandivli Municipality, Mulund Municipality, Borivli Municipality, Goregaon Village Panchayat and Dahisar Village Panchayat. As we know now, the city of Bombay, which is already the capital of this State, is going to be the capital of the great bilingual State, which will comprise not only the present State but also a much larger area, and



there is bound to be a growth in its population and an increase in its importance and the outlying areas beyond the jurisdiction of the city corporation will have to depend more and more for their civic needs on the city corporation. To make that possible, it will be necessary to include these areas in the jurisdiction of the Corporation of the city of Bombay. This Bill seeks to achieve that object.

As we know, Sir, in 1950 certain areas were added to the jurisdiction of the corporation of the city of Bombay. I am anticipating an argument as to what the Bombay City Municipal Corporation has done for these areas so as to add further areas to the jurisdiction of this corporation. Of course, comparatively, it can be shown that a substantial expenditure has been made for the capital development in these areas also. There are two important points to be considered. One is whether we should try to think in terms of a planned development of the area which is necessary for the probable growth of the city of Bombay. If that point is conceded and if that is necessary, then it is also necessary to find out whether it would be possible for the local authorities which are existing in these areas to undertake such a capital expenditure for such capital developments as are necessary for this probable growth. If the answer to the first question is in the affirmative and to the second in the negative, then the only course open to us is to add these areas to the present corporation and that is exactly what has been proposed to be done by this Bill.

I have tried to get certain information about the capital expenditure that was made by the corporation during the last 5 or 6 years in the areas added to the Municipal Corporation in 1950. I will try to place before the House the information that I have secured from the Municipal Commissioner. In a general way, this merger which was effected in 1950 has enabled these areas to get the following benefits, namely, superior administrative and technical organisation for the planning and execution of works; secondly, the integration of the development in the adjoining areas resulting in reduced expenditure; and thirdly, the creditworthiness of the Bombay Municipal Corporation for the purpose of raising loans for capital works.

It is necessary that the House should go into the actual expenditure, information about which I have got here. I can even give the expenditure itemwise. The total expenditure incurred from 1950-51 to 1955-56 is as follows:

From loan funds	Rs 2,25,17,417
From trust funds	2,55,216
From revenue funds on new works	Rs 19,79,915
From education funds on municipal buildings	6,16,611

Thus the total expenditure on capital development schemes is to the tune of Rs 2,53,69,159. Sir, I can give the details about which works have been undertaken and the progress made, etc., but I do not want to burden the House with this information. In many villages new school buildings have been provided. Street lighting has been greatly improved. New gardens of about 17,000 sq. yards have been laid out in these areas. As regards medical relief, maternity homes have been started at Ghatkopar and Chembur; dispensaries have been provided in Bhandup and Ghatkopar, the Bhabha Hospital has been extended; new dispensaries have been opened at Andheri and Kurla; then the water supply which was about 5 to 6 million gallons in 1950 has been increased to about 18 million gallons. I am sure that these achievements would not have been possible if these areas had not been added to the Bombay Municipal Corporation and the expenditure made on these schemes would not have been possible for those areas. I am giving this information, because, as I said, -I anticipate an argument as to what the Bombay Municipal Corporation has been able to do, and that if it has not done anything substantial then why add more areas to it. But, Sir, for planning it is necessary to go much ahead of the time and in order to think much ahead of the time, it is not enough to think on paper and sit quiet about it; but it is also necessary to create an administrative machinery for it.

So, Sir, as I was saying, if we consider this position, then there would be no difficulty about it. I am sure that this measure will be taken into consideration by the Opposition Members only from the administrative point of view and from the point of view of the civic amenities and services that will have to be provided to these areas and I hope that no unnecessary political issues will be added to it. Otherwise the real question will be missed. If this Bill is looked at from that point of view, then the real purpose for bringing forward this Bill before the House will be missed, and if that basic idea is missed, then possibly the purpose of

this Bill is likely to be misunderstood. That is why I have explained the real intention of bringing forward this Bill and that is the only aspect which has prompted this Government to bring this Bill before the House.

I hope, Sir, that even after some discussion, the House will give its unanimous support to this Bill.

# 36

## Demise of Shri Annasaheb Murkute

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*Shri Y.B. Chavan, Chief Minister, moved (BLA Debates, Vol.1, Part II, (Inside No.2), November 1956, pp.12-13) a resolution condoling the demise of the hon. Member Shri Murkute, who died on 30 October 1956.*

Sir, I have a very painful duty to perform namely, to move for the expression of sorrow and condolence in connection with the demise of the hon. Member Shri Murkute who died suddenly on 30 October this year.

Sir, the hon. Member Shri Murkute was a Member of this House and he expired only four days after the prorogation of the last Session. He was born on 12 February 1906 at Shinde in Nasik taluka. He was a pleader by profession. He received his primary education at Sinnar and passed his matriculation in 1923 at Nasik. He passed his B.A. from Baroda College in 1927 and LL.B. from Law College, Poona, in 1929. He practiced as a lawyer from 1929 to 1930 at Sinnar and from 1931 at Nasik. He worked as an Assistant Public Prosecutor at Nasik from 1947 to 1951. He resigned his post before offering himself for election. He was a Member of the District Local Board, Nasik from 1935 to 1937. He worked for a few years as Secretary of the Nasik taluka Development Association. He also worked as Treasurer for many years of the Nasik Education Committee. He died of cancer at the comparatively early age of 50 years.

I did not have the privilege of coming into his contact for a very long time but from what little contact I had, I can say that, though he was a man of few words, he was certainly a man of strong convictions and he carved out for himself a definite and important place in public life. The public and this House have lost a very good worker in his death. I, therefore, move this condolence Motion and submit that the

condolences and sympathies of this hon. House may please be conveyed to the members of the family of the deceased.

# 37

## Shri S. L. Silam as new Speaker

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*The House elected the new Speaker, Shri S. L. Silam, who was congratulated (BLA Debates, Vol. 1, Part II, (Inside No. 3), 21 November 1956, p. 16.) by the Chief Minister, Shri Y.B. Chavan.*

Mr Speaker, Sir, may I take this opportunity on behalf of myself and on behalf of this Party, and if the Opposition will permit me, on behalf of the whole House, to offer to you humble congratulations on your being elected as the Speaker of this august House.

Sir, you have been a Member of this House for the last 10 years, and it would really be a wasteful repetition if I tell you that the office that you are holding now, the chair that you are occupying now, is a noble chair which has got very high and great traditions which it will be your duty to uphold. Sir, the office that you are holding now has been held by many great men in the public life of this State. You have also been in public life for the last 35-40 years and though you had the honour to belong to the Congress Party, now that you will be holding this office you will henceforward try to protect the privileges of the Members of this hon. House without taking into consideration the party to which they belong. Sir, the impartiality which is inherent in the acceptance of this high office is safe in your hands, and the only thing that I can assure you is that I shall accept your rulings, whatever they are, respectfully and courteously. Once again I congratulate you.

Thank you very much.

## 38

# Salaries of Ministers and Sumptuary of Chief Minister

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*On 22 November 1956, Shri Y. B. Chavan, Chief Minister, introduced Legislative Assembly Bill (No. LXVIII of 1956) in the House for providing an increase in the salaries and allowances of the Ministers of the Government of Bombay and an increase in the sumptuary allowance of the Chief Minister.*

*The Opposition Members criticised the principle of the Bill, asking the mover to state the relation between the salary of a Minister and the lowest paid servant of the State and the relation between the salary of a Member of this House and that of a Minister. The points raised by the Opposition Members were replied to by Shri Y.B. Chavan in his speech (BLA Debates, Vol. 1, Part II, (Inside No. 4), 22 November 1956, pp.49-51 and 87-90.) as follows:*

Sir, this Bill provides for the salaries and allowances of the Speaker and the Deputy Speaker. As we are aware, after the emergence of the new State, a new Cabinet has also come into existence and it is essential to make a provision for their salaries. As the old Act has lapsed, it is necessary that a new Act should take its place and it is with this view that this Bill is being brought forward for the acceptance by the hon. House. Sir, I do not want to anticipate any arguments which can be advanced against this Bill, but it cannot be helped because possibly they will be repeated as was done in the case of the Bill to provide for the salaries of the Speaker and the Deputy Speaker.

Sir, we have not made any change in the scale of pay that was given to the Ministers and the Deputy Ministers in the old Bombay State. In essence, the Bill is on the same lines, except that there is one change and that is in the sumptuary allowance of the Chief Minister. Formerly, it was Rs 9,000 and it is now proposed by this Bill to increase it to Rs 15,000. The decision to increase the sumptuary allowance was taken at the Inter-State Ministers' meeting which was convened to discuss

the problems arising out of the States reorganization, in view of the fact that more administrative units are coming into being. The Chief Minister will possibly have to go round different centres in these new areas and naturally he will have to entertain more people. Besides, there will be additional legislators as well. It is from this point of view that the decision to increase the sumptuary allowance was taken. Excepting this little change, practically, the Bill is on the same lines as the Act that existed before the reorganization of the States.

Sir, it is my duty to give the financial implications of this Bill which I would like to place before this House. The expenditure on account of the salaries of the Minister per annum will be Rs 1,98,000; the conveyance allowance to Ministers will amount to Rs 45,000. Then, the expenditure on account of the salaries of the Deputy Ministers per annum will be Rs 72,000 and the conveyance allowance, Rs 19,200. House rent and payment of taxes for Ministers will come to Rs 45,000 per annum and for Deputy Ministers it will be Rs 14,000. The sumptuary allowance is Rs 15,000. Sir, in addition to that the expenditure on account of the travelling allowance for Ministers and Deputy Ministers is estimated at Rs 1,50,000. For medical aid, the expenditure estimated is Rs 5,000 per annum and for the maintenance of cars, etc., it would come to Rs 20,000. The total expenditure is estimated at Rs 6 lakhs.

It cannot be denied that Ministers must have some salaries and I do not think the Opposition wants to propound a proposition that the Ministers should work honorary. Of course, there may be some people who are prepared to work honorary, but there is nothing wrong in accepting salaries for the work that the Ministers are doing for the people. On principle, therefore, there cannot be any opposition. The only question is, what should be the scale of pay, and that is a matter of detail. Of course, on this point there can be a difference of opinion and there can be arguments both ways, and those arguments can also be replied to. I do not think the salaries that this Bill proposes for the Ministers and Deputy Ministers are such as any reasonable man can have any objection to, considering the standard of living in this State and also the efficiency with which the Ministers are expected to work. I do not want to compare the salaries that are paid to the Ministers and Deputy Ministers in this State, with the salaries that are paid in other States because that would not be the right thing. In this State, we have accepted a certain standard of pay and we propose to follow it as far as



Ministers and Deputy Ministers are concerned.

Sir, it is said that gardens are maintained for Ministers and expenditure will be incurred on these. In fact, the Ministers who are occupying these bungalows have not started these gardens. They went to bungalows where there were already gardens and which were being maintained. These gardens are Government property and they have got to be maintained and kept in the proper condition and it is not for the Ministers as such that these gardens are maintained. It is said that these bungalows with gardens should be given to the people on rental basis, but taking into consideration the expenditure incurred on them, no wise man in Bombay would accept the rates of economic rent for gardens and bungalows and would rent them. As such the only course left is to sell away this property, but I do not think that this step would commend itself to this Government. It is also said that Government can secure flats for Ministers and the Ministers can stay there. This is a matter which certainly can be considered by any Government and this Government is no exception to that. But, as I said, the bungalows are Government property and they have got to be used and the Ministers are occupying them and as such it is no use taking any objection to that. They never wanted to go in for such gardens and palatial bungalows. These are not in fact palatial bungalows. Even if Ministers refuse to stay therein the expenditure on the bungalows and gardens will continue to be incurred. It is only for the present that Ministers are occupying these bungalows and expenditure is incurred on these small gardens and, I am sure that, if hon. Members from the Opposition happen to come to visit Ministers, they would like to enjoy these gardens.

What I am saying is that they should take a reasonable attitude in regard to these things. One must not start with the attitude of opposition for its own sake. Under the democratic convention the Opposition is supposed to take the place of Government, conditions permitting, on these Benches. They are supposed to be the potential Government of the future. So they should not object to things which they might have to expect for themselves. So, my submission is that there should not be any objection to the basic things which are provided in this Bill.

I therefore request the House to accept the principles of this Bill unanimously, and pass its first reading.

Mr Speaker, Sir, I have heard very interesting arguments criticising

the principles of the Bill which is before the House for consideration. The only important and relevant point that was raised was about the principles on which this wage for the Minister was based. I consider that as the only important point because, when the salary of a particular officer is being considered that point becomes a very relevant factor to be considered. Other points were also raised by the Members of the Opposition, but they have nothing particularly or mainly to do with the considerations which should decide the wage or the salary of a Minister.

On that score, two aspects were brought before the House: one was, what is the relation between the salary of a Minister and the lowest paid servant or man in the State or in the country, and the second aspect was, what is the relation between the salary of the Members of this House and that of a Minister.

The hon. Member Shri Kamble said that he has no objection to raising the salaries of Ministers because possibly he is aware of the arguments advanced by his leader, Dr. Ambedkar, on the floor of the House of the old Bombay State as to what should govern the salaries of Ministers. These are very important considerations. I do not mind making a reference to the points that he had raised then while considering the salary of a Minister. He has certainly indicated four important factors which should be taken into consideration. The first is the social status of a Minister; the second, his competency; the third is democratic considerations and the fourth is the integrity or purity of the administration. Taking all these facts into consideration, it is very difficult to say which is the lower and which is the higher standard of living. There must be or there might be a very sharp line between the too low and the too high. I have not understood how the hon. Members opposite have considered the present scale which is paid to a Minister as very high. The only sentiment that was expressed was that there ought to be a symbolic cut in the salary paid to the Minister. If the symbolic cut is made to indicate a desire to raise the general standard of living of the people of the State, then Sir, I may say that the policy of this State is quite consistent with that, because we are wedded to the policy of raising the general standard of living, the national income and all other corollaries to that policy of the Government. Therefore, there is no meaning in simply accepting a symbolic cut in the salary.

One of the hon. Members wanted to know the difference between an hon. Member of this House and a Minister. Sir, basically, there is no difference. I quite agree that so far as they are the representatives of the people there is no difference. Sir, I do not want to convert this hon. House into an elementary school of Politics, but I would tell the hon. Member that there is a lot of difference between the functions of a Minister and the functions of a hon. Member. I therefore, consider that it is necessary for a Minister, if he has to be a Minister and to function efficiently, if he has to maintain the purity of the administration and also the democratic consideration which Dr. Ambedkar indicated, that he should get that much salary. Dr. Ambedkar had indicated that if at all any man in the State should come forward and function effectively and efficiently as a Minister—even if such a man comes from the poorer strata of society—then he ought to be given a very reasonable salary. If only the rich man who can afford to be the Minister is taken as a Minister, then possibly the democracy of which we are talking will be a mere vision. Therefore, it is necessary that Ministers must get a reasonable salary which will be necessary for them to maintain themselves in a better condition socially. I, therefore, consider that the present salary is a fair wage for any upper middle-class man who wants to function efficiently. That is the standard that we have taken for arriving at the Ministers' salaries, and I do not consider it to be in any way unjustly high or low salary for a Minister.

As I said, that was the only important and relevant point that was made by the hon. Members, but even then I must make a reference to the other point made by the hon. Members, though they may not be important. Sir, the very popular point that was made out was about the bungalows of the Ministers. I have already made reference to it. Two of the Ministers live in flats, two of the Ministers do share one bungalow and other Ministers have to stay in those big bungalows because they cannot go anywhere else.

As I have mentioned, I would invite some hon. Members to come and have a look at the bungalows and point out to me whether these bungalows can be very well shared. As I mentioned, Sir, it is not the intention of the Government to give the Ministers palatial and very big bungalows. But, the bungalows as they are, are not of the same size. One or two of them are really big bungalows, but the others are bungalows with two or three bed-room accommodation. I do not

consider that a residential accommodation with two or three bedrooms is a very big accommodation for a Minister. Therefore, if at all the question of accommodation has to be considered, it will have to be considered from that point of view. Of course, in some cases the spaces around the bungalows are quite spacious from the point of view of the accommodation available in Bombay city. But even the largest bungalow that we have got has a residential accommodation of four bed-rooms. It is the Chief Minister's bungalow. I do not consider that this hon. House will grudge a residential accommodation of four bed-rooms to the Chief Minister. I am going into all these details because some of the popular points had been tried to be made out to show that the Ministers are wishing to live in palatial bungalows in the days of democracy.

Some of the hon. Members have referred to—and these hon. Members of the Opposition are from Madhya Pradesh and from Hyderabad—the question of crockery I may tell them that in this State no crockery is supplied to the Ministers. Some hon. Members wanted to know about the definition of the Members of family in the case of persons living in the Worli chawls where the servants' relatives are not allowed the benefits of accommodation. I may tell these hon. Members that even in the case of Ministers only those who are dependent on them are allowed to take the benefit of the medical treatment. If these relatives are earning and married, then they are not allowed the benefit of medical treatment. I am giving all this information because information on these small points is really useful, as possibly it might educate many hon. Members of the Opposition.

Another point that was made out was about my visit to Sholapur. The hon. Member who made that point said that I invited him to see me at 9.45 at night. It is quite true. I reached the city at about 5.00 o'clock and really speaking my programme was so full that it would have been right for me to refuse to see Shri Sane, but I invited him at that time as I thought that I should have a friendly chat with him, though it was late. I am glad he came, but I think he did not like my calling him at night time which possibly for him may not be a very active time. I feel that his mind is asleep at night time.

The hon. Member Shri Kamble raised certain points and tried to show that he is a man who understands everything. He tried to show that he stands on a very high pedestal. Let him stand on a very high pedestal.

Possibly, he tries to show that he reads about so many things. It is no use reading about so many things if you do not understand them. He was trying to teach us something about parliamentary democracy and how it functions. He wanted to know whether we are the right Ministers of this bilingual State. Sir, he tried to show that being a Member of this Legislature, which is the Legislature of a bilingual State, he had a right to know whether we are the right Ministers. He wanted to talk about the formation of the Ministry and, Sir, you did not allow him to do so. That was a different thing. But the suggestion that he wanted to make was that he has a right to know whether we are the right Ministers. There is a saying in Marathi: विधवेला कुंकवाची उठावेव कशाला? (*To take interest in things that do not concern one.*) I really do not know what he has to do with the formation of the Ministry of this Party.

The points or the issues which were raised and which were relevant to the points are replied to by me, but, if the hon. Members try to say something irrelevant, and a suitable reply is given to that, then the hon. Members must take it sportingly in the same spirit in which they speak. We are prepared to accept any criticism, though it may be harsh, provided it is relevant and constructive. Sir, I have nothing more to add to the arguments which I have already advanced, and I would request the House to accept the Bill, if possible, unanimously.

## 39

# Fitting replies to Opposition queries

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*A full discussion on the Governor's Address took place in the House on 24 and 25 November 1956. During the discussion, the following points were raised in the amendments moved (BLA Debates, Vol. 1, Part II, (Inside No. 6), November 1956, pp. 157-60.) by the Opposition Members:*

- (1) Establishment of the Zonal Councils after the formation of the State.*
- (2) Difficulties arising out of the huge size of the State.*
- (3) Official language of the State.*
- (4) Prohibition policy of the Government.*
- (5) Soaring prices.*
- (6) Service matters.*
- (7) Separate Bench of the High Court in Marathwada.*
- (8) Regional Development Boards for different regions.*

*All the abovementioned points were dealt with by Shri Y. B. Chavan, Chief Minister, in the following speech:*

Mr Speaker, Sir, I was wondering what points I should reply to, because there was no full discussion on the Address by the Governor, in the sense that nothing was said by the hon. Members on the Opposition side in explanation of the amendments moved by them, as they refused to participate in the discussion. Sir, I am not very happy that the discussion is coming to a close at the end of the very first day. As on previous occasions, the discussion could have been carried on for the whole of the second day as well though hon. Members on this side of the House could have continued to give compliments to the Governor for his Address. But the absence of the hon. Members opposite has taken away much from the discussion on the Address.

Sir, even though there was not a full discussion on the Address, I must reply to the points that have been raised in the amendments moved by some of the hon. Members in the Opposition. I am sorry they are not here when I am giving my reply. I would have been very glad if the hon. Members had been present when I am addressing the House in reply to the points that have been raised by the amendments.

The points that the amendments have raised are these. Firstly, a reference is made to the points that may be discussed in the Zonal Council after its formation; secondly, there is a reference to the difficulties arising out of the hugeness of the size of the State; thirdly, there is a reference to the official language of the State; the fourth point is about the Prohibition policy of Government; the fifth point is about the soaring prices, the sixth is about the services and their problems arising out of integration and the seventh is about a Division Bench of the High Court in Marathwada. There is one more point, to which a reference has been made, and that is about the Regional Development Boards for the different regions.

Taking the last point first, though it is not the least important, I may read out for the benefit of the House the relevant provision in the Constitution (Seventh Amendment) Act, 1956. It is Section 22 which has amended Article 371 of the Constitution. It reads:

` ..... (2) Notwithstanding anything in this Constitution, the President may by order made with respect to the State of Bombay, provide for any special responsibility of the Governor for.....

(a) the establishment of separate development boards for Vidarbha, Marathwada, the rest of Maharashtra, Saurashtra, Kutch and the rest of Gujarat with the provision that a report on the working of each of these boards will be placed each year before the State Legislative Assembly..

It is clear from this provision that this is a matter in the discretion of the President of India. However, provisionally we have decided to appoint Divisional Development Boards for the different divisions that we have established in our State. As you are aware, Sir, for administrative convenience, this State has been divided into six divisions, and each division will be in charge of a Divisional Officer, who will be a senior officer of the ICS or the IAS cadre. Government proposes to have Advisory Boards in the divisions, consisting of officials and non-officials,

to deal with matters pertaining to developmental policies and matters allied to them. Each division will have an Advisory Board. Such an Advisory Board or Council will be able to perform the functions which the regional committees are supposed to perform under the provision which I have just now read out. When the Advisory Boards or Councils are constituted, they will keep a watch on the developmental work in the regions. We have been trying to integrate the developmental plans of the various regions, and we will try to faithfully implement the Second Five-Year Plan, and I am sure, the Divisional Development Boards, when constituted, will prove of great help to Government in implementing the Plan.

As regards the services, I might say that there is an unnecessary apprehension in the minds of some people that the interests of the staff coming from the different regions will not be properly protected. The truth is far from it. We have appointed an Integration Committee to deal with the problem, and it is considering the question of what principles should be followed in the integration of the staff. The bulk of the staff has already been absorbed and posting orders have been issued. The present integration is only a sort of interim integration and the final integration will be carried out according to the principles accepted by the Integration Committee. I should like to assure the House that every effort will be made to absorb all the incoming staff, except perhaps a few people who hold temporary appointments. We are also trying to settle the conditions of their service in consultation with the Government of India. I am making a specific mention of this question because one of the amendments says that Government has done injustice to these Government servants. But this is a general statement made without looking to the facts. The conditions of service which will have to be protected have been looked into, but these conditions have to be decided in consultation with the Government of India. The pay, pension, allowances etc., of these servants or the rules regarding the disciplinary action to be taken against them are the basic factors which cover the conditions of their services. All these things would be looked into by the Government of India and I can assure the House that on all these points their interests would be safeguarded.

As regards prohibition, I would like to make it clear that it is the intention of Government to cover the entire area of the State. There



is no doubt about it, but the question is about phasing the programme and it will have to be looked into very carefully. Detailed information is being collected and Government would certainly announce its policy in due course.

As regards the food prices, I am receiving complaints from the integrated areas of Marathwada and Vidarbha that they are rising. But I can assure this House that I have already discussed this question with the food officials of the Government of India. Wheat supplies are being received, a large number of fair price shops have also been opened in the old Bombay State and in the new areas also they would be opened, and subsidised wheat would be distributed in as many centres as possible. Of course, it is a fact that the rising prices are still persisting, but I am sure that with the next harvesting season that is nearby and with the efforts for securing more and more wheat supplies, they would be brought under control.

As regards the question of the official language, I can tell the House that at present we have continued the existing orders on the subject that is, the regional languages prevalent in the different areas have been continued. At the district levels the regional languages are being used. The general policy of Government in regard to this question would be announced after taking into consideration the Report of the Official Language Commission which is before the Government of India for consideration. But till then the existing orders which are prevalent in the different regions would be continued. I assure the House that the regional languages that is, Marathi and Gujarati will be encouraged for their gradual use for purposes of the administration at different levels.

The other question was about the general difficulties arising out of the size of the State. The hon. Member **Shri R. K. Patil** just now referred to the policy of decentralisation, but we are already implementing that policy to a large extent. As I said, there would be six divisions in this State. The districts in Saurashtra, Amreli and Kutch would form one division, the other districts in Gujarat minus Surat district would be another division, the Konkan and the District of Surat, Nasik and West Khandesh with Dangs would form the third division with Bombay as its Headquarters, Poona, the remaining district of old Maharashtra, which is known as the rest of the Maharashtra, except the East Khandesh district would form the fourth division; the district of Marathwada with

East Khandesh district would be the fifth division; and the remaining 8 districts of Nagpur, Vidarbha, etc., would form the sixth division with Nagpur as its headquarters. The Divisional Officers posted in these Divisions would have very wide powers to deal with the questions on the spot and I am sure the principle of decentralisation which we have already put into practice will certainly produce encouraging results.

As regards the issue of Zonal Councils, some hon. Members have raised a controversial point. I do not want to go into that controversial point, but I can tell the House that the Zonal Councils have yet to come into existence. Of course, so far as this Government is concerned, it has already taken steps to nominate some persons on the Zonal Council, but the other State Governments and the Government of India have also to nominate some persons and then the Zonal Councils would come into existence. When they come into existence, whatever questions can be decided by them would certainly be sent to them.

As regards the High Court Benches, it has been decided to have semi-permanent Benches at Rajkot and Nagpur but it is not possible to have a separate Bench for the Marathwada areas. On this question the views of the Law Commission and the High Court had to be considered and they do not consider it feasible and reasonable to have a High Court Bench at a place where there was no High Court at all. At Nagpur and Rajkot there were High Courts before. In order to run a High Court Bench efficiently, it is also necessary to have an efficient Bar. It is not my intention to say anything derogatory to those who are practicing at Aurangabad but I wish to make it clear that the High Court does not consider it possible to run a High Court Bench at a place where there was no High Court upto now. So far as the Marathwada areas are concerned, they would be linked up with the High Court of Bombay. The residents of the Marathwada areas have expressed a desire that they would like to be linked up with the Bombay High Court in case they do not have a separate Bench. The communication facilities also would be better if they are linked up with Bombay than if linked with Nagpur. That is why these areas are linked up with the Bombay High Court.

This is the bare explanation that I can give regarding the points which have been raised. I would have been glad if the hon. Members of the Opposition had been present here to get this explanation from me.

# 40

## **Tributes to B. G. Kher, B. R. Ambedkar N.D. Parikh, G.S. Bhangare and P. D. Kulkarni**

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*On 14 March 1957, Shri Y. B. Chavan, Chief Minister, made Condolatory Reference to the deaths of Shri B. G. Kher, Dr B. R. Ambedkar, Shri Nathalal D. Parikh, Shri G. S. Bhangare and Shri P. D. Kulkarni before the House. He paid homage to these hon. Members and suggested that house be adjourned in memory of the sad demise of Shri B. G. Kher, who was the late chief minister of this State. (BLA Debates, Vol. 2, Part II, (Inside No. 1), 14 March 1957, pp. 13-16.)*

Sir, I have to perform a sad duty today, namely, to refer to the deaths of many eminent Members of this hon. House who have passed away between the period of the last and this session. The most prominent amongst those who have passed away is Shri B. G. Kher who was the first popularly elected Chief Minister of the former Bombay State. He was the first Chief Minister of the popular Government. He has laid down very healthy traditions in this State as a Leader of this House for the efficient working of this hon. house.

Shri Kher was born on 24 August 1888 at Ratnagiri. He passed his B.A. and LL.B. examinations of the Bombay University. In the Wilson College, he was Vurjeeewandas Madhavdas Sanskrit Scholar and Bhao Daji Prizeman. He practiced as Vakil from 1912 and from 1918 as a Solicitor. He was the Secretary of the Swaraj Party (Bombay Branch) founded by Pandit Motilal Nehru and Mr C. R. Das. He was the Secretary of the Bardoli Satyagraha Inquiry Committee consisting of Members of the Legislative Council. For some time he was the Vice-President of the Bombay Provincial Congress Committee. He was a Member of the

Congress Anti-Untouchability Committee appointed in 1930. Since 1928, he was working in the Bombay Suburban District for the Congress and in 1930 he was the Officer-in Charge of the Vile-Parle Satyagraha Camp. He conducted the Salt Satyagraha Campaign vigorously and was convicted and sentenced to 8 months rigorous imprisonment and fine in April 1930. In January 1932, he was again arrested and detained under the Ordinance and later convicted and sentenced to 2 years rigorous imprisonment and fine in February 1932. He was the President of the Harijan Sevak Sangh, Maharashtra Province, Member of the Executive Committee of the Social Service League and of the Dispensary Committee. He was a Founder and Member of the Executive Committee of the Bombay Legal Society, which renders assistance to poor persons free of charge and was a Co-Editor of the Bombay Law Journal. He was Vice-President of the Shradhanand Rescue Home and Founder and Secretary of the Chamdewalla-ki-Wadi Charitable Dispensary and free Hindi School and the only Tanning Demonstration School in 11 Bombay. He was one of the founder-Members of the National Council of Indian Civil Liberties Union and was honorary Treasurer of the Bombay Branch.

Under the Government of India Act, 1935, he was the first Chief Minister of the old Bombay State from 1937 to 1939. He was again the Chief Minister of the State from 1946 to 1952. He was appointed India's High Commissioner in London in 1952. He returned to India in 1954 owing to his wife's illness. Finally, he resigned his post in September 1954. In August of the same year, the President of India conferred the State honour of Padma Vibhushan on him. In 1955, he was appointed Chairman, Official Language Commission. The Report of the Commission was submitted to the Government of India in August 1956.

Sir, Shri Kher was interested in many and varied social activities to which he made his very valuable contribution and showed his high calibre. He worked in different spheres as an administrator, as an educationist and as a social reformer and the work he did is very difficult to be surpassed by anybody. Sir, personally I had the privilege of working under him in his Ministry of 1946 as a Parliamentary Secretary. This was a unique privilege for any young man to work under such a highly cultured man.

Sir, by his death, not only this State, not only this hon. House, but the whole of India also has lost a great man, a loss which is very difficult to

repair.

Sir, the other eminent person whose death we have to mourn is Dr Ambedkar. This House had the privilege of having him as its Member during 1937-39. Sir, Dr Ambedkar was born on 14th April 1892 at Mhow. His father was a Subhedar in the Indian Army. He had his early education in Dapoli and Satara. He later came to Bombay and took his M.A. Degree in 1913. He was given a scholarship to study Economics and Sociology at Columbia University by the Gaekwar of Baroda. While in America he published a book on the Caste System in India. Later he studied at the London School of Economics and took the D.Sc. degree of the London University. He was also called to the Bar. He served for some time as Professor of Political Economy in the Sydenham College of Commerce, Bombay. He served as Professor in the Government Law College, Bombay, first in 1928 and again as Principal of the College in 1935. He started a weekly in 1920 and conducted it for some time. He edited Bahishkrit Bharat in 1927 and 1928. He carried on a campaign against untouchability and launched a satyagraha at a public tank in Mahad. He also led the Nasik Temple Entry Satyagraha. He was a nominated Member of the old Council and served on the Committee formed to co-operate with the Simon Commission. In the report he wrote a dissenting minute demanding wider political advance. He was a Member of the State Committee appointed to investigate into the grievances of the Depressed Classes Conference held at Nagpur in 1930. He attended all the three sessions of the Round Table Conference and was a Member of the Federal Structure Committee and various other sub-committees. He was a Member of the Franchise Committee. At the Round Table Conference he submitted a memorandum demanding a declaration of rights for the Depressed Classes and participated in the negotiations which preceded the Poona Pact. His declaration at the Yeola Conference that the Depressed Classes would in a mass renounce Hinduism created a great stir. In 1936, he was invited to preside over an anti-caste Conference in the Punjab, but he did not go there because the Conference organisers wanted him to delete certain portions of his address. He founded the Independent Labour Party in 1936 for the purpose of providing a common platform for all the workers interested in the uplift of the masses.

Dr Ambedkar had embraced Buddhism two months ago and asked his followers to follow suit as a protest against untouchability. He was

Chairman of the Constitution Drafting Committee of the Constituent Assembly and was largely the architect of India's present Constitution. He was a former Member of the Bombay Legislative Assembly and the Lok Sabha. Dr Ambedkar was one of the greatest men in India has produced and his loss is irreparable.

The next hon. Member of the house to whose death I have to make a reference is Shri Nathalal D. Parikh, a Member of the Legislative Assembly, who died at Bombay on Friday, 15 February 1957. He was born on 7 January 1903. He left his studies in 1918-19, when he appeared for the Matriculation Examination and joined his father's business in jewellery. He had travelled abroad and he joined the Forward Block in 1939 and became the Treasurer and Member of the All India Working Committee of the Forward Block. He was elected as the Treasurer of the INA Inquiry and Relief Committee in 1945, and thus came in close contact with Sardar Vallabhbhai Patel, the Chairman of the Body. He was the organising Secretary of the INA Film on Netaji Subhas and a Member of the Bombay Municipal Corporation in 1946. He was a Member of the Bombay Provincial Congress Committee from 1948 to 1950, and Vice-President of the A Ward District Congress Committee. He was Hon. General Secretary of the Bombay Municipal Congress Party from 1948 to 1950. He was President of the 'A' Ward District Congress Committee in 1950-51. He was President of the 'A' Ward Consumers' Society since 1950. He was elected to the Bombay Legislative Assembly in 1952. I am sure that the hon. Members of the house who knew Shri Nathalal Parikh will also feel a great loss in his death.

The next hon. Member to whose death I have to make a reference is Shri Gopala Sharawana Bhangare. He was elected from the Ahmednagar District to this hon. House and during the present election campaign while addressing a public meeting at Samshepur in Ahmednagar District, he suddenly collapsed on the 16 February 1957. He belonged to the Scheduled Tribes (Mahadeo Koli) and was an agriculturist. He completed his primary education but was unable to continue his secondary education due to adverse circumstances. He began his career as a primary teacher in 1934 after completing the Training College Course at Dhulia and he worked as a teacher for 12 years under the Ahmednagar School Board. He also worked as an Attendance Officer for three years under the Compulsory Education Scheme. He resigned in 1951 and was then elected a Member of this House in 1952. He was an active social

worker and he always worked for the cause of the Scheduled Classes and the Scheduled Tribes. In his death, the Backward Classes and also this House has lost a very good worker.

The last reference that I have to make is to the death of Shri Pandurang Dnyaneshwar Kulkarni, a Member of the old Legislative Council. He died on Monday, 14 January 1957 at Alandi Deo. He was born on 23 July 1888. He was the first elected non-official president of the Alandi Municipality during 1920-23. He was the Chairman of the Local Board Haveli, during 1921-24 and a Member, District Local Board, Poona, in 1928. He served on various Committees such as the Agricultural Co-operative Development Association, Khed; Deshastha Rigvedi Shikshanottejak Sanstha, Poona; Governing Council, Bharat High School, Poona, etc. He was an elected Member of the Bombay Legislative Council during 1930-37. He was awarded the title of Rao Sahib during the British regime. He was a student of Dnyaneshwari and wrote many essays on the subject. In him also we have lost a very good social worker.

I request that the condolences of this hon. House should be conveyed to the bereaved families of the deceased Members.

# 41

## Smooth regional integration and elections

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*On 19 March 1957, Shri Y. B. Chavan, Chief Minister, intervened in the debate (BLA Debates, Vol. 2, Part II, (Inside No. 4), 19 March 1957, pp. 151-55.) on the Governor's Address, and dealt with the two general problems which were referred to by the Members of the Opposition, namely, the process of integration of the different administrative units which constituted the State, the verification of different laws in force in different States before the emergence of the Bi-lingual State and the problem of General Elections.*

Mr Speaker, Sir, I propose to confine myself to those points raised in the debate which have not been replied to by the Ministers concerned.

From the general trend of the discussion I would say, if I may use the term, it was a sort of a lame discussion. Most of the Members opposite who spoke, made a reference to the elections and some detailed references to minor matters.

Since, Sir, this is the last session of the present Assembly and possibly the only and perhaps the last discussion on the Governor's Address during the period of this caretaker Government, I would like to deal with the two general problems which this Government had to deal with in the last five months. The first was the process of , integration of the different administrative units which constitute the State, namely, the old Bombay State, Madhya Pradesh areas, Hyderabad areas, Saurashtra and Kutch. I am referring to this because some of the Members have made a grievance that, in this long period of five months, this Government had not made an attempt for the unification of the different laws in the different administrative units. This process of integration was a very difficult one in the sense that we had to deal with the many varied aspects of the different administrative units in the case of different



statutes and Acts, different traditions, different problems and different psychological set-ups too and the aim was to achieve this integration with the least amount of friction. I may say, with all humbleness, that we have substantially succeeded in achieving this process of integration without much irritation or friction on either side. The unification of laws is not such a simple thing that can be done overnight because that requires a very careful study of the different problems which may be the subject matter of the different Acts and a very large amount of effort has been put in for the preliminary preparations for achieving the required unification. I may say that even Parliament had anticipated these difficulties and by the Reorganisation Act itself they had made some provision for this transitional period.

Sir, the other major problem which this Government had to face was the problem of the General Elections. Since the new State came into existence just a few months before these elections, it was the responsibility of this Government to see that we passed through this process of the General Elections peacefully and properly. Now that practically the results of all the elections are over, I may say that this Government has succeeded in conducting the elections properly with all the good traditions that we have had during the last ten years and, therefore, I must refute all the allegations made by the Opposition about the use of Government machinery during these General Elections.

One of the hon. Members Dr Amul Desai, who, during the election campaign, had written to me very vaguely about these things and, Sir, even though I was engaged in my own election campaign, I had written to him from my home town asking him to give some specific information about these allegations. I promise him that on receiving that information I would make every detailed inquiry about the allegations that he made. I must tell the House that till today the hon. Member Dr Amul Desai has not given any specific information in the matter. Sir, he is in the habit, as many other hon. Members of the Opposition are, of making vague allegations against the Government. I may tell them that if they can give me specific instances even now, I am prepared to go into them and inquire into them properly. It is the responsibility. It is the responsibility of any Government to see that elections are as pure as anything, because the purity of elections is the soul of any democratic form of Government and we are therefore prepared to inquire into any specific grievances at any cost. I am not making it a grievance, but I must take this opportunity

of bringing it to the notice of the House that on the contrary it is we who should have some grievance against the Opposition Members. I have heard allegations to the effect that they even tried to tamper with Government servants. That apart, they treated our candidate very badly. I know of one instance which took place in the election in Poona city. I am glad that the hon. Member Shri S. M. Joshi is here and I am making a statement here that one of the Congress candidates Shrimati Nalinibai Shinde who was carrying on an election campaign in Poona city was treated very improperly by the supporters of the Opposition Party. The treatment meted out to her was absolutely a matter of disgrace to those who wanted to do things in the names of Shivaji, Tukaram and Ramdas. I myself am proud of Shivaji, Tukaram and Ramdas and also proud of the traditions which they have laid down. But the treatment meted out to her was such as would make us bow down our heads in shame. Sir, as she was going from house to house for her election campaign, she was insulted, but I must say to the glory of that woman that she refused to take any police help. She wanted to suffer the insult quietly and she did it. This is how the hon. Members who fight with the Ruling Party want to keep high traditions of democracy! They went on making irresponsible statements and by doing so their intention was to create a sort of distrust in the electioneering campaign and in the ballot box. I know of one of the supporters of Samiti who went on telling the people that if a Congress candidate is elected it can be presumed that the ballot box is tampered with, and when any member of the Samiti elected then it is the verdict of the people in their favour. I am prepared to accept whatever the verdict of the people is; but if the Congress candidate is elected, they say that there must be some tampering. Deliberate attempts were made to weaken faith in the ballot box; and on the contrary the hon. Members of the Opposition come before this House and make unfounded allegations. Not a single specific allegation has been made by them against Government. On the contrary, they made general statements. This is not right. I must tell the hon. Members of the Opposition that if they really want to defeat the Congress, we are prepared to take that defeat in a sporting spirit, but they should not make such vague allegations. If the Congress or the Government had used its administrative machinery for its election purposes, we would not have lost so many seats in Maharashtra. We wanted to approach the people and convince them and we are prepared to take whatever they give us. (Interruptions). I am trying to explain some of the points which

the hon. Members of the Opposition have made and I hope they will not interrupt me. So Sir, so far as the question of elections is concerned, I must say that we have done all that was necessary to be done to see that the election were very pure and also to see that no Government servant was allowed to interfere with the elections one way or the other. On the contrary those who wanted to oppose the Congress tried, it is alleged, to tamper with Government servants.

Sir, the other matter which was referred to was about the Koyna Project. Sir, if one more unit is given to the Tatas, the hon. Members will say that this is something which will prevent the progress of the Koyna Project. If some Government Officer is asked to retire or is not granted an extension, they will say that this is something which retards the progress of the Koyna Project. Sir, I can tell the hon. Members that the Koyna Project is going on according to schedule, but it is those people who are interested in some officers, who are their relatives and whom they want to continue, that come forward with all sorts of allegations. If some officer is not given an extension, they say, 'Maharashtra is in danger. The Koyna Project is in danger.' I may again tell the House that the Koyna Project is going on according to schedule. It will not be delayed whether any officer is there or not and whether the Tatas are given any more units or any less units or not. The Project will be completed according to schedule.

Then, Sir, it was said that Marathwada was being ignored so far as irrigation is concerned. Nothing is farther from the truth. As a matter of fact, I find nearly 5 medium irrigation works were taken in hand in Marathwada during the First Five-Year Plan. Most of them are proceeding towards completion. One big project, which is known as the Purna Project and which is estimated to cost about Rs 5.55 lakhs, has already been administratively approved and the technical approval has also been given to it. Instructions have been issued that the work should be completed as early as possible. The estimates of the other projects are in preparation and when they are ready, they will also be undertaken. The most important irrigation schemes of Marathwada are being seriously pursued and, therefore, it cannot be said that Marathwada is being ignored so far as irrigation is concerned. There are so many other medium irrigation schemes which are included in the Second Five-Year Plan. I have detailed information about each scheme. The work of one project and one dam is in progress. As regards one other project

work, tenders were invited but, unfortunately, no contractor turned out. Looking to all these things, I was wondering as to how it was alleged that Marathwada is being ignored.

Some hon. Members made a grievance about the lack of a University in Marathwada. But the Governor himself has made a reference to it that Government is proposing to establish a University in Marathwada and it is decided to appoint a Committee to go into the full aspects of this question. Even then some hon. Members are saying that Government is not doing anything to establish a University in Marathwada. The university is not a thing which can be created overnight. All the aspects of the question have to be taken into consideration. The establishment of a University requires pre-existence of a few educational institutions and the work of the University is to integrate and co-ordinate them. Government has decided to go into all these aspects of the question.

Then a question about the food problem was raised. Some hon. Members made a reference to the prices of foodgrains prevailing in Marathwada, Vidarbha, etc. Now in the last few days the prices are coming down. But that is perhaps because of the new foodgrains available in the free market. This is the period of the year when the food prices generally go down and after the month of May they again show a tendency to go up. I can assure this hon. House that Government is trying to do its utmost to see that we have sufficient stocks of jowar and wheat and also of rice for the Konkan districts like Ratnagiri district. But, Sir, everything depends upon the stock position obtaining in the country as a whole. Our claim at the end of the First Five-Year Plan period, that there was more production of foodgrains on account of our efforts, was referred to. It is a fact that we did make progress in the matter of the production of foodgrains by the end of the First Five-Year Plan period, but last year the kharif crops failed and there was a shortage of millets.

Sir, the Government of India did not plan for the import of millets because the international prices of millets were very high and, therefore, they had to depend on the import of wheat only. Sir, in this country and particularly in this State, thousands of fair price shops have been opened. But here the food habits of our country also is an important factor. The staple food of most of the people in our State is jowar, and as such even though we subsidised the price of wheat and made it

available at a cheaper price, there was not much demand for it. Even now, in some of the shops where we have made wheat available there is not much demand. Thus, so far as the food problem is concerned, it is not the question of the quantity of food supplies only, but it is the question of habits and prejudices also. Therefore, when the price of jowar did not go down in the first few months, people could not get it at a cheaper rate for their own consumption and we could not supply it at a cheaper rate because it was not possible to do so. No other agency could have done that. We had naturally to depend only on the supply of wheat available in this country and I have no doubt that even in the days to come, the supply of wheat would be maintained throughout. I can say this much about the food prices.

Sir, all the other points which were referred to have been replied to by my hon. Colleagues, and particularly about prohibition, electricity and other matters, my colleagues have given explanations and I do not think it is necessary that I should dilate on those points further. I am sure, if the hon. Members try to understand the difficulties under which we are working, they will agree that the two major items which were the objectives of this caretaker Government for the last four or five months, namely, the integration of different areas and of the different laws and the conduct of General Elections in this State, have been successfully carried out and I must say that this Government has certainly good reasons to be proud of these two achievements.

## 42

# Government personnel not used for ruling party Propaganda

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*On 20 March 1957, Shri Y. B. Chavan, Chief Minister, made a Demand for a supplementary grant of Rs 74,79,662 for the Police under the major head of account '29-Police' before the House for sanction. Opposition Members raised some points which were replied to by Shri Y. B. Chavan as follows." (BLA Debates, Vol. 2, Part II (Inside No. 5), March 1957, pp. 200-5.)*

*On the same day (that is on 20 March 1957), Shri Y. B. Chavan, Chief Minister, made a Demand for a supplementary grant of Rs 4,80,926 under the major head of account '27, Administration of justice' before the House for sanction. While explaining his requirements, Shri Chavan said as follows:*

Mr Speaker, Sir, I have heard the speeches of hon. Members opposite criticising the Demand which is before the House for sanction.

Sir, I wanted to take the points raised by the hon. Members opposite one by one, if I could. But I find that the only thesis that they tried to build—at least that was true of the two hon. Members who spoke on this Supplementary Demand—was that everything that is being asked for in this Supplementary Demand was meant to help the Congress in elections. It was tried to contend that the whole expenditure was meant solely to oppose the Opposition parties in the elections and to support the Congress candidates. I have never before heard, Sir, such light-hearted criticism on the floor of this House. Particularly I wondered how the hon. Member Shri Bharucha, who usually makes an important contribution to the debates in this House, could make such a speech. He referred to the wireless arrangements and alleged that they were used to convey the movement of the hon. Member when he was contesting as a candidate for Parliament from East Khandesh and that the District.

Officers conveyed such information either to the Congress candidates or to the Congress office in the district. I must say, with all the emphasis at my command, that no more irresponsible statement can be made. He also alleged that instructions were issued to the Police Patels. On hearing that, I immediately made enquiries about it, so that I may not make an incorrect statement here and I have found that no such orders or instructions were issued either by Government or by any officer subordinate to it. So, if he had any information about it possibly he had it from his own men.

It is no use saying that he received the information from the Police Patel in a light-hearted manner and I am sure the Police Patel who gave him the information is certainly his own man. This is what I said yesterday was tampering with Government servants and officials. I still am prepared to accept the challenge from him or I am prepared to give him a challenge, if he wants it, to produce the instructions that are alleged to have been issued to Government officials. I am making this challenge with all the sense of responsibility.

If people want to give information irresponsibly and be free from the consequences thereof, that is not possible. I do not know how this can be done. It is not true that instructions were issued in this matter. They will always make very vague and vehement allegations without any specific information and when they are asked about the source of their information they would say they are not prepared to give it because somebody will come into trouble. This is something which I cannot understand, but it is something which cannot be said to be responsible. The only thing that I can do is to say with all the emphasis at my command, as I have said before, that this is not at all true. If they want to prove to the world and to this Government that this Government is using Government machinery they must come out with specific information and prove it. It is no use making the same allegations a hundred times. It may be successful public propaganda once in a while, because it is said that a lie repeated a hundred times becomes effective and is accepted as truth once in a while. But, Sir, one can fool all the people for some time, some people for all the time but one cannot fool all the people for all the time.

I believe in the people and I believe in the truth and I have no doubt that people will repay them when the appropriate time comes.

Again, Sir, an allegation was made that the Home Guards canvassed for the Congress candidates. No doubt it is a fashionable allegation, which the hon. Member Shri Warty made, when he told the House that the hon. Member Dr Amul Desai heard that some lady patient was pressed to vote for the Congress candidate. The hon. Member Dr Amul Desai is a Member of this House and he could himself put the case of the lady before this House and give her name. At least in this case there was no question of a Government servant coming into trouble for giving out the name. But then it is their usual way. A lady patient told Dr Amul Desai and Dr Amul Desai told the hon. Member Shri Warty and Shri Warty told this House about the incident, without mentioning the name of the lady patient, that she was pressed by the constable to vote for the Congress and so she gave her vote to the Congress!

Then, Sir, coming back to the question of the use of the Home Guards I say that the Home Guards were certainly called on duty, but I must say that they were so called to the least possible extent and only wherever it was necessary. We made it a point to utilise their services only where it was absolutely essential and where we could not avoid it. We were not very keen on calling the Home Guards for the duties of elections. But it is not true that they were used for party purposes. But, Sir, here also the hon. Member Shri Bharucha makes a statement that he knew that the Home Guards canvassed for the Congress. He did not mention the name of the Home Guard nor the name of the place where it happened. He could have told Government, he could have told the Returning Officer and he could have even conveyed the information to the Election Commissioner.

The hon. Member wanted to know why the wireless was necessary. It was not introduced only for the elections. It is not used only for the purposes of riots. It is a new medium of information which is used for normal police activities.

The hon. Member Shri Awari spoke about it and he said —?

‘कहाँ वे रायट्स होने वाले थे? इस बम्बई शहर में?’ so, I am trying to reply to all the aspects mentioned here about the wireless. I am not replying only to the speech of the hon. Member Shri Bharucha. There are also other hon. Members on the other side who referred to it. I am trying to reply to all of them. The hon. Member Shri Bharucha should not try to monopolise the reply for himself.



Wireless is a new medium. This is used by the police for their normal activities. For example, in a city like Bombay or in bigger cities like Ahmedabad and Poona, particularly in the city of Bombay, we have found from experience that this wireless medium has come to the help of the police to keep crime down, not only to prevent crime but to detect crime as well. If the hon. Member has time I am prepared to convince him how far wireless is effective to prevent crime and also to detect crime in time. In a big city like Bombay, where criminals find new methods and new ways of committing crimes, we must also have new methods for detecting crimes and checking them. That is why it is the accepted medium in all the advanced countries of the world to use wireless for that purpose and, therefore, this Government has also accepted this new method and it is extending the use of the wireless.

So, Sir, Government thought that the wireless could also be used during the elections. It was, in an intensified form, used only on the day of the polling in the rural areas. The hon. Member Shri Bharucha said that he was followed by the Congress candidate wherever he went. My information is that he followed the Congress candidate wherever he went. It happened in many cases and I know this because I was also touring the constituency of the hon. Member Shri Bharucha. It was their method just to terrorise the people. They went about shouting slogans gathering people and following the Congress candidates wherever they went. I was wondering what sort of wireless the hon. Member was using for it. It is not necessary to have a wireless for these purposes. When a candidate goes to a place, he goes with proper advertisement about it. He wants people to meet him and, therefore, he conveys the information ahead that he is going to such and such a place. It is not necessary to have a wireless to know that a candidate is going to a particular place. Was the hon. Member moving about so stealthily that the people should not know where he was going? It was quite natural that they knew his movements and so also the movements of the Congress candidates were known. It is not at all necessary that the wireless should give information to the police and the police to the Congress candidate. I should say that there is a sort of mental perversion and nothing else.

If the hon. Members can convince the Government that a certain expenditure is not necessary, and that it is an excess, then it is certainly the duty of Government to explain these matters to the House. But to say anything about the Police and then link it with the elections and

allege that the Police were used for the purpose of the Congress Party is something which I have not been able to follow. This sort of criticism is one which no responsible person will accept as a correct criticism.

Sir, the hon. Member Shri Warty made a reference to expenditure on disturbances and he asked why this expenditure was mentioned in this Supplementary Statement and during the period when no disturbances took place. That is true. This expenditure was incurred during the days of the disturbances a year before, but it is shown this time as a sort of supplementary demand as it was not shown in the Budget at that time. But, Sir, I am very glad that a very unexpected admission came from the hon. Member Shri Warty. He mentioned that the C. I. D. were watching the people and all that, but he admitted that he had no experience of his own. At least there was some amount of conscience in him which made him admit that. He quoted the experiences in this respect of the hon. Member Dr Amul Desai and of the hon. Member Shri Bharucha. At least he made the admission that he had no such experience. I am glad that at least there is one hon. Member in the Opposition who has the conscience to come out with the truth.

Sir, some hon. Members asked: For whom do the Police stand? Do they stand for the people or for the rulers? Sir, I would certainly answer this question, as it is a legitimate question. If the hon. Members who put that question mean by 'Rulers' the Government, then this democratic Government is also for the people and, therefore, naturally the Police must also be for the people. They cannot put the police on a higher level than the people. But, Sir if we try to say, whenever the Police act in the interests of, the people, that they are doing work in the interests of some political parties, then the morale of the Police is affected. Therefore, it is not a good policy in the interests of democracy itself that we should say things which would affect the morale of the Police. If they have to use force, they use it only when it is necessary to do so in the interest of maintaining law and order, which ultimately means in the interests of the public. Therefore, to condemn the Police in season and out of season and to say that the expenditure on the Police is unnecessary means only a universal condemnation of the Police. In a welfare society, the Police have been accepted as a necessity and they will have to be accepted as such and a proper treatment will have to be given to the Police. A proper appreciation must be shown about their role. A hon. Member has said that everything that is spent on the Police

is unnecessary. This attitude will ultimately lead the democratic rule to destruction. Therefore, I should request the hon. Member to examine the expenditure that is incurred on the Police. They have every right to do so. But it should not be treated as something which is not good for the State and for the people and ultimately for democracy.

Sir, the hon. Member **Shri Awari** said that he has made a very biting criticism regarding cattle pounds, but I do not take it to be so. It was a very humorous criticism which I would like to have again. Sir, about the cattle pound he does not know that the cattle can become a great nuisance. In a city like Bombay stray cattle are a nuisance and there is the demand from the public that we should try to regulate their movements. The Municipal Commissioner was also pressing that Government should take some steps in this connection and, therefore, Government had to resort to legislation amending the enactment and give power to the police and police had to use it. It is no use talking in the name of 'Gou' and religious sentiments. The harmless cattle like a cow can also become a very dangerous nuisance and therefore, it is necessary to take some action about it.

Sir, I again tried to see whether there was really any substance in the points made out by the hon. Members opposite. Some hon. Members wanted details of certain information, but on an occasion like this we cannot give more information than what is necessary according to the rules, and such information has been given. If further details were to be given, I am sure, the hon. Members would get themselves lost in them. I, therefore, hope that this hon. House will accept the Supplementary Demand.

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## Irrigation, village industries and co-operative farming

*Draft Development Programme for the year 1957-58 was placed before the House on 28 March 1957. The Opposition Members brought to the notice of the Government, the food problem and some notable irrigation schemes in the State which had incurred an expenditure of crores of rupees and yet after many years the problem remained to be solved. Replying to the criticism, Shri Y.B. Chavan, Chief Minister, told (BLA Debates, Vol. 2, Part II, (Inside No. 11), 28 March 1957, pp. 480-87.) the House that the irrigation schemes were given proper place in the Second Five-Year Plan, by ignoring other schemes, viz: education, prohibition etc. He gave details of expenditure on irrigation projects in Marathwada, Vidarbha and on Poorna and other 20 medium irrigation schemes at different places and mentioned that the provision was made for electricity and Hydro-electric Power Stations in the Second Five Year Plan. He assured the House that precautionary measures would be taken up in future henceforward for avoiding misappropriation, which had taken place in the Co-operation Department as pointed out by the Hon. Members. He also stated that both village industries and small scale industries would have their own status and place in the economy of the country.*

*The Co-operative farming would make progress in accordance with the recommendations of the Government of India, he said that heavy industries came under the Central Government. To solve the question of unemployment in the villages the only way was to encourage village and small scale industries, he added. Regarding the complaint of the hon. Member about the absence of soil-conservation schemes in Vidarbha, Shri Chavan explained that a substantial amount was provided for them in the budget and stressed the importance of agricultural economy, irrigation, as well as soil conservation and development of Co-operative Societies in the State. The allegation that some privileges were provided to the Members of the ruling party, who were in Sarvodaya was stoutly refuted by Shri Chavan, stating that Sanchalakas of Sarvodaya Centres were not selected only from the Congress Party and that the work of Sarvodaya was entrusted to those who believed in the philosophy of Sarvodaya. Shri Chavan also spoke on the topics like removal of control On foodgrains, supply of foodgrains, programme of decontrol, increase in food grains production were explained them in details and requested the House to accept the Draft Development Programme.*

Mr Speaker, Sir, at the outset, I must express my gratitude to those hon. Members of this House who, in spite of their complaints of paucity of information, made sufficiently long speeches criticising Government and making constructive suggestions.

I can tell them that there is scope for improvement in the preparation of this Development Programme. Generally speaking, the entire Second Five-Year Plan was discussed last year by this House and we thought that we should start this new feature of discussing the annual development programme in this House, so that Government may be able to get constructive suggestions from the hon. Members of this House. Certainly, Sir, we will try to make available more and more information and accurate accounts of expenditure, if possible in the next year, when we will place before this House a draft programme of development for that year.

Looking to the criticisms made by the hon. Members of this House, I will try to take some of the important points made by them and give reply to those points.

Sir, the gist of the criticism was that though year by year expenditure has been incurred, the general problems of the people of this State have not yet been solved. For instance, some hon. Members made a reference to the food problem of this State. They also made a mention of certain schemes. Some of them made a complaint and a grievance that though they are hearing the names of the same schemes for years, yet they do not see any hope of these schemes being completed. This trend of criticism arises out of doubt either of not accepting things, or of not learning things. Sir, I am prepared to go into the details of every scheme wherever it is possible for me to do that.

Now, Sir, with regard to the complaint made by the hon. Members that they only hear the names of the schemes and are doubtful about their completion—and this criticism was made by one of the very respected hon. Members who was adorning the Treasury Benches two years ago—I would say that so far as the irrigation schemes are concerned, they involve expenditure of crores of rupees and, therefore, such schemes cannot be completed overnight. Some of the schemes were undertaken for execution sometime after 1952. Some may have been started sometime in 1950. Therefore, just to give satisfaction to others or to ourselves, if we go on changing the names of the schemes, it would not

help anybody. For example, schemes like the Kakrapara or the Koyna or the Poorna in Marathwada, which involve expenditure of crores of rupees, will certainly take some years for completion and it will take some more years to have results from these schemes. Therefore, it is not right to say that only the same names of these schemes are printed and that nothing is being done about these schemes.

As regards irrigation, it is quite true that in the first few years, so much emphasis was not laid on it as was done on other matters like education or on social reform schemes like prohibition. But, Sir, if we look to the Second Five-Year Plan, we will find that irrigation has been given its proper place, perhaps even ignoring or giving less importance to other schemes and the other nation building activities. If we go to the detailed Plan we will find that even compared to the expenditure to be incurred on irrigation in the whole country, the percentage of expenditure to be incurred on, in this State is somewhat larger and that is because in the First Five-Year Plan period, we had spent less on irrigation.

At this stage I would like to refer to the irrigation schemes in Marathwada and Vidarbha. It was said that the irrigation programme of Marathwada is being ignored. That is not true. I may mention that even in this Draft Development Programme it is mentioned that a sum of Rs 48 lakhs is provided for starting work on the Poorna scheme this year. Sir, work on the Poorna scheme was started by the previous Government and a few lakhs of rupees were spent on its initial work. But the scheme was not administratively approved, nor was technical sanction given to it. But this year administrative approval has been given and technical sanction is on the way. Moreover, without waiting for all these things, a substantial amount of Rs 48 lakhs has been provided for starting the work. Besides there are many other schemes for Marathwada which are included in the Plan. So far as I know, twenty medium irrigation schemes are being contemplated to be taken in hand three of which have been prepared by the previous Hyderabad Government and I am sure that with the completion of these schemes which are included in the Second Five-Year Plan, Marathwada's irrigation programme will be substantially more than what we expect. Of course, I agree with some of the hon. Members who said that even completion of these schemes is not going to solve all the problems of Marathwada, but that is so even with regards to other areas. Not only in this State, but in the whole

country, we have to achieve a certain objective. But our country is so vast that it is very difficult to say that we will be able to achieve our objective within a short space of five or ten years.

Some of the hon. Members made a reference to the electricity schemes in Vidarbha. But I find that a sum of Rs 8 crores has been provided for electricity schemes in Vidarbha to be executed in the Second Five-Year Plan. The provision made for such schemes in the former Bombay State compares very well with the provision made for Vidarbha alone. The provision made for such schemes in the former Bombay State which included Karnataka also, was Rs 8,79,87,000 and now for Vidarbha alone the provision made for the purpose is Rs 8,09,91,000. For survey and investigation for the hydro-electric power houses, for cities, their development etc. a provision of Rs 68,40,000 has been made. Therefore, so far as Vidarbha is concerned, now there is no ground for any grievance. So far as irrigation works for Vidarbha are concerned, I quite agree that the allotment has been reduced from what was originally decided upon. After its integration into this Bombay State, we find that some of the schemes which were included formerly, are not now included, and there is a justification for some grievance on that account. But I may repeat what I have already mentioned in the Council, namely, that we have taken up this matter with the Planning Commission and we have also made a request to the Madhya Pradesh Government that they should restore to this Government that much amount which they had decided to spend on the irrigation schemes in Vidarbha, according to the Second Five-Year Plan, when Vidarbha was a part of the Madhya Pradesh. I hope, Sir, that the Madhya Pradesh Government would be good enough to restore that amount to us.

Then, Sir, I come to the general criticism that is levelled against the Co-operation Department. Some hon. Members said that misappropriations and such other things are rampant in the co-operative institutions. I see that it has become the fashion of the day to criticise the co-operative movement in a lighter vein. Unfortunately, there are a few instances of misappropriation in some co-operative bodies, but on that ground to level a general criticism that the entire movement is suffering from this defect would not be correct. This Government has taken every step to see that this tendency does not grow. A provision has been made for statutory audit. The method of giving credit is also being brought on

a sound basis. As we all know, the cooperative movement functions in a sort of federal way. There are the primary societies, then above them there are the Central Financing Agencies, above these is the State Co-operative Bank which works as an Apex Bank and which takes credit from the Reserve Bank. This Apex Bank scrutinises very closely the conditions of the co-operative societies and then advances loans to the Central Financing Agencies and they in turn advance loans to the primary societies. Therefore, whatever is humanly possible to check the tendency of misappropriation has been done. Now merely to say that in the co-operative movement there is wide scope for mismanagement and misappropriation is disbelieving in ourselves. After all, the co-operative movement is based on a democratic principle and if, really, there is something wrong with the co-operative societies, it means that there is something wrong with us. Therefore, if we have to improve the co-operative movement, we have to improve ourselves and if at all we have to improve ourselves, it is no use getting disappointed at, or despaired of it.

I was saying about those who are disappointed. I myself am not disappointed about the matter. We must have self-confidence that we would be able to improve ourselves, because all our progress depends upon this faith in ourselves and the confidence that we can go ahead. Those who are not disappointed, need no advice. But I would certainly ask those who are disappointed about the matter that they should get rid of this feeling.

Some hon. Members made reference to the co-operative fanning methods and they stated that it has not progressed much. I quite agree that possibly co-operation has made a substantial progress in the field of credit as also in some other fields, but it has not progressed much in the field of co-operative farming. It is necessary that we should proceed very cautiously in this field of co-operative movement. Government also has decided to consider some new methods and new ideas that were tried in other countries. We do not want to be blind to what is happening in other countries. We are looking to the ideas and experiment carried out in the West and East; also in white countries, in yellow countries and in red countries. Our Delegation had gone to China. Fortunately our Registrar of Co-operative Societies was included in that Delegation and we are accepting the recommendations made by the Government of India on the Report of the Delegation, and I hope that we will get some



new ideas which can be practically applied to the conditions in this State and I hope that, after some time, Government will be in a position to tell this hon. House what progress has been made in that direction.

Sir, a general complaint was made about the role of village industries or the small-scale industries and large-scale industries. One of the hon. Members, I think he was Shri Awari, went to the extent of calling it a sort of combination of jahar and amrit. I do not know what he means by jahar. Possibly, he means large-scale industry by that. Sir, I thought that, after having learnt something of the practical planning in this country, we had suitably modified our ideas about that controversy of big industry versus small industry. There was a time when there was a large scope for discussion of an academic nature as to whether there should be in our country large-scale industry or small-scale industry, whether there should be machine or charkha etc. But after this practical experience of the economy of our country, even those who believed in only big industries have come to admit openly and very frankly that in the economy of this country, village industries and small-scale industries have a big future. They have their own role to play, a role which is very important, and even those who are supposed to be classical economists have very openly admitted that in the Second Five-Year Plan and in the Plans to come, big industry has its own place and also small and village industries have their own place in the economy of our country.

I know there are some incorrigible persons who believe that the solution lies only one way. I personally do not think so and at least this Government has not adopted that doctrinaire attitude. We believe that small as well as large-scale industries have their own scope and both will have to prosper in this country and we cannot prohibit machines.

Sir, the other side of the complaint was that only village industries were encouraged in this State and not the big industries. The hon. Member Shri Sane made an indirect remark that industrial development is not given much encouragement. As is quite well-known, the question of giving support to, and starting heavy industries, is the concern of the Central Government and we all know what the Central Government has undertaken to do in this matter. It is in all fields of activities that we support village industries and small-scale industries and that is why a very large sum of Rs 2 crores is provided for that. But he thinks it is not necessary to provide such a large sum. I think if we once accept

that the village industries and the small-scale industries have some very important role to play in the development of our country's economy, then a provision of Rs 2 crores for this purpose cannot be too big.

Then, Sir, some hon. Members referred to the question of unemployment. I do not know how we can solve the question of unemployment unless we start taking steps to see that a proper atmosphere is created for that. Generally speaking, the question of unemployment cannot be solved only by spending merely on development schemes. That is not the way of solving the question of unemployment just as it cannot be solved by giving doles to the people. The question of unemployment is not restricted to cities only. This question has got two aspects, viz. unemployment and under-employment. In our cities and villages there is not only the question of unemployment, but there is also the question of underemployment. If we have to solve adequately the question of unemployment in villages immediately, the only way by which we can do that is by encouraging village and small-scale industries. But it is said that we are spending too much on village and small-scale industries. If there had been the criticism that little is being spent on village and small-scale industries, I would have understood it. I would have pleaded guilty to that charge. But if somebody criticised that the money earmarked for these two types of industries is too much, then I would say that he has not understood the nature of the economy that we have to tackle and we cannot take advice from him for the solution of the problem. As I said earlier, their contention is that as we go on spending more and more on the developmental activities then alone gradually we will be able to solve this question of unemployment. Some people only think in terms of creating more jobs for the solution of the problem of unemployment. Certainly that is one of the ways of solving it. I quite agree, but that alone is not the solution, because those who think in terms of creating jobs only think in terms of creating employment in cities, but there is another counterpart of it and it is very dangerous to be indifferent to the other aspect of the question, namely under-employment and unemployment in the rural areas.

Then, Sir, a complaint was made by some hon. Member about the absence of soil conservation scheme in Vidarbha which has resulted in low food production. Sir, I tried to look into the allotments made for the purpose, and I find that a substantial amount is being provided for soil conservation also. I shall read out the figures of expenditure on different

items of soil conservation in Vidarbha, from the Second Five-Year Plan of the new Bombay State. The relevant items and the amounts spent are: soil conservation – pilot demonstrations projects, Rs 3,12,000; soil conservation – research and demonstration scheme Rs 1,73,000; construction of field embankments, Rs 23,16,000; State, machine tractor stations, Rs 24,00,000; consolidation of holdings, Rs 18,00,000; settlement of landless labourers, Rs 20,68,000; soil conservation, investigation on pasture and grazing, Rs 55,000; afforestation of catchment areas, Rs 2,19,000; and construction of dams and builds for erosion and control, Rs 1,10,000. The total expenditure comes to about Rs 94,53,000. Thus, nearly a crore of rupees is being provided for soil conservation. I just made a reference to it so that nobody may go with the impression that this question is completely ignored, and I made this position clear for the information of the hon. Member **Shri K. R. Patil** who raised this point. It is for his information that I quoted these figures. To develop our agricultural economy, irrigation is as important as soil conservation, and equally important is the development of co-operative societies which will supply to the farmer, credit and better conditions of marketing, etc. So, the development of the economy of a country is a many-faceted problem which will have to be tackled in many ways, with different approaches, if necessary.

Some hon. Members made a reference to Sarvodaya. I can understand some hon. Members trying to criticise the method of work, but it is rather unfortunate that it is always mentioned on the floor of this House that Sarvodaya is something which provides some privileges to members of the ruling party. I must strongly protest against such an allegation. It is very unfair even to themselves to make such an allegation because those who are members or those who are appointed as Sanchalakas of Sarvodaya Centres are not selected only on the ground that they belong to one political party. The Sarvodaya scheme is based on the faith of the people in Sarvodaya itself. There are many Sanchalakas who are not members of the Congress Party and still they are selected, but I cannot think of appointing somebody as Sanchalak of a Sarvodaya Centre who believes in Communism. There are Sanchalakas who do not belong to any party at all.

What I am trying to convince the hon. Member is that a man who believes in Sarvodaya cannot be a Communist; he can be a Socialist, but that information can be made available. The work of Sarvodaya can

only be entrusted to those who believe in the method and philosophy of Sarvodaya. If one does not approve of that method and philosophy, I can understand that, and if one can come forward with an argument that the Sarvodaya scheme should not be started in the State, that also I am prepared to concede as something understandable, but it is something intolerable if somebody tries to stab the whole thing at the very root by saying that only those people who belong to the ruling party are appointed as Sanchalakas. Even if we appoint members of our own party there is nothing wrong in it and I shall not be ashamed to admit that, but we cannot afford to appoint people who do not believe in the programme or principles of Sarvodaya. Anyway, what is mentioned by the hon. Member is not a fact and it would be unfair to those who are working. I am giving this explanation because some of them do not belong to this political party.

Some hon. Members wanted to know whether there has been any improvement in the condition of the poor people in this country, and some hon. Members gave statistics showing a rise in the national income of this country. It is very easy to say that the whole national income has been absorbed only by the upper middle classes, that is the Tatas and Birlas, but one should not be blind to facts. It will have to be admitted, and one cannot deny the fact, that, on the food front, we have made progress. We all know the conditions that prevailed three or four years ago. The very step of removing the control was just an index of the improved conditions in the matter of food supply, and the fact that even now we are trying to import certain foodgrains from abroad, does not mean that our claim for increased production is wrong. We have increased the food production in the country, but one has to realise that the population is also on the increase. The scheme of decontrol as it was contemplated then was based on two types of approaches. The first was that we should depend upon an increasing internal production of foodgrains, and the second was that we should build up some stocks of foodgrains imported from abroad, so that, in case of failure of the monsoon, and the consequent shortage of food supply in those areas, the reserve stock could be rushed and relief could be given to the people. The rise of prices in foodgrains in this country occurred because of many factors. When the food supply programme is based upon certain imports from other countries, and when there is a dislocation in the import programme it is bound to reflect upon the supply and also upon

the prices. We all know the common story of failure of the monsoon in our country and we have to depend upon the vagaries of the monsoon in certain areas. There was a shortage of jowar and bajari which is the staple food of people in many areas and that resulted in the short supply of that grain in the country. It was difficult to import this particular grain and there was a sharp rise in the market, but that does not mean that we have completely failed in improving the food production in the country. Our claim is justified by the success of our programme of decontrol. We all know that some people were opposing the programme of decontrol by maintaining that we had not increased our food production and that, therefore, our policy would fail. That controversy we all know, and as we have seen, after decontrol, for nearly three years there was on the contrary, the other problem, namely of a fall in the food prices, and on the floor of this very House I heard criticisms and suggestions made, for making arrangements to see that the food prices rose.

What is necessary is to find out the correct reasons for correct situation. Let us find out the correct position. Now we are in 1957 and then we were in 1954. So, it is obvious that we are in different times. Let us, therefore, try to analyse the situation and let us try to grapple with the situation on that basis. I do not want to be dogmatic about it, but let us admit that we have made certain progress in the matter of food production. It may only suit a political purpose to condemn Government and to say that we have done nothing, and I may tell you that, if you go on saying again and again the same thing, as I mentioned a few minutes ago, we will be trying to create a sort of diffidence in the minds of the people. If it is said that we are incapable of doing anything, it will create a sort of diffidence which will ultimately lead to chaos and chaos is not for those who do not believe in chaos. Those who believe in chaos can make capital out of it, but I am sure most of us do not believe in chaos. We believe in ordered progress in the country and planning is an instrument to achieve this ordered progress.

Sir, the programme that has been placed before this House for this year is a very important programme, and I am sure it has the support of this hon. House. This Government, with confidence, will go ahead to fulfil it.

## Appreciative reference

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*April 3, 1957 was the last day of the last Session of the Assembly for 1952-57, Shri Y. B. Chavan. Chief Minister said that democracy was working with full force in the State. He thanked (BLA Debates, Vol. 2, Part II, (Inside No. 13), April 1957, pp. 593-94.) the Members for their active co-operation during the tenure of the Assembly. Finally he sincerely thanked the Chairman for his courtesy and guidance.*

Sir, before we rise for the day – and possibly rise finally as far as the present Legislature is concerned – I would, Sir, with your permission, like to offer a few remarks.

Sir, this is the last day of the last Session of the present Legislature, and, if I may be allowed to say so, it is one chapter in the life of this hon. House which is coming to a close today and another is yet to begin from tomorrow onwards. The democratic life that started after the independence of this country was won is taking its full shape, and after the new General Elections the new Legislature is to start functioning after this Legislature comes to an end.

Sir, all of us who sat in this hon. House for the last few months tried to contribute our bit to further the progress of the people of this State through the medium of this Legislature. The seed of democracy that we planted has yet to grow in its full bloom and it was the duty of every one of us here to try to help its growth which is essential for the welfare of the people of our country and particularly for the welfare of the people of this State.

Sir, on behalf of the party to which I belong, I offer my hearty thanks to you and to the hon. Members opposite for the co-operation and friendship which you and they extended, for the last so many months. Ultimately to whatever party we may belong, whatever ideology we may subscribe to, basically we are the servants of the people as we have accepted the customs and conventions of parliamentary democracy as

our own. By our own conduct and by the guidance and conventions laid down here, we tried to serve the people through this hon. House. Now that this chapter is coming to a close, I must thank everyone present in the House and particularly, you, Sir, for the courtesy with which you treated us all and guided us with that co-operative spirit which the hon. Members are entitled to. Sir, I thank you and thank all the hon. Members of this hon. House.

## Amendment of Criminal Procedure Code

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*The Criminal Procedure Code (Bombay Amendment) Bill was introduced (BLA Debates, Vol. 4, Part II, (Inside No. 6), December 1957, p. 263.) by Shri Y. B. Chavan, Chief Minister, in the House to amend Section 14 of the Criminal Procedure Code. This amendment was recommended to legalise the jurisdiction of the Special Magistrate beyond the jurisdiction of the District Judge and the District and Sessions Judge.*

Mr Speaker, Sir, the object of this amending Bill is to amend Section 14 of the Criminal Procedure Code. The necessity of this amending Bill was felt after the experience which we had as regards the situation in Ahmedabad. In Ahmedabad there is a Special Magistrate who is dealing with the railway and other special cases and his jurisdiction is beyond the jurisdiction of the District and Sessions Judge of Ahmedabad. Now when this Magistrate has to go on leave, in his absence, the District and Sessions Judge of Ahmedabad has to allocate his work to some other Judicial Magistrate. But a legal difficulty arises as the jurisdiction of this Special Magistrate is beyond the jurisdiction of the District Judge and the District and Sessions Judge cannot allocate cases pertaining to the area beyond his jurisdiction to any Magistrate. It is because of this difficulty that the High Court of Bombay has recommended this amendment to be made in the Criminal Procedure Code so that powers can be delegated under sub-section (1) of Section 14 of the Criminal Procedure Code to the District and Sessions Judges. This is exactly what this amending Bill purports to do. I hope that the House will give its unanimous support to this Bill and accept it.



## Police firing at Dhendhu Village

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*On 10 December 1957, in reply to the adjournment motion moved by Shri D. A. Deshmukh, to discuss the police firing on certain villagers at Dhendhu Village in Kalol Taluka in Mehsana District on 15 September 1957, resulting in the death and injuries to some persons, Shri Y. B. Chavan, chief Minister, defended the Government's action. He narrated to the House, the way in which the firing was resorted to by the police when they were attacked by the mob and the way in which it ended. The Motion was put to the vote. A division was claimed and the Motion was lost. Shri Y. B. Chavan, Chief Minister, who defended (BLA Debates, Vol. 4, Part II, (Inside No. 9), December 1957, pp. 510-13.) the Government's action, made a fighting speech, as follows:*

It was said, Sir, that there was some sort of conflict between one community and another. At the outset, I must refute that allegation with all the emphasis that lean command and state that this is not true. There seemed to be that kind of attitude on the part of some of the hon. Members who made speeches on this adjournment motion. But I was also glad that some hon. Members admitted that this Government does not like to resort to firing. I am, in fact, glad that the hon. Member opposite has moved this Adjournment Motion. And on a question like this it is not the attitude of mine or Government to hold back information and as proof of this I would like to point out that only yesterday when a question on this issue was not before the House and you, Sir, remarked that supplementaries to that question could not be asked unless the hon. Minister agreed to reply to the question, I immediately stood up and said that I was willing to answer the question and the supplementaries thereto, because I wanted to place the material that was at my disposal before the House even when the House was not seized of the question.

Sir, the hon. Member has complained about the manner in which I replied to some of the questions and the laughter that was evoked. Well,

Sir, I did not laugh but others did. I do not want to treat these questions lightly. Some people laugh at others, but when others laugh at them they get angry. They are people who would like to laugh at others but resent when others laugh at them. If one cuts humour, one must be ready to get it back. I do not know why one should get angry at this. I can understand if some hon. Members opposite are angry with me. I will have to put up with that. But the reason for their anger is quite different. The hon.- Member has referred to what has been happening for the last four months. Is this Adjournment Motion because of that? Well, what has happened in the last few months is another matter and we shall talk about that when we discuss those facts and events. I do not know what has happened in the last one month to upset them so much.

Coming back to the question of firing I would like to reiterate this Government's stand that we do not like firing, and it is our effort to see that firing is not resorted to as far as possible. But, Sir, this incident of firing to which the attention of the House is drawn, took place in the course of implementing certain duties which the police had to perform. Well, the facts of the case as they are with me I shall put before the House. (Interruption). If it is the attitude of hon. Members opposite that what we say is wrong, incorrect and controversial and what is being said by them or from their side is all correct and should be accepted as truth, I cannot accept their standard of truth.

I will come to the question of judicial enquiry also. I have not taken the attitude that there should be no judicial enquiry at any time. I have never taken that attitude. If there is a case which really justifies a judicial enquiry this Government will be willing to hold it. I am not against a judicial enquiry. But in this particular case the facts are such that a judicial enquiry cannot be justified. So, I am placing before the House the facts as they are. It is quite possible that you and I may disagree on that issue. But I have never taken the attitude that whatever the police do has to be protected. This Government has never taken that attitude and will never take that attitude.

Let us look into the facts of the case. It was said that this was a matter involving the theft of Rs 3. True, but then do the hon. Members of the Opposition expect me to give instructions to police stations and officers-in-charge thereof that minor thefts should not be enquired into or investigated.

You will see, Sir, that not a single statement is accepted. There is no question of my being right or wrong because I am just trying to draw an inference from their speeches. Am I not entitled to do that? That only shows how much sensitive they have become to certain inferences.

Then, when the police officer-in-charge decided to investigate certain things and, decided to send some officers to arrest certain people, hon. Members opposite said, 'Why did they go at 3-30 and reached at 5-30 hours?' It is certainly a matter in which Government is not expected to give instructions to the police. Should Government tell them that to start an enquiry they should choose a particular time or hour? Well, the officers went to the village. All of them were not armed police. Only two police constables and one head constable were armed. I am telling the story as it has been told in the report of the Sub-Divisional Magistrate. When they went to the village, they divided themselves into two groups: one group was of 8 persons and the other was of 5 persons. One group with the head constable went to the place of the man, and as mentioned in the answer to the question this morning, he was found sitting in bed. He immediately went inside and tried to hide himself. The police then went inside and tried to find him out and having found him out they brought him outside. In this process he started shouting because he did not like to be arrested.

When he started shouting some people came to his help. Some of these people had lathis in their hands and one or two of them had spears in their hands and one or two of them had also dharias. When these people came the head constable told the policemen, 'You better try to hold this man. I shall go and pacify the mob'. So he just started towards the people. In the meanwhile, 6 or 7 people came and surrounded him, the head constable. One of the men rushed to him with a spear in his hand. He tried to stop the spear with his left hand and in doing so he got the left-hand palm wounded, lost his balance and fell down. Somebody else came there and he was about to strike him, when the head constable who was armed fired the first shot and this is how the firing started. I am only giving the facts as they are and I leave it to the House to draw its own inference. In the result one man was fatally wounded. There was a psychological reaction on the mob and in the meantime about 40 to 50 persons had gathered and seeing the man wounded they must have been enraged. I quite understand that. So the mob again started to attack the head constable who had fired and who

was still lying groaning. When he was about to be attacked with spears he started crying and asking for help and so the other constable who was just nearby and who had arms with him fired two more shots. When the mob saw that the other man was firing they turned their morcha towards him. When he saw that he was going to be attacked he fired two more shots. That is how in all five shots came to be fired.

I have not got any clue from the enquiry but I am just trying to think how it must have happened. It is quite possible that when the sons saw that their father was killed, they tried to be aggressive against the other man and the head constable. Further, when it was found that in spite of firing the people did not disperse, can be due to natural anger. I can quite understand the wrath of the sons and their trying to be aggressive. And when one party becomes aggressive, the other party also becomes aggressive. That is how it must all have happened. It is not, therefore, that some family was selected as the target for the firing. If this interpretation of mine is accepted then, Sir, the other story that it was a pre-planned affair that the police should go there, the man should cry for help, the people would gather and then the police would fire, cannot be accepted. Well, Sir, if the hon. Members want to insist that only their version is correct and that my information is not, then I cannot help it. (Interruption).

One of the hon. Members suggested that no Thakore – I do not want to use the word 'Thakarda' – was examined in this connection. But the fact remains that one witness was examined by the Officers who was willing to give evidence and he belonged to the same community and this man has also supported the version which the police have given. I have given the substance and the summary of the facts as they are. I have narrated the way in which the firing started and the way in which it ended. About 9 or 10 police constables were injured. I have reports to say that even after the firing ended, the situation was so full of terror that two constables had to run away and take shelter in the house of a villager. When the people came to know that some constables had taken shelter in the house of that villager, they surrounded his house but before they could surround the house completely, the person concerned managed to send away the police constables. Otherwise if the people had discovered those two police constables, possibly there would have been two more deaths on the side of the police. I am convinced that in this particular case there was no intention to resort to firing and the

ruing came just as the events proceeded and there was no other motive than self-defence which had prompted the head constable and other constables to resort to firing. I am very sorry that deaths have occurred. Even in the case of accused persons I would be always sorry if deaths occur in this way. But I see that there was no alternative under the circumstances than to resort to firing. Even when there are sufficient reasons to believe the story of self-protection, if anybody wants to start a judicial proceeding, then I would say that it would not be a judicious decision on the part of any Government, to whichever party it may belong. I have said about how the firing started and how it ended. I would leave it to the House to decide in whatever way it thinks fit. Personally I am not in a position to accept the Adjournment Motion moved by the hon. Member Shri Deshmukh.

I am not going to request the hon. Member to withdraw the Motion. I am going to request him to withdraw his angle of vision. One hon. Member said that I have tried to show my modesty. If I am modest by nature, I would be modest everywhere. But I do not think that I have shown modesty to please anybody. I will be as natural as I can. If I have modesty, I will always stick to it. But certainly I cannot be frightened by the tone of the hon. Members. We have been wedded to democracy. So, let us try to understand democracy in our own way. Let us try to work it in our own way. We have our own convictions and we want to run democracy and the administration according to our convictions. But certainly, we would never be immodest. Of course, the hon. Members have every right to say whatever they like. I never tried to interrupt them when they were speaking. One hon. Member observed that I said something to create laughter. Sir, creating laughter is not my business; it is the business of somebody else.

I am glad that the cap has fitted somebody. These are the only facts which I wanted to place before this hon. House. I think that I have never allowed myself to become angry.

## Discussion on Estimates Committee's Report

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*On 11 December 1957, Dr. Jivraj N. Mehta, Minister for Finance, moved the 25th Report of the Estimates Committee for the year 1957-58, on Home Department for discussion before the House. Several Members participated in the discussion and expressed their views on a number of topics dealt with in the report. Shri Y. B. Chavan, Chief Minister, welcomed the suggestions made by the Honourable Members of the House and said (BLA Debates, Vol. 4, Part II, (Inside No. 10), December 1957, pp. 560-66.) that the recommendations made by the Estimates Committee, would be carefully considered and the House would be informed of the decisions taken accordingly. He emphasised that the chapter proceedings were necessary from the administrative point of view, particularly for the police administration. He repudiated the suggestion that was made by the Estimates Committee 'that Chapter Proceedings were used as an instrument to beat down political controversy'. Besides he assured the House that the Government would issue instructions to the police officers about the chapter proceedings and would see that the power would not be misused for political purposes.*

*When the question of establishing the 'Anti-Corruption Bureau' was raised in the House, one of the Hon. Members criticised the Government for not giving credit to the Estimates Committee for its valuable suggestion for establishing such a bureau. While defending the Government's action, Shri Chavan said that he himself also welcomed the suggestion of the Estimates Committee for establishing an 'Anti-Corruption bureau' and said that the question was under the consideration of the Government for some time and gave details about the functioning of the Bureau. He assured the House that it was the Government's determination to eradicate corruption and made an appeal to the Hon. Members to help the Government by giving information about corruption. He also referred to the conditions of the police and gave details about the facilities given to them for improving their lot.*

Mr Speaker, Sir, for the last three or four hours a very interesting debate and discussion on the recommendations of the Estimates Committee of this hon. House has taken place and having heard it I must say that some of the suggestions made by hon. Members are

certainly very welcome and useful. It is very difficult to deal with all the recommendations of the Estimates Committee in a discussion like this, but I can assure the House that all the recommendations made by the Estimates Committee would be very carefully considered and this House will be informed as to what decisions are taken thereon. But certainly, Sir, some of the major points which have been raised in the course of the discussion to-day have to be explained, if not replied to.

Sir, before I go to the individual points made by individual hon. Members, I want to refer to one suggestion made by the Committee itself, because I do not want to lose time in repudiating that suggestion made by the Committee. I am referring to paragraph 9 on page 5 — Chapter Cases. I am glad that the Estimates Committee has accepted the position that 'Chapter proceedings no doubt are necessary to maintain peace and order in the locality'. I have heard some hon. Members saying that the sections dealing with Chapter proceeding, in the Criminal Procedure Code are a black spot on the Indian Statute Book. Well, Sir, I would not like to go into the discussion about it, theoretically, but as far as the practical experience of the administration is concerned, these Chapter proceedings are necessary at least now. I cannot say, at this stage, whether they will be necessary 10 years hence. I want to say that, whether they are good or bad on theoretical grounds, in order to meet effectively some difficult situations, particularly in the rural areas and very large cities like Bombay, these Chapter proceedings do come to the aid of the administration, particularly the Police administration. But, unfortunately, there is another suggestion that is made by the Estimates Committee and I would have liked the Committee to come to a definite conclusion and form its definite opinion based on certain facts and evidence which it received. But, unfortunately, as I said, the Committee has given expression to its suspicions. I could have understood somebody else going about with suspicions but a very responsible Committee of this House like the Estimates Committee, if it were to go on airing its suspicions about something, it certainly is not fair to the administration. Therefore, not only do I disagree with the suspicion expressed in the words of the Committee that 'But an unduly large number of such cases raises a suspicion that they might be the result of considerations other than those of peace and order in the locality.' But, Sir, I repudiate the suggestion that is made about the possibility that for reasons not connected with law and order chapter proceedings were used as an

instrument to beat down political controversy. I think it my duty to repudiate, with all the emphasis that I can command, that this is not so. At the same time, I must agree to one suggestion or explanation that was given by some hon. Members because I have personally noticed that there is a tendency among police officers to take recourse to Chapter proceedings without examining whether it will be the proper procedure to follow, and against whom they should be started. They start them against both the parties. They take the line of least resistance, if I may call it so. They do not try to go into the details and come to their own conclusion. Instead they find it easy and simple enough to bind both the parties and get rid of the matter. I have personally noticed this in some of the matters and I have disapproved of this procedure. This is not the right thing to do. We have to come to the conclusion and find out who is at fault and launch Chapter proceedings against that party only. I have arranged to issue instructions to the Police Officers in this connection. But possibly the method that is adopted by them has increased the number of Chapter proceedings. However, I may add that the mere fact that there are a large number of Chapter proceedings would not justify the suspicion against the administration that these powers have been used for political purposes.

The hon. Member **Shri Mane** made a reference to some externment proceedings which were launched when the Nagpada elections were going on. I have personally gone into that matter. I also tried to go into the facts and I was convinced that the proceedings were justified but merely because the elections were to take place, in order that there should be no room left for any grievance, I ordered that the proceedings should be withdrawn. Even then it is being interpreted that the proceedings were started with political motives. If they had been started with a political motive behind them, then I would have never ordered them to be withdrawn. So, I do not really understand the logic behind such arguments.

Sir, I will go subject-wise instead of giving my replies member-wise. Another question that was mentioned by practically all the hon. Members was about the anti-corruption measures. One hon. Member made a grievance of Government's announcement about establishing an Anti-Corruption Bureau saying that Government should have, in fairness, given credit for it to the Estimates Committee. I might tell the House that I was not present when the discussions of the Estimates Committee



took place and I hope that you will accept my word that the question of setting up an Anti-Corruption Bureau or some such machinery was being considered for the last 7 or 8 months and this particular decision about setting up an Anti-Corruption Bureau was taken some months back, and, therefore, this name 'Anti-Corruption Bureau' happened to be mentioned by the Secretary, Home Department, in the discussion of the Estimates Committee and ultimately the Estimates Committee while making a recommendation in this connection used the same name. If it was the recommendation of the Estimates Committee, certainly Government would not have tried to run away without giving credit for it. If any good idea comes forth from any Committee or anybody else we would be glad to accept it. It is not a question as to who does it and to whom the credit goes. Then a suggestion was made that there should be an independent unit of Anti-Corruption and especially the hon. Member **Shri Jaswantraji Mehta** stressed this point. In support of his contention he gave the analogy of the Election Commission, etc. I do not know whether he was really serious about it. Possibly he did not know what he was talking. I do not understand what he means by making an independent unit for the Anti-Corruption. Anyhow the Police will have to investigate such cases. The Bureau by itself cannot investigate and also come to the conclusion and punish anybody. I also cannot accept the line of argument that the Committee has followed viz. that if any police officer is to work in this Anti-Corruption Bureau and if he does something and then again if he is to go back to the Police Department, then he will have to work under somebody and that somebody will take revenge upon him. If this logic is to be accepted, then even if an independent person is to be appointed, he will have also to work under somebody and, therefore, he also will not be free from suspicion. Then that somebody will have also to be under somebody and this will lead to nothing. So, the best course that a very powerful machinery wherein all Departments are represented should be created. Secondly, the persons working in the Anti-Corruption Department have to work directly under the Secretariat and not under any Police Officer as such. Of course, the Director will be from the Police Department because he has the experience of the anti-corruption work and fortunately we have an officer about whose integrity nobody can even dream of making any allegation. There would be representatives from the various departments like the P. W. D., the Forest Department, the Sales Tax Department, which are always the target of criticism in

the matter of corruption, and various other departments. They would be able to give the modus operandi of corruption in their respective Departments. From whatever I have heard about the R. T. Os. and R. T. As, I am thinking that we will have to find somebody from the R. T. Os. and R. T. As. also to represent them in this Bureau so that instead of hearing the information from the hon. Members in this House I would be able to get information from them beforehand which would enable us to check such incidents. We have admitted that corruption is there and it is on a wide scale.

If the Hon. Member is satisfied with the word 'rampant', I am prepared to say that the corruption is rampant. But our real concern is as to how we can eradicate it. If it is rampant, it does not mean that our responsibility is less. It means that our responsibility is more. So, I would request the hon. Members that instead of criticising – I agree that it is their right to criticise and I do not make a grievance of it—they should oblige me and the Government by passing on the information to me directly. I will try to work out on the basis of that information and punish the culprits. But if the hon. Members just go on repeating the same complaints about corruption, that will not lead us anywhere. On the contrary it would have a disastrous effect on the public. They would feel that corruption is there, it is going to be there, and it is not going to be eradicated. I quite agree that everybody is keen about eradicating it, but I would request the hon. Members that instead of merely generalising about it, they should kindly help the administration by giving whatever information they have. I would not say that their information is incomplete or incorrect. I would try to work on it. I would also assure that I would keep it confidential.

I quite agree that ultimately the administration will have to take the responsibility. Those who run the administration will have to find out the reason for it and how to put an end to it. I quite agree with that and there is no doubt about it, but certainly I have a right to request those hon. Members who want to see the end of corruption to help me in this matter. This is the only thing that I am trying to put before the hon. Members. I hope that, with this Anti-Corruption Bureau, we certainly make some progress in the matter. Of course, I do not say that we will completely, hundred percent, eradicate such and such a thing. That will be a tall claim to make. I have said only one thing, that we will try and

do our best in this matter.

The other question that was raised by the hon. Members Shri Mane was about the conditions of the police constables. He spoke as if nothing was being done for the police constables. If at all the hon. Member wants to win the sympathy of the constables, he can do some welfare work amongst them and not make incorrect statements in this hon. House and try to win their sympathy that way. He said, for example, that only one uniform is being given to them, while I find that three uniforms are being given to them. Then again he said that no T. A. was being given to them. Nothing, Sir, can be farther from the truth. They are given T. A. according to the rules. We are spending a large amount of money on this account in all the districts and in all the divisions. I may mention here that they themselves are undertaking many welfare activities. They are trying to raise their own Welfare Fund. I find that many of the senior officers are making it their job to see that they create a Welfare Fund and increase it and many of them are doing good work. In many districts maternity homes are being started.

There was another point that was raised, and that was about the developmental activities run by the police. Some hon. Member said that nothing is being done about it. Well, personally I have got my own views about it. I have learnt that in Hyderabad, in Marathwada, there was some scheme for allowing police officers to associate themselves with the Community Projects and other developmental activities. I was told that a police station was given in charge of one village so that the police constables could go there and do some shramadan. If anybody else is entitled to do shramadan work, the police also are entitled to do it. I have no grievance about it, but my personal view, after having heard all the criticism in this connection, is that the best way a policeman can help in the developmental work of this country is by being the best policeman himself. I am, therefore, not very enamoured of the idea of encouraging the police to go on doing shramadan work or doing this and that. If he becomes a good police officer, he will help 100 per cent in the administration and thus try to make this State a real Welfare State. The suggestion, no doubt, is a good one, but by becoming a better officer he will be able to help in the administration of the State a great deal. At one place I was told that a police sub-inspector was doing good work in the developmental activity, so much so that he was better than a teacher

of the village, and yet, instead of being a teacher he had become a police sub-inspector. So, if he becomes a good police officer and does his job well, that is also a developmental activity by itself. Therefore, while I generally agree that we should help to create in him the desired attitude towards a developmental activity, Government as such should not undertake to encourage the police to go out of their way and ask them to take part in the Community Development Project or N. E. S. activity. That is the view that I hold.

About the general criticism that was levelled, it is true that in a large number of cases there have been acquittals, but that is a problem which has to be faced and faced very seriously. Some hon. Members, particularly, if I remember aright, the hon. Member **Shri Lad** from South Satara made a mention about certain acquittals. I do not know whether he was serious about it. He said that he went to a village and there he saw that some criminal detenus were released by some political party so that they could vote during the elections and ultimately they voted for somebody else. If the hon. Member is prepared to make such a statement outside the House, I may examine this question, because he is not only making an allegation against the Congress Party but possibly he has involved himself in contempt of court.

We are thinking of having some sort of machinery to have a sort of post-mortem of these cases, so that we will know what are the reasons for the acquittals, because there is a general feeling that there is a large number of acquittals. It is true that there is some difficulty in the matter of the method of investigation. That will have to be removed.

Of course, there may be a reason for it, as some hon. Member said that there is a faulty system of the appointment of the Police Prosecutor. That will have to be changed. It is also necessary that some expert advice should be given when the case is being constructed. If, at that stage, some better legal advice is given to the Prosecutors that possibly would go a long way in securing the conviction of the accused concerned. We are just examining this proposal, we have not yet come to a conclusion about it and I hope that before I hear any more criticism on this point, I shall have an opportunity to put up some scheme before this House.

There was one point that was raised by the hon. Member **Shri Modi** and that was about the Kosmadi village case. I have also come across the judgement to which he made a reference. I have heard some

reports about this case and I am examining this question to see what action could be taken against those who were responsible in this case. I cannot anticipate what action would be taken. There are difficulties in this regard and I also want to make sure about the point that was raised by the hon. Member. I cannot say anything more on that point, but I will certainly have the judgement examined.

Sir, there are many other points in the Report. But I have tried to refer to some of the points which were referred to by hon. Members in their speeches. Particularly, they mentioned these topics, namely, anti-corruption measures, large number of acquittals, about constabulary, development activities by the police. Also there were some references made to jails, particularly the reference about profit that the Jail Department is making on the canteens. It was asked why similar facilities are not extended to other areas, namely, Vidarbha and Marathwada. Some of the suggestions on these points were very good, but I cannot say 'yes' or 'no' at once to them because it would neither be fair to the hon. Member making the suggestions nor to Government. I shall have to go into the details and examine them carefully before taking any decision. Sir, as I said in the beginning of my speech, I did not start my speech with the object of making a reply to anybody, but wanted to express my viewpoint on the various points which were raised in the course of the discussion of the Estimates Committee's Report.

## Tense situation in Nagpur city

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*Replying to the notice for calling attention of the Chief Minister to the matter regarding the tense situation existing in Nagpur city due to the strike resorted to by employees of the Nagpur Municipal Corporation for getting the dearness allowance at the State Government rates, Shri Y. B. Chavan, Chief Minister, said that the Corporation did not have adequate funds to meet the demand. He also said (BLA Debates, Vol. 4, Part II, (Inside No. 13), November-December 1957, pp. 704-5.) that the strike was illegal according to the Nagpur Municipal Corporation Act 1948. He added that the tense situation in the city was under control after the promulgation of Section 144 of the Criminal Procedure Code.*

Sir, I have the following statement to make. The demand for dearness allowance at Bombay Government rates was put forward by the employees of the Nagpur Corporation some 6 or 7 months ago. It is not a fact that the Corporation had passed any resolution with regard to this demand last year. It was only on 9 September 1957 that one union of the workers reiterated this demand. The Nagpur Corporation at its general meeting held on 19 September 1957 considered this demand but expressed its inability to meet it due to inadequate finances, the additional expenditure involved being Rs 7 lakhs per year. After this decision of the Corporation Shri Ratansingh Adiwani, Leader of the Nagpur Corporation Kamgar Union, gave notice of a hunger strike unless the demands for the payment of dearness allowance at Bombay Government rates and confirmation of certain employees were conceded. As the Corporation could not meet the former demand, Shri Adiwani resorted to a hunger strike on 29 November 1957. About 2507 employees of the Nagpur Corporation struck work on 7 December 1957, for fulfillment of their demand of dearness allowance at the Bombay Government rates and in sympathy with the hunger strike of Shri Adiwani. The strike is illegal. The city of Nagpur Corporation Act, 1948, itself provides for what should constitute essential services. Accordingly, the question of the Nagpur Corporation making now any such declaration does not arise. The

situation in the city became tense on 10 December 1957 and most of the strikers took out processions shouting provocative slogans, assembled in front of the Corporation offices and started picketing and preventing loyal workers from entering into or coming out of the Corporation offices. The striking employees also pelted stones at officers and loyal workers of the Corporation who were on duty. This kind of rowdyism was leading to lawlessness and attempts were being made to paralyse the water supply. Damage to Corporation property was also feared. The District Magistrate, Nagpur, had therefore, to promulgate an Order under section 144, Cr. P. C., on 10 December 1957. Since the promulgation of the Order, the situation is quiet. Shri Adiwani was arrested under section 309, I.P.C., on 11 December 1957 and he has been lodged in the Central Jail, Nagpur, where he has started taking food and his condition is good. Forty-five persons excluding Shri Adiwani have been arrested so far – 39 persons under sections 56/426 of the city of Nagpur Corporation Act and 6 persons belonging to the Socialist Party for defiance of the Order under section 144 of the Criminal Procedure Code.

## Development Boards and neo-Buddhists

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*On the 17 December 1957, while speaking on the no-confidence motion, Shri Y.B. Chavan, Chief Minister, said (BLA Debates, Vol. 4, Part II, (Inside No. 14), December 1957, pp. 830-33.) that it was not desirable for the development programme of any State to have many, miniature legislatures working at different levels. He also justified the appointment of defeated M.L.A.s on the Development boards, saying that such political rehabilitation was reasonable and just. He said that Opposition Members might have different views than those held by the Government but he must have as many Members as necessary.*

*He pointed out that the Government could not accept the people to whom the development programme was not entirely acceptable. He further said that he would continue to explain his point of view and try to understand that of others, which was the essence of democracy. He said that the rule which disqualified some members from work on the District Development Board for not belonging to that district, was not framed by this Government; it was an old one. He opposed the no-confidence motion against his ministry. He added that the decision on the District Development Board was not final and could be reconsidered sympathetically. He added that his Government was not anti-labour and so did not merit the No-Confidence motion.*

Mr Speaker, Sir, I have not been able completely to hear all the speeches that were delivered on the floor of this House during this debate but I have tried to attend some of the important speeches and follow some of the points and arguments advanced.

Sir, the two important points that were raised have been answered by my hon. Colleagues, the Minister for Revenue and the Minister for Labour. But there are a few points which were mentioned and which remain to be answered, and I shall try to deal with them first.

One point was regarding the policy of Government regarding Development Boards, and the second was about Government's policy



regarding neo-Buddhists.

About the Development Boards, the hon. Members opposite hold different views and very strong views. I have always tried to understand them and I am not going to give up my effort in that direction. The only important point they made, as I understood them, is that these days the democratically elected element must be associated and that is a point which certainly requires consideration. In the case of the District Development Boards, Government have recently decided to give representation to members of the District Local Boards to work as Members of the District Development Boards. But I have not been able to accept one principle which they wanted to enunciate, though I tried to understand their viewpoint. They have not said it in definite words but as. I have tried to understand them their point of view is that the District Development Boards and Regional Development Boards should be a miniature of this Legislature. The parties in this House should have the same proportion of representation in the District Development Boards and Regional Development Boards. Well, Sir, possibly my point of view may not be acceptable to the Parry opposite but I must clearly state that it would be in the interest of the Plan, of the development programme of the State or of anybody not to have many small or big miniature legislatures working at different levels. It is neither going to help the developmental activity nor is it going to develop the democratic traditions that they really want to develop. Therefore, Sir, I have not been able to follow or accept the points that have been raised and made a grievance about. They said complainingly that defeated members are made members of the committees. Well, Sir, are we going to accept the position in democracy that a man who is defeated in elections is politically a dead person? If we had accepted that position, then so many hon. Members opposite whom I see today would never have been seen. In life, it is possible that after many defeats we can succeed, and if one succeeds today he may be defeated tomorrow. There is nothing wrong in that happening and we should accept that position. So, we have taken defeated members from this Side on the Development Boards and we have taken in some cases defeated members from the Opposite side also on the development boards. (Interruptions.) There cannot be a majority of them. They are free to say whatever they want to say. Government wants to implement its programme and it cannot accept people who do not accept the programme in its entirety. They are open to have their

own opinions. As I have said they strongly oppose this view; they have strong views on the subject. I do not complain about that but I am trying to explain my point of view. As I have said I have never given up effort to understand them and I am never going to give up that effort. That is according to me the essence of democracy. I would never say that my point of view should be accepted by the hon. Members opposite. But if they do not agree with me, I would always try to persuade them. Then, a letter from the Collector addressed to some Members was read out in which it has been stated that as they are not the residents of the district they cannot serve on the District Development Board. But I might mention that, that is not a mistake of the Collector. This is the rule and the Collector has merely tried to implement that rule, which is already there. It is not that this Government has brought this Rule into effect. It is not a new rule; it is an old one. I would agree that even though the hon. Members might not be residing in the District they should have a right to serve as Members on the District Development Board, but, for the present I am only trying to meet the argument which has been advanced while supporting the No-Confidence Motion which is against this Ministry and I want to stress that this Ministry has not framed this rule. The rule has been there for many years.

I agree with the view that the hon. Members should have a right to serve as members on the District Development Board irrespective of the fact whether they reside in the District or outside it.

Coming to the question of the neo-Buddhists, we have told this House many times the factors which we took into consideration while arriving at the decision which we have taken in the question of giving facilities to them. But I would like to make an announcement that the decision which we have taken is not final and we are ready to re-consider the whole question sympathetically and, therefore, I do not propose to go into the details.

As regards the other points which have been raised, I can say only one thing and it is that these points are discussed here many times and it is just possible that the hon. Members might have some grievances in respect of these points but certainly they do not merit the No-Confidence motion against this Government that has been brought forward. It is said that this Government is anti-labour but my conscience is clear about it. My mind is absolutely clear about it and I am of the confirmed opinion

that this Government is not at all anti-labour. As regards the labour policy, I have to say only one thing viz. whatever policy that is being followed is the policy of Government and, therefore, the hon. Members should not doubt the bona fides of my Hon. Colleague.

The hon. Member opposite, **Shri Patkar** gave a compliment to the ex-Labour Minister **Shri Dindayal Gupta**. The party to which he belongs they will excuse me for saying so have got the habit of agreeing or disagreeing with persons who are no more. They did the same thing with Stalin. Possibly they are giving a compliment to the ex-Labour Minister Shri Dindayal Gupta. I am sure, if they have a conscience, they will also give their compliments to the Hon. Minister **Shri Shantilal Shah**. (Cries of `No, No`).

Sir, I have said whatever I had to say I can only try to explain our point of view. I cannot take the attitude of convincing because people can be convinced only if they have an open mind. I hope they have got an open mind. Therefore, I am going to continue my efforts. I have already said whatever I had to say and the hon. Members have also placed their cases before the House. I have no alternative but to ask this House to reject the Motion that is placed before this House.

## Rooting out corruption - administrative decentralisation

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*Replying (BLA Debates, Vol.5, Part II, (Inside No. 7), February-March 1958, pp. 344-57.) to the discussion on the Governor's Address, on 25 February 1958. Shri Y. B. Chavan, Chief Minister, said that since the Development Boards had to implement the government policies and programmes, the Opposition parties could not be given any representation on them. Another point he made was that the idea of different languages (Uni-lingual states) would lead to different motions, and that his bilingual state was consistent with the ideal of a unilingual state. On the border issue, he said that his Government was very eager to solve this problem at the earliest and requested them not to launch an agitation or satyagraha. Another issue be touched upon was the unification of laws. He said that it involved comparing of different systems for which the Government had appointed committees. He assured the members that everything would be done with the consent of the House. On food policy, he said that his Government believed in giving price support to the agriculturists but the decision would have to be taken by the Centre. He also said that the Government would enter into the market to purchase food at the opportune time. He further said that in order to give preference to the Scheduled Castes in the services, the Harijan Board had been established. He declared that the Government would give concessions to neo-Buddhists. He said that in case of atrocities on the Harijans the D.S.F. or a higher official should investigate into the case. He observed that if the Village Panchayat was made strong then only the decentralisation would function effectively.*

*He admitted that the results of the Tenancy Legislation should be evaluated.*

Sir, I have patiently heard the different comments made by the hon. Members in this House on the Motion of Thanks for the Address given by the Governor. I know that a variety of reasons have been given to justify the opposition to the Motion of Thanks for the Governor's Address. I do not propose to reply to each and every point raised by the hon. Members of the Opposition but I will only try to deal with those points and problems which are, to my mind, important.

Sir, first of all, I may say that the basic approach so far as two or three points are concerned and the arguments advanced in support of those points are identical with the approach of this Government. I may particularly refer to the points put forward by the hon. Members of the Opposition with regard to the intensive plea they put in for rooting out the corruption in the administration, for decentralisation of the administration and for the implementation of the development programmes. I have nothing to say against the criticism levelled by them so far as these three points are concerned. I am prepared to accept the approach of it. The points are basically the same as those this Government has in view. But, Sir, the main criticism that has been voiced by the hon. Member **Shri S. M. Joshi** is that the speech of the Governor does not make any appeal to the thought or emotion of any man and that there is no psychological change. Well, Sir, it may be so according to him. But I may return the same criticism, by saying that the speech made by him unfortunately does not make any appeal to me because there is no psychological change on the other side also. I am not saying this for the sake of saying something in return. I wanted to understand the points that they have raised. They are entitled to raise those points. It is not my intention to convert this House into a platform for advancing my arguments on the question of the reorganisation of States. This question has been fully discussed both on the floor of this House and on the floor of the Parliament and also on the platforms outside this House. I must, however, make some points not with a view to convincing the Members of the Opposition but also to indicate on what lines we are going. I do not want to keep anybody in the dark so far as our approach is concerned.

Sir, the hon. Member Shri S. M. Joshi made a certain offer to me. He said that he would accept me as the Chief Minister of the unilingual Maharashtra State, if it was conceded. I take it that he made that offer with an open mind. I do not want to attribute any motive. I know that there are many other hon. Members who did make similar offers to me. But I must say that I accepted the Chief Ministership only with a view to do duty to the Party to which I belong. I accepted that duty only as a soldier of the Party. If I am asked to sit on the back-bench, I would accept that position and will do my duty towards the Party with the same keenness, and enthusiasm.

They are opposing the Motion of Thanks to convince the people that

they are opposed to the bilingual State. But those arguments do not at least appeal to me. Sir, nearly five or six hon. Members said that this bilingual State or even the idea of having a bilingual State is not democratic. They said that there should be unilingual States. I think somebody referred to two languages and two cultures. I do not know whether they meant thereby that the two languages are two cultures. This type of language controversy is one which ultimately leads to the theory of two nations. What has the idea of two languages to do with the idea of democracy? Is it that democracy can function only in a State where one language is in existence? What is going to happen to our country which has accepted 14 languages as its national languages? Are we going to call that form of democratic functioning undemocratic? May I ask the hon. Members whether they know about the Communist Government in Europe? What would they call the Government of Czechoslovakia which had more than one language? They claim, perhaps rightly, that that Government is also a democratic Government. May I ask them when there are more than one languages in Czechoslovakia, are we not going to call it a democratic Government? You can say that you do not like it. You can say that you want to oppose it. That, of course, is your right. But if one goes deep into the logic and reasoning, then, Sir, some fear is created. I fear that this idea of different languages and different cultures will ultimately lead to the theory of different nations.

But once we go into that language controversy and go the way we are going and go on telling people and trying to convince them that the bilingual state is an undemocratic State, the fear I mentioned becomes a reality. Whatever it is, as I said, I do not want to convert this I louse into a platform for language controversy.

I can only say and I have always held the view that there is nothing wrong in the idea of a unilingual State. But I want to know whether there is anything wrong in having a bilingual State. It is quite consistent with the ideal of a unilingual State, but there is something higher in the ideal of a bilingual State. (Interruption). You can defeat this Government on that point. There is no use giving any threats. I do not take such threats seriously.

The hon. Member said that I have not seen the writing on the wall. I should say that it is he who has not seen the writing on the wall. I may say that, as far as the hon. Member is concerned, his place in politics is

based on his humour, but his humour sometimes becomes a joke and his entire politics has become a big joke.

I want to tell the House one thing on behalf of this Government, and very clearly, that we are not thinking in terms of breaking up this State and that we are not thinking of any alternative. Whether I become the Chief Minister or not, whether we are in a majority or whether we are in a minority, that is the position which we will stick to. (Clapping).

I will now turn to the other point, and that is about the border issue, raised by the hon. Leader of the Opposition, **Shri Udhaorao Patil**. I know that there is a justification for it because I know the intensity of the feelings and the impatience of the people in the border areas. My full sympathies are with them, but I want to tell my hon. Friend that this question is before the Zonal Council and it is I trying to find out a solution to this problem. I have also taken up this matter with the Chief Minister of Mysore and I may inform the House that the Chief Minister of Mysore has sent a message that we might meet in Bombay either in the second or the third week of March to discuss this question. I may also inform the House that we want to solve this question as early as possible. The stand taken by this Government is that Bombay State is a bilingual State, while Mysore State was formed on a unilingual basis, and, therefore, it would not be right to keep a large number of people of other languages in that State. So, some sort of formula has to be found out to see how a group of people of other languages could be reduced to an irreducible minimum. That is the basis on which we are trying to find out a solution, but any solution can only be had by negotiations and by the proper understanding of the situation.

Then, Sir, certain statements were made about the speeches made by certain Ministers of the Mysore State. I have taken note of them and I shall have a personal talk in this matter, but perhaps, after reading the speeches of the hon. Members here which appeared in the press, there has been a contradiction by the Mysore Government. I have seen the statement issued by the hon. Leader of the Opposition also on this point, but I must accept when a responsible person says that he has not said a certain thing or that any of his colleagues have not said a certain thing. It is always wise to accept that because that is the only way in which we can deal with each other.

On this border issue I have only one request to make. Now these

discussions will take some time hereafter, and I cannot promise any definite result in this connection. But I would certainly make a request or an appeal to those who are concerned, that they should not think in terms of launching any agitation or Satyagraha because it will not be helpful to the discussion that is to take place. That is the only request which I would like to make in this connection.

If specific things are pointed out to me, as was done in the case of the S.S.C. students or in certain other matters, we shall certainly take up the matter with the Mysore Government.

The other question that was mentioned was about the unification of laws. The general grievance was that, even though we have been working the new State for the last fourteen or fifteen months, there has not been much progress, so far as the unification of laws is concerned, and, therefore, as a solution a suggestion was made that a Committee of this House should be appointed to go into this question, so that it may collect all the good points from all the laws and then make common laws. Well, Sir, the unification of laws is not such a simple thing as that. Really speaking, it is a question of comparing the different systems, the different patterns, and then trying to find out which administrative pattern would suit best the Bombay State as a whole. I may mention that, wherever possible, we have appointed Committees. For examples in the case of primary and secondary education, the Department, concerned have appointed committees for comparing the different systems of education and that will help us to take a final decision, but in the case of unification of laws, it is rather a complex matter and, therefore, we are going cautiously about it. I do not want to advise this House to legislate in haste and then to repent at leisure. It is much better that we go slowly in these matters. We are considering the different legislations in the different areas.

I may inform the hon. Member about the procedure that is being adopted in this connection. The administrative department concerned which administers the Act, compares all the different Acts of the State. Then some Members of the Cabinet who are also representatives of the different regions, sit together and find out what is possible and what is not possible. There also we try to consult some of the people who really know about the administration of Government from the official side and we consult also those who work in that field, and then ultimately we



come before this House. It is not that anything will be done without consulting this House. In case it is necessary, we shall request this House to refer the matter to a Select Committee. That is the only way to unify the different laws or patterns of administration.

Then, Sir, there was another grievance, namely, that everything of the old Bombay State has been imposed on the other integrated areas. I must say that is not the attitude which we are trying to adopt, and as and when the different laws will come before the House, hon. Members will get ample proof of what I have said. We are trying to take good things from the other administrations also. The hon. Member made a mention about the statement made by a certain officer. I had made enquiries in this matter when the matter appeared in the press, but after he (the Member) made a statement, he wanted me to talk to the officer concerned and I did it. This was about the Divisional Officer at Aurangabad. I have experience of this officer and I find that this particular officer is one who will not over-state his case. That is my experience, and those who know this officer will corroborate me. He told me when I enquired of him that what he said was that some people were transferred on the ground of efficiency. But this is not the statement which he made in the case of all categories of Government servants. Sir, I have no reason to disbelieve the officer concerned and I would only request the hon. Leader of the Opposition to accept the explanation of the officer concerned.

I do not know what had happened in this particular case, but sometimes even if contradictions are sent to the Press for publication, possibly the Press would try to publish them in such a way as if they were not there. These are the tricks of the trade and I hope hon. Members are aware of them. But sometimes one feels like ignoring or neglecting such things and we have done so, very often in the last few years.

Then, Sir, a suggestion was made that certain educational facilities which exist in Vidarbha should be extended to the Bombay area. That is a suggestion which Government is considering. Government has not yet come to any conclusion about it, but, certainly, it is a suggestion worth considering and we are pursuing it further.

Certain remarks were made, in the course of the debate, about the food policy. One argument, which is very weighty and important was the

argument about the price support to the agriculturists. We do believe in the principle of giving price support to agriculturists. Whenever this Government and its representatives have to meet the representatives of other States or representatives of the Government of India, we have always put forward this case of the agriculturists. Only recently, the hon. Minister for Civil Supplies and I had discussions with the Union Food Minister and there also we unequivocally insisted on the acceptance of this principle. Particularly, in the case of jowar, which is the most important crop of this State, we find that there are chaotic price fluctuations in the market. Sometimes the price of jowar goes up very high and after a couple of months or so it goes very low, so that it is very difficult to expect when the price will be at a reasonably low level. Therefore, I agree that it is much better to follow some system to give price support to the agriculturists. I have no doubt in my mind nor do I think that there is any doubt in the mind of any hon. Member of this House, that if there is going to be a more energetic effort in the direction of increasing food production, it can only be done when there is a price support to the agriculturists or when there is a guaranteed market price for agricultural production, especially foodgrains. As we know, the Ashoka Mehta Committee has suggested a certain mechanism for price stabilisation, and I am told that the Government of India is considering that suggestion for immediate action.

As I said, the price support policy is good, but it cannot be worked on the basis of the State. Ultimately, the decision will have to come from the Government of India. But I can only assure the hon. Members that we will certainly request the Government of India that this matter should be immediately attended to. This is the only assurance which I can give today.

We would like to go into the market purchase. We have in mind that suggestion. But the difficulty at present in the matter of solving the food problem is the high prices prevailing at present. Therefore, if at a wrong time we enter the market and if the merchants know that Government is coming in the market, then there will be unnecessarily a sharp rise in the prices of foodgrains. And this is exactly what we want to avoid. It is also our intention to have proper stocks of millets, if possible, and to go to the market at an appropriate time if necessary. Our intention to give the price support would be incidental. Our main intention would be to

purchase foodgrains, particularly jowar, to have some stocks. The price support, as I said, would be only incidental. Our main intention is that we should have proper stocks of millets which should come to our help in the areas of scarcity. That is our basic idea in going to the market for purchase. The idea of price support, as I said, would be incidental. The programme for price support will have to be organised on the basis of the country as a whole. No individual State can afford to take such a programme and thus try to inconvenience the other States.

Then, Sir, some remarks were made about the card system, the consequential corruption arising out of it and the inadequate number of shops. These are some of the matters for Government to consider and improve. We are not lovers of the card system. We I never wanted any sort of restrictions on food, but these are the calamities which we have to face and when we have to face these calamities, we have always to choose the lesser evil. We have, therefore, accepted this lesser evil of having the card system. I know it is somewhat difficult to implement it, but, at the same time, we are trying to see that no corruption takes place. But even when I say this it will not be possible to give a guarantee that there will not be any corruption at all. I am trying to meet the people and trying to request them to form ward committees, so that with the help of these committees we shall be able to minimise corruption. The card system was not my idea but we have introduced it out of necessity.

Then, Sir, one more point was made here about the integration of services. Two sets of arguments were advanced in this respect. One set of arguments was advanced by my hon. Friends **Shri Deshpande**, Shri U. S. Patil and those other hon. Members who have come from Marathwada. The hon. Member from Saurashtra Shri Jasvant Mehta also advanced that argument. Another set of arguments was advanced by the hon. Member Shri S. M. Joshi. These are, really speaking, two sides of the same question. They are not contradictory to each other. With respect to one set of arguments, the feeling was that the services of Bombay are treated at a disadvantage. That was the line of argument advanced by the hon. Member Shri Joshi. He said that there are a large number of temporary posts in the old Bombay State and very few posts are permanent and there is quite the opposite situation in this respect in both the Marathwada and Vidarbha areas. (Interruption). It is a fact. I must accept that it is a fact. But I must say that this is not going to affect the future of the services whether they are temporary

or otherwise. Ultimately, when the posts will be equated, their seniority will be decided by the length of service. So, the hon. Member Shri Joshi, I hope, will be satisfied that the particular person whose illustration he gave, will not be affected.

I do not think anybody was reverted as such. These are general matters which I have mentioned and if there is any individual case in which injustice has been done, I am prepared to look into it.

I am, however, not prepared to accept the other line of argument that was advanced, namely, that only because some services were brought from the other areas, they have been treated at a disadvantage. The argument boils down to this, that there is a sort of superiority complex in the Bombay people. Some individuals may be guilty of this, but as a policy of administration I and my colleagues have never lost any opportunity of impressing upon the officers not to approach any problem with this complex. Therefore, apart from the feelings of any individual, the policy or the principle which has been accepted in the matter of the integration of services is that there should not be any distinction made between a person coming from Bombay and a person coming either from Marathwada or Vidarbha.

In this connection I had a discussion with the hon. Member Shri Deshpande and I gave him some reasons, but he did not accept them.

The hon. Member said that in Hyderabad Assistant Secretaries were taking policy decisions. If they were taking policy decisions, I am sorry for the Hyderabad Government. I do not think that policy decisions are taken by the Assistant Secretaries of any Government. If that is the form of Government which the hon. Member loves as heaven, it is better he goes to that heaven of his. Policy decisions will have to be taken at higher levels. I do not think that in Hyderabad Government policy decisions were taken by the Assistant Secretaries.

Any Officer can give his opinion on a matter. Even a clerk gives his opinion on the note sheet. That is the method of the Secretariat noting and even a clerk has a right to offer suggestions.

I know that the hon. Member had a good opinion about the services of the ex-Hyderabad Government and I want to tell him that I also share his good opinion. If once the hon. Member accepts that position I am sure I will be able to convince him.

A reference was made by one or two hon. Members to Harijans and it was stated that no preference was given to the Scheduled Castes. I may say that the Harijan Board has been constituted.

Well, Sir, we have the Scheduled Caste Board and we have accepted the idea of the Board and the solution of the Government of India and that will serve the purpose.

A reference was also made to the persons who have recently converted themselves to Buddhism. I am glad that the hon. Member **Shri Bhandare** has at least appreciated the point. But one hon. Member has made a suggestion, and I do not exactly remember whether it is the hon. Member Shri Pawar. The suggestion was that they should be given a non-statutory concession. I remember that a reference was made in this House that after conversion to Buddhism they ceased to get the facilities which were given to the Scheduled Castes before. After conversion to Buddhism, it is not logical to ask for any statutory concession. The main case was that they should be given the concessions like other Backward Classes. In this connection we have changed our attitude and they have accepted it. The hon. Member Shri Bhandare has laid some emphasis on the point of future of Buddhism in India. What I want to bring to the notice of the House is that possibly he has seen the history in the wrong perspective. Buddhism has come to stay in India not after the new Buddhists were converted to it. The message of the Buddha originated in India and spread all over the world centuries ago. I have no doubt that the message will live as long as humanity lives in this world.

Emphasis has been laid on the persecution of the Harijans who take to Buddhism. As a result of the discussion on certain adjournment motions I have issued instructions particularly to the police. I want to take this House into confidence and say that we have issued instructions that whenever there is such a complaint about persecution of Harijans whether converted or not, local officers should not investigate the matter, but some responsible high police officer, preferably a District Superintendent of Police should go and investigate the matter and I am sure that this arrangement in respect of such complaints will remove the fear complex. Certainly I would like to have the co-operation of the hon. Members in this connection, because we find that sometimes there is a tendency to mislead the possibility of both sides misleading. So, I would request them to consider this dispassionately and then try to approach

Government.

About decentralisation, some hon. Members said that mere decentralisation of administration will lead to delegation of powers. That is what I understand. Decentralisation should not be merely a delegation of power from higher officers to lower officers, but there should also be a sort of decentralisation at different levels. That is what the hon. Member understands by decentralisation. That is exactly how I also understand it. That is why elected bodies at different levels are being strengthened. Sir, we have taken steps to strengthen Village Panchayats. I heard the hon. Member Shri Deshpande making criticism that we have done something to Village Panchayats and that he was not able to understand as to what is this Village Panchayat. I would say that if at all decentralisation is going to function, it would only function when the basic primary unit of the Village Panchayat becomes really strong. Then alone it will succeed. Therefore, what we are doing in the case of the Village Panchayats is something of which we are really very proud. Possibly in this Session we will have to consider the Bill that Government propose to bring.

There is one point regarding District Development Boards. Every time arguments have been advanced that this Board and the District Local Board have been functioning for the last 9 years and that they are used for party purposes. There should be some sort of link between the District Development Boards and District Local Boards and so we have decided that there should be some 3 or 4 representatives in the District Development Board elected by the District Local Board and not selected by us. They should sit on the Board because they are elected members. Members of the Legislature can also be members of the Board.

First of all let us try to emphasise the points of agreement. There are certain points on which we disagree. I never said that we agree on all the points. We agree on certain points and we do not agree on certain other points.

The last point which was mentioned is about the land problem. I do not want to take the time of the House in telling it what we are doing about it, because whatever is done is done by this hon. House. There are two types of legislation. One hon. Member has said that we have done nothing about this. Possibly there has been a reference to Hyderabad. Well, Sir, there are two types of legislation, namely, abolition of non-

Ryotwari Tenure and Ryotwari Tenure. As far as non-Ryotwari Tenure is concerned, practically we have completed it. I had an occasion to meet a leader of a Communist administration in Europe a couple of months ago and he said that in modern economics planning of agriculture and land reforms is a very difficult problem to deal with. When we are dealing with the problem of land reforms and tenancy legislation, we are not dealing with lifeless legislation; we are dealing with the problem with a social life behind it. Therefore, it can be seen that it is not a very easy task and as such we are going very gradually. Somebody had made a suggestion and it is a good suggestion that we should evaluate the results of the tenancy legislation that we have so far enacted. I have no doubt we shall have to do it at some stage, but I do not know whether time has come to undertake it now. In Vidarbha, we have to take a further step and so also in Kutch which now forms part of this State. But one thing is there, namely, we have given security of tenure to the tenants; we have fixed a reasonable rent and we have eliminated intermediaries between Government and the agriculturists or cultivators. So, it is not right to say that Government has not done anything. Of course, as I said earlier, we are going rather slow. Somebody said that we should immediately enforce the idea of putting a ceiling on the existing holdings. We have accepted that in principle and I have no doubt that it would be the right course to adopt, but even there we have certain difficulties in our way. Then there is another suggestion made by one of the hon. Members of the House. His contention is that at present in the case of the old Bombay State areas, there is a triangle of Government, landlord and tenant, and that one of them, viz. the landlord should be eliminated so as to establish a direct relation between Government and the tenant. There was yet another suggestion that Government should issue bonds to the landlords as compensation, instead of leaving it to the landlords to recover it from the tenants. We have, if I remember right, examined this question before and it was found to be a rather difficult solution. The experience of other States in this respect will support my contention. The experience is not very happy. But even then I do not reject it as quite impracticable and even now I am prepared to consider it further. Sir, I think these were some of the important points raised during the course of the three-day debate, to which I have tried to reply.

The hon. Member mentioned the incidents in the Indian Hume pipe Company. I have looked into the matter and I can tell the hon. Member

that the case referred to by him was submitted to me and I may say from the papers that I have before me that four prosecutions under section 120-B of the Indian Penal Code and section 282 of the Indian Companies Act, 1923, have already been launched. As regards certain other cases, on certain points, the Public Prosecutor is against launching prosecutions. However, instead of relying on the advice of the Public Prosecutor, we have referred the matter to the Legal Department for its opinion. This is what we have done. So, the hon. Member need not think that it is ignored and that he is the only man who can take up this matter. Sir, then there is one more thing about corruption. Some hon. Member suggested that in order to eliminate corruption the easiest solution is to increase the pay-scales of all Government servants. That can certainly be one of the ways of bettering the conditions of their lives. The case for increasing the pay-scales can be argued on a different plane. But if somebody were to suggest that in order to stop corruption more pay should be given to the servants, possibly that would be an idea of liquidating the State itself. I cannot accept such a suggestion. The psychology of corruption is somewhere else. That can be removed only with some sort of moral effort and also legal efforts. As I said, Government's moral effort depends on the people who are supposed to be the leaders of public opinion.

As regards the Anti-Corruption Bureau, the hon. Member Shri Deshpande asked me this question: What guarantee is there that it will not be corrupt? I can as well, following the same logic, ask him a direct question, but I do not want to ask him that question. Well, what is the guarantee we can give? We can give the guarantee of making efforts, of thinking of new ideas, of devising and trying new methods. We can make all possible human effort. This is the only thing we can think of. Then there is another aspect about this Anti-Corruption Bureau.

There was criticism from some members about the Anti-Corruption Branch, that this anti-corruption is entirely under the control of the police, and therefore, it is not effective. We thought possibly it may be so. We, therefore, further thought of this Anti-Corruption Bureau wherein we are trying to eliminate that aspect. This Anti-Corruption Bureau is manned by senior officers of all the Departments; it is not merely the Police Department. The Bureau is working directly under the Home Secretary. We have thus tried to eliminate the influence of the Police Department on the activities of Anti-Corruption Officers.



Let us try with the Home Secretary. Who knows he may also be the Chief Secretary? I cannot say anything about it. The real point is about independence. In the Secretariat, the Secretaries are independent persons. They can deal with matters in an independent manner.

Sir, as the hon. Member **Shri Kher** has said, the Governor's Address is an invitation to the Opposition, to the Legislature as a whole, to offer their comments and criticisms. I am glad that they have offered criticisms and comments. And in what I have said I have tried to explain some of the points. I do not say I have tried to answer them. I hope this explanation will reach the reason wherever it is.

## Home Guards and village defence parties

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*On 10 February 1959 Shri Y. B. Chavan, Chief Minister, said (BLA Debates, Vol.7, Part II, (Inside No. 7), 10 February 1959, pp. 324-27.) that the Government intended to control the performance of yogic exercises at places where large assemblies of persons were likely to gather, by introducing the Police Amendment Bill in which provision is made to Co-ordinate two voluntary Organisations—Home Guards and village defence parties. He emphasised that punitive taxes were an effective weapon to maintain law and order.*

Sir, during the debate on the first reading, certain clauses of this Bill came under criticism before this hon. House. I may mention that clauses 15, 20, 22, 23 and 33 and provisions regarding externment were generally criticised by hon. Members. Well, Sir, the debate on clause 20 started with a very interesting description given by the hon. Member **Shri Chitale** on the Science of Yoga and Yogic exercises. He quoted many experts on the subject in India and in other countries. So far as I am concerned, it was a pleasant surprise for me to hear all these things from my hon. Friend Shri Chitale. It was really a pleasure to know that in him we have got a very strong advocate of the Science of Yoga. I wish many of his colleagues follow suit. But so far as the criticism is concerned, I may assure the house and the hon. Member, if he is here, that it is not the intention of the Government to ban the practice of Yogic Science. What actually is being attempted is to control it under certain circumstances. What is actually being tried is to control its performance at places where a large assembly of persons is likely to collect. It is provided in the Bill that under certain conditions, the Police Officer concerned shall permit or may permit these performances. Sometimes, these Yogic performances have dangerous tendencies as was proved in a case in Bombay which was very graphically described by my hon. Friend Shri Mane. Well, Sir, if some well-intentioned persons can be involved in difficulties, innocent people are more likely to be involved in

them. Therefore, it is necessary to guard against this. The hon. Member Shri Chitale made a reference that no Act has ever been passed so far as the practice of hypnotism was concerned. I may mention for the information of the House that as a matter of fact such demonstrations of hypnotism have been prohibited by a special Act in the United Kingdom. An Act was passed in this respect in 1952 because there was a very interesting case in England. On account of some demonstrations of hypnotism, a witness, who happened to be a lady, suffered mentally and physically. As a result of this, the hypnotist was sued in a court and some damages were awarded. Public opinion was rather aroused and ultimately Parliament passed an Act. So, a very vigilant democracy has taken action in this matter. We also have to be vigilant in this respect. It is our intention to restrict such dangerous performances. Of course, the difficulties, which have been enumerated by my hon. Friend **Shri Pawar** just now, will be considered and Government will take care to guide officers by way of general instructions after consulting some experts in this subject. We do not wish to prohibit performances of Yoga as such but we want to take precautions. The intention of Government is to take precaution only.

Sir, I will now deal with the explanation which was asked by the hon. Member **Shri Datta Deshmukh** in regard to clause 33. I must say that the interpretation which he has made is the correct one. By a notification, some of the Municipalities and Local Authorities will be included. So far as the old area of the Bombay State is concerned, the exemption exists even now. It was thought necessary to exclude the Local Authorities in areas which have recently joined us due to the reorganisation of the States. We may make exemptions in future. I am prepared to examine the position as a whole if it is considered that this should apply to the old Bombay State also.

So far as clause 23 is concerned, there is general opposition to Home Guards Organization. It shows the hatred the hon. Members have got (A hon. Member: of the people in the State). Well, Sir, I had an occasion to give defence of activities of Home Guards and I had then assured that as far as possible it is our intention to keep away the Home Guards Organisation from these things. The provision in this Bill is intended to connect two voluntary organisations. The Home Guards Organisation in our State is a voluntary one while in Vidarbha it was not so. The Home

Guards are paid Government servants there. When we want to organise village defence parties on voluntary basis, it is better to have some sort of a link between the Home Guards Organisation and the Police so far as training is concerned. Training by the Police is also not free from difficulties. Sometimes, it is found difficult to send trainers who can give training. That is why, it was considered that we should try some method by allowing Home Guards, who have got a special training, to give such training to village defence parties.

It is no good to take some bad example and try to defame the whole organisation. I wish it not to happen but there may be some hon. Members who are found guilty of criminal offences. If bad persons are found in an organisation, we cannot blame the whole organisation. How can one give a guarantee that not a single individual can be found in any category of service or in any class of workers or in any category of officials and non-officials who will not be guilty of either the offence under the Prohibition Act or the offences under other Acts? We will have to judge an organization from the purpose for which such an organisation has been formed. If one says that merely because some Home Guards are bad, therefore we should abolish the organisation as such, it would not be correct to suggest like that (Interruptions). We cannot abolish the organisation. This may be the view of the other Side of the House, but it is not the view of this Side of the House to abolish the organisation merely because some Home Guards happen to be bad.

It is not our intention to take party politics to the village level through the village defence parties and through the Home Guards Organisation because it is our claim that the Home Guards Organization is not a political party it can never be a political party and it will never be used for political purposes, and we have never used it for political purposes.

The hon. Member Shri Deshpande raised the question of punitive tax. We have found on many an occasion that it is necessary and useful to levy such a tax. We have not tried to be vindictive in the matter of imposing this tax, but in the last three or four years we have found that the villages on which this tax had been levied have now improved their internal conditions and we have returned this money back to the areas concerned for the developmental activities of those areas only. It has been our experience that the imposition of this tax has brought about immediate results. There were certain areas where serious conditions

used to exist and the imposition of this tax on them have brought about immediate and effective results and those areas have now improved. I am not happy that we have to levy this tax because ultimately for imposing this tax we have to put a large number of police in the villages. But as long as it is necessary to impose this tax and as long as it is proving effective, I do not see why we should abolish it. (Interruptions). Even in Satara it has been found to be very effective. I do not know what I would have been able to do if the punitive tax had not been imposed in Satara District. If the conditions go bad in Marathwada, there also this tax will have to be imposed.

So far as the general provisions about the externment are concerned, we have made a provision for appeal. I am glad that some of the hon. Members realised the importance of this provision. The hon. Member Shri Deshpande, however, wanted a provision to be made for appeal to the Sessions Court or the Judicial Court. I personally do not think that provision is necessary, because I find that even at the State level when these externment cases are examined, they are being examined very judiciously and in a large number of cases, even though the externment orders have been passed by the executive officers, in appeal we have turned them down. This we do because we want to see that these cases are judiciously examined at our level. Therefore, I am sure that this specific provision about externment will prove very helpful.

The hon. Member Shri Warty made a criticism regarding the inclusion of the externment provisions in the Prohibition Act. He did describe very vividly the conditions of those areas where these externees are to be found. It is true that in some of the areas we have a large number of anti-social elements externed from the city of Bombay. I quite realise the difficulty of the hon. Member. But we find that even in the case of prohibition, it is not the individuals who by force of habit take to drink and commit offences. In fact, it is not against such people that these externment orders will become necessary. In practice we have found that there are certain organised ways of breaking the Prohibition Act on account of economic considerations and we have to deal with such people who do it. Against these people, the application of this provision becomes sometimes more useful and effective. I know the difficulties the social workers have to face in this regard, especially of the social workers coming from Thana where a large number of these externees have colonised themselves and I do not know what way can be found to

check these externalities. It is certainly a problem to which I am applying my own mind very seriously.

Sir, the hon. Member Shri Mane, in his very interesting speech, while making his observations on some of the provisions of this Bill, gave very graphic and interesting anecdotes taking place in different Courts. He mentioned the road-side Romeos, and particularly the punishment that is being given to them. This punishment has become very necessary because it is found that a large number of young men go about doing this mischief and unless some very energetic steps are taken in this matter, this mischief will go on for ever. It is not that the particular instances that he quoted matter much, but this mischief is a sort of attitude that might possibly affect the younger generation, and so it is our duty to protect the young generation against such a mischief being committed by them. It is not that our only attempt is to punish such persons, but the provision of such a punishment has become necessary in order to curb such a menace. I do not deny the fact that in this matter some innocent people may get involved, but even in spite of that, I am sure the hon. Members will agree that such an action on our part is absolutely necessary to do away with this sort of menace. Particularly when Government started taking steps against a large number of such road-side Romeos creating trouble in big cities of the State, Government received many letters from different quarters appreciating the stand taken by Government. These are cases in which generally the affected people do not complain. They do not complain because they do not want the reputation of their women to be spoiled and hence the Government have to come forward to take action against these road-side Romeos. We have seen that on important occasions like Republic Day, these people get an opportunity to play mischief with women and, therefore, such a mischief has got to be curbed. One hon. Member argued that sometimes the evidence on behalf of the women concerned does not come forward. It is very difficult to get direct evidence in such matters and, therefore, sometimes we do try to get direct evidence by producing the constable who has seen this mischief taking place. But sometimes it is very difficult to expect a lady to come to the court give evidence in such matters. Therefore, I would request hon. Member to study the conditions in which we are living and I hope, he will realise how the Police effectively function in bringing such offenders to book.

These were, Sir, four or five general points of criticism that were

raised during the course of the discussion on this Bill to which I have replied in full. I would, therefore, request the House to accept the first reading of this Bill.

## Grazing of cattle in others' lands

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*On 4 February 1959, while introducing the Cattle Trespass Bill of 1958 for its first reading, Shri Y. B. Chavan, Chief Minister, observed (BLA Debates, Vol. 7, Part II, (Inside No. 3), February 1959, pp. 76-77.) that cattle breeding at the cost of agriculture would not be allowed as it would be disastrous to both.*

Sir, the Cattle Trespass Act, 1871, is a Central Act. It was amended from time to time to suit conditions in the old Bombay State. It was also amended by the former Madhya Pradesh Government in the Madhya Pradesh area from time to time. This Act extends to the whole of India except the territories which immediately before 1 November 1956 were comprised in Part B States. What is proposed to be extended or amended is the principal Act as it is mentioned in the Bill itself to the whole of the Bombay State. While doing that, we have adopted certain provisions from the Act of Vidarbha and the Act of Saurashtra, because under the conditions prevailing in those areas, certain provisions were found to be necessary by the Legislatures of those States and as we have to administer those areas, it is necessary that we also should take into consideration the difficulties and inconveniences of those areas as well.

Sir, if you look to the Bill, the most important changes that are sought to be made in the present provisions are the additions of the proposed new sections 12A and 12B. Section 12A is the adoption of the Vidarbha provision and Section 12B is the adoption of the Saurashtra provision. The idea behind this is that whenever cattle are impounded, the owner of the impounded cattle would be required to make a deposit before the release of the cattle concerned. If it is found that the cattle number more than what the area concerned can graze or exceed the capacity of the grazing area, then orders will be passed to ask those people to leave that area. I do understand that there are some people who depend entirely on cattle breeding. Their problems are really important. But the real question is whether we should allow them to carry on their activity



at the cost of agriculture. From certain areas I have received complaints and the former Governments of Saurashtra and Vidarbha also might have received similar complaints— that a large number of cattle was held by a large number of people and they moved from area to area like nomadic tribes and they are going on grazing the cattle at the cost of the people who do the normal work of agriculture. It is this conflict of the interests of agriculture and cattle breeding which requires some solution and some firm handling. Possibly I can anticipate a criticism that while undertaking this Bill no care was taken for the welfare of those whose business is to breed the cattle. Certainly, Sir, the importance of the cattle is accepted in this country because of the importance of agriculture. But if somebody wants to carry on the occupation of cattle breeding at the cost of agriculture neither cattle breeding nor agriculture will prosper. It is from this point of view that this Bill should be examined.

Sir, I do not think that those who accept this principle will find fault with the Bill. Those who do not accept this principle may find some defects in it. As far as we are concerned we have considered this aspect very carefully and as a result of this we have brought this measure. I have nothing more to add at this stage. I hope the Bill will be read for the first time.

## Stampede at Zinzaka

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*While replying to the Cut Motion brought by the Opposition to censure the Government for inadequate Police bandobast at Zinzaka Fair in Amreli district in which some people died and others were injured due to a stampede, Shri Chavan defended (BLA Debates, Vol. 9, Part II, November-December 1959, pp. 367-69.) the Government's action. However, Shri Chavan admitted that the Government was not aware of the magnitude of the gathering at the place causing the loss of lives.*

*He remarked that it was the result of underestimation of the situation. However, he said that the demand for a judicial enquiry was unreasonable.*

Mr. Speaker, Sir, I have heard the three or four speeches that were made very patiently and with interest. I wanted to know more facts about this matter from the hon. Members who spoke but as far as the facts were concerned, they have stated nothing, except contradicting some of the facts which are claimed by this Side of the House to be true.

One thing is very clear that a large number of people had gathered at this place. The number of the crowd might be one lakh, though according to the Government figures it is 50,000. Even then one can say that certainly a very large crowd—unmanageable crowd — had gathered at that place.

The other question that was raised was whether Government had any notice of this gathering there; and if so, what steps Government or the police had taken there. If in the term 'Government' even Ministers are included and even Deputy Ministers are included, then I must say that I was not aware of such an incident and an emergence of such duties in that particular village and a likelihood of such a large gathering in that place. I was absolutely unaware of it. But certainly the local officers had information about it and the report that I have got now indicates that

two days before the occurrence an Additional Police Officer had visited that place in order to satisfy whether the arrangements that were made there were satisfactory. His report says that they were satisfactory.

Now, what were the arrangements made? One sub-inspector was kept in charge of police bandobast; three head constables, seventeen constables, some local village patils as they are called in Saurashtra, about ten to fifteen in number; and also some workers of the voluntary organizations were posted there. These are the facts I know of. Now, it certainly can be said that this arrangement was enough. It can be argued now, after the event, that the arrangements were not enough in view of the fact that a large number of people were visiting that particular village. I am not aware about the number of people who were visiting that particular village. We can certainly conceive that every year about three to four thousand people might be coming, but we had absolutely no idea that there would be such a huge gathering of about 45 to 50 thousand people before the house of the deity — so called deity. If we had any idea that there would be such a huge gathering, an unmanageable gathering, some sort of arrangements could have been made so that there would not have been so much rush and stampede or something could have been done to regulate and control the crowd. In any case, it happened that there was a rush, and as I said if we had any idea, we would have made some arrangement as we do in the case of Kumbhamela Fair at Nasik. There we make arrangements for six months in advance. We make all sorts of arrangements for traffic control, public health and sanitation and so on and so forth. We know that our country is very conscious of the darshan phenomena. Lakhs of people go for darshan either of great leaders or of such deities and return, but here everybody wanted to go or rush to the house of the deity and take a personal darshan. The crowd was so huge that it was as good as a new township. Then, as the hon. Member **Shri Dalai** said lakhs of coconuts were broken with the result that the ground in front of the house of the deity got wet.

Then, Sir, there was another unfortunate thing. There were about two or three manure pits and when people rushed to those manure pits, some of them were actually buried. It is no doubt a tragic incident. Nearly 60 people have lost their lives and many are injured and that was because of the lack of proper information about what was likely to happen. The local workers who went there—and one of the members

of the Legislature also happened to be there on that day—did not know about such a huge gathering. Nor did they give us any idea about it.

According to my information, one of the members of the Legislature had gone there for a darshan. And if he went, there is nothing wrong about it. Perhaps he had gone there with the idea of keeping mass contact, but one thing is certain and it pains me, about 60 people lost their lives. It is not an ordinary thing that we can lightly brush aside. I can only say that there is need for thinking on our side and on everybody's side, but I do not understand the demand of some of the hon. Members for a judicial enquiry. I personally do not understand what the judicial enquiry has got to do with this episode.

Then, Sir, one of the hon. Members, Shri Dalai said that the whole thing started because there was a sort of assault on the people by the volunteers. Similar allegation was made by the hon. Member Shri Chhabildas to the District Magistrate and the District Magistrate told him that he was prepared to look into this allegation, and he also told him to give the names of the persons who were affected or who gave him this information. To this date he has not named anybody, but even then the District Magistrate has not stopped at that. He along with the Police Officer made enquiries. He went to the hospital and enquired with every individual to find out whether any assault was made on them by the volunteers and whether the injuries sustained by them were due to the assault, and he reported, that he did not receive any complaint of this sort from any person injured and treated in the hospital. He approached even the Medical Officer and even that Officer denied reports of any injury caused by the assault or on account of the barriers of police. The whole episode was born out of our infinite capacity to believe in rumours. Somebody started a rumour that there was a deity and everybody believed in it. After that somebody started a rumour that there were assaults and people believed in it. There are some people who are prone to believe rumours which are against the Government. So this attitude of believing rumours is not proper. One thing is certain, that this situation was not appreciated before hand and if we had some idea that there was going to be such a huge gathering, Government would certainly have made some arrangements and would have taken some measures either to control the crowd or to stop the whole thing; but there again people would have complained and resented this measure. So these were the only two possible alternatives, but so far as the demand for a

judicial enquiry is concerned, I do not think anything is likely to come out of the enquiry. One thing that we can do about such matters is to educate public opinion and public mind about rumours and especially the superstitions which is the basic cause of evil from which we will have to save ourselves and our people.

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### Physical Plan targets important

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*Intervening (BLA Debates, Vol. 10, Part II, (Inside No. 5), March 1960, pp 239-43.) in the discussion on the Governor's Address on 8 March 1960, the Chief Minister, Shri Y. B. Chavan, said that to attain the physical targets of the Plan was more important than the expenditure targets. He agreed that we should concentrate our efforts on agricultural production. In the implementation of the plan, the per capita expenditure would be taken into account, So as to do justice to the neglected areas. He admitted that the process of industrialisation had not started in Marathwada and so the question of de-industrialisation did not arise. He also assured the House that after the bifurcation of the State the Opposition members would be welcomed on the Regional Development Boards. In the end, he said that his Government was very much concerned over the Border issue and would come out with a resolution before the House.*

Mr Speaker, Sir, I have noted down all the points that have been raised during the discussion on the Motion of Thanks to the Governor for his Address. I have heard some of the speeches personally with the attention they deserved and I can say that the Address was discussed more than what it had said. More was said than it actually contained.

The important policy statement in the Address is about the proposed bifurcation of the present State of Bombay. From all the speeches which have been delivered on the floor of the House, I see that it has been unanimously welcomed.

The other part of the Address was about different developmental activities in the State. Certain comments were made in respect of implementation of the Plan. Sir, I wish to submit that implementation of the Plan was difficult in the first year. As was pointed out by the hon. Leader of the Opposition there would be some difficulty in the last year,

because of the bifurcation. In the period of the Second Five Year Plan of this State, the bifurcation has its own advantages and disadvantages. By this, I am not just trying to put an apology in advance for some non-implementation of the Plan. I am only making a reference to the facts. In spite of these difficulties, Sir, our efforts are to see that Plan targets are reached. My hon. Friend, Shri Deshpande, rightly pointed out that it is more important to see that physical targets are reached than to see that targets of expenditure are reached. I entirely agree with him. But, Sir, the physical targets in many respects, especially in the field of agricultural production, have been considered to be more important. My hon. Friend, Shri Datta Deshmukh, said in his speech that the main function of all the Plans in this country should be to emphasise and concentrate our efforts on the agricultural production. Possibly all our efforts in other spheres are likely to be wasted to a certain extent, if particular attention is not paid to the programme and progress of the agricultural production. I may now make some mention about the important point namely, the bounding activities in the State. Sir, I can assure the House that by the end of the Second Five Year Plan, the physical targets of bunding in the State would be the same as the targets fixed by the Plan, I am simply pointing out this fact. There are other places, where we find that agricultural production is becoming very popular. Particularly in this sphere of bunding which I have seen with my own eyes, it is not merely a programme of Government but it has become a people's programme. The most important thing in reaching the physical targets of the plan programme is to take the people with the programme itself. Here we found, particularly in the area which was affected by scarcity and famine conditions year after year, decade after decade and possibly century after century in the past, that people took to this programme as something which is a very revolutionary programme. When I use the word "revolutionary" I am using it in a technical sense. Possibly the hon. Leader of the Opposition would take a different meaning. (Interruption). It is not in a non-committal sense, but committal sense, in the same sense in which people have taken to the programme. (Interruption). The word would convey the meaning which I wanted to convey and I am sure that this bunding programme has a special feature. I may particularly make a mention here that in this State only in a part of this State there is a very limited scope for the irrigation potential. Looking to the physical condition of at least this

part of Maharashtra of Bombay State I find a very limited scope for the irrigation potential. Of course, there is much scope for the Third Five-Year Plan and the Fourth Five-Year Plan. Taking the long range point of view there are some limitations, and as I have said many times before, the basic problem in this part of the State is the question of agriculture; and the solution that we can find for this problem will be the real basic solution of the economic problem of the agricultural areas and the farmers. So, this problem of bunding really speaking provides a basis for the agricultural programme for decades to come, because this is the beginning. It is the beginning of development of the land which can be followed with many other activities. The implementation of this activity itself has shown the way how we can prosper. I have just made a mention of it because I do not want the House to be carried away by the impression that merely the expenditure targets are looked after but not the physical targets and also because particularly in the held of agricultural production the physical targets are looked into and not the expenditure targets.

Sir, certain hon. Members made some reflections about the possibility of the future size of the plan of this State and did try to compare it with what is going to happen in Andhra and other State. I do not want to enter into this controversy here because I have not got the authentic figures of Andhra. Whatever was said and whatever figures and information were given by **Shri Barve** in his statement in the seminar are tentative figures, after all, because some of the study groups which are working on the information that they have got, have yet to come to some precise formula. Therefore, when I am supposed to make a statement here in a discussion like this, I will have to be more authentic in the matter. Again the speeches made in the seminar are supposed to give some tentative data for further examination and further studies. It is data for study. So, I do not want to comment or base my consulsions on any information that is, supplied so far because, as is very obviously known to all, preparations for the Third Plan are being made and they will have to take the size of the plan for the country as a whole. Possibly we shall have to find out the share of the State as a whole. We shall also have to see what will be the share of this part of the State and what will be the share of the other part of the State. Then, when we finally take the share of the final plan then each sector of the developmental activity should see what share it has in the plan as a whole. (Interruption). So also



the region as the hon. Member has just said. I can only indicate certain guiding principles which we want to adopt in the matter. (Interruption). Certainly we would take into consideration the per capita expenditure in these matters so that those regions which have got the feeling of being neglected so far, not by this State but by historical reasons, may not have that feeling. I claim that way because this State has made every effort to see that nobody has got a feeling of being neglected. But there ought to be certain guiding principles in these matters so that ultimately there would not be a feeling of being neglected by A or B or C. So this is the general principle that we want to follow in this matter. I would certainly like to make a reference to the point made out by the hon. Member Shri Deshpande that when we were trying to intensify the programme of industrialisation in the country there was a process of de-industrialisation in Marathwada. I do not know what he meant by that. If there is a closure of a certain ginning factory or so that is not de-industrialisation. He can say that the processing has not started in Marathwada.

Starting of an industry is not industrialisation. I do not expect that sort of statement from the hon. Member Shri Deshpande who knows something about the basic problems of economics. Industrial activity can be said to have started when really speaking certain manufacturing industries, not only processing industries but also manufacturing industries, have started. That is the only thing we can say. Unfortunately such activity has not started so far in Marathwada. So, there is no question of de-industrialisation. Why I am trying to make a reference to this point is because he just possibly wanted to give such an impression or he has an impression himself and I do not want that he should have such an impression himself. It is only to help him, if he wants any help from me, that I am giving this information. This is about the general comments that were made about the planning and the object of planning in this State.

Sir, one argument about the policy of bifurcation was that the Opposition Members had not been consulted. Well, Sir, that issue, really speaking, can be examined and criticised and commented upon when we discuss the proper Bill. I can only point out that the discussion that is going to take place is, really speaking, going to be the best type of consultation that can take place as per the provisions of the Constitution.

(Interruption). It is a consultation.

At least I can say on my behalf that when I had participated in the proceedings of bifurcation it was not with an intention of not consulting anybody. Possibly such type of consultation instead of helping the process of bifurcation might have created difficulties. In spite of nobody wishing for it, it would have created difficulties in the process of bifurcation. I do not want anybody to have the feeling that they have not been consulted and I thought that I should make a mention about it.

Coming back to Regional Development certain hon. Members did make a mention about the Statutory Development Boards provided under the Constitution, about their activities and also about the technical co-operation of the other parties while preparing the plan. I had made this offer before, that in case Regional Development Boards are formed, the hon. Members from the Opposition can certainly recommend certain names who can sit on such Boards. The hon. Leader of Opposition had discussed this matter with me and I do renew this offer now as I feel that something good will come of it.

As far as the Statutory Boards are concerned, so far as the present set-up of the State is concerned, it was not physically possible for us to consider the formation of such Boards; but I can certainly assure the House that after the bifurcation, the proposed Maharashtra State will certainly bring into existence such Statutory Boards. I say this process of taking co-operation from the other parties for the preparation of the Third Five-Year Plan has to be started soon.

My hon. Friend Shri Jasvant Mehta, as is usual with him, dwelt at length on the subject of corruption in the administration. Sir, I am sorry to use the word, but it has become a fashion now-a-days to talk about corruption and to talk about it vehemently. Only on such occasions that I find that such allegations are made. Only very recently I received one letter making certain allegations against some members of the Prohibition Party. It is not right in the interests of public life in this country—I am not speaking about the political party to which I belong to make vague allegations. That creates an atmosphere in the country that something is wrong everywhere. (Interruptions). Nobody can make judicial inquiries when the allegation itself is injudicious. Merely asking for a judicial inquiry seems, we have first to make out a prima facie case. There is a certain process which has got to be gone through for

starting a judicial trial. First of all, we must guarantee that the man who is taken before the judiciary is rightly taken there. Merely because somebody gives information to some Members and on the strength of it they demand a judicial inquiry, that will not be a fair demand to make. I am only making these suggestions for helping the hon. Member. The hon. Member had also last time made some allegations and I told him to see me about them. But I find that after one year I again hear such allegations on the floor of the House. Such allegations may have their own propaganda value but sometimes the propaganda value has its own disadvantages. I do not want to enter into an argument with him. I have just made some general remarks about this point.

Certain hon. Members mentioned that no reference has been made in the Governor's Address about the border question of Belgaum. They stated that the Mysore Rajyapal had made some mention about that point. Possibly, the very point that without our making that reference the Rajyapal of Mysore Government has found it proper to make such a reference in his Address shows that the problem itself is a very live one and I can tell the hon. House that this Government is thinking of coming before this House with a sort of Motion to place its views on this question before the House. I can assure you that we are not unaware of what is happening in Belgaum and of the feelings of the people in Belgaum and the other areas. But at present this is the only information that I can give to the House.

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## Bifurcation of Bombay State

*Shri Chavan, Chief Minister, moved (BLA Debates, Vol. 10, Part II, (Inside No. 9), March 1960, pp. 390-400.) the draft resolution of the Bombay Reorganisation Bill of 1960 carving out the States of Gujarat and Maharashtra out of the old Bilingual Bombay State on 14 March 1960. In the new State of Maharashtra, separate Development Boards for Marathwada and Vidarbha were to be established. So also, the cosmopolitan character of the city of Bombay was to be preserved. He said that personally he was for the unilingual State of Maharashtra. He assured that the terms of Nagpur Pact would be honoured. Presenting the draft Bill, Shri Chavan appealed to the members to discuss the Bill in the same constructive spirit in which they co-operated with his government in conducting the matters of the old bilingual State of Bombay,*

Mr Speaker, Sir, before I offer my remarks (Many hon. Members: Marathi, Marathi on the Bombay Reorganisation Bill, 1960, I have to place on the Table of the House an important document, Statement of Government policy. I would seek your permission, Sir, to read out that Statement of Government policy and place it on the Table of the House.

During the discussion on the bifurcation of the State of Bombay it was felt that the sentiments of the people of Vidarbha and Marathwada should be respected and their special needs recognised. To this end it was agreed that the assurances given under what is known as the Nagpur Pact should be implemented, and wherever "possible more generous concessions might also be made. Similarly, in regard to the city of Bombay, it was agreed that its cosmopolitan character should be preserved and special attention should be paid to the development of the city. Government on behalf of the residual State of Bombay (Maharashtra) has, therefore, decided upon the following steps:

### **Vidarbha and Maharashtra**

(1) Subject to the requirements of a single Government, the allocation

of funds for developmental expenditure will be in proportion to population of the regions comprising the State. In view, however, of the present undeveloped state of Vidarbha and Marathwada, special attention will be given to promote their all-sided development.

Separate Development Boards for Vidarbha and Marathwada will be established and a report about the allocation of funds and the working of these Boards will be placed each year before the State Legislative Assembly.

(2) An equitable arrangement providing adequate facilities for technical education and vocational training will be made. Adequate opportunities for employment in services under the control of the State Government, subject to the requirements of the State as a whole will also be provided.

(3) There will be a permanent Bench of the High Court at Nagpur having jurisdiction over Vidarbha.

Adequate representation will be given to Vidarbha and Marathwada in making recommendations for the appointment of High Court Judges, whether from the Bar or from the services.

(4) As an effective means of associating the people with the administration, there will be as much decentralisation as possible.

(5) In view of the long association of the people of Vidarbha with Nagpur as the capital of the former M. P. State and the various advantages derived by the people of Vidarbha thereby, Government will regularly shift to Nagpur for a definite period and hold at least one session of the State Legislature there every year.

Special attention will be paid to the proper development of Nagpur city and every effort made to maintain its importance.

(6) In addition, special attention will be paid to irrigation, industrialisation, exploration and exploitation of minerals and provision of drinking water supply in rural areas in Vidarbha and Marathwada. Research in agriculture and horticulture will also be promoted.

### **Bombay city**

(1) The cosmopolitan character of Bombay city will be preserved.

(2) The medium of instruction in the University of Bombay will

continue to be English, to be replaced by Hindi.

(3) Special attention will be paid to the proper development of Bombay city.

### **Konkan districts and scarcity areas of Maharashtra**

The Konkan districts and scarcity areas of Maharashtra will likewise receive special attention. *(Shri Y. B. Chavan continued his speech after the Speaker had declared that Government policy in respect of Vidarbha, Marathwada and Bombay city had been laid on the Table of the House.)*

Sir, I rise to move the Motion for the consideration of the Bombay Reorganisation Bill. This is indeed an historic and epoch-making occasion for our State. I speak to-day with a mixed feeling of joy and sadness — joy because the Bill is going to give birth to two new great States—the State of Maharashtra and the State of Gujarat—sadness because every parting is a sad event. It is more in this case because here we who have worked together for decades are parting. You will pardon me, therefore, if I indulge in some sort of a soliloquy in giving vent to my thoughts. Less than four years ago, many of us had an opportunity to express our views on the floor of this very House on the problem of reorganisation of States in this part of the country. As we all know, the reorganisation of Bombay State as it then existed was found to be one of the most ticklish problems which very nearly defied solution. Several alternatives were suggested and considered for arriving at a workable and permanent solution, but none was found wholly acceptable. Parliament then accepted the formation of the present bilingual Bombay State as the best solution in the circumstances which then prevailed. I may confess to you, speaking for myself, that I was for a uni-lingual State of Maharashtra even then, but subordinating my personal feelings, it has been my constant endeavour, with the loyal support of my colleagues in the Government, faithfully to implement the decision of Parliament as its Trust. The administration did its best and the State took big strides in its development programme and in other spheres. Among a very large section of people, however, a lurking feeling persisted that somehow something vital was lacking to enthuse them. This feeling did not diminish with the passage of time and the realisation came that the bilingual experiment had not achieved its aim of the emotional integration of the two great communities living in the State. Events moved fast and the conviction grew that the only course to ensure the future progress and prosperity of the two linguistic

units was to reorganise them into separate States without delay. The enthusiastic support that the proposal has received is a clear pointer to the public approbation it has met with.

I need not dilate upon the developments which followed. These are all known to you. As the House is aware, the All-India Congress Committee set up a nine-man committee to consider the problems of reorganisation in all its aspects and came to the conclusion that the division of the State into two linguistic units had become inevitable. The Congress Working Committee considered the recommendations of the nine-man committee and in its Resolution dated 4 December 1959 expressed its general agreement with the proposal to bifurcate the State and set out the broad principles of division based on the recommendations. The matter was then taken up formally by the Government of India in consultation with this Government and the present Bill embodies the bifurcation scheme.

Before I go on to the details of the draft Bill before us, I would seek your indulgence, Sir, to make a few general observations. I would emphasise that we must look at the Bill in its entirety, at the sum total of it, and consider it in the light of the past history of this problem and the many complexities and controversies through which it has passed. It is not this or that particular provision which should be singled out for criticism. The whole is a closely knit pattern and whatever provisions have been made, they must be viewed in the background of a broad agreement amongst us on this entire question of bifurcation. Looked at from this point of view, I have no doubt that it will be conceded that there is bound to be give and take and adjustments on several issues which, looked upon individually, may, to some, appear inequitable or open to criticism, but as a whole have found favour with us as a lasting solution of this national problem. At least, that is how I have tried to tackle the problem throughout and considered it from this point of view. I have no hesitation in expressing my satisfaction with the solutions found for the many intricate and complex problems in their entirety. For me this bifurcation does not mean merely a process of cutting one whole into two. But to me it is a human process of giving birth to two new States which are going to live side by side for ages not only as good neighbours but as good brothers. I would therefore, earnestly plead with the House to look upon it in the same way and conduct the debate in that spirit and with that background.

The Bill envisages the formation of the two unilingual States of Maharashtra and Gujarat. Maharashtra would comprise of Greater Bombay and the Marathi-speaking districts of the State including Vidarbha and Marathwada. Gujarat would comprise of the Gujarati-speaking districts of the State and will include the Dangs district, 50 villages of Umbargaon taluka of Thana district and 156 villages of the Nawapur, Nandurbar, Akkalkuva and Taloda talukas of the West Khandesh district. The present Bombay State comprise of 43 districts including Bombay city. The Maharashtra State will have 26 district and Gujarat 17 districts. Of the total area of about 1,92,200 sq. miles, Maharashtra will have about 1,19,200 sq. miles and Gujarat 73,000 sq. miles. This is roughly in the proportion of 62:38. The total population of the present State is about 4,82,55,221; Maharashtra will have a population of about 3,19,70,613 while Gujarat will have a population of about 1,62,94,561. This is almost in the proportion of 2:1.

There was a time when the propriety of including Bombay city and Vidarbha in Maharashtra was a matter of considerable controversy. The passage of time has, however, given us all an opportunity to examine these issues in a dispassionate manner. I believe that the conclusions embodied in this Bill on these issues have been arrived at with the largest measure of agreement and in a spirit of understanding.

I wish to assure the people of Bombay city that it is the firm intention of future Government of Maharashtra to preserve the cosmopolitan character of the city and to pay special attention to its developmental needs.

Likewise, I wish to assure the people of Vidarbha that they need have no apprehension that their legitimate interests will not be protected; on the other hand, they will be zealously guarded and will be treated as a sacred trust of the future Maharashtra Government. The terms of what is known as the Nagpur Pact will be honoured and wherever possible something more will be done.

Perhaps the House is not aware that the Nagpur Pact applies as much to Marathwada as to Vidarbha and I would like to state that the terms of the Nagpur Pact so far as they relate to Marathwada will equally be fulfilled. To reassure our brothers in these regions, I have placed on the Table of the House a statement of policy regarding Bombay city, Vidarbha and Marathwada, which I have just read out to you. I have



taken the opportunity to stress the need for the planned development of the Konkan districts and scarcity areas of Maharashtra as well.

In this connection I would like to draw the attention of the House to Article 371 of the Constitution which contains special provisions for Bombay and other States. That article envisages separate Development Boards, equitable allocation of funds for developmental expenditure, equitable arrangements for technical education and vocational training and adequate opportunities for employment in State Services. The protection afforded by this article will continue in the residual State of Bombay that is Maharashtra.

I know the decision on the Dangs district and certain villages of Thana and West Khandesh has not met with approval in certain quarters, but I may assure you that the decision has been taken for adequate reasons. It was clear from the results of the recent elections to the District Local Board, which were contested on the linguistic issue that the preference of the people of the Dangs was for Gujarat. Similarly, certain villages of Umbargaon have been included in Gujarat partly because they have a Gujarati-speaking majority and partly because they expressed their desire to join Gujarat by passing resolutions in their Village Panchayats. The villages of West Khandesh district have not been included in Gujarat on the linguistic principle. They have been included so as to facilitate the execution of the Ukai project and its administration. Some areas in Nawapur, Nandurbar, Akkalkuva and Taloda talukas would be submerged by the Ukai project reservoir. Such a submerged area with a land belt of about two miles around it would be transferred to the jurisdiction of the State of Gujarat to enable the smooth execution of the project and unified control and responsibility for the acquisition of land and rehabilitation of the persons displaced thereby.

I would once again at the cost of repetition emphasise that the measures relating to the areas going to Gujarat are, in essence, in the nature of a compromise in order to find a lasting and acceptable solution of the entire question of bifurcation. I am sure that the hon. Members will realise that in such matters one has to be realistic and a certain amount of give and take has to be there.

In commending the Bill for your approval, I shall briefly indicate its salient features. It will be noticed that this is not the first measure of reorganisation of States that the Government of India Draftsman has

handled. We have already on the Central Statute Book the Andhra State Act of 1953 when territories were carved Out of a continuing Madras State and formed into a separate State of Andhra Pradesh. We have also the States Reorganisation Act of 1956 under which Bombay State itself, among others, was reorganised and set up as a new State in succession to its old self. There are also other measures in the Central Statute Book readjusting border areas between States. You will notice that the Draftsman of the present Bill has made full use of all this ample experience and in a sense the draft Bill follows the improved provisions of the States Reorganisation Act, 1956, and the basic pattern of the Andhra State Act. That basic pattern fits in with the structure of reorganisation contemplated in the present Bill. Thus you will find that out of the existing and continuing State of Bombay, certain territories are carved out and formed into a new State, namely, the State of Gujarat. To the extent of the territories so transferred, the residual Bombay State stands altered; at the same time, the entity of the existing Bombay State continues into the residual State. In other words, the Bill only creates a new State of Gujarat but does not create a new State of Bombay. It only continues the entity of the Bombay State in an altered form. This structure of Bombay reorganisation will, at once, explain the continuing character of the Governor of Bombay, of both the Houses of the Bombay Legislature, of the High Court of Bombay, of the Public Service Commission of Bombay, etc. Correspondingly, the Bill contains specific provisions for the new State of Gujarat and its Governor, for a new Legislative Assembly for Gujarat which will have a unicameral Legislature, the new High Court of Gujarat and so on. The First Schedule to the Constitution will stand amended so as to add Gujarat as a new State, so that the total number of States in the Union will become 15. You will thus notice that the present reorganisation measure does not involve the idea of succession to States so far as the residuary Bombay State is concerned. The terminology of the corresponding new State and principal successor State or successor States which largely appears in the States Reorganisation Act, 1956, is thus out of context in the present Bill, the pattern of which in this particular respect is closer to the Andhra State Act, 1953. As regards the financial and other provisions, however, the more general and mature provisions of the States Reorganisation Act have guided the present measure with certain important variations resulting from the Report of the Finance Committee (Bhattacharya

committee) and Shri Rangachari's formula underlying the financial provisions of the present measure. I now proceed to run through the clauses of the Bill where special features deserve notice.

Part I is preliminary and the short title is designed to cover the formation of the new State of Gujarat as also the necessary alteration of the residuary Bombay State. The Bill envisages that the reorganisation will take effect on 1 May 1960 and defines the 'appointed day' accordingly. The population ratio for purposes of the division of assets and liabilities is 66.31 to 33.69 between Bombay and Gujarat as defined. For easy rounding this is the ratio of 2:1.

Part II read with the First Schedule adumbrates the territorial reorganisation between the States of Bombay and Gujarat. The Schedule is divided into three parts, the first showing villages which go to the new Umbargaon taluka of Surat district, the second those going to the Songadh taluka of Surat district and the third those going to the Sagbara taluka of Broach district; the remaining Umbargaon villages would be included in the Dahanu taluka of Thana district.

Part III concerns representation in the Legislatures. As regards the Council of States, the present number 27 divides up into 18 for Bombay and 9 for Gujarat, while two more seats are added for Gujarat giving it a total of 11. This is strictly in conformity with the population basis of representation, namely, one representative per lakh of the population for the first five lakhs and one representation per two lakhs of the population thereafter. Existing representatives are allocated as shown in the Second Schedule and they will be an addition of new members as the result of a biennial election, for seats falling vacant on 3 April 1960. The bye-election to the remaining Gujarat seats will be held after the appointed day. Necessary provision for regulating the terms of the new members is made in clause 9. Representation in the House of the People goes by the territorial constituencies included in each State and naturally divides up into 44 seats for Bombay and 22 for Gujarat with no complication.

Representation to the Legislative Assemblies of the continuing Bombay State and the new Gujarat State is achieved by dividing the sitting members in accordance with the territorial constituencies included in the two States. I may mention here that the Dangs constituency where the majority vote pertains to Kalwan taluka will now

be called Kalwan constituency as shown in the Fourth Schedule. No other change in representation is envisaged by the Bill at this stage, any further change being left to the future Delimitation Commission. Accordingly the present Legislative Assembly will be re-formed with 264 members for Bombay State and the remaining 132 members shall form the Legislative Assembly for the Gujarat State. The one member representing the Anglo-Indian Community under Article 333 will remain a member of the Legislative Assembly of Bombay making the total number of Bombay Assembly 265. Although the Assembly for Gujarat will be newly constituted, its duration will be co-terminus with that of the Bombay Assembly as provided in clause 16. The Speaker and the Deputy Speaker of the Assembly who will thus continue in Bombay will also continue in their offices. The Gujarat Assembly will be electing the Speaker and the Deputy Speaker for that State in due course.

As already remarked, the Legislative Council of Bombay will continue after eliminating representatives from the Gujarat constituencies and representatives belonging to Gujarat. For Gujarat State, the Bill does not propose to form any Legislative Council. The sitting members, who will cease to be such, are shown in the Third Schedule. There will also be the biennial vacancies falling on 24 April 1960. Such vacancies as remain for Bombay will be filled after the appointed day as provided in clause 22. In effect, the Bombay Council will have a total membership of 78 as shown in clause 19. The representation by categories has been kept close to the Constitutional provision in Article 171 and so maintained as not to reduce the number elected by the Legislative Assembly to the Council. The total membership of 78 is well within the maximum permissible which is one-third of the Assembly membership of 265. The Deputy Chairman who will remain in Bombay will continue in office, while the Council will elect its Chairman in due course after the appointed day.

The Seventh and the Eight Schedules specify the Scheduled Castes and Schedule Tribes for the two States following the territorial division.

Part IV pertains to the new High Court of Gujarat. The President will determine which of the Bombay Judges will become Judges of the Gujarat High Court. The transfer of pending proceedings from the Bombay High Court to the Gujarat High Court will be based on the certificate of the Chief Justice of Bombay whose decision will be guided by the place of accrual of the cause of action and other circumstances.

Part V pertains to the authorisation of expenditure for the new State of Gujarat which will take some time before its budget is presented and passed by its new Assembly. The authorisation will be for a period of not more than six months from the appointed day. This authorisation will be issued by the Governor of Bombay before the appointed day and any further necessary authorisation for the same period may be issued by the Governor of Gujarat after the appointed day. No such provision is necessary for the Bombay State which is a continuing State. The vote on account which this Assembly will pass during this Session will cover the appropriate period in respect of the Bombay State and a regular budget session for this State will be convened before the termination of the period of the vote on account.

I shall now call attention to clause 42 of the Bill, part of which concerns the financial arrangements flowing from the bifurcation of the State. The Ninth Schedule compiled by the Government of India in the Ministry of Finance prescribes the shares of the two States in future distribution of revenues in respect of the Union duties of excise, estate duty, tax on Railway passenger fares, additional duties of excise and income-tax in pursuance of the principles prescribed by the Finance Commission and Parliament. The allocation of shares follows the recommendations of the Bhattacharya Committee in this respect. Sub-clause (2) of clause 42 makes a special provision in respect of 11/12ths of the financial year 1960-61 and the entire financial year 1961-62 requiring the Central Government to deduct 602 and 614 lakhs of rupees respectively from Bombay's share and paying the same to the State of Gujarat with a view to providing financial assistance to the new State over these two periods. Financial assistance for the subsequent periods is carried out in the next Part of the Bill in the division of cash balance investments and public debt.

Part VI is largely based on the corresponding Part VII of the States Reorganisation Act, 1956, in the matter of the apportionment of assets and liabilities. The few changes which need notice are as follows:

Clause 44(2) read with the Tenth Schedule prescribes the way in which certain types of stores shall be divided having regard to the propriety and convenience of division. A note on the subject has been placed on the Assembly Table. Clause 46 has a proviso which enables payments to Gujarat of its share in the population ratio in the net recoveries of Central

and State sales tax arrears in respect of tax accruing due between 1 January 1960 and 30 April 1960. There is a corresponding provision for refund of excess recovery in the proviso to clause 53. Clause 48 divides the cash balance investments after first transferring securities of the value of ten crores of rupees to the State of Gujarat in connection with the construction of a capital for that State. The remainder of the investments are divided on the lines recommended in the Bhattacharya Report. Sub-clause (5) is specially added in clause 48 for the specific allocation of investments and assets in statutory bodies corporate becoming inter-State as recommended by the Bhattacharya Committee. Clause 49 provides for the transfer from the residuary Bombay State to the State of Gujarat of cash balance investments of the value of 1,420 lakhs of rupees to be utilised by way of financial assistance through a Special Revenue Reserve Fund to be built up in Gujarat as prescribed in clause 49. For this very purpose, it will be noticed that under sub-clause (5) of clause 51 relating to public debt, liability on account of public debt to the extent of 1,419 lakhs of rupees is also transferred from the State of Gujarat to the residuary State of Bombay. Correspondingly in sub-clause (2) of clause 49 the State of Gujarat is required to contribute into its Revenue Reserve Fund securities of the value of 1,419 lakhs of rupees. The Special Revenue Reserve Fund in Gujarat thus built up of securities totalling 2,839 lakhs of rupees and further interest thereon will be available to the State of Gujarat between the years 1962-63 and 1969-70 as financial assistance in the graduated scale set out under clause 49. Reverting to clause 51 about public debt, it will be seen that the pattern of the States Reorganisation Act is followed namely, the public debt will be divided in proportion to the capital assets created in the two regions, except on two points: first, specific debts re-lent to statutory corporations under sub-clause (2) (b) will be divided according to the proportion of the divided assets of the corporation; secondly where expenditure on capital works and capital outlays cannot be territorially allocated, the population ratio is adopted. The division of the Sinking Fund follows the proportion of the allocated debt and the same principle applies to the Debt Redemption and Avoidance Fund. Clauses 52 and 54 provide for the necessary division of certain floating debts and charitable endowments. These had not been separately provided for in the States Reorganisation Act. The other provisions in this Part closely follow the corresponding States Reorganisation Act provisions. I shall only mention

clause 62, which is new, and which enables any other mode of division by agreement between the States.

I next come to Part VII which relates to inter-State Corporations. Clause 65 relating to the State Electricity Board provides for its bifurcation on the lines of section 106 of the States Reorganisation Act. The date fixed for the dissolution of the Board under the clause is 1 October 1960. The same provision also governs the State Warehousing Corporation. Somewhat similar provision is made in clause 67 in respect of the Bombay State Financial Corporation, but in the procedure for its bifurcation involves third parties and their interests. Hence the method of bifurcation follows the lines of section 5-A of the Multi-Unit Co-operative Societies Act, 1942 (See section 105 of the States Reorganisation Act). The target date for the preparation of a Scheme in that regard is prescribed as 31 July 1960 since it is intended that the bifurcation should not be delayed. The State Road Transport Corporation will be bifurcated under section 47A of the Road Transport Corporations Act, 1950, and the necessary amendment for the purpose is provided in clause 68. Clause 69 is new and relates to the bifurcation of the Bar Council under the Indian Bar Councils Act, 1926. The electorate for the Gujarat High Court Bar Council will consist of those with the right to practice in the High Court and the period of practice will include the years of practice at the High Court of Bombay. The division of the Council's assets and liabilities will be by agreement and if necessary by direction of the Attorney-General for India. To start with, there will be an ad hoc Bar Council for the Gujarat High Court nominated by the Chief Justice for one year. Clauses 70 and 71 relate to other inter-State Corporations generally. I invite attention to clause 74 which ensures that the successor corporate bodies will retain the same facilities for purposes of income-tax as before bifurcation by being enabled to carry forward their share of losses for adjustment against the income of future years. Clause 75 read with the Twelfth Schedule indicates the institutions in the areas of the two States wherein facilities would be continued as hitherto for the benefit of both the States subject to the period and terms and conditions to be agreed upon between the States.

Other corporate bodies such as the Bombay Nursing Council, and the Bombay Ayurvedic Board will continue to function in the areas in which they are functioning at present till schemes are prepared for their separation and approved by the Central Government under the Inter-

State Corporations Act, 1957. However, it is proposed to replace some of these bodies which are within the State Legislative field by corresponding regional bodies before the bifurcation of the State and a Bill for the purpose will shortly be introduced in this House for its consideration. That Bill covers the Bombay S.S.C. Examination Board, the Bombay Khar Lands Development Board, the Bombay Labour Welfare Board, the Bombay Housing Board and the Charity Commissioner who is a corporation sole.

Part VIII pertaining to the allocation of services and ancillary matters and Part IX relating to legal and miscellaneous provisions including power to adapt laws and power to name corresponding authorities and the territorial extent of existing laws are on the same lines as Parts X and XI of the States Reorganisation Act.

A note on the principles followed by Government in allocating Government servants between the two States has been placed on the Table of the House.

Only one provision may be specially pointed out, namely, clause 81 which rearranges States for the purposes of the Zonal Councils. Bombay and Gujarat will fall in the Western Zone, while Mysore will be included in the Southern Zone.

I am happy to acknowledge that the Government has received the utmost loyalty and devotion from the services in running the administration of the bilingual State and in keeping up its high tradition. They have also worked zealously and assiduously to complete the administrative changes necessary to give effect to the bifurcation of the State.

The Governor referred to the bifurcation of the State in his Address to the joint session of the Legislature on 2 March and rightly emphasised that the parting would be as brothers and that we would continue to live as good neighbours. The Bill provides for a Zonal Council for the two States and we all shall look forward to fruitful and constructive co-operation in its deliberations for the betterment and prosperity of our two States which will redound to the prosperity of our country.

Before concluding, I would like to pay a tribute to my colleagues in the Cabinet for the loyal support they have given me in carrying my heavy and arduous burden these three and a half years. I would also like to pay a tribute to my collaborators in the Legislature who have given



to the Government the maximum possible support with a constructive approach in all matters. May I appeal to the hon. Members through you, Sir, that the debate on the Reorganisation Bill may be carried on in the same constructive and accommodating spirit which has been evinced so far according to the traditions of this House? However inevitable, parting with friends and severing of long connections is always sad and hard to bear. Let us, therefore, now apply ourselves to the task in an understanding manner.

## 56

## Friendly separation- taxation inevitable

*The discussion on the 'Bombay Reorganisation Bill' was continued on 18 March 1960. The hon. Member of the House took part in the discussion Bill and discussed many aspects of the Bill. Regarding the points raised by the hon. Member Shri V.N.Patil about the per capita expenditure on the Gujarat side, Shri Y. B. Chavan, Chief Minister, explained (BLA Debates, Vol. 10, Part II, March 1960, pp. 868-70.) that at the time of the division of assets and liabilities between the two States, the distribution on the basis of population was not accepted and that Gujarat was taking responsibility for paying the liabilities more in proportion to the capital expenditure. He further explained that as that was very fair, it was no use keeping a sense of grievance in our mind that something was spent more on Gujarat.*

*In regard to the other point whether we had got the capacity to pay, Shri Y. B. Chavan. Clarified that when once we had agreed to pay something, then the question of the capacity to pay should not be brought in.*

*About the point raised by the hon. Member, Shri B. B. Sawant, that the Central Government should be asked to pay for the remaining period of four years, Shri Y. B. Chavan, said that it was not relevant to raise the question at that stage and that as we were concerned with the bifurcation of the State, we had to consider the issues which were relevant to the bifurcation. He pointed out that what we should do before the Finance Commission and what the Central Government should do for different States were certainly different matters.*

*As regards the question raised by the hon. Member, Shri V. D. Deshpande, about the taxes to be levied after the bifurcation, Shri Y. B. Chavan, explained that irrespective of the financial adjustment, taxes would have to be levied for developing Maharashtra.*

Sir, I would like to explain one point which the hon. Member, Shri V. N. Patil has raised, that is about the per capita expenditure on the Gujarat side. Some of the statistics of Bhattacharya are very eloquent on this point. I need not go into the details of the figures and facts shown in the report. The point that is conceded is that the per capita is more

on the expenditure side in Gujarat. But, Sir, at the time of the division of assets and liabilities between the two States, it is very obvious that the distribution on the basis of the population is not accepted. Gujarat is taking the responsibility for paying the liabilities more in proportion to the capital expenditure. That is a very fair proportion. It is no use keeping this sense of grievance in our mind that something was spent more on Gujarat and that it should be made good in Maharashtra. That is not substantially correct.

The other point is whether we have got the capacity to pay. It is a legitimate question. Now, Sir, the conflict comes between two propositions and it is this: when we agree to the principle of giving some help what should we do? I would like to ask the hon. Member whether it is open for them to say whether they have got the capacity to pay or not, when they have agreed to the principle of giving some help. This is one point. Then, I take the position of the hon. Member Shri V. N. Patil that we agree to give them help for two years. Is it open to the hon. Member Shri Deshpande or the hon. Member Shri Patil to argue that we do not have the capacity to pay afterwards? I am not referring to any particular thing here but I am only arguing. Suppose you agree to give Rs 2 crores or Rs 3 crores or Rs 4 crores, or whatever figure they may have in their minds, in principle, and we find that we do not have the capacity to pay, can we say that we have no capacity to pay?

I am glad that the hon. Members opposite accept this position. Once we agree to pay something then the question of the capacity to pay should not be brought in. (Interruption). When we agreed to give — I certainly agree that it is a financial burden on Maharashtra — we have willingly accepted that, and we have willingly agreed to find a solution. It is a very complicated and complex problem. If we had continued to remain in that position it would have created more problems. That is my explanation for it.

Well, Sir, now the other question is whether we should agree to the point raised by the hon. Member Shri Sawant, that the Central Government should be asked to pay for the remaining period. Sir, as I understood, if at all we have to go and put up our case before the Central Government, then the matter will go to the Finance Commission. Is it open for us to go and ask for whatever help that we would require for our own purpose for Maharashtra? If that is open, then, similarly,

Gujarat also may go and put up its claim with the Central Government, and that will also go to the Finance Commission. But they will have to look after the interests of all the States in this country. So, I do not think it is a relevant question which we can raise at this stage. Here we are concerned with the bifurcation of the State and so we have to consider the issues which are relevant to the bifurcation of the State. What we should do before the Finance Commission, what the Central Government should do towards different States are certainly different matters, and they will have to be considered at the proper time in the proper forum. About the other side of the argument put before us, I really wonder how the hon. Member has come to the conclusion that Rangachari has tried to arbitrate beyond the terms of the Working Committee. I am afraid that he has not very carefully read the note which was circulated. That note was about the financial adjustments. If he refers to page 4 of that note on which Gujarat's deficit has been worked out he will find in column 2 the deficits which are given for all the six years. In the first year, the deficit is shown as 407.92, in the second year it is shown as 432.00; in the third year it is shown as 432; and it remains the same for the remaining years. It is only in the first year that a reduced figure is shown, otherwise for all the other years the deficit is just the same, namely, 432.00. In the first year it was reduced because the bifurcation which was to take place on April 1, was delayed by one month and now it will take place on May 1. Therefore, it is calculated on the basis of eleven months in the first year. If the hon. Member had tried to read that statement correctly, he would have understood the position.

Really speaking what the hon. Member is worried about is column 4 which gives information about debt amortisation. There he will find that the figures of the debt amortisation are tapering down year by year. Therefore, if at all the hon. Member wants to study these figures minutely, he should carefully go through the Rangachari Report which has outlined the principles in this respect. These figures have been arrived at after outlining certain principles. The figures about the debt amortisation are bound to come down because of the fact that the State Road Fund is constant; and it will have to be constant. There is no doubt about it. I think if the hon. Member studies these figures properly, he will not have occasion to press for his amendment.

The hon. Member Shri Deshpande knows very well that it is not

because of this financial adjustment that we shall have to levy new taxes. Even otherwise taxes will have to be levied if we want to develop our Maharashtra State. If we are to develop Maharashtra then any wise Government will be forced to consider some taxation proposals. My hon. Friend Shri Deshpande hopes to come to this Side—let us hope that he occupies this Side—and he will also have to consider some taxation proposals for Maharashtra if he wants to develop Maharashtra. I, therefore, cannot accept the amendments.

# 57

## Adivasi death - a suicide

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*Shri B. S. Patil, made a statement under Rule 94 about the arrest and severe beating of Adivasis by the Police and the death of an Adivasi in police custody, and drew the attention of the Chief Minister by a Calling Attention Notice. On 25 March 1960, explaining (BLA Debates: Vol. 10, Part II, (Inside No. 16), March 1960, pp. 1076-77.) the position in this respect, Shri Y. B. Chavan, Chief Minister, defended the police action.*

*Shri Y. B. Chavan clarified that no Adivasi died in police custody and no Adivasi was beaten by the police. He explained that one Adivasi named Gangya Chima Katkar (the deceased) committed suicide, fearing arrest by the police in a theft case, in which he was involved along with five other persons. Shri Chavan pointed out that 'Death was due to Asphyxia on account of hanging was the opinion given by the Medical Officer, Bhiwandi.'*

*Shri Chavan told the House that Shri Gangya Chima Katkari and other Adivasis were not in police custody and were not beaten by the police and that Shri G. C Katkari's death was due to asphyxia on account of hanging.*

Sir, the position in this respect is as under-

On 3 March 1960 an offence under Section 380, I.P.C. was registered at 15.00 hours, Padgha No. 21/60. The offence was reported from Basa village. During the course of enquiries it was learnt that Shri Gangya Chima Katkari and 5 others had committed the above offence and hence Gangya Chima Katkari (the deceased) and others were called to Padgha Police Station on 13 March 1960 at 18.00 hours, and were questioned at length. When nothing particular had come out, everybody was allowed to go. Then after keeping watch over the activities of the above persons they were again called for interrogation at Basa on 14 March 1960, but on this day Gangya Chima Katkari was found absent. One constable named Pawar was sent to his place but he was not found at his place.

On 15 March 1960 at about 15.00 hours the wife of the above Gangya Chima named Parwatibai informed that her husband had committed

suicide by hanging himself on a mango tree. On this, Accidental Death No. 4/60 was registered, an inquest panchanama over the dead body of Gangya was held and the body was sent for post-mortem examination. The opinion about the cause of death of Gangya Chima, given by the Medical Officer, Bhiwandi, is as follows: 'Death was due to Asphyxia on account of hanging.'

No other injury is mentioned in the post-mortem notes except the hanging mark of the rope.

One Shri Padya Deu Kathodi (Katkari) had disclosed that the above Gangya Chima Kathodi had committed the above theft along with five other persons. Due to a guilty conscience and fear of arrest this Gangya Chima might have committed suicide.

# 58

## Nag-Vidarbha agitation and police firing

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*Shri Y. B. Chavan, Chief Minister, made a statement (MLA Debates, Vol. 3, Part II, April 1961, pp. 2231-32.) regarding the disturbances in Nagpur on 30 and 31 March 1961. In this connection he said that in spite of prohibitory orders the Nag-Vidarbha Andolan Samiti took out a procession on 30 March 1961. The police opened fire in self-defence on the violent processionists.*

Mr Speaker, Sir, the Nagpur Congress Committee had decided to celebrate the 48 birthday of the Chief Minister, on 30 March 1961, on the Patwardhan Grounds, Nagpur. Earlier, the Nag-Vidarbha Andolan Samiti had declared its intention to take out a procession to register a protest against these celebrations. In view of the virulent propaganda carried on by the Samiti, it was apprehended that there would be a breach of peace. For the preservation of public order, therefore, the District Magistrate, Nagpur, issued prohibitory orders under subsections (1) and (3) of section 37 of the Bombay Police Act, 1951, banning inter alia processions and meetings (except with the permission of the District Magistrate) in Nagpur city, for the period from 29 March 1961 to 1 April 1961. The City Nag-Vidarbha Andolan Samiti applied to the District Magistrate, Nagpur, to allow them to hold a parallel protest meeting on 30 March 1961, at the Bharat Mata Chowk. The District Magistrate granted the necessary permission. Accordingly, a meeting was held by the City Nag-Vidarbha Andolan Samiti at the Bharat Mata Chowk, at 3-00 p.m. on 30 March 1961. The meeting was addressed by Sarvashri V. S. Dandekar, Rajabhau Dangre, T. G. Deshmukh and Harikisan Agarwal. They exhorted the audience to proceed in a procession towards Sitabuldi. Accordingly, after the meeting was over, a procession of 4,000 persons started from the Bharat Mata Chowk. In the meantime, the police shorthand reporter present at the meeting was manhandled by certain persons. Photos of the Chief Minister were torn and burnt. The procession which started from the Bharat Mata Chowk, had a bhajan party and carried a palkhi



which contained a photo of the Chief Minister, shoes, chappals, a broom, black flags and a placard bearing the slogan "Nag-Vidarbha Zindabad". When the procession reached the Badkas Chowk, a police officer warned the processionists through a loud speaker that the procession was illegal, being in contravention of the ban on processions imposed by the District Magistrate, and that they should disperse peacefully. The warning had no effect, and the police had to make a mild lathi charge to disperse the processionists. Whereupon the processionists stoned the police, injuring several of them. This was a signal for the disturbances which followed thereafter on 30 March and 31 March 1961.

On these two days, violent mobs attacked the Mahal Post Office, the Town Hall, the Shivraj Litho Works, the Maharashtra Press, the City Post Office and the Tahsil Police Station. They set on fire (1) the motor garage of the City Superintendent, (2) a hut adjacent to the 'Shivraj Litho Works', (3) Police Chowkey No. 9, (4) the Police Residential Colony at Itwari, (5) the Corporation's warehouse in Maskasath and (6) the Dilip Printing Press on Nikalas Mandir Road. They also broke street lights on Ruikar Road, and burnt telephone boxes. Damage was also caused to the Gandhi Sagar garden and the wooden fencing around the trees was set on fire. A bicycle belonging to a police constable was snatched.

Electric cables were set on fire near the Chandak Company. Damage to the extent of about Rs 1,95,000 was caused to private property and of about Rs 27,000 to public property.

To quell the disturbances, the police had to resort to firing on five occasions, to lathi charges on seventeen occasions and to tear-gassing on eleven occasions. The police resorted to firing in self-defence and for the protection of property against violent mobs bent on loot or arson. The fury of the attack by the rioters can be gauged from the fact that 66 police personnel were injured including 1 Deputy Superintendent of Police and 7 Sub-Inspectors. One of the policemen was seriously injured in the eye region. The police opened fire once on 30 March 1961, and four times on 31 March 1961. In all, they fired 21 rounds. The firing on 30 March 1961 took place near the bonded warehouse belonging to the Municipal Corporation in the Maskasath area, where the rioters stoned the police party heavily for two hours, injuring 12 out of the 15 policemen on duty there, and set fire to the warehouse. One person named Raghunath Doma Teli was injured in this firing and died

in hospital later on. On 31 March 1961, the police had to open fire twice near the same spot, as violent mobs tried to set the corporation ware house on fire. The third police firing on that day took place near the City Post Office, where an armed guard had to fire three rounds in the air, as a hostile mob stoned the City Post Office heavily with the intention of setting it on fire and looting it. The fourth occasion on which the police opened fire was when a patrolling police party was moving between Bharat Mata Chowk and Maskasath. Three rounds were fired in the air, as the police party were surrounded by a violent mob, which resorted to stone-throwing, injuring several members of the police party.

In all, 34 persons were injured of whom 1 died in hospital; of the 34 injured persons, (a) 9 were injured in the police firing, (b) 2 were injured by teargas shells, and (c) the remaining 23 were injured by lathi charges.

In all, 134 persons were arrested and are being proceeded against.

There is no hostility. But some persons were bent on Creating trouble. But does the hon. Member want to suggest that I should have no celebrations in Maharashtra? Does the hon. Member mean to suggest that I should express such opposition to the Maharashtra State?

Mr Speaker, Sir, it is true that **Shri Aney** was not given such permission although he had asked for it. The reason for it, was that the injured men were under arrest. That is why the local officials did not give him permission.

The Government is well conversant with the method of treating the political agitationists. If some people misconstrued this and that, nothing more could be said about it.

## 59

## Famine relief fund

*Defending the demand on '64 Famine Relief on 13 July 1962, Shri Y. B. Chavan. Chief Minister, said (MLA Debates, Vol. 7, Part II, (Inside No. 26), July 1962, pp. 1266-67.) that the people of Maharashtra responded well to the Chief Minister's Relief Fund which was properly utilised by the Committee of Officials and Non-Officials. He concluded that he would take the responsibility for the proper administration of the Fund.*

May I intervene, Sir, as I will not have an opportunity of listening the whole debate and replying to some of the statements that are made on the floor of the House? Sir, it is true that last year because of serious natural calamities, which were unprecedented, if I may say so, the people of Maharashtra responded well to the Chief Minister's Relief Fund. Large amounts were sent to Poona, Berar and Konkan to meet the situation. For the administration of this fund, we thought it better to have committees of official and non-officials. In the case of the Konkan, an Executive Committee consisting of mostly non-officials was constituted. I think the hon. Member, **Dr Mandlik** is also a member of that Committee.

Sir, an executive committee in which non-officials were associated was constituted for the administration of the fund. It was thought that official and non-official sources should be channelised and funds allocated should be properly utilised. When some facts came to the notice of the hon. Revenue Minister, he ordered an enquiry. The Commissioner, Shri D'Souza, visited the place and made enquiries in the matter. The enquiry was being further pursued; I read some sort of reports and articles in the 'Nav Shakti'. I must thank its editor, Shri Palekar. I have written to him thanking and assuring him that all necessary steps are being taken in the matter. When funds are allocated, it is the responsibility of the machinery to distribute it in a proper way. Some undesirable practices were followed, it appears. But one must withhold final judgement till

enquiries are finalised. All these things will be scrutinised properly. Everywhere there are some bad elements. We will trace the culprits and punish them. When the fund was collected in the name of the Chief Minister, it was in the name of the State and I cannot run away from the responsibility. I will see that the funds are properly administered.

**Part II**  
**Council Debates**

## 60

## Illicit felling of trees

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*Discussion on the public Accounts Committee's report took place in the House on 14 September 1955. Shri Y. B. Chavan, Minister for Forests and Civil Supplies, replied (BLC Debates, Vol 32, Part August-October 1955, pp. 361-64.) to the points raised by the Opposition regarding the recovery of the amount of compensation fixed for the illicit felling of trees, arrears of different years due from the Forests Department, arrears due to increase in the number of coupes allotted to the Forest Labourer's Cooperative Societies which are run for Adiwasis, as regards references made to the Civil Supplies Department as to how large amounts remained outstanding from private parties as well as from the Municipalities and other State Governments, Shri Chavan said that those arrears would be recovered from the transport contractors and from the various parties for which 77 suits had been filed by the Government.*

Madam Chairman, I propose to reply to the points raised in respect of the Forests and Civil Supplies Department.

Hon. Member **Shri Khedgikar** has raised a point regarding the recovery of the amount of compensation fixed for illicit felling of trees. He wanted to know as to how much are the arrears and why they are not being recovered. The information that I could collect just now in this case is that some of the amounts referred to as due for the year's 1951-52 were quite negligible. I can tell for the information of the House that the amount accumulated after that is about Rs 6 lakhs and I would like to explain the reasons for the same. After the merger of several States in the Bombay State, in the border areas which are predominantly occupied by Adiwasis, the illicit felling of trees was resorted to. It was difficult to check it in the beginning but after that we had to take a certain action against them. I find that so far about Rs 75,000 have recovered. It is very difficult to recover these amounts from the Adiwasis who might have committed the offence of illicit felling of trees. But at the same time I may also mention that we are pressing the revenue authorities and the

Forest Officers to recover these arrears. There are certain arrears to be recovered from other districts also. But they are old arrears.

Then there was the question of large amounts which are outstanding in the Forest Department. It is mentioned that arrears to the tune of Rs 88,47,000 were due to the Forest Department for the year 1950-51. But I find from the trend of arrears of different years, that the tendency is almost for reduction and not for increase. I would like to give the statistics in this connection for the information of the House. For the year 1950-51, the arrears were Rs 88 lakhs, for the year 1952-53, they were 82 lakhs of rupees; for the year 1953-54, 60 lakhs of rupees and for the year 1954-55 they are Rs 72 lakhs, that is, there is a slight increase. But if we compare the amount of arrears for 1954-55 with the arrears for 1951-52, my statement would be borne out. There are three or four reasons for this state of affairs and I would like to give them for the information of the House. The increase during the year 1954-55 as compared to the figure for 1953-54 is mainly due to the increase in the number of coupes allotted to the Forest Labourers' Cooperative Societies. These societies are run mainly for Adiwasis. The reasons for the other outstandings are that the major portion of the outstandings pertains to the prices for coupes allotted to the Forest Labourer's Co-operative Societies who are allowed the concession to pay the amount upto June 30 without any interest. But whatever is due at the end of March will have to be shown as outstanding though the contractors are allowed time upto 6 months, that is, up to September or October to pay the amount. That is why though technically the amounts are shown as outstanding, it cannot be said that all of them are outstanding. That is another explanation. These are possibly the most important reasons for these outstandings.

Another point which has been referred to by hon. Members. **Shri Deshmukh** and **Dr Khair** is about the irregularities found out in the several offices of the Forest Department. Of course the Audit Report has mentioned these irregularities and I am not going to defend them. But I would like to give one explanation as regards these irregularities. They were shown in the Audit Report for 1951-52 and thereafter and particularly during the last 2 or 3 years Government has undertaken very effective steps to check the different offices, their method of work and find out the irregularities committed in them. A special Secretary is appointed to tour about the different offices and even the Secretaries of

the Departments are now allowed and encouraged to give surprise visits to the subordinate offices and to find out the defects in the work of those offices. This method is bound to reflect in the improvement in the working of the offices. This is the only explanation I can give about this matter. Sir, these were the only points referred to so far as the Forest Department is concerned.

With regard to the Civil Supplies Department, the hon. Member Shri Khedgikar made a reference to the large amounts which are outstanding from private parties, as well as Municipalities and other State Governments and he wanted to know as to why delay is being made in recovering these outstandings. So far as the amounts outstanding against the Municipalities are concerned, the Directors of Local Authorities have instructed the Municipalities concerned to settle the claims of the Government, as early as possible, and I am sure that will have its own effect. I can say that good results can be achieved within a few months. As the hon. Members are aware, the Local Authorities also have their own difficulties and they have to adjust these amounts, which are very large in some cases, on the basis of some instalments but I am sure that these amounts will be recovered.

Then I come to the question of the amounts due from different State Governments. So far as the amount due from the Pakistan Government is concerned, it is about Rs 2 lakhs and the Pakistan Government has been pressed for the same through the Government of India. Out of the remaining amount due from the other State Governments about Rs 20 lakhs have been adjusted. It is also stated in the report that a claim to the extent of Rs 27 lakhs has been admitted in the case of Rajasthan. Thus all these recoveries would be made and there is no fear on that score.

Sir, some hon. Members referred to the arrears to be recovered from the transport contractors and some of them tried to lay emphasis on the words used in the report of the Public Accounts Committee that there seems to be some deliberate fraud in some of these cases. I might humbly and respectfully state in this connection that whether a particular thing is a deliberate fraud or not is a matter for the judiciary to decide. Whatever we may say, this is a question where a criminal intention has to be proved. I can say for the information of the House, that the matter has been looked into very carefully. When this matter was brought to



the notice of the Government, the Government took immediate action on it. A special Police Officer was appointed to investigate the matter, but, Sir, the matter is very complicated. As it is a question of transport from one District to another, the record and receipts of even the smallest Municipal Naka had to be checked, and we had to appoint a special C.I.D. Officer. The whole matter is, at present, with the R.L.A.'s office. I am waiting every day for a report from the R.L.A. and the Government is keen on deciding the matter immediately. There is no question of a deliberate delay. The matter has either to be decided on the advice of the R.L.A. by the Government, or, if it goes to the court, it has to be decided by the court.

Then there were certain references as to how many suits are pending; etc. Then some hon. Member asked for information about the break-up of the figure of Rs 18 lakhs. I may mention here that about Rs 4 lakhs are to be adjusted by book entries for famine expenditure, about Rs 6 lakhs are for adjustment with the District Collectors; Rs 2,14,000 due from Pakistan, claims to be pursued through the Government of India; Rs 1,49,000 other miscellaneous items; Rs 1,15,000 defalcations; Rs 97,000 litigations; Rs 82,000 octroi to be recovered from the municipalities — claims under correspondence; Rs 58,000 excess payments on transport; Rs 54,000 recoveries from various parties watched through the Demand Register; Rs 15,000 probable write-offs.

So far as the pending suits are concerned; so far 77 suits have been instituted by the Government in the mofussil and 3 in the city courts. Further 7 suits are likely to be instituted in the districts and 6 in the city courts.

There are arbitration cases pending in Bombay for the recovery of about Rs 18 lakhs. Two more arbitration proceedings for Rs 71,000 are likely to be started in Bombay shortly.

Then, Sir, there was a reference to the compliance of the Inspection Reports also. I may say, from the information that I have just received, that against an outstanding of 350 items for the C.S.D., there are only 20 items which remain to be completed with. The other items are already complied with.

This is all the information that I wish to place before the House and I hope that the House will accept it.

# 61

## Election machinery for the municipal elections

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*L. A. Bill No. XLII of 1955 to amend the Bombay Municipal Corporation Act was introduced (BLC Debates, Vol. 32, Part II, August-October 1955, pp. 728-29.) in the Legislative Council, by Shri Y B. Chavan, Minister for Local self-Government, on 30 September 1955 to hold the municipal elections in a better manner by applying the provisions of the Representation of the People Act, 1951, and to introduce a faultless election machinery.*

Mr Chairman, Sir, this is a Bill which has been brought in with a view to amend the Bombay Municipal Corporation Act, for two purposes. The first purpose is to organise the municipal elections in a better way and to introduce a faultless election machinery in the Bombay Municipal Corporation elections, and for so doing certain provisions of the Representation of the People Act, 1951, have been introduced in the Act. It is hoped, and the hope is based on our experience of the last elections, that these provisions will better the elections of the Bombay Municipal Corporation as well.

The other purpose for which this amending Bill has been brought in is to provide for the regulation of the buying and selling of agricultural produce in the municipal and private markets by the Corporation on the lines of the Bombay Agricultural Produce Markets Act, 1939. As the House is aware, Bombay is a very important market for fruits and vegetables and other agricultural produce, and it is a city where agricultural produce is imported from the different parts of the country.

Now, Sir, there is a curious method of selling the produce in the markets of Bombay city. The system is this when they purchase vegetables in

the market, the agent and the purchaser speak some curious language through their fingers, under a cover. So in order to safeguard the interests of the producers and also perhaps the consumers who are put to a loss through this system, this provision has been introduced and I consider it to be a very important provision as far as this amendment is concerned. Sir, I hope the Bill will be accepted by the House.

## 62

### First informant to benefit

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*On 30 September 1955, Shri Y. B. Chavan, Minister for Local Self-Government, moved (BLC Debates, Vol. 32, Part II, August-October 1955, pp. 732-33.) in the Bombay Legislative Council the Legislative Assembly Bill No. LVIII of 1955 to amend the Bombay Land Requisition Act, 1948 which was passed by the Legislative Assembly on 27 September 1955.*

*This law which gave the benefit to the Government servants was made applicable to the other sections of the public, if they happened to be homeless and first informants. It was also made compulsory for the landlords, whose premises were requisitioned to prefer claims for compensation within a definite period.*

Madam, I beg to introduce L. A. Bill No. LVIII of 1955 (A Bill further to amend the Bombay Land Requisition Act, 1948) as passed by the Legislative Assembly on 27 September 1955. I may mention, Sir, that in exercise of the powers conferred upon him by clause 3 of Article 207 of the Constitution of India, the Governor of Bombay is pleased to recommend to the Bombay Legislative Council the consideration of the Bombay Land Requisition (Second Amendment) Bill, 1955.

This Bill seeks to extend the life of the Bombay Land Requisition Act, 1948, which expires by the end of March 1956. The conditions under which this Act was passed still persist in the city of Bombay and in some towns of this State. The working of this Act has shown that it is very necessary to further extend the life of this Act till the end of December 1958. I do not propose to anticipate arguments on the first reading of this Bill and try to meet them. I might point out that the pugree evil is still there. If Government servants are to be accommodated in big cities where the scarcity of accommodation is still very great, the extension of the life of this Act is very essential. Till very recently no other category of citizens except Government servants were allowed to have any benefit under this Act, but as a result of a recent decision of the Supreme Court

the other sections of the public are also given this advantage, if they happen to be homeless and first informants.

It has been made compulsory for the landlords whose premises have been requisitioned to prefer claims for compensation within a definite period. As a result of the working of this Act, we find that there are three occasions on which this opportunity or necessity to claim compensation arises. First, when the order is made for regular or recurring compensation as it is called. Secondly, when terminal compensation is fixed; and, thirdly, when there are arrears of compensation. Sometimes the landlord chooses to wait for a longer period and then suddenly jumps on the Compensation Officer or the Accommodation Officer for the payment of arrears of compensation. Then, it becomes very difficult for the Controller of Accommodation to recover the amounts in some cases because the person who had occupied the premises disappears in the meanwhile, or the premises exchange hands with the result that it becomes the liability of the Government to pay the compensation in such cases. It is for this purpose that the Government thought it fit to make it compulsory for the landlords to prefer their claims for compensation within a definite period. I hope the House will unanimously accept the first reading of this Bill.

## 63

# Local Boards and Village Panchayat elections

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*On 30 September 1955, Shri Y. B. Chavan, Minister for Local Self-Government, introduced (BLC Debates, Vol. 32, Part II, August-October 1955, pp. 733-35, 753-56.) a Bill to amend the Bombay Local Boards Act, 1923, and the Bombay Village Panchayats Act, 1933. It was proposed in this Bill to remove the business and taxation qualifications and to adopt the Assembly Electoral Rolls for the purposes of these elections.*

*The second proposition was to give a share in the tax to the Village Panchayats from the gross collection of the tax collected by both the District Local Board and Village Panchayats respectively and financial assistance to them.*

*The third proposition was to have a common cadre for engineers of District Local Boards.*

Madam Chairman, I beg to introduce L. A. Bill No. LIX of 1955 (A Bill further to amend the Bombay Local Boards Act, 1923, and the Bombay Village Panchayats Act, 1933), as passed by the Legislative Assembly on 27 September 1955.

I may inform the House that in exercise of the powers conferred on him by Article 207(3) of the Constitution, the Governor of Bombay is pleased to recommend to the Bombay Legislative Council the consideration of the Bill.

Madam Chairman, the Bill before the House seeks to amend the Bombay Local Boards Act and the Bombay Village Panchayats Act. As we have now introduced adult franchise to local bodies, it is in the fitness of things to remove the business and taxation qualifications for voting in the elections to these bodies, and to adopt the Assembly Electoral Rolls

for the purpose of these elections. This is the first proposition.

At present, both the District Local Boards and Village Panchayats are authorised to levy the profession tax. Sometimes both the bodies levy the tax and that creates a difficulty in the collection of the tax. It is, therefore, considered necessary that in those districts where the District Local Board is levying this tax, the Village Panchayats in that area should not be allowed to levy the tax, but they should be authorised to collect the tax, and the Village Panchayats should be assigned for such work not more than 50 per cent of the gross collection of the tax. That would mean giving a share in the tax to the Village Panchayats and a financial help to them. This is the second proposition.

The third proposition and it is a very important one, which the Bill seeks to introduce is to have a common cadre for the engineers of the District Local Boards. I know this is a very difficult point and it is somewhat controversial. There are divergent views on the question. There are in this House very eminent men who have worked on local bodies, and they may be holding different views on the question. There is also a growing school of thought which believes in the separation of the deliberative functions of local authorities from the executive. A year ago, in Simla, a conference of Local Self-Government Ministers was held and they discussed this question in all its aspects, and they came to the conclusion that it is very necessary that efforts should be made in this direction. Of course, the amending provision in the Bill has nothing to do with the decision I just now referred to. I am perfectly aware that this is a controversial question, and Government does not wish to impose it on local authorities. In March 1954, a conference of Presidents of District Local Boards was called in Bombay to consider the question of transferring the work of roads from the P.W.D. to District Local Boards. It was in that conference that this question was raised, because it was thought that if the process of the further decentralisation of works and powers from P.W.D. to District Local Boards was to work smoothly and efficiently, it was very desirable to have a cadre of engineers for District Local Boards. After some discussion, some Presidents of D.L.Bs. expressed their view to the contrary. But the general view of the conference was to accept the suggestion and to implement it. The Bill before the House seeks to implement that decision. I concede that this is a sort of an experiment. If somebody raises doubts about the practicability of the scheme, I would consider them legitimate. But it is

also very legitimate to make an experiment in this direction because we have long been working with the idea of having independent officers in the hands of local bodies and we admit that there is still much scope for the improvement of the administration of local authorities. I do consider that this is an experimental measure, and I am sure if it is given a fair trial, an unprejudiced trial, it has every chance of success.

I must explain to the House what is the idea of the Government behind the proposal. The Government does not propose to have an entirely Government cadre of engineers for District Local Boards. The jurisdiction in respect of all or any of such matters in relation to such a cadre would vest either in the State Government Or in such other authority or authorities as may be prescribed by Government. The authority contemplated by the Government is to have regional or divisional cadre of engineers, and to control this cadre there would be a Board consisting of the Director of Local Authorities of the region, the Superintending Engineer of the region and three District Local Board Presidents to be elected by the Presidents of the District Local Boards in that division. All the District Local Boards in the region will be represented on the Board by rotation. Thus the Board will have a non-official majority. I hope this will remove the fear in the minds of those who are opposed to the idea.

A possible argument against the idea is this. On the one hand, we have been trying to have decentralisation of power, and on the other, we are going the other way about, by centralising the services. I should say such an argument is based on some misunderstanding, because any attempt to improve the efficiency of the service will not affect the policy of having decentralisation.

I hope that the House will unanimously accept the first reading of the Bill.

Madam Chairman, I am really very much grateful to the hon. Members who participated in this debate. Madam, I am also very much grateful to **Shri Barfivala** whom I have always held in great esteem for his long experience in the field of Local Self-Government. Sir, I take a pleasure and delight in consulting him in matters concerning the Local Self-Government in the discharge of my duties whenever a new proposal comes. Madam, I had occasion to differ from him many times, and in spite of his long experience in the Local self-Government field, I have



to oppose him today. Most of the hon. Members who participated in the debate supported the basic idea of the cadre, except Shri Barfivala, who opposed it, saying that it would not work well, and it will thwart the growth of democratic institutions. I have tried to understand the opposition of Shri Barfivala. I have tried to explain to myself why is it that a man of Shri Barfivala standing who has made a very keen study of the problems of Local Self-Government, is unable to understand this new concept, and I have found the explanation. He has studied and advocated the cause of Local Self-Government when we were under the foreign domination, and he had opposed every thing that was supposed to take any authority from local bodies and there is still that psychological resistance. Sir, he has studied the problems of the Local Self-Government even before I was born. But the psychological resistance to which I made a reference now is not allowing him to see this problem in its new perspective. And this new perspective arises out of forces generated by the emergence of the new Republic of India. I considered this question of cadre many times before I agreed to the introduction of this Bill. By having this cadre I do not think we are going against democracy. My hon. Friend Shri Deshmukh rightly asked: What is the fundamental principle of democracy that is being violated by the idea of this cadre? I find that the hon. Member Shri Barfivala himself is taking a rather undemocratic attitude in this matter. I am quite prepared to admit a legitimate doubt about the success of this new experiment. But a man who has closed his eyes to any new experiment and is not prepared to see the probable correctness of the other side is essentially undemocratic. It is not because A, B or C says that there is democracy in a particular thing that democracy lies in it. It is this mental attitude of not trying to understand the other side which gives birth to the dictatorial attitude. He is not prepared to admit that probably there may be something right in what others say. He has absolutely closed his mind and head to the probable correctness of this new experiment. If he still thinks that a conference called by the Minister or by the Chief Minister is undemocratic and that it becomes democratic if it is called by some people whose names he mentioned — I have the highest respect for them — I can only say that I have no such strange idea of democracy. Only last week, I had an opportunity to meet about ten or twelve District Local Board Presidents of Maharashtra in Poona when the Pradesh Congress Committee had invited them to discuss certain things. I told them that I was there not as a Minister but as a worker

of that party and asked them to give their views about this matter. I am glad to inform this House that most of those District Local Board Presidents present supported me. But even then said that every District Local Board President is against this scheme — cadre. He is entitled to hold his strange view. The real point before us is whether this is going to come in the way of the working of the District Local Boards. Possibly, the reason why he has taken this view may be due to the fact that he has all along been working in his Local Self-Government Institute. I may tell him that he must work in some Local Government unit.

There is a gradual change in the working of the District Local Boards. Formerly, the District Local Boards were looking after minor problems of villages. Now, we are having a large number of Village Panchayats and the smaller works are going to the Village Panchayats. If the District Local Boards are to exist and to work on a sound basis, they will have to attend to the major works which will be transferred to them from the P.W.D. as a measure of decentralisation. If we look to the entire work which the District Local Boards will have to do and are doing at present, it is quite necessary that we should have the sort of cadre that is contemplated now. He asked how there will be efficiency. He himself said that the local self-governing institutions in the Bombay State are working very well. Does he mean to say that they are working very well only because there is no system of cadre here? Does he mean to say that there are no other reasons why they are working well? What is the efficiency in a man due to? Efficiency also comes out when there is a challenge to the best in a man. It does not mean that a man has no qualities in him. A man working for nearly thirty years or so in a place knows too well the persons of the place and the conditions therein. He takes things for granted. On the other hand, if a person works in different sets of conditions, there will be occasions to bring out the best in him. Also, as my hon. Friend **Shri Donde** pointed out, if a person works for a long time in a particular area, a sort of vested interest develops and certain likes and dislikes are created in him. He makes his own friends and foes. I do not want to name the District Local Board and give out the name of the President, but I know it was said in a District Local Board that as the officers cannot be changed, they become the bosses of the organisation, particularly when they know that the Board has to be elected every four years and that the members and the President of the Board do not remain permanently on the Board. To remedy this

state of affairs it is necessary to have transfers. The hon. Member Shri Barfivala described as funny the idea of sending an engineer who has worked in Kanara to Belgaum. I do not see any force in the argument. I have the highest regard and respect for the views of my hon. Friend Shri Barfivala, and with all due respect to him, I must say that I differ from his views on this matter. But with this little difference in our views, am I not entitled to his blessings so far as the present Bill is concerned? I think I am. I do claim that I am entitled to his blessings. A reference was made by the hon. Member to a long list of eminent persons. I also have had the honour of associating myself with many eminent persons. My predecessors in office were very eminent. But I think I must have also the courage of my conviction and have the liberty to differ from him in respect of certain views when I feel I should do so.

Madam Chairman, I thank all the hon. Members of the Opposition for their views on the Bill, and they were very valuable as they were from persons with a long experience in the working of such bodies. I request the House to unanimously accept the first, second and third reading of the Bill.

# 64

## Extension of term : Bombay Municipal Corporation

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*A Bill entitled Bombay Municipal Corporation (Extension of Term) (Amendment) Bill was passed by the Legislative Assembly on 12 October 1956.*

*The same Bill was introduced in the Legislative Council by Shri Y. B. Chavan, Minister for Local Self-Government, on 16 October 1956, stating that the Bill would empower Government to take over the administration of the local bodies whose members shirked their responsibilities and resigned. (BLC Debates, Vol. 35, Part II. October 1956, pp. 248 and 250.)*

Sir, this Legislature has passed the Bombay Municipal Corporation (Extension of Term) Act, 1956, whereby the bye-elections were postponed during the period of the extended terms of the Bombay Municipal Corporation. But the Government now feels that the situation has improved and the normal stage has come in which the bye-elections can be held and so this small piece of legislation has been brought before this House. Sir, this Bill is so simple that it speaks for itself and requires no further comments from me.

Sir, the hon. Member Shri Donde said that, because the Government realises that it had committed a mistake in withholding the elections, it is now coming before the House in order to rectify it and that the Government would have to do the same thing in the case of Ahmedabad. Sir, as regards Ahmedabad another Bill is being brought before this House for its approval. The hon. Member Shri Donde asked whether there is any real change in the circumstances. I would simply ask him to search his own conscience. The change is not to be found out somewhere outside; he should look for it in his own mind. Why did we withhold the elections? It was done because there was that mental

tension. Sir, I can quite understand his speech. I expected only that kind of speech from the hon. Member Shri Donde. His speech was an attempt at self-justification. He wanted to justify the resignations of those who resigned. I can understand that there is that human aspect in it. But his objection is really theoretical. I can understand somebody resigning his seat in the Legislative Assembly (Interruption). What I cannot, however, understand is why the members of local self-governing bodies should concern themselves about a problem which is not their direct concern and try to canonise the local authorities which have been doing useful work. In this State Government had to take over the administration of about 300 Village Panchayats, about 40 Municipalities, 1 Corporation and 1 District Local Board. One fine morning all the Members of these bodies chose to resign. What does this show? Does it show a proper sense of responsibility of civic duty? I do not think so. On the contrary, it shows that they wanted to shirk their responsibility to manage these local self-governing bodies.

The only point that the hon. Member tried to make out was that circumstances justifying the withholding of elections did not exist then. Sir, this is not a fact. Circumstances justifying Government action did exist. (Interruption). Happily such circumstances do not exist now.

Sir, I do not think I need say anything further at this stage. I hope the House will pass the first reading of the Bill.

# 65

## Ahmedabad Municipal Corporation bye-elections

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*On 16 October 1956, Shri Y. B. Chavan, Minister for Local Self-Government introduced (BLC Debates, Vol. 35, Part II, October 1956, pp. 251-52, 263-66.) in the Legislative Council Bill No. XLVIII of 1956 to provide for the postponement of bye-elections to fill casual vacancies for Councilors of the Municipal Corporation of the city of Ahmedabad which was passed by the Legislative Assembly on 13 October 1956. The Bill provides for the postponement of bye-elections to the Municipal Corporation of Ahmedabad, caused due to the resignation of some members of the Corporation. These members had resigned in response to the announcement of the decision of Parliament that Bombay should be a bigger bilingual State.*

Madam Chairman, just now the House passed a Bill authorising the holding of bye-elections to the Bombay Municipal Corporation. It is unfortunate that the Government should come before the House for its approval for a dissimilar legislation to meet a situation in the city of Ahmedabad. As a result of the decision of the Parliament that Bombay should be a bigger bilingual State, there was unrest in the city of Ahmedabad in the month of August, and there were disturbances also there. As a result of this, some 26 members of the Ahmedabad Corporation resigned, including the Mayor of the Corporation. The Government had to face a similar situation in many other cities, particularly in the city of Bombay. To meet the situation, the Government had no alternative but to promulgate an Ordinance not to allow bye-elections to be held for these casual vacancies.

During the course of the discussion on the Bill allowing bye-elections to the Bombay Municipal Corporation; it was argued by some hon. Members that the bye-election was an occasion for the people concerned

to voice their views on any issue and contest the elections. Therefore, bye-elections were an opportunity for the electorate to express their views. I can very well understand the academic aspect of the argument. But democracy is not merely bundle of academic theories. Democracy is a way of life, and democracy has to be lived every day. We have to lay down certain democratic practices and observe them. When we talk about local self-government institutions, we always say that the institutions are necessary for the decentralisation of the administration. Now, what is the decentralisation of the administration? In a sense, it is the division of work horizontally and vertically. I will explain how it is practicable. When a certain local authority has been given a certain authority to fulfil certain functions, it is necessary that the body should confine itself to such functions. This is a sort of functional division. In order to illustrate this principle of decentralisation, as I explained in the lower House, I may quote the example of the human body. That organism functions on the principle of decentralisation. There is a division of work there. If the brain were to undertake the work of the heart, the ear were to undertake the work of the brain, there would be chaos in the functioning of the body organism. Such chaos is the result when local bodies undertake to resolve issues of the States reorganisation. It is not their function at all. Even by the remotest possible stretch of the imagination, it cannot be said that a local authority, instead of confining its activities to certain civic functions, should take to political agitation and tackle political problems. That is where the question of democratic practice comes in. However, no Government would be happy to come forward with a legislation to prevent bye-elections. But what should the Government do when a large number of members of a local body choose to throw the entire working of such a body out of gear and bring about chaos in its working? In Ahmedabad not only did the civil body stop functioning, but an attempt was made to create conditions in the city whereby the entire life of the city was affected. It is at this stage that it becomes the unpleasant duty of the Government, of any sensible Government, to step in and stop the elections. It is for this reason that the Government had to issue an Ordinance in the month of September postponing the bye elections. The Bill before the House seeks to convert that Ordinance into a legislation. I commend the Bill for the unanimous acceptance of the House.

Madam Chairman, I could see that the arguments advanced against

the Bill have been very ably met by hon. Members, both from this Side of the House and from the Opposition. The exchange of views was very interesting. That only shows that there is some justification for the Government bringing this Bill before the House.

One of the hon. Members queried, whom does the Government want to punish by such legislation, the Corporators or the people?' I must make it absolutely clear that this Bill is intended to punish none, because we know that some of the Corporators did resign out of conviction. I have no doubt about it. But it is also true, as was mentioned by the hon. Members **Shri Patwari**, that behind certain resignations there was the element of fear as a result of the pressure and mass hysteria which existed in some cities in that region, and particularly in the city of Ahmedabad, in the month of August. I quite concede that normally bye-elections should not be opposed, but for holding such elections, there must be a free atmosphere. One hon. Member said that abnormal conditions require abnormal treatment, and it is for that reason that this Bill has been brought before the House. As I said in the beginning, I am not very happy in proposing the postponement of the bye-elections. But the point is, how can the bye-elections be held under conditions under which there is no likelihood of free expression of opinion? The whole atmosphere is surcharged with mass hysteria. It is because of this that the bye-elections are proposed to be postponed. I am glad that an hon. Member from the Opposition, Shri Deshmukh, came forward to testify to the bona fides of the Government by saying that there is no political move behind this legislation. He was justified in saying so, because in this very session we came before the House with a Bill to allow the holding of bye-elections to the Bombay Municipal Corporation because of the changed circumstances in the city of Bombay. An hon. Member asked as to what was the intention behind the Bill. It could not be to paralyse the administration. The Government has nothing to do with the intentions. They may be good or bad. It is very difficult to find out what the intentions are. In politics and administration, it is not the intention that matters but it is the consequence that matters. In the case of some local bodies, the consequence was to bring the administration to a halt. As I mentioned in the beginning, hundreds of local authorities were forced to close the doors of their offices, and we had to appoint officers as administrators to run the administration. But it is not a happy picture to see the administration of local bodies, like panchayats, municipalities



and local boards, run by administrators appointed by the Government, particularly for those who have the interests of local self-government at heart. There was some mental confusion in the minds of the hon. Members when they said that it was in the interests of the ruling Party to postpone such elections, and it was a mistake on the part of the Government to do that in the name of democracy. I concede that the ruling Party may commit an administrative mistake, and I have never said that it would never commit an administrative mistake. Supposing a wrong decision is taken, is there no way of rectifying the decision? Now suppose, for the sake of argument, that the decision taken as regards the reorganisation of the States was a wrong one. I must make it clear that I am not speaking on the merits of the case. Personally speaking I am of the firm opinion that the decision taken as regards the reorganisation of the States is in the national interests. But supposing it was wrong. Can that political issue be mingled with the civic life and can the resignation by the members of the local bodies be justified on that ground? Some hon. Members said that even the municipal elections are fought by political parties on their party programmes. Yes, they do so. Whether it is good or bad is not a question to be considered here. But they fight the municipal elections on an entirely different basis than the basis on which the Legislature elections are fought. Now, in this particular case, there is no relation between the question of the reorganization of the States and the duty or the attitude of the members of the Local Bodies. I want to make it clear that it was in order to protect the city administration that it was necessary to postpone the elections. This is the explanation that I can give. It would not be possible for me to convince the hon. Members who have opposed this Bill, but the only thing I can do is to give my explanation about it, and I have given it.

## 66

### Administrators' tenure of office

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*L.A. Bill No. L of 1956 to amend the Bombay Local Authorities Administration Act, 1956, was passed by the Legislative Assembly on 13 October 1956. This was introduced (BLC Debates, Vol. 35, Part II, October 1956, pp. 265-66.) by Shri Y. B. Chavan, Minister for Local Self-Government in the Legislative Council on 16 October 1956. By this Act administrators who would hold the charge of the Administration of Local Bodies would be empowered to continue to hold a similar charge after the expiry of the validity of this Act until the first general meeting of the reconstituted local authority with the required quorum.*

Madam Chairman, this small piece of legislation has arisen out of the difficulties which we experienced in the administration of the Bombay Local Authorities Administration Act, 1956. Those local bodies whose administration is taken over by the administrator continue to be under his administration for a certain period specified in the Act. But after the order is revoked or the period expires, under the present Act it would be necessary to hold a bye-election. It is now proposed to provide that, in cases where all or three-fourths or more of the total number of councilors or members of a local authority have resigned, or where the term of the local authority has expired, or is due to expire within four months of the revocation or the expiry of the order, general elections shall be held as it is considered undesirable to hold bye-elections in such cases. Similarly it may not be possible for the administrator to hold a meeting of the Municipality with the required quorum immediately after the expiry or the revocation of the order. It is, therefore, necessary to invest him with the same powers as such authority until the first general meeting of the reconstituted local authority with the required quorum

is held. These things were wanting in the Act, and in order to remove these defects, this small piece of legislation has been brought forward. I think this is a very simple Bill which will get the unanimous support of the House.

# 67

## Welfare items in the Plan

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*Shri Y. B. Chavan, Chief Minister, while presenting (BLC Debates, Vol. 2, Part II, March-April 1957, pp. 94, 130-37.) a draft development programme for the year 1957-58 under the Second Five-Year Plan to the House, explained in his speech that provision was made in the plan for education, irrigation, establishment of medical colleges, construction of parks, gardens etc. He also said that Funds were provided in the plan for Poona Milk Supply Scheme, organisation of cooperative industrial housing in Bombay, for the Koyana Project and the upliftment of Harijans.*

Sir, at the beginning, I do not want to say anything more than what has been already stated in the booklet that has been circulated to the Members for their information.

Sir, the intention of having a discussion is to invite comments and suggestions which might be useful in implementing the development programme included in the Second Plan. Also if during the discussion some suggestions are made, they might be useful also for drawing up the programme for the next year.

Sir, it is not my intention to dilate on the programme at this stage. But if any new points or criticisms are offered, they will certainly be examined and a reply thereto will be given at the end of the debate.

With these remarks, I invite comments and suggestions from the hon. Members of this House.

Madam Chairman, I am very grateful to the hon. Members who have participated in the debate on the draft development programme for 1957-58, and for the criticism and the valuable suggestions they have made, which, I am sure, will greatly profit the Government while implementing the programme. The idea of splitting up the five-year programme year-

wise and placing it before the House is to give the Legislature an idea as to the manner in which the programme, the development programme, is being implemented and thus have a comparative assessment of the progress made from year to year. As this is the first time that an annual development programme has been placed before the House, it will not be possible to have a comparative assessment this year but it will be possible to have it from next year. I quite agree with the suggestion made by one of the hon. Members that when the next year's development programme is placed before the House, the achievements of the previous year should also be placed before the House, so that the House will be in a position to judge the progress made in the implementation of the Plan in the preceding year.

Coming to the criticism and suggestions made by some of the hon. Members, the hon. Member Dr Khair said that in such a booklet, information on the regional basis should be given, so that it would be possible to know the development taking place in the different regions. The suggestion is quite good but it is very difficult to implement it. Information is now given for the State as a whole and subject-wise, and if, as suggested by the hon. Member, it were to be given regionwise, it would prove very complicated. In order to facilitate the appraisal of the development work done in the different regions of the State, the Government has decided to constitute Divisional Boards for the six divisions into which this State has been divided for administrative purposes. The respective Divisional Boards will be in a position to see to the development work done in its area. Therefore, I do not consider it necessary to present the annual development programme on the basis of the regions.

Then the hon. Member made a reference to the need for the development of the regional languages. I am entirely one with him regarding the development of the regional languages and the importance to be attached to them, because no democratic Government can afford to ignore the progress of the regional languages. Realising this, this Government has introduced regional languages as the official language at the district level. In course of time, we will examine the possibility of extending it to the divisional level. It is our intention to associate regional languages with the administration gradually as far as possible and as far as practicable.

Then, the hon. Member made the proposition that the medium of instruction should be the mother tongue. There can be no two opinions on this point. But the difficulty is in implementing the suggestion. Theoretically, it is quite right to say that the medium of instruction should be the mother tongue, but it will take some time to realise it, just as it takes time to make a regional languages the official language of the State at all the levels. At the same time, in our zeal and pride for our mother tongue, we must not forget the importance of the national language, namely, Hindi. Therefore, when we express our love for our mother tongue, we should not do so in a way which would in any way detract from our regard for our national language, the language of our country, namely, Hindi. His other suggestion, namely, that the State might undertake the work of compiling Marathi and Gujarati dictionaries is worthy of consideration, and will be examined.

Then, he made a grievance about the proposed provision in the programme for education. I think he did so under some misunderstanding. As the House is aware, this is the second year of the Second Five-Year Plan, and, as we have seen, the expenditure on the Plan goes on accelerating as time proceeds. That is why the hon. Member seemed to think that the provision for education under this programme is comparatively less. However, I would agree with the hon. Member that the expenditure on education is less than what it ought to have been. In the field of education, or for the matter of that, in all the other fields of nation building activities, there is much to be done. Here I am reminded of a couplet of a famous poet. It reads: 'Petty done and undone vast'. Notwithstanding what we have achieved under the First Five-Year Plan and what we may achieve under the Second Five-Year Plan, and even under the Third Five-Year Plan, if we take a survey of what we may have achieved at the end of the Third Five-Year Plan period, we may yet be reminded of the couplet, namely, 'Petty done and undone vast'. I agree with the hon. Member that the provision we have made for education is insufficient. But if we compare the expenditure that we have been incurring on education with the expenditure on education in the remaining States of the country, it will be agreed that the Government has reason to feel proud of efforts in the field of education. I quite see that in another field our expenditure for the period is much more than on education; for example, on irrigation. But that is dictated by the needs of the times. For the agricultural and economic development

of the State, a vast expenditure has to be incurred on irrigation and community development projects in our rural areas. Therefore, we have done what ought to be done. Thus, if we take into consideration the emphasis that has been placed on development in the different fields, the hon. Member will, I am sure, agree with me that the Government has not ignored the field of education, but that, on the contrary, it has done its utmost in that field.

Sir, he has made certain suggestions while making a reference to the National Park at Sinhagad. I am glad that at least he has seen the point of having a National Park at Sinhagad. But then he said that Sinhagad is far off from Poona. On this point my hon. Friend **Shri Ogale** rightly said that the park at Sinhagad is more important than a park on the Parvati Hill. I do not say that there should not be a park on the Parvati Hill. If we can have parks at so many places, nobody will be happier than myself. But that is where planning comes in. That is why plans are necessary. When there are many things to be done and they cannot be done all at once, it is necessary to fix priorities and take things according to their comparative importance and necessity. And in deciding upon the Sinhagad Park it was thought that it was a place where many people go not only from this State or from the whole of India but even from abroad, and especially because of the vicinity of the National Defence Academy to Sinhagad, it has come into the limelight from the tourists' point of view. Therefore, we thought it better that there should be a park at or near Sinhagad. It will be agreed that the development of a park is a thing which cannot be done overnight. The hon. Member **Shri Ogale** said that the expenditure that is planned for the first year, for this Park, is meager. Now a park cannot be started unless we have the land. His complaint was that we have provided expenditure only for the acquisition of land, but as I said, unless we acquire land the work on a park cannot be started. Again, the acquisition of land takes time. It is no use making provision for more expenditure and after wards not spending the amount. We are doing all things gradually and it is our definite idea to have a park and a good park within a reasonably short time. It may take years to have the full-fledged and beautiful park that we envisage. It will take certainly a long time, but our idea is to complete it in all earnestness.

Then the hon. Member **Dr Sathaye** made a reference to the medical college at Aurangabad and also suggested starting medical colleges at

Amalner and Sholapur. I have read references about medical colleges at these places in the Press also. Some hon. Members and public leaders in Sholapur have written to me. But, Sir, I may inform the House that the Government has not agreed to start medical colleges at Sholapur and Amalner, but has taken the decision to continue the college at Aurangabad. Sir, that is because starting a medical college is not so simple as starting an Arts college or a school. You can start any kind of school or college right away, but starting a medical college presupposes the existence of a well-run large-scale hospital. That involves the expenditure of crores of rupees. Sir, it has not been our intention to simply go on making commitments which it will ultimately be impossible to fulfil. The Hyderabad Government has already made the commitment so far as Aurangabad medical college is concerned and the conditions in Marathwada warrant the existence and running of a medical college. The Government has accepted that commitment and declared its intention to fulfil it in the course of the remaining period of five years.

Then, one hon. Member made a reference to Sarvodaya. I do not remember who made that reference. I am told the hon. Member Dr Sathaye made a reference to this subject. There is a State Sarvodaya Committee and he wanted to know who were the persons appointed on that Committee and further whether they belong to any particular party. I have not tried to find out exactly the party affiliations of the members on that Committee, but I can say this, that only those persons who believe in the principle of Sarvodaya are selected for appointment as Sanchalakas. That is the condition which they must fulfil. I do not know whether the Sarvodaya work is of any political party. I am not aware of it. There may be people belonging to the Congress Party among the Sarvodaya workers but I know there are also workers who belong to the Socialist Party and other parties as well. The criterion for these appointments is not whether they belong to any particular political party, but whether they believe in the principle of Sarvodaya and the practice of it. They must believe in these and that is the cardinal factor. They are selected from those who are constructive workers and who have experience of such work and who have devoted themselves to doing constructive work. It is very difficult for me to give detailed information about the activities of the Sarvodaya Centres, but I may say here for the information of hon. Members that the Sarvodaya Committee publishes an Annual Report of its activities. So, hon. Members who are interested



might get the report and they will be able to know from it the lines on which the Sarvodaya Committee works.

Then a reference was made to the Poona Milk Supply Scheme. If I mistake not, the hon. Member Shri Ogale suggested that some big milk scheme was contemplated for Poona and asked what is happening to that scheme. I may tell him that the reference in this Report relates to that scheme itself, a scheme which is being continued and expanded. The scheme is in an expanded form and for it provision is already made. It is not a scheme for the collection and distribution of milk on a large scale as at Aarey. But an Aarey colony type of scheme can be had for Bombay only where the marketing conditions are different from those in Poona. Therefore, an Aarey type of scheme can be in a city like Bombay only. Poona will have a Milk Supply Scheme which will be suitable to the conditions in Poona city and the neighbouring areas. Therefore, I may bring to the notice of the hon. Member that whatever scheme the Government had intended for Poona has not been given up; it is being pursued and pursued with tenacity and vigour. I would not like to go into the figures of the expenditure about which the hon. Member asked, because I have not got the figures with me.

Then, Madam Chairman, the same hon. Member made a certain reference to co-operation, and from what he said, I am afraid, he is in a mood of despair about co-operation. He said that, with the advance in the co-operative movement, there is more and more scope for mismanagement and misappropriation. If that is so, it is not the fault of co-operation. Possibly, that is indicative of our level of social life. We have accepted the principle of co-operation and we have a lot of things to do collectively. But in doing so if it happens that there is misappropriation or mismanagement, it does not mean that the principle of co-operation or the organisation of co-operation which we have accepted as the medium of doing service is wrong. It only shows that there is something basically wrong somewhere else. That is all. Sir, it is no use complaining about the instruments with which we have to work. Ultimately what counts, is our desire to work for our own people, to solve our own problems on the basis of cooperation, which is at the root of the principle of democracy, and it has to be tried and tried with courage. Every democratic step, they say, is a jump in the dark and it is a jump in the dark that often leads to light. I have faith in the principle of co-operation and with determination and hope we propose to go ahead and, I am sure, that

the element of mismanagement and misappropriation that may be there will progressively disappear and we will certainly succeed in the field of co-operation I am emphasising this because if you get despaired of the practice of good principles, that will ultimately make you a helpless lot in everything. That is why I would say that what Government is doing in the field of co-operation is backed by faith in it. It is not merely with a view to putting something in the Report that it is being done. For the method of co-operation there is no other democratic alternative. In many fields the method of co-operation has been accepted, where it can be a good substitute to any other method. I submit that we must not lose that basic faith; for, if we lose it, possibly we shall find ourselves completely helpless and unable to solve our problems, which it is our duty to solve.

Then, there was some reference to Koyna. There is some unfortunate misunderstanding, if I may use that word, about Koyna. It is always mentioned, not only on the floor of this House but even outside and in the Press also, that something more than Rs 30 crores were provided for the Scheme in the First Five-Year Plan. That is the basic misunderstanding. The scheme of Koyna which has been sanctioned for implementation costs something like Rs 33 crores. When it was accepted its estimated cost was Rs 33 crores. This amount was not supposed to be completely spent in the First Five Plan and in the first year of the scheme. It was just impossible.

The scheme was accepted in the third year of the First Five-Year Plan but preliminary things had to be done. Madam Chairman, as I was saying, the total expenditure on the Koyna Scheme was to be Rs 33 or Rs 34 crores. I am not exact about the figure. So, it is wrong to say that it is delayed or it is sabotaged (interruption). The hon. Member has not used that word. When there is that unfortunate misunderstanding some people do use that word. The word was used in the lower House and, therefore, I made a reference to it here.

The Koyna Project is being executed with vigour and it will be completed according to the schedule that has been fixed for it. It is necessary to do that for the industrial development and other developments of the entire State. Therefore, it is not in the interests of anybody to neglect the Koyna Project I gave the explanation, so that the hon. Member might not carry the impression that funds were provided in the first plan and they were not spent.

About the industrial housing in Bombay, the hon. Member Shri Ogale said that Poona was not mentioned. It is not that Poona has not been mentioned, but the Industrial Housing Scheme is of a different type. It is only meant for the industrial labourers and there was no demand for industrial housing in Poona and that is why it is not mentioned there. There was a demand for industrial housing in Bombay city, in Rajkot and Porbunder in Saurashtra region, in the Vidharbha region and at Nanded and Jalna in the Marathwada region, and these are essentially industrial towns. Poona also is developing as an industrial town, but still there is not that demand for industrial housing there as exists in other areas. If hon. Members create those conditions in Poona, certainly Government will have to respond to it. The Industrial Housing Scheme was not provided for in Poona because there was not much of a demand there. That is the reason why it was not included.

The hon. Member Dr Khair made a suggestion about having some Master Plan. I am at a loss to understand what he really wanted to say about it. It seems he wanted to suggest that there ought to be a long-term policy for the utilisation of the natural resources of the State. Certainly this is a good suggestion and one will have to study it before one speaks about it in detail. I assure him that I shall certainly look into the matter and see whether we can have a long term programme for industrial development both for the public sector as well as the private sector.

Then, Sir, certain suggestions about the conditions of middle-class and low income groups were made and there was some criticism of the Publicity Department for not giving much importance to the National Savings Campaign. The hon. Member **Shri Shukla** referred to the meeting held at Ahmedabad regarding Small Savings. I am not aware of the publicity given to that particular meeting. I know that the Publicity Department has helped in the National Savings Campaign, but I do not know about the publicity given to that particular meeting which the hon. Member has referred to.

One hon. Member — I think it was the hon. Member **Shri Awode** — was rather very critical about the policy of the Government regarding the Scheduled Castes. I do not know what exactly he would like me to say. He was very angry when he spoke about the problems of the Harijans. He may have wanted to provoke a quarrel, but I am not prepared to quarrel

with him. There is a definite programme to give to the Harijans more and more benefits in the field of education, in the field of co-operation, and in the field of all the other nation-building activities. Of course, this is not the occasion for discussing all these details, nor does the scope of discussion on the subject before the House, I feel, strictly permit that. I may, however, assure the hon. Member that we are prepared to give all the details about what is being done for the Harijans. The hon. Member made a reference to drinking water supplied to the Harijans in villages. There were hundreds of villages without even a single well in each of them. Sir, if you want to give a well only for the Harijans, really it is very difficult. I quite agree that there are still certain villages where the caste-Hindus and the Harijans do not come together. But, Sir, are we to allow the same thing to continue, or shall we do some efforts to improve that condition? If the Government has sufficient means to give drinking water facilities to every part of the village, certainly the Government will take every possible step to do that. That will be a sort of sign of plenty in this country. Certainly we will do that. But I am not agreeable to having a separate well for the Harijans and a separate well for caste-Hindus. The Government would like to make all its efforts, utmost efforts, in this matter and see that Harijans, caste-Hindus and other people in the villages do conic together and co-operate in this matter.

The hon. Member it seems has many other grievances real or imaginary but it will be very difficult for me to convince him. The hon. Member said that there has been a reduction in the number of irrigation schemes that were planned for the Vidarbha area after its merger into the new State. The Vidarbha area came into the new Bombay State only after the irrigation programme was reduced, and this reduced plan was included in the Bombay State plan. The hon. Member will, therefore, see that this Government is not responsible for it. The previous Government of Madhya Pradesh will have to explain this and not this Legislature or this Government. However, I would assure him that I have taken up the matter with the Planning Commission and with the Government of Madhya Pradesh and we are trying to argue with them and convince them that the reduction in the irrigation programme of the Vidarbha area is unfair to the people of Vidarbha. On that basis we are moving the Planning Commission and the Madhya Pradesh Government. I am awaiting the result of our efforts in this direction. If we succeed, certainly the irrigation programme of the Vidarbha area will be carried out.

In the case of Marathwada, Sir, a larger number of medium irrigation schemes were included in the Marathwada Five-Year Plan. The argument was advanced that Marathwada was ignored in the past. But it is not my duty to reply to what happened in the past; nor do I think it is right for me to comment on it. But as hon. Members are aware, the irrigation programme of Marathwada includes nearly 20 irrigation schemes. It also includes one major irrigation scheme, namely the Puma Scheme. This scheme has already been given administrative sanction. The initial expenditure thereon has also been incurred; the foundation work has been undertaken, and I am sure it will soon receive the technical sanction and will proceed further rapidly towards its completion. I am sure the completion of the Puma Scheme in Marathwada will bring prosperity to that areas, especially to the districts of Parbhani and Nanded.

The hon. Member then made a certain reference to Marathwada in respect of education and said that it was backward. It is not correct to say that Marathwada is backward, though I agree that educational activities there are not what they should be. Therefore, the Government is considering what it should do to advance the progress of education in Marathwada. The Government also proposes to establish a University for Marathwada and, as the House is aware, the Government has already declared its intention to appoint a committee for the purpose. For the all-round progress of Marathwada in the field of education, the Government will do all that is possible, according to its capacity and resources, as early as possible. I have no doubt that with a concentrated effort, with a unity of purpose and clarity of mind our brothers from the merged areas will prosper along with their brothers in the old Bombay State through the medium of the Second Five-Year Plan, and the Plans that will follow it. Our ideal and aim is to achieve all-round prosperity, and I have no doubt that if we all contribute our mite we will be able to achieve it soon.

Sir, I am thankful to the hon. Members for making very valuable suggestions for the implementation of the Second Five Year Plan.

# 68

## Representation to constituents of bilingual State

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*Shri Y. B. Chavan, Chief Minister, moved (BLC Debates, Vol. 3, Part II, June-August 1957, pp. 36-37.) a resolution on 21 June 1957, that the strength of the Bombay Legislative Council be increased by 36 thereby bringing the total number of seats in the Council to 108, in accordance with the amendment to the Constitution, allowing the increase of the membership of the Second Chamber from one-fourth of the total membership of the Legislative Assembly to one-third. Defending the resolution, Shri Chavan explained the need to give proper representation to the different constituents of the bigger Bilingual State.*

Mr Chairman, Sir, sometime ago the future of the second Chamber and the desirability or otherwise of continuing the same was examined, and in the previous Assembly a Resolution had been passed recommending its abolition. But later on, in the course of the reorganisation of the States, the Government of India examined the entire question and Parliament passed the States Re-organisation Act. Even after considering the Resolution passed by the previous Bombay Legislative Assembly, the second Chamber has been given not only to the Bombay State, but also to the Mysore, the Punjab and the Andhra States.

Sir, the Resolution before the House does not propose to go into the basic question of the desirability or otherwise of having a second Chamber in the parliamentary system of legislation. The existence of a second Chamber is taken for granted, because our Parliament has examined this question and has considered it necessary that the new State of Bombay should have a second Chamber. When that is so, the only question that this Government has to consider was, what should be the strength of the second Chamber.

Sir, as we know, by an amendment of the Constitution the maximum strength of the second Chamber has been increased from one-fourth of the membership of the Legislative Assembly to one-third. After examining the position of the second Chambers in the different States, we came to the conclusion that we had not sufficient representation in our, Legislative Council. As I mentioned on the floor of the Legislative Assembly when I moved this Resolution there, it is true that the Uttar Pradesh which has the second Chamber has the same number of members on it as we have here. But we learnt that the Uttar Pradesh Government approached the Government of India for the expansion of the Council and that the Government of India was inclined to consider the question. So, we thought it better that we should also represent our case, and hence this Resolution. I hope that the hon. Members will examine the question in its proper perspective.

Sir, my case in putting forward the Resolution is very simple and straightforward. As we know, after the re-organisation of States the population of our State has increased much. The size of the State also has increased. The Assembly has also been enlarged. As we also know, in the second Chamber, representation is also given to Secondary Teachers, Graduates and Local Bodies and it is very important to do so. We know too that our State now consists of parts of-five different administrative units, where till recently there were different levels of administration because developmental activities had been undertaken at different times in the then different States. Therefore, it is necessary that our second Chamber should give a proper representation to its different constituencies in the enlarged State. So, I thought that it would be much better if we enlarged the strength of this House so that the different units of the States would have proper representation in this House. If, on the contrary, we continued to have the present strength only, we would have a thinner representation because the same number would have to be spread over the entire area of the State, which would not mean adequate and real representation to different constituencies of the House. If we accept the necessity of the second Chamber then we should have a proper representation. Sir, some hon. Members of the House may, due to ideological reasons and ideological commitments take up the contrary stand, though I hope nobody will do that.

Sir, the country has considered the question, and has come to the conclusion that it is much better to have the second Chamber. It was said

that this question was discussed by some political pundits and they have said that the second Chamber is really the defender of the minority. So, that is the proper function of the second Chamber. But, unfortunately, some political motives have been attributed to this proposal. With the accretion of strength to the Opposition Party during the last few months, I should have thought that the proposal would be welcomed by them and that it would give them more confidence, but I find that they are suspicious about the proposal. As you are aware, Sir, suspicion is a symptom of physical and mental weakness. I do not want them to look at the proposal from physical and mental weakness. There is no political motive behind the Resolution. If the Opposition Party has got more strength in the Lower House, that could certainly be reflected in the composition of the second Chamber. So, I would like to assure the House that there is no political reason, or political maneuvering or political intention behind the Resolution. It is a simple proposition based on the fact that our Parliament has accepted the need for a second Chamber in our States, and if we must have the second Chamber in our State, it is our duty to see that there is proper and adequate representation on it. I hope, Sir, the question will be discussed in an objective manner on the floor of this House, and that this Motion will be accepted.



## 69

# Judicial not necessarily Judicious

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*During the Bombay Legislative Council Debate on a Resolution moved by the Opposition regarding the question of a judicial enquiry into police firings, Shri Y. B. Chavan, Chief Minister, explained (BLC Debates, Vol. 3, Part II, June-August 1957, pp. 65-68.) on 22 June 1957 the Government's policy on this question. He said that no democratic Government would like to resort to firing, involving loss of life and that, in order to maintain law and order the police had to take decisions on the spot under certain circumstances. He further said that when the Police Officer apprehended that conditions were created wherein the right to property, right to freedom of speech etc. and life was in danger, then he ordered firing. Shri Chavan told the House that the Government had accepted the policy that in each case of police firing, even though there is no loss of human life, a magisterial enquiry should be ordered. He explained that to accept the principle that in every case of police firing there should be a judicial enquiry meant the weakening of law and order. He made it clear that, if the circumstances surrounding a particular case of police firing would warrant a judicial enquiry, the Government would order a such enquiry but to make it a rule would be injudicious.*

Mr Chairman, Sir, at the outset I must thank the hon. Mover of the Resolution for having given the Government an opportunity to explain its policy on this question. I also thank the hon. Members who participated in the debate and for the way in which they kept the debate at a very high level. Though in a way our discussion on the subject would be academic, yet, undoubtedly, it is a very important problem from the point of view of the country as a whole. It is necessary that a popular Government should explain its policy about a question which has been exercising the public mind so much.

Sir, at the outset, I want to make it clear that there is absolutely no difference of opinion between the Government and the hon. Members opposite about the value of human life. We consider the democratic form of the Government, a sort of higher form of the Government, because it is only under this form of the Government that human life is treated as most important. After convincing ourselves that it is only the democratic form of Government that values human life, respects human dignity and ensures individual freedom and development, we have accepted this form of the Government as the best and, therefore, Sir, there is no controversy about the value to be attached to human life. No democratic Government would like to resort to firing involving loss of human lives, and it would certainly be a matter of deep regret to every democratic Government should such firings result in the loss of human lives. Whatever the reasons that led to such loss of life, it cannot be denied that those who lost their lives also belonged to this country, that they were also citizens of this country and that they were all our brothers and sisters. There can be no difference of opinion on this aspect of the question.

Sir, I am glad that the hon. Member has conceded one position, namely, that necessities may arise for resort to police firing. He has tried to confine the subject of the Resolution to firings against political demonstrations. By so doing, he has conceded the position, that it is necessary in other cases even for a popular and democratic Government to resort to police firing. Normally no popular Government resorts to such a course of action. It is not a question of the Government at the top, ordering such firings. It is the responsibility of the police to maintain law and order and in order to do that, they have to take decisions on the spot under certain circumstances. So, Sir, the whole thing comes to this, that this is not a subject of academic discussion, but that it is a practical question. I hope we all realise the difficulties of the police who work under the stress of events. When I say that, I do not mean that I would justify everything that they do, but we must try to understand that they have certain responsibilities to discharge. There is the responsibility to maintain law and order. I do not want to expatiate unnecessarily on what is law and order and how it is to be maintained. Having in mind the ultimate concept of law and order, I asked the hon. Member Shri Donde a counter-question as to how he expects the Home Minister to lay down a policy in this behalf. Law and order means creating conditions in

which the exercise of a fundamental right becomes secure. I think that is the basic concept of law and order. It is only when a Police Officer apprehends that conditions are created wherein the right to property, the right to freedom of speech etc., and life is in danger that he orders firing. Of course, he has to exercise his discretion properly. The hon. Member Shri Donde tried to stress that in a democracy no discretion should be used unchecked. I have no doubt about it. Otherwise it will cease to be democracy. How the discretion is to be checked and restricted is again a practical question. It is only here that the question comes in whether in each case of police firing a judicial enquiry should be ordered. What is the present policy of the Government? Sir, this Government had accepted the policy that in each case of police firing, even though there is no loss of human life, but only some injury to some persons, an enquiry should be ordered. But that will be a Magisterial Enquiry. It does not mean that the Police Commissioner or the Head of the Police Department in the districts or any other police officer will make the enquiry; but it means that in Greater Bombay the Chief Presidency Magistrate will do it and in the districts, a District Magistrate or a Sub-Divisional Magistrate will undertake it. The Government will examine that report. In some recent cases, when the Government found that the firing resorted to, was excessive, it has ordered suitable action against the officers concerned and even ordered suspension. But to accept the principle that in every case where the police resort to firing there should be a judicial enquiry, means weakening the machinery of law and order. It will ultimately mean thereby that the fundamental rights will not be secure. It is necessary for the Government to see that the fundamental rights are protected and it is for that purpose that the Government has to take some practical considerations into account. After all, the proposition on which the Resolution is based is that the discretion which is used while resorting to firing should be subject to the check of enquiry. That proposition has been accepted by the Government. I assure the hon. Members that in each of such cases, a Magisterial Enquiry will be ordered. Is that not enough? (After a pause). I do not think that the hon. Member thinks it enough. He wants something more, but that something more would not be judicious. If the circumstances surrounding a particular case warrant a judicial enquiry, the Government will order a judicial enquiry. But to make it a rule will be an injudicious decision. A decision has to be taken by weighing the circumstances of each case. Sir, I know that the Members have not tried to raise the question of the

police firings in the recent linguistic disturbances and I am very grateful to them for that, because the Government is very anxious to heal up the wounds and create new conditions of community living in this State. It is out of feelings of brotherliness and deep concern for the families of those who unfortunately lost their lives during the recent linguistic disturbances that this Government has decided to render help, and not simply by way of a formal expression of condolence. After all, those who lost their lives were our brothers and sisters. Therefore, Sir, we should try to look at the question from the point of view that sometimes the Opposition Members will have to come to this side and shoulder the responsibility of maintaining law and order. Are they going immediately to ask the Police Force to be disbanded? If they do that, then no worse day can be imagined for our democracy than that. Democracy will have to assert itself, and it can do so only under peaceful conditions and I would request the hon. Members to take into consideration this point. Whenever they say that the police should behave in this way, there is also another side to the question. There is also an obligation on the leadership of the public, on the leaders of all the political parties. I find that in all these uprisings, it is only the innocent followers that fall a prey to them. The leaders always disappear from the scene of the firing.

The leaders create conditions in which ultimately the emotional and the innocent people fall a prey to those conditions. They remain behind to ask for a public inquiry. I am not going to criticise anybody. Let us have a common code of conduct for all of us. I am not trying to criticise the basic demand on which possibly the public uprising may arise. That demand may be the inherent right of the individual. When we talk of democracy there is scope for public demand, for public agitation. But when we talk of these, we have also to accept certain natural restrictions. These restrictions will have to be thought of in a democratic way. We will have to prepare a code of conduct for all of us, as to how to lead a public agitation, how to prepare the people for demanding their rights. If this is done, there will never arise an occasion to resort to firing and then for a demand of a public inquiry for it.

Sir, so far as the Government is concerned, I have explained, what our policy is. As the House knows, we are trying to see how occasions for firing can be avoided. We are trying to train our Police Officers in the art of controlling crowds. Recently, three refresher courses were started in which hundreds of policemen and officers I were trained in

the different ways of dealing with the crowds and controlling them. Crowd control is an art which requires some training and we are trying to develop that. We are trying to make it a part of a police officer's training. We are trying to replace the normal gun of .303 by the .410 type. We are trying to see that if at all the police have to resort to firing, it will cause as little damage as possible. Orders have already been issued that whenever firing is to be resorted to. It should be done in such a way as to cause minimum harm. The Government is very much conscious of its responsibility in this respect. I only expect the leaders of the public to help the Government to see that no conditions are created in which the police will have to resort to firing. If we all exert ourselves and try to create public opinion to that effect, there will be no necessity to resort to firing. Personally, I would consider that day a day of blessing to democracy when there will be no necessity to resort to police firing.

Sir, I have explained the fundamental points on which the Government's policy is based. If the hon. Member Dr Sathaye wants that the discretion used by the police officers while resorting to firing should be checked by a sort of an independent inquiry, the Government has already accepted that principle, and the Government wants to pursue that policy without exception, namely, that in every police firing, whether there is a loss of human life or not, a Magisterial Enquiry will be held. That has been accepted. If that satisfies the hon. Member, I would request him to withdraw his Resolution.

# 70

## Tributes to a versatile man

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*On 23 July 1957, while making a condolatory reference to the death of Shri Behram N. Karanjia, ex-Member, Bombay Legislative Council, Shri Y.B. Chavan, Chief Minister, paid (BLC Debates, Vol. 3, Part II, June-August 1957, p. 317.) a tribute to the late Shri Karanjia who was associated with many institutions in Bombay.*

Mr Chairman, Sir, I have a very sad duty to perform today in this House, and that is to refer to the sad demise of Shri Bahram Karanjia, an ex-Member of this august House. He was born in September 1876 and was educated in Bombay. As we all know, Sir, he was one of the leading business men in Bombay. He was connected with many public institutions in the city of Bombay. He was also on the committees of a number of charitable and public organisations. For example, he was President of the Indian Merchants' Chamber, of the Society of Honorary Magistrates and of the Silk Merchants' Association. During the last War, he worked as the hon. Secretary of the War Loan Committee and of the Food Control Committee. He was a Member of this House from 1937 to 1952. The most important position he occupied was as the Mayor of Bombay in 1939. His term of office as Mayor was marked by many progressive activities, the most notable being the extension of free and compulsory primary education. He was President of the Rotary Club of Bombay in 1944, and was the first elected President of the Western India Automobile Association in 1945.

Sir, he was a versatile man with a very likable personality. He was not only very popular in his own circles, but he was also very friendly even with those who were younger in age and less experienced than him. In his death, Bombay has lost a very important citizen, and his loss will be mourned by most of us. I request you, Sir, to convey the condolences of the House to the bereaved family.

# 71

## Bill for curbing crime only

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*On 5 August 1957, Shri Y. B. Chavan, Chief Minister, introduced (BLC Debates, Vol. 3, Part II, June-August 1957, pp. 530-34.) in the Legislative Council a Bill to extend certain provisions of the Bombay Police Act, 1951, to the Hyderabad areas of the State of Bombay, and to amend the Hyderabad Public Security Measures Act, 1951. He explained the need and the reasons for including some of the provisions of the Bombay Police Act in the Hyderabad Public Security Measures Act. He contended that the main purpose of the Bill was to enable the Police to exterrn the element of illicit possession of arms in the public life in certain parts of Marathwada and that the proposed introduction of the provisions in the Hyderabad Act was likely to produce a good effect on the police administration in the Marathwada area. Shri Chavan assured the House that it was not the intention of the Government to use this measure against political parties with a political objective, but it would use it to deal with criminal and anti-social activities only.*

Sir, the scheme of this amending Bill is to introduce certain provisions of the Bombay Police Act, 1951, in the Hyderabad Police Act, which is known as the Hyderabad Public Security Measures Act, 1951. As it has been stated in the Statement of Objects and Reasons, it is certainly the first step towards not only the unification of both the laws, but also towards bringing uniformity in both the laws. In some measure, conditions in Marathwada differ from those in the rest of the Bombay State, and since recently, conditions in certain parts of Marathwada have deteriorated, with the result that some strict police measures are necessary to improve the conditions in those pockets. As I mentioned on the floor of the Lower House the other day, there is the background of the Police Action of 1948, when the element of illicit possession of arms was introduced in the public life there, and, unfortunately, some of the arms have come into the possession of certain anti-social elements leading

to some undesirable results both on the people and the Government. We, therefore, thought that certain measures which have proved very effective while dealing with such conditions in the rest of Bombay when they arose, might prove helpful to the police in the Marathwada area also. Therefore, the Government decided to introduce some of the provisions of the Bombay Police Act, 1951, in the Hyderabad Public Security Measures Act. As can be seen from clause 2 of the Bill, sections 37, 55, 56, 57, 58, 59, 60, 61, 62, 63, 63AA, 70, 72(2), 135, 141, 142, 143, 149 and 158 of the Bombay Police Act are sought to be inserted into the Hyderabad Public Security Measures Act, sections 2, 3, and 4 of which are sought to be deleted.

Sir, the main purpose of the Bill is to enable the police to extern the element to which I made a reference just now, outside the Marathwada area. A similar provision did exist in the old Act, but this area does not now fall within the purview of that Act. The result is that the anti-social elements which have taken to committing offences cannot be externed outside the area. That is why this amending Bill has been introduced here.

There was a provision in the Hyderabad Act to constitute an Advisory Board to examine and consider the orders passed under the Act. But we found that the findings and the advice of the Advisory Board constituted under the Act had no compelling power. The same is not the case with the advice given by the Advisory Board constituted under the Preventive Detention Act. It was more or less of a binding nature, and was, as a rule, accepted by the Government. We, therefore, thought that it would be better to dispense with an Advisory Board whose powers were not so effective. Secondly, there is another distinction between the orders passed under the old Hyderabad Act and the provisions we are now seeking to introduce into the Act, and it is this. Under the Hyderabad Act an order was made to hold good for three months in the first instance, and after the Advisory Board examined and accepted the order, it was to remain in force for an indefinite period. That is not so in the case of the Bombay Act. Under the Bombay Act, no order holds good for more than two years.

Sir, I have tried to give the House some of the salient features of, and the difference between, the two Acts. I think that the proposed introduction of the provisions in the Hyderabad Act is likely to produce



a good effect on the police administration in the Marathwada area. I would, therefore, request the House to accept the first reading of this Bill unanimously.

Mr Chairman, Sir, two or three points which have been raised by the hon. Member Dr Khair need certain explanation on my part. He suggested that, instead of selecting a few sections and applying them to a particular region of the State, it may be considered whether it would not be feasible and advisable to have the unification of laws, a sort of uniformity so far as the police administration is concerned. There could be no two opinions on the point. We are, in fact, examining the question of bringing about the uniformity of laws in each department including the police. We are seriously thinking as to how we can have the uniformity of laws so as to have uniformity in administration also. The question needs thorough and detailed examination and must naturally require more time. Until that happens we cannot wait to solve particular problems which arise. As far as this particular aspect of the police administration is concerned, in the other parts which have merged with us there are similar provisions and powers which we have in the Bombay Act, but the difficulty arose only in respect of the Hyderabad area. That is why we thought it fit to apply the provisions of the Bombay Act to the Hyderabad area, by amending the Hyderabad Act.

The other question which was asked by the hon. Member Dr Khair was this. What is the position with regard to the other areas of Hyderabad State which have gone to Andhra? I do not know what the position about those areas is but certainly the Andhra Government must be trying to deal with the situation according to their own light. As I explained earlier, we are going on the basis of our own experience to meet with a similar situation and the remedies which we had to apply to meet certain circumstances and problems. So that is the line of action we are taking in meeting the problems of difficulties we are facing in the new region. It is not that certain circumstances have come about in the Hyderabad region recently. There is some history behind it. But, Sir, I must admit that I have not got full information as to what the old Hyderabad Government did or how the Andhra Government is going to meet the situation. They had, as we know, some difficulties in the Telangana area, and they had some different measures to deal with them. Probably the Marathwada area did not assert itself then to the extent it is doing now. I am not saying this for the entire Marathwada

area, because, as I said earlier, most of the Marathwada area is quite peaceful. But there are certain pockets which are troublesome and for these the present measure is found necessary.

I have already dealt with the point to which a reference has been made and it is this, that this Bill and powers there under may be used against political parties or with a political objective. I must repudiate and tell the House that this is not the intention of the Government and we will confine the use of this measure to deal with criminal and anti-social activities only.

The hon. Member **Shri Agarwal** made certain imputations and I must repudiate them. I cannot say that it was a responsible statement when he said that the ruling party was making a misuse of the powers under the Act. I would invite him to give me an instance in which the Government has gone out of its way to release persons when they were fit to be dealt with under the Act. It was rather surprising that, when the Government brought this Bill, the hon. Member just got up and made some imputations. If the hon. Member was really serious he should have asked me about it, or as Member of this hon. House he should have contacted me personally or written to me. We have personal relations and we meet often. But he did not do anything of that kind to bring the matter to my notice to justify his statement that the ruling party is doing this and that. The hon. Member may not like the ruling party and I have no quarrel with him if that is so. But I expect him to be fair at least to himself if not to the ruling party. If the hon. Member can prove anything that the ruling party has done, I will tender my apologies to the House. I am prepared for that. In the absence of that the only thing that I can do is to repudiate the whole thing with all the strength at my command. I have nothing more to add.

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### Tributes to scholarly and dedicated men

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*On 10 December 1957, Shri Y. B. Chavan, Chief Minister, made (BLC Debates, Vol. 4, Part II, December 1957, pp 1-2.) in the Legislative Council a condolatory reference to the sad demise of Shri Dinkar Laxman Kanade and Shri Narayan Damodar Deodhekar, ex-Members of the Legislative Council and paid them rich tributes.*

Mr Chairman, Sir, I have to perform a very sad duty of making references to some of the deceased Members of this House. Two ex-Members of this House, have died after we dispersed last, namely, Shri D. L. Kanade and Shri N. D. Deodhekar.

As regards Shri Kanade, Sir, I knew him personally for the last so many years. He was known throughout Vidarbha and Maharashtra as Kanadeshastri. Sir, Shri Kanade had devoted all his life to national service. He was a very scholarly man and sacrificed everything for the cause of the nation. I had the privilege of hearing his very learned and inspiring speeches since my school days, and in his death not only this House, but also the public life of this State has suffered a very heavy loss.

Shri Kanade was born in 1886. After completion of his school career, he entered college, but left it and in 1906 began to take an active part in the Swadeshi Movement. For some time, he worked as a teacher in the Samarth Vidyalaya and afterwards went to Wai to study Sanskrit and Vedanta. In 1906, he severed his connection with the Pradnyapatha Shala, Wai, and toured the country teaching and holding discussions on Karmayoga. He went to America and passed the M. A. Examination of the California University. He was a member of the Provincial Congress

Committee and also of All India Congress Committee. He was imprisoned four times for taking part in the Congress movement in 1930, 1932, 1940 and 1942. He was first elected President of the Buldana Municipal Committee in 1938. He returned as a member of the former M. P. Legislative Assembly in 1946 and was Deputy Speaker of the Assembly till 1952. He was elected as a member of the Bombay Legislative Council after the reorganisation of the States.

Sir, what I have stated just now about the deceased Member shows what a chequered career he had. He was a very popular person in the town where he lived. I do not know whether he has any I members of his family of course, in any way, we are all related to him, — but if he has any, I would request you, Sir, to convey the condolences of the House to the members of the bereaved family.

The other deceased hon. Member of this House was Shri N. D. Deodhekar, who was also known as Nanasaheb Deodhekar.

He was born in 1892 at Umbargaon in Thana district. He was practicing as a pleader, but in 1920 he gave up practice and joined the Congress. He was a member of the Democratic Swaraj Party since its inception. He was jailed thrice since 1930 for taking part in the Congress movement. He was the leader of the Arnala Satyagraha Camp. He was the Secretary of the Maharashtra Provincial Conference and Congress Committee. He was a member of the Thana District Local Board since 1921. He was connected with a number of public institutions and did great service to the people of Thana district. He was elected as member of the Bombay Legislative Council in 1937 from the Thana-cum-Nasik-cum-Ahmednagar General Rural Constituency. He died on 24 August 1957 at Umbargaon.

I request you, Sir, to convey the condolences of the House to the members of the bereaved family.

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### No ulterior motive behind Chapter cases

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*On 12 December 1957, discussion was held in the Legislative Council on the Estimates Committee's Twenty-fifth Report. In reply to the various statements made in the Report and to the points raised by the hon. Members of the House in this connection, Shri Y. B. Chavan, Chief Minister, repudiated (BLC Debates, Vol. 4, Part II, December 1957, pp. 106-09.) the statement made in the Report regarding chapter cases and said that the inference drawn by the committee was incorrect. Regarding the point made about corruption, he clarified that it would be wrong and it would also be unfair to the policemen to consider that everybody in the Police Department was corrupt and that the Government issued instructions to the police not to start chapter proceedings indiscriminately against both the parties. Shri Chavan concluded this speech by saying that whatever useful suggestions had been made by various hon. Members on the floor of the House should be considered and examined and that the Government would report to the Legislature the action taken on the recommendations made by the Estimates Committee in their Report for 1957-58.*

Madam Chairman, the discussion on the report of the Estimates Committee was very interesting and instructive also. Some of the points which the hon. Members made out contained many constructive suggestions. The Government is very grateful to them for making those suggestions and it will surely consider them.

The report of the Estimates Committee reached the Home Department very recently and I cannot say that all the recommendations and the suggestions made by the Committee have been carefully considered. They are yet to be considered and final decisions on them are yet to be taken.

Before I go into the different items, I have to make one observation at the very outset on the statement made by the Estimates Committee regarding Chapter cases. It reads:

‘Chapter proceedings no doubt are necessary to maintain peace and order in the locality.’

This statement, according to me, is quite unobjectionable, but the statement that follows, namely:

‘But an unduly large number of such cases raises a suspicion that they might be the result of considerations other than those of peace and order in the locality.’

is, according to me, not acceptable to the Government. I certainly expected that the Committee would give more valid reasons for the launching of such a large number of cases. I, therefore, repudiate the statement made in the Report that these Chapter cases raise a suspicion that they might be the result of considerations other than those of peace and order in the locality. Sir, I would certainly welcome the other suggestions and recommendations made by the Committee, but it is very painful to see that the Committee comes to the conclusion on the basis of the suspicion of the kind noted by it, which is raised because of the fact that there are a larger number of chapter cases. I, therefore, repudiate that statement with all the emphasis at my command and I say that the inference drawn by the Committee is not correct.

I have heard the speeches made by some of the hon. Members on this Report and I say that whatever suggestions are made about the telephonic arrangements to be made in the police stations are welcome. For the first time I find that the hon. Members are taking a very constructive view and a very liberal view about the necessities and the requirements of the Police Department. This shows that there has been an improvement in their attitude towards the police. Possibly that may be also responsible for the improvement in some policemen. I am glad that the improvement in the police work has been admitted and appreciated by them.

The points made about corruption are very important, no doubt. But it would be wrong—and it would also be unfair to the policemen—to consider that everybody in the Police Department is corrupt. The general observations that were made possibly might create an impression, not

only in this hon. House but even outside, that everywhere in Government service there is corruption. Nothing can be farther from the truth. Yesterday, I said that it is necessary to admit that there is corruption. It may be somewhat more than what we can expect. It is not only in this Government, as the hon. Finance Minister intervened and told the House, that there is corruption; but corruption is rather universal. It is existing not only in this State or in this country, but possibly it exists everywhere. We have heard recently that there is deep-rooted corruption even in the Communist regime. It was a myth that was told to us that only in communist countries we do not notice corruption. However, I have no desire to go into a comparison on this point with different countries. The one thing which I would like to make clear is that we are aware of the fact that the evil exists here and we are also aware of the fact that we must make a very serious effort to eradicate it. It is said that the work of eradication of this evil should not be given to the police. That may be true. But if corruption is supposed to be an offence which has to be investigated and proved in the court for securing proper punishment, I do not understand what other methods could be adopted. Of course, there are other methods which can also be made use of and the matter can be brought to the notice of the Government, and that is why we are thinking of having an Anti-Corruption Bureau in the Sachivalaya working directly under the Secretary of the Home Department. It would be manned by officers of all the departments including the Sales Tax Department, the Forest Department, etc. The idea is that the representatives of these departments will be able to help and guide the work of this Anti-Corruption Bureau by pointing out the methods of corruptions adopted in these departments. As the work of the Department differs its methods of corruption are likely to differ, though ultimately investigation may have to be undertaken, if punishment is to be meted out in a court of law to the offenders concerned. I do not see what other method can be used. Some hon. Members suggested that nobody should be immune from this procedure. I do agree with that view, and I include hon. Members on the side opposite and on this side also, including Ministers. It is a very vague statement to make that Ministers are also corrupt. Sir, we are certainly responsible to this House, and if there be any allegation which is not unfounded or baseless, we will make inquiries. We do not want to be protected by any conventions or rules. Merely making allegations and creating an atmosphere of

suspicion do good neither to those who make the allegations nor to those against whom they are made. It is against the interests of the State as a whole.

Then, Sir, it was also said that the police are used for party purposes. It is a very fashionable argument at present used both on the public platform and on the floor of the House. If anybody were to say that the police are used to protect the interests of a particular party, surely, I should be prepared to make an open inquiry about it, because we believe in the principle of democracy. After the elections, the party that comes into power only tries to implement the programme it had placed before the electorate. Except for that, no Government machinery is used for any party purposes. We sincerely believe in this principle, and try to implement it in practice. Suggestions are frequently made that the police are used for party purposes. The hon. Member opposite, **Shri Bhide**, who made the suggestion, is not present here to hear my reply. I am afraid he seems to be suffering from some complex, because he said that two days before he was followed by the police. It seems that he feels that anybody who follows him is a policeman! There should be no reason for the police to be after him on every road that he walks on and at every time he does so. If I may be permitted to use the word, he is suffering from the consciousness or the complex that a police is always following him. I do not see why there should be that consciousness.

Some hon. Members said that too much concentration of power may possibly lead to corruption. I quite agree, that it was a very important thought that was given expression to in the course of the discussion. It is true that if there is concentration, unrestricted concentration of power in one authority, it is likely that it may lead to corruption, and that is why, we are trying to find out constantly ways and means of decentralizing authority. Under the existing system, one man's decision is not absolute and final, and there is always provision for appeal to a higher authority, so that there is scope for a reconsideration of the decision. That is why we have been constantly thinking of finding ways and means of delegating power to other authorities or agencies.

Then, certain suggestions were made regarding the administration of jails. Some of the suggestions made were good. Some agreed, and some disagreed with the suggestion of the committee that the colour of the head dress of the prisoners should be discontinued. I think



that the Committee has rightly made the suggestion that it should be discontinued. I do not share the view of some hon. Members here that it should be done only in the case of some non-habitual offenders. I do not subscribe to the view that the reform should apply to a certain type of prisoners. If a person who is convicted once only is capable of reform, it cannot be said that those who have been convicted more than once are not capable of reform. I do not subscribe to that view. Otherwise it would mean that we would not be able to carry on the administration of jails on the basis of reformation. Our view is that if a person is given proper facilities to reform himself, he would try to reform himself. We have been trying to run our jails on that basis. I cannot, therefore, accept the suggestion made by the hon. Member Shri Bhide.

There is some justifiable criticism about the corruption in the R.T.O.s' office. I have also heard many complaints in that behalf, and I have promised on the floor of the Legislative Assembly that I will look personally into the matter.

Then a reference was made to the large number of chapter cases launched by the police. Mere numbers should not indicate anything. But, Sir, to repeat what I have said on the floor of the Lower House, I have found that there has been a tendency on the part of the police to start Chapter proceedings not simply against the party that is in the wrong, but also against the other party, that is, against both the parties. Possibly, that is the reason for the large increase in the number of chapter proceedings. Whenever, during the course of my tours in the State, this was brought to my notice, I issued instructions to the police that they should not start proceedings indiscriminately against both the parties. They have been instructed that they should first come to a conclusion as to which party should be proceeded against, and then launch proceedings only against that party.

Then a suggestion was made about the mention in the Report regarding the percentage of staff in the R.T.O.'s office. I will certainly look into the recommendation of the Committee.

Sir, I do not know why on this occasion the hon. Members Shri Donde thought it fit to refer to food controls. He said that we are doing the thing half-heartedly, and added that if we believe in controls, we should bring in rationing. From the time of decontrol, the Bombay Government has made it amply clear that we do not believe in a doctrinaire discussion

of the theory of controls and decontrols, but take such measures as the situation demands. There is a shortage of rice at present and in order to have a proper and equitable distribution of rice, we have to have family cards. But that does not mean that there is a shortage of foodgrains and we should rush to have full-fledged rationing. It is not at present necessary to have it, and therefore, we have introduced some sort of measures necessary for a proper distribution of the particular commodity which is at present in short supply. If he calls this as a half-hearted measure, then, Sir, I do not know what his idea is of the whole thing. If it is hard heartedness, then I would say it is wise to be hard-hearted also.

Sir, I have nothing more to add except to say that whatever useful suggestions have been made by various hon. Members on the floor of this House will be considered and examined and the Government will report to the Legislature the action taken on the recommendations made by the Estimates Committee in their Report for 1957-58.

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## Home Guards not strong arm of the police

*On 4 September 1958, discussion was held in the Legislative Council on the Home Guards (Extension and Amendment) Bill. At that time the Opposition Members raised certain objections and made some complaints against the Home Guards organisation, the main complaint being that the organisation was being used for the purpose for which it really was not intended. Shri Y B. Chavan, Chief Minister, gave (BLC Debates, Vol. 6, Part II, August-October 1958, pp. 95-99.) a convincing reply removing all the doubts, complaints and objections against the Home Guards Organisation. Regarding the fundamental objection raised by Dr Karve whether there should be any voluntary organisation particularly to help the Police, Shri Chavan made it clear that there was nothing basically wrong in having a voluntary organisation, an organisation of volunteers who would help the police in their job, which was the basic approach to the Home Guards Organisation. In regard to the complaint that the organisation had a political bias. Shri Chavan made it clear that two restrictions—one was that those whose ideology was communal should not be admitted to the organisation and the other was that those who believed in the violent methods should not be admitted to the organisation had been put for the membership of the organisation; and that anybody who was a member of any political party and who satisfied these two tests could become a member of the organisation. When the Opposition Member Shri D. H Sahasrabuddhe suggested an amendment at the time of the second reading of the Bill, Shri Chavan pointed out that by directly introducing those words namely 'and render assistance in any general measure of public welfare,' as suggested by Shri Sahasrabuddhe, it would unnecessarily enlarge the scope and give further opportunity for doubts and suspicion and room for political activity.*

Mr Chairman, Sir, I am sorry that I was unable to introduce and move the first reading of this Bill yesterday as I was down with fever. The same was, therefore, done by my colleague the hon. the Law Minister. I am glad that I have been able to come today and to have the opportunity-

of hearing the hon. Members who have participated in the debate on the first reading of this Bill, and to get their opinions as to what they feel about this Home Guards Organisation. Sir, it was very rightly asked whether the aims and objects of the Home Guards Organisation have been implemented, and whether this organisation has played the role which it was expected to play. Some of the hon. Members went to the extent of conceding that the aims and objects, the concept and the ideology for which this organisation was started are very good and laudable. They wanted to know whether it is being implemented. Then, certain hon. Members said certain things about certain areas. I noticed that one hon. Member, **Dr Karve**, raised a fundamental objection to the organisation. I would first refer to that fundamental objection, and then deal with the points made out by other hon. Members. His fundamental objection was whether there should be any voluntary organisation particularly to help the police in the present circumstances, and the answer given by the hon. Member was 'No'. Incidentally, the hon. Member compared his experience of the organisation with his experience as a member of an organisation of what was then known as the Civic Guards. But I had not expected that the hon. Member would make the remark that he later on made, namely, that there are very few decent and law-abiding people in this Home Guards Organisation. Probably he had in his mind the type of members that were in the Civic Guards Organisation when he was its member and compared it with the membership of the Home Guards Organisation. I quite concede that the type of highbrow intellectuals who wished to support the British regime and became members of the Civic Guards are different from the type of people, the common people, who have become members of the Home Guards Organisation. It is this common people who constitute the entire State and the entire country, and I am proud of such membership. I do not want the type of decency that the hon. Member has in mind. I must say that I am glad that such decent people are not in the Home Guards Organisation. I do concede that in the whole organisation A may be bad, or B may be bad or C may be bad, but it is unfair to call the entire Home Guards Organisation is bad. Sir, I have never claimed perfection for the organisation. Nor have I ever claimed perfection for the Government, and nobody should do it. We are all endeavoring to reach perfection.

Now, Sir, what is the basic idea behind the Home Guards Organisation? As the hon. Member opposite quoted me, there is a difference in the

role of the police working before Independence and their role now. Immediately after Independence, there was the problem of creating a sort of liaison between the people and the police, and it was considered whether it could be done by a sort of organisation which would not think it below its dignity to the work of the police with a view to helping them. It is time we changed our attitude towards the police, and what the hon. Member Dr Karve said would prove that such a change has not yet taken place. Everything that is connected with the police is supposed to be very bad and the police job is considered something as below one's dignity, that only indecent people do police job and so on. That is the basic idea which is responsible for this type of attitude, and the public is also responsible for it. We have to change that type of attitude. How can we do that? We must remove such a wrong attitude towards the police. Do we not think that the police are necessary? If we think that they are necessary, then what is basically wrong if we have a voluntary organisation, an organisation of volunteers, who would help the police in their job? This is the basic approach to the Home Guards Organisation.

The hon. Member Dr Sathaye made a reference to the C.P. & Berar Act. The basic difference between the two Acts is this, that under the Bombay Act, it is an organisation of volunteers, of honorary workers, whereas under the other Act there are paid officers manning the organisation. This is the basic difference between the two Acts. It is, therefore, from this point of view, the organisation under the Bombay Act can be said to be a popular organisation.

It was said by some hon. Members that this organisation has a political bias. If it could be so said, then I would repeat that the parties who say so are themselves responsible for it. Can anybody say that the membership of the organisation is restricted to members of one political party only, or such and such members of the organisation belong to this political party or that? But only two restrictions have been put for the membership of this organisation. One is, that those whose ideology is communal should not be admitted to this organisation, and the other is, that those who believe in violent methods should not be admitted to this organisation. (Interruption). As I have very little time at my disposal, I do not give in. Anybody who is a member of any political party, but who satisfies these two tests can become a member of the organisation. It was also said that since the organisation is open to all, some restrictions on their political activities should be put, and that the Home Guards

should not be allowed to take part in election campaigns. I am prepared to accept that proposition. In fact, specific orders have been issued in the matter, and they have been there for the last many years. A Home Guard who is on duty is not supposed to participate in an election campaign, and a Home Guard who is interested in an election will not be called on duty during that period. These restrictions have been very scrupulously observed, and will be so observed.

Then, it was asked, what are the achievements of the organisation? I may assure the House that I would get a report prepared of the activities of the organisation during the last ten years of its existence. I know there is that obligation on the Government, and the report giving the activities of the organisation during the last ten years will be published (Interruption). Of course, that will be before the House for its scrutiny and examination.

The only point that I wanted to make out was that we have no reservation in our mind, about the Home Guards Organisation and its membership. We do not want to make it a political organisation and it is not. I am prepared to take the co-operation of all the political parties to strengthen the organisation. I would like to emphasise again that the membership would be subject to the two tests that I just now referred to. It is a useful organisation of honorary workers and helps the police as and when required. It was asked what is the nature of the present membership of the organisation. I could give a thousand names of members of the organisation in Bombay who do not belong to this political party or that, but who are important persons in the public life of the city. When I say this, it might be asked whether they are from doctors and pleaders. Though I am myself a lawyer, I do not think gentlemen exist only in these two professions. There are many gentlemen, many good people, outside these two professions amongst the common people. Of course, there are some pleaders and doctors in the Home Guards Organisation. But there are also in the organisation persons following different professions. I would re-request the hon. Members opposite, whenever they can find time, to go to the Home Guards Office and find out what different professions the members of the organisations belong to, and what part of their time they are devoting for the work of the organisation. Moreover, members of this organisation are given expert training in such work as fire fighting etc. at a great expense. Sir, I can supplement the information from time to time

given to hon. Members. Personally I think that the basic idea of the Home Guards organisation is a very good and excellent one. I do not know what the hon. Member Shri Donde meant by saying that I have chosen an unpsychological moment for presenting this Bill. Well, if a thing is good it is always good to present it at any time. I am not in the habit of consulting astrologers before presenting Bills to the House, because, as I said, if a thing is good it is always good to present it to hon. Members. I feel confident that the idea behind the Home Guards Organisation is a good and excellent idea. There may be certain imperfections in the implementation of the Act, and if so, it should be our effort to perfect things. We have not started with perfection. We have started because we are imperfect and our intention is to be perfect, and what I want from you is criticism and co-operation to help us to be perfect. It is with this intention that I have made these remarks in reply to the debate on the first reading of the Bill.

Sir, at this stage, I only want to say that if necessary we can consider certain amendments in future. As it is, with all our ambitious declarations, we have not become perfect. Why then unnecessarily enlarge the scope of the ambition? I would try myself to be perfect on the basis of the law that we have here at present and I feel even under the present Bombay Act as it stands; there is scope for undertaking and welfare activity. The Bombay Act as it stands does not preclude any activity of a general welfare nature. It does include general welfare activities. By directly introducing those words I feel that it would unnecessarily enlarge the scope and give further opportunity for doubts and suspicion and room for political activity. That is what I am afraid of and am trying to avoid. I do not want to give further scope for doubts in this matter. I do not think, therefore, Sir, I can accept this amendment.

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## Ahmedabad martyrs' memorial

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*Shri Y.B.Chavan, Chief Minister, while intervening (BLC Debates, Vol. 6, Part II, August-October 1958, pp. 123-26.) in the debate on an Adjournment Motion regarding disturbances in Gujarat due to the removal of a Martyrs 'Memorial by the Government and the brutal repression by the police at different places, congratulated the Opposition Members for not supporting the disturbances that took place in Ahmedabad and other places. He pointed out that in spite of the refusal of permission to raise the memorial by the Mayor of the Ahmedabad Corporation and in spite of a warning by the police that they would be breaking the law and that they would be doing so with the necessary consequences, the Parishad volunteers erected the memorial on the road, which the Government allowed for some time on humane ground. He justified the removal of the memorial by the police and requested the Opposition to join the democratic Government in laying down a healthy tradition for the future Opposition, by rejecting the Motion.*

Mr Chairman, Sir, I have heard all the speeches with all the care that they deserved. Fortunately, the discussion was kept fairly at a high level this time, The issue according to me, as I said while replying to the debate in the Lower House, is, really speaking, whether we have to accept the rule of disorder, and I still maintain that that is the main issue.

Unfortunately, in some of the speeches I heard from hon. Members points were raised which were not relevant to the points raised by the Adjournment Motion which is before the House.

Sir, I am not making any reflection but I think the issue was whether the order that was passed was to be accepted or it was not to be accepted. Well, Sir, I must concede one thing. During the discussion on this Motion, the hon. Members opposite who made their speeches have certainly not



supported the disturbances that took place in Ahmedabad and other places. The hon. Member **Shri Sanat Mehta**, who has moved the Motion, has himself condemned the disturbances and said that whatever action which the police had to take was also justifiable. I hope he concedes that position also. It is not enough if one condemns the disturbances later on. Those who had to face these things had to take the action, as he himself did act and intervene during the disturbances. Would it not follow that the Government, with its responsibility to maintain law and order, was bound to step in to end lawlessness? I must say that the arms of law and order, namely, the police, intervened there with great restraint, but, at the same time, with firmness and they used the force which was absolutely necessary. I think that position is conceded. The only issue that is now raised is, whether the action that Government took regarding the memorials was right or wrong. It is here that political prejudices come into play. I can at least say — I hope the hon. Member Shri Donde will concede that—that the arguments which he advanced were most inconsistent arguments I have ever heard. I hope he will concede that.

The hon. Member has said that Government has intervened in the rights of a self-governing body like the Corporation. The issue regarding raising the memorials and their removal is the most important issue that has been raised so far. Now, what was the position of the Corporation at the time when the memorials were raised, according to the hon. Member? The hon. Member does not want the Government to intervene in the rights of the Corporation. I may mention that, at that time, the Mayor of the Ahmedabad Corporation had refused permission to raise the memorials. The police officer had told the Parishad volunteers not to raise the memorial and not to cross the line, because, if they did so, they would be breaking the order.

They were warned that they would be breaking the law and that they would be doing so with the necessary consequences. The Government did not take any action to prevent the erection of the memorial on humane grounds. Did the hon. Member want the Government to clash with the people at that moment? It was only on humane grounds that we did not clash with the people at that time. But sometimes humane considerations and goodness are mistaken for weakness. We did allow the memorials to be raised and we allowed them to rest there for three days because we did not want to hurt the feelings of those who had

raised them, if at all they had any feelings, but, at the same time, we had to see that no breach of the law was committed.

Some hon. Members asked why the memorial was removed at night time, as if this was something for which I should have invited all the people of Ahmedabad, and particularly the Members of the Opposition, and should have done it in their presence. It was a wrong thing that had been done and that wrong had to be removed. We wanted to choose a time when it could easily be done and that is why it was done at that hour.

Some hon. Members opposite said that the Congress Government, the first popular Government, has to lay down certain healthy traditions of democracy. Democracy does not merely mean Government. A democratic Government and a democratic Legislature also mean the Opposition and also consists of the Opposition. As we are the first popular Government, so also the hon. Members opposite are the first popular Opposition in this country, and as they expect the Government to lay down healthy traditions, the Government expects them to lay down healthy traditions for the future Opposition! They said that any attempt to break the law is the voice of God. Is not any effort to see that the law is enforced the voice of God? Are we not here the representatives of that Godly will? It is this House that creates a law, it is this Legislature that creates a law. Is it not the responsibility of the Executive of the Government, whom I represent, to bow down to the will of this House and enforce its will which is the law? That is what exactly the Government was doing in Ahmedabad. What was wrong therein? We have made it amply clear that we are not opposed to the memorial as such. I have said that every political party has its own hero or heroes, and it is free to respect them. I have no quarrel with that. The hon. Member **Shri Phatak** said that wherever a drop of the blood of the heroes has dropped, a memorial should be erected. The greatest man that we have lost is Mahatma Gandhi. We did not say that a memorial should be erected in the Birla House. On the contrary, we said that it should not be there. If there is to be a memorial in commemoration of the good work done by a person, then it should be erected without any feeling of hatred or enmity. Worship must be really worship. It must be a genuine expression of the feeling of the heart. Where is the occasion for hatred and enmity? What was the point in insisting that the memorial should be erected at that particular place on the road? If such an attitude is taken in breaking

the law, then I must very respectfully and humbly say that as the chief of the Government, I cannot allow any disorder or any breaking of law in this State. It was my responsibility to prevent disorder. I should erect it, and I will have to continue to shoulder it at any cost. At the same time, I must make it clear that no disorder, no attempt at violence will be tolerated in this State. I wanted to make that perfectly clear, taking advantage of this occasion.

Sir, I have many other points to be referred to, but I do not want this Adjournment Motion to be talked out. I want the verdict of the House. I may tell the House that the Government has not any political considerations in this matter. While speaking on the Motion, certain hon. Members raised some political issues; they spoke on the merits and demerits of the States reorganisation. We can discuss that on other occasions, but not on this occasion. I, therefore, do not want to go into that question now. Every party has a right to achieve its political objectives, but it should do so in a democratic manner. But if it is sought to be done by instigating people to break the law, then I must say that it is not a democratic way. That may be any other way. That may be a way which may have other sanctions, but I must respectfully submit that it is not the democratic way; and that which is not a democratic way, I cannot accept. Sir, I have no alternative but to oppose this Adjournment Motion, and I hope the House will, reject the Motion.

## 76

### Unification of laws

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*On 5 Sept 1958, Shri Y B. Chavan, Chief Minister, introduced (BLC Debates, Vol. 6, Part II, August-October 1958, pp. 129, 143-44.) in the Legislative Council L. A. Bill No. XIIIV of 1958 (to extend the Police Incitement to Disaffection Act 1922) to the Saurashtra and Hyderabad Areas of the State of Bombay as passed by the Legislative Assembly on 25 August 1958. In the following speech he explains the raison d'etre of this Act:*

Sir, this is a very simple measure of unification and extension of a Central Act, which was applied to the pre-merger Bombay State area, but which was not made applicable to Part B States. The original piece of legislation is a very simple one. The basic idea of the legislation is to penalise any attempt, intentionally caused or alleged to have been caused, at creating disaffection towards the Government and amongst members of the police force. Sir, as I have already said, the Act is a Central Act, and it was made applicable to the former Bombay State from 5 June 1950 and it was brought into force into the territories of the erstwhile princely States which merged into the Bombay State, in 1949-50. Under the Merged States Laws Act it was also made applicable to the Vidarbha area from 16 July 1949 and it was brought into force in the former States of Saurashtra in 1948 by an Ordinance, but the Act itself was not made applicable to the former B States. The intention of this legislation is to make this piece of legislation applicable to the areas of the State where it does not now apply.

We have taken this opportunity to make the provisions of this Bill applicable to the members of the Reserve Police Force also. The Bill was passed by the House only a short while ago. As they are also members of an essential service it was thought necessary to make them covered by this legislation. Ultimately, the police are a very important arm of law and order, and, therefore, this measure is very essential. I hope there

will be no two opinions about the necessity of this Bill.

As we know, it was not made applicable to the Reserve Police Force because in those areas there was no Reserve Police Force. As regards the ordinary police, perhaps the then Governments concerned did not think it necessary to apply the Act to the Police Force. That is the only explanation that I can give.

Mr Chairman, Sir, I thank the hon. Members opposite for the they have given to this Bill. The fundamental point they have support conceded, although I am not sure what the hon. Member Shri Patil meant, but from the speeches that I heard I can say that they have conceded one basic thing that, for any Government, the essential service of the police will have to be protected and nobody wants to encourage anything which is likely to incite disaffection towards the Government established by law. If that position is conceded, then there may be some further scope for suggestions and criticism but I cannot understand opposition to the Bill as such. Once this position is conceded that, for any Government established by law the service of the police is very essential and there 'should not be any incitement of disaffection towards the Government, then they must all come and tell the Government and persuade Government to have such a piece of legislation.

Some of the hon. Members expressed doubts as to whether any criticism of the police officers or constables or administration will be banned or barred. This Act is an Act of only six sections, and I will read out, for the information of the House, the explanation to section 3. My learned Friend Shri Deshmukh has read one section and saved my time. I will only read the explanation to section 3. Here it is said

'Expressions of disapprobation of the measures of the Government with a view to obtaining their alteration by lawful means, or disapprobation of the administration or other action of the Government, do not constitute an offence under this section unless they cause or are made for the purpose of causing or are likely to cause disaffection.'

That exactly shows the limitations, that is what exactly is proposed to be done.

A suggestion was made about allowing associations or unions of the police to help better their conditions of service. Sir, we have allowed associations and unions to be formed in respect of services other

than the police, and our experience as regards those associations and unions does not encourage me to undertake this experiment in respect of the Police service. I hope even hon. Members of the Opposition who participated in the debate would I concede the fact that there are certain forces in this country even today from which it is necessary to protect the essential services like the police. I do not want the hon. Members to say yes, but even if they are satisfied in their minds, I think I shall have succeeded in my point.

Sir, as far as the basic fundamental rights and independence of the policeman are concerned, we are not touching them. It is quite open for even a Police Constable or a Police Officer, as any other Government servant, to go quietly and approach his ballot-box and give his vote to a candidate of his own choice. There is nothing in this Bill to prevent him from doing that. But no attempt at incitement or of creating disaffection would be allowed. I think the expressions 'incitement and disaffection' have been interpreted so many times in courts that they do not require further illustrations or examples to make them clear. But I must say that I do not want to encourage disaffection and create a bad atmosphere because I am afraid that if we take any such risk, it would completely undo the basis of the democratic form of Government that we are trying to establish in our country. We must admit that we are not an advanced democracy as yet. We are still, so to say, in its first few days, and in its early stages we have to give it as much protection as possible so that it may develop on the proper lines, and it will take care of itself in the days to come. And I think that this is one of the protections that is essential. Some of the hon. Members have conceded that it is necessary to give such a protection to the police. When that is conceded, it follows that this measure should be acceptable to the House.

Sir, some hon. Members have said that quite possibly this measure may have been necessary in 1922, but it is not necessary now. I must say that that is not a very happy logic. What was necessary in 1920 or 1922 cannot be said to be unnecessary now. The Criminal Procedure Code and the Indian Penal Code have been in existence for the last one century and more—since the days of the British. We are not doing away with them; we do not propose to repeal them. It is not that whatever was done at the time of the Britishers should be discarded. We have inherited many good things from the British. We have defeated them and driven them away from this country, but I must say that they have left

behind many good traditions. The tradition of Parliamentary democracy to which we are giving a trial in this country is certainly a great gift of the Britishers.

Then, Sir, it was asked: if it was not necessary in Marathwada why should we have it there? I cannot afford to have a sort of a legal vacuum in parts of the State. This is a Central Act which is already applied to the major part of the State. I have no right, nor has this House the right, to repeal this sort of Act once we apply it. I cannot afford to have conditions in this State by which one set of laws exists only in one part of the State and other parts go without it. That would be a legislative vacuum, so to say. And it is exactly to remove such irregularities, such a state of affairs, that we have undertaken this process of unification of laws. Even from that point of view, it is really a matter of formality to bring such a measure, and I hope the House will pass it unanimously.

# 77

## Validation of divorce

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*Shri Y B. Chavan, Chief Minister, brought (BLC Debates, Vol. 6, Part II, August-October 1958, pp. 145-47.) before the House the Hindu Divorce (Validation of Decrees) Bill on 5 September 1958, stating that since many divorce decrees were passed by courts in the State, legislation to validate them was necessary. He said.*

Sir, I beg to introduce L.A. Bill No. XLIX of 1958 (A Bill to validate certain decrees of divorce passed under the Bombay Hindu Divorce Act, 1947, and the Saurashtra Divorce Act, 1952), as passed by the Legislative Assembly on 25 August 1958.

Sir, the genesis of this Bill is that in a recent decision of the High Court, the High Court has recommended to the Government to undertake this type of legislation. After the repeal of the Bombay Hindu Divorce Act, 1947, the Hindu Marriage Act of 1955 was passed by Parliament. After that in certain cases divorce decrees were passed by many courts in the State, but as a result of the decision of the High Court, those divorce decrees are likely to be invalid. In order to validate the decrees it is necessary to have such a legislation. It does not involve any new principle. It is only a validating measure and I hope the House will accept it unanimously.

As regards the delay in bringing the legislation before the House I do not want the legislature to feel that any recommendation of the High Court is brought before the House without due consideration by the Government. The Government has to consider everything that is to be placed before the legislature, very carefully. I must also convince myself before a particular thing is placed before the legislature. I must look into it and satisfy myself completely before I place anything before the legislature. Just as we consider the judiciary as an important and independent limb of the State, so also we consider the legislature as an equally important and independent limb of the State. Before anything is placed before the legislature, it must be considered whether it is absolutely necessary to do so.



# 78

## Uniform law for public conveyances

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*Shri Y. B. Chavan, Chief Minister, introduced (BLC Debates, Vol. 6, Part II, August-October 1958, p. 148.) in the Legislative Council, 5 September 1958 a Bill to provide for uniformity in the law relating to the Regulation of Public Conveyances in the State of Bombay as passed by the Legislative Assembly on 25 August 1958. Shri Chavan explained the original scheme of the Bombay Public Conveyances Act, 1920 and then dwelt upon the necessity for this Bill.*

Sir, before I go into the need for this Bill, I would like to explain the original scheme of the Bombay Public Conveyances Act, 1920. The Act is meant to regulate the working of public conveyances, their licensing system, rates etc. By the Act itself, only three of its sections, namely, sections 36, 38 and 39 are extended to the areas outside the city of Bombay. Our intention is to make the same Act applicable to the other areas also. In the Pre-reorganisation State of Bombay the law relating to the regulation of public conveyances was governed by the Public Conveyances Act, 1920. In the Saurashtra and Kutch area the Bombay Act has been applied by an Ordinance of 1948 and the Kutch Adaptation of Laws, 1949, respectively. In the Hyderabad areas the corresponding enactment is the Hyderabad Public Conveyances Act 1956. Initially the Hyderabad Public Conveyances Act was to be extended to the cities of Hyderabad and Secunderabad only. Almost all the provisions of this Act are similar to those of the Bombay Act. It is necessary, under these circumstances, to have a uniform law regarding the regulation of public conveyances in the whole State of Bombay. This is what the measure before the House seeks to do. I commend it for the acceptance of the House.

# 79

## Unhealthy prize competitions and lotteries

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*Shri Y. B. Chavan, Chief Minister, introduced (BLC Debates, Vol. 6, Part II, August-October 1958, p. 149) L.A. Bill No. XIV of 1958 (A Bill to Control and Tax Lotteries and to Tax Prize Competitions in the State of Bombay), which was passed by the Legislative Assembly on 2 September 1958. He explained the necessity for this Bill as follows:*

Sir, the necessity of this Bill is explained in the Statement of Objects and Reasons. After the coming into effect of the Prize Competitions Act, 1955, some of the provisions of the Bombay Lotteries and Prize Competitions Control and Tax Act, 1948, stood repealed. Therefore, it was necessary to introduce certain other amendments. And taking advantage of the unification of laws we have got this complete Bill and it is put before the House for its approval.

Sir, if we go through the different clauses of the Bill we find there is a definite scheme for the regulation of lotteries and prize competitions. The basic principle of this Bill is explained in clause 3 which says:

'Save as provided by this Act, all lotteries are unlawful.'

That is how the Act proposes to begin its work. But mark the words 'Save as provided by this Act',

The Bill provides in the different clauses that follow which types of lotteries and prize competitions will be allowed. The Bill also lays down the conditions under which these lotteries or prize competitions will be allowed. Those conditions are to be found in clauses 4 and 5. They state how lotteries will be allowed, offences in relation thereto and clause 6 lays down how licenses can be given. Clause 9 deals with the suspension or cancellation of licenses. Clauses 10 and 11 deal with the levying of taxes and their recovery, etc.

Sir, I do not think the principle underlying this Bill is debatable, because we do not propose to allow the sort of gambling that is inherent in lotteries and prize competitions. But only as a sort of entertainment and on conditions which are specified in the Bill, we have allowed certain types of lotteries and prize competitions. The whole purpose of this Bill is to ban or prohibit unhealthy competitions and lotteries, and at the same time to regulate the working of the healthy type of competitions. That is why this Bill is found necessary. I hope, Sir, the basic principle of the Bill will be accepted by the House at this stage of the first reading of this Bill.

## 80

## Separation of judiciary from executive

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*Shri Y. B. Chavan, Chief Minister, introduced (BLC, Debates, Vol. 6, Part II, August-October 1958, pp. 560-62, 565-66) on 13 October 1958, in the Legislative Council, L.A. Bill No. LIII of 1958 (A Bill to provide for the separation of the Performance of judicial and executive functions by officers throughout the State of Bombay, to provide for uniformity in the Code of Criminal Procedure, 1898, in its application to the whole of the State and for matters connected with the purposes aforesaid) as passed by the Legislative Assembly on 29 August 1958. In his introductory speech, Shri Chavan explained to the House that the national leadership accepted this demand and the Lokur Committee (of which Shri Chavan was one of the members) recommended a workable scheme for the implementation of this step. Thereupon, a Bill to that effect was passed into an Act in 1951 in Bombay State, which is known as the Bombay Separation of Judicial and Executive Functions Act 1951. He requested the House to pass this Bill to make it applicable to the other areas of the State which had recently joined Bombay State.*

Sir, this is one of the very important Bills that have been introduced in this House. The demand for the separation of the executive and judiciary functions was made long ago, and the need for the separation was felt for long. If I may remind the House, the Congress in its first session passed a resolution unanimously approving the idea of the separation of executive and judiciary functions. From then onwards, the leaders of the country also felt the need for the separation. Sir, I do not want to go into the pros and cons of the question at this stage because our national leadership accepted this demand. As far as this Government is concerned and its predecessors in office are concerned, in 1946 the Congress Ministry, immediately after it came into office, appointed a Committee known as the Lokur Committee to go into this question, and recommend a workable scheme for the implementation of this step. Incidentally, I might mention that I had the privilege of being one

of the Members of the Committee. The Committee worked for nearly 12 months, collected the necessary evidence, took evidence of many eminent persons in this State and outside the State and produced a very instructive report which, though small in volume, is very weighty as far as the contents are concerned.

Sir, the then Bombay Government accepting the recommendations of the Lokur Committee, prepared a Bill which was presented to the Legislature which passed it in 1951 into an Act which is known as the Bombay Separation of Judicial and Executive Functions Act, 1951. The scheme of the whole Act is very simple because the demand for separation was a very simple demand. As we all know, theoretically, there are three branches of what is called a State: the legislature, the judiciary and the executive and unless they are kept independent of each other and there is a fine balance which is accepted, democracy cannot be maintained. As we believe in maintaining the independence of the two hon. Houses, viz., the Legislative Assembly and the Legislative Council, it was also considered necessary that the Judiciary if it was to be impartial, must be independent so as not to be influenced by any Executive authority whether democratically elected or otherwise. This basic principle was accepted while accepting the scheme of the Lokur Committee, except the idea of having Executive Magistrates. Really speaking, all the magisterial powers are transferred to the Judicial Magistrates. This was also a necessary compromise with the situation that then prevailed in this country and which possibly prevails even now. These Executive Magistrates are supposed to try cases under what is popularly known as Chapter Proceedings under the Criminal Procedure Code. For the last six or seven years after the Bill was accepted the scheme is in progress and is being implemented in the State. I may tell for the information of the House that even before the Act was passed and put into effect, for all practical purposes, the scheme was implemented in the Bombay State. But having accepted the Act we have reason to be proud that Bombay was perhaps the first State in this country to accept this principle of the separation of the judicial and executive functions. It has stood by its word and it is because of that, Sir, that I can claim that the reputation of the Administration of Bombay is enhanced in the country and this position is accepted by all concerned. Fortunately, the High Court of Bombay has contributed very richly to this great achievement of this State. And Sir, I have no doubt that when I am moving this Bill in this

Rouse hon. Members will accept it, with all its implications, without opposition because what we are doing by this present Bill is to extend the principle of the separation of the judicial functions from the executive functions to those parts of the new State which have come to us and which are in need of it. In 1952 the Saurashtra Legislature accepted a Bill which is practically on the same pattern as the Bombay Act. In Hyderabad there was in fact a separation of the judicial and executive functions, but there was no enactment for that purpose. In Vidarbha and Kutch regions there was no Act separating these two functions, though in the former region there were some preliminary steps taken after accepting the principle.

Sir, the simple scheme of this Bill is to extend or make applicable all the amendments to the Criminal Procedure Code uniformly and to amend other necessary Acts and make them immediately applicable to other areas of the State which have recently joined Bombay State and which had no provision for separation of the judicial and executive functions. The lengthy Schedule gives detailed information of the amendments necessary, and as hon. Members will see, the Schedule is longer than the clauses of the Bill itself. This only shows that a number of Acts are touched by this Bill as a result of the separation of the two functions and so many allied Acts have to be amended which are all mentioned in the Schedule.

I do not think this Bill needs more comments from me at this stage. If hon. Members have any criticism to offer on this Bill or on its principle, I may take the time of the House at the end of the debate to answer the same in replying to the first reading of this Bill.

Sir, most of the hon. Member who spoke on this Bill have supported the principle of the Bill. Even when some hon. Members commented, the comments were in the nature of elucidating information and making suggestions. However, two or three important points were raised. One was regarding the necessity of the continuance of the distinction between the Executive and the Judicial Magistrate, and the hon. Member Shri Donde asked whether this distinction cannot be discontinued. Sir, I personally feel that at the moment it is very difficult to remove it. I may say that, theoretically speaking, there should be no objection to do that, but practically it would be better to leave the things as they exist today. Even at the moment the responsibility for the maintenance of law and order is on the District Magistrate and the District Superintendent

of Police, and it is very difficult to relieve them of this responsibility. Often they have to take steps to prevent certain things, and, therefore, on practical considerations, I think it is necessary that this distinction should continue for some time to come.

The other point that was made by the hon. Member Shri Donde was about the appointment of tribunals. It is true that the Government itself makes these appointments, but in the case of serving judges we have to consult the High Court before appointing them on certain tribunals. But then, even the High Court judges are appointed by the executive authority. So, here again, theoretical considerations should not be given much weight.

I do not deny that there is some theoretical distinction. Certain tribunals have to function as judicial tribunals and their work is of such a nature that they should really be independent of the Government. In practice also they are independent of the Government, even though certain administrative acts have to be implemented by them. Independence is not only the necessity of a tribunal, it is the prerequisite of any tribunal, and we on our part have appointed only ex-judges, those who have served on the Judicial Benches, with the approval of the High Court. Therefore, I do not think there is really any difference in the point of view of the Government and that of the hon. Member Shri Donde.

The hon. Member **Shri Bachharaj Vyas** mentioned about the quality of Magistrates that are appointed. The appointments are made by the Government on the recommendation of the High Court, and these recommendations are generally accepted. I think this clarification will remove whatever doubts the hon. Member may have, and I do not think he needs any more clarification. Then the hon. Member Shri Sanat Mehta mentioned the long delay in a case at Ahmedabad in regard to framing the charge-sheet. Sir, I have not got that case before me, and I cannot, therefore, either confirm or contradict what he said. But I may mention that I shall look into the facts and find out whether they are true. If they are true, then the delay is not justifiable; if they are not true, then I am sure they do not deserve any consideration on the floor of the House.

Sir, I think I have answered all the points, and I would now commend the first reading of the Bill for the acceptance of the House.

# 81

## Home Guards and village defence parties

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*On 23 February 1959, Shri Y. B. Chavan Chief Minister, introduced (BLC Debates, Vol. 7, Part II, February-April 1959, pp. 316-17, 329-32) in the Legislative Council, L. A. Bill No. LV of 1958 to extend the Bombay Police Act, 1951 to the rest of the State of Bombay, to repeal corresponding laws in force in any part of the State and to amend that Act, as passed by the Legislative Assembly on 10 February 1959. Shri Chavan, in his speech, mentioned the important provisions to be made in the Bill such as a provision for an appeal to the Government against the orders of externment, handing over of village defence parties to the Home Guards organisation, entrusting the work of training these organisations of village defence to the voluntary organisations like the Home Guards and controlling certain dangerous performances which are called yogic exercises.*

Mr Chairman, Sir, this Bill is a measure seeking uniformity of the police laws in the State of Bombay. The most important changes that it proposes to make, along with the extension of this Act to the other areas, I would like to mention here.

In the first two clauses, there are certain changes in the definitions to suit the different nomenclatures and designations of officers in the other areas of the State. Starting with them, the Bill goes on to make some important changes also, to which I would like to draw the attention of the House.

In the case of the orders of externment, there was a constant feeling that no appeal was provided for. Under this amending Bill, steps have been taken to see that provision is made for appeal to the Government. Of course, it will be an appeal to the Government against an executive order, but even then it is my experience that appeals have to be considered on merit or a point of law. I have found that general orders of externment have to be turned down on legal grounds also. So, the



grievance need not be made that only an appeal is allowed to be made to an executive authority. So, now an appeal to the Government may be made against an executive order.

The other important provision that we are seeking to make is regarding the handing over of village defence parties to the Home Guards Organisation. As we all know, the Home Guards organisation in the Vidarbha area, for example, was not of a voluntary type. We, therefore, thought it a fitting change to entrust the work of training these organisation of village defence parties to a voluntary organisation like the Home Guards. It would give a new strength to the organisation of village defence parties because it will ultimately have to deal with matters in villages as the Home Guards have to deal with in those areas where they are working at present. I hope this change in the Act will certainly strengthen both the Home Guards Organisation and also the village defence parties. This also provides a link between the Home Guards and the village defence parties.

A new provision which is sought to be made is about controlling certain dangerous performances which are made in the name of yogic exercises. We have come across many instances where some expert yogis bury themselves underground, remain there for a certain number of days and then come out. There are also instances of some of them who went underground but who never returned above ground. This gives unnecessary scope for doubting the efficacy of such yogis. At the same time, it gives scope for making, I should say, reasonable allegations against those who organise those things. I know of an instance of such an unsuccessful performance in the city of Bombay, where some of the important workers in public life had to express regret for having associated themselves with this type of activity. It is not the intention of this provision to ban or completely stop such yogic exercise. I wanted to make this clear because, while discussing this Bill on the floor of the Legislative Assembly, some hon. Member did express a doubt about it and a very good defence came from a member from an absolutely unexpected quarter about yogic exercises and I have given an assurance there that, while enforcing this provision, we will certainly see that it is controlled in a manner that it will leave no scope for discouraging or even indirectly stopping any further research or activity in the yogic field.

Sir, the. As other important change that we are making here is in Clause 33. As we all know, under section 154 of the Bombay Police Act, places occupied by the police are exempted from any local taxes. In this matter, we want to make an exception in the case of certain local authorities in the new areas. There we propose to apply this provision only by a notification. If we can help, we propose to exempt certain local areas, and we are seeing whether on financial grounds it would be worthwhile exempting certain local areas from these taxes.

Sir, I have just tried to mention some of the important changes that this Bill seeks to introduce. I hope this Bill will receive the unanimous acceptance of this hon. House.

Mr Chairman, Sir, only two or three important changes sought to be made in the law came to be discussed by some of the hon. Members who took part in the debate on the first reading of this Bill. One hon. Member felt it strange that there should not have been any change in the Police Act in the post-Independence era. Sir, the Police Act is meant to lay down the procedure and the powers of the police. Therefore, I do not know what sort of changes either in the procedure or powers of the police the hon. Member expected. But the most important thing is the police administration and how they deal with the public and the police administration is judged by the manner in which it is carried on. This is the most important thing, and in this, changes have occurred in the post-Independence era. I may say a few words about this, with your permission, Sir, though it may mean a little diversion, and I am doing so because this aspect of the matter was referred to by a hon. Member.

The most important change, from the point of view of police administration, though it is not directly connected with the Police Act, is the separation of the judicial and executive functions. That has made a fundamental change in the police outlook itself and that is the contribution of the post Independence era. Every little thing that the police do is openly questioned and criticised in this House. It is another important thing which only post-Independence days have seen. Therefore, Sir, it is not correct just to make a very general and vague remark that 'there ought to have been some change in the Police Act after Independence. I had thought that the hon. Member; would illustrate his point by saying what changes he expected in the Act.

As regards the provision sought to be made regarding the yogic exercises, certain constructive suggestions were made by saying that

certain other similar feats should have been covered by the provision. What is sought to be done by the provision is to regulate and control such activities. I am afraid the hon. Member who spoke about this provision has not understood the real implication of the provision. I may make it clear that it is in no way intended to try to sit in judgment over the capacity of such persons. But what is sought to be done is to control, if not prohibit, such dangerous feats. I may repeat the assurance which I gave in the Lower House that we propose to consult experts before issuing final orders controlling such feats. I have never claimed, nor do I claim, any expert or even a laymen's knowledge of these matters, but certainly the Government cannot afford to sit silent when such things are resorted to without any proper precautions being taken to avert possible dangers.

Some criticism was made about the provision for externment. One criticism was that it is an encroachment on individual freedom. Though this criticism is under stable, I have failed to understand though I tried to, the significance of the point made by the hon. Member Shri Deshmukh. He said that the persons to be externed are a sort of bacilli or whatever else we may choose to call them. But I do not look at them from that point of view. I do feel that they are the victims of certain circumstances and the question is whether it would be worthwhile to take them away from the background in which they are working. Possibly, this might help them and also help society in that they might improve their ways. If we take the attitude to treat them as bacilli then very drastic action is called for. Certainly, that is not desirable, but something can be done by changing the circumstances or the areas where they are operating. That has been our experience Sir. We are not happy to send somebody who is known as a bad character to some other areas which are supposed to be safe. But at the same time, our experience is that these externees, who are effective in certain areas, lose their effect at least for some time if they are sent to new areas. We have tried it and found this out. Of course, there are some people who are capable of working by themselves in any area, in any state of situation. Government will have to think, if hon. Members agree, of some more deterrent measures for these people. I hope they will support me if I bring such a measure. Then they should not try to oppose it on the ground of individual freedom. Once we agree that such elements are undesirable and they must be dealt with by law as strongly as possible -that is the main

idea behind it — the question is what measures should be taken to deal with them and certainly the Government, if necessary, will have to think of putting further restrictions on the individual freedom.- These are certainly matters of detail. In the case of the habituals, that is, those who go on doing the same undesirable activities without being deterred by any previous conviction, the question was what sort of action should be taken against them, and we thought that possibly externment is the only way out. As long as that is the only way out I would advise the hon. Member to accept that remedy. As long as I am not advised about other remedies or I am not convinced that any other remedy is likely to be useful, we have to accept this remedy. So far as the Government is aware this seems to be the one and the only remedy that can be taken under the present circumstances.

If there is sufficient evidence, their cases can be sent back to the court for proper trial. That is, in fact, being done. But this is a sort of preventive action and it is an accepted principle in such cases even under the separated judicial and executive functions that such matters should be dealt with by the executive authorities. For that matter, in the case of preventive action, even under the Criminal Procedure Code, powers have been retained with the Executive Magistrates, as the House knows. That is why we do not think it necessary to give any authority or any powers to the judicial authority in this matter. The nature of the action is preventive and, therefore, normally it should lie with the Executive Magistrate. An appeal is being provided for, but it is at the level of the Government, namely, the executive authority.

Then, Sir, there was some argument against the Home Guards giving training to village defence parties. That, I should say, was based purely on a prejudice against the Home Guards. If there is no prejudice I am glad about it. If hon. Members are not prepared to call it prejudice, I should say at least there was some mental reservation. I do not want to go into a detailed examination of that mental reservation. Public organisations or statutory organisations or voluntary organisations like the Home Guards should be given a very open-minded and fair trial. It is no use approaching these organisations with any reservations. I have never claimed that these organisations are 100 per cent perfect. Last time, when we discussed this question, I admitted that these organisations consist of members from different sections of society and whatever defects we have in society are certainly to be seen in these

organisations. Therefore, if we have certain bad elements in society, inevitably they will be there in the Home Guards Organisation also. The only point here is whether members of the Home Guards Organisation will be able to teach village defence parties properly. There is the question of both control and training. I emphasised the training aspect when I spoke first while moving the Bill for first reading. But, Sir, what is important is the control. For purposes of training, only experts and those who have received intense training will be entrusted with the work of training village defence parties. It is not expected that members of the village defence parties should be very accurate shots. They are not expected to do that. The purpose of training is to create a sort of disciplined behaviour in the village defence parties. If necessary, they would use arms, but that would be on very rare occasions. So, it is merely training, preliminary training, in the use of arms. This type of training can be given even by Police Officers but I must tell the hon. Member that some of the officers of Home Guards are as well trained as some of the good Police Officers. It is these selected persons who will be given the work of training the village defence parties.

Sir, these are the two or three very important points which were raised during the course of the debate. Incidentally, a few minor points are made but I do not want to take the time of the House in replying to them. To the major points I have tried to give a reply.

# 82

## Homage to Raja Maharaj Singh and Dinkarrao Desai

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*On 19 August 1959, Shri Y. B. Chavan, Chief Minister, made (BLC Debates. Vol. 8, Part II, August 1959, pp. 1-2.) a Condolatory reference to the demise of Raja Maharaj Singh, Ex-Governor of Bombay, who was a learned and very popular Governor of Bombay and a man of great abilities and varied experience in every field of public life.*

*The Chief Minister also made other condolatory references regarding the demise of Shri Dinkarrao N. Desai, who was a Minister in the Bombay State for 10 years, who introduced very important reforms in education, and was the sole architect of the famous Aarey Colony.*

Sir, I have a very sad duty to perform. I have to make a Motion of Condolence on the demise of Raja Maharaj Singh, Ex-Governor of Bombay and Shri Dinkarrao N. Desai, who was a Minister of the Bombay State for nearly 10 years.

Raja Maharaj Singh was born on 17 May 1878. He was educated at Harrow and Balliol College at Oxford. He was called to the Bar in 1902. He served the Government of India and the Government of Uttar Pradesh in various capacities. He was Chief Minister of old Jodhpur State in 1931 and was appointed Agent-General in South Africa in 1932. He was elected to the Uttar Pradesh Legislative Assembly in 1937 and was Vice-Chancellor of Lucknow University in 1941. He was Prime Minister of Kashmir in 1943 and was President of the Indian Christian Association and National Liberal Federation in 1944. He was a delegate to the Commonwealth Relations Conference in England in 1945 and was elected to the Uttar Pradesh Legislative Council in 1946. He was a delegate to the United Nations, New York, in 1946 and 1947.

Sir, we were directly connected with him when he succeeded Sir. John Colville as the Governor of Bombay and, as well all know, he was a very popular Governor. He held this post from 6 January 1948 to 30 of May

1952. He died at Lucknow on 6 June 1959 when he was 81 years old.

From the facts to which I have just referred it is quite obvious that Raja Maharaj Singh was a man of great abilities and had varied experience in practically every field of public life. He evinced keen interest in educational and sports activities. He was long associated with the administrative problems in different capacities not only in this country, but even in international fields and by his abilities he showed to what heights he could and did rise as we have already seen. In his death we have lost a man who took great interest in the administration of this State as he was connected with it as the head of the State.

The other one to whom I made reference earlier was Shri Dinkarrao Desai. He also lived a full life and died very recently. He was born on the 1 July 1889. He received his High School education at Broach and took his M.A. degree from St. Xavier's College, Bombay, in 1912. He took his LL.B. degree from the Government Law College, Bombay, the following year, and joined the Broach Bar immediately. He was a practicing lawyer till 1946.

Shri Desai started taking part in social and political activities in 1917 and was imprisoned five times during the Independence movement. He was a Member of the Broach Municipality from 1917 to 1935 during which period he was its President for nine years and was Chairman of the Broach Municipal School Board for 15 years where he introduced compulsory primary education. He was President of the Broach Education Society and Managing Trustee of the Sewashram, Broach.

Shri Desai was first elected to the Bombay Legislative Assembly in 1937 and reelected in 1946 and 1952 and continued as such till 1957. Sir, most of the Members of this hon. House would remember the days when Shri Desai worked as Minister. He worked as Minister of this State for 10 years and was connected with three very important departments of this Government. In the first term he was Minister for Civil Supplies and Minister for Law and in the Second term he was Minister for Education and continued to be Minister for law. Sir, the very important reform that he introduced in the Education Department will he remembered long. But the most important thing which he gifted to the city of Bombay is the famous Aarey Colony was the sole architect. He showed very great far sightedness in solving the milk problem in the form of Aarey Colony, and it is an instance, I am sure, which has shown the way how the

milk supply problem of big cities like Bombay can be solved. Sir, as Law Minister, as I mentioned in the Lower house, I have seen him working from the back benches and I have found him, through his speeches in the House, giving a sort of objective lesson on how the speeches can be, and should be, made in the House. Very precise, relevant and objective speeches he used to make in the House. Such a versatile person we have lost in his death and I am sure this hon. House will join me in expressing the condolences.

I move that the condolences of this hon. House be conveyed to the bereaved families of the deceased persons.



# 83

## Necessity to amend Criminal Procedure Code

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*Shri Y. B. Chavan. Chief Minister, introduced (BLC Debates, Vol. 8, Part II, August 1959, p. 6.) L.A. Bill No. XI of 1959, to amend the Criminal Procedure, Code 1898, in its application to the State of Bombay, for certain purposes in the Council on 19 August, 1959. This was passed in the Legislative Assembly on 30 March 1959. He explained the necessity of this Bill in his speech as follows:*

Sir, this Bill has become necessary because of a certain state of affairs that continued to exist for the last many decades because of certain provisions of the Criminal Procedure Code. Under sections 411 and 362 of the Criminal Procedure Code, a very unsatisfactory state of affairs continued. Under section 411 no appeal lay to the High Court from any decision of a Presidency Magistrate in case the Presidency Magistrate has passed a sentence of less than six months' imprisonment or a fine of less than Rs 200. The difficulty did not stop there. Under section 362 there is also a further provision that in those cases where there is no appeal provided for, the Presidency Magistrate was not supposed to take down the notes of evidence. There is no provision for it, and if somebody goes in revision, there the points of fact cannot be agitated. And because there were no notes of evidence taken down, as regards points of law also it could not be said whether there was a correct appraisal of the case. The High Court was conscious of these defects, and in a recent discussion with the Chief Justice we decided to remove these defects, and hence this Bill.

Sir, the provision of this Bill are very necessary, and I am sure they are non-controversial. I hope that the Bill will be passed unanimously by the House.

## 84

# Bombay Public Service Commission

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*Intervening (BLC Debates, Vol. 8, Part II, August 1959, pp. 200-03.) in the debate on the annual report of the Bombay Public Service Commission for the year 1957-58 on 26 August 1959, the Chief Minister Shri Y B. Chavan, replied in detail to the points raised during the debate such as, the obligation of Government towards the Public Service Commission, about the working of the Public Service Commission and about miscellaneous points arising out of the work of the Public Service Commission.*

Mr Chairman, Sir, the discussion on the Report of the Public Service Commission, though somewhat short, was rather instructive. Sir, two or three very relevant questions were raised during the course of the discussion, and I would try to classify and answer them. The first was about the obligations of Government towards the Public Service Commission and how they were observed, the second embraced the general observation about the Commission and the third containing miscellaneous points arising out of the work of the Public Service Commission. These are the three types of points which were touched upon in the course of the few speeches which I heard just now.

About the first category there was not much criticism. I am glad that most of the hon. Members have appreciated our behaviour and respect towards the Public Service Commission in generally accepting its recommendations. Sir, we have always maintained the independence of the Public Service Commission in the field which is allotted to them under the Constitution and our intention is to give that independence to the Commission. In a few cases, Government had to take the decision to promote certain persons to fill certain posts in anticipation of the Commission's approval and we got the approval of the Commission afterwards. I am sure that every hon. Member who has got experience of administration will agree that such situations are bound to arise in

the course of administration. Our general attitude even if we have to take decisions in anticipation of Public Service Commission's approval, is that wherever the Commission gives advice which is contrary to the Government's decision we bow down to the recommendation or the suggestion of the Commission and accept it. Such emergencies or exigencies where Government has to take decision in anticipation of the Commission's approval do arise and cannot be avoided.

As regards the category of general suggestions, some of them are no doubt very constructive suggestions, made to the Public Service Commission, but I do not want to express any opinion thereon here. I would only like to assure the House that the entire discussion of this House and that in the other House will be communicated to the Public Service Commission so that they may consider the suggestions on their own merits. As regards the suggestions which are for this Government to consider initially, this Government will certainly consider them. But as regard the other category of suggestions I do not want to prejudge the issues and then send the suggestions to the Commission. It is much better that the Public Service Commission consider those suggestions made by this hon. House themselves and so I do not want to say anything about those suggestions.

Incidentally, certain other issues, which are very interesting issues, were raised and I would like to speak about them. One fear expressed was about the lowering of standards of administration by lowering the standards of merits for recruitment in the case of Backward Classes. I am afraid there is some sort of conclusion on this issue. It is true that in the case of Backward Classes certain lower standard of marks is prescribed. But the intention is not to lower the standard but to stick up to a certain standard, because the idea of reservation is that a certain percentage of these people will have to be given chance to appear for the examination. But even then I certainly expect certain criticism about it from those people who advocate the cause of the Backward Classes. Here the idea is to stick up to a certain standard even in respect of Backward Class candidates for whom seats are reserved. We expect from them a certain standard. So, the idea is not to lower the standard. I may particularly invite the attention of the hon. Member Shri Vyas who emphasised this point that the idea is not to give up the standard of recruitment the idea is to stick up to standards whether we want reservation or not. If we want to have it, it is much better to give it with

an open mind. When we accept the principle of reservation and try to defeat it by the back-door, it is not the right way of doing things. This is why I personally feel that it is necessary to give certain reservation to the Backward Classes. Now, what we mean by 'Backward Classes' is certainly a matter for interpretation and discussion. We have introduced the idea of linking backwardness to economic conditions, but we have not introduced it in all fields of administration as yet. Only in regard to grant of educational concessions we have accepted the basis of economic ability purposes of backwardness. It may be necessary to extend this principle to other fields of administration as well, but Government has not taken any decision as yet on that point. I agree theoretically or fundamentally with this idea that the test of a 'Backward Class' must not be based on anything which has something to do with the birth of a person. It should have some relation with the social conditions, with circumstances both economic and social. But in India once we get into examination of social considerations, the considerations of birth become somewhat relevant. It is rather a very complicated and controversial aspect and I do not want to express any opinion on it. But I have no doubt that for some time to come this question of Backward Classes will have to be given some attention, some sympathetic consideration. What should be the test of Backward Classes? Personally, I hold that it should be considered on economic considerations. That is again a personal view which Government has accepted partly. I am simply giving expression to my views on points which were incidentally mentioned and which have something to do with the Public Service Commission.

There was a longish reference to the calibers of candidates. I entirely agree that it is our intention to have first class people to run the administration. There is no doubt about it. But candidates cannot be expected to become first class only at the time or stage of Public Service Commission tests. To create first Class candidates or students the process starts quite early—at the stage of primary education, at the stage of secondary education and at the University stage of education. It starts even earlier because a part of the education one gets at home and surroundings and everything else has something to do with it. To be a first Class man, I do not think it has something to do with birth. The general conditions, the general environment in which a man grows has much to do with his merits. It depends upon the opportunity to express, the scope that a man gets. That is the more important thing. Therefore,

it has not much meaning if you merely say that we should take care of getting first Class candidates for recruitment to our services. Whatever happens in society, at every level, has also something very vitally to do with getting I Class candidates at the time of recruitment. But I can assure this hon. House that our intention is to keep the administration in the hands of persons who have got first Class calibre, first Class education. It is not enough that the services should be first Class. I think every level of activity which has something to do with the administration must also be first Class. We cannot expect results by having first Class men at the top and other second or third Class. That way we cannot have first Class administration. Our whole life should be first Class, because administration is a part of our life and if we try to raise the standard of our general social life, of our general cultural life, our administration will also reflect that standard. So, our effort should be in that direction.

The other point which the hon. Member **Shri Deshpande** mentioned was about Sanskrit and English. There is no question of being either for or against English. I do not take a doctrinaire attitude on this question. Personally, I do not believe in doctrine or dogma. The hon. Member compared English and Sanskrit and pointed to the danger that it may lead to the creation of two classes. Sir, here again I am expressing my personal views on the matter. The danger, of which he spoke with reference to Sanskrit, is not likely to arise from the study of English. For the historical fact to which he made reference as arising from the study of Sanskrit, there are other reasons for it, but not because that there were two classes, one which knew Sanskrit and another which did not. There came to be these two classes because by a certain process the study of Sanskrit was prohibited to a certain class. The denial of the knowledge of language to some by some sanctions, religious, social or any other, give rise to the danger. It is a historical fact. What is the use of denying that? It is based on actual experience in social life. Any language which becomes the language of knowledge, if it is denied to certain People then it creates social dangers. English, if it is a language of knowledge — and it is no use our denying at the moment that English is a language of knowledge — it should not be denied to anybody. That much care Government should take and it is taking care of it. Incidentally, that was not the point at issue at the moment, but as it was just referred to, I gave my views on it.

I am glad that the House took proper notice of the report of the Public

Service Commission and the constructive suggestions and criticisms that have been offered will be useful to this Government and the Commission itself.

# 85

## Commissioner of Police for Ahmedabad

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*Shri Y B. Chavan, Chief Minister, introduced (BLC Debates, Vol. 8, Part II, September 1959, pp. 375-77, 384-87.) in the Council on 8 September 1959. a Bill to make a provision for facilitating the appointment of a Commissioner of Police outside the city of Bombay, especially in the city of Ahmedabad.*

*Shri Chavan explained the need for a Commissioner of Police for Ahmedabad due to the enormous growth in the field of developmental activities. He mentioned that the labour problem, the industrial growth of Ahmedabad and the fast growth of Ahmedabad compelled the Government to have an independent Police Officer to be in charge of the police administration of that city.*

Sir, this is a very important Bill, as it facilitates the appointment of a Commissioner of Police outside the city of Bombay.

The special problems of the metropolitan city of Bombay necessitated the creation of a separate organisation of the Commissioner of Police, which has some basic differences with the police organisation in the mofussil districts, where the functions of the District Magistrate are exercised by a separate officer who holds the post of the District Magistrate as such in the District, while in the case of the city of Bombay all these powers are vested in the incumbent holding the office of the Commissioner of Police. We have found by experience that in the case of certain cities, particularly in the case of the city of Ahmedabad, the complexity of the problems and the complexity of the organisation of the police-work also have gone on the same lines as in the case of the city of Bombay.

There is another consideration which prompted the Government to think about this proposition and that is that the work of the District Magistrate who is also the Collector of the district has enormously grown in recent times, particularly in the field of developmental activities. And

the person who has to look after this development work in rural areas has also to look after the complex problems of law and order in the city with the result that either of the two gets ignored. We have found by experience of recent years that normally he was required to ignore the developmental activities in the rural areas in its different forms.

These are the two considerations which prompted the Government to think about and take a decision on this proposition this time. I may also give a piece of information to this hon. House that it is not for the first time that this proposition was considered; it was considered once or twice before and postponed for one reason or other. This time we thought it better to go ahead with this measure so that neither the law and order problems of Ahmedabad city are ignored nor the work of development activities in the rural areas is treated indifferently. Therefore, this decision has been taken.

I anticipate one argument against this Bill and think I should say a word about it in advance. Sometimes, it is feared that vesting more powers in a police officer would rather go against the traditions of the administration which have been prevailing so far. The reason why formerly the British Government vested too much power in the District Officer, namely, the Collector or the District Magistrate, was that perhaps they wanted to concentrate every piece of power and every piece of administration in one man, because possibly they wanted to control the populace and the administrative machinery through one man. That was perhaps one of the reasons why so much power was vested in one man, but, Sir, I think we have now reached a stage when we need not consider this aspect.

Then there was another reason, that probably in those days it was thought that an Indian constable may become some superior police officer, and, as such, possibly he might have been treated with suspicion and not given the powers of law and order. It may be mentioned here that in the case of those persons who take the course in I.P.S. and I.A.S., it will be found that as far as subjects are concerned they may differ, but the fundamental and basic qualities and qualifications of a man who takes up the I.P.S. or I.A.S. course are the same. So, there need not be any unfounded fear about giving more powers to the man who becomes a police officer. I have known of many cases where, in the results of the two examinations, many times a person who has appeared for the I.P.S. and I.A.S., has passed both the examinations,



but for some reason or other the man is not selected for post in the I.A.S. I am only mentioning this to show that Some sort of a fetish has been made in certain quarters that it is wrong to give the powers of a District Magistrate to a person who becomes a police officer. I do not know why we should have the extraordinary fear and reason to suspect such a person. I may particularly mention that a person who comes to occupy the post of a Commissioner of Police is a very senior officer. He has gone through the thick and thin of administration and he has reached a stage when he can be vested with responsibility.

These, Sir, are some of the pros and cons of the Bill that has been brought before this House. Certainly this Bill facilitates the appointment of the officer outside the city of Bombay. Our present intention is to appoint such an officer only for the city of Ahmedabad, and if we take an objective look at the conditions in Ahmedabad —I am not talking of any happenings in recent times in Ahmedabad, but the labour problem and the industrial growth of Ahmedabad, the fast growth in the population of Ahmedabad — all these indicate that it is necessary that some senior police officer should be exclusively in charge of the police administration of that' City.

It is for these reasons that Government has thought it fit to come before this august House requesting the acceptance of such a measure and I hope the hon. House will accept it.

## 86

# Separation of judiciary and executive

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*On 10 September 1959, Shri Y. B. Chavan, Chief Minister, introduced in the Council, L.A. Bill No. LXIX of 1959, to amend the Criminal Procedure Code, 1898, in its application to the State of Bombay, as passed by the Legislative Assembly on 8 September 1959. He made a speech on this Bill as follows (BLC Debates, Vol. 8, Part II, September 1959, pp. 493-94.)*

Sir, this is a very short and a very simple Bill. The main principle on which this Bill is based is the already accepted principle of the separation of the judiciary from the executive. One anomaly has continued on the Statute Book and it is this. Arrears of taxes and penalties arising out of failure to pay them are supposed to be recovered through a Magistrate as if they were fines inflicted by him. Looking to the nature of the work, really speaking this work should be left to the Executive Magistrate but because of this anomalous condition which exists in the present Acts, a Judicial Magistrate has to perform this executive function. The High Court felt that this anomalous position should be set right and they suggested legislative action for the purpose. The present measure gives effect to their suggestion. Once having accepted this principle of the separation of the judicial and the executive functions, these further consequences are naturally expected. I do not think there are any controversial points involved in the Bill, and I hope the Bill will be accepted unanimously.

## 87

### Police firing in Ahmedabad Justified

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*On 11 September 1959, Shri Y. B. Chavan, Chief Minister, requested the Legislative Council to consider the Report of the Justice Kotwal Enquiry Commission on the cases of police firing in Ahmedabad on 12, 13 and 14 August 1958. Replying to the discussion, (BLC Debates, Vol. 8, Part II, September 1959, pp. 553, 555-59) Shri Chavan brought to the notice of the House the appreciation of the facts by the Commission and mentioned that to avoid such police firing it was essential to have a code of conduct which would govern all democratic agitations.*

Sir, I beg to move that the Report of the Commission of Inquiry on the cases of Police Firing at Ahmadabad on 12, 13 and 14 August 1958 be taken into consideration.

Mr Chairman, Sir, certainly I would have liked to hear more speeches but as we fixed a certain time limit we are missing one or two very important speeches in respect of this discussion.

The discussion was quite interesting and instructive. I had occasion to hear a debate on the same subject in the other House and I find that some of the points made in that debate have been repeated here and so I shall have to repeat here some of the points I made in reply in the Lower House.

As the hon. Member Shri Deshpande very aptly said, this discussion is a post-mortem on a post-mortem, because the report itself is a post-mortem on certain incidents that took place in Ahmedabad.

For some time I was wondering what should be the purpose of this discussion, and, in the Lower House I had said that whenever any report on a police firing is discussed, it should be taken out of the political incidents on which the enquiry was based. If that is not done, then

possibly we are lost in the mess of details of those political matters and political controversies, and the real purpose of appointing an Enquiry Commission on the police firing is completely lost. Well, Sir, the purpose of such discussions or enquiries is ultimately to avoid such police firings, to minimise them, at any rate, and to find out the defects in the administration and in public life, if there are any, and try to eliminate them in future. So, trying to see if there were any suggestions coming out of this discussion and I am afraid I got one.

As I have already said before, the police firing is not a matter of pride or happiness to my mind. I have already said, and I would still repeat it, that no one would be more unhappy than myself when the police are forced either to resort to lathi charges or to open fire or resort to any other force, but, Sir, ultimately it becomes the duty of those who hold the responsibility to discharge that responsibility. It is from this point of view that one has to look at this question. The only point which was made out and which needs a rather detailed reply is about the propriety of not accepting all the conclusions and all the findings of the Commission. The argument put forward is, when we appoint a High Court judge to hold the enquiry, when, he gives his own appreciation of the facts, is it not proper for the Government to accept all the findings? Apparently, superficially one may say "yes". When I say this, I have no intention of expressing any opinion about the high dignitaries and judges who hold such enquiries. I have the greatest respect for them and I would only say that, whenever we have differed, we have differed respectfully and for very good reasons. I will explain why I have said so. Fortunately for me the hon. Member Shri Deshmukh, who made this point has himself said in the latter part of his speech that on one point where the Government differed from the judges or the Kotval Commission's Report was the appreciation of the facts, and he agreed with Government. Therefore, when the hon. Member himself has visualised the position and on the appreciation of facts and for very good reasons he can differ from the Commission, is the Government not authorised to differ from it? I am sure hon. Members will concede this fact. The particular point on which he expressed his view was about the appreciation of a certain situation that was developing in the city of Ahmedabad. I will not take much time of the House, but as it is a question of detail, I will only go into the facts. There was a certain situation created, rightly or wrongly for whatever may be the reasons. I do not want to go into the political reasons, even

though it was a political matter where one can controvert it, as in other cases. There was a feeling in the city, lagni as my hon. Friend opposite said, a sort of feeling in the minds of the people. They were provoked, they were led into the feeling to commit an illegal act, and the lagni or the intensity of feeling was so that thousands of people wanted to commit that illegal act. So, what was to be done? The illegal act had to be prevented somehow.

That is what I said just now, that I do not want to go into the political reasons. Let us try to consider the police firing completely by isolating it from political matters; otherwise we shall not be able to discuss this question because there the D.S.P. was not going to decide anything about the bilingual question, nor was it the business of the District Magistrate to decide any such issue. He had to deal with the particular situation that arose there, and he had to take a decision. I am glad that the District Magistrate took the particular decision, because, if he had not taken such a decision, the consequence might have been very grave. Possibly the police would have been forced to resort to firing on that very day, and in my estimate probably it would have been more dangerous, and I may say that, if I had appointed another Commission, they might have said that the District Magistrate had committed a very grave error of judgment in not allowing the memorial to be put there, which possibly he could have removed later on. So, it is quite possible that there might have been contrary views. It is in a difficult situation that judgments are very difficult. It is in such a situation that one has to use the maximum discretion and they put the man who has, to take a decision under such circumstances on the horns of a dilemma. Whether you take a decision right or left, both ways it is likely to be wrong. Now here was a choice which had lesser consequences, and even if it was an error of judgment, it was an error of judgment to save more human lives. If ever I am placed in the same position again, either as a D.S.P. or a District Magistrate or a Chief Minister, I would most humbly submit, without any disrespect to the Commission, that I would repeat the same performance. I have no doubt in my mind about it.

I would allow those people to put the memorial there. It was not a question of police firing as such. I would not have liked even one policeman firing. I would have been a hundred times sorry for that. So, as I was saying, here it cannot be said to be an error of judgment. In the circumstances, that was the proper course to be adopted. If the

Commission takes a different view, I must differ from the Commission, and if I do so, I do nothing which is in any way dis. respectful to the Commission. It is rather a strange view that whatever the Commissioner has said should be accepted. Instead of calling him a Commissioner, it is better to call him a Judge. You ask him to deliver a judgment about it. He was a Commissioner of Enquiry, that means, based on the appreciation of facts he had to give his report for consideration. We appointed him and he did a great job out of something which was difficult. I must take this opportunity and express my gratefulness for the very fine work that the Commissioner has done, in carrying out an enquiry and submitting his report. He is free to hold his own views and Government has every right to differ from those views. I am not prepared to surrender that right, only because somebody has said that I should accept everything that the Commissioner has said.

Some hon. Members went into certain details. The hon. Shri Deshmukh made some comments about modified ammunition. We have not challenged the legal view in this respect. We have only said that we do not doubt the bona fides of the officer concerned and we do not propose to take any action in the matter. This is what we have said. Nothing more than that. Supposing technically he has committed an illegal act, if it was done bona fide, whether we should stand by him. That was the question before the Government. The Government has only said that we accept his bona fides and we do not propose to take any action against him.

While going into the cause of the firing the type of ammunition used etc., the hon. Member Shri Donde used the word 'germane'. I do not think any lawyer would agree with his interpretation. In that way, everything can become germane to the facts. In the way he has done, one can as well argue that if there was this firing because of the bilingual State, the bilingual State was there because of the States reorganisation, and the States reorganisation was there because of our getting Independence. That way, one can say that the Independence of our country was the cause of the firing. By following the: same chain of logic, one can go to some wrong conclusions.

Sir, these were some of the important points raised during the course of the discussion, and I have tried to answer them, and I hope to the satisfaction of the House. Before concluding I would like to say

a few words. Certainly, the Government has learnt something from the Commission's report, and the Government feels that the report is not wasted. Though we have not accepted the doctrine of making an inquiry into each and every case of police firing, we have not stuck to the doctrine of not holding any inquiry at all. In this case we held an inquiry and we have learnt something out of it. I hope that in future there would be no occasions to resort to police firing. A challenge may be thrown that the full Report may be accepted and the necessary prosecutions ordered. I do not want to have such prosecutions and make more martyrs. There are enough martyrs in this country. We do not want more martyrs. I may repeat here what I said to the hon. Members in the Opposition in the Lower House, that if you feel that you were responsible for certain things which resulted in the police firing and deaths of certain persons, and since you have accepted the Report, it is your duty to go to the people and say you are sorry for it. By 'you' I mean, Sir, hon. Members in the Opposition. It is not only the ruling party, but every other political party also has certain obligations towards the people, in whose name they speak and in whose name they want to act. I have made my own statement here. I need not join any of them when they make their statements. It is their responsibility. I would like to add a word more. I believe that in the democratic stage at which we are in this country, it is very essential that we should have a certain code of conduct which binds all political parties and which should govern all democratic agitations. Agitations have a place even in a democratic set-up, and there will be grievances till the end of the world, whatever type of government and whatever type of ideology you may have, and these grievances will be solved. For that some leadership will be necessary, some agitation will be necessary. But for such agitations let us have some methods and some limitations. After accepting this proposition, let us not create situations where the use of arms will be necessary. If we accept this position, then I do not think it will be necessary to have any armed police, any large expenditure on the police, any occasion for police firings, for an inquiry into such firings and then give an explanation in the House. The whole process will be stopped. I would appeal to the Opposition Parties to bring about such a situation, to create such an atmosphere, and that will help to make our country a really democratic country. Sir, I have done.

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## Sir Currimbhoy Ebrahim Baronetcy Act

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*On 8 December 1959, Shri. Y. B. Chavan, Chief Minister presented (BLC Debates, Vol. 9, Part II, December 1959, pp. 25-26.) a Bill to repeal the Sir Currimbhoy Ebrahim Baronetcy Act of 1913. Sir Currimbhoy Ebrahim migrated to Pakistan after Partition in 1947. Shri Chavan said that his migration his necessitated the bill.*

Sir, I beg to introduce L. A. Bill No. LXXXII of 1959 (A Bill to repeal the Sir Currimbhoy Ebrahim Baronetcy Act, 1913, to revoke the trusts, powers, provisions and declarations declared and expressed in that Act for the purpose of supporting the title and dignity of Baronet; to dissolve the Corporation constituted Trustees for executing the powers and purposes of the said Act; to vest all the property which is subject to the settlement created by the said Act and vesting in the aforesaid Corporation, in the Official Trustee for the purpose of the distribution thereof to persons rightfully entitled in accordance with law; and to make provision for matters connected with the purposes aforesaid (As read for the third time and passed by the Legislative -Assembly on 30th November 1959).

Sir, this Bill makes a few simple provisions to repeal the present Sir Currimbhoy Ebrahim Act, 1913. The British Crown had conferred the title of Baronet on a few individuals in the State, and made an Act to deal with the matters incidental thereto. The title of Baronet is .hereditary and trusts have been created by statute settling certain properties of the Baronets in perpetuity to support the title and dignity of the person concerned. In this particular case, Sir Currimbhoy Ebrahim, the Third Baronet, migrated to Pakistan after Partition some time between 1947 and 1949. He afterwards died in Pakistan. As a result of his migration to Pakistan, his beneficial interest in the Sir Currimbhoy Ebrahim Baronetcy



Trust has vested in the Deputy Custodian of Evacuee Property, Bombay and Bombay Suburban District. As a result of all this certain difficulties arose, and in order to remove these difficulties, it is proposed to repeal that Act and make certain further provisions which are contained in this Bill. The simple scheme of the Act is that all the properties mentioned in the Schedule will vest in the Official Trustee who will look after the interests of the beneficiaries.

Sir, these are the facts which justify the necessity of this Bill. I do not think it is of a controversial nature, and I would request the House to pass it unanimously.

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## Census Expenses Contribution Act

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*On 8 December 1959, Shri Y. B. Chavan, Chief Minister, introduced (BLC debates, Vol. 9, Part II, December 1959, p. 493.) a Bill to extend the Bombay Local Authorities Census Expenses Contribution Act, 1950, to the whole of Bombay State. He said that the Bill was introduced for the next census which was approaching fast, with a view to having a uniform measure, throughout the state.*

Sir, the Bombay Local Authorities Census Expenses Contribution Act, 1950, makes a provision for contribution by local authorities of a part of the expenses incurred in taking a census in the State. On grounds of equity and also on the principle of sharing the responsibilities with other authorities, it was thought necessary that the local authorities should be made responsible for a share of the expenditure incurred for the census. The present Act is not applicable to Kutch, Saurashtra and Marathwada. In Vidarbha the Central Provinces and Berar, the Local Authorities Census Expenses Contribution Act, 1949, which makes similar provisions, is in force. The time of the next census is approaching fast and we thought that there should be a uniform measure for all the areas of the State.

Sir, I do not think any further explanation or justification for such a Bill is necessary but to say that this unification measure is both important and urgent.

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## Zinzaka tragedy

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*A discussion under Rule 87 was taken up in the Legislative Council by the Opposition Members on 11 December 1959 to censure the Government for the inadequate police bandobast at Zinzaka Fair in Amreli district, in which during to a stampede 58 persons died and 100 persons were injured.*

*While defending the Government action Shri Chavan, Chief Minister, admitted (BLC Debates, Vol. 9, Part II, December 1959, pp. 84-86.) that the Government was not aware of the magnitude of the gathering at the place causing the loss of lives.*

*He remarked that it was the result of are underestimation of the situation. However, he said that the demand for a judicial enquiry was unreasonable.*

Mr Chairman, Sir, the same subject was discussed in the Legislative Assembly yesterday and in reply to the speeches made there, I practically referred to the same set of facts which I will mention here, in connection with the happening, which took place on that tragic day, when thousands of people had gathered in that small village to take the darshan of some Devba. Well, Sir, I entirely agree with the feelings of concern expressed by hon. Members on the other side over such a big loss of human lives and the sufferings that were involved and I join my hon. Friend **Shri Harris** in his desire to express our sympathies and condolences to the Members of the families of the deceased. I appreciate particularly the enthusiasm of the hon. Member Shri Harris in this matter. This is really a tragic happening, very tragic in the sense that we could not save the lives of about 60 people, and none is more sorry for it than myself. But, Sir, it would not be proper to hold the Government responsible for this. I, however, admit one thing, that I regret that there was not that awareness of the magnitude of the large gathering that came there. That could have been assessed if somebody had particularly applied his mind to the problem. Somebody had applied his mind to the problem

according to his capacity and he thought that the arrangements that he was making were satisfactory. He thought that, with the arrangements that he had made, even if there were about 12,000 to 15,000 people coming there every day, it would not matter; possibly he thought that if people could try to follow some sort of discipline, everything would be smooth sailing. They had built some barricades in front of the house of Devba. They had also posted a sub-inspector, head constables and police constables in charge of police bandobast. So, in view of the normal training capacity of the men concerned, he thought that this was the only thing to be done. The hon. Member opposite said that there was a gathering of a latch of people. According to my information, it was about 40 to 50 thousand, but one can certainly say that it was a very, very large gathering. So, Sir, one thing can be said that it is not true that nobody had applied his mind; somebody had applied his mind. The whole thing arose out of the lack of proper organisation. Certainly the police can co-operate in these matters. In fact, it is the normal duty of the Police Force and Administration to regulate these things. As a result of the Kumbhamela, as the hon. Member opposite said, we have learnt a lesson. I may inform the House that after the tragedy of the Kumbhamela in the North, when the other Kumbhamela was organised in Nasik, I was in charge of Local Self-Government and the local municipality, in consultation with the other authorities, were planning for the organisation of the Kumbhamela for nearly six months. Some bridges were constructed, some permanent and some artificial. I am mentioning this because, when inviting people to a particular place, one has to think of problems and difficulties. In this particular case, if I were aware of it I would have banned the gathering on that day. This would have been the only solution for it because to invite thousands of people to a place where it is impossible to accommodate even 500 people is something beyond one's imagination. But, anyhow, the men on the spot thought that this being a religious matter, even if a larger number of people came, they would go about in a peaceful manner. They had made some arrangements, but obviously they fell short of the situation and then this tragedy took place. It is really unfortunate, but I cannot still understand the demand that has been made for a judicial enquiry. I may, however, state here that even though I have said 'no' to the demand for a judicial enquiry, I am still thinking of an enquiry whereby we could avoid such things in the future, and find out what steps could be taken; and not with a view to holding somebody

responsible but to see in what way we could avoid a recurrence of such tragic happenings.

The hon. Member Shri Sanat Mehta said that the Opposition should be given the proper attention and care, and notice and understanding they deserve. I agree with him, but at the same time, I find that every little thing is being used as a stick against the Government. I am aware that, in this case, about 60 people have lost their lives. We have already made enquiries in this matter. The hon. Member **Shri Chhabildas Mehta** said just now that some people were attacked by the volunteers. He had made the same statement to the District Magistrate. I have made enquiries into this matter. The District Magistrate has written to say that he contacted him to find out some of the people who could make such a statement to him, but no such names were given to him. Nevertheless, the District Magistrate himself personally went round to find out whether the injuries were caused because of an assault on them by the volunteers with lathis. He also went to the hospital and approached several of the injured persons and enquired whether the injuries they had received were of the lathis, but none of them could testify, to this effect. I really do not understand why some people made complaints only to the hon. Member Shri Chhabildas Mehta and not to the District Magistrate. There seems to be something wrong somewhere; I would like to know where it is wrong.

I am glad that a reference was made by hon. Members to the Mahuva Municipality. I am quite aware of the good work done by that municipality. Some hon. Members said that no compliments were paid to that municipality. I visited Mahuva recently and I have given my compliments to that municipality and they are on the record of the Mahuva Municipality. Credit must be given where it is due, no doubt, but in this particular matter I do not know what a judicial enquiry can do. Certainly some responsible person can go, round and find out whether such a tragic happening could have been averted and what lessons we might learn from such things in the future. I do not at all say that such a type of enquiry should be held with a view to finding fault with somebody or holding somebody responsible. That is not the idea behind such an enquiry, as such an enquiry would lead us nowhere.

These, Sir, are the facts as I know them, and this is the point of view that I have to express. I have nothing further to add.

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## Law equal for all

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*While introducing a Bill in the Council to extend the Bombay Prevention of Excommunication Act, 1949, throughout the State of Bombay, Shri Chavan, Chief Minister, said (BLC Debates, Vol. 4, Part II, December 1959, p. 87.) that since our social life was guided and regulated by the Civil Law, certain tribes would not be allowed to have their own sets of laws relating to persons and property. He also said that this Bill was brought to prevent the use of the dangerous weapon of ex-communication.*

Sir, this is a very simple measure. In the Pre-Reorganisation State of Bombay there is already in force the Bombay Prevention of Excommunication Act, 1949. There is also some such law in force in the Saurashtra area of the State of Bombay, but there is no parallel law in force in the Marathwada, Vidarbha and Kutch areas of the State. The idea underlying the Bill before the House is to extend the Bombay Prevention of Excommunication Act to the remaining areas of the State.

I think, Sir, this is a non-controversial measure. There is a rural idea, if I may put it so, of having some sort of tribal courts to go into certain social matters. Sometimes the jurisdiction of these tribal courts extends to even the wives of the persons concerned. They enforce these rights, and if I may say so, ideas with the threat of ex-communication. Our present society, as we understand it today, is guided by certain principles and laws. Therefore, different tribes cannot be allowed to have their own sets of laws relating to persons and property. It was found necessary, therefore, to have some sort of legal sanction whereby we can prevent the use of this dangerous weapon of ex-communication. There is some restraint in making use of this Act, because there is a provision in the Act that before launching any prosecution under this Act, the previous sanction of the Government is necessary. Even though we want to keep this law on the statute/book, we do not want it to be used to encourage frivolous prosecutions. It is for this purpose that the provision of the

previous sanction of the Government has been kept. I think, Sir, this is a very progressive Bill, and it will be accepted unanimously by the House.

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## Ratification of Eighth Constitution Amendment

*On 18 December 1959, Shri Y. B. Chavan, Chief Minister, moved (BLC Debates, Vol. 10, Part II, December 1959, pp. 214-17, 246-50.) a resolution in the Council for ratification of the eighth amendment to the Constitution. He said that the amendment was proposed and presented in the House to seek the extension of the reservation of seats for the Scheduled Castes and Schedule Tribes in the House of the People and in the Assembly for another ten years. He observed that efforts had been made to encourage these people to improve themselves in various walks of life but still they had not reached the desired level. As such, he requested the house to give its unanimous consent to the progressive Bill. He admitted at the principle of reservation was not sound and theoretically undesirable but added that it was accepted to remove some practical difficulties.*

There are five categories mentioned in the proviso, namely, (a), (b), (c), (4), (e). Now (d) refers to the representation of States in Parliament and so far as reservation of seats for these classes is concerned, it affects the representation of States in Parliament and, therefore, the Bill relating to reservation has to be ratified by the State Assemblies. So, the point of order of the hon. Member cannot be sustained.

Mr Chairman, Sir, this is a very small amendment to the Constitution and it has been brought in because of the importance it entails. It is an amendment to Article 334 of the Constitution which deals with the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States and the representation of the Anglo-Indian Community in the House of the People and in the Legislative Assemblies of the States by nomination. The existing provision is to the effect that the reservation of seats and special representation is to cease after ten years, but, by the present amendment, it is to be twenty years, that means, ten years more. Article 334 relates, as a matter of fact, to Articles 330, 331, 332 and 333. For our purpose, I may mention only two Articles, namely,



Articles 330 and 333. In Article 330, the reservation of seats for the Scheduled, Castes and Scheduled Tribes in the House of the People has been mentioned and in Article 333 there is some enabling provision made for giving representation to the Anglo-Indian Community. When, by the amendment of Article 334 of the Constitution, the period of ten years is extended to twenty' years, it protects the right of the reservation of seats both to the Schedule Castes and Scheduled Tribes and also to the Anglo-Indian Community for ten years more. This is exactly the Proposition before the House. This is exactly the content of the amendment which is passed by both the Houses of Parliament. As per the Constitution, this change in Articles 334 requires ratification by the State Legislatures and that is why it has come to this Legislature for ratification.

Now, Sir, the debates in both the Houses of Parliament were widely read, examined and debated even privately and I am sure they must have been gone through by Members of this House as well. I would here like to give my own views in this matter. When this provision of reservation of seats was accepted by the Constituent Assembly, there were mainly two reasons which influenced the decision. One was that a certain section of the community was suffering from a certain disability. And if at all we wanted to be consistent with our objectives as laid down in the Constitution of giving political, economic and social justice to every individual in the country it was necessary, to give some sort of protection, some sort of special rights to that section of society which has certain handicaps due to historical reasons. It was contemplated then that possibly by our concentrated and intensive efforts in 10 years we would be able to raise the standard of these people or to put it more correctly, to remove the handicaps in their way of development, so that this special provision of reservation may not be necessary after 10 years.

Sir, the question that we have to consider now' is whether the reasons which influenced the decision of the Constituent Assembly then, exist in the present circumstances or not. That really speaking, is the material and relevant question that we have to consider, when we take into account the issue of ratification of the amendment. Have we made any efforts, and if we have, whether we have succeeded in reaching that stage which we had in our mind, is also a part of that issue. And I can tell this hon. House that in the last 10 years not only in this State but throughout the whole country efforts were made intensively to help

the backward classes known as Scheduled Castes and Scheduled Tribes in their development in the field of education, economic activity and political matters. Large amounts were spent on these nation-building activities, as they are called generally, and we have seen certain good results. Particularly, in the field of education I am sure this hon. House would agree that we have made a substantial progress. I am not going into the details of this progress, but if necessary I shall have to say about it so far as this State is concerned. I hope, however, that it will be conceded by hon. Members of this that the spread of education among these classes is somewhat encouraging. Particularly, among the Scheduled Castes people the stride and spread of education is really miraculous; I am not sure whether the spread of education is to the same extent among the Scheduled Tribes. But there is no doubt that we have achieved definite progress. Even in the field of economic development many-sided efforts were made. But, Sir, I cannot say with my hand on my conscience or for that matter nobody can say with hand on his conscience that we have succeeded in our efforts to remove the handicaps completely in the way of these Classes. Therefore, further extension of the period of reservation becomes necessary. As the Union Home Minister said in the House of Parliament it is a moral issue; it is an appeal to the conscience of the House. I am not putting the issue on that level here. I am only quoting the Union Home Minister. As regards the content of the issue we cannot say with easy conscience that we have really solved that question. Another practical test which the hon. Union Home Minister speaking in the House of the People suggested was this: Suppose we agree to remove this provision for reservation in the Constitution, will the Scheduled Castes and Scheduled Tribes get adequate representation in the general elections through the general constituencies? If we have that confidence then we can say that this extension is not necessary. Theoretically, it may be all right to say that reservations are bad in democracy. But mere theoretical and logical conclusions do not solve problems. That is our experience and we have to take realities into consideration and deal with them as they are. The real situation today is that these classes have not reached that stage of development where they can stand on their own in political and social life, and if they are not in that position it is necessary for us to consider the question of giving them 10 more years. It is really speaking taking 10 years more for us to fulfil our responsibility to see that they go ahead. It is a concession to those who are in power, to those who are leaders

of public opinion and to those who call themselves the upper classes — socially, economically and politically—to achieve something which they accepted as an objective. It is an opportunity for them to complete the work. We thought we would be able to do it in 10 years. We have not succeeded in that and so it is a sort of extension of time to ourselves to fulfil that task in another period of 10 years. This is really speaking the sense of all the arguments which were advanced for acceptance of the amendment of the Constitution and I am putting the same before this House as the essence of the whole problem. I am sure, Sir, if this basic reality is accepted by this hon. House, it will persuade itself to accept this Resolution unanimously.

Sir, I find that most of the hon. Members who spoke in the debate and advanced arguments opposing the Resolution are not present in the House to hear the reply. Even then I have to give a reply and since it will not be a reply to the hon. Members concerned but to their arguments, I do not mind their absence. My work in that sense is impersonal.

Sir, I would like to refer to two or three main arguments raised in the course of the debate. I can understand opposition to this ratification on the ground that reservation is not good for any democratic institution. I can understand that argument and I have conceded it in my opening speech. Theoretically speaking, that objection is understandable but there arise certain difficulties in practice. And, Sir, those who for very good reasons supported first the acceptance of the principle of reservation in the Constitution, when it was amended — I really do not know how they can now turn round and say that it is bad. I can understand if they were to put forward the argument that this is unnecessary. But if they say that it is now unnecessary, they will have to prove that it is unnecessary. And, Sir, if they prove it I shall be the first man to accept the argument because these reservations create a sort of artificial compartment in society which is neither good for society nor is it in the interests of the ideal that we have put before us.

One argument advanced — I do not know whether it was advanced by the hon. Member Shri Awode or the hon. Member **Shri Subhedar**— was that by these reservations we would be creating a new vested class, a class of slaves. It is very picturesque abuse, if may say so, in a political controversy. I do not know whether it fits in a debate of this nature in this hon. House to attribute that sort of motive. Let us try to examine

what it exactly means. If they feel that persons who get elected with the support of non-Scheduled Castes in reserved seats become slaves of the Caste Hindus or the majority people, then possibly the same argument can be continued further. If people in the absence of reservation have to get themselves elected, they will ultimately have to depend upon the votes of the majority people. The background of this argument or the psychology of it if we try to understand it, is that there is a certain basic conflict of interests. Going a step further, I may say that there is a sort of connection between these two classes. Once this argument is accepted then one can reach this conclusion. If somebody is presuming this condition of Indian society I do not know whether he is really speaking working for the welfare of society or he wants to continue this inimical relationship alleged to be there between the two classes of society. Ultimately, when we say that we want a homogeneous society, a society which provides equal opportunities for all, then we shall have to try to reconcile the conflicting interests of different castes and classes, as they are called. If that is our ideal, then we shall have to approach this problem from that point of view. Unfortunately, those who go repeating these things believe in something else and if it is that belief that is prompting them to make this argument, then I must very clearly say that I cannot accept this basic analysis of the situation. Not only that but going further I must also say that those who believe in this are not the friends of Indian society. I am not making any allegation but once we consider that there is an inimical relationships between the two classes which must be continued, this seems to be the inescapable conclusion which one must reach.

I concede that, theoretically, this reservation is bad; it is not good. I am not a very great admirer of any reservation anywhere. Any society must ultimately stand on its own merit. But the point is, should we not, to a class or section of society, provide an opportunity to reach that level of merit which they have been deprived of for so long because of certain historical reasons, because they were deprived of their sense of human dignity and self-respect and because they were treated for centuries with an attitude of master and slave? When we have to help people, it is necessary that they be given some sort of political instrument in their hands. What is that political instrument? The political instrument in this context is representation in the Legislature. That is why I would ask the hon. Member Shri Donde whether he has thought of any intellectual

alternative for this type of situation. If at all we want a section of our society which is backward and which has many handicaps, to assert itself politically, what assistance would we like to give them? Representation in the Legislature was the only thing that was thought of in the political history of all the modern democratic countries, and that was why it was accepted, not as the best solution, but as the inevitable alternative. Even if this be so, I quite agree with the analysis made by certain hon. Members here and their suggestion that there ought to be some sort of positive approach to this question. I entirely agree with that. But to say that they should be given representation without reservation is not a positive approach. That would be merely an escapist attitude. I do not believe in that sort of thing. I think this is the minimum that we are doing for them. This minimum is the political guarantee for their representation in the legislature, which ultimately moulds their political life, their social life and their economic development. We have done this minimum for them. Are we not doing something positively more and more in the field of their economic, social, educational and cultural development? I have made the claim that we did try during the last ten years in this direction, but we have not done enough. The hon. Member Shri Awode said that we have not fulfilled our word. I can understand his viewpoint of the situation is described in a different way. We tried to withdraw the reservation but we have not succeeded. The question is if we have not succeeded, what shall we do? We were given a certain task to be fulfilled in a certain period, but we have failed to fulfil the task in that given period. We are not giving up the task, but what we have come here for, is to ask for more time to fulfil the task. The extension of the period of reservation would help us to fulfil the task. I was very patiently hearing my hon. Friend Shri Awode. I understand his feeling and respect it. I was expecting that he would suggest some constructive approach to the problem. Granting that reservation should not be there what other political or constitutional or statutory method would he suggest whereby we can give the same sort of guarantee for the political upliftment and social and economic development of that part of society? He quoted Dr Ambedkar, and very rightly, and said that big empires and little minds go ill together. (Interruption). The hon. Member may presume that I have reproduced the quotation properly. Sir, it is a question of building up the nation, and we should have a bigger approach to solve bigger problems. Nothing short of it is going to help the section of our society whose well-

being he has at heart.

Sir, I also heard, if I may be permitted to say so, some irrelevant criticism. It was irrelevant in the sense that it was not called for on this occasion. The hon. Member Shri Awode made a reference to what happened during the last elections in Maharashtra. The same reference was made, and I must say unfortunately by the hon. Member Shri Subhedar in a different context. I do not know whether he was arguing for me or for himself when he said that these things happened in Maharashtra in *asadharana* (abnormal) circumstances. But, Sir, we are trying to have a solution which would be feasible under *sadharana* (normal) circumstances. I am not attempting to reply to the reference of the hon. Member Shri Subhedar to what happened under abnormal circumstances, or to use his own words, under '*asadharana* circumstances'. We are not by this Eighth Amendment to the Constitution trying to deal with any abnormal circumstances. He pointed out that in one part of Maharashtra many non-Scheduled Castes people accepted Scheduled Castes people as their representatives. Surely, this is the ideal position, and we must try to reach that position. That is why the test which the Union Home Minister has laid down in his speech is: even when the reservation is abolished, will the Scheduled Castes people get adequate representation in the Legislature automatically, normally? When that position is reached, then it can be called the normal condition. We can say that this can happen, because we had evidence of it in a part of Maharashtra in the last General Elections. This is certainly a very important social phenomenon which must be carefully studied and understood. As a student of politics and history, I will not forget the lesson we have learnt there. One has to go on learning continuously. What I would like to point out is that what happened in Maharashtra in the last elections cannot be said to happen in the whole of India. I cannot say that it will necessarily happen in other parts of India. Therefore, we must create confidence in every citizen, to whatever party he may belong, that even when there is no reservation of seats for any section of our society, he can contest a seat and make a rational appeal to the electorate with a reasonable chance of getting elected. If we create that condition, then automatically reservation will drop itself. But I am afraid we have not reached that stage. Possibly we may differ in our judgment, and when I say we differ in our judgement I am giving some reasons for saying so. The fact that the Member Shri Awode has reason to be

bitter about his own point shows that normalcy has not been reached. (Interruption). I am glad he accepts the position. As long as normalcy has not been reached, when we find that there is still abnormalcy, we shall have to find out some solution, some medicine, some treatment for it. We think that this extension of the reservation period is the minimum treatment; I have not said that this is the whole treatment. This is the minimum that will have to be done, though some extra-ordinary effort is necessary not for one year, but for ten years more. I wish that at least at the end of this extended period, we shall be able to say here: 'Good-bye to the reservation'. I shall be glad if that happens here. For that to happen it is not enough that one political party makes an effort in that direction, be it a minority party' or a majority party. It is not simply this political party or that which can create the necessary conditions, but it is the wholesome atmosphere in the society as a whole which possibly can create conditions to bring about this desired position. Sir, really speaking, this is the process of thinking which has made the Government of India to come with this proposal for extending the reservation, and it is for the same reasons that this Government has come before the House for the ratification of the amendment.

Sir, before concluding I think I should reply to one remark by a hon. Member opposite, namely, Shri Awode. He said certain things about the last elections in Maharashtra. He also talked of linguistic communalism. Sir, I must tell him that he had better stop thinking in terms of making allegations, strong allegations. He may ask for a separate and smaller State. I have no quarrel with him for that. I know that he stands for Vidarbha and basically I do not consider anything wrong with it, but even then he is asking for a linguistic State.

The hon. Member made a mention about certain things. He alleges that the demand for a Marathi State is the urge of linguistic communalism and it stands not only for a separate State but independent State. I must say that it is not proper to make such an allegation and I want to record my protest against it. It is not right to make an allegation of being anti-national against an entire community. That issue, of course, was not here, but if I had allowed this remark to go unnoticed and unanswered, I would have failed in my duty.

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**Bombay Reorganisation Bill**

*On 15 March 1960, Shri Y. B. Chavan, Chief Minister, moved (BLC Debates, Vol. 10, Part II, March 1960, pp. 122-29, 355, 357-58, 361, 368-70, 373, 375, 384-85, 390, 392-93, 396-402, 404-06, 412-18, 421, 423-25.) in the Legislative Council the draft of the Bombay Reorganisation Bill, 1960, referred to the State Legislature by the President on 5 March 1960, under Article 3 of the Constitution. Shri Chavan assured the House that the sentiments of the people of Vidarbha and Marathwada would be respected and the Nagpur Pact would also be implemented. Thereafter he gave the general outline of the Bill, stating that the two proposed States, namely, the State of Gujarat and the State of Maharashtra would have two Houses each, the Legislative Assembly and the Legislative Council. He explained further why Dangs and Umbargaon and some of the bordering villages in West Khandesh were included in Gujarat and also the financial arrangement that was made for the two States. Shri Chavan then announced 1 May as the date for the formation of the two States.*

*Later, replying to the amendment to the Bill that the Marathi-speaking areas should be divided into three separate States, namely, Marathwada, Vidarbha and Maharashtra, Shri Chavan, defended the union of the three brothers — Marathwada, Vidarbha and Maharashtra — which had been separated from each other for centuries together. This union was even welcomed by the followers of Dr Ambedkar, he added. Shri Chavan also explained why the new-born State should be named 'Gujarat' and not 'Maha-Gujarat'. He also asked the House to reject amendments regarding the exchange of villages on the border of both the States.*

Madam Chairman, before I actually offer my remarks on the draft Bill itself, I propose to lay on the Table of this House, the policy statement that was laid by me on the Table of the Assembly yesterday. I would seek the indulgence of the Chair for permission to read the text of the announcement laid on the Table of the House.

Now coming back to the Bill, it is indeed a great pleasure for me to stand here on behalf of the Government to place this Draft Bill for the consideration of this hon. House as I stated yesterday. I am doing this with a mixed feeling of joy and sadness. I am happy because the two



States are being formed, namely, Maharashtra and Gujarat. But this feeling is not free from sadness arising out of the sense of partition. Many of us who have been working together for long will have to part. And, Sir, you may perhaps call it sentimental, every parting has the feeling of sadness. Therefore, with mixed feelings I am placing this important, historic and epoch-making Bill for the consideration of this hon. House. Well, Sir, speaking for myself, I can say that we have had earlier occasions to discuss the problems of reorganization of the Bombay State on the floor of this very House over two years ago in 1956, and whatever the hon. Members of the Opposition went on saying during the last three years had to be given expression to by the Members on this side. But as we know, this problem of the reorganization of Bombay city proved to be a complex one. Complexities were of such a nature that it completely failed to reach a solution for many long months, till ultimately the Parliament practically unanimously — I am using the words 'practically unanimously' for only one political party did not associate itself with this solution — decided to form and thought it to be a practical solution, namely, the formation of the present State that we have had the honour to work for during the last 3½ years. At one stage it was felt that a very complicated problem had been solved. As for myself, I believed in the principle of accepting the unanimous decision of Parliament, and tried to work it out as a trustee of Parliament during the last 3½ years. You know Sir, as I have stated on the floor of this House and many times from public platforms that in the first few months I had a feeling, a sense, that in case this solution worked, there would be nothing like it, because it would have proved a solution to a very complex political situation. But I am of the opinion that it proved to be nothing more than wishful thinking. Anyhow as the time passed the feeling on all sides was that this was not going to be a final solution, because ultimately whatever good we are going to do to the people must be so acceptable to the people, and the greatest democratic principle of successful administration is that it is not only enough that it should prove good to the people but the people must accept it as good, and I came to the conclusion that the solution that we had reached was not a complete solution. Well, Sir, I am not going to take much time of the House by giving such details as how things started regarding the reorganization of the State again, but I will state only the important points. The All-India Congress Committee, appointed a Nine-Man Committee to consider this

aspect, and once again we had to face the same question of a difficult and complex nature. As you all know, I was one of the Members of the Nine-Man Committee and Dr Jivraj Mehta was also a Member of the same Committee. There were other representatives from Vidarbha and Marathwada too. After long discussions we reached some unanimity, and we placed our recommendations before the Government of India. Those recommendations are embodied in the Bill which is placed before this hon. House for consideration.

Well, Sir, before going to the regular provisions of this Bill I would like to give a general outline of the Bill, because we all know that the Bombay State, as at present constituted, is to be divided into two unilingual States, that is, the Gujarati-speaking districts and some other areas, like Dangs, the 50 villages of Umbargaon taluka and nearly 156 villages from West Khandesh district which will go to the new State of Gujarat; and the Maharashtra State will comprise Greater Bombay, Maharashtra and the area of Vidarbha and Marathwada. The population ratio of these two States comes to 2:1 This is the general picture of these two different States.

Sir, before I proceed I would like to give some information to the House on one point. In the Bill the residuary State, after the separation of the Gujarati areas, is referred to as the Bombay State. But in order that the references should be clear, the Government has decided to move an amendment to the Bill to call this State as "the Maharashtra State". Therefore, I will have to make a reference to that part as the Maharashtra State, though the Bill refers to it as the Bombay State. In order that this reference may not be misunderstood I am making this clarification, at the outset.

The new Bombay State will naturally have two Houses, the Legislative Assembly and the Legislative Council which I have the honour to address at the moment. The Assembly will have a membership of 264 elected Members and there will be 1 nominated Member of the Anglo-Indian Community. The Legislative Council will have a membership of 78. The proportion of the elected Members to the Assembly will be the same. The Gujarat State will have only the Lower House but not the Upper House. Unfortunately, some hon. Members of this hon. House will be deprived of their privilege of giving us advice or of giving advice to the Government of Gujarat. I am just placing facts as they are before you.

There are certain aspects of the Bill which need to be explained and I shall do so briefly. There are three or four points on which I know there is not much unanimity. There is some difference of opinion on certain points. One is about Dangs, the second about Umbargaon area, the third about the inclusion of certain villages from West Khandesh and the fourth about the financial arrangements that are being made. I can very well say that they have their own reasons to differ on these points, and I can only try to make an appeal to this hon. House as I did yesterday in the Lower House that it is much better if we try to see the Bill and take it into consideration as a whole. If we just try to see a part of it and try to find fault with it, possibly we can do so. When we found that this partition was inevitable all our effort was to see that the partition takes place in such a way that it did not leave behind any sense of grievance on either side. We tried to have a sort of agreed partition between two brothers. If we try to examine the Bill from this approach, possibly, though I can understand that everyone may not be in a position to agree with every word of the Bill, the House would certainly have no hesitation in accepting the approach to the Bill. It is necessary to create the proper conditions and proper atmosphere for the running of these two very important States in the country. As I said yesterday in the Lower House, for me this is not merely a physical act of cutting one State into two. It is not just a physical, mathematical division. It is, really speaking, giving birth to two new units of administration, which have contributed much to the history of India and which have great potentialities for contributing much more in the future also. 'These two new States which are going to come into existence are not going to be there just for a few years, or for a few decades but forever, not only as neighbours but there would be something common in them and they would be there as good brothers. If they are to continue like this, it will be your and my responsibility and the responsibility of every hon. Member of this House to see that we create a very healthy atmosphere in which these two States can start functioning. They must be launched properly on a very important and long journey in the interests of the people living therein.

I have dealt, in detail, in the speech which I made yesterday in the Lower House, with the different parts of the Bill, and I would request you, Madam, to see that copies of that speech are distributed to the hon. Members of this hon. House as quickly as possible, so that they may read it for themselves and I need not repeat all that is said therein.

Of course, I would like to touch on one or two important points and more particularly about the inclusion of the Dangs in Gujarat State.

In the case of the Dangs what ultimately led us to agree to its inclusion in Gujarat was principally the wishes of the people concerned. Recently, elections to the District Local Board there were held and whether one liked it or not the issue of the inclusion of the Dangs whether in Gujarat or Maharashtra was there. The results of these elections showed that the people of the Dangs wanted it to be included in Gujarat. It gave us a sort of indication to decide the question of the Dangs.

In the case of Umbargaon, last time, when the question of the reorganisation of Bombay State was considered, the States Reorganisation Commission certainly had taken the taluka as the minimum unit but this time we did not accept that principle. We did go into details, into smaller units, if possible, and it was on that basis that we went on considering the question of different villages and groups of villages in Umbargaon Taluka, and the boundary line that has been drawn is practically based on such consideration. I am using the word 'practically' because there are about 10 or 15 villages which the Marathi-speaking people claim to be Marathi. Taking the village as the unit we tried to decide the question of demarcation. There is also another factor that we have taken into consideration. In the case of groups of villages which consisted of a mixed population, where the Gram Panchayats expressed the desire to go to Gujarat, their wishes have been respected. The boundary which has ultimately been drawn is based on these two considerations.

Nearly 156 villages from West Khandesh are proposed to be transferred to Gujarat and this, of course; is not done on linguistic considerations. As we all know, the idea of transferring these villages to Gujarat arose out of necessity—the taking up of the Ukai Project. A large number of villages are going to be submerged by the reservoir that will be created as a result of this Ukai Project and it has been agreed to hand over to Gujarat the territory falling within a two-mile belt for purposes of unified control and administration Of this Ukai Project.

Well, Sir, every time people ask why it has been done here and what is the precedent for this and what is the precedent for that. It is a difficult question no doubt, but where is there the precedent of a division of a State like this before? We are creating many more new things and we

have to learn from our own experiences and try to solve the problems as they come before us, taking, of course, certain principles to guide us in these matters and I think there were certain principles to guide us in deciding these questions. I think it is much better, in the interests of the people themselves, if the question of rehabilitation is settled properly, without resulting in the causing of any suffering to the people. So, if one tries to see the problem from this angle, possibly one can understand the reasons which made me agree to this sort of arrangement.

In the case of the financial arrangement that has been made, I would invite the attention of the hon. House to clauses 48(1), 49(1), 51(5) and 42(2), as also Schedule IX, and along with that possibly this hon. House will have to take the trouble of going through the Bhattacharya Committee's Report and the note that has been circulated. Nearly a week ago, this document has been placed at the disposal of the Members of this House, and if one has not got it, he may try to get it from me. All these four clauses and the Schedule deal with the arrangements that are made about the financial assistance to be given to Gujarat. On this point also people get up and ask the question why this arrangement has been made. Here I would like to answer one question about the Dangs and this arrangement also. I am not trying to hide behind any commitments made by the Samiti or the Maha Gujarat Parishad. It has been asked, 'what are the principles? Really speaking, it should be left to the principles and nothing but principles'. I agree. But if it is merely the question of applying principles without any question of human effort, then it would have to be solved mechanically. The necessity was felt both by the Samiti and the Parishad, both of whom not only believed in unilingual States but believed also in fighting to the last on the Dangs problem, of sitting together and applying certain principles, because even though there were well accepted principles on both the sides, even then it was felt necessary by the leaders of the Gujarat Parishad and the Samiti to sit together and to have some sort of negotiated settlement. My point is that it was felt necessary to have some sort of negotiated settlement. I am only making a mention of this matter because, in spite of all the principles and accepted principles of reorganisation, it was felt necessary by the leaders of both the parties to sit together and negotiate a settlement, and, I do not know whether to say fortunately or unfortunately — I should say unfortunately — they failed to negotiate a settlement. They sat once for a long time in Bombay and at another

time in Poona without any success. Here also —I do not know some of the facts — it was only admitted yesterday by the Leader of the Opposition that, yes, they had opened the question of the Dangs and that admission was made only yesterday. I was asked what was the position of the Dangs in the last reorganisation. Obviously it was included in Maharashtra in the Bill itself. If that was so, where was the necessity for reopening this question? May I ask, what are the principles involved in reopening this question of the Dangs? That sort of thing could have been not only asked about the Dangs but also about other areas.

The principle that was accepted was that some sort of financial assistance ought to be given to the Government of Gujarat. I would say that a negotiated settlement was the only way to solve this question and merely mechanical and mathematical ways do not solve questions where the lives of millions of people are involved. If merely a logical formula is going to solve the questions which are vital for the lives of millions of people, then possibly no human leadership would have been necessary to decide any question. So, a negotiated settlement was the only way to solve these questions. The point is, whether the Samiti and the Parishad failed, and I have succeeded. I may have gone a step further. I must have created greater goodwill which is very essential for both the States, not only very essential for both the States but also very essential for the country as a whole.

Only a few days ago I put up the case of border between Mysore and Bombay based on certain principles and I would ask you to insist on certain principles here but what about the border so far as this question is concerned? I have not given up my efforts. There I have to solve only the question of border but here the entire question had to be solved. The border question is a part of a complex and intricate problem which has eluded human effort for many years. This is just by way of explanation.

These are the three or four points on which there was a difference of opinion. I have tried to put my arguments in a straight way, in a summary way, before this hon. House. These are the things which I wished to mention in the beginning as they might possibly help the debate in this House.

The general pattern of this Act, as I have explained in my speech

in the Assembly, is after the Andhra Act of 1953. Of course, for the last six or seven years after that Act, our country and our draftsmen have gained more experience in the reorganisation problem, but this is possibly a more mature Bill on the question of reorganisation. I hope the country will not have an opportunity and the draftsmen will not be required to consider further partition of the country. I hope this will be the last one, and if it is going to be the last one, I would request hon. Members to discuss the provisions of this Bill in a manner which will help to create that condition in the country.

The hon. Members expressed the desire that the new Maharashtra should come into being on the day of the coronation of the Great Shivaji who laid the foundation of Maharashtra. It is but natural that they should wish this. But there are certain technical difficulties in this. The reason is that two separate States, Maharashtra and Gujarat are coming into being and hence we shall have to look after the convenience of both the States. This is the reason why May 1, has been fixed as 'Maharashtra Day'.

However, I was looking at this matter in a little different way, because I felt it rather bad that when such an important development was taking place not only in Maharashtra, but in the whole of India also there should be a lack of enthusiasm in Maharashtra. Though legally this State will be inaugurated on May 1, if emotionally we celebrate this day on May 27, we can emotionally say that Maharashtra State was born on May 27. I had also in my mind to inaugurate the State on May 27; as I said before, if we celebrate the day on May 27, sentimentally speaking, there will be no need for this amendment. Another idea that crossed my mind was that since the new State of Maharashtra was coming into existence through the blessings of Shivaji Maharaj, we could assume that Shivaji Maharaj was re-born on that date and May 1 should be treated as an important day.

Madam Chairman, I now turn to Shri Awode's amendment. His proposal is that out of bilingual Bombay State there should be State of Gujarat, Vidarbha, Marathwada and Maharashtra.

Madam Chairman, this amendment visualises, if I may say so, the balkanisation of Maharashtra and tries to cut it into three pieces. I must say, at the outset, that not only I cannot not accept it but also I must

reject it as I consider it an absurd proposition. I know that my terms are emphatic though they are not hard. I do not know what reasons have prompted Shri Awode to think in terms of Maharashtra in partitioned pieces. I know there is a fear complex that possibly by, combining all the areas some sort of domination of a particular community over another community may be there which may be made to play a subservient role. If that was the feeling behind the amendment, I will suggest that we should stop thinking in terms of Communal influences and communal domination. What we are really aiming at is to realise an idea where the society functions as one homogeneous society. We tell at the top of our voices that Maharashtra is the place where we can realise the earliest the ideal of a socialist pattern of society. What do we mean thereby? We mean thereby that progressive social services are at work in Maharashtra and that we shall be the first to reach the target of realising a homogeneous society. If that is our objective, why try to think in terms of the bygone days of feudalism when one community ruled over the other and when one community feared the other? This free play of imagination should please stop. I would request the hon. Member Shri Awode to give up this line of thinking and join all the Maharashtrian brothers with the same sense of partnership with which we are inviting him to do so.

The hon. Member mentioned Vidarbha. As I have said, by historical accident, the three brothers, namely, Vidarbha, Marathwada and Maharashtra were separated from each other for the last few centuries. Now we are coming together and we will continue to remain together with all our defects, with all our merits and demerits, and will try to correct each other. Supposing there are certain defects or what he considers as defects in Western Maharashtra, possibly he can contribute to correct them. I invite him and welcome him to do that. I do not say that in the past no mistakes were committed. But which community and which part of the country can boast that there are no imperfections in its own history? At the same time, we have got a very high tradition of producing people who gave some sort of historical basis not only to this part of the country but to India as a whole. Possibly Dr Ambedkar at one stage thought of this division of Maharashtra but the reasons for which he thought so are no longer in existence. The followers of Dr Ambedkar in the struggle for Samyukta Maharashtra in the last three years have proved that they also consider this unity of Maharashtra as something



very important. If that is the experience of the followers of Dr Ambedkar, why try to retrace that historical experience. I would on my behalf and on behalf, if I may be permitted to say so, of the Opposition also —I do not want to criticise the hon. Member for his views for which he may have some reasons —ask him to join us as a brother and help make this new State a great success.

Madam Chairman, as regards calling a new State Maharashtra or Gujarat, if it were the unanimous wish of Gujarat to call the new State Maha-Gujarat, I would not come in their way. But I tried to ascertain the wishes of my Gujarati colleagues, of the Gujarati Members in my party and also of Gujarati Members in the position, and it is felt that they would not welcome the name of Mahagujarat. This is why I am in the company of the hon. Member **Shri Dinkar Mehta**. The two hon. Members who spoke in support of the amendments made certain references to **Sardar Patel**. I wish they had quoted Sardar Patel. I know of a specific quotation of his on this issue. The prefix Maha need not be given. What really matters is the linguistic group whose State is being formed, and the State should have its own name. On the contrary, I may say that, as far as a reference to Sardar Patel is concerned, even though Saurashtra was included in the Gujarat Congress Committee, the name of the Committee continued to be known as the Gujarat Congress Committee. Only because the other new State is called Maharashtra, we need not add the prefix Maha to the other new State also. We have accepted that name as a matter of history. I would, therefore, request the hon. Members not to press for the amendment.

Madam Chairman, as regards the amendment for the inclusion of the Dangs in Maharashtra I can reply to the speeches made on this amendment in one sentence, that I cannot accept the amendment, but I must also give some reason here.

There are two or three propositions which I should certainly like to make clear in this connection. One position was conceded by the Samiti, which was told yesterday by Shri S. M. Joshi, that when a claim was made by the Parishad leaders that the **Kher**-Morarji decision was arbitrary, the Samiti agreed to reconsider this. Therefore, we have given up the decision of Shri Kher and Shri Morarji. That point is clear. Let us try to go logically. That does not mean that we have given up the question of the languages of the Dangi and the Gujarati. We have considered the Dangi

as Dangi language. We have taken that position. No, the only way to decide this issue is to take the usual criterion, the wishes of the people. That is the only thing left ultimately to consider about this position and the decision that the negotiators took was on this basis, that the wishes of the people were very clear and they were clearly expressed, both in the elections held in 1952 and also in the District Local Board elections held recently; and the District Local Boards twice in succession passed a Resolution to go to Gujarat. This is the logical sequence of things which I am placing before the House. The House, however, is free to take its own decision. What I am pointing out is that the whole thing is based on the wishes of the people.

One thing more I must say, I do not know what Dr Jivraj Mehta said about manipulation or mis-arranging things. The Bombay Government has never taken up that attitude. As far as I know, there has not been any allegation against anybody and no enquiry of that nature has been held. It is possible that Dr Jivraj Mehta may be in the know of things as to what happened at that time.

Madam Chairman, if I have seen a demand made without any reasonable arguments in favour of it, this is one. Only because Baragaon happens to be on the border of Dangs it should be included in Gujarat is a very strange argument. I cannot accept it. That is the only thing I can say about the amendment.

As regards villages on the border of Gujarat and Maharashtra I may state that this border-line is not decided on linguistic considerations. The hon. House knows that it is conceded on the ground to use the words of the Congress Working Committee resolution—'smooth execution' of the project. When it is said smooth, it is not intended to, throw any aspersions on any party, that everyone is going to obstruct it. Smooth working pre-supposes administrative and other difficulties. From the point of view of the track which is to be taken for the purposes of the project, it is much better that the project authorities be in a position not only to acquire the land but also to consider the proposals for the rehabilitation of persons therein. If the land is to be acquired by one Government and some other Government were to look into the problem of rehabilitation of the persons affected by the project, it becomes dyarchical, that is a scheme which will be handled by two authorities, by two different States. Therefore, it was considered that the area which

becomes submerged should naturally go to the authority in the State whose responsibility it is to execute the scheme, and two miles area round about the submerged are a should in fact form part of Gujarat as a result of it. It is the area which is conceded to Gujarat State and I must say this is also a compromise formula which was considered necessary to resolve this very complicated issue of the border-line of these two States. If any hundred percent logical formula was possible, I would have welcomed it. But from my experience of such complicated matters I can say that this was the solution that we could think of and as such this Government has accepted this as a final solution of this problem. I hope the House will accept it.

Madam Chairman, Part (b) of the clause which is sought to be amended really proposes to accurately define the border between Maharashtra and Gujarat. If we here provide some sort of recommendation, may be like a linguistic commission which may be appointed for the purpose, as to on what basis the border should be decided it will not be an Act giving birth to new States but it will be some sort of laying down a principle giving birth to new controversies. That is not the idea of an Act. The Act is called upon to create States. As such, I cannot accept the amendment.

Madam Chairman, I am replying to the suggestion of the hon. Member for the change of the size of the constituencies. As far as the size of the constituency is concerned, we can certainly consider it, but not at this stage; this is not the proper forum for that. When we undertake the work of delimiting the constituencies we will take up the matter with the Delimitation Commission. I share their feeling about the grievance that the candidates have to face a number of difficulties and inconveniences in trying to represent such a big area. But some of the constituencies are not territorial constituencies. For example the 'Graduates constituency. If we try to delimit that constituency, then it will not be a representation of graduates but of that area. I have got a basic doubt about this sort of rearrangement of constituencies which are supposed to represent certain categories of professions. There should not be any compromise on the ground of territory or area concerned. That is my personal view; I am not binding Government on that point. Such an objection I would myself try to raise if I happen to be on the Delimitation Commission. Every word uttered in this House will go to Parliament, but there will be no recommendation on my side. The entire discussion in the House will

be forwarded to Parliament.

Madam Chairman, I see the point of the hon. Mover of the amendment that the choosing of the Chairman should not be done by an incomplete House. I would like to assure the hon. Member that it was never the intention of the Government that the Chairman should be chosen by an incomplete House. I have, therefore, no hesitation in accepting the amendment tabled by the hon. Member.

Madam Chairman, I accept the amendment moved by the hon. Deputy Minister Dr Bhaskar Patel This amendment has been moved by Government with a view to implementing one of the very important items of the Nagpur agreement. It is our intention as far as possible and as far as it is feasible legally and constitutionally, to give legal validity to some of the assurances given to the people' of Vidarbha and Marathwada in the Nagpur agreement.

I have nothing but admiration for the very magnificent attitude taken up by the people of Marathwada in the formation of this unilingual State in the last decade or so. We are bound ourselves by solemn pledges for the development of Marathwada not only in the economic field but also in the other fields as well, and that will be one of our foremost duties. At the same time, however, it will be incorrect for me to say that we will be in a position to give a permanent Bench of the High Court at Aurangabad because I see lots of administrative and legal difficulties. When I inaugurated the conference to which the hon. Member made a reference, I made it clear at that time and I told him that it pains me to hear that there is no High Court Bench in Marathwada, but, at the same time, it would be unjust for me to give any false hopes. We are agreeing to have a Bench of the High Court at Nagpur because there is probably a High Court in Nagpur for the last century and a half. Nagpur was a metropolitan city for a long time. There is a well established Bar there; this is, of course, no reflection on any other Bar. It would, therefore, be in the fitness of things if we have a High Court Bench there. I may mention that ultimately it is the duty of Government to take care of all the special problems of all the regions, but at the same time, this idea of decentralisation of High Courts is not a happy one. Some hon. Member said that justice delayed is justice denied. I remember to have heard, either in this House or in the lower House, some Member saying that justice hastened is justice hanged. It is, therefore, no use going by these

catchwords. We have to see to the practicability. I would, therefore, request the pleaders, particularly in Marathwada, and the people and workers in Marathwada, to consider these Points. Ultimately we have to integrate the whole area into one homogeneous society. At the same time, we are committed to the programme and process of decentralisation. We will have to keep a clear mind about the concepts of decentralisation and disintegration, which are different. If, on the same analogy, we go on giving High Courts to small regions then possibly we will have to accept the principle of giving a small Government for every small region. It is a process of integration ultimately, and, therefore, I would request the hon. Member not to press the demand for a permanent Bench at Aurangabad.

As for the query made by the hon. Member **Shri Dahanukar** whether Rs 10 crores are being paid by the new State of Maharashtra to Gujarat for the construction of its capital. Technically the amount is given by the present State, but certainly there is a share of the new Maharashtra State also in it. It is 6.6 crores and the remaining will be Gujarat's share. This amount of Rs 10 crores is taken out of its funds before the division there. I may state here that I understood from the hon. Members from the Samiti side in the lower House that they practically agreed to this proposition of giving the sum for building the capital because it was considered that it is our duty when the State is bifurcating and a new State is coming into existence, to take into consideration the needs of the State to have its own capital. The real cost of the capital would be vastly much more than what is proposed to be paid. According to me, it is a symbolic expenditure because, as Dr Jivraj Mehta has announced today, they are going to have a new capital about ten miles away from Ahmedabad, covering an area of 15 square miles, and they propose to call it Gandhinagar So, it will be a huge project and if we do not make a gesture like this, then possibly we have not understood the background against which we are planning to bifurcate this State of Bombay. I hope the hon. Member would see the logic of the situation and if he can persuade himself to withdraw the amendment, no one will be happier than myself.

Regarding transfer of private, commercial or industrial undertakings in which Government has invested its funds this particular amendment relates to firms or concerns in which Government has invested its funds and so the Government would not agree to any such transfer which is

against their own interest. Besides, even if we accept this amendment, it is not going to be a solution of the problem because, the present amendment relates to Government investments and not to private firms. The amendment is based on rumours, and everyone hears rumours. We must counteract such rumours, we must not believe in them. We must refuse to believe in them and create a healthy atmosphere.

The point is, that we had accepted the principle that, even after bifurcation, if the new Gujarat State is going to have a deficit budget the new State of Maharashtra should try to meet it in the initial stages. That was the general line of agreement between the Samiti and the Janata Parishad. We have also accepted this principle, not because the Samiti accepted it. But the Samiti Members while arguing a point made mention of it. Once we accept the principle of making good the deficit in the initial stages, then it is no use arguing against it. It is certainly much better to face the facts as they are. A fact finding committee was appointed by the Government of India, which went into all the aspects of the probable deficits and surpluses of both the States of Maharashtra and Gujarat, and recommended certain principles on which an approach should be made to solve this problem. We could not accept all the recommendations of the Committee and there were some sort of differences of opinion on two points which we referred to the Government of India for decision. The Government of India in its turn appointed another financial expert, Shri Rangachari. Shri Rangachari submitted his report and the provisions contained in this Bill are based on the recommendations of Shri Rangachari. Well, Sir this is my defence, which I have advanced more often in the Lower House. Once we accept the principle we must stand by it honestly and unhesitatingly implement it. I have nothing more to add.

Madam Chairman, I now reply to the amendment moved by Shri Vyas *(1) Shri S. Vyas moved the following amendment that in clause 49 (1) for the words "1420 lakhs" the words "420 lakhs" be substituted. (2) That the Central Government shall transfer to the State of Gujarat such securities of the value of Rs 1,000 lakhs from its suitable accounts and funds as may be specified by the central Government to aid the State of Gujarat.)* that onnce we depart from the accepted line of thinking of giving aid we just get lost into the maze of details and one's own ideas and schemes about it. That is the main difficulty. The hon. Member wants to put Rs 420 lakhs on this side and Rs 1,000 lakhs on that side. What we have done is that we have put Rs 1,000 on this side and Rs 420 lakhs on the other side. When one starts working on the basis of imagination the position

becomes difficult. There is manipulation of figures. I would request the hon. Member to kindly look into the note which is given on financial arrangements. In that note he will find that the whole thing is worked out systematically. Now, what was the basis? The basis was that this is a partnership between two brothers. Here is one brother who says he does not want to be out of bilingual State. My hon. Colleague Dr. Jivraj Mehta has made this position very clear. That can be said to be the representative feeling of the people in Gujarat. It is no use denying that fact inspite of what the Maha-Gujarat people may say. They are reluctant to go out but the feeling of the people in Maharashtra is that they like to have their own State. That is why they are separating from each other. But in this process the new State of Gujarat is likely to get into financial difficulties. If it is so, is it not the responsibility of the big brother, and I have no hesitation in calling Maharashtra a big brother, to help his younger brother? We should not therefore hesitate to do that. We may take even a little risk. Those who never do so never succeed in their life. Success often comes to those who dare and act. It is better, therefore, that we take the risk of helping the friend, the State of Gujarat, and I am sure that the Maharashtra State is bound to prosper because the basic finances of this State of Maharashtra are so sound that unless somebody foolishly mismanages the things there is not going to be any difficulty about it. I am sure we can accept certain financial burdens involved in this arrangement. I do not say it is not a burden. But we have taken this burden with a sense of fairness and justice. There will be certain restrictions on us in the initial stages of the State of Maharashtra till we discharge this burden. I do not want to be light-hearted. We accept the responsibility and we shall discharge it. During the period we are giving help the finances of the new State of Maharashtra will have to be carefully handled.

I might mention that this principle of giving help to Gujarat was accepted even by the Samyukta Maharashtra Samiti. They had accepted the position of giving financial help till such time as the award of Finance Commission came when the position may be reviewed. The question was whether we should give help on the basis of Finance Commission's award or whether we should think of giving help on the basis of periods of planning. If we say that we want to make provision till the award of the next Finance Commission comes it would be 1962, when the third plan would have been started. But we feel that we are expected

to make arrangement for the entire period of the Third Five-Year Plan. That is the rational and logical basis of giving help and that has been accepted as the initial period financial help. The next four years are on the principle that for giving whatever help is given by way of meeting the deficit should not be drastically changed suddenly. Therefore, it has been given on a tapering basis for four years. This is the scheme of meeting the deficit of the Gujarat State for the next few years and at the initial period.

Then, Madam, there is another scheme of making payment. It was thought necessary, even in the interest of Maharashtra and Gujarat that this payment should be made in the first two years. If we refer to the last page of the Supplementary Note on Financial Adjustments, we find details of the figures. There the total given is Rs 45.96 lakhs. Now, according to that statement, the amounts for the first two years, viz. Rs 602 lakhs and Rs 614 lakhs respectively, are to be paid in the first two years by way of transferring some assets from the Central Fund which are supposed to go to Maharashtra. What remains is to be kept in balance. That is also to be paid in two years.

What happens now? After reducing this amount by nearly Rs 12 crores, the remainder, nearly Rs 33 crores, is to be kept back. If it is to be paid now, then certainly it is to be paid at some discount; it comes to about Rs 28 crores and odd. That amount can be paid in two ways: One is, by taking more liability. It is good that the hon. Member mentioned Government of India. Somebody may say it should be between the Government of Gujarat and the Government of Bombay. We can bring in some other Government also. If at all we have a case for asking for help from the Government of India, then even the State of Maharashtra will have to go and ask for that aid, but for doing so we should have sufficiently good reasons. If we do damage to the finances of the State of Maharashtra, then we will have to see whether that State will have strength enough to look to the neglected areas of Marathwada or Vidarbha. Whenever I mention about the neglected areas of Marathwada and Vidarbha, I do concede that some of the other areas of the State also are not properly looked after. There are lots of areas in our State which are scarcity areas and which are not developed areas. But, Madam, there are certain features so far as these two areas are concerned and we are bound to look after them.

I was meeting the other type of argument, about damage being



done to the finances of the State of Maharashtra. If we are not in a position to help ourselves, then certainly we will have a case to go to the Government of India for financial help. If there is the question of going to the Government of India, it will certainly be for the sake of giving help to Gujarat. Every State in this country has a right to go to the Government of India in case it is short of finances. There is the Finance Commission which goes into the finances of all the States. It is however, not merely our going and asking for financial help. We should see that we are trying our best to help ourselves.

If, therefore, we accept the whole idea, the whole scheme is one indivisible thing. We cannot accept a part of it and reject the other part. That is not the right thing to do. If we accept the idea of helping and giving aid to our younger brother, we better do it in terms of helping our younger brother.

Madam Chairman, regarding Government servants' services in the State of Bombay on which amendment is brought by my hon. Friend Shri Vyas I should say that the purpose of this section is to make allocation of servants serving in the present State of Bombay, between the new States of Gujarat and Maharashtra. All allocations are initially provisional and they are later on confirmed. That is why it is stated in the section 'provisionally'. Really speaking the clause does not mean anything else except that. If you accept this explanation, it is not necessary to amend the Act. Confirmation of the allocation has to be made by the Central Government.

Speaker, Sir, among several points that were made out during the debate on this Bill, stress was laid on the argument that this Bill has been introduced because there could not be emotional integration between Gujarat and Maharashtra and the point of emotional integration was discussed for quite a long time. This somewhat delicate and important topic is discussed outside House. I therefore wish to go into the details of the subject and hold debate on it. Before that, I want to say that the feelings expressed by hon. Member, Shri Ogale are quite correct. After all we do not intend to create a condition as a result of which the various parts of the state will remain separate. On the contrary it will be our endeavour to mainly concentrate on the so far neglected communities of Maharashtra and try to create among them a sense of affinity. Yet, we cannot ignore the fact that the situation is full of tension and the

atmosphere is pervaded with suspicion. It is as a practical reply to this condition from realistic point of view that the Nagpur Pact was born. It is with the intention of defusing this relevant tension after Government has placed before the House its policy opened by. I would go a little further and quite understandingly say that the various sections of the Nagpur Pact should be given legal form. I can understand this wish and I agree with also it. But what I want to stress is that the sections of the Nagpur Pact should be given legal form only in the proportion in which they can be given. It is from this point of view that the House has accepted the amendment regarding High Court Bench. This forms an important section of the Nagpur Pact.

Speaker, Sir, I would like to furnish information regarding expenditure. It is with the intention of legalising the various sections of the Nagpur pact, Article 371 was introduced in the constitution purposefully. But subsequent events made the Article inoperative. As a matter of fact efforts were made to legalise the Nagpur pact, at the stage of the original Select Committee Stage. But bilingual State of Bombay came into being, and Kutch and Saurashtra were included in it. Since these areas did not find it necessary, Article 371 could not be given legal form. However, in the policy statement that we have prepared, we introduced an assurance regarding expenditure to be incurred on technical education, Government servants, and over-all development through statutory and Development Boards. Similarly, arrangements have been made to ensure that details of the expenditure that will be incurred on development works will be placed before the House. Once this idea has been accepted by Government as part of its policy statement, there is no need to include it in the Act in the form of amendment.

I have made clarification in the Legislative Assembly regarding the proposal that there should be offices and Assembly Sessions at Nagpur. Even though there is a demand that an Act should be passed for holding Assembly Sessions at Nagpur, in practice there are some technical snags. However, I have suggested that the future Maharashtra Government should consider this point as binding on it, and should pass a resolution to that effect in the first Session of the Legislative Assembly.

As regards the (shifting of) offices, I have no doubt in my mind that some offices will have to be shifted to Nagpur. But a committee of experts should be appointed to discuss the matter. Administrative conveniences,

local demands and other difficulties will be taken into consideration and I assure the House that proper action will be taken after the creation of the State of Maharashtra. The hon. Members should not insist on their proposals after this assurance. At the same time I wish to point out to everyone including Shri Awode that the views propounded by Shri Ogale are very cogent. We, all Marathi-speaking people are coming together for the first time. We, should therefore, achieve re-union in an atmosphere of camaraderie and bonhomie.

Madam Chairman, about the grievance made about provisional allotment, I may state that it is clear from the clause that the allotment of Government servants will be provisional. There is one technical point in that. Who is to agree on behalf of the Government of Gujarat to the allotment? Government of Gujarat is yet to come into existence. If allocation is to be formally accepted it will have to be formally accepted by the Government of Gujarat That is one aspect of the question. I remember that this question was raised at an informal meeting with the representatives of the Government of India that the provisional allotment should be treated as formal and not a final allotment and that is clearly being done. We were told that it is in the interest of services themselves that they are kept provisional. There may be certain cases in which Government servants may have grievances. Their cases may be taken up for consideration by the representative committee which will look carefully into their cases and take decision. Different categories of services are involved in this. So, the Government of India themselves feel that it is in the interest of services that the allotment be made provisional. I shall have no hesitation in accepting any time limit but I am afraid that our good intentions of helping the services will possibly create unprecedented difficulties in the way of the Government of India and the services themselves.

That is all I want to say on this amendment.

Madam, my reasons for not accepting this amendment (*Shri H. D. Awode's' amendment: "Any pet-son who before 14 October 1956 was ' a Member of the Schedule Castes but was subsequently on any date converted to Buddhism, shall be deemed to be entitled to the facilities, privileges or rights; which he was entitled to as a Schedule Caste."*) are obvious though I have full sympathy for the cause of the Buddhists. The amendment as it is presented is difficult to be accepted because it means acceptance of certain new principles on behalf of the Government of India as regards the rights of Buddhists after conversion

in respect of services etc. Of course, as far as the percentages of the Scheduled Castes and Scheduled Tribes are concerned, every State will be bound by its own laws and rules and it is for these people to agitate the question in their respective legislatures and to force Government to see that proper persons are chosen, but these things need not be placed in an Act like this. That is my humble submission.

This Government cannot make any commitment on behalf of the Government of India even so far as the services are concerned. In the matter of giving facilities for education etc., the question is conceded of giving them the same facilities as they were getting before, but about services it is difficult to make any commitment. Conversion has made them lose statutory rights conferred on Scheduled Castes. That position has to be accepted and I cannot make the sort of commitment that is asked for on behalf of the Government of India. It is very difficult for me to do so.

Madam Chairman, I think that the hon. Member himself is a good lawyer and he knows well the significance of the words "may" and "shall". The word "may" have the force of "shall" when such a situation arises. I tried to check up the corresponding section in the Act and there also I find that the word "may" has been used. What is good for the country is also good for the States. I really see no reason in accepting the substitution of the word "shall" for the word "may", in clause 77 and thus disturbing the good picture of the draft itself.

Madam Chairman, once we accept the territorial changes, then the other changes will have to be accepted logically. It is consequential, and, therefore the amendment should not survive. Madam Chairman, though these amendments are of a different character, it suits me to discuss them in one speech, because....

This hon. House has only recently passed the amendment regarding the Nagpur High Court and the Special Bench there, and that pertained to the Nagpur Pact. I think the amendments Nos. 103 and 104, and 56, pertain to Nagpur Pact, and as the area is in Bombay, Government may by order direct and locate anything there.

Now I follow what the hon. Member wishes to convey: that at present it is the Government of Bombay, and not the Government of Maharashtra. Sir, the hon. Member's difficulty is rather of a technical

nature. He wants to know by this amendment which part, which section of the Reorganisation Bill which is before the House, is sought to be amended. Sir, the Legislature Secretariat has, for the informs don and guidance of the hon. Members of this House, circulated a note describing the procedure to be adopted while discussing the present Bill. We are discussing the scheme of reorganisation of States, and the Bill is not being considered clause by clause. This house is entitled to discuss any scheme that pertains to the reorganisation and as such these amendments are proper and in order. Although these are not necessary amendments, they are certainly legitimate and can be discussed in this House. These amendments are in the form of resolutions affecting the issue before the House.

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## **B.D. Lala - services lauded**

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*On 25 March 1960, Shri Y.B. Chavan, Chief Minister, appreciated (BLC Debates, Vol. 10, Part II, March 1960, pp. 504-06.) the services of the Chairman, Shri B. D. Lala, popularly known as Lalakaka, on his retirement.*

Madam Chairman, I beg to move the following Resolution, namely,

'This House do place on record its high appreciation of the valuable services of the hon. Shri D. B. Lala, as its Chairman for the last three and half years, the zeal, ability and impartiality with which he has discharged the duties of his high office, and the judgment and firmness with which he has maintained its privileges and dignity while presiding over its deliberations through a critical period of great importance.'

Madam Chairman, I have today to perform a pleasant duty of expressing through this Resolution the appreciation and regard of this hon. House for the hon. Chairman, Shri B. D. Lala. I had the privilege of working with Shri B. D. Lala, popularly known as Lalakaka, in the Lower House for nearly 6 to 8 years as a Member of the Legislative Assembly. His interest in the legislative programmes was so keen that whenever he participated in the discussions on any Bills, particularly on subjects of his interest, I found that he always made a very valuable contribution. His particular interest in legislative programmes was with reference to rural life and more particularly land legislation. I remember the very valuable discussions which took place when after Independence the Bombay Legislature undertook the programme of tenancy legislation and also the very valuable contribution which Lalakaka made to those discussions. I had an opportunity to see him work as a Member of the Legislative Assembly and here, in this hon. House, we had the Privilege to see him function as its Chairman. Being a born democrat and a man who has fought selflessly for decades together for the establishment rise and triumph of democracy, it was really speaking a pleasure to see

him preside over one of the many institutions through which democracy really functions.

I would like to mention in this House, as a matter of record, certain details of his life and career. Shri Lalakaka was born in Ahmedabad in 1877, passed his LL.B. in 1901 and began to practice as a pleader in Ahmedabad city in 1901. He gave up practice in 1920 at the time of the Non-Co-operation Movement. Since then he has been working in the Congress as a whole time worker. He has worked in the Congress in various capacities. He was the Secretary of the Gujarat Provincial Congress Committee from 1932 to 1953 and was Vice-President of the Gujarat Provincial Congress Committee from 1953 to 1955. He was a Professor in the Law College, Ahmedabad, from 1927 to 1932. He was elected from the Ahmedabad District Rural Constituency to the Bombay Legislative Assembly in 1937 and again in 1946 from the Ahmedabad city. He courted jail in 1930, 1932 and 1942. He has written two books on Criminal Law. He was elected a Member of the Bombay Legislative Council from the Local Authorities (Gujarat North) Constituency in 1952. He was elected Chairman of the Legislative Council of the new Bombay State in November 1956. He has worked as a Member on several special Inquiry Committees appointed by the Government and on various Select Committees appointed by the Assembly.

Shri Lalakaka will soon retire as Chairman of this hon. House. He may not have occasion to preside over this House again because this hon. House is possibly meeting today for the last time in its present form, as it is constituted now, because of the proposed bifurcation of the State.

It is really a sad experience, as I mentioned when I moved the consideration of the Reorganisation Bill, to part from colleagues and comrades with whom we had opportunities to work together shoulder to shoulder in this hon. House, whether on this side of the House or on the other side of the House, but it is particularly sadder to lose the service of a veteran Chairman like Shri Lalakaka. We will be missing his absence from this hon. House and his valuable guidance and advice. It is that advice of his and a quiet voice that we will miss and that will constantly remind us of the sadness of the partition of the State.

I take this opportunity to bid goodbye to those hon. Members of this House who represent the areas which go to Gujarat and wish to carry

the same feelings of friendship even though we are parting from one another. It would, of course, have been a triumphant thing if we had succeeded in continuing in the present form; but unfortunately, we have failed, but even though we have failed in this form, let us not fail in the feeling of partnership and in serving the cause of the nation which is dear to all of us.

Madam Chairman, I commend this Resolution for the unanimous acceptance of this hon. House.



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## Donation of Deeksha ground to Bouddhas

*During the debate in the Legislative Council on 22 July 1960, on the resolution moved by the Opposition regarding the grant of Government Land at Nagpur to Buddhists, Shri Y. B. Chavan, Chief Minister, explained (MLC Debates, Vol. 1, Part II, July-August 1960, pp. 512-13.) the Government's viewpoint on the demand for land which is known as 'Deeksha Ground' at Nagpur. Shri Chavan clarified that the proposition before the Government to build an Engineering College on these lands was altered and some other piece of land had been selected for that purpose. He told the House that the Government had decided to reserve the particular piece of land on which the stupa stood for donation to a legally constituted body of the Bouddhas and expressed the hope that the future Government would certainly take the spirit in which this piece of land had been donated and give additional land to the institution.*

*In view of the above explanation, Shri Y. B. Chavan, Chief Minister, requested the hon. Member Shri H. D. Awode to withdraw his Resolution whereupon Shri Awode withdrew it.*

Chairman, Sir, I am glad that the hon. Member Shri Awode gave me this opportunity to explain Government's attitude on the demand for land which is known as 'Deeksha ground' at Nagpur. This question has been under the consideration of the Government for the last year and a half or for nearly two years, and our effort was to find some solution to this problem which has become unnecessarily entangled. As a matter of fact, I have nothing to say by way of reply to the debate on this Resolution, because I consider this to be only an opportunity to announce what the Government's intentions are.

Two of the representatives of the Bouddha Maha Sabha saw me and submitted a memorandum, the details of which we cannot go into here, but certainly I must say that, in this matter, the hon. Member Shri Awode also has met me, and made the same demand as was

made by the representatives of the Bouddha Maha Sabha, who gave me the memorandum. I must place the facts before this hon. House, because I regard them as followers of Lord Buddha as also of the late Dr Babasaheb Ambedkar. That is a matter about which I do not want to enter into any controversy, because my efforts will be to see that there are fewer controversies about this. If at all we gave any help to them, it was to reduce the fear of controversy not only amongst the Bouddhas themselves, but also amongst Bouddhas and non-Bouddhas too.

There was a proposition before the Government to build an Engineering College on those lands, but now that the question of locating an Engineering College on that particular land which has been changed, in the sense that some other piece of land has been selected for that; this decision was taken because this particular land was considered more suitable for another Industrial Technical Institute, which is also a very important institute both for Bouddhas and non-Bouddhas. It is a scheme for which the Government of India is giving us some aid, but even then we thought that, though this institution was important, the sentiments of Bouddhas were also equally important. So, in consultation with my colleagues of the concerned departments, particularly the Education Minister and the Revenue Minister, I have tried to find a workable solution to this problem, because I attach great importance to respecting the memory of the late Dr Babasaheb Ambedkar; equally, we value the name and traditions of Lord Buddha. I am not a Buddhist myself in the technical sense, but I am not prepared to give up my right to worship Lord Buddha. It is not the monopoly of Buddhists to respect the teachings of Buddha. Every Indian can claim to do that because Lord Buddha stood for great ideals which humanity is trying its best to achieve in different fields. Therefore, we thought it was our duty as well to respect the memory of Lord Buddha and hence we have decided to reserve the particular piece of land on which the stupa stands for donation to a legally constituted body of the Bouddhas. That is the decision at present. Hereafter it is a matter of details.

I must make the point clear as to how much land is being given for the purpose. I wanted to give as much land as possible. That was my attitude, but looking to the needs and requirements of the institution concerned and, at the same time, due to our anxiety to meet the demand of the Buddhists as far as possible, we have decided to give a piece of land admeasuring 3.78 acres. I must give the exact size of

the piece of land which we propose to give. It is nearly four acres. It is quite a sizeable piece of land. In terms of money value, it is said to be of the value of nearly Rs 4 to 5 lakhs, but money does not matter. It is an important valuable land at Nagpur. We have decided that this piece of land will be reserved and handed over to a legally constituted Trust representing Bouddhas, without any prejudice to anybody's claim here. I am not trying to go deeper into this question because it is a matter with which we shall have a talk with the representatives of the Bouddha Maha Sabha. I had an occasion to discuss this problem with the hon. Member Shri Awode as well as with the representatives of the Bouddha Maha Sabha. I would like that there should be some amicable settlement, because, so far, the question of grant of the land was a controversial point. Now that the piece of land has been decided to be granted, let it be accepted in the spirit in which it has been decided to give it. There should not be any bargaining because I have tried to accommodate them as much as possible. Four acres of land is not a small piece of land. I would like to say this. Supposing some educational institutions are established and in course of time, say, in 15 or 20 years, the educational institution still requires further expansion and they need some land, I hope the then future Government will certainly take the spirit in which this piece of land has been given and give further lands to this institution.

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## Nagpur as venue of Legislative Assembly Session

*On 12 August 1960, Shri Y. B. Chavan, Chief Minister, himself moved (MLC Debates, Vol. 1, Part II, July-August 1960, pp. 517-19, 522, 525 and 556-64.) in the House a Resolution which inter alia embodied two clauses, namely, '(a) at least one session of the State Legislature should be held every year at Nagpur, and (b) the Government of Maharashtra should move to Nagpur every year for such period as may be decided by it'. At that time the Opposition Member, Shri B. S. Vyas, proposed two amendments to the Resolution. His first amendment suggested that in clause (b) of the Resolution the words 'but not less than four months in a year' and his second amendment proposed (1) establishment of a permanent sub-secretariat at Nagpur, (2) reorganisation of the city of Nagpur's second seat of the Government of Maharashtra and (3) extension of the jurisdiction of the Nagpur Bench of the Bombay High Court to include Marathwada.*

*Shri Y. B. Chavan, Chief Minister, made a very elaborate and convincing speech on the occasion. At the outset, he told the House that this Resolution was just an embodiment of the particular part of the Nagpur Agreement signed in Nagpur city on 23 September 1953. Regarding the amendment relating to the recognition of the city of Nagpur as the second seat of the Government, Shri Chavan clarified that the idea of holding a Session at Nagpur every year connoted more than that as a result of which the amendment was automatically covered.*

Madam Chairman, I beg to move the following Resolution, namely:

'In view of the long association of the people of Vidarbha with the city of Nagpur as the capital of the former State of Madhya Pradesh and with a view to maintaining the importance of that city, this Council is of the opinion that the following steps be taken, namely:

- (a) at least one Session of the State Legislature should be held

every year at Nagpur, and

(b) the Government of Maharashtra should move to Nagpur every year for such period as may be decided by it.'

Madam Chairman, I am very glad that I am getting an opportunity to fulfil the promises that I made on the floors of both the Houses at the time of the discussion on the Bombay Reorganisation Bill of bringing in a Resolution to fulfil the assurance that was given in the Nagpur Agreement, to which a reference was made in the Policy Statement that I made. This Resolution, Madam Chairman, is in fulfillment of the promise that I made to hold one of the Sessions of this Legislature at Nagpur and to shift the seat of the Government to Nagpur for some specific, definite period in the year. The Government also proposes to enact, inasmuch as it is legally feasible, the other assurances in the Nagpur Agreement but this particular assurance, namely, the assurance of taking the Legislature to one of the cities in the State cannot form the subject of legislation because it is ultimately the responsibility of the Governor to call a Session. Therefore, we are giving it a shape in another form, namely, by adopting a Resolution by both the Houses of this Legislature. When I have said this, I think I have stated categorically the purport of this Resolution, but certainly I would like to take the hon. Members into confidence and let them know the genesis of the assurances and demands that were made.

When the demand for the formation of the linguistic State of Maharashtra was made, some of the thinking leaders of the movement made an effort to see that it took a concrete shape in the form of an agreement in the different regions of the Marathi-speaking areas. Such an effort was embodied in what is known as the Nagpur Agreement, which was signed in Nagpur city itself. It was signed on 23 September 1953, that is, nearly seven years before this agreement was signed and I had the honour to be one of the signatories. It is, really speaking, a great moment for me to stand here on behalf of Maharashtra State to undertake to fulfil one of the assurances, which is a part of the Nagpur Agreement. Article 10 of the Agreement says:

'We realise the long association of the people of Mahavidarbha with Nagpur as a capital of their State.'

The agreement also contains these two assurances, namely:

'Government shall officially shift to Nagpur for a definite period and at least one session of the State Legislature shall be held every year in Nagpur.'

This Resolution is just an embodiment of this particular part of the Agreement. I am sure, by holding such a session in Nagpur, not only the Government, but also the elected representatives of the people of this State will have an opportunity to live in Nagpur, to imbibe and absorb as much as possible the fine atmosphere of Nagpur, the great traditions which are left behind by the great State of Madhya Pradesh and which are certainly useful to us, to know the people of Vidarbha and their aspirations more intimately, and possibly — I am using the word 'possibly' — giving the leaders of the Vidarbha Movement also an opportunity to know us better. That will also afford an opportunity for the State Government to apply its mind more intimately to the problems of the people of Vidarbha. Not only that, but there is also another important factor, and that is the importance of the city of Nagpur. So, naturally, as Nagpur was the capital of an 'A' State in India for more than a century and a half, it has assumed much importance socially, politically and economically. Of course, Nagpur geographically occupies a prominent position in India. I can say that Nagpur is practically the geographical centre of this country and whether it is a capital or ceases to be a capital nobody can do away with its geographical position. And it is not merely the geographical position, because geographical position influences the political importance, the economic and trading and commercial importance but it is also important because the railways pass through Nagpur. It is a very important railway junction. So Nagpur is important, whether it is the capital of a State or not. Even then by going to Nagpur we shall be adding plus value and this plus value we want to add to the importance of Nagpur which is there.

I can say one thing more. It is my humble claim that even though Nagpur has ceased to be the capital of a State, this Government and its predecessor Government, the Bombay Government, did its utmost to help the local civic administration to give more and better facilities to the people of Nagpur. Possibly, political differences might come in the way of accepting this simple fact. But it is a fact and it can be proved as a fact. My only point in making this observation is to assure the people of Vidarbha or Nagpur that we are as keen as anybody else not as political leaders but as people belonging to the State of Maharashtra, to see

that not only the importance of Nagpur is maintained, but also that it is enhanced. It is with that view and in that spirit that this Resolution is brought before this hon. House for its acceptance.

I do not want to anticipate the arguments that may be advanced in support of the amendments that have already been moved. I must wait for them and try to meet them when they come. One of the Points sought to be made through the amendments is that the city of Nagpur should be recognised as the second seat of the Government. I must say that the idea of holding a session at Nagpur, every year, and the moving of the Government to Nagpur for a specific period, every year, connotes more than that and the idea of the amendments is automatically covered. So, I personally feel that that part of the amendment is superfluous. Of course, it is for you, Madam, to decide the superfluity or otherwise. In fact, that really is the purpose for which this Resolution is moved. As I said, I do not want to anticipate the arguments, but I thought that this was an obvious thing which I should make mention of in the beginning, so that possibly the debate will take the proper turn. I would like this debate to be constructive.

I must also make it clear that this is not an attempt to persuade some people or alter their convictions. It is not something like a reply to the movement that has been started recently. This was just an agreement amongst people who had the interests of both areas at heart, and it was arrived at years before these controversies had started. So, I hope no political motive will be attached to or read in this Resolution by those who are holding different views on this issue. This is just the beginning of the great friendship in a common cause of making this great State of Maharashtra still greater. I am sure that this coming together of the people of Vidarbha, Marathwada and the remaining part of Maharashtra in one home is something really magnificent in the history of the Marathi-speaking people and I wish that everybody who has a correct approach to this problem will not only bless this Resolution, but support it in all ways.

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## Vidarbha Bank merged with Apex Bank

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*Discussing the Supplementary Demands. Shri Y. B. Chavan, Chief Minister, declared in his speech a Government decision to amalgamate the Vidarbha Bank with the State Cooperative Apex Bank, and explained (MLC Debates, Vol. 1, Part II, July-August 1960, pp. 660, 664-67.) the delay in taking over the Dhanraj Mills, Bombay, and Narsing Girji Mills, Sholapur, by Government.*

Sir, I do not want to make any remarks or observations about items relating to my departments because the information which really speaking can be given in the form of a speech is contained in the very detailed notes which have been supplied to Members. The explanatory notes may be taken as the basis for discussion.

Mr Chairman, Sir, from the speeches which have been made there arise two or three important points with reference to the Supplementary Demands put before this hon. House.

I would take up first the points made with reference to the Demand "72, Capital Outlay on Industrial Development". Nobody has questioned the wisdom of the provision that is made. Everybody has accepted that it was necessary. The only point is what is going to be the permanent arrangement for the future— whether the Apex Bank for Vidarbha is going to be amalgamated with the Apex Bank for Maharashtra. I can tell this hon. House, in this connection, that only last week the Government took the decision to amalgamate the Vidharbha Apex Bank with the State Apex Bank for Maharashtra. But then during the transitional period the State Government had to take the responsibility. This is the explanation which I can give so far as this point is concerned, which was raised by hon. Members like Shri Yyas and Shri Ogale.

Then the question of the delay in taking over Dhanraj Mills, Bombay, was raised. The mill was closed in 1958 and it was taken over In 1960.



The hon. Member **Shri Bhat** has only defended the Government in this matter. He mentioned the difficulties of obtaining machinery, but the main difficulty was about moving the wheels of the law. We had to move the High Court in the matter. No sooner was it thought necessary that unemployment relief was necessary than we moved the High Court. But then the High Court too had to consider so many aspects of the problem and it is only when the High Court permitted us to take it over that we took it over.

One hon. Member asked why the Government has come forward with a demand for Rs 30 lakhs only and why should not the Government have considered the aspect of taking over other mills in similar circumstances. I do not know whether it was right to raise this point, but since it has been raised, I would not like it to remain unanswered. It is not our desire to take over each and every unit that is closed down or runs into difficulties. We would really like those who are responsible to face the difficulties and find a way out. This Unemployment Relief Scheme under which we take over mills is an emergency scheme to be applied only where there is large-scale unemployment. Otherwise, we would like the economic processes and industrial processes to play their own part.

The hon. Member Shri Deshpande wanted that we should have some sort of a share or ownership in the mills, because it is this element of ownership in the case of industrial units that helps. What really would help is, if we have exclusive ownership.

It is a good opportunity to express my views on this subject. As is known to the House, we first of all took over the Narsing Girji Mills at Sholapur. Then there was no policy as such. It was as a sort of drift. I do not want to conceal my feelings in this matter. We took that step and put ourselves in some sort of drift because it was not the policy to run textile mills. Then we found that it was necessary to have staff to run the textile machinery. We had some experience and one following the other, we took over the second and the third mill, and now we are thinking whether the Government should come out of this drift and take a decision on whether we should have a textile corporation to run such mills. Even then I must tell the House that this is just one more thought in the mind of the Government. It is very difficult to put the textile industry into the public sector. It is a rather very risky industry because there is an element of speculation which controls it,

and there has been an extensive development during the last century or so. It is difficult to take over a few units here and there. For that we shall have to take the textile industry into the public sector. These are all aspects of the question which will have to be carefully considered before we take any decision about it. The financial implications of such a decision will also be enormous. It is not only the question of financial implications but it is also the question of finding competent persons to run this industry. We have very competent officers who can run the administration, but I am not quite so sure if we can ask any of our most competent officers to run a textile mill and they would be able to do it successfully. We were fortunate in getting the co-operation of one or two very experienced businessmen to run successfully the mills we took over. This is incidentally the information which I thought I should give to this hon. House when some hon. Members raised this point and wanted to know the Government's mind in the matter. And I can say that if Government takes any decision on this subject we shall come before this hon. House and explain the financial and other implications of it.

There was one more point mentioned by the hon. Member Shri Bhat, namely, giving a statement of account and reports of the administration in regard to the mills taken over by the Government to the House for its information. As things stand at present, I do not think it proper to burden this hon. House with all this information. It at all we have a corporation to run these units then it will be a different matter. I should like to be frank in saying that we do not propose to do it at present.

Then I come to the Supplementary Demand under Police, and particularly to the case of one sub-inspector, Shri T. G. Mehre. This is a matter in which there were suits and counter-suits and appeals and second appeals, and the case extends to a period of at least the past 18 years. I do not want to go into the details of the case because they are very well stated in the note which has been supplied to this hon. House. Sometimes very wrong conclusions are reached only because the court says that such an order is void, illegal and inoperative. Not only here but also in certain other departments also there are cases where in spite of the decision of the court departmental action is taken on the merits of the case. Many times as the hon. Member Shri Vyas and others who have a knowledge of court procedure know, on technical grounds, cases are thrown out and even then in such cases many a time we resort to departmental proceedings. Specially in cases of corruption,

many people get acquitted on technical grounds, and so we do have to take resort to departmental proceedings, for otherwise corruption would get a premium. When we get before us sufficient material to feel morally convinced that there is an element of corruption in a case, if we do not punish the person or persons concerned, I do not know how we would be able to fight the evil. Of course, when I say this I am not commenting on this particular case, but I must tell the House that every time we take action in such cases we do so in consultation with our Legal Adviser. If I do not do as advised by our Legal Adviser, I may be asked in the House why I did not follow his advice. So, these are some of the inevitables in the administration. But I should certainly bring one fact to the notice of the House, and that is, that whenever 'such cases end in acquittal, or such suits are decided against the Government, it is news; it is published in the press. Therefore, there is a general impression that most of the Government cases are decided against the Government. But, Sir, that is not true. I personally went into the matter and found that at the most one or two per cent of the cases are decided against the Government (Interruption). That is why I am giving this information to the House. Therefore, hon. Members need not have such a wrong impression about this matter. In some cases the courts accept some case law and in some cases a new principle is accepted by the courts, but such occurrences are exceptional cases. Sir, we are taking very great care in this matter. Different officers are appointed for the different areas. When we appoint such enquiry officers we take into consideration whether they have adequate background, whether they are sufficiently equipped with case law etc. We also try to be up-to-date in this matter. In certain cases we are commented upon by courts, but it is their authority to do so, and we take serious notice of it and try to improve matters if there is any imperfection on our side. I do not think any further explanation is necessary, but I would like to add that if a case is decided against the Government and the person concerned is acquitted, it is not that nothing should be done against the person. There are certain proceedings allowed by the law itself, which can be taken against the person concerned, and we take resort to them to punish the person concerned for his wrong acts.

The only other point that remains to be explained was about the demand for jails. Really speaking, what additional information is wanted by the hon. Member. But one thing he said was how was the expenditure

met and what was the assessment of the work done so far? But I do not think the assessment can be done unless we proceed further. It is premature to make the assessment, but I have no doubt in my mind that the approach to the problem is a sound approach, and I do not think the hon. Member Shri Vyas will have any differences with the Government on this score. It is not enough to treat a prisoner only while he is in jail from the point of view of his reformation, but it is also necessary to follow it up even after his release, because prisoners are given training for certain occupations in jails and therefore we are trying to follow it up even after their release from jail by providing them some opportunities and facilities to pursue those occupations after their release. This is an experiment, and I cannot say that this experiment will immediately provide us with the necessary material. That is all that I have to say, Sir, by way of explanation.

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## Third Five-Year Plan

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*A discussion was initiated (MLC Debates, Vol. 1, Part II, July-August 1960, pp. 835-41.) by Shri Y. B. Chavan, Chief Minister, on the Third Five-year Plan of Maharashtra State which included schemes of public health, all types of education including technical education, transport, power and economic development.*

Mr Chairman, Sir, with your permission, I would just like to intervene, at this stage, in the debate because I may not be able to attend this House to give a reply to the debate at the end of the day, however much I would like to do so. My hon. Colleague, the Deputy Minister for Planning and Industries, will reply to the debate. Although I could not remain present in the House for all the time I have got some of the points made by some hon. Members during the course of the discussion yesterday and in the course of today's discussion so far. I have had the pleasure of listening to some three or four speeches from the Opposition which can be considered as representative of different parties, and I just thought I should reply to some of the points made in the course of the debate so far.

I see that there is one very unfortunate misunderstanding which has been created by my speech here yesterday. That misunderstanding is perhaps the result of my imperfect expression or incorrect appreciation of the approach to problems of planning. When I said that in the hierarchy of priorities the social services should stand down I did not mean that social services have no importance. I did not want to belittle their importance. As a matter of fact, the entire objective of planning is to reach a stage where we shall have nothing but social services. Yesterday I claimed that planning is a strategy for economic development and for certain social objectives. The hon. Member Shri Ogale, when he referred to my definition, very conveniently forgot the latter part of it. These social objectives are mentioned in the tasks themselves and Nos. (iv)

and (v) constitute die epitome of all the social objectives of a Welfare State. So, I submit that social services and social education are a part of it. As I explained, if at all I can give a bias to any particular thing I would like that bias to be for education rather than for anything else. There is no doubt about it. But that would be wishful thinking. But here we are to prepare something concrete. The hon. Member Shri Ogale suggested that I should not lose sight of the effects of the Plans. Certainly, I shall not, nor can I afford to do that, because it is for these effects or it is only because of its fruits that we want to plant a tree. But, Sir, if we merely keep the fruit before our eyes and do not plant a tree, what will happen? So, when I say that we should give priority to economic development and that social services may come later, I mean thereby that social services will flow out of economic development, not otherwise.

Here, Sir, we are considering the problem of the process of planning and the process of planning is a growth. The second plan flowed from the first and the third plan will be an extension of the second. This is how our Prime Minister has put it and this is what the process of planning is. Similarly, the fourth and the fifth plans will flow from the previous plans. It will be a continuous flow— for a growth. It is a process. If we merely go on thinking in terms of having results first, we shall never reach those results. It is in this particular sense that I said that social services come next.

Sir, I was quoted as saying that if we get Rs 890 crores we shall be glad to distribute sugar from the back of an elephant. I said that just to show that it was a sort of exaggerated demand. Let us be realistic about it. Of course, I am not pessimistic about it. But when we have to make a demand we have to be realistic. We have to sit in the assembly of the different States and there we have to make the demand. In the Lower House I read out one particular sentence which I did not read here. But I can read it now because that sentence makes the approach of the State very clear. I invite the attention of hon. Members to paragraph 6 of the 'Approach to the Third Five-Year Plan,' wherein we come across the following sentences:

'The Study Groups appointed by the Government were entrusted with the task of formulating the plan on this basis.'

Then comes the sentence which is very, very important:

While they have taken note of the limitation of resources, their

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approach has been based essentially on the principle that what is physically practicable in the sphere of economic development and what is the minimum necessary in the matter of social services, should be made financially practicable.

They have not started with what is financially practicable, because that was not their consideration. They started with what should be the minimum in the field of social services, and what would be physically practicable in the sphere of economic development. What they say is these are physically possible financial targets under consideration. When we sit down for formulating specific plans, unfortunately, we shall have to begin considering what is financially practicable. That is why I said that I would be required to go on the top of an elephant. I am not saying that this is not possible, but that it is rather difficult to start with, that it is rather too optimistic a view, or that it is rather a thing which we should certainly hope for, though it will be very difficult to achieve. I merely wanted to point out the difficulty of our starting with that target. Therefore, I do not want to be misunderstood on this point. I do not want it to be said that I do not attach more importance to education. Sir, education is possibly the most important; it is possible that education will make or unmake this country, or rather, it will make or unmake the plan itself. Sir, may I point out that a certain part of education is not a part of social services, but that it is a part of economic overheads? Even technically speaking, from the point of view of what the economists call the infrastructure of economic development, they include in such infrastructure even public health, all types of education, including technical education, transport and I power. If we want to have a very efficient economic machinery to function, then that efficiency will not be had without proper education. So, I would assure my hon. Friend opposite that he need not be worried about it. He need not feel worried that social services will be neglected. What I was trying to emphasise was that we shall have to consider economic problems in their proper perspective. Now, what is that proper perspective? It is that our present emphasis is on our economic growth.

Now, the next very important question that arises is, for what purpose is this economic growth? For what social objectives? I am absolutely clear in my mind. If at all we are going to create more wealth in this country, it should not be monopolised by a few hands. I should not be interested in our economic growth if the wealth created gets concentrated in a few

hands. When we want to have economic growth in our country, it should be so pursued that everybody in our country feels and makes it his own economic growth. Otherwise, economic growth has no attraction for me.

When I say that there should be national economic growth it means that it should be the result of the efforts of all those who are working in the field of production (Interruption). They are not merely mill owners; they are also workers in factories; workers in fields and all the other workers in different activities. I say that the people must feel that it is their own growth. That is the social objective of the plan that we have undertaken in this country. Otherwise it is not a planned development. It was so in the first few phases of the industrial development in other countries a century or so ago. Planning on the scale and in the manner in which it is being implemented in the present times is of recent origin. It is only after the first world war that the term planning came into use in the various countries. It was first started in the Communist countries. They wanted to achieve in a matter of decades what other countries could achieve in centuries, and I must say that some countries did succeed in that effort, particularly Russia during the regime of Mr Stalin. That is one way of planning. But we are not following that method of development in this country in this country we are following that method of development, that strategy of development, that system of planning, which is known as the democratic method. I personally feel that we are having planning in this country at a time of its history which is really speaking very important for the future of our democracy. Many things have happened in the history of this country, and the planning that we are now having on democratic lines is another historical incident that will promote our economic growth. If we succeed in our efforts, and I am sure we shall, we can proclaim to the world and to humanity that for achieving economic growth humanity need not lose its values of life. The pace may be little slower but we want to make it surer. It is not merely an effort at economic growth, but it is an effort also at economic growth with certain social objectives, and those social objectives have been made known. It is creating a Welfare State, a socialistic pattern of society. We want to have in this country a socialism of our own pattern. That would be the Indian pattern of socialism, the Indian way of the economic development of the country. Some people in our country have



learnt only about the socialism that has grown in some of the western countries. I am sure in this country we shall succeed in our own way. Sir, I may be excused for this little diversion; I should not have had recourse to it, but my hon. Friend opposite forced me to do so (Interruption). Sir, I do not think I need spend my valuable time in answering such points.

Sir, I would like to assure my hon. Friends, Shri Harris, Shri Deshpande and Shri Ogale that in this State the cause of education will not be allowed to suffer.

Not only that, but also we want to create conditions where under people will be intelligent partners in the planning itself. That can happen only if we place sufficient emphasis on education. When I said that we should give priority to economic development, there was no intention to allow the cause of education to suffer. I was merely trying to emphasise the process of economic development for which we cannot afford to forget the importance of giving priorities to those programmes which ultimately give us economic strength and pursue a policy of providing more and more social services.

I must say here that I beg to differ from the hon. Member Shri Harris again, as I said in the Lower House that I would beg to differ from my hon. Friend Shri S. M. Joshi on the subject of prohibition. I am, however, glad that we are not alone in this matter. I have found that some other parties of the Opposition in the Lower House have expressed their support to the programme of prohibition. Having lived with working-class families in Bombay, I know how life was in a working-class family before prohibition and what it is now.

Some people ask me whether it is not a fact that there is more illicit distillation in the city of Bombay. I cannot deny that, but I know one thing for certain that prohibition has brought a certain measure of happiness and economic stability in the family life of the working classes, and having lived with the working-class families of Bombay for about 20 or 30 years, I know the life which a worker in the city of Bombay is living today; those who have not lived with the working classes do not know what difference prohibition has made in their lives. Unfortunately, they still talk in the name of the working classes. know that those who are nearer to the working classes will realise what blessings prohibition has brought to them.

There are some people who still take a delight in talking about the quality of drink; they say that only because people do not get good wine or liquor, they are taking bad liquor and thus spoiling their health. Those who choose to drink bad liquor, let them fill themselves with it. I am not worried about this type of people. I am not looking at this problem from a moral point of view. My emphasis is not on that. Prohibition has its economic aspects; it has its social aspects also. That is more important. The State is looking at this problem from these aspects. Prohibition will also help those who want to help themselves. There are some people who never want to help themselves. Neither a Congress Government, nor any other Party Government, for the matter of that, will be able to help those people who would never like to take good lessons for their own welfare and happiness.

I agree that the enquiry which the Prime Minister has mentioned in the Lok Sabha is certainly very essential because, when we say that we are planning for economic development, for certain social objectives, it will be our duty to be constantly vigilant to see whether these social objectives are being achieved or not. It is not enough that I come here and say that this is being done. It will be necessary for this hon. House, for the people in general and for everybody who believes in this type of thing to see whether, really speaking, we are achieving the objectives that we have in mind, not merely the physical targets, not merely the expenditure targets, but also targets in terms of social objectives. Therefore, an enquiry will be necessary. It is a legitimate and relevant question, and whatever the increase in our national income we have to see that it is not concentrated in the hands of a few, and does not result in only making the rich richer. That will have to be constantly guarded against. Therefore, such an enquiry is necessary, not only once but many times; there should be some sort of machinery which will continuously watch this process. If it comes to that, I would personally advocate for such a machinery in this country; otherwise planning will not be the planning of our dreams. Planning is not merely a sort of fixation of priorities for investment nor is it resorted to just for the sake of growing more wealth. That is not so, but that will have to be done if we want to have better social objectives and better living conditions. So far as wealth is concerned, how to distribute it is a matter of social objective which can take care of itself. We are vigilant about it.

Then there are other suggestions about 'may' and 'shall' in the matter

of co-operative farming. It was said that for power projects we shall have 'shall'; and for co-operative farming we shall have 'may'.

Those who ask me to put 'shall' for power projects do not believe in co-operative farming, but they believe in collective farming. That is why they are asking me to put 'shall' there. We do feel that to have a better type of agricultural organisation in this country, we shall have to pool together land for some sort of co-operative farming. I agree with them but what is the method of reaching that co-operative farming, is it through 'will' or 'may'? There is a difference in approach; whether there shall be compulsory co-operation or voluntary co-operation? We believe in voluntary cooperation in this matter and that is why 'shall' and 'may' are there. Sir, I do not want to take more time of this House to explain this point further, but would only add that I have no doubt in my mind that the reorganisation of the agricultural sector with a view to increasing agricultural production, will be successful only when we introduce this element of co-operation to a large extent. There is no doubt about it, but here comes the basic question of our planning.. We want to do planning through the democratic method. Therefore, how can we compel people to have collective farming? I cannot compel anybody else to take education in a particular way. Here there are people who do not want to stop drinking liquor when they are forced to do so and say 'what is this prohibition for?' Then I know that those people who say this are those who believe in democratic values, are people who, really speaking, are as democratic as I claim to be, but even then they feel that there is some sort of compulsion in prohibition. In this country people cannot afford to take this sort of attitude on compulsion and it is this factor which distinguishes the method of planning from the methods of planning resorted to in other countries with which, on this point, we have got serious differences.

I have tried to explain one or two points. I have no doubt about one point, that planning will be successful only if we succeed in holding the price line, and I do share the fear that was expressed by my hon. Friends on this matter. What would be the effective method of holding the price line is a complex problem. It will require careful study and some definite line of action will have to be evolved if at all we want to succeed in holding the price line.

About the good wishes etc. expressed here, I do not think I need say

anything in reply. They were fine sentiments. I would only add that I share their sentiments about the distribution of land, etc. I share their sentiments, and I have no doubt that, if at all we want to succeed in our Third Five-Year Plan, we shall have to constantly keep before our eyes the targets both financial and physical and try our best to reach them. We shall have to move with the confidence that whatever targets we keep before our eyes we shall try to reach them. It is this confidence alone that will help us to achieve our goal and to make our plan quite realistic.

I am sure that the discussions which are taking place here will certainly be useful for the Government to finalise the plan which is going to be our third plan.

I am just reminded of one point which had escaped my notice and that is about the city of Bombay to which reference was made by the hon. Member Shri Harris. He was right in saying that most of us come from a small place about which we may care. That is quite true, but we shall never forget the city of Bombay to which we come from various small places. He said that we should not lose sight of the claims of Bombay city and of the people living here. We shall not do it. Even in this plan we have said that the particular aspects of the economic development of the city of Bombay will certainly be taken care of. At the same time, the Corporation must not forget that it is in the main the responsibility of the Corporation to look after the social welfare problems of this city. That is, really speaking, the reason why the Bombay Municipal Corporation exists. Certainly in basic and fundamental matters where certain large investments are necessary for basic developments or economic activities in Bombay city, this State will go to the help of the Corporation, as it should go. Apart from this, even in matters like education and public health the State Government is sharing the responsibility of the Corporation and will continue to do it. I have no doubt that the city of Bombay is strategically a very important place because it is the capital city of this State. How can this State forget its own capital? It will not forget it. The hon. Member Shri Harris was right in emphasising that this plan has taken a notice of a very important aspect of the development of the city of Bombay. I want to renew the assurance both to the people of the of Bombay and the Corporation. Thank you, Sir.

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## Bombay Public Service Commission

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*While discussing the Annual Report of the Bombay Public Service Commission for the year 1958-59 in the Council, many Opposition Members raised some points to which Shri Chavan, Chief Minister, replied as follows: (MLC Debates, Vol. 7, Part II, February 1961, pp. 175-78.)*

Sir, I shall be very brief in my reply because most of the points that were raised by some hon. Members on the other side were replied to by some other hon. Members on the same side. For instance some of the points by the hon. Member Shri Vyas were replied to by the hon. Member Shri Deshpande, and I must thank him for that. The most important point that was raised during the course of the discussion was how to attract the best talent to Government service. I think it is a basic question that was raised and I listened with great interest to the discussions thereon. One of the solutions suggested was that pay scales should be increased. Superficially it may appear to be a solution, but the capacity of the Government to compete with the private sector is limited because the private sector has immense capacity to compete with the Government in this matter. To me, the solution seems to lie in two ways. First, by creating the necessary ideological attitude in the Government servants; secondly, to reduce the capacity of the private sector to compete.

Sir, I am only thinking aloud. I find even now that the best of the people who are in Government service are in, the higher services. They have great temptations outside, but I know that many brilliant young men who are in Government service are resisting that temptation. I may tell my hon. Friend Shri Deshpande that it would be wrong to be even philosophically pessimistic about it because there are many intelligent and brilliant persons who are continuing in Government service and are

resisting the temptation to join the private sector. I have no doubt that some of the best work that is done in the Government field is entirely due to the fine team of young people that we have with us. So, I am not pessimistic about it. Even in the private sector I find that the foreign firms are the best competitors. I do not think I need discuss the matter further. A large number of young men sometimes come to me and ask me if I can give them a chit of recommendation, say, for employment in the Standard Vacuum Oil Company's office and if they can mention my name as a referee and so on and so forth, and, as a human being as everyone of you would do I believe, I sometimes say to them, 'Well, you may do that and see if it brings you good luck'. When a brilliant person sees somebody earning much more than he and asks, 'so and so is earning so much, why shouldn't I? It is something that is quite natural. But when we are taking more and more responsibilities in the public sector, if we do not get really brilliant and efficient officers to run the administration in the public sector, I do not think we have a good future and this is really a question for our national leaders, for all governments and national authorities to consider. There is this aspect of the question also, that some of our best trained people come back to India but they think that they should go out of India and serve there. I have experience, of both. I know of many persons who had very good offers in America, for example, but they sacrificed and have continued to remain in Government service. Then there are some people who want to come back to India and serve here but they cannot get jobs suitable to their qualifications. I know the case of one young person coming from a poor peasant's family in Satara district and who with some people's help went for higher agricultural education. He got a degree and he really wanted to serve. When he returned from abroad he said to me. I have come back. Give me a job suitable to my qualifications.' I tried but failed. The only thing I could do then was to ask him to go back to America. That was the only right thing he could do and he is serving there in America. I feel that when our young boys are advised to go for higher technical education, they are not properly advised. A person who takes higher technical education in agricultural farming in America when he comes back finds that there are no tractors or no high chemical fertilisers used in the type of agriculture that is practiced in our country today. His knowledge and experience of these things is of no use under our present agricultural conditions. We must try, therefore, to have that type of technical education which can be profitably made use of in our

own economic conditions. That also requires some sort of planning and I am glad to inform the House that we raised this question in the National Development Council and they are also applying their minds to this question, and I hope that, in course of time, some solution will be found to this problem.

The other criticism was about the exclusion of certain posts from the purview of the Public Service Commission. I must say that this is not done at the mere sweet will of the Government. It has always been done in consultation with the Public Service Commission. Whatever discretion we may have the Public Service Commission is very careful to watch how we are using it. That is special recruitment.

Particular reference was made to the appointment of the Deputy Director of Small Savings. I can assure the hon. Member Shri Deshpande that so far as this post is concerned, it will be co-existent or co-terminus with the period of this Government. It is meant for carrying out a particular programme and we wanted to take up a particular person who can give us better results. He would be a temporary employee.

About other posts even though they are excluded from the purview of the Public Service Commission, the persons selected by the Government, after selection, would be subject to the general supervision of the Commission. That is my understanding of the position.

I do not think there is any other thing which needs to be mentioned in reply to what was said. Some of the suggestions made will certainly be noted and we will certainly make use of them and bring them to the notice of the Commission if necessary.

About the standard of students I may say that it is a very general question and I share the criticism that was made. I entirely agree with some of the points made here and the general standard of students as reflected in these examinations seems rather disappointing. There is no doubt about that. We will certainly try to bring these comments to the notice of the Education Department, which I think, in its turn will bring it to the notice of the institutions concerned.

As regards the delay in the publication of the Report, as far as we are concerned, we not only immediately publish the Report but also bring it before the House also. But the Public Service Commission takes a long time. They have to prepare the Report with meticulous care; it

is not just a collection of factual information. They have to analyse the results of tests, examinations and other things. That takes time. Even so I agree that the normal rule of publishing the administration report of a year in its following year should be followed. However, I will bring the criticism made on the floor of the House to the notice of the Public Service Commission.

It is for the Public Service Commission to do the needful in the matter. On such matters I do not undertake to advise the Public Service Commission. It is very unfortunate that the applications of the candidates who applied at that time were not entertained. It is their bad luck. We are all sorry for it. That is all that I can say, Sir.



# 100

## Disturbances in Nagpur

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*On 13 April 1961, Shri Y. B. Chavan, Chief Minister, made (MLC Debates, Vol. 3, Part II, April 1961, pp. 775-76.) a statement regarding the disturbances at Nagpur on 30 and 31 March 1961 in the Council. He said that on 30 March 1961 the Nagpur Congress Committee had decided to celebrate the birthday of the Chief Minister. The Nag-Vidarbha Andolan Samiti had protested against the celebration and made virulent propaganda. Therefore, the District Magistrate thought that there would be a breach of peace and issued prohibitory orders banning inter alia processions and meetings. However, the District Magistrate, Nagpur, allowed the Nag-Vidarbha Samiti to hold a meeting. While returning from the meeting, the police had to make a mild lathi-charge to disperse the turbulent processionists. He defended the police firing saying that to quell the disturbances the police had to resort to firing and a lathi-charge. He placed the whole account of the disturbances before the House.*

The Nagpur Congress Committee had decided to celebrate the forty-eighth birthday of the Chief Minister, on 30 March 1961, on the Patwardhan Grounds, Nagpur. Earlier, the Nag-Vidarbha Andolan Samiti had declared its intention to take out a procession to register a protest against these celebrations. In view of the virulent propaganda carried on by the Samiti, it was apprehended that there would be a breach of the peace. For the preservation of public order, therefore, the District Magistrate, Nagpur, issued a prohibitory order under sub-sections (1) and (3) of section 37 of the Bombay Police Act, 1951, banning inter alia processions and meetings (except with the permission of the District Magistrate) in Nagpur city for the period from 29 March 1951 to 1 April 1961. The City Nag-Vidarbha Andolan Samiti applied to the District Magistrate, Nagpur, to allow them to hold a parallel protest meeting, on 30 March 1961, at the Bharat Mata Chowk. The District Magistrate granted the necessary permission. Accordingly, a meeting was held by the city Nag-Vidarbha Andolan Samiti at the Bharat Mata Chowk, at 3 p.m. on

30 March 1961. The meeting was addressed by Sarvashri V.S. Dandekar, Rajabhau Dangre, T. G. Deshmukh and Harikisan Agarwal. They exhorted the audience to proceed in a procession towards Sitabuldi. Accordingly, after the meeting was over, a procession of 4,000 persons started from the Bharat Mata Chowk. In the mean time, the police shorthand reporter present at the meeting was manhandled by certain persons. Photos of the Chief Minister were torn and burnt. The procession which started from the Bharat Mata Chowk had a bhajan party and carried a palkhi, which contained a photo of the Chief Minister, shoes, chappals, a broom, black flags and a placard bearing the slogan "Nag-Vidarbha Zindabad". When the procession reached Badkas Chowk, a police officer warned the processionists through a loud-speaker that the procession was illegal, being in contravention of the ban on processions imposed by the District Magistrate, and that they should disperse peacefully. The warning had no effect and the police had to make a mild lathi charge to disperse the processionists. Whereupon the processionists stoned the police, injuring several of them. This was a signal for the disturbances which followed thereafter on 30 and 31 March 1961.

On these two days, violent mobs attacked the Mahal Post Office, the Town Hall, the Shivraj Litho Works, the Maharashtra Press, the City Post Office, and the Tahsil Police Station. They set on fire (1) the motor garage of the City Superintendent (2) a hut adjacent to the 'Shivraj Litho Works' (3) Police Chowkey No. 9, (4) the Police Residential Colony at Itwari, (5) the Corporation's warehouse in Maskasath and (6) the Dilip Printing Press on Nikalas Mandir Road. They also broke street lights on Ruikar Road, and burnt telephone booths. Damage was also caused to the Gandhi Sagar Garden, and the wooden fencing around the trees was set on fire. A bicycle belonging to a police constable was snatched. Electric cables were set on fire near the Chandak Company. Damage to the extent of about Rs 1,95,000 was caused to private property and of about Rs 27,000 to public property.

To quell the disturbances, the police had to resort to firing on five occasions, to lathi charges on seventeen occasions and to tear-gassing on eleven occasions. The police resorted to firing in self-defence and for the protection of property against violent mobs bent on loot or arson. The fury of the rioters attack can be gauged from the fact that 66 police personnel were injured including 1 Deputy Superintendent of Police and 7 Sub-Inspectors. One of the policemen was seriously injured in the eye

region. The police opened fire once on 30 March 1961 and four times on 31 March 1961. In all, they fired 21 rounds, The firing on 30 March 1961 took place near the bonded ware house belonging to the Municipal Corporation in the Maskasath area, where the rioters stoned the police party heavily for two hours, injuring 12 out of the 15 policemen on duty there, and set fire to the warehouse. One person named Raghunath Doma Teli was injured in this firing and died in hospital later. On 31 March 1961 the police had to open fire twice near the same spot as violent mobs tried to set the corporation warehouse on fire. The third police firing on that day took place near the City Post Office, where an armed guard had to fire three rounds in the air as a hostile mob stoned the City Post Office heavily with the intention of setting it on fire and looting it. The fourth occasion on which the police opened fire was when a patrolling police party was moving between Bharat Mata Chowk and Maskasath. Three rounds were fired in the air as the police party were surrounded by a violent mob, which resorted to stone-throwing, injuring Several Members of the police party.

In all, 34 persons were injured of whom 1 died in hospital. Of the 34 injured persons, (a) 9 were injured in the police firing, (b) 2 were injured by tear gas shells, and (c) the remaining 23 were injured by lathi charges.

In all, 134 persons were arrested and are being proceeded against.

When the Nagpur Congress Committee was celebrating something good for me, I thought others had a right to condemn me if they so chose. On that day, there was a strength of 1,800 police at the disposal of the authorities. Out of them, actually 100 were utilised for the protection of the people at the time of the birthday Celebrations, and the remaining 1,400 policemen were trying to control the disturbance and the police officers were moving from place to place. It is wrong to say that no police officer was posted at the Warehouse. Every police officer was in charge of a certain area. He cannot sit like a lamppost at one place but has to move about.

# 101

## Rectifying defects in Public Service Commission

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*Shri Y. B. Chavan, Chief Minister, presented (MLC Debates, Vol. 7, Part II, June 1962, pp. 121, 129 and 138-44.) to the Council the Annual Report of the Bombay Public Service Commission for the year 1959-60, and assured the House that the Government would take steps to remove certain defects and shortcomings in procedural matters. He also agreed that there should be some sort of coaching for students sitting for examinations held by the Commission. Shri Chavan also stated that it was the Government's policy to accommodate Backward Classes and other communities by giving them concessions in age but not in quality.*

Sir, I beg to move that the Annual Report of the Bombay Public Service Commission for the year 1959-60 be taken into consideration.

Sir, in every case the Government is supposed to give a detailed report, and if any information is wanted on any case, the report is there. I may mention here that Government invariably accepts the recommendation of the Commission on any major question. There was only one solitary case when the Government did not agree with the recommendation made for which an explanation has been given.

In many cases references have to be made and they take a lot of time. Sometimes a permanent appointment has to be extended and it is a longish procedure. Sometimes, the Public Service Commission itself is not in a position to recruit a person in time. These irregularities sometimes arise out of certain conditions which are beyond the control of the Public Service Commission and the State Government. I may inform the House, Sir, that very recently the Chief Secretary and the Secretaries met together in a conference and tried to find out some way of overcoming these difficulties.

Mr Chairman, Sir, the discussion on the report was very interesting and useful from many points of view. Some of the points discussed

are important in the sense that they spotlight certain defects and shortcomings in procedural matters and whenever Government feels that there is scope for removing them, it will make efforts to do so. But at the same time, I should also say that, in spite of the best efforts of the Government, they just go on occurring because certain posts are required to be filled in by the Government till Public Service Commission candidates become available, and the Commission has to go through a long procedure to recommend suitable candidates because it has first to advertise posts, then hold tests and then recommend suitable candidates. All this procedure takes a long time. But certainly there are some cases, as have been pointed out by the Public Service Commission in its report, and which were referred to by my hon. Friend opposite, Shri Harris, which could have been avoided. I can assure the House that the Government will take the utmost care to see that they are not repeated. We can only make the best efforts in that direction.

Now, Sir, a point was made that the discussion on this report has been delayed. I find that in the case of this particular report there has been no delay. The report was received by the Government some time in August 1961. Naturally the department concerned took some time to examine the report. The examination of the report by the Department was over on 28 November 1961. In the short Session in March last it was not possible to have a discussion on this report because the Legislature Secretariat was not in a position to place this report for discussion during that session. Therefore, I can only say that there was no intention, on the part of the Government to delay discussion on the report. One may also ask why there was a delay on the part of the Commission in submitting the report. Well, the Commission had its own difficulties because of the bifurcation, and the report relates to a period prior to the bifurcation.

As regards the competency of the candidates who take in the Public Service Commission tests, I remember that when we discussed a similar report in this House, a similar suggestion was made, and I can point out for the information of the House that we have acted on the suggestion. Copies of the debates have been sent to the S. S. C. E. Board and the university authorities and I do not know what serious steps have been taken by them. Possibly it is not that they are not aware of it. Possibly, they might have also found funny replies to which my hon. Friend just referred in the general knowledge tests. But if we look at them from

a sense of humour, and as an artist we try to look at things and at the answers given by the candidates, we see some significant meaning in them. I do not want to take any sides, but if I may express my personal view, it is not enough that we merely depend upon university examinations; it is necessary that there be some sort of coaching for students sitting for such examinations held by the Commission. It is noticed that students sometimes do not fare well in interviews. It has many angles. Sometimes, candidates do not know how to face a question. From the mannerisms and other things it is possible to judge the social strata to which one belongs. So, some sort of coaching is certainly necessary and this matter will have to be considered not by the Government because I do not think the Government can do any such thing but by the universities, because a university is an organisation or a body which is supposed to supply competent people, not only in the field of services but also in other walks of life. So, possibly, universities and other educational bodies might take up this question. It is now recognised that for candidates taking examinations for Military Commissions, some training and coaching is necessary; and wherever special efforts in this direction are made we get very good results. So it might be worthwhile for those who are interested in this problem to frame schemes and help those who desire or want to enter public services.

I entirely agree with the view expressed by the hon. Member, Shri Deshpande on the view expressed by the hon. Members, Shri Vyas, which I shall say, is a legitimate view but not a just view. The hon. Member Shri Vyas, pointing out the percentages of marks required at the examination by a candidate belonging to the Backward Classes and other communities, asked how with these different standards, there being lower standards in the case of Backward Classes, the quality of the services can be maintained. Because in the case of non-Backward Classes we are likely to get more and more competent candidates the standard is kept a little high, and we just try to select good and competent persons. In the case of the Backward Classes we try to give them some concessions, and I think it is the right thing to do. Personally, I feel that even these concessions are ineffective, and, as some hon. Members might be aware, the Government has appointed a committee under the Chairmanship of **Shri B. D. Deshmukh**, who has submitted this report of the Commission to go into the problem so that these concessions are effective and Backward Class candidates or Scheduled Caste candidates

are available for posts earmarked for them. The fact is that in spite of concessions, we are near about the percentage fixed for Class IV, but definitely the percentages have not been reached in respect of Class III, Class II and Class I services. We have not been able to fulfil the percentages fixed in these services and it is not a happy state of affairs. Really speaking, it is a question of how to create conditions so that the reservations could be made effective. I quite understand that only competent persons should be entrusted with important work. Somebody referred to Panshet Dam, an engineering work of a complicated nature. Such works are never entrusted to persons recently recruited. They are always given to persons who are experienced enough and who, in the course of years of service, have been found to be competent to take up such work. I wish to make it clear that reservations or such other concessions can be reasonably considered only at the stage of recruitment. When the question of promotion comes there cannot be a distinction between officers of Backward Classes and non-Backward Classes. At the time of promotion a person who was not competent at the time of recruitment may, by experience, have developed into a very competent officer. Examinations cannot be the final or ultimate test of a person's ability or capacity. By experience a person can turn into a competent, capable and effective officer. And, in course of time, if he becomes eligible for promotions, why should he not get them? Giving concessions at the recruitment stage does a measure of social justice but it does not necessarily mean that it also lowers the efficiency of the services. Ultimately the administration is for the people and there is some social aspect in the administration. People have got to feel that it is their own administration and on the capacity of the administration to create such a feeling depends a great deal of the efficiency of the administration. Once we accept this and if we succeed in giving this feeling to the entire society that there are people who can give the feeling to them that it is their own administration, I am sure the efficiency is not likely to suffer, but on the contrary, it will increase.

Somebody, I believe it was the hon. Member Shri Vyas, suggested that, when filling up new vacancies, we should give more salary or higher scales. I am glad he has come out with that suggestion and hope that he would support the taxation proposals. If we accept the position that unless there are higher pay-scales there may not be efficiency, it would lead to a sort of vicious circle. I can say, that the pay-scales of

various categories of services are, in most cases comparable to similar services outside. There may be an exception here and there. But merely giving higher pay-scales is not enough. Even there is a limit to paying higher scales. As far as technical services are concerned I remember I made the point in this hon. House last time when discussing a similar report that the real difficulty is that the private sector is competing in this field with the public sector. The pay-scale that an Engineer gets in a contractor's firm or the income that a medical practitioner gets by private practice is more than a Corporation or Government can offer for similar service.

The Government of India scales are higher, their dearness allowance is higher and as they go ahead we have to follow suit, whether we have the resources for the purpose or not. So, I do not think merely raising the pay-scales is a very wise solution to that problem. That will lead to an unending competition. We have to cry a halt somewhere. The administration's capacity to pay its services depends upon its capacity to collect money by way of taxes which again depends upon so many other factors. Just to attract enough Government employees of the right type we go on increasing the pay-scales, it will ultimately lead us into a difficulty. No doubt the problem is there, but I do not think we can offer a solution in the shape of higher pay-scales. In a number of cases, we notice that candidates are not coming forward to seek employment. I can tell you that particularly in the rural areas medical men are difficult to get. Not that there are no medical graduates. Not that we are not increasing facilities for medical education. The Government is spending money for this purpose, but in spite of it we find that a large number of medical practitioners ultimately go to such areas as are profitable to them. It is an individual career which naturally has its own place. We cannot just ignore it. So, it is a problem for which no simple solution can be just had. I think it will have to be examined from that point of view.

Some hon. Member — I think it was Shri Agarwal — made a reference to page 4 of the report and he wanted to know why the functions of the Commission are not brought to the notice of the House. If the hon. Member so wants they could be made available to him.

Then, Sir, there was a reference to page 5, paragraph 5(d) of the report, relating to part-time professors. The point made was that, when the Chief Justice was the Chairman of the Board of Visitors, Government had made an exception and allowed these posts to be filled in by the



Board itself. Even now, even though the Chief Justice is not the President of the Board of Visitors, the Advocate General is the President of the Board. That only means that people who are competent to examine and test the competence of part-time professors are appointed on the Board.

The Board of Visitors later made a recommendation that the appointment of part-time professors should be made by the Board itself. The Board did not make this recommendation because the Chief Justice was its President. They made this recommendation because they felt that since they were the people who were in touch with the day-to-day judicial administration, they were the people who were more competent to test the abilities of the persons concerned. So, they said, they should have a voice in the selection of these part-time professors and the Public Service Commission should not be ultimately responsible for this selection.

Here the question is only about part-time professors. Naturally, when such a question was raised, Government decided that it would be better to accept the recommendations of the Board of Visitors.

Another factor to be considered here is that, even though the Chief Justice has ceased to be the President of the Board of Visitors, it does not make any basic change because others who are equally competent persons are on the Board. For example, the Advocate General is certainly such a person who is equally competent as the Chief Justice. I do not think that such a proposition can be questioned. Therefore, when such a competent person still continues to be the President of the Board of Visitors, I do not see any reason why the decision should be reversed and the powers of appointment of part-time professors should be handed over to the Public Service Commission. That is the only explanation that I could give.

Then, Sir, there was a question raised about staff. That is an administrative matter and the rules that are necessarily applied to the other departments also apply to the Public Service Commission. I may mention here that I have not yet come across a department which is satisfied with the staff provided to it, just as no Government servant is satisfied with the pay-scales given to him. It is an unending thing. Only recently we celebrated the Twenty-fifth Jubilee of the Public Service Commission and I remember that the Chairman of the Commission did

raise this question, as also about the facilities which are necessary for holding the examination, particularly the availability of an examination hall. It was said that it was probably one of the factors for the delay in the recruitment of candidates. Certainly it is a problem. The only solution would be for the commission to have a building of its own. I do not say that whatever they have demanded is not reasonable, but it is not that; only because the demand comes from the Public Service Commission, we must accept its advice. Certainly the requirements of the Public Service Commission will be carefully considered. It is our ultimate duty to be as much helpful as possible to the Public Service Commission in the discharge of its functions, and I am glad that hon. Members have expressed such a desire.

Some hon. Member raised the question of the medium of instruction. It is the most complex problem in the country today. The place of English in the whole field of instruction is a matter about which the whole nation is at present busy thinking, and even though I personally hold the view that English should continue, certainly we have to encourage the introduction of Marathi as the medium of instruction. It is also true that Hindi has its own place as the national language of the country. I would say that it needs long-term efforts, possibly governing all the fields of knowledge, to bring about such a change. I do not want to picture it as an impossible task. Therefore, it is not enough merely to find fault with somebody for the poor performance of candidates in English. I must admit here that the switchover that was made some years ago to teach English from Standard VIII at the secondary stage instead of Standard V has been partly responsible for the deterioration of the educational standard, but we are trying to improve it. Merely taking a decision to switch back to the old pattern will not automatically improve the standard of English. Ultimately the standard of English, or, for that matter, the standard of any language depends upon the quality of the teachers. I do not say that, as far as English is concerned, qualified and good teachers are available in all the schools in the State. Possibly they are not available in rural areas. It is possible, therefore, that there are different standards of English in our State. While discussing this question a reference was made to the medium of instruction. That should not have been done because it does not relate to the discussion on the Report. Sir, I think I have touched, if not covered, all the important points that were raised during the course of the debate, and I hope the

hon. Members are satisfied with the explanations given.

# 102

## Supplementary demands in the budget

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*Shri Y.B. Chavan, chief Minister, gave replies (MLC Debates, Vol. 7, Part II, July 1982, pp. 753-55.) to the points raised by the Opposition Members, while discussing the supplementary demands for 1962-63 in the Council on 25 July 1962. He assured the House that whatever defects were pointed out by the Members would be taken note of by the Government.*

Mr Chairman, Sir, there are two or three points raised by hon. Members which need a reply.

One of the points raised was about the State Police Commission. It is true that Members of the Legislature have been appointed on this Commission, but they have not been appointed because they happen to be Members of the Legislature. When making the appointment we did not think in such terms, nor did we think in terms of the Lower House or Upper House and I would also request the hon. Members not to think in terms of two different Houses because it unnecessarily leads to controversies. If it were merely giving representation to Members of the Legislature, then it would have been seen that Members of this House also were not lost sight of, but those six persons were considered in their individual capacity and certainly the choice of the Leader of the Opposition in the Lower House was also considered on the same basis. It will thus be seen that there was no question of giving representation to any House, and, therefore, I would request the hon. Members, some of whom always think in terms of two Houses, not to think in that way.

Then, Sir, I may mention that I do not still understand why the expenditure on the Police Commission was not provided for in the additional budget, and why it has come under the supplementary statement of expenditure. But, Sir, I do not see any point in it, particularly why hon. Members should go to the extent of saying 'I protest.' It is a

question of convenience. Details, perhaps, were not available, and if they were available later and they were included in the supplementary demands, the matter would have ended there. The additional budget itself is a sort of supplementary budget and when this particular item has been included in the supplementary demands, there is nothing to be protested against.

If the thing was decided, then certainly it becomes foreseen expenditure, but it becomes unforeseen expenditure if details of this expenditure were not known before. The additional budget was based upon preparations made for the remaining eight months of the year, for meeting expenditure thought of previously. Really speaking, the purpose of an additional budget is something different. If this item was included in the additional budget I would have been happy, but there is nothing to protest against it.

The other point raised by the hon. Member **Shri Gogte** was about appointing a retired person as the Chairman of the Tribunal one-man Tribunal. Again, Sir, it is a matter of opinion. In cases of Tribunals like this, a retired and more matured person is more useful. Then again, it becomes difficult to get a regular man in service from the High Court for this work. Moreover, officers are not keen to do this type of work in addition to their normal duties. I may mention here the particular case of the former Chief Presidency Magistrate Shri Rege, who has been appointed as a Special Officer for a Tribunal to come; later on, after a certain date, it becomes a Tribunal. So, we have to take advantage of such talented persons and persons with outstanding ability. I do not know why they should not be appointed. Hon. Members, who fight for the cause of pensioners, should really welcome such a step. It is because of their capabilities and usefulness to society that the services of these people are utilized for this type of work.

Then about Modak's case. I do not think there is anything wrong in the idea of the Commission having as a Joint Secretary a person who will also be attending to his normal duties. Shri Kanitkar is also in Government service. He is taken as the Member Secretary of the Commission. If it was necessary to get Shri Modak as a full-time Joint Secretary, he would have been absolved of his normal duties, but there was no question of sparing exclusively for the work of the Commission a whole-time person because it was a question of having the services of

an officer occasionally. Shri Modak is a police officer of experience and standing and has experience of the Anticorruption Department for quite a long time, and it was, therefore, thought advisable not to take him as a whole-time officer for the work of the Commission.

It is a matter of taking a decision collectively. Again, I do not think that because a person is a legislator, therefore he is disqualified. Each person may be having certain views and biases, good or bad, and whatever one may do in different capacities, that should not be considered. What matters the collective evolution of a certain administrative problem.

Then, Sir, when I heard my hon. Friend Shri Vyas, I also felt inclined to agree with him. I can assure him that I will look into this matter. On the face of it, it did not look important that the amount should have been paid out of the Contingency Fund. I can only assure him that I will personally look into this matter and see to the correctness of it. If it is not proper, then I will see that such that a thing is not repeated.

Then about police cases looking to the large number of departmental cases against police officers and other Government servants, we have got separate officers specially appointed to go into these departmental cases. Out of these, a few cases do go to court. In some cases, on some law points the courts hold different views from those held by the Government. In such cases departmental orders have been reversed. I do not know what I can say about it. We cannot say that there cannot be any decision going against us. In some cases this is bound to happen. In many cases, the courts uphold our views. Anyway, this is a minor thing. Whatever defects are pointed out to us, they are taken note of by the Government and the enquiry officers are apprised of this so that they may take them into consideration.

I think, Sir, these were the only points which were raised in the course of the debate on the Supplementary demands.

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