

Monday, 15th July, 1957

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**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

ALPHABETICAL LIST OF MEMBERS

'A'

Abdul Latif, Shri (Bijnor).
 Achal Singh, Seth (Agra).
 Achar, Shri K. R. (Mangalore).
 Achint Ram, Lala (Patiala).
 Agadi, Shri Sangappa Andanappa (Koppal).
 Agrawal, Shri Manakbhai (Mandsaur).
 Ajit Singh, Shri (Bhatinda—Reserved—Sch. Castes).
 Alva, Shri Joachim (Kanara).
 Ambalam, Shri P. Subbiah (Ramanathapuram).
 Amjad Ali, Shri (Dhubri).
 Anjanappa, Shri B. (Nellore—Reserved—Sch. Castes).
 Anthony, Shri Frank (Nominated—Anglo—Indians).
 Arumugham, Shri R. S. (Srivilliputhur—Reserved—Sch. Castes).
 Arumugham, Shri S. R. (Namakkal—Reserved—Sch. Castes).
 Ashanna, Shri K. (Adilabad).
 Assar, Shri Premji R. (Ratnagiri).
 Atchamamba, Dr. Komaraju (Vijayavada).
 Awasthi, Shri Jagdish (Bilhaur).
 Ayyakannu, Shri M. (Nagapattinam—Reserved—Sch. Castes).
 Ayyangar, Shri M. Ananthasayanam (Chittoor).
 Asad, Maulana Abul Kalam (Gurgaon).

'B'

Badan Singh, Ch. (Bissuli).
 Bagdi, Shri Maganal (Hoshangabad).
 Bahadur Singh, Shri (Ludhiana—Reserved—Sch. Castes).
 Bajaj, Shri Kamalnayan Jammalal (Wardha).
 Bakliwal, Shri Mohanlal (Durg).
 Balakrishnan, Shri S. C. (Dindigul—Reserved—Sch. Castes).
 Baldev Singh, Sardar (Hoshiarpur).
 Balmiki, Shri Kanhaiya Lal (Bulandshahr—Reserved—Sch. Castes).
 Banerjee, Shri Santosh Kumar (Cooch-Bihar).
 Banerjee, Shri 'Pramathanath (Contai).
 Banerjee, Shri S. M. (Kanpur).
 Banerji Shri Pulin Behari, (Lucknow).
 Banerji, Dr. Ram Goti (Bankura).
 Bangshi Thakur, Shri (Tripura—Reserved—Sch. Tribes).
 Barman, Shri Upendranath (Cooch-Bihar—Reserved—Sch. Castes).
 Barrow, Shri A. E. T. (Nominated—Anglo-Indians).
 Barua, Shri Hem (Gauhati).
 Barupal, Shri Panna Lal (Bikaner—Reserved—Sch. Castes).
 Basappa, Shri C. R. (Tiptur).
 Basumatari, Shri Dharanidhar (Goahpara—Reserved—Sch. Tribes).

'B'—contd.

- Beck, Shri Ignace (Lohardaga).
 Bhadoria, Shri Arjun Singh (Etawah).
 Bhagat, Shri Baliram (Shahabad).
 Bhagavati, Shri Bijoy Chandra (Darrang).
 Bhakt Darshan, Shri (Garhwal).
 Bhanja Deo, Shri Laxmi Narayan (Keonjhar).
 Bhargava, Pt. Mukat Behari Lal (Ajmer).
 Bhargava, Pt. Thakur Das (Hissar).
 Bharucha, Shri Naushir Cursetji (East Khandesh).
 Bhatkar, Shri Laxmanyaoji Shrawanji (Akola—Reserved—Sch. Castes).
 Bhattacharyya, Shri Chapala Kanta (West Dinajpur).
 Bhogji Bhai Shri P. B. Banswara—Reserved—Sch. Tribes).
 Bholi Sardar, Shri (Saharsa—Reserved—Sch. Castes).
 Bidari, Shri Ramappa Balappa (Bijapur South).
 Birbal Singh, Shri (Jaunpur).
 Birendra Bahadur Singhji, Shri (Raipur).
 Borooah, Shri Prafulla Chandra (Sibsagar).
 Bose, Shri P. C. (Dhanbad).
 Brahm Prakash, Shri (Delhi Sadar).
 Brajeshwar Prasad, Shri (Gaya).
 Braj Raj Singh, Shri (Firozabad).
 Brij Narayan, Brijesh, Pandit (Shivpuri).

'C'

- Chakravartty, (Shrimati Renu (Basirhat).
 Chanda, Shri Anil Kumar (Birbhum).

'C'—contd.

- Chandak, Shri Bhikulal Lakhmichand
 Chandra Shankar, Shri (Broach).
 Chandramani, Kalo Shri (Sundergarh).
 Chaturvedi, Shri Rohanlal (Etah).
 Chaudhuri, Shri Tridib Kumar (Berhampore).
 Chavan, Shri D. R. (Karad).
 Chawda, Shri Akbar (Banaskantha).
 Chettiar, Shri R. Ramanathan (Pudukottai).
 Choudhry, Shri C. L. (Hajipur—Reserved—Sch. Castes).
 Choudhury, Shri Suresh Chandra (Dumka).
 Chuni Lal, Shri (Ambala—Reserved—Sch. Castes).

'D'

- Damani, Shri Surajratan Fatehchand (Jalore).
 Damar, Shri Amar Singh (Jhabua—Reserved—Sch. Tribes).
 Dange, Shri Shripad Amrit (Bombay City Central).
 Dasappa, Shri H. C. (Bangalore).
 Dasaratha Deb, Shri (Tripura).
 Das, Shri Kamal Krishna (Birbhum—Reserved—Sch. Castes).
 Das, Dr. Mono Mohan (Asansol—Reserved—Sch. Castes).
 Das, Shri Nayantara (Monghyr—Reserved—Sch. Castes).
 Das, Shri Ramdhani (Nawada—Reserved—Sch. Castes).
 Das, Shri Shree Narayan (Darbhanga).
 Dasgupta, Shri Bibhut Bhushan (Purulia).
 Datar, Shri Balwant Nagamb (Belgaum).
 Daulta, Shri Pratap Singh (Jhajjar).

'D'—contd.

Deb, Shri Narasingha Malla Ugal Senda (Midnapur).

Deb, Shri P. G. (Angul).

Deo, Shri Pratap Keshari (Kalahandi).

Deo, Shri Shanker (Gulbarga—Reserved—Sch. Castes).

Desai, Shri Morarji R. (Surat).

Deshmukh, Shri K. G. (Ramtek).

Deshmukh, Dr. Panjabrao S. (Amravati).

Dhanagar, Shri Banshi Das (Mainpuri).

Dharmalmgam, Shri R. (Tiruvannamalai).

Dige, Shri Shankarrao Khanderao (Kolhapur—Reserved—Sch. Castes).

Dindod, Shri Jaljibhai Koyabhai (Dohad—Reserved—Sch. Tribes).

Dinesh Singh, Shri (Banda).

Dora, Shri Dippala Suri (Parvathipuram).

Drohar, Shri Shivadin (Hardoi—Reserved—Sch. Castes).

Dube, Shri Mulchand (Farrukhabad).

Dubish, Shri Vishnu Sharan (Sardhana).

Dwivedi, Shri M. L. (Hamirpur).

Dwivedy, Shri Surendranath (Kendrapara).

'E'

Eacharan, Shri V. Iyyani (Palghat).

Elayaperumal, Shri L. (Chidambaram—Reserved—Sch. Castes).

Elias, Shri Muhammed (Howrah).

'G'

Gaekward, Shri Fatesingh Rao Pratapsingh Rao (Baroda).

Gaekward, Shri Bhaurao Krishnarao (Nasik).

'G'—contd.

Ganapathy, Shri T. (Tiruchendur).

Gandhi, Shri Feroze (Rai Bareilly).

Gandhi, Shri Maneklal Maganlal (Panchmahals).

Ganga Devi, Shrimati (Unnao—Reserved—Sch. Castes).

Ganpati Ram, Shri (Jaunpur—Reserved—Sch. Castes).

Gautam, Shri Chintaman Dhivrjuji (Balaghat).

Ghodasar, Thakor Shri Fatehsinhji Ratansinhji.

Ghosal, Shri Aurobindo (Uluberia).

Ghose, Shri Bimal Coomar (Barrackpore).

Ghose, Shri Subiman (Burdwan).

Ghosh, Shri Atulya (Asansol).

Ghosh, Shri Mohmdra Kumar (Jamshedpur).

Godsora, Shri Sambhu Charan (Singbhum—Reserved—Sch. Tribes).

Gohain, Shri Chowkhamoon (Nominated—Assam Tribal Areas).

Gohokar, Dr. Deorao Yeshwantrao (Yeotmal).

Gopalan, Shri Ayillath Kuttieri (Kasergod).

Goray, Shri Narayan Ganesh (Poona).

Goundar, Shri N. P. Shanmugha (Tindivanam).

Goundar, Shri A. Doraiswami (Tiruppattur).

Gounder, Shri K. Periaswami (Karur).

Govind Das, Seth (Jabalpur).

Guha, Shri Arun Chandra (Barasat).

Gupta, Shri Chheda Lal (Hardoi).

Gupta, Shri Sadhan Chandra (Calcutta—East).

T

Hajarnavis, Shri Ramchandra
Martand (Bhandara).

Halder, Shri Kansari (Diamond
Harbour—Reserved—Sch. Castes).

Harvani, Shri Ansar (Fatehpur).

Hensda, Shri Subodh (Midnapur—
Reserved—Sch. Tribes).

Hathi, Shri Jaisukhlal Lal Shanker
(Halar).

Hazarika, Shri Jogendra Nath
(Dibrugarh).

Heda, Shri H. C. (Nizamabad).

Hukam Singh, Sardar (Bhatinda).

Hynniewta, Shri Hoover (Autonomous
Districts—Reserved—Sch. Tribes).

T

Imam, Shri J. M. Mohamed (Chital-
drug).

Iqbal Singh, Sardar (Ferozepur).

Iyer, Shri S. Easwara (Trivandrum).

J

Jadhav, Shri Yadev Narayan
(Malegaon).

Jagjivan Ram, Shri (Sasaram—
Reserved—Sch. Castes).

Jain, Shri Ajit Prasad (Saharanpur)

Jain, Shri Mool Chand (Kaithal).

Jaipal Singh, Shri (Ranchi West—
Reserved—Sch. Tribes).

Jangde, Shri Resham Lal (Bilaspur).

Jadhe, Shri Keshavrao Marutirao
(Baramati).

Jena, Shri Kanhu Charan (Balasore—
Reserved—Sch. Castes).

Jhunjhunwala, Shri Banarsi Prasad
(Bhagalpur).

Jinachandran, Shri M. K. (Telli-
chery).

Jogendra Singh, Sardar (Bahrain).

Jogendra Sen, Shri (Mandi).

J—contd.

Joishi, Shri Anand Chandee
(Shahdol).

Joishi, Shrimati Subhadra (Ambala).

Joishi, Shri Liladhar (Shajapur).

Jyotishi, Pandit Jwala Prasad
(Sagar).

K

Kale, Shrimati Anasuyabai (Nagpur).
Kalika Singh, Shri (Azamgarh).

Kamble, Dr. Devrao Namdevrao
Pathrikar (Nanded—Reserved—Sch.
Castes).

Kamble, Shri Bapu Chandrasen
(Kopergaon).

Kanakasabai, Shri R. Pillai (Chidam-
baram).

Kanungo, Shri Nityanand (Cuttack).

Kar, Shri Prabhat (Hooghly).

Karmarkar, Shri D. P. (Dharwar
North).

Karni Singhji, Shri (Bikaner).

Kasliwal, Shri Nemi Chandra
(Kota).

Katti Shri D. A. (Chitodi)

Kayal, Shri Paresah Nath (Basirhat—
Reserved—Sch. Castes).

Kedaria, Shri Chhaganlal Madaribhat
(Mandvi—Reserved—Sch. Tribes).

Keshar Kumari, Shrimati (Raipur—
Reserved—Sch. Tribes).

Keshava, Shri N. (Bangalore City).

Keskar, Dr. B. V. (Musafirkhana).

Khadilkar, Shri Raghunath Keshav
(Ahmednagar).

Khadiwala, Shri Kanhaiyalal (Indore).

Khan, Shri Osman Ali (Kurnool).

Khan, Shri Sadath Ali (Warangal).

Khan, Shri Shahnawaz (Meerut).

Khedkar, Shri Gopalrao Bajirao
(Akola).

Khimji, Shri Bhawanji A. (Kutch).

A—contd.

- Khuda Buksh, Shri Mohammed (Murshidabad).
 Khawaja, Shri Jamal (Aligarh).
 Kistaiya, Shri Surti (Bastar—Reserved—Sch. Tribes).
 Kodiyan, Shri P. K. (Quilon—Reserved—Sch. Castes).
 Koratkar, Shri Vinayak Rao K. (Hyderabad).
 Kotaki, Shri Lifadhar (Nowgong).
 Kottukapally, Shri George Thomas (Muvattupuzha).
 Kripalani, Acharya J. B. (Sitamarhi).
 Kripalani, Shrimati Sucheta (New Delhi).
 Krishna Chandra, Shri (Jaleswar).
 Krishna, Shri M. R. (Karimnagar—Reserved—Sch. Castes).
 Krishnasiah, Shri D. Balarama (Gudivada).
 Krishnamachari, Shri T. T. (Madras South).
 Krishnappa, Shri M. V. (Tumkur).
 Krishna Rao, Shri Mandali Venkata (Masulipatnam).
 Krishnaswamy, Dr. A. (Chingleput).
 Kumaran, Shri M. K. (Chirayinkil).
 Kumbhar, Shri Banamali (Sambalpur—Reserved—Sch. Castes).
 Kunhan, Shri P. (Palghat—Reserved—Sch. Castes).
 Kureel, Shri Baij Nath (Rae Bareilly—Reserved—Sch. Castes).

L

- Lachhi Ram, Shri (Hamirpur—Reserved—Sch. Castes).
 Lachman Singh, Shri (Nominated—Andaman and Nicobar Islands).
 Lahiri, Shri Jitendra Nath (Serampore).
 Lal, Shri Ram Shanker (Domariajdi).

L—contd.

Laskar, Shri Nibaran Chandra (Cachar—Reserved—Sch. Castes).

Laxmi Bai, Shrimati Sangam (Vicarsabad).

M

- Mafda Ahmed, Shrimati (Jorhat).
 Mahagaonkar, Shri Bhausaheb Rasoahab (Kolhapur).
 Mahanty, Shri Surendra (Dhenkanal).
 Mahendra Pratap, Raja (Mathura).
 Majhi, Shri Ram Chandra (Mayurbhanj—Reserved—Sch. Tribes).
 Majithia, Sardar Surjit Singh (Tarn-Taran).
 Maiti, Shri Nikunja Bihari (Ghatal).
 Mallah, Shri U. Srinivasa (Udipi).
 Malaviya, Pandit Govind (Sultanpur).
 Malaviya, Shri Keshva Deva (Basti).
 Malviya, Shri Kanhaiyalal Bherulal (Shajapur—Reserved—Sch. Castes).
 Malviya, Shri Motilal (Khajuraho—Reserved—Sch. Castes).
 Manaen, Shri T. (Darjeeling).
 Manay, Shri Gopal Kaluji (Bombay City Central—Reserved—Scheduled Castes).
 Mandal, Shri Jailal (Khagaria).
 Mandal, Dr. Pashupati (Bankura—Reserved—Sch. Castes).
 Maniyangadan, Shri Mathew (Kottayam).
 Manjula Debi, Shrimati (Goalpara).
 Masani, Shri M. R. (Ranchi—East).
 Masuriya Din, Shri (Phulpur—Reserved—Sch. Castes).
 Mastara, Shri Laxman Mahadu (Thana—Reserved—Sch. Tribes).
 Mathur, Shri Harish Chandra (Pali).
 Mathur, Shri Mathur Das (Nagaur).
 Mathu, Shri S. A. (Ghidih).
 Mehdi, Shri Syed Ahmed (Rampur).

'M'—contd

- Mehta, Shri Balwantray Gopalji (Gohilwad).
 Mehta, Shri Jaswant Raj (Jodhpur).
 Melkote, Dr G S (Raichur).
 Menon, Dr K B (Badagara).
 Menon, Shri V K. Krishna (Bombay City North).
 Menon, Shri T C Narayanankutty (Mukandapuram).
 Minimata, Shrimati Agamadas Guru (Baloda Bazar—Reserved—Sch Castes).
 Mishra, Shri Bhagwan Din (Kaisarganj).
 Mishra, Shri Bibhuti (Bagaha).
 Mishra, Shri Lalit Narayan (Saharsa).
 Mishra, Shri Mathura Prasad (Begusarai).
 Mishra, Shri Shyam Nandan (Jainagar).
 Misra, Shri Raghubar Dayal (Bulandshahr).
 Misra, Shri Raja Ram (Faizabad).
 Mohan Swaroop, Kanwar (Pilibhut).
 Mohideen, Shri M Gulam (Dindigul).
 Mohuddin, Shri Ahmed (Secunderabad).
 Munisamy, Shri N R (Vellore).
 Morarka, Shri Radheshyam Ramkumar (Jhunjhunu).
 More, Shri Jayawant Ghanshyam (Sholapur).
 Mukerjee, Shri Hirendra Nath (Calcutta—Central).
 Mullick, Shri Baishnav Charan (Kendrapara—Reserved—Sch Castes).
 Murmu, Shri Paika (Rajmahal—Reserved—Sch Tribes).
 Murthy, Shri B S (Kakinada—Reserved—Sch. Castes).
 Musafir, Giam Gurmukh Singh (Amritsar).
 Muthukrishnan, Shri M (Vellore—Reserved—Sch. Castes).
- ❧
- Nadar, Shri P Thanulingom (Nagercoil).
 Naidu, Shri R Govindarajulu (Tiruvallur).

'N'—contd.

- Naidu, Shri T D. Muthukumarasami (Cuddalore).
 Nair, Shri C. Krishnan (Outer Delhi).
 Nair, Shri K. P. Kuttikrishnan (Kozhikode).
 Nair, Shri P. K. Vasudevan (Thiruvella).
 Naldurgkar, Shri Venketrao Shrinivasrao (Osmanabad).
 Nallakoya, Shri Koyilat (Nominated—Laccadive, Minicoy and Amindivi Islands).
 Nanda, Shri Gulzarilal (Sabarkantha).
 Nanjappa, Shri C (Nilgiris).
 Naraindin, Shri (Shahjahanpur—Reserved—Sch Castes).
 Narasimhan, Shri C R (Krishnagiri).
 Narayanasamy, Shri R. (Perriyakulam).
 Naskar, Shri Purendu Sekhar (Diamond Harbour).
 Nathavani, Shri Narendrabhai P. (Sorath).
 Nath Pai, Shri (Rajapur).
 Nayak, Shri Mohan (Ganjam—Reserved—Sch Castes).
 Nayar, Dr Sushila (Jhansi).
 Nayar, Shri V P (Quilon).
 Nehru, Shri Jawaharlal (Phulpur).
 Nehru, Shrimati Uma (Sitapur).
 Nek Ram, Shri (Mahore—Reserved—Sch Castes).
 Neswi, Shri T R (Dharwar South).

'O'

- Onkar Lal, Shri (Kota—Reserved—Sch Castes).
 Oza, Shri Ghanshyam Lal (Zalawad).

'P'

- Padalu, Shri Kankipati Veeranna (Golugonda — Reserved — Sch Tribes).
 Padam Dev, Shri (Chamba).
 Pahadia, Shri Jagan Nath Prasad (Sawai Madhopur—Reserved—Sch Castes).
 Palaniandi, Shri M. (Perambalur).

P—contd.

Palchoudhuri, Shrimati Ila (Nabadwip).
 Pande, Shri C. D. (Naini Tal).
 Pandey, Shri Kashi Nath (Hata).
 Pandey, Shri Sarju (Rasra).
 Pangarkar, Shri Nagorao Karojee (Parbhani).
 Panigrahi, Shri Chintamani (Puri).
 Panna Lal, Shri (Faizabad—Reserved—Sch. Castes).
 Parmar, Shri Karsandas Ukabhai (Ahmedabad—Reserved—Sch. Castes).
 Parmar, Shri Deenabandhu (Udaipur—Reserved—Sch. Tribes).
 Parmar, Shri Yeshwant Singh (Mahasu).
 Parulekar, Shri Shamrao Vishnu (Thana).
 Parvathi Krishnan, Shrimati M. (Coimbatore).
 Patel, Shrimati Maniben Vallabhbhai (Anand).
 Patel, Shri Nanubhai Nichhabhai (Bulsar—Reserved—Sch. Tribes).
 Patel, Shri Purushottamdas R. (Mehsana).
 Patel, Shri Rajeshwar (Hajipur).
 Patil, Shri Balasaheb (Miraj).
 Patil, Shri Nana (Satara).
 Patil, Shri Rakhmajji (Dhondiba Bhir).
 Patil, Shri S. K. (Bombay City South).
 Patil, Shri Uttamrao Laxman (Dhulia).
 Patnaik, Shri Uma Charan (Ganjam).
 Pillai, Shri S. C. C. Anthony (Madras North).
 Pillai, Shri P. T. Thanu (Tirunelveli).
 Pocker Sahib, Shri B. (Manjeri).
 Prabhakar, Shri Naval (Outer Delhi—Reserved—Sch. Castes).
 Pragi Lal, Chaudhari (Sitapur—Reserved—Sch. Castes).

P—contd.

Prasad, Shri Mahadeo (Gerakhpur—Reserved—Sch. Castes).
 Proddhan, Shri Bijaya Chandrasingh (Kalahandi—Reserved—Sch. Tribes).
 Punnoose, Shri P. T. (Ambalapuzha).
P
 Radha Mohan Singh, Shri (Ballia).
 Radha Raman, Shri (Chandni Chowk).
 Raghubir Sahai, Shri (Budaun).
 Raghunath Singh, Shri (Varanasi).
 Raghunath Singhji, Shri (Barmer).
 Raghuramaiah, Shri Kotha (Guntur).
 Rahman, Shri M. Hifzur (Amroha).
 Rai, Shri Khushwaqt (Kher).
 Raj Bahadur, Shri (Bharatpur).
 Rajiah, Shri Devanapalli (Nalgonda—Reserved—Sch. Castes).
 Raju, Shri Pusapati Vijayarama Gajapathi (Visakhapatnam).
 Raju, Shri D. S. (Rajahmundry).
 Rajyalaxmi, Shrimati Lalita (Hazari-bagh).
 Ramakrishnan, Shri Peelamedu Rangaswamy Naidu (Pollachi).
 Raman, Shri Uddaraju (Narasapur).
 Raman, Shri Pattabhi C. R. (Kumbakonam).
 Ramanand Shastri, Swami (Bara Banki—Reserved—Sch. Castes).
 Ramananda Tirtha, Swami (Anranga-bad).
 Ramaswami, Shri S. V. (Salem).
 Ramaswamy, Shri K. S. (Gobichettipalayam).
 Ramaswamy, Shri Puli (Mahbubnagar—Reserved—Sch. Castes).
 Rameshwar Rao, Shri J. (Mahbubnagar).
 Ram Garib, Shri (Basti—Reserved—Sch. Castes).
 Ram Krishan, Shri (Mahendargarh).
 Rampure, Shri Mahadevappa Y. (Gulbarga).

'R'—contd.

Ram Saran, Shri (Moradabad).
 Ram Subhag Singh, Dr. (Sasaram).
 Ranbir Singh, Ch. (Rohtak).
 Rane, Shri Shivram Rango (Buldana).
 Ranga, Shri N. G. (Tenali).
 Rangarao, Shri M. Sri (Karimnagar).
 Rao, Shri B. Rajagopala (Srikakulam).
 Rao, Shri Devulapalli Venkateswar (Nalgonda).
 Rao, Shri Etikala Madhusudan (Mahabubabad).
 Rao, Shri P. Hanumanth (Medak).
 Rao, Shri R. Jagannath (Koraput).
 Rao, Shri T. B. Vittal (Khammam).
 Raut, Shri Bhola (Champaran—Reserved—Sch. Castes).
 Raut, Shri Rajaram Balkrishna (Kolaba).
 Ray, Shrimati Renuka (Malda).
 Reddy, Shri Chegireddy Bali (Markapur).
 Reddy, Shri K. C. (Kolar).
 Reddy, Shri R. Lakshmi Narasa (Nellore).
 Reddy, Shri T. Nagi (Anantapur).
 Reddy, Shri R. Narapa (Ongole).
 Reddy, Shri Vutukuru Rami (Cuddapah).
 Reddy, Shri K. V. Ramakrishna (Hindupur).
 Reddy, Shri T. N. Vishwanatha (Rajampet).
 Roy, Shri Biren (Calcutta—South West).
 Roy, Shri Bishwanath (Salempur).
 Rungsung Suisa, Shri (Outer Manipur—Reserved—Sch. Castes).
 Rup Narain, Shri (Mirzapur—Reserved—Sch. Castes).

'S'

Sadhu Ram, Shri (Jullundur—Reserved—Sch. Castes).
 Sahodrabai, Shrimati (Sagar—Reserved—Sch. Castes).
 Sahu, Shri Bhagabat (Balasore).
 Sahu, Shri Rameshwar (Darbhanga—Reserved—Sch. Castes).
 Saigal, Sardar Amar Singh (Janjgir).
 Saksena, Shri Shibban Lal (Maharajganj).
 Salunke, Shri Balasaheb (Khed).
 Salam, Shri M. K. M. Abdul (Tiruchirappalli).
 Samanta, Shri Satis Chandra (Tamluk).
 Samantsinhar, Dr. N. C. (Bhubaneswar).
 Sambandam, Shri K. R. (Nagapattinam).
 Sampath, Shri E. V. K. (Namakkal).
 Sanganna, Shri Toyaka (Koraput—Reserved—Sch. Tribes).
 Sankarapandian, Shri M. (Tenkasi).
 Sarhadi, Shri Ajit Singh (Ludhiana).
 Satis Chandra, Shri (Bareilly).
 Satyabhama Devi, Shrimati (Nawada).
 Satyanarayana, Shri Biddika (Parvathipuram—Reserved—Sch. Tribes).
 Seindia, Shrimati Vijaya Raje (Guna).
 Selku, Shri Mardi (West Dinajpur—Reserved—Sch. Tribes).
 Sen, Shri Asoka Kumar (Calcutta—North-West).
 Sen, Shri Phani Gopal (Purnea).
 Seth, Shri Bishanchandar (Shahjahanpur).
 Shah, Shrimati Jayaben Vajubhai (Girnar).
 Shah, Shri Manubhai (Madhya Saurashtra).

S—contd.

Shah, Shri Manvendra (Tehri Garhwal).

Shakuntala Devi, Shrimati (Benka).

Shankariah, Shri M. (Mysore).

Sharma, Shri Diwan Chand (Gurdaspur).

Sharma, Shri Harish Chandra (Jaipur).

Sharma, Pandit Krishna Chandra (Hapur).

Sharma, Shri Radha Charan (Gwalior).

Shastri Pandit Hiralal (Sawai Madhopur).

Shastri, Shri Lal Bahadur (Allahabad).

Shivananjappa, Shri M. K. (Mandya).

Shobha Ram, Shri (Alwar).

Shukla, Shri Vidya Charan (Baloda Bazar).

Siddananjappa, Shri H. (Hassan).

Siddiah, Shri S. M. (Mysore—Reserved—Sch. Castes).

Singh, Shri Awadhesh Kumar (Katihar).

Singh, Shri Babunath (Sarguja—Reserved—Sch. Tribes).

Singh, Shri Chandikeshwar Saran (Sarguja).

Singh, Shri Digvijaya Narain (Pupri).

Singh, Shri Dinesh Pratap (Gonda).

Singh, Shri Har Prasad (Ghaziपुर).

Singh, Shri Kamal Narain (Shahdol—Reserved—Sch. Tribes).

Singh, Shri Kamal (Buxar).

Singh, Shri Lalsram Achaw (Inner Manipur).

Singh, Shri Mahendra Nath (Maharajanj).

Singh, Shri Rajendra (Chupra).

S—contd.

Singh, Shri Tribhuan Narayan (Chandauli).

Sinha, Shri Anirudh (Madhubani).

Sinha, Shri Bansaji Prasad (Monghyr).

Sinha, Shri Gajendra Prasad (Palamau).

Sinha, Shri Jhulan (Siwan).

Sinha, Shri Kailash Pati (Nalanda).

Sinha, Shri Satyendra Narayan (Aurangabad).

Sinha, Shri Sarangdhar (Patna).

Sinha, Shri Satya Narayan (Samastipur).

Sinha, Shrimati Tarkeshwari (Barh).

Sinhasan Singh, Shri (Gorakhpur).

Siva, Dr. M. V. Gangadhara (Chittoor—Reserved—Sch. Castes).

Sivaraaj, Shri N. (Chingleput—Reserved—Sch. Castes).

Snatak, Shri Nardeo (Aligarh—Reserved—Sch. Castes).

Sonawane, Shri Tayappa (Sholapur—Reserved—Sch. Castes).

Sonule, Shri Harihar Rao (Nanded).

Somani, Shri G. D. (Dausa).

Soren, Shri Debi (Dumka—Reserved—Sch. Tribes).

Subbaroyan, Dr. P. (Tiruchengode).

Subramanyam, Shri Tekur (Bellary).

Sugandhi, Shri Murigeppa Siddappa (Bijapur North).

Sultan, Shrimati Maimoona (Bhopal).

Supakar, Shri Shraddhakhar (Sambalpur).

Sumat Prasad, Shri (Muzaffarnagar).

Sunder Lal, Shri (Sahapur—Reserved—Sch. Castes).

Suryanarayanamurthy, Shri Misula (Golugonda).

Surya Prasad, Shri (Gwalior—Reserved—Sch. Castes).

'S'—contd.

Swarai, Shri V. N. (Chanda).
 Swaran Singh, Sardar (Jullundur).
 Syed Mahmud, Dr. (Gopalganj).

'T'

Tahir, Shri Mohammed (Kishanganj).
 Tanti, Shri Rameshwar (Sikar).
 Tangamani, Shri K. T. K. (Madurai).
 Tewari, Shri Dwarikanath (Cachar).
 Thakore, Shri Motisinh Bahadursinh (Patan).
 Thevar, Shri U. Muthuramalinga (Srivilliputhur).
 Thummaiah, Shri Dodda (Kolar—Reserved—Sch. Castes).
 Thurumal Rao, Shri M. (Kakinada).
 Thomas, Shri A. M. (Ernakulam).
 Tiwari, Shri Babu Lal (Nimar Khandwa).
 Tiwari, Shri Ram Sahai (Khajuraho).
 Tiwary, Pandit Dwarka Nath (Kesaria).
 Tripathi, Shri Vishwambhar Dayal (Unnao).
 Tula Ram, Shri (Etawah—Reserved—Sch. Castes).
 Tyagi, Shri Mahavir (Dehra Dun).
 Tyabji, Shri Saif F B (Jaina)

'U'

Uike, Shri M. G. (Mandla—Reserved—Sch. Tribes).
 Umrao Singh, Shri (Ghosi).
 Upadhyaya, Pandit Munishwar Dutt (Pratapgarh).
 Upadhyaya, Shri Shiva Datt (Rewa).

'V'

Vajpayee, Shri Atal Bihari (Balrampur).
 Valvi, Shri Laxman Vedu (West Khandesh—Reserved—Sch. Tribes).
 Varma, Shri B. B. (Champaran).
 Varma, Shri Manikya Lal (Udaipur).
 Varma, Shri Ramsingh Bhai (Nimar).
 Vedakumari, Kumari M. (Eluru).
 Venkatasubbaiah, Shri Pendekanti (Adoni).
 Verma, Shri Ramji (Deoria).
 Vijaya Raje, Shrimati (Chatra).
 Vishwanath Prasad, Shri (Azamgarh—Reserved—Sch. Castes).
 Vyas, Shri Ramesh Chandra (Bhikwara).
 Vyas, Shri Radhelal (Ujjain).

'W'

Wadiwa, Shri Narayan Maniramaji (Chindwara—Reserved—Sch. Tribes).
 Warrior, Shri K. K. (Trichur).
 Wasnik, Shri Balkrishna (Bhandara—Reserved—Sch. Castes).
 Wilson, Shri John N (Mirzapur).
 Wodeyar, Shri K G (Shimoga).

'Y'

Yadav, Shri Ram Sewak (Bara Banki).
 Yajnik, Shri Indulal Kanaiyalal (Ahmedabad).

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The Deputy-Speaker

Sardar Hukam Singh.

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Shrimati Renu Chakravartty

Shri Frank Anthony.

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Shri Shree Narayan Das

Shri B S. Murthy

Shrimati Sucheta Kripalani.

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Shri Raghubir Sahai

Shri T. B. Vittal Rao.

Shri Surendranath Dwivedy.

Shri Surendra Mahanty

Shri Jaipal Singh.

Shri Vijayarama Raju.

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Shri Asoka K. Sen.

Pandit Munishwar Dutt Uppadhyay.

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Shri Nemi Chandra Kasliwal.
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Shri V. N. Swami.
Shri M. Ayyakannu.
Shri Ram Krishan.
Shri Kamal Krishna Das.
Shri Surti Kistaiya.
Shri Rungsung Suisa.
Shri B. L. Chandak.
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Shri Chintamani Panigrahi.
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Shri Naval Prabhakar.
Shri Jeswantraj Mehta.
Shri Motilal Malviya.
Shri Kamal Singh.
Shri Atal Bihari Vajpayee.
Shri Ramji Verma.
Shri R. K. Khedilkar.
Shri P. K. Vasudevan Nair.

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Shrimati Uma Nehru.
Pandit Dwarka Nath Tiwary.

Shrimati Sucheta Kripalani.
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Shri Jiyalal Mandal.
Shri K. G. Wodeyar.
Shri Nanubhai Nichhabhai Patel.
Shri Pendekanti Venkatasubbaiah.
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Shri Krishna Chandra.
Shri Jhulan Sinha.
Shri K. R. Sambandam
Shri S A Agadi
Shri Jagan Nath Prasad Pahadia
Shri Sunder Lal
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Shri Balasaheb Patil
Shri Pramathanath Banerjee
Shri Shraddhakar Supakar
Shri Shambhu Charan Godsora.

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Shri Sinhasan Singh
Shri Jitendra Nath Lahiri
Shri Bahadur Singh
Shri T. N Viswanatha Reddy
Shri Shamrao Vishnu Parulekar
Shri Aurobindo Ghosal.
Shri J. M. Mohamed Imam
Dr. A. Krishnaswami.
Shri Braj Raj Singh

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Shri Mahavir Tyagi.
Shri Satyendra Narayan Sinha.

Shri Radha Charan Sharma.
Chaudhuri Ranbir Singh
Shri Gopalrao Khedkar.
Shrimati Sucheta Kripalani.
Shri R R Morarka.
Shri M. Thirumala Rao.
Shri J Rameshwar Rao.
Shri C R. Narasimhan
Shri Amjad Ali
Shri R Ramanathan Chettiar.
Shri Ahmed Mohiuddin
Shrimati Renuka Ray
Shri Uma Charan Patnaik
Shri Raghubir Sahai
Pandit Dwarka Nath Tiwary.
Shri Govind Malaviya
Shri R L Jangde
Shri N C Kashiwal
Shri Dodda Thimmaiah
Shri M L Dwivedi
Shri A E T Barrow
Shri V. P Nayar
Shri R K. Khadilkar
Shri B K Gaikward
Shri Shraddhakar Supakar

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Shri Resham Lal Jangde
Shri Digvijaya Narain Singh
Shri Rohan Lal Chaturvedi
Shri Maneklal Maganlal Gandhi
Shri Missula Suryanarayanamurti
Shrimati Maimoona Sultan
Shri Kamal Krishna Das
Shri A. E T Barrow
Shri K T. K Tangamani
Shri Khushwaqt Rai
Shri Bhausahab Raosaheb Mahagaonkar

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Shri U Srinivasa Malliah,
Shri Diwan Chand Sharma
Shri Chapalakanta Bhattacharyya
Shri Kanhaiyalal Khadiwala.
Shri Raghubir Dayal Misra
Shri Doraiswami Gounder
Shri Narayan Ganesh Goray.
Shrimati Parvathi M Krishnan.
Shri U Muthuramalinga Thevar

(xv)

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Shri Amar Nath Aggarwal.
Shri T. J. L. Wilson.
Shri Santosh Kumar Basu.
Shri M. V. Govindan Nair.

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Shri T. N. Singh. (Chairman)
Dr. Ram Subhag Singh.
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Shri N. G. Ranga.
Shri Radhelal Vyas.
Shri A. C. Guha.
Shri N. R. M. Swamy.
Shri Upendranath Barman.
Shri J. M. Mohamed Imam.
Shri H. C. Dasappa.
Shrimati Tarkeshwari Sinha.
Shri Prabhat Kar.
Shri Jaipal Singh.
Shri N. Siva Raj.
Shri Vijayarama Raju.

Rajya Sabha

Shrimati Pushpalata Das.
Shri P. T. Leuva.
Shri Shyam Dhar Misra.
Shri R. M. Deshmukh.
Shri M. Govinda Reddi.
Shri Jaswant Singh.
Shri J. V. K. Vallabha Rao.

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Sardar Hukam Singh.
Shri Satya Narayan Sinha.
Pandit Thakur Das Bhargava.
Shri C. R. Pattabhi Raman.
Shri Tekur Subramanyam.
Shri Radhelal Vyas.
Shri Tayappa Hari Sonavane.
Shri Shivram Rango Rane.
Dr. Sushila Nayar.
Shri K. T. K. Tangamani
Shri Purushottamdas R Patel.
Shri Amjad Ali.
Shri M. R. Masani.
Shri Bhaurao Krishnarao Gaikward.

GOVERNMENT OF INDIA

Members of the Cabinet

Prime Minister and Minister of External Affairs and also in charge of the Department of Atomic Energy.—Shri Jawaharlal Nehru.

Minister of Education and Scientific Research.—Maulana Abul Kalam Azad.

Minister of Home Affairs.—Shri Govind Ballabh Pant.

Minister of Commerce and Industry.—Shri Morarji Desai.

Minister of Railways.—Shri Jagjivan Ram.

Minister of Labour, Employment and Planning.—Shri Gulzarilal Nanda.

Minister of Finance.—Shri T. T. Krishnamachari.

Minister of Transport and Communications.—Shri Lal Bahadur Shastri.

Minister of Steel, Mines and Fuel.—Sardar Swaran Singh.

Minister of Works, Housing and Supply.—Shri K. C. Reddy.

Minister of Food and Agriculture.—Shri Ajit Prasad Jain.

Minister of Defence.—Shri V. K. Krishna Menon.

Minister of Irrigation and Power.—Shri S. K. Patil

Ministers of State

Minister of Parliamentary Affairs.—Shri Satya Narayan Sinha

Minister of Information and Broadcasting.—Dr. B. V. Keskar.

Minister of Health.—Shri D. P. Karmarkar.

Minister of Co-operation.—Dr. Panjabrao S. Deshmukh.

Minister of Mines and Oils.—Shri Keshava Deva Malaviya.

Minister of Rehabilitation and Minority Affairs.—Shri Mehr Chand Khanna.

Minister of Commerce.—Shri Nityanand Kanungo.

Minister of State in the Ministry of Transport and Communications.—Shri Raj Bahadur.

Minister of State in the Ministry of Home Affairs.—Shri B. N. Datar.

Minister of Industry.—Shri Manubhai Shah.

Minister of Community Development.—Shri Surendra Kumar Dey.

Minister of State in the Ministry of Education and Scientific Research.—Dr. K. L. Shrinani.

Minister of Law.—Shri Asoke K. Sen.

Minister of State in the Ministry of Transport and Communications.—Shri Humayun Kabir.

Deputy Ministers

Deputy Minister of Defence.—Sardar Surjit Singh Majithia.

Deputy Minister of Labour.—Shri Abid Ali.

Deputy Minister of Works, Housing and Supply.—Shri Anil K. Chanda.

Deputy Minister of Agriculture.—Shri M. V. Krishnappa.

Deputy Minister of Irrigation and Power.—Shri Jaisukhlal Lalshanker Hathi.

Deputy Minister of Commerce and Industry.—Shri Satish Chandra.

- Deputy Minister of Planning.—Shri Shyam Nandan Mishra.
Deputy Minister of Finance.—Shri B. R. Bhagat.
Deputy Minister of Education.—Dr. Mono Mohon Das.
Deputy Minister of Railways.—Shri Shah Nawaz Khan.
Deputy Minister of External Affairs.—Shrimati Lakshmi N. Menon.
Deputy Minister of Home Affairs.—Shrimati Violet Alva.
Deputy Minister of Defence.—Shri Kolha Raghuramaiah.
Deputy Minister of Food and Agriculture.—Shri A. M. Thomas.

LOK SABHA DEBATES

Vol. III First Day of the Second Session of the Second Lok Sabha [No. 1]

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LOK SABHA

Monday, 15th July, 1957

The Lok Sabha met at Eleven of the Clock.

[MR SPEAKER (Shri M. A. AYYANGAR) in the Chair]

MEMBERS SWORN

Shri Lachman Singh (Nominated—
Andaman and Nicobar Islands)

.

Shri Padam Dev (Chamba)

Shrimati Vijaya Raje (Chattri)

Shrimati Rajyalaxmi (Hazaribagh)

Shri Ramakrishnan (Pollachi)

Shri Nek Ram (Mahasu—Reserved—
Sch Castes)

Shri Y. S. Parmar (Mahasu)

ORAL ANSWERS TO QUESTIONS

Design for Charkha

*1. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of specimens received so far in response to the announcement made by the All India Khadi and Village Industries Board to offer an award of rupees one lakh for inventing an improved Charkha;

(b) whether any specimen has been received that fulfils all or most of the conditions, and

(c) if so, the names of persons who invented it and the characteristics of the improved Charkha?

The Minister of Commerce (Shri Kanungo): (a) No specimen or model has been received so far. But 43 entrants have submitted diagrams and other details of the models evolved by them. These have not yet been scrutinised. Since a number of enquiries are still being received, the closing date for entries has been extended to the 31st of July, 1957.

(b) and (c) Do not arise.

Shri D. C. Sharma: May I know if the All India Khadi and Village Industries Board has any technical agency to think of improvements in the Amber Charkha and, if so, what results they have achieved so far?

Shri Kanungo: The Khadi Commission have got their own research institution at Wardha and they have also been trying for improvements.

सेठ गोविन्द दास क्या इन नए नमूनों
में सम्मेलन चले और उसी तरह के दूसरे डेज़
के चले जाऊँगे रहे हैं—पर भो. विचार दिया
जायेगा।

श्री दासजी यह न स्पनिंग वहील
'चर्क' का इमा-मेट है। इसमें सम्मेलन चले
और जो दूसरे किन्हीं विस्म के स्पनिंग हैं
इसमें (बनाई के बाजार) है उन्हीं भी
चर्का हो रही हैं।

Shri B. S. Murthy: May I know whether there is any time-limit for the entries and also whether any committee has been constituted to go into these diagrams and models sent?

*Expunged as ordered by the Chair

Shri Kanungo: Yes, the time-limit has been extended to the 31st July, 1957. And a committee has been appointed to scrutinise the projects, consisting of Shri Mahavir Tyagi and others.

डा० राम सुभग सिंह एक नये प्रकार के चक्के का निर्माण के लिए एक लाख रुपये के ऋण की बीरगा करना क्या खादी और प्रामोदोग के निदानों के अनुकूल है।

श्री कानूनगो जी हा, वही तो यह कर रहे हैं?

Workers' Participation in Management

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- *2. { **Pandit D. N. Tiwari:**
Shri Shree Narayan Das:
Dr. Ram Subhag Singh:
Shri Mahanty:

Will the Minister of Labour and Employment be pleased to state:

(a) whether the report of the Study Group on workers' participation in management led by Shri Vishnu Sahay has been considered by Government; and

(b) if so, their decision on the main recommendations?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). The report was discussed by the Indian Labour Conference last week. It will be taken up for consideration by Government in the light of the recommendations made by the conference

Pandit D. N. Tiwari: May I know whether anywhere or in any industry there is workers' participation in industry in India?

Shri Abid Ali: Yes, Sir, in Jamshedpur.

Pandit D. N. Tiwari: What has been the experience gained so far from that participation?

Shri Abid Ali: It was started only recently, and it is too early to say how far it has succeeded or otherwise

Dr. Ram Subhag Singh: May I know whether the conference to which the Minister made a reference, has decided not to legislate immediately regarding the workers' participation in management?

Shri Abid Ali: It was agreed that this scheme should be adopted voluntarily for two years, and in the light of the experience which will be gained during these two years further steps will be decided upon.

Shrimati Tarkeshwari Sinha: May I know whether any such scheme has already been introduced in the State of Kerala and how far it has proved to be successful?

Shri Abid Ali: That information is not available with me.

Shri Sadhan Gupta: May I know how long Government will take to select the industry or industries in which this experiment is going to be tried out?

Shri Abid Ali: It was decided at the Conference that the workers' and employers' representatives themselves will fix up about fifty establishments in which this will be tried.

Shri Tangaman: May I know whether the industries chosen will be only private industries or also nationalised industries?

Shri Abid Ali: Both

Shri Shree Narayan Das: May I know how long it will take to come to final decisions regarding all the recommendations made?

Shri Abid Ali: Probably within a couple of months

Pandit D. N. Tiwari: May I know which countries were visited by this delegation led by Shri Vishnu Sahay and what were their remarks about participation of labour in other countries?

Shri Abid Ali: The report was placed on the Table of the House on the 29th May, 1957. The hon. Member will find the details there.

प्रधान मंत्री का निवास स्थान

*३ { श्री म० सा० द्विवेदी
श्री रघुनाथ सिंह
श्री अक्षय वर्मा
श्री विमल सिंह

क्या निर्धारित, आवास और सम्बरण मंत्री यह बताने की कृपा करेंगे कि प्रधान मंत्री के लिये जो नया मकान बनाया जा रहा है उसके व्यय का क्या अनुमान है ?

निर्धारित, आवास और सम्बरण मंत्री (श्री अनिलकुमार वर्मा) मकान का नकशा और व्यय का अनुमान अभी निश्चित नहीं किया गया है।

Shri B. S. Marthy: Sir, the answer may be given in English also

Mr. Speaker: The Minister will kindly give the reply in English also

Shri Anil K. Chanda: The plan and estimate have not yet been finalized

श्री म० सा० द्विवेदी: क्या मैं जान सकता हूँ कि जो यह नया मकान बनाया जा रहा है जिसमें प्रधान मंत्री महोदय अभी रहते हैं, इस दोनो के मूल्यों में क्या कमी पड़ेगी, और अगर प्रधान मंत्री महोदय दूसरे मकान में चले जायेंगे तो खर्च में क्या कमी हो जायगी

Mr. Speaker: The cost has not yet been estimated. How can he make a comparison?

श्री म० सा० द्विवेदी: जदा तक मेरा स्थान है यह मकान इस लिए बनाया जा रहा है कि उपर मगर कुछ विनियमना होगी—खर्च में कुछ कमी होगी—और अगर ऐसा न होता जाना, तो नया मकान बनाने का सुझाव ही न आता। इसीलिए मैं यह जानना चाहता हूँ कि नए मकान का मूल्य क्या होगा और खर्च में क्या कमी होगी।

प्रधान मंत्री तथा संबन्धित कार्य मंत्री (श्री जवाहरलाल नेहरू) इस सवाल का जवाब संकटक एक प्राव फिक में तो नहीं

दिया जा सकता है। इस का यह एक जरूरी हिस्सा है कि खर्च में कमी होगी, लेकिन वह खर्च की कमी सीधे ही नहीं होगी, बल्कि इस के अलावा जो और इस्तराजात होते हैं, उन में बहुत कमी होगी। मसलन बाब मकानों के लिए जो मिक्योरिटी इन्तजामात होने हैं, वे बहुत भारी होते हैं, उन में बहुत कमी हो सकती है। चुनावों सब मिला कर खर्च में बहुत कमी होने की उम्मीद है। लेकिन खर्च के अलावा के अलावा और बज्जहत से भी यह मुनासिब समझा गया कि प्रिम मिनिस्टर के लिए एक छोटा मकान बनाया जाये।

Property of Poet Tagore in East Bengal

*4. Shri Radha Raman: Will the Prime Minister be pleased to state

(a) whether Government have received any reply from Pakistan Government regarding the reported acquisition and disposal by auction of the ancestral property of Poet Tagore in East Pakistan, and

(b) if so, the nature of the reply received?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):

(a) No, Sir. The Branch Secretariat of the Minister for Minority Affairs at Calcutta, who took up the matter with the Pakistan Branch Secretariat at Dacca, in February, 1957, are still awaiting a reply

(b) Does not arise

Shri Radha Raman: May I know whether the Government of India, while seeking a reply from the Pakistan Government, have suggested that this property should be acquired for a specific purpose and should be utilised for a specific purpose being very sacred for the Indians?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sometime back, the Chief Minister of East Pakistan passed

through Delhi and he himself expressed the opinion that this property should be acquired by the Pakistan Government and converted into a national museum. He was generally informed by the Santiniketan authorities that in such a case they would receive every help from Santiniketan.

Shri A. C. Guha: May we assume from the reply of the Prime Minister that there is no danger of that house being auctioned to some private party for some private use and that it will be preserved for public use either by the Pakistan Government or the Government of India?

Shri Jawaharlal Nehru: How can we give an assurance. I have merely stated what the Chief Minister of East Pakistan told us and it is for him to give an assurance or not.

Shri H. N. Mukerjee: Since the East Pakistan shares with India her sense of the value of the legacy of Tagore, shall we make some friendly approaches to make sure that the relics associated with the poet's life in East Pakistan are looked after, particularly in view of the celebrations of the poet's birth centenary we are going to have in 1961?

Shri Jawaharlal Nehru: That is exactly what is being done and will continue to be done.

Shri A. C. Guha: May we at least ask the Prime Minister to give us some idea as to the attitude of the Government of India in case the Pakistan Government wants to dispose it off to private parties? Would the Government intervene to take it over for the Government of India?

Shri Jawaharlal Nehru: It is a hypothetical question. Obviously, in dealing with a foreign country, the Government of India has to take into consideration many factors.

Mr. Speaker: Next question.

Shri A. C. Guha: The Government of India can at least make an offer to the Pakistan Government that it is ready to purchase the house.

Plantation Inquiry Commission

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*5. { **Shrimati Parvathi Krishnan:**
Shri T. B. Vittal Rao:
Shri Maniyangadan:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No 129 on the 17th May, 1957 and state:

(a) whether Government have since taken a decision with regard to the Report of the Plantation Inquiry Commission; and

(b) if so, what are the main recommendations accepted and whether any action has been initiated in this regard?

The Minister of Commerce (Shri Kanungo): (a) and (b) Government's decisions on the Plantation Inquiry Commission's report on the tea industry have been announced in a Resolution published on the 1st July, 1957. Reports on Coffee and Rubber are still under examination.

Shri Punnoose: Is it a fact that these recommendations were examined by the Tea Board and that many of them were approved and is it a fact that even those approved recommendations were rejected by the Government?

Shri Kanungo: The recommendations were discussed by the Tea Board. They run into more than 150 items. Various Ministries discussed them and the Resolution of the Government of India has been published.

Shri V. P. Nayar: Could we know how many such recommendations have been rejected and for what reasons?

Shri Kanungo: Giving the reasons will take a long time. Roughly, 28 recommendations have not been accepted.

Shri Sadhan Gupta: Is it a fact that Government itself admitted that the Plantation Enquiry Commission had gone very thoroughly into the matters and if so, what were the reasons for rejecting the most important recommendations?

Mr. Speaker: The hon Minister just stated that it will take a long time. If, however, the hon Members want the reasons, he may lay on the Table a statement.

Shri Kanungo: An opportunity to discuss them will come in the course of the Budget Debate or on a particular motion

Mr. Speaker: If he has no objection, he can place a note on the Table of the House

Shri Kanungo: As you direct, Sir, I shall place a note but it will be rather lengthy

Shrimati Renu Chakravarty: May I make a suggestion? He says that it will take a long time to discuss the points which have been rejected. In view of the fact that some major recommendations of a Commission set up by the Government of India had been rejected, could we not have a proper debate on it on a motion for two or three hours?

Mr. Speaker: That is a matter for consideration. In the meanwhile, I am asking the hon Minister to place a note on the Table of the House or a memorandum. It will give the reasons for not accepting some of these recommendations. Thereafter the question will arise whether we should have a discussion or not and the hon Members know how to move the Chair.

Shrimati Parvathi Krishnan: How soon can we expect this note?

Shri Kanungo: Within a week. As a matter of fact, most of the reasons have been mentioned in the resolution itself and it is in the library.

Cigar Industry

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*8. { **Shri A. K. Gopalan:**
Shri Narayanankutty Menon:

Will the Minister of Commerce and Industry be pleased to state.

(a) whether it is a fact that licences for the unmanufactured wrapper Tobacco for cigar industry for actual users have been stopped;

(b) whether Government have received any representations from cigar manufacturing firms regarding the hardships felt by them on this account, and

(c) if so, the action taken thereon?

The Minister of Industry (Shri Manubhai Shah: (a) Yes, Sir

(b) Yes

(c) The matter is under consideration

Shri A. K. Gopalan: May I know whether the Government is aware that the failure to give import licences for wrapper tobacco will affect our foreign exchange and also cause large-scale unemployment?

Shri Manubhai Shah: We are very careful about it and we are trying to get this wrapper tobacco under the Public Law 480 of the United States.

Travancore-Cochin Banking Enquiry Committee Report

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*7. { **Shri Warior:**
Shri Kunhan.

Will the Minister of Labour and Employment be pleased to refer to the reply given to Starred Question No 396 on the 27th May, 1957 and state

(a) whether Government have been successful in persuading the banks concerned to give effect to the recommendations of Travancore-Cochin Banking Enquiry Committee;

(b) if not, which are the banks that have not agreed to implement them, and

(c) when Government propose to bring the necessary legislation to enforce the recommendations?

The Deputy Minister of Labour (Shri AMd Ali): (a) and (b). Out of four 'C' class and 12 'D' class banks, the following four banks have not yet implemented the decision of Government on the recommendations of the Travancore-Cochin Banking Inquiry Commission:

1. Catholic Syrian Bank Ltd., Trichur.
2. South Indian Bank Ltd., Trichur.
3. Ambat Bank Ltd.
4. Cochin National Bank Ltd.

No reply has been received from the management of the Cochin Union Bank Ltd.

(c) It is proposed to introduce necessary legislation to give effect to the decision of the Government on the recommendations of the Travancore-Cochin Banking Inquiry Commission in this matter, during the current session of Parliament.

Shri Prabhat Kar: Considering the circumstances under which the Travancore-Cochin Banking Enquiry Committee was appointed, may I know whether the Government of India would take immediate steps to see that those banks which have not implemented the award will do so?

Shri Abid Ali: The banks have already been requested to implement the award. Some of them are not implementing and we are introducing legislation to make it compulsory.

Rehabilitation of Displaced Persons from East Pakistan

Shri Dasappa: Along with the next question, No. 8, question No. 21 may also be taken up.

Mr. Speaker: They can be taken up together if the hon. Minister is willing to take them together.

*8. Shri H. C. Mathar: Will the Minister of Rehabilitation and Minority Affairs be pleased to lay a statement showing:

(a) the number of East Pakistan displaced persons taken by each State so far and the expenses incurred on them by the Government of India in each State; and

(b) the number of persons proposed to be rehabilitated in each State according to the present plans and the amount proposed to be spent?

The Parliamentary Secretary to the Minister of Rehabilitation and Minority Affairs (Shri P. S. Naskar): (a) A statement is laid on the Table of Lok Sabha. [See Appendix I, annexure No. 1].

(b) According to the present plans it is proposed to rehabilitate all displaced persons at present in the States indicated in the statement locally except in West Bengal where it may become necessary to disperse some displaced persons particularly those in camps to other States for whom rehabilitation in the economy of West Bengal may not be possible. Future migrants from East Pakistan will also be taken to States other than West Bengal for rehabilitation. The ultimate number of displaced persons to be rehabilitated in each State cannot be precisely indicated as it will depend on the future influx and the capacity of each State to take in more displaced persons. The amount which will be required to be spent on rehabilitation will also depend on the rate of influx and the progress of rehabilitation schemes from year to year.

Refugees in West Bengal

*21. Shri H. N. Mukerjee: Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) the number at present of refugees for whom land cannot be found in West Bengal for their rehabilitation;

(b) what is the accommodation at present available for refugees in (i) Assam, (ii) Bihar, (iii) Orissa, (iv) Andhra, (v) Madhya Pradesh, and (vi) other Indian States; and

(c) by what time does Government expect to have at their disposal lands which would accommodate refugees considered surplus in West Bengal?

The Parliamentary Secretary to the Minister of Rehabilitation (Shri P. S. Naskar): (a) to (c) The information is not readily available as it has to be collected from a number of States. When available it will be placed on the Table of Lok Sabha.

Shri H. C. Mathur: What is the number of refugees which the Government have on their lists for rehabilitation, and may I know whether any decision was taken in respect of them by the National Development Council?

Shri P. S. Naskar: In the statement in answer to part (a) of question number 8, the number of displaced persons taken in the various States from East Pakistan is shown as 42.7 lakhs.

Shri H. C. Mathur: That is the number of refugees who have already been rehabilitated. It is stated that they have taken 42.7 lakhs refugees and they have spent more than Rs. 100 crores. My question relates to part (b) of the main question. I want to know how many refugees the Government have on hand for rehabilitation now, what is the plan in respect of them, and whether the National Development Council discussed this matter and came to any conclusion.

Shri P. S. Naskar: The hon. Member presumes that all the 42 lakhs refugees have been rehabilitated. That is not a fact. This is only the total number of refugees, a part of which has been rehabilitated. I can give the number of families that have already been rehabilitated on land. Till the end of 1956 about 4,33,000 families have been settled on land and on other ancillary rural occupations. I think, Sir, the hon. Member is referring to the AMPO Scheme, which is also known as the Dandakaranya Scheme. Since the pro-

blem of displaced persons is a national one the Government is considering the question of rehabilitating the refugees from Pakistan in an area of about 80,000 square miles in the States of Andhra Pradesh, Madhya Pradesh and Orissa, better known as Dandakaranya.

Shrimati Bena Chakravartty: May I know in answer to part (a) of question number 21 whether the Government of West Bengal has with it the total area of fallow land that is available within West Bengal, and whether any further report is available, after the figure that has been shown in the sub-committee's report, as to the amount of land available in West Bengal?

Shri P. S. Naskar: No such figures are available at the moment. If a separate question is tabled on that point, I shall collect those figures.

Shrimati Bena Chakravartty: May I know the amount that is being spent on the reclamation of land in other States? Has the Government worked out the expenditure per acre on the reclamation of land in States other than West Bengal?

Shri P. S. Naskar: As I have already said, those figures are not readily available with me at the moment. I will collect them if a separate question is tabled on that point.

Shri Bimal Ghose: I presume the hon. Parliamentary Secretary stated that it is the policy of the Government now not to allow any East Bengal refugees in West Bengal, Tripura and Assam. Do I understand that before migration certificates are granted in East Pakistan it is made a condition that nobody will be allowed to go to these States?

Shri P. S. Naskar: There is no definite policy at the moment. West Bengal Government cannot entertain those who will be coming without migration certificates. Those who are in camps inside West Bengal will be given assistance, if necessary, and will be sent to other States.

Shri Bimal Ghose: Am I to understand that there are people coming

without migration certificates to these States?

Shri P. S. Naskar: At the moment we do not entertain such cases.

Shri Bimal Ghose: I do not understand this. The hon. Parliamentary Secretary states that anybody coming here cannot be prevented from coming, and at the same time he says that nobody can come without migration certificate. What is the Government's policy in not allowing refugees to go to these States?

Shri P. S. Naskar: Sir, I would require notice to answer that question.

Shri Dasappa: Is it not a fact that when some States were willing to rehabilitate the refugees the refugees showed a marked reluctance to leave West Bengal and go to other States?

Shri P. S. Naskar: It is quite natural for the East Pakistan Displaced persons to be within the State of West Bengal.

Shri Dasappa: Then, may I know how they propose to rehabilitate the refugees in Dandakaranya, and of what use would these 80,000 square miles be if the refugees are not willing to move out there?

Shri P. S. Naskar: Those refugees who are willing to go to other States will be sent out to other States including Dandakaranya.

Shri Sadhan Gupta: May I know whether the refugees who are proposed to be sent out of West Bengal are those who have arrived after a certain date, and if so what is that dead line?

Shri P. S. Naskar: Refugees from the camps in West Bengal are sent out. I have not got the details here to find out whether refugees are picked out according to their date of arrival, whether refugees who arrived before a specific period are picked out for that purpose.

Shrimati Renuka Ray: Is it a fact that when proper preliminary arrangements are made for refugees from East Pakistan, as was done in Andamans and UP., they are not averse to going to other States?

Shri P. S. Naskar: I should like to say that there are not much desertions if the conditions are examined before they are sent.

Shri Sadhan Gupta: In answer to part (a) of question number 21 the hon. Parliamentary Secretary said that the information is not available. Is he aware that the refugees are naturally willing and are anxious to stay in West Bengal as far as possible and, if so, how can he decide on the target and the number to be sent out without first ascertaining the possibilities of rehabilitation in West Bengal itself?

Mr. Speaker: The hon. Member is going into arguments. The hon. Parliamentary Secretary has stated that whoever is willing to go he is prepared to send.

Shri H. N. Mukerjee: Since it is quite apparent that arrangements are not ready to accommodate such refugees from East Bengal who can be accommodated in States other than West Bengal, do we take it that for the time being Government has no firm policy in regard to those refugees whom they proclaim to be surplus to West Bengal?

Shri P. S. Naskar: I do not accept the statement of the hon. Member. The plan is ready to send refugees outside West Bengal. As a matter of fact, about five lakh acres of land were offered by different States, about two lakh acres of land have been selected and certain schemes sanctioned. A number of families have also been sent to different places. There are certain other schemes which are under consideration and more families will be sent out.

Shri H. N. Mukerjee: Will the Government please tell us if any change has happened since December 1956, when we were told in this House that there were about 20,000 acres in Madhya Pradesh earmarked for rehabilitation purposes which were in the midst of reserved forests and were inaccessible on account of lack of roads and bridges? Have any roads and bridges been constructed in that area?

Shri P. S. Naskar: The land is being developed, and I would request the

hon. Member to wait and hear the answer to question number 9.

Rehabilitation of Displaced Persons from East Pakistan

*9. Shrimati Ha Palchoudhuri: Will the Minister of Rehabilitation and Minority Affairs be pleased to state—

(a) whether it is a fact that it is proposed to rehabilitate displaced persons from East Pakistan in Madhya Pradesh;

(b) if so, their number;

(c) the names of places where it is proposed to rehabilitate them;

(d) whether any families have recently been sent there;

(e) if so, their number,

The Parliamentary Secretary to the Minister of Rehabilitation and Minority Affairs (Shri P. S. Naskar): (a) to (c) A note is laid on the Table of Lok Sabha [See Appendix I, annexure No. 2].

(d) and (e) Yes 264 displaced families have been sent to the rehabilitation colonies so far

Shrimati Ha Palchoudhuri: From the time it was sanctioned, may I know what development has actually taken place in Madhya Pradesh to settle the refugees, so that they may not desert the camps?

Shri P. S. Naskar: There are four schemes in Madhya Pradesh at the moment. The schemes in Dharmajagarh and Ambikapur are being implemented. Some of the lands have been reclaimed by the CTO. As stated in the statement, about 264 families have already moved there. Regarding the other schemes which have been given in the statement, not much progress has been made so far.

Shri H. N. Mukerjee: May I ask, since only sanction has been accorded for rehabilitation in Madhya Pradesh, how much time will elapse between sanction and actual achievement, particularly in view of Dandakaranya

having to wait a long time for Ramachandraji to set his foot there?

Shri P. S. Naskar: I did not say that sanction has been accorded, so far as these schemes in Madhya Pradesh are concerned. In answer to parts (d) and (e), I said that already 264 displaced families have been sent to the rehabilitation colonies in Madhya Pradesh.

Shrimati Ha Palchoudhuri: May I know when 264 families have been sent there, what arrangements for earning their livelihood have been made, what industries have been put up and what procedure has been followed by the Government?

Shri P. S. Naskar: Mostly agricultural families are sent there; a few non-agricultural families are also sent, but they have been given proper training. The Government always see that they get proper training with proper scope of employment.

Shrimati Benu Chakravartty: Is Government aware that in the West Bengal Assembly, a resolution could not be passed supporting this Dandakaranya scheme, because the West Bengal Government was not posted at all with the facts of this scheme? They have requested that details of this scheme should be made available to them. May we know whether a statement will be laid on the Table of this House giving a time-schedule and also the actual specific work which is proceeding in connection with this scheme?

Shri P. S. Naskar: I require notice to answer this question.

हाथ का बना हुआ बनागमी वस्त्र

*१० श्री रूप नारायण : क्या दक्षिण तब उद्योग मंत्री यह बनाने की कृपा करेंगे कि

(क) गन तीन वरों में कितना हाथ का बना बनागमी वस्त्र विदेश भेजा गया ;

(ख) क्या विदेशों में हाथ के बने बनागमी वस्त्र खरीदने की रुचि पहने की अपेक्षा अधिक बढ़ी है; और

(ग) क्या सरकार ने विदेशों में बनारसी वस्त्र की बिक्री अधिक बढ़ाने के लिये कोई प्रयत्न किया है ?

बालिष्ठ मंत्री (श्री कामुनगो) : (क) इसकी कोई जानकारी उपलब्ध नहीं है क्योंकि निर्यात के आंकड़े राज्यों के अनुसार या वस्तु की किस्म के अनुसार नहीं रखे जाते।

(ख) हथकरघे से बनी वस्तुएं आमतौर पर विदेशों बाजारों में लोकप्रिय हो गयी हैं।

(ग) हथकरघे में बनी चीजों का निर्यात बढ़ाने के लिये जो उपाय किये गये हैं, वे बनारसी वस्त्र पर भी लागू होते हैं।

I shall read the answer in English also

(a) No information is available as export statistics are not maintained State-wise or variety-wise.

(b) Handloom goods have generally become popular in foreign markets.

(c) Measures adopted for export promotion of handloom goods cover also Banarsi cloth.

श्री कमल नारायण : क्या मैं जान सकता हूँ कि सरकार ने विदेशों में बनारसी कपड़े की बिक्री बढ़ाने के लिये क्या इन्तजाम किया है और सरकार ने क्या इस बात का पता लगाने का प्रयत्न किया है कि किस तरीके से बनारसी कपड़े का व्यापार बढ़ाया जा सकता है ?

श्री कामुनगो : हथकरघे में बनी चीजों का निर्यात बढ़ाने के लिए जो उपाय किये गये हैं, वे बनारसी वस्त्र पर भी लागू होते हैं और बनारसी कपड़े का निर्यात बढ़ रहा है।

श्री कमल नारायण : मैं यह जानना चाहता था कि बनारसी कपड़े के विषय में क्या कोई विशेष प्रबन्ध सरकार द्वारा किया गया है ?

श्री कामुनगो : बनारसी कपड़े के विषय में खास तौर से इन्तजाम नहीं हो सकता है

और न हुआ है। वैसे हथकरघे से बने कपड़े रेशमी और सूती दोनों किस्म के कपड़े का निर्यात बढ़ाने के लिए काफी इन्तजाम हो रहा है।

Shri T. N. Singh: May I know whether it is a fact that sometime ago the U.S.A. banned the import of Banarsi silk goods following certain inflammability tests. What is the position today? Are those varieties of goods being allowed to be exported to U.S.A. or not?

Shri Kanungo: Some varieties were subjected to import regulations of the U.S.A., particularly in regard to inflammability. There has been a certain arrangement by which some type of change has been made.

Shrimati Tarkeshwari Sinha: In view of the fact that there is a wide variation of prices of Banarsi cloth, even when the foreigners go to Banaras and want to purchase cloth, their money is not spent because there such a wide variation of prices. Does Government propose to establish some centres where the price can be controlled and systematised?

Shri Kanungo: The variations are inherent in the type of cloth produced in Banaras because of the artistic patterns. So far as prices are concerned, the Fabric Society runs a store in Bombay where the best goods are classified and priced.

Shrimati Tarkeshwari Sinha: I asked about Banaras and the hon. Minister is referring to Bombay.

Shri Kanungo: There are stores in U.P. and other places run by the Handloom Board where Banarsi cloth is classified and prices fixed.

Shri T. N. Singh: As a result of the lifting of that restriction, what additional quantity of cloth it has been possible to export?

Shri Kanungo: We do not keep export statistics variety-wise.

Shrimati Ha Palchoudhuri: Is the Government aware that supply of

Banarasi cloth to foreign markets is somewhat retarded because of the width of the cloth that is manufactured in Banaras? Is there any attempt to supply cloth in the width that is demanded in foreign markets?

Shri Kanungo: A constant effort is made to study the demands of the foreign markets and produce cloth accordingly.

Unemployment

*11. **Shri Jhulan Sinha:** Will the Minister of Labour and Employment be pleased to state the extent to which unemployment in the country has been so far relieved during the last five years as a result of the various measures taken by Government?

The Deputy-Minister of Labour (Shri Abid Ali): Adequate statistics are not available to show the extent to which unemployment has been relieved.

Shri Jhulan Sinha: May I know if there is any reduction in the extent of unemployment or not?

Shri Abid Ali: The number of persons employed is more and at the same time, unemployment is increasing.

Shri B. S. Mnrtthy: May I know whether, besides the employment exchanges, the Government has any other machinery by means of which the rate of securing employment is being gauged?

Shri Abid Ali: There is the National Sample Survey.

Shri D. C. Sharma: May I know whether the Government of India has been carrying on any sample survey in the different sectors of our population? If so, what has been the result of those sample surveys?

Shri Abid Ali: The ninth round of the national sample survey has been started and the report will be available in 1958.

Annual Plan and Central Assistance

*12. **Shrimati Tarakeshwari Sinha:** Will the Minister of Planning be pleased to state:

(a) whether Planning Commission have decided to evolve some procedure for the preparation of annual plan and for allocation of central assistance;

(b) if so, the progress that has been made in the direction; and

(c) whether any committee has been appointed for implementing this decision?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) Yes, Sir

(b) and (c) The question of evolving suitable procedure for the preparation of annual plan and for the allocation of Central assistance has been continuously under examination since January, 1956 when a conference of the Planning Secretaries convened by the Planning Commission appointed a committee consisting of the Advisers, Programme Administration, Planning Commission, Planning Secretaries of certain States and other officials of the Planning Commission and Finance Ministry. The committee's recommendations regarding the procedure for the preparation of annual plan of the States were considered in the conference and certain proposals were accepted. These formed the basis of the procedure adopted for the preparation of the development programme for 1957-58. Deficiencies and difficulties revealed by actual experience of the working of the procedure were discussed again with the Planning Secretaries of the States in June, 1957 and a number of suggestions for improving the procedure were made. A small committee of officers of the Planning Commission and the Ministry of Finance is examining these suggestions to evolve a more satisfactory procedure for the preparation of the annual Plan for 1958-59.

Shrimati Tarakeshwari Sinha: With reference to the answer given by the hon. Minister, may I know how many

States have so far agreed to have their own annual plans and to recast their Five Year Plan on this new basis and how many States have not agreed?

Shri S. N. Mishra: I could not get the import of the question.

Shrimati Tarkeshwari Sinha: In view of this recommendation that all the States also must have their annual plans, I have asked how many States have so far agreed to recast their Second Plan on the annual basis and how many States have not so far agreed.

Shri S. N. Mishra: I do not quite understand how the question of recasting arises because of the formulation of annual plans. The annual plans are meant, of course, for taking into account the economic realities as they arise from year to year. To that extent, they would certainly reflect a certain amount of adjustment that would be necessary within the framework of the Five Year Plan.

Shrimati Tarkeshwari Sinha: In view of the serious financial difficulties faced by almost all the State Governments, as indicated by the deficit budgets, how many States Governments have pruned their plans? Has the Government any information as to how far they have been pruned?

Shri S. N. Mishra: The question of the pruning of the Plan has not so far arisen. It may be that the stress on priorities might differ in view of the existing conditions. That is what has happened so far. But, the question of pruning has not so far arisen.

Shri Bimal Ghose: May we know by what time we may expect the annual plans to be supplied to us?

Shri S. N. Mishra: I think the hon. Member refers to the annual plan for the current year. I think it would take about two or three months time although according to our present

schedule, it should have come out at the end of July.

Shri Bimal Ghose: Does that mean that from the next year, we shall have the annual plan along with the Budget papers?

Shri S. N. Mishra: The present idea is that it should come out at the end of July.

Shri E. Ramanathan Chettiar: May I know whether the Planning Commission will evolve some procedure for the preparation of the annual plan and whether, in the allocation of Central assistance, they would sympathetically consider such of those areas in the south which are backward in the sphere of development?

Shri S. N. Mishra: The Planning Commission has always sympathy for the backward areas. In fact, the States concerned themselves are anxious to put forward proposals to the Planning Commission who consider them with the utmost sympathy.

Shrimati Renu Chakravarty: What is the last date that the Central Government has given to the State Governments for sending in their recommendations for the annual plan?

Shri S. N. Mishra: I can only tentatively say at this stage, that is not firm. We are in the midst of it since a Committee consisting of three persons is now going into the whole matter very thoroughly. The Committee will settle as to how they will finally submit. According to our tentative procedure, they would be submitting by March.*

Shri Panigrahi: How many States in India have spent the annual quota allotted to them by the Centre, for the Second Plan, in the first year of the Second Plan? In how many States is there a short fall?

Shri S. N. Mishra: The Progress reports will indicate to what extent the States have been able to use the allocations made.

*This answer was subsequently corrected by the Deputy Minister of Planning to read as 'The time-limit for the submission of the annual plans by the States, in complete details, is the end of May and not the end of March' vide col 3434

काठमाण्डू जाने वाले भारतीय तीर्थयात्री

*१३. श्री बिभूति मिश्र : क्या प्रधानमंत्री यह बताने की कृपा करें कि :

(क) प्रत्येक वर्ष शिवरात्रि के अवसर पर काठमाण्डू जाने वाले लाखों भारतीय तीर्थयात्रियों की महायत्तार्थ रकमों (भारत) और काठमाण्डू (नेपाल) के बीच मुख्य-मुख्य स्थानीय पर स्वास्थ्य सेवाओं के द्वारा निःशुल्क चिकित्सा महायत्ता देने की कोई योजना सरकार के विचारार्थ है ; और

(ख) यदि हा, तो उसका स्वरूप क्या है ?

वैदेशिक कार्य विभाग (अ.स.से. रक्षो बेलन) . (क) और (ख) ऐसी कोई भी योजना भारत सरकार के विचारार्थ न नहीं है ।

I shall also read the answer in English

(a) and (b). There is no such scheme under contemplation of the Government of India

श्री बिभूति मिश्र मैं जानना चाहता हूँ कि सारे भारत में लाखों की तादाद में जो हिन्दुस्तानी शिव रात्रि के वक्त नेपाल में काठमाण्डू को जाते हैं और जिन को हैजे और बुखार की बीमारीयों होती हैं, क्या उनके लिए सरकार दवा का कोई इन्तजाम नहीं कर सकती ?

अब न मन्त्रः तथा वैदेशिक कार्य मन्त्रों (श्री जवाहरलाल नेहरू) शायद इससे ज्यादा तादाद में लोग तिब्बत में कैलाश और मानसरोवर जाते हैं, लेकिन कोई खास ऐसा सवाल बहा भी नहीं उठा है । जहाँ तक हिन्दुस्तान की जमीन है, वहाँ कुछ न कुछ इन्तजाम जरूर होता है, और है भी, लेकिन एक दूसरे देश में इन्तजाम करना हमारे लोगों के लिए नए सवाल पेश करता है ।

श्री बिभूति मिश्र : जब लोग हज करने के लिए जाते हैं, तो हाजी लोगों के लिए जैसे सरकार मैडिकल एड देती है, उसी तरह से शिव रात्रि के वक्त क्या काठमाण्डू में इन्तजाम नहीं कर सकती ?

श्री जवाहरलाल नेहरू जी नहीं, यह बिल्कुल एक दूसरा सवाल है और वह बम्बई में, जहाँ बहुत सारे लोग जमा होते हैं, दी जाती है, मेरा स्थान है कि और कोई खान मैडिकल एड नहीं दी जाती । मुझे ठीक याद नहीं है, लेकिन कुछ इन्तजाम दूसरी तरफ भी होता है क्योंकि बीमारी बगीरह के कैंपेज हुए, और दिक्कतें पेश आई । लेकिन वह बिल्कुल दूसरे बग की चीज है । यह सवाल आज तक किसी ने नहीं उठाया, माननीय सदस्य ने पहली दफा इस की तरफ इशारा किया है ।

श्री बिभूति मिश्र मैं जानना चाहता हूँ कि क्या सरकार इस बारे में कोई आश्वामन दे सकती है क्योंकि नेपाल हमारे बाड़ें पर है और वहाँ का मैं रहने वाला हूँ ।

श्री जवाहरलाल नेहरू यह तो बड़ी खतरनाक बात माननीय सदस्य न कहें । वह हिन्दुस्तान के या किसी और मुल्क के रहने वाले हैं, मुझे पता नहीं । अगर इस मुल्क के रहने वाले हैं । ता जो इन्तजाम मुनामिब समझा जाएगा, जरूर किया जाएगा, लेकिन हमारे मुल्क के लिए मैं कोई आश्वामन नहीं दे सकता ।

Coal Mine, Sambalpur

*14. { Shri P. C. Bose:
Shri Supakar:
Shri Panigrahi:

Will the Minister of Labour and Employment be pleased to state:

(a) whether lock-out has been declared in a coal mine in Sambalpur;

(b) if so, the reasons thereof; and

(c) the number of workers rendered unemployed as a result thereof?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes, in the Hingir-Rampur colliery

(b) The reasons are reported to be gross indiscipline and lawlessness on the part of the workers, resulting in damage to the Company's property and assault on the colliery officials, including the Manager, who later succumbed to the injuries

(c) About 1800

Shri P. C. Bose: May I know whether it is a fact that the dispute between labour and management in that colliery was going on for a long time, it was not decided and ultimately these things have happened?

Shri Abid Ali: This particular incident took place because it was found that the workers were over-paid on previous occasions and the management wanted to collect the whole amount on this particular day. The workers wanted that it should not be collected. Thereafter there were negotiations. It was decided that the amount should not be collected on that date. Some workers received payment. When payment was going on, others indulged in these violent activities.

Shri Supakar: Are there any attempts by the Government of India to put an end to this lock-out?

Shri Abid Ali: We have instructed our Industrial relations machinery to try to end the lock-out if possible.

Shri Supakar: May I know if this colliery is likely to function again in the very near future?

Shri Abid Ali: Let us hope so.

Shri Panigrahi: May I know whether it has come to the notice of the Government that the manager of the colliery took recourse to firing at the workers at the time of the disturbance?

Shri Abid Ali: Yes, Sir; in self-defence after he was heavily stoned and injured.

Shri S. N. Dwivedy: Was it the first occasion when it resulted in firing or was there any previous occasion when he had fired on the workers?

Shri Abid Ali: The information is concerned with this particular incident.

Shri Supakar: May I know whether any adequate labour welfare arrangement is prevalent in this area, particularly, in this colliery?

Shri Abid Ali: If the hon. Member gives separate notice, I will get the information.

Coir Board

*15. **Shri Maniyangadan:** Will the Minister of Commerce and Industry be pleased to state the nature of help the Coir Board has given to promote the economic condition of the coir workers?

The Minister of Industry (Shri Manubhai Shah): The Coir Board does not give any assistance to the Coir-Workers direct. The Board is taking steps to increase internal consumption and explore new Markets abroad for Coir products with a view to increasing production such as advertisements, publicity and propaganda, participation in exhibitions and fairs, establishment of Show-rooms etc. This helps the promotion and development of Coir Industry.

Shri V. P. Nayar: May I know whether the Board has done anything to improve the conditions of workers who spin coir yarn by hand, and who are now getting only at the rate of four annas per work-day in making a variety of coir yarn called the Aleppadan yarn?

Shri Manubhai Shah: As far as the working conditions of the workers are concerned, the Coir Board is not directly concerned as I mentioned earlier in reply to the main question. Really speaking, what we do is the promotional part, and that automatically

lifts their average earning. I am not sure whether the information of the hon. Member that they earn only four annas is correct. I am told that they earn more than eight annas.

Shri V. P. Nayar: I was referring to a particular variety called the Aleppadan yarn, in spinning which a woman gets only four annas or even less, for eight hours a day. Has the Coir Board taken any steps to promote the export of this particular variety of yarn in order to relieve the distress of thousands of women?

Shri Manubhai Shah: So far as we are aware, they have not taken any special action in regard to any particular variety. But if the hon. Member so desires, and that particular variety is more suitable, we shall certainly make enquiries.

Shri B. S. Murthy: May I know what assistance has given by the Board to set up new production centres?

Shri Manubhai Shah: We give to industrial co-operative societies about 75 per cent. loan for the share capital, and as much as eight times the share capital for loan-assistance for working capital.

Shri Punboose: Is it not a fact that the Coir Board has recommended that in order to find a market for the mats and mattings, a delegation may be sent to foreign countries, and if so, may I know why Government have not accepted this very important recommendation?

Shri Manubhai Shah: We have quite a number of Trade Commissioners there; and at the present moment when we have foreign exchange difficulties, we do not want to send many delegations. But I can assure the hon. Member that the export promotion is being very carefully looked after, and it is increasing every year.

Betterment Levy

*16. **Shri S. N. Dwivedy:** Will the Minister of Planning be pleased to state the states which have so far introduced betterment levy in their areas?

The Deputy Minister of Planning (Shri S. N. Mishra): Bombay, Mysore, Punjab, Rajasthan, Andhra Pradesh, Assam, Kerala, Madras, Orissa and Himachal Pradesh have enacted laws for betterment levy in their areas.

Shri S. N. Dwivedy: May I know whether the levy has already been imposed or only the legislations have been passed?

Shri S. N. Mishra: Excepting Mysore, where it has been collected over a number of years, no other State—till March, 1956, I think—seems to have made any collection.

Shri S. N. Dwivedy: Are Government aware that the peasants are reluctant to utilise the water on account of the heavy imposition of the betterment levy?

Shri S. N. Mishra: It may be so in certain areas, but I cannot speak generally about it.

Dr. Ram Subhag Singh: May I know the names of States where resentment has been expressed by the peasants in regard to the existing rate of betterment levy? May I also know whether in view of this resentment, Government will appoint any committee to look into the projects and see whether the costs of these projects have not been very heavy?

Shri S. N. Mishra: The question of collection does not seem to have been taken up, and I think, therefore, this question of resistance from the peasants does not arise at the moment.

Dr. Ram Subhag Singh: Are Government aware that in several project areas many of the projects which were constructed during the past two or three years have collapsed, especially the canals constructed for tube-well irrigation purposes? They are not in proper order and yet the betterment levy is being imposed.

Shri S. N. Mishra: It is also my personal experience that some of these drains or channels have collapsed. We are very seriously thinking about it. I think it should not prove to be beyond engineering ingenuity to construct the

drains and channels of tube-wells in such a way that they would not collapse

Dr. Ram Subhag Singh: Since this particular aspect of the problem has been accepted by Government, may I know whether Government will take any steps to see that such unnecessary expenditure is not incurred in the future?

Shri S. N. Mishra: It is very necessary that Government should be very serious about it

Sikh Pilgrims to Pakistan

*17. **Shri Bishwanath Roy:** Will the Prime Minister be pleased to state whether the Government of Pakistan recently refused the Government of India's request for visas for Sikh pilgrims who were desirous of visiting Lahore on the martyrdom anniversary of Guru Arjun Dev in the last month?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): Yes, Sir The Government of Pakistan refused permission in case of a pilgrim party of 500 Sikhs who desired to visit Gurdwara Dera Sahib and other Sikh Historical Gurdwaras in Lahore from 30th May to 3rd June, 1957 on the ground that they were unable to make necessary arrangements due to the short notice given to them

Shri Bishwanath Roy: May I know whether the Government of Pakistan has any rule regarding the duration of time before which requests should be made for visas?

Shrimati Lakshmi Menon: Yes, three months' notice has to be given

Shri A. S. Sarhadi: May I know whether it is a fact that the Government of India were moved as far back as January, 1957, for such permission?

Shrimati Lakshmi Menon: The request for permission was referred to the Pakistan Government only on the 15th of April.

Shri A. S. Sarhadi: May I know when that information was conveyed to the Pakistan Government?

Mr. Speaker: On 18th April. The Minister has already stated that.

Shri A. S. Sarhadi: May I know whether any enquiry will be made as to why this delay of four months was there, especially when the Government of India had been moved in January?

Shrimati Lakshmi Menon: There were some defects in the information sent, and by the time it came, it got delayed from the Punjab Government.

National Development Council

*18. **Shri N. R. Munisamy:** Will the Minister of Planning be pleased to lay a statement giving the important decisions taken at the recent meeting of the National Development Council held in New Delhi in May, 1957?

The Deputy Minister of Planning (Shri S. N. Mishra): A paper setting forth the important conclusions and suggestions arising out of the deliberations at the ninth meeting of the National Development Council held on June 3 and 4, 1957 is placed on the Table of Lok Sabha [See Appendix I, annexure No 3]

Shri N. R. Munisamy: May I know whether any formula has been evolved to ensure maintenance of regional balance as one of the main objectives of planning, since it is apt to be overlooked in the interests of overall and rapid development, and if so, what it is?

Shri S. N. Mishra: This was not an item considered by the National Development Council at its meeting in June last

Shri N. R. Munisamy: May I know whether the Chief Ministers of the different States were requested not to start a race with competing claims in regard to projects of one kind or another which will benefit in the long run, to the neglect of the development of other areas?

Shri S. N. Mishra: I could not follow the question.

Mr. Speaker: He wants to know whether the Chief Ministers of various States have been advised not to compete with one another in making extra demands for money, irrespective of the importance of the particular project, and so on. Naturally, they would be advised.

The Minister of Finance (Shri T. T. Krishnamachari): I do not think this was a matter which was discussed at the meeting of the National Development Council.

Shrimati Tarkeshwari Sinha: May I know whether it is a fact that the Chief Ministers of some of the States have expressed resentment that the Central Government are tapping all sources of loan in the market, and if so, whether any new formula is being evolved to balance the loan-raising by the Central Government and that by the State Governments?

Shri T. T. Krishnamachari: If the hon. Member is referring to the proceedings of the National Development Council, I should say there was no detailed discussion in this regard. But we had a meeting of the Finance Ministers of the States, where the question of States raising loans was discussed. But I do not think any serious accusation was made against the Central Government or against the Central Government's Finance Minister.

Employees State Insurance Scheme

*19. { **Shri Tangamani:**
Shri S. M. Banerjee:

Will the Minister of Labour and Employment be pleased to refer to the reply given to Starred Question No 173 on the 19th November, 1956 and state what steps have been taken to extend the facilities of Employees' State Insurance Scheme to the families of insured workers?

The Deputy Minister of Labour (Shri Abid Ali): The matter is being actively pursued with State Governments who are responsible for provision of medical care under the Scheme.

Shri Tangamani: In view of the fact that the Corporation has recommended that families also must be given medical facilities, may I know why there is considerable delay?

Shri Abid Ali: We want to cover families also. But, as I have stated, it is to be administered with the help of State Governments. We are persuading them to take it up early. It is hoped that families also will be covered within a year's time.

WRITTEN ANSWERS TO QUESTIONS

Electricity Charges of Ministers' Houses

*20. **Shri V. P. Nayar:** Will the Minister of Works, Housing and Supply be pleased to state the total amount paid in 1955-56 and 1956-57 towards electricity charges for the houses occupied in Delhi by Ministers and Deputy Ministers?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): The total expenditure on account of the Electric Power Consumed in the main bungalows, office portions, servants and staff quarters and on account of boundary lights has been as follows:

| | |
|---------|-------------|
| 1955-56 | Rs 1,16,450 |
| 1956-57 | Rs 1,24,000 |

Training-within-Industry

*22. **Shri S. C. Samanta:** Will the Minister of Labour and Employment be pleased to state

(a) how the services of I.L.O. experts engaged in Training within Industry since 1947 were utilised;

(b) how many such experts were invited and came to India,

(c) how many Indians have been trained to assume the charge of works done by the experts;

(d) whether there is any proposal to start a National Training Within Industry Institute in India; and

(e) if so, how the Institution will be manned?

The Deputy Minister of Labour (Shri Abid Ali): (a) One of the experts, who arrived in August 1953 was assigned for one year to work with the Ahmedabad Textile Industry's Research Association, Ahmedabad. Thereafter he, along with the second expert, who arrived in November 1954, assisted in organising the work of the Training Within Industry Centre, set up by the Government of India in Bombay, and initiating training programmes. The two experts left in the middle of 1956.

(b) Two.

(c) Four.

(d) A Training Within-Industry Centre has been set up in Bombay towards the end of 1954.

(e) To start with, the Centre has been staffed with three officers, namely, one Deputy Chief Adviser and two Assistant Chief Advisers Training-Within Industry.

Aluminium Factory at Mettur

*23. { **Shri Doraiswami Gounder:**
Shri S. V. Ramaswamy:

Will the Minister of Commerce and Industry be pleased to state at what stage is the proposal for setting up of Aluminium factory at Mettur?

The Minister of Industry (Shri Manubhai Shah): Investigations regarding the bauxite reserves at Shevaroy Hills in Salem District and negotiations with foreign firms for securing technical and financial collaboration are continuing.

Art Silk for Handloom Weavers

*24. **Shri S. V. Ramaswamy:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are aware of the fact that a large number of

handlooms including handloom centres like Doddballapur depend entirely on the imported art silk yarn of 55, 60, 75 and 100 deniers, which are not produced in India;

(b) whether Government are aware that in view of the import restrictions on the art silk yarn many handloom weavers are unemployed; and

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

The Minister of Commerce (Shri Kanungo): (a) Handlooms depend for these counts of yarn mostly on imports.

(b) The Government has no such information.

(c) In spite of tight foreign exchange position imports of art silk yarn are being allowed on sufficiently liberal scale to actual users.

Calcutta Improvement Trust

*25. **Shri D. C. Sharma:** Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to Unstarred Question No. 1156 on the 13th December, 1956 and state:

(a) whether the Calcutta Improvement Trust has submitted revised proposals through the West Bengal Government for slum improvement; and

(b) if so, the action Government are taking thereon?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) and (b). No Sir; but a slum clearance project formulated by the Chief Engineer, Construction Board, Government of West Bengal, has been received through the Government of West Bengal. This project has been scrutinised by the Government of India and certain suggestions have been made to the State Government for revising the building plans and accepting financial assistance based on the ceiling costs prescribed in the Slum Clearance Scheme. The State Government's reply is awaited.

पत्रकार मजदूरी बोर्ड

{ श्री ज० ला० द्विवेदी :
डा० राम सुनय सिंह :
श्री भवन वर्मान :
श्रीमश्री सारकोइबरो सिन्हा :
श्री ज० क० गोपालन :
श्री मा० वल्लभ कुट्टी मेनन :
श्री बालुदेव नायर :
श्री टगानरी :

क्या अब और रोजगार मंत्री यह बताने की कृपा करेंगे कि जब कि इंडियन एण्ड ईस्टर्न न्यूजपेपर्स सोसाइटी तथा प्रखिल भारतीय श्रमजीवी पत्रकार सभ के बीच यह तय हो गया था कि इन दोनों संस्थाओं की एक मिली-जुली समिति बैठेगी जो एक मास के भीतर यह प्रतिवेदन करेगी कि क्या श्रमजीवी पत्रकारों के मजदूरी बोर्ड की सिफारिशों को कार्यान्वित करने की दिशा में कोई निर्विवाद हल निकल सकता है, तो उक्त समिति की बैठक बुलाने में विलम्ब होने के क्या कारण हैं ?

अब उपमन्त्री (श्री आशिष अत्री)
भारतीय और पूर्वीय समाचार पत्र समिति (इंडियन एण्ड ईस्टर्न न्यूज पेपर्स सोसाइटी) तथा प्रखिल भारतीय श्रमजीवी पत्रकार सभ की बैठक बुलाने का प्रयत्न नहीं उठता, क्योंकि इन दोनों संगठनों में से एक का यह ख्याल है कि ऐसी बैठक से कोई फायदा नहीं होगा ।

Social Security Scheme for Industrial Workers

*27. **Shri T. B. Vittal Rao:** Will the Minister of Labour and Employment be pleased to state

(a) whether a Study Group has been appointed to formulate a comprehensive social security scheme for industrial workers;

(b) if so, who are the members of the Group; and

(c) whether any time limit has been fixed for submission of the schemes?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes

(b) 1 **Shri V K R Menon,** Director, ILO, India Branch
Chairman.

2 **Col V M Albuquerque,** Director General Employees' State Insurance Corporation

3 **Shri S N Mubayi,** Central Provident Fund Commissioner

4 **Shri B N Datar,** Deputy Secretary, Ministry of Labour and Employment and Director, Labour and Employment, Planning Commission

5 **Shri S Krishnamurthi,** Research Officer, Office of the Controller of Insurance

6 **Shri K K Bhargava** Insurance Commissioner, Employees' State Insurance Corporation
Member Secretary.

(c) 30th November 1957

Closure of Textile Mills

*28. { **Shri A. K Gopalan:**
Shri Narayanankutty Menon:
Shri R. J. Rao:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No 164 on the 22nd May, 1957 and state the number of employees and workers in textile mills affected by closures and closure notices during the first six months of 1957

The Minister of Commerce (Shri Kanungo). The number of workers affected by the mills actually closed down during the first six months of 1957 is 6812. The number of workers who will be affected, by the mills under closure notice is 8,350

चुर्क स.मेंट

*२६ श्री कृप नारायण: क्या वास्तव्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि

(क) क्या उत्तर प्रदेश सरकार ने केन्द्रीय सरकार और प्रशुल्क आयोग से चुर्क सीमेंट का मूल्य बढ़ाने की अनुमति मांगी है,

(ख) यदि हा, तो राज्य सरकार किस आधार पर मूल्य बढ़ाने का अनुरोध कर रही है, और

(ग) केन्द्रीय सरकार ने इस विषय में क्या निश्चय किया है ?

उद्योग मन्त्री (श्री मरुमाई साह) :

(क) जी, हा ।

(ख) तथा (ग) सीमेंट के विभिन्न उत्पादनों को जिनमें चुर्क कारवाना भी शामिल है, दिये जाने वाले मूल्यों में मशोधन करने का सारा सवाल प्रशुल्क आयोग को सौंप दिया गया है और आयोग अब भी इस मामले की जांच पड़ताल कर रहा है ।

Publication of Gandhiji's Works

*39. { Shri Jhulan Sinha:
Shri Heda:
Shri Bhakt Darshan:

Will the Minister of Information and Broadcasting be pleased to refer to the answer given to Starred Question No. 1303 on the 23rd August, 1956 and state the progress made in the scheme of publishing the complete works of Mahatma Gandhi?

The Minister of Information and Broadcasting (Dr. Kewkar): Further material has been collected and the manuscript of the first volume is getting ready for the press.

नये बाइकार्स्टिंग स्टेशनों का खोला जाना

*३१. श्री विद्युति मिश्र : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने नये बाइकार्स्टिंग स्टेशन खोलने के बारे में कोई निश्चित नीति बना ली है ; और

(ख) यदि हा, तो उस का स्वरूप क्या है ?

सूचना और प्रसारण मंत्री (डा० केश-कर) : (क) और (ख) नये प्रसार केन्द्र खोलने के कुछ मोटे प्रसूल हैं । केन्द्र ऐसी जगहों पर खोले जाते हैं जो या तो राज्यों की राजधानियां हो अथवा सम्कृति और भाषा के विचार से उनका कोई विशेष महत्व हो । लेकिन, अनुभव से पता चला है कि प्रपवाद छोड़कर बड़े केन्द्रों से और अधिक शक्तिशाली ट्रांसमीटरों द्वारा ज्यादा अच्छा कार्यक्रम प्रसारित किया जा सकता है और अधिक विस्तृत पैमाने पर और दूर तक सुना जा सकेगा । अब केन्द्रों के कार्यक्रमों का एकीकरण तथा यथासम्भव केन्द्रों का भी एकीकरण करने की कोशिश की जा रही है । ऐसे क्षेत्रों को छोड़ कर जिन की विशेष आवश्यकताये हैं जैसे प्रादिम-जाति क्षेत्र, अन्य स्थानों में नये केन्द्र खोलने की कोई योजना नहीं है ।

Consumption of Electricity by Government of India Offices in Delhi

*32. Shrimati Tarkeshwari Sinha: Will the Minister of Works, Housing and Supply be pleased to state.

(a) the amount of electricity consumed by the Government of India Offices in Delhi during 1956-57; and

(b) whether in view of the heavy consumption of electricity by Government, the Central Government propose to set up their own generating sets in Delhi?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) The information is being collected and will be laid on the Table of Lok Sabha

(b) The question is under consideration

Lemongrass Oil

***33. Shri Bishwanath Roy.** Will the Minister of Commerce and Industry be pleased to state whether it is a fact that Indian export of lemongrass oil to US markets has been adversely affected recently?

The Minister of Commerce (Shri Kanungo): No Sir Our exports to USA have in fact shown an increase. A statement giving statistical data is placed on the Table of Lok Sabha [See Appendix I annexure No 4]

State Information Ministers' Conferences

***34. Shri S. C. Samanta.** Will the Minister of Information and Broadcasting be pleased to state,

(a) how many Conferences of State Information Ministers were held since 1947,

(b) the decisions taken in the last Conference and where it was held,

(c) whether according to the decisions of one of those Conferences a proposal to the effect that by March 1956, a total of 28,500 community radio sets would be installed by State Governments under the subsidy Scheme, has been carried out, and

(d) the number of such sets installed in States so far State-wise?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Three

(b) The last Conference was held at New Delhi on the 8th January, 1955. The topics considered and the decisions taken at the Conference were incorporated in the press release issued by the Press Information Bureau on the 8th January,

1955, a copy of which is laid on the Table [See Appendix I, annexure No 5]

(c) No decision to this effect was taken at any of these Conferences

(d) A statement showing the number of community receiving sets supplied to States for installation upto 31st March, 1957 is placed on the Table of Lok Sabha [See Appendix I, Annexure No 5]

Registration of Handlooms

***35. Shri S. V. Ramaswamy.** Will the Minister of Commerce and Industry be pleased to state

(a) what is the final count of registered handlooms,

(b) how many of them belong to cooperative and

(c) how it compares with the figures of the Kanungo Committee's report?

The Minister of Commerce (Shri Kanungo): (a) 10, 15, 878, upto the end of June, 1957. This is not the final figure as registration work has not yet been completed

(b) This information is not being collected under the registration order

(c) Does not arise at this stage in view of reply to part (a)

Slum Clearance in Rajasthan State

***36. Shri D. C. Sharma:** Will the Minister of Works, Housing and Supply be pleased to state

(a) whether Rajasthan Government have submitted any scheme for the clearance and improvement of slums in Rajasthan State, and

(b) if so, the details thereof?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) and (b) In 1956, the Rajasthan Government forwarded some tentative slum clearance proposals drawn up by a number of Municipal Boards. The State Government themselves stated that the

proposals required revision and that they had directed the Municipal Boards to revise them in conformity with the Slum Clearance Scheme of the Government of India. These revised proposals are still awaited from the State Government.

Jute Industry

1. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 257 on the 27th May, 1957 and state whether the figures of profits have since been asked for or furnished by the Indian Jute Mill Associations pertaining to the year 1955 and 1956?

The Minister of Industry (Shri Manubhai Shah): The information is being collected.

Coal Mine Workers

2. **Shri V. P. Nayar:** Will the Minister of Labour and Employment be pleased to lay on the Table a statement containing the information asked for in regard to Wage bills and bonus paid to Coal Mine Workers in Unstarred Question No. 249 dated the 27th May, 1957?

The Deputy Minister of Labour (Shri Abid Ali): Complete information is still not available. A statement will be placed on the Table of Lok Sabha when available.

Graphite

3. { **Shri V. P. Nayar:**
Shri Easwara Iyer:

Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of graphite produced in India at present; and

(b) the estimated requirement of graphite and graphite products at the end of the Second Five Year Plan?

The Minister of Industry (Shri Manubhai Shah):

(a) 1954 1,479 tons
1955 1,613 tons
1956 Not available.

(b) Graphite: 3,000 tons per year.
Graphite products: 2,000 tons per year
(like crucible furnace parts etc).

Vitamins

4. { **Shri V. P. Nayar:**
Shri Easwara Iyer:

Will the Minister of Commerce and Industry be pleased to state the position of the production of Vitamins in India as at present and the value of Vitamins so produced?

The Minister of Industry (Shri Manubhai Shah): 1. Vitamin 'A' Shark Liver Oil which is rich in vitamin 'A' is being produced in the country by three Government factories situated at Bombay, Kozhikode and Trivandrum. The production of these factories during the last two years has been as follows —

| Year | Quantity | Value (Rs.) |
|------|--------------|-------------|
| 1955 | 27,158 Gall. | 6,51,792 |
| 1956 | 59,500 „ | 14,29,416 |

Government have also approved two Schemes for the manufacture of synthetic vitamin 'A' starting from lemon grass oil which is indigenously available. A production of 10 million m.u. of vitamin 'A' per annum valued at Rs. 50,00,000 is envisaged in each of these schemes.

2 Vitamin B-12

One firm has been granted a licence under the Industries (Development and Regulation) Act, 1951 for the manufacture of vitamin B-12 with a capacity of 1.2 Kg per annum valued at Rs. 12,37,000. The firm is expected to commence production by March, 1958.

3. Vitamin B1, B2, B6, C & D.

A scheme submitted by a firm for the manufacture of these vitamins is

the following quantities is now under consideration.

| Vitamin | Quantity | Value (Rs.) |
|---------|-------------------|-------------|
| B 1 | 15 tons per annum | 85,35,000 |
| B 2 | 2 " " " | 8,80,000 |
| B 6 | 0.5 " " " | 12,36,000 |
| C | 60 " " " | 58,00,000 |
| D | 10 " " " | 27,00,000 |
| Total | | 1,91,51,000 |

The question of producing some of these vitamins under the National Industrial Development Corporation is being examined

Nicotinic acid and amide

Licences under the Industries (Development and Regulation) Act to produce the above vitamins with a capacity of 15 tons per annum has been issued to two firms. One of them has already started production.

Heavy Industry Projects

- 5 { Shri V. P. Nayar:
Shri Easwara Iyer.

Will the Minister of Planning be pleased to lay on the Table of the House a statement showing

(a) the projects in Heavy Industry started or allotted to each State under the First and Second Five Year Plans,

(b) the capital invested by (i) the Central Government, (ii) the State Governments and (iii) Private Sector so far, and

(d) the per capita investment by the Central Government in Heavy Industry in each State?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) to (c) Three statements are laid on the Table of Lok Sabha furnishing the required information so far as available [See Appendix I, annexure No 6.]

Statement I indicates the heavy industrial projects started or proposed in each State under the First and Second Five Year Plans

Statement II indicates the break-up of investment on heavy industrial projects by the Central and State Governments and by the private sector.

Statement III shows the per capita investment by the Central Government in Heavy Industries in each State. The per capita investment is worked out on the basis of the total investment divided by the population in each State.

Housing Schemes

- { Shri Ram Krishan:
Shri Radhela Vyas:

Will the Minister of Works, Housing and Supply be pleased to state

(a) the total amount of loans and grants given to States during 1956-57 under various Housing schemes, scheme-wise and State-wise separately, and

(b) the total amount allocated during the current year State-wise and scheme-wise separately?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) and (b). A statement giving the information sought is laid [See Appendix I, annexure No 7]

Plantation Labour Housing Scheme

8. Shri Ram Krishan: Will the Minister of Works, Housing and Supply be pleased to state

(a) the names of the States which have introduced Plantation Labour Housing Scheme so far, and

(b) the total number of applications received so far from individual planters State-wise?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) The State of Kerala and the Tripura Administration have so far introduced the Plantation Labour Housing Scheme

- (b) Kerala 44
Tripura 11

Illegal Entry of Pakistanis

9. Shri D. C. Sharma: Will the Prime Minister be pleased to state:

(a) the number of persons who crossed the border between West Bengal and the East Pakistan without passports during 1957, so far,

(b) the number of persons convicted; and

(c) the number of cases still pending?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) to (c) The information is being collected from the State Government and will be placed on the Table of Lok Sabha when available

Conch Shells

10. Shri Keshava: Will the Minister of Commerce and Industry be pleased to state:

(a) what is the total value of import of Conch Shells into our country for the years 1954-55, 1955-56, and 1956-57; and

(b) the steps Government have taken to improve the industry locally in the country?

The Minister of Industry (Shri Manubhai Shah): (a) No separate figures for Conch Shell as such are available but the following statement shows the import of Conch Shells and Cowries country-wise during the years 1954-55 and 1955-56 and 1956-57:—

| Countries | (Value in 1000 Rs) (Apr/Dec) | | |
|--------------|---------------------------------|---------|---------|
| | 1954-55 | 1955-56 | 1956-57 |
| Maldives | 43 | 22 | 8 |
| Kenya Colony | .. | 37 | 21 |
| Zanzibar | 174 | 217 | 148 |
| Tanganyika | 18 | 42 | 32 |
| Ceylon | .. | 200 | 97 |
| Rest | 18 | 1 | .. |
| Total | 247 | 528 | 306 |

(b) Information is being collected from State Governments, and will be placed on the Table of Lok Sabha

Mica Mines

11. Shri Keshava: Will the Minister of Labour and Employment be pleased to state the amount of compensation paid to the injured and to the heirs of the persons killed in the accidents which occurred in Mica Mines in India in 1956?

The Deputy Minister of Labour (Shri Abid Ali): The information is not available

Displaced Persons from East Pakistan

12. Dr. Ram Subhag Singh: Will the Minister of Rehabilitation and Minority Affairs be pleased to state what facilities for farming have been provided to the families of displaced persons from East Pakistan settled on farmland?

The Parliamentary Secretary to the Minister of Rehabilitation and Minority Affairs (Shri P. S. Naskar): In addition to allotment of agricultural land, displaced agriculturist families are given financial assistance for construction of a homestead, purchased of bullocks, fodder, seeds, manure and implements. The displaced families are also given maintenance assistance to cover the period from the time of their dispersal to the colony sites till the first harvest

तरल स्वर्ण

११. श्री बाबुदेवी : क्या बाणिज्य तथा उद्योग मंत्री यह बताने को कृपा करेंगे कि

(क) क्या यह सच है कि विदेशों से तरल स्वर्ण के आयात पर पूर्ण प्रतिबन्ध लगा दिया गया है ;

(ख) क्या इस प्रतिबन्ध का लाभ उठा कर तरल स्वर्ण के देशी निर्माताओं ने अपने मूल्यों में भारी वृद्धि कर दी है जिस के फलस्वरूप कांच की बुनियाँ तैयार करने वालों के सम्मुख बड़ी कठिनाई पैदा हो गई है , और

(ग) यदि हा, तो इस विषय में सरकार का क्या कार्यवाही करने का विचार है ?

वाणिज्य मंत्री (श्री कानूनगो) (क)
जी, हा ।

(ख) जी नहीं, सरकार की जानकारी में नहीं ।

(ग) प्रश्न ही नहीं उठता ।

Quarters for Class IV Servants

14. Shri S. C. Samanta: Will the Minister of Works, Housing and Supply be pleased to state

(a) when the decision was taken to electrify the quarters of Class IV employees in Delhi and New Delhi and

(b) the number of quarters that have been electrified so far?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) In October, 1952

(b) 3941

Quarters for Class IV Employees

15. Shri S. C. Samanta: Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to Unstarred Question No 902 on the 13th December, 1956, and state

(a) how many of the 780 quarters for Class IV employees have been electrified,

(b) how many quarters other than class IV quarters in that locality have been electrified since December, 1955, and

(c) whether 25 Daftry and 22 Peon quarters at Aliganj (Lodi Colony) have since been repaired and electrified?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) 450

(b) Nil

(c) No

Smuggling of Animals to Goa

16. Shri Assar: Will the Prime Minister be pleased to state

(a) whether Government are aware of the fact that a large number of animals are sent to Goa Territory by unlawful means, and

(b) if so, the steps taken by Government to stop this?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) The Government are aware that attempts are made to smuggle live stock to Goa in an unauthorised manner

(b) Smuggling has shown a marked decrease in recent months because of the stringent measures taken by the Special Reserve Police and Customs authorities. These measures include constant patrolling of the frontiers of Goa and strict surveillance of known smugglers

Second Five Year Plan of Tripura

17. Shri Dasaratha Deb: Will the Minister of Planning be pleased to state

(a) how much money has been spent during 1956-57 under different heads of the Second Five Year Plan for Tripura;

(b) how many new posts have been created in Tripura under the Second Five Year Plan during the same period, and

(c) whether the progress of the Second Five Year Plan for Tripura has been satisfactory?

The Deputy Minister of Planning (Shri S. N. Miahra): (a) and (b) Information is being collected from the Tripura Administration and will be placed on the Table of the House as soon as it is received

(c) Does not arise

Jute Mills

18. Shri S. N. Dwivedi. Will the Minister of Commerce and Industry be pleased to state

(a) whether Government have any proposal to establish jute mills in all the jute-growing States in India, and

(b) whether any licence have been issued for the location of a jute mill in Orissa?

The Minister of Commerce (Shri Kanungo): (a) No, Sir

(b) No, Sir

Industrial Development of Orissa

19. Shri Panigrahi: Will the Minister of Planning be pleased to state the schemes for industrial development proposed to be undertaken during the Second Five Year Plan period in Orissa State under Central, State and private auspices?

The Deputy Minister of Planning (Shri S. N. Mishra): A Statement is laid on the Table of the House [See Appendix I, annexure No 8]

Export of Hides and Skins

20. Shri N. R. Munisamy: Will the Minister of Commerce and Industry be pleased to state whether exporters of hides, skins and kips are given financial assistance on long term arrangements by Government?

The Minister of Commerce (Shri Kanungo): No, Sir.

Displaced Persons in Tripura

21. Shri Dasaratha Deb: Will the Minister of Rehabilitation and Minority Affairs be pleased to state

(a) whether Government have received any notice from the Secretary, Tripura United Refugee Committee, Khowai Branch, in the month of June 1957 for starting Satyagraha on certain demands of the Displaced Persons;

(b) if so, what are these demands, and

(c) the action Government are taking thereon?

The Parliamentary Secretary to the Minister of Rehabilitation and Minority Affairs (Shri P. S. Naskar): (a) Yes

(b) A statement listing these demands is placed on the Table of Lok

Sabha [See Appendix I, annexure No 9]

(c) The demands are under examination by the Tripura Administration.

Imports

22. Shri Narayanankutty Menon: Will the Minister of Commerce and Industry be pleased to state

(a) the total amount spent for importing capital machinery and other materials during the years 1955-56 and 1956-57, and

(b) what amount was spent for importing luxury articles including motor cars and parts of automobiles during the same period?

| | |
|--|-------------|
| The Minister of Commerce (Shri Kanungo): (a) | |
| 1955-56 | 1956-57 |
| (April—December 1956) | |
| (Rs crores) | (Rs crores) |
| 110.1 | 108.6 |

(b) A statement showing the import figures of goods which are considered "luxury goods" is laid [See Appendix I, annexure No 10]

Manufacture of Salt

23. Shri Pramathanath Banerjee: Will the Minister of Commerce and Industry be pleased to state

(a) whether he is aware that the Sea-side south of Contai in Ramnagar Thana is the fittest place for salt manufacture in West Bengal, and

(b) if so, whether any action is proposed to be taken in the matter for the location of a salt factory?

The Minister of Commerce (Shri Kanungo): (a) and (b) Conditions prevailing in Contai are favourable for the location of a large-scale salt factory, and the question of establishing one or more units for salt production in the area is being examined by the Salt Commissioner in consultation with the Government of West Bengal

Mill-made and Power-loom Cloth

24. **Shri Jadhav:** Will the Minister of Commerce and Industry be pleased to state:

(a) what difference Government make between the mill-made cloth and the power-loom-made cloth; and

(b) whether Government are contemplating to extend the excise duty to the power-loom made cloth?

The Minister of Commerce (Shri Kanungo): (a) The only distinction between cloth produced by Mills and by powerlooms factories is that the marking regulations applicable to the former do not apply to the latter. Excise duty is levied on mill-made cloth on square yard basis, and on powerloom cloth on loom basis.

(b) Does not arise, as powerloom cloth produced in factories employing more than 4 powerlooms is already subject to excise duty.

Khadi and Village Industries

25. **Shri Kalika Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government of India have made any rules for the grant of loans and subsidies to institutions, societies and trusts for assisting them to start and run Khadi and Village industries, specially the new Ambar Charkha manufacture and production of yarn therefrom;

(b) if so, the nature of such rules;

(c) what loans and subsidies have so far been granted to institutions, societies, and trusts in various States of India and how they have been utilised; and

(d) whether District Planning Committees, District Magistrates or any responsible authority of the districts are required to report about the status of such bodies before grant of loans and subsidies and whether there are supervisory agencies of the All India Khadi and Village Industries Board or Commission to look into the proper utilisation of such funds?

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir.

(b) A copy of the loan rules is [Placed in Library. See No. S 101—/57]

The terms and conditions governing subsidies or grants-in-aid have been laid down for different aspects of each industry. These are admissible mainly for supply of improved implements, rebates on sales of khadi and products of other village industries, training, research and publicity. The recipients are required to maintain proper accounts and to submit in due course statements of audited accounts to show that funds have been utilised for the purposes for which they were sanctioned.

(c) The amounts disbursed up to the 31st March, 1957 were as follows:—

| LOANS | | SUBSIDIES | |
|------------------------|--------------------------|------------------------|---------------------------|
| Khadi including Ambar. | Other village Industries | Khadi including Ambar. | Other village Industries. |
| (Rs. in Lakhs) | | | |
| 875.21 | 229.17 | 1438.14 | 246.33 |

The amounts includes those disbursed by the All India Khadi and Village Industries Board either through its recognised institutions or its own agencies in certain areas. The amounts also include the fund utilised by the Board for trading operations.

The Khadi and Village Industries Commission has a system of internal audit which checks the accounts of the recognised institutions and ensures that funds have been spent on purposes for which they were sanctioned. Accounts of some of the institutions for the years 1953-54, 1954-55, 1955-56 and 1956-57 have been audited and utilisation certificates issued. For the rest auditing is still in progress.

(d) District authorities are not usually consulted about the status of institutions etc. which apply for financial assistance. Such assistance, however, is made available only to

the institutions recognised by the Commission and which are registered under the Registration of Societies Act 1860. The Commission ensures the supervision of proper utilisation of funds through its zonal officers and internal audit parties.

नजराना की मित्स, उज्जैन

२६ श्री राजेन्द्र व्यास क्या अब भी रोजगार नहीं यह बताने की कृपा करेंगे कि

(क) उज्जैन की नजराना मित्स किस तारीख को बन्द हुई,

(ख) इस के फलस्वरूप कितने मजदूर बेरोजगार हो गये, और

(ग) इन मजदूरों को रोजगार दिलाने के लिये क्या कार्यवाही की जा रही है ?

अब उपलब्ध (श्री आशिष शर्मा)

(क) २१ जून, १९५७

(ख) ८६३।

(ग) टेक्स्टाइल कमिशनर इस सम्बन्ध में आवश्यक कार्यवाही कर रहे हैं।

Cement Factory

27. **Shri Doraiswami Goundar:** Will the Minister of Commerce and Industry be pleased to state whether there is any proposal to start a cement factory at Krishnagiri and at Harur taluk, Salem District, Madras during the Second Five Year Plan period?

The Minister of Industry (Shri Manubhai Shah): An application under the Industries (Development and Regulation) Act, 1951 for setting up a Cement Factory in Salem District has been received and is under consideration.

12 hrs.

DEATH OF DR A N SINHA

Mr. Speaker: I have to inform the House of the sad demise of Dr. A. N. Sinha who died on the 5th July, 1957, at Patna at the age of 71.

Dr Sinha was a member of the Central Legislative Assembly from 1935 to 1937 and in 1937, he was elected to the Bihar Legislative Assembly. He became the Finance Minister in the Bihar Ministry in 1937 and held that office till his death.

The House will join with me in conveying our condolences to the members of his family. The House may stand in silence for a couple of minutes to express its sorrow.

The Members then stood in silence for two minutes

MOTIONS FOR ADJOURNMENT

PROPOSED STRIKE OF P & T EMPLOYEES

Mr. Speaker: I have received notice of an adjournment motion tabled by Shri Sadhan Gupta. It reads

"The failure of the Government to redress the grievances of the employees of Post and Telegraph Department, as a result of which, a General Strike of such employees is to take place"

The Minister of Co-operation (Dr. P. S. Deshmukh): May I clarify the position? (Interruptions)

Mr. Speaker: I thought there was a change of portfolios.

The Minister of Transport and Communications (Shri Lal Bahadur Shastri): I have received a number of 'call attention' notices and also a number of short notice questions on this subject. If you will permit me, I shall

make a full statement in a day or two I do not think the adjournment motion should be considered before the House hears my statement

Mr. Speaker: The hon Minister will make a statement in a day or two I do not know how we can discuss an adjournment motion relating to a prospective strike. Anyhow, measures have to be taken. An adjournment motion does not seem to be a proper method of drawing the attention of the Government. Of course, during the period of negotiations, there will be demands on one side, the other side will try to meet them, but if the demands are excessive, it may not. Both are possible. Therefore, it is too early to censure the Government for what they have done or not done. Also, in view of the fact that the hon Minister will make a statement with regard to all the 'call attention' notices and short notice questions, surely he will take note of what is mentioned in this adjournment motion also and make a full statement, so as to avoid, if possible, any threatened strike.

This is a very important matter and I am sure the Government will give sufficient information. Thereafter, we shall see what is necessary.

So far as the adjournment motion is concerned, I do not think it is necessary for me to give my consent to it.

Shri Sadhan Gupta (Calcutta-East): It may be held over till the Minister makes his statement.

Mr. Speaker: It is unnecessary. He will make his statement. Thereafter, if necessary, we will have a discussion.

Shri V. P. Nayar (Quilon): For that, another notice will be necessary.

Mr. Speaker: Notice of an adjournment motion is not the only course open. There are many other notices that can be given under the rules.

Shri Sadhan Gupta: The position is such

Mr. Speaker: The hon Minister has agreed to make a statement. Let us wait and see what will happen. It is not necessary that discussion should take place on an adjournment motion. There are many other methods whereby attention can be drawn and a discussion can take place. I will certainly consider all reasonable requests for a discussion, if such a discussion is necessary, after the statement is made.

Shri V. P. Nayar: Do we take it that the Minister has accepted the short notice questions?

Mr. Speaker: Yes, he will answer all of them.

Shri Lal Bahadur Shastri: Perhaps if I make a statement, the short notice questions could be accepted as ordinary questions.

Shri V. P. Nayar: In regard to a 'call attention' motion, we cannot put questions. If the Minister is prepared to accept the short notice questions, we will wait.

Mr. Speaker: I shall forward all the short notice questions and also the 'call attention' notice to him. He will make a comprehensive statement. I will keep all these notices pending. In case any further elucidation is necessary, I will admit them as short notice questions, subject, of course to his accepting them.

PROPOSED STRIKE OF CTO EMPLOYEES

Shri Sadhan Gupta: I am not pressing this motion, as it is settled.

Mr. Speaker: The CTO dispute is settled.

PROPOSED STRIKE BY CENTRAL GOVERNMENT EMPLOYEES

Mr. Speaker: I have received notice of an adjournment motion tabled by Shri S. A. Dange and Shri A. K. Gopalan. It relates to

"The situation arising out of the reported decision of various organisations of Central Government employees to go on strike"

The Minister of Home Affairs (Pandit G. B. Pant): Sir, this is a very vague sort of motion—'arising out of the reported decision of various organisations of Central Government employees to go on strike'. The Movers are not even sure if any decision has been taken by the organisations, nor has any motion been made of these organisations, nor as to when and why they are going on strike. I personally hope that in spite of this notice, they will not be incited to go on strike. I hope that the Central Government servants fully realise that the country is at present engaged in a big undertaking and the only way to raise the emoluments or to provide additional amenities and comforts for the people of this country, including those who today have the privilege of occupying offices as public servants, is by increasing production. Anything that tends to hamper it, anything that tends to create a deadlock to paralyse public life or to interfere, directly or indirectly, with the processes of production, will come in the way of all that the Government may like to do for its own employees. In fact, no one else is more interested in the contentment of the Central employees than the Government itself.

Seeing that the employees of State Governments are getting very low salaries, the Government has gone out of its way even to assist them. There is such a vast discrepancy between the salaries which the State Government servants are getting and which our Central employees are getting. But we are anxious to remove all grievances and to do all we can for the betterment and enrichment of the life of our employees. No Government can be more anxious to serve its servants than ourselves.

So I hope that while, so far as this adjournment motion is concerned, it is altogether out of order, the appeal that I am making, I believe on behalf of all Members of this House, will be listened to by the members of our services.

Shri S. A. Dange (Bombay City-Central): May I point out that when the hon. Minister of Communications took note of the notice of strike of the Posts and Telegraphs employees, it was not a vague notice, nor was the answer very vague? But when my motion refers to other organisations also, I do not know why it suddenly becomes 'vague'. Anyway, such a reply to this serious adjournment motion would rather be more of an inciting factor than any activities of any organisations.

But I would request the Home Minister to take note of the notices that are really being served. I just wanted to move it because the thing should be looked into in the spirit in which he is proposing, before such a 'vague' thing becomes a concrete fact of a strike. I want the Government to look into that before a serious strike takes place. That is why I drew the attention through the adjournment motion.

Mr. Speaker. It does not appear from what the hon. Minister has stated that he has received any notice of intending strike from any organisation, nor does the notice of the adjournment motion refer to any such notice. In a fluid state—even if notices should have been served—when negotiations are going on, any discussion on the floor of the House accusing Government of having done or not having done something would seriously stand in the way of an amicable settlement. Hon. Members who are interested may try to put short notice questions and try to elicit what exactly the Government is doing or going to do.

In these circumstances, I do not think it is proper for me to give consent to this adjournment motion.

This disposes of No. 6 also given notice of by Shri Vajpayee.

HARTAL OF WHOLESALE TRADERS IN DELHI

Mr. Speaker: Then, there is another adjournment motion—

"To discuss the situation arising out of the continued hartal of wholesale traders in Delhi following the Government's refusal to exempt the Union Territory of Delhi from the purview of Inter-State Sales Tax"

This has been given notice of by Shri Assar. I do not know whether people can go on a hartal if there is any measure of taxation. What does the hon. Minister say?

Pandit G. B. Pant: I am sorry that some of the traders of Delhi should have gone on a hartal. I want the business in Delhi to thrive, and every trader to make a reasonable profit too. So, apart from the merits of this question, I am sorry that they should have gone on strike or hartal. If anything, the hartal has hampered and not facilitated the solution of the problem. I know that hartals have been associated with Sales Tax imposition in other places. But, here, the hartal has been organised in order to secure exemption from a tax which is applicable to the entire country.

I have been giving thought to the matter and I would like to make a reasonable concession in order to enable the trade of Delhi to be carried on in a satisfactory way with due regard to the interests of other States so that all may prosper and all may thrive. Even if anything is done it will not be done because of the hartal but in spite of it. And, if the hartal continues, it is just possible that the atmosphere may not be available in which one can apply his mind dispassionately, in a detached way and in sympathy with the subject. So, I think this concession that is being sought can be thought of in a proper atmosphere. But I on my part have been trying to give the utmost attention to it.

I have discussed it with the members of the Advisory Committee of

Delhi who are Members of Parliament for days and days and also with some representatives of the trade. I am sorry that in spite of that the hartal should have been organised and notice of this motion should have been given. It is altogether out of order, altogether uncalled for and not likely to help those who have either induced the Mover to put it or who have considered it advisable to adopt the course of having a procession or going in for a hartal. The country wants to tackle all its problems in a rational way and not under pressure.

Mr. Speaker: In view of the statement of the hon. Minister I do not think I am called upon to give my consent. All that the hon. Member wanted evidently was to draw the attention of the House to the fact that public may suffer on account of the hartal. I am sure, if this is his point of view, the Government will make arrangements to take over all trade.

Consent is not given to this motion.

NON-LOCATION OF OIL REFINERY IN ASSAM

Mr. Speaker: There is another adjournment motion by Shri Hem Barua and another hon. Member. It is to discuss—

"The wide-spread and grave unrest and highly explosive situation in Assam consequent on the unjust action of the Government of India refusing to locate the proposed Oil Refinery in Assam"

If Government takes a decision to have an oil refinery elsewhere, then another State will go on strike. Likewise if a steel plant is not located somewhere in Madras that party may go on strike and so on.

Shri Hem Barua (Gauhati): It is not like that, Sir. It is the legitimate demand of the people of Assam to have the Oil Refinery located there. But now information has come that the Government of India had made an alternative proposal of not locating the refinery there.

I find that the Assam Assembly passed two resolutions unanimously,

[Shri Hem Barua]

both by the Government and the Opposition, demanding the oil refinery in Assam because it is the oil there that has to be refined. I find that the Government of India have become a victim in the hands of the British monopolists as the Assam Oil Company. Particularly they do not want it therein that State because they do not want the people of that State to benefit. There is an agitation there. And, on the 15th of July, today, there is going to be an All-Assam agitation—not a hartal but an agitation—and this is also the demand of the Assam Government. And, it may so happen that the Members from Assam both of Parliament as well as the Members of the State Assembly might resign *en bloc*. The situation there is like that and that is why I have brought this adjournment motion before the House.

Mr. Speaker: Has the hon. Minister anything to say?

The Minister of Mines and Oil (Shri K. D. Malaviya). If the intention of the hon. Member is to draw the attention of the House to this question, I would welcome this opportunity of saying something on this, but I do not know why the decision of Government involving such highly technical and economic questions should create a highly explosive situation in Assam leading to discontent and agitation.

The question of locating a site for the establishment of a refinery for exploiting the crude oil of Naharkhatia was before the Government for some time and they gave full consideration to all the aspects involved in this question, especially the views expressed by the Assam Government received great attention. The decision, however, could no longer be postponed because by doing so the production of crude oil would be delayed. It is, therefore, true that the Government have taken a decision to locate the proposed refinery at Baruni in Bihar.

Knowing the wishes of the leaders of Assam as we do, the Government would have been glad to locate this refinery in Assam if technically and economically it could have been a feasible proposition.

The Assam Government have been pressing for a fresh examination of this question and a deputation from Assam consisting of important Congressmen met our Minister for Education and Scientific Research sometime back, who assured them that the Government would be too willing to consider any fresh point in this connection, and, at the same time, Government would welcome an opportunity to explain fully to the representatives of the Assam Government the reasons that led them to take the decision in favour of Baruni.

I learn that another deputation from Assam is coming to Delhi to meet the Prime Minister. I assure the House that we are always open to conviction and from that point of view we shall be able to exchange views on this matter with the Government representatives of Assam.

Shri Hem Barua: If our experts made a report, it does not mean that they have ruled out the possibility of Gauhati, which is one of the three places mentioned in the Report. The Expert Committee report says that it has taken the technical and economic factors into consideration and the demand of the people is written off or tried to be written off like this because the Assam Oil Company does not want the oil refinery there and they do not want the people there to harvest any.

Mr. Speaker: We are not going into the merits here.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sir, we are not discussing, I take it, the merits of this question which are largely dependent upon technical, economic, financial and defence reasons.

All kinds of considerations have to be considered. Mainly, the proposition as to how this can be done for the advantage of Assam as well as for the rest of the country—that is a question which we are always prepared to discuss and consider. But, surely, an economic consideration or a consideration from the point of view of technology is not facilitated by hartal, however strong the expression of views might be. We cannot change the economics in this way. In fact, a certain doubt arises if a complicated plant can be established where hartals may constantly arise and prevent such working.

Shri Hem Barua: It is not a question of hartal, Sir.

Mr. Speaker: I am not allowing any discussion on this. Such matters as this, as to where a particular industry ought to be located or not, cannot form the subject-matter of an adjournment motion. Even if the House is so inclined to give its opinion or even decision that it ought to be located in a particular place, the question is how far it can hamper the hands of Government which will have to take technical advice and so on. Information on such matters can be elicited by means of Call Attention notice, they can get a statement and then discuss with the Government. I am not called upon to give my consent to this.

Shri T. K. Chaudhuri (Berhampore): On a point of order. May I point out that we are discussing here the question of admissibility? And if the charge levelled by the hon. Member is at all true, that the consideration of the profits of the Assam Oil Company has played some part in the decision that the Government has taken, surely it is a very serious matter.

Shri Jawaharlal Nehru: In fact, it has not. The Government has absolutely nothing to do with that. In fact, Government would act adversely to any such suggestion.

Mr. Speaker: Nobody is here to protect the interests of the Assam Oil Company. So far as the adjournment motion is concerned, the charge against the Government is that it has not located, or does not propose to locate, the plant in Assam. That is not a matter which should form the subject-matter of an adjournment motion. As a matter of fact, every industry has to be located somewhere, and then we will have a series of adjournment motions. Therefore, I am not called upon to give my consent to this.

Shri Hem Barua: Sir, I want to abstain from the House. I just came to move this motion. We withdraw.

Mr. Speaker: The hon. Member does not require my leave to absent himself from this House.

(*Shri Hem Barua and Shri Amjad Ali then left the House.*)

ALLEGED HARASSMENT OF BUDDHIST CONVERTS

Mr. Speaker: Then **Shri B. C. Kamble** has given notice of an adjournment motion to discuss "the large-scale mass harassment of the Buddhist converts through social boycotts, assaults on their persons, and dire threats to their property and women folk at Rajura, Himgoli and numerous villages in North Satara district in the Bombay State, violating the Fundamental Right of Freedom of Religion."

Is it not purely a matter of law and order and a State subject? Hon. Members can go to the High Court there or to the Supreme Court.

Shri B. C. Kamble (Kopergaon): The Bombay State have not taken any steps in spite of all these boycotts, assaults and harassment. Therefore I am requesting that the House should take some steps by appointing an all-party committee to enquire into the matter. Because, this question of social boycotts and other kinds of harassment is a very serious one, and the entire life of this community is

[Shri B. C. Kamble]

brought to a stand-still. That is why I have brought forward this adjournment motion.

Mr. Speaker: It is purely a matter of law and order relating to the Bombay State, however important it might be so far as Fundamental Rights are concerned. There is the High Court and the Supreme Court to which cases can be taken for safeguarding the Fundamental Rights. Parliament is not a court of justice so far as maintenance of Fundamental Rights is concerned, nor has it got an appellate jurisdiction over the States. Under these circumstances I am sorry I cannot give my consent to this. Both of them, that is Adjournment Motion Notices Nos. 7 and 8, are rejected.

FOOD SITUATION IN EASTERN U.P.

Mr. Speaker: The next one is in the name of Shri Shibban Lal Saksena. I need not hear him again. He has been raising this matter again and again—"the utter failure of the Government to take any substantial steps whatsoever to tackle the extremely grave food situation in Gorakhpur, Deoria, Basti and other districts of Eastern U.P." In some part of India or the other there is always a serious food situation from time to time. This has come up before the House on one other occasion. Food situation generally is a State subject. And whenever a State wants the aid of the Centre and the Centre has refused it, and done so improperly, then possibly in some other form the matter can be brought before the House. I am not called upon to give my consent to this adjournment motion—either to this (No. 9) or to No. 10.

Mr. Speaker: No. 11 is regarding the notice of strike by the National Federation of Post and Telegraph Employees Union, and No. 12 is about the hartal by the traders of Delhi.

Shri S. N. Dwivedy (Kendrapara): I do not press it (No. 12).

Mr. Speaker: That is covered by No. 4.

The House will now take up normal work.

श्री रामजी बर्मा (देव, रेवा) : अध्यक्ष महोदय, एक रेडजर्नमेंट मोशन मेरा भी है ।

Mr. Speaker: I have disposed of both.

Hon. Members will kindly observe this. There is no time-limit for the submission of an adjournment motion. Till 11 o'clock any hon. Member can hand over his notice of adjournment motion to the Secretary and to the Minister concerned and to the Speaker. I shall try to dispose of such of them as I am able to before coming here—I have to come and sit here; I may not have sufficient time. Therefore, as much as I am able to go through, I shall bring on that day. Such of them as I am not able to go through in the Chamber I will bring on the next day. The hon. Member has given the notice in Hindi, I take it. I am getting a translation. I shall find out what it is and dispose of it tomorrow.

श्री रामजी बर्मा : उसके हिन्दी में होने का वाणु उपक्ष नही होने में है ।

Mr. Speaker: Very well.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER INSURANCE ACT

The Minister of Finance (Shri T. T. Krishnamachari): Sir, I beg to lay on the Table a copy of each of the Notifications Nos. S.R.O. 1666 and S.R.O. 1667, dated the 25th May, 1957, under sub-section (2) of section 20 of the Insurance Act, 1938. [Placed in Library. See No. S-93/57]

DECISIONS ON RECOMMENDATIONS OF D. V. C. ENQUIRY COMMITTEE *REPORT

The Minister of Irrigation and Power (Shri S. K. Patil): Sir, I beg to lay on the Table a copy of the statement containing Decisions on Recommendations Nos. 68 and 69 of the

Damodar Valley Corporation Enquiry Committee Report. [Placed in Library See No. S-94/57]

AMENDMENTS TO ADMINISTRATION OF EVACUEE PROPERTY (CENTRAL) RULES

The Parliamentary Secretary to the Minister of Rehabilitation and Minority Affairs (Shri P. S. Nasker): Sir, on behalf of Shri Mehr Chand Khanna I beg to lay on the Table, under sub-section (4) of Section 56 of the Administration of Evacuee Property Act, 1950, a copy of the Notification No S R O. 667 dated the 2nd March, 1957, making certain amendments to the Administration of Evacuee Property (Central) Rules, 1950. [Placed in Library See No S-95/57]

ANNUAL REPORT AND ACCOUNTS OF HINDUSTAN HOUSING FACTORY (PRIVATE) LIMITED

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): Sir, I beg to lay on the Table, under sub-section (1) of Section 639 of the Companies Act 1956, a copy of the Annual Report and Accounts of the Hindustan Housing Factory (Private) Limited for the year ending 31st July, 1956 [Placed in Library See No S-96/57]

REPORT OF REHABILITATION FINANCE ADMINISTRATION

The Deputy Minister of Finance (Shri B. B. Bhagat): Sir, I beg to lay on the Table, under sub-section (2) of section 18 of the Rehabilitation Finance Administration Act, 1948, a copy of the Report of the Rehabilitation Finance Administration for the half year ended the 31st December, 1956 [Placed in Library See No S-97/57]

STATEMENT SHOWING PROGRESS OF ACTION TAKEN UNDER SECTION 34(1A) OF THE INDIAN INCOME-TAX ACT

The Deputy Minister of Finance (Shri B. B. Bhagat): Sir, I beg to lay on the Table a copy of the statement showing progress of action in cases

dealt with under section 34 (1A) of the Indian Income-Tax Act, 1922, upto 31st May, 1957, in pursuance of an assurance given on the 18th September, 1954 during the discussion on the Indian Income-Tax (Amendment) Bill, 1954 [Placed in Library. See No S-93/57]

AMENDMENTS TO THE CENTRAL EXCISE RULES

The Deputy Minister of Finance (Shri B. B. Bhagat): Sir, 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) S R O 1591, dated the 16th May, 1957, and

(2) S R O 1767, dated the 1st June, 1957

[Placed in Library See No S-99/57]

CORRECTION OF ANSWER TO SUPPLEMENTARY QUESTION

The Deputy Minister of Planning (Shri S. N. Mishra): Sir, with your permission I would like to correct a statement which I made in reply to a supplementary arising out of Starred Question No 12 today. The time-limit for the submission of the annual plans by the States in complete details, is the end of May and not the end of March.

PRESIDENT'S ASSENT TO BILLS

Secretary: Sir I lay on the Table the following four Bills passed by the Houses of Parliament during the First Session of Second Lok Sabha and assented to by the President since a report was last made to the House on the 13th May, 1957 —

(1) The Provisional Collection of Taxes (Temporary Amendment) Bill, 1957.

[Secretary]

(2) The Copyright Bill, 1957

(3) The Appropriation (No. 3) Bill, 1957

(4) The Central Sales Tax (Amendment) Bill, 1957

I also lay on the Table copies, duly authenticated by the Secretary of Rajya Sabha, of the following six Bills passed by the Houses of Parliament during the First Session of Second Lok Sabha and assented to by the President since a report was last made to the House on the 13th May, 1957 —

(1) The Essential Commodities (Amendment) Bill, 1957

(2) The Life Insurance Corporation (Amendment) Bill, 1957

(3) The Industrial Disputes (Amendment) Bill, 1957

(4) The Reserve Bank of India (Amendment) Bill, 1957

(5) The Coal Bearing Areas (Acquisition and Development) Bill, 1957

(6) The State Bank of India (Amendment) Bill, 1957

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha —

"In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Railway Protection Force Bill, 1957, which has been passed by the Rajya Sabha at its sitting held on the 29th May, 1957"

BILL PASSED BY RAJYA SABHA LAID ON THE TABLE

Secretary: Sir, I lay the Railway Protection Force Bill, 1957, as passed by Rajya Sabha, on the Table of the House

RESIGNATION OF MEMBER

Mr. Speaker: I have to inform the House that Shri R Venkataraman, has resigned his seat in Lok Sabha with effect from the 9th July, 1957

RAILWAY PROTECTION FORCE BILL

The Deputy Minister of Railways (Shri Shah Nawaz Khan): I beg to move*

"That the Bill to provide for the constitution and regulation of a Force called the Railway Protection Force for the better protection and security of railway property be taken into consideration"

As Members are aware, Railways have their own Watch and Ward Departments for safeguarding their property and the goods entrusted to them for carriage. The Watch and Ward Departments functioning on the Railways have hitherto been handicapped by lack of adequate powers and well defined status as also of a proper sense of discipline to fulfil their primary functions of protecting Railway property and of property entrusted to Railways for transport. The Railways have during these years incurred heavy losses on account of theft and pilferage of Railway property and of payment of quite a large number of compensation claims preferred against them.

The proposed legislation is designed to bring about a radical change in the functioning of this Department, which is being re-designated as the Railway Protection Force, so as to achieve quick and effective results. It enables the personnel of the Force to be brought under a special set of disciplinary rules and confers on them, under certain conditions, powers of arrest and search without warrant. Moreover, the Railway Protection Force thus re-organised could provide, in times of need, suitable assistance to

*Moved with the recommendation of the President.

the Government Railway Police who are charged mainly with the responsibility for overall maintenance of law and order in Railway premises

The total strength of the Force, including officers, as it stood on 1st April 1956, numbered 36,630 for all the Railways and the total expenditure incurred amounts to Rs 2.37 crores, per annum. The Bill by itself will not result in any additional expenditure being incurred on the maintenance of the force, as the intention of the proposed legislation is primarily to give the Force an improved status so that it can function more efficiently.

The Bill was taken up for consideration in the Rajya Sabha on 29th May 1957 and passed with some minor modifications.

Shri Mohamed Imam (Chitaldrug): May I seek a clarification? The hon. Minister was pleased to say that this Bill does not result in any extra expenditure. But according to the Bill a number of posts are going to be created including an Inspector General of forces. Do not all these appointments come under the item 'Expenditure'? What I want to know is, are fresh appointments going to be created under the Bill?

Shri Shah Nawaz Khan: These officers are already there. As I said, we are going to carry out a large scale re-organization. It may be that we will reduce the strength in certain places but all these will be covered by the re-organization.

Mr. Speaker: What he says is this: This Bill has got the effect of incurring some expenditure from the Consolidated Fund and a statement to that effect ought to be made to the House. A statement of the financial effect and what its implications are and so on ought to be given. The classes of officers are there. The House cannot vote without having a knowledge of what exactly the amount will be that has to be spent. Otherwise, they may feel that it is not necessary to have so many classes of officers and so on.

Shri A. C. Guha (Barasat): In the Financial Memorandum of the Bill as presented in the Rajya Sabha, we find that in addition to the expenditure being incurred on the watch and ward staff, there is proposal to provide for buildings of the Force on an average Rs 10 lakhs on each Railway and I think there are now 6 or 7 Railways. For the next five years for the buildings of the Force it would cost Rs 60 or 70 lakhs.

The Minister of Railways (Shri Jagjivan Ram): That does not arise out of this Bill. What has been mentioned is this that the men are already there, and the House has already sanctioned the expenditure for that. The security forces have been continuing for the last 3 or 4 years. So the expenditure that we are claiming on that has already been sanctioned by the House and it is already there.

Shri A. C. Guha: If you provide Rs 10 lakhs for building the force in each Railway, it would come to Rs 70 lakhs. That is a new item.

Shri Jagjivan Ram: That does not arise out of this Bill. That is my point. The Force is already there. We are incurring expenditure over the force which also has got the sanction of Parliament. Both have been sanctioned.

Shri C. R. Narasimhan (Krishnagiri): So then that requirement is fulfilled.

Mr. Speaker: I am informed that the Financial Statement was submitted to the other House along with the Bill. In all such cases, the financial Statement has to be appended to the Bill when it is circulated to the Members of this House. I am calling for the Bill as was introduced in the other House. Hereafter this will be done. I am sure the financial statement will be needed for verification. I shall make the original Bill, as was introduced in the Rajya Sabha, also available to all Members. I believe that as soon as a Bill is introduced in the other House, copies of that Bill

[Mr. Speaker]

are circulated to Members of both the Houses

Shri C. R. Narasimhan: I think it will be a better procedure

Mr. Speaker: Of course it is not that they should treat them indifferently. I shall see that as soon as a Bill is introduced in the other House, when it comes to this House, the original along with the Bill as passed by the Rajya Sabha will both be circulated. Hon. Members may know what changes have been effected here and so on.

Shri C. R. Narasimhan: Is it proposed to dispense with it now here?

Mr. Speaker: Anyhow, I shall consider that. When a Bill comes here from the other House, we do not insist upon these formalities. The difficulty can be obviated by circulating copies of the Bill as introduced in the other House. That will be the best method. I shall place the Motion before the House for consideration.

Shri A. C. Guha: I would like to mention here about the time-lag between the Bill being introduced in one House and its being taken up for consideration in the other House. It is sometimes very considerable. It may be 6 or 8 months or even more. So it would be better that when the Bill comes from the other House, the financial memorandum and the statement of Objects and Reasons should also be printed in the Bill as placed in this House for consideration.

I hope you will consider this suggestion. In this case, the time-lag is so big just a year. Sometimes, it takes even a year. A Bill may be introduced in one House. It is not possible to keep for one year a copy for reference when the Bill comes up for discussion in this House.

I give my general support to the purpose of this Bill. From the available literature that I could get from the Parliament library, I find that the expenditure incurred by the Railway department on compensation

of claims has been increasing year after year. The House will recollect that there was a Railway Corruption Enquiry Committee. According to the report of that Committee, the amount paid for claims and compensation in 1938 was only a little over four lakhs of rupees. In 1953-54, it has gone up to nearly three crores. Some may say that the gross earnings of the railways had also gone up. I shall refer them the increase in percentage. In 1938-39 the percentage of the amount paid is 0.04 of the gross earnings while in 1953-54 the percentage has gone up to 1.06. The percentage increase is about 26 times. So it is a serious matter.

I quite agree with the Railway Minister that his department is quite conscious of the seriousness of the situation. Recently, there have been three enquiries connected more or less with this matter. One was the enquiry by Shri Mullick, another, by Shri Brown and yet another by Shri Ramasami Ayyar. The Railway Corruption Enquiry Committee has also dealt with these matters. So, there have been four enquiries in recent times.

I have not been able to get a copy of the Mullick report. That Committee was copiously quoted in the course of the debates in the Rajya Sabha. I wrote to you also about it.

Mr. Speaker: Is a copy available in the library?

Shri Jagjivan Ram: May I intervene? Perhaps it will cut short the argument. This work was entrusted to Shri Mullick, Director of the Intelligence Bureau in the Home Ministry. The report was only for official use. It is a secret document. Therefore, when the hon. Member wrote to the Railway Ministry, we said that we could not give a copy. I do not know how a Member of the Rajya Sabha quoted from it.

Shri A. C. Guha: Not only a Member of the Rajya Sabha quoted from it. The Railway Corruption Enquiry Committee also has referred to that report, on about a dozen occasions.

Mr. Speaker: Is it not necessary that the documents referred to in reports which are made public should also be made available to the Members of Parliament? If there is no reference, that is a different matter. But, when it is referred to, one should know whether any particular recommendation is wrongly based upon that report or whether the report has been misread. The hon. Railway Minister says that it is a secret document. Then, it ought not to have been placed before a Committee for one purpose.

Shri A. C. Guha: That report was also available to the Members of the Estimates Committee and in its 26th report there are references to this report.

Mr. Speaker: The hon. Minister will kindly enquire and find out.

Shri Jagjivan Ram: I will look into it. If excerpts have been quoted by the Corruption Enquiry Committee or the Estimates Committee, I shall consider whether copies should not be made available to the Members of Parliament.

Shri H. C. Mathur (Pali): It has not only been quoted. It has been stated clearly that the entire Bill is based on Shri Mullick's report and that as a matter of fact he prepared a draft of the Bill and that this is just *verbatim* copy of that Bill. This has been stated by an hon. Member who had access to that report.

Shri A. C. Guha: That is what I was also going to refer. The report was also available to the Railway Corruption Enquiry Committee and the Estimates Committee. For the last six or seven days, I have been trying to get a copy. The Parliament Library has written to them. They have not given any written reply but on the phone they have said that it is a secret document. I do not want to block the discussion on this Bill on this account. I place this matter before you for your consideration so that at least in future such reports may be made available

in sufficient numbers for reference by Members of Parliament.

As I have said, the railway department is quite aware of the seriousness of the situation and four enquiries were made into more or less the same matter by four different committees. But, this Bill may not quite meet the purpose for which it is meant. There are already four departments working in the railways for checking corruption and other things: the Government railway police, the watch and ward, the investigation organisation and the special police establishment. The last one may not be a railway department but it is also working in the railway department. In spite of their working, the claims and compensations have been increasing. Almost everybody has suggested that there should be some strict discipline enforced. This Bill is inadequate for the purpose.

I find one passage in the Brown Committee's report. It said that there should be some drastic punishment in the case of corruption or connivance at or collusion with corrupt acts. The report says:

Stoppage of passes or increments means little or nothing to them. They refer to such punishment almost with contempt."

That is the language used in that report. So, the Committee suggested that there should be some drastic punishment in case anyone was found engaged in corrupt practices. The Railway Corruption Enquiry Committee—the Kripalani Committee—also suggested that the punishment should be deterrent, but here we find in some clauses that the punishment proposed is only three months simple imprisonment, which I think is quite inadequate for the purpose.

By this Bill they are simply transforming the watch and ward department into the Railway Protection Force. The quality of the watch and ward department should also be examined in this connection. If the watch and ward department as it exists now has been condemned

[Shri A C Guha]

repeatedly by different enquiry committees as unsuitable for the purpose, simply by giving them a new name or giving them some added power I do not think the real objective would be served. The Brown Committee says

"The practice of transferring to watch and ward department totally unsuitable staff from other departments where they have become redundant should be eschewed"

That was the process by which staff was recruited to the watch and ward department, unsuitable staff from other departments were taken in. That was not the case only in the case of the lower staff, that was also the case as regards those who can be called officers. The report of the Brown Committee says

"The inspectors do not evince due sense of responsibility in the discharge of their duties, and this leads to the increase of compensation claims"

The same thing applies to the lower staff as also to the inspecting staff. By simply taking over the watch and ward department and giving them a new name I do not think the real purpose would be served.

This department was constituted about 35 years ago. That was also on the recommendation of a Committee. I think the Railway Police Enquiry Committee, in about 1921. Moreover, the Mullick Committee has said that about 80 per cent of the claims and compensation cases are due to internal causes, that is to say, due to dishonesty among the railway officials including those of the watch and ward department. The Kripalani Committee has also upheld the view, that nearly 80 per cent of the claims and compensation cases are due to internal causes. Therefore, by simply taking over the watch and ward department I do not think the real purpose of the Government would be served.

There are certain other things in respect of which I have given notice of

amendments. For each Railway the entire recruitment of the staff is to depend on one official. It is the Chief Security Officer of each Railway who will recruit the entire staff. I think that is a very bad practice. Recently we have had occasion to notice in another organisation that posts are being created simply at the sweet will of that organisation, which is an autonomous body. If this statute gives authority more or less similar to that of an autonomous body to the Chief Security Officer to recruit staff I think that would be setting a bad example and it will not lead to any efficient working of the organisation.

Clause 7 of the Bill says that members of the lower staff in the proposed Police Force will carry a certificate showing that they have been employed in this Police Force. I do not know whether such a certificate is carried by the police or military people. Even if that has to be done in this case, I do not know why the senior officers should be excluded from that. They also should be given such a certificate to be carried with them and surrendered to the office when they quit the service. I do not think there should be any qualitative difference in treatment regarding members of the lower rank and officers.

With these few observations I generally give my support to this Bill. I hope in the course of the second reading some of my amendments and those submitted by other Members will be sympathetically considered by the hon. Minister. I expect that the Bill will be improved during the course of the discussion in this House, so that it may achieve the real purpose which the hon. Minister and this House have in common.

Mr. Speaker: May I know how many hon. Members would like to participate in the general discussion? I find that there are eleven Members. May I have a rough idea as to how long this Bill will take for general discussion and for clause-by-clause consideration? There are about 58 amendments and 21

clauses. I think we may give two hours for general discussion and one hour for clause-by-clause consideration. Let us see if we can finish this in three hours.

Shri Bimal Ghose (Barrackpore): The impression we had was that the time fixed was six hours.

Mr. Speaker: There is no question of giving six hours for this Bill. We shall try to finish it today. We will have four hours in all. We can have 2½ hours for general discussion and 1½ hours for clause-by-clause consideration. Therefore, the general discussion will conclude by 15 30 hours. I would, request hon. Members to try and be brief; of course, they need not leave any important point that they would like to point out.

Shri Tangamani (Madurai): Mr. Speaker, Sir, the hon. Deputy Minister for Railways while introducing the Bill has stated that this Bill seeks to convert the existing watch and ward department into the new organisation with added powers. The purpose, I submit, is very laudatory, but the method suggested is not at all going to end in success. As the previous speaker pointed out, the idea of giving enlarged powers to the watch and ward department was conceived by the Mullick Committee and, if I may say so, that Committee in suggesting the Bill stated that the compensations claimed from the railway authorities were mainly due to losses which may be called 'internal' 80 per cent of the losses were not due to external causes but due to internal causes. Corruption, inefficiency among the staff and various other factors which they have mentioned have led to these losses. When that is the case, merely by giving added powers to the watch and ward staff will the purpose be served?

The Government of India are now seriously thinking of associating the workers in the management of the various industries. Railways, as one of the biggest nationalised industries, may be the starting point. Only today

during the question hour the hon. Deputy Minister for Labour was pleased to state that in associating the workers nationalised industries will also be included. Therefore, my submission is that the Bill as it is conceived of is not going to serve the purpose which has been mentioned in the Statement of Objects and Reasons.

As the previous speaker pointed out, there are four departments, the Railway Police, the Watch and Ward Department and two special departments. If all these four Departments are not able to check these thefts and losses due to these causes, I am afraid giving more powers to the Watch and Ward will not serve the purpose.

13 hrs.

Having said this I would like to go into the details of the various clauses of this Bill. This morning I had sent notices of fifteen amendments and I do not know whether those amendments would be allowed to be moved. In any case, though the amendments may not be allowed, I would like to mention certain points arising from those amendments. In the first place, there appears to be confusion about this new protection force which is going to be set up. Clause 3 deals with this Railway Protection Force which is really railway property protection force. From sub-clause (2) of clause 3 it is not clear whether these superior officers would be the existing officers or a new type of officers. Clause 4 adds further to this confusion because we find there is the post of an Inspector-General which is being created; then there are separate Chief Security Officers, Security Officers and Assistant Security Officers. How co-ordination is going to be brought about among the Inspector-General, the Chief Security Officer and the various Security Officers and the General Manager is not very clear in this Bill. So if this Department is created directly under the General Manager with an Inspector-General and certain subordinate officers it could be understood. But how this force is going to

[Shri Tangamani]

operate as it is proposed to be constituted is not very clear

The next point I would like to emphasise is the enormous powers that are being conferred upon this new force. These powers are mentioned in clause 12. They are given powers to arrest without warrant, they are given powers as if any offence that is likely to be committed would be a cognizable offence. They are also given powers to effect a search without taking the necessary precautions. When such powers are given they are likely to be abused. I may, in this connection, mention one instance. A worker, or even a passenger when he crosses over from one side of the railway station to the other side may use the track. This Bill confers power, as a precautionary measure, to arrest such persons. These extraordinary powers which are being conferred makes me feel that the railways are now sought to be converted into a military zone. So, the militarisation of the railways is taking place.

The settled policy of the Government is that even in nationalised industries the employees should be associated, but in the case of the railways militarisation would take place. So, it will be keeping a watch not only over the employees, not only over those people who are likely to pilfer, but even the bona fide passengers.

Having said this about the new powers that are being conferred upon this force, I would also like to add that this new force which is going to comprise about 36,000, is going to get no protection at all, like any other ordinary citizen of the country. Whenever a Central Government employee or a railway employee seeks protection for collective bargaining, he has been given protection under the Indian Trade Unions Act and the railway employees have formed themselves into several trade unions. Here this new force which is being created is more or less exempted from all those

Acts which give protection to the employees. I would like to refer to clause 19 which says that "nothing contained in the Payment of Wages Act, 1936, or the Industrial Disputes Act, 1947, or the Factories Act, 1948, shall" apply to the members of this force. What are these Acts? The Payment of Wages Act, 1936, merely gives protection to the employees to the extent of the payment of wages. No employer whether it be a Government or a private employer, is allowed to keep the wages of those workers for a longer period than is necessary. If the wages are approved for a particular month the worker has to be paid the wages on the 10th of next month. Where the worker has not been paid his wages, he gets a remedy; he can approach the Labour Commissioner through a petition and the Labour Commissioner will make an order that the unpaid wages or the delayed wages shall be paid. Even that protection which has been extended to the ordinary worker is being denied, as soon as he becomes a member of this force.

The Industrial Disputes Act which has been amended from time to time is being extended to Central Government employees. Recently it was also extended to the Posts and Telegraphs employees. When all the other sections of workers, whether they are Central Government employees, or Provincial Government employees, or employees under private management are getting this protection, I do not know why these rights are being taken away so far as these workers are concerned.

Again the workers, or members of this force have to submit themselves to any order of a superior which is more rigorous than obtains in the military. My point is that while giving indefinite and enormous powers to this force you want to deny them of even the rights which are extended to an ordinary citizen.

Lastly I would like to submit that already the Watch and Ward is being looked upon with suspicion by the rest

of the employees. The real thing that is needed is the cooperation of twelve lakhs of railway employees for the protection not only of the goods entrusted to them but the protection of the railway property also. I would have been happy if the definition of railway property included not only the goods and many valuable property, etc., entrusted to them but also materials in the nature of fixtures, in the nature of machineries, spare parts, etc. For the protection of this property the real thing that is needed is the cooperation of the employees. The willing cooperation of the employees alone will be the real protection against these thefts and other losses.

In conclusion, I would like to say that although Government's purpose is laudable, the way the Bill has been brought will only cause suspicion in the minds of members of this force. I would in this connection like to mention clauses 13 and 22. I suggest that these clauses will have to be deleted. If the amendments that I have given are allowed to be moved such of the amendments as can be accepted may also be accepted when the Bill is taken up for the second reading.

Shri D. C. Sharma (Gurdaspur) The first observation that I want to make on this Bill is that the general provisions of the Bill are not so significant as the provisions given under clause 21, so far as the rule-making power is concerned. I feel, therefore, that this Bill suffers from a great deal of vagueness. I should say that it has been prepared in a hurry and the various implications of this Bill have not been taken into account.

For instance, I find that there is no provision as to the classes, grades, remuneration of the superior officers, etc. All these have been left to the rule-making power of the executive. I believe this rule-making power takes away greatly from the legislative power of this House, to which I and many others have the honour to belong. There is also no provision as to what are going to be the powers, duties, etc. of the officers. The thing has been left vague. Again, we are

not told what is going to be the period of service of the superior officers. Most probably they will be taken from the existing police service and they will be retired officers given another chance of service. I, therefore, want that all these points should have been made clear in the Bill. Nothing has been mentioned about the punishments that are going to be awarded and the appeals that are going to be made. All these things have been left vague. When these things are left vague, this Bill loses much of its value and significance. I wish there should have been a memorandum giving us all the details.

I come to clause 1. One omnibus word has been used here—"goods". I wish that the word "goods" should have been adequately defined. At least the main headings of this word "goods" should have been given here so that we should have known what are the things which the railway authority want to protect and what are the things which the members of the railway protection force are going to guard. This Bill does not say what they are going to guard and what they are going to be careful about. I feel that this most important aspect of the Bill should have been carefully elaborated upon in order that the railway protection force would have known what to do and the public also should have known what it can expect from them. There should be an elaborate clarification of the word "goods".

I find that in clause 4 we have given a very imposing list of the officers and other ranks who are going to constitute this force. In the present Government we find a strange habit of multiplying agencies of the executive. This tendency of multiplying departments and officers has gone into the soul of our Government. The other day I was discussing the Copyright Bill on the floor of this House and there I found that ample provision had been made for the appointment of officers of all grades. Here also we are falling into the same trap. We are going along the same path and we are going to commit, if I may be permitted to

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say so with due respect, the same mistake. The multiplication of departments, officers and other things does not constitute efficiency. I think it is a wrong idea which has crept into our head, that these things are conducive to better functioning of our Government. I would say, therefore, that all these officers are not needed, because this railway protection force is going to get assistance from the railway police. It is also to be linked up with the anti-corruption department and with the special intelligence staff that we have got. I can understand if they had scrapped all these departments and given the entire thing to this force with different cells to deal with different problems. I do not see any reason how this is going to help. When it comes to co-ordination between one department and another department of Government, there are inordinate delays. There are so many procedural defects and roundabout processes and what I may call red-tapism, creating all problems of co-ordination between one department and another. Therefore, I would say that so many officers are not needed.

There is one thing which I find in the railway protection force. It is a strange mixture of Hindi-English co-operation. Some officers have been given English names and others Hindi names. I welcome all those Hindi names, but I wish the Government of India adopt a general policy. Either they should give all the officers Hindi names or they should call them by English names which are familiar and well-known. Now, we call it 'Rakshak'.

An Hon. Member: It is a gradual change.

Shri D. C. Sharma: It is gradual change, but I would like this change to be made in some rational way and all along the line. We should not have one half of our house labelled as one thing and another half as another thing.

I now come to the powers which have been given to the Chief Security Officer. Of course rules will be made, but I do not want that anybody should have autocratic powers even subject to rules, so far as appointments are concerned. We have Public Service Commissions. Sometimes they function very well and sometimes they do not function well at all. All the same, I think that it is better to have a Public Service Commission which should make the appointments than to vest this power in one officer however good, exalted and experienced he may be. After all, in the matter of appointments, we have to face the public. When the appointment rests only with one person, I think it becomes very difficult to make out a case for the appointment which any person makes.

I do not understand what is meant by saying that everybody will carry a certificate. I should have thought that like the Members of Parliament, they should carry an identity-cum-railway pass which will enable them to travel from one place to another. We Members of Parliament have to carry that and we are not very unhappy about it. But I do not know in what way this certificate is going to be a magical thing which will open all the gates to them, how it is going to help them and how they are going to benefit by that. I think that between the committing of an act and the apprehending of a person, the showing of the certificate may take such a long time that the purpose for which the certificate is meant may altogether disappear. I do not know why this certificate is to be there. Are they not going to have a uniform which will show that they belong to the Railway Protection Force? Are they not going to have any insignia like that? Are they going to be in plain clothes? Is that the reason why we require this certificate? I do not quite understand what is going to be the value in effectiveness, in efficiency, in the prompt discharge of their duty, of the certificate which has been given. I am not yet a socialist.

to that extent that I should say that everybody from the Railway Minister to the rakshak should show a certificate of that kind

Shri Jagjivan Ram: No harm in having a certificate

Shri D. C. Sharma: As far as we know, it is going to be cumbersome. We should adopt a less difficult method for revealing the identity of the members of the Railway Protection Force

It has been said on the floor of this House that Committees after Committees have made a plea for a drastic approach to this drastic problem. A desperate disease requires a desperate remedy. Desperate remedy means that we should make the punishment as deterrent as possible. But, I find that the punishments which have been prescribed in clause 9 are child's play—seven days' pay, reduction in pay scale and all that. As it has been said on the floor of this House, some of the members of the Watch and Ward have been accomplices in the commission of these very offences which they are appointed to guard against. Taking into account that fact—and this fact has been mentioned in the floor of this House and in the other House also—I wish that more drastic punishments had been prescribed for both persons who are found to be careless in their duty or negligent in their duty and those who are found to be accomplices.

It has been said that the powers that have been given to these persons are too much. While discussing clause 13, an hon. Member said that the powers vested in these persons are not normal and that they are powers given to persons who are operating in a militarised zone. I do not think so. I believe that on the railways, there is a danger of sabotage and there is the danger of having property tampered with. We are sometimes told about railway tracks being tampered with and so many other things done to the railways. I believe that, without using the word militarise, we can say that this is our sacred national property and that we have to deal with those

persons who tamper with the sacred national property in a way which proves to be deterrent in the case of other wrong-doers. I, therefore, believe that the powers which have been given under clause 13 are justified and that the law should be administered in such a way that no one dares to do any damage to railway property, which is our national property. That would give the people the conception of national property and how we are keen on protecting and guarding it.

In clause 17 it is said that a person shall be liable on conviction, to simple imprisonment or a period not exceeding three months. All these things are there. But I would say that they are not going to serve the purpose. In the first place, it becomes very difficult to prove negligence of duty. Our lawyers are there to protect the people. Our courts are there to protect the people. I am glad that they protect the people. But, I would say that the period of imprisonment should be enhanced in this case, because, we are not dealing with normal dereliction of duty, with normal offences, with a normal breach of the law, but with things which are beyond the pale of normal law.

When a Bill is presented in this House, there are, sometimes, cross references made to other Acts which are already in force. I remember it was said once on the floor of the House that whenever there are any cross references to other Acts which are in force, those cross references should be included in an appendix to the Bill. In clause 19, there is reference to three Acts. Of course, we can consult the library and all that. But, I think that for purposes of ready reference, it should be the duty of the sponsors of a Bill to give those references as an appendix.

Therefore, while I welcome this Railway Protection Force Bill, I do not know if it is going to stop pilfering, thefts and all those offences about which we have been talking for such a long time here and also outside, and about which so many Committees have

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been appointed I think that it is a very mild measure which has been brought to deal with a virulent disease. It is a measure brought for a localised disease whereas the disease is to be found in an epidemic form. I wish the sponsors of this Bill had devoted more time and attention to the framing of this Bill and had given us a Bill by means of which railway property would have been adequately protected and all these pilferings and other things could have been stopped.

13.28 hrs.

[MR DEPUTY-SPEAKER in the Chair]

Shri B. S. Murthy (Kakinada—Reserved—Sch Castes) Mr Deputy-Speaker, I consider this Bill is a Bill of duplication and complication. It duplicates the work of certain departments that are now already carrying on the work and complicates the work that has so far been normally carried on. The object of this Bill, as stated in clause 3, is to create a Railway Protection Force for the better protection and security of the railway property. Nothing has been said about the protection of passengers. The passengers are being protected by local police known as the Railway Police now. If there is a conflict between the Railway police who are always available on the platform and sometimes by the side of the railway property, and this new Railway Protection Force, who is to be the arbitrator as to the rights and privileges of each force? That has not been stated here. I do not know why the Government should have thought of establishing a protection force to be administered from the Centre by a newly created Inspector-General for this purpose. I do not know why the Government have not thought it fit to entrust this work also to the Railway Police who have been doing good work for a long time, who have not only given protection, but also been able to find out some times cases of corruption, thefts etc. Therefore I consider that it would have been a wiser move on the part of the Central Government and the Railway Department if they

had given a trial to the existing Railway Police to see whether they could not give, as has been stated here, better protection and security to railway property.

Having said that, I would like to know from the Deputy Minister how this force is going to be administered. Here at the Centre they want to have an officer known as the Inspector-General of the Railway Protection Force, and his subordinates are the Chief Security Officer and Assistant Security Officer, but this Bill says in clause 8(2) that everything will be under the general supervision of the General Manager of Railways. Therefore, if the General Manager of the zone is responsible for the superintendence of the force and its activities under the Chief Security Officer, why should there be an officer known as the Inspector-General of Railway Protection Force? Why should not this work of co-ordination, if it is co-ordination, be entrusted to the Member in charge of staff who is a Member of the Railway Board or one of his subordinates known as Directors? I consider it is a rather very unhealthy sign of creating new posts when the whole country is trying to practise austerity to economise and see that every pie available is spent for the fulfilment and fruition of our Second Five Year Plan. Therefore, I would like to know why this supernumerary post of the Inspector-General of Railway Protection Force is being created when he is not directly in charge of the administration carried on in the different zones by the Chief Security Officer or the Assistant Security Officer. This post may be done away with.

Again, most of these governmental undertakings, such as the one coming into force, have become pinjrapoles where a number of sinecure jobs are being created for those people who have either been debilitated or retired prematurely for some reason or other. I hope that this Railway Protection Force will not be a protection force for corruption, but that on the other hand,

it will really protect railway property and see that better security is provided

Then, about these names, my friend Shri D C Sharma has already spoken. Why borrow two types of names? For "A" Class officers, the names are Inspector, Sub-Inspector, Assistant Sub-Inspector etc. Immediately after for the "B" classes of other ranks—I cannot understand what that is—the names are Head Rakshak, Senior Rakshak and Rakshak. In Andhra "Rakshak" means God. That is if one is a "Rakshak", everybody will call him God. I cannot understand it. After all, having borrowed an English name like Inspector etc., what is the harm in calling these people Constables? I think the originators of some of these names in Hindi do not understand how Sanskrit is being used in different parts of India. Sanskrit is a common heritage for all people in India. I am told the Wireless Office is known as "Vitantu Karyalay". "Vi" means without, and "tantu" means wire. But in Andhra "Vitantu" means a widow. Suppose some one goes to the Wireless Office, he says, "All widows are here". I want these protagonists of Hindi should be careful and consult literatures of other languages before rushing in with words like "Kant langot", "Vitantu" etc. In Andhra "langot" is never used for the neck.

Shri Shree Narayan Das (Darbhanga) What is the Telugu name?

Shri B. S. Murthy: If the hon. Member wants the Telugu name as pure Telugu or Sanskritised Telugu or Sanskrit Telugu, I can give him three types of names if he meets me in the lobby, but I do not want the time of the hon. House to be wasted.

Mr. Deputy-Speaker: That is good counsel.

Shri B. S. Murthy: Therefore, this name "Rakshak" should not be given to these people. "Rakshak" means always God. I do not know whether this man comes as a God to protect the

property or protect himself or protect the corrupt officials.

As has been already stated, the appointing authority should not be either the Inspector-General of the Force, who I think has no work because the General Manager is doing all the work, or his Chief Security Officer. Nowadays there is a lot of nepotism and favouritism. It is true, I know, because there is a lot of unemployment and people who are in a place of vantage would like to use their influence to get appointments to their people. There may not be anything wrong in it, but taking the situation as it is, we must see that no scope is given to any officer to exercise his discretion in his own favour. Therefore, I say that neither the Chief Security Officer nor his Assistant nor his superior, the Inspector-General of the Railway Protection Force, should be given any authority to appoint any of these Members of the Force. There are the Railway Commissions, one at Madras, and the others at Bombay, Calcutta and Allahabad. If necessary, some more may be created, and this task of selecting the Members of the Force, the senior officers of the Force, may be left to these Service Commissions which will certainly infuse confidence in the public as to the mode and method of selection of these officers.

I think clause 12 is rather serious because it gives enormous powers into the hands of all people. It does not say anything about a senior officer, or a superior officer. It says any Member of the Force can without a warrant arrest any person whom he thinks is suspicious. I think such powers may be necessary under emergent circumstances, but in the normal course of affairs such powers should not be given in the hands of these Rakshaks etc. All these people should not be entrusted with such powers.

I am surprised how the Minister of Railways, who is known for his thoroughness, has been able to bring forward a Bill of this nature, without

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giving us any inclination as to the details of clause 21. I am, therefore, very much anxious that the rules should always be such as would not make this Force a Force for giving protection to corruption, lethargy and indifference.

With these words, I support this Bill, and I would urge the Minister to see that the defects that have been pointed out are rectified, and this Force is brought into existence so that the properties of the railways may be better protected and better secured.

संजेट ठ कुर वान भ वंड (हिसार)

जनाब डिप्टी कमिश्नर साहब, मुझे अफसोस के साथ कहना पड़ना है कि जो बिल हमारे सामने रख गया है, वह सीयर स्कैनेटन है। इसमें जो बातें होनी चाहिए थी और जिन पर हम हाउस में बहस हानी चाहिए थी, वे इसमें मौजूद नहीं हैं। इस बिल के जरिये एक नई फोर्स पैदा की जा रही है, लेकिन इसमें मेम्बरों आफ दि फोर्स के कुछ आफेंसिबल और सजाओं का कुछ जिक्र है, लेकिन उन के अलावा जो दूसरी जरूरी तफ़्तीलात इसमें होनी चाहिए थी, वे मौजूद नहीं हैं।

दरअसल यह बिल कुछ आधा मिलिटरी और आधा सिविल सा है। हम नवीं एक्ट और आर्मी एक्ट पढ़ने हैं। उसमें जो दफाये दी हुई हैं, उसमें जो सजाये वगैरह दर्ज हैं—जैसे चौदह (१४) दिन का क्वारंटाइन और कावरडिस के मुद्दिक सजा वगैरह, हालांकि हम नहीं जानते कि कावरडिस क्या है, क्योंकि बिल इस बारे में साइलेंट है और उसकी कोई डिफिनिशन नहीं दी गई है—इसमें रख दी गई है। इसकी वजह शायद यह हो कि हमारे आनरेबल मिनिस्टर साहब खुद मिलिटरी के अफसर हो और सिविल तो वह हैं ही। शायद इसी लिए यह बिल सिविल और मिलिटरी सा-का एक मुरकब बन गया है।

इस बिल में सब से पहले आफेंसिबल की रिफ्यूजेंट का प्रोवीजन दर्ज होना चाहिए था,

लेकिन इस बारे में यह बिल बिल्कुल साइलेंट है। असल में सुपरियर आफेंसिबल की रिफ्यूजेंट के मुतालिक यहाँ कुछ नहीं कहा गया है। स्टेटमेंट आफ आबमेंट्स एंड रीजन्स में कहा गया है कि बूक बोरिंग्स बहुत बढ़ती जा रही है और बाच एण्ड बाई के स्टॉक का कोई स्पेशल स्टेटस नहीं है, इस लिए यह बिल लाया गया है। रेलवे कम्पन एम्पायरी कमेटी की रिपोर्ट को देखने से पता चलता है कि असा फोर्स बोरिंग्स रेलवे स्टाफ के कालूशन में होता है—रेलवे के अफसरों को है। अगर इस बिल में यह प्रोवाइज किया जाता कि जो अफसर किसी ज़ुम के अफेंसिबल होंगे, सब से पहले उन की खबर ली जायेगी और अगर उन के लिए कोई इस्टिमेट सजा रखा जाता, तो मैं समझता हूँ कि गवर्नमेंट बाई इस मामल में सॉरियस है। लेकिन मैं इसमें अजब अजब बातें देख रहा हूँ। ऐसा मालूम होता है कि जैसे फेच मेजिस्ट्रेट के सामने कोई ला रखा जा रहा हो। इसमें स्टाफ की तीन क्लासिफिकेशन की गई हैं—सुपरियर आफेंसिबल, आफेंसिबल और अवर रैंक। दफा ९ और १७ में मेम्बरों आफ दि फोर्स के जरायम और सजाओं का जिक्र किया गया है, लेकिन सुपरियर आफेंसिबल के लिए कोई कायदे और सजा वगैरह दर्ज नहीं हैं। शायद आनरेबल मिनिस्टर साहब इसका यह जवाब देंगे कि उनके लिए आर्डिनरी ला मौजूद है और वहाँ काफ़ी है। लेकिन मैं समझता हूँ कि आर्डिनरी ला से तो हमारे रैंक्स भी मुबरा नहीं हो सकते हैं, उनके लिए खास तौर पर प्राविजन क्यों रखा गया है।

बेहतर होता कि इस बिल में मुकम्मल तौर पर हम को यह बताया जाता कि किस तरह रिफ्यूजेंट होगी, क्या ज़ुम है और क्या सजाये है, क्या इयूटीज है, वगैरह। दफा ११ में इयूटीज दर्ज की गई है, लेकिन मैं यह अर्ज करना चाहता हूँ कि नीकर का काम है मालिक के हुक्म की फ़ौरन तामीक

करना और प्रोटेक्शन फ़ोर्स का काम है प्रापर्टी की हिफ़ाजत करना, वे बाईं क्रीन नहीं जानता है। इस के बावजूद हम देखते हैं कि वही बातें नेम्बर्जें आफ़ दि फ़ोर्स की इयूटीली में दर्ज की गई हैं और इस के अलावा और कोई तफ़्तीकात नहीं की गई है।

हमें को मालूम होना चाहिए था कि बाघ एण्ड बाईं के महामों को जो पावर्जें दी गई हैं, उन के साथ क्या सेफ़गार्ड रले गए हैं। जब कभी कोई बिल हमारे सामने आता है तो सब से पहले हम यह देखते हैं कि क्या लिबर्टी आफ़ दी सबजेक्ट के लिए उसमें कोई गुजायश है या नहीं। मैं देख कर दंग रह गया कि इस में ऐसी बातें दर्ज हैं, जो कि लिबर्टी आफ़ दी सबजेक्ट के सक्त खिलाफ़ हैं, अनहर्बें आफ़ हैं। रक्षक, सीनियर रक्षक और इन्स्पेक्टर जेनरल को जो पावर्जें दी जा रही हैं वे किसी मुल्क में किसी आफ़िसर को नहीं दी गई हैं। उन को पुलिस से भी ज्यादा पावर्जें दी जा रही हैं। जब तक मैजिस्ट्रेट की तरफ़ से अस्ति-यार न दिया जाय किसी भी शख्स को डीटेन नहीं किया जा सकता है। मुझे नहीं मालूम कि इन्स्पेक्टर, सब-इन्स्पेक्टर और असिस्टेंट सब-इन्स्पेक्टर क्या काम करेंगे। शायद उन का यह फ़र्ज नहीं होगा कि वे इन्वेस्टीगेशन करें। जहां तक मैं समझता हूं, इस बिल में उन को यह पावर नहीं दी गई है कि वे इन्वेस्टी-गेशन करें। अगर यह बुरस्त है, तो मैं जानना चाहता हूं कि यह बड़े बड़े सिविलोरेट्री आफ़िसरजें क्या काम करेंगे। मुझे नहीं मालूम कि बाघ एण्ड बाईं वाले इन्वेस्टीगेशन की पावर रखते हैं या नहीं। जहां तक मैं समझता हूं, वे नहीं रखते। इस की वजह यह है कि अपनी जायदाद की हिफ़ाजत के लिए डेमेन्-क्रेसी में कोई नई तरह की पावर्जें नहीं दीं। मैं जानता हूं कि कंट्रैक्ट एक्ट के मातहत रेगुलेशन का यह फ़र्ज है कि वह लोगों की जाय-दाद एक जगह से दूसरी जगह ले जाने वगैरह के लिए भी और अपनी जायदाद की तरह उस की हिफ़ाजत करे और इसी तरह अपनी

जायदाद की भी हिफ़ाजत करे। आप उस को यह एक्स्ट्राडिनरी पावर दे रहे हैं कि वह जिस को चाहे अरेस्ट कर लें, अगर उस को किसी बात के होने का डर हो। अगर आप उन को ये पावर्जें देना चाहते हैं, तो आप को वे सेफ़-गार्डें भी साथ रखने चाहिए, जिन को क्रिमिनल प्रोसीजर कोड में तस्लीम किया गया है। मैं यह सीधा सवाल करना चाहता हूं कि क्या किसी आफ़िसर को अगर अरेस्ट करने की इजाजत है। कांस्टीबल की दफ़ा २२ के मातहत या प्रिवेंटिव डिटेन्शन एक्ट की दफ़ा २ के मातहत खास हालात में डिटेन्शन वगैरह का प्राविजन है, लेकिन उन के अलावा कोई भी शख्स अगर अरेस्ट किए हुए डीटेन नहीं किया जा सकता है। कांस्टीबल की दफ़ा २२ हमारे सामने है। उस में भी यह दर्ज किया गया है कि अरेस्ट किए जाने के चौबीस घंटे के अन्दर उस शख्स को मैजिस्ट्रेट के सामने पेश किया जाये। लेकिन अरेस्ट किए अगर आप किसी को डीटेन कर लें, यह अन-नोन है। कम से कम हिन्दुस्तानी ला में यह अन-नोन है। क्रिमिनल प्रोसीजर कोड की दफ़ा ५१, ५४, ५५ और ५६ में इन बातों का जिक्र है। पुलिस वालों को सच करने का अस्तिवार नहीं है, जब तक कि वे अरेस्ट न कर लें। आपने इस बिल में यह अजीब अस्तिवार दिया है कि सच कर लिया जाये और फिर चाहे बाद में छोड़ दिया जाय। फ़र्ज कीजिए कि मेरे पास पांच हजार रुपए हैं। कोई आफ़िसर मुझे सच करे और पांच हजार रुपए निकाल ले। उस हाजत में मेरे पास क्या समूत है कि मेरे पास पांच हजार रुपए थे। इस तरह की पावर्जें किसी पुलिस आफ़िसर के पास नहीं हैं। मैं चैलेंज करता हूं कि कोई मुझे बतए कि बिना अरेस्ट किए किसी को सच का राइट है। मैं समझता हूं कि आप जो पावर ले रहे हैं, वह अनहर्बें आफ़ हैं। मैं अर्ज करना चाहता हूं कि यह मामला लिबर्टी आफ़ दी सबजेक्ट का है। आप डिटेन्शन और सच की इतनी अजीब और एक्स्ट्राडिनरी पावर्जें दे रहे हैं,

[पंडित ठाकुर दास भागव]

जो कि किसी भी मुल्क में किसी भी आफिसर को हासिल नहीं है।

आपको भ्रक्ष्यार है कि आप अरेस्ट की पावर दें। लेकिन अरेस्ट के बाद क्या करना होता है। अरेस्ट के बाद फौरन मैजिस्ट्रेट के सामने पेश करना होता है। फौरन ही मैजिस्ट्रेट के पास रिपोर्ट करनी होती है और बतलाना होता है कि फला सरकारमस्टांसिस में अरेस्ट किया है। आपने प्रिवेंटिव डिटेनशन एक्ट बनाया है। उसके अन्तर भी आप ने लिखा है कि Grounds of arrest must be furnished to that man as soon as possible. अगर उसको अरेस्ट किया जाएगा तब तो आपने यह लिखा है कि उसकी मैजिस्ट्रेट के पास रिपोर्ट की जाएगी। लेकिन अगर किसी को डिटेन किया जाएगा तो कही भी आपने नहीं लिखा है कि कितनी मुद्त के लिए उसको डिटेन किया जा सकेगा। अब तो आपने इस के बारे में कुछ भी नहीं लिखा है और अगर आप इस के बारे में कुछ लिख भी दें तो भी मैं समझता हूँ कि यह कास्टी-ट्यूशनली राग होता क्योंकि डिटेनशन की पावर किसी को नहीं है जब तक कि अरेस्ट न कर लिया जाए। दफा १३ में आपने लिखा है

"Whenever any superior officer, or any member of the Force, not below the rank of a Senior Rakshak, has reason to believe that any such offence as is referred to in section 12 has been or is being committed and that a search-warrant cannot be obtained without affording the offender an opportunity of escaping or of concealing evidence of the offence, he may detain and search, and, if he thinks proper, arrest any person whom he has reason to believe to have committed the offence".

इसके आगे चल कर आपने लिखा है :—

"has reason to believe that any such offence as is referred to in section 12 has been or is being committed".

ये जो लफ्ज है Has reason to believe to have committed, or been committing the offence'.

ये दोनों जगहों पर होने चाहियें, तभी लाजिक बनता है, नहीं तो नहीं बनता है। और, यह तो एक माइनर चीज है। मैं अर्थ कर रहा था कि इसके अन्तर जो भ्रक्ष्यार आपने सीनियर रक्षक को दिए हैं वे भ्रक्ष्यार हिन्दुस्तान में किसी शक्स को नहीं हैं, न पुलिस आफिसर को और न ही मैजिस्ट्रेट को। ये भ्रक्ष्यार इतने बेसीह हैं कि इनसे लिबर्टी आफ दो सबजेक्ट ही खत्म हो जाती है। आप यहां पर कह रहे हैं कि अरेस्ट करे या न करे लेकिन डिटेन कर लें। अगर आप क्रिमिनल प्रोसीजर कोड में इसके बारे में जो कारेस्पोंडिंग सेक्शंस हैं उनको देखें तो आपको पता लगेगा कि सर्च का भ्रक्ष्यार उसी सूत्र में दिया गया है जब अरेस्ट हो जाए। बिना किसी को अरेस्ट किए सर्च नहीं हो सकती है। अरेस्ट का मतलब यह होता है कि मैजिस्ट्रेट के सामने लं जाया जाए। लेकिन यहां आप यह कहते हैं कि मैजिस्ट्रेट के पास जाने की जरूरत ही नहीं है। डिटेन और सर्च के बाद आप कहते हैं कि किसी के पास जाने की जरूरत नहीं है। मैंने पुलिस वालों को मुश्तबाह लोगों को सात सात दिन तक डिटेनशन में रखते देखा है और उन पर मुकदमा बनते देखा है और जब उन कैसों को अदालतों में पेश किया जाता है तो अदालत उसका बहुत सीरियस ब्यू लेती है और कई कैसिस में तो बानेदारों का कैद भी इस जुर्म में हुई है। इसकी वजह यही दी गई है कि डिटेन किया गया था। डिटेन का ऐसा कोई कानून नहीं है जैसा कि आप बनाने जा रहे हैं। इस वास्ते मैं बड़े अदब के साथ अर्थ करूंगा कि आप इसको दुबारा एम्बेडिन करायें। यह जो डिटेनशन है यह बिल्कुल नाजायज है। इसका भ्रक्ष्यार तो आपको इन्सिफ्टर जनरल को भी नहीं देना चाहिए जबकि यहां पर आप इस भ्रक्ष्यार को सीनियर रक्षक को दे रहे हैं। आप अरेस्ट का भ्रक्ष्यार देते हैं,

इसके बारे में मैं बाद में अर्ज करूंगा। अगर एरेस्ट हो जाए तो २४ घंटे के अन्दर मैजिस्ट्रेट के सामने पेश किया जाए। आप जो कुछ करने जा रहे हैं उससे तो यहां के बाशिन्दों का रहना भी नामुम्किन हो जाएगा।

अनरेबल मिनिस्टर साहब ने जो कुछ दूसरे हाउस में कहा है उसके लिए मैं उनको मुश्किलबाद देता हूँ। उन्होंने कहा है कि इस फोर्स को जब वे बना देंगे ता जो चोरिया है वे बन्द हो जाएगी। अगर ऐसा हुआ तो इससे ज्यादा और खुशी किस को होगी। पार्लियामेंट के सभी मੈम्बर खुश होंगे अगर ऐसा होगा। तो आपने वहां पर कहा है कि जो लोग रूके जायेंगे वे बहुत अच्छे होंगे। अगर आप डेमी नोटिस भी मैनुफैक्चर कर लें तो भी सब एक जैसे नहीं हो सकते। सी० आर० पी० सी० में ऐसी कोई प्राविजन नहीं है जिस के मातहत बगैर एरेस्ट के सब हो जाए या डिटेन्शन हो जाए। इस वास्ते मैं अर्ज करना चाहता हूँ कि आप इसको एग्जामिन करायें।

आपकी यह जो प्राविजन है यह अन-कास्टीडियूशनल करार दे दी जाएगी अगर इसको सुप्रीम कोर्ट में ले जाया गया। हमकी आपको जरूरत भी नहीं है। आपने जो दफा १२ रखी है वह काफी है या नहीं, इसके बारे में अभी जिक्र करूंगा। लेकिन जो दफा १३ रखी गई है और इसमें जो डिटेन्शन की पावर आपने दी है वह अनहर्ब है, अननोन है, अनप्रेसिडेबल है। अगर आप दफा १२ को देखें तो आपको पता चलेगा कि इसका जो दायरा है वह काफी बनीहू है। इसमें आपने लिखा है —

"Any superior officer or member of the Force may, without an order from a Magistrate and without a warrant, arrest—

9 (a) any person who has been concerned in an offence relating to railway property punishable with imprisonment for a term exceeding six months—that is a

cognisable offence—"or against whom a reasonable suspicion exists of his having been so concerned"

यहां तक तो आप वहीं पावर्स दे रहे हैं जो कि एक पुलिस आफिसर को दी जाती हैं दफा ५४ के मातहत।

श्री सिंहासन सिंह : (गान्धपुर) ये पावर्स तो सब इन्स्पेक्टर आफ पुलिस को हासिल हैं, धीरो को नहीं।

पंडित ठाकुर दास भार्गव : (ए) में जो पावर दी जा रही है, वह पुलिस आफिसर को हासिल है।

श्री सिंहासन सिंह : लेकिन ये असलतयार सब-इन्स्पेक्टर को है।

पंडित ठाकुर दास भार्गव : पुलिस आफिसर की सी० आर० पी० सी० में कोई डिफिनिशन नहीं है। यही कहा गया है कि आफिसर इंचार्ज हो या एस० एच० ओ० हो। लेकिन जो पावर आप (बी) में देने जा रहे हैं य पावर्स एस० एच० ओ० के सिवाय किसी को नहीं है। इसके बारे में दफा ५४ और ५५ हैं। दफा ५४ में हर पुलिस आफिसर है और दफा ५५ में सिर्फ एस० एच० ओ० ही आता है। एस० एच० ओ० कौन है इसके बारे में लिखा है

He must be above the rank of Constable

अगर पुलिस स्टेशन में सब इन्स्पेक्टर न हो और हैंड-कास्टेबल हो तो उसको यह असलतयार दिया गया है। यह असलतयार बड़े आफिसर को दिया गया है मामूली आदमी को नहीं दिया गया है। यहां पर आप यह असलतयार रखक को दे रहे हैं जिसको मैं मुनासिब नहीं समझता हूँ।

श्री जगजीवन राम : अगर उसको ये असलतयार नहीं देंगे तो बिल की ही जरूरत नहीं रह जाएगी। उसे यह असलतयार देना ही होगा।

बंधित ठाकुर हास भाई : भगर बिल इसके बिना नहीं चलेगा तो इसका मुझे सक्त भक्तोस होगा। इसके साथ ही साथ भगर बोरी न बकेगा तो भी मुझे बहुत ज्यादा भक्तोस होगा। लेकिन साथ ही साथ मैं बझगा कि आप कास्टीट्यूशन के खिलाफ न जायें, सी० भार० पी० सी० के खिलाफ न चले। मैं लिबर्टी आफ़ दी सबजेक्ट को कही ज्यादा सुपीरियर, कही ज्यादा इम्पार्टेंट समझता हूँ। मैं आपको मुबारिकबाद दूंगा भगर आप दफा १३ को वापिस ले लेंगे। भगर आप इसको वापिस लेने को तैयार नहीं हैं तो बिल को खत्म कर दें। भगर आपने १३ को रखा तो यह कास्टीट्यूशन के खिलाफ होगा, लिबर्टी आफ़ दी सबजेक्ट के खिलाफ होगा।

दफा १२ के अन्दर आपने रक्षक को कास्टेबल से ज्यादा पावर देने की बात कही है। हमारे अन्दरबल डिप्टी मिनिस्टर सहाय ने कहा है कि रक्षक ऐसे होंगे जो कि बहुत ईमानदार होंगे। भगर ऐसा हो तो मैं ज्यादा हज्जत नहीं करूंगा। लेकिन ऐसा तो हो नहीं सकता कि सभी देवता होंगे। ऐसा भी होगा कि भगर एक शक्स बैंगन के पास खड़ा होगा तो उसको यह कह दिया जाएगा कि वह बैंगन का चोर है। जूम कोई नहीं किया है, पता नहीं करेगा भी या नहीं लेकिन कह दिया जाएगा कि खयाल है इसने करना था। पूरा डिफेंस न कर सकेगा क्योंकि बहुत केसेज में वह एविडंस भी कोई नहीं दे सकेगा।

मैं एक बात और अर्ज करना चाहता हूँ। आप किसी मामूली पैसजर का खयाल करें। पैसजर के पास कोई सफाई पेश करने के लिए ज़वाह तो होते नहीं हैं और वह अकेला ही होता है, ऐसी सूरत में भगर उसको पकड़ लिया जाएगा और कहा जाएगा कि वह छिपने को कोशिश कर रहा था, तो उसका क्या बनेगा। वहा पर कौन सी जगह हो सकता है जहा वह छिप सकता है।

मैं अबब से अर्ज करूंगा कि भगर आप यह समझते हैं कि ऐसा करने से बिल ही

खत्म हो जायगा तो मैं यह कहने पर मजबूर हूँ कि मैं इस बिल के सेक्शन १३ के वास्ते कोई कम्प्रोमाइज करने को तैयार नहीं हूँ।

14 hrs.

इसके अलावा जनाब मुल्हाबा क्रमायेगे कि इस के अन्दर एक ख़ास नई तरह का उलुल रक्खा है जो दफा २० में है और जिस पर मुझे सक्त श्रीबजेक्शन है। जहा दफा ६ और १७ में डिमिनिश, रिमूव अफ़ मेम्बर्स आफ़ दी फ़ोर्स और पेनल्टीज फ़ोर नेगलेक्ट आफ़ इयूटी बगैरह का खिक्त आया है वहा दफा २० में उनको एक हक़ दिया गया है। दूसरे यह हमारे देश के क़ानून के बरख़िलाफ़ है। हमारे वहा यह क़ानून है कि भगर कोई धार्मिक अपने सुपीरियर आफ़िसर का आर्डर मान कर किसी को स्लाटर कर देता है तो उस कोर्ट मार्शल किया जा सकता है और सिविल कोर्ट उसको फ़ासी की सज़ा दे सकता है। ग़लत हुक़म की तामील भगर वह करता है तो वह सज़ावार ठहराया जायगा और ग़लत हुक़म की तामील में भगर वह किसी को गोली मार देता है तो सिविल कोर्ट उसको उस स्लाटर के लिए फ़ासी की सज़ा दगा हालांकि उसने अपने अफ़सर का हुक़म माना। हिन्दुस्तान का क़ानून यह है कि इन्तरेम आफ़ ला डब नोट एक्सक्यूज ऐनी-बीडो हिन्दुस्तान और इंग्लैंड का क़ानून यह है कि इन्तरेम आफ़ ला डब नोट एक्सक्यूज ऐनी परसन्। भगर ऐसा क़ानून न हो तो उसका बहुत ख़राब नतीजा निकलेगा और अफ़सरान अपनी बदउनबानियो और बेइमानियो में पड़ कर ग़लत हुक़म दे देंगे और चीज़ के कर्मचारी उनका हुक़म बजा लायेंगे। वह बिस्कुल ग़लत चीज़ है और इसीलिए मैं कहता हूँ कि दफा २० ठीक और मुनासिब नहीं है।

मैं जनाब की तबज़ह् वीनेज़ कोड की दफा ७६ और ७६ की तरफ़ दिखाना चाहता हूँ कि अगर कोई शक्स क़ानून के मुताबिक़ कोई काम करे तो उसकी कोई पकड़ नहीं होगी, अट्टीकाइज्ड आई या इसी साफ़ को

समझे तों उसकी कोई पकड़ नहीं होगी लेकिन इससे बिगड़ जाकर कोई शख्स यह कहे कि अफसर के गलत हुक्म की तामील करने वाले की पकड़ नहीं होगी तो यह चीज गलत है। हिन्दुस्तान के सारे कानून इसी उसूल पर बेस्ठ हैं और दफ्ता २० की सी चीज न तो आर्मी ऐक्ट में है और न नेवी ऐक्ट में है। दफ्ता २० में बिल्कुल एक नयी चीज हमने लाकर रख दी है और इस को पढ़ कर जैसा मैंने अर्थ किया था ऐसा मालूम होता है मानों इसे फ्रेंच एसेम्बली के वास्ते तैयार किया गया हो कि अफसरान के वास्ते एक कानून और पब्लिक के वास्ते दूसरा कानून। हमारे वहां तो चाहे वह पब्लिक हो या अफसर गैर कानूनी काम करने वाले को एक्सक्यूज नहीं किया जायगा और उसको बराबर सजा मिलेगी। आप एक बिल्कुल नया किस्म का कानून बरो बनाते हैं। नये किस्म के उसूल कायम न कीनिये। हमारे 'यहां तो यह चीज बिल्कुल माफ है कि

Unlawful orders of any superior officer may be disobeyed; even the orders of the Minister may be disobeyed even by the smallest man if they are illegal.

इस लिहाज से मेरा कहना यह है कि दफ्ता २० आपकी माने जाने के काबिल नहीं है।

इस बिल की दफ्ता ९ में इस तरह बदलें हैं

"Subject to the provisions of article 311 of the Constitution and to such rules as the Central Government may make under this Act, any superior officer may—

(i) dismiss, suspend or reduce in rank any member of the Force whom he shall think remiss or negligent in the discharge of his duty, or unfit for the same; or"

मैं अदब से अर्थ करना चाहता हूं कि इसमें यह प्रोवाइडेड है कि अगर कोई मेम्बर अफ बी कोई अनफिट है या अपनी ड्यूटी के डिस्चार्ज में नैगलिजेंट या रिमिस

समझा जाता है तो उसका सुपीरियर अफसर उसको डिसमिस कर सकता है रड्यूस् इन रैंक कर सकता है

There is no course for an honest officer but to dismiss an unfit man. Are you putting a premium on unfitness and inefficiency?

मैं यह समझ नहीं सकता कि आप एक तरफ तो जो अनफिट हो उसका रैंक आप कम कर दें और दूसरी तरफ जैसा कि आजकल हमारी गवर्नमेंट करती है कि अगर कोई शख्स बहुत रिश्तत लेता है और पब्लिक के साथ बहुत मस्ती से पैदा आता है और बड़ा जालिम है जैसे कि पुलिस के महकमे में कुछ लोग होते हैं तो शिकायत आने पर सरकार ऐसे लोगों को उस जगह में दूसरी जगह तबदील कर देती है मानो वह दूसरी जगह जाकर फिर वही रिश्तत लेना और दूसरी किस्म की बदमाशिया करना छोड़ देंगे। मैं समझता हूँ कि जो अनफिट है उसको रखना जुर्म है और उसको आप बाहर निकालिये। अब इसमें यह दर्ज नहीं है कि जो कि नेगलेक्ट ऑफ ड्यूटी या कावरडिंग के जुर्म में गिरफ्तार किए जायेंगे उनका क्या होगा सिर्फ आफिसर्स को पावर्स डिफाइंड हैं। कोवरडिस का जो गिल्टी पाया जायगा वह लाए बुल टु पनिशमेंट होगा, ऐसा दफ्ता १७ में रख दिया गया है। अब व्हीट इज कोवरडिस, उसको यहाँ पर डिफाइन नहीं किया गया है। मैं अदब से अर्थ करूंगा कि उसको अगर मिलेटरी ला में लेना था तो कोवरडिस की इसमें तारीफ कर देनी चाहिए थी। मैं आपसे पूछना चाहता हूँ कि अगर किसी आदमी को गिरफ्तार कर लिया गया तो उसका क्या होगा? इसमें यह दर्ज होना चाहिए था कि वह गिरफ्तार होने के बाद कहाँ जायगा?

Shri H. C. Mathur (Pali): To the Police.

पंडित ठाकुर दास भातैव: मुझे बालासाब जाय कि इसके अन्दर कोई पावर्स हैं कि पुलिस क्यों करेगी?

जी सिंहसन सिंह (गोरखपुर) १४
दफा है।

पंडित ठाकुर दास भार्गव पुलिस को जाकर दे दे यहाँ तक पावर्स हैं। इस बिल के अन्दर यह कहा लिखा है कि क्रिमिनल प्रोमी-ज्योर कोड एप्लाइ करेगा। इसके अन्दर यह बात लिखी जानी चाहिए थी कि आगे क्या होगा क्या गीअरमेंट होगा। जहाँ तक इस बिल के मकसद का सवाल है मुझे उसके साथ पूरी हमदर्दी है क्योंकि मैं चाहता हूँ कि हमारे देश में जो रेलवे प्रापर्टी चोरी जाती है वह प्रोटेक्ट हो लेकिन उसके साथ ही मैं यह चाहता हूँ कि बिल में इस तरह की नई चीज न रखी जाय जिससे आगे चल कर गडबडी का इम-कान हो क्योंकि इसमें सेट्रल पुलिस, स्टेट पुलिस और रेलवे पुलिस तीनों आयोगी और उनके अफसरान में आपस में झगडा उठ खडा हो सकता है। अब आप मुलाहिजा फरमायेकि इसमें ऐसा लिखा हुआ है any person concerned in an offence relating to railway property अगर टिकटलैस टैविल हो तो It is an offence against railway property रेलवे को जो आमदनी होती है उससे रेलवे महरूम हो जाती है। रेलवे प्रापर्टी की इममें कोई डेफनीशन नहीं है। यह सिर्फ दर्ज है कि रेलवे प्रापर्टी इनक्लूड्स ऐनी गुड्स एटसेटरा। आज एक शस्म रेलवे पर एक क्लेम करता है रेलवे वाले जानते हैं कि बोगस क्लेम है, भेजे पत्थर हैं और क्लेम कर रहा है उम्दा उम्दा चीजों की कीमत और चूकि अफसर मिल जाते हैं और उसका वह बोगस क्लेम पास हो जाता है। अब ऐसे लोग जो कि इस तरह की बेईमानिया करते हैं और इस तरह के जुर्म के जिम्मेदार हैं उन पर ४२०, ४०३ और ३७६ दफा एप्लाइ करेगी और ऐसे मुजरिमों को गिरफ्तार कर लिया जायगा और उसमें यह अल्फाज दर्ज हैं "reasonable suspicion existing

of his having so committed" अगर यह शर्त है तो मैं अर्ज करता हूँ कि यह ऐसी पावर नहीं है कि एक आदमी किमी को चोरी करते देखेगा तो उसको पकड़ लेगा। आप देखिए उन गुड्स क्लर्क और स्टेशन मास्टर्स को जो रोज बेईमानी करते हैं। एक स्टेशन मास्टर को बहुत थोड़े रुपए मिलते हैं लेकिन दिल्ली में सराय सहेला के पाम उन के महल के महल खड़े हैं। एक बुकिंग क्लर्क का लडका फारेन कट्री में पढता है। जो बुकिंग और गुड्स क्लर्क होते हैं उन की आमदनी का आप अन्दाजा नहीं लगा सकते हैं। मैं इन चीजों को जानता हूँ। वह सब की सब इस बिल की जद में आगयी। अगर किसी को यह ख्याल हो जाए कि किमी बुकिंग क्लर्क ने बेईमानी की है, चाहे वह जुर्म कभी भी किया गया हो, तो वह शस्म गिरफ्तार किया जा सकता है। आज अगर आप ऐसी पावर न दे रहे हैं तो मैं आप के बखिलफ नहीं हूँ, अगर ला ने आप के जिम्मे डाला है कि आप सरकार की प्रापर्टी की हिफाजत करें तो जरूर कीजिए। लेकिन जैसे आप को अपनी प्रापर्टी की हिफाजत का अहत्तार है, वैसे ही हर एक आदमी को अपनी प्रापर्टी की हिफाजत का हक है। आज हम ने हाउस ने गवर्नमेंट प्रेमीसिज एक्विजिशन ऐंड रिविजिशन बिल पास किया जिस की वजह से दिल्ली में बड़ी अनइजीनेस है। सरकार खुद फँसला करे कि क्या डेमेजम लिये जावे और खुद ही उस में से जिस को चाहे निकाल दे। मैंने कल एक स्कूल की कहानी सुनी। जाकर उस की छत तोड़ दी, यह कर दिया, वह कर दिया। आज गवर्नमेंट अपने काज की खुद आप मालिक बन गई है, यह आडिनरी रूस् से डिपार्चर है। लेकिन आज हम उसे इस तरह के अहत्तार दे रहे हैं, जान बूझ कर दे रहे हैं, ताकि रेलवे प्रापर्टी की हिफाजत हो सके। आज हम देख रहे हैं कि एक रेलवे मिनिस्ट्री है और एक रेलवे बोर्ड है, गवर्नमेंट बिजनेस ए गवर्नमेंट है। आप का जो रेलवे बोर्ड है, हमारे रेलवे मिनिस्टर खुद उस के अहत्तार हैं, लेकिन मैंने

बोर्ड को बहुत बड़ी ताकतें हैं। आज मैं उसूलन इस अस्त्यार के देने के बखिलाफ नहीं, हालांकि यह हम बिल्कुल उसूल के खिलाफ दे रहे हैं। आज गवर्नमेंट और प्राइवेट पर्सन दोनों को अपनी अपनी प्रापर्टी की हिफाजत का अस्त्यार है, लेकिन अगर मैंने देख भी लिया कि मेरी घड़ी किसी आदमी के हाथ में है जेवर किसी आदमी के हाथ में है, तो भी मैं उस को टच नहीं कर सकता। पर आप को पूरा अस्त्यार है, आप का अफसर देल ले कि रेलवे की ईंट किमा शायम के पास है, जिम पर एन० डब्ल्यू० आर० लिखा हुआ है, ता उसे फौरन गिरफ्तार किया जा सकता है। पिछली दफा आप ने पास कराया कि ऐसे मामलों में बर्देन आफ प्रूफ बदल दिया जाय। खास चीजों के बास्ते ज्यादा अस्त्यार दिए जाते हैं, लेकिन जितने ज्यादा आप को अस्त्यार दिए जाते हैं, उतने ही आप को मोहताज रहना होगा। हम यह अस्त्यार इसी लिए दे रहे हैं ताकि रेलवे को बहुत पैसा देना पड़ता है। लांगो के क्लेम्स चल जाते हैं और उन को रुपया देना पड़ता है। मैं यकीन रखता हू कि हमारे मिनिस्टर साहब ऐसे लोग ट्रेन करेंगे जो वाच व वाई व पुलिस से बिल्कुल मुस्तलिफ किस्म के होंगे। आज हम देखते हैं कि जो लोग आई० ए० एस० बगैरह मैं दूसरे महकमों में जाते हैं, वह लेंस करप्ट होते हैं। मैं उम्मीद करता हू कि जो नई फोर्स बनेगी वह अच्छी बनेगी, लेकिन उम में पुराने एलिमेंट को न दाखिल किया जाए जिस को आप कडेम करते हैं।

आपने इस बिल में यह नहीं लिखा है कि किस तरह की फोर्स बनेगी। आपने इसमें इस तरह से लिखा है जिसे कोई समझ भी नहीं सकता।

"regulating the punishments and providing for appeals from, or the revision of, orders of punishments, or the remission of fines or other punishments;"

अ क्या यह समझ कि यह ६ और १७ के लिए है? यह सारी दुनिया के जरायम के

बास्ते निब दिया गया। और क्या लिख आपने.

"regulating the powers and duties of officers authorised to exercise any functions by or under this Act".

तो पावर्स और इयूटीज तो बनेगी क्लस के मुताबिक। तो आखिर इस ऐक्ट में क्या रक्खा है? सिर्फ यह रक्खा गया है कि इस तरह के क्लसेज होंगे। मैं कहता हू कि यह काफी नहीं होगा। आप को यह मामलें बिल में स्पष्ट करने चाहिये थे—और देखिये:

"All rules made under this section shall be laid for not less than thirty days before both Houses of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following."

मैं पूछना चाहता हू कि कौन शस्स इस देश में है कानून के बनाने के बास्ते? कौन इस के लिए जिम्मेदार है कि यहा कानून ठीक बने? आखिर यह हाउस जिम्मेदार है या नहीं? एक दफा आपने रूल बना दिया कि अगरल सेशन में तरमीम की जा सकती है। अगर तीन मंशनों के बाद किसी पार्लियामेंट के मेम्बर को पता लगे कि यह रूल हिन्दुस्तान के बास्ते खराबी पैदा करने वाला है तो उस को अस्त्यार नहीं कि वह उस को दुपुस्त करवा सके। इस तरह से पार्लियामेंट की पावर्स को सलब किया जा रहा है। मेम्बर को अस्त्यार है कि सारे बिल का रिपीलिंग बिल भी लाए, लेकिन यह दफा एक रूल को खाम असे के बाद तबदीली की इजाजत नहीं देती। इतने कम वक्त में आप के रूल को जो खराबियां हैं या अच्छी चीजें हैं उस का पता नहीं लगेगा। इस के लिए मैंने अमेडमेंट भेजा। और इस तरह के अमेडमेंट होना चाहिए। जो क्लस यहाँ पर बने, उनके लिए हर एक को अस्त्यार है कि यहाँ पर अमेडमेंट ले आए, पर उस में

[पंडित ठाकुर दास भार्गव]

एक सेशन की मियाद क्यों ? बहुत से में तो आठ दिन का जिक्र है। किसी में एक सेशन है, अब जाकर एक सेशन से दूसरा सेशन किया गया है। मैं कहता हूँ कि जो बिल यहाँ पेश है, वह बेधर स्कैलेटन के अलावा और कुछ नहीं है। इसके अन्दर जब हमें पता ही नहीं कि क्या है तो इस तरह के रूल बना देने के क्या मानी हैं? यहाँ रूल रक्खा जाएगा, लेकिन हमारे फरिस्तों को भी पता नहीं लगेगा कि रूल क्या बना। आप वायदे के मुताबिक यहाँ पर रूल रखते हैं, लेकिन यहाँ पर लेजिस्लेशन इतना होता है कि मेम्बर्स के पास पूरी चीजें पहुँचते हुए भी उन को इतनी फुर्लत नहीं कि वह रूल में जाए। इस लिए मैं अर्ज करूँगा कि गुड गवर्नमेंट के वास्ते और पार्लियामेंट के जो अस्त्यारबफराइज हैं उन को अदा करने के वास्ते आप को इन रूल में तरमीम करनी चाहिए और इस चीज को हमारे मिनिस्टर साहब अपने डिपार्टमेंट से ही शुरू करें। निहायत मुबारक डिपार्टमेंट है, यह सब की सेवा करता है। इस में वह शिकायतें नहीं हैं जो दूसरी जगहों पर हैं। आप अच्छे ट्रेडिशन को कायम कीजिए कि जो रूल रक्खे जाएं, वह ऐसे ही कि किसी भी वक्त पर पार्लियामेंट उन रूल के बारे में कोई तब्दीली कर सके।

मुझे एक और चीज अर्ज करनी है। रेलवे प्रापर्टी की तारीफ हमारे सामने आई है।

"including—in the charge or in possession of a railway administration".

मैं अर्ज करना चाहता हूँ कि मैंने यह अमेन्डमेंट मेजा है कि यह काफी नहीं है। मान लीजिए एक मुसाफिर रेलवे प्रेमिसिज में से जाता है। उसकी रास्ते में कोई चीज गिर पड़ी है, जिसे धर्षी पुलिस ने उठाया नहीं है, किसी के कब्जे में नहीं आई है। वह रेलवे के भी प्रिपर्टिकल पोजेसन में नहीं है, पोजेसन तो गेन्टल एक्ट से होता है। इसलिए मैंने लिखा है कि कोई प्रापर्टी जो रेलवे प्रेमिसिज में

हो, उस के मुताबिक अस्त्यार दिया जाए, रेलवे प्रापर्टी की नैरो डिफिनिशन न हो। आपने 'इनक्लूडिंग' लिखा है। ऐसी चीज इन चार्ज भी नहीं है, न पोजेसन में है, मिशरली लाइंग इन दि रेल' है। मैं चाहता हूँ कि इस डिफिनिशन को ठीक किया जाए। मैं चाहता हूँ कि आप इसे कबूल फरमाएँ।

जहाँ तक मेरे अर्ज करने का सवाल है, मैं एक चीज पर ही सब से ज्यादा इस्तरार करना चाहता हूँ, वह यह कि दफा १३ में जो चीज है, उन को ठीक किया जाए। आप ला डिपार्टमेंट से कंसल्ट कर लें कि वह लीगल होगी या नहीं। तब तक कोई अादमी सच नहीं किया जा सकता जब तक वह अरेस्ट न हो, और डिटेनन तो कर ही नहीं सकते। इसलिए मेरी गुजारिश इन दो चीजों को ठीक करने के लिए है।

Shri Naushir Bharucha (East Khandesh): I am afraid it is not possible for me to appreciate the justification for this Bill as given in the Statement of Objects and Reasons or the scheme of the Bill as has been explained. At a time when this House is considering anxiously ways and means for effecting economy everywhere, I am afraid the hon. Railway Minister's proposal laid before this House would mean addition in the recurring expenditure of the order of Rs. 2.3 crores and a capital expenditure of Rs 3.5 crores in the course of five years. At first, it may be necessary, it would appear, that some sort of a drastic action is taken to check the growing thefts and pilferages which take place and to safeguard the Railway property. Nobody is opposed to the principle of it but the method and manner and the cost of it are such that one feels that this Bill were better withdrawn.

In the first place, if you turn to the implications of the Bill, it will be found that a totally new Force is sought to be created and for this

Force buildings, offices, police stations, residential accommodation, etc. will be required. I would like to ask the hon. Railway Minister this question: how is it that we have so far managed to get on without this additional expenditure? It has been mentioned in the financial statement that each railway will get every year Rs. 10 lakhs making a total of Rs. 70 lakhs of capital expenditure on offices and buildings, that is, Rs. 3.5 crores in five years. I am also not satisfied that creating a Protection Force of this character is going to solve any problems. As some hon. Member speaking before me observed, merely changing labels is not going to create any additional efficiency, nor is it likely to serve the purpose the hon. Minister for Railways has in view.

I would ask the hon Minister as to how he is going to reconcile, what I might term, the conflicting jurisdiction, firstly of the State police, secondly of the Railway Police, and thirdly of this new Force that is going to be created. I am of the opinion that far from improving efficiency this division of responsibility between various forces is likely to lead to further relaxations. Take, for instance, the case as my hon. friend Pandit Thakur Das Bhargava pointed out. Supposing a member of your Protection Force arrests a person, who is going to collect the evidence and who is going to conduct the prosecution? I presume, from the scheme of the Bill, that the provisions of the Code of Criminal Procedure will apply and the Protection Force will simply hand over the arrested person to the State Police. If that is the case, then where does the State Police come in? In the matter of investigation who is going to conduct the investigation? If investigations are to be conducted by the Railway Protection Force—which should be the case for the simple reason that they know the circumstances under which the arrest was effected and they know from where witnesses will be available and other evidences might be available—are we going to leave the investigations of

the offence in the hands of the Protection Force or the State Police? The State Police may not be interested in prosecuting such cases with diligence for the simple reason that it is not accountable for the arrest. Secondly, who steps into a witness box in a court of law assuming for the moment that the question of arrest is to be proved or it is challenged that the arrest is illegal? The State Police will not be interested in defending the case for the simple reason that the arrest has been effected by the Protection Force. Therefore, one set of police conducting a case and another set of police trying to justify the arrest will make a mess of it. I am of the opinion that instead of creating a totally different Railway Protection Force a separate department within the Police Department should have been organised charged with the protection of railway property or whatever else the hon. Minister desires to have. I am convinced that there will be conflict of jurisdictions, because we know that even between Government departments there is rivalry or indifference. The State Police will not bother to go into the case diligently. They will not go into the details of investigation of a case which has been passed on. And, since your Protection Force cannot do anything beyond effecting the arrest, I am afraid the powers given in one sense are too inadequate and in another sense they are far greater, as has been pointed out by my friend Pandit Bhargava. Therefore, taking all these facts into consideration the desirability of creating such a Force at such a cost at this time is open to serious question.

If you go into the details of the Bill, firstly there is the question of discipline of the Force. I am surprised that these sections relating to discipline have been framed in such a manner. Take for instance clause 17. It says:

"Without prejudice to the provisions contained in section 9, every member of the Force who shall

[Shri Naushir Bharucha]

be guilty of any violation of duty...."

The categories of offences which are sought to be punished are:

"...violation of duty or wilful breach or neglect of any rule or regulation of lawful order made by a superior officer, or who shall withdraw from the duties of his office without permission, or who, being absent on leave, fails without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority in any employment other than his duty as a member of the Force...."

If any member is found guilty of any of the above offences, what is the punishment prescribed? He is likely to incur punishment of simple imprisonment for a period not exceeding three months. What I want to point out is that in clause 17 the hon. Minister has mixed up very grave offences with minor offences. Overstaying one's leave is not so serious an offence as wilful breach or neglect of any rule or regulation, or violation of duty. Violation of duty may consist in actually organising a band of pilfering dacoits who may commit thefts on railways and that may be a very serious offence. To provide a punishment of three months simple imprisonment for such an offence is totally inadequate. What should have been done is, the categories of offences should have been clearly separated. Grave offences should have been given greater punishments.

What will happen now is, suppose a member of the Force is guilty of violation of duty, in fact, he actually connives at a gang of pilfering thieves in breaking open wagon, or receives stolen property from the gang as his share, that is a grave offence. If he is taken to a court of law he will claim to be tried under clause 17 of this Bill, because there is a specific statute which provides punishment for a specific offence. That man has therefore to be tried under the specific

law and not under the general law; otherwise there is no meaning in having a specific statute for a specific offence. Therefore, for the gravest offence the offender is given only a maximum punishment of three months simple imprisonment. He cannot be tried under the Penal Code or any other law of the land, because under article 20 of the Constitution no man can be tried twice for the same offence. Therefore, the mistake that has been done in clause 17 is that all grave and simple types of offences have been lumped together and one common punishment prescribed. That ought to be rectified.

Similarly, clause 9 says:

"(i) dismiss, suspend or reduce in rank any member of the Force whom he shall think remiss or negligent in the discharge of his duty, or unfit for the same;"

Here also, various categories of offences like remissness, negligence in the discharge of duties are all lumped together and one set of punishment provided. What should have been done is, simpler offences should have been set apart and simpler punishments provided. That would have been reasonable, because, if a man is unfit for a particular post by reason of the fact that he has been found to be taking bribes or conniving at pilferage, or he has been remiss or negligent, remiss in the sense that he actually connives at pilferage, then, I submit, the punishment provided is very inadequate. I am not satisfied with the punishment provided here, to suspend or dismiss the man. He should be prosecuted and sentenced.

Therefore, the creation of this new offence and a new punishment under a specific statute takes away the sting from the offence altogether and entitles a member of the Force to feel that he shall not be exposed to that grave punishment which normally would be due in case of any other man guilty of a similar offence. Therefore, I submit that these penal

clauses require to be very carefully gone into and modified.

We are told that a new Force of nearly 36,000 persons will be created. I should like to know what is going to be the present position of the Protection Force and how the recruitment is going to take place. Why is it that power is vested in individuals and not given to anybody whether you call it by the name of a Public Service Commission or Recruitment Committee? Vesting powers in the hands of an individual or a few individuals may lead to various types of corruption, particularly nepotism. There may be people who may be inclined to draw members of the Force from their own community. There may be people who may be inclined to recruit members from their own relations. These things are common; we have noticed them in bigger institutions where recruitment has to take place on an enormous scale. The powers of recruitment should have been vested in a body totally independent, a body which has nothing to do with the management of the Protection Force. I should like to know whether this recruitment is going to take place independently from outside or within your own existing Protection Force or within your own existing Police Force. Let us consider for a moment that there is going to be recruitment partly from outsiders or from the existing force and partly from the Police force. I ask this House to consider whether it would not be much wiser if the people who are selected have the necessary experience in crime detection. The State Police has got at their disposal certain resources for detection, and an entire machinery. Is it not desirable, I ask, that people experienced should be placed on the job instead of people with limited experience in the Watch and Ward personnel of the Railways? We are going to spend Rs. 2½ crores by way of recurring expenditure to detect crime and would it not be better to spend it on experienced Police personnel with the resources that they command, who know what is

crime detection, the *modus operandi* and things like that?

Is it not desirable to make this Force a part of the regular Police Department because in addition to their experience, they have resources at their disposal? I am not at all satisfied with the Bill. That is why I am objecting to the creation of the Protection Force. The reasons given are not sufficient to justify the expenditure of this order in these stringent times.

It has been stated that the claims for compensation paid by the Railways came to Rs. 4 to 5 lakhs and I would like to know that after spending this huge sum, what are we going to gain. Is it contended that thefts and pilferages will totally subside? I have got my doubts. There may be some improvement, because 36,000 people are going to be employed. But will the improvement be commensurate with the incurring of expenditure of Rs. 2½ crores? In these days when people are asked to impose voluntary cuts on their salaries, when the Governments are going about begging for coppers for running the administration of a huge sub continent, I am not prepared to say that this expenditure is legitimate or justifiable or that the hon. Minister of Railways has made a case for the constitution of a Protection Force. I still appeal to the hon. Minister to think over the whole matter again, and if necessary, refer this Bill to a Select Committee and the various defects pointed out may be considered more closely and a few months' delay in constituting such a force will not make any material difference, and I suggest that all these suggestions may be looked into with thoroughness and accuracy.

श्री श्रीनारायण बास : उपाध्यक्ष महोदय
रेलवे की सम्पत्ति या उस के द्वारा हैडल की जाके वाली दूसरों की सम्पत्ति की जो क्षति होती है, और उस के लिए साल-ब-साल रेलवे को जो मुआवजा देना पड़ता है, उस को देखते हुए सब की यह आवश्यकता मौजूद

[श्री भीमारायण दास]

हीसा है कि कोई ऐसा संगठन हो, जो कि इस की रोक-थाम करे। हम जानते हैं कि दूसरे सरकारी महकमों की तरह रेल ने भी एक धन्दकनी संगठन कायम किया हुआ है, जिस को बाच एंड वार्ड कहते हैं और जो बहुत दिनों से काम कर रहा है। बाच एंड वार्ड और रक्षक दल में, जो कि इस कानून के अन्तर्गत से संगठित किया जा रहा है, इतना ही फर्क है कि बाच एंड वार्ड संस्था को कोई पुलिस पावर प्राप्त नहीं है और इस रक्षक दल को पुलिस पावर दी जा रही है, जिन के अनुसार उन को गिरफ्तार करने, सर्च करने और कुछ देर तक रोक रखने बगैरह का अधिकार होगा। जैसा कि हम सब ने देखा है, रेलवे के सम्बन्ध में कई एन्वयरी कमेटीज बैठ चुकी हैं और बता चुकी हैं कि इस विभाग में जो चोरियाँ होती हैं या अन्य प्रकार के जो भ्रष्टाचार प्रचलित हैं, उन को रोकने के क्या उपाय हैं। लेकिन जैसे जैसे उपाय किए जा रहे हैं भ्रष्टाचार की बीमारी बढ़ती जा रही है। एक कहावत है कि मर्ज बढ़ता ही गया ज्यो ज्यो दवा की। बाहर के लोग यह कहते हैं कि रेलवे में जो चोरियाँ होती हैं, उन को या तो रेलवे वाले स्वयं करते हैं, या वे रेल वालों की कानाबत्त से होती हैं, उन के उत्तर न रहने से होती हैं। इस के विपरीत रेलवे वाले कहते हैं कि ये चोरियाँ बाहर वाले करते हैं। इस बीमारी को दूर करने के लिए एक नया संगठन कायम किया जा रहा है और उस को ऐसे अधिकार दिए जा रहे हैं, जो कि केवल पुलिस की प्राप्त हैं। साधारणतया सरकार, सभा और व्यक्ति की सम्पत्ति की रक्षा का उत्तरदायित्व पुलिस को सौंपा गया है। पुलिस उस की रक्षा करे या न करे, उस में भ्रष्टाचार हो या न हो, यह दूसरी बात है। किन्तु प्रश्न यह है कि यदि सरकार के दूसरे महकमों की यह भाँग करें कि अपनी सम्पत्ति की रक्षा करने के लिए उन के यहाँ भी कोई

ऐसा संगठन हो, जिस को पुलिस की— गिरफ्तार और सर्च करने बगैरह की—पावर प्राप्त हों, तो मैं समझता हूँ कि फिर इस का फल होने वाला नहीं है।

माननीय मंत्री जी का कहना है कि रेलवे में होने वाली चोरियों को रोका जाय। हम उन से सहमत हैं, लेकिन इस तरह महकमों को बढ़ाए चले जाने से यह बुराई रुक नहीं सकती है। इस सम्बन्ध में हम को एक छोटी सी कहानी याद आती है। एक सज्जन अपने नौकर से सेर भर दूध मंगवाया करने थे। वह नौकर पाव भर पानी और तीन पाव दूध ला कर उन को दे देना। उन महानुभाव ने सोचा कि नौकर चोरी करता है, उस की निगरानी करने के लिए एक दूसरा नौकर रखा जाय। नतीजा यह हुआ कि एक दूसरा नौकर यह देखने के लिए रख लिया गया कि पहला नौकर दूध में पानी न मिलाए। 10 चार दिन तो उस ने पहले नौकर पर निगाह रखी, लेकिन फिर पहले नौकर ने उससे मेल-जोल कर लिया और उस को कहा कि क्यों तुम तकलीफ सहते हो और तरद्द करते हो, तुम भी पाव भर दूध ले लिया करो, हम पाव की जगह घ्राघ सेर पानी मिला दिया करेंगे। चूनाचे ऐसा ही होने लगा। उन महानुभाव ने जब देखा कि पहले तो पाव भर पानी और तीन पाव दूध मिला करता था, जब कि अब निगरानी करने के लिए दूसरा नौकर रखने के बाद पानी की मात्रा बढ़ गई है और दूध की मात्रा कम हो गई है—यह तक कि तीन पाव पानी मिलता है और एक पाव दूध मिलता है, तो उस ने महसूस किया कि इस प्रकार नौकर के ऊपर दूसरा नौकर—सब-इंस्पेक्टर, असिस्टेंट सब-इंस्पेक्टर, इंस्पेक्टर और इंस्पेक्टर जेनरल इत्यादि रखने की कोई जरूरत नहीं है। मैं निवेदन करना चाहता हूँ कि माननीय मंत्री का उद्देश्य ठीक हो सकता है कि प्रस्तावित संगठन

दूसरी की चीरी करने से रोकेगा, लेकिन उन को यह बात भी स्मरण रखनी चाहिए कि प्रायः रक्षक ही भ्रष्ट बन जाते हैं। ऐसा दूसरी जगहों में भी है, लेकिन रेलवे में रक्षक के भ्रष्ट बन जाने के बहुत उदाहरण हैं। टी० टी० आई० का काम है कि बिना टिकट यात्रा करने वालों को पकड़े और उन से रुपया वसूल कर के सरकार के खजाने में जमा कराए, लेकिन हम देखते हैं कि ऐसा नहीं होता है। हम टी० टी० आई० और टी० ई० की सख्या बढ़ाए जाते हैं, सरकार का खर्चा बढ़ रहा है, लेकिन सरकार के खजाने में रुपया नहीं जाता है। हम अपने पुलिस विभाग को जानते हैं। हम उस के सब कर्मचारियों की निन्दा नहीं कर सकते। हो सकता है कि उस में बहुत से आदमी अच्छे हो, देशभक्त हो, लेकिन धाम नोगो का स्थल यह है कि पुलिस का जो काम है अर्थात् व्यक्ति, समाज और सरकार की सम्पत्ति की रक्षा करना, उस को वह नहीं कर रही है और अपने कर्तव्य का पालन नहीं कर रही है। माननीय मंत्री जी ने बताया है कि रक्षक दल के संगठन में खर्चा बढ़ने वाला नहीं है और जो खर्चा वर्तमान समय में होता है, उससे ही काम चल जायगा और अतिरिक्त धन व्यय नहीं होगा। फिर भी अगर लगभग दो करोड़ रुपए इस पर व्यय होते हैं, यदि काम उस के मुताबिक न हो, सरकार की धामदानी न बड़े जो कम्पेंशन है, जो मुद्राबजा है, उसकी अगर हमें बड़ी हुई रकम देनी पड़े तो बेसी हालत में इस तरह के बिल की कोई जरूरत नहीं रह जाएगी और यह कारगर साबित नहीं होगा। मैं मानता हूँ कि रेलवे की सम्पत्ति को चीरी होने से रोकने का जो मामला है यह महत्व रखता है। इसको रोकने के लिए माननीय मंत्री जी असाधारण अधिकार लेना चाहते हैं, मैंने पहले कहा है कि मैं कोई बर्फील नहीं हूँ और इसके जो सीधे एपेक्ड हैं उन पर मैं नहीं आ सकता हूँ। लेकिन मैं समझता हूँ कि अगर

हमने रेलवे विभाग को असाधारण अधिकार दिए तो फिर दूसरे विभाग में जैसे कि पोस्टल डिपार्टमेंट है या और दूसरे विभाग हैं वे भी कहेंगे कि अपनी सम्पत्ति की रक्षा करने के लिए हमें भी ऐसे ही अधिकार दिए जाने चाहिये। वे भी कह सकते हैं कि हमें भी दल रखने का अधिकार हो और गिरफ्तार करने का अधिकार हो। इस तरह से इसका कहीं अन्त नहीं होने वाला है। अच्छा होता कि इस तरह के बिल को लाने के बजाय, इस तरह की पावर्स मरखक दल को देने के बजाय, रेलवे के जो दूसरे कर्मचारी हैं, उनका ध्यान उनके कर्तव्य की ओर दिलाया जाता।

अभी एक माननीय सदस्य ने कहा है कि हमारी जो साधारण पुलिस है और जो वाच एंड पाट्रोल है, उसके बीच मतभेद रहता है मनमुटाव रहता है और दोनों ही एक दूसरे को अच्छी तरह से नहीं समझते हैं और दोनों ही कहते हैं कि दूसरा हमारे काम में दखल देता है। असल में जो यह उद्देश्य इस बिल का है कि गिरफ्तार करने के बाद फिर पुलिस के हवाले करना पड़ेगा और जो देश का साधारण कानून है, उसके मुताबिक मुकदमा चलेगा, उसको देखते हुए मैं समझता हूँ कि यह बिल इतना कारगर सिद्ध नहीं हो सकेगा।

इस बिल के अन्तर्गत रक्षक दल को जो पुलिस के अधिकार देने की बात कही गई है, उसको मैं पसन्द नहीं करता। लेकिन जैसाकि पंडित ठाकुर दास जी ने कहा कि जो अधिकार दिए जायें वे प्रयोग के तौर पर दिए जायें और मैं चाहता हूँ कि इस प्रयोग की कोई अवधि निश्चित कर दी जायें तो अच्छा रहेगा। इस अवधि के खतम हो जाने के बाद हम इस पर पुनः विचार कर सकते हैं और देख सकते हैं कि यह विभाग कारगर सिद्ध हुआ है या नहीं और किस तरह से इसने कार्य किया है। मैं समझता हूँ कि तीन या पांच वर्ष की अवधि यदि तय कर दी जायें तो अच्छा रहेगा। इस अवधि के खतम होने के बाद यह चीज

[श्री श्रीनारायण दास]

पुनः यहाँ पर विचारार्थ घाती और हम देखने का मौका मिलता कि जो पुलिस अधिकार हमने इसे दिए हैं उनका प्रयोग इसने ठीक तरह से किया है या नहीं। अगर अवधि के बीत जाने के बाद यह साबित हुआ कि इसने अच्छा काम किया है, रेलवे की सम्पत्ति की रक्षा की है, मुआवजे की रकम कम देनी पड़ी है, तब यह सदन इस अवस्था में होगा कि इस कानून की अवधि को या तो और बढ़ा दे या फिर देश के बाकी कानूनों की तरह से इस कानून को भी उनके बराबर ल आए।

पंडित ठाकुर दाम जी ने अभी अपनी तकरीर की है। उसको देखते हुए मुझे कुछ ज्यादा नहीं बहना है। उन्होंने कई बातें कही हैं, मैं चाहता हूँ कि उन पर ध्यान के विचार किया जाए। यहाँ पर एक शब्द कार्डिंस आया है जिनका प्रयोग क्लाउ १७ में किया गया है। मैं कोई वकील नहीं हूँ लेकिन मैं समझता हूँ कि यह एक अस्पष्ट या शब्द है और इसको हटा दिया जाना चाहिए। यह एक रेलेटिव टर्म है और यदि इसका प्रयोग न किया गया होता तो अच्छा रहता।

आपने प्रापर्टी की डेफिनिशन में एनिमल्स को तो ले लिया है लेकिन जो बर्ड्स होते हैं उनको आपने छोड़ दिया है। आपने गुड्स शब्द का प्रयोग किया है। उसमें अगर बर्ड्स आ सकते हैं तो एनिमल्स भी, मेरे विचार से आ सकते हैं। बर्ड्स भी तो चोरी होते हैं, उनका जिक्र भी तो यहाँ पर आपको करना चाहिए था। अगर बर्ड्स की जरूरत नहीं है तो एनिमल्स की भी जरूरत नहीं है ये भी गुड्स में आ सकते हैं। इस चीज को मैं आपके विचारार्थ रखता हूँ।

श्री साहन्नाम खाँ ने गुड्स में आ जाते हैं।

Mr. Deputy-Speaker: You have put in animals there; why should there not be birds also. (Interruption).

Shri H. C. Danappa (Bangalore): Why not fish also be put in?

श्री श्रीनारायण दास यह जी नया सगठन बनने जा रहा है, इसमें रिक्स्टमेंट के बारे में, मैं समझता हूँ, बहुत तरह की गलतफहमियाँ हैं। इसमें जो अफसर हों, वे बहुत ऊँचे दर्जे के होंगे चाहिए, साधारण पुलिस आफिसर इस काम को अच्छी तरह से नहीं कर सकते हैं। इस फोन के जो कर्मचारी हों चाहे वे रक्षक हों, चाहे उप-रक्षक हों, चाहे इस्पेक्टर जनरल हों, उन सब की नियुक्तियाँ बहुत अच्छे ढंग से होनी चाहिये। अगर अच्छे लोग इसमें नहीं लिए जायेंगे जमी की भाषका रहती है कि कई बार नहीं लिये जाते हैं, तो इस सगठन का कोई फायदा नहीं होगा। साधारणतया जितने भी रेलवे कर्मचारी भर्ती किए जाते हैं, जिनकी नियुक्तियाँ की जाती हैं वे अच्छी तरह से टोक बजा कर के, अच्छी तरह से जाच करके क्वालिफिकेशन्स देख करके रेलवे सर्विस कमिश्नर द्वारा या दूसरी कमिश्नरी द्वारा नियुक्त किए जाते हैं, लेकिन फिर भी जो हम नजारा देखते हैं उससे हमें कमी कमी निराशा हो होती है। मुझे पता नहीं कि इस सगठन के चीफ सिक्योरिटी आफिसर को या सिक्योरिटी आफिस को जो नियुक्त क अधिकार बिबं गये हैं, वे कहां तक कारीगर सिद्ध होंगे। इस बास्ते अगर इस सगठन में नियुक्तियों का कार्य यदि ऐंमें लोगों के हाथ में दिया जाता जो ईमानदार और अच्छे होते, तो इसका कार्य अच्छी प्रकार में चल सकता था और यह सगठन मफल भी हो सकता है। इसके विपरीत यदि साधारण तरीके से नियुक्ति होती रही जैसे कि किसी कास्टेबल को होती है, तो मैं समझता हूँ कि यह न तो उचित होगा और न ही मूनासिब।

ठाकुर दाम जी ने बहुत से कानूनी नुक्ते उठाये हैं। मैं चाहता हूँ कि उन सब पर ध्यानपूर्वक विचार कर लिया जाये। कहीं ऐसा न हो कि जल्दबाजी में हम कुछ

ऐसे अधिकार इस दल को होंगे जो हमारे संविधान के खिलाफ हों, हमारे मालिक अधिकारों के खिलाफ हों तथा जिन अधिकारों का ठीक प्रकार से प्रयोग न हो। यदि सरकार ने ऐसा न किया तो इसका नतीजा यह होगा कि जो बीमारी आज है वह और भी बढ़ जाएगी। आज जिस तरह का पुलिस का व्यवहार लोगों के प्रति है जिस तरह की दिक्कतें लोगों को उठानी पड़ती है, जिस तरह की कठिनाइयों का सामना करना पड़ता है, यदि उसी तरह का व्यवहार स हल का रहा तो मैं समझता

कि इस वक्त जो चार पाय लाख रुपया साल हमको कम्पेंसेशन के तौर पर देना पड़ता है यदि उसको ही जारी रखा जाय तो अच्छा होगा बनिस्वत उनके कि नाजायज तौर से साधारण नागरिक इस रक्षक दल द्वारा तंग किये जायें। साथ ही साथ इस बात का भी ध्यान रखा जाना चाहिये कि फर्ही ये रक्षक भक्षक न बन जाये। कहावत है कि यदि बागवान ही चोर हो तो रखवाली कौन करे। फुलवाडो की देव भाल फूल वाला ही यदि चोर हो तो उसकी रक्षा कौन कर सकता है। इस वास्ते जो विधायिकाधिकार दिये रहें हैं, वे बड़े सोच विचार के बाद ही दिये जाने चाहियें।

अन्त में मैं इतना ही कहना चाहता हूँ कि इस बिल का जो उद्देश्य है, उसका तो मैं समर्थन करता हूँ लेकिन इस कानून की जो अवधि है, उसको तीन वर्ष के लिए कर दिया जाए और तीन वर्ष के बाद फिर इस पर विचार किया जाए और देला जाए कि इस रक्षक दल ने ठीक तरह से अपना कार्य किया है या नहीं किया है।

Shri A. S. Sarhadi (Ludhiana) Mr Deputy-Speaker, there are two aspects from which this Bill can be considered. The first is the intent and the object of the Bill and the second is the powers that it confers on the members of the force that it creates. Taking the first aspect, the intent or

the object of the Bill is only to provide for the creation of a force with a view to better safeguard and protect the railway property. But the functions of the force which this Bill seeks to create are contained in clause 14 and these functions only limit it to the extent that the members of this force will, after making the arrest, without unnecessary delay, make over the person so arrested to the police officer, and no further. The machinery provided by the Criminal Procedure Code will come into application the moment the person is handed over by the members of the force to the police. This means that the functions of the force that is being created will be only to the extent of the arrest. Can this object be met otherwise than by this Bill? I submit that it can otherwise be met with under the ordinary law. Under section 59 of the Criminal Procedure Code, even a private person has got the power to arrest a person who is concerned in the commission of an offence which is cognizable and which is non-bailable. Even if the members of the Watch and Ward force of the railways are considered to be private persons they can arrest the culprit in the commission of an offence which is cognizable and non-bailable. If the offences which pertain to railway property are made cognizable and non-bailable—most of them are already cognizable and non-bailable—the object of the Bill can be easily met and a member of the Watch and Ward can easily arrest a person and take him to the nearest police officer. Where is the need for a Bill like this?

Clause 12 of the Bill gives powers to a member of the Force to a great extent. It also empowers the members of the Force to arrest an individual about whom they have got a reasonable suspicion. It also empowers them to the extent that they can arrest a person who, according to them, is trying to conceal himself with a view to commit an offence. I would submit that these powers are far too high. These powers have not been conferred even under the Criminal

[Shri A. S. Sarhadi]

Procedure Code. As my hon. friend Pandit Thakur Das Bhargava put it, section 55 of the Cr. P.C. only confers power of arrest while a person is trying to conceal himself on a S.H.O. or Officer in charge of a police station. He cannot be a person less than a head constable. To confer these powers under clause 12 (a) and (b), later part, is too much. I think this is infringing the liberties of individuals. It is, I submit, empowering the members of the Force to a far greater extent.

The Bill postulates that all the members of the Watch and Ward will become members of this Force which is purported to be created under this Bill. But, the persons who are recruited in the Watch and Ward are of a different category. To empower them to such an extent, I submit, would be very dangerous. My submission is that the intention of the Bill can be easily achieved, if we make the offences relating to railway property cognizable and non-bailable. The members of the Watch and Ward can arrest them.

Coming to the second aspect, as I said, the powers conferred under clause 12 are too high and they are very dangerous. But, the Bill goes farther. As has been very strongly and seriously put by the hon. Member, Pandit Thakur Das Bhargava, clause 13 empowers the Senior Rakshak to detain a person and search him. No limit is laid down as to how long he can detain. According to the definition of arrest, detention comes within arrest. According to the Constitution, there cannot be an arrest for more than 24 hours, and the person must be taken before a magistrate. This clause does not provide a period for which a person can be detained. Of course, clause 13 (2) says:

"(2) The provisions of the Code of Criminal Procedure, 1908, relating to searches under that Code shall, so far as may be, apply to searches under this section."

This provision only governs searches and not detention. Any detention which is contrary to the provisions of the Constitution would be *ultra vires* and illegal. Therefore, as the hon. Member Pandit Thakur Das Bhargava put it, this would definitely be held to be unconstitutional and *ultra vires* as it does not lay down the period for which there can be detention.

I would go further and submit that the provisions of this Bill are very vague. This has already been discussed by the speakers who have preceded me and I need not go into that. I submit that there can be no objection to the principle of the Bill. There has been a lot of loss of railway properties and that is a national loss. That has to be met with and met with even by emergency legislation if it is called for. But, the question is, do the circumstances call for a legislation of that kind? Do the circumstances call for a duplication of the Force without a division of functions? This Bill concedes that the Police force will have the overall supervision. The Police force will be the investigating agency; the Police force will be the prosecuting agency. For the purpose of only arrest, we are having a duplication of authority without division of functions. Naturally, as Shri Bharucha put it, there will be conflict between them, and this conflict may lead to confusion. I submit that this aspect should be looked into and I hope the hon. Minister, the sponsor of the Bill will see whether it is at all necessary to have this Bill.

Shri Parulekar (Thana): Mr. Deputy-Speaker, I rise to oppose this Bill. The object of the Bill, as has been stated in the Bill itself, is to provide for better protection and security of railway property. So far as the object is concerned; it is laudable. There can be no two opinions as regards its importance. Railway property is national property and measures have got to be taken to protect it and secure it. But, the moment

we pass on from the realm of the objective as stated in the Bill to the realm of the provisions which are contained in the Bill, three questions which are very pertinent arise. They need to be carefully scrutinised and considered. These questions are: (i) whether the provisions of the Bill are such as to achieve the object of the Bill; (ii) whether the powers conferred under the Bill are such as to give scope for abuse and open a field for corruption to flourish; and (iii) whether the rules of conduct for the members of the security staff which have been incorporated in the Bill are reasonable. I will take these three questions in the order in which I have stated and deal with them.

As regards the question whether the provisions of the Bill are such as to secure the objective of the Bill, I will not speculate. I will leave it for the future to judge and it will be judged by the results it yields. But I can anticipate the results. I do not think that the provisions are such as will enable the object to be realised in course of time. Because, I do not believe and it is not true, that the members of this Force are unable to protect the property of the railways because they do not possess the powers that are being conferred on them by this Bill. It is not the contention of the Government that for want of these powers it has not been possible for the members of the security staff to protect the property of the Railways. That cannot be the contention. I leave it at that. I do not want to enter into greater details of this aspect.

I pass on to the second question namely whether the powers conferred on the members of the security staff are so wide that they are likely to be abused, that they are likely to be used for harassing people, for persecuting them. That is the question I would like to go into briefly. The clauses which relate to this question are clauses 12, 13 and 14. I would like to draw your attention to sub-clause (b) of clause 12. I admire the

ingenuity of those who have drafted this clause. It says:

"any person found taking precautions to conceal his presence within railway limits under circumstances which afford reason to believe that he is taking such precautions with a view to committing theft of, or damage to, railway property."

Such a person is liable to be arrested. A member of the staff can arrest anybody who is found to be in the railway limits, and it is enough for him to say that that person was found to take precautions to conceal himself with a view to commit theft. The arrest of a person found within railway limits depends entirely on the subjective factor, that is the subjective satisfaction of the individual member of the staff who will be an ordinary constable, though new names have been given, who has only to say that he has arrested the person because he believed that he was taking precautions to conceal himself with a view to commit theft of or cause damage to railway property. The phraseology of this whole clause is a novel one, and it confers powers so wide on the entire staff that they are bound to be abused, and people are bound to suffer because of these wide powers.

15 hrs.

Now, I will refer to clause 13. I am not a lawyer, but applying my commonsense I must say that this clause is again a novel one. It gives power to a certain section of the members of the staff to arrest an offender, to detain him, to search him and then release him, if they think that it is not proper to arrest him. What will it mean in practice? They will arrest innocent persons, they will detain them and as soon as a bribe is given, they will release them, and the clause itself gives them power to release them. The clause even does not take the precaution to say that they are entitled to detain a person suspected of committing a theft, or committing an offence. There, the word which has been used is "the offender." When an

[Shri Parulekar]

officer has reasons to believe that a person has committed a certain offence, he has been given power to detain that person, search him, and then afterwards the clause says that if he thinks proper, he can release that person. Now, you can well imagine, knowing as we do how such departments function, how this will work as a licence for releasing offenders after taking bribes from them.

Now I pass on to clause 14. This clause takes away the protection which has been given by article 22(2) of the Constitution. If it remains there, it is bound to be declared ultra vires by the Supreme Court, but I would like to read article 22(2) before I comment on this clause. It says:

"Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate."

What does this clause say? He will be arrested, he will be detained. I will not labour on the point of detention, because the hon. Member Pandit Thakur Das Bhargava has pointedly pointed out how unjust the provision for detention is in this clause. How long he will be detained, nobody knows. The Bill does not say anything about it. It is silent about it. Then what will be done to the person arrested? He will be taken to a police station and handed over to the police. Can we not under the provisions of this clause conceive that a man arrested by a member of the staff may be detained for four days? It may take two days to take him to the police station after his arrest.

Shri Basappa: May I say in clause 4 it is stated specifically "without unnecessary delay"?

Shri Parulekar: I would like to point out to the hon. friend who has intervened that "unnecessary delay" is capable of being interpreted as one likes.

Mr. Deputy-Speaker: It is better to point it out to me.

Shri Parulekar: So, he may be detained for a long time and then it may be argued that the delay was necessary, and this plea will be accepted because nobody can define what is unnecessary delay and what is necessary delay, what I want to point out is that this clause is a violation of the protection given by article 22(2) of the Constitution. That article says that as soon as a man is arrested, he has to be produced before a magistrate within 24 hours and without the order of the magistrate he cannot be kept in custody. In this clause the same word "arrest" is used. What difference is there between the arrest which is contemplated in article 22(2) and arrest which is made according to clause 14? There is no difference.

I cannot say whether this clause has been hurriedly drafted or purposely drafted. It is very difficult to imagine the motives of those who have drafted the Bill. But at the same time, it must be said that it has been drafted in such a way that even the sanctity of the rights which have been conceded by the Constitution has been violated.

Now I come to clause 20. Clause 20, curiously enough, gives a free licence for the abuse of these powers. See how the sub-clauses (1) and (2) read:

"(1) In any suit or proceeding against any member of the Force for any act done by him in the discharge of his duties, it shall be lawful for him to plead that such act was done by him under proper authority or order."

As soon as the plea is advanced that he has done a particular act under the order of an authority, whatever he may have done his act cannot be an offence.

Further it says:

"(2) Any such plea may be proved by the production of the order directing the act, and if it is so proved, the member of the force shall thereupon be discharged from any liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such order"

I do not know whether this clause can be interpreted to mean, and perhaps it means, that even the courts are bound under this clause to discharge a person when any proceedings either of a civil or criminal nature are taken against a member of the staff if he produces an order of a superior officer. Will it be right to take away the jurisdiction of the courts, over offences committed by the Members of the staff? It is a very serious proposition for this House to consider

I will conclude by saying that the potential capacity of this Bill for doing mischief is enormous and immense. The powers are so wide and so vague that they are likely to be abused and are bound to be abused, and there are no safeguards against any abuse of these powers which have been conferred by this Bill upon the Members of the staff. The common man will be the victim of the abuse of these powers. It may be that we Members of Parliament or Members of the Legislative Assemblies or the gentry will not be the sufferers, but it is the common illiterate man who will suffer. Because a member of the security staff enjoys all powers to detain him, to arrest him, to search him and do all the other things under the Bill.

There is another point which I would like to make, and that is that the powers are so wide that they open a new field for corruption to the staff. These powers are given on the assumption that the members of the staff are honest, and they are not likely to abuse these powers for supplementing their incomes, but these assumptions have been proved to be

untrue and baseless by reality. The truth is that in conditions where mercenary considerations are the motive force for discharging duties, corruption flourishes where the coercive powers of the State can be easily abused. Applying this principle which we have learnt from experience at a very great cost, we can safely say that the powers which are being given to the members of the staff are so wide and so vague that they furnish them with the source for supplementing their income by bribes, particularly so, when the salaries drawn by them are so low that they are not able to live, unless they make money by such means. I do not approve of the ways by which they will make money, but nonetheless, the reality is such, and the reality has to be faced, it cannot be ignored.

15.00 hrs.

[SHRI BARMAN in the Chair]

I can anticipate the reply of the Minister. He will give us assurances that these powers will not be abused. Whenever criticism is levelled that the provisions of a Bill are likely to be abused, the common answer, and the most fashionable answer in this House has been that they are not intended to be abused, and that they will not be abused. But assurances are no safeguards against abuse of these powers. Assurances of the Ministers will not come to the rescue of the man who has been a victim to the abuse of such powers. The powers which are being given under clauses 12 to 14 are so wide that it will be a wonder if they are not abused, it will be a wonder if they do not result in increasing corruption which is already rampant among people who enjoy coercive powers of the State.

I now come to the third point, namely whether the rules governing the conduct of the members of the staff are reasonable. Clause 11 lays down the duties of the members of the staff, and clause 9 provides for punishment when there is failure on

[Shri Parulekar]

the part of the staff in discharge of those duties. In this connection I should like to draw attention to one particular point.

One of the duties mentioned in sub-clause (d) of clause 11 reads thus:

"to do any other act conducive to the better protection and security of railway property."

Again, I think this is a specimen of vagueness which can be imitated by those who want to enact vague legislation. Does this sub-clause define the duties? Sub-clauses (a) to (c) are definite, but sub-clause (d) is so vague that anything can be included within it, and a member of the staff will be entirely at the mercy of the superior officer. If he is found to have neglected the duties as defined in clause 11, and if the officer comes to the conclusion that he has not done something which was conducive to the better protection and security of railway property, he can be punished; and there is no protection to the member of the staff.

Shri B. S. Murthy: Sin of omission.

Shri Parulekar: I wish that the principle of this rule of conduct is applied from top to bottom to the state machinery; then the whole Government will improve.

Shri B. S. Murthy: Give them scope for sin of commission.

Shri Parulekar: Then, I would like to draw your attention to clause 16. This is also a novel clause. Suppose a member of the staff is suspended either because he is found to be unfit to discharge his duties or because he is guilty of some other offence which comes within the purview of the provisions of clause 9. After he is so suspended, the clause says:

"and he shall, during that period, be subject to the same responsibilities, discipline and penalties to which he would have been subject if he were on duty."

When a person is suspended, he will get only half the salary to which he is entitled, till his case is disposed of. But he is asked to discharge all the duties as before during the period of his suspension. The clause goes a step further and says that if he fails to discharge the duties, he will be liable to be punished, and the penalties are the same as if he had been in service.

I would like the Minister to point out to me any other legislation which says that after a person is suspended his responsibilities will continue, and the penalties that would be imposed on him would be the same as if he had been in service. I do not think he would be able to point out any such instance; but if he can, I shall be glad to be enlightened on the point. Perhaps, there may be some piece of legislation which contains such provisions and which may be purely of a military character; but I shall come to that point later. I would like to know whether there is any other piece of ordinary legislation which contains a provision of this nature...

Pandit Thakur Das Bhargava: The Police Act.

Shri Parulekar: ...namely that after suspension, the man will be liable to the same penalties to which he would have been subject to if he had been in service.

I now come to clause 17 which lays down penalties for neglect of duty etc. Already, clause 9 provides for punishment for various offences on the part of the members of the staff, of commission and omission. Not satisfied with those provisions, here is a new clause which the Bill contains, namely sub-clause (1) which says that a member will be liable to simple imprisonment for three months, if he is found to be guilty of the offences mentioned in this sub-clause. Some Members are not satisfied with the period of three months specified therein. Of course, I do not agree with them, and they are free to disagree with my views.

One of the offences mentioned here is 'neglect of any rule or regulation of lawful order made by a superior officer'. So, if a person neglects a rule or a regulation, and he is found to be guilty of such neglect, he is likely to be sent to prison for three months. Again, I would like to point out that such provisions are not found in common law.

Another funny thing in this clause is:

"or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of the leave...."

If he overstays after taking leave, without reasonable cause, then also he is likely to be sent to jail for three months. I would like to pose one question to the Minister in this connection. Suppose a person remains absent without taking leave, then he is not likely to be sent to jail, because there is no provision to that effect in the Bill. But if he goes on leave with permission, and then he overstays without reasonable cause, he is to be sent to jail for three months. I do not know whether this is an ideal code of conduct. If these are the ideal measures for running Government efficiently, I would ask the Minister whether he will recommend the same code of conduct for the whole of the Government machinery from top to bottom.

Another ground on which he can be sent to jail is cowardice. Again, this is a phrase which it is very difficult to define, and which is very vague.

For these reasons, I oppose the Bill. In short, the Bill seeks to add a military wing to the Railway Administration. The members of the security staff, in the noble name of protecting the railway properties are being given powers which are likely to be used against the people, which are likely to be used against the workers, which are likely to be abused in every possible way, and which will open up, as I have said already, a new field for corruption. And since the Bill does

not contain any safeguards whatsoever against any of these evils, I oppose the Bill.

Mr. Chairman: I am now calling the Minister to speak. Hon. Members who could not speak so far may take their chance in the second reading stage.

Shri Shah Nawaz Khan: I am very grateful to the hon. Members who have taken so much pains to go through the provisions of the Bill so thoroughly. That shows their very deep interest in the Railway Protection Force, and also their deep anxiety to ensure that the losses incurred by the nation are stopped as early as possible.

A number of hon. Members wanted to know the justification for bringing forward such a legislation. Also my hon. friend, Shri Bharucha—he is not here—wanted to know whether in actual fact the amount of expenditure involved would be in keeping with the work that this Force would do. As hon. Members already know, every year we have to pay something like Rs. 3 crores as claims for goods lost, stolen etc. This is not all. I may tell the House that in addition to these goods for which we have to pay this amount of compensation, there are other huge losses of railway property.

I have recently had the opportunity of travelling over almost the entire section of the North Eastern Railway from Gorakhpur to Dibrugarh and I was amazed—I inspected various goods and passenger trains—at the number of stations fittings, fans, fan belts, dynamos, vacuum gauges etc. had been stolen. The thefts are very heavy. Not only is the country incurring huge losses on account of these thefts, but the safety of train running is also being affected. When vacuum gauges are removed, we cannot replace them because lots of the parts have to be imported.

Shri Sinhasan Singh: These losses have been going on in spite of their Watch and Ward.

Shri Shah nawas Khan: That is what we are trying to stop. These are the huge losses in which not only huge sums of the nation's money are involved, but also the safety of passengers travelling in those trains and other trains is jeopardised.

Also, as the House is aware, there have been instances where goods trains carrying valuable commodities have been attacked. If I may say so, thefts in running trains have become an art, people have made a regular art of it. *(An Hon Member Fine art)* There have been cases where regular, organised gangs have actually attacked the trains and railway staff with fire-arms.

Recently, I had an opportunity of going into the areas classified as 'danger zones', that is, operational areas where the Naga trouble is going on. There have been instances where Naga hostiles have infiltrated through and fired at our stations and running trains and caused loss of human life. All those persons working in such areas have to be properly protected, and their safety has to be guaranteed by us.

Also, the situation has changed immensely since the Watch and Ward department was initially organised. We have found by experience that the old Watch and Ward will not serve our purpose.

In view of these circumstances and the facts I have just narrated to the House, it has become absolutely essential to reorganise the Watch and Ward and to equip this Force which may be required even to face hostile gangs or elements like the Nagas armed with modern fire-arms. Therefore, we wish that we should have such a force which would be able to deal with such elements.

Pandit Thakur Das Bhargava: Is this Bill required for protection of persons also?

Shri Shah nawas Khan: Yes, because I may tell the House that at present we are utilising a large number of

persons who are classified as the Railway Protection Force; that is the police force taken from the State Governments. This Force is asked for by the railways from various States, and it has to be paid for by the Railway Administration.

Shri A. C. Guha: What will happen to the Railway Protection Force which is already existing?

Shri Shah nawas Khan: It will be returned to the States.

It is in order to perform these duties, which include 'arming' a certain percentage of this Force, that this Bill has been brought forward. We have to subject the members of this Force to strong discipline, more or less on the same lines as the discipline of the regular police.

I am very glad to tell the House that I have recently gone and inspected a very large number of our young men who are under training. A large number of hon. Members of this House have expressed their anxiety as regards proper selection, they feel that mere reorganisation of the old Watch and Ward will not be enough. I quite agree with them. I am very glad to inform the House that after my inspection of the Force at Lucknow, Gorakhpur, Kharagpur and Calcutta, I came back feeling rather pleased, because I saw educated young men who have joined this Force being given excellent training. I might say that in some places, their training and standard of drill are as good as any of the best military units. It is no exaggeration to say that their living conditions and turn-out are very satisfactory. Although it is rather too early to give any assurance, I hope that this Force will be able to live up to the expectations of this hon. House.

Shri B. S. Murthy: The point is not about training, it is about selection.

Shri Shah nawas Khan: If the hon. Member would let me go on, that was the very point I was going to make next.

Mr. Chairman: It is better that questions are asked at the end; otherwise he might lose the thread.

Shri B. S. Murthy: He made a reference to selection; that was why I asked the question.

Shri Shahnaawaz Khan: A number of hon. Members referred to the method of selection. In this Force, there are various categories of officers and Rakshaks. Gazetted officers or those who are termed as 'superior officers' are selected by the U.P.S.C. like any other gazetted officers of the Government of India. They are subject to the same rules and regulations and the same discipline as any other Central Government officers.

As regards the other category which might be termed as class II, that is, sub-inspector, assistant sub-inspector, etc., the posts are advertised in various newspapers and they have to be selected by the Railway Service Commissions. That is the method and procedure for their selection.

We have had to say in this that the Chief Security Officer will be the recruiting authority. That is necessary because later on when dealing with such classes of people for any offence it will be held that only the appointing authority is empowered to dismiss them. It is with that end in view that these words have been included in the Bill. The actual recruitment is being done by the Railway Service Commission on a very fair basis by a competent Board.

Then remains the recruitment of class IV rakshaks or the sainiks. That is being done by the Railway Officers. I would like to submit here that I had the honour of belonging to the Indian Army at one time and at that time it was customary for the Units to send their own officers to certain selected areas to pick and choose and make recruitment. This was because those officers knew that in time of war or any grave emergency they will have to rely on these men. Therefore, they were specially cautious to make the

best selection. That was the point of view of the officers.

Shri B. S. Murthy: Was that not there during foreign rule?

Shri Shahnaawaz Khan: The same thing holds good now.

From the point of view of the person recruited it gives a sort of loyalty to the officer who recruits him; it creates a sort of bond and that is what we used to call in the Army as the *esprit de corps*.

Shri Feroze Gandhi (Rai Bareilly): Why did you leave the Indian Army?

Shri Shahnaawaz Khan: That was due to circumstances beyond my control.

The selection of sainiks is being done by the Security Officers and that is also the system now prevailing for the recruitment of class IV employees, in the railways. It is done by the railway officers in co-operation with others. Therefore, I do not think there is any grave irregularity in the recruitment of the members of this Force.

My hon friend Shri Guha wants to know why it was necessary to issue a certificate to the members of this Force. This is nothing new because every member of the regular Police Force is also issued such a certificate. It is not an innovation that we are making here.

My revered friend, Pandit Thakur Das Bhargava said that the powers that were being given to the members of this force were too drastic, especially the powers of detention, search, arrest etc. The hon. Member is fully aware that even now in various workshops or an Ordnance Factory when people enter they are searched and whenever they leave them, again, they are searched in the interests of the nation.

Pandit Thakur Das Bhargava: Especially in mint.

Shri Shah nawas Khan: I may add that it is nowhere being provided in the Bill that the detention may be in violation of the Constitution. The provisions of the Bill are always subject to the provisions of the Constitution. The detention is for search and if some officer or member of the Force takes it into his head to detain a man in violation of article 22 of the Constitution, then, that man will have his constitutional remedy. But, actually, there is nothing wrong with clause 13 as it is in the Bill.

A number of hon. Members referred to the absolute protection which has been extended to the members of this Force and expressed apprehension that they would misuse the protection given. This protection, I would like to submit again, is nothing new that is proposed for the members of this Force. The same protection is extended to members of almost every security service. Therefore, there is no reason for their misapprehension that this is probably too great a protection for the members of this Force.

With these words I again thank the hon. Members who have taken part in this debate and I would request them to pass this Bill.

Shri Dasappa: The hon. Minister has not shown how the requirement under article 117 of the Constitution is met here in this Bill because the recommendation of the President is not there. It is obligatory that the President's recommendation should be to both Houses, not only to one House.

Mr. Chairman: I understand that yesterday it had been notified that President's assent has since been given.

Shri A. C. Guha: There was a news item in the Press also that President's assent has been obtained.

Shri B. K. Galkwad (Nasik): The hon. Deputy Minister said that recruitment has already been made. I just want to know as a point of information whether the percentage reserved for members of the Scheduled Castes

and Scheduled Tribes had been taken care of by the hon. Minister while recruiting these persons. He has said in his speech that certain persons were sent for making recruitment and they recruited the persons according to their choice. I want to know whether in selecting these persons sufficient thought was given to this point or not. That is the information that we want.

Shri Shah nawas Khan: The hon. Member is fully aware how anxious and keen our Government is to give proper representation to the Scheduled Castes and Scheduled Tribes. This is the basic policy of our government and that is always kept in view; especially in the Railways we allow no laxity in this rule.

Shri Feroze Gandhi: It is very lax. You look at the number of Scheduled Castes and Scheduled Tribes who are actually recruited and then compare it with what you are saying.

Shri Shah nawas Khan: I have not looked into it for the Railway Protection Force, from this particular angle. If there is any need, we will not spare any effort.

Shri B. S. Murthy: May I know from the hon. Deputy Minister whether when he made a visit to the training camps, he enquired of the trainees whether any proper representation has been given to the Scheduled Castes and Scheduled Tribes and if so what did he find?

Mr. Chairman: I think he has said that.

Shri B. S. Murthy: He said he went to the camps. But did he find out whether there were Scheduled Caste trainees there or not?

Shri Shah nawas Khan: I frankly admit that I did not make any specific enquiries because when I went into that camp I was looking at them as members of the Railway Protection Force. But, as I said, if there is need, I shall look into it.

Shri B. S. Murthy: We thank you for the frankness

श्री बच्चन सिंह (झागरा) इस रेलवे प्रोटेक्शन फ़ोर्स कोर्स पर प्रतिवर्ष कितना खर्च आएगा?

श्री जगहनराज झा उसको मैं बताने पाई मैं तो नहीं बतला सकता लेकिन जैसा मैंने बर्न किया कि सभी जो खर्च हुआ है उस से बहुत ज्यादा खर्च होने वाला है।

Mr. Speaker: The question is

"That the Bill to provide for the constitution and regulation of a Force called the Railway Protection Force for the better protection and security of railway property be taken into consideration"

The motion was adopted

Clause 2

Mr. Chairman: We shall now take up clause-by-clause consideration There are four amendments to clause 2—Nos 19, 20, 21 and 22

Pandit Thakur Das Bhargava: I beg to move

Page 1, line 9,—

after "Railway" insert "Property"

Page 1, line 17,—

after "includes" insert "engine vehicles truck machinery,"

Page 1, line 18,—

after "animal" insert "or other property"

Page 1, line 19,—

add at the end—"or lying on railway premises"

This is not the first time that this House is being treated like this I wish that all these statements that have been made by the hon Minister now were made earlier so that we could have understood the full implications I am very sorry that the information that he has given now was never given before. Then the objections to the Bill would perhaps

have been of a different nature Anyhow, I am thankful to him that he has given the information now

This is a Bill according to its preamble to provide for the constitution and regulation of a Force called the Railway Protection Force for the better protection and security of railway property I understood that the main purpose of this Bill was that the property be secured better and not that the force should become a supplementary police force to what we have already got But, it appears that the hon Minister wants in emergencies this force may be utilised for the protection not only of properties but of persons also That was the interruption that I made You cannot have this Bill passed with such mental reservations If it is a force of a different character and if it will discharge the functions of a police force or the army in times of emergency, the objections that we would have would have been much more serious Under section 20, you can fire on people and they may be given immunity which has not been given to the army or the police If it is only a Bill for the better protection and security of railway property, the angle of vision is quite different If it is a different thing, you ought to have said that this Bill is of a different nature Then, you will have to change this entirely and a different Bill will have to be brought Therefore, I put that question Not that I am averse to it

I know that the Railway Administration is working under very great handicaps and you have to give police protection not only to property but to persons in certain circumstances They have to perform some extraordinary duties sometimes So, I would rather like to give them all the powers which a small army or police force has got while fighting the Nagas on the Frontier In certain circumstances they have to perform these duties and you should give them power But, you have no right to come in this House with a Bill for the security of the railway property and now turn round and say that it is

[Pandit Thakur Das Bhargava]

for a different purpose. The entire thing has changed. We shall have to revise our opinion about the nature of this Bill as well as the purpose of this Bill.

The purpose now disclosed is quite different. Had we known this earlier, the criticism would have been of a different nature and so, I submit that I never thought that behind this Bill would lie concealed a different purpose. The hon. Minister referred to the Naga difficulties etc. We never knew that this force would have to fight also.

Shri A. C. Guha: May I draw the attention of my hon. friend to sub-clause (e) of clause (2). The railway property has been defined and I do not think the purpose of the Bill can go beyond protecting the railway property as defined in sub-clause (e) of clause 2.

Pandit Thakur Das Bhargava: The hon. Member has been hearing the purpose given by the Minister.

Shri A. C. Guha: Whatever anybody may say, the scope of the Bill cannot go beyond what is contained in this clause.

Pandit Thakur Das Bhargava: I quite agree.

Shri Shahanswar Khan: May I make a submission? All the duties which I have stated that they will have to perform and which the hon. Member is now referring to as something which we had concealed, will be performed primarily during the task of protecting the railway properties. For instance, the members of this Force will escort trains and thus protect the railway property. If during the course of the performance of their duties, certain conditions arise which necessitate their firing in order to protect the railway property, then they will have to do those duties. Similarly, when I referred to the situation in danger zones, the primary duty of the members would be to protect the railway properties—stations and other

railway properties. If anybody comes to damage the railway property in the course of performance of their duties in relation to the protection of the railway property, they may have to fire. There is nothing new in this.

Pandit Thakur Das Bhargava: If during the course of any attempt to secure a definite railway property some firing has to be done to defend the persons, I am the last person to object to it. That is not my purpose. At the same time, if he had previously told us, when I interrupted that it was meant for protection of persons also, the angle of vision would be quite different. I am not here for the purpose of making a point in discussion. If you really mean this force should be able to supplement your railway police force, you have it. We have no objection. We want the personnel and the property to be defended. We are not out only to secure the property or the personnel.

I intended to take away my amendment, after hearing the hon. Member, I did not want to press this amendment. But, now, after hearing him again I am strengthened in my arguments. I should feel that the word 'property' should be added after the word 'railway'. It may then become "Railway Property Protection Force", and it may have the exact meaning which the Railway Minister has got in his mind, otherwise this Force may be used for the very purpose which the hon. Deputy Minister just now said is not the purpose for which the Protection Force is meant. It is meant for the protection of the Railways according to the present wording, whether it be personnel or property. If you really mean that it should be for the protection of railway property then you must add the word "property" and make it "Railway Property Protection Force". If you leave it as it is then it is liable to be interpreted that it is meant for a different purpose. I would, therefore, request that my amendment may be accepted by the House.

So far as "railway property" is concerned, the words are:

"includes any goods, money or valuable security "

I am glad that the word "includes" is used and, therefore, any other thing which may come under it will have to be included. My friend said that the word "birds" is not there. The word "includes" does not exclude "birds". If birds and animals are there, they are also included. But they have specifically mentioned money, valuable security and animals. I have therefore said that the most prominent things are engine, vehicles, truck and machinery. These must be specifically mentioned. As a matter of fact, it is for the protection of these things that the Force is being created. We do not lose anything if we add these words. We just include these things and do not exclude anything.

However, I submit that the words "or lying on railway premises" should be included. I have already submitted for your consideration, Sir, that all things may not be in the charge or possession of a railway administration. A railway administration comes to be in possession of a thing when it is specifically made over and taken charge of by that administration. But they are in possession of a thing if the mental element is there. Supposing some goods are lying on railway premises which have not been taken possession of by the railway administration, who will protect them? If a passenger has lost something and the railway administration has not taken charge of it, would it be wise not to protect it and subsequently hand it over to the person who claims it? The railways are discharging very onerous duties of a different nature. They must also take charge of the property lying on railway premises. The legal interpretation of the word "possession" is quite different. Only when there is a will to possess, when there is power to possess and the person says that a thing is being possessed that there is actual possession of

a thing. Only to obviate that difficulty I am suggesting the words "or lying on railway premises".

Shri Shah Nawaz Khan: There is already provision for looking after properties like those mentioned by my hon. friend. Things that are dropped by passengers on the platform are known as lost properties. There is the Lost Property Office at all big stations to look after such things. All articles found without owners are sent to that office and they are handed over to proper claimants. Therefore, I submit there is no reason why these words should be included in this Bill.

Mr. Chairman: Then shall I put the amendments to the vote of the House?

Pandit Thakur Das Bhargava: Certainly.

Shri A. C. Guha: Before you put the amendments to vote, Sir, I would request the hon. Minister to at least accept the last amendment seeking to include the words "or lying on railway premises". I think that clarifies the purpose of the Bill. The Lost Property Office only deals with articles that are taken possession of by the railway authorities. When things are lying in a carriage or on the platform they are not in the possession of the railway authorities. At that stage somebody may pilfer them. The inclusion of these words will not in any way complicate the position, rather it would clarify the responsibility of this Force in regard to such properties.

Shri Pattabhi Raman (Kumbakonam): I think clause 11(b) says

"It shall be the duty of every superior officer and member of the Force to protect and safeguard railway property."

'Railway property' has been defined as—

"Railway property includes any goods, money or valuable security, or animal belonging to, or in the charge or possession of, a railway administration."

[Shri Pattabhi Raman]

So, the goods with the passenger will not come in. I beg to submit that this amendment is, therefore, well worth considering.

Shri Shahnawaz Khan: Anything which is not in the charge of the Railways cannot be railway property. If a thing is lying on railway premises there are other staff to look after it. The whole of the station staff is there and then there is also the Government Railway Police. The Railway Protection Force will not replace the Government Railway Police, whose responsibility it is to maintain law and order and deal with such cases. That Police will also continue to remain at railway stations and this will, therefore, be more a part of their job.

Shri A. C. Guha: Are we to understand that when a property left by a passenger on the platform or waiting room is being stolen by somebody the Railway Protection Force will not interfere?

Pandit Thakur Das Bhargava: They may themselves take possession of it and go away with it.

Shri A. C. Guha: I would again request the Railway Minister to accept this amendment as this will not make the position worse and it will only clarify the position.

Shri Jagjivan Ram: It may not make the position worse but it may create certain complications. I am not able to understand what properties the hon. Members are thinking of except lost properties. The instances that have been quoted relate to properties lost and we have an establishment in the Railways to take care of such properties. This is primarily intended to give protection to railway properties from mischief makers. That is the whole intention of this Bill. I do not think it will come in conflict with the railway staff or create any complications.

Mr. Chairman: I shall now put amendments numbers 19, 20, 21 and 22 to the vote of the House.

The question is:

Page 1, line 9,—

after "Railway" insert "Property"

The motion was negatived.

Mr. Chairman: The question is:

Page 1, line 17,—

after "includes" insert "engine vehicles, truck machinery,"

The motion was negatived.

Mr. Chairman: The question is:

Page 1, line 18,—

after "animal" insert "or other property".

The motion was negatived.

Mr. Chairman: The question is:

Page 1, line 19,—

add at the end—"or lying on railway premises".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3

Mr. Chairman: There is only one amendment, amendment No. 23 to clause 3 standing in the name of Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava: As the House has already taken a decision on my previous amendments and has not agreed to include the word "property" before the word "protection", this amendment cannot be moved.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill

Clause 4

Mr. Chairman: There are two amendments to clause 4.

Shri Vajpayee (Balrampur): I beg to move:

Page 2, line 13,—

for "may" substitute "shall"

Mr. Chairman: The question is

Page 2, line 13,—

for "may" substitute "shall"

The motion was negatived

Mr. Chairman: The question is:

"That clause 4 stand part of the Bill"

The motion was negatived

Clause 4 was added to the Bill

16 hrs.

Clause 5

Shri A. C. Guha: I have two amendments to this clause.

Sir, I beg to move:—

Page 2, lines 29 to 31,—

(i) for "Head Rakshak" substitute "Head Constable"

(ii) for "Senior Rakshak" substitute "Senior Constable"

(iii) for "Rakshak" substitute "Constable".

Page 2,—

(i) in line 29 for "Head" substitute "Pradhan"

(ii) in line 30 for "Senior" substitute "Upa-Pradhan".

My suggestion is that either make them all English or all Hindi. I suggest that you either make it "Pradhan" or "Upa-Pradhan" or make it all English. I do not like that this hybrid language should be retained in our statute book.

Shri Shahmawar Khan: We are all advancing in that direction when all the definitions and all the names will be in Hindi; we have made a start in this direction.

Shri A. C. Guha: I think the words may be in English or the proper Hindi words may be available.

Shri Jagjivan Ram: There is no difference between 'Head' and 'Mukhya'.

Shri A. C. Guha: They begin at the tail and not at the head. But if the hon. Minister does not like to accept my amendment, I do not press it.

Shri Vajpayee: Sir, I move:

Page 2,—

for lines 25 to 27, substitute—

"(i) Nireekshak,

(ii) Upa-Nireekshak,

(iii) Sahayak Upa-Nireekshak."

Page 2,—

(i) line 29, for "Head" substitute "Pradhan", and

(ii) line 30, for "Senior" substitute "Mukhya"

श्री शाहरेयी। इस धारा में अंग्रेजी और हिन्दी दोनों के शब्दों का समावेश करके जो लिचबडी पकायी गई है उसको सुद्ध करने के लिये मैंने ये सखीवन प्रस्तुत किये हैं। इन्स्पेक्टर के स्थान पर निरीक्षक और सब-इन्स्पेक्टर के स्थान पर उपनिरीक्षक, तथा असिस्टेंट सब-इन्स्पेक्टर के स्थान पर सहायक उपनिरीक्षक होना चाहिये।

इस धारा की उपधारा बी० में हिन्दी का शब्द रखक तो लगाया गया है मगर उस रखक के सिर पर अंग्रेजी बँठा दी गई है और उसे हँड रखक कर दी गया है। वही दबा नीचे सीनियर रखक की भी है। इसके सम्बन्ध में मेरा निवेदन यह है कि "हँड रखक" के स्थान पर "प्रधान रखक" होना चाहिये और "सीनियर रखक" के स्थान पर "मुख्य रखक"

श्री जगजीवन राम : "मुक्ता" और "प्रधान" में क्या फर्क है।

श्री. पंडितजी, यदि हम हिन्दी को ला रहे हैं तो हिन्दी का स्वरूप विकृत न करें। हुंड रसक कोई बज नहीं हो सकती। यदि अंग्रेज का मोह्र घम बाक है तो हम सीधे संचे अंग्रेज रखे और यदि हिन्दी का प्रेम प्रकट करना चाहते हैं तो उसे बखूबी रति से लायें। लिट्टक पवाने से काम नहीं चलेंगा।

Shri A. C. Guha: The idea in Head Rakshak is to protect the head.

Shri Jagjivan Ram: We do not accept them

Pandit Thakur Das Bhargava: After all the reason advanced by the hon Member is very nice and very sound. Can't we find a suffix for 'head'?

Shri Jagjivan Ram: The hon Member has not followed. He has created more complications.

Pandit Thakur Das Bhargava: Even if hon Member has not found suitable Hindi words, I suggest that we may have anything but not the hybrid "Head Rakshak".

Mr. Chairman: Anyhow, I understand that the hon Minister is not accepting any of the amendments. Shall I take it that Nos 1 and 2 are not pressed?

The amendments were, by leave withdrawn

Shri A. C. Guha: That is so

Mr. Chairman: Then I shall take up amendments Nos 26 and 27

Mr. Chairman: The question is—

Page 2,—

for lines 25 to 27, substitute—

"(i) Nireekshak,

(ii) Upa-Nireekshak,

(iii) Sahayak Upa-Nireekshak".

The motion was negatived

Mr. Chairman: The question is:

Page 2,—

(i) line 29, for "Head" substitute "Pradhan", and

(ii) line 30, for "Senior" substitute "Mukhya"

The motion was negatived.

Mr. Chairman: The question is:

"That clause 5 stand part of the Bill"

The motion was adopted.

Clause 5 was added to the Bill

Clause 6.

Shri A. C. Guha: Sir, I beg to move

Page 2, line 34,—

add at the end—

"and on the recommendation of a Service Commission constituted by the Central Government with non-departmental persons".

Clause 6 says: "The appointment of members of the Force shall rest with the Chief Security Officers who shall exercise that power in accordance with rules made under this Act".

That means that the Chief Security Officer will appoint the men. There will be 6 or 7 Security Officers, one for each zone and they will select nearly about 35,000 men comprising of inspectors, sub-inspectors, assistant sub-inspectors and three categories of Rakshaks. I think this is giving wide powers to some individual officer. The hon Minister may say that he will put some limitation under the rules to be framed, but I think there should be some statutory provision, because the rules can be changed; today this Minister may frame one rule and tomorrow there may be another Minister who may be framing another set of rules. I think there should be some statutory provision to check the whims and caprices of these officers.

Very recently we have seen in one organization there were two posts, each carrying Rs 1,300 to 1,600 as salary. They proposed that the two posts should be amalgamated into a post carrying a pay of Rs 1,800 to Rs. 2,000. They did not advertise the post, they selected the man from amongst themselves through a Committee of the Department and then after a few months they created another post and in about a year they created yet another post.

Shri Jagjivan Ram: In this Department?

Shri A. C. Guha: No. In another department. They may do like that here also. Therefore I suggest that there should be some statutory provision and limitation on the powers of this appointing authority.

I can understand the difficulty of the hon. Minister, that technically the authority of appointment should rest with the Chief Security Officer because in case of giving any punishment such as dismissal or suspension etc., every time they cannot go to the Service Commission. That has to be done through the appointing officer of the Department. So, technically this thing may remain, but I would like to add that he shall exercise that power in accordance with the rules made under this Act, and on the recommendation of a Service Commission, constituted by the Central Government with non-departmental persons.

Even if the hon. Minister does not feel his way to accept my amendment, I suggest that the spirit of this should be retained. In the Railway department, class III posts are appointed by Service Commissions and, I think class IV posts are also appointed through some Committees. Why should not have a provision in the statute itself to that effect?

The hon. Minister at least gave me an indication that he would accept something like this and I gave notice of another amendment which would read like this: "The appointment of

members of the Force shall be made in accordance with the rules made under this Act," but to this the difficulty will arise in the case of giving any punishment to those men. That is why I have now moved my original amendment No 3.

Mr. Chairman: I think the latter one is the amendment he moves.

Shri A. C. Guha: I am not moving that amendment. I am told there is some technical difficulty for the department accepting that amendment, I gave notice of it after consulting the hon. Minister, but I appreciate there may be some difficulty. So, I do not like to press that, but if the hon. Minister feels that he can accept that amendment, I have no objection.

Pandit Thakur Das Bhargava: I support the amendment moved by Mr. Guha. I understand the reason given by the hon. Minister when he made the reply is that article 311 of the Constitution is there. It lays down that the appointing authority only can be the dismissing authority. That was a very good rule that we adopted, but now efforts are being made to circumvent that provision of the Constitution in some ways which are not free from doubt.

I do not want to place any difficulty in the way of the Government, but I would rather agree with the amendment moved by Mr. Guha. As a matter of fact, it does not expose the department to the difficulty of contravening article 311. Every hon. Member who has taken part in the debate has submitted that the manner in which recruitment has to be made is not given in this Bill. Also, other criticisms have been made, some of which have really been met by the hon. Minister pointing out that the method of recruitment is one which is quite satisfactory. For instance, he has said that higher officers will be appointed by the UPSC. So far as inspectors are concerned, they will be appointed by the Railway Service Commissions. So far it is quite satisfactory, but at the same time, it must

[Pandit Thakur Das Bhargava]

be put in the statute itself and not left to the him and fancy of individual officers. If Mr. Guha's amendment is accepted, that will be much more satisfactory. I think it is a very modest demand and must be accepted.

Shri Jagjivan Ram: As a matter of fact, all the appointments on the railways are made either by the U.P.S.C. or by the Railway Service Commissions, except Class IV staff. This force being part of the railway establishment, it will be governed in matters of recruitment by the procedure by which the railways are governed. Here also, the superior officers will be appointed through the U.P.S.C. and Class III staff will be appointed through the Railway Service Commission.

The amendment of Mr. Guha proposes that appointments should be made on the recommendation of a Service Commission on which officials will not be represented; I think it goes too much and I cannot accept that amendment. I give this assurance that recruitment to Class III posts will be made on the recommendation of the Railway Service Commission and that can be taken care of even under the existing clause of the Bill, "the appointment of members of the Force shall rest with the Chief Protection Officers who shall exercise that power in accordance with rules made under this Act". We will see that the rules that we frame under the Act are more or less on the lines suggested here, namely, that the appointment of Class III staff in the Railway Protection Force will be made on the advice of Service Commissions.

As regards the recruitment of Rakshaks, I will see if it is feasible to have some committee for that purpose. I cannot make any categorical statement at this stage regarding that, but if feasible, I will try to have some committee for the recruitment of the Rakshaks.

Shri A. C. Guha: In view of the assurance given, I do not like to press my amendment. I will withdraw it.

The amendment was, by leave, withdrawn.

Shri Naushir Bharucha: Amendments 28 and 29 also relate to clause 6. They must be either withdrawn or negatived or disposed of somehow.

Mr. Chairman: They have not been moved at all. I will put the main clause.

The question is:

"That clause 6 stand part of the Bill".

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7—(Certificates to members of the Force)

Shri A. C. Guha: I have amendment No. 4. I want some clarification and I cannot do so without moving the amendment.

Mr. Chairman: Even without moving the amendment, he can ask for the clarification.

Shri A. C. Guha: The hon. Minister said that in the police force also, every constable is carrying a certificate. I was not sure of the position; my information was that there was nothing like that. If he can give me the assurance that the practice in the police force also is the same, I have no objection to the members of the force carrying a certificate. Then, I do not know why the superior officers should be exempted from this privilege or obligation, whatever it may be. I think they will also function in the same manner and they also may be challenged. So, it is better that they also should carry a certificate. I do not know whether it is a privilege or an obligation, but what is the idea in exempting the superior officers from this? Of course, I can understand the Inspector General of Police being exempted, because he will not be so much in the field and I do not like to drag his name in this list. But the other superior officers should not be exempted from this.

Mr. Chairman: I think the other amendments are not moved.

Shri Jagjivan Ram: I do not think there can be any objection to certificates being issued to the staff. At times it may be helpful. Of course, we have provided that they will be deemed to be on duty all the 24 hours, but we do not expect that they will be in the uniform all the 24 hours. It may be that at a particular time he may be walking near about the train...

Shri A. C. Guha: It is equally true for the superior officers also.

Shri Jagjivan Ram: If my friend, Mr. Guha, feels that there is some kind of discrimination, unless that is his feeling, there is not much force in his argument. The superior officers receive their appointment letter too.

Pandit Thakur Das Bhargava: If he is a gazetted officer, he is known all over and there is no need to carry a certificate.

Shri Jagjivan Ram: It is something more or less in the nature of an appointment letter. I do not think there should be any objection to the superior or gazetted officers not keeping a certificate.

Mr. Chairman: No amendment has been moved to this clause.

The question is:

"That clause 7 stand part of the Bill".

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8

Shri A. C. Guha: I move amendments Nos 5, 6 and 7. I beg to move:

Page 3, lines 12 and 13, omit—

"The superintendence of the Force shall vest in the Central Government, and subject thereto."

Page 8, line 15, add at the end—

"and with the help of the Chief Security Officers of different Railways."

Page 3, for lines 17 to 22 substitute—

"(2) Subject to the above, the General Manager of the Railway

will have supervisory authority over the Force within his jurisdiction."

I think the wording of clause 8 is somewhat clumsy and there may be occasions of overlapping and conflicting authorities. The superintendence of the Force shall rest in the Central Government; I do not think that requires any restatement in this Bill. Because the force is created by the Central Government, it will be under the control of the Central Government and naturally, the superintendence of the Force shall vest in the Central Government. Then, it is said:

"subject thereto the administration of the Force shall vest in the Inspector-General and shall be carried on by him in accordance with the provisions of this Act and of any rules made thereunder.

In sub-clause (2) it is said:

"Subject to the provisions of sub-section (1) the administration of the Force within such local limits in relation to a railway as may be prescribed shall be carried on by the Chief Protection Officer in accordance with the provisions of this Act and of any rules made thereunder, and in the discharge of his functions he shall be guided by such directions as the General Manager of the Railway may issue in this behalf."

There will be four authorities, who will exercise some control over this. I think this may create some difficulties and so I have moved some amendments which the hon. Minister may consider.

If the hon. Minister is working here on the idea that any amendment accepted in this House would mean that the Bill will have to be taken to the other House and so, no amendment should be accepted, it is no use arguing. I think the hon. Minister should not have any such mental reservation. The Bill has come to this House and he should examine the amendments with an open mind and open to conviction.

श्री Jagjivan Ram: I would like to make it clear that I am not working with that intention. If I will be convinced of the suitability of any amendment, I will be prepared to accept that. As the hon Member **Shri A. C. Guha** is arguing, I do not know what difficulty he is labouring under. What are the authorities that you find here? Four authorities the Central Government, the Inspector-General, Chief Security Officer and the General Manager. Is it too much? The general superintendence of the Central Government should be there. The Inspector-General will be in overall administrative control of the Forces of the different Railways. Then, we will have one officer for each Railway, who will be under the superintendence of the General Manager of the Railway concerned. I do not think there is multiplicity of authority involved in this case, though I do concede that, perhaps, it may have been improved upon, but not in substance. I do not think there is much force in his amendments which requires to be accepted. We cannot cut out the Central Government; we cannot cut out the Inspector-General. The general superintendence of the General Manager will have to be retained to some extent. Then, the actual man to administer on the particular Railway will be the Chief Protection Officer. These are the authorities we have provided. I do not think there are too many. In any administrative machinery, you will find the same thing. Take the State Police Forces. The State Government is there, the Inspector General is there, then the D.I.G., the Superintendent and all these people.

श्री बाबूजी सभापति महोदय, इस बारा ८ के अनुबन्ध १ और २ के बारे में मुझे यह कहना है कि जैसा कि बृहत् साहब ने कहा है कि इस फोर्स का जो नियंत्रण करेंगे उनकी पक्षधरता के सम्बन्ध में कुछ विरोधाभास है। अनुबन्ध में १ में कहा गया है।

The superintendence of the Force shall vest in the Central

Government, and subject thereto the administration of the Force shall vest in the Inspector General.

अनुबन्ध २ में कहा गया है:

"the administration of the Force within such local limits in relation to a railway as may be prescribed shall be carried on by the Chief Security Officer—"

इसमें जो स्पष्टता है उसके निराकरण के लिये मैंने यह सचोबन प्रस्तुत किया है कि बारा ८ के अनुबन्ध २ में चीफ सिक्योरिटी आफिसर के स्थान पर यदि हम ये शब्द जोड़ दें।

"such superior officer as the Inspector General of the Force may specify in this behalf and"

तो जो आपत्ति है उसका निराकरण हो जाएगा और कोई बठिनाई उत्पन्न न होगी।

श्री जयजीवन राम यदि माननीय सदस्य के सचोबन को मान लिया गया तो मुझे भय है कि मामला कुछ गोलमाल हो जाएगा। इस समय मामला बहुत साफ है। जो चीफ सिक्योरिटी आफिसर है वह किसी एक रेलवे पर प्रधान आफिसर होगा इस फोर्स के सम्बन्ध में अगर आपका सचोबन मान लिया जाए तो मामला गोलमाल हो जाएगा और ऐसा करने में कोई फायदा नहीं है।

Mr. Chairman: Shall I put amendments 5, 6 and 7 to the House?

Shri A. C. Guha: I would like to withdraw. If you like, you may put.

Mr. Chairman: I shall put amendments 5, 6 and 7.

The question is

Page 3, lines, 12 and 13, omit—

"The superintendence of the Force shall vest in the Central Government, and subject thereto."

The motion was negatived.

Mr. Chairman: The question is:

Page 3, line 16,—

add at the end—

"and with the help of the Chief Security Officers of different Railways."

The motion was negatived.

Mr. Chairman: The question is:

Page 3,—

for lines 17 to 22 substitute—

"(2) Subject to the above, the General Manager of the Railway will have supervisory authority over the Force within his jurisdiction."

The motion was negatived.

Shri Vajpayee: I do not press amendment No. 31.

Mr. Chairman: I shall now put clause 8 to the House.

The question is:

"That clause 8 stand part of the Bill.

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9.—(Dismissal, removal, etc. of members of the Force)

Shri A. C. Guha: I am not moving amendments 8 and 9.

Mr. Chairman: Nor 10 and 11.

Pandit Thakur Das Bhargava: I beg to move:

Page 3, for lines 26 to 28, substitute—

"(i) dismiss, suspend or reduce in rank any member of the Force whom he shall think remiss or negligent in the discharge of his duty;"

"(1) (a) dismiss any member of the Force whom he shall think unfit for the same."

Page 3, lines 31 and 32, omit—

"or who by any act of his own renders himself unfit for the discharge thereof."

Mr. Chairman: So, only two amendments.

Pandit Thakur Das Bhargava: The words are:

"(i) dismiss, suspend or reduce in rank any member of the Force whom he shall think remiss or negligent in the discharge of his duty, or unfit for the same;"

My submission is, if a person is unfit for a particular post, either because he is physically unfit or mentally unfit, or he has lost his head, etc., in that contingency, no question of suspending or reducing in rank comes in. He ought to be dismissed. There is no occasion for putting a premium on unfitness or inefficiency. I submit that the words 'unfit for the same' should be taken away from here. This is not only useless, but it shows that we have not given full thought to the subject. If a person is unfit, he ought not to be kept. I agree that the officers may be given powers to give these punishments to the members of the Force. At the same time, if a person has disabled himself or rendered himself unfit for the discharge of his duty, the first thing is, he should be dismissed and he may also be punished. I can understand that. But, when a person is unfit, we cannot allow him to be reduced in rank or to be suspended. I give an example now. If a person is corrupt, what does the present Government do? Send him to another place in the district when he may have his propensities fully satisfied and go on taking bribes. He is only transferred or reduced in rank. The person is unfit, takes bribes, is not of sound mind. Will you keep him or reduce him? If a person is unfit, he ought to be told that he will be dismissed. Forthwith he should be dismissed. I cannot understand the meaning of the words here. If a person is unfit, physically or mentally, the only course is

[Pandit Thakur Das Bhargava]

to discharge him or dismiss him I cannot understand how this clause is framed I, therefore, submit that this clause should be amended

Mr. Chairman: I think there is some printing mistake It is not for lines 26—28, but for lines 23 to 25 Am I correct? That is, the question of dismissal, suspension comes under sub-clause (1) Lines 26 to 28 relate to something else

Pandit Thakur Das Bhargava: Lines 26 to 28 is correct

Mr. Chairman I want you to verify

Shri Basappa: Obviously

Pandit Thakur Das Bhargava. My amendment is clear

Mr. Chairman: Dismissal has been dealt with in the Bill by clause 9 sub-clause (1)

Mr. Chairman: That is the dismissal clause

Pandit Thakur Das Bhargava: The dismissal clause is in lines 26 to 28 The words are "is unfit or the same" This is in line 28 And similarly in line 31 also, the words are there "unfit for the discharge" This is all right

Mr. Chairman: We are dealing with clause 9 Sub-clause (1)(i) reads

"dismiss, suspend or reduce in rank "

and sub clause (1)(ii) reads

"Award any one or more of the following punishments "

Pandit Thakur Das Bhargava: Then further on

Shri Jagjivan Ram: If I say a few words, his difficulty may be solved

I was going to suggest that I do not find any incongruity in the clause as it stands at present The difficulty of my friend is that he thinks that if a person is unfit for the discharge of his duties, he should be given no other punishment except dismissal That is

the difficulty he is labouring under. He perhaps forgets that it covers officers under different ranks. A person may be unfit for discharging the duties of an Inspector, but may be quite suitable to discharge the duties of a Sub-Inspector So, the capital punishment of dismissal should not be awarded He may be reduced

Pandit Thakur Das Bhargava: Suppose he is not fit even for being a Rakshak

Shri Jagjivan Ram: Then he may be dismissed The provision is there already

Pandit Thakur Das Bhargava: If he is unfit, why do you keep him? How can he be suspended?

Shri Jagjivan Ram: If he is found to be unfit, why should he be reduced or suspended? He will be dismissed

Pandit Thakur Das Bhargava: If he is not of sound mind, you will go on keeping him for any post?

Shri Jagjivan Ram: Obviously he will be dismissed

Mr. Chairman. The question is

Page 3,—

for lines 26 to 28 substitute—

"(1) dismiss, suspend or reduce in rank any member of the Force whom he shall think remiss or negligent in the discharge of his duty,"

"(1) (a) dismiss any member of the Force whom he shall think unfit for the same"

The motion was negatived.

Mr. Chairman: The question is:

Page 3, lines 31 and 32, omit—

"or who by any act of his own renders himself unfit for the discharge thereof"

The motion was negatived.

Mr. Chairman: The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10 was added to the Bill.

Clause 11.— (Duties of members of the Force)

Shri Vajpayee: I beg to move:

Page 4, omit lines 17 and 18.

समाप्ति महोदय, इस विधेयक को धारा ११ में अधिकारियों के कर्तव्यों का निर्देश किया गया है। यह स्पष्ट है यह निर्देश निश्चित और स्पष्ट होना चाहिए। जहाँ तक इसको उपधारा अ और ब का सम्बन्ध है, मुझे उनके सम्बन्ध में कोई आपत्ति नहीं है। परन्तु उसकी उपधारा डी की जो शब्दावली रखी गई है वह नितान्त अस्पष्ट है और उसके अन्तर्गत इस धरती और आसमान के बीच में जो कुछ भी है वह सब का सब इसके अन्तर्गत समाविष्ट हो सकता है। उपधारा 'डी' की शब्दावली इस प्रकार है ;

"To do any other act conducive to the better protection and security of railway property"

जब अधिकारियों के कर्तव्यों का निर्देश कर रहे हैं तो वह स्पष्ट होने चाहिये और शब्दावली निश्चित होना चाहिए जिससे कि उसका दुरुपयोग न किया जा सके। मैं समझता हूँ कि प्रस्तावित विधेयक जिस अल्फाबी में उसकी रचना की गई है, उसका यह एक उदाहरण है और इसको अगर इस विधेयक में से निकाल दिया जाय तो बहुत अच्छा होगा।

16:34 hrs.

[Mr. SPEAKER in the Chair]

Mr. Speaker: Any reply to this?

Shri Shahawass Khan: I do not think it is necessary.

Mr. Speaker: The question is:

Page 4,—

omit lines 17 and 18.

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.— (Power to arrest without warrant)

Shri A. C. Guha: I beg to move

Page 4, line 21, before "any person" insert "within railway limits"

Page 4, line 26, after "within railway limits" insert "or found running away from railway limits".

Pandit Thakur Das Bhargava: I beg to move:

Page 4, line 24, for "or" substitute "and"

Page 4, line 25, before "any person" insert—

"Any superior officer or member of the Force above the rank of a Rakshak may without an order from a magistrate and without a warrant of arrest."

Shri A. C. Guha: I am not so much interested in amendment 12, that is for the hon Minister, if he can accept it, I think it may improve his position, but as for amendment 11, I do not think the House should agree to the wide power given in clause 12(a).

"Any superior officer or member of the Force"—that means even a Rakshak can arrest without warrant any person who has been concerned in an offence relating to railway property punishable with imprisonment for a term exceeding six months, or

[Shri A. C. Guha]

against whom a reasonable suspicion exists of his having been so concerned. A Rakshak can arrest any person anywhere. So, I want to limit their authority to within the railway limits as has been done in sub-clause (b). Why that limitation of within the railway limits has been omitted in sub-clause (a) I cannot understand. I think this limitation will be all the more necessary here. So, I hope he will accept this amendment of mine.

Of course, in clause 13 they have wider powers, I do not mind that, but I humbly request the hon. Minister to accept this amendment to put a limitation on the authority of the Rakshak or the Class IV staff to arrest any person anywhere.

QUESTION OF PRIVILEGE

Mr. Speaker: May I interrupt the proceedings of the House for a time?

A serious breach of privileges of the House occurred this morning, when a person by the name of Mr. Majumdar took the oath as a member of this House. His name was not in Secretary's list and when the Secretary pointed it out to him, he replied that he had been elected a member and that a Member of Parliament, Mr. Khuda Baksh, knew him. He then immediately proceeded to shake hands with the Chair and signed the Roll of Members. Immediately an enquiry was made whether in fact he was a member and whether an intimation had been received from the Returning Officer. Meanwhile, on further questioning the person concerned, it appeared that he was mentally not sound. An enquiry was also made from Mr. Khuda Baksh, who confirmed about his mental state and said that although Mr. Majumdar had contested the election he had lost it. A further enquiry was made by the Watch and Ward Officer in the matter and that report also confirms the same conclusion. In view of this, the name of Mr. Majumdar may be expunged

from the list of members who have taken oath this morning and also his signature may be expunged from the Roll of Members.

The action of Mr. Majumdar is a serious affront to the dignity of the House and constitutes a contempt.

I suggest that the House may take cognizance of the matter and take such further action as it deems fit.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Mr. Speaker, as you have rightly said, this is a serious matter involving a contempt of this House. With your permission, I would beg to move the following motion for adoption by this House:

"This House is of opinion that Shri Majumdar who posed as an elected Member of this House and took oath and signed the Roll of Members this morning has committed contempt of this House and the Speaker is authorised to send him to a Medical Board for examination of his mental state and to take such further action as the Speaker may think fit on receipt of the report of the Medical Board."

Shri S. N. Dwivedy (Kendrapara): What is his full name? Is it only 'Shri Majumdar'?

Shri Mohamed Imam (Chitaldrug): Has he given his genuine name, or any other assumed name?

Shri Jawaharlal Nehru: May I suggest an amendment to this? It may be said:

"that a person who gave his name as Birendra Kumar Majumdar."

That will be more proper.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): The words 'and who has signed as such' may be added.

Shri Jawaharlal Nehru: Yes; we may say:

"who gave his name as Birendra Kumar Majumdar and signed as such."

Mr. Speaker: I shall put the motion to the vote of the House.

The question is:

"This House is of opinion that a person who gave his name as Birendra Kumar Majumdar and posed as an elected member of this House and who signed the Roll of Members as such this morning has committed contempt of this House and the Speaker is authorised to send him to a Medical Board for examination of his mental state and to take such further action as the Speaker may think fit on receipt of the report of the Medical Board."

The motion was adopted.

Shri Jawaharlal Nehru: May I say one word? And it is this, that you might be pleased to consider, perhaps, some amendment of the rules so as to prevent the possibility of such a thing happening in future.

I believe in some other Houses of Parliament, there are definite rules about the presentation of credentials. I believe, in the House of Commons, two Members actually present a new Member. I do not suggest that we should copy that rule. But some presentation of credentials should be considered necessary.

Shri Bimal Ghose (Barrackpore): I am told that that person came with his bedding into the House, and nobody objected to it. Is that so?

Mr. Speaker: Sometimes, the Watch and Ward cannot be so keen.

I have already suggested, and I have already given this instruction to the office today. Hereafter, I shall not call all hon. Members who have not taken oath to come and take the oath. Before any hon. Member is called upon to take the oath, he must be

called upon by the Secretary, and in the morning he must give indication in the Notice Office or to the Secretary that he has come here and wants to take the oath. We shall have sufficient time then to verify and ask him about his credentials and so on indirectly.

I shall also investigate the possibility of having rules on this subject later on. But immediately this will be put into practice. Whichever hon. Member wants to take the oath must intimate to the Secretary half an hour before—he comes here by eleven o'clock; so, he must intimate by 10-30 a.m.—that he intends taking the oath, and on his name being called, he can come and take the oath; otherwise, not.

Sardar Hakim Singh (Bhatinda): May I bring to your kind notice that the Watch and Ward people also feel nervous when they question a Member whom they do not know? We the Members also should try to accommodate them and should appreciate their difficulties. Some cases have happened here in our House, where when some Watch and Ward officers questioned the Member, he felt offended and said that unless those people apologised to him, he would not forgive them. So, we shall also co-operate with them, and when any hon. Member is questioned, whom they do not know, and who appears to be new, he should not be shy of giving his name and satisfying him that he is a Member of this House. We should not feel that that is an insult to the Member.

This is what happened this morning. When I reached here, that gentleman was already occupying this seat. I questioned him. I felt doubtful whether he was a Member. I questioned him and asked him 'Are you a Member? Are you elected from some constituency?' He said 'Yes'. But he was very reserved. He would not answer. Ordinarily, when a new Member comes, rather he feels delighted to get introduced to other Members. But when I put two or three questions to him, he would hardly

[Sardar Hukam Singh]

answer one. Then, I asked him whether he was a member of the Congress Party. He said, 'No'. Shri A. K. Gopalan was sitting behind me, and I asked him whether he "was a member of his party. Shri A. K. Gopalan said, 'No'. Then, I asked him which party he belonged to, and he told me that he was an Independent. Then, I told him that this seat had already been allotted to the Leader of the Communist Party; I asked him why he was occupying this seat, and I told him that he should have gone to some other seat. He told me that the Speaker had put him there.

Meanwhile, you entered in; if we had a couple of minutes more, perhaps, we would have discovered him. But then there was no time, and when you called on Members to take oath, he at once came, and he was the first to move out and take the oath.

An Hon. Member: Because he was the first man who sat there.

Shri Radhelal Vyas (Ujjain): Moreover, he had come with a carpet.

Shri S. A. Dange (Bombay City—Central): I have one remark to make, following the expression of sentiments by my hon. friend Sardar Hukam Singh, and it is this. As the affair has now been more or less closed, the authorities concerned will see that the Watch and Ward Department is not victimised for this.

RAILWAY PROTECTION FORCE BILL—contd.

Clause 12— contd.

Mr. Speaker: We shall now resume the discussion on the Railway Protection Force Bill.

Pandit Thakur Das Bhargava: I have two amendments to this clause, namely amendments Nos. 37 and 38. The first amendment reads:

Page 4, line 24, for 'or' substitute 'and'.

The second amendment reads thus:

"Page 4, line 25, before 'any person' insert 'Any superior

officer or member of the Force above the rank of a Rakshak may without an order from a magistrate and without a warrant of arrest".

I shall now read out from section 54 of the Code of Criminal Procedure the relevant provision on the subject. It is as follows:

"Any police officer may, without an order from a Magistrate and without a warrant arrest—first, any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned;"

Then, the powers of any police officer to arrest are given in respect of others also, with which we are not concerned.

But so far as the powers given under clause 12(b) are concerned, they are to be found in section 55 of the Code of Criminal Procedure, which says:

"(1) Any officer in charge of a police station may, in like manner, arrest or cause to be arrested—

(a) any person found taking precautions to conceal his presence within the limits of such station, under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence;"

Now, kindly look at the definition of an officer in charge of a police station. You will be pleased to find that he is defined as a person who is there in charge of a police station or any persons, when he is not there, next in rank to him; or in other words, he must be above the rank of a constable; so that, a constable as such has not got this power which is being given to a rakshak. This power

is confined to responsible officers who are in charge of a police station, under section 55.

As I mentioned before, this system of giving these powers to the officers of the proposed Watch and Ward must be examined with great caution because, after all, they are persons who are not even as good as constables; perhaps, they will be lower in rank and also in the matter of pay. So, if such persons are given the powers which are today being enjoyed by only officers in charge of police stations, it may be that we may be conferring powers on people whose conduct may not be so responsible; and we may be curtailing the liberty of the subject by the conferment of such powers on them. You will be pleased to see that as between sub-clauses (a) and (b), the former refers to cases where offences have been committed

(b) refers to cases which come within the province of prevention. Here no offence has been committed. Here the wording is 'any person found taking precautions to conceal his presence within railway limits.' We do not know how these powers will be utilised by these officers. Suppose a person is just near a wagon or godown and he is passing off. He may be caught. It may be said that he was taking precautions. This is a matter which will come within the judgment of the person who will be even of the rank of a Rakshak, who is below a constable who is not included in the definition of an 'officer in charge of a station'. Therefore, we took the precaution when the Criminal Procedure Code was enacted, that the lowest man in the rung should not be allowed to utilise these powers. The constable was not given these powers. Therefore, I should think caution requires that we ought not to give these powers to any person who is merely a Rakshak, who is not, according to me, even of the rank of a constable.

Therefore, I should think that in cases where the question of commission of offence is involved we may be

more liberal and we may give those powers in the interest of the protection of property, in cases where the duty is only preventive, we should see that such powers are not utilised by Rakshaks. It may be said that these powers are to be utilised within railway limits only. That is true; at the same time, I submit that within railway limits, these powers may be exercised very arbitrarily, as there is no member of the public who will be available as defence witness. What will happen? Suppose a person is arrested under these circumstances. Ordinarily, that person is sent to the nearest Magistrate. In this case he will not be sent to the nearest Magistrate; he will be sent to some person who may be a police officer or to some nearest police station so that it will take days and days before this man will come face to face with a Magistrate. He will, therefore, be put to unnecessarily great trouble. He is not an offender. Under (a), he is an offender, under (b), he is not. He is an innocent person in the eye of the law and we should guard against these powers being used by Rakshaks.

My amendment is to the effect that the powers may be given to higher and more responsible officers. I am not objecting to the conferment of the powers, because I visualise that in certain circumstances even guilty persons may escape. Responsible officers are expected to act more reasonably and responsibly. Therefore, my amendment should be accepted.

Shri Shah Nawaz Khan: I am sorry I cannot accept the amendments. Clause 12 provides that any superior officer or member of the Force may arrest, without warrant, any person under certain circumstances. Therefore, the insertion as suggested, is not necessary.

Besides, it is necessary to vest all members with this power in view of the very special nature of the duties to which I have referred.

Shri A. C. Guha: What about amendment No 11? I do not know whether it is the intention of the Ministry to give these wide powers to class IV officers to arrest anybody anywhere in the country, not within the railway limits, but anywhere on any suspicion of an offence having been committed, at any time, and not in the course of committing offence.

Shri Shah nawas Khan: I oppose the amendment because, if it is accepted, it will only circumscribe the powers of arrest of any superior officer or member of the Force. It will detract from their usefulness, as occasion may arise when a person who has been concerned in an offence relating to railway property, punishable with imprisonment for a term exceeding six months may actually be found outside railway limits.

Mr. Speaker: What about the amendments? Shall I put them to vote?

Pandit Thakur Das Bhargava: I want amendments Nos 37 and 38 to be put.

Mr. Speaker: Yes. Amendment No 12 need not be put as the member is not pressing.

The amendment was, by leave, withdrawn.

Mr. Speaker: The question is

Page 4, line 21,—

before "any person" insert
"within railway limits"

The motion was negatived.

Mr. Speaker: The question is

Page 4, line 24,—

for "or" substitute "and"

The motion was negatived.

Mr. Speaker: The question is

Page 4, line 25,—

before "any person" insert—

"Any superior officer or member of the Force above the rank of a *Rakshak* may without an order from a magistrate and without a warrant of arrest"

The motion was negatived.

Mr. Speaker: I shall now put clause 12 to the vote of the House. The question is

"That Clause 12 stand part of the Bill"

The motion was adopted.

Clause 12 was added to the Bill

Clause 12.—(Power to search without warrant)

Pandit Thakur Das Bhargava: I beg to move

Page 4,—omit lines 29 to 36

Page 4, line 34,—omit "detain and"

Page 4, line 36,—after "committed" insert "or to be committing"

Page 4,—(1) in line 38 after "relating to" insert "arrests and"

(u) in line 39 after "to" insert "arrests and"

Page 4,—(1) line 38, for "searches" substitute "arrests"

(u) line 39, for "searches" substitute "arrests"

During the general consideration stage, I gave some reasons why I wanted an amendment of clause 12. You will be pleased to see that in clause 12 power of arrest is given. The heading of clause 13 is 'Power to search without warrant'. In the latter portion of clause 13, the words are to the effect that he may detain and search, and if he thinks proper, arrest any person whom he has reason to believe to have committed the offence. It appears that the clause has been so worded that the arrest is a subsequent affair. Previous to that, he can search and he can detain, we do not know for how much time—I should think, 'indefinitely'. But even after detention, he can search and then let him go. Nothing doing. So apparently

the clause is so worded—I should say, cleverly worded—as to appear that it is almost in favour of the subject. A person may not be arrested; he may only be detained and searched and let go; without being put to the indignity of arrest, he will be allowed to go. How beautiful it is! But if you analyse what it means in practice, it is not only against the Constitution, it is not only against the liberties of the subject, but it is a thing unprecedented, as I submitted earlier, in the history of law. In no other country, not even in our country, has a person the power to detain another person. The police officer can only arrest, if he so pleases. He cannot detain

I will refer to article 22 of the Constitution

Shri Kaghunath Singh (Varanasi)
He cannot be detained for more than 24 hours without being produced before a Magistrate

Pandit Thakur Das Bhargava: I submit that this provision is unconstitutional, as it is opposed to article 22. Otherwise too, it is opposed to the underlying principles of the Criminal Procedure Code

In this connection, let me also refer to the next clause now. As there are no amendments, I do not think we should waste time on it and so I do not propose to speak on clause 14 as I originally intended. But I will beg of you to kindly consider that clause along with this

Article 22 says

“(1) No person who is arrested shall be detained in custody without being informed, as soon as may be of the grounds for such arrest nor shall he be denied the right to consult, and to be defended, by a legal practitioner of his choice.

“(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court

of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate”

We know that this relates to preventive detention. Now, the words are, ‘No person who is arrested and detained.’ Arrest is the first thing. A person can be arrested. I go further and say that according to the principles of the Criminal Procedure Code, no person can be searched also without being arrested. Under section 51 of the Cr. P. C., we have got a provision whereby a person who is authorised to search can do so only after arrest. There is no provision for search independent of arrest.

Here is a provision, section 51 of the Code of Criminal Procedure

“Whenever a person is arrested by a police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and whenever a person is arrested without warrant, or by a private person under a warrant and cannot legally be admitted to bail, or is unable to furnish bail, the officer making the arrest or, when the arrest is made by a private person, the police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing-apparel, found upon him”

17 hrs.

So, it appears that after arrest a person can be searched, but not before that. No police-officer, no magistrate, no other person in this world can search any person, any citizen of this country unless he is arrested. It may happen like this. Suppose I am there and there are Rs. 5,000 in my pocket and a person searches me. He can take over the Rs. 5,000 and need not give me any receipt. What would happen then? If I am arrested, then, he has got to report the matter to the nearest

[Pandit Thakur Das Bhargava]

magistrate and I will go to the magistrate and say that I had Rs. 5,000 and they have been taken away. A report shall be made of such arrest.

In the Code of Criminal Procedure they have given what should be done after a person is arrested, what things should follow. It has been provided that when a person is arrested he is to be taken to a magistrate and the police officer must submit a report. Here, this is nothing but an executive act. You can keep him for 50 hours or days and then no arrest may be made. This is a most dangerous thing unknown to law. According to the provisions of the Constitution a person can only be taken into custody after he has been arrested and not before, whereas this says that a person may be detained and searched. Why should a person be searched? A person is too sacred to be searched by any other person unless he is arrested. He can only be arrested if he has offended against something or going to offend against something. If the person is not arrested he cannot be searched. I would only request the hon. Minister to kindly show any provision in the law of any country in the world where a person is allowed to be searched without being arrested.

The Code of Criminal Procedure has been on the statute-book for a very long time and it has worked well. We do not want an innovation of this kind in a Bill of this nature. As a matter of fact, this is a kind of subordinate legislation to basic and main legislation. It should not trample on the privileges which have been most sacred for a long time. Anything like that has not been known in any part of the world, detention for an indefinite period for a search and arrest which may or may not follow.

Look at article 22 of the Constitution. What is the principle? When a person is arrested he must be taken to the nearest magistrate he is not to be taken to the police station. The

police station may be some 50 miles away and according to this provision he is going to be taken to the magistrate from there subsequently. This is the provision contained in clause 14, and as I requested I may be allowed to speak on that also. This is clearly against the express provisions of the Constitution. The Constitution says that within 24 hours he should be produced before the nearest magistrate. It does not say the journey time to the police station and then 24 hours. But, here, first of all the journey will be made to the police station. Therefore, I say that this clause is unconstitutional.

As far as clause 13 is concerned, nothing will be lost if what I am submitting is accepted. After all, under clause 12 you have got the powers of arrest. These powers will be available in respect of the offences referred to in section 12. What is lost if you do not allow a person to be detained and searched without being arrested? If there is arrest, it is a legal act and we know what will follow. If retention is done nothing will follow. There will be nothing on record to show what has been done, what has been found etc. What one might do, we do not know. Our past experience shows that we should not play with the liberties of the people of this country and we should not have such experiments before us. There is nowhere any law in which detention as such has been condoned.

You as a practitioner of law know fully well how charges are made against police officers that they detained persons before arrest. They have been punished. There is no power of detention in a police officer. He can only arrest. The detention is an illegal act and it has been allowed in clause 13. I should say that it is not deliberate. Perhaps the law officers have not been consulted. I think search as such and detention as such are both repugnant to the Constitution and repugnant to our

sense of decency and to our law. We should guard against these being put in in this way. Otherwise, it will become the basis of other laws coming in. The powers of arrest are there already and they should be utilised. Why should this power of retention and search be given in advance. Under the Criminal Procedure Code after arrest is made the search is made. Here there is no provision like that.

Then, what do we find in sub-clause (2)? It says

"The provisions of the Code of Criminal Procedure, 1898, relating to searches under the Code shall, so far as may be, apply to searches under this section"

What are these provisions? Has anybody studied them? There is only provision in respect of search warrants. Section 103 applies only when there is a search warrant. Section 51 comes into effect only when an arrest is made. After arrest search is made and if anything offensive such as weapons are taken from the person, he is sent over to the magistrate. I do not know what this reference to the provision that the provisions relating to searches will be applicable here. I respectfully submit can the hon. Minister say what are these provisions to which he has referred. What is the use of saying all this unless the provisions relating to arrest are followed. When a person is arrested a report is prepared. So far as arrest is concerned there is a provision in the Code as to what follows after arrest. There is no provision like that here.

According to me a search without arrest is illegal. If the hon. Minister agrees to have a search before arrest, I say, to my mind it is unthinkable. So far as arrest, and search are concerned, all the provisions of the Code should apply. Otherwise these 'rakshaks' will be law unto themselves. There will be no safeguard against them; they will do what they like. They will, perhaps, be more responsible for corruption than the police today. You must take the spirit of the law into consideration. If

you put these provisions as they are, I am sure you will come to the House after a short time and say, 'take away these provisions'.

One more point. You have got the words 'has reason to believe that any such offence has been or is being committed'. In the latter portion the words are, 'he has reason to believe that the offence has been committed'. There are two offences in the first part but in the second there is only one. Therefore, I submit that the amendments that I have tabled must be accepted because, as a matter of fact, the reply given by the hon. Minister was very unsatisfactory. He came out with the remark that if a person is searched he has got the constitutional remedy. He does not meet any of the arguments. I am rather surprised at the way in which the hon. Minister has been pleased to meet these arguments.

I would respectfully appeal to the House to kindly consider this seriously. It is not a matter which can be slurred over in the heat of the moment. It is not a question of vote. It is a question of the liberties in which the Constitution is involved. I would request the hon. Minister to look into this matter. If you put in this provision here it will allow provision in future laws which will fetter the people of this country and they will be put to great injury. It will be derogatory to the Constitution. It will be derogatory to the sacred principles which we have had respected for the last so many years.

Shri Pattabhi Raman (Kumbakonam) I will only take a second of your time with regard to the point raised by Pandit Thakur Das Bhargava. The scheme here is to arrest a person only lastly. He may be detained and searched and if the officer thinks proper, the person may be arrested. In chapter 5 of the Criminal Procedure Code sections 47, 51 and 59 are relevant. The former deals with arrest while the latter, with arrest without a warrant. I wish to draw the attention of the hon. Minister to this aspect of the case.

[Shri Pattabhi Raman]

whether an arrest can be made, if it is made at all, after detention and after search. Some remark fell from the hon. Minister's lips that people in a factory are being searched. It is a part of the contract. They are wage earners. They know that there are these conditions and that they can only get service if they subject themselves to search before and after they enter or come out of the factory. But, here are people, citizens travelling. I only request the hon. Minister to consider whether it is not possible to put the word arrest and leave the rest to follow. For arrest, no document is necessary. An officer can just go and say I arrest you. On suspicion a man can be arrested and then he may be detained and searched.

Shri Jagjivan Ram: As Pandit Thakur Das Bhargava has explained, here, we have three things: detention, search and arrest. In case an offence is committed, or is being committed, or is likely to be committed — we should not forget these three contingencies. His difficulty is that he always takes only a legal view of things. I wish that along with the legal view, he is tempered with a common sense view.

Pandit Thakur Das Bhargava: Will this be a common sense view if you also consider the words 'If he has reason to believe that it has been committed or is being committed.'

Shri Jagjivan Ram: I doubt very much whether he is correct in saying that it is *ultra vires* of the Constitution. I will again request him to refresh his knowledge about the Constitution. An offence has been committed or is being committed. Then, instead of arresting him, he detains him for half an hour or ten minutes and makes a search. If he finds that there is nothing, there is no necessity to detain him and then there is no necessity to arrest him. He is let off.

He says that this may be misused. Well, even the best instruments are sometimes likely to be misused in

certain cases. Even after taking all the precautions and providing all the legal precautions, still there is scope for human ingenuity to take advantage of these things. We could not naturally rule it out.

Shri Pattabhi Raman asks: Why not arrest and then detain? That is very simple. But, why should we arrest a person if, after searching him, we find that there is nothing incriminating in his possession. We simply detain him and search him and if there is incriminating things in his possession, then he is arrested and subsequent steps are taken. Otherwise, he is let off. This search has to be done as provided for in sub-clause (2) of clause 13. The provisions of the Code of Criminal Procedure will apply to these searches.

Pandit Thakur Das Bhargava: May I know what section of the law would apply? There is no section in the Criminal Procedure Code which would apply to searches alone. The section in the Criminal Procedure Code applies only to searches after a person is arrested.

Shri Jagjivan Ram: There are provisions regarding searches without a warrant.

Pandit Thakur Das Bhargava: There is no provision for search without arrest. Kindly see section 51. The policy of the law is to arrest a person and then search if necessary; and not to search a person and then let him go.

Shri Jagjivan Ram: We have changed that scheme. The difficulty with Pandit Thakur Das Bhargava is that he will never conceive of any law which breaks away from the existing one.

Shri A. S. Sarhadi: Sub-clause (2) of clause 13 says clearly that the provisions of the Code of Criminal Procedure relating to searches shall apply, and search postulates a personal search. May I ask which is the section in the Criminal Procedure

Code which deals with a personal search before arrest? If there is no such section then this provision here becomes almost redundant.

Shri Jagjivan Ram: I understand from Pandit Thakur Das Bhargava that there are some sections regarding searches but they relate to searches after arrest. Those provisions will apply here, only the search will be done before the arrest, because otherwise the whole purpose will be defeated. The cases to be dealt with are somewhat like these. If a person is moving in a suspicious manner on the track, he is challenged. If a member of the Force feels that he has something in his possession then he is searched. If something incriminating is found in his possession then he is arrested, otherwise he is let off. Of course, it is detention for ten minutes or half an hour.

Pandit Thakur Das Bhargava: It may be detention for a week, one month or even six months.

Shri Jagjivan Ram: It cannot be for a week for even for a day.

Shri S. A. Dange (Bombay City-Central): It is detention, whether it be for a week or for a day.

Shri Tyabji (Jalna): It is not said here whether it is to be for a day or for one month.

Shri Jagjivan Ram: The man concerned if he is likely to be detained longer will have to be produced before the Police and then before a Magistrate.

Pandit Thakur Das Bhargava: If a person is only searched, then he may not be produced before a Magistrate.

Shri Tyabji: You can detain him for six months without producing him before a Magistrate.

Shri Jagjivan Ram: The whole scheme is.....

Pandit Thakur Das Bhargava: The scheme is not in the Bill.

Shri Jagjivan Ram: If something incriminating is found in a person, then only he will be arrested. If he is arrested then section 4 will apply.

Mr. Speaker: What is the harm in saying, detain him there and then and then search arrest later on?

Shri Pattabhi Raman: If an arrest is to be made a Mahajar has to be prepared and things will be seized after arrest. Now, according to this a person can be searched, things can be seized from his person and there won't be any Mahajar. Therefore, all the provisions in Chapter V of the Criminal Procedure Code will not be applicable and that is worrying me.

Sardar Hukam Singh (Bhatinda): If a person is to be detained, he may be detained for the purpose of searching his person there and then.

Mr. Speaker: Otherwise he may be taken 50 miles away and detained for a long time. Arrest comes in only if he has committed an offence.

The Minister of Law (Shri A. K. Sen): The proper construction of clause 13 if you take the sequence is: "He may be detained and searched". The proper construction of similar phrases is that one must follow the other immediately and the provisions of the Constitution always apply when a man is arrested because he cannot be detained for more than 24 hours without being produced before magistrate. That is also there. The words "detain and search" mean that one must follow the other immediately.

Pandit Thakur Das Bhargava: There is nothing like 24 hours in this clause at all. Can we read something which is not here? It does not say that he shall be produced before a magistrate within 24 hours. It is given in article 22 of the Constitution.

Shri A. K. Sen: It is not necessary, because if he is detained for more than 24 hours a *habeas corpus* writ will be issued.

Mr. Speaker: The hon. Law Minister will see that article 22 says, "no person who is arrested shall be detained..." etc. Here this detention is without arrest. What hon. Members are pointing out is that this is not detention in pursuance of arrest, in which case he cannot be detained beyond 24 hours. This is detention independently of the Constitution and the Criminal Procedure Code. Hon. Members are naturally afraid because it is not covered either by the one or the other. So, to tell them that they can go and have a writ of habeas corpus is not right.

Shri A. K. Sen: I think the situation is quite clear.

Mr. Speaker: He may be detained anywhere and not there and then

Pandit Thakur Das Bhargava: If this is allowed, any person may be searched and let go, and nothing may happen. Even if the biggest among us is carrying Rs 5,000, he can be searched and the money can be taken away

Shri A. K. Sen: It will be possible to accept an amendment in these words that he might detain the person for the purpose of search and the search shall not continue beyond 24 hours.

Pandit Thakur Das Bhargava: That would be making the position worse. Can there be any search without detention?

Sardar Hukam Singh: The search is to be in respect of the person and it is to be ascertained whether any railway property is in his possession. If he is an honest person, then it would be ridiculous to say that he can be detained for not more than 24 hours. We should just say, "there and then". The person is to be searched only in order to find out whether he is in possession of any stolen property of the railways. If that is to be ascertained, why not say, "for the purpose of search there and then"?

Shri Jawaharlal Nehru: I entirely agree with the hon. Deputy Speaker. If you say, "detain for the purpose of

search", there the matter ends. Any period, 24 hours or anything else, is not only unnecessary, but that is hardly a limitation; it is an extension too. It may be looked at in two ways. To put in law "there and then" seems rather unusual. "Detain for the purpose of search" should be enough to really bring out the meaning.

Sardar Hukam Singh: There is one apprehension which has been expressed. If the words "there and then" are not there, he might be searched after being taken to some other place and that might take some more time

Shri Jawaharlal Nehru: I am not disagreeing with the hon. Member, but I merely thought that the words "there and then" were not happy. Some other words may be used to express—that meaning, like "forthwith"

Shri Basappa (Tiptur): With regard to this question of search, search does not necessarily mean search of person. It is quite likely that the officer will find it necessary to go and search any place where he may reside or any other place where he may have secreted the property. Therefore, under clause 13 search does not necessarily mean search of person. I quite agree that these officers, whoever they may be, must be enabled to search any person or any place where he may have secreted properties without having to go to a magistrate and arm with a search warrant. That is perfectly right. But, the point of Pandit Thakur Das Bhargava is, why not arrest him and then do it. Because, it is seen that clause 13 can only be invoked if the conditions under clause 12 are present. The operation of clause 13 depends upon the conditions set out in clause 12 prevailing. Under clause 12, you have enabled any officer, any person, for the matter of that, to arrest if the conditions are there. That is, not merely is an offence committed, but even if there is a reasonable suspicion or there is any attempt to conceal himself. So, there would be nothing wrong if under

clause 13 he is arrested even though there is suspicion and then, the other questions of procedure follow I cannot imagine why the whole law must be turned upside down and you start with detention and search and then think of arrest I am not able to follow that

Sardar Hukam Singh: Here, search means strictly search of the person. If search of his residence or place where he puts some property is intended, that would be done only after he has been arrested. After the police has taken charge, that search can be there. Here, the only apprehension is, his movements create doubt that he may be connected with theft of some property and he may have something on his person just then and there. If his movements have created that suspicion, that can only be confirmed by a search of his person. That is the point in the clause.

Shri A. K. Sen: I think the addition of one word may meet the difficulty raised by the hon. Member. We may read the words here,

"he may detain and search forthwith his person and belongings"

Mr. Speaker. The word 'person' has to come after the word 'detain'—say, detain the person and search the person and his belongings forthwith.

Shri A. K. Sen: The person and his belongings forthwith.

Shri Nathavani (Sorath): The word 'forthwith' would import immediately. As soon as he is detained, he should be immediately searched, whereas it may be necessary to search him in the presence of one or two witnesses. That may take some time. May I suggest, therefore, it may be stated, 'search him as soon as practicable' or 'as soon as possible thereafter'.

Pandit Thakur Das Bhargava: May I make my submission, Sir?

Mr. Speaker: I have heard sufficiently. I will put the amendment to the House.

Pandit Thakur Das Bhargava: Let me make my submission, Sir.

Shri A. C. Guha: I have a submission, Sir.

Mr. Speaker. Order, order. One after another.

Pandit Thakur Das Bhargava: You will kindly see, the words are these

evidence of the offence, he may detain and search, and, if he thinks proper, arrest any person"

The words 'any person' go with search also. It is not search of his house. That is clear. He may detain any person, search any person and arrest any person. He is concerned with the person, not search of property, etc. If you see section 342 of the Indian Penal Code, you will find that any person who detains another will be responsible in law. I submit that the Criminal Procedure Code only deals with arrest and subsequent search. It does not deal with search as such. I submit and I challenge my friend to show in the whole world any law in which search as such is allowed. Search as such is not allowed. If you arrest a person, then you are allowed to search. So far as detention is concerned, you can detain a person, you can arrest a person but you cannot detain a person. Even detention as such is allowable under article 22, but only a magistrate can make detention possible under the provisions of that article. Otherwise, no person on earth can be detained in India unless he is arrested.

Shrimati Renuka Ray (Malda): What about customs?

Pandit Thakur Das Bhargava: We have sanctioned a new course now that a person may be detained for any time, and then a person may

[Pandit Thakur Das Bhargava]

bribe them and he may be let off without any record. This is very wrong and will create more mischief. This provision should not be allowed.

Mr. Speaker: The amendment suggested is this. The hon. Law Minister will kindly look into it.

The word offender is used at an earlier stage.

"cannot be obtained without affording the offender an opportunity of escaping or of concealing evidence of the offence, he may detain and search his person or belongings forthwith."

Shri A. K. Sen: Not "or", but "and", because it may be both. Search his person and belongings.

Mr. Speaker: I said "and".

"he may detain and search his person and his belongings forthwith and, if he thinks proper, arrest any person whom he has reason to believe to have committed the offence."

Pandit Thakur Das Bhargava. One word more.

Mr. Speaker: I have heard the hon. Member.

Pandit Thakur Das Bhargava: In view of this new amendment, I am proposing an amendment.

Mr. Speaker. The hon. Member will kindly resume his seat.

Pandit Thakur Das Bhargava: Subsequently I may be allowed to move an amendment to this. This is a new amendment.

Mr. Speaker: So long as I am on my legs, the hon. Member will kindly resume his seat.

So far as the principle is concerned, if we are introducing the words "special right to detain", that is a matter which we can do notwithstanding the fact that under the Constitution you can have detention

in some other form. If he has any particular amendment to this amendment that has been moved, I have no objection.

Pandit Thakur Das Bhargava: Certainly to this amendment.

Since we are sanctioning detention and search, we must make a provision here that if a person is detained or searched, the officer detaining or searching shall keep a record showing that such a person has been searched or detained, otherwise the person may be searched and detained and the whole thing will pass off. There will be nothing on the record. So, we require that a record be made and the record be submitted either to the police officer or the magistrate so as to save the man, so as to see what has happened.

Mr. Speaker: I would only suggest this much. That can be thought of when we come to sub-clause (2), the provisions of the Criminal Procedure Code etc. At this stage here, we shall introduce these words. Sub-clause (2) reads:

"The provisions of the Code of Criminal Procedure, 1898, relating to searches under that Code shall, so far as may be, apply to searches under this section."

If that is found not to be sufficient, a record may be made of the search. We can add it there, if the House is agreeable. There is no opposition to this amendment.

Shri S. A. Dange: In place of the word "belongings", if you can have "belongings with him", it would be better, because if it wants to search the belongings of the person which may be in the town.

Mr. Speaker. Forthwith.

Shri S. A. Dange: But forthwith search the belongings in the town.

Mr. Speaker: His person and his belongings forthwith.

Shri A. K. Sen: I beg to move

Page 4, line 34,—

(1) after "detain" insert "him", and

(11) after "search" insert "his person and belongings forthwith"

Mr. Speaker: The question

57 Page 4, line 34,—

(1) after "detain" insert "him", and

(11) after "search" insert "his person and belongings forthwith"

The motion was adopted

Mr. Speaker: Sub-clause (2) Pandit Thakur Das Bhargava wants that the words "and a record of such search shall be made" should be added at the end of the present sub-clause

Shri A. K. Sen: It is not necessary Under the Criminal Procedure Code it is compulsory Not only that The searcher should also sign that record

Pandit Thakur Das Bhargava: It is not compulsory so far as searches after arrest are concerned Under the Criminal Procedure Code, arrests are made and search follows, therefore the document regarding the arrests also records the other thing There is no specific provision for searches in case of detention.

Mr. Speaker: When once an arrest is made and a search is made thereafter, we start from the time that search is made Provisions relating to searches, irrespective of the question whether the search is made after arrest or not—in this case search is made after detention—will apply

Now, all the provisions relating to searches, whether after arrest or after detention, will be applicable here, irrespective of the question whether they are made after arrest or

not Therefore, I think sub-clause (2) would suffice

Pandit Thakur Das Bhargava: There are no provisions in this 13(2) regarding applicability of provisions regarding arrests There are some provisions in the Code of Criminal Procedure regarding arrest My amendment is that the words may be arrests and searches'

Mr. Speaker: Do the provisions of the Criminal Procedure Code apply both to searches and to arrests?

Shri A. K. Sen. Under sub-clause (2), it applies only to searches under that section, we do not want to apply the Criminal Procedure Code in regard to arrests

Mr. Speaker: For, there is arrest later on, and if there is reason to believe also, there can be arrest

Now, what are the provisions regarding the arrests?

Shri A. K. Sen: Arrest is made under the Criminal Procedure Code

Mr. Speaker: What procedure is going to be followed?

That will rest on the Criminal Procedure Code?

Shri A. K. Sen: This is arrest under a special Act There is an analogy to be drawn from the Sea Customs Act, where you will find a similar power to detain and arrest The Code of Criminal Procedure is not applicable to such arrest because it is not possible Therefore, with regard to searches, even under the Sea Customs Act, you will find that the Code of Criminal Procedure is made applicable, and it has been judicially noted that with regard to searches, the Code of Criminal Procedure will apply

Mr. Speaker: As I understand it, because this is a search without an

[Mr. Speaker]

arrest, it is necessary to make a special provision under sub-clause (2), making the provisions relating to search apply to this. In other respects, the Criminal Procedure Code applies to searches after arrest, and arrests also. Therefore, the general law is not abrogated.

Pandit Thakur Das Bhargava: The only provision that I wanted in this sub-clause (2) is that you make a provision that all the provisions of the Criminal Procedure Code regarding arrest would also be observed, because arrest is a much more serious thing. It is entirely wrong to say that the Criminal Procedure Code will and should not apply to these things.

Mr. Speaker: I shall now put amendments No. 39, 41, 42, 43 and 44 to the vote of the House.

Mr. Speaker: The question is:

Page 4,—

Omit lines 29 to 36

The motion was negatived.

Mr. Speaker: The question is:

Page 4, line 34,—

Omit "detain and"

The motion was negatived.

Mr. Speaker: The question is: —

Page 4, line 36,—

after "committed" insert "or to be committing"

The motion was negatived.

Mr. Speaker: The question is:

Page 4,—

(i) in line 38 after "relating to" insert "arrests and"

(ii) in line 39 after "to" insert "arrests and"

The motion was negatived.

Mr. Speaker: The question is:

Page 4,—

(i) line 38, for "searches" substitute "arrests"

(ii) line 39, for "searches" substitute "arrests"

The motion was negatived.

Mr. Speaker: The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Clause 14—(Procedure to be followed after arrests).

Pandit Thakur Das Bhargava: In regard to this clause, I have to make one submission.

An Hon. Member: Already, it is half past five of the clock. We may adjourn

Mr. Speaker: We shall sit till six o'clock and do whatever work is possible

Pandit Thakur Das Bhargava: Article 22 (2) of the Constitution reads:

"Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate."

So, all the period that is allowed is twenty-four hours plus the time taken for journey.

My submission is that clause 14 goes against the Constitution. It reads:

"Any superior officer or member of the Force making an arrest under this Act, shall, without unnecessary delay, make over the

person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken to the nearest police station"

My submission is that it may happen that the court of the magistrate may be only at a distance of eight miles, whereas the nearest police station may be located a little farther away, with the result that if the person is first taken to the nearest police station and then to the magistrate, it may mean a distance of twenty or thirty miles more. I can conceive of cases in which the nearest police post is perhaps at a greater distance than the court of the nearest magistrate.

Shri A. K. Sen: Impossible

Pandit Thakur Das Bhargava: There can be such cases

Mr. Speaker: Does the hon. Member conceive of a magistrate without a police station?

Pandit Thakur Das Bhargava: Yes, certainly you can conceive of cases where the magistrate may be quite nearer than the police station.

The Minister of Commerce and Industry (Shri Morarji Desai): It cannot be so.

Pandit Thakur Das Bhargava: In that case, it is not necessary to take him to the nearest police station. Now, what is the provision in the Constitution? It is that he must be taken to the nearest magistrate. Now, why are you making this provision that, first of all, he must be taken to the police station? In the Criminal Procedure Code, there is a specific provision whereby as soon as a man is apprehended, he is rearrested. Here we have got no such provision. This man is not going to be rearrested by the police officer. There is no provision for it. The time allowed is 24 hours plus the time for journey. That

is according to the Constitution. Here '24 hours' is not mentioned. He is taken to another place, not to the magistrate. Therefore, we are going against the provisions of the Constitution. The time taken should not be more than the time needed to take him to the nearest magistrate.

Shri Naushir Bharucha: Speaking on the point of order which my learned friend has raised, the question is not merely of the time of 24 hours. The whole thing can be managed within 24 hours, namely, the arrested man can be taken to the police officer or to the nearest police station and then to the Magistrate. But the right of the arrested man under the Constitution—under article 22—is that he shall forthwith be taken to the nearest Magistrate. There cannot be permitted any intermediary between the arrested person and the Magistrate. If I am arrested, I can refuse to be taken to the police station because under this article, I have got the fundamental right to be taken only to the Magistrate and no one else. Even if the thing can be done within 24 hours, that is no argument, because that takes more time and the purpose of the article is to reduce the time to as short a period as possible between the arrest and the Magistrate coming on the scene.

My submission is that clause 14 is *ultra vires* the Constitution. The House cannot legislate so as to override a provision of the Constitution—article 22(2).

Mr. Speaker: But under article 22, it is not stated that he cannot be sent to the police station.

Shri Naushir Bharucha: It is stated very clearly that every person who is arrested and detained shall be produced before the nearest Magistrate.

Mr. Speaker: Within a period of 24 hours. Within the 24 hours, he can be taken to the police,

Shri A. K. Sen: The hon. Member forgets that it is the police which has to prosecute, take cognisance of the case and put the magisterial machinery in motion. This is to provide a machinery for speedy arrest of persons concerned in thefts of railway property. For the purpose of putting the magisterial machinery in action, these people must be taken to the police which has to take cognisance of the case.

Mr. Speaker: The clause can be implemented without offending the provision of the Constitution.

Shri A. K. Sen: He has to be taken to the police first.

Mr. Speaker: He has to be produced before the Magistrate within 24 hours. In between, he is taken to the police station for framing a regular charge-sheet. So I do not think there is any point of order involved.

Pandit Thakur Das Bhargava: I only said that it was unconstitutional.

Mr. Speaker: Now I shall put the clause to vote.

Shri Vajpayee: I have given notice of amendments.

Mr. Speaker: I am not taking cognisance of them. As soon as I took up the clause, I asked hon. Members whether they had amendments to move. Pandit Thakur Das Bhargava alone stood up. Now the hon. Member is asking about his amendments.

I am giving ample opportunity. There is no meaning in bringing forward amendments after I have closed the discussion.

I shall now put clause 14 to the vote of the House.

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—(Penalties for neglect of duty, etc.)

Shri A. C. Guha: I beg to move:

Page 5, lines 26 and 27,—

for "to simple imprisonment for a period not exceeding three months" substitute "to imprisonment for a period not exceeding one year."

Pandit Thakur Das Bhargava: I beg to move:

Page 5, line 25,—

omit "or who shall be guilty of cowardice"

Page 5, line 27.—

for "three months" substitute "six months"

Shri A. C. Guha: I have said before that the quality of the Watch and Ward staff is not very good, as we have found four consecutive reports of Inquiry Committees on the working of the Railway Department, have particularly criticised Watch and Ward department. Now, the idea is to convert the entire Watch and Ward department into the Railway Protection Force. So, all these officers will go overnight to this new Force.

For certain offences the punishment to be awarded is only 3 months simple imprisonment. In the Brown Committee's Report it has been stated that light punishment would not do and it should be of a deterrent nature. They took a contemptuous view of light punishment. I quoted these passages in my speech during the first stage of this Bill. The punishment to be given by the Court should not be limited only to three months simple imprisonment. That is why my proposal is to substitute 'simple imprisonment for a period of 3 months' by the words 'to imprisonment for a period not exceeding one year.' That would help to make the quality of the new Railway Protection Force better. They are not organising a new force; they are simply

taking over an old department about whose quality there has been enough scope for suspicion and doubt. I hope my amendment will be accepted.

Pandit Thakur Das Bhargava: The first amendment that I want to move is:

'omit "or who shall be guilty of cowardice."

If you look at the entire scheme of the Bill, it seems that some of the provisions of the Police Act, the Army Act and the Navy Act have been incorporated here. These words have been put here but 'cowardice' has not been defined. It may be different with different persons according to their mental attitude and equipment. My submission is, there is no use in putting in this word without a definition of 'cowardice'. Put the definition as given in the other Acts. My amendment is that these words relating to cowardice should be taken away.

The second point that I would urge is that for the offence the punishment prescribed is three months simple imprisonment. As a matter of fact, the offences covered by this clause may be very serious ones. I have it from the Report of the Corruption Enquiry Committee that 80 per cent of the offences are committed by the railway servants themselves. If the railway servants are responsible, simple imprisonment for three months is absolutely nugatory. It will have no meaning whatever. I would submit that at least 6 months should be given. That is why I move—

for "three months" substitute "six months"

I submit both these amendments should be accepted.

Shri Shahnawas Khan: Sir, I accept that it may be increased to six months.

Shri A. C. Guha: Are you limiting it only to simple imprisonment or can it be rigorous imprisonment also?

Pandit Thakur Das Bhargava: What about cowardice?

Shri Shahnawas Khan: I submit that this clause was taken more or less bodily from section 29 of the Police Act. Therefore, these words are there.

Pandit Thakur Das Bhargava: It is not defined here.

Shri A. C. Guha: My point is that the offences mentioned in clause 17, some of them, are very serious and the punishment should not be limited to simple imprisonment and for three months.

Mr. Speaker: If it is only 'imprisonment' instead of 'simple imprisonment', it may be either simple or rigorous.

Shri Jagjivan Ram: It may be so, Sir. The word 'simple' may be omitted, and I am moving my amendment to this effect. I beg to move.

Page 5,—

(i) line 26, omit "simple"; and

(ii) line 27, for "three" substitute "six"

Mr. Speaker: The question is

Page 5,

(i) line 26, omit "simple", and

(ii) line 27, for "three" substitute "six"

The motion was adopted.

Mr. Speaker: The question is.

Page 5, line 25,—

omit 'or who shall be guilty of cowardice'.

The motion was negatived.

Mr. Speaker: In view of Government amendment having been accepted, amendments Nos 16 and 48 are barred.

Pandit Thakur Das Bhargava: Cowardice alone remains.

Shri V. P. Nayar: It will remain.

Mr. Speaker: The question is:

"That clause 17, as amended, stand part of the Bill."

The motion was adopted.

Clause 17 as amended stand part of the Bill.

Clauses 18 and 19 were added to the Bill.

Clause 20

Pandit Thakur Das Bhargava: I beg to move my amendments Nos. 49, 50, 51, 52, 53 and 54.

Pages 5 and 6,—
omit lines 36 to 39 and 1 to 5 respectively.

Page 5, line 39,—
for "under proper authority or order" substitute "under lawful orders".

Page 6, lines 4 and 5,—
omit "notwithstanding any defect in the jurisdiction of the authority which issued such order."

Page 6, line 11,—
for "three" substitute "six"
Page 6, line 12,—
after "committed" insert "and discovered"

Page 6, line 14,—
omit "or his superior officer"

Section 20 introduces into our Criminal Law a new principle and I am very much opposed to its introduction especially after I have heard the hon. Minister about the jurisdiction of this force. Under sections 76 and 79 of the IPC, a person is not guilty of any offence if he does anything which is legal and if he thinks himself justified in doing that. But, this section introduces a new principle that if a person does anything under the orders of any authority or person, then, even though it may be illegal or unlawful order, no action is taken against him. The person giving the order may know that it is unlawful. In that contingency also, immunity is given. Sections 9 and 17 have been put in this Bill. If you allow this sort of a thing, you will be introducing

something new in our criminal jurisprudence. If a soldier shoots according to the orders of his commander, the court may send him to the gallows for that act if the order for shooting was illegal. If he does not obey, the court martial will exercise its jurisdiction and order him to be punished. That is the state of law—the British and the Indian law. Ignorance of law excuses none. I know thousands of cases. We are passing laws and people do not know. If a person goes against the law, then he is held guilty.

My submission is that if you allow this to be as it is, you will be introducing not only something new but something which will have a logical consequence fraught with great potentialities of injury. An officer knows that he should not order a person to shoot. Yet, in a contingency of which we had an illustration given by the hon. Minister, a person may know the orders of the officer to be illegal or wrong and that he ought not to shoot. The officer may give the order on account of some reason—personal or otherwise. His judgment may be wrong. Even then the law is that the person who is guilty of that offence must be brought to book and must be punished. The court may take a lenient view. There are the executive's powers of reprieve and pardon. Government can do whatever it likes. There are certain general exceptions in the Indian Penal Code and we cannot provide for another kind of exception which is not known to the law of this country. By making this law, you give a power to the corrupt official. The courts will not be able to punish guilty person. It should not be. In fit and proper cases the executive authority can look into the matter and give remissions. But, if you allow such a thing to be introduced in the law, in other laws also such provisions may be made and illegal acts which ought not to be condoned will be condoned.

As a matter of fact, there is a volume of law, and if you will kindly see the Indian Penal Code and the commentary about the British Law and

the Indian Law on this point you will find no justification for such change. This is, therefore, unknown to the British Law and also to the Indian Law. We ought not, therefore, to make this as an example.

Secondly, the period given is three months only. In three months the thing may not be discovered at all. It is said that within three months after the act complained of shall have been committed a person can be brought to book. This is entirely wrong. Even six months may be taken in discovering what the act has been. Now according to this the act has to be punished within three months. That is too small a period.

Also, the word "lawful" may be used before the word "orders" and the phrase may be changed to "lawful orders". I am only quoting section 76 of the Indian Penal Code. Similarly, the words "notwithstanding any defect in the jurisdiction of the authority which issued such order" may be deleted.

Thirdly, my submission is that the word "discovered" may be added after the word "committed". Moreover there is no use or justification for keeping the words superior officer as the superior officer may not even inform the person concerned.

Shri Naushir Bharucha: Sir, I support the amendments moved by my friend Pandit Thakur Das Bhargava. Let us take an extreme case. Supposing the Inspector General of Police issues an order, without jurisdiction and without any authority, asking the members of the Protection Force to shoot at sight anybody who is found near particular wagons or a particular place where some offence, let us say breaking open wagons, is supposed to be committed, in pursuance of which certain people may be shot on the spot. Am I to understand from the hon. Minister in charge of the Bill that all those acts are covered because sub-clause (3) is so very wide that merely on production of an order of the Inspector General of Police asking the members of the Protection Force to shoot at sight

any person found loitering near wagons the persons who carry out those orders are completely immune? Where are we going to, may be known? There must be some limit to lawlessness. The sub-clause clearly says that even if an order is supposed to be very defective in the jurisdiction of the authority the persons who carry out that order are covered.

Mr. Speaker: Is not the word "proper" there?

Pandit Thakur Das Bhargava: The words are "proper authority or order" and not proper order.

Shri Naushir Bharucha: The words are

"(1) In any suit or proceeding against any superior officer or member of the Force for any act done by him in the discharge of his duties, it shall be lawful for him to plead that such act was done by him under proper authority or order"

Sub-clause (2) goes further and says that even if the Inspector General has no authority or jurisdiction to issue such an order, just on the production of such a stupid order the proceedings against him will be terminated and he will be acquitted. I submit, Sir, there must be some limit to lawlessness to which we are going, because it obviously means that anybody can do anything and get away with it. No sense of responsibility need be attached to the orders of a superior officer and even the consequences are lost sight of. I do not think this is a type of principle which we can afford to introduce, because it may be a precedent to many others and may lead to consequences which I am afraid we cannot at present foresee.

Shri Jagjivan Ram: As we are meeting tomorrow, Sir, I request that I may be allowed to reply tomorrow.
18-46 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 16th July, 1957.

DAILY DIGEST

[MONDAY, 15TH JULY, 1957]

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| 3. | Prime Minister's Residence. | 3369-70 | 34. | State Information Ministers' Conference. | 3405-06 |
| 4. | Property of Poet Tagore in East Bengal | 3370-71 | 35. | Registration of Handlooms | 3406 |
| 5. | Plantation Inquiry Commission | 3372-73 | 36. | Slum Clearance in Rajasthan State. | 3406-07 |
| 6. | Cigar Industry | 3374 | U. S. Q. No. | | |
| 7. | Travancore-Cochin Banking Enquiry Committee Report. | 3374-75 | 1. | Jute Industry | 3407 |
| 8. | Rehabilitation of Displaced Persons from East Pakistan | 3375-76 | 2. | Coal Mine Workers | 3407 |
| 21. | Refugees in West Bengal | 3376-80 | 3. | Graphite | 3407-08 |
| 9. | Rehabilitation of Displaced Persons from East Pakistan. | 3381-82 | 4. | Vitamins | 3408-09 |
| 10. | Banarsi Handloom Cloth | 3382-85 | 5. | Heavy Industry Projects | 3409-10 |
| 11. | Unemployment | 3385 | 7. | Housing Schemes | 3410 |
| 12. | Annual Plan and Central Assistance | 3386-88 | 8. | Plantation Labour Housing Scheme. | 3410 |
| 13. | Indian pilgrims to Keshmandu | 3389-90 | 9. | Illegal entry of Pakistanis | 3411 |
| 14. | Coal Mine, Sambalpur | 3390-92 | 10. | Conch Shells | 3411 |
| 15. | Coir Board | 3392-93 | 11. | Mica Mines | 3412 |
| 16. | Betterment Levy | 3393-95 | 12. | Displaced persons from East Pakistan | 3412 |
| 17. | Sikh pilgrims to Pakistan | 3395-96 | 13. | Liquid Gold | 3412-13 |
| 28. | National Development Council | 3396-97 | 14. | Quarters for Class IV servants | 3413 |
| 19. | Employees State Insurance Scheme. | 3397-98 | 15. | Quarters for class IV employees. | 3413 |
| WRITTEN ANSWERS TO QUESTIONS— | | | 16. | Smuggling of animals to Goa | 3414 |
| 20. | Electricity charges of Ministers' Houses | 3398 | 17. | Second Five Year Plan of Tripura. | 3414 |
| 22. | Training-within-Industry. | 3398-99 | 18. | Jute Mills | 3414-15 |
| 23. | Aluminium Factory at Mettur | 3399 | 19. | Industrial Development of Orissa. | 3415 |
| 24. | Art silk for Handloom weavers. | 3399-3400 | 20. | Export of Hides and Skins | 3415 |
| 25. | Calcutta Improvement Trust | 3400 | 21. | Displaced persons in Tripura | 3415-16 |
| 26. | Journalists' Wage Board | 3401 | 22. | Imports | 3416 |
| 27. | Social Security Scheme for Industrial Workers. | 3401-02 | 23. | Manufacture of salt | 3416 |
| 28. | Closure of Textile Mills | 3402 | 24. | Mill-made and Power-loom Cloth | 3417 |
| 29. | Charkha Cement | 3403 | 25. | Khadi and Village Industries | 3417-19 |
| | | | 26. | Nazariji Mills, Ujjain | 3419 |
| | | | 27. | Cement Factory | 3419 |
| | | | OBITUARY REFERENCE | | |
| | | | The Speaker made a reference to the passing away of Dr. A. N. | | |

Sinha who was a member of the Central Legislative Assembly. Thereafter Members stood in silence for a minute as a mark of respect.

MOTIONS FOR ADJOURNMENT 3420-32

The Speaker with held his consent to the moving of the following adjournment motions given notice of by the members shown against them :

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| (1) Proposed strike by employees of the Posts and Telegraphs Department. | Notice by Shri S. C Gupta. |
| (2) Proposed strike by the Central Government employees. | Notice by Sarvashri S. A. Dange, A. K. Gopalan, and Atal Bihari Vajpayee. |
| (3) Hartal by wholesale traders in Delhi. | Notice by Shri Premji R. Assar. |
| (4) Situation in Assam consequent on the refusal by the Government to locate the oil refinery in Assam. | Notice by Sarvashri Hem Barua and Amjad Ali. |
| (5) Alleged violation of the right of religious freedom in certain District of Bombay State | Notice by Shri B. C. Kamble. |
| (6) Alleged withdrawal of concessions to Buddhist converts by the Government of Bombay . | Notice by Shri B. C. Kamble. |
| (7) Food situation in certain districts of Eastern Uttar Pradesh. | Notices by Sarvashri Shiban Lal Saxena and Ramji Verma. |

PAPERS LAID ON THE TABLE 3432-34

The following papers were laid on on the Table :

- (1) A copy of each of the Notifications Nos. S.R.O. 1666 and S.R.O. 1667, dated the 25th May, 1957, under sub-section (2) of section 2C of the Insurance Act, 1938.
- (2) A copy of the statement containing Decisions on Recommendations Nos. 68 and 69 of the Damodar Valley Corporation Enquiry Committee Report.

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- (3) A copy of the Notification No. S.R.O. 667, dated the 2nd March, 1957, under sub-section (4) of section 56 of the Administration of Evacuee Property Act, 1950 making certain amendments to the Administration of Evacuee Property (Central) Rules, 1950.
- (4) A copy of the Annual Report and Accounts of the Hindustan Housing Factory (Private) Limited for the year ending 31st July, 1956 under sub-section (1) of Section 639 of the Companies Act, 1956.
- (5) A copy of the Report of the Rehabilitation Finance Administration for the half year ended on the 31st December, 1956 under sub-section (2) of section 18 of the Rehabilitation Finance Administration Act, 1948.
- (6) A copy of the statement showing progress of action in cases dealt with under Section 34(1A) of the Indian Income-Tax Act, 1922, upto 31st May, 1957, in pursuance of an assurance given on the 18th September, 1954 during discussion on the Indian Income-Tax (Amendment) Bill, 1954.
- (7) A copy of each of the following Notifications under Section 38 of the Central Excises and Salt Act, 1944, making certain further amendments to the Central Excise Rules, 1944.
 - (i) S.R.O. 1591, dated the 16th May, 1957 ; and
 - (ii) S.R.O. 1761, dated the 1st June, 1957.

PRESIDENT'S ASSENT TO BILLS 3434-35

- (i) Secretary reported that the following Bills, which were passed by the Houses of Parliament during the last Session, have been assented to by the President :
 - (1) The Provisional Collection of Taxes (Temporary Amendment) Bill, 1957.

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- (2) The Copyright Bill, 1957
 (3) The Appropriation (No.3) Bill, 1957
 (4) The Central Sales Tax (Amendment) Bill, 1957.
 (ii) Secretary also laid on the Table copies, duly authenticated by the Secretary of Rajya Sabha, of the following Bills passed by the Houses of Parliament during the First Session of the Second Lok Sabha and assented to by the President since a report was last made to Lok Sabha on the 13th May, 1957 :
- (1) The Essential Commodities (Amendment) Bill, 1957
 - (2) The Life Insurance Corporation (Amendment) Bill, 1957.
 - (3) The Industrial Disputes (Amendment) Bill, 1957
 - (4) The Reserve Bank of India (Amendment) Bill 1957.
 - (5) The Coal Bearing Areas (Acquisition and Development) Bill, 1957.
 - (6) The State Bank of India (Amendment) Bill, 1957.
- MESSAGE FROM RAJYA SABHA** 3435
- Secretary reported a message from Rajya Sabha that at its sitting held on the 29th May, 1957, Rajya Sabha had passed the Railway Protection Force Bill, 1957.

**BILL PASSED BY RAJYA SABHA—
 LAID ON THE TABLE.** 3435

Secretary laid on the Table the Railway Protection Force Bill, 1957, as passed by Rajya Sabha.

RESIGNATION OF A MEMBER.. 3436

The Speaker informed Lok Sabha that Shri R. Venkataraman had resigned his seat in Lok Sabha with effect from the 9th July, 1957.

BILL UNDER CONSIDERATION 3436-3535, 3539-74

The Deputy Minister of Railways (*Shri Shahzawaz Khan*) moved that the Railway Protection Force Bill, as passed by Rajya Sabha, be taken into consideration. The discussion was not concluded.

QUESTION OF PRIVILEGE.. 3535-39

Shri Jawaharlal Nehru moved a motion of privilege re: contempt of House by Shri Birendra Kumar Majumdar. The motion was adopted. The Speaker observed that he would look into the matter.

**AGENDA FOR TUESDAY,
 THE 16TH JULY, 1957—**

Further consideration and passing of the Railway Protection Force Bill and also consideration of the motion for reference of the Wealth Tax Bill to Select Committee . .