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सत्यमेव जयते



**THIRD
SECOND SESSION, 1957**

*(Vol. VIII contains Nos., 1 to 10) **

**LOK SABHA SECRETARIAT
NEW DELHI**

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N.B.—The sign + above the 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

Friday, 15th November, 1957.

The Lok Sabha met at Eleven of the Clock.

(MR. SPEAKER in the Chair)

ORAL ANSWERS TO QUESTIONS

Zoo in Delhi

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*170. { Shri D. C. Sharma;
 { Shri Bhakt Darshan;
 { Sardar Iqbal Singh:

Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 1430 on the 3d September, 1957 and state the progress since made towards the establishment of a zoological park in Delhi?

The Minister of Cooperation (Dr. P. S. Deshmukh): A statement is laid on the Table of the Lok Sabha. [See Appendix I, annexure No 77.]

Shri D. C. Sharma: May I know if the services of the German consultant are being fully utilised, and if so, how long will his services be required for completion of the work?

Dr. P. S. Deshmukh: The services of the German consultant are being very fully utilised, and all the suggestions he has made and plans he has drawn up are being implemented.

Shri D. C. Sharma: May I know what special benefits the Government of India have received in requisitioning the services of a Japanese horticultural expert for laying out a garden in Japanese style? What are the special advantages of laying out a garden in Japanese style?

Dr. P. S. Deshmukh: The Japanese style of laying out gardens is one of the most artistic things that man can do with the least expenditure. That is the way I could define the desirability of it. We have been negotiating for a long time for an expert. It won't cost us much, and it is worthwhile having a garden like that.

श्री भक्त दर्शन : जहाँ तक मुझे ज्ञात है, इस जन्तुशाला का निर्माण नवम्बर, १९५५ में आरम्भ हुआ था और अब तक निश्चित रूप से यह नहीं कहा जा सकता कि कब उस का निर्माण पूरा होगा। अतः मैं जानना चाहता हूँ कि इस कार्य में इतनी देरी क्यों हो रही है ?

डा० पं० शा० देशमुख : कुछ तो एक एक्सपर्ट था नहीं सका है और दूसरा एक्सपर्ट बुलाना पड़ा इसलिए देरी हुई। पर अब काफी तेजी से काम हो रहा है और ज्यादा समय नहीं लगेगा। फिर बिल्डिंग आदि के कंस्ट्रक्शन में थोड़ा समय लगना ही है।

Shri Ansar Harvani: May I know if arrangements are being made to see that all the States are represented in matters of zoological as far as this park here is concerned?

Dr. P. S. Deshmukh: We will take due notice of the suggestion.

Shri V. P. Nayar: From the statement, I find that since answering the last original question, the zoological park has had in addition about 30 animals and 170 birds. I want to know how long it will take for one living specimen of reptiles, birds and mammals to be kept in the zoo?

The Minister of Food and Agriculture (Shri A. P. Jais): It is difficult

to lay down any programme, but progress is being made at a fairly fast pace, and we will try to develop the things in the shortest possible time.

Cattle Shows

*171. **Shri Bibhuti Mishra:** Will the Minister of Food and Agriculture be pleased to state whether the Central Government have given any directions to various State Governments to hold cattle shows in cattle fairs?

The Minister of Cooperation (Dr. P. S. Deshmukh): No.

I may add that there was, however, a suggestion in one of my circular letters to the effect that preferably cattle shows in the States may be held where cattle fairs were held.

श्री बिभूति मिश्र : मैं जानना चाहता हूँ कि सरकार जब खेती पर द्वितीय पंच-वर्षीय योजना में इतना खर्च करने जा रही है तो जानवरों की नस्ल सुधारने के लिये कैंटल शोज में जो लोग अच्छे अच्छे जानवर लाते हैं उन को इनाम आदि देने के लिये निर्देश क्यों नहीं देती है ।

डा० पं० शा० बेशमुख : जहाँ जहाँ आवश्यकता होती है निर्देश दिये जाते हैं । इस आन्दोलन में मैं यह नहीं बताना सकूंगा कि नस्लों के सुधार के बारे में क्या प्राविजन है और कौन कौन सी चीजें की जाती हैं । लेकिन नस्लों के सुधार की तरफ काफी सवज्जह दी जाती है ।

श्री बिभूति मिश्र : मैं जानना चाहता हूँ कि क्या यह जरूरी काम नहीं है कि कैंटल शोज हो और उन में जो लोग अच्छे अच्छे जानवर लावें, उन को इनाम आदि मिलें, और क्या केन्द्रीय सरकार इस ओर ध्यान देगी ?

डा० पं० शा० बेशमुख : जी, हाँ ।

Shri B. S. Murthy: May I know what financial aid is being given by the Centre to the States for conducting

cattle shows, and also to enable the first-rate cattle to be shown in other parts of the country?

Dr. P. S. Deshmukh: So far as exhibiting the best cattle in such shows is concerned, we have regional shows as well as an all-India show. The maximum amount of aid being given by the Centre is Rs. 5,000 or 50 per cent of the total expenditure whichever is less.

Mr. Speaker: He wants to know whether any attempt was made to send such first-class cattle declared first class in the Central show, round the various States.

Dr. P. S. Deshmukh: They will come in the regional and all-India shows.

Inter-State Transport Commission

*172. { **Shri Shree Narayan Das:**
Shri Panigrahi:
Shri Raghunath Singh:

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

(a) whether the Inter-State Transport Commission as envisaged in the Motor Vehicles Amendment Act, 1956 has been constituted;

(b) if not, when it is likely to be constituted;

(c) whether the opinions of the State Governments have been asked for in this regard;

(d) whether they have been received; and

(e) the nature of opinions received?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) and (b). The Central Government have taken a decision in principle to set up an Inter-State Transport Commission as envisaged in the Motor Vehicles (Amendment) Act, 1956. The question of selection of officers to serve on the commission, their conditions of service, the functions to be performed

by the Commission and other connected matters of detail are under active consideration of the Government and it is hoped that the Commission will be set up shortly.

(c) No.

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

Shri Shree Narayan Das: May I know whether the Government of India have formulated the precise functions of the Inter-State Transport Commission?

Shri Humayun Kabir: In sub-section (2) of section 63A of the Act, the functions have been defined.

Shri Shree Narayan Das: May I know to what extent the States will participate in the expenditure that will be incurred in the setting up of the Commission?

Shri Humayun Kabir: This is a Central Commission being set up by the Government of India. As such, I do not think the question of States' participation will arise.

Sardar Iqbal Singh: May I know whether any non-official will be appointed to the Commission?

Shri Humayun Kabir: The Commission will consist of a Chairman and not less than two members. The question of non-official representation is under examination.

Shri C. D. Pande: As the Commission is likely to take a long time in formulating a definite policy for the future, will Government consider the difficulties experienced in the matter of transport so as to relax all restrictive measures in respect of motor vehicles?

Shri Humayun Kabir: The purpose of this Commission is to help inter-State transport and, therefore, every action will be taken to facilitate such transport. I do not think it will take a very long time to frame the rules. Under the Act, there are certain provisions which lay down the kind of assistance the Commission can give.

Shri Panigrahi: May I know whether the Commission has taken into consideration the question of further suspension of nationalisation of transport in different States, and whether the different States have been advised not to proceed with nationalisation?

Shri Humayun Kabir: I do not think that question arises out of this particular question.

Shri Panigrahi: It was discussed...

Mr. Speaker: If it does not arise, it does not matter whether it was discussed or not.

Shri Tangamani: Is it a fact that the taxation now prevalent on motor vehicles is the highest in the various States, and will there be uniformity and reduction of taxation?

Shri Humayun Kabir: I submit this question also does not arise out of the original question.

Shri Tangamani: This was one of the points made out...

Mr. Speaker: There may have been many points, but the question does not arise.

Sugar-cane

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*173. { **Dr. Ram Subhag Singh:**
Pandit D. N. Tiwary:
Shri Eup Narain:
Shri Anirudh Sinha:

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

(a) the extent of damage done in 1956-57 to the sugar-cane crop in North Bihar and Eastern U.P. by red rot disease;

(b) the schemes prepared to check it effectively; and

(c) the cost involved in implementing the scheme?

The Minister of Cooperation (Dr. P. S. Deshmukh): (a) The total area damaged by this disease in North Bihar and Eastern U.P. was 825 and 5,500 acres respectively.

(b) While a scheme for eradication of disease in selected areas of Bagaha (Bihar) is under operation since May, 1957, a co-ordinated scheme for the States of Punjab, U.P. and Bihar is being worked out by the Indian Central Sugarcane Committee to supplement the efforts of the State Governments.

(c) It will involve expenditure of Rs. 72,000/- during the current financial year out of which Rs. 36,000/- will be paid by the Indian Central Sugarcane Committee. The estimated annual cost of the co-ordinated scheme is Rs. 66,000/-.

Dr. Ram Subhag Singh: May I know the measures which have been taken in North Bihar and eastern U.P. to control this disease?

Dr. P. S. Deshmukh: There are only two things that we can do. The first is to give healthy, improved disease-free cane seed. In eastern U.P., about 14,92,827 mds. of this kind of seed has been distributed. The other measure is to up-root those stems which are affected and this has also been done.

Dr. Ram Subhag Singh: May I know whether the sugarcane factories of the areas concerned have been directed to start the early crushing of the diseased sugarcane?

Dr. P. S. Deshmukh: I could not say; I would like to have notice.

Shri Jadhav: May I know whether it is an oft-repeated disease?

Dr. P. S. Deshmukh: It is confined to certain areas in Punjab, U.P. and Bihar. But, we have been able to control it in some of the parts. And, I think that with this scheme we will be able to eliminate it.

Shri Bishwanath Roy: May I know whether no proper steps have been taken to stop any fresh disease?

Dr. P. S. Deshmukh: That is not correct. The disease is the same, not a fresh disease.

Shri Aniruddh Sinha: May I know whether in Bihar there is a progressive loss of recovery of sugar from sugarcane from the year 1954 and I would like to know what are the causes of that and whether it is due to the presence of red rot or what?

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

Preservation of Wild Life

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*174. { **Shri V. C. Shukla:**
 Shri Mohan Swarup:

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

(a) whether Government are aware of the severe depletion of wild life in general that is taking place throughout the country;

(b) what steps have been taken by the Central Government to encourage preservation of wild life;

(c) whether any estimate has been made of the effectiveness of the steps so far taken; and

(d) whether Government are contemplating any further steps calculated to stop the depletion of wild life of the country?

The Minister of Cooperation (Dr. P. S. Deshmukh): (a). Yes, Sir.

(b) A statement is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 78.]

(c) These steps have led to arousing general consciousness in the country regarding the need for Wild Life preservation. Some States at least report increase in wild life in their Reserved Forest areas.

(d) None, beyond those enumerated in the Statement laid on the table. Suggestions in this regard will be welcome.

Shri V. C. Shukla: May I know how many States have set up State Wild Life Boards and taken steps

under the model Bill for Wild Life Preservation sent by the Centre to the various States?

Dr. P. S. Deshmukh: I am afraid I have not got the list. But, more than half a dozen States, to my knowledge, have done so.

Shri V. C. Shukla: Out of the Rs. 135.4 lakhs provided by the Central Government, how much money has been utilised by the various States in the Wild Life Preservation Scheme?

Dr. P. S. Deshmukh: These schemes require some time because expenditure is intended on new National Parks and so on. I have not got the figures of what exact expenditure has been incurred but, I think, on the whole, the States are keen on utilising it.

Shri C. R. Pattabhi Raman: Will the Government of India consider insisting on the States having at least one game sanctuary within their borders so that deforestation will not drive animals to unnatural surroundings?

Dr. P. S. Deshmukh: It must be left to the State Governments to decide. We want to create interest in the scheme. On the whole, I think, every State has got one or two sanctuaries.

Shri Basappa: Does the Governor of Mysore continue to be the Chairman of the Wild Life Preservation Committee and, if so, has he submitted any report?

Dr. P. S. Deshmukh: Yes; he does continue. He takes very keen interest and it is desirable to continue him further.

Shri Hem Barua: In view of the reference made by the hon. Minister to National Parks, may I know what steps Government have so far taken to develop the sanctuary at Kaziranga into a National Park?

Dr. P. S. Deshmukh: The details would be available with the State Government. I could not give all the information.

Shri V. P. Nayar: May I know whether Government have taken any special steps for the preservation of certain animals which are fast getting extinct and, if so, what are the animals in respect of which such steps have been taken?

Dr. P. S. Deshmukh: This would be a long list. It is not possible for me to give it now. This is the central aim of the Wild Life Preservation Board, to try to preserve those species of birds and animals which are likely to be extinct. Necessary steps are being taken with respect to Gir lions and others.

Bridge over Brahmaputra

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*175. { **Shri Amjad Ali:**
 Shri Basumatari:

Will the Minister of Railways be pleased to state:

(a) whether a bridge across the Brahmaputra river has been provided in the Second Five Year Plan;

(b) the estimated cost of the bridge;

(c) whether the bridge will be constructed from Amingaon to Pandu or from Jogighopa to Golpara; and

(d) when the construction is expected to begin?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes, Sir.

(b) Roughly Rs. 10 crores.

(c) Pandu-Amingaon.

(d) The actual construction of the bridge is likely to be taken up in the working season of 1958-59. Preliminary arrangements are being made.

Shri Amjad Ali: The Pope Committee appointed as early as 1942 surveyed this particular bridge project of Pandu Amingaon, and it was given up as unsuitable and the Bradshaw Committee went into the question and they finally decided to bridge the river at Jogighopa-Golpara site. Was there any fresh survey made before this site Pandu-Amingaon was selected?

Shri Shah Nawaz Khan: A detailed survey regarding the bridge between Pandu and Amingaon was made and the work was actually started in 1943. The survey and other field investigations in respect of the alternate site Jogighopa-Golpara were carried out in 1946. Since then, no fresh surveys have been carried out. But, from the data available with us we have come to the conclusion that the site at Pandu is much the best site.

Shri Amjad Ali: Would the hon. Minister indicate the nature of the data that he has got further before giving up the Jogighopa-Golpara site?

Shri Shah Nawaz Khan: For one thing, the bridge at Pandu would be of a length of 4200 ft. whereas the length of the bridge at Jogighopa-Golpara would be over 7,000 ft., very nearly double. Also, in order to construct a bridge at Jogighopa we would have to lay down an additional 110 miles of railway line which would be very expensive indeed.

Shri Amjad Ali: 110 miles of railway line from where to where?

Shri Shah Nawaz Khan: From Bongaon-Jogighopa to Pandu.

Shri T. B. Vittal Rao: May I know whether this construction will be taken up by the North-Eastern Frontier Railway or whether a separate organisation will be set up as was done in the case of the Ganga bridge?

The Minister of Railways (Shri Jagjivan Ram): No decision on that point has been taken.

दिल्ली में गन्धी बस्तियों का सुधार

*१७६. { श्री नवल प्रभाकर :
डा० राम सुभग सिंह :
श्री बी० बा० शर्मा :

क्या स्वास्थ्य मंत्री सभा पटल पर एक ऐसा विवरण रखने की कृपा करेंगे जिस में निम्न बातें बताई गई हों :

(क) दिल्ली टाउन प्लानिंग आर्गनाइजेशन द्वारा दिल्ली में गन्धी बस्तियों के सुधार के लिये कितनी निर्माण योजनाएँ तैयार की गई ;

(ख) उन बस्तियों की संख्या तथा उन के नाम क्या हैं ; और

(ग) क्या इन योजनाओं पर कार्य शुरू हो गया है ?

स्वास्थ्य मंत्री (श्री करमरकर) : (क) से (ग) एक विवरण सभा की मेज पर रख दिया गया है। [देखिये परिशिष्ट १, अनुबंध सं० ७६]।

श्री नवल प्रभाकर : जिन चार बस्तियों के ले-आउट अब तक तैयार किये गये हैं, दिल्ली इम्प्रूवमेंट ट्रस्ट ने उन में कहीं ज्यादा ले-आउट तैयार कर लिये थे। मैं यह जानना चाहता हूँ कि क्या उन्हीं ले-आउट्स पर अपनी मुहर लगा कर दिल्ली टाउन प्लानिंग आर्गनाइजेशन ने अपने नाम से प्रस्तुत कर दिया है।

श्री करमरकर : इन के अलावा और भी योजनाएँ तैयारी में हैं। मोतियाखान, सराय रोहीला, रणजीतनगर, शादीपुर, खामपुर और मुबारकपुर कोटला के लिये भी योजनाएँ तैयार की जा रही हैं।

श्री नवल प्रभाकर : मैं ने यह प्रश्न किया था कि दिल्ली इम्प्रूवमेंट ट्रस्ट ने इस से कहीं ज्यादा ले-आउट तैयार कर लिये थे, तो फिर इन दो सालों में दिल्ली टाउन प्लानिंग आर्गनाइजेशन ने क्या किया है। जो नाम माननीय मंत्री महोदय ने गिनाये हैं, वे भी इम्प्रूवमेंट ट्रस्ट ने तैयार कर लिये थे।

श्री करमरकर : इस बारे में ठीक तरह से और किया गया है और तैयारी कर ली गई है। जब इस काम के लिये पैसा मिलेगा, तो कार्यवाही शुरू की जायेगी।

श्री नवल प्रभाकर : मैंने जो प्रश्न किया, या, उसका उत्तर नहीं मिला ।

Mr. Speaker: All that the hon. Minister has mentioned may be treated as the reply.

Shri Rameshwar Tantia: May I know whether alternative accommodation will be provided to the residents before slum clearance is started?

Shri Karmarkar: This is about specific areas in which the hon. Member is interested. The scheme in respect of the particular locality is for about 200 tenements.

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि उन कटड़ों का जिन का सुधार किया गया है नम्बर क्या है और उन के क्या नाम हैं ?

श्री करमरकर : यह एक अलग से सवाल है और यदि माननीय सदस्य अलग से नोटिस दें तो इस का उत्तर भी दिया जा सकता है ।

श्री नवल प्रभाकर : ये कटड़े भी गन्दी बस्तियों में ही शामिल होंगे हैं ।

डा० राम सुभग सिंह : इन गन्दी बस्तियों को साफ करने के बारे में सरकार की ओर से कई एक मौकों पर ऐसा आश्वासन दिया गया है और खास तौर पर हमारे प्रधान मंत्री भी इन को एक दो बार देखने गये हैं कि इन का अन्त हो कर रहेगा । इस के साथ यह भी कहा गया कि सरकार इस के बारे में कोई सक्रिय कार्रवाई करेगी और ऐसा करने के लिये अच्छी फ़िज़ा का तैयार किया जाना आवश्यक है । मैं जानना चाहता हूँ कि जब ऐसी बात है तो आज क्यों कहा जा रहा है कि जब पैसा मिलेगा तब कुछ किया जायगा ? जब आप के पास पैसा ही नहीं था तो आप ने देश में इस तरह का बातावरण क्यों तैयार किया था . . .

Mr. Speaker: That is an argument. After all, everything depends upon money.

Shri D. C. Sharma: In the statement, there is one sentence which says that the implementation of these layout schemes has not yet started. How long will it take for these schemes to be implemented?

Shri Karmarkar: I think that was an honest reply. Only a month back we got financial sanction and the work is being taken up immediately.

Shri B. K. Gaikwad: Are Government aware that there are several other slum localities not mentioned in the scheme?

Shri Karmarkar: There are lots of them in Delhi as my hon. friend knows.

Raja Mahendra Pratap: Cannot we take some servants' quarters from the Ministers' houses to provide for these poor people?

Shri Karmarkar: The servants' quarters of the Ministers' houses are already too full.

Bezwada-Masulipatam Line

*177. **Shri T. B. Vittal Rao:** Will the Minister of Railways be pleased to refer to reply given to Starred Question No. 946 on the 17th August, 1957 and state:

(a) whether the survey report with regard to conversion of metre gauge line from Bezwada to Masulipatam and Gudivada to Bhimavaram on the Southern Railway into broad gauge has been received by the Railway Board;

(b) if not, when it is likely to be received; and

(c) the steps taken or proposed to be taken to accelerate the pace of work?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). An investigation and engineering survey for the Gudivada-Bhimavaram conversion into broad gauge has been sanctioned. The survey reports are expected to be received by the end of December 1957.

(c) The Engineering survey is progressing well.

Shri T. B. Vittal Rao: This is one of the projects to be taken up during the Second Plan period and completed. At this rate, will this project be completed during the Second Plan period?

Shri Shah Nawaz Khan: This project is still in a very preliminary stage of investigation and it is not quite certain whether the conversion would be necessary. We are trying to explore other methods of improving the line capacity, such as, improving the standard of signalling, having more crossing stations and things like that.

Shri T. B. Vittal Rao: When it was included in the Second Plan, what were the data based on which it was included?

Shri Shah Nawaz Khan: On good grounds. But, on second thoughts, we thought that we could probably save the money and still carry the goods.

Shri B. S. Murthy: May I know if the sanction of Gudivada-Bhimavaram scheme is of no use unless Bezwada-Masulipatam is also taken up for simultaneous investigation?

Shri Shah Nawaz Khan: The survey has been carried out and the hon. Members would do well to await the results of the survey. Then, we shall be able to have discussions on more concrete basis.

Shri B. S. Murthy: My point is if the Bezwada-Masulipatam line is not taken up, the other line is of no use.

Shri Shah Nawaz Khan: The hon. Member is probably aware that in the Second Plan, Bhimavaram-Gudivada, Masulipatam-Bezwada and Bezwada-Guntur are the sections which were actually included for conversion. We are carrying out the surveys and awaiting the results.

Shri Balarama Krishnaiah: May I know whether this conversion will be of any use, besides goods trains, to passenger trains also?

Shri Shah Nawaz Khan: Conversions are good for passengers as well as goods trains.

Admission to Medical Colleges

*178. **Shri Harish Chandra Mathur:** Will the Minister of Health be pleased to state:

(a) whether Government exercise any control over admissions to various Medical Colleges;

(b) whether there are any seats reserved for students from outside the State and for other special categories such as foreign students and girl students; and

(c) the conditions for Central assistance and aid in this respect of admissions?

The Minister of Health (Shri Karmarkar): (a) Admissions to the medical colleges in India are regulated by the rules and regulations made by the authorities concerned. The Central and the State Governments concerned make or approve the rules for admission to the colleges under their control.

(b) The requisite information is being collected and will be laid on the Table of the Lok Sabha in due course.

(c) No conditions are laid down for Central assistance in regard to admissions.

Shri Harish Chandra Mathur: What is the quantum of Central assistance to the various States during the last few years?

Shri Karmarkar: In respect of new colleges that have been sanctioned, the contribution by the Centre will be 75 per cent non recurring expenditure and 50 per cent of the recurring expenditure during the period of the Second Plan.

Shri Harish Chandra Mathur: Is the Government aware that in certain colleges students from the outside States are made to pay a heavy capitation

see and even students with a first division are left out in preference to third divisioners from within the State? If it is so, what is the Government's policy in this respect?

Shri Karmarkar: Our policy is not to interfere with discretion of the States.

Shri Tyagi: What is the total number of vacancies available every year in these colleges and are these vacancies commensurate with the annual requirements of the country?

Shri Karmarkar: Just at the moment, I forget the total number of admissions and I shall try to furnish it on a separate notice. The admissions that are there are not sufficient to meet the requirements of the country.

Shri Tyagi: Are the colleges opened on the basis of the annual requirements of the country? Or, are they opened just because a State wanted to open? Are the colleges enough to cope with the annual requirements of doctors in the country? That is my point.

Shri Karmarkar: There are not enough colleges.

Shri B. K. Gaikwad: What is the number of seats reserved for the Scheduled Castes and Scheduled Tribes in all these colleges?

Shri Karmarkar: I said that the information was being collected and would be laid on the Table of the House. There are some reservations. For instance, 16 per cent of the seats available for students from Madras State are reserved for them. Eight per cent of the seats in Assam are for nominees of NEFA. In Madhya Pradesh, 15 per cent are for Scheduled Castes and Tribes candidates. 16 per cent of the number of seats available after deducting the seats for certain categories are reserved for candidates including women belonging to Scheduled Castes and Tribes in Andhra. In Kerala, it says 40 per cent. I shall

lay it on the Table of the House when I get the information.

Shri Thimmalah: Has the Central Board of Technical Education restricted the number admitted in each college and if so, on what basis are they restricted?

Shri Karmarkar: I have not got that information with me. I shall secure that, on notice, from the Mysore State.

Shri Narayanankutty Menon: Since the reorganisation of the States, the Government of Madras discontinued the practice of reservation of seats for students coming from the Malabar part of the Kerala State. Is it a fact that the Government of Kerala approached the Central Government under the SRC Act for assistance to get some seats reserved in the Madras Medical College and if so, what action has been taken by the Government?

Shri Karmarkar: We received a few communications in this regard but we had to leave the matter to the goodwill of the Madras State.

Sardar Iqbal Singh: Are there restrictions to the effect that no outside State students can be admitted to the medical colleges in some States and if so, are there some difficulties regarding the admission of refugee students living in that State?

Shri Karmarkar: I should like to know the details of that complaint and I shall forward it to the State Governments for their information.

Dr. Sushila Nayar: I understand that it has been the policy that apart from reservations for Scheduled Castes and Scheduled Tribes, other students are to be admitted on merits. I would like to know if there is any departure from that policy and reservation is extended outside the Scheduled Castes and Scheduled Tribes in some of the States, on Caste basis. If so, the reason therefor.

Shri Karmarkar: I think there is another reservation that I should have referred to, and that is, for women

students. As I said before, it has not been our policy to interfere with the discretion of the States in respect of admission to the colleges.

Contai Salt Factory

*179. { Shri S. C. Samanta:
Shri Barman:

Will the Minister of Railways be pleased to refer to the answer given to Unstarred Question No. 692 on the 17th August, 1957 and state:

(a) whether the Salt Commissioner's Department has placed before the Railway Board the difficulties felt in the transport of salt from Contai Salt Factories in West Bengal and the necessity of joining the factories with a Railway line;

(b) whether the West Bengal Government has also pressed for a railway line upto Digha near the Salt Factories; and

(c) if so, whether a survey during the Second Five Year Plan is contemplated?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) No, Sir.

(b) The proposal for a railway line from Machada to Digha via Tamluk and Contai was included by the West Bengal Government in their recommendations for the construction of new railway lines during Second Five Year Plan.

(c) No, Sir; However, paper location alignment for a railway line from Machada via Tamluk to Contai was examined as early as 1946-47.

Shri S. C. Samanta: May I know what is the opinion of the surveyors about this line, in their examination that was made in 1946-47?

Shri Shahnawaz Khan: It was their opinion that it was quite an expensive line and the return was not too high, but since 1946, the prices of everything have gone up very steeply and since then, I think the estimates have more or less doubled.

Shri S. C. Samanta: Is it not a fact that in 1948 another expert committee was entrusted with the surveying work as to whether a railway line from Machada to Contai can be built and that committee also made a reconnaissance survey and expressed the view that it is economical to build a railway line from Machada to Digha?

Shri Shahnawaz Khan: Only paper location alignment was made. Whatever be the desirability of constructing the line, our difficulty is that of finances. We just do not have the funds to construct these lines.

Shri Barman: In considering the matter from purely railway economic point of view, have the Government taken into consideration two factors—first, the Contai region in Bengal is a fruitful region as it possesses potentiality for the production of large quantities of salt. Salt is being supplied to the Calcutta port for sending it on to Assam, Bengal and Bihar from the far-off coastal and regions like Saurashtra and Bombay.

Mr. Speaker: These are suggestions and arguments in favour.

Shri Barman: Have the Government considered these factors in coming to a decision, and secondly—

Mr. Speaker: In the form of questions, all these suggestions cannot be made.

Shri Barman: Only one sentence. Secondly, may I know whether the Government has considered the fact that giving a railway line to the Contai region will give employment to thousands of people concerned with cottage industry?

Shri Shahnawaz Khan: We are aware of these things, but our difficulty, as I have submitted before, is that of finances. In spite of all these facts which have been duly considered, it has not been possible to include this line in the second Five Year Plan.

Pradip Port

- *180. { **Shri Sanganna:**
Shri Panigrahi:
Shri Surendranath Dwivedi:

Will the Minister of Transport and Communications be pleased to refer to reply given to Starred Question No. 940 on the 17th August, 1957 and state:

(a) whether Government have completed their examination of the proposals received from the Orissa Government regarding the development of Pradip Port; and

(b) if so, the result thereof?

The Minister of State in the Ministry of Transport and Communications (**Shri Humayun Kabir**): (a) and (b). The examination of the proposals revealed that before Pradip could start functioning as a minor port as suggested by the Orissa Government, safe passage should be ensured for lighters carrying cargo between ship and shore to cross the bar at the mouth of the river. The State Government were, therefore, requested to arrange for trial runs with lighters from the shore to the proposed anchorage point and back. The result of the trials is awaited.

Shri Sanganna: May I know whether the Government are aware that the Government of Orissa have started the export of iron ore from 1st November to foreign countries and, if so, will the Government help the Orissa Government with funds and expedite the final decision so that the project of the Orissa Government may be successful?

Shri Humayun Kabir: As I have said just now, we have asked them to make certain surveys and not only a few days ago, a letter has been received from the Orissa Government that it is necessary to measure the depth of water over the bar and to mark out the deep channels with anchorage and buoys before any trial can be made

with lighters. In view of this information from the Orissa Government, I do not see how any ore can be exported just now.

Shri Sanganna: It has been expected that a British expert was to inspect it and make a visit to that place for a study of the port. It is my information that the British Mission has not made the visit to that area. May I know the reason for their not going over there?

Shri Humayun Kabir: I am not aware if the British Mission visited Pradip. I ask for notice of that question. But this we know, namely, that the survey was made by a Japanese team and the work on measuring the depth has been completed by the Orissa Government. In view of that, it was probably thought that it was not necessary for the British team to visit Pradip.

Shri Panigrahi: With a view to promote export trade and earn more foreign exchange, the Government of Orissa have already started despatching 50,000 tons of iron ore from Cuttack to Pradip and arrangements have been made by the Government of Orissa. They have requested this Government to supply initial facilities for export. Is that being arranged now and are facilities given to the Government of Orissa?

Shri Humayun Kabir: I can only repeat, what I have said. Certain facilities have been given during the first Plan period. A loan of Rs. 7.3 lakhs was given to the Orissa Government, and they have been asked to carry out these surveys. As soon as the surveys are carried out, then only we can decide how far it will be useful. The aim is to have a port which will handle about 50,000 tons of ore before the end of the second Five Year Plan.

Shri Panigrahi: What will be the estimated annual foreign exchange earnings to this port by exporting the iron ore?

Shri Humayun Kabir: How can anybody give the figures before the survey has been completed? As I said, the Orissa Government have stated only two or three days ago that no lighters can go till the waterdepth has been measured and the buoys have been placed. The depths have now been measured but the buoys have not been placed. Therefore, the lighters cannot go.

Enquiry into Explosions at Stations

*181. **Shri S. M. Banerjee:** Will the Minister of Railways be pleased to state:

(a) whether enquiry in connection with the explosions at Asansol, Katpadi and Kanpur has since been completed; and

(b) if so, whether a copy of the report would be laid on the Table?

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

(b) Reports of Magisterial Enquiry in Katpadi Explosion and the Reports of Inspectors of Explosives concerned on all the three explosions will be laid on the Table of the Lok Sabha on Monday the 18th instant.

Shri S. M. Banerjee: May I know whether any compensation has been paid to the victims of Asansol, Katpadi and Kanpur and, if so, the amount of compensation?

Shri Shah Nawaz Khan: I do not have this specific information with me now. I ask for notice.

Mr. Speaker: That does not arise. The hon. Members may look into the report and then put the questions.

Shri S. M. Banerjee: No report has been laid today. It is to be laid on Monday.

Mr. Speaker: Let them read the report on Monday and then table questions. We will be sitting for 30 days more.

Shri Tangamani: In view of the fact that in these three explosions nearly

25 people have been killed and in view of the fact that a report has been submitted, what steps have the Government taken to prevent the recurrence of such explosions, on the basis of this report?

Shri Shah Nawaz Khan: Effective steps have been taken and all these steps will certainly be included in the report that is to be laid on the Table.

Mr. Speaker: Those steps are all mentioned in the report.

Re. Questions 182 and 183

Mr. Speaker: Shri Morarka, Shri Nathwani, Shri Rajendra Singh. Absent—I request hon. Members to confine themselves to their seats during the Question Hour. During other hours, they may change if they like here and there.

Cochin Port

*184. **Shri Narayanankutty Menon:** Will the Minister of Transport and Communications be pleased to refer to the reply given to Starred Question No. 934 on the 17th August, 1957 and state:

(a) whether the Choudhury Committee on the service conditions of employees of the Cochin port has since submitted its report;

(b) if so, what are the recommendations of the Committee; and

(c) the action taken thereon?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) Yes, Sir.

(b) and (c). The recommendations made by the Officer on Special Duty are at present under examination, after which the question of publishing them will be taken up.

Shri Narayanankutty Menon: May I know whether the orders passed by the Government removing certain anomalies in the service conditions as between Class III and Class IV staff

of the Bombay port are applicable to the workers in the Cochin port also?

Shri Humayun Kabir: The whole matter is under examination and the Member probably knows that the Special Officer has submitted his report in three parts. In the third part, various measures on service conditions have been recommended. They are at present under examination, and are being treated confidentially, though a representative of labour has been taken into confidence.

Shri Narayanankutty Menon: My question was this; the Government announced in the newspapers that the anomalies between the service conditions, leave rules and medical facilities of Class III and Class IV employees of Bombay port have been removed, and therefore, whether that order which is applicable to the Class III and Class IV employees of the Bombay port is applicable to the workers of Cochin port also.

The Minister of Transport and Communications (Shri Lal Bahadur Shastri): I think so; it is applicable to all ports. I am not quite sure whether orders have already reached Cochin Port, but that is a general rule which Government has accepted and it would be made applicable to other ports also.

Shri Tangamani: Are we to understand that the final report of the Chaudhury Committee has been submitted and if so whether that report would be placed on the Table of the House?

Shri Humayun Kabir: In the reply I have already stated that the report is now under examination and it would be published after decisions have been taken on those recommendations.

Shri Narayanankutty Menon: After the Government has fully considered the report and orders have been passed, will Government be pleased to place a copy of the report on the Table of the House?

Shri Humayun Kabir: When the report is published, obviously it will be placed in the Library of Parliament.

Regional Wheat-Seed Stores

*185. **Shri Bahadur Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have decided to set up five regional wheat-seed stores;

(b) what is the progress made in setting up these stores;

(c) what is the place selected for this purpose in the Punjab; and

(d) the amount involved in the scheme for Punjab?

The Minister of Cooperation (Dr. P. S. Deshmukh): (a) A scheme to this effect has been drawn up.

(b) The draft scheme has been forwarded to the State Governments for working out detailed estimates of cost.

(c) Any suitable place which the State Government would suggest.

(d) Information is awaited from the Punjab Government.

Shri Balarama Krishnalah: May I know whether any similar proposal to set up regional rice seed stores in Andhra Pradesh has been approved?

Dr. P. S. Deshmukh: Not for the time being.

Air Crash

{ **Pandit J. P. Jyotishi;**
on behalf of
*186. **Shri Raghunath Singh and**
Shri A. S. Saigal:

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

(a) whether it is a fact that an 'Aero' type plane on a flight from Bombay to Indore crashed near Bhiwandi 50 miles from Bombay on the 27th September, 1957 killing all the occupants; and

(b) if so, the details thereof?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) Yes Sir.

(b) Aero-45 aircraft VT-DHO, which had taken off from Bombay at 11-27 hours I.S.T. on the 27th September, 1957 for a flight to Indore, crashed in a jungle 6 miles from Bhiwandi, approximately 20 minutes after it left Bombay. The pilot and the two passengers aboard the aircraft were, unfortunately, killed. Enquiries into the cause of the accident are in progress.

Shri Gajendra Prasad Sinha: May I know whether there has been an increase or decrease in air accidents in 1957, as compared to 1956?

Mr. Speaker: This question relates to a particular accident. In regard to general questions the hon. Minister would possibly like to have notice.

Shri Biren Roy: Is it a fact that this is the fourth time that this type of plane has met with an accident in India with some casualties?

Shri Humayun Kabir: There has been some accident to similar kind of aircraft. There was one in Pakistan, not in India on the 5th April 1955 and two more in India which were minor accidents.

Shri Biren Roy: Has the enquiry as to the cause been completed?

Shri Humayun Kabir: The enquiry has not yet been completed.

Shri Tyagi: When was the plane examined for its airworthiness?

Shri Humayun Kabir: I would like to tell the hon. Member that in the case of private aircraft which is not flown for carrying passengers or hire, no certificate of airworthiness is necessary. It is not necessary under the Act. Nevertheless, in this particular case it was tested on the 21st September 1957 and a certificate of airworthiness was issued which was valid up to November 1957.

Shri Tyagi: In that case, will Government consider the feasibility of making some rule whereby even pri-

vate fliers might get their aeroplanes examined for their airworthiness?

Shri Humayun Kabir: That is a suggestion for action which we shall consider.

Forced landing at Kolhapur Aerodrome

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

(a) whether it is a fact that an aircraft of Indian Airlines Corporation was compelled to land on Kolhapur Aerodrome on the 3rd October, 1957;

(b) if so, the reasons thereof;

(c) whether Government are aware that such force landings are common on Cochin-Bombay route; and

(d) the reasons thereof?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) and (b). The aircraft VT-AYH while on a scheduled flight on 3-10-1957 from Mangalore to Belgaum on the Cochin-Mangalore - Belgaum - Bombay route could not land at Belgaum due to bad weather. As the weather conditions were deteriorating it was considered risky to proceed to the alternate aerodrome at Poona. The aircraft was, therefore, diverted to Kolhapur.

(c) No, Sir.

(d) Does not arise.

Shri Assar: Have any forced landings come to the notice of Government previously?

Shri Humayun Kabir: If it is a general question about forced landings throughout the world, I am not in a position to answer. But I can give the answer with regard to this particular route. On the Cochin-Mangalore-Belgaum-Bombay route there has been no incident of diversion of aircraft for a period of one year from 1st October 1956 to 30th September 1957; and for the whole year 1956-57, i.e. from January to December, 1956 there were six cases of forced landings so far as the entire IAC was concerned.

Shri Narayanankutty Menon: May I know whether there was an incident of a plane after taking off was compelled to return to the aerodrome, because the gasoline which was filled up was mixed with water?

Shri Humayun Kabir: There were certain reports about planes having made forced landings and in every case the cause is investigated. If the hon. Member asks about any particular instance without giving notice, it is difficult to give an answer off-hand.

Mr. Speaker: I cannot enlarge the scope of the question. It relates only to a particular question.

Soil Conservation in Manipur

*189. **Shri L. Achaw Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any effort is being made to control shifting cultivation and promote soil conservation and terrace cultivation in the hills of Manipur;

(b) what are the steps taken in this direction;

(c) what amount of money is being provided for 1957-58 to promote terrace cultivation; and

(d) what is the acreage of land brought under terrace cultivation up to date?

The Minister of Cooperation (Dr. P. S. Deshmukh): (a) Yes.

(b) One Agricultural Officer (Soil Conservation) and staff have been appointed and demonstration plots have been laid down by the Forests and Agriculture Departments.

(c) Rs. 330,600/-.

(d) No survey has been made or records maintained by the State about the area brought under terrace from year to year.

Shri L. Achaw Singh: May I know whether Government is aware that

the tribal population of Manipur practise shifting cultivation and Government has reserved forest lands in the hills as reserved areas in order to stop shifting cultivation which has deprived them of their proprietary lands; this has created a lot of discontent among them. If so, may I know whether Government has taken any steps?

Mr. Speaker: The hon. Member is making a speech and not putting a question. What is it that he wants?

Shri L. Achaw Singh: I want to know whether Government is aware that as a result of government's reserving forest lands in the hills of Manipur as reserved areas, the tribal people have been deprived of their proprietary lands as a result of which there is a lot of discontent among them. What steps have Government taken to alleviate this?

Dr. P. S. Deshmukh: Due notice of any hardship caused is taken and we try to do our best.

Shri P. K. Deo: What steps are being taken to rehabilitate those persons who are being displaced by means of restricting this shifting cultivation?

Dr. P. S. Deshmukh: I do not think there are any wholesale displacements of any persons. We are trying to improve their lot and increase their income from the kind of agriculture they are carrying on.

Gram Sevaks and Sevikas

*192. **Shri B. S. Murthy:** Will the Minister of Community Development be pleased to state:

(a) whether a scheme of competition on a national level is being proposed to adjudge best gram sevaks and sevikas;

(b) if so, the salient features of the scheme; and

(c) the cost involved in the proposal?

The Minister of Community Development (Shri S. K. Dey): (a) Yes, Sir.

(b) A copy of the scheme is placed on the Table of the Lok Sabha. (See Appendix I, annexure No. 80].

(c) The cost involved is Rs. 69,000/- per year; but for the year 1958-59 it amounts to Rs. 66,500/- as the gift of the motor cycle for that year will be made by the Prime Minister.

Shri B. S. Murthy: Gram sevaks and sevikas are more or less well versed in their respective mother tongue. If it is a question of test on a national level, as has been stated by the officers concerned, as well as M.Ps, what is the language in which they will be tested?

Shri S. K. Dey: If it happens to be the case of gram sevika who is tried out for the national award, certainly it should not be difficult to have some members associated with the test who will be familiar with the local dialect. Besides, it is not the dialect that will determine the award, but the actual work accomplished in the field.

Shri B. S. Murthy: The point is this....

Mr. Speaker: The hon. Minister has said that some other person who knows the language will be associated with it.

Shri B. S. Murthy: I have an honest doubt. There are a number of States and a number of languages. Every State has sent two or three persons. There is a committee in the Centre. What is the criteria by which the ability of the gram sevaks and sevikas is tested?

Mr. Speaker: The hon. Member's question is, when there are so many languages, are the gram sevaks expected to know one single language?

Shri S. K. Dey: There would be one person sent up by every State as

the person eligible for the national award. It should not be difficult for the committee which tests these 14 candidates to evolve criteria for dispassionate judgment.

Shri Thimmaiah: What is the difference in the nature of the work done by the gram sevaks and sevikas of the Community Development Blocks and the gram sevaks and sevikas of the Social Welfare Board? Is there not a duplication of the work?

Mr. Speaker: Order, order. Hon. Members have got enough literature in the Parliament library. They may look into it.

Shri Tangamani: In the statement laid on the Table, we find exhaustive schemes for prize competition. May I know whether the competition took place during the year 1956-57 at the block level, district level, State level and national level and if so, how many were awarded prizes during that period?

Shri S. K. Dey: We have never had a competition of this kind before. This is the first time we are trying it out.

Shri Raghubir Sahai: Has it been brought to the notice of the hon. Minister that the number of villages that are placed under the charge of a gram sevak or sevika is too large and unless the number of villages is reduced, the accomplishment of work cannot be substantial?

Shri S. K. Dey: We are very fully aware of the large size of the territory operated by a gram sevak or gram sevika. But in view of the expansion programme planned for the second Five Year Plan period, we have been forced to make a compromise in the jurisdiction of these workers. We hope that in the third Five Year Plan, we shall be able to make some adjustment.

Shrimati Manjula Devi: May I know whether the Government are aware that in some of the States, the gram sevaks of those areas are idle without any work and without absolutely any contact with the masses and whether Government are taking any steps in the matter?

Shri S. K. Dey: I am not aware of any such cases. If the hon. Member would very kindly let me know instances that have come to her notice, I will certainly take appropriate action.

हिमाचल प्रदेश में खाद्यान्न की कमी

*१६३. श्री पद्म रेव : क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि फसल न होने के कारण हिमाचल प्रदेश में खाद्यान्नों की भारी कमी हो गई है; और

(ख) क्या सरकार का वहा अनाज की मस्ती दुकानों को खोलने की व्यवस्था करने का विचार है ?

खाद्य तथा कृषि उपायमंत्र (श्री अ० म० ग्रामस) : (क) जी नहीं ।

(ख) गरने अनाज की दुकाने, उप-भोक्ता लांगों में खाद्यान्न वितरण करने के लिये, इस क्षेत्र में पहले से ही चालू है ।

श्री पद्म रेव : क्या मंत्री महोदय को मालूम है कि हिमाचल में कुछ ऐसे इलाके भी हैं जहां आज दस साल की ग्राजादी के पश्चात् भी लोग अनाज के साथ घास मिला कर खाते हैं और अपना गुजारा करते हैं ?

खाद्य तथा कृषि मंत्री (श्री अ० म० ग्रामस) : हम को ऐसी किसी बात का पता नहीं है, आनरेबल मੈम्बर को पता होगा ।

श्री पद्म रेव : मैं आप को बतलाना चाहता हूं कि हिमाचल में पांगी नामक एक स्थान है जहां लोग गेहूं के आटे के साथ या दूसरे आटे के साथ गेहूं का भूसा या जी का भूसा और पाशाणभेद बूटी के पत्ते मिला कर खाते हैं । मैं जानना चाहता हूं कि सरकार ऐसे इलाकों के लिये क्या कुछ करने जा रही है ?

श्री अ० म० ग्रामस : हम को तो इन बात का पता नहीं है ।

Mr. Speaker: If the position is so bad as that, hon. Members may bring it to the notice of their own Government and this Government also. Straightaway this Government has no jurisdiction in this matter. They can only assist the local Government.

श्री पद्म रेव : इसी प्रश्न के सम्बन्ध में मैं एक और प्रश्न करना चाहता हूं ।

Mr. Speaker: The hon. Member is going on arguing in this matter with respect to which the hon. Minister has no knowledge.

श्री पद्म रेव : क्या मागनीय मंत्री जी को यह ज्ञात है कि हिमाचल में बहुत सारे इलाके ऐसे हैं जहां पर ६० रुपया मन चावल और ४० रुपया मन गेहूं मिल रहा है और ऐसा होने पर भी लोगों को मुश्किलता का सामना करना पड़ता है ?

श्री अ० म० ग्रामस : आनरेबल मੈम्बर वहां पर मिनिस्टर रह चुके हैं । उस वक्त तो उन्होंने ने हमें कोई ऐसी खबर नहीं दी ।

श्री पद्म रेव : मैं बतलाना चाहता हूं कि कई बार दो गई है और कई बार कहा भी गया है ।

Shri Y. S. Parmar rose—

Mr. Speaker: We will hear the Chief Minister now.

Shri Y. S. Parmar: May I now whether it is a fact that 600 maunds of

maize which was to reach Chini is lying damaged at Budha Temple, Rampur, and if so, will Government take steps to fix the responsibility on the officer responsible for the wastage?

Shri A. P. Jain: Distribution is done by the State Government there and we are not aware of it. I will, of course, make an enquiry and see whether anything has gone wrong.

Shri Y. S. Parmar: May I know whether the responsibility is that of the Centre or the State Government really for Himachal Pradesh is no longer a state but a territory only.

Shri A. P. Jain: It is really that of the local administration.

Mr. Speaker: The hon. Member knows it fully well.

Survey of Electric Power in Mysore

*194. **Shri Mohamed Imam:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Central Water and Power Commission made a survey and an independent assessment of the need of Electric Power in the State of Mysore by the end of 1960-61;

(b) if so, what is the total quantity of power needed; and

(c) what are the schemes sanctioned to meet the shortage of power?

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

(b) The total anticipated power demand by 1960-61 in the reorganised Mysore State may be 300,300 KW.

(c) A statement giving the required information is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 81].

Shri Mohamed Imam: In view of the survey which has been made by

the Central Water and Power Commission which discloses that there will be a shortage of power to the extent of 150,000 KW., is it not desirable that the Government expedite the construction of the Sharavathy project and keep everything ready to complete at least the first stage of the project by 1960-61? Otherwise, the entire State will be in great trouble.

Shri S. K. Patil: I do not agree with the hon. Member that the shortfall will be so great as that. But even then, in every State, there is power shortage. It all depends upon the availability of funds.

Shri Mohamed Imam: Will arrangements be made to import the necessary machinery for the Sharavathy valley project? This is the only hope for the State of Mysore.

Shri S. K. Patil: Even import of machinery requires funds.

Shri Mohamed Imam: Are the funds made available so that at least the first stage of this project will be completed to relieve the shortage of power?

Shri S. K. Patil: So far as the first stage is concerned, to the extent of 178,000 KW. arrangement has been made. Of course, the foreign exchange difficulty is everywhere. To the extent to which it is possible for us to get over it, those things will be expedited.

Shri Mohamed Imam: Will the foreign exchange difficulty be got over...

Mr. Speaker: The hon. Member cannot monopolise. I have called Shri Basappa.

Shri Basappa: Honne Maradu or Sharavathy valley project is one of those vital projects wherein already expenditure has been incurred sufficiently and also generation of electricity is much cheaper comparatively. It will benefit many States in South including Andhra. I say including Andhra, because the ratio of power in

Tungabhadra is 1 to 3 whereas in the Sharavathy project, it will be 1 to 4. So much so, Andhra State also depends on this.

12 hrs.

Shri S. K. Patil: I concede to the hon. Member that Sharavathi project is one of the best projects. There are no two opinions on it and every endeavour will be made to finish it as early as we can.

Shri R. Ramanathan Chettiar: May I know whether the Mysore Electricity system will be connected with the grid system of Madras?

Shri S. K. Patil: Ultimately, that is our plan. There is going to be an all India grid and a beginning will be made in that part of the country.

Dr. K. B. Menon: May I know whether any hydro-electric scheme has been given up by the Mysore State as a result of the State undertaking the Sharavathi project?

Shri S. K. Patil: I have no information yet. I will require notice.

Short Notice Question and Answer

Goods Train collision at Cuddapah

S.N.Q. 1. { **Shri S. V. Ramaswamy:**
Shri Feroze Gandhi:
Pandit D. N. Tiwary:
Shri P. C. Bose:
Shri R. S. Lal:
Shri Raghunath Singh:
Shri Viswanath Reddy:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that a goods train with two engines rolled back some miles and hit against a standing train in Cuddapah Railway Station on the 16th September, 1957;

(b) how many were injured;

(c) what was the extent of damage caused to property;

(d) how the accident took place; and

(e) whether any responsibility has been fixed on any body?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) On 16-9-1957, No. 1580 Up Goods train with two engines, left Cuddapah at 4.50 hours and after travelling about 5 miles on an almost continuous rising gradient, stopped at mile 156/9-10 and rolled back into Cuddapah Station and collided, at about 6.07 hours, with No. 426 Up Raichur-Madras-Passenger train, which had just arrived at the station.

(b) One person received grievous and 28 minor injuries.

(c) The approximate cost of damage to Railway property was Rs. 1500.

(d) According to the Government Inspector of Railways, who held an enquiry, the collision was caused by the brakes of wagons on the goods train having been released, when the train was near the summit of the ghat, without taking adequate precautions to prevent it from rolling back.

(e) The driver of the leading engine of the goods train has been held responsible for the accident.

Shri S. V. Ramaswami: Were the vacuum brakes tested before the engines were started? What happened to the brakes of those two engines? Did they apply brakes at all?

Shri Shah Nawaz Khan: The brakes are invariably tested before the locomotive leaves the shed. The usual procedure was followed in this case as well. In this particular case what happened was this. It was a very steep hill. When it neared the summit, the locomotive came to a stop. When the locomotive comes to a stop the pressure falls with the result that the brakes are automatically applied on all the wagons. So, the driver asked the fireman to get down and release the brakes to create a vacuum so that the brakes on the wagon

would not stop the train from pulling up. When the man went down and released the vacuum, it started rolling back. He tried to apply the brakes. He also tried to apply the vacuum brake equipment and the hand brakes. But, since the line was a steep one, he could not do it. He also shouted to the driver of the locomotive in the rear to apply his brakes. He did that. But, unfortunately, it was going at such a speed that nothing could be done.

Shri Tyagi: The explanation is very satisfactory.

Shri S. V. Ramaswami: Why could the engine not be stopped? Did the engine driver blow the whistle to attract the attention of the Signalman or the station staff like the SM or ASM so that there may not be an accident? It should have been then diverted to the loop line.

Shri Shahnawaz Khan: There was no loop line available at that time.

Shri Narayanankutty Menon: May I know whether it is a fact that the brake mechanism of both the engines were not in order and the driver could not apply the brakes because of the defect in the mechanism of the brakes?

Shri Shahnawaz Khan: The Government Inspector of Railways, who conducted the enquiry, has specifically stated that the breaking gear of both the locomotives were in good order. The thing started rolling at such a high speed that the driver possibly lost control. It is an unfortunate accident.

Shri Joachim Alva: Has the Railway Board got any effective unit which promptly moves into a place of accident, compares the present accident with the past one and sees that such things do not happen in the future?

Shri Shahnawaz Khan: I could not follow the point.

Mr. Speaker: Has the Railway administration any such unit to be rushed to the spot to find out what exactly is the cause and so on?

Shri Shahnawaz Khan: We have a very comprehensive machinery. Over and above the Government Inspector of Railways, who deals with such cases, we have in our department experts who deal with those cases immediately any accident takes place. They make very thorough enquiries and effective steps are taken to prevent repetition of such accidents.

Shri S. V. Ramaswami: Will the report be placed on the Table of the House?

Shri Shahnawaz Khan: That depends upon the view of the Communications Ministry. That question should be addressed to the Ministry of Communications, not to us.

Mr. Speaker: It is for Minister of Railways to advise the Communications Ministry whether it ought to be placed on the Table of the House or not. It is to avoid the same Ministry examining the accident for which that Ministry is responsible, another Ministry has been requested to lend its offices. He will be a judicial officer and he will look into the matter as a judge and will make his report. It is not for that Minister to decide whether it should be laid on the Table of the House or not. I do not intend calling upon that hon. Minister to take up this responsibility. If the hon. Minister of Railways does not want the other Minister to take up this responsibility, he would not do so. It is entirely for the Ministry of Railways to do it or not to do it.

The Minister of Railways (Shri Jagjivan Ram): No, Sir, that is not the legal position. The enquiry is made and the report is submitted to the Communications Ministry. The report is examined by that Ministry. So, it is for that Ministry to decide whether to publish that report or place it on the Table of the House or not to do that. The Railway Ministry is not competent to advise that Ministry to do this or that. That is the constitutional position.

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): The decision rests with the Ministry of Communications, after it has been decided by the Railway Ministry. (Laughter) Hon. Members are laughing before I have finished my sentence. A decision is taken after the Railway Ministry has decided whether a prosecution is to be launched or not about negligence. There is no contradiction between the two. The moment the Railway Ministry has taken a decision that a prosecution is involved, then the Communications Ministry cannot place the report on the Table of the House till the proceedings are completed.

Shri Tyagi: When it is *sub judice*, it cannot be published.

Mr. Speaker: The hon. Ministers have evidently left it to me to decide. I, therefore, call upon the hon. Minister to place it on the Table of the House.

Shri Humayun Kabir: During the last session when this question came up, we did want to place the report on the Table of the House but were advised by the Law Ministry that because proceedings have been instituted, therefore, till the decision was known, they could not be placed on the Table of the House.

Shri Tyagi: Legitimately.

Mr. Speaker: The House is entitled to know from the hon. Minister some information. Some hon. Members wanted a report, arising out of this Question, to be placed on the Table of the House. I requested the hon. Railway Minister to do that. He then said: It is not my responsibility, it is the responsibility of the other Minister. The other Minister says: in case any prosecution has to be launched or is being launched, it is not permissible under the law to lay it on the Table of the House. Now, I would like to know the position so far as prosecution is concerned. I would not advise

you to do anything which is against the interest of the prosecution.

If there is no prosecution, there cannot be any objection to its being laid on the Table of the House.

Shri Jagjivan Ram: I have said generally; I am not talking about this particular accident. Generally the position is that the report is submitted to the Communications Ministry. During the last session when Shri Feroze Gandhi raised the question, I said that I will request the Communications Ministry to place the report on the Table of the House. When I took up that question with the Communications Ministry, I myself was not aware that these complications will arise. Then, on examination in consultation with the Law Ministry, it was found that if, as a result of the report of the Inspector of Railways, any prosecution in a court of law is to be launched, it will not be advisable to make the report of the Inspector public.

Some Hon. Members: Why not?

Shri Jagjivan Ram: That I can't say. Because the matter will be *subjudice*. It is for you to decide. If no prosecution is to be launched, I shall certainly place the report on the Table of the House and make it public.

Some Hon. Members: Under what law....

Shri Tyagi: The Home Ministry and the Law Ministry are also involved.

Mr. Speaker: Hon. Members seem to be too much excited over this small matter. Order, order. I am going to call upon the hon. Home Minister.

The Minister of Home Affairs (Pandit G. B. Pant): As the Railway Minister has already said, if there is no prosecution launched on the basis of this report, it will be placed on the Table of the House. If a prosecution is to be launched, we will consider whether the law permits us to place

it on the Table of the House or whether it will in any way prejudice the prosecution. There is no desire to withhold the report. Sooner or later it will be placed on the Table of the House either before or after the prosecution. That would be determined in the light of the provisions of the relevant law.

Shri Tyagi: Which Ministry decides, or has got the final decision of starting a prosecution or not starting a prosecution?

Mr. Speaker: We are going away into some other matters. The Railway Ministry which is responsible for that may advise prosecution, and the other agencies will take up the actual prosecution in a court of law. I do not know if the hon. Railway Minister has made up his mind to prosecute or not finally, in which case.....

Some Hon. Members: It is the privilege of the House.

Mr. Speaker: Can I appoint a Committee to launch a prosecution? Order, order. The hon. Home Minister has informed us that in case a prosecution has to be launched, it may not be possible apart from the question of legality to place it before the House. Also it is claimed that the Act under which the Inspector is appointed, possibly there are certain rules, I do not know, that the law Ministry has looked into it and feels that it is not legal to place it before the House or publish it while a prosecution is pending or is contemplated. I will examine the position. The hon. Home Minister has said that he will examine the position.

Pandit G. B. Pant: Yes.

Mr. Speaker: I shall also look into

Shri Narayanankutty Menon: May I seek a clarification? The submission made by the Railway Minister was that both under the Constitution and under the Act, that Ministry or the other Ministry could not place the

report on the Table of the House. There is neither a provision in the Constitution nor in the Act which prevents the Ministry from placing that apart from the propriety of placing that.

Some Hon. Members: That is the correct position.

Shri Humayun Kabir: That is the point under examination by the Law Ministry.

Shri Sadhan Gupta: May I make a submission? This is a very important matter affecting our privileges. Before you give a ruling, may we have a discussion on the matter and will the hon. Minister help us by pointing out the law under which there is prohibition? Because, normally, we are not prejudicing any prosecution. If we place it on the Table of the House, that by itself does not prejudice the prosecution because you have ample powers of preventing Publication. I am sure the Members will not publish a report which contains something prejudicial to a prosecution if they know that there is a prosecution pending. Therefore, I do not think that merely for the reason that a prosecution is pending, the report should be withheld from us unless, of course, there is anything prohibiting it under the law itself. Therefore, if the Ministry could help us by referring us to the law, we may have a discussion.

Mr. Speaker: I can suggest at this stage, if any hon. Member would like to just inform me of any position controverting the position that has been said or taken by the Railway Minister or the Communications Minister that so long as a prosecution is launched or is contemplated, it is not permissible to place it on the Table of the House, they may send short notes to me. I shall look into them.

Shri Naushir Bharucha: There is no law on the point. Let them point it out.

Mr. Speaker: Hon. Members will look into it and inform me and send short notes. I am not going to take a

hastily decision on this matter. They may do so in a day, in a week. There is no hurry.

Shri Sadhan Gupta: We can ask them to produce the law.

'Pandit G. B. Pant: I have already said that there is no desire on the part of the Government to withhold the report. We will examine the position. If there is no difficulty from the point of view of the existing law, an attempt will be made to place the report on the Table of the House.

The Minister of Transport and Communications (Shri Lal Bahadur Shastri): May I say a word? The legal aspect may be examined and will be examined as the hon. Home Minister has said. For your information and for the information of the House, I might say that quite a few reports have been published and placed on the Table of the House and in the Library. As a general rule, all important reports pertaining to important accidents or major accidents are published for the information not only of the House, but of the people as a whole.

Shri Achar: May we know the provision of law under which this is prohibited from being placed on the Table of the House?

Mr. Speaker: Hon. Members are unnecessarily taking away the time of the House. Nobody has said absolutely that the law prohibits. The hon. Home Minister has said that he will examine. If after looking into, I find that there must be some more elucidation, I will take the assistance of some of the hon. Members. There is no difficulty in this matter. It does not call for a ruling.

WRITTEN ANSWERS TO QUESTIONS

Travel Agents

*182. { **Shri Morarka:**
Shri Nathwani:

Will the Minister of Railways be pleased to state:

(a) whether it is intended to reduce the commission payable to the Travel Agents;

(b) if so, to what extent it would be reduced; and

(c) the total amount paid to Travel Agents by way of commission during 1956-57?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). Yes, Sir. So far as tickets issued by Travel Agents for normal internal travel is concerned, the rate of commission is being reduced from the existing 5 per cent. to 3½ per cent. with effect from 1-12-1957.

(c) Approximately Rs. 5.8 lakhs.

River Ferry Service Fares

*183. **Shri Rajendra Singh:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that Ghat to Ghat booking between Paleza Ghat and Mahendrughat is not open;

(b) whether the passengers travelling between these stations have to pay the penalty viz., twice the ordinary fares;

(c) if so, the reasons therefor; and

(d) the action Government propose to take in the matter?

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

(b) to (d). There are separate ferry services licensed by the State Government exclusively to cater to the passenger moving from one ghat to the

other. No passenger can, therefore, be booked by the Railway ferry from ghat to ghat, and such passengers detected over the ferry have to be charged fares and excess charges as they would be travelling without tickets.

Drainage in Rural Areas of Delhi

*187. **Shri A. S. Saigal:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether on account of defective system of drainage in Delhi rural areas crops of considerable value have been damaged this year;

(b) whether the Government is giving any priority to the drainage scheme;

(c) which are the schemes under investigation; and

(d) how much it will cost Government to remove completely this defective system of drainage?

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

(b) Yes, Rs. 4 lakhs have been already sanctioned for desilting and grading of Najafgarh drain and the work is in progress and is likely to be completed before the next monsoon.

(c) A statement is placed on the Table of the Lok Sabha [See Appendix I, annexure No. 82].

(d) Rs. 37.00 lakhs.

Dry Dock at Visakhapatnam

*190. **Dr. Ram Subhag Singh:** Will the Minister of Transport and Communications be pleased to state what progress has been made in constructing the Dry Dock in the Visakhapatnam shipyard?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): Against the total estimated cost of Rs. 215.00 lakhs for this project, an expenditure of

about Rs. 2.33 lakhs has been incurred on certain preliminary works which have been carried out on the basis of the Project Report of Messrs. Rendel Palmer & Tritton of U. K., the Technical Consultants for this Project. Further implementation of this scheme has been held up for want of funds during the current financial year.

Power Supply from Bhakra-Nangal to Delhi, Punjab and Rajasthan

*191. **Shri Ajit Singh Sarhadi:** Will the Minister of Irrigation and Power be pleased to state the quantity of power expected to be given to Delhi, Rajasthan and Punjab out of the Hydro-electric Projects at Nangal and Bhakra?

The Minister of Irrigation and Power (Shri S. K. Patil): A statement giving the required information is laid on the Table of the Lok Sabha [See Appendix I, annexure No. 83].

Pension for Railway Employees

*195. **Shri Tangamani:** Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 1191 on the 28th August, 1957 and state:

(a) whether the Pension System has since been introduced on the Railways; and

(b) if so, since when?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). It has been decided to introduce the Pension System on the Railways with effect from 1-4-57 and orders are likely to issue within a week or two.

Rice Supply in Bengal

*196. **Shrimati Renu Chakravarty:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that cheaper variety of rice under modified

rationing scheme is not available in West Bengal;

(b) whether they are aware that there is a consequent rise in price of rice in open market; and

(c) whether the Central Government propose to make any allotment of cheaper rice for West Bengal?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) No Sir. In the districts, the cheaper imported Burma rice is still being distributed but in Calcutta American fine rice and indigenous varieties rice are being distributed at higher prices.

(b) There has been no wide fluctuations in the market prices of rice in West Bengal recently.

(c) Major part of the supply of rice to West Bengal from central reserve is already in the form of cheap coarse rice.

Anti-Sea Erosion Works in Kerala

*197. Shri Kodiyan: Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Kerala Government have submitted any proposal to the Central Government to extend the anti-sea erosion works now being carried on in certain selected places on the coast of Kerala to other affected areas along the coast line;

(b) if so, the nature of the proposal; and

(c) the extent of financial aid sought for by the State Government in this connection?

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

(b) and (c). A statement containing the requisite information is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 84].

Kotla and Ganguwal Plants of Bhakra Nangul Project

*198. Sardar Iqbal Singh: Will the Minister of Irrigation and Power be pleased to state the date when the additional units at Kotla and Ganguwal Electric Plants will be completed and power will be produced?

The Minister of Irrigation and Power (Shri S. K. Patil): The additional units at Kotla and Ganguwal Power Stations are expected to be commissioned in 1960-61.

Prevention of Cruelty to Animals

*199. { Shri D. C. Sharma:
Shri Bhakt Darshan:

Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 1559-A on the 6th September, 1957 and state:

(a) whether the recommendations in the report submitted by the Committee on Prevention of Cruelty to Animals has been considered so far as the Government of India is concerned; and

(b) if so, the decision taken thereon?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). The recommendations made in the report submitted by the Committee on Prevention of Cruelty to Animals are still under the consideration of the Government of India.

Manufacture of Paper

*200. Shri Shree Narayan Das: Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 2342 on the 18th May, 1956 and state:

(a) whether the exploratory scheme for paper manufacture from jute sticks worked out by the Indian Central Jute Committee has yielded any results;

(b) if so, the nature of results achieved;

(c) whether as a result of the experiment there is any likelihood of good prospects for this venture; and

(d) whether the economics of this proposal have been studied?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Work under the exploratory scheme has been taken up at the Technological Research Laboratories of the Indian Central Jute Committee, but on account of lack of equipment, which is normally available only from outside the country, no appreciable progress has been possible. Attempts are, however, being made to get the laboratory equipment manufactured locally as far as possible and work is expected to start in right earnest as soon as this is done.

(b) to (d). Do not arise.

दिल्ली की बस्तियों में लिये निर्माण-
आयोजनायें

*२०१. श्री नवल प्रसाद : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि जब से दिल्ली विकास (अस्थायी) प्राधिकार का गठन हुआ है तब से उस ने विभिन्न बस्तियों के लिये निर्माण-आयोजनायें मंजूर करने के लिये अलग-अलग प्रतिमान निर्धारित किये हैं; और

(ख) यदि हां तो इस के क्या कारण हैं ?

स्वास्थ्य मंत्री (श्री कर्मकर) : (क) जी हां ।

(ख) एक विवरण सभा की मेज पर रख दिया गया है । [देखिये अतिरिक्त, १, अ. ब. संख्या ८५]

Rail-Sea Co-ordination Committee

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

(a) whether the examination of the recommendations of the Rail-Sea Co-ordination Committee has been completed;

(b) if so, the nature of the decision arrived at; and

(c) if the reply to part (a) above be in the negative the reasons for delay?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) to (c). The Rail-Sea Co-ordination Committee has made a number of recommendations of which the most important is in regard to the question of enhancement of coastal freight rates. A statement indicating the decision taken by Government on this question is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 86]. The other recommendations of the Committee are still under consideration of Government.

Andaman Forests

*203. { **Shri S. C. Samanta:**
Shri Subodh Hasda:

Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 1541 on the 6th September, 1957 and state:

(a) how much of the outstanding wages of labourers working under M/s. P. C. Ray and Co., has been paid up to date;

(b) how much of the royalties due has been recovered up to date from ship-loads despatched to the mainland; and

(c) whether a statement of royalties will be laid on the Table year by year mentioning the dates of payment also?

The Minister of Food and Agriculture (Shri A. P. Jais): (a) Rs. 2,02,500.

(b) and (c). A statement is laid on the Table of the Lok Sabha [See Appendix I, annexure No. 87].

Integral Coach Factory, Perambur

*204. **Shri B. S. Murthy**: Will the Minister of Railways be pleased to state:

(a) the quantity of timber imported from Burma for the Integral Coach Factory, Perambur, Madras;

(b) the cost of the same; and

(c) whether the same could not be found in India?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) No timber has been imported for the Integral Coach Factory.

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

Remodelling of Delhi Junction Station

*205. **Sardar Iqbal Singh**: Will the Minister of Railways be pleased to state the progress made in the scheme for remodelling of Delhi Junction Station?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): The remodelling of M. G. portion estimated to cost Rs. 13.28 lakhs sanctioned in December, 1955—60 p.c. has been completed.

B. G. portion estimated at Rs. 38.50 lakhs sanctioned in June, 1957 has just been taken in hand and arrangements for constructing quarters in replacement of those required to be dismantled for the Remodelling Scheme are in progress. Permanent way materials are being arranged.

Power House at Baruni, Bihar

{ **Shri Shree Narayan Das**:
Shri Radha Raman:
Shri Bibhuti Mishra:
Pandit D. N. Tiwary:
Shri T. K. Chaudhuri:
Shri Jhulan Sinha:

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

at present with regard to the establishment of a Power House at Baruni in Bihar in view of the foreign exchange position?

The Minister of Irrigation and Power (Shri S. K. Patil): The scheme for the establishment of a thermal power station at Barauni, consisting of two power plants of 15,000 KW each, has been included in the Second Five Year Plan. Due to the present difficult foreign exchange position, Government of Bihar are trying to obtain deferred terms of payment for supply of material and equipment for the station. The terms of payment are under negotiation between the Government of Bihar, and the firms whose tenders have been found technically suitable. Land for the Power House and attached quarters has already been acquired and taken possession of, and design and estimates for staff quarters have been finalised.

Air-Conditioned Coaches

226. { **Shri Rajendra Singh**:
Dr. Ram Smbhag Singh:

Will the Minister of Railways be pleased to state:

(a) what is the total amount the Railway has so far spent on air-conditioned coaches;

(b) what is the expenditure so far made on employment of additional hands to administer and operate the air-conditioned coaches;

(c) how many seats are daily available in air-conditioned coaches all over Indian Railways;

(d) what is the average number of seats booked daily; and

(e) what has been the earnings so far from the air-conditioned coaches?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) to (c). The information is being collected and will be laid on the Table of the Lok Sabha in due course.

Claims on N.E. Railway

227. Shri Rajendra Singh: Will the Minister of Railways be pleased to state:

(a) the total amount of claims that the North-Eastern Railway had to pay in the following years respectively:—

- (i) 1953-54
- (ii) 1954-55
- (iii) 1955-56
- (iv) 1956-57

(v) and from 1st April, 1957 to 1st September, 1957;

(b) the total amount of outstanding claims under consideration on the same Railway;

(c) the total number of claims petitions preferred against pilferage and thefts on Paleza Ghat and Mokamah Ghat and the amount involved in the following years:

- (i) 1955-56
- (ii) 1956-57, and
- (iii) 1st April, 1957 to the 1st September, 1957;

(d) whether it is a fact that cases of thefts and pilferages have not shown appreciable decline on the North-Eastern Railway; and

(e) if so, what steps Government have taken or contemplate to take to seal the leaking points and bring to book the offenders departmentally?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Total amount of claims paid by North Eastern Railway year-wise was:—

1953-54	Rs. 36,69,779
1954-55	Rs. 37,12,503
1955-56	Rs. 53,62,744
1956-57	Rs. 53,93,694
1st April to 1st September, '57.	Rs. 18,77,299

(b) Approximately Rs. 58,59,000 as on 30th September, 1957.

(c) Separate statistics are not maintained, giving the number of claims preferred on account of pilferage and thefts at any individual stations such as Paleza Ghat and Mokamah Ghat.

(d) No.

(e) Does not arise. However, the normal precautions are being intensified and extended.

Railway Lines

228. Shri Sugandhi: Will the Minister of Railways be pleased to state:

(a) the total mileage of the various rail tracks, Gauge-wise and Zone-wise and the area in square miles of each such Zone;

(b) the Zones in which double lines now exist with their total length;

(c) the Zones that were provided with new lines during the First Five Year Plan period; and

(d) the Zones in which narrow gauge was converted into-metre or board gauge system during the same period?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) and (b). The Hon'ble Member presumably refers to the individual zonal Railway systems; his attention is invited to statement No. 8 in the "Report by the Railway Board on Indian Railways for the year 1955-56" Volume II, which contains the information regarding various rail tracks and double lines Railway-wise and Gauge-wise. Railway track being longitudinal, only the mileage can be stated and not the area in sq. miles for each zonal system.

(c) and (d). The information relating to new lines and to conversion of N. G. lines is set out in Tables 1 and 3 appearing on pages 11 and 12 of the pamphlet, "The progress of the First Five Year Plan on Indian Railways", copies of which were supplied

to the Members of Parliament along with the Budget papers for 1956-57.

Locomotives

229. Shri S. M. Banerjee: Will the Minister of Railways be pleased to state the present cost of per locomotive produced in Chittaranjan Locomotive Works?

The Deputy Minister of Railways (Shri Shahnawaz Khan): The average cost of manufacture of a W.G. Locomotive during the year 1956-57 was Rs. 4.08 lakhs excluding dividend charges.

Kangra Valley Rail Track

**230. { Shri Hem Raj:
Shri Daljit Singh:**

Will the Minister of Railways be pleased to state:

(a) whether it is proposed to shift the Rail Track of the Kangra Valley Section Railway line between Jawanwala Shahar and Guler Station;

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

(c) the probable cost to be incurred thereon and when the work will commence?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) No. Sir.

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

Jaipur Post Office

231. Shri B. C. Mullick: Will the Minister of Transport and Communications be pleased to refer to the reply given to the Unstarred Question No. 339 on the 29th July, 1957 and state:

(a) whether the construction of Jaipur Head Post Office building has since been started; and

(b) if not, the reasons for the delay?

The Minister of Transport and Communications (Shri Lal Bahadur Shastri): (a) No.

(b) C. P. W. D. authorities have been unable to get a contractor for its execution despite repeated calls for tenders. The question of entrusting the work to State P.W.D. is under consideration.

Rural Co-operatives

232. Shri Shree Narayan Das: Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 1259 on the 22nd September, 1954 and state:

(a) whether the scope and functions of any of the Extension Training Centres have been enlarged so as to provide instructions to farmers living in the vicinity in new developments in Agriculture and in the formation of rural Co-operatives;

(b) if so, the number of farmers who have received such instructions so far and the centres which have been doing this work; and

(c) whether the services of those instructors who were sent to Denmark for study are being utilised in the manner suggested in the scheme?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) No. Not at present. The extension Training Centres are still entirely engaged in training Village Level Workers who bring the latest information on agriculture and other allied subjects to the Villagers.

(b) Does not arise.

(c) In view of the information given above, the services of most instructors are being utilised at the Extension Training Centres to train the Gram Sewaks for their job of helping the farmers and other Village people to improve and better organise farming and other local rural occupations.

National Highways in Punjab

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

(a) the mileage of National Highways running in Punjab State (route-wise); and

(b) the development schemes proposed?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) and (b). Two statements giving the required information are laid on the Table. [See Appendix I, annexure No. 88.]

Distribution of Foodgrains

234. Shri D. C. Sharma: Will the Minister of Food and Agriculture be pleased to state:

(a) whether the foodgrains which arrived in India in the months from April to November, 1957 so far have been distributed to all the States where there was deficiency; and

(b) if so, the State-wise quantity of distribution?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). A part of the foodgrains which arrive in India are taken in the Central Reserve and a part is directly distributed from the docks to the recipient States. Distribution is also made from the stocks in Central Depots. The total quantity imported during April—October, 57 was 23.22 lakh tons, while the quantity distributed was 18.44 lakh tons as follows:—

(In '000 tons)

State	Quantity
Andhra Pradesh	22.7
Assam	37.2
Bihar	296.2
Bombay	303.3
Delhi	54.9
Jammu & Kashmir	48.3
Kerala	151.9
Madhya Pradesh	22.8
Madras	71.2
Mysore	39.2
Himachal Pradesh	1.6
Orissa	7.1
Punjab	8.7
Rajasthan	17.1
U. P.	187.9
West Bengal	463.4
Tripura	19.1
Others	91.7

Total 1,844.3

Import of Rice

235. Shri D. C. Sharma: Will the Minister of Food and Agriculture be pleased to state:

(a) the total quantity of rice imported during the last 4 years, year-wise with its value; and

(b) the quantity sold out of the above imports and the total amount realised?

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

Year	Quantity (in '000 tons)	Value (Lakhs of Rs.)
1953	175	1423
1954	603	4046
1955	265	1785
1956	325	1667
Total	1368	+8921

(b) The entire quantity has already been sold and the estimated sale proceeds amount to about Rs. 55 crores.

Railway Earnings

236. Shri D. C. Sharma: Will the Minister of Railways be pleased to state:

(a) the earnings of Railways during each of the months of July, August and September, 1957 as compared to the corresponding months during the year 1956-57; and

(b) the reasons for the increase or decrease therein?

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

	(Figures in Lakhs)		Variations
	1956	1957	
July	27.62	29.58	+ 1.96
August	26.62	31.52	+ 4.90
September	26.11	29.81	+ 3.70
Total	80.35	90.91	10.56

(b) The increase is partly due to increase in traffic and partly due to the enhancement from 6½% to 12½% of the supplementary charge on Goods and Parcel traffic with effect from 1-7-57.

Allotment of Funds Under UNICEF

237. { Shri Shree Narayan Das:
Shri Bibhuti Mishra:

Will the Minister of Health be pleased to lay a statement on the Table regarding allotments made various categories or programmes under UNICEF during 1957-58 sanctioned by the appropriate authority and state:

(a) whether these allotments have been made for schemes already framed or they are to be framed now; and

(b) whether, any and if so, to what extent the Central Government or the State Governments concerned will have to participate?

The Minister of Health (Shri Kar-markar): Unicef observes calendar year and generally makes allocations for the various programmes twice a year (in March/April and September).

(a) The allocations are made generally in the form of supplies and equipment by the Unicef for schemes already framed by the State Governments concerned or by the Centre, as the case may be.

(b) The supplies and equipment from the Unicef are given to the State Governments concerned for distribution in such manner and through such agencies as the State Governments deem fit.

The details of allocations made during April and September, 1957 are as follow:—

April, 1957

(1) Maternal & Child Welfare (Development of Primary Health Centres)	\$1,515,000
(2) Tuberculosis Control	\$ 131,000
(3) Paediatric Training and Services in Madras	\$ 38,000
(4) Goitre Control	\$16,500
(5) School and Pre-school feeding (8,500 short tons skim milk, freight only)	\$383,000
TOTAL	\$2,083,500

September, 1957

(1) Maternal and Child Welfare :	
(a) Rural Health. (Development of Primary Health Centres)	\$1,546,000
(b) Hyderabad, Andhra Pradesh (Paediatric Training and Services)	\$46,000
(c) Madras (Paediatric Training of Nurses)	\$5,000
(2) Tuberculosis Control :	
(a) Equipment for three mobile case finding and treatment units and for one mobile survey unit which are to begin operation in 1958 as essential parts of the new national TB control programme \$ 144,000	\$196,000
(b) Vehicles to replace those provided earlier by Unicef for the BCG campaign which will not be serviceable beyond 1958, 52,000.	
(3) Milk Conservation : Ahmedabad	\$330,000
(4) Penicillin Plant Production (Deficit)	\$25,521
(5) BCG Anti-T.B. Vaccination (Deficit)	\$1,236
TOTAL	\$2,149,757

The allocation for 1958 will be known only in April next year.

मुजफ्फरपुर-दरभंगा रेल-मार्ग

२३८. { श्री श्रीनारायण बास :
श्री राधा रमण :

क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या पूर्वोत्तर रेलवे के मुजफ्फरपुर-दरभंगा रेलमार्ग का यातायात और इंजीनियरिंग सर्वेक्षण पूरा हो चुका है और सर्वेक्षण की रिपोर्ट प्राप्त हो चुकी है; और

(ख) यदि नहीं तो विलम्ब के क्या कारण हैं ?

रेलवे उ.मं. श्री शा. नवाज खां :
(क) तथा (ख), जी हां। रेलवे सर्वे रिपोर्टों की जांच कर रही है।

उर्वरक

२३९. { श्री श्रीनारायण बास :
श्री राधा रमण :

क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत सरकार ने विभिन्न राज्य सरकारों के सहयोग से किसी ऐसी योजना के बारे में निर्णय किया है जिससे अधीन किसानों को अनाज के बदले में उर्वरक दिये जायेंगे ;

(ख) क्या इस योजना को अन्तिम रूप दे कर मंजूर कर लिया गया है ;

(ग) यदि हां तो इस योजना की रूपरेखा क्या है ;

(घ) इस योजना के प्रशासनिक और वित्तीय परिणाम क्या हैं ;

(ङ) क्या इस योजना का कार्य प्रारम्भ हो गया है ; और

(च) यदि हां तो योजना की कार्यान्विति के फलस्वरूप अनाज की कितनी मात्रा का संग्रह किया जा चुका है ?

खाद्य तथा कृषि मंत्र : (श्री अ० प्र० जैन) : (क) तथा (ख). एक योजना विचारधीन है परन्तु इस का अन्तिम निर्णय अभी होना बाकी है।

(ग) से (च). प्रश्न नहीं उठते।

Restaurant Cars

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

(a) whether orders have been issued banning the entry of passengers other than the 1st class into the restaurant cars; and

(b) if so, what are the reasons that lead to bringing about this change?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) No such orders have issued. Passengers holding II and III class tickets continue to enjoy the facility of travelling in the Restaurant cars without payment of extra fare, during meal hours only.

(b) Does not arise.

Sale of Iron Hinges and Screws

242. { Shri Subodh Hasda:
Shri S. C. Samanta:

Will the Minister of Railways be pleased to state:

(a) whether Government are aware of the fact that a large quantity of iron hinges and screws manufactured by the Smithy Workshop Kharagpur, South Eastern Railway has been sold in the open market, and

(b) if so, whether Government have taken any action to stop such unauthorised sales?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes. Recent investigations have revealed unauthorised manufacture of steel hinges in the Smithy Shop of the Railway Loco Workshops at Kharagpur. Further investigations are continuing in regard to the exact number of such hinges and whether any portion thereof was taken out of the Workshops.

(b) Yes. The matter has been reported to the police who have already made some arrests in this connection. The departmental enquiries in this connection are still in progress.

दिल्ली में तपेदिक के रोगी

२४३. श्री नवल प्रभाकर : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि :

(क) अप्रैल—अक्तूबर १९५७ के दौरान में पश्चिमी पाकिस्तान से विस्थापित तपेदिक के कितने रोगियों को आधिक सहायता दी गई; और

(ख) उक्त अवधि में कितने रोगियों को अस्पताल में भर्ती किया गया ?

स्वास्थ्य मंत्री (श्री करमचकर) :

(क) १२,६३८ रु० ।

(ख) अप्रैल से अक्तूबर १९५७ की अवधि में दिल्ली के अस्पतालों में भर्ती किये गये तपेदिक के रोगियों की संख्या ११३७ है जिनमें १८२ विस्थापित तपेदिक के रोगी हैं ।

दिल्ली में मलेरिया-निरोधक दल

२४४. श्री नवल प्रभाकर : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली में मलेरिया-निरोधक दल में कितने व्यक्ति कार्य कर रहे हैं; और

(ख) यह दल किस विभाग की देख-रेख में कार्य करता है ?

स्वास्थ्य मंत्री (श्री करमचकर) : (क) मलेरिया-निरोधक दल दिल्ली में २६६ व्यक्ति सारे माल काम करते हैं और साल में २ से ८ महीनों के लिए ७०४ व्यक्ति सामयिक कर्मचारियों के रूप में नियुक्त किये जाते हैं ।

(ख) यह काम भारतीय मलेरिया संस्था, दिल्ली के निदेशक की देख-रेख में, जो दिल्ली में मलेरिया निरोधक संसारों के कार्यकारी अफसर भी

हैं, स्वानिक निकायों द्वारा अपने-अपने नगरपालिका-क्षेत्रों में (जिन में प्रतिरक्षा मलेरिया-निरोधक दल शामिल है) चलाया जाता है । दिल्ली प्रशासन के चिकित्सा एवं लोक-स्वास्थ्य विभाग द्वारा प्रशासकीय नियंत्रण रखा जाता है ।

Ernakulam-Quilon Railway

245. **Shri Kumaran:** Will the Minister of Railways be pleased to state whether it is a fact that Government have decided to include Ernakulam-Quilon Section in the Madurai Division instead of in the Olavakot Division?

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

Hospital at Nagarjunasagar Dam

246. **Shri T. B. Vittal Rao:** Will the Minister of Irrigation and Power be pleased to refer to reply given to Starred Question No. 956 on the 17th August, 1957 and state:

(a) whether the Left Bank Hospital at Nagarjunasagar Dam has since been opened for admission; and

(b) if not, the reasons therefor?

The Minister of Irrigation and Power (Shri S. K. Patil): (a) No.

(b) The Left Bank Hospital could not be opened in November, 1957 as programmed, owing to the failure of the Contractor to adhere to the scheduled programme of construction. Alternative arrangements have been made to ensure completion of this hospital by January, 1958.

Medical College in Bankura District, West Bengal

247. { **Shri S. C. Samanta:**
Shri Barman:

Will the Minister of Health be pleased to state:

(a) whether Government is aware that a new Medical College in the

rural areas of the district of Bankura, West Bengal, is being organised by the local people; and

(b) whether in view of the shortage of medical personnel in the country, the Central Government propose to give any assistance to this institution?

The Minister of Health (Shri Karmarkar): (a) Yes, Sir.

(b) The Central Government have not received any request for granting assistance to this institution.

Accident on Sealdah Section

248. Shri Kumaran: Will the Minister of Railways be pleased to state whether it is a fact that five persons were fatally run over by trains in the Sealdah Section of the Eastern Railway on the 24th September, 1957?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): Five such accidents occurred on the Sealdah Division of the Eastern Railway on 24.9.1957 viz.,

three on the Sealdah-Naihati section in which three trespassers were killed;

one on the Calcutta-Ballygunge section in which a Fireman was killed; and

the fifth on the Sealdah-Bongaon section resulting in serious injuries to a person who attempted to detain while the train was in motion.

Poultry Farm at Bhubaneswar

249. Shri Sanganna: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that a proposal to start a Pilot Poultry farm at Bhubaneswar by the Central Government is under consideration; and

(b) if so, with what results?

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

(b) The Government of Orissa have agreed to place a plot of land near Bhubaneswar at the disposal of the Government of India free of cost for setting up a Regional Poultry Farm there.

विकास आयुष्यों का सम्मेलन

२५०. श्री भक्त दर्शन: क्या सामुदायिक विकास मंत्री यह बताने की कृपा करेंगे कि दिनांक ३१ मई १९५७ के तारांकित प्रश्न संख्या ६७४ के उत्तर के बाद मसूरी में हुए विकास आगुक्त सम्मेलन के निर्णय को कार्यान्वित करने की दिशा में क्या प्रगति हुई है ?

सामुदायिक विकास मंत्री (श्री सु० कु० डे): मसूरी सम्मेलन की "मुख्य सिफारिशें अथवा निष्कर्ष" राज्य सरकारों तथा केन्द्रीय मन्त्रालयों द्वारा साधारणतः स्वीकार कर ली गई है। कुछ सिफारिशें कार्यान्वित कर दी गई हैं और शेष कार्यान्वित की जा रही हैं। सूचना प्राप्ति का पूरा प्रबन्ध रखा जा रहा है। "एस्टीमेट कमेटी" द्वारा दिये निर्णयों को ध्यान में रखते हुए एक पुस्तक जिसमें सभी प्रकार की सूचनाएँ होंगी तैयार की जायेगी और सभी प्रकार की सूचनाओं के प्राप्त हो जाने पर उसे पुस्तकाकार प्रकाशित किया जायेगा। हुई प्रगति का पुनरावलोकन सामुदायिक विकास के वार्षिक सम्मेलन पर किया जायेगा।

आउट-एजेंसियां

२५१. श्री भक्त दर्शन: क्या रेलवे मंत्री ३ दिसम्बर, १९५६ के अतारांकित प्रश्न संख्या ५५० के उत्तर के उम्बन्ध में यह बताने की कृपा करेंगे कि:

(क) इस बीच रेलवे के प्रत्येक जोन के किन-किन स्टेशनों पर आउट-एजेंसियां खोली गई हैं;

(ख) इस समय किन-किन नये स्थानों पर आउट-एजेंसियां खोलने का विचार किया जा रहा है; और

(ग) इन एजेन्सियों के कब तक खुल जाने की सम्भावना है ?

रत्न उमंग्री (श्री शाहनवाज खाँ) : (क) से (ग). एक विवरण सभा के पटल पर रख दिया गया है [बेसिये परिशिष्ट १, अनुसूच सं० ८६]

हिमाचल प्रदेश में वेटरिनरी असिस्टेंट सर्जन

२५२. श्री नैक राम नेगी : क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हिमाचल प्रदेश में पिछले तीन वर्षों से वेटरिनरी असिस्टेंट सर्जन के पद रिक्त पड़े हैं ।

(ख) यदि हाँ, तो ऐसे रिक्त स्थानों की संख्या क्या है और उन्हें रिक्त रखने के क्या कारण हैं ; और

(ग) क्या यह भी सच है कि पुराने वेटरिनरी डाक्टरों को नये डाक्टरों की अपेक्षा कम वेतन मिलता है ?

खाद्य तथा कृषि मंत्री (श्री अ० प्र० जैन) : (क) तथा (ख). वेटरिनरी असिस्टेंट सर्जनों के ४० स्वीकृत पदों में से ३२ पद देश में वेटरिनरी ग्रेजुएटों की बहुत कमी होने के कारण खाली हैं । अन्य राज्यों के निवृत्त वेटरिनरी असिस्टेंट सर्जनों या उप-नियुक्ति वालों की सेवाएँ भी इन पदों को भरने के लिये उपलब्ध नहीं हो सकी हैं ।

(ग) जी नहीं । अधिक योग्य और अनुभव वाले नये डाक्टरों को नियमों के अनुकूल ज्यादा से ज्यादा ५ एडवान्स इन्फ्री-मैन्ट्स प्रारम्भ में ही दिये जाते हैं ।

New Women's Hospitals in Delhi

253. **Shri Bishwanath Roy:** Will the Minister of Health be pleased to state:

(a) in view of the increasing population of Delhi whether any proposal is under consideration for starting new Women's Hospitals and for increasing the number of beds in the present hospitals; and

(b) whether any step has been taken under the Second Five Year Plan for improvement of the present hospitals?

The Minister of Health (Shri Karmarkar): (a) and (b). There is no proposal under consideration for starting new women's hospitals in Delhi. During the Second Five Year Plan 41 beds have already been added in the Victoria Zanaana Hospital, Delhi. A maternity block consisting of 200 Gynaecological and Maternity beds is proposed to be added to the Safdar-jang Hospital during this period. A scheme for the construction of new wards providing approximately 100 additional beds in the Lady Hardinge Medical College and Hospital for Women and also a scheme for its expansion are under consideration. A maternity block is proposed to be constructed in the Willingdon Hospital during the Second Five Year Plan. Steps have also been taken for the general improvement of the Safdar-jang and Willingdon Hospitals. Besides this, it is proposed to add/create approximately 1,077 beds for men and women in the various hospitals/Health Centres in Delhi during the Second Five Year Plan.

Loudspeakers at Stations

254. { **Shri Nathwani:**
Shri Morarka:

Will the Minister of Railways be pleased to state:

(a) the names of the railway stations on which loudspeakers are so far installed;

(b) the total cost of these loudspeakers; and

(c) whether the equipment was imported from outside or purchased from Indian manufacturers?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) A statement is laid on the Table of Lok Sabha. [See Appendix I, annexure No. 90].

(b) Rs. 6,40,264/-

(c) Partly imported and partly purchased from Indian sources.

Ships built at Hindustan Shipyard Ltd.

255. Shri Abdul Salam: Will the Minister of Transport and Communications be pleased to state:

(a) how many ships will be ready for delivery from the Hindustan

Shipyards (Private) Ltd., Visakhapatnam during 1957-58;

(b) the capacity of each ship; and

(c) the total tonnage of each ship?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) to (c). The following three ships are expected to be delivered during the year 1957-58:

	M.V. "Anda- mans"	M.V. "State of Orissa"	M.V. "Jsa- vikram"
Deadweight	4060T	8000T	7000T
GRT	5934	5169	4584
Displacement (Total weight)	7900	12402	10840
H.P. of Engine	2100	4960	3800
Trial speed	13 knots	14 knots	12 knot
Particulars of Passenger Accommodation	66 cabin Class 550 Deck Pass	Nil.	Nil.
	616		

Inter-State Scheme for Control of Yaws

256. Shri Sanganna: Will the Minister of Health be pleased to refer to the reply given to Starred Question No. 1195 on 26th August, 1957 in respect of the Inter-State scheme for the control of yaws and state the reasons for disparity in the amounts of expenditure and the number of patients treated among the three States?

The Minister of Health (Shri Kar-markar): The reasons are as follows:—

(i) the yaws control work started in the different States at different periods;

(ii) there is difference in the extent of the areas under operation as well as in the incidence of the disease; and

(iii) the local problems and costs and the extent and speed of the surveys vary from State to State.

Non-payment of Salaries and Allowances to Railway Staff

**257. { Shri Narayanankutty Menon:
Shrimati Parvathi Krishnan**

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the salaries and allowances of the Railway staff in the Olavakot and Trichinopoly Divisions of the Southern Railway, have not been paid to them for several months;

(b) if so, the reasons therefor; and

(c) what steps have been taken on the various representations made by the staff and the Labour Union in this regard?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). Salaries due to staff are not in arrears. In the Olavakot Division there has, however, been some delay in the payment of overtime and travelling allowances which fell into arrears in the

District Offices prior to the Divisionalisation.

On the Trichinopoly Division, there are hardly any arrears in respect of overtime. Payment of travelling allowance is, however, in arrears for about two months.

(c) Additional staff have been deputed to clear this work in arrears.

Rice Purchase in Andhra

258. **Shri Narayanankutty Menon:** Will the Minister of Food and Agriculture be pleased to state:

(a) the tonnage of rice procured by the Government of India from Andhra Pradesh during the months of August and September, 1957 separately;

(b) what was the price given in each month;

(c) what was the market price of rice prevailing in the Tadepalligudem rice market in Andhra in the second week of August, 1957; and

(d) what was the estimated surplus stock of rice in Andhra Pradesh in the beginning of August, 1957?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) 5,160 tons in the month of August, 1957 and 17,060 tons in the month of September, 1957.

(b) A statement giving the prices paid during August and September, 1957 is laid on the Table of Lok Sabha. [See Appendix I annexure No. 91]

(c) Rs. 18.25 to Rs. 20.25 bagged per maund for different varieties of coarse (boiled and Raw) rice.

(d) Approximately 2 lakh tons.

Central Water and Power Research Station, Khadakvasla

259. **Shri S. C. Samanta:** Will the Minister of Irrigation and Power be pleased to state:

(a) how many sections are there in the Central Water and Power Research Station at Khadakvasla;

(b) what sort of works are generally referred to this station by the State Research Organisations;

(c) how the research works in different States are being co-ordinated; and

(d) what additional facilities are available to the Khadakvasla Station after its shifting from Poona?

The Minister of Irrigation and Power (Shri S. K. Patil): (a) There are altogether 8 sections in the Central Water and Power Research Station, of which 4 are located at Khadakvasla and 4 at Poona.

(b) Problems on hydro-dynamics, river training, navigation, flood control and harbours arising in connection with the design of river valley projects and the principal waterways and harbours of the country are generally referred to this research station by the State Governments and other authorities concerned for conducting hydraulic model experiments.

(c) Co-ordination of research work is done by the Central Board of Irrigation & Power. This Board holds annually two sessions, at which all research problems which are investigated by the State Research Stations, are discussed and knowledge is interchanged. The Board has also set up a Standing Research Sub-Committee which reviews the programme and keeps a watch over the progress of research work in these stations.

(d) The large quantity of water that is required for conducting the hydraulic model experiments is easily available from the lake at Khadakwasla, while at Poona there was no such facility.

रेल के डिब्बों में विज्ञापन

२६०. **श्री रघुनाथ सिंह :** रेलवे मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि रेलवे मंडल रेल के डिब्बों में विज्ञापनों के प्रदर्शन के लिये कोई योजना बना रहा है ?

रेलवे उपमंत्री (श्री सातनारायण झा) : कोई खास योजना नहीं बनायी जा रही है ।

उपनगरी गाड़ियों (suburban trains) में लगाने के लिये इस तरह के विज्ञापन पहले से लिये जा रहे थे। अभी हाल में आदेश दिया गया है कि रेल-प्रशासन मुख्य लाइन की गाड़ियों के डिब्बों में लगाने के लिये भी मानक आकार के (standard size) व्यवसायिक विज्ञापन (commercial advertisements) ले सकते हैं।

Goods Transport from Marmagao

261. **Shri Sugandhi:** Will the Minister of Railways be pleased to state:

(a) what was the daily average traffic (goods) handled by the Southern Railway through Marmagao port prior to the closure of Goa border;

(b) what were the major commodities of the traffic at that time;

(c) the total quantity of goods transported, both ways, for the years 1953-54, 1954-55 and 1955-56;

(d) how this traffic is being moved now;

(e) has much congestion occurred in the junctions of Ghorapuri, Guntakal and Bangalore; and

(f) whether it is a fact that manganese ore is now being booked to Hubli and then transported to Karwar by motor trucks for further shipments by the S.T.C.?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) About 7,500 tons, some part of which was moved by railway and the rest by other means of transport.

(b) Metallic ores, coal, grain and pulses, Kerosene oil and general goods, the most important being metallic ores.

(c) The quantities transported by railway were:—

1953-54	600,000 (approximate)
1954-55	360,000 (approximate)
1955-56	110,000 (approximate)
(upto November)	

(d) The traffic that was moving by rail to and from stations in the Indian Union is now moving to and from other ports, principally Bombay, Madras, Vizagapatam, Cochin and Masulipatam and in the case of Coal direct from the collieries by rail.

(e) No.

(f) Yes.

Train Punctuality

262. **Shri Sugandhi:** Will the Minister of Railways be pleased to state:

(a) the percentage of punctuality of the passenger trains to scheduled time in the Gadag Sholapur M.G. section of Southern Railway during the months of April, May and June for the last four years;

(b) if trains have been unpunctual in general the reasons therefor; and

(c) whether Government will introduce diesel engines for passenger trains to give relief to the travelling public in this area?

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

	Percentage of punctuality		
	1955	1956	1957
April	57	60	50
May	44	41	38
June	42	41	34

NOTE.—Records pertaining to the year 1954 are not available.

(b) Scarcity of water and bad quality available during summer result in out of course detention for water and defects in engines respectively.

(ii) Seasonal rush of passenger traffic in summer.

(iii) Detentions to trains at Hotgi for connecting with Broad Gauge trains running late.

(iv) Long non-controlled block sections which upset the operation of train services if one train runs behind schedule.

(v) The necessity to use light type engines due to four major bridges on the section not being upto the requisite standard.

"The running of trains is specially watched on the Section. There is an improvement in the performance from August onwards.

(c) There is no proposal to utilise diesel engines on this section.

यात्री सुविधायें

२६३. श्री मोहन स्वयं : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को यह ज्ञात है कि पूर्वोत्तर रेलवे के बरेली-लखनऊ सेक्शन पर भोजीपुरा व सेथल स्टेशनों के बीच स्थित दिवनापुर रेलवे स्टेशन पर न तो कोई शौड है और न कोई इमारत;

(ख) स्टेशन के महत्व को देखते हुए क्या सरकार वहाँ एक शौड बनाने के प्रीवित्य पर विचार करेगी; और

(ग) क्या सरकार इस बात पर भी विचार करेगी कि पीलीभीत जाने वाली एक्सप्रेस रेल-गाड़ी को छोड़ कर बाकी सभी रेलगाड़ियां दिवनापुर स्टेशन पर रुका करें?

रेलवे उपमंत्री (श्री शाहनवाज खाँ) :
(क) इस स्टेशन पर अभी कोई शौड नहीं है।

(ख) दिवनापुर स्टेशन पर शौड बनाने और दूसरी सुविधायें देने के बारे में जांच हो रही है।

(ग) इस सेक्शन पर दोनों तरफ से पांच पांच गाड़ियां चलती हैं। इनमें से हर तरफ से दो गाड़ियां इस स्टेशन पर रुकती हैं। यहां और अधिक गाड़ियां ठहराने के सवाल पर विचार किया गया था लेकिन इसके लिये यातायात काफी नहीं है।

बरेली स्टेशन के निकट पुल

२६४. श्री मोहन स्वयं : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को यह ज्ञात है कि बरेली सिटी स्टेशन के निकट लाइन पार

करने वाले यात्रियों को रेलवे फाटक न होने के कारण काफी कठिनाई होती है; और

(ख) यदि हाँ, तो क्या सरकार का वहाँ ग्रंडर ब्रिज या ओवर ब्रिज के निर्माण के लिये कार्यवाही करने का विचार है ?

रेलवे उपमंत्री (श्री शाहनवाज खाँ) :

(क) सरकार को किसी तरह की कठिनाई का पता नहीं है, क्योंकि स्टेशन के दोनों तरफ समपार (level crossings) बने हैं। इन के अलावा यार्ड के बीच से होकर भी एक समपार है।

(ख) सवाल नहीं उठता।

Congestion on South Eastern Railway

265. Shri Raghunath Singh: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that on account of the disruption of banking operations in Calcutta the congestion on South Eastern Railway rose to such a pitch that only 20 wagons could be despatched daily; and

(b) if so, how much the Railway lost on account of this congestion?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) On account of the bank strike in Calcutta, there was delay to release of loaded wagons by the consignees at Shalimar and Ramkrishnapur goods depots, as a result of which about 500 wagons accumulated and remained under load for a period of about three weeks. On account of the accumulation of loaded wagons, restriction in booking of goods traffic to these two depots was imposed from 20-9-57 to 11-10-57.

(b) It is not possible to assess the financial loss to the railway with any degree of accuracy on account of this hold up of wagons.

Enforcement of Motor Vehicle Rules in Tripura

267. Shri Dasaratha Deb: Will the Minister of Transport and Communications be pleased to state:

(a) whether Government are aware that Motor Vehicle Rules are not strictly enforced in Tripura;

(b) whether it is a fact that large number of motor accidents are due to that; and

(c) what steps Government propose to take to enforce Motor Vehicle Rules in order to minimise the number of accidents?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) It is not a fact that the Motor Vehicles Rules are not strictly enforced in Tripura. The provisions of the Motor Vehicles Act, 1939, and the Tripura Motor Vehicles Rules, 1954, framed thereunder, are followed strictly by the Tripura Administration.

(b) No.

(c) Does not arise.

Minor Port at Quilon

268. Shri Kumaran: Will the Minister of Transport and Communications be pleased to state:

(a) whether Government are aware of any proposal to develop a minor port at Quilon in Kerala; and

(b) if so, at what stage is the proposal now?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) Yes. A scheme for the development of Quilon port is included in the Second Five Year Plan.

(b) Development of Minor Ports is primarily the responsibility of the State Governments. The Kerala Government have suggested the construction of a lighterage port at Thangasseri instead of construction of a pier at Quilon with the ancillary facilities

as previously contemplated, in pursuance of the recommendation made by a Committee set up by the State Government. Certain model experiments in this connection are in progress at the Poona Research Station. After the results of these experiments are known, they will be examined and a decision in the matter taken in consultation with the State Government.

Water Supply at Karjat

269. Shri Assar: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that Water supply to Karjat Grampanchayat is charged at Re. 1/- per thousand gallons instead of -|8|- per thousand gallons by the Central Railway authority;

(b) whether Government are aware that there is no maintenance expenditure for that water storage; and

(c) if so, the reason for the increased rate of water supply?

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

(b) No, Sir. Expenditure is actually incurred on maintenance of the dam, pipe line etc. for supply of water.

(c) Does not arise.

Telegraph System at Imphal

270. Shri L. Achaw Singh: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that Express and Ordinary telegrams from Imphal Telegraph Office are despatched according to serial number and no priority is given to express telegrams according to a separate serial; and

(b) if so, the reasons therefor?

The Minister of Transport and Communications (Shri Lal Bahadur Shastri): (a) No. Priority is given according to class of the telegram.

(b) Does not arise.

Transmission of Telegrams from Imphal

271. Shri L. Achaw Singh: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that telegrams are generally despatched by ordinary mail from Imphal when telegraph lines are dislocated;

(b) whether it is a fact that the wireless service is available only for one hour per day when telegraphic messages are suspended;

(c) the total number of hours during which the transmission of telegraphic messages from Imphal Telegraph Office was suspended during 1957 so far; and

(d) the number of Express and Ordinary telegrams despatched by ordinary mail during 1957 so far?

The Minister of Transport and Communications (Shri Lal Bahadur Shastri): (a) No. Only on some occasions.

(b) No. It is normally available for 7 hours during the day.

(c) Land Line interruption hours aggregated 3053 hours.

(d) 244 upto 30-9-57.

R. M. S. Division at Cuttack

272. Shri Surendranath Dwivedy: Will the Minister of Transport and Communications be pleased to state:

(a) whether there is any proposal to downgrade the present R.M.S. Division at Cuttack;

(b) if so, the reasons therefor;

(c) when the Headquarters of the Division was located at Cuttack; and

(d) what steps have been taken so far to justify it as a class I Division?

The Minister of Transport and Communications (Shri Lal Bahadur Shastri): (a) A class II Officer has been posted in-charge of the R.M.S. 'N' Division at Cuttack, and formal orders for down-grading the 'N' Division from class I to Class II charge are under issue.

(b) The strength of the Division justifies only an officer in class II as in-charge.

(c) 1-12-1956.

(d) Full staff as justified for the Division are already there and it has been found that there is no scope for adding any so as to justify its status being raised.

Trains between Howrah and Loharpur Halt

273. Shri T. K. Chandhuri: Will the Minister of Railways be pleased to state:

(a) whether the attention of Government has been drawn to the great hardship caused to the people of the Western parts of Murshidabad, West Bengal due to the absence of a single fast moving train between Howrah and Loharpur Halt, on the B.A.K. loop line of the Howrah Division of the Eastern Railway; and

(b) if so, whether any proposal is under consideration of Government to run at least one Express or a Fast Passenger up and down train between Katwa Junction and Loharpur Halt or between Katwa Junction and Nimtita on this loop line, so as to serve the demands of traffic in the Western parts of the district of Murshidabad?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) Loharpur Halt is situated only 2 miles from Nimtita. At present, for passengers travelling between Nimtita and Howrah two trains each way are available. Out of these, Nos. 333 Up/334 Dn. are through trains between Howrah and Nimtita and are scheduled to run through ten stations on the Howrah-Bandel Section. Further acceleration of these trains by elimination of the existing halts on the Bandel-Nimtita section is not desirable as it will cause hardships to local traffic. Any increase in the present speed of these trains is also not practicable due to the condition of the track and the stations on the Katwa-Nimtita/Loharpur Halt section being non-interlocked.

(b) There is no such proposal and is also not justified from the traffic point of view.

Food Crop Reports

274. Shri T. K. Chaudhuri: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the State Governments are required to submit a fortnightly report about the state of all crops including food-crops within their States to the Food and Agriculture Ministry of the Union Government;

(b) whether such reports are received from the State Governments regularly;

(c) whether it is a fact that some State Governments recently failed to send such reports in the month of September and October this year; and

(d) the names of the defaulting States?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) The State Governments are required to submit to this Ministry weekly and not fortnightly reports on weather and condition of all crops, including food crops.

(b) The weekly reports are received regularly though some time there are occasional delays in their receipt.

(c) No, Sir.

(d) Does not arise.

A.C. Vestibuled Express Trains

275. Shri R. L. Reddy: Will the Minister of Railways be pleased to state:

(a) the total loss incurred by the bi-weekly A. C. Vestibuled Express trains run between Delhi and Madras and Delhi and Howrah till the 31st October, 1957; and

(b) the expenditure incurred on publicity to popularise the said trains during the said period?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) The cost of operation of individual trains is not ascertainable with any accuracy and it is, therefore, not possible to work out the total loss or profit in working the trains referred to.

(b) The information is being collected and will be placed on the table of the House.

Payments to Pakistan Railways

276. Shri Bangshi Thakur: Will the Minister of Railways be pleased to state the amount paid per year to the Pakistan Railway as a carrying cost etc. of goods for Tripura from 1951 to 1956?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): Goods traffic between India-Pakistan since 1949 is booked on the 'Paid-To-Pay' system under which the freight on through traffic due to each country is collected by it directly from the consigner/consignee. Consignments for Tripura are sent through Rail-heads at Akhaura, Balla and Bellonia, which are Pakistan Railway stations. Consignees make payment at these stations while taking delivery for the share of freight due to the Pakistan Railway from the border stations and no payment by Indian Railways on this account is either necessary or made to Pakistan Railways.

Power Supply to Tripura

277. Shri Bangshi Thakur: Will the Minister of Irrigation and Power be pleased to state whether it is a fact that during the Second Five Year Plan the Government of India propose supplying cheap electricity to encourage the establishment of local Industries and electrification of all Towns of Tripura and that for the purpose, the Tripura Administration proposes to purchase a few diesel Engines for the Divisional Towns of Tripura?

The Minister of Irrigation and Power (Shri S. K. Patil): The Government

of India, under the Second Five Year Plan, propose to electrify all the towns in the country, with a population of 10,000 or above. By doing so, it is intended to help the small scale industries in their development. In pursuance of this policy it is proposed to electrify initially four sub-divisional towns in Tripura viz. Dharmanagar, Kallasahar, Khowai and Udaipur, and later the four towns viz. Teliamura, Amarapur, Melagarh, and Kumarghat. There is, however, no proposal for the present to electrify all the towns in Tripura. Arrangements are being made to reserve for the Tripura Administration for the above Schemes 12 Nos. 50 KW and 4 Nos. 25 KW Diesel Generating Sets, which are being received under the Canadian Aid Programme.

उत्तर रेलवे में गाड़ों की नियुक्ति

२७८. श्री प० ला० बाकुवाल : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि १३ अक्टूबर, १९५७ को उत्तर रेलवे में गाड़ों की नियुक्ति के लिये कोई ३५,००० उम्मीदवारों को साक्षात्कार के लिये बुलाया गया था जबकि केवल ४५० व्यक्ति ही नियुक्त किये जाने थे ; और

(ख) रेलवे कमीशन द्वारा इतनी अधिक संख्या में उम्मीदवारों को बुलाये जाने के क्या कारण हैं जब कि पहले या दूसरे दर्जे में उत्तीर्ण व्यक्तियों को ही पूर्ववर्तिता दी जानी थी?

रेलवे उमंत्रो (श्री शाहनवाज खाँ) :

(क) जी नहीं ।

(ख) सवाल नहीं उठता ।

Reservation Forms

279. Shri B. S. Murthy: Will the Minister of Railways be pleased to state:

(a) the necessity of filling up the forms at Railway stations for reservation of seats;

(b) the cost of stationery and extra staff employed; and

(c) whether any representation was made for the discontinuance of the system?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) Application forms for reservation of trains accommodation have been introduced to obviate confusion and complaints likely to arise from oral applications, to ensure that only *bonafide* applicants secure reservation in proper turn and to enable the genuineness of reservations made by staff being verified by making subsequent checks with the passengers concerned.

(b) The cost of stationery is nominal being generally about 4 to 5 rupees per 1,000 forms. No extra staff have been employed except at two stations on the Central Railway, the average cost on this account being about Rs. 650 per mensem.

(c) Only two representations have been received.

लखनऊ और बरेली के बीच रेल की पटरियाँ

२८०. श्री खुशवंत राय : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) पूर्वोत्तर रेलवे के लखनऊ और बरेली स्टेशनों के बीच रेल की पटरियाँ कब बिछाई गई थी ;

(ख) उक्त पटरियाँ कब कब बढ़ानी गयीं ;

(ग) क्या यह सच है कि उक्त पटरियों का अनुमानित जीवन समाप्त हो गया है ; और

(घ) यदि हा, तो इन पटरियों को कब बदला जायेगा ?

रेलवे उमंत्रो (श्री शाहनवाज खाँ) :

(क) पूर्वोत्तर रेलवे में लखनऊ और बरेली

के बीच वाले सेक्शनों पर इन वर्षों में पटरियां बिछाई गयी थीं :—

(१) लखनऊ से सीतापुर १८८६ में

(२) सीतापुर से गोलागोकरन १८८७ में

(३) गोलागोकरन से पीलीभीत जंक्शन १९९१ में, और

(४) पीलीभीत जंक्शन से बरेली १८८४ में

(ख) विभिन्न सेक्शनों में पटरियां इन वर्षों में बदली गयीं :—

(१) लखनऊ से डालीगंज १९५२ में

(२) डालीगंज से लखीमपुर खीरी १९२० और १९२१ में

(३) लखीमपुर खीरी से मैलानी १९१५-१६ में

(४) मैलानी से पीलीभीत जंक्शन १९०९ में, और

(५) पीलीभीत जंक्शन से बरेली १९०६ में।

(ग) मौजूदा पटरियों को बदल कर नयी पटरी बिछाने का निर्धारित समय आ गया है।

(घ) डालीगंज से लखीमपुर खीरी की ओर २५ मील के टुकड़े पर फिर से पटरी बिछाने की मंजूरी १९५७-५८ में दी गयी है। बाकी लाइन पर फिर से पटरी बिछाने का काम १९५८-५९ के निर्माण कार्यक्रम में शामिल किया जा रहा है।

मैलानी तथा कौडियालाघाट के बीच रेल की पटरियां

२८१. श्री कुलबल्लभ राय : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) पूर्वोत्तर रेलवे के मैलानी तथा कौडियालाघाट स्टेशनों के बीच रेल की पटरियां कब बिछाई गयी थीं ;

(ख) क्या रेलवे की इन पटरियों को कभी बदला भी गया था ; और

(ग) क्या इन पटरियों का जीवन-समय हो चुका है ; और

(घ) क्या यही कारण है कि इन पटरियों पर चलने वाली रेल गाड़ियों की न तो गति बढ़ाई जा सकती है और न रात्रि के समय वहां गाड़ी ही चलाई जा सकती है ?

रेलवे उपमंडी (बी साहन्वाज खाँ) :

(क) मैलानी और सोनारीपुर के बीच १८९३-९४ में रेल पटरियां बिछाई गयी थीं और सोनारीपुर और कौडियालाघाट के बीच १९१० में।

(ख) पटरियां अभी तक बदली नहीं गयी हैं।

(ग) जी हां, कहीं कहीं पटरियों की सामान्य पर अनुमानित अवधि (normal expected life) बीत चुकी है।

(घ) गाड़ियों में रफ्तार की पाबन्दी इसलिए लगायी गई है क्योंकि पटरियां घिस गयी हैं और फिस प्लेटों में टूट फूट हो गयी है। रात में गाड़ी न चलाने का कारण यह है कि कहीं जंगल में आग न लग जाए। यह पाबन्दी रात के समय जंगल को आग से बचाने के लिए लगायी गयी है। रात में आग लगने का पता नहीं चल सकता और चूंकि रेलवे लाइन के आसपास आबादी नहीं है, इससे उसे बुझाया भी नहीं जा सकता। हाथी आदि जंगली जानवरों के पटरी पार करने से भी दुर्घटना का डर रहता है। इसे रोकने के लिए भी रात में गाड़ियां नहीं चलाई जातीं। यदि सामान मिल गया तो १९५८-५९ में नयी पटरी बिछाने का विचार है।

Jute

282. Shri Rameshwar Tanti: Will the Minister of Food and Agriculture be pleased to refer to the reply given to Unstarred Question No. 61 on the 20th May, 1957 and state:

(a) whether there is any scheme of advancing money to the growers against their jute in the villages; and

(b) whether Government propose to start co-operative societies to buy jute at the peak season from cultivators?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) About 500 Co-operative Marketing Societies are to be organized in jute growing States viz., West Bengal, Orissa, Assam and Bihar. These societies will assist their members in obtaining loans on the pledge of jute and other agricultural commodities.

(b) There is no proposal to make large scale outright purchase of jute in peak season through Co-operative Societies.

Imported Foodgrains,

283. Shri Balarama Krishniah: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that stocks of food grains imported at some ports have been found short;

(b) if so, the total quantity found short at each port in 1955, 1956 and 1957; and

(c) steps Government have taken to remedy the situation?

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

(b) The accounts of foodgrains imported from abroad are maintained on financial year-wise basis. A statement showing the quantities of foodgrains short-landed during the last financial years 1954-55 to 1956-57 is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 92].

(c) The shortages are due to natural phenomenon on account of evaporation during voyage and different methods of weighment at the ports of loading and unloading e.g. while at the port of loading the weighment is done by mechanical equipment, the weighment at the port of discharge is done by beam scales of weigh-bridges. These shortages are within reasonable limits considering the volume of imports, but steps are nevertheless taken to have proper supervision over the unloading and weighment operations at the ports of discharge.

Howrah and Sealdah Station Porters and Godown Workers

284. Shri Rajendra Singh: Will the Minister of Railways be pleased to state:

(a) whether he is aware of the fact that Railway licenced porters Union and Railway godown workers Union at Howrah and Sealdah Stations have launched satyagraha;

(b) if so, the number of persons arrested so far;

(c) the nature of their demands; and

(d) the steps taken by Government in the matter?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) There was a Satyagraha at Howrah station only in September last.

(b) 120.

(c) and (d). The demands were:—

(a) Extension of Minimum Wages Act to parcel and Godown porters.

(b) Recognition of licensed porters Union.

(c) Reinstatement of victimised licensed porters.

(d) Transfer of some corrupt mates from Howrah.

The position in respect of these demands is as under:—

(a) The matter is under consideration in consultation with the Ministry of Labour and Employment.

(b) Licensed Porters not being Railway employees, their Unions are not eligible for recognition in accordance with the policy of the Government.

However, Committees of elected representatives of licensed porters have been constituted both at Sealdah and Howrah and the grievances of the

licensed porters are discussed at the periodical meetings of these Committees with the Station Superintendent concerned for taking remedial action wherever warranted.

- (c) There was no case of victimisation of licensed porters. However, some of the porters involved in various assault cases and indiscipline were disallowed to work as licensed porters at Howrah. On a review of the matter some of them have been reinstated. The cases of some others are under review while in the case of the remaining few, it is not proposed to reinstate them in view of their past record.
- (d) The allegations of corruption against the Mates concerned were not proved and the question of a transfer did not, therefore, arise.

Supply of Sleepers by Andhra Government

285. **Shri B. S. Murthy:** Will the Minister of Railways be pleased to state:

- (a) whether Andhra Pradesh Government has offered to supply sleepers;
- (b) if so, the quantity thereof; and
- (c) the result of the said offer?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) to (c). In 1956, the ex. Hyderabad State, now a part of Andhra Pradesh, offered to supply 45,000 sleepers to the Railways by 31st March, 1958. Nothing has been received so far.

No other offers have been made by the newly constituted Andhra Pradesh.

Mail Vans

286. **Shri Tangamani:** Will the Minister of Railways be pleased to state:

- (a) the number of Mail Vans proposed to be constructed during the

Second Plan period for use in the Metre Gauge of the Southern Railway for Indo-Ceylon Express and Trivandrum Express;

- (b) whether it is a fact that the accommodation in the Mail Van in Trivandrum Express is inadequate; and

- (c) what steps Government propose to take to ease the congestion?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) 10 Metre Gauge Postal Vans with standard full van accommodation have been programmed to be built during 1957-58 in the Second Five Year Plan. These Vans are all allotted to the Southern Railway.

- (b) At present one standard full van accommodation is provided on Trivandrum Express. There is no complaint that this accommodation is inadequate.

- (c) Does not arise.

Arecanut Research Centres

287. **Shri Wodeyar:** Will the Minister of Food and Agriculture be pleased to state the amount allotted during 1957-58 to various Arecanut Research Centres in the States?

The Minister of Food and Agriculture (Shri A. P. Jain): A sum of Rs. 2,12,599 has been allotted during 1957-58 to various Arecanut Research Centres in the States as per details below:—

State	Amount allotted Rs.
1. West Bengal.	48,100
2. Assam.	44,070
3. Kerala (For Malabar District).	38,300
4. Kerala (For Central Travancore).	38,265
5. Mysore (Maidan Parts).	38,265
6. Orissa.	5,599
TOTAL	2,12,599

D. D. (P) A.

288. Shri R. S. Tiwari: Will the Minister of Health be pleased to state:

(a) the names of the members of the Delhi Development (Provisional) Authority nominated by Government;

(b) the principles underlying such nominations; and

(c) whether any of the persons nominated to the Delhi Development (Provisional) Authority has any direct or indirect interest in the colonising business?

The Minister of Health (Shri Karmarkar): (a)

Central Government nominees:

1. Shri C. R. Krishnamoorthy, Deputy Secretary, Ministry of Finance, representing that Ministry.
2. Shri A. V. Venkatasubban, Deputy Secretary, Ministry of Health, representing that Ministry.
3. Shri J. M. Rijhwani, Chief Engineer, Central Public Works Department, representing Ministry of Works, Housing and Supply.

Delhi Administration Nominees:

1. Shri Brahm Parkash.
2. Dr. Yudhvir Singh.

(b) The nominees of the Central Government represent the concerned Ministries, namely, Finance, Health and Works, Housing and Supply. The representatives of Delhi Administration were nominated on the recommendation of the then Delhi State Government.

(c) No nominee of the Central Government is directly or indirectly interested in the colonising business. Government have no information whether any nominee of Delhi Administration has any interest in colonising business.

Railway Accident near Karamtola

289. Pandit D. N. Tiwary: Will the Minister of Railways be pleased to state:

(a) whether any enquiry has been made in connection with the accident near Karamtola (E.R.) Railway Station on the night of 21st August, in which many persons were injured;

(b) whether it is a fact that a Railway contractor was responsible for this accident; and

(c) if so, the steps taken against the person concerned?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) Yes; as a result of a half cut tree brushing against 327 Up Passenger train while passing near Karamtola station 6 persons were injured out of whom only 1 had grievous injuries.

(b) The contractor as well as Inspector of Works, Sahibganj have been held responsible.

The Contractor failed to take necessary precautionary measures for the safety of passengers and the Inspector of Works failed to give specific instructions to the contractor with respect of cutting the tree.

(c) Necessary action against the persons responsible is being finalized.

Railway Training Schools

290. Shri Thimmaiah: Will the Minister of Railways be pleased to state:

(a) the number of training schools on each Railway;

(b) how many candidates have been trained so far during this year; and

(c) what category of staff of railways are being trained in these schools?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) to (c). The information is being collected from the Railways and it will be laid on the Table of the Lok Sabha.

Water Supply Schemes in Himachal Pradesh

291. Dr. Y. S. Parmar: Will the Minister of Health be pleased to state:

(a) whether it is a fact that the public health department took up a water supply scheme for Cheog, near Phogu, Mahasu District, Himachal Pradesh;

(b) whether it is a fact that no proper tank was made at the source of the water and as such the water gets contaminated and supply becomes irregular and inadequate;

(c) whether Government are aware that ever since the scheme was started by the department no water was available to village Damchr which used to be irrigated before; and

(d) whether it is a fact that there are no qualified public health engineers with the Department and practically all the water supply schemes have yielded no results?

The Minister of Health (Shri Karmarkar): (a) to (d). The information is being collected and will be placed on the Table of the Lok Sabha in due course.

Rebuilding of Nasik Railway Station

292. Shri Jadhav: Will the Minister of Railways be pleased to state:

(a) the amount spent on the rebuilding of the Nasik Railway Station;

(b) whether the building operation is completed;

(c) whether it is a fact that the Southern part of the building has cracked; and

(d) the amount required to repair the cracked portion and who is to bear the costs?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) The estimated cost of the rebuilding of the station building is Rs. 2,28,273 and the expenditure booked upto October 1957

is Rs. 1,87,567. The accounts of the work have not yet been closed.

(b) Yes, Sir, in the month of October, 1957.

(c) There was some damage to the RCC beams which had sagged and some cracks had developed.

(d) The repairs, excepting welding of reinforcement, have been carried out by the contractor at his cost and, therefore, the exact cost of the repairs is not known. A sum of Rs. 849-32n.p., the cost incurred by the Railway Department for welding the reinforcement etc., is being recovered from the contractor.

Electrification of Igatpuri

293. Shri Jadhav: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Railways are supplying electric light for the Railway Town Igatpuri through a private concern;

(b) if so, at what rate the Railways are supplying the power to the above concern;

(c) at what rate the company is supplying power to the public;

(d) whether it is a fact that the District Municipality had approached the railways that the power supply be through their agency; and

(e) if so, why it was refused?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). The Railway have been supplying surplus electric energy to the Igatpuri Electric Supply Co., the local licencees, since 1938 at a flat rate of 2-5 annas per unit, to feed the Igatpuri Municipal Town.

(c) The rates charged by the Supply Co. is not known to the Railways;

(d) and (e). No, Sir. The Municipality at Igatpuri have not approached the Railway for the supply of electric energy through their Agency and the question of refusal does not arise.

Postal Stamps depicting Indian Poets

294. Shri Abdul Salam: Will the Minister of Transport and Communications be pleased to state the number of Indian Poets who have been honoured by publishing their portraits in Postal Stamps?

The Minister of Transport and Communications (Shri Lal Bahadur Shastri): Six, namely, Kabirdasa, Mirabai, Tulsidasa, Surdasa, Mirza Ghalib and Rabindranath Tagore.

Railway Over-bridge at Jullundur

295. Sardar Iqbal Singh: Will the Minister of Railways be pleased to state:

(a) the progress so far made in the construction of the over-bridge between Jullundur Cantonment and Jullundur City;

(b) the scheduled time allowed for the construction of this bridge and whether the work will be completed within that time; and

(c) if not, the reasons therefor?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) The construction has not been started.

(b) Does not arise in view of reply to (a)

(c) An estimate amounting to Rs. 1,54,562 for providing a road over-bridge at Mile 253 for Grand Trunk Road between Jullundur Cantt. and Jullundur City was sent to the Government of Punjab in May, 1956. Since then, the matter has been under correspondence with the Government of Punjab. The final data have been received from the Government of Punjab in connection with the design of the bridge on 2nd August 1957 and the proposals are being finalised by the Northern Railway Administration.

Railway High School at Ferozepore Railway Colony

296. Sardar Iqbal Singh: Will the Minister of Railways be pleased to state the present position regarding

the setting up of proposed Railway High School at Ferozepore Railway Colony?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): There is no proposal for setting up a Railway High School at Ferozepore.

Railway Wagons

297. Shri Yadav: Will the Minister of Railways be pleased to state:

(a) whether Government are aware of the difficulties regarding availability of railway wagons, which caused the closure of the Garividi group of mines in Andhra Pradesh; and

(b) if so, the steps taken to ensure that a similar situation does not occur in future?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). As a result of representations received from the Mine Owners of Garividi area in June, 1957, arrangement for movement of manganese ore from this area to Vizagapatam Port have already been made to the maximum extent feasible consistent with the existing rail as well as port capacity. A daily quota of 25 to 30 wagons per day has been fixed for movement of this traffic and loading from July to October has been well above the quota except during the periods in August and September when on account of labour strike at Vizagapatam Port, loading had to be reduced. The total stock of manganese ore lying at Vizagapatam Port as on 31st October 1957 was 2,49,562 tons representing roughly 30 ships loads.

It is not known whether the mines in the Garividi area were closed for short supply of wagons.

Capacity of India's Ports

298. Sardar Iqbal Singh: Will the Minister of Transport and Communications be pleased to state the capacity of Bombay, Madras, Calcutta, Kandla, Cochin and Visakhapatnam Ports and to what extent it falls short of the demand?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): It is difficult to express the capacity of major ports in precise figures. The total traffic a port can handle is dependent not only on the physical facilities available such as berths, cranes and other equipment, but also on a variety of other factors such as the rate of arrival of ships, the capacity of surface transport (rail, road and inland water transport) connecting the port to its hinter-land, obligations placed on the trade by Customs and other import/export formalities, tide and weather conditions, the number of shifts worked, labour output, etc. most of which are variable. The actual traffic handled by the ports of Calcutta, Bombay, Madras, Visakhapatnam, Cochin and Kandla in the year 1956-57 are given below:—

Calcutta	8.9 million tons
Bombay	12.2 million tons
Madras	2.6 million tons
Visakhapatnam	1.5 million tons
Cochin	1.8 million tons
Kandla	0.5 million tons

2. The Ports of Calcutta and Bombay are able to handle the tonnages mentioned above without undue strain except on occasions when there is bunching of ships. Cochin and Kandla are able to handle the existing trade with ease. The traffic handled by Madras and Visakhapatnam is much in excess of what can easily be handled by the present facilities. Development works are being undertaken under the Second Five Year Plan at all the major ports to provide the additional facilities required to enable them to handle the increase in trade that is anticipated.

Development of Minor Ports

299. Sardar Iqbal Singh: Will the Minister of Transport and Communications be pleased to state:

(a) whether the Government of India have any proposals for development of the minor ports;

(b) if so, the names of the ports to be developed; and

(c) the nature of the proposal and the decision taken thereon?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) to (c). The development of minor ports is primarily the responsibility of the State Governments. The Central Government gives financial assistance for the execution of schemes included in the Five Year Plans. A statement showing the minor ports in the Maritime States which are to be developed in the Second Plan period is laid on the Table of the Lok Sabha. (See Appendix I, annexure No. 93). The development schemes for these ports included in the Plan comprise facilities for the landing, handling and storage of cargo, navigational aids, etc.

Stores Purchase for Bhakra Nangal Project

300. Sardar Iqbal Singh: Will the Minister of Irrigation and Power be pleased to state:

(a) whether purchases of certain stores for the Bhakra Nangal Project are made through the agency of the Directorate of Supplies and Disposals;

(b) if so, what main items are purchased from disposal; and

(c) total amount of purchases, year-wise?

The Minister of Irrigation and Power (Shri S. K. Patil): (a) to (c). The required information is being collected and will be laid on the Table of the Lok Sabha as soon as possible.

Viscount Services

301. Sardar Iqbal Singh: Will the Minister of Transport and Communications be pleased to state:

(a) the total number of routes at present operated by the Indian Airlines Corporation and Air India International;

(b) whether there is any proposal to extend Viscount Service on other routes; and

(c) if so, the details of the same?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) The Indian Airlines Corporation is operating at present on 45 air routes and Air India International Corporation on 13 routes.

(b) and (c). In addition to the present Delhi/Calcutta/Rangoon/Calcutta/Delhi Viscount route the Indian Airlines Corporation have a tentative plan to operate the Viscount on the following routes:—

1. Delhi/Bombay/Karachi/Bombay/Delhi.
2. Bombay/Delhi/Karachi/Delhi/Bombay.
3. Bombay/Calcutta/Bombay.
4. Bombay/Madras/Trichy/Columbo/Trichy/Madras/Bombay.
5. Delhi/Hyderabad/Madras/Calcutta
6. Calcutta/Madras/Hyderabad/Delhi.
7. Calcutta/Delhi/Calcutta—with an extension Delhi/Srinagar/Delhi at a later date if possible.

Working of Indian Airlines and Air India Corporations.

302. Sardar Iqbal Singh: Will the Minister of Transport and Communications be pleased to state:

(a) the total amount advanced so far by Government towards the capital of Indian Airlines Corporation and Air India International; and

(b) total amount paid to former shareholders as compensation?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) The total

amount advanced upto the end of October, 1957, by Government towards the capital of the two Air Corporations is as follows:—

(i) Indian Airlines Corporation.	Rs. 10,20,74,000
(ii) Air-India International Corporation.	Rs. 10,20,74,000
TOTAL:	Rs. 18,81,97,000

Out of the above the Air-India International Corporation have refunded a sum of Rs. 18.86 lakhs on the 17th September, 1957.

(b) The attention of the Hon'ble Member is drawn to para 25 of the 43rd Report of the Estimates Committee on the Indian Airlines Corporation and para. (4) of the 3rd Annual Report of the Air India International Corporation for the year 1955-56, which are available in the Parliament Library.

Superior Service of Indian Railways

303. Sardar Iqbal Singh: Will the Minister of Railways be pleased to state:

(a) the percentage of appointments in the superior service (Class I) of Indian Railways made through competitive examinations and by promotion;

(b) the number of Class II Officers promoted to class I during 1955-56, 1956-57;

(c) the minimum and maximum grades of pay scales of Class I service; and

(d) the total number of officers in this scale at present.

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) 66 2/3 per cent. for appointments made through competitive examinations, out of which a special quota of 16 2/3 per cent. has been set apart for

absorption of ex-State Railway Officers till such time each eligible officer has had one chance of being considered for promotion and 33 1/3 per cent. by promotion.

(b) 1955-56	1956-57
21	81

(c) A statement is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 94.]

(d) The information is being collected from the Railway administrations and will be laid on the Table of the Lok Sabha as soon as it is received.

Sugar Factories

304. Sardar Iqbal Singh: Will the Minister of Food and Agriculture be pleased to state the full requirement of sugar cane for running all the factories to their full capacities for the full crushing season?

The Minister of Food and Agriculture (Shri A. P. Jain): The sugarcane requirement of factories for the 1957-58 season is estimated at 21.0 million tons.

Payment of Claims

305. Sardar Iqbal Singh: Will the Minister of Railways be pleased to state:

(a) the total value of claims so far paid by the Railway Department to traders in the Ferozepore and Delhi Divisions of Northern Railway from 1955 for the loss of their goods; and

(b) the total number of claims at present under consideration?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) The amount paid, for the years 1955, 1956 and for 1957 upto 30th September, is Rs. 47,63,819.

(b) The total number of claims outstanding in regard to Delhi and Ferozepore Divisions of the Northern Railway, as on 30th September, 1957, is 1,634.

Representatives from the Recognised Unions.

306. Sardar Iqbal Singh: Will the Minister of Railways be pleased to state:

(a) the number of representations received from the Recognised Unions in 1956-57; and

(b) the number of cases pending for decision and the number disposed of so far?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). The necessary information is being collected and will be laid on the Table of the Lok Sabha.

PAPERS LAID ON THE TABLE

AMENDMENTS TO THE INDIAN ADMINISTRATIVE SERVICE (PAY) RULES

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to re-lay on the Table, under sub-section (2) of Section (3) of the All India Services Act, 1951, a copy of the Notification No. S.R.O. 2726 dated the 31st August, 1957, making certain amendments to the Indian Administrative Service (Pay) Rules, 1954.

I also beg to lay on the Table, under sub-section (2) of Section (3) of the All India Services Act, 1951, a copy of the Notification No. 3391, dated the 26th October, 1957, making certain further amendment to the Indian Administrative Service (Pay) Rules, 1954.

(Placed in Library. See No. LT-353/57).

ANNUAL REPORTS OF INDIAN AIRLINES CORPORATION AND AIR-INDIA INTERNATIONAL CORPORATION

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): I beg to lay on the Table, under sub-section (2) of Section 37 of the Air Corporations

Act, 1953, a copy of each of the following Reports:—

- (1) Annual Report of the Indian Airlines Corporation for the year 1956-57. (Placed in Library. See No. LT-354/57.]
- (2) Annual Report of the Air-India International Corporation for the year 1956-57. (Placed in Library. See No. LT-355/57.)

Shri Biren Roy (Calcutta South-West): Will they be made available to the Members?

Mr. Speaker: Are the reports printed?

Shri Humayun Kabir: They have been printed and they are also in the Library of Parliament.

Mr. Speaker: Copies are in the Library.

Shri Biren Roy: If we like, will we get copies?

Mr. Speaker: It is not that every book or report that is circulated.

Shri Biren Roy: I think this should be circulated to the Members.

Mr. Speaker: I will consider. Are sufficient copies available?

Shri Humayun Kabir: If sufficient copies are available, I shall certainly have them distributed.

Mr. Speaker: Even if sufficient copies are not available, such of the copies as are available can be given to the Notice Office and such of the Members as are keen may look into them.

Shri Humayun Kabir: If a dozen copies are sent, will that be enough?

Mr. Speaker: That is enough.

NOTIFICATIONS ISSUED UNDER THE ESSENTIAL COMMODITIES ACT

The Minister of Co-operation (Dr. S. Deshmukh): I beg to lay on the

Table, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955, a copy of each of the following Notifications:—

- (1) S.R.O. 2987, dated the 21st September, 1957.
- (2) S.R.O. 2988, dated the 21st September, 1957.

(Placed in Library. See No. LT-356/57.)

BUSINESS OF THE HOUSE

The Minister of State in the Ministry of Home Affairs (Shri Datar): On behalf of Shri Satya Narayan Sinha, I wish to make this statement regarding the work in the next week.

With your permission, Sir, I rise to announce that Government business in this House during the week commencing Monday, November 13, will be taken up in the following order:—

(1) Any unfinished item of legislative business carried over from today's order paper.

(2) The Navy Bill, as reported.

(3) Discussion on the Interim report on the activities of the Life Insurance Corporation on a motion given notice of by Sarvashri S. C. Gupta and Radha Raman.

(4) Further discussion on the Second Five Year Plan on Wednesday, November 20.

(5) Resolution given notice of by Shri Naushir Bharucha in regard to the Reserve Bank of India Ordinance (No. 6 of 1957).

(6) The Reserve Bank of India (Second Amendment) Bill.

(7) The Delhi Municipal Corporation Bill, as reported.

(8) The Delhi Development Bill, as reported.

PROBATION OF OFFENDERS BILL

Mr. Speaker: The House will now resume further consideration of the following motion moved by Shri Datar on the 14th November, 1957, namely:—

"That the Bill to provide for the release of offenders on probation or after due admonition and for matters connected therewith, be taken into consideration."

Shri Datar may continue his speech.

The Minister of State in the Ministry of Home Affairs (Shri Datar): Yesterday I pointed out how the question of the reform of an offender has to be approached from certain modern and human points of view. Now I shall give the history of this legislation.

So far as England is concerned, they had an Act known as the Probation of Offenders Act in 1907. In India in 1925, long before the advent of power, this question was taken into consideration, and a conference of the Inspectors-General of Prisons was held at which they suggested that in India also we should have an Act on the model of the British Act. The then Government of India prepared a draft Bill in 1931 but subsequently they dropped this matter as they found their hands were full with other legislative business. Then in 1934 this question was again taken up, and a conference of the Inspectors-General of Prisons recommended that immediately some action might be taken for the purpose of bringing on the statute-book a law regarding the probation of offenders. Then the Government of India informed the then provincial Governments that inasmuch they had no time to take up this question, the provincial Governments might pass legislation in their own legislatures. Accordingly, it will be found that Madras and then Central Provinces had legislations in 1936 and the then United Provinces and Bombay had legislations in 1938. Mysore and Bengal also had their own Acts. But these Acts were incomplete in themselves, and a large number of States had no Acts in this respect at all, and therefore the question was taken up

again after the advent of power in 1952. We had a conference of Inspectors-General of Prisons in 1952, and they recommended that something had to be done in order to improve the position of an offender, and if it were possible he should either be released after admonition or released on probation, and therefore this question ought to be taken in hand as early as possible.

By that time the United Nations expert on criminology, Dr. Reckless, came to India. He toured in different parts and he made a report which laid down a number of very good and salutary principles in regard to this question, and his specific recommendation was that there ought to be a uniform and complete law in India generally on the model of what we had in U.P. namely the U.P. First Offenders Act.

This question was also considered by a conference of probation officers held in the same year, and they also desired that this question should be taken into account. They made a number of suggestions which have been incorporated in this Bill, and thus we have the Bill before us.

The question was also considered as to whether we should modify or expand the provisions of section 562 of the Code of Criminal Procedure. There also, as you are aware, so far as the first offenders are concerned, it is open to the court to admonish him or to pass an order for probation, and therefore, the question arose whether it would be sufficient to add more provisions to the Criminal Procedure Code, or we should have a separate Bill dealing with all the different aspects of the question. Naturally, the Criminal Procedure Code could not deal with certain other aspects to which I shall draw the attention of the House.

This question was referred to the State Governments, and they were of the view that it is better to have a comprehensive law on the subject under a separate Act instead of adding

some more sections to the Code of Criminal Procedure. That is the reason why we have brought forward this Bill which has been generally accepted by all the States.

The principles laid down in this Bill may be briefly summarised by me here. The present Bill deals not only with the question of releasing a person who has been convicted, on probation, but it is possible to deal with this case from a different point of view and perhaps at an earlier stage.

If, for example, a man has committed an offence, there is a trial and the court comes to the conclusion that he is an offender, but before actually and formally convicting him and sentencing him to a term of imprisonment or fine as the case may be, is it possible or would it be desirable to release him after admonition? That is the first new principle introduced in this Bill. We have this principle accepted in some of the former provincial legislations. However, in respect of certain offences which have been mentioned in clause 3—certain forms of theft, criminal misappropriation of movable property, cheating etc.,—for which punishment under the Indian Penal Code does not exceed two years, if there is no previous conviction, it is open to the court to consider the question whether instead of sentencing him to a term of imprisonment or fine, it would not be better to release him on probation of good conduct, or after due admonition.

Incidentally, I would point out that we have purposely used the expression "held guilty", which is not a formal expression, and not the expression "convicted" which is the legal expression. Conviction carries certain disabilities, there are certain subsequent disqualifications. There is also a certain stain on the character of a person if he is convicted and sentenced. Therefore, the principle that has been followed is that the benefits need not necessarily be confined to those who are below 21 years of age or who are generally known as juvenile offenders.

In spite of age, a man might commit a particular offence, not necessarily wilfully but under circumstances that require sympathetic consideration, and hence you will find that a very careful phraseology has been used.

A considerable extent of discretion is allowed to the magistrate. In fact, after the magistrate comes to the conclusion that a man is guilty of a particular offence of the nature and in the circumstances that I have already explained, certain points have to be taken into account. If the judge is satisfied that apart from the criminal acts that the man has committed, it is expedient to do so—and the provision in the clause has been clearly stated as follows:

"...and the court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it is expedient to do so....."

—then, instead of sentencing him to imprisonment, he can follow either of the two modes of dealing with the case.

The first is that the man may be released on probation of good conduct. So far as this aspect of the case is concerned, here the man is held guilty, and here the man is released, but he has to satisfy the court that within a particular specified period, he would be of good behaviour. For that purpose, under the Code of Criminal Procedure also, there is a similar provision, according to which he has to furnish securities or sureties to ensure that he would continue to be of good behaviour. This is a punishment; but it need not necessarily be called a punishment; this can be called a mode of treatment, which has been referred to in section 562 of the Code of Criminal Procedure, to which I shall be making a reference again.

Another mode of treatment that has been introduced is that he can be released after due admonition, that is,

[Shri Datar]

a gentle warning should be given to him that he ought not to have committed that sort of offence, that he was entirely wrong, that he ought to reform himself, and that a chance would be given to him to reform himself to be a peace-loving and proper citizen of the society, and that he should behave himself better in the future. It is for that purpose that this opportunity is given to him. This is what is provided for in clause 3.

Then, in respect of all offences, except those which are punishable with death or imprisonment for life—these are the two cases which have to be kept aside—if, for certain similar reasons, the court comes to the conclusion that 'it is expedient to release him on probation of good conduct' (again, you will find that the same expression has been used), then the man is to be released on probation of good conduct. This is not a case of release after due admonition, in which case you will find that there is no conviction as such. But this case is taken further backwards. In this case, the man is to be released on probation of good conduct. He has to satisfy the authorities that he will continue to maintain a good character. How he has to maintain, what the procedure to be followed in this case is, etc. have also been laid down in this particular clause, where it is stated:

"...notwithstanding anything contained in any other law for the time being in force, the court may....."

—the wording may be noted—

".....instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties....."

Therein, it has also been stated that the period should not exceed three years, for, after all, when sureties are to be offered for ensuring good character on the part of the offender, it ought not to hang indefinitely on the

head of the man. Therefore, the scheme of this Bill is that in all such cases, the period should not exceed three years.

Then, certain other provisions have also been made in this clause. Before making any such orders, the court can take into account the report of an officer known as the probation officer. Such officers have been appointed in some States, and in others, they will be appointed. How they are to be appointed has been dealt with in the Bill.

A probation officer is one who has to look after the conduct of such persons as have been held guilty and have been released on probation. He has also to advise them to behave properly.

Now, after taking into account his report, an order to the effect that I have pointed out is to be made. In a proper case, if the court comes to the conclusion that the man need not be sentenced to imprisonment but he should be released on probation of good conduct, but there are certain circumstances in the character or in the antecedents of this man which call for a greater scrutiny, then the court can pass an order which is known as a supervision order namely, that the man has to maintain himself under the supervision of the probation officer for a particular period. This procedure has been introduced in certain serious cases, but cases which are not serious enough for the purpose of sentencing the man to imprisonment for life.

The object is that as far as possible we should take a lenient view, consistently with the requirements of the security of the land, and with the peace of the land that such persons should be allowed to have an opportunity to reform themselves; either by their own methods or with the help of an officer, who is not necessarily an officer in the technical sense of the term, but who would be a friend to these erring persons, for the object is

that they ought to reform themselves. For this purpose, such a probation officer ought to give them proper guidance, ought to check them in as gentle and proper a manner as possible and to a certain extent, those persons can look up to the officer for proper guidance and for proper correction as well. That is the reason why, in this particular case, provision has been made for the purpose of supervision.

If, in spite of the human treatment that has been offered to such a person or that will be offered to such a person under this Bill after it is passed into an Act, the man misbehaves or violates or does not care to fulfil certain conditions, then it is open to the court to take proper action, and the court can impose, in some cases, even a fine for the purpose of preventing a repetition of the same offence.

Then, there is another aspect of the case also to be taken into account. So far as the commission of offences is concerned, in all these cases, the court has come to the conclusion that the man is guilty. If the man is guilty, or if the accused is guilty, then it does mean that so far as the complainant is concerned, he is the person who has suffered, and as such, he is also entitled to some compensation. Therefore, here a provision has been introduced that when any orders of the nature that I have pointed out just now are to be passed, it would be open to the court, under clause 5, to ask this particular offender to pay 'such compensation as the court thinks reasonable for loss or injury caused to any person by the commission of the offence', and also such costs of the proceedings as the court thinks reasonable.

These are the provisions which we generally find in connection with the law of civil wrongs or torts. But here the whole matter has to be considered as equitably, as justly and as humanely as possible. While the accused person or the guilty person has to be treated with a certain amount of fairness, that fairness also requires that

the complainant who has been the aggrieved person should also receive some compensation, from him. That is the reason why an equitable provision has been made that in all such cases, the court can direct the offender to pay compensation.

It is also open to the court to vary these conditions. The court can extend or diminish the period of the surety, which as I have pointed out, should not exceed three years. Similarly, when a guilty person has been released on probation of good conduct, say, for a period of two years, if he behaves so well and so correctly that the court thinks it can waive the fulfilment by him of the remaining period, then it is open to the court to discharge him altogether from the liability of the bond or bonds that he passes.

These are the two provisions with which I have dealt just now. One is the release of the offender after admonition, without any technical conviction so-called, and without any punishment. The second is that he would be released on probation of good conduct. In the former case, a larger opportunity is awarded to the man. In the latter case, in the interests of the society, and in the interests of the security and peace of the society, the man is called upon to be of good behaviour. This is a part of the rule.

But so far as juvenile offenders are concerned, a further step has been taken. In all cases where it is found that a person has been found guilty, but he is under 21 years of age, as you are aware, the question of age is taken into account, to a certain extent, as a mitigating factor.

This is inasmuch as normally he is of a tender and immature age when his intelligence or intellect has not sufficiently developed so as to enable him to understand the nature and consequences of the bad acts that he has committed. Then the law steps in for the purpose of giving some aid. In all such cases, the rule is that so far as such offenders under 21 years

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is concerned, normally the court should have recourse to the provisions of clauses 3 or 4, that is, that he should be released either after admonition or on probation of good conduct. But there may be cases where the man may have prematurely developed. Precociousness is also there, but precociousness on the wrong side. Therefore, in such cases it is desirable that the man should receive proper sentence and proper punishment. In that case, the court has to give reasons why it makes an exception so far as that person is concerned. That is the reason why the wording has been put in a different way. When any person under 21 years of age is found to be guilty, the court shall not sentence him to imprisonment, unless it is satisfied that having regard to the circumstances of the case including the nature of the offence and character of the offender, it would not be desirable to deal with him under sections 3 or 4. If the court passes any sentence, it has to give reasons.

So you will find that certain circumstances have to be considered judicially by the Judge. When a magistrate or sessions judge comes to the conclusion that the man is guilty, under the ordinary law, what is done that the man is immediately convicted and sentenced. But in such a case, the procedure is different. The court should look at the sentences from the points of view or criteria that I have just mentioned. What is the nature of the offence, what is the character of the man, why did he commit this offence—these are the various considerations which, at present, are not generally taken into account under the law as it stands. But now it is considered necessary that the Judge should also, after coming to the conclusion that the man is guilty, take into account these human or humane considerations and satisfy himself that though he deserves regular punishment according to law, he should either be released after admonition or should be released on probation of good conduct.

Here, as I have stated, the process has been reversed because there is some presumption that when such a person is under 21 years of age, that person has not attained such a maturity of understanding as to realise fully not only the consequences but the implications of the act that he has committed. For this purpose, in the interest of a person below 21 years of age, this particular provision has been laid down.

Then as regards clause 8, if, for example, it is found that the man has not behaved properly and he has failed to observe any of the conditions, then a warrant can be issued or summons can be issued. Then when the court finds that the man has committed the act wilfully, that he has not cared to follow the particular conditions laid down subject to which he was released, then, in addition to sentencing him for the original offence, it is open to the court to subject him to a penalty not exceeding Rs. 50.

Then further consequential provisions have been laid down. One is that such orders can be passed not only by the trial court but also by the High Court or the appellate court in proper cases.

Then there is also another side of the question to be taken into account. We have to take into account the security of the society. There are certain offences of an individual character so far as the aggrieved person or complainant is concerned. But there are other offences which have a social aspect which also have to be taken into account. Naturally, when there is a social aspect, all these offences are generally known as cognisable offences where in the interest of the society, it ought to be open to the governmental machinery to take action without any private complaint. Therefore, if any equity or human considerations are to be shown to the accused, the interests of the society also have to be kept safe.

It is quite likely that in a particular case an order may be passed, either under clause 3 or clause 4, but it may not be a proper judicial order. In such a case, it has to be made possible under the provisions of this Bill to have the whole matter properly considered when there is an appeal so far as this question is concerned. Therefore, you will find that the higher courts, the hierarchy of criminal justice, might go into the question and consider whether in taking action under clause 3 or 4, the magistrate or the Judge has acted properly or has used or exercised his discretion properly. It is open to the higher court to come to a concrete conclusion. In view of the circumstances that are there and in view of the different assessment of the offence, it would be open to the higher courts, appellate or other courts, to go into the question and to cancel such orders because they may come to the conclusion that the man does not deserve such a fair or equitable order and that the interests of society require that he should pass through a regular period of punishment as laid down by the common law of the land. This has also been provided for. But it has been stated that in all these cases that the appellate or higher court shall not inflict a greater punishment than might have been inflicted by the court which found the offender guilty.

After dealing with the main purpose of the law, certain consequential provisions have to be made. One is regarding the appointment of a probation officer. The circumstances under which a probation officer has to be appointed have been made clear in clause 11. He will be working under the control of the District Magistrate. His duties also have been fully explained in clause 12.

Then there is clause 13. It is a very important clause. Ordinarily, what happens is that when a man commits a crime and he has been convicted and punished in one of the modes mentioned in the Indian Penal Code, naturally that serves as a disqualification or disability on account of which

he is not entitled to the normal right of appointment under Government; because when a man has been found to have committed an offence generally involving moral turpitude, he undergoes certain consequential punishments. For example, he would not be considered for appointment under Government.

Now, such a ban might work rather unjustly so far as the special cases covered by clauses 3 and 4 and 7 are concerned. Therefore, it has been said in clause 13:

"Notwithstanding anything contained in any other law, a person found guilty of an offence"—

we have purposely used the words 'found guilty of an offence' not 'conviction' because conviction is a regular term which has certain implications; 'conviction' and 'sentence' are special terms used in the criminal law and, therefore, we have used the common expression, namely, found guilty of an offence'—

"and dealt with under the provisions of section 3 or section 4 shall not suffer disqualification, if any, attaching to a conviction of an offence under such law".

We have purposely gone out of the way here because the man should have the full benefits.

But, in case it is found that the person has not behaved properly after release and if he is subsequently sentenced for the original offence, then, this particular benefit of exemption from disqualification will not be available to him at all.

Certain other consequent provisions have been laid down. The rule-making powers in clause 16 have been given to the State Governments. So many amendments that have been tabled suggest that such rules should be made by the Central Government. In this case, the position we have taken is this. Conditions are different in different parts of India and, therefore, we are leaving the making of rules to the various State Govern-

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ments. But, in order to secure uniformity, it has been laid down that the State Governments may make rules but with the previous approval of the Central Government so that we can look into those rules proposed to be made by the different State Governments from a common angle. The object is that as far as possible, these rules should be uniform and should be complete in themselves. For that purpose the previous approval of the Central Government has been laid down.

It has been stated that certain laws will have to be saved so far as juvenile offenders are concerned or persons effected by the Suppression of Immoral Traffic in Women and Girls Act of 1957 are concerned. These Acts are more or less complete in themselves and, therefore, the provisions of this need not necessarily affect them.

Section 562 of the Code of Criminal Procedure which deals with the identical subject will not continue to apply where this Act will be made applicable. It has been stated in clause 18 that section 562 of the Cr. P. C. will cease to apply to the States or parts thereof in which this Act will be brought into force.

It has also been pointed out that this Act might come into force in different States according as they decide. It need not come into force in all the States on a particular date because one State might move perhaps fast and the other States might have certain difficulties for rules to be made. For that purpose, it has been definitely stated in clause 1(3) that it shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different parts of the State. Such a different application need not necessarily be considered not proper because so far as this law is concerned, it applies within the limits of a particular State and if the State desires that it should

apply from a particular date, then, there ought to be no objection.

An attempt has been made to humanise the law to the extent that it is necessary. All proper safeguards have been taken so far as the interests of the society are concerned. A machinery has been provided according to which a Probation Officer might be appointed and he will have to carry on his duties with a view to see that the person under his charge is properly improved and becomes a useful citizen of the country. It is for this purpose that this Bill has been brought forward. It is on the principles which have been accepted not only in India but are being implemented in other parts of the world. The main principles have been accepted by the United Nations Organisation also.

We have taken into account the various recommendations made by the Officer who was here on their behalf and we have tried to make the law as upto date and, I may also add, safe in the interests of society and as modern as the present conditions are concerned, as it is possible to do.

Therefore, I believe that the provisions of this Bill will commend themselves to this hon. House.

Mr. Speaker: Motion moved:

"That the Bill to provide for the release of offenders on probation or after due admonition and for matters connected therewith be taken into consideration".

There are some amendments also. I would like to know from hon. Members who have tabled two sets of amendments to this motion, one set for circulating it for eliciting public opinion and the other for referring it to a Select Committee, whether they want to move them.

Shri Naushir Bharucha (East Khandesh): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon till the 31st March, 1958."

Mr. Speaker: There are two amendments of Pandit Thakur Das Bhargava, one for circulation and the other for reference to Select Committee. Is he moving them?

Pandit Thakur Das Bhargava (Hissar): I propose to move both.

Mr. Speaker: We will take the circulation motion first.

Pandit Thakur Das Bhargava: Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st January, 1958."

Mr. Speaker: Shri Pangarkar, is he here?

-No; he is not here; the amendment is not moved.

Shri Shree Narayan Das (Darbhanga): I am not moving my amendment.

Mr. Speaker: Then there is the amendment of Pandit Thakur Das Bhargava for reference to Select Committee. He may give the names of the Members.

Pandit Thakur Das Bhargava: I have given them already. I beg to move:

"That the Bill be referred to a Select Committee consisting of—

Shri Naushir Bharucha, Shri Bimal Comar Ghose, Shri Frank Anthony, Shri Mulchand Dube, Shri J. M. Mohamed Imam, Shri Narendra Bhai Nathwani, Shri Narendra Bhai Nathwani: Shri S. R. Banani, Shri Banarsi Prasad Jhunjhunwala, Shri Rameshwar Tanti, Shri Amjad Ali, Shri Achint Ram, Shri Ajit Singh Sarhadi, Shrimati Renuka Rao, Shri S. R. Damani, Shri Banarsi Prasad Goray, Shri C. R. Narasimhan, Shri C. D. Pande, Dr. Ram Subhag Singh, Shrimati Renu Chakravarty, Shri B. N. Datar and The mover.

with instructions to report by the 10th December, 1957."

Mr. Speaker: All these amendments, Nos. 24, 38 and 25 are before the House.

Shri Naushir Bharucha: Mr. Speaker, Sir, I rise to oppose this Bill both on principle as well as on account of the operative causes which. I find, go far beyond the requirements of the present case and our Indian society.

Shri Mohamed Imam (Chitaldrug): May I know how much time has been allotted for this Bill? It was not settled yesterday.

Shri Naushir Bharucha: We are meeting at 3 o'clock today in the Business Advisory Committee. So, we shall continue till 2.30 and then we can decide it in the Committee.

Mr. Speaker: Some six hon. Members have sent in their names for taking part in the general discussion. If it is possible to conclude the general discussion by 2.30, well and good.

Pandit Thakur Das Bhargava: It is not possible.

Shri Easwara Iyer (Trivandrum): In view of the importance of the Bill, may I suggest that some time more be given?

Mr. Speaker: We have got 1½ hours now. I think 3 hours, 1½ hours more—will be sufficient.

Pandit Thakur Das Bhargava: This Bill is very important. The Chair might have noticed that there are motions for circulation and for reference to Select Committee. So, I will respectfully submit that the time should not be three hours only. The general discussion for the Bill if it is not circulated or sent to a Select Committee should be given at least six hours.

Mr. Speaker: I will consider it. The Business Advisory Committee will consider this. But we carry on till 2.30 and then take up the Private Members' Business. I hope hon. Members will take 15 to 20 minutes each.

Shri Naldurgker (Osmanabad): There are amendments tabled by me but the name of Shri Pangarkar was called.

Mr. Speaker: That is with respect to clauses. We have not yet come to the clauses.

Shri Naushir Bharucha: As I was saying, I rise to oppose this Bill because I feel that it goes far beyond the requirements of the case and it is unsuited to the present conditions in several States and to our present conditions in society.

13 hrs.

The hon. Minister in charge of the Bill enumerated certain reasons with regard to the underlying principle. The objects of punishment should be four, as mentioned by Salmond in his book on Jurisprudence, a book which is a textbook for colleges. There, it has been mentioned that punishment should be deterrent, preventive, reformatory or restrictive.

In regard to the objects of punishment, he says something which is very relevant to the present Bill and I propose to read out a few sentences. On page 141 he says that of these four aspects, the first is essential—that is to say, deterrent aspects—and the most important one, the others being merely secondary. He says:

"Punishment is before all things deterrent, and the chief end of the law of crime is to make the evildoer an example and a warning to all that are like-minded with him. ... It is the object of criminal law to counteract this inducement by making every offence obviously, in Locke's words 'a bad bargain for the offender'."

With regard to the preventive aspect that gets the second place, he says that not only do we endeavour to deter offenders, where we find they are incurable, but we subject them to preventive punishment.

With regard to the reformatory aspects of punishment, he says that it

occupies the third place. About this he says:

"In recent years, under the stimulus of criminological theories and humanitarianism, which regard crimes largely as a disease, this function has been regarded as of increasingly great importance...."

But theory alone is not sufficient. A compromise is necessary in which, he says, the deterrent theory must have the last word, for this is the primary and essential end of criminal law. In the past mere deterrence was allowed to play too large a part, and the treatment of criminals insufficiently 'individualised'. He goes on to say:

"In spite of this it may be argued that although the complete acceptance of the reformatory theory as the only one to be applied would be disastrous, yet it might be extended to the treatment of others than the very young and the actually insane."

13.02 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

In other words, what the hon. Minister has done is to go whole hog for the reformatory theory of punishment. My submission is that which we should not discard the reformatory aspect, it must be relegated to the secondary place. The deterrent aspect must be there. Without that, I do not know what would be the condition of law and order.

In the Bombay legislature, we were discussing the question of prohibition, whether crime has lessened as a result of the introduction of prohibition. There from the Police Commissioner's report, it said that between the years 1948 and 1953—in five years—the crime had gone up in the case of cognizable offences by 300 per cent. and in case of non-cognizable offences by 1100 per cent. I am asking the hon. Minister whether he is so much satisfied with the state of law and order

in the various States that he is by a stroke of the pen sweeping away all the deterrent aspect of punishment. I am afraid that the Ministry has not applied its mind properly to the implications of the Bill. One can understand the application of reformatory principle in case of persons under twenty-one years of age or some such categories where the offences are committed not by pre-determination and pre-planning.

The basic principles of the Bill are that in the case of such offences as are considered minor by the hon. Minister—offences under Section 379 and 380 of the IPC and also 420 IPC cheating—the offenders may be released after an admonition. Does the hon. Minister appreciate the fact that even in cheating, there are very nasty type of cases where deterrent sentences are called for. I know the case of a man who habitually practised cheating as a travel agent. He took money from the pilgrims who wanted to go to the places of pilgrimage and disappeared. I know of cases where people from Punjab came to Bombay to go to Mecca and they were stranded. In cases like that, when it falls under section 420, should the man be administered only.

Mr. Deputy-Speaker: He was perhaps getting charities because they were going for that purpose.

Shri Naushir Bharucha: Fortunately the Court to which I presented the complaint took a serious view. But the poor pilgrims could not afford to linger on in Bombay till the case was concluded and so they had to leave.

The principle involved in clause 4 is much worse. There a wholesale *carte blanche* given to every citizen in the State to commit one offence. I know of a principle of law which says that every dog has a legal bite and every horse, a legal kick, in the sense that if a master of an animal does not take proper care with regard to animals which he knows to be ferocious he could be sued if it is the first kick by a horse or the first bite by the

dog, the master cannot be presumed to know that and so he probably gets away. Now the hon. Minister wants to add that every man may have a legal rape, every *goonda* a legal fight.

I want to ask this. Do we distinguish between the gravity of the offences or not? I am not speaking offhand. I am speaking with the experience of a quarter of a century in law courts. I know what types of offences can be committed even though they are not punishable with death or imprisonment for life.

Take for instance the question of rape. I know one case where I prosecuted a person for committing rape on a four year old baby. Now, rape is an offence for which there is no imprisonment for life. It is ten years. So, it can be covered under clause 4. I should like to know whether the hon. Minister really desires that offences of this type should be let off by the mere taking of a bond for good behaviour. Does he desire that the man should be told, "Well, look here. You have committed rape and you have been found guilty. Do not do it again and go and be a good boy." Is that the way?

Shri Raghubir Sahai (Budaun): Are they mandatory provisions?

Shri Naushir Bharucha: Under clause 4 all types of offences are included—not merely rape but dacoities, receiving illegal gratification which we are out to eradicate. All may be covered by this. There might be criminal breach of trust in respect of public revenues, counterfeiting coins and currency notes, spoiling of a city's water supply, etc., defiling places of worship, causing hurt by means of poison of firearms, selling persons for slavery or prostitution, engaging in traffic in women, etc. All these types of offences, in so far as they are not punishable by imprisonment for life, can be covered.

Are we out so much to reform the criminals that we are prepared to take this leap in the dark by enacting

[Shri Naushir Bharucha]

this type of legislation which leaves the courts to find a person guilty of a very serious charge and then to let him off either with an admonition or asking him to enter into a bond and be of good behaviour? I say society is not prepared for this.

I remember some years back that the figures as to how far certain States were criminal were published. They were published in the then undivided India. I was surprised to find Bombay suburban district the most criminal district in the whole of India. It was 6 in a thousand population—a very high percentage of crime. Next came the North West Frontier Province with 4. In a place like Bombay, these types of things work havoc. In Bombay city, you cannot have an evening paper which does not show that so and so has been stabbed. There are two or three stabbings a day there, and it is not uncommon. All this would be covered by clause 4. I submit that the hon. Minister will reply to it.

Now, what we have provided is, we have left the discretion to the court to look into the nature of the offences and award the type of punishment necessary. What is the tendency of the courts, and this is what I am telling the hon. Minister. I am speaking with a quarter of a century of experience in law courts. The law courts do take a lenient view. I have seen cases of stabbing which the courts leniently allow to be compounded. *Goondaism* is on the increase, and there is lawlessness on the increase. Our city is not safe. The former Chief Minister, Shri B. G. Kher attributed the complaints to the fact that in the suburbs lawlessness was in the increase. Therefore, if you leave it to court to apply this law, the courts, either on account of the fact that they are pressed for time or for anything else, would say, "Are you pleading guilty? I will give you the benefit of clause 4". The man pleads

guilty and gets off. The procedure is shortened, time is saved and in the pressure on the court, it may be done. I am not prepared to give that discretion to the court of law that this clause 4 can be applied and that the courts, in their judgment, could do it.

"The High Court may look into it,"—the hon. Minister will say, but every case does not go to the High Court. That is also no sufficient safeguard to say that it can be done and that we have got sufficient safeguard for the society. I am very apprehensive about the application of this law. Take, for instance, certain types of cases where it will be very difficult to apply this law. For instance, in Bombay, in the case of Hindu bigamous marriages, if a man commits bigamy, is the Court going to say, "you have committed bigamy. Now be good and don't marry a third wife."

Take another case; a petty municipal case. Here, the basic principle of clauses 3 and 4 is that there must be no previous conviction. In thousands of municipal cases, who is going to keep the records of previous convictions? No record is kept, because no finger-prints are taken, for, humanly it is not possible to maintain a finger-print bureau which is capable of identifying hundreds of thousands of cases, petty offences, municipal offences, or these relating to traffic. In all such cases, every time, they will have to say, "Admonish and discharge," and again "Admonish and discharge".

Today, I am surprised to find that in the city of New Delhi, up till now, I have never seen a cyclist riding with a lamp at night. I do not know whether a law exists at all to check such things.

Mr. Deputy-Speaker: The hon. Members might have different experiences so far as that is concerned.

Shri Naushir Bharucha: I do not know what the experience of others is, but I have never come across a single cyclist having a lamp on his cycle at night, in all these four or five months that I have been here. There are numerous cases like that, municipal, petty offences of which no record can be maintained. How is this law to be applied? Every time, the man will have to be allowed to go scot-free. What is the use of having municipal offences then?

I submit that in our Criminal Procedure code, section 562 is there. That is ample safeguard, because that itself takes into consideration certain aspects and only in exceptional circumstances, the courts so far have applied section 562, where the extenuating circumstances are so patent on the face of it that the sympathy of the court is immediately roused.

Take, for instance, a person who is starving and who gets no employment. He goes and commits theft in a bakery. But it would be criminal to punish that man, and therefore, the courts take into consideration section 562. So, before the hon. Minister wants the sanction of this House to this legislation, I would ask him: "Have you studied the trend of crime and have you placed before us the facts showing that crime has been gradually on the decrease?" May be, due to the fact that we have been enacting pieces of legislation to a large extent probably the crime in certain respects must have decreased, but I submit that lawlessness is increasing and this is a dangerous time to enact such legislation as this.

My constructive proposal is; I am not prepared to say that you should scrap the Bill wholesale. But do this. Have two categories of offences: in certain classes of serious offences such as I have enumerated including raid and dacoity, they should never be permitted to have a law like this. Have two schedules and enumerate the sections and say that in such and such offences, this may be done and in the other cases, the court's discretion is taken away and it may not be applied.

I would appeal to my friend, the hon. Minister in charge, to take these factors seriously, because we know we have been prosecuting cases in law courts and we know exactly how this might be applied. I think the fear which I have expressed is not my individual fear but I am voicing largely the opinion of the public.

Shri Raghunir Sahal (Budaun): Mr. Deputy-Speaker, I have listened to the speech of our distinguished friend, Shri Naushir Bharucha, with attention, but I am sorry to say that I am not prepared to share the feelings of a defeatist mentality which he has voiced in discussing this Bill. I understand that this is not only a piece of penal reform but it is a measure of social reform.

Shri Naushir Bharucha tried to show that the whole idea of release of offenders on probation is a new idea. It is not like that. Towards the close of his speech, he mentioned about section 562 Cr P. C. He has got vast experience of courts and he must have come across that section every day. But did he show any of his impatience or protest against the presence of section 562?

Shri Naushir Bharucha: Look at limitations in that section.

Shri Raghunir Sahal: It has, but all the principles that have been incorporated in this Bill have been taken from section 562. I do not agree with my friend, the hon. Minister of State who introduced this Bill, in saying that the principle of admonition that has been introduced in this Bill is entirely new. It is not. I would just invite his attention to sub-section (a) of section 562. It is as old as the Criminal Procedure Code. It says:

"In any case in which a person is convicted of theft in a building, dishonest — misappropriation..

Shri Datar: That is after conviction. Here there is no conviction as such.

Shri Raghunir Sahal: In section 5, of the Bill also it is conviction.

Shri Datar: Conviction as such, when found guilty.

Shri Raghubir Sahai: Here also admonition is to take place after an offender is found guilty by the court. So, the principle of admonition is embodied in clause 1(a) also. What special feature we find in this Bill is that only in case of those persons who are below the age of 21, it has been provided that generally, punishment of imprisonment will not be given to them. He will be released on admonition or he will be released on probation. But in those cases where a magistrate is of opinion that he should be awarded imprisonment, then, he should state his reasons specifically. Now, I only find that if there is a change at all, and a salutary change, it is embodied in clause 7 of this Bill.

So, I was going to say that this is not a new idea. The idea existed there in the Criminal Procedure Code. Our misfortune was, this provision of section 562 was not generally used, because magistrates might be averse to it and they were not prepared to take all these extenuating circumstances into consideration.

Mr. Deputy-Speaker: Shri Naushir Bharucha had been advocating for its application. It was the magistrate who did not advocate.

Shri Raghubir Sahai: I find that in this Bill, not only the provisions of section 562 had been incorporated, but as I said, they have gone one bit further. As I just pointed out, in clause 7, they have put a special provision that in the case of all those who are under 21 years of age, punishment of imprisonment will not be generally given.

There is one thing surprising in clause 4. Whereas in clause 3 you find that the conditions precedent is that the person should be a first offender if the benefit of this section is to be applied, somehow, I find that in clause 4, these words have been omitted. I do not know whether they have been omitted with a purpose

or it was only a lapse. For, I feel that even under clause 4, where we deal with rather major offences, the benefit of being released on probation should go to those persons who are first offenders and not to those who came under the category of habituals.

My hon. friend Shri Bharucha pointed out to us the provisions of jurisprudence. They are very salutary provisions and everyone who has anything to do with the law courts know that they are very good provisions. But time is passing fast. He must have come across the improvements that have already been made in Uttar Pradesh with regard to the administration of jails. Some open air jails have been started and the contention of our Chief Minister is that that experiment is proving very successful. Then we were reading in the papers that a conference is taking place in Lucknow of convicts and ex-convicts along with Ministers and other non-officials and they have passed some very salutary resolutions. Well, it is for the Uttar Pradesh Government and for other Governments to either follow or accept those recommendations or not. But the trends are there. We are not wedded to those old considerations of deterrence and retribution. We are going forward with reformation. How far these steps will prove successful, time alone will show.

Now every person is almost agreed on this subject that it is no use filling in the jails. We quite realise that it is very necessary for some people to be locked up in the jails and their liberty should be restricted, but it is not necessary that everybody should be inside the jail. For instance, those persons who commit an offence under a certain impulse (say for want, hunger, or grave provocation) should be shown consideration by the court. We should recognise that whatever the law may be, those who preside in our courts take due care that the provisions of the law are complied with. So whatever provisions we

may make in this Bill, we should expect that they will be faithfully carried out by those who will be called upon to administer the law. Along with those circumstances that have been mentioned in these clauses, which it will be the duty of the courts to take into consideration, I wish that one other circumstance may also be added. That circumstance is the fact that an offender has made a clean breast of the whole thing, concealing nothing. I think an omission of this sort is a great defect. After the addition of these words the clause would read like this:

"Having regard to the circumstances of the case, including the nature of the offence and the character of the offender, and the fact that he has made a clean breast of the whole thing, concealing nothing."

Shri Naushir Bharucha: How will you define "clean breast"?

Shri Raghubir Sahai: It is for the court to judge.

The reason for my suggesting the addition of these words is this. You may be aware, as I suppose, our hon. Minister of State must be fully aware, of the fact that in the last Parliament, the Criminal Procedure Code was amended to a very great extent and one of the reasons given on behalf of Government for the amendment of the Criminal Procedure Code was to put down perjury which is so rampant in the law courts. Every lawyer, everybody who has anything to do with the law courts, knows that perjury is rampant. Now, how to do away with perjury is the question. Unfortunately, our law as it stands at present, gives scope for perjury. For instance, in section 342 of the Criminal Procedure Code you will find it stated in clause (2):

"The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them."

Now, the word "false" is part and parcel of the Criminal Procedure Code. Retaining this, in my humble opinion, is a slur. But when we cannot amend section 342 at this stage at least by incorporating this wholesome provision in the present Bill we can certainly give a filip to telling the truth.

What is the practice at present? Telling a lie is the general rule, because people feel that making a clean breast of the whole thing does not pay. That is why perjury is so rampant in law courts. In other civilised countries, perjury is not so much prevalent. Speaking the truth is the general practice. Only the other day, I read in papers that a former Commander-in-Chief of Pakistan, an Englishman, on his return to England was prosecuted for the offence of rape. That ex-Commander-in-Chief engaged a lawyer. He appeared before a court and the lawyer advised him to make a clean breast of the whole thing and before the law court that ex-Commander-in-Chief came forward and said: "Well, I have committed this offence; I am sorry for it; it is a great blot on my character. I throw myself at the mercy of the court."

Mr. Deputy-Speaker: If it was done on the advice of the lawyer that must have been expediency.

Shri Raghubir Sahai: Maybe at his own instance, but assisted by the lawyer. Whatever that may be the court naturally took a very lenient view. You will hardly find such instances in our country. The lawyers themselves feel hesitant to advise their clients to tell the truth. There is a provision under section 342 that the accused can make a false statement. I say that it should be specifically laid down here that apart from taking other circumstances into consideration, the court may also take this fact into consideration whether the accused has stated the entire truth. Mr. Bharucha asks, "How is it to be judged?" It will have to be judged by the court itself, because

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they look to the prosecution, they look to the defence; they look to all the circumstances of the case—the nature of the offence, the character of the offender, etc. From all this totality of circumstances, they come to the conclusion whether the statement made by an accused is a clean breast of the whole thing or not.

It is quite unlike confession to the police. We can certainly say that confessions to the police are generally not true, though it cannot be said that in every case confession to the police is untrue. There are some cases where genuine statements have been made. But here is a person who is on bail, who is in the hands of lawyers and naturally it will be expected that whatever he says to the court will be something voluntary. As I said, these are not mandatory provisions. They are all left to the discretion of the court. Even when all the circumstances having been taken into consideration the court comes to the conclusion that the offender need not be released on admonition or need not be released on probation, there is nothing to quarrel with. He could be sentenced. So, I submit that where circumstances are to be taken into consideration, this particular circumstance for consideration should also be included.

Lastly, I do not think a case has been made out for sending this Bill to elicit public opinion. There is nothing new. Section 562 is very old. All the principles that have been embodied in this Bill form part of section 562 and everybody is familiar with those provisions. So, the Bill need not be sent for circulation.

I support the Bill and hope that the particular idea that I have placed before the hon. Minister will receive his due consideration.

Shri Sadhan Gupta: (Calcutta-East): Mr. Deputy-Speaker, in contrast to Mr. Bharucha with whom I have had many points of agreement

on many matters, I am constrained to oppose him and to welcome the Bill so far as it goes. Indeed my opposition to the Bill is not for what it does provide, but for what it does not provide and where it wavers, for whom it falters.

To understand this Bill, we must bear in mind that our law, and for the matter of that the law of most countries, has certain inhuman aspects. The most inhuman aspect is reliance merely on the theory of punishment, which was so ably quoted by Mr. Bharucha from Salmond's Jurisprudence. Salmond lived about 50 years ago. He wrote his book about 50 years ago and all he knew was the theory of punishment. Punishment could be deterrent, could be retributive, could be reformatory, could be preventive, but it had all to be punishment and nothing but punishment.

Neither Salmond nor the criminal jurists of his age or for the matter of that of later ages, had any idea that there was a different approach to the criminal apart from the approach of punishment of one kind or the other. You must take the psychological approach by which the best way of reforming perhaps many criminals was not to punish them but to convince them that what they did was wrong and to satisfy the punishing authority that what the criminals deserved was not punishment but some kind of admonition, so that what they had done would not be repeated again.

Perhaps it is the psychology of most men who slip into crime for the first time that they are ashamed of the crime they commit. There may be exceptions; I do not deny it. But in most cases, when the criminal commits the offence for the first time, he does it with some hesitation, with a lot of pangs in his conscience. At that time, if he is found and prosecuted, then he feels a degree of shame which is unparalleled. Under those circumstances, if he finds a way of

escape out of the odium of the consequences, perhaps he will be reformed much better than by some kind of punishment. Now, if the punishment is inflicted under the circumstances, the hesitation, the shame of the crime, is lost. If he is sent to jail once, he is not likely to be ashamed to go to jail again, more specially so because his companions in prison are anything but desirable companions. I do not know how many criminals in their criminal life by residence in the place where they are supposed to have been punished for the crime in order to prevent them from doing it. Persons sent to jail where ordinary criminals are kept have learnt the worst ways from those criminals. That is the thing which must be prevented.

Therefore, there is no substance in this theory, however high the jurists that might have propounded, however scientific it might have been through ages of recognition. We have developed new psychological theories; we have gained some experience and we have been in touch with the much more complex society and a society much farther away from those days where every crime was looked upon in a spirit of vengeance and some kind of punishment was thought essential for the purpose of teaching the criminal a lesson. Let us not forget that just over a hundred years ago, if a person had stolen something worth 40 shillings, in England, he was liable to be sentenced to death. That had not stopped crime in England. If anything, it made matters worse. That is not the thing we aim at.

Therefore, it is a very wise measure that it is not incumbent on the court to punish every criminal that is put before it and that is proved to be guilty of the offence. It is this aspect of our law that has perhaps created more criminals than any other. Today the court is almost powerless in most of the cases. In certain minor cases they can proceed under section 562. Even then the odium of conviction persists. There

is no power in the court to make an order, which will convince the criminal that he has done wrong and he should not do it and, at the same time, which will not cast upon him an odium of conviction and which will rehabilitate him in society as an ordinary useful citizen of the society.

Do we mean to cast the criminal into a career of crime or do we mean to rehabilitate him in society? If we want to rehabilitate him in society, there should be no rigidity in the penal laws. The penal laws should be altogether flexible and the court should be able to decide what kind of treatment will be best suited to the needs of the criminal and, above all, the needs of the society.

From this point of view, I welcome the provision as to admonition, the provision as to probation and the provision as to treatment of juvenile offenders. I will come back to juvenile offenders later. I have full support for that proposition. But, as regards admonition and probation, I voice my opposition because it does not go far enough. What the Bill provides in the matter of admonition is this. Clause 3 reads:

"When any person is found guilty of having committed an offence punishable under section 379 or section 380 or section 381 or section 403 or section 420 of the Indian Penal Code or any offence punishable with imprisonment for not more than two years, or with fine, or with both...."

Why restrict it only to a specific offences? The criminal, whatever the offence he may commit, might stand in need of human treatment. We must break with the past altogether. We must not allow this ghost of the theory of punishment to haunt us for all time to come. It may be that even in the case of serious offences, an admonition will do the work better than punishment. For example, I was reading years ago a certain book where there was a case of a woman engineer in the Soviet

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Union. She, in a fit of jealousy, killed her husband. Then, considering the circumstances of the case, the court sent her back to her work with a very severe warning. Now, it may happen that even in the most serious cases an offence is committed under the spur of the moment for certain purpose and it is quite likely and perhaps it is most probable that he will never repeat that offence. The seriousness of the offence, the enormity of the offence will hang heavily on his conscience and he will never repeat that in his life time.

Under these circumstances, are we to send him to twenty years' imprisonment, which will convict him into a confirmed criminal. Why not allow him to be a useful member of the society? Why take a vengeance on him?

Of course, in a serious offence, there is no doubt that the court will take a serious view of it. In most cases the court will be convinced that it would be no use trying to be humane and that a punishment would be necessary. But there are certain cases in which humane treatment might do the job better. Even in offences like culpable homicide or even, it is conceivable an offence like murder, such cases often arise which throw the sympathy of society towards the accused because of the circumstances of the case. That may not be a general or usual case. But there are certain cases where the sympathy of society goes very strongly with the accused. In those circumstances, why should we not allow the court to exercise its discretion and deal with it, either by administering him or by keeping him on probation? I have no fear, like Mr. Bharucha has, that the court might abuse those powers and might be inclined to use those powers frequently. On the other hand, in the case of serious offences, we have found that the courts have invariably imposed very deterrent sentences of imprisonment. Under these circumstances, we need

not fear that courts will abuse those powers. On the other hand, the courts will be conservative because they have been trained in the theory of punishment, as Mr. Bharucha or I have been trained. They would rather be inclined to punish him than to use those powers of admonition where it needs to be used. It would be a long time before the courts will adapt themselves to a proper use of those powers.

Therefore, if there is any danger, it is that the courts may not readily take to it because of the training and tradition in which our legal system has grown up. Under those circumstances, we need not be afraid in entrusting this power to the courts even in the case of most serious offences.

Apart from that, let us remember that the most serious offences are tried by the most responsible courts. As a matter of fact, there may be some grounds for the doubts expressed by Mr. Bharucha in the matter of offences which are punishable with imprisonment not exceeding two years or with fine or with both because they are tried by magistrates and the magistrates might take to that expedient; because of the accumulation of files, they might take that short cut. But, in the case of serious offences, they are tried by judicial officers like Sessions Judges and other experienced people. In some of the Presidency towns they were tried by the High Court Judges though now City courts have come into being. They are all experienced judges. In entrusting these powers to those people, we need not fear that society will suffer in their hands.

Therefore, I would request the hon. Minister to be bold enough to extend this power of admonition to all offences, irrespective of their gravity and trust the courts to deal with the accused according to the nature of the offence and the character of the offender. It is not as if the court has been given a carte blanche to do

anything it likes. The restrictions provided in section 3 and section 4 are identical. They say that the court should have regard to the circumstances of the offender, the nature of the offence and where it is expedient, they may release him on probation or may release him after admonition.

All that has to be considered and after consideration, the court will take action in the matter. Therefore, ample safeguards are provided and we need not be afraid of trusting our courts with wide powers in this respect. If we distrust, it is only because in the back of our mind still lingers that old idea that every crime must be visited with punishment, whatever its consequences to society may be.

I welcome the provision regarding juvenile offenders. I have already said how many offenders are converted into confirmed criminals merely by being sent to jail. This is particularly true in the case of juvenile offenders. At an impressionable age, if you put a person in the company of bad characters, he readily imbibes their habits, he readily imbibes their nature and he becomes more easily a criminal in society and adopts a criminal character. Therefore, this provision as regards juvenile offenders by which the normal procedure that a court will follow is to release him on admonition or on probation and only in exceptional cases, it will impose a sentence, is a very salutary provision and I lend it my entire support.

I have to point out one small thing with which I have my disagreement or rather to which I want to call the hon. Minister's attention regarding persons who are to be appointed Probation Officers. Under the Bill as it stands at present, any person can be a Probation Officer. I am afraid that if it is all left to the State Governments, it may be that plenty of Police officers will become Probation Officers. But, our police, unfortunately, by their training and tradition are not yet fit to perform such socially important duties. In these circumstances, I would request the Minister

to make a change in the law to the effect that no police officer should be a Probation Officer unless, of course, he is appointed by the court. Because, the court can look into the whole thing and decide whether a particular police officer is fit or not. There may be many police officers who are fit. I do not deny that. But, as a rule, we need not trust our police officers too much. That is why even in the Criminal Procedure Code, we have gone to the length of providing very exceptional provisions disallowing the use of statements recorded by the police in criminal cases.

In conclusion, I would appeal to the Minister to shake off the hesitancy that has been displayed in the Bill. Let him make provisions by which no punishment will be imposed unless the court is convinced that there is no other way of stopping the offender from repeating the crime or of correcting the offender in future, or unless the court is convinced that it is too risky to leave that person at large in society, that it is too risky for society to leave that person at large. I have no doubt that courts, if they follow a wise policy, and with the guidance of the High Courts a wise Supreme Court will be able to evolve very well established principles according to which these sections regarding admonition and probation will be more frequently used and will be used to the great benefit of society.

Shri B. S. Murthy (Kakinada-Reserved-Sch. Castes): Mr. Deputy-Speaker, I rise to support the Bill. I think that this Bill is in conformity with our traditions. If we go back to the days of the Upanishads, the idea was that man should rise from his low life to the life divine. Therefore, we have been told, that the desire of the soul is *asato ma sat gamaya, tamaso ma jyothir gamaya, mrityor ma amritam gamaya*. This is what this Bill is trying to do.

Shri V. P. Nayar (Quilon): The hon. Member may give the translation also.

Shri B. S. Murthy: To my communist friend, I have no objection because any other orthodox brahmin would have been offended if I translate that into English.

Some Hon. Members: No, no.

Shri B. S. Murthy: *Asato ma sat gamaya*—from *asat* to *sat*, roughly from untruth to truth; *tamaso ma jyothir gamaya*,—from darkness to light; *mrityor ma amritam gamaya*—from death to life.

This has been the urge of our ancient rishis and this has been responsible to a great extent for the cult of ahimsa which has overtaken countries, a culture which is now trying to penetrate into other fields in the west as well as in the east. Therefore, this Bill is nothing but a small particle of that desire to make a man rise above circumstances which sometimes draw him down to beastly behaviour. Therefore, this Bill is trying to show a way out for any casual offender, for any person who unwittingly commits something, which, he later on considers to be a crime and then, is in danger of being punished, sentenced and sent to jail in company with confirmed criminals.

My hon. friend Shri Bharucha was trying to show that clauses 4, 5 and 6 are very elaborate and therefore, every one can do this and that. He has been citing certain cases in Bombay and suburban Bombay. Here is clause 8 where it is stated that if a probationer has misused the consideration shown to him and does not try to reform and become penitent, and tries to commit other offences, under sub-clause (iii) (a) he can be sentenced for the original offence. Therefore, a probationer is in danger of not only losing what is given by the court, a chance to reform, but he is to be recalled and punished for the original offence. Therefore, I do not think there is any difficulty whatsoever as far as the provisions of clauses 4 to 6 are concerned.

Again, the youth of any country is its own asset. Unless and until we take extraordinary care to see that our children, our youth are properly guided and trained, there is the difficulty

that the nation may not have the benefit of the youth later on.

Therefore, this is a measure which gives the youth an opportunity to correct themselves without being rushed down the current of criminal activities.

14 hrs.

There were days when man thought in terms of an eye for an eye and a tooth for a tooth. If a man committed murder, the murdered man's people were always anxious to kill that man in the same manner. But today we have advanced so much that this sort of gruesome murder or behaviour would not be tolerated. And in this Bill the nation is trying to see that its youth is not unnecessarily allowed to drift down the current and get into bad company which will confirm their criminal qualities if they have any and make them commit more offences.

My hon. friend Shri Bharucha was telling us about Salmond. I too have read Salmond, but not successfully, because I had to leave my law college. Salmond's distribution of punishment as deterrent, preventive, reformatory and retributive is not quite correct. I think there is an idea of imperialism, colonialism and a sort of feeling of superior and inferior men in it. The world is coming slowly to oneness and the idea of one world, so much so that Salmond must be re-written because the categories enumerated by him denote punishment, and punishment in the olden days was very deterrent and very cruel. The more cruel the punishment, people thought the greater was its deterrent. Now the days have changed and the psychology of the world as a whole has improved, and the collective wisdom of all nations is pointing towards something else, something more refined, because man as a whole is not prone to be criminal and it is because of certain circumstances that he commits offences.

I would like to call the attention of the House to an incident which took place, 2,000 years ago in the life of Jesus Christ. A woman had committed the sin of adultery, and according

to the Mosaic law any one found guilty of adultery had to be stoned to death. At that particular moment Jesus was telling the people to rise above the idea of a tooth for a tooth and an eye for an eye. He was telling them that if they were slapped on the left cheek, they should turn the right one also. He was trying to tell them of a new law of conduct. The people brought the woman to Jesus and said: "Here is a woman whom we have seen committing adultery. According to the law of Moses she should be stoned to death. What sayest thou". It was a very difficult question. If he should say that she should not be killed, they would say that he was irreligious and was talking against the law of Moses. If he agreed with them, they would find fault with him, saying: "You said that we must have love, love thy neighbour as thyself etc., and how can you allow this woman to be killed by stoning her to death." These were the difficulties which pestered Jesus. He thought for a while and said, "Stone her to death..."; everyone was trying to get in, but he added, "...beware, the first stone must be from the man who is free from sin". And he began to write with his toe on the sands of the Sea of Galilee. After a time he looked up and saw nobody there except the woman almost shivering with fear, prostrate at his feet and weeping. He asked her: "Woman, has nobody touched you?" "No, my Lord," she said. Then he said: "Go away, and do not commit this sin once again".

This is a story that has come down for nearly 2,000 years and this story gives us a lesson that whatever may be the crime, we should see that the person concerned is offered all facilities to reform, to repent and to become penitent, to shed the ideas of criminality by himself and not by force.

Shri Bharucha said something about his experience of a rape case in the Bombay Court. Though I was not a lawyer, I too have a certain experience of these rape cases. (laughter).

Mr. Deputy-Speaker: He might have been a Judge.

Shri B. S. Murthy: I said "rape cases". I did not say anything else. I hope my friends will be good enough to lay a better construction on my sentence.

A boy who was working in the Corporation of Madras entered a hostel and committed rape. The next morning he and the girl were brought to me, and the father of the girl said: "This matter must be reported to the Commissioner of the Corporation and this man must be punished. He must be sent to the police." I argued with the father and later on made him understand the position. I also had a talk with the boy and he explained that he did it under certain circumstances and promised that he would never look at any other woman except in the spirit of the saying *matruvat para dareshu*. We sat down and discussed the whole matter and finally the girl's father also pitied the boy. The boy was let off and the girl was taken care of by her parents. Today the boy is an ideal social worker, and whenever I see him he bends his head in shame and says: "I cannot forgive myself and forget the offence that I committed".

Therefore, we must try to be as far as possible compassionate in dealing with criminals in their first offence. Therefore, I would ask that these cases should not be entrusted to all and sundry. These are difficult cases and I would like only juvenile courts should be ordered to try them. As there are courts in America, we should also have juvenile courts all over the country, and very able, eminent and cultured people should be appointed as Judges in these courts so much so that their very presence will make the offender realise his guilt and seek their protection and advice.

As my hon. friend Shri Sadhan Gupta was saying, the probation officers must be carefully selected. They must have a missionary zeal in them, because they will be in charge of these probationary offenders who

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have to reform themselves, and they may have to contribute a good deal in this respect. Therefore, I would like that these probation officers are officers who are trained in social service, in tests of psychology and several other things, for, unless and until we provide the wherewithal for the offender to get himself reformed, it is not possible to reform him. Therefore, it is very necessary that we should appoint good probation officers, and also set up juvenile courts.

It is said in law that it is better that nine guilty persons escape rather than that one innocent person be punished. So, if we are able to reform a number of young men by this piece of legislation, it would be an asset to the country.

Therefore, I welcome this Bill, and I would request that the suggestions that I have made may be considered, namely that juvenile courts should be established all over the country, that these cases should not be handed over to any and every court, and that the probation officers must be trained officers who would handle the offenders carefully and with sympathy and compassion. I hope the Ministry will make the necessary arrangements for this purpose.

My hon. friend Shri Naushir Bharucha said that every dog has a legal bite, and every horse has a legal kick. If we admit that even a dog and a horse can have a bite and a kick respectively, why should not every person have a legal escape? And this Bill is intended as a legal escape.

श्री श्रीनारायण दास (दरभंगा)

उपाध्यक्ष महोदय, मैं इस विधेयक का हृदय से समर्थन करता हूँ। मैं जानता हूँ कि मौजूदा समाज में इस तरह के कानूनी तरीके का अपना अमी इतना गहल नहीं हो पाया है। अभी एक बहुत ही माननीय सदस्य ने, जो कि एडवोकेट हैं, इस बिल का विरोध किया है।

कुछ दूसरे वकील माइनों ने इसका समर्थन भी किया है। मैं वकील नहीं हूँ और मैं यह भी मानता हूँ कि मैंने अपने देश की न्याय पद्धति और न्याय प्रशासन का भी पूरा अध्ययन नहीं किया है, लेकिन जहाँ तक दंड संहिता का संबंध है, मैं जानता हूँ कि दंड देने के कई उद्देश्य हैं। सब से बड़ा उद्देश्य यह है कि अपराध करने वाले के मन में इस बात का भय पैदा हो कि समाज कानून भंग को बहुत कड़ी नज़र से देखता है और चाहता है कि दूसरे लोग अपराधी की सजा को देख कर भागे अपराध न करें। सजा का एक दूसरा उद्देश्य यह भी होता है कि जो लोग समाज की मान्यताओं—नैतिक मान्यताओं, कानूनी मान्यताओं और दूसरी मान्यताओं—के विरुद्ध कार्य करते हैं, उनमें समाज की रक्षा की जाय। मनुष्य समाज के अंगरक्षक से देखा गया है कि समाज की स्थापित मान्यताओं के विरुद्ध जाने वाले लोगों को बड़ी बड़ी कड़ी सजायें दी जाती थी। अगर सभ्यता का—मानव समाज का—शुरू से ले कर अब तक का इतिहास देखा जाय, तो स्पष्ट है कि शुरू में साधारण से साधारण अपराध के लिए—जिसे आज हम साधारण अपराध कहते हैं—मृत्युदंड दिया जाता था, भ्रम भी काट लिए जाते थे। जो व्यक्ति चोरी करता था, उसके हाथ काट दिए जाते थे। बहुत सी ऐसी सजायें दी जाती थी और ऐसे तरीके अपनाए जाते थे, जिन्हें आज हम असभ्य कहते हैं। किसी साधारण से अपराध करने वाले व्यक्ति को उबलते हुए तेल में अपना हाथ डाल कर अपनी निर्दोषिता साबित करने के लिए कहा जाता था। अगर उस का हाथ न जलता, तो उसे शुद्ध समझा जाता था। लेकिन जैसे जैसे समाज में सभ्यता बढ़ती गई, वैसे वैसे दंड को न केवल इस दृष्टि से देखा गया है कि दंडित व्यक्ति और दूसरे लोग अपराध करने से डरें, वरन् इस बात पर भी विचार किया गया है कि कोई व्यक्ति अपराध क्यों करता है, उस के अपराध करने के पीछे उस का व्यक्तिगत दोष ही है या समाज का भी दोष

है, वह किसी आर्थिक या मानसिक कमजोरी के बशोभूत होकर अपराध करता है, जबकि समाज का जो संगठन है, उस की जो धारणाएँ हैं, जो सामाजिक जीवन है, उस के कारण वह अपराध करने की बाध्य होता है। हमारे देश के दंड संहिता के जानने वाले जो लोग हैं, उन्होंने इस विषय की पूरी विवेचना की है और सोचा है और इसी के फलस्वरूप हमारे देश में—और इस के साथ ही अन्तर्राष्ट्रीय क्षेत्र में भी—दंड विधान के सम्बन्ध में नए नए सुझाव आते रहते हैं और दंड संहिता में संशोधन किए जाते हैं। संसार में एक ऐसा अन्तर्राष्ट्रीय संगठन मौजूद है, जहाँ तमाम देशों के न्याय शास्त्र को जानने वाले, मनो-विज्ञान शास्त्र के जानने वाले और इस क्षेत्र में अनुभव रखने वाले लोग एकत्रित होते हैं और इस बात की विवेचना करते हैं कि संसार भर में जो दंड संहिताएँ प्रचलित हैं, आज की ज़ालत में वे सचमुच में ठीक हैं या नहीं और अगर वे ठीक नहीं हैं, तो उन में किस प्रकार से सुधार किया जा सकता है। इस सम्बन्ध में जैसा कि माननीय मंत्री ने बताया एक सम्मेलन इंस्टीट्यूट ऑफ जुरल आफ पुलिस का हुआ, जिस ने इस बारे में सुझाव रखे। मैं किसी व्यक्ति विशेष को दोष नहीं देना चाहता हूँ, लेकिन मैं यह समझता हूँ कि हमारे देश का पुलिस संगठन और न्याय प्रशासन अभी आदर्श ढंग का नहीं हो पाया है। हमारे दंड विधान में ऐसा संशोधन करने की जरूरत है, जिसमें दंड देने का उद्देश्य पूरा हो जैसा कि कल माननीय मंत्री जी ने बताया था, दंड देने का उद्देश्य डर दिखाने के साथ ही साथ सुधार करना भी है और यह विधेयक, जो कि हमारे सामने आया है, उस दिशा में एक अच्छा कदम है। इस सम्बन्ध में मुझे यह दुःख के साथ कहना पड़ता है कि हमारे माननीय मंत्री जी ने इस सदन को यह बताने का कष्ट नहीं उठाया है कि किमिनल प्रोसीजर कोड की दफा ५६२ का अनुसरण जिस का उद्देश्य इस विधेयक के उद्देश्य से मिलता जुलता है, किस किस राज्य में, किस पैमाने पर किया गया है

और उस का अनुभव क्या रहा है। इस चीज के पर उन को हर राज्य सरकार से इस सम्बन्ध में आंकड़े और अन्य सूचनाएँ मंगानी चाहिये थी और उसकी इस सदन के सामने रखनी चाहिये था, ताकि इस सदन को ज्ञात होता कि अगर किसी राज्य ने दफा ५६२ का अनुसरण किया है, तो किस हद तक किया है, और अगर नहीं किया है, तो क्यों नहीं किया है और उस के रास्ते में क्या रुकावटें थी।

माननीय मंत्री जी को इस संबंध में इस देश की जेल व्यवस्था के बारे में भी कुछ सूचना हमारे सामने रखनी चाहिये थी। यद्यपि जेल प्रशासन केन्द्रीय विषय नहीं है, लेकिन केन्द्रीय सरकार का कर्तव्य था कि वह यह सूचना एकत्रित करती कि विभिन्न राज्यों में जेल व्यवस्था में क्या क्या सुधार हुये हैं, क्या आंकड़े हैं, कितने अपराधी ऐसे हैं, जो कि पहली बार दंडित होने के बाद दोबारा अपराध कर के जेल में गये। यह पता लगाना जरूरी है कि जो अपराधी दंड के रूप में—या सुधार करने के लिये—जेल में भेजे जाते हैं, वे वहाँ से वापस आकर समाज के अच्छे नागरिक बनते हैं या नहीं। हम अपनी जेलों पर इतना खर्च करते हैं, इतनी व्यवस्था करते हैं, हर तरह की सुविधा देने का प्रयत्न करते हैं। अतः आंकड़ों की देख कर हम इस बात का पता लगा सकते थे कि दंड पाये हुये अपराधी जेल में रहने के फल-स्वरूप समाज के अच्छे नागरिक बनते हैं या नहीं या दोबारा अपराध कर के कड़ी से कड़ी सजा पा कर जेल में सौटते हैं। इस अवसर पर अगर इसके संबंध में भी कुछ बता दिया गया होता तो मैं समझता हूँ कि इस सदन में इस विधेयक पर विचार करने में हम लोगों को सुविधा होती।

यह बात ठीक है कि अन्तर्राष्ट्रीय संगठन का यह आदेश है और दुनिया के जो दूसरे देश हैं उन देशों में इस तरह के कानून बने हैं और उन देशों ने अपने देशों के अन्दर ऐसी व्यवस्था की है कि जिस में जेलों को १

[श्री श्रीतारायण दास]

स्थान दिया गया है और इसके साथ ही साथ उनके सुधार की दूसरी संस्थाएँ हैं चाहे वे सरकार द्वारा संचालित हों चाहे कानून पर आधारित हों या समाज उनको चलाता हो या समाज सुधार में दिलचस्पी रखने वाले व्यक्ति उनको करते हों।

इस बिल के बारे में मैं अपना एक विशेष विचार यह रखना चाहता हूँ कि अब समय आ गया है जबकि हमें यह देखना होगा कि हमारे देश में अपराधों में कमी क्यों नहीं हो रही है। इस बिल में जिन धारणाओं को लेकर चला गया है, हो सकता है कि वे पूर्ण व्यावहारिक नहीं साबित हों। लेकिन यह बात भी सही है कि बावजूद इसके कि हमारे देश में कड़े से कड़े कानून बने हुये हैं लेकिन फिर भी जहाँ तक चोरी का सवाल है या दूसरे अपराधों का सवाल है या उन अपराधों का सवाल है जिनको कि घणित अपराध कहा जाता है, वे कम नहीं हुये हैं। जिस प्रकार की दंड व्यवस्था है, जिस प्रकार से हमारे देश में न्याय का शासन चलता है, अपराधों में कमी नहीं हो पा रही है। चाहे यह विषय राज्य सरकारों के अन्तर्गत आता हो चाहे केन्द्र सरकार के अन्तर्गत लेकिन यह देखा गया है कि आज भी जब हमने कड़े से कड़े कानून बना रखे हैं यह बुराई कम नहीं हुई है। आज भी लोग काफी बड़ी संख्या में इन कानूनों की अवहेलना करते हैं। आज भी लोग समाज के बिना काम करते हैं जिस से कि समाज को हानि होती है, आज भी लोग ऐसे कार्य करते हैं जिससे कि व्यक्तियों की हानि होती है। आज हम ऐसे लोगों को कड़ी से कड़ी सजाएँ देकर जेल भेज देते हैं लेकिन इसके बावजूद भी ऐसे अपराधों की संख्या हमारे देश में बढ़ी ही है इसमें कमी नहीं हुई है। जब ऐसी बात है तो विधायकों के लिये यह सोचने का यह एक अच्छा अवसर मिल जाता है। अब हम कोई नया कानून बनायें और बास

तौर पर दंड की व्यवस्था का तो उस कानून को बनाते समय इस बात पर भी विचार करें कि अब तक हमने जो दंड की व्यवस्था की है, उसका क्या असर हुआ है। जहाँ तक मैं थोड़ा बहुत जान पाया हूँ, उसके आधार पर मैं यह कह सकता हूँ कि आज समय आ गया है जब हमें न केवल इस बात का ख्याल रखना है कि अब ही पैदा किया जाये, न केवल इस बात का ख्याल करना है कि लोगों के दिलों में डर ही पैदा किया जाये और इस डर की वजह से लोग अपराध न करें बल्कि इस बात का भी ख्याल रखना है कि वे अपराध करने पर मजबूर क्यों होते हैं। मनोविज्ञान बतलाता है कि डर किसी व्यक्ति के लिये या समाज के लिये कोई ऐसा विषय नहीं है कि जिस से घबरा करके लोग किसी बुरे काम को करना बन्द हो कर देंगे। अगर डर और भय से अपराध बन्द होने होते तो आज को बन्द हो गये होते। जेल के कानूनों को देखकर, वहाँ पर जिस प्रकार का व्यवहार किया जाता है तथा जिस प्रकार अपराधियों को रखा जाता है, आज अपराध बन्द हो गये होते। हमने देखा है कि लाखों की तादाद में लोग जेल गये हैं, उन्होंने कानून को तोड़ा है। जेलों में सख्ती के साथ रखे गये हैं, फिर भी वे अपराध करने से नहीं रुके हैं। जेलों का तजुर्बा उल्टा यह बताता है कि जो अपराधी एक बार जेल चला जाता है, वहाँ के सहवास से, वहाँ के वातावरण से तथा वहाँ की कुव्यवस्था से वहाँ के व्यवहार से, चाहे वह जेल वार्डर का व्यवहार हो या जेल सुपरिंटेंडेंट का हो या दूसरे कर्मचारियों का हो, उसके कारण वहाँ से वह एक कफ़मर्ड (पुष्ट) अपराधी बन कर निकलता है। एक धादमी जो भूखा है और अपनी भूख को तृप्त करने के लिये साधारण चोरी करता है, जेल में चोरों के सहवास में रह करके वह पक्का चोर बन कर निकलता है। अगर कोई धादमी गलती से या किसी के बहकाने के किसी डकैती में आम में सेता है और

पकड़ा जाता है, तो जब वह जेल जाता है वहां से वह पहले से भी ज्यादा जबर्दस्त डाकू बन कर लौटता है। इस वास्ते समाज को, देश के विधायकों को इस पर विचार करना चाहिये कि दरअसल में जब हम कोई कानून बनाते हैं और विशेषकर जब हम किसी दंड की व्यवस्था करने वाला कानून बनाते हैं तो हमें देखना चाहिये कि जिस उद्देश्य से उस दंड वाले कानून को हमने पहले पास किया है और उसको पास करने में जो हमारा उद्देश्य था, वह सफल हुआ है या नहीं। इसीलिये आज इस विधेयक के द्वारा जिन बातों का हम अपनी दंड संहिता में समावेश करने जा रहे हैं, उसका जैसा कि मैंने पहले कहा, मैं बहुत जोर में अभिनन्दन करता हूं।

अभी थोड़ी देर हुई हमारे माननीय सदस्य मरूचा साहब ने एक बात कही थी। उन्होंने कहा था कि हमारे जो न्यायकर्ता हैं वे अपराधियों को दंड देने में बहुत ही लीनियंट व्यू लेते हैं उस समय जब किसी को दंड देने का वक्त आता है। वे लोग उस वक्त बहुत कड़ाई के साथ नहीं सोचते हैं। उनका कहना था कि हो सकता है कि इस विधेयक के पास हो जाने के बाद और इस कानून के बन जाने के बाद समाज में लालसनेस फैले, कानून हीनता बढ़े या समाज में दूसरी बुराइयां फैलें। अगर जज का ऐसा कहना इस विधेयक पर लागू होता है तो वह दूसरे विधेयकों पर भी इसी प्रकार से लागू होता है। हमारे देश में अच्छे लोग भी हैं और बुरे भी हैं। लेकिन जहां तक बुरे काम करने वालों को सुधारने का शालूक है, उनका सुधार किया जाना चाहिये। मैं समझता हूं कि यदि इसको व्यावहारिकता की दृष्टि से देखा जाये, तो आपको पता चलेगा कि अब समय आ गया है जबकि हमें यह देखना चाहिये कि हमारा जो यह उद्देश्य है कि अपराधों में कमी हो उसको कम करने का क्या बड़ी एक साधन है कि कड़ी से कड़ी सजा दी जाये और अपराधियों को जेल भेजा

जाये अथवा उनको समाज के धन्द्वर किसी संस्था के अधीन या व्यक्तियों के अधीन या ऐसे वातावरण में रखा जाये—चाहे उनको अपने घरों पर ही क्यों न रखा जाये—जिस से वह जिस अपराध के लिये दंडित हुआ है, आगे से उसको बुरा समझने लग जाये।

उपाध्यक्ष महोदय, यह देखा गया है कि हमारे देश में सरकारी तौर पर तो नहीं लेकिन गैर-सरकारी तौर पर ऐसी संस्थायें हैं जो जेल से दंडित व्यक्तियों के निकलने के बाद उनके सुधार के लिये, उनको अपना जीवन भली भांति चलाने के लिये, उनको फिर से रोजगार पर लगाने के लिये कार्य करती हैं। यह कर्त्तव्य समाज का है कि वह देखे कि किस तरह से ऐसे व्यक्तियों का सुधार किया जा सकता है। अगर एक व्यक्ति जोकि पांच, सात या दस साल की कैद काट कर आता है और उसकी ओर समाज घृणा की दृष्टि से देखता है, उसको कोई काम पर नहीं लगाता है, उसके जीवन निर्वाह का कोई साधन नहीं है और लोग उसके साथ सहवास करने से भी डरते हैं और वह एक कलंक लिये हुये समाज में रहता है, तो इसके गम्भीर परिणाम निकल सकते हैं। ऐसी सूरत में मैं पूछना चाहता हूं कि क्या समाज का उसके प्रति कोई कर्त्तव्य है या नहीं। उसका अगर कोई कर्त्तव्य है तो फिर मैं समझता हूं कि इस तरह का कानून बनाना भी उपयोगी सिद्ध हो सकता है और है। एक आदमी किसी गलती से कोई अपराध करता है और जज यह समझता है कि उसका चालचलन बुरा नहीं है और किसी और हो कारण से उगने अपराध किया है और उसको मौका दिया जाना चाहिये कि वह सुधार करके अपना जीवन निर्वाह करे, उस पर निगरानी रखी जाये, उसका निरीक्षण किया जाये, तो उसको आत्मसुधार करने का उचित अवसर दिया जाना चाहिये। अगर समाज इसका कोई प्रबन्ध नहीं करता और एक आदमी हो सकता है कि किसी सहवास के कारण या कुसंगति में पड़कर कोई अपराध कर बैठे और सात आठ साल के बाद जेल से

[श्री श्रीनारायण दास]

निकल कर उसके जीवनोपार्जन का कोई प्रबन्ध नहीं होता है तो आप सोच सकते हैं कि किस तरह वह इस प्रकार कलंकित बन कर चल सकता है। अगर समाज उस पर सन्देह की दृष्टि से न देखे, और उसको कोई काम दे दिया जाये, उसको कलंकित न समझा जाये, उसका तिरस्कार न किया जाये, उस पर घृणा की नज़र से न देखा जाए और नौकरी देने वाले उसको नौकरी दे दें, तो फिर उसका सुधार संभव हो सकता है। ऐसी हालत में क्यों उसको अपने आपको सुधारने का मौका न दिया जाये। मैं चाहता हूँ कि सरकार इसका पता लगावे कि उसे जेलों को चलाने के लिये, जेलों में खाने पीने की व्यवस्था करने के लिये, कितना खर्चा करना पड़ता है और यह भी हमें देखना चाहिये कि जो दंडित लोग हैं जो अपराधी लोग हैं, उनकी देखभाल उनके निरीक्षण, उनके सुधार आदि में कितना खर्चा आयेगा। अगर इसमें खर्चा भी कम पड़ता है और जेल की अपेक्षा सुधार की संभावनायें भी अधिक होती हैं, तो मैं समझता हूँ कि इस ओर भी ध्यान दिया जाना चाहिये।

आज ऐसा बक्त आ गया है जबकि हमको जेल व्यवस्था पर भी ध्यान देना चाहिये। जेलें चाहे राज्यों का विषय हो चाहे केन्द्र का, फिर भी इस कानून पर विचार करते समय इस सदन का ध्यान जेलों की व्यवस्था पर जाना जरूरी है। अगर जेलों की व्यवस्था ऐसी होती है...

Mr. Deputy-Speaker: I hope the hon. Member is trying to conclude.

श्री श्रीनारायण दास : अगर मुझे समय दिया जाये तो मैं कुछ इस बिल की धाराओं पर भी कहना चाहता हूँ।

Mr. Deputy-Speaker: Then he might continue the next day.

Now, we will take up non-official business.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

EIGHTH REPORT

Shri Easwara Iyer (Trivandrum): Mr. Deputy-Speaker, Sir, I beg to move:

"That this House agrees with the Eighth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 13th November, 1957."

Mr. Deputy-Speaker: I will now put it to the House. The question is:

"That this House agrees with the Eighth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 13th November, 1957."

The motion was adopted.

RESOLUTION RE. APPOINTMENT OF A TRIBUNAL TO REVIEW THE CASES OF DISMISSED GOVERNMENT EMPLOYEES

Mr. Deputy-Speaker: The House will now resume further discussion of the Resolution moved by Shrimati Parvathi M. Krishnan on the 12th September, 1957 regarding 'Appointment of a Tribunal to review the cases of dismissed Government employees'.

Out of 2 hours allotted for the discussion of the Resolution 3 minutes have already been taken up and 1 hour and 57 minutes are left for its further discussion today.

Shrimati Parvathi Krishnan was to have continued her speech. She has written to the Speaker to say that as she has left for Pakistan on a Parliamentary delegation she would not be present in the House today. In the circumstances, I shall treat her speech

as concluded and place the Resolution before the House.

Resolution moved:

"This House is of opinion that a special Tribunal consisting of a High Court Judge as Chairman and two members representing the Government and the workers should be appointed to review the cases of employees whose services were terminated or who were dismissed or who are under indefinite suspension under the Central Civil Services (Safeguarding of National Security) Rules, 1953, Government Servants Conduct Rules and Rule 1708 of Indian Railways Establishment Code."

There are some amendments also. There is amendment No. 1 in the name of Shri Tangamani and Shri Banerjee. Are they going to move that?

Shri Tangamani (Madurai): Yes, Sir. I beg to move:

That in the Resolution—
add at the end:

"during the period from 16th August, 1947 to the 12th September, 1957 and it should submit its findings before end of December, 1957."

Mr. Deputy-Speaker: Amendment Nos. 2 and 3 by the same hon. Members are outside the scope of the Resolution and I, therefore, rule them out.

Amendment moved:

That in the Resolution—
add at the end:

"during the period from 16th August, 1947 to the 12th September, 1957 and it should submit its findings before end of December, 1957."

Shri A. K. Gopalan (Kasargod): Mr. Deputy-Speaker, Sir, the resolution before the House is that a special Tribunal consisting of a High Court Judge as Chairman and two members representing the Government and the

workers should be appointed to review the cases of employees whose services were terminated or who were dismissed or who are under indefinite suspension under the Central Civil Services (Safeguarding of National Security) Rules, 1953, Government Servants Conduct Rules and Rule 1708 of Indian Railways Establishment Code.

I would appeal to the House that we should consider these matters dispassionately. It is not a party issue; it is a national issue. And, there is no doubt that we all agree that government servants must be loyal to the State. But loyalty to the State does not mean loyalty to the party in power because today it may be this party and tomorrow it may be another party. As far as the State is concerned, the government servants must be loyal to the State. As far as breaches of discipline, inefficiency or other things are concerned, there is absolutely no doubt that whatever punishments there are should be applied.

But, here the question is that there are certain very drastic rules and as far as these are concerned, they are abused in their application. We know how in the railways and the postal department many government servants who had served even 15, 20 or 22 years have been dismissed without showing any reason, without giving them any opportunity to know what the charges against them were, or to show whether they were correct or not. In some cases the charge-sheets were not given. That is why I say that this resolution must be discussed dispassionately.

I want to point out that in the First Parliament, on 10th May, 1953, a resolution was moved by Shri Nambiar and that resolution said that these rules must be cancelled and those that had been discharged must be reinstated. Even one or two Members who opposed that resolution said that the circumstances that existed

[Shri A. K. Gopalan]

when the National Security Rules were passed did not exist then and that it is the duty of the Government to see that those rules were cancelled. The idea of that resolution was that the rules should be cancelled and those that had been dismissed should be reinstated.

This resolution is very simple. It only says that a special Tribunal consisting of a High Court Judge and two Members representing the Government and the workers should be appointed. There must be a review of those cases. This Tribunal must certainly look into those cases and see whether the charges against the persons are correct and that they should be reinstated if the dismissals were not reasonable or just.

It may be said at the beginning that so far as these National Security Rules are concerned, there is already a committee of advisers and they can represent to them and they will decide. I will take that point afterwards when we come to the rules. But we want to say that so far as the committee of advisers is concerned there won't be any justice because one of them is a C.I.D. officer who has given the report. One or two other departmental heads are there. It is before them that these people have to go for justice. I am sure no justice can be obtained from this committee.

What are these rules? They are the Government Servants Conduct Rules. Besides there, there are the Safeguarding of National Security Rules, 1953. Clause 3 of these rules says:

"Where the President is of opinion that a Government servant is engaged or is reasonably suspected to be engaged in subversive activities or is associated with others in subversive activities and that his retention in public service is on that account prejudicial to national security, the

President may make an order compulsorily retiring such Government servant from service."

Then, he will be allowed to give a representation in writing and he may be dismissed after that.

In this rule 3, it is stated that not only is the government servant engaged in subversive activities but is reasonably suspected to be engaged in such activities. Who is the person who decides whether he is reasonably suspected or not? It is the Police Officer. So, if the Police Officer or the Departmental Head, irrespective of whether the person is reasonably suspected to be engaged in subversive activities or not says so, he can be dismissed. I do not want to go into details of each case but when each case comes I will show how it was overdone. Then there is rule 1708 of Indian Railways Establishment Code. It says that the railway servant would be liable to be terminated from the railway service if he was inefficient or overstayed the sanctioned leave or for repeated minor offences, absenting himself without leave. These are the grounds on which action can be taken. But, there is a proviso which says:

"Provided that nothing in this rule shall abrogate the right of the General Manager for causing the removal of a non-pensionable non-gazetted railway servant from service without the application of the procedure prescribed..."

Certain procedure has been prescribed. If it is inefficiency, you have to show what kind of inefficiency and when it was found. If there is any breach of discipline or any other offence is committed, it should be shown to him and he should be asked to prove his innocence.

But there is this proviso. Without assigning any reason or without adopting the procedure prescribed

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under the rules, a person can summarily be dismissed. He will not be given any reasons; not even an opportunity to prove his innocence.

Mr. Deputy-Speaker: I shall bring it to the notice of the hon. Member that he is only supporting the Resolution and not moving it. So, he will have only fifteen minutes.

Shri A. K. Gopalan: I request you to give more time because the Mover of the Resolution wanted certain facts should be presented to the House.

Mr. Deputy-Speaker: I do appreciate it. But my limitations are also there. According to the rules, a Member can speak on the resolution for fifteen minutes. He will try to adjust and I will also try to accommodate him.

Shri A. K. Gopalan: I will cut it short. I will show how these provisions are applied. I have already stated that the rules provide a committee of advisors to go into the question. But you cannot expect justice from the CID officers and the departmental officers. That is why we say that an impartial tribunal should go into the matter.

I would also say that these rules go against article 19 of the Constitution. That article gives all citizens—including the Government employees—certain rights: freedom of speech and expression, peaceful assembly, forming associations or unions, to move freely to reside and to settle and so on. Certain restrictions are imposed by the Constitution. These rules do not allow them the use of the freedom. They are not even giving an opportunity to say that the charges against a certain individual are correct or not. It offends the letter and spirit of the Constitution. So, the article in the Constitution and the rules I have pointed out are contradictory. The Constitution right is more important.

Lately, the Railway has sent a circular stating that there should be no

representation to the Members of Parliament or MLAs. If any representation is made to them, it will be treated as breach of discipline and punished. If they are representatives of the people and if a Government servant finds that he cannot represent directly to the authorities or he is afraid, it is only through the representatives of the people that the Government can be made to understand. For instance, there may be corruption or something else. If a circular like this is sent that nobody should approach MPs., I do not know how far this restriction will help efficiency and discipline among the Government servants.

How these powers have been abused, I shall show presently. There is no time and I would only read out some cases. One person by name Shri Ram Wadhaya was charged. What are the charges?

"1. Negligence of Duty: In that he at 08:15 hrs. on May 1, 1956 when specifically directed by Jem. Mahi Singh to report for duty in Yard for Grass Cutting did not go there but instead disappeared from place of duty."

Does it go against the security of the State? I do not know. Here is another order dated 4th June 1955. It says:

"All concerned are, therefore, warned to ensure that no T.E. Ind. staff is employed on duties other than loading and unloading, turn-over, care and preservation and other duties connected with depot stores only."

It also specifically says that they should not be employed on 'grass-cutting' work. It says here: it is an audit objection:

"In the past employment of T.E. Ind. personnel on the following duties has been viewed as unauthorised expenditure against

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T.E. Grant and objected to by the audit authorities:

.....on planting trees, maintaining garden, sports ground, grass-cutting, etc."

Grass-cutting is objected to by the audit but still a man is dismissed because he does not do it. In 1955, the order is that people should not be engaged on works such as grass-cutting, etc. In 1956, this person is asked to cut grass and he is given a charge-sheet and dismissed because he did not do it. This man is on a hunger-strike somewhere in Delhi. He has sent so many petitions and one does not know what happens to them.

There is another case of a Travelling Ticket Examiner in the Southern Railway. What are the charges against him? He formed or certain persons including himself formed themselves into a group and sponsored a series of acts of sabotage in the years 1952, 1953 and 1954 with the object of derailing the trains, thereby endangering the lives of the travelling public and causing damage to the railway track and rolling stock.

It is a very serious thing. The officer was knowing that it was done in 1952 and again in 1953 but gives him notice only in 1954. The officer who is responsible for this must be tried for treason. He cannot allow a man like that when he knows that certain persons are engaged in sabotaging. He kept quiet in 1952 and the whole of 1953 also. He charges him in 1954 that he placed a big boulder measuring about 18" x 0" x 9" weighing about 92 tons in the track and so he was charge-sheeted in 1954.

I have no time to go into further details. Otherwise, I would have read over to you how these charge-sheets allege that they were walking in the platform, conspiring together

watched by the police and they understand that there is a plot to derail the train. So, they wait till 1954 from 1952 and see only in 1954 that a big stone is being put on the track. So, he is dismissed.

On the very face of it, shows that it is false. Is there no Preventive Detention Act? Even if the offence could not be proved, at least if it is found that he was doing something against the State, he could have been arrested and detained. I know the man; he is himself not 92 lbs. He is only 20 lbs. or so.

Mr. Deputy-Speaker: Perhaps the hon. Member is talking of a Lilliputian

Shri A. K. Gopalan: He is a tall man; but as far as his weight is concerned, even the hon. Deputy-Minister will understand that that man is physically and mentally not capable of that. For derailing, he must be capable physically and mentally. He was charge-sheeted in 1952 and 1953 for sponsoring acts of sabotage and in 1954 they found him trying to place a 92 lbs. boulder on the track. Do you know the reason for all this? The reason is that he is an active trade union worker. The Shoranur-Nilambur railway was dismantled and the union was exposing the corruption that was unearthed when relaying of the railway was done. Not only that. A wall collapsed and a child died. The authorities wanted not to say that. The union brought it out and then the Railway Board took prompt action and punishment was given. Simply because he is an active trade union worker, he was charge-sheeted and he is still under suspension. That man has put in 10 or 12 years service.

I want to point out some more cases. In Cordite Factory, Aruvankadu, the secretary of the union gave certain suggestions for utilising surplus capacity. He also refuted the statement of the authorities by giving cor-

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tain known figures in an appeal to M.P.s. He was charge-sheeted for violating Government Servants Conduct Rules and dismissed in January, 1957.

Shri Ram Wadhawa Anand of C.O.D. Agra refused to cut grass and was dismissed from service. Then, in the case of eight employees in the ordnance factory, Muradnagar—their services were terminated in October, 1957 for participating in the strike against retrenchment and they are not the junior-most people.

Sitaram Singh of Railway at Allahabad was suspended in 1949. The Sessions Court declared the dismissal illegal and ordered reinstatement. But till now he is not reinstated.

Here is another important case: "Complaint against Shri Nand Lal Chharimali, Porter, Raigarh who is alleged to have openly supported the P.S.P. candidate." This is a letter to the General Manager, South-Eastern Railway, Calcutta from the Assistant Director, Railway Board. Here is the translation of the Hindi letter dated 19-3-57 from the President, City Congress Committee, Raigarh, addressed to Shri Jagjivan Ram, Minister of Railways. He says:

"I have got sufficient documents to prove that Shri Nandalal Chharimali made an open propaganda in favour of the candidate mentioned above among the citizens of Raigarh, Railway employees...."

and so action must be taken. So, there was a letter from the Congress President saying that action must be taken and action is taken for supporting a P.S.P. candidate.

Here is another case there is no reason given, the case of Shri Kanai Lal Chatterjee. He has got 14 years of service, but he is told, "No reason will be given to you. You are dismissed from service."

Mr. Deputy-Speaker: Has the hon. Member got all these documents from those persons?

Shri A. K. Gopalan: Yes.

Mr. Deputy-Speaker: He may place them on the Table.

Shri A. K. Gopalan: Yes. On 13-9-57 the Superintendent of Post Offices, South Calcutta Division, forwarded a letter from the Deputy Secretary, Ministry of Communications. I have got here the cases of about 48 persons and I place them here; the names, departments, stations etc are all given.

Here is another case about Shri S. P. Awate. He had been charge-sheeted and he has also been dismissed. It is very important. The reasons given are:

"After your release, you were noticed attending some of the public meetings organised by the Communist Party of India. You are closely associated with members of the Communist Party of India.. You were seen attending the public meeting organised by the Communist Party of India in Parel on the following days when you were accompanied by your wife and some other friends: 15th August, 1954—Independence Day Meeting; 26th January, 1955—Republic Day Meeting; 7th November, 1954—Russian Revolution meeting."

The charge is he attended those meetings accompanied by his wife and some friends. He could not say to his friends, "I am a Government servant; you must go away." Because he attended the Independence Day meeting and the Republic Day meeting, a charge-sheet is given and he is told, "You have done something against the security of the State so you are dismissed from service." There are other reasons also given which are more absurd.

Mr. Deputy-Speaker: He may lay all those papers on the Table; he might need time to say a word or two afterwards.

[Placed in Library. See No. LT-385[57].]

Shri A. K. Gopalan: I will point out only one or two more cases. The charge against **Shri M. P. Narayan Nambiar**, Class IV official of the Cannanore Railway Station Post Office was his alleged participation in the rehearsal of a drama called *Rent arrears*, said to have been sponsored by subversive activities. He did not act in the drama; he only went to see the drama. Simply because the name of the drama was *Rent Arrears*, it was called a subversive activity and the man was dismissed, although he only went to see drama. He was not an actor, but only an onlooker. But that was the reason why his services were terminated

There is the case of an active railway worker, **Shri R. K. Shandilya**. He has given a printed notice of hunger strike in which he has given the reasons also. I place it here.

There is a memorandum presented to the Members of Parliament by the *Eastern Railwaymen's Union*, the *South-Eastern Railwaymen's Union* and the *North-Eastern Railway Mazdoor Union*. **Shri S. Subrahmaniam**, ex-General Secretary of the *S. E. Railwaymen's Union* has been charge-sheeted to be removed from service for addressing a letter to the *Hindustan Standard* as General Secretary of the Union. The Assistant Secretary of the *Tatanagar Branch* of the Union has been charge-sheeted for collecting subscription on behalf of the Union. The President of the *Madhupur Branch* of the *Eastern Railwaymen's Union* has been charge-sheeted for filing a nomination in the *Madhupur municipal election*. Secretary, *Khurda Road Branch* of the *S. E. Railwaymen's Union* has been charge-sheeted for forwarding an advance copy of his appeal to a Member of Lok Sabha.

I do not want to go into any more cases because, as you have said, there is no time. There are so many other cases also. But so far as charge-sheeting is concerned, it is very clear that under the cloak of security and discipline, it is only for stopping the trade union work. It is only a political prejudice. A Government servant is charge-sheeted because he was seen walking with Communist members, and he is told he is indulging in subversive activities. They say that these are subversive organisations. Suppose the Kerala Government, which is not a Congress Government, say that there are certain parties including the Congress Party, which are indulging in subversive activities, say that these are subversive organisations, and suppose they dismiss any employee on the ground that he has got sympathy towards the Congress, will the hon. Minister agree they can do it? The question is not whether you have sympathy towards this ideology or that ideology; we only want that you must do your work properly, efficiently and in a disciplined manner.

So, as far as these things are concerned, we only make an appeal to the Government that there have been abuses of the powers; there is so much discontent. Let the Government appoint a special tribunal and let these cases be put before the tribunal. Let an opportunity be given to the employees to explain and let the tribunal decide who is correct and who is not.

This is the time when we want the co-operation of the employees. There are about 300 to 400 employees who have got experience of 10 years, 15 years and 22 years. We want them now because we want to expand our industries in order to have more production. We want their services very badly. Now, if we leave them at the road side and do not take their services, certainly that will be a great loss to our country. Further, the morale of our services will also be affected, if we do not take them back.

15 hrs.

Now, as far as the rules are concerned, our opinion is that they should be scrapped. That is our firm opinion. But the resolution does not say so. It only says that as far as the cases of the dismissed employees are concerned a Tribunal should be appointed to review all those cases.

I do not want to mention any more points. I have got a copy of the speech of the hon. Deputy Minister. He has promised several times that he will look into those cases. Now I am only requesting him just to go into those cases. This resolution, which is a very simple one, gives effect to my proposal by appointing a Tribunal. I, therefore, request the hon. Minister to accept this resolution.

श्री स० भ० बनर्जी (कानपुर) : उपाध्यक्ष महोदय, जो प्रस्ताव इस सदन के सामने है, उसमें एक तरफीय मंने पेश की है और वह यह है कि १६ अगस्त, १९४७ से लेकर १२ सितम्बर, १९४७ तक जितने भी केसिज हुए हैं, उन की जांच ट्रिब्यूनल, जिस की कि हम मांग कर रहे हैं, करे।

हमारे मित्र गोपालन जी ने काफी तफ़सील के साथ इस सम्बन्ध में केसिज रखे हैं, जिन को सुन कर इस सदन के सारे सदस्यों के सामने यह बात कम से कम साफ़ हो चुकी है कि बहुत से लोगों का विक्टिमाइजेशन किया गया है। जब भी हम विक्टिमाइजेशन का लफ्ज इस्तेमाल करते हैं, तो ग्राम तीर पर हमारी सरकार और उस के भ्रष्टसरान यह कहते हैं कि यह विक्टिमाइजेशन नहीं है। क्या आप चाहते हैं कि सरकारी मुलाजमीन में इनडिसिप्लिन हो, अनुशासनहीनता हो ? अगर अनुशासन नहीं होगा, तो किस तरीके से, किस के बूते पर, यह सरकार चलेगी ? मैं यह कहना चाहता हूँ कि मैं भी एक निकाला हुआ सरकारी मुलाजिम हूँ।

उपाध्यक्ष महोदय : वह कैसे तो आज

श्री स० भ० बनर्जी : जी नहीं, वह नहीं ले रहा हूँ। मैं लेना चाहता भी नहीं हूँ।

इस लिए मैं जानता हूँ कि किस तरीके से लोग नौकरी से निकाले गए हैं। श्री गोपालन जी ने बताया कि कुछ निकाले हुए कर्मचारी प्रधान मंत्री जी के बंगले के सामने भ्रनशन कर रहे हैं। यह ठीक है कि भ्रनशन नहीं करना चाहिए। आखिर फ़ाकाकशी करना किस को अच्छा लगता है ? लेकिन सवाल यह है कि वह ऐसा क्यों कर रहे हैं। उन के बारे में बार बार यह कहा जाता है कि घास काटना जुमं नहीं था। आखिर वे क्यों निकाले गए ? मालूम हुआ है कि वहां पर मिलटरी भ्रष्टसरान काम करते हैं और मिलटरी के जवान भी हैं। इस लिए अगर उस केस को, जिस को उन्होंने इनडिसिप्लिन का केस समझ रखा है, तय कर दिया जाता है, डिसाइड कर दिया जाता है, डिफ़ेन्स मिनिस्ट्री उस का फैसला कर देती है, तो हमारी आर्मी के मारेल पर, उस के जवानों के मारेल पर भ्रष्टर पड़ेगा और अगर मारेल कम हुआ, तो पता नहीं क्या होगा। इस बिना पर आर्मी चीफ़ साहब कहते हैं कि उस केस को कन्सिडर न किया जाय।

जहां तक एम० पी० का साल्लुक है, गोपालन जी ने भी बताया है कि अगर कोई भी सरकारी भ्रष्टाचिज, चाहे वह रेलवे में हो, डिफ़ेन्स में हो या पी० एंड टी० में हो, या किसी दूसरी जगह में हो, एक एम० पी० के पास रिप्रेजेंटेशन करता है, तो उस की नौकरी जाने का खतरा होता है। मैं निवेदन करना चाहता हूँ कि ब्रिटिश पार्लियामेंट की बहुत सी चीजें हम लोगों ने ली हैं और कामनवेल्थ में रहने के नाते हम उस की प्रशंसा भी करते हैं और करनी चाहिए, लेकिन क्या माननीय मंत्री जी को मालूम है कि उस पार्लियामेंट के किसी भी सदस्य के पास उस की कांस्टी-

[श्री स० म० बनर्जी]

लिए जा सकता है, और अगर इस बजह से उस पर कोई एक्शन लिया गया, तो वह प्रविलेज का सवाल हो जाता है। मैं गुजरािश करूंगा प्रधान मंत्री जी, होम मिनिस्टर साहब और जो मंत्री महोदय बैठे हैं, उन से—मुझे अफसोस है कि ऐसा मालूम होता है कि विक्टिमाइजेशन की सारी मानोपली इन्हीं की है। अगर दूसरे मिनिस्टर साहबान और डिफेंस मिनिस्टर साहब भी यहां पर इस समय मौजूद रहते, तो हमें खुशी होती और हम सारी बातें उन के सामने रखते—कि जब हम ब्रिटिश पार्लियामेंट की और चीजें लेते हैं, तो अच्छी चीजें भी लें, ताकि एम० पी० को हक हो कि अपनी कास्टीच्युएन्सी के सरकारी मुलाजमीन और दूसरे व्यक्तियों मामलों को हल कर सके।

हम यह ट्रिब्यूनल क्यों चाहते हैं ? इस सिलसिले में एक बात साफ है और वह यह कि बार बार रिप्रेजेंटेशन करने के बाद भी कोई इम्पीनानबन्स जबाब हम को नहीं मिलता है। जब भी किसी कर्मचारी के बारे में हम कहते हैं तो एक ही बात कही जाती है कि क्या किया जाय, अनुशासनहीनता का सवाल है, यह डिफेंस मिनिस्ट्री का सवाल है, यह रेलवे का सवाल है, यह पी० एड टी० का सवाल है, किस तरह अनुशासनहीनता फैलाई जाय ? मैं यहां पर कुछ केसिज का जिक्र करना चाहता हूं। एक मेरा केस हमारे सिधाराम जी का है। आप को उस के बारे में सुन कर ताज्जुब होगा। ब्राडिनेंस फ्रैक्टरी में छंटनी हो रही थी, तो उन्होंने पार्लियामेंट के तमाम सदस्यों के सामने, भले वे कांग्रेस के हों या आपोजीशन पार्टीज के, एक सुझाव पेश किया कि किसी तरीके से सरप्लस मैनुफैक्चरिंग कैपेसिटी आफ दि ब्राडिनेंस फ्रैक्टरी का इस्तेमाल किया जा सकता है। उस के बाद उन्हें चार्जशीट मिला कि उन्होंने सीक्रेट चीजें घाउट कर दी हैं और उन को निकाल दिया गया। मैं बताना

चाहता हूं कि आज अगर एक हिन्दुस्तानी दूसरे हिन्दुस्तानी के पास, जो कि संसद् का सदस्य है, ब्राडिनेंस फ्रैक्टरीज में किस तरीके से काम बढ़ सकता है, इस बारे में सुझाव भेजता है, तो सीक्रेट घाउट करने की बात कही जाती है, जब कि इन्हीं ब्राडिनेंस फ्रैक्टरीज को काफ़ी तादाद में फ़ारेनर्ज बला रहे हैं। सीक्रेट उनसे नहीं है। लेकिन अगर अपने देश का एक नौजवान यूनियन की मारफ़त इस विषय का सुझाव देता है कि किस तरीके से छंटनी रक सकती है और ब्राडिनेंस फ्रैक्टरीज का विकास हो सकता है, तो उस की नौकरी जा सकती है।

अब मैं दूसरी मिसाल देता हूं। जब कानपुर की भूती मिलों में अस्सी दिन की हड़ताल हुई और मैं वहां पर गिरफ़्तार हो गया, तो ब्राडिनेंस फ्रैक्टरी के चार भजदूरों को उनके घरों से गिरफ़्तार कर लिया गया और कहा गया आप बनर्जी की बजह से हड़ताल कर रहे हैं। बाद में यू० पी० गवर्नमेंट ने जेनेरल एमनेस्टी डिक्लेयर की और तमाम लोगों को छोड़ दिया गया। कानपुर सरमाया-दारों ने, जो कि अपनी संगदिली के लिए मग़दूर हैं, सात सौ आदमियों को भरती कर लिया, लेकिन सेंट्रल गवर्नमेंट के इन चार बदकिस्मत मुलाजिमों को नौकरी नहीं मिली और फ़ाकाकशी की नौबत आई। उनकी कचहरी में लड़ना पड़ा और जब उनका आनरेबल एक्विटल हो गया, तो उनको भरती किया गया, लेकिन एक भाई सुन्दरसिंह को दोबारा चार्जशीट दे कर निकाला गया। एक की कसकता से ईशपुर ट्रांसफ़र कर के निकाल दिया गया और तीसरे को एम० ई० एस० चक्रेरी में ट्रांसफ़र कर के निकाल दिया गया।

यहां पर मुरादनगर की बात कही गई है। १५ सितम्बर, १९५६ को तमाम हिन्दुस्तान में छंटनी के खिलाफ हड़ताल हुई। हड़ताल के बाद टैम्पोरेरी सर्विसिज

रूल के रूल ५ के माहृत आठ आदमियों को निकाल दिया गया। अगर आप उस रूल को देखें, तो आप को ताज्जुब होगा। अगर किसी को निकाला जाय, तो कोई रीजन नहीं बताया जा सकता है। तमाम जगहों में नो विक्टिमाइजेशन का आश्वासन मिला और कहा गया कि देयर विल बि नो विक्टिमाइजेशन आफ्टर दि एंड आफ दि स्ट्राइक, लेकिन उस के बाद क्या हुआ? उन लोगों को निकाल दिया गया। आज भी उन के घरों में फाकाकशी की नौबत है। मैं कहना नहीं चाहता लेकिन हमारे पुराने डिफेंस मिनिस्टर साहब—एम० डी० ओ० साहब—के जमाने में मैंने देखा कि जो आदमी इंडियन नेशनल ट्रेड यूनियन कांग्रेस में सम्बन्धित नहीं होना था, तो उस की नौकरी खतरे में पड़ जाती थी। वे आघात करते थे कि सब हमारी लाइन को टो करें। टेलीफोन पर आर्डर इशू किए गए कि इस आदमी को ट्रांसफर कर दो, इस को डिस्चार्ज कर दो, इस को डिसमिस कर दो। अगर इस मामले की खुली जांच की जाय, तो डिफेंस मिनिस्ट्री इस बात की साक्षी है कि कितना अन्याय और अत्याचार उन गरीब मजदूरों पर हुआ है। हम अपने कांस्टीच्यूशन में उन लोगों के एंजोसियेशन बनाने के या यूनियन बनाने के हक को गारण्टी करते हैं, लेकिन उन के इन राइट्स को बुरी तरह कुचला गया।

मैं यह निवेदन करना चाहता हूँ कि यह सिर्फ डिफेंस मिनिस्ट्री का सवाल नहीं है, दूसरी मिनिस्ट्री में भी यही हालत है। डायरेक्टर आफ मैप पब्लिकेशन के आफिस में जो कि मिनिस्ट्री आफ साइंटिफिक रिसर्च के अंडर है, एक आर्डर निकाला गया कि क्लास फोर का कोई भी आदमी यूनियन का मेम्बर नहीं बन सकता है। वहां पर दो आदमियों को निकाला गया—विक्टिमाइज किया गया।

आजादी मिलने के बाद १९५७ में हमारे इंडियन-अर्बीब प्रधान मंत्री कलकत्ता में गए, वो वहां के एक एम्प्लॉई—एस० सी०

दास—ने कहा कि आधे दिन की छट्टि हो जानी चाहिये। अब संरवेयर जेनेरल ने उस बात को मंजूर नहीं किया, तो उस ने मजदूरों से कहा कि हम अपने देश के प्रधान मंत्री को देखना चाहते हैं, प्रधान मंत्री की शक्ल में उनका पहला दर्शन करना चाहते हैं। बाद में उस पर इनसाइटिंग इल्लीगल स्ट्राइक का चार्ज लगा कर उस को निकाल दिया गया।

मैं चाहता हूँ कि आप इस तरफ देखें। गोपालन साहब ने काफी चीजें आपके सामने रखी हैं। मैं आपके सामने एक दो केस रखना चाहता हूँ और बतलाना चाहता हूँ कि किस तरह से लोगों को निकाला गया है। एक एन० बी० नारायण नम्बियार जोकि कानपुर में पोस्ट आफिस में क्लास फोर स्वंट था, उसको इस बिना पर निकाल दिया गया कि वह रिहर्सल करने के लिए उस ड्रामे का जिस का शीर्षक "रेंट एरियर" था गया। यह कहा गया कि यह कम्युनिस्ट ड्रामा था और वह उसमें कैसे भाग ले सकता था। उसको कहा गया कि तुम गवर्नमेंट सर्वेंट हो एंड यू आर सपोज़ेड टू बी ए लायल सर्वेंट। मैं आपको बतलाना चाहता हूँ कि इस ड्रामा को एक फेमस कांग्रेस जर्नल में भी पब्लिश किया गया था। अगर आप इन सब चीजों पर गौर करें तो इससे मुझे बड़ी खुशी होगी। इन चीजों पर गौर करने के लिए एक ट्रिब्यूनल की आवश्यकता है या नहीं, इस पर भी आपको ध्यान देना होगा। मैं समझता हूँ कि इस की बहुत ज्यादा आवश्यकता है। इसको बनाने के बहुत से रीजन मौजूद हैं। आप यह न समझें कि यह चीज चूंकि विरोधी दल की ओर से रखी जा रही है, इस वास्ते इसको पास नहीं किया जा सकता है। आपका बहुत है, इस चीज को मैं मानता हूँ। लेकिन आपको ईसाफ करना चाहिए। मैं आपको एक सीता राम का केस भी बतलाना चाहता हूँ जो कि पोस्ट एंड टेलिग्राफ आफिस असाहाबाब में काम करता था। वह भी एक बीता

[श्री स० म० बनर्जी]

हुआ कैसे है। उसको सन् १९४८ में सस्पेंड किया गया और १९५३ में डिस्चार्ज किया गया। जब वह अदालत में गया तो वहां पर वह जीत गया। लेकिन आज भी उसको नौकरी पर बहाल नहीं किया गया है और वह फाकाकशी की जिदगी बसर कर रहा है। हमारे प्रधान मंत्री बड़े हर दिल-अजीब हैं और हम सब की उन पर श्रद्धा है। उनकी हर जगह इज्जत की जाती है। मैं निवेदन करना चाहता हूँ कि वह इन मामलों को देखें और इनको समझने की कोशिश करें। ये वही मुलाजिम हैं जिनके सहारे देश की हकूमत चल रही है और उनसे यह भाषा की जाती है कि वे अच्छी तरह से और ईमानदारी से अपना काम करें। आज द्वितीय पंच वर्षीय योजना तथा दूसरी स्कीमस को कामयाब बनाने के लिए इनके सहयोग की अपेक्षा की जाती है और इनको कहा जाता है कि वे इस काम में योग दें। ऐसी हालत में उनको फाकाकशी करने के लिए क्यों मजबूर किया जाता है और उनके केसिस पर क्यों सहानुभूति से विचार नहीं किया जाता है। आज जो ट्रिब्यूनल की मांग की जा रही है क्यों इस पर एतराज पेश किए जाते हैं।

अब मैं जो कानून आप ने बना रखे हैं उनके बारे में थोड़ा सा अर्ज करना चाहता हूँ। आज हमें यह देखना है कि क्या हमने लोगों को फ्रीली अपने आइडियास एक्सप्रेस करने का तथा स्पीच देने का अधिकार दे रखा है या नहीं। हमने कहा कि फ्रीडम आफ स्पीच एंड एक्सप्रेशन होना चाहिए। मैं एक केस का हवाला देना चाहता हूँ और उसके बारे में जो हाई कोर्ट की जजमेंट है उसको पढ़ना चाहता हूँ। यह केस कृष्ण चन्द्र बटर्जी का है जिसको डिसमिस कर दिया गया था इस वजह से कि उसने कोई पर्सन या लीफलेट निकाला था जिस में उसने कुछ आरोप लगाये थे या अपनी मांगों के बारे में कुछ

लिखा था। उसको कहा गया कि उसने गवर्नमेंट सर्वेंट्स कंडक्ट क्लस वे: क्ल २१ की खिलाफबर्जी की है। उसने हाई कोर्ट में इसके खिलाफ अपील की। इसका फैसला १९५४ में हुआ और अपने फैसले में जस्टिस सिन्हा ने जो कुछ लिखा वह मैं आपको पढ़ कर सुनाना चाहता हूँ। उन्होंने लिखा :—

"His lordship upheld this contention and set aside the order of dismissal observing that it was entirely vague and uncertain to say that a Government servant could not say anything or write anything which was 'capable of embarrassing' the relation of the Government and the people or the Government and foreign country or the ruler of a State".

बाद में उन्होंने लिखा है :—

"The fundamental right of freedom of speech and expression was thus made subject to the 'arbitrary subjective satisfaction of a few persons in authority and mainly of a hierarchy of Government officials, and this was against the letter and spirit of the fundamental rights of free speech and expression guaranteed by the Constitution'".

यह जजमेंट कोई आपोजीशन के मम्बरों का नहीं है या उनका लिखा हुआ नहीं है। यह एक जज का लिखा हुआ है जिस को आप इसाफ का प्रतीक मानते हैं। इन क्लस को आपको बहुत पहले बदल देना चाहिये था। ये ब्रिटिशर्स ने हम पर हकूमत करने के लिए बनाये थे और आज भी ये उसी तरह से चले आ रहे हैं। मैंने जब यहां पर एक सवाल किया और पूछा कि क्या इन क्लस में कोई तरमीम की जा रही है, तो हमारी राष्ट्रीय सरकार की ओर से यह जबाब दिया गया कि जी नहीं "इट इज नाट प्रोपोज्ड".

Tribunal to review
the cases of dismissed
Government employees

में कहूंगा कि गवर्नमेंट सर्वेंट्स कंडक्ट क्लस प्राफिशल सीक्रेट एक्ट इत्यादि जो ये तमाम चीजें हैं इन सब में परिवर्तन होना चाहिए। अगर आप ऐसा नहीं करते हैं तो लोग इस बात पर विश्वास नहीं करेंगे कि आप लोगों की भलाई के लिए और जमहूरी उसूलों पर सरकार को चला रहे हैं। लोगों को विश्वास नहीं होगा कि आप समाजवाद की ओर जा रहे हैं और इस लक्ष्य को आप सिद्ध करने की चेष्टा कर रहे हैं। मैं निवेदन करना चाहता हूँ कि यह जो ट्रिब्यूनल की मांग है जिसको कि मैं सपोर्ट कर रहा हूँ इस पर आप तथा हमारे रेलवे मिनिस्टर तथा हमारे प्रधानमंत्री संजीदगी के साथ गौर करें और इसको मंजूर करें इसके बगैर आप उन सरकारी मुलाजिमों को कैसे, जोकि भूख हड़ताल पर हैं, जोकि फाकाकशी कर रहे हैं, इत्मीनान दिला सकते हैं?

अन्त में मैं एक बार फिर बड़े जोरदार शब्दों में दरखास्त करता हूँ कि आप इस सवाल पर राष्ट्रीय दृष्टिकोण से विचार करें कि किस तरह से आपको देश को आगे ले जाना है, किस तरह से आपको देश की योजनाओं को कामयाब बनाना है, किस तरह से आपको समाजवाद इस देश में लाना है और इन सब से अनुरूप ही आपको आचरण करना चाहिए।

Shri Tangamani: Mr. Deputy-Speaker, I have already moved an amendment to this Resolution of Shrimati Parvathi Krishnan and as amended, the Resolution will read as follows:

"This House is of opinion that a special Tribunal consisting of a High Court Judge as Chairman and two members representing the Government and the workers should be appointed to review the cases of employees whose services were terminated or who were dismissed or who are under indefinite suspension under the Central Civil Services (Safeguarding of National Security) Rules, 1953,

Government Servants Conduct Rules and Rule 1708 of Indian Railways Establishment Code during the period from 16th August, 1947 to the 12th September, 1957 and it should submit its findings before end of December, 1957."

My object in moving this amendment is to fix the period from which we are to consider the various cases of dismissals and suspensions and also to fix the period within which this has to be limited, namely, the day on which the motion was moved. The amendment also wants that the findings of this Tribunal must be published before the end of this year.

Already, Shri A. K. Gopalan has mentioned how the various Safeguarding of National Security Rules and Government Servants Conduct Rules have been used against important trade union activists. I would mention that ever since 1948, this has been used very freely against trade union activists belongs to trade unions other than the Indian National Trade Union Congress. Those who were affiliated to the All India Trade Union Congress or the Hind Mazdoor Sabha have always been picked out for the purpose of special harassment by the Railway board or by the Central Government departments.

I would mention a few cases. One of the Vice-Presidents of the Southern Railway Labour Union, Shri N. Krishnaswami by name, who is a senior engine driver, who went to Punjab during 1947 days for bringing refugees is one of those who have been sent out under the Safeguarding of National Security Rules. Another Vice-President of the same Union, Shri J. B. Purushottam is still under suspension. Such activists, nearly 20 in number belonging to the Railway Labour Union and also senior workers in the ex-S.I.R. have been dismissed under some pretext or other.

I would mention the nature of the charges that have been given to some of these employees. There was one case which came up before the High

[Shri Tangamani]

Court. That was the case of one Anantha Narayanan.

The Minister of State in the Ministry of Home Affairs (Shri Datar): On a point of order, when hon. Members, in support of their plea, refer to certain cases, I believe you once ruled that in all such cases, those cases should be intimated to us so that we can look into those individual cases and reply when that reply is necessary.

Shri Tangamani: I would mention...

Shri Datar: Let the hon. Member wait and hear. You are aware that there are so many lakhs of government servants and there may be cases here and there of dismissal or termination of service. In all such cases, in fairness to the Government, it would be better if previous intimation is given to us, I believe it was the ruling by the Chair, so that we can place the other side before the House.

Shri Tangamani: I would like to mention that some of the cases which I am going to mention have already been referred to the Government and the replies received from the Government also I am going to read.

Mr. Deputy-Speaker: I follow that. I agree with the hon. Minister in this respect that previous notice of such cases ought to have been given. It has been ruled once before also, I recollect that. Even if such cases had been brought to the notice of the Government, it is not possible for the Minister to keep them read when this discussion is called for or is taken up unless pointed reference has been made, and he has got that notice about these cases that are going to be referred to. Even admitting that these cases were brought to the notice of the Government at some earlier time, we cannot presume that the Minister would be ready with all those cases at this time. If now certain cases are taken up and the Minister is not able to make a reply to

those specific cases, an impression would be created in the press and in the public outside, that the Government had no answer to make to them, and perhaps the Members also who are referring to them may not be satisfied with the incomplete answers that they get at this moment. Therefore, either the Government should take some time and place those answers to the cases afterwards on the Table, or should get some time to prepare the answers and bring them to the notice of the Members here at some later moment. I do appreciate that difficulty. So far as the cases cited by Shri A. K. Gopalan are concerned, I asked him to place them on the Table of the House and he has done it. That is correct. Now, I cannot expect the hon. Minister to answer each one of them off-hand without looking into the records, without calling for the information. That might have to be done from outside perhaps, it may not be readily available here.

Shri S. M. Banerjee: This information exists in their departments because they have sent numerous reminders

Mr. Deputy-Speaker: That might be, but could it be expected that these would be referred to here, and can he get the information? That is what I am referring to, that it was not possible and would not be possible for any human being to anticipate all those cases that would be referred during this discussion. That is what I am saying. Therefore, the debate would become unreal, that is the difficulty.

Shri Tangamani: These are only illustrative examples. What we really require is that a tribunal may be appointed as certain types of charges have been framed. It is not the individual who is important now. The Government may take their own time to pursue the cases of these individuals and find out whether such types of charges were made or not. Here we bring to the notice of the House,

and through the House to the Minister how certain charges were framed under these various rules, and we say that these will not stand the scrutiny of a tribunal. It will amount to what we would call in the trade union field "victimisation for trade union activities". That is the point.

Mr. Deputy-Speaker: This is correct. The thing that is being asked is the appointment of a tribunal, but that would be answered in general terms, but the case for the appointment of a tribunal is being built up by citing these cases and stating that these are the reasons. It may be the case that such injustice has been done in certain cases, and if that be so, certainly there is a case for enquiry and the appointment of a tribunal. This is what is being argued. But unless the Government is satisfied that those cases really are such as is being represented, how can an effective answer come from the Government at this moment? How can Government make up their mind whether really there is a case or not? Therefore, unless the hon. Minister knows those cases and has found out from the department whether such a thing exists and whether injustice has been done as has been attempted to be made out, surely it will not be possible for the Minister to make a reply. This is the difficulty that I am experiencing. Now we will see what the hon. Minister says. The hon. Member might resume his speech, and conclude the point that he has to make about the cases.

Shri Tangamani: I would like to mention about a specific charge which was framed against a worker by name Anantanarayanan who is now employed in the Southern Railway. The charges as set out in the Madras High Court decision on Writ Appeal No. 16 of 1955 between the General Manager and R. Anantanarayanan, respondent, are:

the Communist-controlled Southern Railway Labour Union.

You are in touch with the Politbureau of the Communist Party.

You contributed articles to the Communist organ criticising the Government of India and the railway administration with a view to spreading discontent and disaffection among the railway staff.

You spread the doctrine of communism among the public and railway staff.

You collected funds for the Communist Party of India and you actively canvassed for the Communist Party candidates in the last elections to the Legislative Assembly."

The original writ petition which was decided in favour of the petitioner was again confirmed and.....

Mr. Deputy-Speaker: What is the hon Member reading from?

Shri Tangamani: It is from the judgment.

Mr. Deputy-Speaker: Is it a certified copy?

Shri Tangamani: It is a reported case. I had occasion to quote this report.

Mr. Deputy-Speaker: Now he is reading from what? Are these reports?

Shri Tangamani: From my copy.

Mr. Deputy-Speaker: That is the difficulty. The Government might say they cannot satisfy themselves whether.....

Shri Tangamani: It is a reported case.

Mr. Deputy-Speaker: Quite right, I do not dispute it.

Shri Tangamani: They only set out the charges in the course of the judgment. These were the charges levelled

"You are a member of the Communist Party of India and of

[Shri Tangamani]

against a particular person, and the Judges proceed to say that if charges of this kind.....

Shri S. A. Dange (Bombay City-Central): May I know whether the line that we follow in the future debates will be such that we cannot make an argument unless we put the Government in a position of effectively answering that?

Mr. Deputy-Speaker: I never said that. The hon. Member has misunderstood me.

Shri S. A. Dange: Otherwise, the interpretation would be that. Any case we cite the Government cannot reply to, therefore we cannot use it.

Mr. Deputy-Speaker: It is not a correct interpretation of what I said.

Shri Datar: Otherwise, it would be only an one-sided representation.

Shri S. A. Dange: How one-sided?

Mr. Deputy-Speaker: Now let us hear the hon. Member.

Shri A. K. Gopalan: The object of the resolution is this. What we want is not an answer.

Mr. Deputy-Speaker: The hon. Member is proceeding with his speech. How could there be an objection?

Shri Tangamani: They say in their statement that no Government servant could be confident of remaining in service beyond a week if such charges were made. As a result of the decision he was re-instated, but we find that he has been subject to harassment, being transferred from one centre to another within a period of ten days etc. I only brought this judgment to notice to show the sort of charges levelled against trade unionists.

There is another case of Shri Desikan, carpenter T. C. No. C.B. 278 who was working in the Perambur workshop of the ex-M.S.M. Railway, and the charge against him is that he distributed a pamphlet signed by the Communist Party of that area and that the pamphlet contained certain allega-

tions like the following: "Trade test which is a bribe test; Administration have sent away 7,000 workers; Administration's men like formen and P.W. Inspectors are forcing the labourers and the gangmen to sign the option forms". Such allegations were said to be contained in a pamphlet which was distributed by this worker, and this pamphlet is alleged to have been prepared or signed by a certain unit of the Communist Party. On this charge he has been sent away. An appeal to the General Manager and to the Railway Board has been of no avail at all.

I would also like to mention cases where the High Court has held that the dismissal was unjustified, and I would be able to give the references if the hon. Minister wants. There were three or four cases in the Madras High Court where the worker was ordered to be reinstated. He was reinstated and then he was again dismissed under article 311, clause (3) by special powers, and then because it is a dismissal by the special order of the President, no appeal lies. This is the way the High Court order is also circumvented.

Shri Gopalan also pointed out the case of Sitaram who has been ordered to be reinstated by the District Judge of Allahabad, but nothing has been done to this day. I may also inform you that there are three cases of railway workers and one case of a telephone operator in the Bombay High Court where the dismissal was held to be unjustified, and to this day they have not been reinstated. Such instances can be multiplied.

I will mention only a recent case. In Sealdah station in Calcutta on 21st February, 1957 when a gang of workers were repairing under the rake of a passenger train. They were made to work without safety measures although the workers opposed it. Of course, there was an accident. One worker died and several were injured. Many witnessed it. A representation was made by the trade union as a

result of this. For having made the representation, six persons of the department were charge-sheeted on the ground of some sort of agitation. The Divisional Superintendent was asked to concretise the charges so that the workers could submit a defence, but they are setting up an enquiry under the disciplinary regulations. As soon as a particular enquiry is demanded by the workers or by the trade union, down comes the heavy arm of these disciplinary rules, or the special powers of the President. I would submit that if this practice is allowed to continue, it would really be a challenge to the various Central trade union organisations of this country.

A discrimination is sought to be made by Government, although there is the declared policy as to how trade unions are going to be recognised. A Bill for the recognition of trade unions has been long overdue. But we find in actual practice that if there are trade unions and central trade union organisations which do not toe the line of Government, then under some pretext or the other, active trade union workers are being victimised. That is the special charge that we would like to make.

I remember the case of some three workers who are still placed under suspension in the Southern Railway. And this is the sort of reply that those workers get. The letter of the Railway Board, Ref. No. ES. 4/AE/14/5, New Delhi, dated 23rd July, 1954 stated:

"The cases of Shri Ponnappan and Shri J. V. Purushottaman are still under the consideration of the Government, together with other similar cases, and a decision is likely to be taken shortly..... The case of Shri Jagannathan is still under consideration."

These cases are under consideration from 23rd July, 1954. The workers were placed under suspension somewhere in the year 1948. And in 1954, the Railway Ministry wrote that the

cases were still under consideration. Today, we are at the end of 1957, and yet these cases are still under consideration.

My submission is that these are cases where patent injustice has been done by the railway authorities or whoever was in power. And if these persons are reinstated, the authorities are afraid that people may know that the purpose for which these workers were sent away was only to show that so long as they belonged to a particular trade union, the heavy arm of the Government was going to fall upon them, and further, if they are reinstated, the workers would become more confident of joining a trade union of their own choice.

I submit that this kind of victimisation should not be allowed. There are several instances of this character. Already, my hon. friend Shri S. M. Banerjee has referred to the instance from the Posts and Telegraphs Department, where a worker was victimised for having issued a particular statement; and he has already read out that statement. The High Court found in that case that merely because he had issued a statement which was not to the whims and fancies of a particular official there, he could not be victimised and he could not be sent away. Such strictures are there, from many High Courts, from the Calcutta High Court, from the Bombay High Court, from the Madras High Court, and so on. In spite of that, the Central Government, whether it be the Defence Ministry or the Transport and Communications Ministry or the Railway Ministry, are not giving respect to the findings of these various High Courts.

So, it is about time that justice is done to these employees who have served Government well and who are still prepared to serve Government well. Most of them are very skilled workers with several years of service. If the House does not protect them, then who else is going to protect them?

[Shri Tangamani]

That is why I say that the demand of this resolution is a very modest one, namely that the cases of these workers must be placed before a tribunal. If the tribunal decides otherwise, that is a different matter. But these workers have been without job for several years, and this is the only hope for them. So, I commend this resolution, as amended, to this House.

Shrimati Renu Chakravartty (Basirhat): I just want to place one or two cases before this House. One has already been stated, namely that of Shri Kanhaiyalal Chatterjee, a clerk in the Posts and Telegraphs division of South Calcutta. This gentleman had been working for fourteen to seventeen years in the department. Suddenly, one fine morning, he is forwarded a letter from his superintendent, a letter written by the Secretary to the Communications Ministry, saying that the President has ordered under his powers under article 311 that the said Kanhaiyalal Chatterjee's services are no longer required, because of the security of the State, and because of the security of the State in the year 1957 no cause shall also be shown to him whereby he may give a defence as to why he should not be dismissed.

I remember, a few months ago, when my hon. friend Shri Narayanankutty Menon was speaking about this matter in the course of the discussion on the Railway Budget, the Minister of Railways said that if any concrete cases were put before him, he would certainly enquire into them and examine them. In the case of the Communications Ministry, I hope that a similar thing will be done. In the year 1957, to bring forward this excuse of the security of the State is as laughable as any other. That is one concrete case which I would like the Minister to examine. Perhaps, this was done with a view to satisfy the whims and fancies of certain local people who may not have particularly liked that person, or may be even certain local Congressmen of that village might have writ-

ten to the authorities saying that this gentleman was a subversive element, and, therefore, action might have been taken. That a person with 17 years of service, with a family to maintain, to be told suddenly on one fine morning that he was a subversive element, and that he was against the security of the State, and in the interests of the security of the State, he should be thrown out, is a clear enough case which will show that there was victimisation taking place at a time when there was absolutely no justification to do so, and that it was only a political victimisation.

The second concrete case that I would like to give is that of certain gangmen who were repairing under the rake of a passenger train which was to start from Sealdah station. This was on 21st February, 1957. At that time, no proper safety measures had been undertaken; and as you know, to work under a rake under such conditions was a very dangerous thing. The workers themselves had objected to it. But, strangely enough, without safety measures, in spite of the fact that there were no safety measures, the Administration forced them to do the repair work. What happened was that another rake came and bumped against it. One worker was killed, many were injured, and several passengers also were injured. There was great agitation over it, in which the public also participated, and there was dislocation.

After that, the district magistrate came, and in front of the divisional superintendent, he came to the conclusion that there would be no victimisation of the workers, because there had been a serious negligence in regard to the taking of safety measures. After all that had been signed, in spite of that, we find that the workers have been given break-in-service notices. One, Shri Chota Lal, a labourer applied for leave, and he was refused privilege passes and leave due to him, which again indi-

rectly proves that there has been break in services. Besides they have not given any time, to advance their defence, and they are not given any grounds why there should be break in service. All this has been done in a subterranean fashion.

Again, six persons were given charge-sheets under item 6, that is for removal from service. And what was the ground? The ground was that of creating some sort of agitation. When the staff demanded that there should be some more concrete charges so that they may submit their defence, the authorities set up an enquiry committee under the disciplinary regulations. And even the staff who had actually suffered injury have now been put under pay-cut and break in service. In this connection, the name of one Shri Nagamani also had been stated, whose gratuity has been held up after superannuation on 1st August, 1957. All this shows that the attitude of the authorities is that they will not allow the staff to have any knowledge of the fault with which they are charged, and subsequently action is taken in respect of the same.

We find also that even people who had not actually been present at the scene were victimised. For instance, there is one Kumud Behari Loadh, a pipe-fitter in Sealdah station; he was not there at all, but he is also included in the list. Now, what has happened is that the man who is actually against no-victimisation, that is, the divisional superintendent there is asked to enquire; the man who is the prosecutor becomes the judge again. And again an enquiry is being undertaken by that very gentleman who was opposed to having this agreement on no-victimisation.

Similarly, there are other cases of break in service. There is the case of the fitter at the Narkel Danga loco shed. There, an engine was shunted as per the orders of the LFI, and actually, he did not conform to the rules of procedure in carrying out shunting in the sheds. As a result, this man was very seriously injured. Then, there was agitation, and because

of this agitation, there was dislocation. In spite of the fact that the foreman did not actually stand by the various rules, and in spite of the fact that he did not take care to take the necessary precautions in regard to shunting, these workers are being given break-in-service notices.

All this sort of victimisation is taking place. So I would request the hon. Minister to look into this matter very seriously. This is the year 1957, a moment of time when everybody is demanding justice to the workers. If there is any cause for grievance, let it be inquired into properly and thoroughly. Let the workers know exactly what is the cause for which you want to throw them out of service, and on the basis of a clean sheet and clear conscience, let us proceed.

That is why we demand that in every one of these cases—there are hundreds of other cases—we would like Government to go into them; that is why we demand that there be set up a Tribunal before which all these cases can be properly inquired into so that justice could be meted out to these people

Shri Narayanankutty Menon
 (Mukandapuram): I do not want to make a mention of the specific cases, because almost all the glaring specific cases have been pointed out before the House.

When article 311 of the Constitution was adopted by the Constituent Assembly, from all sides of the House there was a general apprehension regarding the possible misuse of article 311(3). When this article was originally put before the Constituent Assembly and was debated, every section of the House at that time felt that there should be security of service to all government employees, irrespective of their position. Then categoric assurances were given by the Government that there would be enough safeguards for the Government themselves to prevent possible misuse.

[Shri Narayanankutty Menon]

From the moment article 311 was effective, from 1950, upto this time, even though only very few cases were pointed out before this House, there are more and more cases where the grounds given were more ridiculous than the grounds already stated before this House. Let us look into the position whether there has actually been any emergency where the Government were confronted with a situation when the extraordinary powers given under article 311(3) should be used. As far as all sections of government servants are concerned, there are very elaborate rules governing their service conduct. All the charges that could be framed against them, could come under those rules. The Government are aware that according to the Government Servants' Conduct Rules, even a small, little smile of a government servant against a superior officer could be brought within the purview of misconduct, because any act which is done and which is embarrassing to the superior officer is a misconduct under those rules.

So when any act which is against the security of the State or which is merely misconduct could be dealt with with particular reference to those rules and that particular employee given an opportunity to defend himself against those charges, what is the necessity of bringing this extraordinary provision into application unless there are real and genuine grounds which could not be disclosed either to the public or to anybody concerned?

Here is a fundamental principle is involved, because apart from practically misusing these provisions, they are also used for bolstering up party positions, that is, using these provisions against those who are politically against them. Any government servant may one fine morning get a sack order whereby he does not know what actually he has done, and later on if certain circumstances come and some grounds are given for him and when those grounds are before the Government, the Government will find

it at a loss to understand or appreciate these difficulties. All these cases are there without anybody to look into the matter.

When the President exercises this extraordinary function, it is possibly on the report of some inferior officer. In these cases, we find that the reports given by the inferior officer, whether genuine or not, are believed by the topmost authority and the person is given the sack order.

Without going into the merits of the cases—because the hon. Minister has said that if we are going into individual cases, the Government may not be able to reply to these individual cases; that question does not really arise here because we are not discussing the merits of individual cases of dismissal of one employee or the other—the Resolution seeks only for the appointment of a judicial authority to inquiry into the dismissal cases whereby he could be satisfied whether the security of State was really in danger or the dismissals were due to extraneous reasons as a result of which certain personal prejudices worked.

We heard certain reasons for dismissing certain servants which were later on given in which the Head of the State exercised this discretion. One ground was that a person refused to cut grass. If the security of the Indian Union depends upon a class IV worker in the railways cutting grass or not, to what ridiculous position that security will be reduced?

It may be that in a case—we do not know—a person may commit certain acts of treason and in the interest of the security of the State, that person may have to be removed. If this happens in a time of emergency, it may not be possible for Government also to disclose the reason immediately. We do not rule out this possibility, if Government put forth that there were cases like this where they might have taken action, but our main case is that a large number of cases, 99.9 per cent. were as a result

of political prejudice or some sort of prejudice on the part of petty officials against the small servants. When the Government have been told that all these charges are frivolous, is it too much to demand that some judicial agency should be appointed with power to inquire into these cases and determine whether these people have been deprived of their positions in the interest of national security? That is not too much to ask. The Government need not on this score alone get too much perturbed because, as the hon. Minister put it, it will not prejudice their case if reasons are given.

If these reasons are given and all these cases are looked into, as the hon. Railway Minister assured me the other day in the course of the debate, that each individual case would be looked into in future, it will be far better to entrust the whole job to a judicial authority who would inquire into them and decide whether actually the power given under article 311(3) has been properly exercised or not.

Therefore, I appeal to the Government not only in the interest of those who have been dismissed from service without any reason but in the interest of the good name of Government also to prove that in all cases Government have used this power *bona fide*. Let the exercise of their power stand with the approval of a judicial authority. On the other hand, if really injustice has been done to a large number of employees, let that injustice be removed so that Government also may feel that the injustice has been removed.

श्री का० ना० पांडे (होता) :

उपाध्यक्ष महोदय जैसा इस प्रस्ताव पर बोलने वालों ने कहा है और कई उदाहरण भी दिए हैं कि फला एम्प्लायी निकाल दिया गया और उस के मामले में यह जजमेंट हुआ। इसी तरह से बोलते हुए उन्होंने आई० एन० टी० यू० सी० का भी नाम लिया है और कहा कि गवर्नमेंट खास तौर से आई० एन० टी० यू० सी० के साथ फेर करती है। मैं भी

एक उदाहरण देना चाहता हूँ। मुझे मालूम है कि एन० ई० रेलवे में एक यूनियन ऐसी है जिसे गवर्नमेंट रिकग्नाइज करती है। उस के जेनरल सेक्रेटरी कम्युनिस्ट हैं और उसकी कार्यकारिणी में भी कुछ सदस्य ऐसे हैं जो कम्युनिस्ट हैं। वहीं पर एक यूनियन ऐसी है जिस के प्रेजिडेंट यू० पी० सूबा कांग्रेस कमेटी के प्रेजिडेंट हैं लेकिन रेलवे विभाग ने उसे रिकग्नाइज नहीं किया। इसलिए यह कहना कि चूंकि भ्रमुक भावमी कम्युनिस्ट पार्टी से सम्बन्ध रखता है इसलिए उसके साथ गवर्नमेंट के जरिए से खास तौर पर सलूक होता है मैं इसे मानने के लिये तैयार नहीं हूँ।

दूसरी बात मैं यह निवेदन करना चाहता हूँ कि श्री बेंजर्जी साहब ने एक बात का उल्लेख किया और कहा कि उनको यह मालूम है कि फलां मिनिस्टर ने टेलिफोन पर क्या कहा। अब आप खुद समझ लीजिए कि अगर इस टेलिफोन की बात किसी आपरेटर ने बेंजर्जी साहब से कहा है तो यह डिस्प्लिन है या इन्डिस्प्लिन है। अगर उस आदमी के खिलाफ गवर्नमेंट की तरफ से कोई ऐक्शन होता है तो इस दुनियां के अन्दर और डिमाक्रेसी के जमाने में यह अन्याय नहीं कहा जा सकता। साधारण आदमी के लिए भी यह बात होती है अगर मैं टेलिफोन से किसी से बात करूं तो आपरेटर का फर्ज है कि वह किसी से भी उस बात को न कहे। फिर अगर कोई बात गवर्नमेंट कहती है और वह उसको कहता है तो यह कितनी बुरी बात है। तो या तो यह बात बिल्कुल गलत है कि इस तरह की कोई बात टेलिफोन पर हुई और अगर हुई और कही गई तो उस एम्प्लायी के खिलाफ यदि ऐक्शन लिया जाय तो उसके साथ अन्याय किया जाना नहीं कहा जा सकता।

आज कल एक फैशन सा हो गया है कि जहां किसी बात से मजदूरों का ताल्लुक या सम्बन्ध हुआ आई० एन० टी० यू० सी० का नाम जरूर लिया जाता है। मैं आप से कहना चाहता हूँ कि आई० एन० टी० यू० सी० गवर्नमेंट की सपोट पर नहीं बढ़ती है वह

[श्री का० ना० पांडे]

अपनी मेरिट पर बढ़ती है। जहां तक ट्रीड्मैनल का सवाल है हम पहले से उसकी मांग करते थे। आप तो ट्रीड्मैनल में विश्वास ही नहीं करते थे आप लड़ाई में विश्वास करते थे। इस के बावजूद आप में देखा कि कंट्री के लोगों ने इस बात को महसूस किया। हम वैधानिक तरीके से काम कर के ही अपनी यूनियन को इस्टैब्लिश कर सकते हैं न कि एक दम लड़ाई करके और उसका नतीजा आप ने देखा। बावजूद आप की कोशिशों के आज आई० एन० टी० यू० सी० की स्ट्रेंथ १५ लाख है और आपकी नेगिलिजिबल है। इस लिए यह कहना कि गवर्नमेंट

श्री स० म० बनर्जी : रिफरेंडम से लंजिए।

श्री का० ना० पांडे : आप रिफरेंडम की बात करते हैं। जब गवर्नमेंट की तरफ से इन्क्वायरी होती है तो आप की मेम्बरशिप कम निकलती है। और रिफरेंडम भी हो गया है। रिफरेंडम के मामले में, उपाध्यक्ष महोदय, मैं यह निवेदन करना चाहता हूं कि वे लोग रिफरेंडम की बात करते हैं? बड़े जोर जोर से खिल्लाते हैं कि कानपुर में ८० दिन की स्ट्राइक हुई। मैं बतला देना चाहता हूं कि स्ट्राइक को लीड करने वाले जो कम्युनिस्ट पार्टी के सेक्रेटरी थे वह एलेक्शन में हार गए और कांग्रेस के लोगों ने स्ट्राइक के खिलाफ कहा था। हमने वह कहा था कि वहां पर एक कमेटी बननी चाहिए वहां कांग्रेस का कैंडिडेट जीता है। यह रिफरेंडम तो अभी हो चुका है क्या अब दूसरा रिफरेंडम होना जरूरी है।

मे यह कह देना आवश्यक समझता हूं कि किसी पार्टी या किसी यूनियन की मेम्बरशिप का डिटेमिनेशन कैसे होता है। जितनी आर्गनाइज्ड यूनियन या रजिस्टर्ड यूनियन हैं उनकी मेम्बरशिप को देखा जाता है। कम्युनिस्ट पार्टी की जो यूनियन है उसकी मेम्बरशिप को भी देखा जाता है आई० एन० टी० यू० सी० की मेम्बरशिप को भी देखा जाता है।

कई मर्तबा इस तरह की इन्क्वायरी हुई। यह भी साबित हुआ कि आप लोगों ने फ़रजी नाम पेश करने चाहे लेकिन इसके बावजूद आप इन्क्वायरी में ठहर न सके। मैं यह बताना चाहता हूं कि आई० एन० टी० यू० सी० अपने काम करने के ढंग से घागे बढ़ती है। वह गवर्नमेंट की स्पोर्ट से आगे नहीं बढ़ती है। यह बात जरूर है कि चूंकि आप की यूनियन का पोलिटिकल एलायंस है कम्युनिस्ट पार्टी के साथ तो आई० एन० टी० यू० सी० एक पोलिटिकल आर्गनाइजेशन नहीं है वह एक ट्रेड यूनियन आर्गनाइजेशन है और उसका पोलिटिकल एलायंस कांग्रेस के साथ है। कोई कितनी तालियां पीटे इससे कुछ होता नहीं है। सारी दुनिया जानती है। तमाम प्रचार के बावजूद भी अब भी हिन्दुस्तान में सब से प्रमुख हाथ आई० एन० टी० यू० सी० का है और वह होगा। अगर आप लोग गलत बातों का प्रचार करते रहेंगे तो आप ऐसे ही बूझ करते रहेंगे। मैं इस बारे में कुछ ज्यादा नहीं कहना चाहता हूं। मैंने यह इसलिए कहा है कि चूंकि सदस्यों ने कहा है कि फ़लां आदमी चूंकि कम्युनिस्ट पार्टी के साथ ताल्लुक रखता है इसलिए उसके खिलाफ एक्शन लिया गया। उन सदस्यों को साथ ही साथ यह भी बतलाना चाहिए था कि क्या आई० एन० टी० यू० सी० के साथ रहने वालों के खिलाफ कोई एक्शन नहीं लिया गया।

श्री स० म० बनर्जी : नहीं हुआ है। आप बताइये।

श्री का० ना० पांडे : वह गलत बात है। मैं सबूत पेश करूंगा। इसी तरह की बात जब आपने कही तो स्पीकर साहब ने कहा कि पहले आप को वह सूचना मिनिस्ट्री को देनी चाहिये थी। मैं आप की तरह से काम नहीं करना चाहता हूं। मैं वे एग्जाम्पलज मिनिस्ट्री के सामने रखूंगा। मिनिस्ट्री इस तरह से काम नहीं करती कि फ़लां आदमी

आई० एन० टी० यू० सी० या कम्युनिस्ट पार्टी के साथ है इस लिए उसको रखा जाय या निकास जाय । जिन बातों को आप ने यहां पेश किया है हम उनके मेरिट के बारे में कुछ नहीं कह सकते हैं कि वे ठीक हैं या नहीं क्योंकि हम ने इंडिविजुअल केसिज की जांच नहीं की है । मिनिस्ट्री आपको जबाब देगे । मैं समझता हूं कि आम सिद्धान्त यह है कि अगर हम सुचारु रूप से ड्यूटी की पाबन्दी करते रहें तो सिर्फ इस लिए एक्शन नहीं लिया जा सकता कि हम कम्युनिस्ट पार्टी के आदमी हैं या हम आई०एन० टी० यू० सी० के आदमी हैं । जिन लोगों के काम में थोड़ी सी खराबी होती है वही पर एक्शन लिया जाता है । इस सम्बन्ध में मुझे इससे ज्यादा निवेदन नहीं करना है ।

Shri Achar (Mangalore): Sir, I rise to oppose the resolution.

Shri T. B. Vittal Rao (Khammam): Wholeheartedly!

Shri Achar: Yes, wholeheartedly; are you satisfied?

One of the members of the Opposition seems to think that there are no persons to rise from this side to oppose the resolution. In fact, one particular Member made such a remark. We did not rise. We have heard you very patiently without any disturbance and may I have that indulgence?

Mr. Deputy-Speaker: At least I assure the hon. Member that he will have that same indulgence from the Chair.

Shri Achar: I know the Chair is always indulgent. The trouble is with the Opposition.

I say I oppose this resolution more in the interests of good general principles of administration. Several individual instances have been quoted. Even the Minister had to say that he will not be in a position in all cases to reply in regard to them without previous notice. The House certainly cannot expect that I will go into the

individual cases at all. But, it is not a question of individual cases at all. It is the general principle underlying the resolution that has to be opposed. I say that in the name of good administration.

We may remember that one of the hon. Members had to concede while arguing that a judicial Tribunal should be appointed that he had to appeal to the Minister to consider these cases. If they have confidence only in judicial tribunals I do not understand why this appeal is made to the Minister. So far as the administration is concerned, there has to be some discipline, and some amount of good morale. I submit that all cases where there is indiscipline and where there is good reason to dismiss are not generally left to the discretion of the immediate officer only. There are several higher officers and there is the Ministry. The party in power has put the Ministry in office. If we are not trusting them and if for every case we want a judicial tribunal, then, I do not now where we will be. (*Interruption.*) I hope there won't be any disturbance.

Mr. Deputy-Speaker: The hon. Member shall have to go on in spite of interruption.

Shri Achar: I was submitting that from the point of view of administration, from the point of view of discipline there is to be some ultimate decision, whether these matters have to be decided by the officials or by the Ministry at last.

Our friends of the Opposition have quoted several instances where they have had the privilege of going to High Courts also. Only in a few cases the President's powers might have been invoked. But, all the same, to say that in all cases where there has been a dismissal or suspension there should be a judicial tribunal, I would submit, is going too far. We must have some amount of trust in the Government whom the people have put in power. It is not a question of officials only. There are, as I said, higher officials and the Ministry also.

**Tribunal to review
the cases of dismissed
Government employees**

[Shri Achar]

That being the case, I submit that to ask for a tribunal is not in the best interests of the administration of the country.

All this appeal comes from a party who know what the principle is. Let us remember the recent fact in Russia. Even Marshal Zuhov who was considered to be the hero of Moscow has been demoted. I do not know exactly the reason. But there is no doubt about that. Are they going to have a tribunal for that? Here at least the Opposition is allowed to discuss the matter and ask for a tribunal. Is it allowed in that country from where our friends are getting inspiration? Take for instance Malenkov. There are several instances. High officials believed to be persons holding responsible position are suspended or transported. We do not know what exactly happens to them.... (Interruptions.)

16 hrs.

Mr. Deputy-Speaker: There should be silence.

Shri Achar: In view of these facts, I submit that there is no case made out for the appointment of a Tribunal and I whole-heartedly oppose this Resolution

The Minister of Railways (Shri Jagjivan Ram): Sir, I did not propose to intervene in the debate. It will not be possible for me to give a reply to the individual cases that have been quoted. I must say that the colour that has been given to these individual cases is not as it is made to appear. In the last Session, I have said on an appeal from that side that I will review some of the old individual cases, I only wanted to inform the House that we have already started the work of reviewing those cases and where we found that there was some justification for modifying the orders, I would not hesitate to do that. I wanted to tell only this much.

Shri Datar: The Resolution that has been placed before the House is of

a very sweeping or roving character. What has been stated therein deserves reading in the light of what I am going to say. What they want is a special tribunal consisting of certain persons to review the cases of certain employees. Certain rules have been referred to. The point made out is that all the cases of termination of service or dismissal ought to be reviewed.

We have to consider whether such a case has been made out by the hon. Members opposite for the purpose of reviewing all the cases of terminations or dismissals of service. They have to satisfy the House whether the rules that have been framed and validated by the Constitution have been wrongly applied or whether there has been any impropriety of conduct on the part of the Government in these terminations and dismissals.

Certain instances were quoted by some hon. Members. Without going into the other aspects of the case, I should say that they quoted them in their own light and according to the case that they seek to make out. I was naturally surprised to find that the hon. Leader of the Communist Party wanted that his party should make out an effective case and that the Government should have no opportunity of giving an effective answer. It is an entirely wrong principle.

Shri A. K. Gopalan: Certainly not. (Interruptions.) We do not want that the Government should not reply.

Mr. Deputy-Speaker: The hon. Minister is not referring to Shri Gopalan but to Shri Dange.

Shri Datar: If the sponsor of the Resolution had a right to effectively place his case before the House, the Government also should have an effective opportunity of placing its side before this House.

Shri A. K. Gopalan: It is not a question of our effectively putting the case and your effectively answering. It is not a debate. What we say is that there are some injustices

done. You say 'No.' So, we say let them be placed before a tribunal. We do not want a debating society.

Shri Datar: Mr. Deputy-Speaker, Sir, you will agree with me in fairness that when instances are quoted on the floor of this House, it is quite likely that they would be quoted in a particular light and at best it is an one side presentation of the case. It is not the final case. If the Government had no opportunity of meeting the case, it will be understood that Government possibly have no case at all. Therefore, I would make a general observation that all these cases either in the Railways or other Departments of the Government have been quoted and they are only one-sided presentation and the Government had absolutely no opportunity either of studying or examining the real facts. Therefore, I would request you and the hon. Members not to look to these cases at all. With these remarks, I shall now deal with the resolution before us.

This Resolution deals with a number of rules. It refers to the Central Civil Services (Safeguarding of National Security) Rules, 1953, Government Servants' Conduct Rules and Rule 1708 of the Indian Railways Establishment Code. I will deal with them *seriatim*.

The first of these rules was made in 1949 for the first time. Those rules were revised with a view to give more opportunity to the persons complained against in 1953. Apart from these rules, article 311 of the Constitution says:

"No person who is a member of a civil service of the Union or an all India Service or a Civil Service of State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed."

No such person as aforesaid shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him."

Then there is a proviso which says that this clause shall not apply in certain cases.

"Where an authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause; or

Where the President or Governor as the case may be, is satisfied that in the interest of the security of the State it is not expedient to give to that person such an opportunity."

In these cases, it need not be given at all.

Shri Easwara Iyer (Trivandrum): But, may I have this information?

Shri Datar: I am not yielding. Let me be heard. (*Interruptions.*)

Mr. Deputy-Speaker: The hon. Minister may not yield but then the position might be left to the Chair.

An Hon. Member: Why this temper?

Shri Datar: No temper. We have not temper, but reason, on our side. In such cases, the decision of the President or the Governor as the case may be shall be final according to article 311(3).

These rules were first made, as I stated already, in 1949 and modified in 1953. The object of these rules was this. In certain cases where a particular Government servant is taking part in subversive activities or is suspected on reasonable grounds to have been taking part in such activities, it is open to the Government to have a particular machinery or procedure which would not be against the interest of the country. In ordinary cases, whenever there are departmental proceedings, the man is allowed an opportunity and he can examine or cross-examine as he likes. But in such cases where the interests of the country are involved, it might be damaging to the interests of the country if an open enquiry is held.

[Shri Datar]

That is the reason why these rules were brought into effect. I would point out presently that so far as the use of these powers is concerned, they have been used extremely sparingly. That is what I am going to satisfy this House about.

Between 1950 and 1955, during six years, how many cases were there so far as the Central Services, except the Railway Services are concerned? In all there were 40 cases in respect of which a reference was made to what is known as the committee of advisers. It is a committee of senior officers which goes into these matters and the Minister concerned of that particular Ministry has personally to look into them. Only then, if he is satisfied, that particular officer will be removed from service.

I shall point out how Government has taken great steps to see that the Government servants' interests are properly safeguarded. In six years, in 40 cases, reference was made to the committee of advisers. The committee recommended that suitable action should be taken and action was taken in 21 cases, in six years. Let hon. Members understand that so far as Railway Services are concerned, the number is probably 10 lakhs. So far as other services are concerned, they are between 7 and 8 lakhs. So, in respect of 7 to 8 lakhs of servants, Government found it necessary in the interest of the security of the land, Government made in respect of 40 cases and the committee of officers recommended that action should be taken by way of removal of that particular officer from service in 21 cases. So, you will find that in a period of six years on account of reasons connected with the security of the land, Government had to take action only in such a small number of cases.

You will agree that so far as these rules are concerned, Government have been using them only in highly exceptional circumstances. If the figures are taken year after year, in the year 1950 in 7 cases action was taken: in 1951—6 cases; in 1952—1

case; in 1953—3 cases; in 1954—4 cases; in 1955—2 cases; in 1956—7 cases and in 1957 only 14 cases.

Shri Tangamani: What about the cases between 1949 and 1950?

Shri Datar: I have not got those figures. In any case, 1949 is far behind; we are in 1957.

Let hon. Members also understand that whenever action is taken for the removal of that man from service, there are no further disabilities against him as when a man has been dismissed from service. When a man has been dismissed from service, certain very serious consequences arise therefrom. But so far as removal from service is concerned, he will get whatever he is entitled to by way of gratuity, pension etc. In other words, he will get all the retirement benefits he would be entitled to. The order that is passed under those national safeguarding rules is only removal from service. That is what the House should kindly understand.

A reference has been made to the Government Servants Conduct Rules in general. The Government Servants Conduct Rules deal with or regulate the conduct of the officers and the Government servants concerned, but the action that is taken is under what is known as the Central Civil Services (Classification, Control and Appeal) Rules. Also according to the ruling of the Supreme Court, the Government have an inherent right of laying down conditions of service. This is what has been accepted by the Supreme Court. Therefore we have to understand what the purport of the rules is.

Oftentimes reference is made to the fundamental rights, especially the fundamental right of speech and expression, as it is put down in the Constitution. We have to understand that when we deal with article 19, we also deal with the various provisos or exceptions where it has been stated that it is open to the State to place certain restrictions for public order or for other reasons.

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Shri Narayanankutty Menon: It is a wrong quotation. It is not "certain restrictions" but "reasonable restrictions". He is quoting the Constitution.

Mr. Deputy-Speaker: After the hon. Minister finishes.

Shri Datar: I have no objection to saying "restrictions which are reasonable"; if they want that satisfaction, I am prepared to give. I would point out that in the same Constitution, we have got certain provisions in the chapter dealing with services. According to those provisions, these rules have been made. I would point out to this House one rule to which no reference was made. According to that rule, certain rights of the Government servants as citizens are taken away. They have got to be taken away in the interests of the discipline of the service. I would point out what has been said in the Government Servants Conduct Rules. It is stated there that it is not open to a Government servant to be a member of any political party. No Government servant shall be a member or be otherwise associated with any political party. Let my friend, Shri Gopalan, understand that all Government servants have no right to take part in the activities of any political party....

An Hon. Member: Except Congress!

Shri Datar: This rule is absolute and it applies to all Government servants. We have also said that it is not open to a Government Servant, so long as he is a Government servant, to go on carrying adverse criticism against Government and in case he does not follow these rules, he renders himself liable to punishment. Various forms of punishment have been laid down and I may point out that there is a very elaborate process laid down in respect of these departmental enquiries. He is given a full hearing. An enquiry officer goes into all those things. When the matter relates to a higher officer, naturally after the report is received, we consult the UPSC also. Let hon. Members understand the particular procedure that we are following.

Shri T. B. Vittal Rao: May I seek a clarification?

Shri Datar: I may point out that in all these cases, generally we follow the recommendations of the UPSC. When we do not follow—such instances are very rare—then we have to place a memorandum before this hon. House as to why we have not followed that particular recommendation. In respect of other services, where either the appointing authority or the terminating authority is some other person than the President, in that case it is open to an officer who has been awarded a certain punishment as laid down in these rules to prefer an appeal to the President. Then also we follow the rule and ask for the advice or the recommendation of the UPSC. Then the President passes final orders either in originating capacity or appellate capacity. Thus, it would be found that so far as the general rules are concerned, we follow a procedure which is in perfect consonance with the principles of natural justice. Therefore, I would point out to this House that in all these cases, full care is taken by the Government of India.

Reference was made to the Central Services (Temporary Service) Rules dealing with temporary services. Reference was made to rule 5 of these rules. I would request hon. Members to go through all those rules. Rule 5 is for the purpose of having authority vested in Government for removing purely temporary servants. Please understand it correctly.

Mr. Deputy-Speaker: Not only should the hon. Minister address the Chair, but he should appear to address the Chair.

Shri Datar: So far as these rules are concerned, they were framed for the purpose of giving certain special rights to those Government servants who were for long in Government service but who were not confirmed. It is for the purpose of conferring benefits on those people that these rules had been made.

[Shri Datar]

These people are known as quasi-permanent servants. Certain rights have been given to them. They are not permanent servants. Rule 5 deals with those who are only temporary servants. As you are aware, there are departments where you have to appoint persons on a temporary basis. Then the Government ought to have the right of terminating their services without necessarily going through any particular procedure. Let the hon. Members understand this position clearly. They are not covered by rule 5. In this connection the whole concept of the rules should be considered. They are meant for the purpose of giving certain benefits in respect of service to those temporary servants who were in service for a longer period than three years. They are known as quasi-permanent servants.

So far as purely temporary servants are concerned, Government ought to have—every employee ought to have—the right to remove them especially when the number of temporary Government servants is very large. Oftentimes members complain that the number of temporary Government servants is very large. We are trying either to absorb them in quasi-permanency or make them permanent. But, where it is not possible to do that, it would be highly inadvisable and highly costly to maintain those persons. In all such cases where there are purely temporary Government servants who are governed by rule 5, it should be open to the Government under these rules to terminate their services. It is not necessary to give any reasons at all. The reason may be retrenchment or any other reason.

But we have always been following the principle of fairplay according to which we give them either one month's notice or one month's pay in lieu of that. So I would point out to the House that so far as these rules are concerned, they are perfectly in consonance with the principles of natural justice.

Secondly, as I have pointed out, the number of cases of dismissal or removal is very small. It is extremely small. Whenever there is any dismissal, there is always the right of appeal. We have got a certain procedure, which is quite proper. It is perhaps more elaborate than it ought to be. The Government servant concerned is given an opportunity for placing his view before the enquiring officer. Then, we always consult the Union Public Service Commission and we are guided by their views.

So far as the railway rules are concerned, they are more or less on the same footing as the rules made by the Home Ministry in respect of the other services. There also, I may point out, the number is not so large. Some references were made to certain individual cases. So far as they are concerned, there also the same identical procedure was followed. As the hon. Railway Minister has pointed, he has every desire to see that no injustice is done to any person.

Under these circumstances, I would request the House to consider whether there is any need for reviewing all the hundreds or probably a few thousands of cases where there were termination of services and dismissals. And they were all proper cases. You cannot go into all such cases. In the case of temporary Government servants, their services have to be terminated whenever necessary. Otherwise, it will be extremely costly. Hon. Members opposite would criticise Government for having kept so many persons.

Shri Narayanankutty Menon: Not from this side.

Shri Datar: So far as temporary servants are concerned, there cannot be any objection at all.

So far as removal under the Safe guarding of National Security Rules is concerned, there also we have got a procedure and that procedure is congenial to fairplay. We follow that.

Beyond that we cannot go in the interests of the security of the land I may tell you that we have got power under the Constitution itself under article 311. In proper cases Government can have recourse to these powers under the Constitution, instead of invoking the powers under the Safeguarding of National Security Rules.

I submit that no case has been made out for reviewing all the cases; much less has anything been said about wrong removals or wrong dismissals. The only fate that this resolution must have is a complete rejection by this House.

Shri Narayanankutty Menon: The hon. Minister said that under rule 5 of the Temporary Civil Services (Classification, Control and Appeal) Rules, when the Government do not find any necessity for the temporary servant, they can retrench him.

Shri Datar: Let him ask a question instead of replying to me.

Shri Narayanankutty Menon: Is it a fact that when the Government dismisses or terminates the services of a temporary Government servant under rule 5 of the Central Civil Services (Temporary Service) Rules, they conform to the principle generally accepted that the "last come first go"?

Shri Datar: We follow that principle in all cases.

Mr. Deputy-Speaker: Let all the questions be put first.

Shri T. B. Vittal Rao: The hon. Minister was narrating the procedure laid down to be followed when a gazetted officer is removed from service. May I enquire from him whether there is any single instance of a gazetted officer, whose services have been terminated under the Safeguarding of National Security Rules during the last three years?

Shri S. M. Banerjee: The hon. Minister has just now mentioned that rule 5 is only meant to terminate the

services of a temporary employee. But nobody is discharged on ground of retrenchment under rule 5. Rule 5 is actually meant to discharge for other reasons. What I really wish to ask him is whether rule 5 was complied with at the time of retrenchment, whether in ordnance factories or in other defence installations. Rule 5 was complied with only in the case of those trade union workers who were victimised. I submit that let there be an open enquiry about it.

Mr. Deputy-Speaker: That is not a question. Only questions can be asked.

Shri Tangamani: The hon. Minister was pleased to refer to the number of cases pending from 1951 onwards to show that there were only a few cases of dismissals under the Classification, Control and Appeal Rules. The amendment which I have tabled has specifically stated that cases have to be taken into account from August 1947. May I know whether he will be in a position to give us the number of cases of such dismissals during the year 1947?

Shri S. A. Dange: The hon. Minister said that he was not sure because there were hundreds of thousands of cases which he had to decide. Would he give us the exact figure—the number of hundreds of thousands in regard to dismissal?

Shri Easwara Iyer: The hon. Minister referred to the extraordinary provisions under article 311, sub-clause (1) and the proviso. I would like to know, where the normal procedure of notice to show cause is taken and a person has been dismissed and the dismissal is held by the High Court to be unjustified and he is asked to be reinstated, is there any justification to have recourse to the extraordinary provisions under the proviso on the same charge?

Shri Datar: I would seek your help in understanding all the questions because there were so many of them.

Shri S. A. Dange: I will help by repeating if he has forgotten.

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Mr. Deputy-Speaker: I thought that the hon. Minister was attentive and would reply.

Shri Datar: When there are floods of questions, I am likely to forget the first. I shall answer the last two questions.

Shri S. M. Banerjee: The second question is important.

Mr. Deputy-Speaker: If that is not answered, he may get up later and get an answer.

Shri Datar: I shall make a reference to Shri S. A. Dange's question. I have never said hundreds of thousands of cases. I have stated hundreds, perhaps thousands of termination of service under the temporary rules are concerned. I was very clear in making a clear reference to dismissal. So far as dismissals are concerned, they are only few. They are not so many as the hon. Member thinks.

Shri S. A. Dange: Are they hundreds or thousands?

Mr. Deputy-Speaker: May be thousands, he says.

Shri Datar: I can't say so many.

Mr. Deputy-Speaker: He says that there are hundreds, may be thousands.

Shri Datar: So far as termination of service under rule 5 is concerned, let me be understood clearly.

The second question that Shri S. M. Banerjee raised was this: whether the ordinary procedure or the normal procedure is followed. May I assure him that we follow the normal procedure. Whenever any departmental proceeding is started under the Government Servants Conduct Rules, the full normal procedure is followed which, as I have already said, is elaborate.

Shri S. M. Banerjee: I mentioned Rule 5.

Shri Datar: What I stated was, their conduct itself was abnormal. There were certain circumstances where an open enquiry could not be held. Under those circumstances, Government have

the right and Government exercise that right wherever it is necessary.

Mr. Deputy-Speaker: He wanted to know.....

Shri S. M. Banerjee: Whether clause 5 is applied also.....

Mr. Deputy-Speaker: I am only giving the hon. Member's question. He wanted to know whether clause 5 has been applied to cases other than under the Safeguarding of National Security Rules.

Shri S. M. Banerjee: My question is specific. You said that rule 5 is applicable in the case of retrenchment where the employer reserves the right to terminate the services of any one he liked. Agreed. Let him understand. There were mass retrenchments in Defence. This rule 5 was never applied. My submission is that this rule 5 is only applicable to those cases where the Government wishes to terminate the services because they are active trade union workers.

Shri Datar: That is not correct. It is true that the Government would desire to use rule 5 against persons whose services have to be terminated. But, the particular reason that the hon. Member has suggested is not correct.

Shri Narayanankutty Menon: My question is not answered.

Mr. Deputy-Speaker: If there is no answer, the hon. Member would appreciate, I cannot give the answer.

Shri Narayanankutty Menon: That is important.

Mr. Deputy-Speaker: That is all. The time also is over.

I shall now put the amendment of Shri Tangamani to the House.

The question is:

That in the Resolution—

add at the end:

"during the period from 16th August, 1947 to the 12th September, 1957 and it should submit its findings before end of December, 1957."

The motion was negatived.

Mr. Deputy-Speaker: I shall now put the Resolution to vote. The question is:

"This House is of opinion that a special Tribunal consisting of a High Court Judge as Chairman and two members representing the Government and workers should be appointed to review the cases of employees whose services were terminated or who were dismissed or who are under indefinite suspension under the Central Civil Services (Safeguarding of National Security) Rules, 1953, Government Servants Conduct Rules and Rule 1708 of Indian Railways Establishment Code."

Those in favour may please say 'Aye'.

Some Hon. Members: Aye.

Mr. Deputy-Speaker: Those against may please say 'No'.

Some Hon. Members: No.

Mr. Deputy-Speaker: The 'Noes' have it.

Some Hon. Members: The 'Ayes' have it.

Mr. Deputy-Speaker: Let the bell be rung; let the lobbies be cleared.

Shri S. M. Banerjee: At least we should express our sentiment by voice vote.

Mr. Deputy-Speaker: There is no point in the hon. Member mentioning this. When it is challenged, there is no option for me.

An Hon. Member: Challenged seriously.

Shri S. M. Banerjee: Because you are victimising government employees, naturally it is serious.

16-38 hrs.

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

Mr. Speaker: I shall once again put the Resolution to the vote of the House.

The question is:

"This House is of opinion that a special Tribunal consisting of a High Court Judge as Chairman and two members representing the Government and workers should be appointed to review the cases of employees whose services were terminated or who were dismissed or who are under indefinite suspension under the Central Civil Services (Safeguarding of National Security) Rules, 1953, Government Servants Conduct Rules and Rule 1708 of Indian Railways Establishment Code."

The Lok Sabha divided: Ayes 35; Noes 87.

Division No. 1]

AYES

[16-39 hrs.]

Banerjee, Shri S.M.
Bharucha, Shri Naushir
Chaudhuri, Shri T.K.
Dange, Shri S.A.
Dasgupta, Shri B.
Golkwad, Shri B.K.
Ghose, Shri
Gupta, Shri Sadhan
Iyer, Shri Easwara
Kar, Shri Prabhat
Katti, Shri D.A.
Kodiyan, Shri

Kumaran, Shri
Kunhan, Shri
Majhi, Shri R.C.
Manay, Shri
Menon, Shri Narayanankutty
Nair, Shri Vasudevan
Nayar, Shri V.P.
Pandey, Shri Sarju
Panigrahi, Shri
Parulekar, Shri
Patil, Shri Balasaheb
Pillai, Shri Anthony

Ramam, Shri
Rao, Shri D.V.
Rao, Shri F.B. Vittal
Singh, Shri L. Achaw
Siva Raj, Shri
Sonule, Shri H. N.
Soren, Shri
Tangamani, Shri
Vajpayee, Shri
Warrior, Shri
Yajnik, Shri

NOES

Abdur Rahman. Molvi
Achar, Shri
Ambalam, Shri Subbiah
Anjanappa, Shri
Arumugham, Shri R.S.

Ayyakannu, Shri
Banerjee, Shri S.K.
Bangshi Thakur, Shri
Barman, Shri
Basappa, Shri

Basumateri, Shri
Bhagat, Shri B.R.
Bhogji Bhai, Shri
Chandra Shanker, Shri
Chettiar, Shri R. Ramanna

Qualifying Examination re: Certifying Costing Results

Delfit Singh, Shri
Das, Shri Shree Narayan
Dater, Shri
Easharan, Shri I.
Elayapermal, Shri
Hasda, Shri Subodh
Hathi, Shri
Hamarika, Shri J.N.
Heda, Shri
Hukam Singh, Sardar
Iqbal Singh, Sardar
Jain, Shri M.C.
Jaipal Singh, Shri
Jang Bahadur Singh, Shri
Jinachandran, Shri
Jogendra Sen, Shri
Kastliwal, Shri
Kayal, Shri P.N.
Kedaris, Shri C. M.
Khan, Shri Osman Ali
Khan, Shri Sadath Ali
Khan, Shri Shah Nawaz
Krishna Chandra, Shri
Labiri, Shri

Laxmi Bai, Shrimati
Mafida Ahmed, Shrimati
Maiti, Shri N.B.
Malvia, Shri K.B.
Mandal, Dr. Pashupati
Maniyangadan, Shri
Mathur, Shri Harish Chandra
Mehta, Shri J.R.
Mishra, Shri Bibhuti
Mohammad Akbar, Shaikh
Murmu, Shri Paika
Murthy, Shri B.S.
Nadar, Shri P.T.
Nair, Shri C.K.
Narayanansamy, Shri R.
Nehru, Shrimati Uma
Padam Dev, Shri
Pande, Shri C.D.
Pandey, Shri K.N.
Pattahri Ramon Shri C. R.
Raghubir Sahai, Shri
Raghuramajah, Shri
Rajiah, Shri
Ramaswami, Shri S.V.

Ramaswamy Shri K.
Ramaswamy, Shri P.
Ram Subhag Singh, Dr.
Rane, Shri
Roy, Shri Bishwanath
Sahu, Shri Bhagabat
Samanta, Shri S.C.
Samant sinhar, Dr.
Sharma, Shri D.C.
Shastri, Shri Lal Bahadur
Siddananiappa, Shri
Singh, Shri D.N.
Singh, Shri D.P.
Singh, Shri M.N.
Sinha, Shri Gajendra Prasad
Snatak, Shri Nardeo
Subramanyam, Shri T.
Tariq, Shri A.M.
Thimmaiah, Shri
Thomas, Shri A.M.
Tiwar, Shri R.S.
Upadhyaya, Shri Shiva Datt
Vedekumari, Kumari M.
Vyas, Shri R. Lal

The Resolution was negatived.

APPOINTMENT OF A STATUTORY BODY FOR CONTROLLING THE QUALIFYING EXAMINATION RE: CERTIFYING COSTING RESULTS

Shri C. R. Narasimhan (Krishnagiri): My Resolution reads:

"This House is of opinion that facilities should be made available for the training of suitable persons, both in the theory and practice, of costing and that Government should take steps to create a Statutory Body for controlling the conduct of the necessary qualifying examinations and for regulating the practical training and enrolment of members who have qualified in such examinations and that such members alone should be permitted to certify the costing results of the industrial undertakings."

The necessity for this kind of resolution will be understood if you will kindly permit me to read an extract from the Ninth Report of the Estimates Committee of which you were then the distinguished Chairman. The Estimates Committee as early as

1953-54 in their Ninth Report dealing with administrative, financial and other reforms, commented as follows:

"Cost Accounting Organisation: Allied to the accounting system is the question of proper costing and evaluation of materials produced or work done by a national Undertaking. At present, there is a deplorable lack of trained personnel in Cost and Works Accounting. The Committee have had occasions to note in the case of several Ministries that no attempts had been made so far to make good this deficiency. Many of the Undertakings or schemes have suffered losses considerably because of the non-appointment of experienced Cost Accountants. In some cases, it was at the instance of this Committee or the Public Accounts Committee that Costing Organisation was introduced or improved. The Committee wish to make it quite clear that no business Undertaking will be a success unless staff highly specialised in Cost and Works Accountancy are posted from the

very start. The value of such an organisation is well-known in the modern industrial world inasmuch as it is with the help of such staff and units that the bacilli of waste and inefficiency are located quickly and promptly eradicated by an efficient executive. This is one of the vehicles which has led to tremendous improvement in the modern technique of industrial management and better and cheaper production.

The Committee recommend that Government should take early steps to set up an Institute of Costs and Works Accountants and to train sufficient number of men in this line with the modern and up-to-date methods suited to the various types of Undertakings. Meanwhile, every endeavour should be made to tap the existing manpower trained in this line in order that Cost Accounting Units are introduced where not already done or are improved where such units are in existence."

This extract from the Estimates Committees Report will clearly indicate how necessary the step I urge through my resolution is.

Before proceeding further, since this is a kind of abstract subject, I would like to explain as to what cost accounting is, and that too very briefly and within the time you are kind enough to give me.

The resolution which I want the Government to accept is intended to attract the attention of the Government to a very important aspect of business management, namely cost accounting. Accounting can be divided under two broad heads—financial accounting and cost accounting. Financial accounting has been recognised by the Government as being of such importance that a statutory body called the Institute of Chartered Accountants of India has been created for the purpose of fixing the qualifi-

cations, both theoretical and practical, of the entrants to the profession, holding graded examinations, enrolling members, and for controlling the conduct of its members. This was a move in the right direction, but it is unwise to neglect the other side of accounting, namely cost accounting. The two are like Siamese twins, inseparable and co-existent. The development of both is essential for a satisfactory picture of any accounting statement.

Financial accounting is aimed at the presentation of a profit and loss account for a stated period and a balance sheet as at the end of the period. I shall confine myself to the two important aspects of cost accounting which affect the Government. Firstly, the balance sheet shown by the profit and loss account is mainly dependant on the value placed on the last date of the financial period on the balance on hand of the finished and semi-finished stock. Their value is taken credit for in the statement. Any variation in their value will naturally affect the final balance of profit or loss. Unless a fairly accurate value based on a scientific cost accounting system is placed on the balance of the finished and semi-finished stock, the manufacturing and trading results shown by the financial statement will be unsatisfactory. Auditors normally do not take responsibility for this stock. They generally say: "Stock as valued by the Manager". Therefore, if the real state of affairs is to be known, a proper certificate with regard to the stock-in-trade, finished goods etc., is very necessary. Otherwise, the accounts statement will not be complete. We will be only knowing about the profit, but not about further important details.

Secondly, in the public sector, Government is taking over the production of important materials necessary for the industrial development of the country. They are also the main consumers of the products coming out of the activities of the private sector.

[Shri C. R. Narasimhan]

Moreover, they give out a major portion of their constructional side, both labour and material, of their various projects to contractors by calling for tenders. The cost of production, purchase price of material and the reasonableness of the tenders can be materially affected by a want of or erroneous system of cost accounting.

Apart from the above, as regards the direction of the policies of Government, unless an efficient system of cost accounting is maintained by the industry seeking complete or partial protection, Government will have inadequate data on which to base their policies.

These are some of the main reasons which directly point to an immediate recognition of the importance and need for a compulsory adoption of cost accounting by all major manufacturing industrial and commercial undertakings.

This can be done only by legislation and legislation should aim firstly at the creation of a statutory body on the lines of the Institute of Chartered Accountants of India. When this Institute was started, doubts were expressed about the utility of such an institution, but later Government took into confidence those in the profession, and ultimately with the consent and co-operation of the profession, the Institute of Chartered Accountants was created, and in the last few years it has been working very well. It has helped in maintaining standards, and the country is now provided with duly qualified auditors, and naturally when the Companies Act was amended, the companies' obligation to engage auditors, the duties of the auditors etc., were all properly and statutorily fixed. They are all functioning well, and there is security in the financial field both for the investor and the Government and all concerned. In the same way, if a similar spirit is shown in regard to cost

accounting, and a new statutory body on the same lines is created for cost accountants, equal benefit will accrue, if not more.

Secondly, when such an institute for cost accountants is started, I request Government to require the major industrial and commercial undertakings compulsorily to maintain a thorough cost accounting system in respect of the products manufactured or dealt in by them. So far, there is no arrangement for this purpose.

Therefore, my solution to the problem is twofold. The first is to create cost accountants through a statutory body. And the second is to oblige the undertakings to keep these cost accountants and get proper figures of accounts through these people. Since credit-worthy statements are required, those who give the statements, namely the cost accountants should be proper persons, should be reliable people, and should be responsible people. This responsibility and reliability can only be created if these accountants are placed within the purview of a body which will keep discipline over them. For that, I urge that that body be created statutorily. Then, cost accountants will be created statutorily, and their discipline will be ensured by a statutory body. Just as we have a statutory body, namely the Medical Council to maintain discipline in the case of doctors, the Bar Council in the case of the lawyers, and the Institute of Chartered Accountants in the case of Auditors, likewise, an Institute of Cost Accountants or the Institute of Chartered Accountants with an additional statutory obligation to keep discipline over these cost accountants will serve the purpose very well.

The obligation on the part of undertakings to engage cost accountants should also be created statutorily, so that they may engage these people

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and also provide the public and all concerned with the necessary statements on which they can rely.

Shri C. R. Pattabhi Raman (Kumbakonam): I am wondering in view of what fell from my hon. friend, whether he would not also envisage the amendment of the Companies Act and the Banking Companies Act. If he wants to make it compulsory for the various industrial concerns to have cost accounting, in addition to or without reference to audit, I think those Acts also will have to be amended.

Shri C. R. Narasimhan: My resolution wants the creation of a statutory body for creating cost accountants. Then, simultaneously or a little later, if it becomes necessary, the obligation should also be created, if necessary, by amendments to the various Acts. It is not very difficult to incorporate them in the same Act which statutorily creates this body. It is only a procedure in law. When the Bill creating this body is placed before the House, it can contain measures dealing with those sections of the Companies Act. I do not see any procedural difficulty in the matter. It is desirable to have a statutory body.

I am sure the Minister will also say that the object of my resolution is acceptable to him.

The Deputy Minister of Finance (Shri B. R. Bhagat): How does the hon. Member know Government's mind in advance?

Shri C. R. Narasimhan: Because here is the opinion of the Estimates Committee which is a creature of this House.

Mr. Speaker: The hon. Member wants an institute for cost accountants. If that is accepted, then the other things will follow. If that is not done, he will insist upon Government doing so. The question now is whether cost accounting facility must be given or not.

Shri V. P. Nayar (Quilon): If Government do not do so, he can bring forward another resolution.

Shri C. R. Narasimhan: I am trying to influence the House by quoting the opinion of no less a body than the Estimates Committee, which is generally accepted by Government, and which is esteemed by all hands; and it is a body where all parties are represented. Therefore, I think I am on strong ground, and I say that Government are also likely to agree with me, because Government is, after all, a creature of this House, and the Estimates Committee is also a representative body of this House, and its opinions are accepted as the opinions of this House. Therefore it is that generally we do not place the opinions and the reports of the Committee for a vote here; they are generally placed on the Table of the House and accepted as part of the opinion of the House.

So, I do not think that the Deputy Minister need be afraid that I am trying unnecessarily to guess the mind of Government. I am only guessing the obvious thing.

Shri B. S. Murthy (Kakinada—Reserved—Sch. Castes): The hon. Member is anticipating the Government's mind.

Mr. Speaker: The resolutions are for acceptance by Government. That is the idea of the Movers.

Shri C. R. Narasimhan: That is my idea. And I think even Government are feeling the necessity for this. Only the other day, Shri Manubhai Shah, while dealing with a commerce and industry matter stated that there was considerable lack of cost accountants, and that attempts were being made to provide every concern with these cost accountants. I was not present here to listen to him, but I saw from the report that he was making a reference to this very thing. So, even Government are feeling like that.

[Shri C. R. Narasimhan]

Even the Finance Minister, on one or two occasions, while dealing with the Tariff Commission's report, mentioned that the absence of proper costing placed Government in a great handicap in assessing what concession should be given to the automobile industry. He actually stated that for want of proper costing, Government could not come to a decision quickly. Therefore, I am of the clear view that even Government feel the necessity for stepping up the creation of more cost accountants.

Therefore, I strongly urge that Government should take up this matter quickly. They cannot plead that they had not sufficient time. We are progressing under the Five Year Plan, and we are spending phenomenal amounts, and crores of rupees are going to be spent over various projects. Unless this very necessary system of cost accounting is brought into operation, we shall not know whether we are working on a profit or loss. Particularly, when we are taking over many private sector concerns into the State sector, we must really know whether we have done well in taking them over. We must know the comparative cost of management of the private sector and the State sector.

So, in this new context, when there is going to be socialisation of many important concerns, when this is the declared object, it is very necessary that simultaneously we should have a proper accounting system. Otherwise, it will mean that we have started spending without keeping a proper account. It would not be a sound policy to do so. An account is not a proper one, unless a proper costing is kept. A mere profit and loss account would not do; cost accounting must also be there. Otherwise, one will have to conclude that we have started spending crores of rupees without properly evaluating simultaneously and concurrently the expenditure.

Therefore, I urge upon Government to view this sympathetically, not to demand years and years, but to see that this also proceeds along with the Five Year Plan work.

I beg to move:

"This House is of opinion that facilities should be made available for the training of suitable persons, both in the theory and practice, of costing and that Government should take steps to create a Statutory Body for controlling the conduct of the necessary qualifying examinations and for regulating the practical training and enrolment of members who have qualified in such examinations and that such members alone should be permitted to certify the costing results of the industrial undertakings."

Mr. Speaker: In future, whenever hon. Members make any particular motion, they will move the motion first and then support the motion by arguments.

Shri V. P. Nayar: He started by reading the resolution.

Mr. Speaker: Resolution moved:

"This House is of opinion that facilities should be made available for the training of suitable persons, both in the theory and practice, of costing and that Government should take steps to create a Statutory Body for controlling the conduct of the necessary qualifying examinations and for regulating the practical training and enrolment of members who have qualified in such examinations and that such members alone should be permitted to certify the costing results of the industrial undertakings."

There is an amendment to this resolution by Shri Shree Narayan Das.

Shri Shree Narayan Das (Darbhanga): I beg to move:

"That for the original Resolution, the following be substituted, namely:—

"Having regard to importance of cost accounting in the national economy, this House is of opinion that a Committee be appointed at an early date to examine the question of necessity, desirability and feasibility of establishing a statutory institution for controlling the conduct of qualifying examinations and for regulating the practical training, enrolment and functioning of cost accountants who alone will be compet-

ent to certify costing results of the industrial undertakings."

Mr. Speaker: It is now five o'clock. This will stand over to another day.

BUSINESS ADVISORY COMMITTEE

ELEVENTH REPORT

Pandit Thakur Das Bhargava (Hisar): I beg to present the Eleventh Report of the Business Advisory Committee.

17 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 18th November, 1957

[Friday, 15th November, 1957]

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PAPERS LAID ON THE TABLE	814-16
The following papers were laid on the Table:—	
(1) A copy of the Notification No. S.R.O. 2726, dated the 31st August, 1957, making certain amendments to the Indian Administrative Service (Pay) Rules 1954.	
(2) A copy of the Notification No. 3391, dated the 26th October, 1957, making certain further amendment to the Indian Administrative Service (Pay Rules), 1954.	
(3) Annual Report of the Indian Airlines Corporation for the year 1956-57.	

Subject

(4) Annual Report of the Air India International Corporation for the year 1956-57.

(5) A copy of each of the following Notifications under sub-section (6) of Section 3 of the Essential Commodities Act, 1955

(i) S.R.O. 2987, dated the 21st September, 1957.

(ii) S.R.O. 2988, dated the 21st September, 1957.

BUSINESS OF THE HOUSE

816

The Minister of State in the Ministry of Home Affairs (Shri Datta) made a statement regarding the order of Government Legislative and other Business for the week commencing the 18th November, 1957.

BILL UNDER CONSIDERATION

817-65

Further discussion on the motion to consider the Probation of Offenders Bill continued. Amendments for the circulation of the Bill for the purpose of eliciting opinion thereon and for the reference of the Bill to a Select Committee were moved by Shri Naushir Bharucha and Pandit Thakur Das Bhargava. The discussion was not concluded.

*Subject***REPORT OF COMMITTEE ON PRIVATE MEMBER'S BILLS AND RESOLUTIONS ADOPTED**

866

Eighth Report was adopted.

PRIVATE MEMBER'S RESOLUTION NEGATIVED

866-926

Further discussion on the Resolution re: appointment of a Tribunal to review the cases of dismissed Government employees moved by Shrimati Parvathi Krishnan was resumed. After discussion, on the Resolution the Lok Sabha divided, Ayes 35, Noes 87. The Resolution was accordingly negatived.

PRIVATE MEMBER'S RESOLUTION UNDER CONSIDERATION

925-36

Shri Narasimhan moved the Resolution regarding the appointment of a statutory body for controlling the qualifying examination re: certifying costing results. The discussion was not concluded.

REPORT OF BUSINESS ADVISORY COMMITTEE PRESENTED

936

Eleventh Report was presented

AGENDA FOR MONDAY, THE 18TH NOVEMBER, 1957

Further discussion on the motion to consider the Probation of offenders Bill and also consideration of the Navy Bill as reported by the Joint Committee.