

# **LOK SABHA DEBATES**

**SECOND SERIES**

**VOLUME I, 1957**

*[10th May to 22nd May, 1957]*



**FIRST SESSION, 1957.**

*(Vol. I contains Nos. 1 to 10)*

**LOK SABHA SECRETARIAT**  
**New Delhi.**

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N. B. The Sign† above a name of a Member on Questions, which were orally answered, indicates that the Question was actually asked on the floor of the House by that Member.

## LOK SABHA

Monday, 20th May, 1957

The Lok Sabha met at Eleven of the  
Clock

[MR. SPEAKER in the Chair]

### MEMBER SWORN

Shri C. Bhatt (Broach).

**Mr. Speaker:** Are there any other hon. Members who have not taken the oath? I see none.

### ORAL ANSWERS TO QUESTIONS

**Mr. Speaker:** The question on food scarcity will be given top priority. A number of hon. Members have tabled that question.

**Shri Anirudha Sinha:** Question 169 may also be taken up along with this question.

**Mr. Speaker:** Yes; the two may be taken together. Any other similar questions? I see none other.

### Food Scarcity

†

Shri Kasliwal:

Shri Shree Narayan Das:

Shri L. N. Mishra:

Shrinati Tarkeshwari Sinha.

Shri Radha Raman:

Shri D. C. Sharma:

Shri M. B. Bhargava:

Shri Bishwanath Roy:

Shri Bhakt Darshan:

Pandit D. N. Tiwary.

Shri Bibhuti Mishra:

Shri Damar:

Shri Hem Barua:

Shri Wodeyar:

Shri P. C. Bose:

Shri Jhulan Sinha:

Shri Anirudha Sinha:

Shri H. C. Mathur:

Shri Jangde:

Shri Sarjoo Pandey:

Shri A. C. Guha:

Shri T. Sanganna:

Shri Rup Narain:

Shri Kaila Singh:

Shrinati Renu Chakravartty:

Shrimati Ila Palchoudhuri:

Shri Narayanankutty Menon:

Shri V. P. Nayyar:

Shri T. K. Chaudhuri:

Shri Subiman Ghose:

Shri Aurobindo Ghosal:

Shri S. A. Dange:

Shri T. B. Vittal Rao:

Shri A. K. Gopalan:

Shri S. N. Dwivedy:

Shri B. K. Gaikwad:

Shri S. L. Saksena:

Shri Khadilkar:

Shri Nagi Reddy:

Shri S. M. Banerjee:

Shri Yagnik:

Shri Tangamani:

Shri Ramji Verma:

Shri H. C. Sharma:

Shri Subbiah Ambalam:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether scarcity conditions have appeared in any State; and

(n) if so, the names of the States and the steps Government have taken to alleviate such conditions?

**The Deputy Minister of Food (Shri M. V. Krishnappa):** (a) and (b). A detailed statement about the food situation in the country has already been made in the Sabha on 14-5-57.

#### Rise in Foodgrain Prices

**\*169. Shri Anirudha Sinha:** Will the Minister of Food and Agriculture be pleased to state:

(a) in what proportion the prices of foodgrains have risen in the country since January last;

(b) the maximum increase so far in the prices of rice, oil-seeds and wheat; and

(c) the name of the State in which the rise in prices of foodgrains has been the highest?

**The Deputy Minister of Food (Shri M. V. Krishnappa):** (a) to (c). A statement is laid on the Table of Lok Sabha. [See Appendix I, annexure No. 36].

**Shri Kashiwal:** There are all sorts of conflicting reports appearing in the Press about the foodgrain prices. May I know what is the price of wheat and the price of barley recently prevalent in the mandis?

**The Minister of Food and Agriculture (Shri A. P. Jain):** What mandi does the hon. Member refer to? Generally speaking the price of dara wheat today is between Rs. 13-4-0 and Rs. 15; the price of barley is near about Rs. 10.

**Shri L. N. Mishra:** In Bihar, while the supply of foodgrains has improved to a considerable extent, no adequate provision has been made for transporting the foodgrains to the fair-price shops. May I know whether the Government have any scheme for co-ordinating the supplies with the transport system?

**Shri A. P. Jain:** The Central Government will see that the foodgrains reach the rail-head destination; after that, it is the responsibility of the State Government to do the internal distribution and to see that the foodgrains reach the fair-price shops.

**Shri D. C. Sharma:** May I know what steps the Government are taking in order to prevent hoarding, because I think all these difficulties are to some extent due to the hoarding of foodgrains?

**Shri A. P. Jain:** The Government is very much alive to this question. I would not like to discuss the steps which we propose to take in this regard.

**Shri Shree Narayan Das:** There are always transshipment difficulties between North Bihar and South Bihar. The hon. Minister has just now said that he will take the foodgrains to the rail-head destinations. I would like to know what steps, in consultation with the railways, the Government have taken to see that supply of foodgrains to North Bihar is maintained?

**Shri A. P. Jain:** Since last year, we have been following the practice that before the rains start, we stock sufficient quantities of foodgrains in North Bihar. This year we propose to stock 15,000 tons of wheat in North Bihar. This quantity will be supplied by the end of this month or by the beginning of the next month.

**Shri H. C. Mathur:** Is it a fact that prices of foodgrains had been going down in all the places except in certain places, and if so, what are the places where the prices are going down?

**Shri A. P. Jain:** The prices of wheat and gram have been going down. We have been collecting figures from a large number of mandis and in more than 60 per cent of the cases the price of wheat is going down. Similarly we have been collecting figures for gram from a fairly large number

of mandis and in more than 95 per cent. of the cases the prices are either steady or are going down. The price of rice has gone up and it is at present more or less steady.

**Shri Wodeyar:** May I know whether the Government of the Mysore State sought any immediate help, and if so the same granted and to what extent? Has the Government of India any permanent solution for removal of these conditions?

**Shri M. V. Krishnappa:** In the North Karnatak, that is North Mysore, in about three or four districts the main crop is the juar crop which has been affected by heavy rains. Last year the yield had gone down and there the prices of juar has gone up to Rs. 14 to Rs. 15 per maund. Last week I was there and told them that ample supply of fine quality of wheat is being supplied at Rs. 14 per maund in all these areas. We have started three central storage depots at Belgaum, Bijapur and Gulbarga and enough of wheat is moved to these storage depots and from there the wheat is supplied to the fair price shops.

**Shri Hem Barua:** May I know whether the 3,000 tons of wheat allotted by the Food Ministry to the State of Assam has reached the State? We have seen a report to the effect that the allotment of the 3,000 tons of wheat has not reached the State of Assam. Is it a fact?

**Shri A. P. Jain:** In fact, up till now it was the responsibility of the Assam Government to lift the wheat from Calcutta. The Development Minister of Assam saw me only two or three days ago. I had a full discussion with him. In future we propose to keep stocks of both rice and wheat in Assam. To Assam we have already despatched about 8,000 tons of rice which is in transit and we shall shortly be despatching about 10,000 tons more of rice and also wheat.

**Shri Hem Barua:** May I know whether the Supply Minister of Assam made a demand for 20,000 tons of rice for the State. At the same time he has

also made a demand for the opening up of reserve centres in important towns of Assam, because Assam is often cut off from the rest of India during the monsoons.

**Shri A. P. Jain:** So far as figures are concerned, I know them much better than the hon. Member, because I had discussions with the Assam Government and I am directly in correspondence with them. So far as building up of stocks are concerned, both of rice and of wheat, we will build those stocks before the rains fully set in.

**Shri Hem Barua rose—**

**Mr. Speaker:** I am not going to allow three questions at a time.

**Shri Narayanankutty Menon:** The hon. Minister intervening in the debate on the President's Address quoted some figures of hoarding. In view of the fact that the new harvest is impending, will the hon. Minister be pleased to take immediate steps to prevent further hoarding of the food stocks?

**Shri A. P. Jain:** I am very conscious of that.

**Shri C. D. Pande:** May I know whether in view of the rising prices of wheat in Uttar Pradesh, at least in my constituency of Haldwani, will the hon. Minister instruct the Government of Uttar Pradesh to take away the sales tax so that wheat may be made cheaper than it is today?

**Shri A. P. Jain:** I am afraid that I have no powers to order the Government of Uttar Pradesh.

**Shri C. D. Pande:** Since you subsidise you have the power.

**Shrimati Ila Palchoudhuri:** May I know how much grain has been given over to West Bengal to enable the opening of fair price shops and how many fair price shops have been opened in West Bengal and how many gruel kitchens up to date?

**Shri A. P. Jain:** In this month we have given them 10,000 tons of rice.

In addition to that we have been issuing about 35,000 tons of wheat per month. The initial quantity of 6,000 tons has been issued. I do not know how many fair price shops have been opened. Apparently the West Bengal Government is busy opening a number of fair price shops.

**Shri Palanlandi:** Arising out of the answer, and in view of the fact that the rising prices of rice are going to affect mostly Southern India, may I know whether Government have taken steps to release the necessary stocks in South India?

**Shri Venkatasubbaiah:** In view of the fact that the Rayalaseema districts in Andhra Pradesh have been adversely affected on account of excessive rains, may I know whether the Andhra Pradesh Government has made any representations for the supply of the required millets to this part of the area?

**Shri M. V. Krishnappa:** So far as Rayalaseema districts are concerned, wherever jowar is grown, the jowar crop was affected particularly last year. I had a meeting with the Andhra Pradesh Government last week, and Shri Thimma Reddi, the Food Minister, asked for the supply of wheat and rice to Andhra. We have assured them that the wheat demand will be met, and with regard to rice also, if they require rice, we are prepared to supply it in Hyderabad City.

**Several Hon. Members rose—**

**Mr. Speaker:** There are as many as forty names put down here against this question. Even if I limit myself to calling all the hon. Members who have taken the trouble of tabling the question, the whole hour will be over. This is a very important matter, scarcity of food and rising prices. The whole House seems to be interested in it. Therefore, if hon. Members are willing to sit next Saturday, I will

allow a two-hour debate on this matter—both on food scarcity and prices. If there is still demand, we will raise it to two and a half hours.

**Several Hon. Members: Yes.**

**Shri A. P. Jain:** May I suggest, Sir, that you may devote the whole of Saturday to a debate on food? Because, I want to hear as many points of view as possible.

**Mr. Speaker:** How many hours does he want on Saturday? We do not have Question Hour on that day. Then, we shall have from 11 to 6, or till as long as we sit.

**Shri Tyagi:** Why till six? The House will have been fed up by that time.

**Shri Raghunath Singh:** Eleven to Five.

**Mr. Speaker:** Did the hon. Minister say it in a huff?

**Shri A. P. Jain:** No, Sir. I really said I have been wanting to hear the suggestions from hon. Members.

**Shri Thirumal Rao:** May I know if the hon. Minister is going to substantially add to what he has already said by way of statement? Otherwise, what is the use of the debate being carried on the whole day?

**Mr. Speaker:** He is willing to sit the whole day and answer. But if other hon. Members get tired, he will also go.

**Shri A. P. Jain:** I have nothing more to add to the statement I have already made, but I would like to have more suggestions, and particularly some constructive suggestions from hon. Members.

**Shri Shree Narayan Das:** In view of the fact that a debate on the food situation has already been held in the course of the discussion on the motion of thanks to the President, and in view of the fact that we have not been able to gather how far the various State Governments have taken steps in this direction, may I request

the hon. Minister through you, Sir that after some days or towards the end of this session, if he is able to gather information from the various States, he might lay a statement on the Table of the House, so that we will be able to know the latest position?

**Shri A. P. Jain:** I have no objection to this course and I can lay such information as I am able to get from the State Governments on the Table of the House. But it will take a little time, and I will be able to do it only at the end of the session.

**Shri B. S. Murthy:** The debate will be of no use without that further information. We should know before Saturday what steps have been taken by the State Governments to arrest the prices.

**Mr. Speaker:** The Minister for Parliamentary Affairs is not here. I suppose he also will be willing and see to it that there is sufficient quorum on that day. The maintenance of quorum is in his hands. Anyhow, further supplementaries regarding this question will stand over. This question is closed today. If there is some difficulty in having a separate day or a special session on Saturday, I will allow two hours at the end of any of these days. I will intimate to the House tomorrow in consultation with the hon. Minister.

#### Central Anti-Locust Unit

\*139. **Shri Shree Narayan Das:** Will the Minister of Food and Agriculture be pleased to state:

(a) what is the precise nature of work with which the Central Anti-Locust Unit of India is engaged at present;

(b) the names of the countries where officers of this unit are working;

(c) whether any assessment of its work and achievement has been made; and

(d) if so, the result of such assessment?

**The Minister of Co-operation (Dr. P. S. Deshmukh):** (a) to (d). A statement is laid on the Table of Lok Sabha. [See Appendix I, annexure No. 37].

**Shri Shree Narayan Das:** It appears from the statement that this unit has been participating in an international campaign against desert locusts. I would like to know whether, for participation in the international campaign, any part of the expenditure involved has been borne by the international organisation or the whole of the expenditure was borne by the Government of India.

**Dr. P. S. Deshmukh:** I have not got the figure of total expenditure. The expenditure we have borne varies between Rs. 1,60,000 and Rs. 2,74,000.

**Shri Shree Narayan Das:** I wanted to know what part of the expenditure incurred by India in the international campaign was borne by the international organisation and what part was borne by India.

**Dr. P. S. Deshmukh:** The expenditure incurred is very large. I have not got the actual proportion. I would like to have notice.

**Shri Shree Narayan Das:** May I know whether, after all this expenditure on this unit, there has been occasion to reduce or enlarge the strength of this organisation?

**Dr. P. S. Deshmukh:** Not so much as a result of this international campaign. Probably some portion might be due to that. The personnel has been reduced as a result of lesser activity of locusts in India from 607 to 207.

**Shri Kasliwal:** It appears from the statement that no locust activity has been witnessed in this country last year. There are reports in the press that there was some activity in Saudi Arabia, Sudan and some places round about. May I know whether the hon. Minister is in a position to say that



there is no danger to this country from such locust activity?

**Dr. P. S. Deshmukh:** We have to watch the situation all along. For the time being, it appears that there is no immediate danger. But, I am to inform the House that some locusts are always present on the soil of India throughout. In spite of the fact that they may not be able to form swarms and do damage on a large scale, there is a huge area where locust breed of a local nature is always carried on.

### Prices of Raw Jute

\*140. **Shri L. N. Mishra:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that prices of raw jute in Bihar have been very low during the months of February, March and April this year;

(b) if so, the reasons for the same; and

(c) how these compare with the prices of the previous year?

**The Minister of Co-operation (Dr. P. S. Deshmukh):** (a) No, Sir.

(b) Does not arise.

(c) Compare favourably.

**Shri L. N. Mishra:** In view of the fact that the prices of raw jute have often been subjected to wide fluctuations by the speculative activities of private traders, have Government considered the proposal of putting this commodity also under the sphere of the State Trading Corporation?

**Dr. P. S. Deshmukh:** That would be more for the Commerce and Industry Ministry to decide.

**Shri L. N. Mishra:** In view of the fact that the Ministry of Food and Agriculture had made a definite recommendation to the Jute Enquiry Commission that a minimum price for raw jute be fixed every year, may I know whether the Food and Agriculture Ministry has been pursuing this point still?

**Dr. P. S. Deshmukh:** It is always the view of the Food and Agriculture Ministry that some steps should be taken to assure the jute growers a fair price. I cannot say, what ultimate view the Commerce and Industry Ministry has taken and how far we have succeeded in this.

**Shri L. N. Mishra:** If it is view of the Food and Agriculture Ministry that a fair price should be got by the raw jute growers, may I know why the recommendation of the Jute Enquiry Commission that a Jute Commission be set up has not materialised?

**Dr. P. S. Deshmukh:** I would like to have notice.

**Shri A. C. Guha:** The hon. Minister has admitted that the Food and Agriculture Ministry always wants that a fair price should be fixed to ensure an economic price to the jute growers, is it not the responsibility of this Ministry to protect the jute growers' interest and if there is anything in between their desire and its fulfilment, is it not the duty of this Ministry to see that the desire is fulfilled and the growers ensured an economic price?

**Dr. P. S. Deshmukh:** Firstly, my hon. friend is reading more than I said in my reply. I did not say that we have recommended any minimum price. I said it is the view of the Food and Agriculture Ministry that the grower must get a reasonable price. What particular steps will achieve this result, I did not disclose.

**Shri L. N. Mishra:** It is in the statement of the Ministry.

**Shri S. C. Samanta:** In reply to part (a), the hon. Minister said, no. May I know whether it is a fact that the growers who were selling jute at that time were selling at a lower price whereas those who bought them were selling at a higher price in Calcutta?

**Dr. P. S. Deshmukh:** There are local variations and from time to time also there are price variations. I have myself complained that very often these fluctuations are very violent and cause a lot of damage to the interests of the agriculturists, but in this particular case, the variations are not too much. For instance, in Purnea in 1956 the average price was Rs. 24-8-0, now it has gone down only by eight annas so far as February and April are concerned. In the other months it is more. That is why I said that the fluctuations are not very high in these months.

**Shri Jhunjhunwala:** Arising out of the answer of the Minister of Agriculture that it is the view of his Ministry that proper price should be paid to the jute growers, may I know what steps the Ministry has taken to realise that object and whether they consulted the Commerce and Industry Ministry on this point as he has said that it is the function of the Commerce and Industry Ministry?

**Dr. P. S. Deshmukh:** It would not be possible for me to describe all the steps that are possible to achieve this end in reply to a question, but this is a matter to which, not only in respect of jute but all commodities produced by the agriculturists, the Food and Agriculture Ministry attaches the highest importance, as otherwise the production will never go up, but I cannot describe all the steps.

**Shri Thirumal Rao:** Is it not the policy of the Food and Agriculture Ministry to consult the Commerce Ministry in regard to jute which is a dollar-earning cash crop?

**Dr. P. S. Deshmukh:** It is not a matter of consultation. Whenever we feel that some steps are necessary for improvement in the prices, we make a recommendation to them and they take the step.

**Shri Ranga:** Is it not a fact that for a number of years a minimum price was fixed by the Bengal Government—I do not know whether the Bihar Government did so or not—and it was

enforced also by the Bengal Government? They provided special funds for that purpose.

**Dr. P. S. Deshmukh:** I would like to have notice of the question.

### Master Plan for Delhi

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\*141. { **Shri Radha Raman:**  
**Shri D. C. Sharma:**

Will the Minister of Health be pleased to state:

(a) the latest position of the Master Plan for Delhi;

(b) when the complete Plan will be presented to the Lok Sabha; and

(c) when it is proposed to be implemented?

**The Minister of Health (Shri Karmarkar):** (a) The Town Planning Organisation submitted an Interim General Plan for Greater Delhi in September, 1956 and the preparation of the final Master Plan is now in progress.

(b) It will be available to the Members of Parliament as soon as it is ready.

(c) The question of implementing the Plan will arise only after it has been duly scrutinised and approved by the Government.

**Shri Radha Raman:** The hon. Minister just now said that an interim plan was published very recently. May I know if copies of it were supplied to Members of Parliament and if they were not supplied, whether they will be supplied now?

**Shri Karmarkar:** I would like to make myself sure as to whether they were supplied, but so far as I can see they have not been, and in order to enable Members of Parliament to buy it, we have priced it very reasonably at two rupees and odd. The first edition is of 500 copies, and maybe it will take some time to be sold out, and the hon. Member will do well to purchase his copy.

**Shri Radha Raman:** In view of the fact that a master plan is being prepared by the town-planning agency, have the Government any statistics now available about the possibilities or the prospects of demolishing certain areas in the City of Delhi, including the Chandni Chowk area?

**Shri Karmarkar:** It looks like a very short question, but it will require a long reply.

Firstly, this question of demolition arises in urgent cases like slum clearance. It is proposed that to the extent that is possible and necessary that work should go on, pending the finalisation of this master plan.

The hon. Member wanted to know something else also.

**Shri Radha Raman:** Chandni Chowk.

**Shri Karmarkar:** About Chandni Chowk particularly, I would like to have notice.

**Mr. Speaker:** Next question.

**Shri Radha Raman:** May I know....

**Mr. Speaker:** How can a huge plan be discussed under a question? Hon. Members have got other remedies. If he is not satisfied, he may ask for a half-hour, one hour or 1½ hour discussion. In the Question Hour I am not going to allow all the time for a single question.

### Bhakra Nangal Dam

\*142. **Shri D. C. Sharma:** Will the Minister of Irrigation and Power be pleased to state the total amount contributed towards Bhakra Nangal Dam by the two units, Punjab and Rajasthan, till the end of the First Five Year Plan and the benefits accruing to the two contributing States?

**The Minister of Irrigation and Power (Shri S. K. Patil):** A statement giving the information is laid on the Table of Lok Sabha. [See Appendix I, annexure No. 38.]

**Shri D. C. Sharma:** From the statement I find that about Rs. 111 crores odd have been spent on the project so far. Have Government any idea as to the optimum amount that is to be spent on this project, and the share of the Punjab and Rajasthan Governments in this respect?

**Shri S. K. Patil:** As has been stated in the answer, we have already paid Rs. 1,07,46,09,851 to Punjab and Rs. 3,70,88,450 to Rajasthan. According to present calculations, the optimum expenditure is going to be about Rs. 172.54 crores. The proportion as between Punjab and Rajasthan will be about 84.78 per cent. in the case of Punjab and 15.22 per cent. in the case of Rajasthan respectively.

**Shri D. C. Sharma:** May I know when the power supply to Rajasthan will commence?

**Shri S. K. Patil:** So far as the supply of power is concerned, we are expecting that Rajasthan would get it within a year.

**Shri Keshava:** May I know whether the Central Government have made any contribution towards this project, and if so, whether the Comptroller and Auditor-General is entitled to audit the accounts of this project?

**Shri S. K. Patil:** The Centre has paid money; that has been stated in the answer itself. As for the second part of the question, I require notice.

**Shri Punnoose:** May I know the quantity of power produced in this project, and the cost of production per kw.?

**Shri S. K. Patil:** The power already produced is somewhere in the region of 72,000 kw. The power to be produced hereafter will be a little under 400,000 kw. As to the price per kw. I would require notice.

**Shri H. C. Mathur:** May I know whether the Rajasthan Government have complained of inordinate delays in the transmission of power in this case, and if so, the reasons for this delay?

**Shri S. K. Patil:** They have been in correspondence with us, and we have explained to them the difficulty about the availability of steel etc. But those difficulties are being slowly got over, and I think we shall be in a position to give them power within a year.

**Shri Dasappa:** May I know whether any moneys have been found for this project by the Rajasthan and Punjab Governments, apart from the loans which the Government of India have given?

**Shri S. K. Patil:** I have no information about it just now. If the hon. Member gives notice, I shall find out.

**Shri Mohamed Imam:** May I know the return on the total investment?

**Shri S. K. Patil:** It is very difficult just now to estimate what the return would be. But that is a matter to be enquired into. If notice is given, I shall supply the information.

#### Salem-Bangalore Railway Line

- \*143 { **Shri Narasimhan:**  
**Shri S. V. Ramaswamy:**  
**Shri T. B. Vittal Rao:**

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 333 on the 23rd November, 1956 and state the present position of the survey of the Salem-Bangalore Railway Line?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** The field work is in progress and is expected to be completed by the end of this month.

**Shri Narasimhan:** May I know whether there was a time-schedule for the completion of this survey, and if so, to what extent it was adhered to, and if not, the reasons therefor?

**Shri Shah Nawaz Khan:** Generally, for these surveys, no definite time-schedule is given, because it differs from survey to survey depending on various conditions. But it is expected that the survey will be completed by the end of this month, and we hope

the report will be with the Railway Board by September.

**Shri Narasimhan:** May I know the stations contemplated under the survey between Dharmapuri and Salem on the one side, and Hosur and Bangalore on the other, which are now going to be in a new alignment, apart from the old alignment of the dismantled railway line between Dharmapuri and Hosur?

**Shri Shah Nawaz Khan:** It is yet too early to go into details of this nature.

**Shri Dasappa:** What was the result of this survey? Is there any immediate or reasonable chance of its being taken up within a reasonable period for implementation?

**Shri Shah Nawaz Khan:** The result is more or less the general result of all surveys. I might tell the hon. Member that there is not much likelihood of this line being constructed during the Second Plan period.

**Shri T. B. Vittal Rao:** Is it a fact that there is a deliberate attempt to slow down this survey in view of the fact that Government are not taking up any line for construction during the Second Plan period?

**Shri Shah Nawaz Khan:** There is no attempt whatsoever to slow down the progress of the work. As I said, the work will be completed by the end of this month. But even if it had been completed earlier, there was very little likelihood of the line being constructed.

**Shri Narasimhan:** Are Government aware that in the Second Five Year Plan period, two big projects, aluminium and lignite, will be under way in and around this area and whether in the context of perspective planning, the proper strengthening of transport facilities between Cuddalore, Salem and Bangalore will not be necessary for the fulfilment of these two projects?

**Mr. Speaker:** I find that 75 per cent. of the questions that are put by

way of supplementaries are suggestions for action. If the hon. Minister gives one reply, then Members try to convert him to their own view by arguments, which ought to take place only on a resolution or a separate motion. No answer need be given to the question.

**Shri Narasimhan:** might explain.....

**Mr. Speaker:** I have been able to understand him. Next question.

**Mr. Speaker:** Question No. 144.

**Shri Keshava:** May I suggest that question No. 152 may be taken up along with question No. 144, as it relates to the same subject?

**Shri Raj Bahadur:** Yes.

**Mr. Speaker:** All right.

#### Re-organisation of Posts and Telegraphs Circles

\*144. **Shri T. B. Vittal Rao:** Will the Minister of Transport and Communications be pleased to state:

(a) the stage at which the proposal to re-organise the Posts and Telegraphs Circles consequent upon the re-organisation of States rests;

(b) when the same is likely to be finalised; and

(c) the number of Circles in the country at present and what would be the number after re-organisation?

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** (a) to (c). There are at present thirteen P. & T. Circle Offices including the Postal Circle at Delhi. There is no proposal at present to have a general re-arrangement of Circle boundaries.

#### P. & T. Administrative Circle in Mysore

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\*152. { **Shri Keshava:**  
**Shri Thimmaiah:**

Will the Minister of Transport and Communications be pleased to state whether the Central Government have any proposals at all to constitute a Posts and Telegraphs administrative circle for Karnataka or Mysore?

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** Not at present.

**Shri T. B. Vittal Rao:** Am I to understand that we have given up the idea of having Circles on linguistic basis?

**Shri Raj Bahadur:** As a matter of fact, these Circles were never organised on the basis of any provincial boundaries; they were organised on the basis of administrative convenience, depending upon the number of post offices and telegraph offices in a particular area and the work emanating therefrom.

**Shri T. B. Vittal Rao:** Is it a fact that the Director-General of Posts and Telegraphs went into this question and some work was being done about it, but suddenly it was given up?

**Shri Raj Bahadur:** I might remove one apprehension from the mind of the hon. Member. The question was whether any proposal was under consideration. We have said that at present it is not under consideration. That does not bind us down rigidly to any particular decision. In case a new Circle is necessary on the basis of traffic or the number of post offices, we shall consider the proposition.

**Shri Punnoose:** Is it not a fact that during the last session of the last Parliament, it was stated in this House from the Government side that reorganisation of posts and telegraphs Circles had been under consideration on the basis of the reorganised States? If so, may I know what has happened to that?

**Shri Raj Bahadur:** What was stated, if I remember aright—I am speaking from memory—was that it was not necessary that the boundaries of a P. and T. Circle should be coterminous with the boundaries of a State. Maybe that in many cases two States are represented by one Circle or one single Circle represents more than one State.

**Shri B. S. Murthy:** May I know the reason for keeping the Andhra Pradesh Postal Circle still in Kurnool and not shifting it to Hyderabad?

**Shri Raj Bahadur:** As I said, the old boundaries of the old Circles continue at present.

**Shri Keshava:** By what time is the Mysore Circle likely to be constituted?

**Shri Raj Bahadur:** As and when the matter is taken into consideration and a decision is arrived at.

**Shri Radhelal Vyas rose—**

**Mr. Speaker:** I cannot allow a discussion on separate Circles here. Next question.

### Delhi Electricity Workers

\*145. **Shri Bahadur Singh:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Delhi Electricity Workers of the Distribution Branch went on strike in the middle of April, 1957;

(b) the demands put forward by them;

(c) how far have those been meted out;

(d) the average number of public complaints daily regarding the difficulties caused by the strike; and

(e) whether the supply was suspended in any area?

**The Minister of Irrigation and Power (Shri S. K. Patil):** (a) Yes, Sir.

(b) Re-instatement of Shri Laxmi Narain, ex-meter reader of the Delhi

State Electricity Board who was removed from service by the Board on alleged charges of misconduct.

(c) In accordance with the agreement reached between the Delhi State Electricity Board and the Delhi State Electricity Workers Union, the case of Shri Laxmi Narain has been referred to Shri Sankar Saran, retired Judge of the Allahabad High Court for review.

(d) None.

(e) No, Sir.

**Shri Bahadur Singh:** May I know if the Government had spent some extra money during these strike days?

**Shri S. K. Patil:** I have no information on this subject except that if the occasion demanded in order that the services should not be interrupted they might have spent. If notice is given I will answer.

### Thefts in Calcutta Dock Area

\*147. **Shri Raghunath Singh:** Will the Minister of Transport and Communications be pleased to state whether it is a fact that on account of the lack of co-ordination between Calcutta Port Police, Customs and Port Commissioners, theft is increasing in Calcutta Dock Area amounting to several lakhs per month?

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** According to information available co-ordination is maintained between the Police, Customs and Port authorities in the matter of anti-Pilferage measures in the Port of Calcutta. An Anti-Pilferage Committee consisting of representatives of the Calcutta Import Trade Association, the Insurance Companies, the Customs, the Police and the Port Commissioners, reviews the situation once a month and the results are reported to be encouraging. The number of cases of theft in the month of February, 1957, was 86 as against 95 in November, 1956.

**Shri Raghunath Singh:** May I know whether 8,000 Pakistani nationals are working in this dock and is it not due to these people?

**Shri Raj Bahadur:** That is a matter for police investigation; I am not in a position to vouchsafe for the accuracy of the statement.

**Shri Raghunath Singh:** What steps are being taken to replace these foreign nationals by Indians?

**Shri Raj Bahadur:** May I submit, Sir, that the question pertains to the measures and steps taken by Government to control pilferage; and the question of replacement of foreign nationals by Indians is a larger question; and I think it is substantially engaging the attention of Government.

**Shri S. C. Samanta:** May I know whether it is a fact that last year the Port Commissioner recruited persons from the N.V.C. to cope with this theft and whether by such recruitment any results have been achieved?

**Shri Raj Bahadur:** I think I shall have to require notice for that.

**Shri Hem Barua:** May I know what steps are being taken by Government to effect co-ordination between the Police and Customs Officers due to whose negligence these thefts have taken place?

**Shri Raj Bahadur:** As I said, the committee which consists of representatives of the Police, the Insurance Companies, Customs Officers, Import Trade Associations and the Port Commissioners reviews the situation from month to month.

**Shri B. S. Murthy:** Why has a labour member not been added to this Committee?

**Shri Raj Bahadur:** It is an administrative matter and it concerns the control of thefts and pilferages and I do not know what the hon. Member does imply.

## Fair Price Shops in Kerala

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\*148. { **Shri A. K. Gopalan:**  
**Shri A. M. Thomas:**

Will the Minister of Food and Agriculture be pleased to state:

(a) the kind of rice—parboiled or raw—that is more popular in the State of Kerala;

(b) whether it is a fact that a major portion of the quantity available for Kerala for sale in fair price shops is raw rice; and

(c) what steps Government intend to take in this matter?

**The Deputy Minister of Food (Shri M. V. Krishnappa):** (a) to (c). Parboiled rice is preferred in Kerala. Only Burma exports parboiled rice where availability of this variety is reported to be limited. According to present indications, against our contract for 5 lakh tons, we are likely to get less than 2 lakh tons of boiled rice during the year. Consistent with the availability, preference is given to Kerala for supply of boiled rice.

**Shri A. K. Gopalan:** May I know the amount that is required for Kerala for the next 7 months and what the Government is proposing to supply to Kerala?

**The Minister of Food and Agriculture (Shri A. P. Jain):** I have had a full discussion with the Chief Minister of Kerala and also the Food Minister and it has been agreed between us that we will be supplying 75,000 tons of rice during the next 3 months, that is, June, July and August, after which the next crop will come in.

The stocks of rice at present in Kerala are raw rice; but we are expecting some parboiled rice and we hope to supply them about 30,000 or 40,000 tons of parboiled rice.

**Shri A. K. Gopalan:** What is the difference between the price of rice sold at the fair price shop and that sold in the free market?

**Shri A. P. Jain:** The price of boiled rice in the free market is appreciably higher than that in the fair price shops.

**Shri Punnoose:** Is it not a fact that the paddy that is harvested just now in the Andhra Pradesh is to be mainly diverted for use as boiled rice and if so, could Government do anything to get that rice for Kerala at a reasonable price?

**Shri A. P. Jain:** The Kerala traders are at liberty to buy this in the open market. What I was talking of was the imported rice from Burma.

### Opening of New Stations

\*149. **Shri Bishwa Nath Roy:** Will the Minister of Railways be pleased to state whether in view of the great distance between Bhatni Junction station and Bhatpar Rani and between Bhatni and Salimpur railway stations any proposal is under consideration for construction of new stations?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** It is proposed to open a crossing station each between Bhatni Junction and Bhatpar Rani, and between Bhatni Junction and Salimpur with a view to increasing the line capacity.

It is also proposed to open these crossing stations for passenger booking shortly after they have been provided.

**Shri Biswa Nath Roy:** May I know when the construction work would start?

**Shri Shah Nawaz Khan:** One crossing station between Bhatni and Salimpur is nearing completion and it is expected that it will be thrown open for goods traffic by July and for passengers, by September, 1957. The other one is included in the programme for the year 1957-58.

**Shri Biswanath Roy:** May I know when the other one, between Bhatni and Bhatpar Rani, will be completed.

**Shri Shah Nawaz Khan:** We hope to complete it soon.

**Pandit D. N. Tiwary:** I want to put one question.

**Mr. Speaker:** For a small crossing between two stations, we cannot spend so much of our time. If necessary, the hon. Members will kindly write to the Minister and get the information.

### गांवों में बिजली लगाना

\*१५०. **श्री भक्त वर्शन :** क्या सिंचाई और विद्युत् मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि देश भर के गांवों और छोटे नगरों में बिजली लगाने की एक व्यापक योजना को कार्यान्वित किया जा रहा है ;

(ख) यदि हां, तो उस योजना की मोटी रूप-रेखा क्या है; और

(ग) उसे कार्यान्वित करने की दिशा में अब तक क्या प्रगति हुई है ?

**सिंचाई तथा विद्युत् मंत्री (श्री स० का० पाटिल) :** (क) से (ग) विवरण सभा-पटल पर रख दिया गया है । [बिलिये परिशिष्ट १, अनुबन्ध संख्या ३६]

**श्री भक्त वर्शन :** इस विवरण से ज्ञात होता है कि इस द्वितीय पंचवर्षीय योजना में ७५ करोड़ रुपये इस कार्य के लिये रखे गये हैं और पहले वर्ष में २१.७६ क्षेत्रों में विद्युतीकरण होगा । क्या गवर्नमेंट के ध्यान में यह बात प्रायी है कि इस कार्यक्रम के वावजूद भी बहुत से इलाके ऐसे हैं, जैसे कि उत्तर प्रदेश का गढ़वाल और टेहरी गढ़वाल का इलाका जहाँ कि अभी तक बिजली का एक तन्त्र भी नहीं दिया गया है ? क्या इस प्रकार के पिछड़े हुए इलाकों की ओर विशेष ध्यान दिया जायेगा ?

**श्री स० का० पाटिल :** हमारे पास जो योजनाएँ प्राती हैं वे स्टेट गवर्नमेंट्स के पास स प्राती हैं । इस प्रश्न पर पहले स्टेट गवर्नमेंट को विचार करना चाहिये उस के बाद गवर्नमेंट आफ इंडिया उस पर विचार कर सकती है ।



श्री भक्त ब्रह्म : क्या गवर्नमेंट के व्याप में वह बात धायी है कि जिन नगरों में कंट्रो-लमेंट है वे प्रतिरक्षा मंत्रालय के धनगत हैं और वहां राज्य सरकारें अपनी बिजली की योजनाओं को लागू नहीं कर पा रही हैं क्योंकि रक्षा मंत्रालय की ओर से भ्रष्टाचार पैदा की जाती है। क्या इस कठिनाई को दूर करने के लिये कोई मार्ग निकाला जायेगा ताकि उन क्षेत्रों में भी कार्य हो सके ?

श्री स० का० पाटिल : जरूर, जब यह चाप हमारे सामने धायेगी तो उस का मार्ग निकाला जायेगा ।

Shri L. N. Mishra: The First Plan has suggested the setting up of some body like the Rural Electrical Administration of the United States to provide long-term credit to village co-operatives for rural electrification purposes. May I know whether there is any proposal to have that kind of a body during the Second Plan at least?

Shri S. K. Patil: I would require notice. But, so far as the First Plan is concerned, even the Rs. 20 crores that were set apart were not fully spent. As regards the second part of the question, viz., whether the setting up of such a body is under consideration I would require notice.

Shri M. R. Krishna: May I know whether any assistance is being given to Harijan colonies and the backward classes colonies which have been constructed by the Harijans themselves and if so, what amount has been released to Andhra Pradesh?

Shri S. K. Patil: So far as Harijan colonies or any particular localities are concerned, it is the business of the State Governments. As between us and the State Governments, we examine those schemes and make allotments. So far as this particular question is concerned, it is not with us; it is more with the State Governments. So far as allotment to Andhra is concerned, I do not find the figures here, but Andhra is quite high up in the work that has already been done; in

144 villages this scheme has already gone.

Shri Shivananjappa: May I know how many villages were electrified during the First Plan period?

Shri S. K. Patil: 2179 villages were electrified.

Shri Heda: Formerly, there was a policy that the rural areas where the big hydro-electric projects are working would be given some quota out of the power generated there. But, looking at the things that have been done—for example, the whole power generated by the Nizam Sagar hydro-electric project is being transferred to the city and no quota is being given to the rural areas—may I know whether the Government have abandoned the policy they were pursuing, or do they propose to follow it in some other way?

Shri S. K. Patil: We have abandoned nothing. As I said in answer to another question, this is a matter for the State Government to take the initiative and find out if there is anything that has further to be considered between them and us. If the matter is referred to us, surely we will do it.

Shrimati Ha Palchoudhuri: May I know the cost of electricity in rural areas as compared to urban areas, and what steps the Government have taken to lessen the price of electricity in rural areas?

Shri S. K. Patil: I will surely require notice for answering such a highly technical question.

Shri Supakar: May I know the State-wise allocation of money regarding rural electrification?

Shri S. K. Patil: I have not got here the State-wise allocation, but I have got here as to how many villages per State have already been electrified. If the hon. Member wants to know the allocation I can give the information, but that again will depend, as I said while answering the main question, upon the State, the availability of power and many other

things that are necessary. Even in this distribution hon. Members will find that some States have taken full advantage of it while others have not because circumstances differed in those States.

श्री नवल प्रभाकर: इस सम्बन्ध में केंद्रीय-प्रशासित क्षेत्रों में सरकार की क्या नीति है ?

Shri S. K. Patil: I think that is a responsibility of the Government of India, and we consider it on that footing.

#### Madras Dock Labour Board

\*151. Shri Tangamani: Will the Minister of Transport and Communications be pleased to state:

(a) whether the Port-Workers under the Board of Trustees, Madras Port have been demanding of the Government of India, the early appointment of a Wage-Board; and

(b) if so, the action taken thereon?

The Minister of State in the Ministry of Transport and Communications

(Shri Raj Bahadur): (a) and (b). The demand was not for the appointment of a Wage-Board as such but for the upward revision of the pay scales of Class III and Class IV employees. The demand was sponsored by the All India Port and Dock Workers Federation and related to such classes of employees in all the Major Ports of India. Government did not feel justified in undertaking a revision of the basic wage but recognised the need for a review of the disparities and anomalies in the pay scales, allowances, holidays, leave rules, working hours, overtime, provident fund, retiring gratuity and other conditions of service of Class III and Class IV employees at all the Major Ports to see how far rationalisation and uniformity could be evolved. This review is being carried out by an Officer on Special Duty. His recommendations are expected to be received shortly.

Shri Tangamani: In view of the fact that the Officer, who has been

appointed, has been going only into the question of anomalies and rationalisation of wage scales for class III and class IV employees, and in view of the fact that there has been no wage revision since 1st October, 1953, will the hon. Minister be pleased to say whether there will be another Wage Board set up, taking into consideration the fact that many Wage Boards are being set up in other industries?

Shri Raj Bahadur: May I in this connection invite the attention of the hon. Member to a Press Note which I issued after a meeting of the representatives of the Government with the Federation concerned and which says that this Officer's enquiry will be to secure as large a measure of uniformity as possible in the service conditions of all these classes of employees in all the major ports? I think, by and large, what is now mentioned by the hon. Member is covered.

Shri Tangamani: There have been repeated demands from the five major ports of Calcutta, Madras, Vizag and Cochin that a wage board must be set up and repeatedly the answer given by the Government is that it will affect the other Central Government employees in view of the recommendations of the first Pay Commission....

Mr. Speaker: That is all right. What is it that the hon. Member wants from the Government?

An Hon. Member: Wage board!

Mr. Speaker: The Question Hour must be devoted for eliciting information which is not available in printed books and not known to the hon. Members. No arguments, resolutions, suggestions, etc. ought to be made.

Shri Narayanankutty Menon: May I know whether the officer appointed to enquire into the anomalies of the wage structure has submitted an interim report?

Shri Raj Bahadur: I do not think he has submitted an interim report, but, he has met the representatives of the various organisations of the workers.

### स्टेशनों पर शिकायत पुस्तकें

१५४. श्री अमर सिंह डामर क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या इस सम्बन्ध में कोई शिकायतें प्राप्त हुई हैं कि रतलाम डिवीजन और नई दिल्ली स्टेशन के कुछ स्टेशन मास्टर और प्रसिस्टेंट स्टेशन मास्टर सच्ची शिकायतों को दर्ज करने के लिये शिकायत पुस्तकें देने से इन्कार करते हैं; और

(ख) यदि हां, तो इस सम्बन्ध में क्या कार्यवाही की गई है ?

रेलवे उपमंत्री (श्री शाहनवाज खां) :

(क) ३१-३-५७ को जो साल खत्म हुआ, उस में इस तरह की ६ शिकायतें रतलाम डिवीजन में और एक शिकायत नयी दिल्ली स्टेशन पर मिली है ।

(ख) इन सब शिकायतों की जांच की गयी ।

रतलाम डिवीजन की ४ शिकायतें सही साबित हुई और कर्मचारियों के खिलाफ अनुशासन की कार्यवाही की गयी है ।

नयी दिल्ली स्टेशन की शिकायत भी सही साबित हुई है और संबंधित कर्मचारियों के खिलाफ अनुशासन की कार्यवाही की जा रही है ।

Shri B. S. Murthy: The English answer may also be read.

Mr. Speaker: Yes.

Shri Shahnawaz Khan: (a) During the one year period ended 31-3-57, 9 such complaints on the Ratlam Division and 1 at New Delhi were received.

(b) All the complaints were enquired into.

4 complaints on the Ratlam Division were substantiated and disciplinary action against the staff has been taken.

The complaint relating to New Delhi has also been substantiated and dis-

ciplinary action against the staff concerned is being taken.

श्री अमर सिंह डामर : क्या मैं जान सकता हूं कि रतलाम में जिन कर्मचारियों के खिलाफ अनुशासन को कार्रवाई की गई, उसका तरीका क्या निकला ?

श्री शाहनवाज खां : उनके खिलाफ अनुशासन की कार्रवाई की गई ।

Shri Radha Raman: What is the nature of the disciplinary action taken?

Mr. Speaker: In Delhi or Ratlam?

Shri Radha Raman: The hon. Minister has said about Ratlam.

Shri Shahnawaz Khan: They have been dealt with in accordance with the rules of discipline laid down for dealing with railway staff who commit such mistakes.

Mr. Speaker: The hon. Member has not asked the hon. Minister to tell him under what rules of procedure was action taken; he wants to know the effect of the action, whether any punishment was given and if so what.

Shri Shahnawaz Khan: I require notice.

The Minister of Railways (Shri Jagjivan Ram): They have been at present censured. But it has been felt that this punishment is a mild one and the attention of the railway has been drawn towards that.

'Jal Ballabh'

†

\*155. { Shri M. R. Krishna:  
Shri Bibhuti Mishra:

Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that an Indian Cargo ship 'Jal Ballabh' was damaged in Suez due to fire;

(b) if so, the extent of damage caused to the ship;

(c) the amount that has to be spent to overhaul this ship;

(d) whether there was any loss of human life; and

(e) if so, whether the deceased were all Indian Nationals?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes.

(b) and (c). Not known at present. A detailed report from the Marine Superintendent of the Scindia Steam Navigation Co., who has flown to Suez, is being awaited.

(d) No.

(e) Does not arise.

Shri M. R. Krishna: May I know the cause of this fire and also whether the ship and the articles she was carrying have been insured and if so, whether they were insured in an Indian firm or foreign firm?

Shri Raj Bahadur: According to the usual practice, both the cargo and the ship must have been covered by the insurance. As regards the cargo, I am told that it carried cotton loaded at Port Sudan. As regards the cause of the fire, I cannot say anything about it nor can I prejudice the results of any enquiry which may be initiated in this matter.

Shri M. R. Krishna: May I know whether this ship will be repaired at the Vizag shipyard or some foreign shipyard?

Shri Raj Bahadur: It was only temporarily incapacitated and it was attended to right in the Suez itself; it was refloated after three days on 28th April. It reached its destination also and is coming back.

Shri T. B. Vittal Rao: The hon. Minister has said that the Marine Superintendent of Scindia has gone there. May I know why the Principal Marine Officer of the Government of India has not gone there for enquiry?

Shri Raj Bahadur: The Government steps in on account of the Indian Merchants Shipping Act only when the

casualty is reported. That will be reported when the ship comes back home.

लक्ष्मीदेवी कीनी मिल, छितीली

\*१५६. श्री बिभूति मिश्र : क्या सच

तथ्य : श्री मिश्र यहाँ बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि लक्ष्मीदेवी कीनी मिल, छितीली (उत्तर प्रदेश) में काम करने वाले मजदूरों ने इस सान जनवरी और फरवरी के महीनों में हड़ताल की थी; और

(ख) यदि हाँ, तो इस के क्या कारण थे ?

श्री सच तथा कृषि मंत्री (श्री अ० प्र० जैन) : (क) और (ख). सूझी हुई जानकारी का एक विवरण जो उत्तर प्रदेश सरकार से प्राप्त हुआ है सभा की टेबिल पर रख दिया गया है। [लिखित परिशिष्ट १, अनुबन्ध संख्या ४०]

श्री बिभूति मिश्र : मैं जानना चाहता हूँ कि जहाँ मिलों में मजदूर इस तरह की हड़तालें किया करते हैं और किसानों का गन्ना पड़ा रह जाता है और काफी समय लग जाता है और जिस के कि कारण उन का नुकसान होता है, तो क्या फूड एंड एग्रीकल्चर मिनिस्ट्री कोई ऐसा इंतजाम करती है कि मजदूरों, किसानों और मिलमालिकों का कोई एक संगठन हो ताकि इस तरह की हड़तालें न हों ?

श्री अ० प्र० जैन : हड़ताल का रोकना तो फूड एंड एग्रीकल्चर मिनिस्ट्री के हाथ में है नहीं, हाँ गन्ने का ठीक इंतजाम कर देना एक हद तक जरूर हमारे हाथ में है और जब यहाँ पर हड़ताल हुई तो गन्ने को भासपास के दूसरे ६ कारखानों में दे दिया गया और उन्हीं ने इस गन्ने को पेटा।

श्री बिभूति मिश्र : मैं जानना चाहता हूँ कि छितीली कीनी मिल जो कि बिहार के बनहा जाने के करीब पड़ती है और जहाँ कि किसानों का, हड़ताल होने के कारण, ३ लाख

मन गन्ना खराब हो गया है, उस के वास्ते सरकार को कोई इंतजाम करना चाहिये था या नहीं ?

श्री अ० प्र० जैन : वहां कोई गन्ना खराब नहीं हुआ है ।

श्री बिभूति मिश्र : मैं जानना चाहता हूँ कि क्या हमारे मंत्री महोदय ने घनहा थाने में पड़ने वाले गांवों की बाबत जो कि छितीली शुगर मिल को गन्ना देते हैं, कोई जांच पड़ताल की है या जांच पड़ताल करना चाहते हैं ।

श्री अ० प्र० जैन : इस की बाबत उत्तर प्रदेश सरकार से हम ने रिपोर्ट मांगी थी और उन्होंने ने हम को यह लिखा है कि जिस वक्त मिल के भन्दर हड़ताल हो गई तो उस गन्ने को दूसरे कारखानों को दे दिया गया और कोई गन्ना खराब नहीं गया । यह मैं उत्तर प्रदेश सरकार की इत्तिला के ऊपर बता रहा हूँ ।

श्री बिभूति मिश्र : छितीली मिल में हड़ताल हो जाने से घनहा थाने के किसानों का गन्ना पड़ा रह गया और नहीं जा सका और करीब २, ३ लाख मन गन्ना नष्ट हो गया....

Mr. Speaker, The hon. Member is giving information.

श्री राधेलाल व्यास : क्या मैं जान सकता हूँ कि जो गन्ने के सम्बन्ध में बिहार में स्थिति है वह दूसरे राज्यों में भी है, जैसे कि मध्य प्रदेश में है और वहां पर भी किसानों का गन्ना सूख गया और कारखाने वालों ने उस को नहीं खरोदा, तो उस के लिये सरकार क्या सोच रही है तार्कि यह गन्ना बेकार न जाये और उस को मिल वाले ले सकें ?

श्री अ० प्र० जैन : हमारे पास तो ऐसी कोई इत्तिला नहीं है, सब कारखाने चल रहे हैं, बिहार के भन्दर भी और मध्य प्रदेश के भन्दर भी, और गन्ने को पेरा जा रहा है ।

Shri Shree Narayan Das: May I know whether the hon. Minister's attention has been drawn to the fact that in spite of the fact that some of the

mills are going to be kept working a large area of sugarcane crop will remain standing and whether the hon. Minister will take steps, in consultation with the State Governments concerned, to see that the standing sugarcane crop is completely crushed?

Shri A. P. Jain: The apprehension of the hon. Member that any cane will be left uncrushed is unfounded. About 6 per cent. of the cane was left in the fields in Uttar Pradesh, and I think about 6, 7 or 8 per cent. in Bihar. Arrangements have been made either to transfer that cane to other mills for crushing or the mills themselves will prolong the period of crushing. My information is that almost all the mills this year will close about the end of the month and there will be no sugarcane left standing in the field.

#### Bombay-Kanya Kumari National Highway

\*157. Shri A. K. Gopalan: Will the Minister of Transport and Communications be pleased to state:

(a) the progress so far made on the Bombay-Kanya Kumari National Highway;

(b) whether it is a fact that the construction of the bridge at Kariyan Kodi has been suspended; and

(c) if so, the reason thereof?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) A statement showing the progress on the Bombay Kanya Kumari road which is not a National Highway, is laid on the Table of Lok Sabha. [See Appendix I, annexure No. 41.]

(b) and (c). The work was suspended for some time for revising the design of the bridge with a view to overcome some foundation difficulties which came to light during execution. The work has since been restarted.

12 00 hrs.

Shri A. K. Gopalan: May I know when the work will be restarted as far as this bridge is concerned?

**Shri Raj Bahadar:** The work has been re-started.

**Mr. Speaker:** The Question Hour is over.

#### SHORT NOTICE QUESTION

#### Steps to prevent spread of Influenza to India.

S. N. Q. No. 3. { **Shri V. P. Nayar:**  
**Shri Easwara Iyer:**

Will the Minister of Health be pleased to state:

(a) whether it is a fact that Influenza is raging in an epidemic form in Singapore and Malaya;

(b) whether adequate steps have been taken by the Government of India to prevent the spread of infection to India, through the passengers from the regions of the epidemic; and

(c) if so, the steps taken in the matter?

**The Minister of Health (Shri Karmarkar):** (a) Influenza is in an epidemic form in Singapore and Malaya.

(b) and (c). The Government of India have taken steps to prevent the entry of infection to India. The steps taken are as follows:—

1. The Directors of Health Services in the States were alerted and asked to take necessary measures to deal with influenza cases.

2. Officers were deputed to Bombay, Calcutta and Madras to study the situation in ports and to act in close liaison with the State authorities to prevent the entry and spread of the disease.

3. All airport and seaport health authorities were ordered to quarantine and isolate passengers arriving from abroad and who were suffering from influenza. Passengers not suffering from the disease were to be given surveillance forms and asked to

report to the nearest medical authority for a period of five days after entry into India. The names of the passengers with their addresses were also ordered to be sent to the nearest medical authorities.

4. Influenza has been declared as an infectious disease under the Indian Port Health and the Indian (Aircraft) Public Health Rules.

5. One ship from Singapore, S. S. Rajula, with about 1,600 passengers and 200 crew arrived in Madras at 1 A.M. on the 16th May 1957. The Government of India have taken steps to place this ship under quarantine and to prevent its entry into Madras Port. 44 cases of active influenza were on board the ship on its arrival. A team of 30 medical officers and 70 other health personnel totalling about 100 people boarded the ship immediately after its arrival and rendered all medical assistance. Measures for treating cases and isolating them on board the ship have been taken. Steps have also been taken to supply the passengers with food and water.

6. Arrangements have been made for the evacuation of cases which are acutely ill and which require special attention not available on board the ship.

7. Arrangements have been made with the Pasteur Institute, Coonoor, to isolate the virus from the infected cases in India and possible steps have been taken for producing on a small scale a vaccine against the actual virus. It is estimated that it will take about four weeks to produce about 1,000 doses of influenza vaccine from this strain of virus.

I should also like to add, to bring the information up-to-date, that we have received a report as of yesterday that the position after 19th May, 1957 was that about 79 cases of influenza were on board the ship, that 17 new cases occurred on 19th May and that three doctors and seven nurses of the medical team who went to render medical aid have also contracted the disease. Arrangements have

been made to isolate them. I hope the best sympathies of the House are with them.

**Shri V. P. Nayar:** May I know whether any steps were taken to prevent the spread of the disease at the port where the ship, S. S. Rajula, called before it came to Madras?

**Shri Karmarkar:** Yes, due steps were taken in the ship itself for the treatment of the patients on board the ship.

**Shri V. P. Nayar:** May I know in regard to the medical personnel who went to administer some drugs in S. S. Rajula and who on return were reported to be sick, whether Government have taken any steps to prevent further infection from the doctors who went and contacted the disease?

**Shri Karmarkar:** Those that have been suffering from the disease have been isolated, and we cannot wait to have them immunised before sufficient treatment is given. I should say we deeply appreciate the efforts of those people who at personal risk continued to go there very willingly.

**Shri Easwara Iyer:** In the case of the Influenza reported, may I know whether any secondary diseases like bronchitis, synocytis or pneumonia have also been reported and, if so, what steps have been taken to prevent them?

**Shri Karmarkar:** No further developments like bronchitis, etc. have been noticed. Now, the incidence of the actual suffering is supposed to cover four or five days. The person is supposed to develop a headache and then suffer from temperature of 100 degrees and then in about four or five days he recovers.

**Shri V. P. Nayar:** It has also been reported in the press that there is some mortality in the disease as it rages in the east. I want to know whether the Government have any information whether the disease is prevailing there in the epidemic form or pandemic form and whether the Government has been successful in isolating the virus

which causes this particular type of influenza?

**Shri Karmarkar:** We have given instructions to isolate the virus and prepare a vaccine as against future possibilities. Regarding actual deaths, our information shows that the epidemic originated in Japan and from October to March the number of fatal cases reported is 1,500.

**Shri Radha Raman:** May I know whether passengers coming by air from these areas have been kept under quarantine and for how long?

**Shri Karmarkar:** Instructions have been given regarding air passengers also. The hon. Member will be glad to hear that till now no cases of quarantine have been reported. We do not propose to interfere with *en route* passengers.

#### WRITTEN ANSWERS TO QUESTIONS

##### Tuticorin Express Accident

\*146. **Shri Sadhan Gupta:** Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 62 on the 25th March, 1957 and state which of the recommendations contained in the Report of the Commission of Enquiry into the Tuticorin Express Accident have been accepted by Government and the action taken thereon?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** A statement showing the recommendations made by the Commission and the directive issued to the Railways in connection therewith is placed on the Table of Lok Sabha. [See Appendix I, annexure No. 42].

##### Import of Locomotives

\*153. **Shri Gajendra Prasad Saha:** Will the Minister of Railways be pleased to state the number of locomotives imported from foreign countries during 1956-57?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** 431.

### Coconut

\*158. **Shri Warriar:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it has been brought to the notice of the Government of India that the coconut growers are very often adversely affected by the abnormal price movement of coconut oil; and

(b) whether the Government have before it any proposals to remedy the situation?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (a) Yes, Sir.

(b) Prices of coconut and its products have been showing a rising tendency since early 1956. This has been to the advantage of the grower. To prevent abnormal price movements of coconut oil adjustment of import quotas and import duties can be resorted to, if necessary.

### Rural University

\*159. **Shri Ajit Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Government of India have taken any decision regarding setting up of a Rural University in India having agricultural subjects in all its courses of studies; and

(b) if so, the location thereof?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (a) No.

(b) Does not arise.

### Smuggling of Foodgrains to East Pakistan

\*160. **Shrimati Ila Palchoudhury:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Government of India are aware of the fact that recently certain foodgrains, specially rice, from Bihar and West Bengal were unauthorisedly sent to East Pakistan; and

(b) if so, the steps taken to prevent this illegal export?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (a) No specific instances of smuggling have recently come to the notice of the Government though general allegations about smuggling of rice have been made from time to time.

(b) The West Bengal Government have been vested with necessary powers to take suitable action to reduce, if not to prevent altogether, smuggling and they are understood to have tightened up control over movements across the border.

### Agricultural College

\*161. **Shri M. Shankariyab:** Will the Minister of Food and Agriculture be pleased to lay a statement showing:

(a) the number of the Agricultural Colleges in the several States that have been assisted by the Central Government under the agreement between the Government of India and Ford Foundation;

(b) the nature of the assistance that is being given under the agreement; and

(c) the nature of the new departments or extension wings that have been opened in each college?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (a) to (c). A statement is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 43].

### Harbour at Paradip

\*162. { **Shri Supakar:**  
**Shri P. K. Deo:**

Will the Minister of Transport and Communications be pleased to state:

(a) whether the investigation in connection with the building of an all-weather harbour at Paradip in Orissa Coast has been completed; and

(b) if so, the result of such investigation?



**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** (a) and (b). No, Sir. Model studies, surveys and investigations in connection with the development of an all-weather port at Paradip are still in progress.

**Passenger Trains on Panipat-Jind and Narwana-Kurukshetra Lines**

**\*163. Shri Mool Chand:** Will the Minister of Railways be pleased to state:

(a) whether representations have been received from the public about the inadequacy of the numbers of passenger trains on Panipat-Jind and Narwana-Kurukshetra lines; and

(b) if so, what motion has been taken on these representations which are based on genuine need of the laqa?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** (a) Yes.

(b) There is no Traffic justification for the introduction of any additional Trains on these sections.

**बीकानेर रेलवे डिब्बे डिजिटल में रेल के डिब्बे**

**\*१६४. श्री प० ला० बालूवाल :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) उत्तर रेलवे के बीकानेर डिब्बे डिजिटल पर प्रथम और द्वितीय श्रेणी के चार पहिये वाले कितने डिब्बे हैं ;

(ख) क्या ये डिब्बे डाक और सवारी गाड़ियों में जोड़े जाते हैं ; और

(ग) क्या यह सच है कि उन के हलके होने के कारण यात्रियों की बार बार धक्के लगने से बड़ी परेशानी होती है ?

**रेलवे उपमंत्री (श्री शाह नवाज खां) :**  
(क) ३६ ।

(ख) इन में से कुछ डिब्बे सवारी गाड़ियों में लगाये जाते हैं, लेकिन ये डिब्बे डाक या एक्सप्रेस गाड़ियों नहीं लगाये जाते ।

(ग) मुमकिन है कि इन डिब्बों में सफर करने वाले मुसाफिरों को उतना आराम न मिलता हो जितना अठपहिये डिब्बों में मिलता है ।

**Industrial Estates**

**\*165. Shri Thimmaiah:** Will the Minister of Community Development be pleased to state the approximate amount to be spent for each of the twenty small Industrial Estates proposed to be set up at Community Development Block Head-quarters?

**The Minister of Community Development (Shri S. K. Dey):** Rs. 2 to 5 lakhs (approximately).

**Public Call Offices**

**\*166. Shri Jhulan Sinha:** Will the Minister of Transport and Communications be pleased to state:

(a) whether the attention of Government has been drawn to the difficulties and handicaps experienced by customers at the Public Call Offices opened at sub-divisional Headquarters on account of the part time attendants dealing with calls as also on account of the telegraph clerks attending to them in addition to their own duties; and

(b) whether it is a fact that revenue from these Public Call Offices has already begun to decline because of the above-mentioned reasons?

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** (a) Yes, Government is aware of the difficulties experienced by the customers at some of the Public Call Offices. But it has not been possible to provide full time attendants and additional clerks due to the enormous cost to which the Department will be put to. However, the position in respect of each and every Public Call Office is kept under constant review and the duty hours of the attendants are extended wherever justified.

(b) It is not correct to say that the revenue from these Public Call Offices has already begun to decline as well as will be evident from the following figures.

The revenue in 1956-57 was Rs. 71,383 as against Rs. 24,975 in 1954-55.

### Shortage of Electric Power in Delhi

\*168. { Shri Ansar Harvani:  
Shri Radha Raman:

Will the Minister of Irrigation and Power be pleased to state:

(a) whether there is acute shortage of electric power in Delhi and the applications of a large number of small industrial undertakings are still on waiting list; and

(b) what steps are being taken to improve the electric supply of Delhi and New Delhi?

The Minister of Irrigation and Power (Shri S. K. Patil): (a) There is no acute shortage of power in Delhi in so far as requirements for domestic use for lights and fans and for small scale industrial undertakings are concerned. All applications for such power connections upto 5 H. P. received before 31st March, 1957, have been sanctioned.

(b) The Delhi State Electricity Board has placed orders for diesel generating sets capable of producing electric energy aggregating to 20,000 kw out of which a 6000 kw diesel plant has already been received in Delhi. Civil works for the installation of these sets are in progress. The Board has already acquired a 3000 kw thermal plant for installation at Delhi. In addition to the above plant, the Board is also considering the question of installing one 30,000 kw thermal plant at Delhi to meet the normal growth of demand.

### मंडवाडीह में रेलवे स्कांशप

\*१७०. श्री खन्नारायण : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) वाराणसी नगर के निकट मंडवाडीह में जो रेलवे का कारखाना खुलने वाला है उस का निर्माण कार्य कब से प्रारम्भ होगा और कब तक पूरा हो जायेगा ;

(ख) इस कारखाने में किस प्रकार का सामान तैयार होगा, कारखाने पर अनुमानित व्यय कितना होगा और इस में कितने व्यक्ति काम करेंगे, और

(ग) इस कारखाने के लिये भूमि प्राप्त करने में इतना विलम्ब क्यों हो रहा है ?

रेलवे उपमंत्रि (श्री शाहनवाज खाँ) :

(क) मंडवाडीह में रेल कारखाना बनाने का काम शुरू किया जा रहा है। अगर जरूरत के मुताबिक विनिमय-दर (foreign exchange) मिलता रहा, तो यह काम लग भग तीन साल में पूरा हो जायेगा।

(ख) इस कारखाने में इंजन और माल और मचारी डिब्बों के पुर्जें बनाने का विचार है। अभी इस बात का पक्का अनुमान नहीं लगाया जा सका है कि इस कारखाने पर कितनी लागत आयेगी और इसमें कितने आदमी रखे जायेंगे।

(ग) बड़े कारखाने के लिए जमीन खरीदने से पहले उनका पूरा सर्वे और नक्शा तैयार करना पड़ता है और उसमें कुछ समय लगता है।

### Muzaffarpur-Darbhanga Rail Link

\*171. Shri Shree Narayan Das: Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 481 on the 30th July, 1956 and state:

(a) whether the survey undertaken regarding a direct railway line from

Muzaffarpur to Darbhanga has been completed;

(b) what are the different alignments that have been surveyed;

(c) whether the report of the survey has been considered and decision taken; and

(d) if so, the nature of such a decision-

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** (a) Not yet, Sir.

(b) The report is still awaited.

(c) and (d). Do not arise.

#### **Flood Protection in North Bihar**

\*172. **Shri L. N. Mishra:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether Central Waterway and Power Commission has any proposal to have a co-ordinated scheme for the flood protection embankment of Kosi, Kamla Balan and Karch in the lower reaches of North Bihar;

(b) if so, whether any investigation has been made and a scheme prepared; and

(c) if so, the salient features thereof?

**The Minister of Irrigation and Power (Shri S. K. Patil):** (a) to (c). A statement giving the requisite information is laid on the Table of the House. [See Appendix I, annexure No. 44.]

#### **Child Guidance and Psychiatric Clinics**

\*173. **Shri Bahadur Singh:** Will the Minister of Health be pleased to state:

(a) whether a national plan for setting up child guidance and psychiatric clinics has been drawn up;

(b) the number of such clinics opened for this purpose; and

(c) whether any institution will be opened to impart training to the workers required for these clinics?

**The Minister of Health (Shri D. P. Karmarkar):** (a) Yes.

(b) The establishment of 5 units in the States of Madras, Punjab, Andhra and Uttar Pradesh have so far been approved.

(c) Necessary facilities for training of Psychiatrists, Clinical Psychologists and Psychiatric Nurses are already available at the All-India Institute of Mental Health, Bangalore.

#### **Second Ship Building Yard**

\*174. { Shri Sadhan Gupta:  
Shri D. C. Sharma:  
Shri A. M. Thomas:  
Shri Warrior:  
Shri Vasudevan Nair:

Will the Minister of Transport and Communications be pleased to state:

(a) whether a team of British technical experts have visited India for drawing up a preliminary project report for setting up a second shipyard in the country; and

(b) if not, what the present position is?

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** (a) No.

(b) The British Technical experts are expected to visit this country by about the middle of September 1957.

#### **Animal Husbandry**

\*175. **Shri Biswanath Roy:** Will the Minister of Food and Agriculture be pleased to state whether Government have sent officers to foreign countries for training in Animal Gynaecology and Cattle Breeding?

**The Minister of Food and Agriculture (Shri A. P. Jain):** Yes.

#### **डाक विभाग के विद्योवन**

\*१७६. श्री प्रकाश वर्मान : क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि कुछ समय से यह नीति निर्धारित की गई है कि डाक विभाग

के जो नये डिबीजन खोले जायें वे एक खिले के लिये एक डिबीजन के आधार पर खोले जायें ;

(ख) यदि हां तो इस आधार पर अब तक किन-किन जिलों डाक विभाग के नये डिबीजन खोले जा चुके हैं ; और

(ग) अब किन अन्य जिलों में डाक विभाग के नये डिबीजन खोलने का निर्णय किया जा चुका है प्रथवा खोलने का विचार किया जा रहा है ?

परिबहन तथा संचार मंत्रालय में राज्य मंत्री (श्री राज बहादुर) : (क) जी नहीं ।

(ख) और (ग) . ये प्रश्न नहीं उठते ।

### World Leprosy Congress

\*177. Shri Raghunath Singh: Will the Minister of Health be pleased to state whether it is a fact that World Leprosy Congress is going to be held in New Delhi?

The Minister of Health (Shri D. P. Karmarkar): The Seventh Session of the World Leprosy Congress will be held in New Delhi in 1958.

### Bangalore City Post Office

\*178. { Shri Keshava:  
Shri Thimmaiah:

Will the Minister of Transport and Communications be pleased to state:

(a) whether Government are aware of the inconvenience caused to everybody concerned on account of the location of the Bangalore City Post Office in the present building;

(b) whether Government have any plans to shift it to a new building; and

(c) if so, where?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes.

(b) and (c). All efforts to shift the Post Office to a suitable rented building having failed, it has been decided to acquire land and construct a departmental building to house the Bangalore City Post Office and Departmental Telegraph Office. The question of acquiring a site opposite to the Town Hall, belonging to the New India Assurance Company at Bangalore is under correspondence with the authorities concerned.

### Hyderabad Railway Bridges Inspection Committee

\*180. Shri T. B. Vittal Rao: Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 21 on the 25th March, 1957 and state:

(a) whether the Experts Committee appointed to inspect the Railway bridges in Secunderabad Division of the Central Railway have since submitted their report;

(b) if so, what are their main recommendations; and

(c) whether a copy of their report will be laid on the Table of the Sabha?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) One copy of the complete report was received on the 11th May, 1957.

(b) The report is under examination.

(c) After the examination has been completed, a copy of the report together with the action proposed to be taken thereon will be laid on the Table of the Sabha.

### Flood Control in North Bihar

\*181. { Shri Shree Narayan Das:  
Shri Bibhuti Mishra:

Will the Minister of Irrigation and Power be pleased to state:

(a) whether Mr. A. J. Davis, Flood Control and Navigation Expert of the

U.S. Technical Co-operation Mission to India, has submitted his report to Government after he had made an aerial survey of North Bihar rivers; and

(b) if so, the important features of his report?

**The Minister of Irrigation and Power (Shri S. K. Patil):** (a) and (b). A statement giving the requisite information is laid on the Table of Lok Sabha. [See Appendix I, annexure No. 45.]

### Supply of Power from River Valley Projects

\*182. **Shri L. N. Mishra:** Will the Minister of Irrigation and Power be pleased to state:

(a) the names of such River Valley Projects where Power generated is surplus to the demand and also those where it is in short of the demand; and

(b) whether there is any special machinery in Central Waterway and Power Commission to coordinate the demand of each State so far as the supply of Power from Projects is concerned?

**The Minister of Irrigation and Power (Shri S. K. Patil):** A statement is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 46].

### Suburban Railway Services

\*183. **Shri Sadhan Gupta:** Will the Minister of Railways be pleased to state:

(a) whether the recommendations contained in the Report of the Suburban Train Overcrowding Enquiry Committee in respect of suburban trains in Calcutta include a recommendation to replace obsolete carriages and remodel carriages so as to provide more seats and standing space;

(b) if so, whether any steps have been taken so far to give immediate effect to this recommendation; and

(c) if not, the reason therefor?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** (a) Yes.

(b) and (c). In view of the impending electrification of this area, it would not be advisable to replace the present stock by specially designed.

As regards the conversion of the present carriages, one coach has already been modified and put into service to ascertain the reaction of the public. Alternate proposals regarding arrangements of seats in the suburban stock are also under consideration.

### भारतीय किसानों की अमरीका यात्रा

\*१८४. **श्री भक्त दर्शन :** क्या ख.घ तथा कृ.ष.मंत्री यह बताने की कृपा करेंगे कि-

(क) क्या यह सच है कि हाल ही में ३७ भारतीय युवक किसानों का एक दल संयुक्त राज्य अमरीका की भेजा गया है;

(ख) क्या यह भी सच है कि इस दल में चौदह भारतीय युवतियां भी सम्मिलित हैं;

(ग) यदि हां, तो इस दल की अमरीका यात्रा का क्या उद्देश्य है;

(घ) इस दल को भारत व संयुक्त राज्य अमरीका की सरकारों की ओर से क्या सुविधाएँ दी जा रही है, प्रशंसा दी जायेगी, और

(ङ) ये भारतीय युवक और युवतियां अमरीकी कृषि पद्धति का अध्ययन कर के भारतीय परिस्थितियों में इस अनुभव का कैसे उपयोग करेंगे ?

**ख.घ तथा कृषि मंत्री (श्री अजित प्रसाद जैन) :** (क) और (ख). जी हां।

(ग) से (ङ). पूरी हुई जानकारी का एक विवरण सभा क टेबल पर रख दिया गया है। [बै.स.वे.परिसिष्ट १, अनुबन्ध संख्या ४७]

### Bikaner Railway Station

\*185. **Shri Karni Singhji:** Will the Minister of Railways be pleased to state:

(a) the result of the examination of the proposals for the extension of the Bikaner Railway Station; and

(b) the time by which the proposals are expected to be brought into effect?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** (a) and (b). Extension of the Bikaner Railway Station has been examined in detail. The inclusion of this work in Works Programme will depend on the availability of additional land required, its approval by Railway Users' Amenities Committee at the zone level and availability of funds and materials.

### वियत-नाम से चावल की खरीद

\*१८६. **श्री रघुनाथ सिंह :** क्या लाघ तथा कृषि मंत्री यह बताएँ की कृपा करेंगे कि उत्तरी वियत-नाम से किस भाव-पर ७,००० टन चावल खरीदना तय हुआ है।

**लाघ तथा कृषि मंत्री (श्री अजित प्रसाद जैन) :** सार्वजनिक हित में यह बात नहीं बताई जा सकती।

### Jute

61. **Shri A. C. Guha:** Will the Minister of Food and Agriculture be pleased to state:

(a) the manner in which the quantitative and the qualitative requirements of raw jute are being met by the Indian production of raw jute;

(b) how far the products of Indian jute mills can compete in price and quality with the jute products of East Bengal mills;

(c) whether there is any scheme or plan to make India self-sufficient in raw jute; and

(d) if so, the outlines thereof?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (a) The present consumption of jute and mesta in the country is estimated at about 71 lakh bales, out of which internal production is about 54 lakh bales. The deficiency is met by imports from Pakistan. The country is in short supply of white jute, particularly long Jat variety which is required for the manufacture of good quality hessian.

(b) Because of the larger supply of superior quality jute generally in East Pakistan, the products of the jute manufacturing industry there may be sometimes preferred by overseas buyers. Available information shows, however, that in trying to capture markets, Pakistan exporters often underquote Indian exporters.

(c) Yes.

(d) The emphasis is on intensive cultivation measures including the dissemination of improved seeds; distribution of fertilizers and promotion of their scientific use; distribution of seed drills and wheel-hoes to encourage line-sowing and intercultural operations; excavation of new retting tanks and repairs to old ones; and plant protection measures such as the spraying of suitable insecticides.

### National Co-operative Development and Ware-housing Board

62. **Shri A. C. Guha:** Will the Minister of Food and Agriculture be pleased to state the works undertaken so far by the National Co-operative Development and Ware-Housing Board with reference to the items mentioned in sub-section (2) of Section 9 of the Agriculture Produce (Development and Ware-housing) Corporation Act, 1956?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (i) The Board has so far advanced loans to the extent of Rs. 184 lakhs and granted subsidies of Rs. 24 lakhs to sixteen States and Union Territories as detailed in the enclosed statement, for implementing schemes of cooperative development under the Second Five Year

Plan. [See Appendix I, annexure No. 48]

(ii) The Board has not received any request so far either from a State Government or Warehousing Corporation for provision of funds for financing co-operative societies for the purchase of agricultural produce on behalf of the Central Government.

(iii) The Board has earmarked and amount of Rs. 40 lakhs for subscribing to the share capital of the Central Warehousing Corporation. Except in the State of Bihar, State Warehousing Corporations have not yet been set up in the States. The Board has not been approached for assistance in this connection so far.

(iv) The Board has decided that, in areas where the cooperatives are not handling the entire distribution of fertilisers, cooperative organisation ought to be strengthened within one year both administratively as well as financially to enable it to cope with the work. The State Governments have been advised to review the present position regarding distribution of fertilisers in the light of the Board's decision and to take the necessary steps.

#### Passenger Fares on Konkan Shipping Lines

63. Shri Assar: Will the Minister of Transport and Communications be pleased to state:

(a) whether Government have received any memorandum from a deputation of Konkan Bhartiya Jan Sangh and Ratnagiri District Unnati Mandal signed by 50,000 people for the reduction in Passenger fares on the Konkan Shipping Lines; and

(b) if so, action taken in the matter?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes Sir,

(b) The representationists have since been informed that it would be difficult for Government to institute another in query regarding the reasonableness or otherwise of the Konkan Dock Passengers fares since it was only as recently as the 1st September 1956 that they had announced their decision on the report of a statutory Shipping Rates Advisory Board, which had gone exhaustively into the question.

#### Revision of Train Timings

64. Shri Karni Singhji: Will the Minister of Railways be pleased to state:

(a) whether Government are aware that No. 2 JMB from Jodhpur is scheduled to arrive at Bikaner at 9-35 P.M. and No. 4 BB from Bikaner for Bhatinda leaves Bikaner at 8-00 P.M. with the result that the passengers bound for stations beyond Bikaner have to spend the whole night at Bikaner and suffer great hardship; and

(b) if so, whether Government have under consideration a revision of the timings of these trains so that a connection may be provided between these two trains and the time by which this change may be expected to be made?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) 2 JMB which is scheduled to arrive Bikaner at 21-35 hours from Merta Road (not from Jodhpur) is not intended to connect with No. 4 BBB, scheduled to leave Bikaner at 20-00 hours for Bhatinda;

(b) No. Convenient train services as indicated below are, at present, available for passengers travelling between Jodhpur and Bhatinda:—

404 Dn  
(Marwar Mail)

20.55 A  
22.00 D Jodhpur  
00.25 A Merta Road

403 UP  
(Marwar Mail)

D 08.00  
A 06.05  
D 03.00

02.20	D	Marta Road	A	09.45
07.10	A	Bikaner	D	20.10
2	BBB		1	BBB
09.45	D	"	A	17.50
22.05	A	Bhatinda	D	05.00

### Tube-Wells in Rajasthan

65. **Shri Karni Singhji:** Will the Minister of Food and Agriculture be pleased to refer to the reply given to Unstarred Question No. 362 on the 20th August, 1953 and state:

(a) whether the proposals of the Rajasthan Government for sinking tube-wells on either side of the Bikaner Canal near the Ferozepur Head Works have since been considered; and

(b) if so, the decision arrived at in the matter?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (a) and (b). The matter is under consideration of the State Government. No final decision has so far been taken.

### Late Running of Trains on N. E. Railway

66. { **Shri Shree Narayan Das:**  
**Shri Bibhuti Mishra:**

Will the Minister of Railways be pleased to state:

(a) whether Government are aware that almost all the trains on the Mansi-Supaul Branch line of North Eastern Railway invariably run late;

(b) if so, whether any effort have been made to ascertain the causes; and

(c) the measures taken or proposed to be taken to improve the situation?

**The Deputy Minister of Railways (Shri Shahnawaz Khan):** (a) The percentage of trains not losing time to the total number of trains run on the Section during the months of February, March and April, 1957 is 31, 50 and 60, respectively. These figures show a progressive improvement in the running of trains on this Section.

(b) and (c). Steps taken to improve the punctuality performance are:

(i) conversion of mixed trains into passenger trains;

(ii) replacement of old and lighter engines by more powerful engines;

(iii) deputing inspecting officials to travel by trains whose performance is bad so as to detect causes and improve their running.

### Restoration of Railway Line between Nirmali and Supaul Stations

67. **Shri Shree Narayan Das:** Will the Minister of Railways be pleased to state:

(a) whether the question of restoration or re-construction of the Railway line connecting Nirmali the present terminus of the Darbhanga-Nirmali-Branch line and Supaul the terminus of the Mansi Supaul section of the North Eastern Railway has been considered; and

(b) if so, the nature of decision taken?

**The Deputy Minister of Railways (Shri Shahnawaz Khan):** (a) and (b). Till such time the Kosi river is controlled and its course is stabilised, it would not be practicable to consider the construction of any railway line in this area.

### Dental Colleges

68. **Shri D. C. Sharma:** Will the Minister of Health be pleased to refer to the reply given to Starred Question No. 369 on the 23rd November, 1956 and state the places where it is proposed to set up Dental Colleges in the country?

**The Minister of Health (Shri Karmarkar):** No decision has yet been taken about the location of new Dental Colleges in the country as the Government of India have decided to give first priority to the expansion of the existing Dental Colleges.



**Delhi Transport Service**

69. **Shri D. C. Sharma:** will the Minister of Transport and Communications be pleased to state:

(a) the number of Delhi Transport service buses being run at present; and

(b) the number of those which are out of order at present?

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** (a) 344 out of a total fleet strength of 417.

(b) 58 buses are in the Workshop undergoing major repairs and 15 buses of obsolete model are lying out of order for want of spare parts.

**Community Project in Gurdaspur District (Punjab)**

70. **Shri D. C. Sharma:** Will the Minister of Community Development be pleased to state:

(a) the total outlay incurred in the Community Project in Gurdaspur district (Punjab) upto the end of April, 1957;

(b) the outlay incurred in connection with the establishment in the Project; and

(c) the comparative figures of such outlay on establishment in other projects of Punjab?

**The Minister of Community Development (Shri S. K. Dey):** (a) Expenditure incurred upto end of January, 1957 is Rs. 53 lakhs (rounded). Figures upto April 1957 are not available.

(b) Rs. 6,08,435 (upto end of January, 1957).

(c) The following figures in respect of other Projects are available upto the end of the month shown against each.

**District Ambala**

**Jagadhri—upto September, 1956**  
Rs. 5,47,486.

**District Jullundur**

**Nawanshahr—upto January, 1957**  
Rs. 5,78,088.

**District Rohtak**

**Sonepat—upto December, 1956**  
Rs. 5,72,774.

**District Sangrur**

**Dhuri—upto September, 1956**  
Rs. 6,65,506.

**National Highways in Punjab**

71. **Shri D. C. Sharma:** Will the Minister of Transport and Communications be pleased to state:

(a) the total amount of the estimated cost of important National Highway original works in the State of Punjab sanctioned during 1955-56 to 1957-58, year-wise; and

(b) how much of this amount has been actually spent and what is the sum that lapsed during the years 1955-56 and 1956-57?

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** (a)

1955-56 Rs. 52.65 lakhs.

1956-57 .. Rs. 19.68 lakhs.

1957-58 .. Nil.

(upto 15th May 1957)

(b) The sanctioned amounts are spent over a number of years. According to the figures of expenditure so far available, a sum of Rs. 5.41 lakhs was spent in 1955-56 and Rs. 4.49 lakhs upto December 1956. As the estimates are current till the works are completed and they are not sanctioned on year-to-year basis, the question of lapse does not arise.

**Railway Employees on Western Railway**

72. **Pandit M. B. Bhargava:** Will the Minister of Railways be pleased to state:

(a) the number of Class II employees on the Western Railway officiating in Selection posts for periods

varying from over 1 year to 3 years and over three years after having appeared before a duly constituted Selection Board and placed on panel, and are not yet confirmed, in the various Departments;

(b) what is normally considered as the minimum and maximum officiating periods for confirming an employee;

(c) whether it is a fact that employees with over three years satisfactory officiating period have not been confirmed as yet; and

(d) if so, the reasons therefor?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** (a) Information is being collected and will be laid on the Table of the House in due course.

(b) No maximum and minimum officiating periods have been laid down for this purpose.

(c) Yes.

(d) For want of permanent vacancies.

#### **Stenographers in Western Railway**

**73. Pandit M. B. Bhargava:** Will the Minister of Railways be pleased to state:

(a) the number of permanent posts of Stenographers in all the 3 grades of 80—220, 200—300 and 280—350 as existing on the 31st March, 1957 on the Western Railway;

(b) the avenues of promotion provided for Stenographers on the different Zonal Railways;

(c) whether it is a fact that Stenographers in the Railway Board and other Central Government Secretariat offices have their avenues of promotion in the clerical line also; and

(d) if so, the basis for this discriminatory treatment and whether any steps are being taken to remove this discrimination?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** (a) and (b). A statement is laid on the Table of the House. [See Appendix I, annexure No. 49.]

(c) Yes, Private Secretaries attached to Members/Additional Members of the Railway Board who have obtained training as Assistant and Assistant Superintendent for at least two years are eligible for appointment as Superintendent Grade II of the Railway Board's Secretariat Service with the approval of the Union Public Service Commission in the vacancy reserved for such Stenographers. Members of Grade I of the Central Secretariat Stenographers' Service (Private Secretaries etc.) are eligible to be considered for appointment against a specified quota of posts in Grade II of the Central Secretariat Service in accordance with the provision of the scheme with the approval of the Union Public Service Commission.

(d) There is no discrimination.

#### **Land Submerged by Hirakud Dam**

**74. Shri P. K. Deo:** Will the Minister of Irrigation and Power be pleased to state the total acreage of land submerged by the Hirakud Dam?

**The Minister of Irrigation and Power (Shri S. K. Patil):** 1,81,602 acres.

#### **Level Crossing at Cuttack Station**

**75. Shri Pratap Keshari Deo:** Will the Minister of Railways be pleased to state:

(a) whether Government are aware that the public are harassed by the constant closure of the Railway gate at the level crossing near Cuttack Station on the Cuttack-Bhubaneswar Road; and

(b) whether Government are contemplating to construct an overbridge or an under-bridge to relieve the traffic congestion at the level crossing?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** (a) No, Sir, However, due to frequent closure of this level crossing which is situated in the busy station yard the public may have been put to some inconvenience.

(b) Proposals for construction of two over or under bridges, one on the north and the other on the south of Cuttack Railway Station in place of the existing level crossing, are under consideration.

### नये डाक तथा तार-घर

७६. श्री भक्त बर्दान : क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) सन् १९५६-५७ के वित्तीय वर्ष में उत्तर प्रदेश के पांच पर्वतीय जिलों, अर्थात् गढ़वाल, अलमोड़ा, देहरादून, नैनीताल और टिहरी-गढ़वाल में से प्रत्येक में किन-किन स्थानों पर नये डाक-घर, तार-घर, टेलीफोन एक्सचेंज तथा सार्वजनिक टेलीफोन घर खोले गये हैं;

(ख) किन-किन शाखा-डाकघरों को उप-डाकघरों में परिवर्तित किया गया; और

(ग) १९५७-५८ के वित्तीय वर्ष में इन पांच जिलों के किन-किन स्थानों पर नये डाकघर, तारघर, टेलीफोन एक्सचेंज तथा सार्वजनिक टेलीफोन घर खोलने का निर्णय किया जा चुका है अथवा विचार किया जा रहा है ?

परिवहन तथा संचार मंत्रालय में राज्य मंत्री (श्री राज बहादुर) : (क) से (ग) इस सप्ताह में एक विवरण-पत्र सभा-पटल पर रखा जाता है। [बै.सं. परीक्षित १, अन्व. संख्या ५०]

### Construction of Under-bridge at Bangalore

77. Shri N. Keshava: Will the Minister of Railways be pleased to state:

(a) whether there is any proposal to construct an underbridge across the broadgauge Madras line and avoid the congestion and inconvenience

caused to the public of Bangalore for the traffic on Subedar Chatram Road;

(b) if so, what the proposal is; and

(c) when it is likely to be implemented?

The Deputy Minister of Railways (Shri Shah nawas Khan): (a) to (c). At the request of the City Improvement Trust, Bangalore the question of providing an under-bridge at the existing level crossing on Subedar Chatram Road in Bangalore City was examined in 1953, and the Mysore Government as well as the Improvement Trust were asked to bear the cost of approaches. The State Government's approval to bear their share of cost has not yet been received.

The work can be taken up only when the State Government communicates their approval to bear their share of the cost.

### Ticketless Travel

78. Shri Bibhuti Mishra: Will the Minister of Railways be pleased to state:

(a) the total number of ticketless travellers in different railway Zones and money realised from them in 1956-57; and

(b) the steps taken by Government to stop ticketless travel?

The Deputy Minister of Railways (Shri Shah nawas Khan): (a) A statement giving the information is attached. [See Appendix I, annexure No. 51]

(b) (i) Checking the tickets of passengers entering and leaving stations by posting of ticket collectors at larger stations, and deputing other staff at the smaller stations, for manning the gates.

(ii) Providing Travelling Ticket Examiners to work to prescribed programmes, as well as to conduct surprise checks.

(iii) Arranging surprise checks by 'Flying squads', including cross country checks by proceeding by road to points selected for these checks

(iv) Arranging replacement checks by replacing normal checking staff by staff from other regions.

(v) Arranging checks by Travelling Ticket Examining staff in mufti in suburban areas.

(vi) By arranging in consultation with State Governments for the appointment of Special Railway Magistrates to try cases of ticketless travel and of other offences under the Indian Railways Act.

#### Rice Godowns in Cannanore

79. **Shri A. K. Gopalan:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that there are no Government godowns in Cannanore to stock rice; and

(b) if so, whether the Central Government will take steps to acquire godowns in Cannanore to stock rice?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (a) and (b). Hitherto there was no Central Storage depot at Cannanore, but action has already been taken to set up one. The depot is expected to start functioning very soon.

#### Ghee

80. **Shri D. C. Sharma:** Will the Minister of Food and Agriculture be pleased to state the quantity of ghee produced in the country in 1956-57?

**The Minister of Food and Agriculture (Shri A. P. Jain):** The estimated production of ghee for 1956-57 on the basis of livestock census taken in 1956 works out at 106 lakh maunds.

#### Demolition Notices by Delhi Development Authority

81. **Shri D. C. Sharma:** Will the Minister of Health be pleased to state the number of demolition notices

issued by the Delhi Development Authority since the 1st December 1953 so far?

**The Minister of Health (Shri Karmarkar):** The total number of demolition notices issued by the Delhi Development (Provisional) Authority from the 1st December, 1953 up to the 30th April 1957 is 316.

#### Telephone Installations at Delhi

82. **Shri D. C. Sharma:** Will the Minister of Transport and Communications be pleased to state:

(a) the number of additional telephones applied for installation at Delhi during 1956-57; and

(b) the number of telephones installed at Delhi during the same period?

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** (a) 2,050  
(b) 1,962.

#### Anti-rabies Vaccine

83. **Shrimati Ita Palchoudhury:** Will the Minister of Health be pleased to state the quantity of anti-rabies vaccine manufactured annually in India and where?

**The Minister of Health (Shri Karmarkar):** Anti-rabies vaccine is manufactured at the following institutes and the quantity manufactured annually is shown against each:—

#### Names of the Institute

#### Quantity manufactured

- |  |              |
|--|--------------|
| 1. Central Research Institute, Kasauli,  | 47,02,003 cc |
| 2. Pasteur Institute, Coonoor.           | 35,00,000 cc |
| 3. Pasteur Institute, Calcutta.          | 12,62,130 cc |
| 4. Pasteur Institute, Shillong.          | 5,00,000 cc  |
| 5. Government Vaccine Institute, Namkum. | 11,00,000 cc |

6. Haffkine Institute,  
Bombay. 29,64,500 cc
7. Public Health Laboratory Trivandrum,  
Kerala. 7,00,000 cc

### रेलवे के पहियों के सेटों की खरीद

८४. श्री रघुनाथ सिंह : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि रेलवे विभाग ने जापान को लगभग ४ करोड़ रुपये के रेलवे के पहियों के ३१,५०० सेटों के निम्ने ऑर्डर दिया है ?

रेलवे उपमंत्री (श्री शाहनवाज खां) : जी हाँ, ३१.४२० सेट का ऑर्डर दिया गया है ।

### Shifting of N. E. Railway Divisional Office

25. Shri Vajpayee: Will the Minister of Railways be pleased to state:

(a) whether Government have received any memorandum from the traders of Gonda (Uttar Pradesh) against shifting the Divisional Office of North-Eastern Railway from Gonda to Lucknow; and

(b) if so, the action taken in the matter?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) Yes.

(b) It has not been possible to comply with the request contained in the memorandum.

### बीकानेर और जयपुर के बीच सवारी गाड़ी का चलाया जाना

८६. श्री प० ला० बारपाल : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि क्या सरकार का चुरू-फतेहपुर के रस्ते बीकानेर और जयपुर के बीच एक सवारी गाड़ी चलाने का विचार है ?

रेल उपमंत्री (श्री शाहनवाज खां) : चुरू-फतेहपुर जोड़ावाटी के रास्ते जयपुर और बीकानेर के बीच सीधी गाड़ी चलाने

का न कोई विचार है और न इस के लिये कोई प्रीविलेज है ।

### Fixation of Pepper Price

27. Shri Vasudevan Nair: Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Government of India have any plan to ensure fair prices for the producers of pepper in Kerala; and

(b) what is the average export price of pepper during the months of March, April and May for the last five years?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Government have been trying to support internal prices through export promotion measures, abolition of export duty and resumption of futures trading.

(b) The average export price of pepper based on the quantity and value of exports has been as under:

(Rs. per CWT)

	March	April	May
1952	651.93	581.44	583.84
1953	625.36	702.47	655.63
1954	428.80	381.18	302.13
1955	201.65	202.54	215.12
1956	157.60	144.92	142.66

### Dakota Crash in Assam

88. Shri Raghunath Singh: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that on the 5th May, 1957 Indian Airlines Corporation's Dakota crashed in a paddy field in Cachar (Assam); and

(b) if so, the reasons of the accident?

The Minister of State in the Ministry of Transport and Communications

(Shri Raj Bahadur): (a) Yes, Sir. The Indian Airlines Corporation Dakota aircraft VT-AUV, which took off from Kumbhigram (Silchar) at 12:50 hours I.S.T. on 5th May, 1957 on a scheduled freighter service to Calcutta, crashed near Rathibari Police Station in Cachar District, about 42 miles from Kumbhigram.

(b) No definite information about the cause or causes of the accident can be given till the report of the Chief Inspector of Accidents has been received.

#### Calcutta-Mangalore Coastal Canal

89. { Shri Raghunath Singh:  
Shri K. G. Deshmukh:  
Shri Bishwanath Roy:

Will the Minister of Transport and Communications be pleased to state whether it is a fact that a 1500 mile long coastal canal scheme linking Calcutta with Mangalore is under examination of Government?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): The scheme to provide continuous connection between Calcutta and Mangalore by linking existing and providing new canals is under examination by the Committee on Inland Water Transport set up by the Government of India.

#### रेलवे में भर्ती

९०. श्री रूप नारायण : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या रेलवे विभाग के अधिकारियों को इस प्रकार का आदेश दिया गया है कि वे चतुर्थ श्रेणी के कर्मचारियों की भर्ती के लिये रोजगार दफ्तर से नाम मांगें ;

(ख) यदि हाँ, तो उत्तर रेलवे के अधिकारी इस आदेश का पालन क्यों नहीं करते; और

(ग) १९५२ से १९५२ तक उत्तर तथा पूर्वोत्तर रेलवे में चतुर्थ श्रेणी के कितने कर्मचारी भर्ती किये गये और उस में अनुसूचित जाति के कितने लोग थे ?

रेलवे उपमंत्री (श्री शाहनवाज खाँ) :  
(क) और (ख) वर्तमान नियमों के अनुसार रेल प्रशासन चौथे दर्जे की खाली जगहों का द्वारा सम्बन्धित रोजगार दफ्तर (

) को भेजते हैं। रोजगार दफ्तर में जो उम्मीदवार भेजे जाते हैं उन के साथ-साथ बाहर से भर्ती देने वाले उम्मीदवारों पर भी विचार किया जाता है।

(ग) एक बयान साथ साथ पटल पर रखा है

[बैकल्पिक परिशिष्ट २, अनुबंध संख्या ५२]

#### PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER THE ALL INDIA SERVICES ACT, 1951.

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table a copy of each of the following Notifications, under sub-section (2) of section 3 of the All India Services Act, 1951:—

- (1) Notification No. S.R.O. 2735, dated the 24th November, 1956, making certain amendment to Schedule III-C to the Indian Police Service (Pay) Rules, 1954.
- (2) Notification No. S.R.O. 275, dated the 26th January, 1957, making certain amendment to the All India Services (Provident Fund) Rules, 1955.
- (3) Notification No. S.R.O. 348, dated the 2nd February, 1957, making certain amendments to the All India Services (Leave) Rules, 1955.
- (4) Notification No. S.R.O. 539, dated the 23rd February, 1957, making certain amendment to Schedule III-B to the Indian

[Shri Datar.]

Police Service (Pay) Rules, 1954.

- (5) Notification No. S.R.O. 855, dated the 23rd March, 1957, making certain amendments to the All India Services (Provident Fund) Rules, 1955.
- (6) Notification No. S.R.O. 856, dated the 23rd March, 1957, making certain amendment to the All India Services (Conduct) Rules, 1954.
- (7) Notification No. S.R.O. 1152, dated the 13th April, 1957, making certain amendment to Schedule III-C to the Indian Police (Pay) Rules, 1954.
- (8) Notification No. S.R.O. 1370, dated the 4th May, 1957, making certain amendment to the Indian Administrative Service (Recruitment) Rules, 1954.
- (9) Notification No. S.R.O. 1371, dated 4th May, 1957, making certain amendment to the Indian Police Service (Recruitment) Rules, 1954.
- (10) Notification No. S.R.O. 1372, dated the 4th May, 1957, making certain amendments to the All India Services (Conduct) Rules, 1954.

(Placed in Library See No. S-46/57).

#### AMENDMENTS TO CENTRAL EXCISES RULES 1954.

**The Minister of Finance (Shri T. T. Krishnamachari):** I beg to lay on the Table, under section 38 of the Central Excises and Salt Act, 1944, a copy of each of the following Notifications making certain further amendments to the Central Excise Rules, 1944:—

- (1) Notification No. S.R.O. 1040-A, dated the 6th April, 1957.
  - (2) Notification No. S.R.O. 1040-B, dated the 6th April, 1957.
- (Placed in Library. See No. S-47/57).

#### MESSAGE FROM THE PRESIDENT

**Mr. Speaker:** I have received the following message from the President:—

"I have received with great satisfaction the expression of thanks by the Members of the Lok Sabha for the Address I delivered to both the Houses of Parliament assembled together on the 13th May, 1957."

#### STATEMENT RE. FINANCE (NO. 2) BILL

**The Minister of Finance (Shri T. T. Krishnamachari):** In the Finance (No. 2) Bill, 1957, introduced by me on the 15th May, 1957, certain increases were proposed on the Customs duty on newsprint and Customs and Excise duties on Kerosene. According to the declaration made under the provisions of the Provisional Collection of Taxes Act, 1931, these duties came into force with immediate effect.

In the case of the Customs duty on newsprint as contained in the Finance Bill which has the effect of raising the duty this was an error. In the final compilation of the Customs duties and their incorporation in the Finance Bill, the error seems to have arisen from the fact of my having stated expressly that Customs duty on newsprint should not be raised but the emphasis seems to have been lost. I have rectified this error by a notification issued under Section 23 of the Sea Customs Act on the 18th May, 1957.

In the case of the Excise duty on Kerosene, as the House will be aware, the duty was raised from 18.75 nP per Imperial Gallon to 20 nP per Imperial Gallon. The effect of this fractional increase should not have gone towards increase in the retail selling price of kerosene as this additional duty adds about one-fifth of a nP or thereabouts to a bottle of kerosene oil. However, the prices seem to have been raised and what

was in effect a fractional increase to round up a figure was being utilised for the purpose of making the retail prices go up. The consequences of such increase in the retail prices would, I am afraid, have mal-effects over a very wide field. I have, therefore, taken the liberty of restoring the status quo in regard to the duty on kerosene.

**Shri Mahanty (Dhenkanal):** May I make a submission, Sir? We would like to know what the country has paid for the little error committed by the Finance Minister between the date when the budget proposals were made and the date of the withdrawal. The poor consumers have had to pay....

**Mr. Speaker:** What is the necessity for all the explanation? A single question: what is the amount that has been gathered by this error.

**Shri Mahanty:** How much the country has paid for this error....

**Mr. Speaker:** The country alone pays none else.

**Shri T. T. Krishnamachari:** So far as Customs duty on newsprint is concerned, I understand—I cannot be positive—that goods have not been cleared under this new duty because, I think, everybody anticipated that it would be an error. If at all duty has been collected, it will be refunded. Nobody would pay anything because of this error. So far as increase in duty on kerosene oil, as I have said, it should not have gone toward increasing the price because it is one-fifth of a naya paisa per bottle, but if somebody had taken advantage of it, all that I can say is I am very sorry for it. I know that in the first matter it is an error and therefore I take the responsibility for it. In the second matter, naturally if I had made a change, I would have made an announcement in the House before I made a change, but it was to minimise the disadvantage for it. I know that in the first matter it is an error and therefore I take the responsibility for it. In to the public that we had to issue

the notification to restore the status quo. May be retailers charge far more than what they should as they do in many cases, but I am afraid I can only say I am sorry for it. It is not a matter in which I can trace the fault to any particular individual.

**Shri Tyagi (Dehra Dun) rose.**

**Mr. Speaker:** What all hon. Members have to say can be said on the floor of the House during the budget discussion.

**Shri Tyagi:** I wanted to raise an issue of our procedure. While we all welcome the statement of the Finance Minister about the reduction of duties he had levied, announcements of this nature from day to day on one account or the other are, in my opinion, not very regular. What I feel is....

**Mr. Speaker:** Whatever the hon. Member may feel, what is the point of order?

**Shri Tyagi:** My point of order is, that the House already being in possession of the Bill, is it open to the Government or any Minister to change the Bill in this manner? I want to have a clarification. Suppose tomorrow there is some pressure from another section of the market, then again another change will come the next day, which means instead of Parliament changing the Bill, it is the market, the retail seller, who can effectively change the taxation measure. Will that be proper?

**Mr. Speaker:** There are two points. Firstly, the hon. Minister has made the statement. No point of order was raised against making the statement here. He has made the statement. The further issue is whether he could have acted independently; whether once the Bill is introduced in the House, the sponsor can change it of his own accord. I shall consider whether it is a point of order, or whether it has to be raised in some other form.

What is a point of order? A point of order when it is raised must



[Mr. Speaker]

obstruct the further proceedings of the House. He has made the statement. There is no objection to any hon. Minister making a statement, but whether the action that is embedded in the statement or which the statement explains to the House is proper or not cannot be raised by way of a point of order so far as the statement is concerned. I am not in a position to suggest what further action can be taken in this regard. I can only say that the previous Finance Minister also from time to time was yielding to the pressure of public opinion. Of course, sometimes it is appreciated. Very often it is appreciated that the Finance Minister instead of being wooden is reacting to representations made from time to time. These are all matters which can be taken up during the debate on the budget. There is no point of order.

## ESTIMATES COMMITTEE

### SIXTY-EIGHTH REPORT

**Secretary:** The Chairman, Estimates Committee (1956-57) presented to the Speaker on 29th March, 1957, the 68th Report of the Committee on the Ministry of Defence—Ordnance Factories (Stores, Plant & Machinery and Production) which was approved at their sitting held on the same day. The Committee requested the Speaker to make corrections in the Report that might become necessary as a result of factual verification by the Ministry of Defence.

The Report has since been factually verified and minor corrections have been carried out in it under Speaker's orders. The Speaker has ordered the printing, publication and circulation of this Report under Rule 280 of the Rules of Procedure.

I lay a copy of the Report on the Table of the House. A few cyclo-styled copies are being made available to Members for reference in the Library. The printed copies will be available later.

## PUBLIC ACCOUNTS COMMITTEE

### TWENTY-FIFTH REPORT

**Secretary:** The Public Accounts Committee at their sitting held on the 22nd March, 1957 had authorised the Chairman to finalise their Twenty-fifth Report on the 'Import and Sale of Japanese Cloth'. He approved and signed the Report on the 3rd April, 1957, and presented it to the Speaker the same day. The Speaker ordered the printing, publication and circulation of this Report under Rule 280 of the Rules of Procedure.

I now lay a copy of the Report on the Table of the House. A limited number of cyclostyled copies are available to Members for distribution. The printed copies will be made available later on.

**Shri Mohamed Imam (Chitaldrug):** May I know when the Reports of the Estimates Committee will come up for consideration?

**Mr. Speaker:** The hon. Member is new to the House. He has to look into the rules.

**Shri Mohamed Imam:** When will these reports come up for consideration in the House?

**Mr. Speaker:** The Reports of the Estimates Committee are not taken up for consideration here, formally.

**Shri Mohamed Imam:** I wanted to know when these two reports will be taken up for discussion.

**Mr. Speaker:** They can be discussed. But the procedure is this. The practice has not been for the House to discuss the Report of the Estimates Committee here.

The Estimates Committee is a committee of the House consisting of about 25 Members. They look into the matter, examine witnesses who appear on behalf of Government, and then they make their recommendations; and before they present their reports, they send them to the Ministry concerned for factual verification; and after that, they make their report. Then, Government have to implement those

recommendations. Wherever they find it difficult to implement any particular recommendation either on account of any change in the circumstances or on account of any mistake which might have crept in, they report once again to the Estimates Committee.

Therefore, these are the ways in which the matter is dealt with. The reports do not come up formally for discussion before the House. In the course of the general discussion of the Budget and the debate on the Demands for Grants, hon. Members can raise any particular point in accordance with the recommendations of the Estimates Committee or otherwise also, and say that such and such recommendations have not been implemented so far, and so on.

No day is allotted for discussion separately on the Report of the Estimates Committee.

**Shri Mohamed Imam:** What about the Public Accounts Committee's reports?

**Mr. Speaker:** I am not able to say off hand.

#### CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

##### TOKEN STRIKE BY NAVAL DOCKYARD WORKERS, BOMBAY

**Shri S. M. Banerjee (Kanpur):** Under rule 197, I beg to call the attention of the Minister of Defence to the following matter of urgent public importance and I request that he may make a statement thereon:—

"Token strike by Naval Dockyard Workers of Bombay on the 17th May, 1957."

**The Deputy Minister of Defence (Sardar Majithia):** On the 8th May, 1957, the Naval Dockyard Employees' Union, Bombay, served a notice on the Captain Superintendent of the Dockyard, stating that the workers of the Dockyard would observe a token strike

on Friday, the 17th May, 1957, in support of their demands. The demands indicated in the strike notice were as follows:—

- (i) Appointment of a new Pay Commission to improve the existing scales of pay of Government employees and immediate grant of 25 per cent. of the wages as interim relief, pending the implementation of the new Pay Commission's recommendations;
- (ii) Increase in dearness allowance in accordance with the rise in the cost of living index ;
- (iii) Abolition of discrimination made between industrial and non-industrial employees, as regards leave and introduction of uniform leave rules for all Central Government employees;
- (iv) Grant of conveyance allowance, and accommodation;
- (v) Abolition of casual labour system in 217 Pet. Contract Platoon Type A, Wadala, and treatment of all workers with six months' continuous service as temporary; and
- (vi) Application of Industrial Disputes Act to Indian Air Force installations.

On the 17th May, 1957, a majority of the workers of the Dockyard staged a token strike. There is another Union of workers of the Naval Dockyard, called the Indian Naval Dockyard Workers Union. That Union had given a directive to its members that they should not refrain from work. Arrangements had been made to carry on all essential services at the Dockyard and the other units during the period of the strike. The strike was called off, and the workers resumed their duty on 18th May, 1957, at opening hours. No untoward incident has been reported.

Most of the demands made by the trade union are of a general nature.

[Sardar Majithia]

The issues affect not only the employees of the Naval Dockyard, but employees under other Ministries of the Government all over India. Two of the demands, namely, those relating to the abolition of the casual labour system and the application of the Industrial Disputes Act to Indian Air Force installations do not concern the employees of the Dockyard. These demands will be examined, but in view of their nature and their wide and all-India implications, such examination would require time. The Trade Union has available to it the necessary machinery for representation and for seeking redress. A token strike is not part of such action and such a procedure was quite unnecessary to draw attention to grievances which could be represented according to usual procedure and about which the Trade Union sent a communication only on the 6th May. Demands (5) and (6) have been raised by the All India Defence Employees' Federation in the Negotiating Machinery at the top level, and they have been separately under examination. As regards provision of accommodation, it had already been decided earlier that accommodation should be provided at certain places including Bombay for some percentage of the civilian workers.

**Shri S. M. Banerjee** rose.

**Mr. Speaker:** It is not usual to put questions after such statements.

**Shri S. M. Banerjee:** I am only making a suggestion, not putting a question. I invited his attention to this on the 15th May. Now it is only a post-mortem examination. I only wish to draw his attention to the fact that in such cases had the statement been made on the 15th itself, we would have been able to avoid the strike.

**Mr. Speaker:** Very well.

# **LIFE INSURANCE CORPORATION (AMENDMENT) BILL\***

**Mr. Speaker:** The House will now proceed with legislative business.

**Shri Amjad Ali (Dhubri):** Before you proceed, may I make a submission?

**Mr. Speaker:** On the Bill?

**Shri Amjad Ali:** No, before you proceed, Sir, I have a privilege motion to move.

**Mr. Speaker:** The hon. Member ought not to be impatient like that. With respect to various matters, hon. Members have to give notice to the Secretary which will be conveyed to the Speaker. He has to look into it and exercise his judgment over it; then he will bring it before the House. No paper, which is sent to the Secretariat or addressed to the Speaker, will lapse. It will be examined and some order will be passed and communicated. If I allow it, I will allow it to be raised on the floor of the House; if I do not allow it, of course it lapses.

Therefore, the hon. Member may come and see me. I have just been told what exactly the matter is. I will consider it.

**The Minister of Finance (Shri T. T. Krishnamachari):** I beg to move for leave to introduce a Bill to amend the Life Insurance Corporation Act, 1956.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill to amend the Life Insurance Corporation Act, 1956."

**Shri Bharucha (East Khandesh):** On a point of order. Is the Finance Minister competent to move for leave to introduce the Bill without first making copies of the Bill available to hon. Members, thereby restricting the privileges of Members? I raise this under rule 72 of the Rules of Procedure and Conduct of Business.

**Mr. Speaker:** The rule is there. Copies are kept at the publications counter. I agree with the hon. Member that before he can give leave to introduce a Bill, he must have an idea of what the Bill contains. Copies are there; he can always take them.

**Shri Bharucha:** I quite appreciate that. But may I submit that when a Bill is bulky, it is hardly possible for us to go through it in a hurry? So may I suggest that, if possible, copies may be circulated in advance to the Members?

**Mr. Speaker:** Copies will be kept two, three or five days in advance. Hon. Members may make enquiries.

**Shri Bharucha:** May I suggest that it may be sent to the Members at their residences?

**Mr. Speaker:** There are 500 Members. Some do not want it; others want it. This is the practice we have adopted here. Whichever hon. Member wants, can take a copy. What is the difficulty?

**Shri Easwara Iyer (Trivandrum):** On a point of clarification....

**Mr. Speaker:** They will be kept sufficiently in advance and intimation will be given on the Notice Board that copies are available, and hon. Members can take them.

**Shri Easwara Iyer:** As a matter of fact, I asked for a copy yesterday. They said that copies were not available.

**Mr. Speaker:** I shall make this arrangement that two or three days in advance copies are made available of all the Bills.

Now, I shall put the question.

The question is:

"That leave be granted to introduce a Bill to amend the Life Insurance Corporation Act, 1956."

The motion was adopted.

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

# RESERVE BANK OF INDIA. (AMENDMENT) BILL\*

The Minister of Finance (Shri T. T. Krishnamachari): I beg to move for leave to introduce a Bill further to amend the Reserve Bank of India Act, 1934.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill further to amend the Reserve Bank of India Act, 1934".

The motion was adopted.

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

# STATE BANK OF INDIA (AMEND- (MENT) BILL\*

The Minister of Finance (Shri T. T. Krishnamachari): I beg to move for leave to introduce a Bill further to amend the State Bank of India Act, 1955.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill further to amend the State Bank of India Act, 1955".

The motion was adopted.

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

# STATEMENT RE: LIFE INSURANCE CORPORATION (AMENDMENT) ORDINANCE

The Minister of Finance (Shri T. T. Krishnamachari): Mr. Speaker, I beg to lay on the Table a copy of the explanatory statement giving reasons for immediate legislation by the Life

\*Published in the Gazette of India Extraordinary, Part II—Section 2, dated 20-5-1957, pp. 175—80.

\*\*Introduced with the recommendation of the President.

[Shri T. T. Krishnamachari.]

Insurance Corporation (Amendment) Ordinance, 1957 as required under Rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha.

Statement

Section 11(1) of the Life Insurance Corporation Act, 1956, provided that the terms and conditions of service applicable to employees of insurers who on the passing of the Act became employees of the Corporation should continue to apply to them after the passing of the Act until they were duly altered by the Corporation. Section 11(2) further provided that the Central Government may for the purpose of rationalising the pay scales of such employees alter their terms of service as to remuneration. The terms and conditions were examined by the Corporation and action was taken by them to rationalise them in view of the infinite variety of pay scales and conditions of service prevailing. The alterations made by the Corporation were approved by the Central Government and issued in the form of an order under section 11(2). A recent decision of the Bombay High Court, however, has held that section 11(2) authorises the Government to alter only the remuneration and not other conditions of service; but rationalisation is necessary in respect of all conditions of service. As the order issued by the Government embraced both 'remuneration' and 'other conditions of service,' the High Court had held the order to be ultra vires and had decreed that the Corporation do forbear from enforcing the alterations in the terms and conditions of service as contained in the pay scales issued by the Corporation which had the approval of the Central Government. An injunction was also issued restraining the Corporation from enforcing such alterations. It was imperative, therefore, to amend the Act in a manner which would give the Government the necessary powers and also validate the action already taken. If this was not done without delay, great confusion would have been caused in

the working of the Corporation, resulting in a setback to its progress. As Parliament was not in session then, it was necessary to promulgate an Ordinance amending the Life Insurance Corporation Act, 1956 for this purpose.

COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) BILL—  
Concid.

Mr. Speaker: Now, we shall take up the clause by clause consideration of the Coal Bearing Areas (Acquisition and Development) Bill, 1957. The consideration motion has already been passed.

Clause 2.—(Definitions)

There are no amendments to clauses 2 and 3.

The question is:

"That clauses 2 and 3 stand part of the Bill."

Shri Mohammad Tahir (Kishanganj): Sir, I have given notice of an amendment to clause 2.

Mr. Speaker: When?

Shri Mohammad Tahir: Unfortunately, I have given notice today. But you have ample power under the Rules. If you allow I will move it now.

Mr. Speaker: Order, order. The practice is that due notice should be given sufficiently in advance and it should be on the Order Paper. It cannot be moved unless the Minister or the sponsor of the Bill is willing to waive notice or accepts the amendment. What is the attitude of Government?

The Minister of Mines and Oil (Shri K. D. Malaviya): Sir, I know nothing of the amendment.

Shri Mohammad Tahir: Sir, under the Rules you have ample powers to give permission to move the amend-

**Mr. Speaker:** I have got equal powers to refuse permission also. If the Minister agrees there is no objection. He says he has no knowledge of it.

**Shri Mohammad Tahir:** Then, I oppose clause 2.

**Mr. Speaker:** Yes; he can do so. Does he want to speak on clause 2?

**Shri Mohammad Tahir:** Yes, Sir

Clause 2, sub-clause (d) gives the definition of 'person interested'. It says:

"the expression 'person interested' includes all persons claiming an interest in compensation to be made on account of the acquisition of land, or of the acquisition, extinguishment or modification of any rights in or over land, under this Act;"

I think this definition is not sufficient to cope with the situation. Suppose a notification is used under clause 4(1) or clause 9, for instance, against A, B and C. As soon as the notification is issued, suppose one of them dies or all of them die, who will then claim compensation?

**An Hon. Member:** The heirs.

**Shri Mohammad Tahir:** So, I want to say, 'interested person' should also include the heirs and legal representatives of such persons.

Unless we include the legal heirs and legal representatives of such persons, I do not think they will be able to claim the compensation, after the Notification is issued. I only want to add this much in order to include the heirs and legal representatives of the interested persons and I want that this should be accepted by the hon. Minister.

**Mr. Speaker:** Are the legal representatives included in the terms?

**Shri K. D. Malaviya:** I think they are.

**Shri Mohammed Tahir:** Suppose there are parties A, B and C. Unless

there is a specific provision that the heirs and legal representatives can also claim, it may not be possible.

**Mr. Speaker:** That is the general rule. The right passes on to the heirs.

**Shri K. D. Malaviya:** I have nothing to add. I do not think that it is at all necessary to mention these legal details.

**Shri V. P. Nayar (Quilon):** As regards clause 2, I do not find any definition for the word 'coal', because in ordinary parlance coal is understood to be not merely the coal which is so understood by the scientist but also peat, lignite, bituminous coal and anthracite and all grades of coal as known by the common man. Is there any definition? Could we not define what is coal and what is contemplated?

**Shri K. D. Malaviya:** So far as I understand coal lignite is not included in the ordinary sense of the word but as far as the other kinds are concerned they are included in the ordinary sense of the word. I do not think that we need define this word 'coal'.

**Mr. Speaker:** Lignite is different from coal. There are varieties of coal and grades of coal, but the quality is different.

**Shri V. P. Nayar:** I have just refreshed my mind by looking at the Scientific Encyclopaedia. Coal is categorized into four, i.e., peat, lignite, bituminous coal and anthracite with grades going up to graphite. There seems to be some confusion. If you get graphite at a particular place, technically it is coal. If you find anthracite then a notification has to be issued. I am pointing this out because these are likely to create conflicting judicial decisions.

**Shri K. D. Malaviya:** I do not think that technically a detailed definition of the word 'coal' is necessary. I think the word clearly exemplifies all those types of grades which are meant by the hon. Member.

**Shri V. P. Nayar:** I shall read it as I find it.....

Mr. Speaker: There is no doubt about what the hon. Member has said. The hon. Minister says that no difficulty will arise out of this. Anyhow we will leave it to the House.

The question is:

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

### Clause 3.—(Appointment of competent authority)

Shri Mohammed Tahir: With regard to this clause, I want to submit that the words 'Central Government' should be deleted. I think they are not appropriate because as you know in our Constitution in Article 1 it is stated "India, that is, Bharat, shall be a Union of States" and after that in Article 53 you will find that all executive powers of the Union and not of Central Government have been vested in the President. So, all the executive powers are being used by the President and in the name of the Union Government and hence, I submit that the word 'Union' could be more appropriately used in such cases. For instance, in Article 300 of the Constitution, you will find that the words 'Dominion of India' were substituted by the words 'Union of India.' The words 'Central Government' were always used in those days of British rule when the system of Government was different but now the name 'Union of States' has been given in our constitution and therefore in all such cases the word 'Union' would be more appropriate than the words 'Central Government'. I therefore request the hon. Minister to accept this proposition which I have submitted before the House.

The Minister of Law (Shri A. K. Sen): I have been asked to reply by the hon. Minister in charge of the Bill and I shall answer this objection. The words 'Central Government' has

a definite meaning under the General Clauses Act. It is defined under that Act and it means the 'President'. Therefore, whenever the words 'Central Government' are used in any legislation, they mean the President. I do not see any ambiguity in the matter and I know that this is in consonance with the practice of legislation which has been followed by this House for a large number of years, and also in consonance with the legislative practice which has obtained in India prior to the Constitution when the words 'Central Government' meant "the Governor-General in Council". Frankly speaking, I have not appreciated the objection raised by the hon. Member.

Mr. Speaker: He is not aware of the definition of the General Clauses Act. It is not a unitary Government. The words 'Union Government' are more appropriate. In view of what is laid down under the General Clauses Act, the words 'Central Government' would mean the 'President'.

Mr. Speaker: The question is:

"That clause 3 stand part of the Bill."

*The motion was adopted.*

*Clause 3 was added to the Bill.*

Clause 4.—(Preliminary Notification respecting intention) to prospect for coal in any area etc.

Pandit Thakur Das Bhargava (Hisar): I have amendment Nos. 12 and 13 standing in my name. One is alternate to the other. If amendment No. 12 is not acceptable then only 13 will apply. You will be pleased to see the following in the Statement of Objects and Reasons:

"The future development of coal is the responsibility of the State. All new units in the coal industry will be set up only by the State save in exceptional circumstances as laid down in the Resolution."

This means that in future you will have no new units so far as private industry is concerned and the private industry shall have to work only in the existing collieries and in immediately contiguous areas. This field is only now open to the private industry. According to the Statement of Objects and Reasons it is clear that out of the additional 12 million tons in the Second Five Year Plan 10 million tons are to be raised by the private sector. The Government has to see that the additional amount of coal is produced in the country whether by the private sector or by the public sector. When the Government itself has given these limits to the private sector, I think it is its duty to see that that sector also prospers. All facilities should be afforded to that sector to exploit and expand the collieries. If that be so, this Bill ought not to apply to lands which are immediately contiguous to the existing collieries. With that glow, I have proposed an amendment which I beg to move:

Page 3,—

for lines 4 to 10, substitute:

"(4) In issuing a notification under this section the Central Government shall exclude therefrom the existing collieries and immediately contiguous areas necessary for the efficient exploitation and expansion of the collieries."

It may happen that Government may take advantage of its position. It is in an advantageous position. It can acquire any land, issue any notification in respect of any land and exploit the minerals. If it thinks that the immediately contiguous lands are very good and profitable, though there may be private collieries exploiting the resources there and they may be thinking of expanding those collieries, and if the Government also thinks of taking possession of those very lands, what will happen? It will be a kind of abuse of authority by the Government so far as the private sector is concerned; it is not warranted. In such cases, I am anxious to see that the Government stays

its hands. It is provided under clause 11 that Government may have its own Government companies. Similarly, private companies also can be benefited. Even today, under the Land Acquisition Act, if the Government thinks so, any land can be acquired for a private company. There may be lands in which private industry may be interested. They may be contiguous also. I want those areas to be excluded.

Clause 4, as it stands, reads:

"(4) In issuing a notification under this section the Central Government shall exclude therefrom that portion of any land in which coal mining operations are actually being carried on in conformity with the provisions of any enactment, rule or order for the time being in force or any premises on which any process or preparation for sale of coal obtained as a result of such operations is being carried on are situate."

I am anxious that even lands which are immediately contiguous to such areas, where the private sector can exploit better by expanding its field of work should be excluded from the operation of this clause.

If that is not acceptable, with your permission, I beg to move my amendment No. 13 which reads as follows:

Page 3, line 10—

add at the end :

"or reasonable areas immediately contiguous to such areas required for the efficient exploitation and expansion of the areas under operation."

It means that existing collieries and lands immediately contiguous to them and which are required by them may also be excluded. Otherwise, it means that the Government has got exceptional powers and it can acquire any land which may be very useful to



[Pandit Thakur Das Bhargava]

the private industry but which, perhaps, may not be so useful for the Government in the production of coal. Yet, the Government may acquire it. In order to see that these things do not happen, I have brought in these amendments and I hope the hon. Minister will kindly consider them and accept them.

Mr. Speaker: Amendments moved:

(i) Page 3—

for lines 4 to 10, substitute:

"(4) In issuing a notification under this section the Central Government shall exclude therefrom the existing collieries and immediately contiguous areas necessary for the efficient exploitation and expansion of the collieries."

(ii) Page 3, line 10—

add at the end:

"or reasonable areas immediately contiguous to such areas required for the efficient exploitation and expansion of the areas under operation."

Shri Bharucha (East Khandesh): With reference to the amendment moved by my hon. friend, Pandit Thakur Das Bhargava, I am afraid that the amendment is likely to create more difficulties than the troubles which he hopes to solve thereby. In the first place, if we look at the amendment, it says that all contiguous lands should be reserved to private sector. How far will you regard land as contiguous? In other words, how much of the land round about a working colliery has to be left out of the public sector so that it could be exploited by the private sector. There will be endless difficulties with regard to the marketing of the boundaries and the interpretation of the words "contiguous areas".

Even in respect of sub-clause (4) of clause 4 which excludes that portion of land where mining operations

are actually being carried out, I presume that the hon. Minister does not intend to issue the notification under clause 4 in respect of all the lands that might be having coal within them. Therefore, a large scope will automatically be left for the private sector. It must not be presumed that only those lands which are being actually operated upon and those lands contiguous to these are potential coal bearing areas. There may be miles and miles of land in such areas which are not being operated upon by the public or private sector at all. Therefore, the fear expressed by my hon. friend, that the private sector will not be able to contribute its quota of 10 million tons, is unfounded.

I, therefore, submit, Sir, that these amendments are not helpful in the first instance and, secondly, if the State is really anxious to establish a socialistic pattern of society, I am afraid, the first right that the public sector must have is for exploitation of minerals. Already the private sector had decades and decades to exploit minerals, and yet we find that only 30 million tons a year is all the production we have reached so far. The private sector has not shown itself to be competent and efficient. Now, when the State wants to do something in the interest of the country, to raise the output up to 60 million tons by the end of the Second Five Year Plan, I think hon. friends should not object to it.

Shri Mahendra Pratap (Mathura): Sir, I want to say a word on this. I draw your attention to my first speech where I said that we need more men and not laws. In this respect I want to say that the Government should not interfere at every step. Why do you make such laws that coal bearing lands must be taken over by the Government? Why do you adopt such an attitude that public is something different and Government is something different? Let the public work along their own lines. We want that the Government, as it

is constituted, should not interfere with the public at every step. We want that there should be no harassment. We are harassed in every way and at every step by this Government. Laws after laws are made and more Bills are presented. And, what are they? They only bind us more. Sir, I am an Independent and I want the people to be independent; I want my country to be independent. What is he, who is not independent? He is dependent. I do not want the people to be dependents; I want to see that they are independents. Therefore, instead of bringing such Bills, it is much better that the people may be given the initiative to own coal bearing lands and work them. We should only have control to see that the wealth is not used in immoral or improper ways. We should also see that the labour and capital.....

**Shri Mohiuddin (Secunderabad):** Sir, I rise on a point of order. The points raised by the hon. Member ought to have been raised at the consideration stage and not at this stage when we are considering the Bill clause by clause. I do not think an opposition of the principle of the Bill is called for at this stage.

**Mr. Speaker:** I think there is force in that argument. The House, having passed the motion for consideration of the Bill, has accepted the principle of the Bill. We are only dealing with a particular clause now, clause 4. Therefore, all that the hon. Member says seems to be out of order.

**Pandit Thakur Das Bhargava:** Sir, with your permission, I want to say a word. Three arguments have been brought forward against my amendment. In the first instance, it has been argued that the word 'contiguous' is ambiguous; there is no limit fixed and one cannot say how far these immediately contiguous lands will go. But my friend has not just bestowed any attention on the policy resolution itself, which speaks of immediately contiguous lands.

In the second amendment, I have included the words "reasonable areas". This has to be defined. The Government shall find out what are the reasonable areas; otherwise, it is impossible to fix any limit anywhere. Even in the Statement of Objects and Reasons this has been referred to. Therefore, "immediately contiguous land" is sufficiently explicit for the purpose of acquisition; it need not be and cannot be defined further.

Then, the argument has been put forward that the intention of the hon. Minister has been this or that. My friend knows the intentions of the Government and the intentions of the Minister. The intentions of the Minister are as big and as small as the proverbial length of the foot of the Chancellor of the Exchequer in equity. So, I am not concerned with intentions. I only want the law must be perfectly defined.

Then the third point is about the socialist pattern of society. I do not know where it comes in. When the Government itself has fixed that 12 million tons should be added to the public sector and 10 million tons to the private sector, I do not know where the question of socialist pattern comes. On the contrary, I understand that in all industries when there is competition between the private sector and the public sector, the private sector acts much more economically. Therefore, it is in the best interests of the country that the private sector is also allowed to have its full say in a matter which the Government itself has left to them. 10 million tons have been left over for the private sector and the Government should put no further restrictions in that field. If the Government thinks that in a particular field more coal can be produced, one Minister may take it into his head to see that the private sector does not prosper. We should be fair to both parties. The Government has got very vast powers in regard to those mines. But in regard to worked mines, the Government should not be allowed to acquire those contiguous lands. This is a sufficiently explicit.

[Pandit Thakur Das Bhargava]

thing and I do not think any conflict can arise on the question of principle. If the hon. Minister, reiterates the acceptance of the principle that the Government is not going to acquire any lands which are immediately contiguous to existing collieries, I will be satisfied. But if he does not do so, then I shall have to persist in my amendments.

Shri K. D. Malaviya: I am afraid I cannot agree with my hon. friend, Pandit Thakur Das. On the other hand, I am inclined to agree with the former part of the observations made by my hon. friend, Shri Bharucha

If we accept the amendments of Pandit Thakur Das, we will be putting ourselves in difficulties and there will be no end to litigation. In view of the fact that a large number of collieries have been existing from many years there are any number of complicated problems that can arise, if we accept the amendments as moved by Pandit Thakur Das. I want to assure my hon. friend that it is not our intention to deny any facilities to the private sector, so far as their existing collieries are concerned nor do we propose to stop them from efficiently expanding for efficiency sake when the right moment for such expansion comes. We have got a target for coal production for the private sector and we do not wish to disturb them in their expansion, which is legitimate. But, if we accept the amendment put forward by Pandit Thakur Das, namely, "immediately contiguous areas necessary for the efficient exploitation and expansion of the collieries", several complicated problems will arise. Neither he nor I at this moment by seeing the surface of a colliery can decide which can really be a contiguous area, so far as such surface is concerned. There are so many other questions involved in it. Therefore, I will not be able to accept the amendments as has been moved by him—neither 12 nor 13. Both of them lead to the same conclusions, namely, excluding these conti-

guous areas from operation so far as the public sector is concerned.

I again repeat the assurance that due regard will be paid to the development of areas adjacent to a colliery in order to maintain its level of production and give it a reasonable life. Taking all these things into consideration and also the fact that we do not wish to hinder the legitimate programme of the private collieries, I hope my friend, Pandit Thakur Das, will be satisfied with this assurance and will withdraw his amendments.

Mr. Speaker: The question is:  
Page 3—

for lines 4 to 10. substitute:

"(4) In issuing a notification under this section, the Central Government shall exclude therefrom the existing collieries and the immediately contiguous areas necessary for the efficient exploitation and expansion of the collieries."

The motion was negatived.

Mr. Speaker: The question is:  
Page 3,

line 10—

add at the end:

"or reasonable areas immediately contiguous to such areas required for the efficient exploitation and expansion of the areas under operation."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

**Clause 5—(Effect of notification on prospecting licences and mining leases)**

**Shri T. K. Chaudhuri** (Berhampore): I beg to move:

Page 3,

after line 21, add:

"(c) All maps and charts and other documents relating to the land, reports about the collection from the land of cores or other mineral samples or about the due analyses thereof and the preparation of any other relevant records or documentary materials shall be surrendered forthwith by the person or persons holding a prospecting licence under the Mineral Concession Rules which authorises him to prospect for coal or for any other mineral in the land or the person and persons holding a mining lease under the same rules."

This is a very simple amendment. I want that when the right under prospecting licences or mining leases takes effect, the maps, charts and other relevant documents in relation thereto should be handed over to the State, i.e., to the competent authority or other competent agencies of the Government acting on their behalf in this regard. If you look at clause 13 of the Bill, you will find the various items under which the Government intends to pay compensation to persons holding these licences or leases. Sub-clause (ii) of clause 13(1) reads:

"the expenditure, if any, incurred in respect of the preparation of maps, charts and other documents relating to the land, the collection from the land of cores or other mineral samples and the due analysis thereof and the preparation of any other relevant records or material;"

For expenditure incurred on these items, the person interested in compensation should be reimbursed. But, unfortunately, as my friend, **Shri Bharucha**, pointed out, these lessees or licenceholders will be under no obligation to hand over these maps,

charts and other documents to the Government, although they are being paid for it. We are going to pay for those documents and also for the preparation of those documents; but the funny thing is that we do not regard it necessary to have those documents ourselves. I think it is a very simple amendment which does not raise any question of principle or any other thing and I do not apprehend that it will lead to unnecessary litigation. When the rights are extinguished we can very well demand that all these documents and reports, maps, charts, etc., should be handed over to the competent authority. Of course, if the Government accepts the principle of my amendment, I would be quite agreeable to have this thing inserted anywhere else, where it might come in, but I thought that perhaps it could be fitted better in clause 5. I thought of clause 4 also, but somehow or other the form in which clause 4 has been couched does not seem to me to be suitable for this purpose. Anyway my only purpose in moving this amendment is that if we pay compensation for a certain item we should at least get proper return for.....

13 hrs.

**Shri Supakar** (Sambalpur): Some return.

**Shri T. K. Chaudhuri**: ..at least those things for which we are paying out of public exchequer, and these things should not be left in the hands of those people whose rights have been extinguished.

**Mr. Speaker**: Amendment moved:  
Page 3—

after line 21 add:

"(c) All maps and charts and other documents relating to the land, reports about the collection from the land of cores or other mineral samples or about the due analyses thereof and the preparation of any other relevant records or documentary materials shall be surrendered forthwith by the person or persons holding a prospecting licence under the Mineral Concession Rules which authoris-

[Mr. Speaker]

"Is him to prospect for coal or for any other mineral in the land or the person and persons holding a mining lease under the same rules".

**Shri Hajarnavis (Bhandara):** The amendment seems to be superfluous.

Sub-clause (7) of clause 13 says:

"No compensation under this section in relation to maps, charts and other documents shall be paid unless the person to whom it is payable has delivered to the prescribed authority all the maps, charts and other documents."

I may also draw attention to clause 21 which confers wider powers than are sought to be taken under this clause. All the possible information necessary could be called for by the competent authority under this clause. Therefore, it is not necessary to accept this amendment.

**Shri Bharucha:** May I submit, Sir, that the amendment that has been moved by my hon. friend Shri Tridib Chaudhuri is very essential. The hon. Member on the other side has pointed out to sub-clause (7) of clause 13. That only refers to payment. It says that payment should not be made until maps, charts and other documents are delivered. The issue really is this: supposing there is a person who is out to defy the Government. He says I do not care for your payment, but I will not give you these things. Sub-clause (7) of clause 13 does not become operative there and the amendment moved by my hon. friend Shri Tridib Chaudhuri is very essential. What is the use of the State again going through the same type of prospecting—as I said on a previous occasion—by trial and error method and then coming to the conclusion after wasting a lot of money that a particular land is not worth exploiting? I therefore suggest that the amendment of my hon. friend Shri Tridib Chaudhuri be accepted, as it is calculated to save the exchequer a lot of public money.

**Pandit Thakur Das Bhargava:** I also support the amendment of my hon. friend Shri Tridib Chaudhuri Sub-section (7) of section 13 is not sufficient, because it is a negative section that unless these things are given you may not make payment. Who cares for payment if a person is out to defy you? On the contrary public interest of high order requires that all charts should be handed over to Government. In fact, I should think that so far as mineral wealth underneath the ground is concerned, that is already the property of the State Governments, a private person has no right to them, because they cannot now open new units. So, if these maps, charts, etc., are to be of any use to anybody it will be to the State. It is, therefore, absolutely essential that they should be made over to Government. In the public interest it ought to be the rule that they should be made over to Government.

**Shri K. D. Malaviya:** Sir, I do not think there is any necessity for a legal compulsion for such a purpose, as has been pointed out by my hon. friend Mr. Chaudhuri. There seems to be some misunderstanding over this question. We agree with the objective, that is, all important documents relating to prospecting, survey, etc., should be asked for. And it is generally, and ordinarily, in the interest of the private sector, the lease-holder, to surrender all these maps and charts to Government on payment of compensation according to the law. Now there may be many documents which are not at all necessary for us. They may be wrong or rejected geological maps and they need not be taken by us. But once we make a legal compulsion for the surrender of all those maps which are not required by us, or statistics which we do not require, we have got to pay for them according to the law. Perhaps, many of them will not be needed and we can ourselves without spending any money come to certain conclusions for which we need not pay. Therefore, we need not get into this legal process of compulsion.

**Shri T. K. Chaudhuri:** May I point out certain practical difficulties? Some years ago a private company, a British concern, the Dunlops, or somebody else, were given a mining lease and a prospecting licence in Korba about ten sq. miles. Now I understand the Government has taken over that area. Are the Government in a position to say that they have got any prospecting report, or reports about the samples, and the geological analysis made? Is the hon. Minister in a position to say that these things have been handed over to Government.

**Shri K. D. Malaviya:** It is quite possible, theoretically speaking, I should say, for any party to withhold and not to surrender any document, if he does not want to part with it. But if we make this provision in the law, do you think that we can get all this information from him?

**Shri Bharucha:** Make provision for inspection.

**Shri K. D. Malaviya:** If he takes it into his mind not to surrender those documents which he does not wish to, then obviously we may not be able to recover them. Speaking generally, I think it will not be difficult for us to obtain all those charts, maps and other information which we may require for our future expansion, or work. Therefore, I do not think it is necessary for us to introduce that legal compulsion into this clause and I am afraid I am not in a position to accept the amendment.

**Mr. Speaker:** Therefore this amendment is not necessary. The question is.

Page 3—

after line 21 add—

“(c) All maps and charts and other documents relating to the land, reports about the collection from the land of cores or other mineral samples or about the due analyses thereof and the preparation of any other relevant records or documentary materials shall be

surrendered forthwith by the person or persons holding a prospecting licence under the Mineral Concession Rules which authorises him to prospect for coal or for any other mineral in the land or the person and persons holding a mining lease under the same rules”.

*The motion was negatived*

**Mr. Speaker:** The question is:

“That clause 5 stand part of the Bill.”

*The motion was adopted.*

*Clause 5 was added to the Bill.*

**Clause 6.**—(Compensation for any necessary damage done under section 4)

**Pandit Thakur Das Bhargava:** Sir, I beg to move:

(i) Page 3, line 27—

after “tendered” insert:

“or as to the area required by the private sector for the efficient exploitation or expansion of existing collieries sought to be prospected or acquired by the Central Government through the competent authority.”

(ii) Page 3, line 29—

after “Central Government” insert:

“Subject to the other provisions of this Act”

(iii) Page 3, line 31—

after “in this section” insert:

“about the payment of damages or its sufficiency or the person to whom it should be paid or tendered.”

These amendments are very clear. So far as clause 6 is concerned, it deals with two things: payment of compensation and dispute about the sufficiency of compensation. If there is any dispute about the matters does not take away the powers of Government from proceeding under the provisions of clause 4. But at the same time I am anxious

[Pandit Thakur Das Bhargava]  
that so far as the right of acquiring immediately contiguous lands which may be of great use to the private industries is concerned, it must also be justiciable and if there is any dispute about it, then the dispute may first be referred to the Central Government. If the Central Government does not decide it in the right way, it may be taken to the Tribunal appointed by the Government. And the final authority may vest with the tribunal. If the tribunal decides that the Government ought not to acquire it, Government must release that property even if they issue the notification. With this end in view I have suggested that after the word "tendered", the following be inserted, namely, "or as to the area required by the private sector for the efficient exploitation or expansion of existing collieries sought to be prospected or acquired by the Central Government through the competent authority."

And similarly, where the question is that the Government decision should be final, I want to add, subject to the other provisions of this Act".

In regard to the third amendment, I want that in page 3, line 31, after the words "in this section" the following should be inserted, namely, "about the payment of damages or its sufficiency or the person to whom it should be paid or tendered".

With respect to these matters the order may be final, but in regard to the area which I want should be adjudicated in a judicial manner the order of the Government should not be final. It is very obvious that when there are two competitors in a field we ought to see that one does not get a better chance than the other. And in a country where the law of the land prevails the Government can sue and be sued, and the Government is practically on the same pedestal as an individual in regard to many matters. In regard to this matter I realize, and I also want that the Government should succeed in the production of as much coal as possible. But at the same

time, when the Government has adopted a Policy Resolution and given certain rights to the private sector, I am anxious that there should be no impediment so far as the expansion of the private sector is concerned. I want that the Government and the private sector may be on the same footing that a person who feels interested in a particular land which is immediately contiguous to his existing colliery may be able to take the matter to the tribunal and the tribunal may decide whether it is to be acquired by the Government or not.

That is the basis of all these amendments. I hope the hon. Minister will look to the importance of the matter and accept them.

Mr. Speaker: Amendments moved—

(i) Page 3, line 27—

after "tendered" insert:

or as to the area required by the private sector for the efficient exploitation or expansion of existing collieries sought to be prospected or acquired by the Central Government through the competent authority."

(ii) Page 3, line 29—

after "Central Government" insert:

"subject to the other provisions of this Act".

(iii) Page 3, line 31—

after "in this section" insert:

"about the payment of damages or its sufficiency or the person to whom it should be paid or tendered."

Shri E. D. Malaviya: I cannot accept any of these amendments as these will raise a dispute as to the area required for private purpose for exploitation....

Shri A. S. Sarkshi (Ludhiana) rose—

Mr. Speaker: The question is:

As Hon. Member: The Minister has not finished reply.

Mr. Speaker: Why does the Minister start and then resume his seat?

Shri K. D. Malaviya: Somebody stood up and so I sat.

Shri A. S. Sarhadi: I stood up before the hon. Minister rose. I would submit that these amendments, Nos. 14 and 15, are only consequential if amendment No. 12 had been accepted. Clause 4 which has already been accepted by the House, vests the discretion in the Central Government to exclude those portions of any land in which coal mining operations are actually being carried on in conformity with the provisions of any enactment, rule or order for the time being in force or any premises on which any process ancillary to the getting, dressing or preparation for sale of coal obtained as a result of such operations is being on are situate. When you accept the principle that the discretion entirely vests with the Government about exclusion of the portion, then amendments 14 and 15 become absolutely redundant and unless. Therefore, I think in the light of the principle which we have accepted in clause 4, these amendments cannot be accepted.

Shri K. D. Malaviya: I said something like that. It is out of place here. Therefore, I am not able to accept any of these amendments.

Mr. Speaker: I will now put amendment Nos. 14, 15, and 16 moved by Pandit Thakur Das Bhargava to vote.

The question is:

Page 3, line 27—

after "tendered" insert:

"or as to the area required by the private sector for the efficient exploitation or expansion of

existing collieries sought to be prospect or acquired by the Central Government through the competent authority."

The motion was negatived

Mr. Speaker: The question is:

Page 3, line 29—

after "Central Government" insert:

"subject to the other provisions of the Act"

The motion was negatived.

Mr. Speaker: The question is:

Page 3, line 31—

after "in this section" insert:

"about the payment of damages or its sufficiency or the person to whom it should be paid or tendered."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 6 stand part of the Bill".

There is not even a single "aye". I will omit this clause. Hon. Members who want to support this must say "aye".

Shri Bharucha: They do not want to support it.

Mr. Speaker: The question is:

"That clause 6 stand part of the Bill".

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7.—(Power to acquire land or rights in or over land notified under section 4.)

Pandit Thakur Das Bhargava: I beg to move:

Page 4, line 5,

add at the end:

"and no notice for acquisition of such land or rights shall thereafter be issued."



[Pandit Thakur Das Bhargava]

This is a proposition which, I should say, is abundantly clear. If after the issue of the notification under clause 4 Government is in possession of the land for prospecting for three years, and even after three years Government cannot make up its mind whether the land is to be acquired or not, then clause 7(2) comes into operation. Suppose after three years or over the Government gives another notice. Not that I am taking a case which has never happened. I know in Delhi the lands which were sought to be acquired many many years ago have not been acquired so far. They have been there for twenty years and nobody has been allowed to deal with them in any manner. I know of lands in my area in which for years the lands have not been allowed to be transferred—neither acquired nor allowed to be transferred. So far as the public is concerned they may be in suspense for all the time. If the notification is issued under clause 4 and for three years no efforts are made, no notice of acquisition is given, I am anxious that the Government's right to acquire the land should be taken away for ever. If they have prospected and found out once, it is not necessary that the Government may be empowered with a further power that for another three years they issue a notification and sit silent. Once the power is exercised, it should no longer be for the Government to re-issue the notification and keep people in suspense. That is the effect of my amendment.

Mr. Speaker: Amendment moved:

Page 4, line 5—

add at the end:

"and no notice for acquisition of such land of rights shall thereafter be issued."

Shri Bhargava: I fully support the amendment moved by my hon. friend Pandit Thakur Das Bhargava. Unless this amendment is incorporated, the

clause itself will become redundant, inasmuch as the Government will be able to circumvent this clause which prescribes a limit of three years for the Government to make up its mind whether a particular area will be exploited or not; because, as the scheme of the Bill stands, there is nothing to prevent Government, after it misses an opportunity of three years, to issue a fresh notice on the third or fourth day after expiration of 3 years. And my hon. friend who has moved this amendment is perfectly right. How long are you going to harass a particular mine-owner? While some of us are in favour of public sector, we are not in favour of an inefficient or incompetent government which cannot take decisions once and finally. Therefore, it is very necessary to see that injustice is not done to mine-owners and, what is more, it does not happen that as a result of the vacillating and indecisive policy of the Government, exploitation of land does not take place. It is necessary that some such clause should be put down. Otherwise Government will be able to circumvent this clause which prescribes a three-year limit, and unnecessary harassment will take place. Sir, I support the amendment.

Shri K. D. Malaviya: There is no sanctity about three years. Perhaps there are certain factors which are being ignored by my friends opposite and by Pandit Thakur Das Bhargava. Generally speaking three years are considered to be a reasonable period in which prospecting is supposed to give us some results. If it could be less, surely we would have put two years or one year. We do not want to take all that time and sit tight over it and create harassment for the private sector or for any lease-holder. The point is that the minimum three years' time is considered to be reasonable for prospecting of coal. But that is only one aspect of the detailed prospecting. Sometimes we are led to believe after three years of regular search and prospecting that perhaps

deeper layers or seams of coal may lie under; and if our experts give us that type of advice, then we have to consider whether a fresh notice has to be given and the occupation retained by Government with a view to further prospecting. It is with that end in view that we propose to retain that right. We do not want to surrender that right, and we do not want Government to be tied hand and foot so far as the limitation of three years is concerned. We have said that our intention is not to harass the parties. We only want to know more about the area, and if three years are not considered adequate then Government do propose to extend that period till we know much more about the surface and sub-surface and the deep seams that may or may not lie under it.

Therefore, I will not be able to accept this amendment.

**Shri Bharucha:** Then, why put in three years? Don't put in any period.

**Shri K. D. Malaviya:** It may be too diffuse.

**Mr. Speaker:** The question is:

Page 4, line 5—

add at the end:

"and no notice for acquisition of such land or rights shall thereafter be issued."

*The motion was negatived.*

**Mr. Speaker:** The question is:

"That clause 7 stand part of the Bill."

*The motion was adopted.*

Clause 7 was added to the Bill

Clause 8—(Objections to acquisition)

**Pandit Thakur Das Bhargava:** I beg to move:

(i) Page 4, line 14—

add at the end:

"except in regard to lands immediately contiguous to existing collieries."

(ii) Page 4, line 28—

add at the end:

"or in any existing colliery whose immediately contiguous lands are sought to be acquired."

I need not make any speech.

**Mr. Speaker:** Does the hon. Minister accept them?

**Shri K. D. Malaviya:** No.

**Mr. Speaker:** The question is:

Page 4, line 14—

add at the end:

"except in regard to lands immediately contiguous to existing collieries."

*The motion was negatived.*

**Mr. Speaker:** The question is:

Page 4, line 28—

add at the end:

"or in any existing colliery whose immediately contiguous lands are sought to be acquired."

*The motion was negatived.*

**Mr. Speaker:** The question is:

"That clause 8 stand part of the Bill."

*The motion was adopted.*

Clause 8 was added to the Bill.

**Mr. Speaker:** There are no amendments to clauses 9 and 10.

Clauses 9 and 10 were added to the Bill.

Clause 11—(Power of Central Government to direct vesting of land or rights in a Government company)

**Pandit Thakur Das Bhargava:** I beg to move:

Page 5—

(i) line 19, for "a Government" substitute "any";

[Pandit Thakur Das Bhargava]

(ii) line 24, omit "Government"

(iii) line 28, for "a Government" substitute "any";

(iv) lines 28 and 29, for "the Government company" substitute "The company";

(v) line 32, omit "Government" where it occurs for the second time; and

(vi) line 38, omit "Government".

You will be pleased to see, Sir, that in clause 11 and even in clause 2, a Government Company has been defined and the idea is that a Government company can have the land acquired for production of coal, etc. I am not opposed to this idea that if the Government takes it into its head, there will be a Government company which will do it. At the same time, I want to know why the Government has not taken powers to acquire certain lands for private companies. Under the present law, so far as private companies are concerned, Government may acquire lands if the Government consider that the lands are necessary for the production of coal. This clause will give rise to a feeling that the Government are abdicating these powers and Government will not be able to acquire those lands. I am rather anxious that clause 11 may be liberalised and the Government may be enabled to acquire lands both for Government companies as well as private companies. My humble submission is that Government and the Prime Minister have said many a time, that they want to see that the private sector also prospers, and both these sectors have no antithesis and they are not opposed to each other. I do not see why the Government, in proper cases, are not able to acquire these lands for the private company. Why should the Government abdicate these powers. I am anxious that these powers may be used for the purpose of the private companies when there is a proper case for the

exercise of these powers. At present they can do so. Only clause 11 gives rise to the view, by implication, that they are giving up this power. These powers should be retained so that the Government may acquire for private companies also in proper cases. All these amendments are intended to give effect to this view.

Mr. Speaker: Amendment moved:

Page 5—

(i) line 19, for "a Government" substitute "any";

(ii) line 24, omit "Government"

(iii) line 28, for "a Government" substitute "any";

(iv) lines 28 and 29, for "the Government company" substitute "The company";

(v) line 32, omit "Government" where it occurs for the second time; and

(vi) line 38, omit "Government".

Shri A. S. Sarhadi: The amendment moved by the hon. Member is, obviously, opposed to the principle of the Bill. It extends the ambit of public sector. The principle underlying the Bill is to demarcate the public sector from the private sector. To substitute "any" for "Government" would certainly extend the private sector, which would be not in consonance with the principle of the Bill. As such, this question should have come at the time of the consideration motion. Of course, this is irrelevant here. Yet, taking into consideration the principle of the Bill which has been accepted, this amendment would be opposed to the principle of the Bill.

Shri K. D. Malaviya: The object of this Bill is to create a pattern of conditions in which the Government can take control of coal fields by working

them themselves. This we wish to do by creating Government companies. The six amendments that have been moved by my hon. friend Pandit Thakur Das Bhargava tend to confer on the Government powers to create private companies too for some of the objects that we have in view. We do want the private sector to flourish side by side with the public sector. But, the object of this Bill is not to create those conditions for the private sector within the scope of this Bill. Therefore, I consider these amendments are out of place here. We have no intention to take these powers with a view to giving them over to private companies. I am therefore, unable to accept the amendment.

**Mr. Speaker:** The question is:

Page 5—

(i) line 19, for "a Government" substitute "any";

(ii) line 24, omit "Government"

(iii) line 28, for "a Government" substitute "any";

(iv) lines 28 and 29, for "the Government company" substitute "The company".

(v) line 32, omit "Government" where it occurs for the second time; and

(vi) line 38, omit "Government".

*The motion was negatived.*

**Mr. Speaker:** The question is:

"That clause 11 stand part of the Bill".

*The motion was adopted.*

*Clause 11 was added to the Bill.*

*Clause 12 was added to the Bill.*

**Clause 13—** (Compensation for prospecting licences ceasing to have effect rights under mining leases being acquired, etc.)

**Shri T. B. Vittal Rao (Khammam):**  
I beg to move:

Page 7—

omit lines 4 to 20.

**Shri Bharucha:** I beg to move:

(i) Page 6—

for lines 5 to 20 substitute:

"Notwithstanding any law for the time being in force, where a prospecting licence ceases to have effect under section 5, there shall be paid to the person interested compensation, the amount of which shall be a sum made up of the following items of reasonable and bonafide expenditure actually incurred in respect of the land, that is to say,—

(i) the expenditure, if any incurred in respect of the preparation of maps, charts and documents, relating to land the collection of cores or other mineral samples and the due analysis thereof and the preparation of any other records or material, provided that the total payment under this head shall not exceed Rs. 2,000/-;

(ii) expenditure, if any, incurred in respect of any other operation necessary for prospecting carried out in the land, provided that the total payment under this head shall not exceed one tenth of such expenditure."

(ii) Page 6, line 23—

omit "(iii) and (iv)".

(iii) Page 6, lines 38 to 41.

(iv) Page 7, omit lines 1 to 20.

(v) Page 7, omit lines 29 to 34.

**Mr. Speaker:** These amendments are now before the House. The others numbers 7, 10, 11 and 21 have not been moved.

**Shri T. B. Vittal Rao:** By my amendment, I want to delete the provision for the payment of interest on the amount spent by the colliery owners for prospecting. Usually, when a colliery owner spends some money on prospecting, he includes that amount as a legitimate expenditure in the revenue account. Since the Government has decided to pay that amount, I want only to point out that in the original balance sheet, the amount spent on prospecting is charged to revenue and deducted in the profit and loss account. This amount is taken as a legitimate expenditure. As a matter of fact, this amount should not be paid. Instead of going to the capital account, it is charged to the revenues in most of the collieries. By my amendment, I want that no interest should be paid to these people. Already, the Government have restricted the payment to some extent, that is, that the amount should not be more than 50 per cent. of the compensation payable under sub-clause (i) and (ii). Therefore, interest should not be paid. Moreover, these colliery owners have been making good profits all these years at the cost and exploitation of labour whose conditions today are most deplorable. Therefore, I want the deletion of the payment of interest at 5 per cent. It is not even the bank rate of 4 per cent, as it was raised recently from 3½ to 4 per cent. I do not know how this figure of 5 per cent has been computed. I commend my amendment for the acceptance of the House.

**Pandit Thakur Das Bhargava:** Before my hon. friend proceeds to speak, I have one question. The proviso says:

"Provided that the total sum payable under this clause shall not exceed one-half of the total amount referred to in clauses (ii) and (iii)."

I want to know whether the words "under this clause" mean clause 13, or sub-clause (iv) of sub-clause (2). I have not been able to follow.

**Shri K. D. Malaviya:** Clause 13, (ii) and (iii).

**Pandit Thakur Das Bhargava:** It is said that the total sum payable under this clause shall not exceed one half. Is it clause 13 or sub-clause (2) or sub-clause (iv) of sub-clause (2) of clause 13.

**Shri K. D. Malaviya:** It relates to (ii) and (iii) of sub-clause (2) of clause 13.

**Pandit Thakur Das Bhargava:** Then this is wrong. "This clause" would mean clause 13. The meaning is not clear to me. If my friend's amendment is there that this interest clause should be omitted, thereafter the proviso also will go away. If the Mover of the Bill thinks that this sum should be half of what is given in sub-clause (iv) of (2), then the idea will be that the interest will not equal more than half; otherwise, if the words "this clause" are there, then it would mean that the entire amount will be less than half of what is given in clause 13.

**Shri K. D. Malaviya:** The idea is that the total amount of the interest will not be more than 50 per cent of the expenditure accepted by the Tribunal.

**Shri Dasappa (Bangalore):** If you will permit me, I would like to say that the clause as it stands means that the valuation should be made of the various items of expenditure including interest, and when it comes to a question of payment, then it shall not amount to more than 50 per cent of the total which has been worked out. It cannot be a mere question of bringing into operation the *damdapat* rule regarding payment of interest when the amount of interest that is payable should not exceed one half of what may be due by way of interest. I am sure it is perfectly clear that the whole of the amount payable under this clause should not exceed more than what you arrive at by way of evaluating the items of expenditure under the various clauses including interest. That is fairly clear.

**Pandit Thakur Das Bhargava:** I do not dispute the provision, whatever may be in your mind. The question is whether the language will convey that meaning. The words are: "the total sum payable under this clause"—"this clause" means clause 13.

**Shri K. D. Malaviya:** There is an omission here it seems. It should read:

"Provided that the total sum payable under this sub-clause (iv) (which relates to interest alone) will not exceed one half of the total amount referred to in clauses (ii) and (iii)."

**Pandit Thakur Das Bhargava:** So, the amendment will be moved by the hon. Minister?

**Shri K. D. Malaviya:** Yes, I beg to move:

"Page 7, line 18—

for 'clause' substitute sub-clause (iv)"

**Shri Bharucha:** That will not be correct.

**Mr. Speaker:** "Sub-clause" will mean sub-clause (iv). That is the intention.

**Pandit Thakur Das Bhargava:** It will be clause 13, sub-clause (2), sub-clause (iv):

**Mr. Speaker:** Under clause 13, there is sub-clause (2) and it has four entries. I shall say Entry No. (iv).

**Shri Dasappa:** As it is worded, every paragraph is a clause now, and when it becomes an Act it becomes a section. So, when this is enacted into law, this proviso can only refer to clause (iv), it cannot refer to any other clause. Read that way, it would mean that the total sum payable under this clause (in the shape of interest) shall not exceed one half of the total amount referred to in clauses (ii) and (iii). So, it will read perfectly all right. My point is there is no sub-clause here. You cannot use the words "under this sub-clause" because

there is no sub-clause, there is only a clause. When there is no sub-clause, there is no point in trying to use that expression.

**Shri K. D. Malaviya:** I only wish to clarify that there is no harm if we insert the words I suggested.

**Mr. Speaker:** When the Bill becomes law, the clauses become sections and sub-clauses become sub-sections, and entry (iv) will therefore be a clause. There is no ambiguity in this Hon. Members will kindly see that if this becomes law, clause 13 will become section 13; sub-clause (2) will become sub-section (2) and this item (iv) will become a clause. So, it may stand as it is.

**Shri Mehluddin (Secunderabad):** Does the hon. Minister withdraw his amendment?

**Shri K. D. Malaviya:** Yes, I withdraw.

**Mr. Speaker:** I have not yet put it to the House to withdraw it.

**Shri Bharucha:** In moving my amendments which completely alter the scheme of compensation, my object is to prevent the frittering away of public money in the purchase of so-called licensing, prospecting or lease rights.

First of all, let us examine sub-clause (1) of clause 13 of the Bill. Let us, in the first place, appreciate the fact that there is a distinction in law between a licence and a lease. If we talk of acquiring the rights of a licensee, really what we mean is that that particular licensee has not got any interest in the property, but merely the right to do a thing in or upon that property which, but for that right, would be unlawful. Therefore, when we are talking of acquiring a licensee's rights, we are not on so firm a footing, but still this Government wants to pay compensation which I am sure the House will regard as excessive. For obtaining these licensing rights what the Government wants to pay is expenditure incurred

[Shri Bharucha]

in obtaining the licence. A man may have paid a sum which may be reasonable and *bona fide*, but of a character which, from the moral standpoint, may not bear examination. Still, Government would be paying all these moneys that the licensee paid to acquire those rights.

Secondly, with regard to the preparation of maps, charts and plans, and other documents, and the collection from the land of cores or other mineral samples, analysis etc., as I said on a previous occasion, when a licensee acquires a licence and prospects for coal, he generally indulges in a type of gamble. When the gambler has lost his everything he has staked for a higher stake, where is the need for the State to come forward and say 'Now, you have gambled and lost in prospecting; we shall take over these things, and for mere right of licence, we will be paying you so much'? Not content with that, even the expenditure, if any, incurred in respect of construction of roads or other essential works on the land will be compensated for. Practically, if a mine has failed or bears the prospect of failing, Government step in and pay for it. At the stage of prospecting, where is the need for paying compensation? At the end of prospecting, Government may come to the conclusion that the particular area is not worth exploiting, but then you have paid the compensation; you have lost the money. Is it not enough that one gambler has lost? Why should Government indulge in the same gamble over again at public expense and lose over again? Why can Government not profit by a little more careful framing of the law, to get the advantage of the experience of the previous prospector? What is there to prevent Government from saying that they shall enter upon any land and do certain things, including requisitioning of maps, plans and mineral reserves, provided that if at the end they find that it is not worth while doing so, they may return the

documents, mineral samples, analysis and everything else to the mine-holder and say 'Here are your maps, charts etc. We do not think it is worth our while to go ahead with the prospecting.'?

Therefore, what my amendment seeks to do is this. If Government insist upon having these particular clauses, which, I say, are totally unnecessary, then it seeks to limit their expenditure in the case of maps, plans, mineral samples, analysis and everything else to a sum not exceeding Rs. 2,000. If the conscience of this Government is so very soft that they will not take maps, plans etc. which may be practically useless, except at full payment, then let them at least limit this expenditure.

Secondly, if the expenditure is incurred largely on prospecting which is not carried out, let the legislation limit that expenditure to one-tenth of the amount actually spent. The reason is simply this. When a man has borrowed for prospecting purposes and incurred an expenditure and then he finds the spot worthless or his venture on the verge of collapse, what is the sense in paying the whole amount back to that man in order to take the results, which are virtually worthless. So, with regard to this power under the scheme of the Act, which relates to licensees, I submit that this amendment of mine will at least safeguard people's money from being squandered away unnecessarily.

Now, we come to that aspect of the scheme which relates to either the acquisition of the lease, that is to say, the interest in the land, or the purchase of the land itself. And here, we find what wonderful clauses have been incorporated in this Bill by a Government which claims to be bent upon establishing a socialist pattern of society. If the interest in the lease has to be acquired, then so many items have to be paid for, including reasonable and *bona fide* expenditure

of the nature referred to in clauses (i) and (ii) and (iii), which I have described above, and also the *salami*, if any, paid for obtaining the lease.

Now, what is this *salami*, excepting that it is a premium or probably an illegal expenditure, or probably an illegal gratification, paid by the lessee to the lessor for acquiring it? It may be, for all I know, a legitimate premium which may have been paid. But I ask this House whether if a particular lessee has had to pay a premium, assuming legitimate premium, for acquiring a particular lease in a mine, is it necessary for the State to do the same thing over again? Why should it be necessary for the State to do so, when the State has got powers to acquire land, when the State has got powers under the Industries (Regulation and Development) Act, when the State has other powers of not paying enough compensation, particularly when this House has enacted a change in the Constitution by means of the Constitution (Fourth Amendment) Act, whereby it is laid down that inadequacy of compensation shall not be a justiciable issue? When the State stands in such a position as against a private lessee, where is the need for paying the *salami* back to the lessee or the owner of the mine? As I said, this is waste of public money. Government are not out to nationalise these mines, but they are out to benefit gamblers who have staked and lost in mine-operations.

One of my other amendment says that clause 13 (2) (iii) at page 7 should be deleted, because that also lays a duty on Government to pay to the mine-owner, the expenditure, if any, incurred by way of payment of dead-rent or minimum royalty during any year or years when there was no production of coal. This is a very strange clause. I wonder whether the Minister in charge did not even think of this case, that there may be a mine-owner who on account of his negligence, stupidity, inefficiency, mismanagement or anything else has not

chosen to carry on mining operations on his land; he may have been sleeping over his lease for ten years, but under the terms of the lease, he may have been legitimately required to pay to the mine-owner or land-owner certain sums of money or minimum royalty every year. Now, is it the intention of this Government that they should pay to that defaulter as a premium on his negligence, as a premium on his default, all the rent that for years together he had to pay, because he remained idle and would not exploit his own property? Such a man is a sinner against society, because he has not given the benefit of the minerals to the society at large. And Government want to pay compensation for his default. I call it nothing less than a premium on defaults and negligence, and not only that, but this Government want to pay interest on premium on negligence and default. That is outrageous.

The clause says further that interest on this should be paid, and there is the proviso, about which, at least in my mind, still some doubt lurks. That proviso reads:

"Provided that the total sum payable under this clause shall not exceed one-half of the total amount referred to in clauses (ii) and (iii)."

But the Minister forgets that it is not merely clauses (ii) and (iii), but also the previous clauses because clause (ii) refers to the previous clauses, and it reads thus:

"any reasonable and *bona fide* expenditure of the nature referred to in clauses (i), (ii) and (iii) of sub-section (1)...."

Therefore, the interest is not merely on this, but on everything mentioned in the whole clause. So, it is not enough to say merely 'clauses (ii) and (iii)', because clause (ii) includes clauses (i), (ii) and (iii) of sub-clause (1).

Shri K. D. Malaviya: It is one-half of all expenditure.



**Shri Bharucha:** That is the implication, That is what I am trying to convey.

I have been trying to bring this to the notice of the Minister in charge that he is not only wasting public money in paying salami, but also in paying interest on salami, premium on default, interest on premium on default, interest on.....

**Shri T. B. Vittal Rao:** Interest on dead-rent.

**Shri Bharucha:** ...dead-rent—and everything imaginable. I wonder which fool of a mine-owner or a lessee who has gambled and lost will not accept these terms.

Therefore, I submit that the amendments which I have moved are designed to conserve public resources. If the Government cannot make up their mind—the Bill does not seem to have been drafted from the legal point of view with accuracy and precision, as it ought to have been drafted, and from the economic point of view, it does not seem to take notice of the economic conditions of this country—I would appeal to the hon. Minister, if necessary, to refer this Bill to a Select Committee on his own motion and see that these clauses are properly re-drafted in order at least to see that public money is not wasted on people who have gambled on mining and lost.

**Shri K. D. Malaviya:** The effect of the series of amendments moved by my hon. friend is not only to change the amount of compensation but to controvert the very basic principles on which we stand to acquire private property. The fact is that Government are compulsorily taking away certain rights of the private sector—whether it is the right of prospecting in a field or right of mining in a field or certain rights which have accrued to the party as a result of certain contracts made with the State Government or any other party.

13-51 hrs.

The implication of such contracts and agreements is that he has incurred certain expenditure and there is a liability set on it. The underlying policy which we have for our guidance is that rightly or wrongly—wrongly, if you like, but I say, rightly—wherever land will be acquired, rights will be acquired, we shall pay reasonable and fair compensation. Now, having committed ourselves to this basic policy, we cannot go back on it. We stick to it because we think it is the just thing to do. It is not as if we want to pay illusory compensation or such quantum of compensation which we cannot justify in anybody's eyes.

My hon. friend has referred to certain specific items in the list of things for which we are going to pay compensation. He has referred to the word 'gambling'; perhaps he prefers 'gambling' to 'prospecting'. I think it is through lack of understanding that the word 'gambling' is used. Prospecting is the consequential result of certain scientific and technical studies of the area in question. If my hon. friend were a mine-owner or a person who was interested in mining, he would just not put his money at a place which has no basis for prospecting. Prospecting is only undertaken when certain geological indications are in evidence; otherwise, one would not do it. Even after preliminary prospecting, detailed prospecting would have to be done. If I fail by putting a number of shot holes in an area of two or three or four square miles, somebody else might come and succeed after spending another sum of money and get coal or any other mineral. Therefore, 'prospecting' and 'gambling' are not to be....

**Shri Bharucha:** Different.

**Shri K. D. Malaviya:** ...used in a similar sense. 'Gambling' is much more different from 'prospecting'. If a party has spent some money on

prospecting and wasted it, because he was not able to find positive results with regard to coal or other mineral. It does not logically follow that the other party—Government—will also fail in their attempt to locate certain seams of coal. But this is going into the details of it. The fact is that a party has spent some money in prospecting and the fact that we are going to compulsorily acquire the rights of that party necessitates, under compulsion of our basic policy, payment of a reasonable sum for the rights that we are taking from him.

Similarly, the word 'salami' has been ridiculed. Personally, the word is jarring to me also. 'Salami' is nothing but translation of the word 'royalty', and if the word 'royalty' is heard smoothly by the hon. Member, there is no reason why the word 'salami' should not be so felt.

Now, prior to 1949, before the Mineral Concessions Rules were promulgated, *salami* was a legitimate charge which was paid by the leaseholder to the proprietor of the land, and he could not have acquired the rights of mining, unless he had paid the *salami*.

**Shri A. S. Sarhad:** On a point of information. The word 'salami' is defined neither in this Bill nor in the General Clauses Act. Then where shall it be interpreted from?

**Mr. Deputy-Speaker:** The hon. Member wants to know how, when a dispute arises as to whether a particular thing is *salami* or not, it shall be interpreted?

**Shri A. K. Sen:** It is just like not defining 'rent' in any subsidiary legislation. There are certain expressions which need no definition like rent, royalties, *salami* etc.

**Shri Bharucha:** 'Rent' is defined.

**Mr. Deputy-Speaker:** Yes.

**Shri A. K. Sen:** Then well and good. Even if it is not, it is not necessary, because one knows what rent is.

If 'salami' is not defined in the Act, it will bear the ordinary meaning which that word bears. It is a word of very well known import.

**An Hon. Member:** No, no.

**Shri A. K. Sen:** Of course it is.

**Mr. Deputy-Speaker:** That does not carry us any further. Suppose there is some dispute as to what 'salami' is, whether a particular money is 'salami' money or not. Then how shall it be interpreted?

**Shri A. K. Sen:** It will be interpreted by the court, just like 'royalty' being interpreted. The court will define what royalty is. 'Royalty' is the word used in the south; it is an English word; 'salami' is the Hindi word which means 'premium' in English.

**Shri V. P. Nayar:** We in the south do not know what 'salami' is.

**Shri A. K. Sen:** 'Royalty' is also not in the language of the south.

**Shri V. P. Nayar:** But it is in the dictionary.

**Shri A. K. Sen:** 'Salami' is there in Wilson's Glossary. It means 'premium'.

**Shri V. P. Nayar:** Does he at least have a copy of it?

**Mr. Deputy-Speaker:** Let us proceed further.

**Shri K. D. Malaviya:** I was referring to the merits of the question raised by my hon. friend. The Mover desires that expenditure incurred in respect of the construction of roads or other essential works on the land, if such roads or works are in existence, should not be paid. He also wants that payment on account of expenditure incurred in respect of preparation of maps etc. should not exceed Rs. 2000. I do not understand why this limit of Rs. 2000 has been made. Why not Rs. 1000; why not Rs. 500, Rs. 100 or even Rs. 10? He has been gracious enough to limit it to Rs. 2000. As a matter of fact, he does not know what

[Shri K. D. Malaviya]

he is talking about so far as imposition of these rules are concerned.

**Mr. Deputy-Speaker:** We should presume that every hon. Member knows what he is talking about.

**Shri K. D. Malaviya:** I withdraw it.

**Shri Mohammed Tahir:** I want to know what would be the extent of expenditure in obtaining a licence as per item (i) of sub-clause (1) of clause 13.

**Mr. Deputy-Speaker:** That might not have been worked out so far.

**Shri K. D. Malaviya:** If I may be permitted to say so, all these matters will be decided by the Tribunal when all the facts are before the Tribunal. The maps, charts, information, the distance of roads constructed, the houses and other expenditure that had been incurred by the party will all have to be explained by the party before the Tribunal and then the quantum of compensation will be assessed by the Tribunal and that will be the award of the Tribunal.

14 hrs.

I was referring to this limit of Rs. 2,000 with regard to the procurement of maps, charts and other documents. It might be too little and might appear ridiculous. Sometimes, the geological maps alone might cost much more than that. Then, prospecting, obviously, could be presumed to cost much more than Rs. 2,000. If we do accept the principle of reasonable and fair compensation for the rights that we acquire, then we cannot put limit to the expenditure incurred by the party. All that has got to be left to the Tribunal before which all information will have to satisfy that the expenditure that has been shown to have been incurred has been legitimately incurred. If, for instance, a party produces a list of expenditure which, in the eyes of the Tribunal, is not correct, then, obviously, the Tribunal will reduce it. So far as the Government is concerned, they have a minimum picture of the compensation for the procurement of maps, charts etc.

Looking at this picture, I do consider that this sum of Rs. 2,000 may be wholly inadequate.

With regard to interest, there also is a question of policy. Once we agree to compensation and to purchase certain rights by paying a certain amount of money, it is not reasonable for the House to presume that interest thereon will be eliminated from the picture. Interest is not going to be paid in full as it will be evident from the proviso to clause 13, where it is said:

"Provided that the total sum payable under this clause shall not exceed one-half of the total amount referred to in clauses (ii) and (iii)."

We have to arrive at this figure by assessing 5 per cent for the first 5 years and then 4 per cent for the next 4 years. After 9 years, the question of payment of interest at the rate of 5 and 4 per cent ceases and this proviso starts operating and if the amount becomes half the total sum spent, it stops. Therefore, as I said before, having accepted the principle of payment of a reasonable and fair compensation, it seems necessary for the Government to include the item of interest also in the whole picture.

The Tribunal and the Court will be there to decide every demand that is put forward by the party, whether it is excessive or not. The Government will scrutinise the documents and other papers and accounts put forward by the party and will not agree to anything which they do not consider legitimate. I, therefore, consider that the series of amendments, Nos. 1 to 5 put forward by my hon. friend Shri Bharucha cannot be accepted by us because they go contrary to the basic principle enunciated by Government.

**Mr. Deputy-Speaker:** I would still appeal to the hon. Minister to just consider whether it is not necessary to define this 'salami' because it has different connotations in different parts of the country. At least in the

north, it has the meaning of illegal money got from the leasee by the lessor. It may have a different meaning in the south. But it should be stated that in mining areas it will have a distinct meaning. Something, perhaps, might have to be stated. If the hon. Minister does not think it necessary, I have no quarrel with him. I will proceed.

Mr. Deputy-Speaker: The question is:

Page 6—

for lines 5 to 20 substitute:

"Notwithstanding any law for the time being in force, where a prospecting licence ceases to have effect under section 5, there shall be paid to the person interested compensation, the amount of which shall be a sum made up of the following items of reasonable and bonafide expenditure actually incurred in respect of the land, that is to say,—

(i) the expenditure, if any, incurred in respect of the preparation of maps, charts and documents, relating to the land, the collection of cores or other mineral samples and the due analysis thereof and the preparation of any other records or material, provided that the total payment under this head shall not exceed Rs. 2,000/-;

(ii) expenditure, if any, incurred in respect of any other operation necessary for prospecting carried out in the land, provided that the total payment under this head shall not exceed one tenth of such expenditure."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 6, omit lines 38 to 41.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 6, omit lines 38 to 41.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 7, omit lines 1 to 20.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 7, omit lines 28 to 34.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 7, omit lines 4 to 20.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 13 stand part of the Bill."

Shri Sonawane (Sholapur—Reserved—Sch. Caste): What has happened to 'salami', Sir? The hon. Law Minister said.....

Mr. Deputy-Speaker: It stands as it is.

Shri Sonawane: As the Law Minister said, if 'salami' means in simple language 'royalty', then, why not substitute royalty for 'salami'? The whole thing can be got cleared.

Mr. Deputy-Speaker: It is too late. We have put it to the hon. Minister to consider it. If he does not think it necessary, then, it cannot be helped.

Shri Ranga (Tenali): In the south, some of us used to think that 'salami' is a kind of bribe given to an officer or a landlord.

Mr. Deputy-Speaker: That is what I asked the Minister to consider; that it has different meanings in different parts of India and therefore it is necessary to have some definition.

Shri K. D. Malaviya: I beg to submit that this word 'salami' is specifically associated with the payment of a sum at the time of acquiring some rights in the mine.

Mr. Deputy-Speaker: If it is said that this money that is given to the owner of the land from whom the

[Mr. Deputy-Speaker]

area is acquired, then it would have been clear.

The question is:

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14. (Method of determining compensation)

Pandit Thakur Das Bhargava: Sir, I have an amendment to clause 14, amendment No. 22, which reads as under:—

Page 9—

after line 19, insert:

"(6A) The Tribunal shall on the application of any person interested in any existing colliery that any lands immediately contiguous to such colliery is necessary for the efficient exploitation or expansion of the colliery should not be acquired decide the dispute and if the decision is against the Government the Government shall release the same or acquire it for the existing colliery."

I have already given some grounds in respect of other amendments which are equally applicable to this amendment also. My submission is that there are two parties, the Government and the persons in the private sector. When you take away anything from the private sector, there must be full satisfaction given to the private industry that they are not in any way prejudiced. It is just necessary that this matter should be decided by the Tribunal. In all matters of acquisition, I know it is the Central Government that decides that it is necessary to acquire. In a matter of this kind where the competition is between the Government and the private sector, it is necessary that the judge should be given the power to see whether it is fairly and equitably necessary for the Government to acquire the land without any prejudice any proper to the private industry. The hon. Minister says that so far as

he or any of his successors is concerned or the Government is concerned, they will behave in a proper way. We know that the Minister himself is not responsible for this kind of acquisition. They see the papers coming from below and say ditto to it. They do not know how the thing is working. If any report is made by the subordinate officer it is accepted. The subordinate officer may only be motivated by a regard to the interest of Government alone and he might have thought it profitable to acquire. Then, what happens? The Central Government acquire that. Where in such circumstances the private industry should go.

First of all, it is unfair that the Central Government itself is the person whose decision will be final. I think there may be cases of actual victimisation.

14 hrs.

It is necessary that this power should be given to the judicial authority. The Government itself have appointed the Tribunal. What objection can the Government have if the Tribunal decides? Every person may be satisfied that the Government are not abusing its powers in relation to the private industry. I would therefore like that this matter should be justiciable and the Tribunal should be the last authority to decide whether a particular land ought to be acquired. This is a peculiar legislation in which the competitors are the Government themselves and persons in private industry. I think that in a case like this the Government should accept this amendment and give proof of its being open and just responsive.

Mr. Deputy-Speaker: Amendment moved:

Page 9—

after line 19, insert:

"(6A) The Tribunal shall on the application of any person interested in any existing colliery

that any lands immediately contiguous to such colliery is necessary for the efficient exploitation or expansion of the colliery should not be acquired decide the dispute and if the decision is against the Government the Government shall release the same or acquire it for the existing colliery.

**Shri Dasappa:** However desirable the amendment of the hon. Member may be, my fear is that it cannot be brought here under this particular clause, because we have already passed clause 8 on page 4, and the explanation there makes it very clear to what extent objection could be effective.

The explanation says:

"It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by other person."

If my hon. friend, Pandit Thakur Das Bhargava wanted this particular amendment which he has now placed before the House to be effective, I think the proper place would have been here under this particular clause 8. But now no person will be able to lodge an objection to the effect that it is necessary for himself or that an individual area or land is required for himself for the purpose of either expanding his own concern or for any other purpose. It prevents him from stating such an objection. I felt absolutely that the explanation practically takes away whatever advantage sub-clause 1 of clause 8 would have given. I am afraid, therefore, this particular amendment is not in place under this particular clause.

**Pandit Thakur Das Bhargava:** I did bring an amendment under clause 8 also, but my hon. friend did not support me then on this point.

**Shri A. S. Sarbadi:** The same objection is applicable to amendment No. 22. Amendment Nos. 14, 15 and

22 are complementary to amendment No. 12. Amendment No. 12 has been rejected and the principles underlying clause 4 have already been accepted. The clause lays down that the discretion vests with the Government to exclude that portion of land in which mining operations are being carried on and it is for the Government to judge whether the coal operations are being carried out or not. This amendment is contrary to the principle which has already been accepted by the House in clause 4.

**Shri K. D. Malaviya:** I have nothing to say in reply to what Pandit Thakur Das Bhargava said because clause 4 has already been accepted by the House.

**Mr. Deputy-Speaker:** The question is:

Page 9—

after line 19, insert:

"(6A) The Tribunal shall on the application of any person interested in any existing colliery that any land immediately contiguous to such colliery is necessary for the efficient exploitation or expansion of the colliery should not be acquired decide the dispute and if the decision is against the Government shall realise the same or acquire it for the existing colliery."

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

"That clause 14 stand part of the Bill."

*The motion was adopted.*

*Clause 14 was added to the Bill.*

*Clause 15 and 16 were added to the Bill.*

**Clause 17—**

*(Payment of Compensation)*

**Shri Bharucha:** This clause relates to payment of compensation and I beg to move:

Page 9—

for lines 32 to 35, substitute:

"17(i) Any compensation payable under this Act shall be ten-

dered or paid to the persons entitled thereto in transferable bonds bearing interest at 4 per cent. per annum and maturing after 15 years."

Clause 17 of the Bill refers to payment in cash. What I feel is that after having been so generous with public money, the Government should at least do something with regard to the mode of payment. It is not a new thing which I am introducing in this House. In Bombay State, as I already stated, we abolished the *inamdars* and *jagirdars*. We made the payment in transferable bonds bearing only  $3\frac{1}{2}$  per cent. interest per annum. The idea is that the State will not be required to pay a large sum of money immediately and if the transferable bonds are made available, the State will conserve its cash resources. This system of payment has been followed by several State Governments and no great injustice has been done. While moving this amendment I trust the hon. Minister will consider it.

Mr. Deputy-Speaker: Amendment moved:

Page 9—

for lines 32 to 35, substitute:

"17. (1) Any compensation payable under this Act shall be tendered or paid to the persons entitled thereto in transferable bonds bearing interest at 4 per cent. per annum, and maturing after 15 years."

Pandit Thakur Das Bhargava: So far as this clause is concerned on page 10 we find the following:—

"Provided further that no person who has received the amount otherwise than under protest shall be entitled to take any matter under this Act before the Tribunal."

Here I would only wish to say that this is too technical and very harsh. Any person who does not know the

law and does not protest cannot go before the Tribunal. This is too hard and too technical and I would beg the hon. Minister to consider this matter and not to press for the "full pound of flesh from a person who does not know that his failure to protest would take away his right. To say that if a man is dissatisfied he may get justice from the Tribunal and then to deprive him on such a technical ground is not correct.

Shri K. D. Malaviya: The amendment moved by my hon. friend, Shri Bharucha, suggests that in lieu of cash compensation payment should be made in transferable bonds bearing interest at 4 per cent. per annum and maturing after 15 years. The actual payment of compensation arising out of these deals will not be very appreciable. It does not appear to be very fair or reasonable for the Government to start introducing the system of payment of compensation after 15 years in transferable bonds bearing 4 per cent. interest, when the payment in question is not quite substantial or the sums involved are not quite big. As I said, I do not know the actual figure but each year the amount is not likely to go beyond Rs. 20 or 30 lakhs. For such paltry sums, it does not seem to me reasonable if Government were to use bearer bonds instead of cash. I submit that this amendment cannot be accepted.

Shri Bharucha: Will your credit suffer?

Mr. Deputy-Speaker: The question is:

Page 9—

for lines 32 to 35, substitute:

" 17. (1) Any compensation payable under this Act shall be tendered or paid to the persons entitled thereto in transferable bonds bearing interest at 4 per cent. per annum and maturing after 15 years."

The motion was negatived.

**Mr. Deputy-Speaker:** The question is:

"That clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

Clauses 18 to 28 were added to the Bill.

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

**Shri K. D. Malaviya:** I beg to move:

"That the Bill be passed."

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill be passed."

**Pandit Thakur Das Bhargava:** Sir, I do not want to say much on this subject now.

**Mr. Deputy-Speaker:** That would also be my request.

**Pandit Thakur Das Bhargava:** I shall submit only two points for the consideration of the House.

**Mr. Deputy-Speaker:** But it is not known how big one point may be!

**Pandit Thakur Das Bhargava:** They are very small. In clause 9(2) (a), it says: ".....shall state the district or other territorial division in which the land is situate and its approximate area...." This is the first time that in a case of acquisition I have seen a provision like this. This will lead to any amount of complications.

**Shri Ranga (Tenali):** Supposing the survey is not complete. (Interruptions.)

**Pandit Thakur Das Bhargava:** This is a supposition without any valid basis. You should be exact and you must insist on definite pieces of land to be described.

**Shri K. D. Malaviya:** At the moment, they will not be able to give a definite location of the area.

**Pandit Thakur Das Bhargava:** There is no provision for subsequently giving the area, etc. There will be endless litigation as a consequence. You may say that so much had been acquired while the other man will say that so much has not been acquired. This factor may be taken into account while making the rules so what you may say that so much has been acquired definitely, at least subsequent to the acquisition.

**Mr. Deputy-Speaker:** This can be provided for in the rules.

**Pandit Thakur Das Bhargava:** I only want that there may be no litigation.

The Government requires three years for prospecting etc. Yet my hon. friend will not agree to accept my amendment. After the period of three years, no further powers should remain with the Government. When the Government requires a period of three years for this purpose, the time given for appeal under clause 20, though we have just now passed it, is only thirty days and under clause 20(2), the time is further less, viz., twenty-one days. That is not proper. I would request you to consider it from the point of view of the person who will be aggrieved by these orders. The time is not sufficient. Even in the third reading stage he may make it three months. I would request him, if this is not possible now, to elongate this time in any way, by rules or orders so that more time is given.

**Dr. Melkote (Raichur):** Sir, I want to draw the attention of the hon. Minister to one or two points. It is said in the Statement of Objects and Reasons that the aim of this Ministry is to produce about 60 million tons of coal during the Second Plan period. Particularly with regard to coal, it is not a very easy affair. Prospecting and taking it out from the bowels of earth would need at least three years. From 39 million tons to 60 million tons is not an easy or small affair. I would, therefore, plead with the



[Dr. Melkote]

Minister that the sanction to the different coal mining areas where this increase has to take place be given very quickly.

So far as the South is concerned, except lignite, only the Singareni collieries are producing about 1.5 million tons. We have been assured about Rs. 8 crores during the Second Plan period and it is expected that they would produce at least three million tons. At one time, I believe, they were asked whether they could produce as much as four million tons and they perhaps accepted that target also. Coal is in short supply in the South and the needed coal has to be got from the North for use in the industries or railways. Quite a considerable amount is shipped from Calcutta to the southern ports of Madras and other places from where it is distributed to other places. Due to congestion in the railway lines, much of the coal needed in the South is not being obtained at the right time. I would, therefore, plead with the Minister that if the Singareni collieries are capable of producing four million tons during the Second Plan period, more money should be utilised in these collieries to obviate railway congestion and to make it possible for the south to have sufficient coal. May I hope that the Ministry would pay attention to these points. Thanks Sir.

**Shri Bharucha:** There is one small point.

**Mr. Deputy-Speaker:** He has been fighting quite valiantly and still he has a point?

**Shri Bharucha:** There is one point. As my hon. friend, Shri Nayar, pointed out, coal has not been defined. I would request the hon. Minister to consider the desirability of defining it in the rules that might be made because the word 'coal', as it stands, includes several things. It includes 'lignite'. In fact, scientists say that chemically and structurally, there is no difference between coal and diamond. Both are carbon.

**Shri K. D. Malaviya:** That will be defined.

**Mr. Deputy-Speaker:** That is conceded.

**Shri K. D. Malaviya:** There is nothing for me to say now except to thank the hon. Members of the House for the advice we got. I can assure my hon. friends sitting over there that we are keenly alive to the problem of increasing the production of coal and also the development of the Singareni coal fields. We are examining the question as to how best we can avoid wastage of time and get to the immediate task of expending production to the target before us. With regard to the provision of three years for the period of prospecting, there is some misunderstanding about it. We do not propose to sit for three years prospecting if we can do it in six months' time. In some collieries, we have done very quick prospecting and we do not want to waste any time and that is why we have introduced the Bill in this session. The object is to attain the target which we have set before ourselves: twelve million tons for the public sector.

I can also take this opportunity to assure the House that, so far as the private sector is concerned, we shall be giving all facilities to them to develop and do the job so that the private sector may achieve its target of ten million tons. We shall see to it that it does not suffer from any handicaps. I hope that both of us will keep to this programme and fulfil our allotted task.

**Mr. Deputy-Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*

# PROVISIONAL COLLECTION OF TAXES (TEMPORARY AMEND- MENT) BILL

The Deputy Minister of Finance  
(Shri B. E. Bhagat): Sir, I beg to  
move\*:

"That the Bill to amend the  
Provisional Collection of Taxes  
Act, 1931, for a temporary period  
be taken into consideration."

This is a very simple and almost  
a non-controversial measure. The  
object of the Bill is very clearly  
enunciated in the Statement of Objects  
and Reasons. I would not burden the  
House with a long speech. I would  
only try to amplify that object. The  
Provisional Collection of Taxes Act,  
in its section 4(2) (c) lays down that  
the declared provisions under section  
4(1) shall cease to have the force of  
law on the expiry of the sixtieth  
day after the date on which the Bill  
containing such declared provisions is  
introduced. Under this provision, the  
operation of the Finance (No. 2) Bill  
in respect of those provisions for  
which immediate effect was given  
under this Act will cease to operate  
on the 14th of July 1957.

Hon. Members, I believe, are aware  
about the time that the Parliament  
will be in session between now and  
the next four months. This Session  
is likely to conclude by the end of  
this month, and naturally Parliament  
will not have the time to consider the  
Finance Bill. It is anticipated that  
the Finance Bill may not be completed  
in all its stages before the end of  
August, 1957. It is, therefore, neces-  
sary.....

Pandit Thakur Das Bhargava(His-  
sar): Before December?

Shri B. E. Bhagat: I said August  
1957. It is, therefore, necessary that  
those provisions under the Finance  
Bill of 1957 which have been brought  
under the scope of the Provisional  
Collection of Taxes Act, 1931, should  
have the force of law until the Finance  
Bill is passed. For this purpose a

temporary amendment of clause (c)  
of sub-section (ii) of section IV and  
sub-section (i) of section (V) of the  
Provisional Collection of Taxes Act  
1931 is now sought by this measure.

I would like to point out that this  
is purely a temporary measure design-  
ed to overcome the difficulty that  
has arisen this year because of the  
present session being a short one and  
a longer session following it.

Mr. Deputy-Speaker: Motions  
moved:

"That the Bill to amend the  
Provisional Collection of Taxes  
Act, 1931, for a temporary period,  
be taken into consideration."

Pandit Thakur Das Bhargava: May  
I put two questions, I do not want to  
make any speech on this?

Mr. Deputy-Speaker: Is it neces-  
sary that we should start with ques-  
tions?

Pandit Thakur Das Bhargava: Then  
we can understand and support the  
Bill instead of making unnecessary  
remarks; it would rather help the  
Ministry. My first question is, why  
should you have the date as 1st De-  
cember, 1957 instead of 31st August  
or 15th September? My second ques-  
tion is, supposing a person pays  
Rs. 20,000 or Rs. 1 lakh to you by  
virtue of....

Mr. Deputy-Speaker: He does not  
pay to me.

Pandit Thakur Das Bhargava: I  
mean, supposing he pays to the Ex-  
chequer, will the Government pay  
any sort of interest on that amount  
before refunding that money?

Shri Ranga (Tenali): No.

Mr. Deputy-Speaker: The answer  
has come from the neighbours of the  
hon. Member himself. Let us proce-  
ed now.

\*Moved with the recommendation of the President.

**Dr. Krishnaswami (Chingleput):** Mr. Deputy-Speaker, I have only a few observations to make on this Bill. I do not agree with my friend, the Deputy Minister, who has performed perhaps an unenviable task in his description of this Bill as a simple Bill. It is not a simple Bill. It is not an innocuous measure just because it has only one clause. Under the present Act, we have a limit of sixty days during which the executive can without parliamentary approval collect taxes and thereafter have such action ratified by Parliament. Under the new Bill, the proposed Bill, we are to have the time limit extended to 120 days. This, obviously, raises questions of great importance, and I wish that either the Deputy Minister or the Minister for Finance would throw some light and give us some clarification on some of the issues of importance which arise from such extension.

**Mr. Deputy-Speaker:** One could have understood the Finance Minister coming to this House and asking for a change in the time-limit if the purpose of the Government is to enable a more thorough discussion of the taxation proposals. That would be particularly welcome, at this time because of the far-reaching changes that are proposed to be made in the structure of our tax system.

In the United Kingdom, under the Provisional Collection of Taxes Act a period of four months is permitted during which the Exchequer can collect taxes subject to ratification by Parliament. There, however,—and here I wish to stress this point—the House of Commons by a resolution approves the financial proposals and turns itself into a committee for examining in detail the various taxation proposals. The fact that such financial proposals have been approved by resolution is indicative, tentatively no doubt, of parliamentary assent to these proposals. The practical inconveniences or complications that arise from having a longer period are probably counter-balanced by the benefit accruing from the greater amount of atten-

tion that is devoted by the House to a consideration of these proposals.

The Bill which is now being presented is designed to give us the worst of both worlds. On the one hand, it is clearly mentioned that this is a temporary measure, that the Government do not propose to alter the usual procedure of having a Finance Bill considered within sixty days. Obviously, the purpose of the Bill is to get out of a difficulty which is entirely of Government's own devising. A more appropriate adjustment of legislative business would have made this Bill unnecessary, and its temporary presence on the statute-book will only be a silent witness to the haphazard arrangement of parliamentary business made by the Government at the very inception of the first session of new Parliament. On the other hand, the lengthening of the period creates complications, particularly during this year when a major portion of the tax proposals is concerned with excise duties which fall on articles of mass consumption. Should the Government be persuaded to change its mind, should the Government be induced to reduce these duties on some or any of these articles, it still would be well-nigh impossible to make a refund. For, to reimburse the producer would be inequitable and to recompense the consumer would be impracticable. Even if the Government changes its mind, some of the imposts would, in the meanwhile, have been levied and collected and there would be no redress whatsoever. In brief, whatever the executive and the legislature might decide in their wisdom after due deliberation, the damage would have been done, and the amounts involved would be larger just because the period is longer.

The purpose of all provisional collection of taxes is three-fold. Firstly, we have to prevent loss of revenue to the Exchequer which would otherwise be inevitable under parliamentary democracy where discussion takes

time; secondly, we have to prevent organised tax dodging that can take place between the announcement of the proposals and the approval by Parliament; and, thirdly, adequate time must be given to Parliament to consider taxation proposals. The first and second considerations are amply served by providing a period of sixty days. From the point of view of the third, a change in our Rules of Procedure and a lengthening of the period may be desirable. But, in this case, the measure should be a permanent measure and not a temporary measure, just to satisfy the Government's desire to get out of an awkward difficulty. If it is to be temporary, there is nothing whatsoever to be said in favour of lengthening the period. I, therefore, oppose this Bill.

**Shri Mohamed Imam (Chitaldrug):** Mr. Deputy-Speaker, it is my due to oppose this Bill. I regret very much that the Finance Minister is not present on this important occasion; perhaps, he is sure of his ground. Being backed by a brute majority, perhaps, he does not respect the opinion of this House.

**Mr. Deputy-Speaker:** That opinion to be respected I do not know why the hon. Member should be keen to have the Finance Minister himself and not the Deputy Minister.

**Shri Mohamed Imam:** That will encourage us.

**Mr. Deputy-Speaker:** We will have many occasions where the hon. Members will get that encouragement.

**Shri Mohamed Imam:** We thought we would be able to persuade the Finance Minister to prune down his proposals.

**Shri B. R. Bhagat:** The Finance Minister is busy in the other House.

**Shri Mohamed Imam:** When he has introduced such an important measure this House does expect him to be present on such important occasions. Just five days ago he unfolded a series of taxation measures,

measures which stunned every Member of this House including Members on the Treasury Benches, measures which stunned the entire nation. We have not yet recovered from the effects of the announcement that he made so recently. Now he wants permission of this House to start the collection of the taxes, the implications of which we have not yet considered and obtained the opinion of the nation through the representatives of the people. If we give our approval to this Bill, I may submit that this sovereign body merely becomes a tool in the hands of the executive. The important work that has been entrusted to this House is being ignored. Advantage is taken of a piece of enactment passed long ago, in the year 1931. This enactment was passed when the Britishers ruled the country by a House which perhaps had a nominated majority and which did not include the real representatives of the people. This enactment was passed when taxation measures were very few and far between and of a less drastic nature. Now times have changed. We are in a time when democracy prevails. We are now discarding everything that partakes of British character, but we have not yet discarded this innocuous, or may I say this obnoxious, measure which gives dictatorial power to the executive.

If this measure is accepted and if the executive or the Finance Minister is empowered to start the collection of the taxes now itself, we will be giving our seal of approval; our sovereign right is taken away. Is there any possibility of these taxation measures being altered or changed or abrogated if we approve of this measure now and empower the Finance Minister to collect the taxes? We merely become tools in his hand; this House merely becomes an agent to approve whatever measures are proposed by the Government. I submit this is against the spirit of democracy. This merely endorses the dictatorial policy of the Government. The taxes that have been proposed are of a vast magnitude and of great

[Shri Mohamed Imam]

intensity, perhaps the like of which we never saw before. I know year in and year out after democracy was introduced, taxes are being levied on the people. But this year, the Finance Minister wants to reap a full harvest. The taxes are so many and so drastic that it is but reasonable that we get an opportunity to offer our opinion on these taxes.

I am not going to enter into details about the taxation measures....

Mr. Deputy-Speaker: This is not the opportunity for it.

Shri Mohamed Imam: I know; but, the Members of this House must have an opportunity to express their views as to how far these taxation measures affect the economy and industries of the State, how far they affect the common man and how far they will affect the national economy of the State. By introducing this measure and accepting it, that opportunity will be denied to us. I know this hurry is due to the fact that the Government wants to collect as much money as possible to implement the second Five Year Plan, a plan which is built not on catholic foundations, not on sound basis, but on slippery grounds. For the last 7 or 8 years, we have poured in considerable wealth on this Plan, but the advantage that has been derived is doubtful....

Mr. Deputy-Speaker: This could not be the opportunity when we can discuss the merits of the Plan. I would request the hon. Member to confine himself to the scope of the Bill.

Shri Mohamed Imam: I am not going into details. I only submit that we must have an opportunity to see how far the taxes we are going to pay will be utilised profitably. If we approve this measure and if we do not offer our opinion in time, we will do a great injustice to our electorate. The electorate has sent us with a pious obligation. We never told them that they were going to

be taxed like this. If we impose these taxes, I think we will be inflicting a very grievous injury on them. So, this is not the measure we should be asked to approve; I oppose it on these grounds.

Shri V. P. Nayar (Quilon): Mr. Deputy-Speaker, I was also surprised when I heard the hon. Deputy Minister telling us that this is a simple Bill. Simple it is in the words which it has, but to some of us, it appears that this is not at all a simple Bill. Government have been forced under certain circumstances to extend the period which was only 60 days to 120 days. I shall come to the circumstances later.

What is the position with regard to certain articles on which we impose duties? The original Act does not merely confine itself to the collection of taxes which have already been declared; it also covers in certain cases the refund of duties which have not had the recognition of Parliament. I put it to him this way and I am supported in what I say by the hon. Finance Minister's statement this morning about the duty on kerosene and newsprint. Here is a list in the Finance Bill and you find so many articles being taxed. Government does not seem to have applied its mind to all the items which are now taxed. Supposing after a few days the Government comes forward, as Mr. Krishnamachari had to do today, and says that certain other articles are also to be taken away from the list, how will the refund be made. I find that in the original Act, which they now seek to amend, there is a very clear provision in section 5:

"Where a declared provision comes into operation as an enactment in an amended form before the expiry of the sixtieth day after the day on which the Bill containing it was introduced, refunds shall be made of all duties collected which would not have been collected if the provision adopted in the enactment had been the declared provision."

We are supposed to have all the power and we are supposed to be supreme in the matter of levying taxes. Supposing at a later stage when the Finance Bill is discussed, this House comes to the conclusion that certain items have to be taken away from the list, then what will be the position? This morning we heard that the moment the duty was declared, the price in the case of kerosene went up, contrary to the expectations of Government. If Government chooses to refund, to whom are they going to refund? If, for instance, this House does not agree with the Government—and technically we have the right—what will be the position in the matter of refund of duties?

Sir, a very responsible Member told me this morning and he had some experience of Government especially in the Finance Department that in 1953 or 1954 Government thought of refunding certain excise duties collected on cloth and they came up to a few crores. It was thought later on that only the trade would take advantage of the refund, because it was impossible for the refund to reach the consumer who had paid more. In such cases where articles which the common man requires for his day to day life are charged with added duty and Government takes a decision, or this House decides that it should not be charged in the manner in which it is sought to be charged, then, what is the position? How can the refund be made? So that the principle of the Bill does not merely extend to the mode of collecting, or provisionally collecting the taxes which have been detailed in the Finance Bill.

Then there is another point. I have been here for five years. You have been here for a longer period. We have never known of a Parliament session, a Budget session, being broken up into two. What is the meaning of this? Is it not absolutely necessary, imperative, that those Members who want to discuss the Budget should apply their mind and should continue

to think about it, till we have disposed of the entire Budget. Here we are called upon to do the general discussion on the Budget, go back to our constituencies, come back again and then discuss the Demands for Grants. What is this due to? Has the Government told us? I remember, Sir, that in 1952 also we came in the middle of May. Then we had a discussion on the whole Budget in all its stages. There was no piecemeal discussion. This procedure has been followed this year, perhaps because the hon. the Prime Minister is going to attend the Commonwealth Prime Ministers' Conference—I do not know. Or, perhaps, it is on account of some other reason. But for the splitting up of the Budget Session into two there would not have been any necessity for such a Bill.

I ask the Finance Minister in all humility: but for this splitting of the Budget session into two and disrupting the Budget discussion would there have been any necessity to increase the number of days from 60 to 120. So, the circumstances which led to the Government introducing this Bill, warrant criticism in very severe words. I have not heard of this practice of splitting the Budget session into two being practised anywhere else. So, Government owe an explanation to us, especially as most of the Members are new, as to why it has not been possible to arrange a Budget discussion till such time as we are able to finish the entire discussion.

Then there is another aspect. Looking through the original Bill, I find that the measure which is now sought to be amended was itself an amending Bill. The time allowed before the Provisional Collection of Duties Act of 1931 was only 30 days. In 1930-31 the then Government came forward with an amending Bill and almost the same words which the Deputy Minister used today were also spoken in 1931 by Sir George Schuster. There was not much of a difference. It was then argued, that the Budget

[Shri V. P. Nayar]

proposals would take a period of two months. We could understand such a departure from ordinary practice in the case of a national emergency, which we do not have. It is merely to suit the convenience of the Government, completely ignoring the convenience of all others. All of us are ready to sit till such time as the Budget is finished. Therefore, I am submitting that it is very bad on the part of Government to start the second Parliament with the splitting up of the Budget session like this and bringing forward certain pieces of legislation which are at sight obnoxious.

**Mr. Deputy-Speaker:** This would have been more appropriate at the time of the Budget discussion.

**Shri V. P. Nayar:** I am not entering into the details of the Budget at all. My submission is that there is no point in Government saying that this Bill is very simple and very innocuous. Government should at least at this stage take the House into confidence and say: look here, it has not been possible for us to convene the Budget session as a whole; please go back and come again to discuss the details of the Budget.

I do not wish to say anything more on this point. I would not have said even this, had it not been for the fact that the Deputy Minister was made to say that this Bill is very simple and innocuous.

**Mr. Deputy-Speaker:** It was all a commentary on that word "simple"?

**Shri V. P. Nayar:** It was said that the only amendment which is sought to be made is the substitution of "sixty days" by "one hundred and twenty days". Any man can understand the significance of this.

Finally I would say that it is very easy to have taxation measures and although I may be referred to as being old-fashioned, I would like the hon. Minister to hear what Burke once said about taxation. He said that taxing

is an easy business. Any projector can contrive new impositions and any bungler can add to the old. I wish to add no more.

**Shri Tyagi (Dehra Dun):** I want to raise a point for your consideration.

**An Hon. Member:** Simply a point?

**Shri Tyagi:** It is a point of order. It is in regard to the question of refund. I raised that point in the morning also. Section 4(2) of the Provisional Collection of Taxes Act, 1931 reads:

"A declared provision shall cease to have the force of law under the provisions of this Act—

(a) when it comes into operation as an amendment, with or without amendment, or

(b) when the Central Government, in pursuance of a motion passed by the Parliament, directs, by notification in the Official Gazette, that it shall cease to have the force of law,"

So what is required is a notification of Government which can only be in pursuance of a motion which is passed in Parliament. It is under those circumstances alone that the notification will have legal effect; it is only then that the tax can be refunded. Otherwise, it is still a tax. My hon. friend announced only this morning that the tax on kerosene oil would be withdrawn. I wonder if it is legal, unless he asks Parliament to favour him by passing a motion authorising him to issue a notification, so that the withdrawal may be legal.

**Mr. Deputy-Speaker:** May I point out to the hon. Member that so far as the present measure is concerned, perhaps his point is not just in order. That question cannot be taken up just now in this Bill. The hon. Member has seen some provision now and he is utilising it and saying that the statement that was made by the hon. Minister this morning was not justified.



**Shri Tyagi:** My submission is that this Bill pertains to the legalisation of collections, etc. Therefore, the question of collection comes. I welcome the announcement which was made this morning.

**Mr. Deputy-Speaker:** The hon. Minister has listened and he can consider it. Now there is nothing that we can consider.

**Shri Narayanankutty Menon (Mukandapuram):** On a point of clarification.

**Mr. Deputy-Speaker:** Clarifications can be had afterwards. Now let us proceed with the Bill.

**Shri Biren Roy (Calcutta—South West):** My object in opposing this measure is very simple, as the measure is also simple. The measure should have been only for the collection of ordinary income-tax, for which the period could have been extended, because generally the income-tax continues, except with slight variations. In this particular case very many duties are going to be imposed. And there are going to be new kinds of taxations, as the tax on wealth, with its not even being properly defined, whether it will be only on individuals and on princes or other persons whose properties will perhaps remain either exempted.....

15 hrs.

**The Minister of Finance (Shri T. T. Krishnamachari):** May I point out that the taxation on wealth has nothing whatever to do with the Provisional Collection of Taxes Act? It has to be passed by the House separately.

**Shri Biren Roy:** Another point I want to raise is why it should be raised from sixty to 120 days. It means one-third of the whole year. One-third of the taxes will be collected. If we try to change it many times, it will cause great inconvenience. If at all it was needed that because the next sitting of the Parliament would be on the 14th or 15th of July, then another fifteen days perhaps would have been needed and we could have raised it to a maximum of ninety

days. And some of the rates should have been exempted from this temporary collection, as for instance the tax on railway fares is not yet imposed and so on.

**Shri T. T. Krishnamachari:** That again, is not included here.

**Shri Biren Roy:** Many other duties which will fall on the common man should also have been excluded, Just as kerosene is going to be exempted. It should have applied only to the normal income-tax collection which would have been hampered if this Bill was not passed into law.

**Shri Easwara Iyer (Trivandrum):** The hon. Member who spoke before me has some confusion regarding the provisions of the Provisional Collection of Taxes Act, 1931. Because, as the preamble to the Statement of Objects and Reasons to this Bill itself shows, the Bill confines itself to the collection of taxes relating to certain customs and excise duties. As a matter of fact, it has nothing to do with the collection of income-tax or other things.

But quite apart from that I am opposed to this Bill for the simple reason that I want to register a sort of protest against this fleece-all-the-common-man budget that has been presented by the Finance Minister. On the question whether provisional collection of taxes is desirable or not, my respectful submission is that when a budget has been presented it may become necessary for Government to get an enabling enactment for the purpose of collection of the taxes imposed by the budget or sought to be imposed by the budget. But, as a matter of fact we find that the burden that has been imposed upon the common man is rather very heavy. The hon. Minister might say that it is an austerity budget, but I would say that it is austerity with a vengeance. I am not going to comment upon the question as to whether the proposals in the budget are desirable or not, because it would be inappropriate for me to comment upon that now. But I



[Shri Easwara Iyer]

would respectfully say that this budget which seeks to hit the common man below the belt—in spite of the fact that he must tighten the belt—will only cut him through.

I wish to submit that so far as this amending Bill to the Provisional Collection of Taxes Act is concerned, I am opposing it on principle, the principle being that a silent approval given to this Bill by simply keeping quiet and allowing it to be passed would be mistakenly thought to be an approval of the taxation measures which have been proposed by the hon. Minister.

I do not wish to repeat the arguments or submissions made by my friend Shri V. P. Nayar, but I would say let not the Government that taxes and death are inevitable.

Shri T. T. Krishnamachari: The gravamen of the charge seems to be that the budget session has been split into two; barring the point made by the hon. Member who has just now sat down, the criticism seems to arise from that point of view that the budget session should not have been so split.

Well, Sir, the decision to split the budget session was made with a view to provide hon. Members, more than half of whom so far as this House is concerned are new, the facility of being in their homes and not being in Delhi in the month of June and the early part of July. The hon. Member, Shri V. P. Nayar, who has been with us for quite some time would remember that on the last occasion, five years back, we had to sit almost till the end of August; and I think many new Members found it difficult. It is not a matter, so far as the Government is concerned, that they would not be inconvenienced. So far as I am concerned, I propose to stay in Delhi till the end of June; and, as I would not have mainly to stay here to get through the budget, it is not in any way an inconvenience to

me. But the decision was taken because of the fact that the month of June and the first half of July happen to be rather difficult days and it would be cruel on the part of Government to so arrange their business as to keep hon. Members in Delhi at that time. Well, Sir, that is the explanation. If hon. Members feel that it should not be so, they could indicate to the Leader of the House or to the Minister of Parliamentary Affairs their intentions to the contrary, and, maybe, the matter may be examined and the wishes of the other Members might be ascertained.

The point therefore arises that, having so tabled the business that there would be a break of six weeks, this Bill becomes necessary. I think an hon. Member asked why it is 120 days. Because, it is expected that the business may not be completed till the third week of August or later. It might be earlier. If hon. Members feel that the Finance Bill should be taken up first before the Demands for Grants and finished in a fortnight, to that extent the provisions of the Bill in regard to evening out the time for the operation of this particular enactment will fall into desuetude. We shall therefore enact the Finance Bill in such form as the House pleases, and it becomes operative in a period of 75 days if this House takes five or six days to do the Finance Bill and the other House takes about four or five days and we complete the business by the end of July. The time needed would be a matter of 75 days. We mention 120 because it is quite likely that it might be much more than seventy four. It might be 105; it may not be 120.

The other point raised was: why does the extended term go up to December? Well, there is no chance of another Finance Bill being introduced. At any rate, I have no programme to do so. Usually the Law Department always says "till the end of the year" for a temporary measure. There is no undue advantage that is taken by Government. The Bill is

intended for a specific purpose. Whether it is one which meets with the approval of the Opposition or not is another matter. But I give this assurance that it has a limited purpose arising out of the time-table of the parliamentary sessions so arranged. If the time-table itself is questioned and is changed, even if the Bill is passed the provisions will not be used. If hon. Members persuade the Minister of Parliamentary Affairs and the Leader of the House to rearrange the may only be motivated by a regard to continuously till the middle of July, well, I suppose twenty or twenty-five days we will take for the Demands for Grants, seven or eight days for the Finance Bill, six or seven days for the other House, and by 15th July we shall finish. And 14th July is the deadline. There would be no difficulty at all. So, if that is the idea, the idea might be served in other ways. Even if the House passes this Bill it does not become operative in this period.

So I do feel that my young colleague who mentioned this as a simple measure was right in that the measure itself is simple, there is no hidden purpose behind and there is no idea of mulcting anybody or depriving the privileges of hon. Members on this or the other side of the House. Therefore, I feel that my colleague and I have said all that we have to say.

In regard to this question of refund, it is an old story. Sometimes, Parliament changes its mind or we change our mind in tune with the Parliament. My hon. friend Shri Tyagi, who raised this point of order, himself adorned this Chair with great distinction for a number of years, when he was the Minister of Revenue and Expenditure. I have no doubt that if I go into the records, I can find a number of cases in which the Minister of Revenue and Expenditure had to take the responsibility on behalf of the then Finance Minister and issue orders under section 23 of the Sea Customs Act altering downwards the collection of any duty. It is being done normally. It is a power that is

given to the executive, which is used sparingly, wisely and for the benefit of the people. I have no doubt in my mind that my hon. friend never, in the scores of occasions that he used section 23—misused it. I do not think there was any instance of that nature.

Mr. Deputy-Speaker: But, he can realise now that he has committed a mistake.

Shri T. T. Krishnamachari: I can assure him that I shall follow the well-trodden footsteps of his without making any deviation from the proprieties of the Constitution, and the rules of this House. I once again beg to confirm what my young friend said in his opening remarks at the time of the introduction of this Bill that this measure is very simple in its intention. It is consequent on the time table of the House being so arranged that it would take perhaps at least 105 or 90 days before the Finance Bill is passed. Therefore, I would commend my motion to the House.

Shri Narayanankutty Menon: There is one point to be clarified. Suppose we pass this Bill now. Till the Finance Bill is passed by this hon. House, a change in the excise duty can be made. An ordinary man purchases tea, coffee, sugar, etc. at increased prices. Theoretically, this House can change and revise the Finance Bill. Suppose the excise duty charged on sugar, coffee or tea is reduced by this House, what happens to the money that has already been taken away from the pocket of the ordinary man?

Shri T. T. Krishnamachari: It happens even if you do not pass this Bill. Until the 15th of July, all the misdeeds that would be done by the Government, by the dealers, and by every one else will continue to be done.

**Mr. Deputy-Speaker:** The question is:

"That the Bill to amend the Provisional Collection of Taxes Act, 1931 for a temporary period, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** There are no amendments to this Bill.

The question is:

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

*The motion was adopted.*

*Clauses 1 and 2, the Enacting Formula and the Title were added to the Bill.*

**Shri T. T. Krishnamachari:** I beg to move:

"That the Bill be passed."

**Mr. Deputy-Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*

# INDUSTRIAL DISPUTES (AMENDMENT) BILL

**The Minister of Labour and Employment and Planning (Shri Nanda):** I beg to move:

"That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

This Bill which comprises four clauses is a short Bill, but the matter with which it deals is of very great importance. It effects vital interests of a vast mass of the working classes and it has also certain consequences for industry. Before I enter on an explanation of the provisions of the Bill and before I explain why this Ordinance became inescapable, I shall have to go back to an earlier stage of legislation on the subject. That was some time in the year 1953.

A somewhat similar situation had developed in the country. There were retrenchments, closures of shifts and of undertakings and a large number of workers in the country were threatened with unemployment. In those circumstances, an Ordinance had to be promulgated, which later on took the shape of a Bill and was passed by the House. I shall just explain what changes that measure to which I have referred brought about. That change is represented by Chapter V-A of the Industrial Disputes Act of 1947. It has two parts, one of which concerned lay off, that is temporary interruption of work for which previous to that legislation, the worker had no remedy at all, no relief at all. It was found that the absence of any remedial measures caused very great hardship. The second part related to cases where the services of workers were terminated or dispensed with altogether. Regarding both these situations, the Ordinance and later the amending Act made certain provisions. The provision was that persons who had to be laid off should be compensated at a certain rate. The rate provided was 50 per cent of the total basic wages and dearness allowance. In the case of retrenchment, the provision was that payment will be made at a rate equivalent to 15 days average pay for every completed year's service or any part thereof in excess of six months. In both these cases there were certain other conditions regulating the operation of these provisions.

This legislation had two aspects. One is a kind of a deterrent effect. The intention was, the hope was, that if the employers will be called upon to make a substantial payment where they lay off workers or where they retrench, may be, they won't think of these steps lightly, and may be, in view of the payments that would have to be made, closures and lay offs may not take place to the same extent. There was the other aspect. Whether it is found possible eventually to avoid closure or lay off,

there is the question of the worker himself. During the period he is not employed, till he is able to get some other employment, he should have some relief, some help to tide over that period.

Later on, there was another amendment of that which dealt with some other aspects. There was some doubt about the application of the Act in cases where that undertaking just changed hands. A new employer came in. No other change occurred. In order that any unnecessary burden may not arise, simply because of that technical change, an amendment was brought in to prevent that kind of consequence arising. I have seen the reports regarding the working of this Act, particularly the portion which amended. I am referring to Chapter V-A. I find that this part of the Act has worked fairly smoothly, it has not caused any hardships to industry, it has not entailed any very serious burdens, and it has certainly helped the working class.

This went on till we were confronted by a new kind of situation, a serious situation. There came on the 27th November of last year a judgment of the Supreme Court. That arose out of two cases which were dealt with by the Bombay High Court. One was the case of the Barsi Light Railway *vs.* the workmen, and the other related to the closure of the Dinesh Mills Ltd., Baroda. The point raised was that compensation provided for retrenchment did not extend to cases where an entire undertaking was closed and therefore there should be no compensation in these particular cases. The Bombay High Court took the view that the definition of the word "retrenchment" in the Act itself was wide enough to cover all such cases. The definition read: "Retrenchment means the termination by the employer of the services of a workman for any reason whatsoever, otherwise than as a punishment...." The view taken was that "for any reason whatsoever" certainly extended to

cases of closures also. The case was taken in appeal to the Supreme Court. The Supreme Court took a different view. I have got the judgment of the Supreme Court with me. Of course, we do not question their judgment. The Supreme Court saw the wording of the Act, saw the circumstances of the cases before them, and whatever might have been the intention of the legislature, the wording of the Act, that particular definition of retrenchment and also the fact that there was no specific mention of closure led them to the conclusion that the provision for retrenchment applied in all cases where the workers were rendered surplus and their services had to be terminated as long as the undertaking itself continued, but that this did not apply where the undertaking itself existed no more and that the ordinary meaning of the word "retrenchment" had still to be enforced in that case. As was pointed out by the Home Minister two or three days ago when some question was raised about the ordinance, there may have been a flaw in the drafting of this piece of legislation, and since we are sure of our ground, of what we intended, what is the proper course in the matter, the duty is cast on us to make the necessary correction and to bring the wording of the Act in line with the intentions of the legislature.

This was intended to be done through a Bill, and normally an ordinance would not have been promulgated. The Bill was getting ready for being introduced in this Parliament, but something came up which created a kind of critical situation, and the hands of Government were forced. I have before me certain figures. They relate to notices of closures of undertakings in the States and in the Central sphere. A large number of workers would have been thrown out of employment if those notices came into force, took effect, and we received communications from the States, from the Governments, from the workers that a very difficult situation was developing, and it was

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essential for the Government of India to move in the matter immediately.

Shri Supakar (Sambalpur): These communications were not received before March.

Shri Nanda: The communications which I am referring to were received practically a few days before the promulgation of the ordinance. I can actually read the names of the mills concerned. For example, there is the case of the Kanpur Cotton Mills, Kanpur, the Ahmedabad Laxmi Cotton Mills, Ahmedabad, the Fateh Singh Mills—in fact, a number of mills, but in all cases I find that the date was towards the latter part of April.

Shri B. S. Murthy (Kakinada-Reserved—Sch. Castes): What is the total number of labourers involved?

Shri Nanda: There were about 15,000.

This situation had to be dealt with, had to be met, and it was felt that there should be an ordinance in order to combat the situation.

What was intended by that ordinance? The feeling was that if the employers concerned came to know that if they closed they would have to pay all this to the workers who were retrenched, maybe they would find it too costly, because in so many cases the position is not that the employer has made up his mind to get out of the business and to close the concern altogether, not that. Usually what happens is that at a particular period the conditions are such that it does not pay very much, there may be certain difficulties. It is quite easy at the moment to close the concern, send away the workmen, and later on at a more convenient point of time reopen the business. It was in such cases that a measure of this kind was intended to become really effective in preventing unemployment, and that is what has actually happened. That is, after the ordinance we found that some of

the major undertakings involved changed their minds. They were persuaded and it was explained to them that the interests of the industry, the consumers and the country suffered by curtailment of production which should be avoided if it is at all possible to do so.

Therefore that ordinance came. Now it is intended to replace the ordinance by the Bill before the House, and I shall explain what the measure is.

The kernel of this Bill rests in clause (3), particularly in the proposed section 25FFF. Here what we seek to do is to see that the defect which came up and which somehow nullified the intentions of the original legislation is remedied. The defect was that there was no specific mention of closures. Now this proposed section 25FFF says:

"Where an undertaking is closed down for any reason whatsoever, every workman who has been in continuous service for not less than one year in that undertaking immediately before such closure shall, subject to the provisions of subsection (2), be entitled to notice and compensation in accordance with the provisions of section 25F, as if the workman had been retrenched."

There is also a proviso which reads thus:

"Provided that where the undertaking is closed down on account of unavoidable circumstances beyond the control of the employer, the compensation to be paid to the workman under clause (b) of section 25F shall not exceed his average pay for three months."

Thus far was the content of the ordinance. But, later on, when the Bill was framed, it was felt that the words 'unavoidable circumstances beyond the control of the employer'

if they were allowed to remain, would suffer from the defect of vagueness to some extent, and that, as far as possible, we might give our intentions a more specific content. An Explanation was, therefore, added, to the following effect:

"An undertaking which is closed down by reason merely of financial losses or accumulation of undisposed of stocks shall not be deemed to have been closed down on account of unavoidable circumstances beyond the control of the employer within the meaning of the proviso to this subsection."

This is the main part of this amending legislation. But another clarification also has been made of an aspect of this situation, namely closures which possibly were not contemplated. Those cases also have been dealt with here, that is, cases of undertakings set up for construction of buildings etc. A special provision has been made to cover such cases. This is not in any sense a new idea that is being introduced, it is not an innovation at all. If we refer to the discussion that took place in this House when the original amending Bill was passed in 1953, we shall find that it was clear that the intention was to cover cases of involuntary unemployment. And there was no idea in the mind of Government or in the minds of those who agreed to this legislation, that any distinction would be made between retrenchment in cases where the undertaking still continued and retrenchment in cases where the undertaking was altogether closed. Therefore, what we are doing now is merely to restore what was originally intended.

But the judgment of the Supreme Court gave us an occasion to consider the position a little more fully. And since the judgment raised the question of *bona fide* closures and closures which were his not *bona fide*, we took this occasion not to

bring in the words '*bona fide* closures' but to enter into the spirit of the considerations which might have been relevant to these cases; namely, that an employer should not close a concern lightheartedly, and if he does so, and the closure cannot be prevented, the workman should be paid something.

There may, however, be occasions where for no fault of his, for no responsibility on his part, owing to circumstances beyond the control of the employer altogether, such as natural calamities like earthquake, arson, and things of that kind, he may be compelled to close down the undertaking. We thought it would not be reasonable and proper to treat this case on the same footing as the other cases. So, some distinction has been made in this regard. But it has been made abundantly clear that merely because we have incorporated these words 'unavoidable circumstances beyond the control of the employer', an employer cannot come forward and say, 'I have got heaps of cloth lying in my godowns; I have no more space; or I have no more money, I have been losing for a number of years, and, therefore, my capacity to pay is exhausted' and so on. These kinds of circumstances, if true, will not warrant or justify any kind of exception from the provision regarding retrenchment or even a recourse to the milder provision which follows in the proviso. That, I believe, should protect the interests of the workers practically in all the cases. The only exceptions, as I said, would be in cases of natural calamities, which may be treated on a different footing.

The original intention or the object behind the amending legislation was to avert closures and to see that, as far as possible, unemployment was prevented, if it could largely be prevented. But those cases stand on a separate footing from those where construction work is involved. For instance, when a house is being built, or a project is being constructed, it is anticipated, and it is well

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known that it may last for two years or three years, and there is no continuing employment, for once the construction is completed, the employment ends. So, when we are bringing forward this provision, it is not that we are really trying to whittle down the earlier provision of dealing with such cases, but we are only dealing with a special case which rests on its own ground.

I have explained the provisions of this Bill. But I must add that when we are discussing the problem of unemployment, when we have in mind the cases of all those workers who are affected by these notices, this is not a complete answer, because even if we give effect to these provisions providing for compensation for retrenchment and the workers secure that compensation, it does not give them employment in all cases, in certain cases, it adds to unemployment. So, that larger issue has to be dealt with in other ways. And this is not the occasion for me to give a lengthy explanation of what are the things that have to be done.

But there is one thing which is relevant to this occasion, and that is, that if the community requires or needs a particular article which is being produced, it should not be out of the reach of the community through its Government and through the legislature, to see to it that the production of that commodity is not interrupted, and there is no undue or unavoidable loss of production. For that purpose, Government have some powers under the Industries (Development and Regulation) Act, and whenever such circumstances arise, it would be open to Government to have recourse to those provisions also.

I may also give one other explanation. It has been urged that the employer has the right to run a business and to close down a business; and that it is a fundamental right of his. We are not coming in the way

of that fundamental right to close down the business, by bringing forward this legislation. We are not telling the employer that whatever may be the circumstances or whatever may be the situation, he should not close down. All that we are saying here is that if he does decide to close down the business, the workers also should be protected; the workers also have their own rights, and the employer has certain obligations to the workers, and he should discharge those obligations.

That is all that I have to say. I hope that in view of the great importance of the measure for the working class and in view of the fact that nothing very new is being done through this, there will be general acceptance of this measure.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

Shri Narayanankutty Menon (Mukundapuram): Mr. Deputy-Speaker, Sir, it is with a feeling of subdued satisfaction that we welcome the broad principles underlying the Bill which has now been moved for consideration to substitute the Ordinance which had already been promulgated by the President. Even though we agree with the principles underlying the Bill and also with the broad sentiments that the hon. Labour Minister has expressed before this House, it is quite unfortunate that whatever anomalies that were there in the original legislation, whatever doubts that were there in the original Act, remain incorporated in the provisions of the new Bill also.

Before coming to the provisions of the Bill as they are, I may be permitted to say a few words on the propriety of promulgating an Ordinance immediately after the Supreme Court judgment about closure and

retrenchment. The House will be aware that it was on 27-1-57 that the Supreme Court said that the word 'retrenchment' as found in section 25 of the Act did not include the word 'closure' and, therefore, in a case of closure, the employees of a company were not entitled to get compensation under that section. Five months have elapsed for the Government to move in this matter and to promulgate an Ordinance to correct that anomaly or doubt that has been created by the Supreme Court decision. Five months in an ordinary case may not mean much of a time, but in this particular case the House will remember that the Supreme Court was deciding a case of the Barsi Light Railway Company; if the doubts that had been created in the Barsi Light Railway Company case had to be removed and the injustice that had been done against the intention of this House to those employees was to be rectified, unfortunately the new legislation that has now been brought up by the Minister does not do any justice to those concerned employees.

The employees of the Barsi Light Railway technically ceased to be their employees on 1-1-54. It is also said that new entrants have been taken on the Barsi Light Railway Company from that date onwards. The hon. Minister has specified in the Bill that it will take effect from the 1st December 1956, and section 2 of the Bill will take effect from the 10th of March 1957. That clearly means that the employees who were retrenched by means of the transfer of the Barsi Light Railway Company, which was the subject-matter of the case before the Supreme Court, and also the cause of this legislation, will not be benefited by this legislation. And because of the lapse of five months since the decision of the Supreme Court and also this Ordinance, a very great calamity has been created. The Bombay High Court, when giving its judgment and also when the case was taken on the record of the Court, had given an injunction that the Barsi Light Railway Company shall not

transfer overseas Rs. 30 lakhs lying to its credit in India, which had to be paid as compensation to the employees of the company. But immediately after the Supreme Court decision on 27-1-57 it has been said that because the injunction was not there, the company had transferred the Rs. 30 lakhs from India. Now, even if there is an amendment regarding the retrospective operation of this Bill, the employees of the Barsi Light Railway Company are not going to benefit.

It is quite unfortunate that the hon. Minister does not learn some lessons from his hon. colleague, the Finance Minister. If it had been a case whereby the workers' pockets were to be fleeced out by means of taxation or by other means, the situation would have been met by promulgating an Ordinance, as for instance, the Ordinance to cover the decision of the Bombay High Court in the case of the insurance of employees; within 72 hours of the High Court's decision, the Finance Minister came with a Ordinance to take away the right that was conferred upon the insurance employees. At the same time, his hon. Colleague the Labour Minister has taken five months to consider whether an Ordinance is to be promulgated to protect the interests of the employees.

Therefore, my request is that in matters like this, the hon. Minister should try to learn lessons from the Finance Minister and be quick about these matters so that the intention of both the hon. Minister and also this House is carried into effect.

Turning to the provisions of the Bill, the hon. Minister commended to this House the principles on which the original Act of 1954 was passed, and also the intention of this hon. House when amendments were incorporated in the year 1954. As seen from the proceedings of this hon. House, it is quite that it was in view of the necessity of serving the ends of social justice that this House was pleased to pass the Act which would



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give some sort of compensation to the workers when they were asked to go out of the factories. It had nothing to do with the capacity of the employer to pay; it had nothing to do with the contractual liability of the employer to pay; it had nothing to do with the existing right of the employer to pay. In view of the then acute unemployment situation and in order not to make that situation further acute by means of retrenchment—the employers were taking advantage of the provision for retrenchment—this House thought that some sort of provision should be made in the interest of social justice to see that some money is paid to the workman when he goes out of the factory, so that in the meantime, till he finds alternative employment, he and his family shall not starve. This was the intention of this House in passing the original Act.

Then, what are the changes that took place? Some minor changes took place afterwards. But the most serious change took place by means of the decision of the Supreme Court. What did the Supreme Court say? The Supreme Court said that the word 'retrenchment', as seen in section 25 of the Act, did not include 'closure' also. It is quite obvious that when this House passed the original Act, the word 'retrenchment' was intended to include 'closure' also; the principle of the original Act and the Ordinance was that if at all a worker was asked to go out of the factory, he should be paid compensation in terms of section 25 of the Act. But after the decision of the Supreme Court, the Ordinance has come, and in replacing this Ordinance by the provision of this Bill, a right which was conceded by this hon. House when the original Act was passed, a right which was already in existence but for the decision of the Supreme Court, has been taken away, because in case of *bona fide* closure, the maximum limit of compensation that a worker is entitled to get is only for three months.

Does it end here? No. The quagmire of the anomaly wording is still left open. This has again created a veritable paradise for lawyers. If in spite of this legislation, the workman is asked to go out of the factory, he will have to raise an industrial dispute, because when the employer hereafter closes a factory, he will say: 'In good faith, *bona fide*, and for circumstances beyond my control, I am closing this factory'. What is the workman to do under this legislation? He will have to raise an industrial dispute and after two or three years he will go before an industrial tribunal to get a decision; the employer who is all powerful and mighty, will be able to employ a lawyer and he will come to Delhi and argue the matter in the Supreme Court. Again, another decision comes. So the intention of the legislature when it passed the original Act in 1954, is not being restored by means of this Bill.

Again, in case of *bona fide* closure, this Bill provides for 'maximum' compensation. Even there, there is no fixity at all; no mandate is given by the Bill that even in a case of *bona fide* closure, the workman ought to be paid such and such amount. Unless the particular wording is changed, the Act is not going to confer any benefit on the workman. In the case of any closure, whether it is for *bona fide* reasons, whether it is for circumstances beyond the control of the employer or whether it is *mala fide* or intentional, the worker will always be denied whatever legitimate share he should get. Furthermore, it takes away a very valuable right which has been conferred by means of the original Act on the construction workers.

The hon. Labour Minister will remember that to a large number of workmen employed in the construction works of the Central Government also, even though they are construction workers, the benefit of the

Act has been applied to them and retrenchment compensation as well as lay-off compensation as contemplated by section 25 of the Act are being paid to them now. But, under the proviso of this Act, the hon. Minister wants to take away that right. In the case of the constructional workers, two years are exempted and only after 2 years some nominal compensation is being paid. We will have to oppose the attempt of the hon. Minister, either intentionally or unintentionally to take away that right and deprive the workmen of a right that they are enjoying even under the Central Government. That provision makes it very discouraging.

Even though the principle of the Bill is quite commendable, I submit that the hon. Minister would be pleased to look into the provisions once again. The sentiment that has been expressed on the floor of the House is to restore the status quo, to restore the position which was there before the ruling of the Supreme Court and also to remove the doubts that are being created by the judgment. If that is the sentiment, if that is the intention, the Act will have to be reworded and many other provisions of the Act will have to be changed. Subject to the amendments that we have already tabled—as far as the Bill in general is concerned, it is quite commendable—we welcome it. We would welcome it if the hon. Minister is prepared to accede to the removal of the clause which restricts the retrenchment compensation payable to the workmen in case of closure and if he is also prepared to give effect to the intention of this House that if ever there is a case of a workman being asked to go out of the factory without employment, he shall be paid compensation because the principle on which this House passed the Act was that in case of retrenchment, whatever might be the cause, the workman should get something to carry on just during the period.

There is one more point. If ever there is a case of transfer, as it happened in the case of the Barsi Light

Railway, a provision has been incorporated that if the terms and conditions of the transfer were favourable to the employees and if the employees were to be continued under the same terms and conditions of service, there will be no case for retrenchment compensation. If, by the terms of the agreement of transfer from one employer to the other employer, the terms and conditions of service of the employees are to be varied, certainly, there is a case for the worker and he is entitled to retrenchment compensation.

But the real difficulty in working out this provision comes to this. The employers, whenever they transfer business, are not in the habit of saying that it is a transfer and when the transfer becomes effective, it is unknown to the workmen whether there has been actual transfer or not. There is no provision for one employer when he is transferring the business to another to inform the workers. So, one fine morning, some 6 months or even 2 years after the transfer, the employer may come and say that the terms and conditions are varied. This provision does not operate because it was not on the transfer that the variation of the terms and conditions of service take effect. Therefore, unless some machinery is provided in this Act to provide for the workmen getting actual knowledge and effectual notice of the transfer and also to know the terms and conditions thereof at that particular time, the benefit conferred is not available to the workmen. I would urge on the hon. Minister that there should be a machinery provided under this Act which makes it obligatory on all the employers to make known the conditions and terms of transfer so that the workmen can get the remedy for retrenchment.

Concluding I may say that the hon. Labour Minister when commending this Bill to the House made a reference to what happened 3 or 4 days ago when the propriety of the Government bringing forward this Ordinance has been commented upon and that there was certain opposition already.

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made on the floor of this House. As far as this particular Ordinance is concerned, we are not at all opposed to this as it is because, if we view the propriety of the Government coming down with an Ordinance under certain circumstances when it is demanded in the broader interests of the community, we will be the first to welcome that. But, we have got only one thing to say and that is that the 5 months that have elapsed between the decision of the Supreme Court and the promulgation of this Ordinance has caused irreparable harm to the workers.

So this Bill can be supported only if the hon. Minister is pleased to say that it takes effect from the date of the original Ordinance, that is the 24th October, 1953. If the hon. Minister has *bona fides* in commending to this House that whatever happened in the meantime has to be supported, I submit and I beseech him that the provisions of this shall take effect from 24th October, 1953, so that when this House has expressed its intention that the retrenched workmen shall have compensation, those who are out on the streets—there are thousands and thousands of them from 1953 onwards whose cases are pending before Tribunals—shall get the benefit. So, I hope that certainly the hon. Minister will be pleased to agree that this shall take effect from 24th October, 1953 onwards.

**Shri Keshava** (Bangalore City): Sir, I rise to welcome this measure heartily and not—and with subdued satisfaction as my predecessor put it.

**An Hon. Member:** Whole-hearted welcome.

**Shri Keshava:** It is not one of those objectionable Ordinances as it was put before the House while the President's Address was under discussion. On the other hand, I think, we can take exception to the Government's action in that they were too slow in taking action in this matter and that they ought to have been quick enough, as has been pointed out

by my friend on the other side, just now.

In our country we have got a very unequal fight between the employers and the employees. Whenever anything happens, the employers immediately attack the wage bill and immediately anything that affects them affects the worker. It is not the case that any legislative measure can take into consideration everything and cover up every defect. Under those circumstances, it is quite possible that the interpretation that was being sought to be put by the Supreme Court has not been brought to our notice and we have failed to cover that also in the definition. But, one thing I would like to suggest. I do not want to reiterate the imperfections catalogued by my friend. I would like earnestly to appeal to the hon. Labour Minister even now at this stage to remedy those defects and, if possible, let us pass this measure accepting those amendments and in a much better manner.

With these words, I heartily support and welcome his measure.

श्री स० म० बनर्जी (कानपुर) : उपाध्यक्ष महोदय, यह जो बिल आज सदन के सम्मुख प्रस्तुत है इस के लिये हिन्दुस्तान के हजारों और लाखों मजदूर चाहें वे ज्यूट मिलों में काम करते हों या टेक्सटाइल मिलों में काम करते हों मुं तजिर वे और वे चाहते थे कि इसको जल्दी लाया जाय । आज जो सरमायादार हैं या मिल मालिक हैं वह अपनी खुशी से जब चाहें मिल को बन्द कर देता है और सरकार के सामने तथा जनता के सामने सिर्फ एक बीज को दिखाने की कोशिश करता है कि मिल नुकसान में चल रही थी । मैं कानपुर से बुनाव लड़ कर आया हूं जो कि एक मजदूर नगर है और मैं जानता हूं कि वहां क्या होता है । मैंने अपनी भांखों से देखा है कि कानपुर काटन मिल जो कि आज तकरीबन तीस या बालीस साल से या इस से भी ज्यादा सालों से कानपुर में ब्रिटिश इंडिया कारपोरेशन के हाथों में है,

उन ने यही कारण बताया है कि सन् १९५२ से नुकसान हो रहा है।

आज भी अगर अच्छे तरीके से जांच की जाय तो उपाध्यक्ष महोदय आप के द्वारा मैं मुश्किल सेबर मिनिस्टर साहब से बहुत मदद के साथ कहना चाहता हूँ कि अच्छी तरह जांच करने के बाद यह मालूम होगा कि यही कानपुर कोटन मिल ने कुछ महीने पहले लाखों रुपये की नई मशीनों का आर्डर दिया है। मिल को बन्द करने का उन का एक ही मकसद है कि वह चाहते हैं कि वहां रेशमलाइजेशन हो और कुछ मजदूरों को रोजी छीनने के बाद व उन को सड़कों पर धक्का देने के बाद नये सिरे से मजदूरों की भर्ती हो, उन का बोतस मार दिया जाय, उन को तबाही के रास्ते पर ले जाया जाय और उस के बाद नई भरती करके मिल को रेशमलाइज तरीके पर चलाया जाय।

16 hrs.

मुझे बड़ी ख़ुशी हुई जब मैं ने सुना कि आज यह बिल इस सदन के सामने आ रहा है लेकिन जब मैं ने श्रम मंत्री महोदय को बिल के स्टेटमेंट आफ प्राजिजेंट्स एंड रीजन्स के बारे में तफ़्सील से समझाते हुए सुना तो उस एक्सप्लेनेशन से कुछ तसल्ली जरूर हुई लेकिन जहां पर उन्होंने कहा कि "नेचुरल क्लैमिटी" हो और "बियॉड कंट्रोल" हो, तो मिल मालिक क्या करे, वह चीज जरा मेरे गले के नीचे नहीं उतरी। मैं ने हिन्दुस्तान में ऐसा तो कभी नहीं देखा कि कोई भूचाल आया हो और मिल और मिल मालिक दोनों को ले कर चला गया हो। इस तरह की तो कोई बात है नहीं।

मैं यह मानता हूँ कि यह जो राय ने एक्सप्लेनेशन दिया है कि

"Any undertaking which is closed down by reason merely of financial losses or accumulation of undisposed of stocks shall not be deemed to have been closed down on account of unavoidable circumstances beyond the control of the

employer within the meaning of the proviso to this sub-section."

उसमें आपने मजदूरों को प्रोटेक्शन दिया है। अनडिस्पोज्ड आफ स्टॉक्स की प्रवस्था में भी आपने मजदूरों की प्रोटेक्शन दिया है। नेचुरल क्लैमिटी की बात मैं नहीं कह रहा हूँ। मुझे इस बात का पूरा यकीन है कि जब रेशमलाइजेशन होगा तो चाहे वह कानपुर में हो, अहमदाबाद में हो या कलकत्ते में हो, उसका खमियाजा मजदूरों को भुगतना होगा। माइन एज की दुहाई देकर वह मजदूरों को बेकार करना चाहते हैं और इसका नतीजा यह होगा कि वे मिस-मालिक तरीक़ेन एक चौथाई मजदूरों को निकाल सकेंगे। वे अनप्लेयडबुल रीजन्स दिखा कर के नई मशीनें लगाना चाहते हैं और पुरानी मशीनें तब्दील करना चाहते हैं और इस काम में करीब ६ महीने या ८ महीने लगा देंगे और इस तरह ६ महीने के लिए वह मिल बन्द होती है और मजदूर बेकार होते हैं तो उनको कह दिया जायगा कि दिस इज बियॉड कंट्रोल और ३ महीने की एवरेज पे जो कि तक्ररीबन १५० रुपये या २०० रुपये होगी, देकर उनको मिल के बाहर कर दिया जायगा। अब आप ही बतलाइये कि इस तरह निकाला हुआ मजदूर क्या करेगा? आज के कठिन समय में जब कि एम्प्लायमेंट एक्सचेंज के अनुसार रजिस्टर्ड बेकारों की तादाद तक्ररीबन ७ लाख है और बहुत काफ़ी तादाद अनरजिस्टर्ड बेकार लोगों की हमारे देश में है, हमारा मजदूरों को इस तरह निकालने देना कहाँ तक उचित होगा। आज हमारे अन्य मजदूरी पेशा वालों और रिक्शा वालों की कौसी ख़राब हालत है और आज साधारण मजदूर तबाही के रास्ते पर चल रहा है। मैं जानता हूँ कि मेरे सामने के मुश्किल दोस्त यह कहेंगे कि देश में बहुत तरक्की हुई है और देश तरक्की के रास्ते पर जा रहा है। मैं यह नहीं कहता कि देश तरक्की के रास्ते पर नहीं जा रहा है लेकिन जब आप यह कहते हैं कि हिन्दुस्तान तरक्की के रास्ते पर है तो क्या आपके सामने कभी

[श्री स० म० बनर्जी]

उम ७५ साला बुजुर्ग का भी बिना धाया है जो कि अबस्था में हमारे पिता के समान है, जिसके हाथ पैर कांपते हैं, जिसका फेंफड़ा फूलता है और जिसकी कि छाँव में बिनाई न हो, २ आने में साइकिल रिक्षा चला रहा है ? आज तो जरूरत इस बात की थी मजदूरों को और ज्यादा प्रोटेक्शन देना चाहिए था। वजाय कम्पेंसेशन देने की बात जो इस बिल में रखी गई है, एक ऐसा बिल रखा जाता और सरमायेदारों को माफ़ तरीके से कह दिया जाता कि वे मिश्रों को बन्द नहीं कर सकते और मिल ब्लोजर को बंद कर देना। यह जो वियॉड की कंट्रोल आफ़ दी एम्प्लायर की बात रख कर उसको सिर्फ ३ महीने की तनक्याह देकर मिल के बाहर कर देने की बात है, उसकी मैं मुखालफ़त करता हूँ। मैं कहता हूँ कि इस क्लॉज को बिलकुल डैलीट कर देना चाहिए। यह एक ऐसा शाप इंस्ट्रूमेंट सरमायेदारों के हाथ में होगा और जिसका कि वह नाजायज इस्तेमाल करेंगे और जिसके फल-स्वरूप बाद में काफ़ी गड़बड़ भवेगी। सरकार को सरमायेदारों का इतना विस्वास न करना चाहिए और इसलिए यह हथियार जिससे मजदूरों का खून हो सकता है और जिससे मजदूरों के घर उजड़ सकते हैं, उस हथियार को हम सरमायेदारों के हाथ में न दें। यही मेरा नम्र निवेदन है।

मैं आपके जरिए से म्यूजिज़ मिनिस्टर साहब से और दूसरे सदस्यों से जो कि उधर बैठे हुए हैं कहूंगा कि आप जहां इस बिल का १०० फ्रीसदी स्वागत करते हैं वहां हम इस बिल का २५ फ्रीसदी स्वागत करते हैं। अगर कहीं आपने ऐसा हथियार सरमायेदारों के हाथ में दे दिया तो वह उसका नाजायज इस्तेमाल करने से गुरेज नहीं करेंगे और हमारे बहुत से मजदूर भाइयों की रोजी खिन जायेगी क्योंकि आप बलूची समझ सकते हैं कि १५० रुपये या २०० रुपये से उनका क्या बनेगा और वे तबाह हो जायेंगे। अगर हम ने धर्मंडमेंट के द्वारा यह चाहा है कि २४ अक्टूबर सन् १९५३ से

इस को लागू किया जाय जो कि पुराने प्राइवेंस की डेट है। ऐसा हम इसलिए चाहते हैं क्योंकि बार्सी लाइट रेलवे की मिसाल आपके सामने मौजूद है। कम्पनी वाले ३० लाख रुपया जो कि मजदूरों की गांड़े पसीने की कमाई है उसको विलायत लेकर चले गये हैं और आज मजदूर परेशानी की हालत में हैं। वह ३० लाख रुपया जिसके कि मिलनेसे मजदूरों की जिन्दगी बन सकती थी, जिससे उनके घर बस सकते थे और जिस पैसे से कि छोटा मोटा काम करके अपना और अपने बालबच्चों का लालन पालन कर सकते थे, वह ३० लाख रुपये कम्पनी वाले लेकर चले गये हैं और यह हमारी सरकार की जिम्मेदारी है कि बार्सी लाइट रेलवे के धर्मज सरमायदार हमारे देश से जो ३० लाख रुपया ले कर चले गये हैं, अगर वह पूरा का पूरा वापिस न मिल सके तो कम से कम इतना तो करवायें जिससे कि बार्सी लाइट रेलवे के मजदूरों को कुछ न कुछ रकम मिले।

मैं यह कहना चाहता हूँ कि यह सवाल सका नहीं है कि आप लोग राइटिस्ट्स हैं और हम लोग लेफ्टिस्ट्स हैं बल्कि यह मजदूरों की जिन्दगी का सवाल है। आज आपके लिए यह उचित न होगा कि जो धर्मंडमेंट हम पेश करना चाहते हैं उसको चूँकि हम लोग विरोध पक्ष में बैठे हैं इसलिए आप उनका विरोध करें और उनको स्वीकार न करें। अगर हम चाहते हैं कि इस देश के मजदूर लोग हमारी इस दूसरी पंचवर्षीय योजना को कामयाब बनाने के लिए खून पसीना एक कर दें तो आपको उनकी हालत को बेहतर बनाना होगा और उसके लिए जो धर्मंडमेंट हम ने रखे हैं उनको आपको मंजूर करना चाहिए।

अब आपने जो यह रक्खा है कि अगर कोई ग्रंडटर्किंग दो वर्ष के अन्दर बिल्डिंग, बिजनेस या डैम्स का कंस्ट्रक्शन पूरा कर लेती है और वह ग्रंडटर्किंग बन्द हो जाती है तो उस

हालत में किसी मजदूर को कोई मुद्राविज्ञा नहीं मिलेगा। मैं अपने लेबर मिनिस्टर साहब से पूछना चाहता हूँ कि यह जो आपने २ साल से कम वाले वर्कमेन को कोई मुद्राविज्ञा न देने की बात रखी है तो उस मजदूर की क्या हालत बनेगी? एक तरफ तो आपके देश में विशाल डैम्स बन रहे हैं, और आप बराबर यह कह रहे हैं कि हमारा देश बहुत जल्दी एक नया और खबसूरत देश बनेगा और खूब उन्नति करेगा और जिसे देख कर एशिया वाले ही नहीं बल्कि दुनिया वाले रसक करेंगे, एक तरफ तो इतने डैम्स विशाल सड़कें और विशाल इमारतें और ब्रिजें बनाने जा रहे हैं, दूसरी तरफ वे लोग जो कि यह सब काम कर रहे हैं और जो कि हिन्दुस्तान को एक विशाल और उन्नतशील देश बनायेंगे, उनकी रोजी सिर्फ इस वजह से कि चूँकि वह २ साल से कम है, उसको आप छीनने जा रहे हैं। मैं पूछना चाहता हूँ कि आखिर यह कहाँ का इंसान है? अगर आप ऐसा करते हैं तो यकीन मानिये कि आप उनके साथ बेइसानी करते हैं और उनकी जिन्दगी के साथ मजाक करते हैं। हम लोग जो बायीं ओर बैठते हैं और लेफ्टिस्ट्स हैं वे इन मजदूरों की यहाँ पर रहनुमाई करते हैं और आप जो दायीं ओर बैठते हैं और जब आप भी मजदूरों की नुमायन्दगी करने का दावा भरते हैं तो आपको भी उन मजदूरों को जो आपके इन डैमों, ब्रिजों, कैनल्स और बड़ी बड़ी आलीशान इमारतों के बनाने वाले हैं, उन्होंने अगर १ साल १० महीने या १ साल ११ महीने काम किया है तो काम खत्म होने पर उनको खाली हाथ और कुछ कम्पनसेशन दिवें भेज देना इस तरह की नाइंसाफी कभी गवारा नहीं करनी चाहिए। मैं दुबारा यह प्रपील करता हूँ कि आप इस को राष्ट्रीय दृष्टि से देखिए। आप मुझे इस वजह से गलत न समझ कि मैं बाईं तरफ बैठा हुआ हूँ, या बाईं तरफ चलने वाला हूँ इसलिए आप कहें कि जो प्रमडमेंट्स मैं ने पेश किए हैं, या मेरे साथी अन्य सबस्य पेश कर रहे हैं, वह गलत है और उन की मुलासफत करें।

मैं एक सच्चे और ईमानदार कार्यकर्ता की हैसियत में निवेदन करता हूँ कि आप इस पर एक राष्ट्रीय पैमाने पर सोचिए, राष्ट्रीय दृष्टिकोण में देख कर सोचिए कि किस तरीके में आप इन क्लार्जेज को प्रमैड करें। हो सके तो हम लोग एक दूसरा बिल बनाएं जो कि बाद में ऐक्ट की शक्ल में आजाए, जिस में कि सरमाएदारों के हाथ कांपें उस छूरी के चलने में जो वह आज मजदूरों पर बराबर चला रहें हैं। मैं कहता हूँ कि आज जो प्रमैडमेंट्स में और मेरे दूसरे साथी आप के सामने पेश कर रहे हैं और आपके जरिए सरकार के मामले पेश कर रहे हैं, आप उन को मंजूर कीजिए। मैं आप को विश्वास दिलाता हूँ कि कोई भी इस बिल के खिलाफ आवाज नहीं उठाएगा क्योंकि इस के ऐक्ट बन जाने के बाद मजदूर इस का स्वागत करेंगे। आज वह बेकार है, परेशान है। दस हजार मजदूर बंगाल में रिट्रेब हो चुके हैं। आप को मालूम है कि अभी हाल में प्राविडेंट फंड लेने के लिए लोग बंगाल से क्रेडिट रिप्ट गए थे और कहते थे कि प्राविडेंट फंड हमें दो। कंसेन्सेशन बाज डिनाइड टु देम। वह लोग सेक्रेट्रियट के सामने कह रहे थे कि प्राविडेंट फंड उन को दिया जाए, लेकिन उन को गिरफ्तार किया गया। १२० आदमियों को जेल में बन्द कर दिया गया। लेकिन मैं कहता हूँ कि अगर आप इस बिल को ठीक से नहीं पास करेंगे तो १२० क्वा हजारों मजदूर सामने आएंगे। इसलिए मैं दख्खिस्त करना चाहता हूँ कि आप राष्ट्रीय दृष्टिकोण से देखिए, संकुचित विचारों से मत देखिए। हम और आप दोनों इस को राष्ट्रीय पैमाने से देख कर मजदूर का अविष्य प्रच्छा करने की कोशिश करें ताकि उस के बाल बच्चे हम को और आप को दुभ्राएँ दें। हम को चाहिए कि हम मजदूर की रोटी का सहारा बनें भले ही वह डैम बनाते हों, सूती मिल में हों या जूट मिल में हों। अगर आप को उन की रोटी का सहारा देना है तो जो प्रमैडमेंट मैं ने पेश किए हैं, मैं आशा करता हूँ कि आप उन पर राष्ट्रीय दृष्टिकोण से विचार कर के उन को मंजूर करेंगे।

**Shri Bharucha (East Khandesh):**  
 Sir, I cannot congratulate the Government on the introduction of a half-hearted measure which does not attain the objective which it purports to achieve. As has been made out by one of the speakers, this Bill, in reality, is discriminatory in its character. It is not merely a case of the Barsi Light Railway. There may be many others which might have been closed down during the period for which protection is not afforded. Therefore, the first duty of the hon. Minister and the Government is to give a very clear explanation as to why this discriminatory treatment is being meted out.

The hon. Minister said in the course of his speech that this Bill intended to set right the intention of this House which had been upset as a result of the judgment of the Supreme Court. Does this Bill do that? It definitely does not do it because under the Supreme Court judgment certain parties who went there to acquire the right to get retrenchment compensation will not get it as a result of the passing of this measure.

In line 6, the date has been mentioned as 1st December, 1956. How did he come upon this particular date line? That is my first point. Unless the hon. Minister gives a very satisfactory explanation, the charge is proved, a charge we have been making against the Government in our legislature in the Bombay State that in the matter of administration of labour legislation, the Government does not hold scales even between employees and employers. The same charge was continued to be made on the floor of this House. My experience of the administration of labour legislation is that whenever the employee is in a tight corner whether by reason of having embarked upon an unwise strike or otherwise, the Government does not come to his assistance. But as soon as the employer is in the tight corner, the Government immediately rushes with an ordinance to his rescue.

I should like to ask this Government, particularly the hon. Minister in charge of the Bill: how does the Govern-

ment advise the President for promulgation of ordinances? Does it look upon particular auspicious days and advise the President such and such are auspicious days on which ordinances may be promulgated? Why is it that in the case of insurance workers, even before they could get a copy of the judgment from the High Court, that judgment was invalidated in favour of the Government. An ordinance was promulgated. They were very quick.

I admit they promulgate ordinances also for benefiting the labour. But, why should the Government wait for five months? Did not the President find any earlier auspicious day for promulgating that ordinance? The charge is that the Government acts haltingly and hesitatingly when the interests of the workers are going to be affected. Unless the Government makes the position clear as to why is it that there is this discriminatory nature in the Bill, I for one will openly make the accusation that in matters of administration of labour legislation, this Government has acted partially.

I now come to the other point—construction workers. The hon. Railway Minister, in the course of his Budget speech, has stated that on railway construction work no less than 150,000 people have been employed—only on railway constructions. All of them or a large number of them will be deprived of the benefit of compensation. Why should we make this distinction between construction work and other types of permanent work? From the point of view of a man who works there, if he has put in one year's service, could he not be given the same sort of treatment that is being given to any other employee? Is it contended that the contractor who employs labour or the Government department which employs labour on a different footing altogether from the average employer in the private sector? Why is this unnecessary and uncalled for distinction made? I really cannot understand. The Bill, I hope, will require

amendment in this light and unless this is done, we cannot say that the Government is really seeking to establish the status quo that existed prior to the judgment of the Supreme Court.

Finally, there is one clerical error which appears to have crept in. On page 2, line 35, reads: "Where any undertaking set-up....."etc. I do not see why the hyphen is there between set and up. I think it is not required. I just wanted to draw the attention of the hon. Minister to this small error which I presume will be corrected.

**श्री का० ना० पांडे (हाता) :**

उपाध्यक्ष महोदय, इसके पहिले कि मैं इस बिल के सम्बन्ध में कुछ कहूँ, मैं उन परिस्थितियों का जिक्र करना चाहता हूँ जिन में यह संशोधित बिल इस सदन के सम्मुख आया है। इसकाक से हम लोग एक ऐसे देश में रहते हैं जो कि प्रजातांत्रिक देश कहलाता है। हमारे उद्योगों में बराबर झगड़े खड़े होते हैं और हम उन के निपटारे के लिये ट्राइब्यूनल्स की मांग करते हैं। अदालतों की मांग करते हैं। और जब अदालतों के फैसले होते हैं तो हर प्रजातांत्रिक सरकार और हर प्रजातंत्र को चाहने वाले मनुष्य का यह फर्ज हो जाता है कि वह उस फैसले को माने। इस में कोई सन्देह नहीं कि कभी २ अदालतों के फैसले ऐसे भी होते हैं जिन से हमारे स्वायं को बड़ा चक्का लगता है, लेकिन मैंने यह भी देखा है कि कभी कभी ऐसे भी फैसले होते हैं जिन के सम्बन्ध में अभी तक कोई कानून नहीं बना है लेकिन इससे बावजूद अदालतों के फैसलों से हमारे देश में मजदूरों को वह सुविधायें प्राप्त हो गई हैं जिसके बारे में कानून में व्यवस्था नहीं है। जो फैसला रिट्टेन्बर्ग के सिलसिले में अभी हाल में सुप्रीम कोर्ट में हुआ उस के बारे में सब लोगों को सोचा कि हो सकता है कि एम्प्लायर उस का बंजा फायदा न उठाये और मेरा खयाल है कि सरकार ने भी यही सोचा। वह इन्तजार करता रही। उसके बाद जब मिस मालिकों की तरफसे उसका अनुचित

नाश उठाया जाने लगा तभी इस बात की जरूरत हुई कि सरकार इस के सम्बन्ध से कोई कानूनी चार्जवाई करे। जब सरकार के सामने बहुत से ऐसे मामले आये तब यह प्रॉडिनेन्स निकला और फलस्वरूप यह संशोधित बिल इस सदन के सामने आया। जो प्रॉडिनेन्स निकला उसके लिये मैं सरकार को हृदय से धन्यवाद देता हूँ खास कर नन्दा जी को और धन्यवाद देता हूँ कि ज्यों ही उन्होंने इस विभाग का चार्ज लिया उन्होंने समझा कि औद्योगिक जगत में एक ऐसी परिस्थिति पैदा हो गई है जिस से हजारों मजदूर आज बेसहारे घूम रहे हैं। वह निकाले जाते हैं पर उनके एम्प्लायमेंट की तरफ कोई उचित व्यवस्था नहीं है। हालाँते ऐसी हैं जिनमें समुचित कार्यवाही की आवश्यकता है। यह कहना गलत है कि इस बिल का कोई मजदूर स्वागत नहीं करता। इसके बारे में उन मजदूरों के हृदय से प्रीति है जो कि निकाले गये हैं। और केवल उन मजदूरों ने ही इसका स्वागत नहीं किया है जो कि निकाले जा चुके थे, बल्कि उन मजदूरों ने भी इसका स्वागत किया है जो कि अभी निकाले नहीं गये थे लेकिन यदि यह प्रॉडिनेन्स न आता तो निकाल दिये जाते। इस बिल के लिये मैं सरकार को धन्यवाद देता हूँ लेकिन मैं इसके साथ ही क्लोज २५ एफ० एफ० एफ० के सब क्लोज २ के सम्बन्ध में कुछ कहना चाहता हूँ। इस सब क्लोज में दिया हुआ है :

"Where any undertaking set up for the construction of buildings, bridges, roads, canals, dams or other construction works is closed down on account of the completion of the work within two years from the date on which the undertaking had been set up, no workman employed therein shall be entitled to any compensation under clause (b) of section 25F, but if the construction work is not so completed within two years, he shall be entitled to notice and compensation under



[श्री का० नः० पांडे]

that section for every completed year of service or any part thereof in excess of six months, excluding therefrom the first two years of his service in that undertaking."

मैं इस सम्बन्ध में यह कहता हूँ कि अगर कोई काम किसी मजदूर के भाग्य से दो साल से ज्यादा समय में पूरा होता है तो इसमें उस मजदूर का क्या दोष है जो कि कम्पेन्सेशन देते वक्त पिछले दो साल उसके कार्य की अवधि में से निकाल दिये जाते हैं। इस बिल में यह एक सबसे बड़ी कमी है। मैं जानता हूँ कि श्रीमन्त्री जी एक ट्रेडयूनियनिस्ट रहे हैं और वे इस प्रश्न पर गम्भीरता से विचार करेंगे। आज कल भ्रष्टर बहुत से नये बांध सड़कें आदि चीजें बन रही हैं। अगर इस सम्बन्ध में सरकार के कम्पेन्सेशन देने की बात होती और उससे सरकार पर बोझ पड़ता हो मैं मानता भी। लेकिन आज प्राइवेट एम्प्लायर भी बहुत से ऐसे काम करते हैं जो दो साल से ज्यादा में पूरे होते हैं। तो इस तरह से प्लानिंग के कारण उन प्राइवेट एम्प्लायर्स को भी लाभ होगा पर मजदूर इसका लाभ नहीं उठा सकेगा। मैं समझता हूँ कि मंत्री जी इस बात पर गौर करेंगे और यदि सम्भव होगा तो वे मजदूरों को इस पीरियड का भी कम्पेन्सेशन दिलाने की भी उचित व्यवस्था कर देंगे।

इसमें साथ में इस बिल का समर्थन करता हूँ।

**Shri Tangamani (Madurai):** Mr. Deputy-Speaker, Sir, we are grateful to the hon. Minister for Labour for having explained to us the circumstances under which Act 43 of 1953 was enacted by which Chapter VA was introduced. During that time, quite a number of textile mills in the south and in Bombay had either to close down or to lay off thousands of workers because of electricity cut. It was felt necessary that some compensation should be paid for those

workers who were thrown out, what is popularly known as 'involuntary unemployment'. The Standing Labour Advisory Committee also recommended that compensation should be paid for retrenchment and for lay-off. It is under those circumstances that Chapter VA, which is really sections 25A to 25G, was introduced.

Then, because there was a lacuna in cases where the business was transferred by which a number of workers who were transferred to the new concern were getting compensation neither from the old proprietor or the new proprietor, section 25FF was introduced. That, briefly, is the history of these sections which were based upon social justice.

Long before these amendments were made to the Industrial Disputes Act, compensations were paid to these employees on the basis of social justice. Even the Tribunals who gave their awards never went into the question whether the employer was at fault or the employee was at fault. So long as the workers and the employees were prepared to offer themselves for work, and so long as the employer was not in a position to offer work to them, these workers were entitled to compensation. That, briefly, was the principle on which the amendments to the Industrial Disputes Act were introduced and passed in 1953.

It is true that in those amendments there was no reference to closures. But the general practice probably the direction given by the Labour Department, was, whenever there was a closure of a particular department or of the industry as a whole it was viewed as mass retrenchment and those workmen who were thrown out were thus entitled to compensation. Now, the Supreme Court decision of 27th November 1956 has certainly been questioned whether the intention of the legislation was to cover closures also. This Bill, as I understand, is to remedy that lacuna.

In trying to remedy that lacuna, I am afraid more doubts are going to be caused. In the first place, the principle of social justice, which gave compensation to the workers on the basis of their length of service, is gone. For example, if a particular worker had put in 20 years of service and was retrenched because of closure he would have got ten months' average wages as compensation. That was the position then. Now, if a worker is thrown out because of the closure of a particular department or industry for certain reasons that are now given, he will be entitled to compensation only for three months. If you read that particular section you will find that it gives a proviso and then an explanation which really contradicts each other.

The proviso is introduced to provide in respect of cases where the closure has taken place because of certain reasons beyond the control of the employer. Then the explanation goes on to say: that, if there is accumulation of stock and there are certain other reasons they will not be considered as reasons beyond the control of the employer. These two are contradictory things, and, if I may say so, the proviso and the explanation can safely be deleted.

Then I come to the question of construction workers. Many of my friends who spoke before me have referred to that. One of them said that 150 thousand workers are engaged on railway construction alone at present and with the Second Five Year Plan on the move thousands and thousands of more workers are likely to be employed in this construction work. Those workers, who are going to help us in the successful completion of the Second Plan, are to be denied those benefits which are to be given to ordinary industrial workers. That is something which I am not able to understand. Therefore, the benefit that has been extended to the industrial workers should also be extended to construction workers.

Coming to my last point, which there have also emphasised, a simi-

lar Ordinance had to be promulgated. In 1953, I believe it was on 24th October, 1953. The purpose of that Ordinance was to give protection to those workers who were going to be thrown out. The intention there was to cover lay-off and retrenchment and, as a natural and logical development, it should also include closures which, in other words, is mass retrenchment. So, that is the date-line. Whatever has happened on the 24th October, 1953 and afterwards must come within the purview of this Act. If any concern has closed even in 1954 and if, due to the weakness of the trade union movement, the workers thrown out as a result of the closure had not been benefited, this Bill must cover those workers also. So, my submission is that 24th October, 1953 will be the correct date-line which would cover all the workers who would have been thrown out or retrenched as a result of the closure. So, unless these amendments are accepted, the purpose of the legislation itself will be defeated. I have no doubt about the good intention of the hon. Minister. He has experience as a trade unionist himself and I am sure he will respect the views of those Members of this House who have also had experience in the day-to-day trade union work.

**Shri B. S. Murthy:** Mr. Deputy-Speaker, I welcome this measure and I thank the hon. Minister for the clarification he has given regarding the intention and purpose of this Bill. All the speakers have been unanimous in welcoming this measure with either subdued or sublime satisfaction. The fact is that it has been already long delayed and everyone is anxious to thank the Minister for having brought this Bill in this form. But, there seems to be an exception taken regarding the promulgation of the ordinance.

I think a word must be said about the inordinate delay in bringing this Bill. As has been stated, on the 27th November, 1956, the Supreme Court announced its judgment. After that there was only one session of Parliament, namely, towards the end of

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March. Perhaps the Ministry has long been trying to understand the implications of the judgment. Moreover, because of the general elections, the minds of the Ministers and the Secretariat as well.....

An Hon. Member: Secretariat?

Mr. Deputy-Speaker: Let us hear the hon. Member's views.

Shri B. S. Murthy: Because it was a very important event in the history of the country, they wanted to know what was going to happen and how the people would react after the five years of Congress rule. Ministers, Members as well as the whole country, including the Secretariat, were busy watching the elections. Therefore, there was delay even in promulgating the ordinance.

Having said this, I am yet to understand why the Labour Ministry was not trying to watch the proceedings of the Supreme Court since the employer had gone on appeal to the Supreme Court. I think it is not only the duty of the trade unions to safeguard the rights of the workers, but the Labour Ministry also should try to be the guardian-angel of the rights of the workers. There has already been an accusation that the Labour Ministry is going to the rescue of employers. I am afraid this sort of impression should not be allowed to take ground in India, because we have accepted a socialist pattern of society as our goal. In a socialist pattern, no exploitation should be allowed. Even if people are willing to sell themselves, the Government should say, "Do not sell yourselves; we are here to protect you". Under these circumstances, I am yet to know why the Labour Ministry has been either indifferent or negligent in its duty towards the workers. I hope the new Minister Mr. Nanda, who has himself been a well-known trade unionist, will take care to see that whatever might happen in the country, the Ministry itself will protect the rights of the workers either in this industry or in that industry.

I would also like to say that the provision contained in section 25FFF (2) may be amended suitably. It is rather surprising that such a provision should be there, because it goes against the very explanation which has been enunciated by our Labour Minister. It says that if any undertaking set up for the construction of buildings, bridges, roads, canals, dams or other construction works is closed down on account of the completion of the work within two years, the worker is not entitled to compensation. Why should there be a provision like this? After all, these undertakings will require thousands and thousands of workers. As a matter of fact, several thousands of workers from the south, east and west are being drawn to these great projects. After having drawn these workers for working on these mighty projects which, in the words of our Prime Minister will create a new and prosperous India, I do not think we are entitled to send them away because the work is completed before two years. The provision contained in sub-clause (2) further says that if the work is not completed within two years, the worker will be entitled to compensation for every completed year of service or any part thereof in excess of six months, excluding therefrom the first two years of his service. I think this is contradictory to sub-clause (1) of section 25FFF and needs pruning. In sub-clause (1), it is said, "continuous service for not less than one year"; when that is the case, why should the first two years of service be excluded from the period for which he is entitled to compensation? I think the Minister must consider all these points and see that the intention of the framers of the original Act is not lost by an amendment like this. If it is not suitably amended, I am afraid the rank and file of the workers in India will think that the Minister is giving with the right hand and taking away with the left hand. Therefore, I am anxious that sub-clause (2) of section 25FFF should be suitably amended, so that the people working in all these major undertakings

will not be deprived of the compensation in case the work is completed earlier.

★ **Shri B. C. Kamble (Kopergaon):** I propose to raise three small points. The first point is that if this Bill becomes law, my fear is that this may be again challenged in the Supreme Court and declared *ultra vires* of article 14 of the Constitution. I would like to read out the provisions of that article, because it is very short.

"The State shall not deny to any person equality before law or the equal protection of all laws within the territory of India."

My precise point is, so far as these workmen will be entitled for compensation in the event of a closure, is there equal protection to all workers? The obvious answer is there is no equal protection to all the workmen. It appears to me that there is no uniform policy so far as giving compensation to workmen in the event of closure is concerned. Workmen can broadly be divided into two categories. The first category, as many of the hon. Members have pointed out already, comprises of the workmen who are engaged in the construction of buildings, construction of bridges and roads, dams, etc. This is one category of workmen. The other category is the rest of the workmen.

So far as the kind of protection that is given to the first category is concerned, I beg to submit there is no protection whatsoever. On the contrary, the protection is being taken away. It is virtually a denial of protection to these set of workers or workmen. Whatever protection is given to the other category, the rest of the workmen, is not the protection which is given to them. There are three conditions. The first condition is in the event of closure with regard to these workmen engaged in the construction of buildings, roads, etc., is that there should not be

completion of work within two years. So far as service conditions are concerned, the protection is given to the workmen who have rendered service for a period of one year. But that is not the case so far as these workmen of construction, road etc., are concerned.

Similarly, the period with regard to giving compensation is concerned, the counting commences only after exclusion of two years, so far as the workmen in building works are concerned. That is why I beg to submit that there is no equal protection; in fact, I may say it virtually amounts to taking away the protection so far as workmen in the construction of buildings and projects are concerned. It is quite possible that the representatives of such workmen may challenge this particular enactment in the Supreme Court and it is possible that so far as the provisions of Article 14 are concerned, because there is no equal protection, it may be declared as *ultra vires* and the same thing will have to be repeated in this hon. House.

My second point is with regard to the intention of the enactment which was made in the year 1947. My hon. friend Mr. Bharucha has already referred to it and what I beg to submit is this. If the intention of the enactment of 1947 was to give compensation to such of the workmen as is contemplated under the provisions of this Bill, then this protection must go back up to the year 1947. Then alone will the intention be carried out. Otherwise, it is no use saying that because the Supreme Court has delivered a particular kind of judgment, we want to amend this particular enactment.

My third point is that the expression "unavoidable circumstances beyond control" is so loose and is so vague that it is capable of several interpretations and I am quite sure that whatever is intended by the hon. Minister in charge of the Bill it is quite likely to be defeated by several interpretations which are likely to be put either by the advocates on behalf of those who are carrying on these

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undertakings or by those who are sitting in the Supreme Court. That is why I beg to submit that at least under the rule making powers the meaning should be made quite perfect, or certain amendments brought in this hon. House so that the meaning of this particular expression, namely "unavoidable circumstances beyond control" may be made quite clear.

Now, I would like to suggest—whether it is acceptable to the hon. Minister in charge of the Bill or not, I do not know—that sub-section (2) of section 25FFF must be deleted.

**Mr. Deputy-Speaker:** I find that there are certain hon. Members who are anxious to participate. I have no intention of denying their right of making contributions, but I must bring it to the notice of the House that tomorrow we take up the Railway Budget and it would be better if we conclude this Bill today by 6 o'clock.

**An Hon. Member:** We shall sit a little longer.

**Shri T. B. Vittal Rao:** We shall do it next week after the food debate.

**Mr. Deputy-Speaker:** I am entirely in the hands of the House. I wish to abide by what hon. Members say. Leaving aside technical and legal questions, I find most of the points have been brought out and arguments are being repeated. If hon. Members have no objection I shall call the Minister; if they insist I have no option.

**Shri A. K. Gopalan:** This is a very important Bill.

**Mr. Deputy-Speaker:** I am not taking away the importance of it.

**Shri S. A. Dange (Bombay City—Central):** I wish to raise a few points which have not been mentioned so far.

**Mr. Deputy-Speaker:** Then I shall allow.

**Shri S. A. Dange:** Sir, I wish to draw the attention of the hon. Minister

of Labour, and in fact of the whole Government to one point. This legislation arises out of what? Out of a judgment of the Supreme Court in regard to the interpretation of a piece of legislation affecting the interests of the working classes. Now this interpretation arose, or the judgment arose, because the Supreme Court not only interprets a certain phrase in the law, but has also certain conceptions about employer-employee relations.

We in this country for the last ten years have been rapidly developing an industrial law affecting employer-employee relations and I must say that despite many defects and sometimes even some reactionary features of such laws, on the whole there has been attempt on the part of Government, may be due to the workers movement, maybe due to their willingness and good wishes,—an attempt to introduce some order in the employer-employee relations, and not only that, but to limit the rights which the employers claim are their fundamental rights in a capitalist society which they live. Our law tries to limit certain of these so-called rights because they were really not rights for themselves or for society, but were really so-called rights against the working classes.

Therefore, a body of law was developed under the initiative of the hon. Minister for Labour when he was in Bombay State and also other Ministers who were here. A body of law was developed which was trying to tell the employers that the old capitalist law cannot prevail so far as their relations with the workers are concerned. In fact, the employers claimed the right to dismiss a worker even without notice, or with notice, but without compensation, to keep any man they liked and to dismiss any man they disliked without reference to the needs of society or the rights of workers. These rights which the employers claimed for themselves embraced a variety of fields, but first in the field of economy and secondly in the field of rights of trade unions. And

we all were trying—including those who sometimes fought with each other on some points of trade unions questions and sometimes unitedly against the Government—we all were trying to limit the jungle law of capitalism. And so a certain body of law developed.

After it started developing, we got into the traditional practice that whenever a law is passed its interpretation is always taken, in the form of litigation, to the courts. We have developed the fine tradition, not only in India but also throughout the world in capitalist countries, that the lawyers of both sides exercise their ingenuity in torpedoing the meaning of the law. It doesn't matter whom it affects: the lawyer on the side of the employer tries to torpedo it against the worker, and the worker's lawyer of course tries to torpedo it against the capitalists.

And so the interpretation of these laws through High Courts became a practice even in the body of industrial law, though such law in my opinion should have been kept beyond the purview of the depredations of interpretations either of lawyers or of courts—I am using a strong word, but sometimes it does amount to a depredation rather than a congenial interpretation of a given law.

This practice invaded our industrial law, and here we have this instance. There have been about eleven judgments of the Supreme Court in which they have in one way or another curtailed the rights of the workers and smashed their gains from the trade union movement and also all the legislation that was passed either at the Centre or in the States.

These eleven judgments which have affected the working classes in certain vital matters were written up, summarised and their cases presented to the Government of India by various trade unions. One of the cases was this one which has been the cause first for bringing forward an Ordinance and secondly the amending Bill now.

What I want to point out is this. Why is it that Government does not come forward with a comprehensive legislation which would stop the courts from uprooting the gains of the workers? That is my point. Why is it that when one judgment is given, either they rush into bringing an Ordinance or an amending law for a certain clause and do not take steps to see that the courts or the Supreme Court do not torpedo the gains of the workers? That would be my question for the attention of the Governmental Benches.

For example, here is this retrenchment....

**Mr. Deputy-Speaker:** I do not know whether it would be fair to make such an observation, that the court should be stopped from torpedoing the gains of the workers.

**Shri S. A. Dange:** Should be stopped by law.

**Mr. Deputy-Speaker:** That is a different matter, that the court should be stopped from having any jurisdiction over these laws.

**Shri S. A. Dange:** All right, Sir, I would accept that amendment to my word; because, not being a lawyer, I do not know these niceties of law.

Now, Sir, to give you a small illustration: there is a judgment of the Supreme Court which, when it was faced by an appeal from the employers, ruled in such a way that the employee became a permanent employee for twenty-four hours of the employer, though he was not on duty. It was like this. A trade union worker made a certain statement in his trade union committee. The manager asked what he had said. The worker refused to tell the manager what he had said in a trade union committee, and especially outside working hours. He was retrenched, and the matter went to the court. And the result was that the court ordered that the employee was an employee first and therefore must answer all the questions asked. This is a gain of the trade union movement that has been lost.

[Shri S. A. Dange]

Would the Government consider bringing any legislation, as a whole or separately, to cover all such judgments which are amounting to an attack on the working classes' rights and standards or which act prejudicially to their interests?—if they are not attacks, at least they are prejudicial to their interests.

Secondly, could some provision be made—not being a legislator myself, and having no hope to be one, I have to ask clarification.....

**An. Hon. Member:** You are a legislator.

**Shri S. A. Dange:** Of course we are legislators when the Bill is passed, not before.

I was asking, for example, could they bring in some provision to cover one more aspect of retrenchment—since retrenchment is the subject-matter of this Bill—could they bring in some measure for this purpose? There are many cases wherein a worker is retrenched, which we call victimisation for trade union activity. But the employer, says, "No, it is a straightforward retrenchment". But the actual position is he does not want the man. Could a law be brought forward to provide that if a tribunal rules that such a worker should be reinstated, that reinstatement shall not be challenged? Could such a provision be made?

For example, there are many such cases now. I can mention one factory, the Burnpur Iron and Steel Works, wherein there was a strike, firing and so on, and some workers were retrenched. The tribunal ordered the reinstatement of some. But the employers have gone to the Supreme Court challenging the verdict of tribunal. And for months and years such cases drag on by means of which the employer demoralises the worker, and ultimately wins by the sheer fact that the worker has been demoralised and has vanished from the area of employment even if the judgment goes in his favour

What I want to point out is that somehow or other a contradiction is developing between the principles of justice of the Supreme Court and the principles of justice as envisaged by our labour legislation. If these two concepts of social justice conflict, then who is the judge? After all, law is interpreted by the Supreme Court, therefore it is the supreme judge.

**Mr. Deputy-Speaker:** The courts have no concept of their own. It is rather our failing that we cannot express our own intentions correctly, and therefore that flaw is found there. If we put our intentions correctly perhaps there would be no difficulty, because the courts have no concepts of their own.

**Shri S. A. Dange:** With due respect to you I do maintain that the courts in a given society hold the concept of social justice of that society. In a capitalist society that concept of justice is according to capitalism in a socialist society the concept of justice is according to socialism. You may not agree with me; that is a different matter.

But what I want to submit is that here in our society which is driving towards socialism, the concept of social justice certainly cannot be the same concept of social justice as it prevailed before we adopted the conceptions of socialism. Therefore, is it not necessary, in order that this Bill and the conception that lies behind the Bill or the movement for such legislation should be truly effective when such legislation comes forward after we have adopted socialism as the goal, is it not necessary that the Constitution in its article 38 should be amended?

Article 38 refers to social justice and many of the employers go to the Supreme Court on the grounds of social justice and ask the Supreme Court to interpret whether a particular judgment of a tribunal in regard to a worker conforms to the conceptions of social justice as defined by article 38. The employers are using the social justice clause with great popularity, it has suddenly become very popular

with the employers, and they go to the Supreme Court which rules in loyalty to the prevalent conception of social justice "we consider this particular tribunal's judgment to be invalid".

And this affects generally the rights of the workers. Article 38 of the Constitution is tending, through the interpretation either of courts or some other forces, to go against the worker's justice. Therefore, the workers and peasants being the main body of society, social justice must conform to the interests not of the 'abstract citizen' but of the workers, peasants and middle classes who form 92 or nearly 98 per cent. of our society. Therefore, the concept of social justice should be so re-defined that any law which favours the workers, peasants and middle classes in industry is not so interpreted that it militates against the interests of these main classes of society. This is the point to which I wanted to draw the attention of the hon. Minister that he should very soon consider this question as to why the employers run to the court and seek the protection of this particular provision of the Constitution, and why the interpretation generally militates against workers and peasants and their rights. For example, on the question of peasantry land legislation, as you know, was stopped from operation in its beneficial clauses by a judgment of the Supreme Court. The Constitution had to be amended. Therefore, I would say, in continuation of the nice practice which was followed in the case of the Zamindari Abolition law, the same practice should be followed and laws on questions of the working classes should be so framed or the Constitution so amended that these laws are not torpedoed so far as the benefits to the working classes are concerned. This is the point to which I wanted to refer particularly.

17 hrs.

The next point which does not concern the question of theory of rights of working classes, to which I was referring in my previous part of the submissions, is the exclusion of building workers and construction workers

from the benefits of compensation. The result may be that the idea of speeding up the work of the Five Year Plan may suffer. We, in fact, should tell the working classes, the Five Year Plan should be finished in four years, three years' work should be finished in two years, raise productivity. Here, you come forward with the statement that if the work is finished in two years, you are not entitled to compensation. By this he would be getting an incentive not to speed up the work, but to go slow so that the work, if it is to be completed in one year nine months, is completed in two years and three months. This is an incentive to go slow and is no incentive to higher productivity which is supposed to be the slogan of the Government Benches. Therefore, if you really want incentive, please do not put a limit of two years on these construction workers. It may even happen like this. I may give an illustration. If a work is nearer completion in one year and 10 months, a body of contractors may say to a body of workers and say, "we will proceed for a few months more and whatever compensation you get, 60 per cent. will go to the contractors and 40 per cent. to the workers." That would also be another way in delaying the completion of works. In order to avoid all these, let us stick to the normal provision. Whoever is the worker who has completed so much of service and has his permanency as it is given here, by work of one year, if he is retrenched, he gets the given amount of compensation. I would submit this in the interest of completion of works which are necessary for us. This bar of two years for construction workers should be removed.

**Mr. Deputy-Speaker:** I propose calling the hon. Minister, I will request the hon. Members who have been left out to speak when the clauses are taken up. I will give them the first opportunity.

श्री रा० भा० वर्मा (निमाड़) :  
उपाध्यक्ष महोदय, उधर तो काफी मीका  
मिला है, लेकिन इधर के सदस्यों को  
बिल्कुल नहीं मिला है।



उपाध्यक्ष महोदय : मैं इतर ही मौका  
 दे रहा हूँ। अब मिनिस्टर साहब को बोलने  
 का मौका प्राप्त हुआ है।

श्री रा० ना० वर्मा : हमारी भी इस  
 में कुछ विलक्षणी है, इसलिए हम भी  
 बोलना चाहते हैं।

उपाध्यक्ष महोदय : जब हम कलाजेज  
 पर विचार करेंगे तो आनरेबल मंत्री को  
 मैं जरूर मौका दूँगा।

Shri Nanda: I see that so far as the  
 general approach is concerned to this  
 proposed piece of legislation, to the  
 problem with which this piece of legis-  
 lation is concerned, there is general  
 agreement in this House. So far as  
 the concepts of justice are concerned,  
 which we propose to apply to the kind  
 of situation which we are dealing, I  
 do not think there is any divergence  
 of view point among most of the Mem-  
 bers of this House. I would certainly  
 personally like to do all that is possible  
 to give full satisfaction, 100 per cent.  
 satisfaction to those who are in-  
 terested in safeguarding the interests  
 of the workers, protecting them  
 from the abuse of power by the  
 employers and giving them all  
 the relief that they should have,  
 considering the hazards to which  
 they are subjected. I concede, I  
 agree that I have not been able to give  
 100 per cent. satisfaction. But, I also  
 claim that what has been done goes  
 very nearly that 100 per cent. The re-  
 sidue is small. I hope I would be able  
 to explain that.

I shall take up first the consideration  
 which has been brought out by my  
 hon. friend Shri S. A. Dange. Here is  
 a phenomenon with which we are con-  
 fronted: laws enacted here, again and  
 again, the courts at various levels  
 dealing with them in different ways,  
 then, recourse to the Supreme Court,  
 delays occurring. For example, even  
 this Ordinance has been questioned in  
 the Supreme Court: not only question-

ed; there is a stay. We cannot act;  
 no workman can obtain any relief in  
 terms of the Ordinance or in terms of  
 this Act that we pass. The Act will  
 not be operative because of that. But,  
 what shall we do about it? There has  
 to be a Supreme Court. There has to  
 be a Constitution. As the hon.  
 Deputy-Speaker pointed out, so far as  
 the wording of the laws is concerned,  
 it is our duty to bring in greater accu-  
 racy and precision. But, whatever we  
 do, there may be certain difference of  
 view regarding the meaning of the  
 language of the laws. We cannot be  
 absolutely immune, I do not think  
 there is any possibility of making our-  
 selves absolutely immune from any  
 kind of variation being brought in by  
 the Supreme Court. But, there is a  
 further stage, that is the Constitution.  
 It is not a question of the laws, but the  
 wording of the Constitution. The  
 Supreme Court has inherent powers  
 under the Constitution and in the in-  
 terests of the citizens of the country,  
 if, however, it is found that the word-  
 ing of the Constitution is such that it  
 does not tally entirely, it is not fully  
 in accord with our sense of justice.  
 Our concepts of justice are not static.  
 They grow. Maybe that a Constitu-  
 tion which fully met the needs of the  
 situation some years ago, does not do  
 so now, because our sense of justice  
 grows and the relative rights and  
 obligations of the different sections of  
 the citizens of the country and our  
 conceptions are evolved. They are  
 evolving in that particular direction,  
 you may call it the socialist direction.  
 If, therefore, there is any disparity or  
 hiatus or gulf between that concept and  
 the concept that has been embodied in  
 the Constitution, from time to time, it  
 is the privilege and prerogative of  
 Parliament to bring in these changes.  
 But, as has been acknowledged by the  
 hon. Member, the trends of our legis-  
 lation, and administration through  
 these years have been to set right that  
 inequality in the matter of economic  
 rights, and functions of employers and  
 employees and the disabilities from  
 which the workers suffer. There has  
 been that growing concept of doing

greater social justice to the workers, and I think if we scan the various laws that have been passed during these years, this impression will be forcefully brought to us that the gains have been conspicuous and substantial.

Well, there are these difficulties being encountered, but I do not think that these difficulties, delays and demoralisation are such that we need think of any desperate or drastic measure. As I have said generally, we are certainly open to make those changes even in that basic framework, the Constitution, if it is not fully in line with the concepts of social justice that we have evolved.

The other thing which the hon. Member pointed out is that there may be some way for Parliament to bring in greater uniformity in these things. That is being attempted from time to time. It maybe that by mutual discussion and consultation among ourselves, for which we will have occasions and opportunities, we may consider the various directions in which we have to proceed.

The hon. Member Shri Dange said something about the workers employed in construction works. It has been said here that we are taking away all the rights which are being extended to the other workers from these workers, and we are even told that it might mean that we are really coming up against the Constitution because we are creating some kind of inequality. Equality does not mean that in everything everybody is equal. What is the kind of claim that we are dealing with? I should imagine that this point would be appreciated, and I may inform the hon. Members that one reason for the delay was that we had to come up against certain other viewpoints urged from various quarters that nothing should be done for the construction workers because that does not fall directly within the scope of the legislation in the sense that here we are dealing with undertakings where the workers have expectations of continued employment, and they are thrown

out of work and therefore their employment interests have to be protected. If it is a house being built, well, the workman and everybody knows that he has to go away when the house is completed. Therefore, it is not on the same footing, on a par with other occupations, but whether we should neglect his interests is a different matter. We should provide for his interests, but whether in this legislation or in any other manner is a different proposition. When the question of incentive is raised, I certainly agree it is an important matter, but we should not apply this one year there. Continuous service is being defined as one year, so a fine has to be drawn. I may inform hon. Members this does not exhaust the whole extent of the privileges and benefits and incentives which the workers can expect and should have in various occupations. It is only a limited aspect which is being dealt with. If we want our construction to be speeded up, it does not prevent us from arranging for gratuity and other privileges and other ways of speeding up and creating those incentives for earlier completion. Other things are being done. This is something in addition to that, and therefore there was really at least some slight ground for the view not to bring in the construction workers. But we have not excluded them altogether. What is the difference? One year in the case of other workers and two years in their case—that is all the difference, and then for the rest, they stand on the same footing, that is not the maximum of three months in this case. If a worker has worked for twelve years, then barring the earlier period which has to be deducted, for the rest of the period he can claim compensation advantage. So, so far as this question of construction workers is concerned, I believe the change or the difference is not really so big that it should frighten us.

We have to take into account practical considerations also. Most of these construction workers are employed under contractors, and even

[Shri Nanda]

this much which has been embodied in this Bill is being considered unpractical. How are we going to see that this benefit reaches them? What the contractors will do is send out the workers before they arrive at a point when they can earn. Those difficulties we have to contend with and we should not entirely give up. We have to find remedies for that also, but there has to be some consideration for practical difficulties and not taking things too far.

This legislation has restricted the powers of the employers. It has done so intentionally, but in imposing those restrictions we have to see that some kind of balance is struck. We need not go so far that we make those benefits recoil on us. The interests of the industry have also to be considered. I am saying this particularly with reference to the proviso and the explanation. I entirely agree that this wording now may create difficulties, and it would have been better from the point of view of avoiding litigation if we had not brought in that language, but we have to consider that what the Supreme Court judgment brings out is the whole conception of *bona fide* closures versus others. Although we are trying to restore the old position, the judgement brings before us a situation which we cannot ignore entirely. It brings up certain considerations to which we have to give some weight. Do they call for any kind of reconsideration on our side?

The hon. Member on the other side said that what we are doing is that *bona fide* closures are to be compensated on the basis of three months and the employer will say: "Here is a *bona fide* closure, and therefore you will get three months". I very humbly wish to point out that that is a misunderstanding of the provisions of the Bill. It is in the case of *bona fide* closures the compensation is full, unrestricted, under the terms which are laid down in that clause. And

where the closure is not *bona fide* it is not said that nothing has to be paid. Whatever the employer may say, that it is a *bona fide* closure, he has to pay three months; that is, even in the case of calamities like earthquakes etc., this three months apply. The hon. Member said natural calamities would be very infrequent, they may be very rare. If that is so, then what is being taken away from the scope of this provision regarding compensation is very little, because it is practically that kind of situation which is being covered by this proviso, and as has been acknowledged and appreciated, the explanation intended to make things more precise, because I agree entirely that those words "unavoidable circumstances beyond the control of the employer" have left room for vagueness, they are somewhat vague and the interpretation might create trouble. Therefore, we came forward with the Explanation. And I would invite hon. Members to make suggestions for improving this Explanation where all the reasonable interests of the employees are sought to be protected; if there is anything more which could be brought in, so that all those occasions which hon. Members have in mind, and which we have in my mind are properly covered, then we shall certainly consider them during the clause-by-clause consideration. May be, if hon. Members agree, we can have some kind of informal consultation, if the intention is to complete the passage of this Bill by six o'clock.

**Mr. Deputy-Speaker:** That was my intention. I do not know what the intention of the House is.

**Shri Goray (Poona):** This is a very important piece of legislation, and, therefore, such consultation is necessary.

**Mr. Deputy-Speaker:** If the hon. Members want that there be some discussion between the Minister and themselves, and the Minister also desires it, I shall have no objection.

**An Hon. Member:** We can adjourn for some time.

**Shri Narayanankutty Menon:** That would be better.

**Shri Nanda:** I think they could possibly make their suggestions on the floor of the House, as we proceed with the consideration of the Bill.

I have thought of one or two matters which can be brought in.

**Shri T. B. Vittal Rao (Khammam):** Let us have the Minister's amendments.

**Shri Nanda:** I have referred them to our legal advisers to see whether it is possible to make this provision a little more extensive in scope. So, the purpose is the same. The way of implementing the object in view has to be thought of. If there is anything more which can be done in order to make our intentions clear, I am prepared to consider it.

I now come to the period which has elapsed since the date of the Supreme Court Judgment and the promulgation of the ordinance. It is a fairly long period. If we take five months as the gap, actually it does not remain five months, considering the fact that retrospective effect is intended to be given to the provisions of this Bill, that is, from the 1st of December. The date of the Supreme Court judgment was 27th November, 1956. So, the actual gap is just two or three days. I am trying to see whether that gap also could be bridged if possible. I think there should not be too much of a difficulty about that. But if we are asked to go beyond that, then my advice is that—I say there is some substance in it, and there is a good deal of weight in it—we should not tend to go beyond that.

The Supreme Court has given a judgment in certain cases in terms of the law as interpreted by them, for, after all, that is the law; it is not the intention which matters there; my intention may have been anything, but if I have not been able to give effect to it in the words of the law,

then that does not become the law. Sir, I am not a lawyer. I am only trying to picture the whole thing. The Supreme Court felt that such and such was the law at the time. So, the normal course to be adopted would be that in those cases to which the law was applied by the Supreme Court as interpreted by them, we should not try to do anything which would in any way negative or nullify their judgment. But to cases arising two or three days after that, we could do something.

Even as regards the Barsi Light Railway case—this is a particular case—I have been in touch with some friends who are interested in the welfare of those workers, to see whether we could find, independently of this legislation, some means of ensuring continuity of service of those workers, and doing something for them. That is being tried, and I hope something may be done about it. I cannot say finally what will be done.

I think I have covered most of the points raised. They fall under two categories. The first relates to the question of delay. I have explained already that this Bill will cover cases from 1st December, 1956; and, therefore, it does not very much hurt the interests of the workers. I have also explained that partly the delay has occurred because we were confronted with certain issues which had to be settled, and I assure hon. Members that that delay has gone in the interests of the workers and not against them.

Regarding workers in construction projects, I have explained the position already. It is not that they are being excluded from the benefits of this Act, but some small distinction is made, because the distinction is derived from the nature of the occupation.

As for the proviso and the Explanation, I would like to point out once again that the Explanation became necessary because of the proviso, and the proviso became necessary because of a certain reading of the judgment. Besides, we did not want to have too

[Shri Nanda]

much of a difficulty with the courts also. The more extreme a position we take, the greater is the possibility of the courts coming in, and the provisions being called into question. So, I submit that while it might have been found more satisfactory, in the eyes of certain hon. Members, that those things which have been included in the provisions of this Bill might well have been kept out, there were certain compelling circumstances which made us incorporate those provisions. When we read the provisions properly, and we analyse the net or total effect of the exceptions or modifications, we shall find that that is not very much.

Taking all these circumstances into consideration, I would submit that the Bill which is now before the House is a measure which should yield a great deal of satisfaction to the workers, and to hon. Members.

Shri Narayanankutty Menon: I would like to have some clarification from the Minister on one point. That is about workers in construction projects. I do not know whether the Minister is aware that the workers employed under the Transport Ministry are now getting the benefit under section 25F of the Industrial Disputes Act. I would like to know whether those workers who are already getting the benefit—apart from the decision of the Supreme Court—will be deprived of that benefit under section 25F.

Shri Nanda: I cannot answer immediately on behalf of that Ministry. But the adequacy of those benefits will be considered, even independently of this.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(Substitution of new sections for section 25FF)

Mr. Deputy-Speaker: I find that there are some amendments to clause 3. Hon. Members who wish to move their amendments to this clause may do so.

Shri Narayanankutty Menon: I beg to move:

Page 2—

after line 17 add:

"Provided further that the employer who transfers his business and the new employer to whom the business is transferred shall give notice in writing in such manner as may be prescribed, to all the workmen employed in the business so transferred, about the date of such transfer and the terms and conditions thereof."

Shri Parulekar (Thana): I beg to move:

Page 2—

after line 17 add:

"Provided further that the employer who transfers the ownership or management of an undertaking and the new employer to whom it is transferred shall give notice in writing in such a manner as may be prescribed, at least a week before the transfer is effected, to all the workmen employed in the undertaking so transferred, about the date of such transfer and the terms and conditions thereof."

Shri Narayanankutty Menon: I beg to move:

Page 2—

at lines 25 to 34.

**Shri Tangamani:** I beg to move:

Page 2—

omit lines 25 to 29.

**Shri Goray:** I beg to move:

Page 2—

for lines 25 to 29, substitute:

"Provided that where the undertaking is closed down on account of natural calamities like floods, fire and earthquake creating circumstances beyond the control of the employer, the compensation to be paid to the workmen shall be according to clause (b) of section 25F but shall not exceed his average pay for six months."

**Shri Paralekar:** I beg to move:

(i) Page 2—

\* Line 28,—

for "not exceed" substitute "be".

(ii) Page 2—

Line 29,—

for "three" substitute "six".

**Shri T. B. Vittal Rao:** I beg to move:

Pages 2 and 3—

for lines 35 to 39 and 1 to 6 respectively substitute:

"Provided further that for the purpose of section 25FFF an undertaking shall include any undertaking set up for the construction of buildings, bridges, roads, canals, dams or other construction works".

**Shri Tangamani:** I beg to move:

Pages 2 and 3—

for lines 38 and 39 and 1 to 6 respectively substitute:

"he shall be entitled to the usual notice and compensation

for every completed year of service or any part thereof".

**Shri Bharucha:** I beg to move:

(i) Page 2, line 38—

for "two years" substitute "one year";

(ii) Page 3—

(a) line 2—

for "two years" substitute "one year"; and

(b) line 5—

for "two years" substitute "one year".

**Mr. Deputy-Speaker:** As for amendment No. 17, it is the same as amendment No. 8. As regards amendment No. 11, Shri Goray is not moving it. The amendments are now before the House for discussion.

**Shri T. B. Vittal Rao:** Regarding amendment No. 8, I welcome the position that these workers are going to be covered now. Previously, the legislation covered only workers under the Plantations, Mines, and Factories Acts. Probably, the Minister after the experience gained in the Damodar Valley Corporation, when he was Minister of Irrigation and Power, must have thought fit to come forward and include these workers also within the scope of the legislation. But I want that there should not be any restriction in the payment of compensation. Already under the original Act, any industrial undertaking means 50 or more workers employed. Therefore, only those workers who are engaged in big projects will come within the purview of this legislation.

Regarding construction workers, firstly, there is no legislation governing their service conditions. Though in the Second Five Year Plan, it was stated that legislation should be undertaken for regulating the service conditions of those workers engaged in the construction or building industry, even after the lapse of a year of the Plan, no legislation is yet forthcoming. Then the Payment of Wages

[Shri T. B. Vittal Rao]

Act is not applied to these workers. Thirdly, these workers do not come within the purview of the Minimum Wages Act—what to talk of fair wages or living wages.

Therefore, these workers, who number nearly 15 lakhs all over India, engaged in some sort of construction work or project or dam or canal work should be given the benefit of the legislation. I want that they should be treated in the same way as the other workers. Why should there be this restriction of two years? We have defined what one year's service is. According to the Factories Act, if anybody puts in 240 days continuous service, it should be taken as one year's service. Therefore, what is the difficulty in having the same provision for these construction workers?

Not only this. Again some restriction is being put. Even after a worker engaged in any construction industry has put in 4 years of service, he shall not be entitled to compensation for 4 years; he shall be entitled to only compensation for 2 years. You are removing 2 years from his service. In a country where there does not exist comprehensive social security measures, where there does not exist unemployment relief, to deny the worker who has put in some years of service, the benefit of his retrenchment compensation on the basis of that service is quite unreasonable. Therefore, I request the Minister to accept the amendment.

**Shri Parulekar:** My amendment is very simple. It does not need much elucidation. The Bill, as it is, provides for compensation to those workers in undertakings which are colsed or which are transferred from one employer to another employer. But there is an exception to this provision. That exception says that when an undertaking is transferred from one employer to another employer, the worker will not be entitled to compensation if the terms and conditions of his service with the new employer are not less favourable than what they were before the transfer.

In order to provide for safeguards in the interest of the worker, it is necessary that the worker should know, before he starts service with the new employer, what the terms and conditions of his service are. If he knows that they are less favourable than what they were before, he might seek the protection of this legislation and ask for compensation. But if he does not know the conditions of his service with the new employer, he will be at a loss to judge whether they are less favourable than what they were. If he were to come to know of the new conditions five months after he has started work with the new employer, he will be at a disadvantage and he will be denied the benefit of this legislation; that is, he will not be entitled to get the compensation. Because after having continued to work with the new employer for three or four months, if he were to come to know that the conditions of service were worse than what they were with the previous employer, he cannot claim compensation.

Therefore, my amendment seeks to stipulate that he must know the conditions of the new employment before he takes up service with the new employment. He must know the conditions at least a week before the transfer is actually effected. So this amendment is simple and is in the interest of the worker. It seeks to see that the employer does not get an opportunity to run away with the loopholes in the legislation. If the worker gets a week's notice, he will be able to consider whether the new conditions are less favourable than the old terms and conditions or not. Then he will be in a position to make up his mind. If they are less favourable, he will have an opportunity to say that he does not want to be employed and can claim compensation under the Bill.

**Shri Narayanankutty Menon:** The purport of my first amendment is that whenever a transfer is effected, there shall be some procedure by which

the employees are given notice of the transfer. This is because transfer raises a very crucial question, as far as the rights conferred by this Bill are concerned. The employer shall give notice to the employees by some procedure or rules to be made by Government, the terms and conditions of service or the terms of the sale under which the industrial undertaking is transferred from one employer to another. Unless this is ensured, the rights of the workers under clause 3 in respect of retrenchment compensation become nugatory, because when the transfer is effected otherwise, the workers do not know what are the terms and conditions of the transfer and to whom it is transferred.

Right from the date of the original Ordinance, that is, 1953, there had been many instances whereby industrial undertakings had been secretly transferred to other employers; the employees actually came to know about the transfer only after the lapse of years. If under these circumstances, the factum of transfer, the terms and conditions of the transfer and the date of transfer—three crucial things—are not made known to the employee at the proper time, the benefits that are conferred under clause 3 will be denied to him. In order that these benefits under clause 3 are made available to the workman easily without any trouble, this amendment should be incorporated in the Bill. I appeal to the hon. Minister to accept this amendment, because the hon. Minister's intention is also in favour of granting the employee the benefit of this provision without delay. I have no doubt that the hon. Minister will accept this amendment which is only a matter of procedure.

**Shri Parulekar:** May I speak on all the amendments?

**Mr. Deputy-Speaker:** I made it clear at the beginning that all the amendments together with the clause were open for discussion.

**Shri Narayanankutty Menon:** Then I have to speak again. I thought only

the first amendment was under discussion.

**Mr. Deputy-Speaker:** I had made it clear at the outset. However, he may continue.

**Shri Narayanankutty Menon:** As regards amendment No. 8, after the clarification given by the hon. Minister, if it is defined that any rights that have accrued to the construction workers at present are not taken away, I will not press my amendment. But I hope the hon. Minister will be pleased to state on the floor of the House that the intention of this particular clause is not to take away any existing right of any employees concerned, including Government employees, certainly, I will not press my amendment. But, I will request the hon. Minister to make it clear that by means of this section he does not intend to take away the benefits already enjoyed by these workers.

**Shri Tangamani:** Mr. Deputy-Speaker, Sir, amendments Nos. 9 and 7 both deal with clause 3. The purport of amendment No. 9 is to see that the construction workers get the full benefit. So, I have moved for the deletion of those lines and to substitute.

"he shall be entitled to the usual notice and compensation for every completed year of service or any part thereof."

I have already advanced the reasons therefor.

My amendment No. 7 is to omit lines 25 to 29 which deals with the proviso in case of closure due to circumstances beyond control. I have already said about that also. But I would make my position clear. I will mention *bona fide* and *mala fide* closures. By *bona fide* closures the employer is able to get protection saying that, because there were circumstances beyond his control he was forced to close down. It may be that the factory was smashed due to lightning or somebody set fire to the factory or



[Shri Tangamani]

there was some sabotage. Some such thing might have happened. When it is due to circumstances beyond control it appears *bona fide* and in that case the Bill seeks to provide for 3 months' earnings as compensation. My amendment seeks to give such workers maximum compensation available to workers placed in similar circumstances where, if I may use the word, the closure was *mala fide*. In the past what we have been experiencing is that in spite of the fact that engines and machinery were working properly they gave reasons that they were not able to continue because of circumstances beyond control. We used to get a reference whether the closure was *mala fide* or *bona fide*. When the closure is *mala fide* they get full compensation. When the closure is *bona fide*, also, in the name of social justice the worker will have to get the maximum compensation. I am pressing that.

**Mr. Deputy-Speaker:** There are two other amendments put forward by Government. One is:

Page 2, line 31,

for "financial losses" substitute  
"financial difficulties (including financial losses)"

**Shri Tangamani:** That is a good one.

**Mr. Deputy-Speaker:** No comment so soon.

The other is:

Page 3, lines 5 and 6, omit the words "excluding therefrom the first two years of his service in that undertaking."

**Shri Tangamani:** That is good, Sir.

**The Deputy Minister of Labour (Shri Abid Ali):** Sir, I beg to move:

(i) Page 2, line 31,

for "financial losses" substitute  
"financial difficulties (including financial losses)".

(ii) Page 3, lines 5 and 6,—

omit the words "excluding therefrom the first two years of his service in that undertaking."

**Mr. Deputy-Speaker:** These amendments are also before the House.

**Shri Parulekar rose**

**Mr. Deputy-Speaker:** The hon Member has already spoken and the rules do not permit any member to speak twice on the same motion.

**Shri Parulekar:** Being quite new to this procedure, I did not know that I was also to speak on amendment No. 13.

**Mr. Deputy-Speaker:** All right. I will make a departure in this case. The hon. Member may say what he wants to say.

**Shri T. B. Vittal Rao:** Sir, the official amendments have been moved.

**Mr. Deputy-Speaker:** It does not apply to Shri Vittal Rao; he is an old Member.

**Shri Parulekar:** The clause, as it is worded, fixes the maximum amount of compensation to be paid to a worker but it does not fix the minimum. It does not fix any definite amount to be paid as compensation, when the undertaking is closed, to the worker. The words which have been used are, 'shall not exceed his average pay for three months'. So, when the maximum is prescribed by legislation, an employer may come forward and say: I will pay you for a week, ten days or fifteen days. Whether this compensation is adequate or not will be the subject matter of judicial investigation. This matter will go to the High Court and even to the Supreme Court. In the meantime the worker will not know how much compensation will be paid to him. Therefore, the amendment that I have moved says that it will be 3 months so that a definite amount may be claimed by the worker, when he is retrenched or when the undertaking is closed. There shall be no scope for

litigation. I think it will be acceptable to the hon. Labour Minister because it is quite simple.

**Shri Goray:** Sir, I shall try to be as brief as possible.

**Mr. Deputy-Speaker:** It would be very kind of you.

**Shri Goray:** The purport of my amendment is to define the unavoidable circumstances beyond the control of the employer. Because, I feel that if the whole sentence is left as vague as it is, it will give cause for litigation and the consequences of it will be that the worker will have to suffer. I have tried to define the words and have said:—natural calamities like floods, fire, earthquake etc. creating circumstances beyond the control of the employer.

The purport of the other half of the amendment is that the words compensation to be paid to the workmen under clause (b) of section 25 shall not exceed his average pay for 3 months be dropped and they be substituted by:

"compensation to be paid to the workman shall be according to clause (b) of section 25F but shall not exceed his average pay for six months."

This seeks to restore the position which was envisaged in the original Trade Dispute Act. Only it gives him a little more compensation and I think that when a workman is being thrown out on the streets he deserves a little more compensation, so that there may not be hardship and suffering. I agree with the basic intention of the Bill and there should be no difficulty on the part of the hon. Minister to accept this amendment.

**Shri Nanda:** In the course of the few minutes after I sat down here assuring the House that we would apply our minds and see as far possible to make things more acceptable, we thought over this matter and the result is those amendments that had been brought forward on behalf of

the Government and they meet the points urged about the scope of the legislation regarding the closure. We have gone further and included 'financial difficulties' also. It means that they also come under the purview of the clause. An employer may say: "I have not got enough working capital or credit and so I cannot run". That should not be covered under that explanation. We have, I think, really brought within the purview of this explanation most of the things that can have any bearing on the interest of the workers. Practically, what is left is what the hon. Member, Shri Goray, says.

The other thing is about the period of three months. The idea perhaps is that this period should be stated in absolute terms and not as the maximum. In case of *bona fide* closures, a person who has worked for, say, two years will get two fifteen days, i.e. 30 days. In the case of *mala fide* closures, he will stand to get much more. If three months is fixed as the uniform basis, then a person who retrenched after an employment of two years will also get compensation on the basis of three months. That will create disparities which we do not at all intend. (*Interruptions.*) The hon. Member there defended the maximum.

I now come back to an earlier observation made by Shri Banerjee. Supposing the Kanpur Textile Mill gives a notice of closure and says: "We are going to spend a few lakhs of rupees more and bring new machines and therefore, the mill has to be closed." If that is the fear of the hon. Member, and if he thinks that it is going to place the workers at a disadvantage and exclude them from the benefits of legislation, I may assure him that it is not so. That is my interpretation and I hope it is correct. That will not be a consideration which will be "unavoidable circumstances beyond the control of the employers". The apprehensions of the hon. Member are not well-found-

[Shri Nanda]

ed. Considering everything, we feel that the wording as now amended will quite be adequate.

**Mr. Deputy-Speaker:** The question is:

In page 2, line 31—  
for "financial lossess" substitute  
"financial difficulties (including  
financial losses)."

*The motion was adopted.*

**Mr. Deputy-Speaker:** The question is:

Page 3, lines 5 and 6—

omit the words "excloding there-  
from the first two years of his  
service in that undertaking".

*The motion was adopted.*

**Mr. Deputy-Speaker:** Have I the permission of the hon. Members to put the other amendments all together?

Shri Narayanankutty Menon: I requested that amendment No. 3 may be put separately.

**Mr. Deputy-Speaker:** The question is:

Page 2,—

after line 17 add:

"Provided further that the employer who transfers his business and the new employer to whom the business is transferred shall give notice in writing in such manner as may be prescribed, to all the workmen employed in the business so transferred, about the date of such transfer and the terms and conditions thereof."

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2—

after line 17 add:—

"Provided further that the employer who transfers the owner-

ship or management of an undertaking and the new employer to whom it is transferred shall give notice in writing in such manner as may be prescribed, at least a week before the transfer is effected, to all the workmen employed in the undertaking so transferred, about the date of such transfer and the terms and conditions thereof".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2—

omit lines 25 to 34.

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2—

omit lines 25 to 29.

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

for lines 25 to 29, substitute:—

"Provided that where the undertaking is closed down on account of natural calamities like floods, fire and earthquake creating circumstances beyond the control of the employer, the compensation to be paid to the workman shall be according to clause (b) of section 25F but shall not exceed his average pay for six months."

*The motion was negatived.*

**Mr. Deputy Speaker:** The question is:

Page 2, line 28—

for "not exceed" substitute "be"

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2, line 29—

for "three" substitute "six"

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is.

Pages 2 and 3—

for lines 35 to 39 and 1 to 6 respectively substitute:

"Provided further that for the purpose of Section 25FFF an undertaking shall include any undertaking set up for the construction of buildings, bridges, roads, canals, dams or other construction works".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Pages 2 and 3—

for lines 38 and 39 and 1 to 6 respectively substitute:

"He shall be entitled to the usual notice and compensation for every completed year of service or any part thereof".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

(i) Page 2, line 38—

for "two years" substitute "one year";

(ii) Page 3—

(a) line 2,—

for "two years" substitute "one year"; and

(b) line 5,—

for "two years" substitute "one year"

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

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

*The motion was adopted*

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

*Clause 4 was added to the Bill.*

**Mr. Deputy-Speaker:** If I have the permission of the House to sit for another ten or fifteen minutes more, we can finish it. Now, we shall take clause 1.

**Shri Narayanankutty Menon:** I beg to move:

Page 1—

for lines 5 to 7 substitute—

"Section 2 and 3 shall be deemed to have come into force on the 24th day of October, 1953".

**Mr. Deputy-Speaker:** The hon. Member has given his arguments. Does he wish to add anything more?

**Shri Narayanankutty Menon:** Nothing more. I only wish to point out one thing. The hon. Minister explained the difficulties in giving retrospective effect to this part of the Bill. It involves the rights of those workers whose disputes have already been referred to the industrial tribunals and are conducting their cases before them. If retrospective effect is given they will have to get out of the court. I request the hon. Minister to accept my amendment.

**Shri Nanda:** For the moment I am thinking of amending and making a slight change so that the date may be just the date after the date of the judgment of the Supreme Court and have the date as 28th November, 1956.

**Shri Tangamani:** I beg to move:

Page 1—

for lines 5 to 7 substitute:

"(2) Section 2 shall be deemed to have come into force on the 10th day of March, 1957 and section 3 on the 24th day of October, 1953".

**Mr. Deputy-Speaker:** The hon. Member has already explained and I only wanted to know whether he has something more to say.

**Shri Tangamani:** Nothing further, Sir.

**Shri Bharsaha:** I do not move my amendment; Amendment No. 1 is better worded, which I shall support.

**Shri Goray:** I am not moving my amendment No. 10; it is the same as the other one that has been moved.

**Shri Abid Ali:** I beg to move:

Page 1, lines 6 and 7—

for "1st day of December 1956"  
substitute "28th day of November, 1956".

**Shri T. B. Vittal Rao:** About giving retrospective effect to this Bill, I have to say a few words. When the original ordinance was issued in 1953, there was a closure of textile mills and then some sort of a monetary relief had to be provided for the workers. At that time in order to bring in this legislation, the employers of the textile industry were given a rebate in the export and import duties. The result is that they would be benefited to the tune of Rs. 10 crores. Even if all the textile mills were closed for even two months the retrenchment compensation would not have amounted to Rs. 10,000.

18 hrs.

Secondly, there is the question of this Barsi Light Railway. When the Bill for taking over the Barsi Light Railway was moved by the Railway Minister, I pleaded in vain to give the employees continuity of service which is done in other cases. But he said that they were all re-appointed. These people are now denied continuity of service whereby they do not get Provident Fund, Gratuity and other things.

**Mr. Deputy-Speaker:** The hon. Minister has assured that he will take up that question separately.

**Shri T. B. Vittal Rao:** With the integration of this Railway with the Central Railway there was a wage

cut. They lost on both these counts. Thirdly, when they tried to get some relief in the High Court that was given, but the Supreme Court reversed that decision. Therefore, when the Minister considers the question of Light Railway employees he should take into account these things and the losses they have suffered.

With regard to the textile industry, by giving retrospective effect it is not going to affect the employers because they have already been benefited to a great extent.

**Mr. Deputy-Speaker:** The question is:

"Page 1, lines 6 and 7 for "1st day of December, 1956" substitute "28th day of November, 1956".

The motion was adopted

**Mr. Deputy-Speaker:** The question is:

Page 1—

for lines 5 to 7 substitute:

"Sections 2 and 3 shall be deemed to have come into force on the 24th day of October, 1953".

The motion was adopted.

**Mr. Deputy-Speaker:** The question is:

Page 1—

for lines 5 to 7 substitutes

"(2) Section 2 shall be deemed to have come into force on the 10th of March, 1957 and section 3 on the 24th day of October, 1953".

The motion was negatived.

**Mr. Deputy-Speaker:** The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended was added to  
the Bill.

*The Enacting Formula and the Title*  
were added to the Bill.

Shri Nanda: I beg to move:

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

Mr. Deputy-Speaker: The question  
is:

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

The motion was adopted.

18.04 hrs.

The Lok Sabha then adjourned till  
Eleven of the Clock on Tuesday, the  
21st May, 1957.

## DAILY DIGEST

[Monday, 20th May, 1957]

	COLUMNS	S.Q. No.	COLUMNS
Member Sworn . . . . .	859	161. Agricultural College . . . . .	900
ORAL ANSWERS TO QUESTIONS—		162. Harbour at Paradip . . . . .	900-01
S.Q. No. Subject	859-98	163. Passenger trains on Panipat-Jind and Narwana Kurukshetra Lines . . . . .	901
138-A Food Scarcity . . . . .	859-61	164. Railway bogies in Bikaner Railway Division . . . . .	901-902
169. Rise in Foodgrain Prices . . . . .	861-67	165. Industrial Estates . . . . .	902
139. Central Anti-Locust Unit . . . . .	867-69	166. Public Call Offices . . . . .	202-903
140. Prices of Raw Jute . . . . .	869-72	168. Shortage of Electric Power in Delhi . . . . .	903
141. Master Plan for Delhi . . . . .	872-73	170. Railway Workshop in Mandevuadch . . . . .	904
142. Bhakara Nangal Dam . . . . .	873-75	171. Muzaffarpur-Darbhanga Rail Link . . . . .	904-905
143. Salem-Bangalore Railway Line . . . . .	875-77	172. Flood Production in a North Bihar . . . . .	905
144. Reorganisation of Posts and Telegraphs Circles . . . . .	877	173. Child Guidance and Psychiatric Clinics . . . . .	905-906
152. P. & T. Administrative Circle in Mysore . . . . .	878-79	174. Second Ship-Building Yard . . . . .	906
153. Delhi Electricity Workers . . . . .	879-80	175. Animal Husbandry . . . . .	906
147. Thefts in Calcutta Dock Area . . . . .	880-81	176. Postal Divisions . . . . .	906-907
148. Fair Price Shops in Kerala . . . . .	882-83	177. World Leprosy Congress . . . . .	907
149. Opening of New stations . . . . .	883-84	178. Bangalore City Post Office . . . . .	907-08
150. Electricity in Villages . . . . .	884-87	180. Hyderabad Railway-Bridges Inspection Committee . . . . .	908
151. Madras Dock Labour Board . . . . .	887-88	181. Flood control in North Bihar . . . . .	908-09
154. Complaint Books at Stations . . . . .	889-90	182. Supply of Power from River Valley Projects . . . . .	909
155. Jal Ballabh . . . . .	890-92	183. Suburban Railway Services . . . . .	909-10
156. Laxmi Devi Sugar Mills, Chitauli . . . . .	892-94	184. Visit to America by a Indian Cultivators . . . . .	910
157. Bombay-Kanaya Kumari National Highway . . . . .	894-95	185. Bikaner Railway Station . . . . .	910
S.N. Q. No.		186. Purchase of Rice from Viet-Nam . . . . .	911
3. Steps to prevent spread of Influenza to India . . . . .	895-98	U.S. Q. No.	
WRITTEN ANSWERS TO QUESTIONS—	898-928	61. Jute . . . . .	911-12
S.Q. No. Subject		62. National Cooperative Development and Warehousing Board . . . . .	912-13
146. Tuticorin Express accident . . . . .	898	63. Passenger Fares on Konkan Shipping Lines . . . . .	913-14
153. Import of Locomotives . . . . .	898	64. Revision of Train Timings . . . . .	914-15
158. Coconut . . . . .	899	65. Tube-wells in Rajasthan . . . . .	915
159. Rural University . . . . .	899	66. Late running of trains on N.E. Railway . . . . .	915-16
160. Smuggling of Foodgrains to East Pakistan . . . . .	899-900		

## COLUMNS

## COLUMNS

U.S. Q. No	Subject	COLUMNS
67.	Restorations of Railway line between Nirmali and Supaul Stations.	916
68.	Dental Colleges.	916
69.	Delhi Transport Service.	917
70.	Community Project in Gurdaspur District (Punjab).	917-18
71.	National Highway in Punjab.	918
72.	Railway Employees on Western Railway.	918-19
73.	Stenographers in Western Railways.	919-20
74.	Land submerged by Hirakud Dam.	920
75.	Level crossing at Cuttack Station.	920-21
76.	New Post and Telegraph Offices.	921
77.	Construction of under-Bridge at Bangalore.	921-22
78.	Ticketless travel.	922-23
79.	Rice Godowns in Cannanore.	923
80.	Ghee.	923
81.	Demolition Notices by Delhi Development Authority.	923-24
82.	Telephone Installations at Delhi.	924
83.	Anti-rabbies vaccine.	924-25
84.	Purchase of sets of Railway wheels.	925
85.	Shifting of N.E. Railway Divisional Office.	925
86.	Running of passenger trains between Bikaner and Jaipur.	925-26
87.	Fixation of Pepper Price.	926
88.	Dakota crash in Assam.	926-27
89.	Calcutta-Mangalore Coastal Canal.	927
90.	Recruitment in Railways	927-28 928-29

## PAPERS LAID ON THE TABLE

The following papers were laid on the Table :

- (1) A copy each of the ten notifications under sub-section (2) of Section 3 of the All India Services Act, 1951.
- (2) A copy each of the two notifications under section 38 of the Central Excises

and Salt Act, 1944 making certain further amendments to the Central Excise Rules, 1944.

## MESSAGE FROM THE PRESIDENT—

930

The Speaker communicated to the Lok Sabha the message from the President expressing his great satisfaction at the expression of thanks by the Members of the Lok Sabha for the Address delivered by the President on the 13th May, 1957

## STATEMENT BY MINISTER— 930—33

The Minister of Finance (Shri T.T. Krishnamachari) made a statement regarding certain changes in the Finance (No. 2) Bill, 1957.

## REPORT OF ESTIMATES COMMITTEE—LAID ON THE TABLE—

933

Secretary made a Statement *re* Sixty-eight Report of the Estimates Committee and also laid on the Table a copy of the Report.

## REPORT OF PUBLIC ACCOUNTS COMMITTEE—LAID ON THE TABLE—

934-35

Secretary made a Statement *re* twenty-fifth Report of the Public Accounts Committee and also laid on the Table a copy of the Report.

## CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE—

935—37

Shri S.M. Banerjee called the attention of the the Minister of Defence to the token strike by Naval Dock yard workers of Bombay on the 17th May, 1957

The Deputy Minister of Defence (Sardar Majithia) made a statement in regard thereto.



## COLUMNS

## COLUMNS

## BILLS INTRODUCED :

938—40

The following Bills were introduced :—

- (1) The Life Insurance Corporation (Amendment) Bill.
- (2) The Reserve Bank of India (Amendment) Bill.
- (3) The State Bank of India (Amendment) Bill.

STATEMENT *RE* ORDINANCE—LAID ON THE TABLE—

940—42

The Minister of Finance (Shri T. T. Krishnamachari) laid on the Table explanatory statement *re* Life Insurance Corporation (Amendment) Ordinance.

## BILLS PASSED . . . . 942—1088

The following Bills were considered and passed :—

- (i) Coal Bearing Areas (Acquisition and Development) Bill.
- (ii) Provisional Collection of Taxes (Temporary Amendment) Bill.
- (iii) Industrial Disputes (Amendment) Bill.

## AGENDA FOR TUESDAY, 21ST MAY, 1957—

General Discussion on the Railway Budget, 1957-58.