

LOK SABHA DEBATES

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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

Monday, 18th November, 1957.

The Lok Sabha met at Eleven of
the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Committee on Plan Projects

- †
- *287. { Shri Bibhuti Mishra:
Shri Shree Narayan Das:
Shri Radha Raman:
Dr. Ram Subhag Singh:
Shri Harish Chandra
Mathur:
Shri N. R. Munisamy:
Shri Sanganna:
Shri Raghunath Singh:
Shri Parulekar:
Shri Kodliyan:

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Committee on Plan Projects and the three teams appointed by it have submitted their final or interim reports;

(b) if so, whether they will be laid on the Table; and

(c) the decisions arrived at by Government on the main recommendations contained in these reports?

The Deputy Minister of Finance (Shri B. B. Bhagat): (a) to (c). Under the directions of the National Development Council, the reports of the teams appointed by the Committee on Plan Projects have first to be discussed with the project Authorities/State Governments/Central Ministries concerned and an endeavour made to reach agreed conclusions before they are submitted to the Committee on

Plan Projects, which will place them before the National Development Council. The final directions on the reports will be given by the National Development Council. The teams for Community Projects & National Extension Service and Irrigation & Power Projects have completed their work and have drawn up their preliminary recommendations which are now under discussion with authorities concerned. The team for Buildings Projects has completed one of its reports which has been discussed with the authorities concerned. As soon as the reports are in a final form, copies will be placed on the Table of the House. A copy of the interim report of the Community Projects and National Extension Service Team on Democratisation of District Development Administration which has been published for eliciting public opinion is, however, placed on the Table of the Lok Sabha. [Placed in Library. See LT-359/57].

श्री बिभूति मिश्र : इस स्टेटमेंट को देखने से पता चलता है कि सरकार ने अभी तक कोई निश्चय नहीं लिया है। रिपोर्ट में डिस्ट्रिक्ट बोर्ड्स के बारे में लिखा है कि इनको हटाना चाहिए। मैं जानना चाहता हूँ कि ६ बरस के कम्युनिटी प्रोजेक्ट के अनुभव के बाद सरकार ने इस विषय में क्या निश्चय किया है ?

श्री ब. ब. भगत : यह रिपोर्ट तो जनता के विचार जानने के लिए प्रकाशित की गयी है। उसके पहले ही सरकार अपना निश्चय कैसे दे सकती है।

श्री बिभूति मिश्र : मैं यह जानना चाहता हूँ कि जब सरकार ने इस रिपोर्ट को प्रकाशित किया था तो उसके पहले सरकार को तो कुछ इंडिकेशन देना

चाहिए था कि हम इस तरह की बात चाहते हैं ?

श्री ब० रा० भगत : सरकार को जो निवेश देना था वह उसने कमेटी को दिया है। सभी प्रारंजी तौर पर कमेटी ने एक रिपोर्ट दी है। जब जनता के विचार मालूम हो जायेंगे तब सरकार निश्चय करेगी।

श्री बिभूति बिश्व : मैं जानता हूँ कि सरकार का इस विषय में क्या विचार है। कुछ तो इंडिकेशन सरकार दे, कुछ तो सरकार हाउस को बतावे।

Mr. Speaker: The hon. Member is arguing.

श्री० राम सुभग सिंह : क्या सरकार को यह पता है कि निर्वाचित प्रतिनिधियों के सक्रिय सहयोग के अभाव में विकास कार्य का काम बड़ी मन्द गति से चल रहा है, और क्या यह भी पता है कि क्लिहाल बीज वगैरह बांटने के काम में और सिंचाई वगैरह के काम में काफी डीली नीति बरती गयी ?

श्री ब० रा० भगत : जी हाँ, यह जानकारी है।

श्री० राम सुभग सिंह : इसके लिए क्या किया जा रहा है ?

[कोई उत्तर नहीं दिया गया है]

Shri Shree Narayan Das: May I know which of the Governments have accepted the recommendations of this Committee with regard to the establishment of a Development Authority at the Block level instead of having District Boards?

Shri B. B. Bhagat: I do not see how that is relevant to this question.

Shri Raghubir Sahai: One of the recommendations of this committee appears to be that as District Boards have no tradition of welfare work and they have neither the men nor the means at their disposal they should be done away with and a new

body for development work be constituted. May I know if the State Governments have been consulted with regard to this recommendation and what are their reactions?

Shri B. B. Bhagat: As I said, this Report has been published for eliciting public opinion. In the committee there were representatives of the State and the Chief Ministers of the various States were on these bodies and, naturally, in this interim report which has been published for eliciting public opinion the views of the State Governments are also incorporated.

Shri Sinhasan Singh: What were the main reasons that guided the Government in appointing these committees on the Plan projects; was there any complaint?

Shri B. B. Bhagat: Which committee?

Shri Sinhasan Singh: The three teams which were appointed. Did the Government feel that the working of the projects was not going on effectively and they wanted a committee to enquire?

Shri B. B. Bhagat: That is an old history. The National Development Council, I think, a year or more than a year ago appointed a committee on Plan projects with the Home Minister as Chairman to promote studies, to investigate and to evaluate the development work all over the country.

Shri N. B. Munisamy: May I know what are the specific terms of reference that have been given to this committee to submit an interim report which is a very lengthy one?

Shri B. B. Bhagat: They have all been published. The terms of reference of the Committee on Plan Projects and also of the various teams have been published. Three teams were appointed, one on Irrigation and Power, another on Buildings and a third on Community Development.

श्री भक्त हर्षण : क्या गवर्नमेंट के ध्यान में यह बात आयी है कि उत्तर प्रदेश

की सरकार ने ब्लाक लेविल पर इन कमे-
टियों को बनाने का जो सुझाव है उसे
प्रस्वीकार कर दिया है, और वर्तमान
जिला बोर्डों और जिला नियोजन समितियों
को मंग करके उनकी जगह एक नई
परिषद, जिला परिषद बनाने का विचार
किया है? क्या यह सुझाव केन्द्रीय सरकार
की अनुमति से स्वीकार किया गया है या
कि यह उत्तर प्रदेश सरकार की अपनी
नई नीति है?

श्री ब० रा० भगत : यह तो उत्तर
प्रदेश सरकार के हाथ की चीज है। अभी
केन्द्रीय सरकार की स्वीकृति का सवाल
नहीं उठता।

Shri M. R. Krishna: May I know
whether the recommendations of the
Evaluation Committee report have
been fully implemented?

Shri B. R. Bhagat: I will request the
hon. Member to direct that question
to the Planning Commission.

Shri B. S. Murthy: May I know
whether the Deputy Minister is in a
position to tell us whether according
to the recommendations of these com-
mittees the cost of expenditure will
increase or decrease?

Shri B. R. Bhagat: I have great
pleasure in informing the House that
at least two teams submitted their
reports. The teams on Irrigation and
Power projects and for a study of
Chambal and Lakkavali projects have
recommended an economy of Rs. 130
lakhs which has been accepted. The
other team over which my hon. senior
colleague, the Minister of Irrigation
and Power, presided, completed the
study only on one of the projects, the
grain godowns structure, and have
recommended a savings in godowns
structure to the tune of Rs. 180 lakhs
which has been accepted. So the
committees have done very valuable
work.

Pataskar Report on Madras and Andhra Border

†
*208. { Shri D. C. Sharma:
Shri Wodeyar:
Shri Narasimham:
Shri M. V. Krishnarao:

Will the Minister of Home Affairs
be pleased to state:

(a) whether Pataskar Report on the
border dispute between Madras and
Andhra Pradesh has been considered;
and

(b) if so, with what results?

The Minister of State in the Minis-
try of Home Affairs (Shri Datar): (a)
Yes.

(b) The Governments of the States
of Madras and Andhra Pradesh have
accepted the recommendations made
in Shri Pataskar's report on the bor-
der dispute between the two States.
Steps are being taken to implement
the report.

Shri D. C. Sharma: May I know if
in the Pataskar Report some general
principles have been stated with re-
gard to arbitration of such border dis-
putes and, if so, what is the nature of
those general principles?

Shri Datar: Those recommendations
are contained in the report which has
been placed on the Table of the
House.

Shri Wodeyar: May I know whether
the State of Mysore had represented
to the Central Government about the
inclusion of Hosur taluk in Mysore
and, if so, whether any action is pro-
posed to be taken on that representa-
tion of the Mysore State?

Shri Datar: It is for the State Gov-
ernment to raise this question before
the Zonal Council and then further
steps can be taken.

Shri Narasimham: Since the Patas-
kar Report has been published and
accepted, have Government received
any representation from two villages

of Krishnagiri taluk which have been recommended for transfer from Andhra that under the proposed decision they will be cut off in the matter of communication and other important facilities and urging the maintenance of the *status quo*? And, if so, at what level is this petition being considered and what Government will do in the matter?

Shri Datar: I am not aware of having received any such report. In all such cases, it is for the State Governments to consider. Presumably, the Chief Ministers of the States of Madras and Andhra Pradesh must have considered this also.

Swami Ramananda Tirtha: May I know whether the principles underlying Shri Pataskar's report will be followed with regard to the disputes about the boundaries in regard to the other States?

Shri Datar: That is entirely a question for the State Governments to consider.

Shri B. S. Murthy: What is the difference between the recommendations made in the first report of Shri Pataskar and his second one? Are any negotiations going on between the Madras and Andhra Pradesh State Governments as regards the transfers of certain border villages?

Shri Datar: This question arose after the States Reorganisation Act had been passed and certain questions were to be considered at a later stage. Now, those questions were not considered by the States Reorganisation Commission inasmuch as a separate machinery would consider those questions. That is the reason why the mediation of Shri Pataskar was sought by both the State Governments. His report was published and some minor points were raised regarding two or three villages. That question was referred back to Shri Pataskar and he also gave his supplementary report and the whole report was accepted.

Shri B. S. Murthy: He has not answered my question. It is a very important point.

Mr. Speaker: Order, order. When I am calling another hon. Member, he ought not to go on interrupting like this. Shri Viswanatha Reddy.

Shri Viswanatha Reddy: With the acceptance of this report by the two Governments concerned, has the border question between the Andhra and Madras States been finally and unequivocally settled?

Shri Datar: I do consider that it will be settled in this way.

Shri Narasimhan: On a point of order. I do not know really whether it is a point of order but I think it is a point of order. I have received a representation from two villages. It is a copy of the letter addressed to the Home Minister and therefore, I want to know whether they have received it or not. The Minister says that he has not received. What is the position?

Shri Datar: My present information is that it has not been received. All the same we shall make enquiries.

Mr. Speaker: What I expect is that when a question is answered, there should be all relevant matters. A similar matter arose when Shri Alagesan was here. A non-official committee of enquiry was appointed with respect to an accident. It was alleged that it was handed over in the office of the Ministry. Shri Alagesan said that he was not aware of it. When there are answers on behalf of a Ministry, the person must be fully posted with all matters relevant to the question. Possibly, in this case they might have thought of posting both of them simultaneously. But actually, they may not have posted to the Home Minister. That may also happen. The hon. Home Minister must have received it otherwise.

Shri Datar: The question was about the receipt by the Home Ministry and not by the Home Minister.

Mr. Speaker: This raises a very important issue. I believe that the Home Minister is always guided by his Home Ministry. Whatever paper goes to him does not go to him straightaway. Therefore, it can never be an excuse. Whenever a question or resolution comes before the House, I do not want the hon. Minister to say: you ask my office.

Shri Datar: I have already made it very clear. I have just now made enquiries. I said that I was not aware of this particular representation. I made enquiries from my officers in the gallery and I am told that it has not been received to their knowledge.

Mr. Speaker: I accept all that. But, the hon. Minister went further and said that it was addressed to the Home Ministry and not to the Home Minister.

Shri Datar: He said; not I.

Mr. Speaker: Let him say so. If it is addressed to the Secretary, it must come to the notice of the Minister. Whenever a Minister answers any question here or with respect to any particular matter he is called upon to come and say something before the House, let there be no statement hereafter on the floor of the House that it might have been addressed to the Ministry and not to himself. I believe that every matter is not addressed straightaway to the top-most person.

Shri Narasimhan: For the information of the Chair, I may submit that I actually put this supplementary in the form of a question but somehow it has come like this. Otherwise, the question would have been specifically addressed also.

Shri Tangamani: The hon. Minister has said that Shri Pataskar's report and his supplementary report have been accepted by the Madras and the Andhra Pradesh Governments. May I know at what point of time are the terms of this report likely to be implemented?

Shri Datar: The recommendations have been received and they have been mentioned also in the Pataskar's report. Certain action has to be taken on the basis of this report by the Government of India—for instance, getting the States Reorganisation Act amended through the Parliament. That is the further action to be taken.

Mr. Speaker: Next question.

Shri Nath Pal: I have been rising, Sir.

Mr. Speaker: I cannot exhaust all the Members of the House on a particular question. I try to distribute. A number of questions have been asked and merely because the hon. Member has not been allowed to put questions, it does not follow that I cannot go to the next question.

North and South Higher Technological Institutes

+

*209. { Shri S. C. Samanta:
Shri Subodh Hasda:
Shri R. C. Majhi:
Shri T. B. Vittal Rao:

Will the Minister of Education and Scientific Research be pleased to state:

(a) whether any progress has been made in the establishment of the North and South Higher Technological Institutes;

(b) whether the sites for the location of the Institutions in Kanpur and Madras have finally been selected;

(c) whether any planning committee has been set up for the purpose; and

(d) whether any expert or experts and any equipment have arrived either from West Germany or U.S.A.?

The Deputy Minister of Education and Scientific Research (Shri M. M. Das): (a) to (d). A statement giving the required information is laid on

table of the Lok Sabha. [See Appendix I, annexure No. 95]

Shri S. C. Samanta: May I know the constitution of the Planning Committee? How many meetings have been held so far?

Shri M. M. Das: Each one of these planning committees consist of fifteen members. The southern committee has been set up under the chairmanship of Dr. A. L. Mudaliar and the northern, under the chairmanship of Lala Sri Ram. The members consist of representatives of the Central Education Ministry, Ministry of Commerce and Industry, vice-chancellors of universities, industrialists, directors of national laboratories and some principals of technical institutions.

No meetings have been held so far; they are going to meet in the near future.

Shri S. C. Samanta: May I know whether the topmost priority will be given to these schemes because of the shortage of engineering personnel in the country? If so, how many admissions will be there of under-graduates and post-graduates?

Shri M. M. Das: Originally, the decision of the Government was that these two higher technological institutions will be established during the latter part of the Second Plan. The present decision is to establish them as soon as circumstances permit. The ultimate enrolment figures are: under-graduates—1500 and post graduates—500 in each institution.

Dr. Ram Subhag Singh: The hon. Deputy Minister has said that no meeting has been held so far by these committees though it is a matter of great importance. May I know whether, at the time of setting up such committees, the Government enquire whether the persons who are going to be appointed on them as members or as chairman are having time at their disposal because they are on several committees.

Shri M. M. Das: The committees have been recently set up and we have got every hope and we expect that they are quite fit to take up their work and do the job as efficiently as possible.

Shri V. P. Nayar: I want to know whether one of the terms of reference to these committees is the location of the institute. Have the Government decided in an irrevocable manner about the location of the two proposed institutions?

Shri M. M. Das: The question of allocation has been irrevocably decided by the Government. The decision is that the Southern Institute will be established in Madras and the Northern Institute in Kanpur. So far as particular sites are concerned, the respective State Governments have offered certain plots. With regard to the selection of these plots no final decision has yet been taken.

Shri Narayanankutty Menon: May I know whether before the selection of the sites for these institutions the Central Government consulted the various State Governments and gave them an opportunity to place their claims before the Central Government?

Shri M. M. Das: We have got four Regional Committees in the four different parts of India. So far as the question of location of these technological institutes is concerned, the matter was discussed in the C.T.E. Committees where every State belonging to the particular region is represented.

Shri N. B. Maiti: May I know the date of appointment of this Committee?

Shri M. M. Das: The exact date is not at my disposal, but I know that these planning committees were set up only recently.

Shri Ramakrishnan: May I know whether the standards set up for the courses would conform to university standards of the respective States, or

whether the standards would conform to countries which are participating in the establishment of these institutions?

Shri M. M. Das: The standards of these institutions will be fixed according to the standards of the Kharagpur Institute.

Hindi Shiksha Samiti

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*210. { **Shri V. C. Shukla:**
Dr. Ram Subhag Singh:

Will the Minister of Education and Scientific Research be pleased to state:

(a) whether Hindi Shiksha Samiti has urged the Central Ministry of Education to give direct grants to All India Hindi Organisations for the purpose of propagation of Hindi in non-Hindi speaking areas;

(b) whether the Government have accepted this recommendation; and

(c) if so, by what time Government propose to implement this recommendation?

The Minister of State in the Ministry of Education and Scientific Research (**Dr. K. L. Shrimali**): (a) to (c). A statement is laid on the Table of the Lok Sabha.

STATEMENT

(a) The Hindi Shiksha Samiti suggested that direct grants be given by the Government of India to All-India Hindi Organisations for the propagation of Hindi.

(b) No.

(c) The question does not arise.

Shri V. C. Shukla: What are the specific reasons for not accepting the recommendations of the Hindi Shiksha Samiti?

Dr. K. L. Shrimali: As the hon. Member is aware, prior to 1954 grants were given to private organisations and the main work of propagation was done by private organisations.

Later on it was found that there was no harmony, and sometimes there was conflict between States and these organisations. Therefore, in 1954 the Government took a decision that propagation of Hindi would be done by the State Governments. This question was again discussed at the Conference of Education Ministers, and it was decided that for one year at least the State Governments should be given a trial and the position reviewed after a year.

Shri V. C. Shukla: May I know whether it is a fact that grants to various States for propagation of Hindi have been continuously lapsing for the last few years because of non-implementation of the recommendations?

Dr. K. L. Shrimali: I am sorry it is a fact that every year a certain amount has been lapsing because the grants sanctioned are not utilised by the State Governments.

Shri Dasappa: What has been the total amount spent in non-Hindi-speaking areas during these three or four years?

Dr. K. L. Shrimali: As far as propagation of Hindi is concerned, amount is spent only in non-Hindi speaking areas. As far as development of Hindi is concerned, that is a work which is sometimes given to organisations in Hindi-speaking areas. There is a difference between development of Hindi and propagation of Hindi. The hon. Member is probably referring to development of Hindi.

Shri Dasappa: My question was simple and specific. I want to know how much has been spent till now on propagation of Hindi in non-Hindi-speaking areas, because propagation is not needed in Hindi-speaking areas.

Dr. K. L. Shrimali: In 1956-57 a sum of Rs. 2,83,905 was sanctioned out of which only Rs. 1,65,502 was utilised in non-Hindi-speaking States.

Mr. Speaker: How many non-Hindi-speaking areas are there?

Dr. K. L. Shrimall: Andhra, Assam, Bombay, Jammu-Kashmir, Kerala, Madras, Mysore, West Bengal and Orissa. In 1955-56 a sum of Rs. 5,40,915 was sanctioned out of which only Rs. 3,25,040 was utilised.

Shri Narasimhan: Will the Government enquire why such sanctioned amounts are not being utilised? Have they enquired whether there are any defects in the schemes themselves?

Dr. K. L. Shrimall: There are no defects in the schemes. The schemes are drawn up in consultation with the State Governments. The representatives of the State Governments are there in the Hindi Shiksha Samiti. The main difficulty is that the State Governments lack sufficient interest to implement these schemes.

Food Scarcity in Eastern U.P.

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- *211. { **Dr. Ram Subhag Singh:**
Shri D. C. Sharma:
Shri Bishwanath Roy:

Will the Minister of Finance be pleased to state:

(a) whether Government have received any request from Government of Uttar Pradesh for making a special allotment of fund for the alleviation of distress in the scarcity-hit eastern districts of U.P.;

(b) if so, whether that allotment has been made;

(c) the amount allotted for that purpose; and

(d) whether such requests were made to the Union Government by any other State Governments?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) to (c). No specific request was received from the Uttar Pradesh Government, but to assist them to deal with the problem of the deficit areas in the eastern part of the State, loan assistance of Rs. 1.62 crores has been promised.

(d) Yes, Sir. The Governments of Bihar and West Bengal have also approached the Central Government.

Dr. Ram Subhag Singh: May I know the extent of loss to crops due to draught in the States of Uttar Pradesh, Bihar, West Bengal and other States who have approached the Government of India for funds?

Shri B. R. Bhagat: This is a larger question for which I would require notice.

Dr. Ram Subhag Singh: May I know whether the State Governments which have approached the Government of India for funds have also approached the Union Government for funds for energising their tubewells and constructing tubewell canals some of which in Eastern U.P. and other parts have not yet been energised?

Shri B. R. Bhagat: They have, Sir, but it would be difficult, within the scope of this question, to get the information in respect of that. If separate notice is given I will be able to supply that information.

Shri Damani: In a large part of Rajasthan the crop has failed. May I know what help has been sanctioned to that part?

Mr. Speaker: Why did not the hon. Member put a separate question? This relates to U.P. On this question shall I go on allowing questions about Andhra, Kerala, Tamil Nad and so on?

Shri S. M. Banerjee: May I know whether the Central Government has instructed or requested the U.P. Government to exempt the people of eastern districts from all sorts of taxes for a period of one year—1957-58—and if so, what action has been taken by the U.P. Government?

Mr. Speaker: Ask the U.P. Government.

Shri S. M. Banerjee: The Central Government has requested the U.P. Government.

Mr. Speaker: Food is primarily the concern of the State Governments. We are taking up the responsibility on an All India basis. Every small measure which the local Government has to do cannot also come up as a matter for discussion. There must be some steps that are taken primarily by the State Governments. To augment or supplement those steps we come to this House.

Shri S. M. Banerjee: One of the leaders of the Opposition in the State Assembly, Shri Genda Singh, saw the Prime Minister and discussed the food situation.

Mr. Speaker: What can the Prime Minister do with regard to exemption of taxes there. That is purely a State subject and the Prime Minister cannot do anything there.

Shri Sinhasan Singh: May I know whether the Government of India has appointed a Committee of Experts to tour the eastern districts of U.P. and make a report on the help to be given to those districts and also to remove the defects in those districts?

Shri B. R. Bhagat: I am not aware of that.

Some Hon. Members rose—

Mr. Speaker: There is a separate day allotted for discussion on scarcity conditions etc., and that motion, I think, will come up in the name of Dr. Ram Subhag Singh. In one question we cannot discuss everything. We will go to the next question.

दिल्ली के माध्यमिक स्कूलों में अध्यापकों की कमी

*२१२. श्री नवल प्रभाकर : क्या शिक्षा और वैज्ञानिक गवेषणा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली के माध्यमिक स्कूलों में अध्यापकों की कमी है ;

(ख) क्या यह सच है कि सरकारी स्कूलों में अध्यापकों की कमी के कारण पढ़ाई का प्रबन्ध सन्तोषजनक नहीं है ; और

(ग) यदि हां. तो इस सम्बन्ध में आवश्यक प्रबन्ध कब तक हो जाने की आशा है ?

शिक्षा और वैज्ञानिक गवेषणा मंत्रालय में राज्य-मंत्री (डा० का० ला० श्रीवास्ती) :
(क) दिल्ली के कुछ सरकारी माध्यमिक स्कूलों में अध्यापकों की कमी रही है ।

(ख) कुछ हद तक पढ़ाई के काम में शिथिलता आई है ।

(ग) प्रतिरिक्त अध्यापकों की नियुक्ति का प्रबन्ध किया जा रहा है ।

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि इन अध्यापकों की कब तक नियुक्ति हो जाएगी ?

डा० का० ला० श्रीवास्ती : यह तो पहले ही हो जाता चाहिए था, लेकिन हुआ नहीं । मैं आशा करता हूँ कि जल्दी ही नियुक्ति हो जाएगी ।

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि यह लापवाही कैसे की गई और किस ओर से की गई ?

डा० का० ला० श्रीवास्ती : यह तो साफ़ जाहिर है कि इस मामले में डाइरेक्टरेट की लापवाही है ।

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि इस मामले के सम्बन्ध में दिल्ली प्रशासन को निर्देश दिये गये हैं ?

डा० का० ला० श्रीवास्ती : जी हां, दिये जा रहे हैं ।

श्री भक्त बर्दान : क्या यह सत्य है कि इस तरह के केवल आश्वासन पिछले दो या तीन वर्षों से दिये जा रहे हैं और क्या मैं यह जान सकता हूँ कि आश्वासन न देकर इस पर कोई कठोर कार्यवाही की जायेगी ?

डा० का० ला० श्रीवास्ती : जी हां, इस मामले में जांच की जायेगी ।

Shri Gajendra Prasad Sinha: May I know how many teachers have been appointed for the secondary schools in the year 1957 in Delhi?

Mr. Speaker: If the hon. Member was anxious, he should have put a question or have written to the hon. Minister. Has the Minister got the list of persons who have been appointed—right up from the elementary school teacher?

Dr. K. L. Shrimall: I do not have the list with me. But I can give the strength of teachers. The strength of teachers in 1956-57 in the secondary schools was 2,690. In 1957-58 it was 3,005.

Shri Radha Raman: Apart from the shortage of teachers, the condition of the schools in Delhi is very deplorable and they not only suffer from shortage of staff but from funds as well as from furniture, etc. If so, may I know whether the Government is seriously thinking to mend this thing?

Dr. K. L. Shrimall: I must admit that the conditions of the schools are deplorable and we are doing our best to remedy the defect.

Disturbances in Ramanathapuram

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- Shri Keshava:
Shri N. R. Munisamy:
Shri Sanganna:
Shri Supakar:
Shri Raghunath Singh:
Shri Bidhuti Mishra:
Shri Jbulan Sinha:
Shri B. S. Murthy:
Shri V. C. Shukla:
Shri Parulekar:
*212. Shri Narayanankutty Menon:
Shri Warior:
Shri Tangamani:
Shri Shivananjappa:
Shri Mohamed Imam:
Shrimati Parvathi Krishnan:
Shri Thimmalah:
Shri Vajpayee:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Minister in the Ministry of Home Affairs toured recently the disturbed areas of Ramanathapuram in Madras;

(b) if so, whether he has submitted any report to the Government on the situation;

(c) whether a copy of the report will be laid on the Table; and

(d) the nature and quantum of help given by Central Government to the State Government to rehabilitate the victims of the riots?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) No.

(c) Does not arise.

(d) The Central Government have made a grant of Rs. 1,43,400 to the Government of Madras as their assistance to the victims of the riots.

Shri Keshava: May we know whether, in view of the fact that the Centre has an all-round responsibility for maintaining law and order anywhere in the country...

Mr. Speaker: What is this assumption about? No hon. Member can start with an assumption; he should put a question straight.

Shri Keshava: Is it not a fact that the Centre has an over-all responsibility for maintaining law and order anywhere in the State?

Mr. Speaker: That is an interpretation of the Constitution. Should it be done here in the Question Hour? What is the fact that he wants to know?

Shri Keshava: I just wanted to know whether it is not the suffering of many people which resulted on account of this incident there that attracted the Minister to visit that place and make a study on the spot? If that is so, why not he take the House into his confidence and place a report before the House even by way of observation?

Shri Datar: There is no question of placing any report, because I have not gone there to make a report. I had gone there, as I stated, on a goodwill mission. I wanted to find out what the conditions of the sufferers, especially the Scheduled Castes and the Maravars, were. For that purpose, I had gone, and we have made grants already.

Shri B. S. Murthy: May I know whether the Minister will be pleased to take the House into confidence and tell us the immediate and the remote causes of these unhappy riots in Ramanathapuram district which shocked the whole country?

Shri Datar: I have taken the world into confidence, because I have given a note and I have pointed out that, from the information that I had in the course of my tour, it was only political so far as the elections were concerned. Otherwise, it was not political.

Shri B. C. Kamble: May I know whether the hon. Minister will be able to tell this House what is the result of his goodwill mission in that area and what are his impressions about it?

Shri Datar: The result of the goodwill mission is to offer consolation to those who had suffered. That is one thing. Secondly, to offer monetary grants to the extent of Rs. 50 per hut that was destroyed, the other Rs. 50 being borne by the State Government.

Shri M. B. Krishna: May I know what is the total amount asked by the State Government to rehabilitate all those people and whether the Central Government is going to give that amount to the State Government?

Shri Datar: The Central Government, and the State Government, if I mistake not, will spend a large amount, and we have already contributed Rs. 1,43,400 for that purpose.

Shri B. C. Kamble: I have asked for his impression.

Mr. Speaker: He need not exhaust all these impressions.

Shri Datar: My impression was that it was a very unfortunate matter and such unfortunate communal riots ought not to occur at all.

Shri B. C. Kamble: May I know what is the exact number of men, women and children killed and injured and the number of huts burnt down in the respective communities?

Shri Datar: The number of houses burnt is about 2,800 and odd. Most of the persons who owned these houses were Harijans, but some Maravar houses also have been burnt, and therefore, the Central Government has offered help not only in respect of the houses of the Harijans but of the Maravars as well.

Shri N. R. Munisamy: May I enquire whether in doling out huge sums to the State Government, instructions have been given to them that they should distribute this amount to the victims without any discrimination?

Shri Datar: That is what they are doing. Even when I went there, the Collector had started giving relief. In addition to giving Rs. 30 per family, they were also given help by way of some doles and some grains also.

Shri Tangamani: In view of the fact that nearly 3,000 houses have been burnt down and the money that was granted by the Central Government would only amount to Rs. 50 per house, may I know whether the grants will be increased to at least Rs. 3 lakhs so that each individual will get Rs. 100, and in view of the fact that in this trouble nearly 14 people have been killed as a result of the police firing, will the Government instruct the State Government to order a judicial enquiry as has been done in the case of Kalka and the Bhangi colony firings here?

Mr. Speaker: So far as the judicial enquiry and other things are concerned, relating to this incident, it is all a matter of law and order. We have

no right to advise them. There is an Assembly there. The hon. Member is one Member here from his constituency, and there are five people there from his constituency. Therefore, five voices, I am sure, are at least equal to one voice of Shri Tangamani.

Shri Tangamani: Five voices have not been heard.

Mr. Speaker: I am not going to allow the question whether a judicial enquiry may be held or not. They will say: "Have judicial enquiry over our fires here!" I do not know if hon. Members will relish that matter.

Shri Tangamani: An answer to the first part of my question may be given.

Mr. Speaker: In the first part of his question, he wants the amount to be increased from Rs. 50 to something more—from Rs. 1 lakh to Rs. 3 lakhs.

Shri Datar: So far as that question is concerned, it is for the State Government in the first instance to submit schemes in case they require more money and Government would consider them.

Shri Kaswara Iyer: On a point of order. Are we to take it that your ruling is, on a matter of law and order, it is primarily a matter for the State and that therefore we have no right to discuss it?

Mr. Speaker: Exactly. We have no right to discuss it. Next question.

Shri Manay: It is a very important matter. Let Hon. Minister answer all the questions.

Several Hon. Members rose—

Mr. Speaker: Let them hear me. I am sure, and I know, that hon. Members are agitated not only here but all over, everywhere, whoever has seen it. The hon. Minister himself is not lagging behind. On account of the hon. Minister's compassion, and on humanitarian grounds, the hon. Minister went there, and the Central Gov-

ernment is doing whatever it can. The suggestion is, instead of Rs. 1 lakh, Rs. 3 lakhs ought to be given. He says if schemes are received from the State Government for further help, we will certainly consider them and see if not only Rs. 3 lakhs but even more can be given. So far as law and order is concerned, I have already said it is a State subject, except where the military and others are called for, in which case the Centre will come in and will have a share of the responsibility. A number of people have tabled the question. To the extent necessary to relieve the distress there—primarily the agency is the State Government—the Central Government sent one of its important Ministers to look into it; and, in collaboration with the State Government, they are trying to relieve the distress. Shall we go into the details of the distress.....

Shri Nath Pal: Why not give the number of victims?

Mr. Speaker: I cannot allow any more supplementaries. When we have the debate on Scheduled Castes and Scheduled Tribes, I will allow three hours so far as this matter is concerned.

Shri Manay: The hon. Minister has not answered Mr. Kamble's question. Mr. Kamble wanted to know the number of persons killed and the Minister has not answered it. Let him say he does not know.

Mr. Speaker: He does not know; I say it on his behalf.

Some Hon. Members rose—

Mr. Speaker: Order, order. I cannot allow this kind of haphazard questions. When I am standing, hon. Members must resume their seats. This is not a matter that can be discussed in the Question Hour. He has said that 2,800 houses have been burnt and 14 and odd people died.....

Shri Nath Pal: The hon. Minister did not say anything about the number of persons killed.

Mr. Speaker: So far as this question is concerned, enough has been answered in that connection. Next Question.

Shri B. C. Kamble rose—

Mr. Speaker: I shall have to take disciplinary action if hon. Members rise in spite of this.

Shri B. C. Kamble: This is a matter of protection of minorities.

Mr. Speaker: I know; the minority cannot rule this House. I will ask the hon. Member to resume his seat. If he does not do so, I will take disciplinary action.

Shri B. C. Kamble: I am only asking for the information.

Shri Tangamani: A statement should be made by the hon. Minister as to how many people have been killed. Why is he not willing to say that?

Shri Nath Pal: Why is he hiding the number of victims?

Shri B. C. Kamble: I walk out as a kind of protest.

(*Shri B. C. Kamble followed by Shri B. K. Gaikwad, Shri Siva Raj, Shri Manay, Shri D. A. Katti and Shri K. U. Parmar left the House.*)

Engineering Colleges, Assam

*214. **Shri Amjad Ali:** Will the Minister of Education and Scientific Research be pleased to refer to the reply given to Starred Question No. 848 on the 13th August, 1957 and state:

(a) whether any applications seeking permission to increase the number of seats for admission were received from the Principals of Engineering Colleges in Assam; and

(b) if so, the steps taken thereon?

The Deputy Minister of Education and Scientific Research (Shri M. M. Das): (a) and (b). A statement giving the required information is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 96.]

Shri Amjad Ali: In the statement it is said:

"The State Government was informed that since the College had started only in 1955-56 and the necessary instructional facilities had not been developed even for the present students, it would not be desirable to increase admissions without a full examination of the matter by the All India Council for Technical Education."

In view of the fact that the Central Government has issued clear instructions to the Government of Assam may I know under what condition these eight more students were admitted?

Shri M. M. Das: I may submit 1 the hon. Member that in this case I admitting these 8 students in addition to the sanctioned number, the State Government violated the conditions that were imposed on them.

Shri Amjad Ali: Is it a fact that in contravention of the general practice of intake of students by admission tests, these eight more students were admitted on the recommendation of the Education Minister of Assam?

Shri M. M. Das: It is a State Government institution and so far as admissions are concerned, we have got nothing to say. It is done according to the discretion of the State Government. But the only condition imposed by the Central Government, along with some others, is that the total number of admissions should not exceed the sanctioned number?

Shri Basumatari: May I know whether there is a proposal from the Government of Assam to start a second engineering college in Assam?

Shri M. M. Das: Already there is an engineering college in Gauhati established only two years back. The college has not yet developed fully.

Shri Basumatari: There is one college. I want to know whether second college will be established.

Shri M. M. Das: It is a college that will give degree in engineering.

Mr. Speaker: Is there no engineering college in Assam?

Shri Basumatari: There is one engineering college. I wanted to know whether there is any proposal to start a second college anywhere in Assam?

Shri Hem Barua: In view of the technological and economic backwardness of that State, may I know if the Government is considering the proposal to increase the number of seats in the engineering colleges there in Assam?

Shri M. M. Das: It is an old story. We have already selected 19 engineering colleges all over the country for expansion, so that more number of students could be admitted. The Gauhati engineering college is one of them. This year 80 more students have been admitted, for which sanction was given. These expansion costs will be entirely borne by the Government of India.

Shrimati Mafta Ahmed: May I know whether the Government are contemplating to create some seats exclusively for girls in the engineering colleges?

Shri M. M. Das: That question should be decided by the State Government. We are not entitled to discuss it.

प्रिविलेज टिकट आर्डर की सुविधाएँ

*२१७. श्री भक्त बर्शन : क्या गृह-कार्य मंत्री २१ नवम्बर, १९५६ के तारांकित प्रश्न संख्या २७० के अनुपूरक प्रश्नों के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) प्रिविलेज टिकट आर्डर की सुविधा को २५० मील से कम दूरी के निवासी कर्मचारियों पर भी लागू करने के जिस प्रश्न पर विचार किया जा रहा था, क्या इस बीच उसके बारे में अन्तिम निर्णय कर लिया गया है ;

(ख) यदि हाँ, तो उस निर्णय का स्वरूप क्या है ;

(ग) उस निर्णय को कब से लागू किया जायेगा ;

(घ) यदि उपरोक्त भाग (क) का उत्तर नकारात्मक हो, तो देरी के क्या कारण हैं ; और

(ङ) इस सम्बन्ध में कब तक निर्णय हो जाने की प्राशा है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री बातार) : (क) से (ग). जी हाँ। प्रावश्यक प्रादेश जारी कर दिये गये हैं। प्रादेश की एक प्रति सभा-मटल पर रख दी गई है। [बैजिये परिशिष्ट १, अनुसूच्य संख्या ९७]

(घ) तथा (ङ). प्रश्न ही नहीं उठता।

श्री भक्त बर्शन : इस विवरण से ज्ञात होता है कि कर्मचारियों के लिए जो २५० मील की दूरी रक्खी गई थी वह चौथी श्रेणी के कर्मचारियों के लिए घटा कर १०० मील कर दी गई है। मैं इस के लिए धन्यवाद देते हुए यह जानना चाहता हूँ कि तीसरी, दूसरी और पहली श्रेणियों के जो कर्मचारी हैं उन्होंने कौनसा प्रपराष किया है कि उन्हें यह सुविधा नहीं दी जा रही है ?

श्री बातार : यह प्रपराष की बात नहीं है, पैसे की बात है।

Shri S. M. Banerjee: May I know whether it is in the knowledge of the hon. Minister that nearly 1-1/2 lakhs of industrial workers serving in defence establishments are not covered by these orders regarding P.T.O. and if so, whether these orders are being issued including them also?

Shri Datar: The whole question was first considered and it was laid down that so far as privilege ticket

benefits were concerned, they should be extended only to those who reside beyond 250 miles and that certain benefits would be given to them. When it was pointed out that so far as Class IV servants were concerned, they came from an area within 250 miles from Delhi and other places and therefore something should be done for them, that limit of 250 miles was brought down to 100 miles so far as those persons are concerned. It is not possible for Government to go beyond this.

Shri S. M. Banerjee: My question was specific. Industrial workers working in defence establishments were not even covered by the previous order and it was stated that separate orders would be issued to include the industrial workers. So, I put a specific question: When the other Central Government employees are given further concession, what will happen to those industrial workers?

Shri Datar: I have placed the relevant order on the Table of the House in this respect.

श्री सक्ल वर्मान : मैं यह जानना चाहता हूँ कि क्या सरकार इस पर विचार करेगी कि यह सुविधा कम से कम तीसरी श्रेणी के कर्मचारियों के लिए बढ़ा दी जाए ?

Mr. Speaker: He says it is all covered by the previous order.

Shri S. M. Banerjee: Not covered.

Shri Tangamani: The relevant paper laid on the Table says that in respect of Class IV employees, the mileage is reduced from 250 to 100. That will come into effect from 1-1-1958. I would like to know whether the other employees also would be included in it.

Shri Datar: The hon. Member will kindly see the earlier order passed on 11th October, 1956. Therein it is stated in sub-clause (1) that except as provided in sub-clause (2), the concessions will be available to Central Government servants of all grades and members of the All-India Services

serving in connection with the affairs of the Central Government.

Shri S. M. Banerjee: That does not include industrial employees.

Mr. Speaker: He wants to know whether there is any proposal to include industrial employees or the order already includes industrial employees.

Shri Datar: I will make enquiries. I cannot answer that question now.

Rehabilitation of Beggars in Kerala

*218. **Shri Gajendra Prasad Sinha:** Will the Minister of Home Affairs be pleased to state:

(a) whether the Kerala Government have approached the Central Government for financial assistance for the rehabilitation of beggars in the State; and

(b) if so, the details of the schemes?

The Minister of State in the Ministry of Home Affairs (**Shri Datar**):

(a) No.

(b) Does not arise.

Shri Gajendra Prasad Sinha: May I know whether any survey has been made by either an official or non-official body into the matter because the beggar problem is more acute in Kerala?

Shri T. K. Chaudhuri: Is it also a Central subject?

Shri Datar: I have answered the question because, so far as Beggars' Homes are concerned, the Central Government gives some aid, provided the State Governments are prepared to bear 50 per cent share. That is the reason why this question has been addressed to us.

Shri Gajendra Prasad Sinha: Has the Central Government got any information as to the steps taken by the present regime there for rehabilitation of beggars in Kerala?

Shri Datar: So far as that is concerned, I am not at present aware of the exact census.

Shri Narayanankutty Menon: The hon. Minister, while answering the previous question, stated that if the State Government is prepared to pay 50 per cent share, the Central Government will bear the other half. May I know whether any proposal has been made in the matter?

Mr. Speaker: They will contribute 50 per cent, if the State contributes an equal amount.

Shri Narayanankutty Menon: May we know the details to it?

Mr. Speaker: Not in reply to this question.

Under-writing of Shares

↑

*219. { **Shri Morarka:**
Shri Nathwani:

Will the Minister of Finance be pleased to state:

(a) the names of the companies whose shares and debentures were under-written by the Life Insurance Corporation;

(b) whether the Corporation was obliged to take over these shares and debentures by virtue of such under-writing; and

(c) if so, the amount invested in each company?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) and (c). A statement is laid on the Table of the Lok Sabha giving the names of the companies whose shares and debentures were under-written by the Life Insurance Corporation and the amounts invested by it in each company. [See Appendix I, annexure No. 98].

(b) No, not in all cases.

Shri Morarka: May I know the considerations which impelled the Government to start this business of under-writing shares with the funds of the policy-holders?

Shri B. R. Bhagat: It is profitable to us.

Shri Morarka: What profit has the Government so far made on this Rs. 1,33,00,000 that they have so far invested in under-writing the shares?

Shri B. R. Bhagat: We get commission.

Shri Morarka: The answer is not full.

Mr. Speaker: The commission will make up the profit, that is what he says.

Shri Morarka: How much commission have you charged on under-writing this Rs. 1,33,00,000 worth of shares?

Mr. Speaker: What is the total commission?

Shri B. R. Bhagat: It can be worked out. The statement gives the commission in each case. Before under-writing the shares, the Life Insurance Corporation satisfies themselves that all those shares which they under-write will yield profit by way of commission.

Shri Morarka: Is it not a fact that out of the shares worth Rs. 1,33,00,000, the Corporation had to take shares worth Rs. 1,20,00,000? That means that the shares that the Corporation under-wrote were not very popular so far as the public were concerned.

Mr. Speaker: It is a matter of opinion.

Shri Rameshwar Tantia: Recently the Corporation purchased a large amount of shares of a particular group, as a result of which the price of that share went up. May I know the procedure for buying of shares?

Shri B. R. Bhagat: That is a larger question. As we said on the previous day, that is a question of investment. If a straight question is put up again, we will furnish the answer.

Shri Tyagi: May I know whether the statement, which gives the names of the parties who have been benefited by this action, is too long? If it is not too long, I want it to be read to the House so that the House may know as to which parties of the country have benefited through this investment.

Mr. Speaker: The statement has been placed on the Table.

Shri B. R. Bhagat: I can read out a few names, if the House permits me.

Shri B. S. Murthy: Is there any limit to the length of the statement to know whether it is big or small?

Mr. Speaker: He can read one or two names. When the statement is big, it is laid on the Table of the House. How many names are there?

Shri B. R. Bhagat: There are about 12 or 13 names.

Mr. Speaker: Then I cannot allow it to be read.

Shri Tyagi: In that case, I would like to have one information. One firm in Kanpur has been given sumptuous help in this matter when the investment of the firm itself is small. Is it a fact that a bigger part of it has been under-written by the Finance Ministry.

Shri B. R. Bhagat: That is not under-written. That is direct investment. Under-writing is different from investment. That is a larger question which we answered the previous day. There are two hundred companies or more in which the Life Insurance Corporation has invested.

Shri Tyagi: What are the criteria in these matters? Who decides the question of investment? Is it the Ministry itself or some committee is consulted before a decision is taken as to where the investment should be made?

Mr. Speaker: The question relates to the under-writing of shares. The other question relates to investment.

A separate question may be put on that subject.

Shri Tyagi: About investment I want to know.....

Mr. Speaker: That does not arise out of this question.

Shri C. D. Pande: In view of the fact that the shares are likely to rise or fall in prices, will the Corporation discontinue the present system of purchase of shares and lend money rather than purchase shares?

Mr. Speaker: That is a suggestion for action.

Inter-State Sales Tax

*221. **Shri Ramakrishna Reddy:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the operation of Section 15 of the Central Sales Tax Act has been postponed from the 1st October, 1957 to 1st January, 1958;

(b) if so, whether Government have deputed any officer to visit the States to discuss with the representatives of State Governments their difficulties in the application of Section 15 of Central Sales Tax Act; and

(c) if so, whether a report thereon will be placed on the Table?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) Yes, Sir.

(b) and (c). An officer of the Finance Ministry discussed with certain State Governments the difficulties anticipated by them on the enforcement of Section 15 of the Central Sales Tax Act, 1956. The agreed decision reached in the light of the above discussions will be incorporated in a Bill that would be brought before this House shortly.

Shri B. S. Murthy: May I know whether there was any agreement between the officer at the Centre and the officers belonging to the States on the Section under discussion?

Shri B. R. Bhagat: Yes sir.

Shri S. M. Banerjee: May I know whether the inter-State sales tax complication arising out of this section is going to be discussed in the Finance Ministers' Conference?

Shri B. R. Bhagat: Yes, some aspects of it.

जनता बीमा पालिसियां

*२२२. श्री अमिच्छ सिंह : क्या बिस्व मंत्री सभा पटल पर एक ऐसा विवरण रखने की कृपा करेंगे जिसमें यह बताया गया हो कि :

(क) जनता बीमा पालिसियां जारी करने के लिये भारत के जीवन बीमा निगम ने ३० सितम्बर, १९५७ तक किन-किन राज्यों तथा जिलों में केन्द्र स्थापित किये हैं ;

(ख) ३१ अक्टूबर, १९५७ तक कुल कितने मूल्य की जनता पालिसियां जारी की गईं ; और

(ग) ३१ अक्टूबर, १९५७ तक जनता पालिसियों के प्रीमियम से कितनी आय हुई ?

बिस्व उपमंत्री (श्री ड० रा० भगत) :

(क) से (ग) : सदन की मेज पर विवरण रख दिया गया है । [देखिये परिशिष्ट १, अनुबन्ध संख्या ६६]

श्री अमिच्छ सिंह : विवरण को देखने से पता चलता है कि २८ अक्टूबर सन् १९५७ तक ६२,९५,९६१ रुपये की कीमत की जनता पालिसियां जारी की गयीं हैं । बजट के प्रारम्भ में स्कीम को चालू करते समय बीमा निगम के अधिकारियों ने कहा था कि साल के अंत तक पांच लाख लोगों के जीवन पर जनता पालिसियां कर चालू कर सकेंगे । क्या सरकार को विश्वास है कि साल के अंत तक वह अपने निर्धारित लक्ष्य तक पहुंच जायेगी ?

श्री ड० रा० भगत : लक्ष्य पूर्ति के लिए पूरी कोशिश की जा रही है ।

Shri R. Ramanathan Chettiar: May I know how the premiums in respect of the Janta policies are collected?

Shri B. R. Bhagat: They are collected by sale of Janta Policy stamps or by specially authorised agents. The agent can go and collect it from the policyholders.

Shri Basappa: May I know why these branches are not started in all the capitals of the different States and only in some and not in all?

Shri B. R. Bhagat: It was started first as a pilot project. Mainly industrial areas were chosen. I do not remember how many, ten or 12 centres were chosen in the country. On the experience gained about the scheme, it is proposed to extend it to all parts of the country.

Shri Hem Barua: May I know if the Government's attention has been drawn to a recent statement made by Mr. Kamat of the Corporation to the effect that the Janta policy has not succeeded in creating sufficient enthusiasm. If so, has the Government tried to evaluate the reasons for lack of enthusiasm?

Shri B. R. Bhagat: We are continuously evaluating the reasons for the success or non-success of the policy. We will do so in future.

Shri Tangamani: From the statement I find that nearly 14 centres have been so far opened out of which Madras, Kumbakonam and Coimbatore are from the Madras State. The total value of the policies is Rs. 63 lakhs. The hon. Minister also said that more centres are likely to be opened. May we know how many more centres are likely to be opened before the end of this year?

Shri B. R. Bhagat: I said, based on the experience about this policy and the scheme, it is proposed to extend this scheme to all parts of the country. The actual number of centres to be opened, that would be decided later on.

Mr. Speaker: The Question hour is over.

WRITTEN ANSWERS TO QUESTIONS

Bank Payments Abroad

*215. { **Shri H. N. Mukerjee:**
Shri M. Elias:

Will the Minister of Finance be pleased to state:

(a) the payments made through foreign banks by the Indian High Commission in the U.K. and the Indian Embassy in the U.S.A. during 1956-57; and

(b) whether Government have considered the advisability of payments abroad being made through Indian banking agencies?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) The High Commission of India in the U.K. makes remittances through the Reserve Bank of India, London. The amounts of payments made by the latter, through foreign banks are as follows:

- (i) January-June 1956: £9,236,600
(Rs. 12,31,54,667)
- (ii) July-December 1956: £9,274,876
(Rs. 12,36,85,013)
- (iii) January-June 1957: £30,806,461
(Rs. 41,07,52,813)

The details of such payments made by the Indian Embassy, Washington, as available at present, are as follows:

- (i) January-June 1956 \$2,434,605.98
(Rs. 1,15,93,361.81)
- (ii) July-October 1956 \$1,878,904.22
(Rs. 89,47,162.94)

(b) Yes, Sir. It is Government's policy to utilise and encourage Indian banking agencies for remittances abroad as far as possible.

Kargali Coal Washery Plant

*216. **Shri T. B. Vittal Rao:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether the coal washing plant, at Kargali will be commissioned in January, 1958 as originally scheduled;

(b) if not, the reasons therefor; and

(c) when the plant will work to its full capacity?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) No.

(b) Owing to difficulties met with in the foundations of the Washery and also in obtaining some imported machinery, the delay has occurred.

(c) The plant is expected to work to its full capacity by July, 1958.

Congestion at Indian Ports

*220. **Shri Raghunath Singh:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that due to some provisions of the Sea Customs Act and procedural formalities the difficulties of traders have increased adding to the congestion at ports; and

(b) if so, whether the Indian Merchants' Chamber, Bombay have submitted any memorandum or drawn the attention of the Government to these facts?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) No, Sir. On the contrary, the tendency has been towards simplification of Customs procedures and formalities in order to cope up with the increased volume of traffic and to help alleviate congestion at the ports. Over and above the departmental arrangements that exist for a continuous review of such procedures, a Customs Reorganisation Committee has also been at work since the last many months reviewing, in consultation with the trade and other interested organisations, the procedures now in force in the Custom Houses.

(b) Does not arise in view of the reply to (a). It may be added, however, that the Indian Merchants Chamber, Bombay, have submitted a memorandum to the Customs Reorganisation Committee in reply to the questionnaire issued by the Committee.

Loan to Madhya Pradesh

*223. Pandit J. P. Jyotishi: Will the Minister of Finance be pleased to state:

(a) whether the Madhya Pradesh Government have requested the Union Government for any further financial aid for the construction of its offices etc. at its capital at Bhopal; and

(b) if so, the steps Government have taken so far in this direction?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) No, Sir.

(b) Does not arise.

Wheat Loan from Canada

*224. Shri Shivananjappa: Will the Minister of Finance be pleased to state:

(a) whether it is a fact that as a result of the talks between the Minister of Finance and officials of the Government of Canada a scheme for granting a large quantity of wheat to India is under the active consideration of the Government of Canada; and

(b) if so, what steps the Government have taken to finalise it?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) and (b). I would like to invite attention of the Hon. Member to para. 6 of the Finance Minister's statement placed on the table of the House on Wednesday last. The matter is still under the consideration of the Government of Canada.

Engineering College at Warangal

*225. Shri E. M. Rao: Will the Minister of Education and Scientific Research be pleased to state:

(a) whether any representation has been received from the Government of Andhra with regard to the establishment of an Engineering College at Warangal;

(b) if so, the steps taken in the matter; and

(c) whether it is also a fact that a building worth Rs. 6 lakhs had been donated by Pingle Brothers of Warangal for utilisation for educational purposes?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrinani): (a) and (b). Government of the former Hyderabad State had proposed in October, 1956 that a new engineering college be established in Warangal. The State Government was informed that as new technical institutions can only be established in accordance with the Second Five Year Plan the question of an engineering college in Warangal could be considered if the State Government made the necessary financial provision in its Five Year Plan. The matter is under the consideration of the State Government of Andhra.

(c) Government of Hyderabad had indicated the possibility of getting some buildings in Warangal as a gift from a local landlord.

Rourkela Steel Plant

*226. Shri Vajpayee: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that the construction of foundations and execution of other civil works for blast furnaces and bunkers at the site of the Rourkela steel plant has been considerably delayed;

(b) if so, the reasons for the delay;

(c) whether efforts are being made to secure the services of a German engineering firm to strengthen the existing organisation at Rourkela; and

(d) if so, on what terms?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) There was some delay and the target of concrete work which was to be completed by 30-6-1957 according to the earlier construction schedule could not be achieved.

(b) (i) Shortage of haulage and transport facilities;

(ii) Shortage of construction and crushing equipment.

(c) and (d). Discussions are being held in Germany for devising ways and means of rectifying the delay in works and ensuring the completion of Blast Furnace No. 1 on schedule.

Agra Cantonment Lands

***227. Shri Braj Raj Singh:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that in many Cantonment Boards e.g. Agra, military lands are leased out for cultivation, but are in fact used for other purposes;

(b) whether it is a fact that lands leased through public auctions bring to Government many times higher returns than those leased through private negotiations; and

(c) if so, whether Government propose to consider the question of giving all such leases in future only through public auctions?

The Deputy Minister of Defence (Sardar Majithia): (a) No.

(b) and (c). Under the existing Rules, agricultural lands are leased by holding public auctions, which generally bring slightly higher returns to the Government than leases granted by private treaty. During the last few years, when this policy has been under review it was ordered that the existing leases could be renewed on a year to year basis. It has recently been decided that the system of leasing by public auction would be abandoned and lands would be leased out by allotment in suitable economic units.

Iron Ore in Mohindergarh

***229. Sardar Iqbal Singh:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether Government have taken any steps to find out the iron contents in the iron ore found in Mohindergarh district; and

(b) the extent of the area where iron ore is present?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) Yes, Sir. Samples were collected from the iron ore deposits of Chhapra, Antri and Beharipur in Mohindergarh district in 1955 and analysed in the Geological Survey of India Laboratory. The iron content averaged 60.78 per cent.

(b) The iron ore bands are exposed at the top and along the flanks of a ridge running north-south west of Chhapra, Antri, Beharipur and Zainpur. These bands are 2½ miles long.

German Research Expedition

***230. Shri Shree Narayan Das:** Will the Minister of Education and Scientific Research be pleased to refer to the reply given to Starred Question No. 1115 on the 23rd August, 1957 and state:

(a) whether the German team of experts who were allowed to carry on research on rare Indian fauna and flora for German Museum and Scientific Institution have donated any number of collections to the Zoological Survey of India and other institutions;

(b) if so, the nature of such collections handed over; and

(c) whether the team is still working in India?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall): (a) and (b). Yes, Sir. About 1367 Vertebrate and invertebrate collections have been donated to the Zoological Survey of India.

(c) Yes, Sir.

Public Services (Qualifications for Recruitment) Committee

- *231. { Shri D. C. Sharma:
Dr. Ram Subhag Singh:
Shri Harish Chandra
Mathur:
Shri A. S. Saigal.
Shri Jhulan Sinha:

Will the Minister of Home Affairs be pleased to state:

(a) the progress made in the consideration of the Report of the Public Services (Qualifications for Recruitment) Committee; and

(b) the decisions taken thereon?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The recommendations of the Public Services (Qualifications for Recruitment) Committee are under examination and no decisions have so far been taken on them.

Rupee Convertibility Agreement

- *232. { Dr. Ram Subhag Singh:
Shri N. K. Munisamy:
Shri Bibhut Mishra:
Shri Tangamani:

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Government have signed a convertibility agreement recently with the Government of the United States, which guarantees full freedom to American enterprises in India to convert their profits and capital into dollars;

(b) whether a copy of the agreement will be laid on the Table;

(c) how far the agreement will help our economy and meet the foreign exchange shortage; and

(d) whether Governments of other foreign countries have also approached the Government of India to negotiate similar agreements?

The Deputy Minister of Finance (Shri B. K. Bhagat): (a) and (b). Yes, Sir. The agreement seeks to endorse the position that now obtains. The Government of India and the Government of the United States of America have exchanged letters copies of which are laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 100].

(c) By clarifying an existing situation it is hoped that there would be an improved flow of Capital investment into India.

(d) No.

शिक्षित बेरोजगार

*२३३. श्री भक्त बर्नन : क्या शिक्षा और वैज्ञानिक गवेषणा मंत्री ३१ मार्च, १९५६ के तारांकित प्रश्न संख्या १००१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) उसके बाद से शिक्षित बेरोजगारों की सहायता के लिये उत्तर प्रदेश सरकार को और कितनी वित्तीय सहायता दी गयी ;

(ख) उत्तर प्रदेश सरकार ने उस सहायता का किस प्रकार उपयोग किया ; और

(ग) उस योजना के अन्तर्गत अभी तक कितने शिक्षित बेरोजगारों को रोजगार दिया गया है ?

शिक्षा और वैज्ञानिक गवेषणा मंत्रालय में राज्य मंत्री (डा० का० ला० श्रीवास्ती) :

(क) १९५६-५७ ८,४१,८३२ रु०
१९५७-५८ ८,४८,८६१ रु०
(अब तक)

(ख) इस योजना के अन्तर्गत नियुक्त किए गए अभ्यासकों का वेतन तथा भत्ता देने के लिए अनुदानों का उपयोग किया जा रहा है ।

(ग) १,२१५ व्यक्ति ।

Loans to Tatas

*234. { Shri Morarka:
Shri Nathwani:

Will the Minister of Finance be pleased to lay a statement showing:

(a) the total amount of loans or other help given to Tatas or the industries under their management; and

(b) the terms on which such loans or financial help have been given?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) and (b). A statement showing the required information is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 101.]

Manufacture of 'Gnat' Fighter Aircrafts

*235. Sardar Iqbal Singh: Will the Minister of Defence be pleased to state:

(a) the details of the agreement signed with a British firm for the manufacture of 'Gnat' Fighter aircrafts in the country;

(b) when Government hope to start this project and the amount to be invested; and

(c) whether technicians required for this project are available in India?

The Deputy Minister of Defence (Sardar Majithia): (a) to (c). The project is already in hand. It will not, however, be in the public interest to disclose any details.

Central Pay Commission

*236. { Shri Shree Narayan Das:
Shri Radha Raman:
Shri Harish Chandra Mathur:
Shri Braj Raj Singh:

Will the Minister of Finance be pleased to state:

(a) the progress made in the work of the Central Pay Commission;

(b) whether any interim recommendations have been received by the Government from the commission; and

(c) if so, the nature of such recommendations?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) It is understood that the Commission is examining the memoranda and other material received by them in response to their general invitation to organisations and others to convey their views and suggestions on the points covered by the terms of reference.

(b) No.

(c) Does not arise.

Regional Committees in Punjab

*237. { Shri D. C. Sharma:
Shri Hem Raj:
Shri Ajit Singh Sarhadi:

Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 1112 on the 23rd August, 1957 and state:

(a) whether the rules for the functioning of the Regional Committees in Punjab have since been framed;

(b) if so, whether a copy of these will be laid on the Table; and

(c) when the first meetings of the Committees are scheduled to be held?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) Yes.

(c) According to "Rules of Procedure and Conduct of Business in the Punjab Legislative Assembly", as amended by the Punjab Regional Committees Order, 1957, the date of the first meeting of each of the two committees, at which the Chairman of the Committee is to be elected, is to be fixed by the Governor.

Libraries in Tripura

397. Shri Dasaratna Deb: Will the Minister of Education and Scientific Research be pleased to state:

(a) the total amount spent for purchase of books for the school libraries of Tripura during 1956-57 and 1957-58;

(b) the amount spent for purchase of books for privately aided schools;

(c) the amount spent for the purchase of Hindi books;

(d) whether all purchases have been made by calling tenders; and

(e) if not, reasons therefor?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall): (a) Rs. 33,825.

(b) Nil.

(c) Rs. 3,000.

(d) Yes, Sir, except in the case of publishers of such books.

(e) Does not arise.

Laccadive Islands

398. Shri Pocker Sahib: Will the Minister of Home Affairs be pleased to state:

(a) the present population of the Laccadive Islands;

(b) the number of schools and hospitals there;

(c) the percentage of literacy of the people there; and

(d) the arrangements made for introducing compulsory primary education in the Islands?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) The present population of Laccadives is about 22,000;

(b) There are nine elementary schools and six dispensaries in these islands;

(c) about 7 per cent.

(d) Under the Five Year Plan it is proposed to provide facilities for primary education to all school-going age children in the islands.

द्वितीय सामान्य निर्वाचनों पर व्यय

३०६. { श्री श्रीनारायण दास :
श्री राधा रमणल :
श्री भक्त दर्शन :

क्या बिचि मंत्री सभा-पटल पर एक ऐसा विवरण रखने की कृपा करेंगे जिसमें यह बताया गया हो कि :

(क) १९५७ में हुए सामान्य निर्वाचनों पर कुल कितना खर्च हुआ और किन किन मुख्य मनों पर ;

(ख) इस खर्च में से केन्द्रीय सरकार ने और राज्य सरकारों ने किस अनुपात से खर्च किया ;

(ग) संसद् और राज्य विधान सभाओं के लिये निर्वाचन लड़ने वाले कितने अभ्यर्थियों की अपेक्षित संख्या में मत प्राप्त न कर सकने के कारण जमानते जम्मा हो गई और इन जमानतों की जल्दी से कितना धन प्राप्त हुआ ; और

(घ) पिछले निर्वाचनों पर हुए खर्च के मुकाबले में इन निर्वाचनों पर खर्च अधिक हुआ या कम और दोनों में क्या अन्तर है ?

बिचि मंत्री (श्री ज० कु० सेन):

(क) से (घ). यह सूचना अभी प्राप्य नहीं है। निर्वाचन प्रयोग द्वारा इसे राज्य सरकारों से एकत्रित किया जा रहा है और जितनी जल्दी सम्भव हो सकेगा यह पटल पर रख दी जायेगी।

Pakistan Nationals in West Bengal

310. Shri D. C. Sharma: Will the Minister of Home Affairs be pleased

to state the total number of Pakistan nationals who have come over to West Bengal during 1956-57 to stay permanently?

The Minister of State in the Ministry of Home Affairs (Shri Datar): 2,54,852 during 1956 and 1957 (till the end of September).

Northern Zonal Council

311. Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to state the estimated annual expenditure of the office of the Northern Zonal Council and the share borne by the parties concerned?

The Minister of State in the Ministry of Home Affairs (Shri Datar): The estimated annual expenditure of the office of the Northern Zonal Council for the current year is Rs. 63,000 which will be wholly borne by the Central Government in accordance with the provisions of section 20(2) of the States Reorganisation Act, 1956.

Unions in Central Secretariat

312. Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to state:

(a) the total number of Unions in the Central Secretariat, New Delhi; and

(b) the number of Unions recognised?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). There are 11 Service Associations and one Union. Of these, all but two of the Associations have been recognised.

Northern Zonal Council

313. Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to state the items discussed and agreed upon at the second meeting of Northern Zonal Council?

The Minister of State in the Ministry of Home Affairs (Shri Datar): The Northern Zonal Council discussed and took certain decisions of which a

summary is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 102.]

Language of Delhi Administration

314. Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to state:

(a) whether the memorandum submitted by the Delhi Pradesh Hindi Sahitya Sammelan in June, 1957, regarding the language for Delhi Administration, has been considered; and

(b) if so, the decision taken thereon?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The memorandum is under consideration.

Scientific Liaison Officers

315 { Shri R. C. Majhi:
Shri Subodh Hasda:

Will the Minister of Education and Scientific Research be pleased to state:

(a) the Indian Missions and the Embassies in foreign countries, where Scientific Liaison Officers have been posted;

(b) the function of the said Liaison Officers; and

(c) average expenditure for such an officer?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall): (a) At present it is only the High Commission for India in London where a Scientific Liaison Office has been set up. The Indian Scientific Liaison Officer there also acts as Scientific Adviser to the High Commission.

(b) His main functions are:—

(i) to keep abreast of the latest improvements in techniques and scientific and technical developments and make this information available in India;

- (ii) to facilitate exchange of scientific information and experimental material such as plants, animals, microorganisms, etc.
- (iii) to help, wherever required, in the placing of research workers in British and American laboratories for research or training;
- (iv) to attend scientific and technical conferences in the U.K., Europe and U.S.A. to which delegations are not sent from India;
- (v) to visit laboratories, research institutes, research departments of universities and industrial research organisations in the U.K., Europe and U.S.A. to obtain information regarding scientific and technical development.
- (c) The expenditure of the Indian Scientific Liaison Office in London during the last four years, was as follows:—

1953-54	..	Rs. 68,813
1954-55	..	Rs. 66,707
1955-56	..	Rs. 64,739
1956-57	..	Rs. 63,622

बिहारी में आत्म-हत्यायें

३१६. श्री नवल प्रभाकर : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५६ में दिल्ली में कितने व्यक्तियों ने आत्म-हत्यायें कीं और कितनों ने आत्म-हत्या का प्रयत्न किया; और

(ख) इनमें से कितने ऐसे व्यक्तियों को, जिन्होंने आत्म-हत्या का प्रयत्न किया था दंड दिया गया ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री आसार) : (क) १९५६ में आत्म-हत्या करने वाले व्यक्तियों की संख्या ५६;

१९५६ में आत्म-हत्या का प्रयत्न करने वाले व्यक्तियों की संख्या २६।

(ख) २३ व्यक्तियों को सजा दी गई। दो मामले न्यायालय में विचाराधीन हैं।

M. N. Roy Archives

317. Shri Heda: Will the Minister of Education and Scientific Research be pleased to state:

(a) whether it is a fact that the Indian Renaissance Institute of Dehra Dun are preparing a volume entitled 'M. N. Roy Archives';

(b) what assistance was sought and given by the Government of India; and

(c) how the National Archives of the Government of India are associated with the project?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall): (a) Yes, Sir.

(b) The Indian Council of World Affairs, the sponsors of the "M. N. Roy Archives" project, requested for the services of an officer of the National Archives of India for advising on technical matters such as preservation, arrangement, listing and compilation of the material. The request was complied with.

(c) The National Archives of India was associated with the project in the manner stated in reply to part (b) of the question. During the years, 1954-55 and 1955-56, Mrs. Roy was also given a grant of Rs. 10,000 to help her to meet the expenses in connection with the sifting and classifying the political correspondence and other material of interest belonging to the late Shri M. N. Roy.

Office of the Assistant Commissioner for Scheduled Castes and Scheduled Tribes

318. { Shri A. K. Gopalan:
Shri Vasudevan Nair:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that over 50 cases of termination of services of

personnel employed in the office of the Assistant Commissioner for Schedule Castes and Tribes, Nagpur, have taken place since the inception of the office in 1934;

(b) whether Government have received any allegations of malpractices in the said office; and

(c) if so, whether any steps have been taken to remedy the situation?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). From the information available, it appears that the services of 12 persons were terminated due to unsatisfactory work. The exact position is being verified.

An inquiry is being made into the complaints received.

Income-Tax Evasion

319. { Shri H. N. Mukerjee:
Shri M. Elias:

Will the Minister of Finance be pleased to state:

(a) the number of allegations, anonymously reported or otherwise, regarding evasion and under payment of income-tax payable to the State during 1954-55, 1955-56 and 1956-57;

(b) whether such allegations have been properly investigated;

(c) how many of them were found to have some substance; and

(d) what, if any, has been the amount collected or demanded by Government in pursuance of information conveyed in such reports?

The Deputy Minister of Finance (Shri B. E. Bhagat): (a) to (d). The required information is being collected and a statement will be laid on the table of the House as early as possible.

Coal Washing Plant at Kargali

320. Shri T. B. Vittal Rao: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the number of workers employed in the coal washing plant at Kargali;

(b) what percentage of workers are provided with quarters; and

(c) the steps proposed to be taken for providing them with quarters?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) The coal washing plant in Kargali has not yet gone into production. When it is in full production, the number to be employed in its operation will consist of 132 numbers of unskilled categories of workers, 16 numbers of skilled categories and 11 numbers of executive, supervisory and clerical personnel.

(b) It is the intention of the National Coal Development Corporation (Private) Limited to provide the staff to be employed in operation of this plant with quarters.

(c) Steps are being taken by the National Coal Development Corporation (Private) Limited to construct the quarters.

छावनियों को अनुदान

३२१. श्री भक्त बर्मान : क्या प्रति-
रक्षा मंत्री २० दिसम्बर, १९५६ के घातारहित
प्रश्न संख्या १२३३ के उत्तर के सम्बन्ध में
यह बताने की कृपा करेंगे कि :

(क) १९५६-५७ में लेनडीन, लंदौर
और चकरोता की छावनियों को कितना
कितना अनुदान दिया गया ;

(ख) १९५७-५८ में उक्त छावनियों
के लिये कितना अनुदान स्वीकृत किया गया
है और किन-किन विकास कार्यों के लिये,
और

(ग) इन कार्यों में अब तक क्या प्रगति
हुई है और प्रत्येक मद के लिये बस्तुतः कितना
अनुदान दिया जा चुका है ?

प्रतिरक्षा उपमंडली (सर्वद्वार नवीक्रिया) :
(क) से (ग). आवश्यक सूचना नीचे दी गई है :—

छावनी	स्वीकृत की गई राशि
	१९५६-५७ १९५७-५८
सैन्यडाऊन	४०,६३६ रु० ६४,६४३ रु०
लखनऊ	१२,७७६ रु० १२,४८१ रु०
बनोता	१०,१०० रु० कुछ नहीं

विकास कार्यों का विस्तार और प्रत्येक के लिये १९५७-५८ में स्वीकृत की गई राशि :—

सैन्यडाऊन छावनी

- जंगल उगाना और पानी के लिये नालें बिछाना ४,६०० रु०
- जनता के लिये २४ मीट के पुरुषों के लिये ग्रुप शौचालय बनाना ६,००० रु०
- ७०० रनिंगफुट लम्बा पत्थर का नाला बनाना ६,००४ रु०
- पेशाबघर बनाना १,५०० रु०
- कूड़े के लिये ढोल बनाना ५०० रु०
- छावनी के लड़कों के स्कूल के बैण्ड के लिये बैरकें खरीदना और उनमें उन्नति करना २०,००० रु०
- सदर बाजार के मैदान का सुधार १०,००० रु०
- मेन वारिंग सड़क को पक्का करना ४,०४३ रु०
- हरिजनों के लिये मकान बनाना १२,००० रु०

कुल जोड़ ६४,६४३ रु०

लखनऊ छावनी

- छावनी बोर्ड कार्यालय की इमारत का सुधार ६६६ रु०
- घोड़ी घाट के लिये जल राशि की व्यवस्था १,८८५ रु०
- सीमेंट के सुरक्षा छप्पर और बेंच बनाना १,५०० रु०
- कूड़े के ढोल रखने के लिये १० चबूतरे बनाना २०० रु०
- पेशाबघर बनाना ५०० रु०
- लंदर बाजार की भाषी सड़क बनाना ५,००० रु०
- घोड़ी घाट सड़क पर मार्ग दीपों का बड़ाना २,००० रु०
- गिरजाघर मैदान में बच्चों के पार्क का सुधार ४०० रु०

कुल जोड़ १२,४८१ रु०

प्रगति जोड़

सैन्यडाऊन छावनी : कार्य प्रगतिशील है ।
लखनऊ छावनी : टेण्डर स्वीकार कर लिये गये हैं और ठेकेदार काम प्रारम्भ करने वाले हैं ।

Official Emblem

322. Shri Radha Raman: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that cases have been brought to the notice of Government that Official Emblem has been used by private individuals or non-official organisations;

(b) if so, the number of cases reported during the last two years; and

(c) the action taken against the offenders?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). 29 cases of unauthorised use

of the State Emblem came to notice during the year 1956 and till the end of October, 1957. The State Governments/Union Administrations concerned were asked to draw the attention of the person/persons concerned to the Press Communique issued on the subject on the 10th May, 1948 and also to the provisions of Section 69 of the Trade Marks Act, 1940 and the Emblems and Names (Prevention of Improper Use) Act, 1950 which prohibit the unauthorised use of the State Emblem. This has had the desired effect in all cases. Copy of the Press Communique is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 103].

Specialised Administrative Tribunals

323. **Shri N. R. Munisamy:** Will the Minister of Law be pleased to state whether representations have been received by Government protesting against their reported decision to set up specialised administrative tribunals over which the High Courts would have no jurisdiction?

The Minister of Law (Shri A. K. Sen): No such decision as is referred to in the question has been taken. Representations against the proposal to constitute administrative tribunals have been received by Government.

Engineers at Rourkela Steel Plant

324. **Shri Mahanty:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the total number of Executive and Assistant Engineers employed by the Hindusthan Steel Ltd. at Rourkela; and

(b) whether any of the Engineers have been appointed without the standard qualifications?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) 13 and 43 respectively; and

(b) Yes, Sir. The prescribed qualifications were relaxed in the case of one executive Engineer and ten

Assistant Engineers in view of their extensive practical experience.

Security Force at Rourkela Steel Project

325. **Shri Mahanty:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether the Management of the Hindusthan Steel (Private) Ltd. maintains a Security force at Rourkela;

(b) the total strength of the Force, men and officers;

(c) the total monthly remuneration paid to the employees in this Department; and

(d) the purpose for which this force is maintained?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Yes, Sir.

(b) The total strength of the force is 204 which includes one Assistant Security Officer.

(c) Rs. 21,600 p.m.

(d) The function of the Security Department is to keep Watch and Guard against theft and pilferage etc., of Company's materials stored at various sites of the Township and plant area spreading over about 20,000 acres of land and to assist in the maintenance of Law and Order.

Government H. & S. Factory, Kanpur

326. **Shri S. M. Banerjee:** Will the Minister of Defence be pleased to state:

(a) whether suitcases, portfolios and air travelling bags are being manufactured for civilian use in Government H. & S. Factory, Kanpur; and

(b) if so, the total number of such articles manufactured during the period from 1st January, 1956 to 30th September, 1957?

The Deputy Minister of Defence (Shri Baghuramaiah): (a) Yes, to a limited extent.

- (b) (i) Air suitcases .. 4 Nos.
 (ii) Portfolios/
 Brief cases .. 150 Nos.
 (iii) Air Travelling
 bags .. 13 Nos.

P.T.O. Concession

327. Shri S. M. Banerjee: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that P.T.O. concession is being extended to industrial staff of the Defence installations; and

(b) if so, whether these orders will have retrospective effect from the date on which this concession was given to non-industrial staff?

The Deputy Minister of Defence (Shri Baghuramaiah): The question is under consideration of Government.

Service Conditions of Dairy Farm Employees

328. Shri S. M. Banerjee: Will the Minister of Defence be pleased to state:

(a) whether the same service conditions apply to Dairy Farm Employees as those applicable to other civilian employees under his Ministry; and

(b) whether negotiating machinery and work committees are functioning in Dairy Farms?

The Deputy Minister of Defence (Shri Baghuramaiah): (a) Yes.

(b) Works Committees are functioning in all Dairy Farms.

There are no recognised Trade Unions in any of the Dairy Farms. The unrecognised Unions which are affiliated to the All India Defence Employees' Federation and satisfy the necessary conditions for representing the workers at the Unit level as laid down in the constitution of the

Negotiating Machinery are, however, given every opportunity to represent the grievances of the employees, through the elected members of the Works Committees, by being permitted to discuss such grievances with the Officer-in-Charge/Manager of the Farm, at the meetings of the Works Committees.

Directorate, Map Publication, Dehra Dun

329. Shri S. M. Banerjee: Will the Minister of Education and Scientific Research be pleased to state:

(a) the total number of staff both class III and IV under the Director, Map Publication, Dehra Dun, declared quasi permanent and permanent; and

(b) whether contingency staff will also be made permanent?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall): (a) 315 Class III and 328 Class IV employees under the Map Publication Directorate were quasi-permanent and 273 Class III and 79 Class IV employees were permanent on the 30th September, 1957.

(b) Yes, Sir, after they have been transferred to the regular establishment and have completed 7 years' service in that establishment. Contingent staff becomes eligible for transfer to the regular establishment after completion of 3 years' service.

Excise Department in Orissa

330. Shri Sauganna: Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 715 on the 8th August, 1957 in respect of the staff quarters for the Central Excise Department in Orissa and state:

(a) whether any progress has since been made in this behalf; and

(b) if so, with what results?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) The site

originally selected at Cuttack has since been approved by the Government Architect, Orissa.

(b) The acquisition of the site is under consideration.

Naval Establishment at Pallipuram

331. Shri Narayanankutty Menon: Will the Minister of Defence be pleased to state:

(a) whether Government propose to start any naval establishments at Pallipuram, in the Vypeen Island of Kerala State;

(b) if so, what is the nature of the establishment and the area of land required for the purpose; and

(c) what is the total estimated cost of the establishment?

The Deputy Minister of Defence (Shri Raghuramalah): (a) No.

(b) Does not arise.

(c) Does not arise.

Scholarships

332. Shri Bahadur Singh: Will the Minister of Education and Scientific Research be pleased to state:

(a) whether the Government of Czechoslovakia have offered five scholarships to Indian nationals;

(b) whether applications have been asked for from candidates; and

(c) if so, the number of such applications received upto the last date of applying for that?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall): (a) Yes, Sir

(b) Yes, Sir.

(c) 52 applications.

रोलिंग मिलें

३३३. श्री रघुनाथ सिंह: क्या इस्पात काला और ईंधन मंत्री यह बताने की कृपा

करेंगे कि इस समय भारत में कितनी ऐसी रोलिंग मिलें हैं जो न तो चालू हैं और न धाय-कर दे रही हैं, किन्तु लोहे का कोटा लेती जड़ रही हैं ?

इस्पात, काला और ईंधन मंत्री (सरदार स्वर्ण सिंह): भारत में सात मिलें ऐसी हैं जो चालू नहीं हैं किन्तु कच्चे लोहे का कोटा ले रही हैं। इन में से पांचों ने भारत सरकार की स्वीकृति से दूसरी मिलों के साथ संयुक्त प्रबन्ध कर लिया है और अन्य दो मिलों को उनके कच्चे लोहे का कोटा हाल ही में इस बात पर स्वीकृत किया गया है कि वे पुनः निर्मित करके कार्य करना प्रारम्भ कर दें। यह सूचना मिली है कि वे पुनः निर्मित हो कर कार्य प्रारम्भ करने वाली हैं। सरकार के पास इस बात की कोई सूचना नहीं है कि ये फर्में धाय-कर देने के लिये उत्तरदायी हैं अथवा नहीं।

पुलिस द्वारा जन-समूह पर नियंत्रण

३३४. श्री मोहन स्वयं: क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि १५ सितम्बर, १९५७ को राज्यों के मुख्य मंत्रियों का जो सम्मेलन हुआ था, उसमें उन्होंने यह सुझाव दिया था कि पुलिस को शक्ति प्रयोग के बिना उत्तेजित जन-समूह पर नियंत्रण करने के लिये बम्बई में निकाले गये तरीके सिखाये जायें ; और

(ख) यदि हा, तो वे तरीके क्या हैं ?

गृह-मंत्रालय के राज्य मंत्री (श्री बालाराम): (क) ऐसा कोई सुझाव विशेष रूप से नहीं दिया गया था, किन्तु बम्बई में इस प्रकार के प्रशिक्षण के विषय में प्रकाशित प्रेस की रिपोर्ट का निर्देश किया गया था

(ख) प्रश्न ही नहीं उठता।

M. B. B. College, Agartala

335. Shri Dasmurtha Deb: Will the Minister of Education and Scientific Research be pleased to refer to the reply given to Unstarred Question No. 755 on the 20th August, 1957 and state:

(a) whether information has been collected regarding the number of temporary professors and shortage of teaching staff etc., in the M.B.B. College, Agartala, Tripura; and

(b) if so, what steps Government propose to take for the improvement of the college?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall): (a) and (b). Yes, Sir. The proposals received from Tripura Administration are being examined.

Indian School of Mines and Applied Geology, Dhanbad

336. Shri Jhulan Sinha: Will the Minister of Education and Scientific Research be pleased to state:

(a) the increase in the number of students admitted to the Indian School of Mines, and Geology, Dhanbad, during the current year;

(b) the position with regard to the number of scholarships tenable there;

(c) whether the proposed classes in Petroleum Technology and Applied Geophysics have been started this year; and

(d) if so, the number of students who have joined these classes?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall): (a) Under the development Plan of the School, provision is being made for an annual admission of 150 students to the various courses as against an admission of 48 students in previous years. In the current year, 140 students have been admitted to the first year of the courses in Mining, Applied Geology, Petroleum Technology and Applied Geophysics.

(b) 116 scholarships are available in the School at present. These have been instituted by the Central Government, State Government, Trusts etc.

(c) and (d). Yes. 24 students have joined Petroleum Technology course and 8 students Applied Geophysics Course.

Subsidy for Housing in Manipur

337. Shri L. Achaw Singh: Will the Minister of Home Affairs be pleased to state:

(a) whether the Scheduled Caste people in Manipur have been given any subsidy or loan for housing during 1956-57;

(b) if so, the amount thereof; and

(c) the amount provided for 1957-58 and how it is proposed to be utilised?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) No Sir.

(b) Does not arise.

(c) Rs. 20,000 (Rupees twenty thousand) have been provided for Scheduled Castes Housing Scheme during 1957-58. The amount will be utilised in giving subsidies in the form of building materials to such poor families who are prepared to contribute manual labour to build their houses.

Tribal Students in Manipur

338. Shri L. Achaw Singh: Will the Minister of Education and Scientific Research be pleased to refer to the reply given to Unstarred Question No. 1383 on 9th September, 1957, and state:

(a) how many tribal students of Manipur pursuing post-matriculation course of study could not avail of the free tuition facilities provided by Government and have been awarded scholarships only; and

(b) which are the institutions in which these scholarships are tenable?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrinani): (a) and (b). A statement is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 104].

Recruitment Centres

339. Shri Maniyangadan: Will the Minister of Defence be pleased to lay a statement on the Table showing the number of recruitment centres for the Defence Services in each State and the quota of recruits, if any, allotted to each centre?

The Deputy Minister of Defence (Sardar Majithia): A statement showing the number of recruiting centres for the Defence Services in each State is laid on the Table of the Lok Sabha. [See Appendix I, annexure 105].

There is no fixed quota of recruits allotted to each centre. The requirements are periodically reviewed and ad-hoc demands are placed on the various recruiting centres, depending on the population of the area concerned, response to recruitment in that area in the previous years and other factors. It is not in the public interest to disclose the size of this demand in respect of any particular centre for any period.

Salary of Armymen

340. Shri Warrior: Will the Minister of Defence be pleased to state:

(a) whether a sum of Rs. 3.00 is cut from the monthly salary of army-men as deferred pay; and

(b) if so, whether any interest is added to the sum thus accumulated?

The Deputy Minister of Defence (Sardar Majithia): (a) A sum of Rs. 3 p.m. is included in the rate of pay of an Other Rank in the army as deferred pay, that is, a part of his emoluments of which the payment is deferred. The deferred pay element in the case of a non-combatant (enlisted) is Rs. 2 p.m.

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(b) As the money is due only at a future date, e.g., on termination of service, on promotion as a Junior Commissioned Officer, etc., the question of interest does not arise.

Political Organisations

341. Shri T. K. Chaudhuri: Will the Minister of Home Affairs be pleased to state:

(a) whether his Ministry maintains a list of subversive political organisations in the Country;

(b) whether it is a fact that police verification for appointees to Government of India services as well as State Government services are made on the basis of this list; and

(c) the names of the subversive political parties and organisations included in that list?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Government endeavour to have information regarding all political organisations.

(b) It is the duty of Government to ensure that persons recruited to the public services are suitable in every way, and information relating to the candidate's participation or association with subversive activities is naturally taken into account in determining his suitability.

(c) It will not be in the public interest to furnish the information asked for.

Copper Area of Nellore District

342. Shri E. L. Reddy: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether any decision has been arrived at in the matter of leasing out the Copper area in Garimpenpenta area in Nellore District (Andhra Pradesh);

(b) whether applications for mining leases for the area have been disposed off; and

(c) if so, when?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) to (c). The information is being obtained from the Andhra Pradesh Government and will be laid on the table of the House when received.

Supply of Steel etc. to Tripura

343. Shri Bangshi Thakur: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the annual quota of steel supplied for the development of Tripura including C.I. sheets, various kinds of Rods etc. from 1948 to 1957;

(b) whether the full quotas have been lifted and utilised every year; and

(c) if not, the annual quota not utilised year by year and the reasons therefor?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) to (c). A statement is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 106].

Tripura Administration Office in Calcutta

344. Shri Bangshi Thakur: Will the Minister of Home Affairs be pleased to state:

(a) whether there is any office of Tripura Administration in Calcutta;

(b) if so, its functions; and

(c) how much is spent on that establishment yearly?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) To facilitate movement of goods on Government account from various places to Tripura; to arrange for the supply and despatch of essential commodities including controlled goods for which allocation of wagons is made at Calcutta; to liaison with Central and State Government offices in Calcutta on matters relating to Tripura; and to market Tripura pro-

ducts of a specialised nature through the Sales Emporium at Calcutta.

(c) Rupees thirty thousand approximately.

Central Advisory Board for Harijans

345. Shri B. S. Murthy: Will the Minister of Home Affairs be pleased to state:

(a) whether any programme was chalked out at the meeting of the Central Advisory Board for Harijan Welfare held on the 2nd October, 1957 at New Delhi for the speedy welfare of the Scheduled Castes; and

(b) if so the gist of the programme?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). A copy of the Minutes of the meeting of the Central Advisory Board for Harijan Welfare held on the 12th October, 1957, is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 107].

Managing Agents

346. Shri Rameshwar Tantia: Will the Minister of Finance be pleased to state:

(a) whether it is a fact that in some cases shares held by the managing agents have been sold at much higher prices than the market price; and

(b) whether Government are contemplating to insist that the purchaser should offer the same price to all the shareholders when the controlling interest is transferred in future?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) Such cases are possible and one case came to the notice of Government. Share market transactions do not, however, ordinarily come to the notice of the Government unless there is a complaint against the company or from the management of the company under section 409 of the Companies Act against an apprehended change arising in the ownership of shares. Where the man-

aging agents themselves have sold their holdings in the managed company, there is no possibility of any such complaint being made to the Government.

(b) Government have no power to interfere with the sale and purchase of shares taking place under agreement between parties including the managing agents. Where Government's approval is sought to the appointment of new managing agents or managing directors as a result of the transfer of controlling interest, Government will consider on the merits of each case how far it is possible to stipulate as a condition precedent to the grant of approval that the purchasers (including those who have sought to obtain a controlling interest) should offer to buy the shares from the other shareholders also at the same price as was paid to the managing agents.

Ex-Servicemen's Organisation

347. **Shri Assar:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that applications have been received from Ex-servicemen's Organisations demanding increase in their pensions; and

(b) if so, whether Government are considering their demand?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes.

(b) Government have considered their demands. It has, however, not been found possible to go beyond the extent of concessions already announced.

Prohibition in Delhi

348. **Pandit J. P. Jyotishi:** Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 359 on the 30th July, 1957, and state:

(a) the number of periodical raids organized by the police and the excise staff during the years 1956 and 1957; and

(b) the number of people (i) arrested, (ii) prosecuted, and (iii) punished for the said crime?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b).

	1956	1957 Up-to-date
Number of raids	69	71
Number of persons		
(i) arrested	93	51
(ii) prosecuted	93	39
(iii) punished	24	7

Loans and Grants to Mysore

350. **Shri Mohamed Imam:** Will the Minister of Finance be pleased to state:

(a) the amount of financial assistance given by Central Government to Government of Mysore by way of loans and grants since 1950-51;

(b) the amount spent by State Government on capital works and for normal expenditure; and

(c) the names of capital works on which this amount has been spent?

The Deputy-Minister of Finance (Shri B. R. Bhagat): (a) to (c). The information is being collected and will be laid on the Table of the House.

Mineral Wealth of Kangra

351. **Shri Ajit Singh Sarhadi:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the steps so far taken to exploit iron ore, antimony, lead, copper and asbestos deposits found in the Kangra District of Punjab; and

(b) whether any success has been secured in commercially exploiting Mica from the erstwhile Pepsu areas of Punjab?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) No steps have been taken because iron ore, antimony,

copper, lead and asbestos found in the Kangra District is in too small quantities to be commercially exploitable.

(b) Mica occurs in the Mohinder-garh District at Panchnota and adjoining areas. It is of small size and poor in quality. Of the three mines that were working in this area, one definitely shut down in September, 1953 while the other two are reported to be in difficulties and may also shut down shortly.

Brass Two-Anna Coins

352. { Shri Hem Raj:
Shri Daljit Singh:

Will the Minister of Finance be pleased to state:

(a) the number of brass two anna coins withdrawn from circulation during the months of July to October, 1957;

(b) whether it is a fact that large number of traders have purchased these two anna coins from people at the rate of As. 1/6 and realised As. -[2]- per coin at the State Bank of India Branch at Dharamsala; and

(c) whether it is a fact that the same kind of coins were rejected at the said Branch when presented by public and were accepted from the so called traders?

The Deputy Minister of Finance (Shri B. B. Bhagat): (a) During the months of July to September, the following quantities of (nickel) brass two anna coins have been withdrawn from circulation:

Month	No. of pieces withdrawn
July	38,96,240
August	42,38,400
September	34,07,600

The figure pertaining to the month of October, 1957, is not yet available.

(b) The State Bank of India is not aware of such transactions.

(c) No, Sir. All genuine coins, including the nickel brass two anna coins, are freely accepted or exchanged

at the Bank's counter and all counter-felt coins are disposed of in accordance with the relevant rules.

हिमाचल प्रदेश में पिछड़े वर्ग

इसके. श्री पद्मचंद : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) वर्ष १९५७-५८ के लिये प्रत्येक मद के लिये हिमाचल प्रदेश के पिछड़े वर्गीय तथा पिछड़े क्षेत्रों की उन्नति के लिये कितनी कितनी धन-राशियाँ नियत की गई हैं ;

(ख) नियत की गई कुल धन-राशि में से प्रत्येक मद में कितना खर्चा हुआ है ; और

(ग) क्या यह सच है कि सामान्यतया नियत की गई धन-राशि पूरी तरह से खर्च नहीं की जाती ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री बाबुलाल) : (क) एक विवरण सभा-मटल पर रख दिया गया है। [बेसिये ५ रिजिस्ट्रार, अनुसूचित संख्या १०८]

(ख) स्वीकृत धन-राशि में से ३० सितम्बर, १९५७ तक निम्नलिखित रकम लेने में लाई गई है :—

(१) अनुसूचित आदिम जातियों के कल्याण तथा अनुसूचित क्षेत्रों के विकास के लिये १७,१३१ रु०
(२) अनुसूचित जातियों के कल्याण के लिये (जिनमें अस्पृश्यता निवारण भी शामिल है) १२,८७८ रु०

जोड़ ३०,००९ रुपये

(ग) कुल निर्धारित रकम में से पिछले दो तीन वर्षों में ८५% से ऊपर रकम खर्च की गई। ऐसी योजनाओं के अन्तर्गत क्षेत्र के भू-भाग की कठिनाइयों और काम की थोड़ी अवधि के बावजूद भी इतना कार्य

किया गया।

बालू बई में कुल निर्धारित रकम को बचा-संभल पूरी और से उपयोग में लाने के लिये सब प्रयत्न किये जा रहे हैं।

Central Sales Tax Act

354. **Shri Vajpayee:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Government have been requested by the Jammu and Kashmir Government to extend the Central Sales Tax Act to that State also; and

(b) if so, the decision taken thereon?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) Yes.

(b) The matter is under consideration with the Government.

Legal Assistance to Scheduled Castes

355. **Shri B. C. Mullick:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the amount allocated for free legal assistance during 1956-57 to scheduled castes and scheduled tribes in Orissa State has not been utilised; and

(b) if so, the reasons therefor?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Out of an amount of Rs. 2,000 allocated to the Orissa Government for providing free legal assistance to Scheduled Castes during 1956-57, only Rs. 600 could be utilised. The State Government did not propose any scheme for giving legal assistance to Scheduled Tribes.

(b) As the cases falling under the Untouchability (Offence) Act, 1955 became cognisable, legal assistance was given only in cases involving ejection of Harijans from land. Such cases were not many.

U.P.S.C.

356. **Shri Abdul Salam:** Will the Minister of Home Affairs be pleased to state:

(a) the total number of applications received by the Union Public Service Commission for the Government posts from April 1956 to March 1957; and

(b) the total amount of application fees received during the above period?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) 1,11,534.

(b) Rs. 21,36,600.

विदेशों से भारतीय विद्यार्थी

३५८. श्री भदौरिया : क्या शिक्षा और वैज्ञानिक गवेषणा मंत्री यह बताने की कृपा करेंगे कि :

(क) इस समय विदेशों में कितने भारतीय विद्यार्थी शिक्षा प्राप्त कर रहे हैं; और

(ख) प्रत्येक देश में कितने विद्यार्थी हैं और वे किन किन विषयों की शिक्षा प्राप्त कर रहे हैं ?

शिक्षा और वैज्ञानिक गवेषणा मंत्रालय में राज्य-मंत्री (डा० का० ला० श्रीवास्तो) : (क) १-१-१९५७ तक की प्राप्त सूचना के अनुसार, ५,२६८ भारतीय विद्यार्थी विदेशों में पढ़ रहे थे।

(ख) विभिन्न देशों में पढ़ने वाले इन विद्यार्थियों का व्योरा देने वाला एक विवरण सभा पटल पर रख दिया गया है। [बखिचे प्रशिष्ट १, अनुबन्ध संख्या १०६]

Monuments in Punjab

359. **Sardar Iqbal Singh:** Will the Minister of Education and Scientific Research be pleased to lay a statement on the Table showing:

(a) the number of monuments in the State of Punjab which are at present under the supervision of the Central Government;

(b) their names, places and the districts in which they are situated;

(c) the date on which each monument was brought under the supervision of the Union Government; and

(d) the amount spent so far on the protection and improvement of each of the monuments since 1953?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall): (a) 107.

(b) and (c). A statement giving the required information is laid on the Table of the Lok Sabha. (See Appendix I, annexure 110.)

(d) The amount spent on the maintenance of the monuments during the last three years is given in Statement.

Disabled Personnel

360. Sardar Iqbal Singh: Will the Minister of Defence be pleased to state the number of personnel declared disabled or unfit on the basis of health in the Indian Army (including civilians) since the 1st December, 1955, yearwise?

The Deputy Minister of Defence (Sardar Majithia): The information is being collected and will be laid on the Table of the Sabha in due course.

Smuggling

361. Sardar Iqbal Singh: Will the Minister of Finance be pleased to state:

(a) the total amount and value of unauthorised gold and jewellery seized by the customs authorities at air and sea ports of India from in-coming and out-going persons during the year 1957 so far;

(b) whether any such gold and/or jewellery was returned to any persons from whom it was seized; and

(c) if so, the reasons therefor?

The Deputy Minister of Finance (Shri B. B. Bhagat): (a) Unauthorised gold and jewellery seized by the Customs authorities at air and sea ports of India from in-coming and out-going persons during the year 1957

(January to October, 1957) aggregated 26,153 tolas, valued at Rs. 24,92,605.

(b) & (c). Yes, in some cases gold and jewellery was returned to the persons from whom it was seized for the following reasons:—

(i) on investigation it was found that no offence was established, and/or (ii) the adjudicating officer was satisfied that the circumstances of the case did not justify outright confiscation; in such cases, release was subject to fulfilment of certain conditions such as payment of duty, payment of fine, re-export to the country from which the gold or jewellery was imported etc.

Estate Duty

362. Sardar Iqbal Singh: Will the Minister of Finance be pleased to state:

(a) the total number of Estate Duty cases registered in Punjab from the 1st April to the 30th June, 1957; and

(b) the number of cases disposed of and the amount of collected therefrom district-wise?

The Deputy Minister of Finance (Shri B. B. Bhagat): (a) 43.

(b) 32 cases were disposed of in Punjab (all districts) during the period from the 1st April to the 30th June 1957; a sum of Rs. 23,306/- was collected towards payment of estate duty during the same period.

All Estate Duty cases arising in Punjab are dealt with by two Estate Duty Officers, one at Amritsar and the other at Patiala and as they are not required to maintain Estate Duty statistics district-wise, particular of disposal and collection for each district of Punjab are not readily available. It is also felt that the time and labour involved in obtaining these particulars may not be commensurate with the results likely to be achieved.

Air Force Accidents

363. **Sardar Iqbal Singh:** Will the Minister of Defence be pleased to lay a statement on the Table showing:

(a) the total amount paid as compensation in all and per capita to the relatives of the victims of accidents in which I.A.F. planes were involved during 1957 so far;

(b) the number of cases in which no decision has yet been taken with regard to payment of compensation; and

(c) if no compensation has been paid, the reasons therefor?

The Deputy Minister of Defence (Sardar Majithia): (a) The under-mentioned pensionary awards have been sanctioned so far to the relatives of those who were killed:—

Detailed of pensionary awards.

Flg. Off. R.L.C. Richard—Dependant's pension of Rs. 388.71 nP. per annum to the father, subject to annual review.

Flg. Off. C. S. Srinivasan—Dependant's pension of Rs. 1350 per annum to the father, subject to annual review.

Sqn. Ldr. S. Biswas—Rs. 3,000 as family gratuity to the widow.

The undermentioned special allowances have been sanctioned to the relatives of **Flg. Off. B. R. Jain** and **Warrant Officer S. N. Choudhury** who are missing, pending confirmation or otherwise of their death:—

Flg. Off. B. R. Jain—Rs. 150 per mensem for a period of six months with effect from 9-5-57, to the wife.

W/O. S. N. Choudhury—Rs. 70 per mensem for a period of six months with effect from 8-5-57, to the wife.

(b) 12.

(c) In these 12 cases, their the proceedings of the Court of Inquiry held to enquire into the circumstances of the accident have not yet been finalised or the necessary information/documents have not yet been received from claimants to pensionary awards.

Institute of Armament Studies, Kirkee

364. **Sardar Iqbal Singh:** Will the Minister of Defence be pleased to state:

(a) the amount spent since the 1st August, 1956 on the research wing of the Institute of Armament Studies, Kirkee;

(b) whether all the present officers of the wing are Indians; and

(c) the total amount to be spent during 1957-58?

The Deputy Minister of Defence (Shri Raghuramiah): (a) The Institute of Armament Studies, Kirkee, is a research-cum-instructional establishment and the two functions are so closely interlinked that one cannot be divorced from the other. It is therefore not possible to calculate the expenditure on research alone separately.

The amount spent on the Institute from the 1st August 1956 to October 1957 is however Rs. 6,42,800 approximately.

(b) No. Two of them are British Nationals.

(c) The estimated total amount to be spent during 1957-58 is Rs. 7,58,000.

Welfare Extension Projects in Punjab

365. **Sardar Iqbal Singh:** Will the Minister of Education and Scientific Research be pleased to state the number of Welfare Extension Projects allocated to Punjab by the Central Social Welfare Board for the years 1956-57 and 1957-58 so far?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall):

1956-57.	6
1957-58.	1
(so far).	

Library Movement

366. Sardar Iqbal Singh: Will the Minister of Education and Scientific Research be pleased to state:

(a) the amount of grant given to Punjab for encouraging library movement in the State during the period from 1950-51 to 1956-57; and

(b) the number of libraries opened there with the above assistance, during the same period?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall): (a) Rs. 11,22,275 were given for setting up 7 Libraries.

(b) Five libraries were actually opened, and an expenditure of Rs. 6,24,302 was incurred.

Military Field Firing Ranges

367. Sardar Iqbal Singh: Will the Minister of Defence be pleased to state:

(a) the number of the villages acquired by Government for military field firing ranges during 1956 and 1957;

(b) the total population and the area affected;

(c) the alternative accommodation and compensation given;

(d) the cases decided and the cases still pending; and

(e) the causes for delay?

The Deputy Minister of Defence (Sardar Majithia): (a) During 1956, land appurtenant to 23 villages was acquired for Military Field Firing Ranges. No land has been acquired for this purpose in 1957.

(b) The total population and area affected are about 7,000 and 30,500 acres, respectively.

(c), (d) and (e). The land was acquired under the Land Acquisition Act, 1894, under which the land-owners are entitled to get only compensation for the acquired land. The are not entitled to any alternative accommodation. The Government have accepted the Collector's award regarding the amount of compensation and orders authorising the payment of the same will be issued shortly. After the issue of the orders, the responsibility for the payment of compensation will rest with the State Government. However, in order to avoid hardship to the land-owners, the State Government have been authorised to make "on account" payments to the extent of Rs. 30 lakhs.

12 hrs.

MOTION FOR ADJOURNMENT

DISTURBANCES IN RAMANADAPURAM DISTRICT

Mr. Speaker: On the 11th November, Shri B. C. Kamble sought to move an adjournment motion regarding the disturbances in Ramanadapuram District in Madras State. After hearing the hon. Minister for Home Affairs, I stated that the motion would stand over and after considering all aspects of it, I would give my ruling on its admissibility.

I have since considered that matter. The motion seeks to raise an issue of law and order besides some amenities to the Scheduled Castes who have been affected. So far as law and order is concerned, it is exclusively the responsibility of the State Government. I, therefore, disallow that portion.

If it was the intention of the Member to discuss the question of safeguards, etc. and amenities provided for those who have been affected, the matter could be raised in

the debate on the Report of the Commissioner for Scheduled Castes and Tribes which is to be held during this session. I will consider the advisability of setting apart a separate day for the discussion of the inconveniences suffered by those victims in the Ramanadapuram riots. Normally I allow only that amount of time that is allotted for a non-official day, not more than 2½ hours. A full day will be allotted for discussion of the report of the Scheduled Castes and Tribes and I cut it short to 2½ hours. In addition to a full day that is allotted, I shall try to give some more time especially with regard to this matter. Whatever be the inconveniences, whatever any Member has to say with respect to the Ramanadapuram riots and these victims, the inconveniences suffered by these people, the safeguards, and whatever has to be done hereafter in the future, all that I will allow. In addition to the time allotted I will consider the advisability of allotting more time. There will be a full dress debate on that matter. I disallow this motion.

Shri B. S. Murthy (Kakinada—Reserved—Sch. Castes): I bow to your ruling. We have to discuss two report, not one report. Last time, you allowed one day for one report. Therefore, two reports, two days plus some more time for discussing the Ramandapuram riots. I know you are also agitated about this.

The Minister of State in the Ministry of Home Affairs (Shri Datar): May I point out, Sir, it was true that there was an intention to have a debate on both the reports. But, I do not know whether we have placed a copy on the Table of the House so far as the Second report is concerned.

Some Hon. Members: Not yet.

Shri Datar: We must also have some time for getting the reactions of the State Governments so far as the recommendations or points made out by the Commission are concerned.

In these circumstances, I suggest that we might consider or debate the report for the earlier year holding this debate for the next session.

Shri B. S. Murthy: May I submit Sir, last time, it was on the specific understanding that both the reports will be discussed, we did not press for that. You know that. Now, the hon. Minister comes and says, let this discussion be postponed.

Mr. Speaker: No, no. There has been some misunderstanding. The hon. Member who is interested in this subject will have two opportunities. It was originally thought for that reason that the other report should also be ready. The hon. Minister feels that though the report is ready and can be placed, he would like to gather the opinion of the various State Governments before the debate is held in this House. I find, in view of what Shri B. S. Murthy has stated, there must be twice the time allotted because there are two reports, and the first report will be considered independent of the second report, to avoid this matter being taken up next session. I do not want this matter to be held over till the next session or wait for the presentation of the second report.

Shri Datar: So far as the presentation of the report is concerned, we shall do it very soon.

Mr. Speaker: If both of them can be taken up together, I shall try to give some more time.

Shri Surendranath Dwivedy (Kendrapara): He does not agree to the reports being taken up.

Mr. Speaker: Order, order. As soon as it is placed on the Table of the House, it is open to this House to look into this matter and decide and make its decision. The opinions of the various Governments will come in later. I thought he was withholding the report until the opinions of the various Governments are gathered. If the report is placed

[Mr. Speaker]

on the Table of the House, it is in the hands of the House and we can get these reports discussed, not only the first report, but also the second report and the Ramanadapuram riots.

Shri B. S. Murthy: Thank you.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): Now, Sir, for the first time a new excuse is being brought forward to put off this debate. It has been bad enough to put it off when there is a constitutional duty on the part of the Special Officer to report to the President and for that report to be submitted to us. In the past, never once has the question of the reaction of the States been raised either to expedite the debate on it or to delay it. We are not concerned with the reaction of the States. Those reactions can be embodied in the next report. Our debate will relate to the report itself. Therefore, I do submit that it is a very lame excuse for doing us out of something in which the entire House is deeply interested. The sooner we debate it and the longer the hours, the better.

Mr. Speaker: I shall fix a date as early as possible. I request the hon. Minister to lay the report as soon as possible on the Table of the House. Both will be taken together. Matters relating to Ramanadapuram riots and those persons who have suffered can also be allowed. I shall try to consider the advisability of extending the time which is normally allowed to this by a few more hours.

Shri Sonavane (Sholapur—Reserved—Sch. Castes): There two reports are being considered and discussed together. Last time one day was allotted for the report of 1955. Now, the 1956 report is also to be considered. Thus two days should be given plus some more time for the discussion of Ramanadapuram incidents. Ramanadapuram incidents should be treated separate from the

arrangement should be arrived at. I request that you will be pleased to consider that.

Mr. Speaker: I will consider.

PAPER LAID ON THE TABLE

ANNUAL REPORT OF THE COAL BOARD

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): I beg to lay on the Table a copy of the Annual Report of the Coal Board for the year 1956-57. [Placed in Library. See No. LT-358/57].

BUSINESS ADVISORY COMMITTEE

ELEVENTH REPORT

Sardar Hukam Singh (Bhatinda): I beg to move:

"That this House agrees with the Eleventh Report of the Business Advisory Committee presented to the House on the 15th November, 1957."

Mr. Speaker: I shall now put this motion to the House.

The motion was adopted.

PAPERS LAID ON THE TABLE

REPORT OF THE MAGISTERIAL ENQUIRY INTO THE EXPLOSION AT KATPADI AND REPORTS OF INSPECTORS OF EXPLOSIVES INTO OTHER EXPLOSIONS, ETC.

The Deputy Minister of Railways (Shri Shah Nawaz Khan): With your permission, Sir, I beg to lay on the Table of the House a copy of each of the following documents:

- (1) Report of the Magisterial Enquiry into the explosion at Katpadi, ordered by the State Government of Madras. [Placed in Library. See No. LT-360/57].

- (2) Report of the Inspector of Explosives, South Circle, Madras into the explosion at Katpadi. [Placed in Library. See No. LT-361/57.]
- (3) Report of the Inspector of Explosives, East Circle, Calcutta, into the explosion at Asansol. [Placed in Library. See No. LT-362/57.]
- (4) Report of the Inspector of Explosives, North Circle, Agra, into the explosion at Kanpur. [Placed in Library. See No. LT-363/57.]
- (5) A note indicating steps taken to eliminate possibilities of such explosions on Railways. [Placed in Library. See No. LT-364/57.]

Shri S. M. Banerjee (Kanpur): On that day when questions were put, the hon. Minister said that the matter of compensation to the victims will also be embodied in the report.

Mr. Speaker: The hon. Member will look into the report. The report is merely laid on the Table. We are not discussing it. The hon. Member will kindly look into it.

PROBATION OF OFFENDERS BILL

Mr. Speaker: The House will now take up 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."

Out of seven hours allotted for all stages of the Bill, 2 hours and 15 minutes have already been availed of, and 4 hours and 45 minutes now remain. Shri Shree Narayan Das may continue his speech.

श्री श्रीनारायण दास (दरभंगा) :
पक्षों सभाह जब सदन प्राज के लिये स्थगित

हुआ था, उस समय इस विधेयक पर विचार हो रहा था, जिसका उद्देश्य है कि अपराधियों को दण्ड देना स्थगित करके उन्हें निरीक्षण के लिये किसी अभिभावक की देख-रेख में छोड़ा जाये और उनके सुधार की व्यवस्था की जाये। अब दण्ड विधान के विशेषज्ञों में ऐसा विचार उत्पन्न हो गया है कि अपराधियों को जेल में भेजने के साथ साथ ऐसे भी उपाय किये जायें कि वे बाहर रह कर किसी सरकारी या गैर-सरकारी अभिभावक या समाज-सुधारक की देख-रेख में अपने जीवन में सुधार कर सकें और समाज के उपयोगी भ्रम बन सकें। अब वह समय नहीं रहा जब कि केवल बदला लेने के ब्याल से, या भय पैदा करने के ब्याल से अपराधियों को जेलखाने में रख कर डराया धमकाया जा सके। इसी भावना से प्रेरित हो कर केन्द्रीय सरकार ने यह विधेयक सदन के सामने रखा है। इस विधेयक के मुख्य दो अंश हैं। एक के द्वारा मजिस्ट्रेट या जज को यह अधिकार दिया जा रहा है कि वह अभियुक्त के अपराध पर विचार करते वक्त, उसके चरित्र और दूसरी सम्बन्ध बातों का ब्याल रख कर और उसने किस परिस्थिति में अपराध किया है, इस बात को ध्यान में रख कर, अगर मूना-सिब समझे तो दण्ड देना स्थगित रख कर उसको किसी अभिभावक की देख-रेख में छोड़ दे। ऐसा कुछ शर्तों के अधीन और बांड लिखवा कर किया जायेगा। कुछ सास-सास अवस्थाओं में, कुछ अपराधों के लिये, जिनके लिये दो वर्ष से कम की सजा है, उसको यह भी अधिकार दिया गया है कि वह अभियुक्त को तनवीह के साथ छोड़ दे। जैसा कि कुछ माननीय सदस्यों ने विचार प्रकट किया है, और अन्य लोगों का भी यह ब्याल है कि अगर हर एक अपराध में इस का व्यवहार किया जायेगा, तो समाज को खतरा होगा, इसलिये इस बात की आवश्यकता है कि इस बिल में ऐसा संशोधन किया जाय कि सभी अपराध इसके दायरे में न आयें।

[श्री भीमराजराव बाज]

यद्यपि मैं इस बिल के सिद्धान्त का पूरी तरह से समर्थन करता हूँ और चाहता हूँ कि अधिक से अधिक अपराधों में इस कानून को लागू किया जाये, फिर भी वर्तमान अवस्था में मैं इस बात की आवश्यकता समझता हूँ कि इस बात पर गम्भीरतापूर्वक विचार किया जाय कि कौन कौन से अपराध इस कानून के दायरे में लाये जायें, जिन में तनवीह के साथ अपराधी को छोड़ दिया जाये और किन में कालिदा अपराधियों को बांड के साथ किसी अभिभावक के निरीक्षण में रखा जाये। यह जरूरी है कि इस विषय में पूरी तरह से ध्यान देना की जाय कि भारतीय दण्ड विधान के अन्तर्गत आने वाले किन किन अपराधों का इस विधेयक में समावेश किया जाये। माननीय सदस्य, पंडित ठाकुर दास भार्गव ने प्रस्ताव पेश किया है कि इस विधेयक को प्रवर समिति के सुपुर्द किया जाय। मैं इस प्रस्ताव का समर्थन करता हूँ। जरूरत इस बात की है कि कुछ तजुर्बेकार सदस्य और दण्ड विधान के अनुभवी लोग इस पर गम्भीरतापूर्वक विचार करें कि जिन अपराधों के लिये इस विधेयक में समावेश किया गया है, क्या उनमें से किसी को हटाने की आवश्यकता है और अगर आवश्यकता हो, तो उन अपराधों को हटा दिया जाये।

मैं यह भी निवेदन करना चाहता हूँ कि अपराधियों को निरीक्षण में रखने की जो पद्धति है, वह नहीं है और उसके विषय में हमारे देश में अनुभव नहीं है। दूसरे कुछ देशों में इसका अनुभव प्राप्त किया गया है, लेकिन उसकी पूरी जानकारी हमको नहीं है। इसलिये यह जरूरी है कि जरा सोच समझ कर कदम उठाया जाय : अगर सोच समझ कर कदम उठाया जायेगा, तो मेरा क्या है कि इस विधेयक का उद्देश्य बहुत अधिक पूरा होगा यनिस्वत उस अवस्था के कि बिना पूरी तरह विचार किये हुये तमाम अपराधों के लिये इस तरह की व्यवस्था

कर दी जाय। इसलिये यह अच्छा होता कि माननीय मंत्री और यह सदन इस प्रस्ताव को स्वीकार कर लेते कि इस विधेयक को प्रवर समिति में विचारार्थ भेज दिया जाये।

प्रादेशिक अफसरों की नियुक्ति का विषय भी बहुत महत्वपूर्ण है। अगर विभिन्न राज्यों में प्रांशान सविस की अच्छी व्यवस्था नहीं हुई, अच्छे अच्छे आफिसर प्रोबेशन आफिसर नियुक्त नहीं किये गये और सरकारी और गैर-सरकारी समाज-सुधारकों का अच्छा संगठन नहीं हुआ, जो कि इस बिल के उद्देश्य को पूरा करने के लिये सरकार के साथ सहयोग करें तो जिस प्रकार इस विषय की किमिनल प्रोसीजर कोड की धारा ५६२ निकम्मी रही है और किसी भी राज्य में उसके अनुसार काम नहीं किया गया है, उसी प्रकार यह विधेयक भी निकम्मा हो जायेगा।

यद्यपि यह कानून हम केन्द्रीय संसद् में पास कर रहे हैं, लेकिन इसको कार्यान्वित करने का भार विभिन्न राज्यों पर पड़ने वाला है। यह पता नहीं है कि विभिन्न राज्यों का इस विषय में क्या स्थिति है। माननीय मंत्री ने इस सम्बन्ध में विचार प्रकट नहीं किये हैं कि किन किन राज्यों ने इस कानून को जल्द से जल्द लागू करने का विचार प्रकट किया है। उत्तर प्रदेश इस विषय में बहुत दिलचस्पी ले रहा है और अपराधियों को दण्ड देने के बजाय दूसरे उपायों से उनको सुधारने की कोशिश कर रहा है लेकिन दूसरे राज्य भागे नहीं बढ़े हैं। इसलिये इस बात की अपेक्षा है कि शायद वह कानून पूरी तरह से लागू न हो सके। इसलिये मैं कुछ सुझाव माननीय मंत्री जी के सामने रखना चाहता हूँ।

एक अच्छी और सुसंगठित प्रादेशिक सविस का संगठन किया जाय जिसमें सरकारी और गैर-सरकारी लोग नियुक्त किये जाय और उनके प्रशिक्षण की व्यवस्था की जाये

ताकि यह कानून पास होने के साथ साथ सभी प्रांतीयों में लागू किया जा सके। जैसा कि मैंने अभी कहा है यह विषय नया है और हमको इसका अनुभव कम है इसलिये जरूरत इस बात की भी है कि विभिन्न राज्यों के कार्य को सुसम्बद्ध रखने के लिये एक केन्द्रीय संस्था स्थापित की जाये जो कि समय समय पर राज्य सरकारों को इस सम्बन्ध में राय दें सके। भ्रष्टा होता यदि केन्द्र में एक विधकौंसिल बनाई जाती जिसका यह काम होता कि वह अपराधियों के सुधार के लिये व्यवस्था करे और केन्द्रीय एवं राज्य की सरकारों को इस विषय में परामर्श देती रहे।

संसार के अनेक देशों—संयुक्त राज्य अमेरिका, स्वीडन, नारवे इत्यादि—में इस तरह के कानूनों की व्यवस्था है और वहां की सरकारों को इसका अनुभव है। भ्रष्टा हो यदि जल्द से जल्द एक अन्तर्राष्ट्रीय गोष्ठी—सेमिनार—की जाय जिसमें अपराधी के साथ कैसा व्यवहार किया जाये और उसको कैसे सुधारा जाय इस पर अन्तर्राष्ट्रीय स्तर पर विवेचना हो और उस गोष्ठी के निर्णयों पर केन्द्रीय सरकार और राज्य सरकारें विचार करें।

जेल सुधार के लिये जो प्रयत्न किये गये हैं वे अमिनन्दनीय हैं लेकिन अभी तक हमारे देश की जेल प्रणाली में वह सुधार नहीं हो पाया है जो कि होना चाहिये था। इस मामले में दूसरे देश हमसे आगे हैं। मैं माननीय मंत्री जी से कहना चाहता हूं कि उन्होंने क्रिमिनोलोजी के अन्तर्राष्ट्रीय स्थिति के विशेषज्ञ मिस्टर रैकलेस को यहां पर बुला कर ठीक किया था लेकिन अब जरूरत इस बात की है कि संसार के सभी देशों के तमाम जेलों के सम्बन्ध में अनुभव रखने वालों का एक सम्मेलन किया जाये और इस बात पर विचार किया जाये कि किस प्रकार प्राधुनिक ढंग से—मार पीट या डरा बमका कर

नहीं—समाज में रख कर अपराधियों का सुधार किया जा सकता है।

अध्यक्ष महोदय, अधिक बोलने के दिनों में पास समय नहीं है। लेकिन एक बात में अंत में कहना चाहता हूं और वह यह है कि इस वैज्ञानिक युग में अब वह समय आ गया है जब कि हमें साधारण से साधारण अपराध के लिये कड़ी से कड़ी सजा देना बन्द करना होगा। अब वह समय नहीं रहा जब कि हम डर दिखा कर या भय दिखा कर अपराधों को रोक सकते हैं। आज हम अपराधियों को सख्त जीवन में नहीं रख सकते हैं, गवनी स्थिति में नहीं रख सकते हैं। आज आवश्यकता इस बात की है कि बराबर उन लोगों को यह अनुभव कराया जाय कि उनका सुधार हो सकता है। अब वह जमाना नहीं है जब कि लोगों को डराया जा सकता था। आज वैज्ञानिक युग है। इस युग में जैसे किसी शारीरिक बीमारी से पीड़ित लोगों का अस्पताल में दवाई दे कर इलाज किया जाता है उसी तरह से जरूरत इस बात की है कि जो लोग समाज के कानून को तोड़ कर चाहे वह नैतिक हो या दूसरी प्रकार का कानून हो समाज के खिलाफ काम करता है तो उनको समझाया जाना चाहिये कि वे मानसिक रूप से बीमार हैं और जिस तरह से शारीरिक बीमारी से पीड़ित व्यक्ति का अस्पताल में इलाज किया जाता है उसी तरह से यह जो व्यक्ति है जो कि मानसिक रूप से बीमार है उसकी बीमारी का इलाज करने की जो व्यवस्था होनी चाहिये वह भी प्राधुनिक से प्राधुनिक तथा वैज्ञानिक होनी चाहिये। मैं समझता हूं कि यह जो विषय है यह स्वागत किये जाने योग्य है। मैं माननीय मंत्री जी को जिस उत्साह के साथ उन्होंने इसको पेश किया है उसके लिये बधाई देता हूं। लेकिन साथ ही साथ मैं यह कहना चाहता हूं कि यह जब कानून बन जायेगा तो इसको चलाने की जो जिम्मेदारी है वह राज्य सरकारों की है। इनको केवल इसको पास करके

[श्री श्रीनारायण दासरा]

ही सन्तोष नहीं कर लेना चाहिये बल्कि उनको यह भी देखना चाहिये कि राज्य सरकारें इसको प्रमत्त में भी लाती हैं। केन्द्रीय सरकार को ऐसा संगठन यहां पर स्थापित करना होगा जो कि बराबर विभिन्न राज्य सरकारों को इस कानून का परिपालन करते रहने के लिये प्रेरित कर सके। उच्च वैज्ञानिक तथा दूसरी तरह की जो प्रणाली हम ज़रूर करने जा रहे हैं तथा जिसके अधीन हम अपराधियों को दण्ड देने की बात को स्थगित करके उनको किसी के निरीक्षण में रखने और उसके जरिये उनको समाज का एक लाभदायक प्राणी बनाने का आदेश सामने रख रहे हैं मैं आशा करता हूं कि हमारे माननीय मंत्री उसको सफल बनाने में कोई भी कसर उठा नहीं रखेंगे।

इन शब्दों के साथ मैं निवेदन करता हूं कि इस विधेयक को प्रवर समिति को भेज दिया जाये।

Mr. Speaker: Before I call the next speaker, I would like to know one thing from the House. In view of the fact that there are only 4 hours and 45 minutes left, and we have spent about 2-1/2 hours the other day, and we have in all 7 hours for this Bill, we may go on till five o'clock today. We started at about 12-15 P.M. today. And 4 hours 45 minutes would mean that we go on with this up to 5 P.M. How shall we divide this time between the consideration stage and the clause-by-clause consideration?

Shri Sinhasan Singh (Gorakhpur): 2 hours more for the general discussion and the rest for the consideration of the clauses.

Mr. Speaker: There are as many as 83 amendments. Therefore, we may have 2 hours 45 minutes for the clauses.

Shri Easwara Iyer (Trivandrum): May I submit that the Business Advisory

Committee has recommended that one more hour, if necessary, may be taken?

Mr. Speaker: No, no. I am not prepared.

Shri Easwara Iyer: This is a very important Bill. It is most important.....

Mr. Speaker: Everything is important.

Shri Brij Raj Singh (Firozabad): That is the recommendation of the Business Advisory Committee.

Mr. Speaker: I have always noticed this. A judge used to say that if within fifteen minutes or half an hour, an hon. Member or a lawyer is not able to convince the judge, he would not convince at all. Therefore, fifteen minutes to half an hour should be sufficient.

Shri Tyagi (Dehra Dun): You used to take longer time, I am sure.

Mr. Speaker: The hon. Member has forgotten the previous history.

So, 2 hours 45 minutes will be left over for amendments, and the balance of the time will be devoted to this. Hon. Members will try to take not more than half an hour at the most.

Pandit Thakur Das Bhargava (Hisar): This is an important Bill, and even half an hour will not be sufficient, if all the pros and cons are to be stated. I think more time should be allowed to Members. Previously, the practice was that in Bills, hon. Members used to take as much time as they liked.

Mr. Speaker: If one hour is taken during the consideration stage, then the same thing will be repeated on the clauses also. Therefore, hon. Members may divide the time between the consideration stage and the clause-by-clause consideration. So, the hon. Member will have an opportunity on the clauses also. We shall devote 2 hours and 45 minutes to the clauses.

Shri Tyagi: Clauses deserve better attention.

Mr. Speaker: Very good.

पंडित ठाकुर दास भार्गव : यह बिल उन चन्द बिलों में से एक है जो कि बहुत ज्यादा महिमयत रखते हैं और मैं तो यहां तक कहना चाहता हूं जितना किमिनल प्रोसीजर कोड बिल जरूरी था उतना ही यह बिल भी जरूरी है। मैं यह चाहता था और अब भी मेरी यह स्वाहिश है कि इस बिल को ला कमीशन के पास भेज दिया जाय। यह बिल, जो कि हर स्टेट के साथ ताल्लुक रखता है, इसके ऊपर पूरी राय जान लेनी चाहिये थी। इस बिल को न तो सक्कुलेट किया गया है न इस पर पूरी राय ही ली गई है। जैसा कि धानरेबुल मिनिस्टर साहब ने फरमाया इसको चन्द स्टेट्स के पास भेजा गया था और इसमें भी मुझे डर है कि इसको इस शक्ल में उनके पास नहीं भेजा गया जिस शक्ल में कि इसको आज यहां पेश किया गया है। मैं समझता हूं कि जो स्टेट्स की राय ली गई है वह इसके उसूलों के बारे में ही ली गई है। मैं समझता हूं कि किसी प्रादमी को भी इसमें कोई एतराज नहीं होगा कि जो उसूल ५६२ में है या प्रोबेशनरी सिस्टम में हैं उनको धमल में लाया जाय या उन पर तजुर्बा किया जाये। जैसा कि मैंने कहा अगर यह बिल इसी शक्ल में स्टेट्स के पास गया होता तो मुझे यकीन है कि स्टेट्स भी इसके हक में राय न देती। मैं जानना चाहता हूं कि क्या इस बिल को सुप्रीम कोर्ट, हाईकोर्ट के जजों, बार एसोसिएशंस और दूसरे रिस-पांसिबिल प्रादमियों के पास उनकी राय जानने के लिये भेजा गया है या नहीं। इस बारे में हमारे मिनिस्टर साहब ने कोई रोशनी नहीं डाली है। मैं तो इसी नतीजे पर पहुंचा हूं कि इसको न तो इन लोगों के पास उनकी राय जानने के लिये भेजा गया है और न ही रिसपांसिबल मैम्बर्स आफ दी कम्युनिटी के पास भेजा गया है। इस पर राय धाम्मा को मालूम किये बगैर ही पेश कर दिया गया

है और इसके खिलाफ मैं अपना धम्वल प्रोटेस्ट जाहिर करना चाहता हूं। मैंने दो मोशंस के नोटिस दिये हैं। एक तो सक्कुलेशन की है और दूसरी सिलेक्ट कमेटी के सुपुर्द करने की। मैंने इन मोशंस को यों ही पेश नहीं कर दिया है। मैं इनके बारे में बड़ा सीरियस हूं। अगर माननीय मंत्री महोदय सक्कुलेशन मोशन को मानना नहीं चाहते तो कम से कम सिलेक्ट कमेटी के सुपुर्द करने वाली मोशन को अवश्य मान लें। अगर हमने ऐसा न किया तो मैं आपको बताना चाहता हूं कि बाद में इसके धन्दर से आपको इतनी खामिया मालूम होंगी कि कंट्री आपको माफ नहीं करेगा। खामियों को अगर छोड़ भी दिया जाये तो भी जो उसूल की चीज है उस पर भी पूरा गौर होना चाहिये —

Mr. Speaker: I would like to know from the Minister whether any opinions have been gathered from the country at large?

The Minister of State in the Ministry of Home Affairs (Shri Datar): We had consulted the State Governments at two or three stages. This question was also considered by the Conference of the Inspectors-General of prisons and also by the Probation Officers' Conference. We have got all those things.

Pandit Thakur Das Bhargava: May I just ask one question of the Minister? He may kindly reply. Was this Bill sent to the State Governments, or only the principles of this question?

Shri Datar: Even this Bill was sent to the State Governments.

पंडित ठाकुर दास भार्गव : इस तरह का बिल हिन्दुस्तान की चन्द एक स्टेट्स में एंटेन्युएटिड फार्म में मौजूद है। यह बिल उत्तर प्रदेश में है, बम्बई में है, बंगाल में है। अगर और भी किन्हीं स्टेट्स में है तो इसका मुझे इल्म नहीं है। मुझे तो लाइब्रेरी से इन तीन स्टेट्स के बिल ही मिले हैं। मैं

[पंडित ठाकुर दास भार्गव]

जानता हूँ कि इन तीन स्टेट्स में किस तरह से इस पर ध्यान हो रहा है और होता रहा है। लेकिन यह जो बिल है यह उन बिलों के मुकाबिले में बहुत बर्मी है और इसको अगर कोई भी स्टेट कबूल करेगी बगैर इसकी इम्प्लीकेशंस को जाने द्ये तो उस स्टेट में डिस्टर्ब होगा। मैं जो ये सक्त्त भ्रमफाज इस्तेमाल कर रहा हूँ, जान बूझ कर कर रहा हूँ। बगैर इसकी इम्प्लीकेशंस को जाने बूझे, मैं समझता हूँ, इसको सारे हिन्दुस्तान में लागू नहीं करना चाहिये।

अब मैं बतलाना चाहता हूँ कि इस बिल में और पुराने बिलों में आम तौर पर क्या फर्क है। पहला सवाल तो यह पैदा होता है कि अब तक देश के अन्दर दफा ५६२ मौजूद है। उसके अन्दर एडमानिशन का जिक्र है। लेकिन यह उमूल कोई नया नहीं है। एडमानिशन का जिक्र ५६२ में भी है और प्रोबेशनरी बिल में भी है। इसको यहां मान कर हम कोई नई चीज को मानने नहीं जा रहे हैं। जिन स्टेट्स के अन्दर यह प्रोबेशन का बिल मौजूद है वहां यह इतनी छोटी फार्म में है, इतने संकुचित फार्म में है कि कुछ कहना ही नहीं। इस बिल के जरिये से हम बहुत ही जबर्दस्त जिम्मेदारी गवर्नमेंट आफ इंडिया पर डालने जा रहे हैं।

मेरे विचार में इस हाउस को यह देखना चाहिये या कि हम क्या करने जा रहे हैं और जो तबदीली हम धाज करने जा रहे हैं उससे देश को क्या फर्क पड़ता है। मैं समझता हूँ कि हम बहुत भारी तबदीली करने जा रहे हैं। इस खिम्न में मैं भ्रज करना चाहता हूँ कि जो मसला है वह मसला ५६२ के अन्दर मौजूद है। लेकिन उसके अन्दर इस चीज को इतना फैलाया नहीं गया है। इस बिल में प्रोबेशन के उसूल को हम नये तौर पर बड़ने जा रहे हैं। पहले यह उसूल बड़े ही संकुचित रूप में था।

यहां पर क्लाज ४ में, जिस पर मैं बाव में आऊंगा, कहा गया है कि प्रोबेशन सिस्टम में एक सुपरवाइजर मुकर्रर होगा और वह इस तरह से कार्य करेगा जैसे कोई गार्डियन करता है या उसका मीनीटर हो। वह उसकी खबर रखेगा और वह खबर इस तरह की होगी जिस तरह से कि क्रिमिनल ट्राइब्स के ऊपर सुपरवाइजर मुकर्रर होते हैं। उस सुपरवाइजर की क्या पावर्स होंगी, उसकी क्या हैसियत होगी, उसका कुछ जिक्र दफा १६ में किया गया है जो कि नामुक्मिल है। उस दफा १६ के अन्दर इसका जिक्र नहीं है कि उसकी क्या पावर्स होंगी, किस तरह से वह रिलीफ दे सकेगा उन लोगों को जो उसके गार्डियनशिप में जायेंगे। इन सब चीजों के बारे में यह बिल साइलेंट है।

जहां तक इसके अन्दर दूसरे सवाल घाते हैं, मैं उनके बारे में बाद में भ्रज करूंगा। लेकिन पहले जो इसके लीगल एस्पेक्ट्स हैं उनका मैं जिक्र करना चाहता हूँ। बाकी चीजें फिर देखी जायेंगी। कम भ्रज कम अगर लीगल एस्पेक्ट्स में कोई नुक्स है तो मुझे उम्मीद है कि आनरेबल मिनिस्टर उनकी तरफ तवज्जह देकर कम से कम उनको दुरुस्त तो कर देंगे। यहां से ऐसा तो बिल बन कर जाये जो वर्कबुल हो।

मैं सब से पहले दफा १७ और १८ की तरफ तवज्जह दिलाना चाहता हूँ। दफा १७ और १८ में जो इस बिल की है और उनमें जो लीगल प्वाइंट्स हैं उनकी तरफ तवज्जह दिलाना चाहता हूँ।

दफा १७ में लिखा है : "Nothing in this Act shall affect the provisions of section 31 of Reformatory Schools Act, 1897, or the Suppression of Immoral Traffic in Women and Girls Act, 1956, or of any law

in force in any State relating to juvenile offenders or borstal schools."

दफ़ा १८ में लिखा है : "Section 562 of the Code shall cease to apply to the States or parts thereof in which this Act is brought into force."

इसके मानी हुये कि कोड की दफ़ा ५६२ Suppression of Immoral Traffic in Women and Girls Act में जो ५६२ दफ़ा का हवाला है उसकी जद के अन्तर जो शर्त्तें धार्येंगे उनको जैसा उसी ऐक्ट में लिखा हुआ है डील किया जायेगा । ५६२ की दफ़ा की रू से हम इस तरह से उनको डील कर सकेंगे । अगर दफ़ा ५६२ को आप खारिज करते हैं तो मैं नहीं समझता कि सप्रेषन आफ इममरल ट्रैफिक इन वीमेन में जो उसका प्राविजन है वहाँ उस ५६२ का क्या बनेगा ? इस वास्ते यहाँ दोनों एक दूसरे के मुखालिफ हैं । एक तरफ तो आप यह पर ५६२ दफ़ा को खत्म करते हैं और दूसरी तरफ उन ऐक्ट्स में इसको क़ायम रखते हैं जो में धर्त्तें करना चाहता हूँ कि या तो आप दोनों जगह तबदीली बीजिए . . .

May I just have the attention of the hon. Minister? I am stating legal points and unless he hears them there is no chance of his accepting any of my amendments. I would respectfully request him to hear them.

Shri Datar: I shall hear all the points of my hon. friend, not only the legal points.

Mr. Speaker: Both of them are Ministers connected with the Home Ministry.

Pandit Thakur Das Bhargava: I do not doubt that. But I would kindly request him to hear my points.

In clauses 17 and 18 there is a conflict. In clause 17 it is said that this shall not affect the suppression of Immoral Traffic in Women and

Girls Act. But if you consult that Act you will see that in certain sections it is stated that such and such persons will be subject to section 562 of the Code. If you do away with section 562 of the Code in those States how will you give effect to the provisions of the Act. The hon. Minister must either get it corrected or he may introduce something here that section 562 will ensure so far as this Act is concerned, and that clause 18 will not have any effect.

Another legal aspect. I have already submitted in regard to clause 18 that it does not deal with the powers of the Probation Officers. It is absolutely necessary. If you want to give effect to this Bill you must see that the powers are defined. The power to examine certain persons is absolutely necessary.

There will be many Probation Officers in one district because according to clause 11 you contemplate that in place of a Probation Officer another can be appointed. So, I understand there will be a good many Probation Officers in one district. They will have absolutely no connection with the courts except that they may go to court for getting certain concessions for those under them. At the same time, they will be under the District Magistrate. They will be appointed by the Court and yet the courts will have no authority over them. They will be subject to the District Magistrate. If there is any conflict between the Probation Officer and the Court, how will that be decided? I would like the appointing authority to have control over the Probation Officers also. That is not to be found there. We should see some nexus maintained between the Court appointing him and the future actions of the Probation Officer.

As regards the report of the Probation Officer. I would like the Minister to look at it from a rather more realistic view. Before final orders are passed, the Court must get the report of the Probation Officer.

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'The Court shall get', these are the words. The person is before the Court. The Court has to pass a final order and before that the Court must be furnished with a copy of the report. How will that report be obtained? The man is in jail. The Probation Officer goes and takes evidence at his back. Supposing the man has committed 20 other offences, the Probation Officer will have to take evidence of all these and make a report behind the back of the person. After getting the evidence he will send the case to the Court.

I would beg of the hon. Minister to look at this question more closely. The Court has to pronounce a final order whether the person is guilty or not. The Court gets the report of the Probation Officer. The Court has not got watertight compartments in its head. The court is open to be influenced by the report this way or that. This is something entirely novel to judicial system. You get a report from the Officer. Before you adjudge the person as guilty or not you take this report into consideration. What is the nature of the Report? The Report of the Probation Officer is to be treated as confidential. This is absolutely mysterious. Confidential from whom? From the Police Officers or from the accused? I have never heard of any judicial system in which a report is to be kept confidential from the accused as well as the prosecution. There is absolutely nothing in the Bill to say that the prosecution shall have it or know what the report is. So far as the accused is concerned, there is some concession and it is said that the Court may, if it so thinks fit, communicate the substance thereof to the offender and may give him an opportunity of producing such evidence as may be relevant to the matter stated in the report. It is confidential. Yet it is made available. I have no objection. At the time when the report is made and when the witnesses are to come and make statements against him, he has

no right to cross-examine. Subsequently, when the document is brought to the court, the court is invested with the discretion to make the confidential report available to him and he is allowed to produce rebutting evidence. Is it possible for any person to rebut the evidence given behind his back unless by producing those persons again and cross-examining them? That is impossible. How will it work?

Clause 7(2) says that the court shall call for a report from the probation officer and consider the report, if any, and any other information available to it relating to the character and physical and mental condition of the offender. I do not know wherefrom this information will come. Perhaps the persons interested in the accused or who are against the accused will make such information to the court.

The court has not pronounced the guilt or otherwise. At this stage you allow such information. It may be prejudicial to the accused or it may be very favourable to him. Such evidence may be cooked up by him or his relatives may come to the court without the prosecutor or the aggrieved person knowing anything of it or having any opportunity to rebut it. This information will also be there. There is provision for making the confidential report available to the accused. There is no provision for making that information available to the accused and giving him an opportunity to rebut it nor is the prosecution given an opportunity to rebut such favourable evidence.

Therefore, I say that this lacuna in the Bill spoils the entire Bill. What would happen to the provisions of the Evidence Act—Section 45. It says that the evidence of bad character is irrelevant unless evidence of good character is given and rebutted. That will no longer apply in a case of this nature. We are abrogating section 54 without even giving the House a chance to see whether it should be

allowed to stand because it has stood the test of time.

There is another section—section 15—of the Evidence Act and we do not know whether you are enlarging the scope of that Section. My submission is this. There should be two judgments. I shall submit my solution to this question for the consideration of the hon. Minister but he shall have to take it to the Select Committee and the solution lies there. You make two parts of the order of the court. One will relate to the question whether a man is guilty or not. The second part should be, if he is found guilty, whether clause 3 or 4 should be allowed to come into operation. For that purpose, I can understand that the report of the probation officer may be useful and other evidence may be useful. But you say that he will not pass the final order before he takes the report into consideration.

Supposing I were a judge and I had come to know that in twenty cases, a person had misbehaved involved in cases of rape, I will certainly be influenced by his antecedents. I am bound to come to the conclusion that he is guilty while he may not be guilty in that particular case at all. After all it is human nature and there are no two compartments in the human brain to set apart for two different sets of things. It is impossible in practice. In the interest of justice alone, you must see that the judgment is bifurcated into two parts—judging the guilt independently on the evidence on record. That is one. Secondly, if you want to give the advantage of clause 3 or 4, proceed further and go on with the proceedings and decide whether he should take advantage of this or not. If you give the benefit to a large number of people in a large number of cases, you should see that the attention of the magistrate is concentrated on this point: whether it is a fit case or not.

I have studied all these Acts in the various States and I shall refer to one of them. One of these Acts says that first of all you should decide the guilt.

Subsequently, when you come to the second portion, you confine yourself to the report. The report is only called when he is found guilty. But if you call the report and find him guilty, you will be inflicting the greatest injury on the accused whom you want to serve.

That is one aspect of the legal question. There is again a principle of law. Should you have a provision like the one here which looks just and equitable but which reduces the crime from its present gravity to a mere commercialised thing. Clause 5(1) reads:

"The court directing the release of an offender under section 3 or section 4, may, if it thinks fit, make at the same time a further order directing him to pay such compensation as the court thinks reasonable for loss or injury caused to any person by the commission of the offence and such costs of the proceedings as the court thinks reasonable"

The whole idea of the Government punishing the offenders is this. While it takes away the desire to take immediate revenge it is thought that the crime is against the community and not against particular persons. Therefore, the community comes in and punishes. But what are you doing? First of all, this provision is unprecedented and unheard of. It is something which I for one cannot in any way support. Are you going to recover some cost from the accused? What are these proceedings? Are they in court? Is the cost to be given to the aggrieved person because he engaged lawyers or he has called persons for evidence and so on? Is it the pay of the judges, the police and so on? What is the cost of the proceedings? I have not been able to understand. How will you determine? Is it the pay of the judge, or the public prosecutor or the police? Is there any meaning in saying 'the cost of the proceedings'? In one instance, you

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want to help him and give him all the relief you are capable of. On the contrary you want even to recover from him what could not be recovered from any person. I have not seen such a provision in any law of any other country though I know that in these Probation Acts these words are there.

I take very strong exception to commercialising the crime and to take from the accused person the cost of the proceedings. Then, how will you determine? What will be taken? What will not be taken? I cannot also understand this compensation affair. This is too much for a criminal court to go into. Then there is compensation for loss or injury. Perhaps in every criminal case, the party injured is entitled in civil law to compensation. But this is not the usual custom for aggrieved persons to go after the accused and recover damages. Suppose a person is killed by another, in civil law he is entitled to compensation. If these cases are allowed to be brought, I do not know what will happen to our courts. Now, in respect of civil courts in so many cases, it will be very difficult to recover anything from the accused. If you make, at the same time, the criminal court as a court of adjudicating the amount of compensation and then recovering it, it will be an endless procedure, and you will be complicating criminal matters in such a way that you will not be able to get out of them.

Mr. Speaker: Is there no provision of law at present to give a portion?

Pandit Thakur Das Bhargava: To give a portion out of the fine; something can be given in proper cases. Supposing a robbery takes place at my house where thousands of rupees are taken away and there is a law like this making the Government pay the amount to me from the Treasury, I would be very happy. But here the court has to find out how much money is to be given. It is a question of compensation for damages.

Mr. Speaker: If it does not interfere with the civil remedy, what is the objection?

Pandit Thakur Das Bhargava: There is a civil remedy in every case, and I am not objecting to it. As a matter of fact, there should be a remedy and a person should be allowed to be recompensed. My only submission is that in every case if you are going to complicate matters like this, there will be evidences and the cases will be prolonged. You want that criminal procedure cases should be completed in two months, whereas it will take years and years here to find out the amount of compensation. Where the court imposes a fine it is not recovered and they proceed under sections 386 and 387. Here also the provisions are similar. Compensation will be determined and then action under sections 386 and 387 taken for years together. We know what is the procedure under the Criminal Procedure Code. If imprisonment is undergone by the accused in lieu of fine then no further proceedings should be taken. Therefore, the civil court remedy is there. Why should you complicate matters in this way?

So far as appeal provisions are concerned, which are contained in clause 10, they are not very clear to me. According to the present position, you know very well that an aggrieved person has practically no right of appeal. If the sentence is not to the satisfaction of the injured person, he has no right of appeal, he can only go in for revision. If the Public Prosecutor files an appeal within six months then the Government allows him to make an appeal. So far as revision is concerned, the revisional authority can only recommend to the High Court and the High Court can enhance the punishment if it so desires; otherwise the Appellate Court has no right of enhancing punishment on appeal. If you see clause 10 here, the real mean-

ing of the words is not clear. It says: in sub-clause (4):

"When an order has been made under section 3 or section 4 in respect of an offender, the Appellate Court or the High Court in the exercise of its power of revision may set aside such order and in lieu thereof pass sentence on such offender according to law:"

If the Appellate Court is also given powers of revision, then I can understand. The Appellate Court can then set aside the order and just enhance the sentence also. I do not know if that is the meaning of the words here. I would very much like that to be the meaning, because I want in such cases, especially when there is a question of personal injury or offence relating to women where the person is satisfied only when the other person gets some punishment, there should be powers of revision. If the accused is let off with an admonition, so far as the aggrieved man is concerned the grievance will remain and he will wait for an opportunity to take revenge. In such cases the aggrieved person should be given some remedy. If the Appellate Court gets the power of revision, then it is all right, and I am satisfied to a certain extent.

So far as sub-clause (3) is concerned, it appears that even the power of revision has been taken away from him. This sub-clause says:

"In any case where any person under twenty-one years of age is found guilty of having committed an offence and the court by which he is found guilty declines to deal with him under section 3 or section 4, and passes any sentence of imprisonment on the offender from which no appeal lies or is preferred, then notwithstanding anything contained in the Code or any other law, the court to which appeals ordinarily lie from the sentences of the former court may, either of its own motion or on an application made to it by the convicted person or the probation officer, call for and examine the records of the case and set aside

the sentence and in lieu thereof make an order under section 3 or section 4."

It means that even the power of revision has been taken away, which is a very serious action. Either give him powers for appeal and powers of revision that he even now enjoys, or do not take away anything and do not give anything. In the present case, when an order is passed under this law the sense of wrong of the aggrieved person is bound to get added sensitiveness, because every person who is guilty gets off under an admonition or probation. That is a very serious matter.

So far as these legal questions are concerned, they are all of very great importance, and unless the matter is taken to a Select Committee all these matters will not be gone into. If we pass it here in a huff it will not be right for the country and the country will never excuse us for passing a measure of such an importance by sitting in this House and passing in few hours a Bill of this nature.

Let us look at this important question from another standpoint. I have here with me the Acts of Bengal, Madras and Uttar Pradesh. I am sorry I could not get others from the library. In all these three Acts only in cases of first offenders some concession is given, and not in the case of all offenders. This is a departure of very great importance. According to the present Bill, whether there is any conviction or not, according to clause 4 every person who may have even got ten convictions may take advantage of this probation. We are departing from the accepted rule which has been obtaining in this country for the last so many years. In all these Acts the Bill are known as "First Offenders Probation Bills". This departure by itself is a very great departure, and I do not know whether the country shall like it.

So far as I am concerned, I do not object to this Bill being enlarged on this subject. I would rather like that

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the question of a person being a first offender should not be a pre-requisite for the application of the provisions of clauses 3 and 4. At the same time, the country is not ripe for it. Whatever may be my personal opinion, I like the provision in clause 4 and I congratulate the hon. Minister for having brought it forward, and having taken away the question of first offenders. I do not think it is the fundamental right of every citizen to be let free unpunished on the first offence. That impression will be wrong. Therefore, in proper cases, even in very bad cases involving the highest punishment, if the circumstances are such that admit of the case being treated under Section 562, I would rather like every case being so treated.

Mr. Speaker: Order, order. The hon. Member may resume his seat. How long will the Minister take for his reply?

Shri Datar: 30 minutes to 45 minutes.

Mr. Speaker: We started at 12.15. Pandit Thakur Das Bhargava has already taken 36 minutes and the Minister wants 45 minutes. There are about ten or eleven Members who want to speak, even though I propose restricting their number to six or seven. It was suggested by Shri Easwara Iyer that the time for this Bill may be extended by an hour. I have no objection to it, if the House is willing to sit till six o'clock.

Some Hon. Members: Yes.

13.00 hrs.

Mr. Speaker: Therefore, the time for discussion will be extended by one hour: instead of till 2.15, we shall carry on till 3.15. Pandit Thakur Das Bhargava is exhausting all the sections for the benefit of the whole House. So far as the other Members are concerned, they will not take more than fifteen minutes, each.

Shri V. P. Nayar (Quilon): Is it a justification for his taking longer time?

Mr. Speaker: An hon. Member ought not to repeat himself and also not repeat what others have said. Therefore, if Panditji exhausts everything there will be little or nothing for others to say. Therefore, I expect others would not take more than ten minutes, or fifteen minutes at the most. How many minutes more, does the hon. Member want?

Pandit Thakur Das Bhargava: I would gladly submit to whatever suggestion comes from you, because whatever is in the interest of the debate is to the benefit of the whole House. I would certainly resume my seat and not speak a word more, if that is your wish.

But in a Bill of this nature, the previous rule was that any Member could take any time and if there was any repetition, the Chair would stop him.

Mr. Speaker: May I make a suggestion? What is the harm if this Bill goes to Select Committee. All hon. Members, and I am sure the Government, are interested in seeing that this is made a workable measure. We understand the spirit in which it was brought forward, but it should be made workable in practice. What is the harm, if after a week we take it up?

Shri Naushir Bharucha (East Khandesh): The Bar Associations should also be consulted.

Mr. Speaker: The hon. Member is a sufficiently good representative of the Bar Associations. One-third of our Members are lawyers; therefore, we need not refer it to Bar Associations; it will be practically dilatory. The House can consider the report of the Select Committee when it comes after a week and dispose of it. Much of the spade work can be done in the Committee. I have gone through the amendments tabled by Members. The Indian Penal Code is a measure which has not been adversely commented upon all these years from 1860. The Criminal Procedure Code has been amended. Unlike the civil law which

has undergone so much of change, nobody has interfered with the Penal Code. So long as this is a kind of departure, would it not be better to refer it to a Select Committee. There are several hon. Members who are interested in this subject and who have bestowed some thought on it. The hon. Minister may consider whether it would not be desirable to refer it to a Select Committee.

Shri Sinhasan Singh: We shall take it next session.

Shri Naushir Bharucha: This is a very important piece of legislation. Let it be thoroughly discussed. My submission is that one week is too short a time for the Select Committee to report on. It is very necessary that Bar Associations must be consulted and their point of view ascertained.

Mr. Speaker: The hon. Member is an eminent member of the Bar. In any Bar Association, it is only one or two people who read the Bill. I consider hon. Members who have come to this House equally authoritative, if not more.

Shri Sinhasan Singh: I submit this Bill may be taken up next session. We are making a vital departure, as the hon. Member who was just now speaking, pointed out. This measure requires thorough study. What is the hurry about passing it so soon?

Mr. Speaker: What is the hurry for this Bill? I do not want, sitting here, to make any suggestion which will embarrass Government. Having regard to the importance of the Bill, why should it not be circulated?

Shri Datar: Circulation will take a number of months and the matter will not come up soon; it will take one more year.

Some Hon. Member: No, No.

Shri Datar: But I am considering the question of a Joint Committee.

Mr. Speaker: May I make one more suggestion. After reference to Joint Committee, Government itself may place before the House such of those opinions which it has gathered. I will get them printed for the benefit of the House.

Shri Datar: Does circulation and appointment of a Joint Committee go together? That will not.

Mr. Speaker: Circulation motion cannot go with Joint Committee motion. Joint Committee is one thing. In the meanwhile, Government itself can in many cases send it for opinion and place it before the House.

I shall make myself clear. Reference to Select or Joint Committee is independent of circulation; when once it is referred to a Committee, circulation motion will disappear. The Committee will take some time; it may not come back in the same session. In the meantime, before the Committee finalises its conclusions, Government itself may send it to the various High Courts to gather opinion from bar associations. I am not making this a condition.

Shri Datar: My difficulty will be this. The Joint Committee may meet some time after the session and the report may come before the House during the next session. If, for example, the matter is referred to the Bar Associations and High Courts, they will take at least two or three months and then the Bill may go to the June or July session.

Mr. Speaker: Government may write to them that the opinions should be submitted expeditiously. If they send their opinions well and good; if they are indifferent to us, we shall be indifferent to them.

Shri Datar: Then we shall not have the advantage of their opinions.

Mr. Speaker: Does not matter.

Shri Narayanankutty Menon (Mukandapuram): The Joint Committee can invite the opinions of Bar Associations and other bodies.

Mr. Speaker: It will take time. I want to avoid time being taken, so that this matter may be disposed of in the next session.

Pandit Thakur Das Bhargava: Supposing we pass it in the next session, what is the harm? There are three months yet.

Mr. Speaker: I am anxious that we get the opinions of the Bar Associations and others early. Immediately the measure is referred to a Committee, I am particular that Government itself should take sufficient steps to get the opinions. If they get them well and good; if not, the Committee will proceed with its work.

The hon. Member may proceed. We will conclude at 3-15. The Joint Committee motion will be made in the meanwhile.

Pandit Thakur Das Bhargava: I thank you very much for having interceded on behalf of the country in an important matter. I also thank the hon. Minister of State of Home Affairs.

[**MR. DEPUTY-SPEAKER** in the Chair.]

मैं जेयर का और साथ ही आनरेबिल होम मिनिस्टर साहब का, जिन्होंने ऐसी रीजनेबिल एटीट्यूट दिखलायी है, शुक्रिया अदा करता हूँ, लेकिन मैं एक छोटी सी अर्ज फिर भी किये बगैर नहीं रह सकता।

उपाध्यक्ष महोदय : और ये सब आपका शुक्रिया अदा करते होंगे।

पंडित ठाकुर दास भार्गव : यह आपकी मेहरबानी है। जो कुछ हम करते हैं उसमें हमको ब्लैसिंग पहले ही मिल जाता है।

तो मैं यह अर्ज करना चाहता था कि जो स्टेट्स की ओपीनियन आती है वह भी एक आत्मकी की ही ओपीनियन आती है...

Shri N. B. Munisamy (Vellore): Let him proceed in English. He was speaking in English, he should continue in English.

Pandit Thakur Das Bhargava: I began in Hindi.

Mr. Deputy-Speaker: He began in Hindi; switched over to English because there were some legal points; now he is resuming his old language.

Shri Narayanankutty Menon: Shall we make a request, because the hon. Member is very competent to speak in English.

Mr. Deputy-Speaker: Therefore, he should not speak in Hindi? If he is very proficient in English, then he has the privilege to speak in English or Hindi. I cannot compel him to speak in English.

Shri V. P. Nayar: Nobody questions his right. I appeal to him.

Mr. Deputy-Speaker: That is an appeal to him; he has to respond, not I.

An Hon. Member: Let him proceed in Hindi.

Pandit Thakur Das Bhargava: My difficulty is this. Some of my friends want that I should speak in English, though I do not wish to speak in English. I have got no mastery over the English language, which is foreign. There are other friends who want me to speak in Hindi. I would prefer to speak in Hindi. But, if friends are very insistent, I would never think of not obliging them.

Mr. Deputy-Speaker: If it is difficult for the hon. Member to weigh the insistence on both sides—

Pandit Thakur Das Bhargava: Therefore, I should prefer these requests being cancelled. I should prefer to speak in Hindi.

तो मैं यह अर्ज कर रहा हूँ ये देदी है। अपनी गवर्नमेंट्स न इस के हक में र। था कि कई स्टेट या सभाग भी उठाया गया कि बार एंसी-

सिद्देश्म की राय भी पूछी जानी चाहिए तो स्पीकर साहब ने कहा कि बार एसोसियेशन में भी एक दो आदमी ही काम चलते हैं। यह स्टेट गवर्नमेंट की राय भी चीफ सेंचुरी या होम मिनिस्टर की राय होगी। हो सकता है कि यह उन की जाती राय हो। लेकिन मैं श्रद्धा से पूछूँ कि क्या उन की जाती राय में फर्क होगा और उसकी राय ज्यादा ठीक होगी क्योंकि उसको रोजमर्रा का तजर्बा है।

Shri D. C. Sharma (Gurdaspur): Are practitioners criminal?

Mr. Deputy-Speaker: They often come into contact with them as we do here.

Shri Datar: Without becoming one.

पंडित ठाकुर दास भागवत : तो मैं श्रद्धा से पूछूँ कि क्या यह जो सवाल है वह ऐसा सवाल नहीं है जिनको प्रोफेसर साहिबान टैकिल कर सके। यह दुनिया की तजुबेकारी व प्रेडिक्शन का सवाल है।

मैंने चन्द मामले कानून के अर्ज किये जनाब की खिदमत में। मुझे उम्मीद है कि अगर यह मामला ज्वाइंट कमेटी के सामने गया तो वे नकायस दूर हो जायेंगे। लेकिन जो असली मामला है उसकी तरफ मैं तबज्जह दिलाना चाहता हूँ आज हिन्दुस्तान की हालत यह है कि एक बूढ़ी औरत आकर होम मिनिस्टर साहब के सामने वही अर्ज कर सकती है कि जो एक बूढ़ी औरत ने सुबुक्तगीन के सामने अर्ज किया था, यानी यह कि अगर आप किसी इलाके का इन्तिजाम नहीं कर सकते हैं तो उस के उपर हाथ न डालिये। आज मध्य प्रदेश में, उत्तर प्रदेश में और राजस्थान में ला एंड ऑर्डर की क्या हालत है? वहाँ दिन दहाड़े डाके पड़ते हैं और उनका कोई इन्तिजाम नहीं हो पाता। कल अखबार में मैंने पढ़ा था कि डाकू एक सेठ के लड़के को बंधे और उसको छोड़ने के लिए ५ लाख रुपया मांगते हैं। इस तरह के ४११ घमसान,

हमारे चीफ मिनिस्टर ने बतलाया है, घकेले पंजाब में हुए हैं। इसलिए मैं चाहता हूँ कि प्राविन्सेज की बार एसोसियेशन की राय मालूम की जानी चाहिए। हमारे अखबार साहब को चौथाई सेंचुरी का तजर्बा है और मुझे भी कोई आधी सेंचुरी का तजर्बा है यह मिलाकर ही तीन चौथाई सेंचुरी हो जाता है। मैंने देखा है कि अगर कोई किसी के दादा को मारता है तो उसके पोतों तक में बदला लिया जाता है। जो लोग बाहर से यहाँ आये हैं वे इस बात को शायद न जानते हैं। मैंने तो खुद इस किस्म के मुकदमे किये हैं जिनमें १२ बरस बाद तक कत्ल का बदला लिया गया है। अभी एक महीना हुआ कि एक मुकदमा आया जिसमें १६ बरस हुए एक शस्त्र ने एक दूसरे शस्त्र की मा के एक लाठी मार दी थी। उस आदमी ने जिसकी मा के लाठी मारी गयी थी उस मारने वाले को कत्ल कर दिया उसके दो बेटों को कत्ल कर दिया और दो औरतों को जल्मी कर दिया। इस लिए मैं श्रद्धा से पूछूँ कि कानून देश के हालात के मुताबिक बनना चाहिए। आप अमरीका और विलायत के पीछे मत जाइये वहाँ रिफार्म का उमूल डेटेरेंसी से ज्यादा बढ़ गया है। हमारे देश में ऐसी हालत नहीं है। अभी हम हिन्दुस्तान में डेटेरेंसी के उसूल को इस कदर नहीं बदल सकते।

मैं श्रद्धा से पूछूँ कि क्या जो कानून आप बना रहे हैं में उसके लिए आपके नेक इरादों को दाद देता हूँ। आप चाहते हैं कि मुजरिम का रिफार्म हो। एक आदमी जिसने जुर्म किया है उसको बतौर एक मरीज के देखा जाये। अगर कोई आदमी किसी लालच की वजह से कोई जुर्म करता है तो इसकी यह वजह है कि उसकी सारी जिन्दगी ऐसी रही है कि उसकी वजह से वह क्रिमिनल हो गया। वह जिस हालत में रहा है उसकी वजह से वह एक तरफ चलता है और वह उस जुर्म के लिए जिम्मेवार नहीं कहा जा सकता। इसलिए मोलाददी जो कि उसका जज

[पंडित ठाकुर दास भार्गव]

के लिए सजा देना चाहती है वही उसको सुधारने के लिए भी जिम्मेदार है। लेकिन हमको हालात को देखकर ही कोई कदम उठाना चाहिए। मेरा कोई साल डेढ़ साल के अर्ध तक जेल के मामले से ताल्लुक रहा। मैं ईस्ट पंजाब जेल कमेटी का चेयरमैन था। इस हैसियत से मैंने बहुत से पंजाब के जेलों को जाकर देखा, इतिफाक से मैं पार्लियामेंट के डेलीगेशन के साथ विलायत गया तो मैंने वहां के जेल इस खयाल से देखे कि हम अपने यहां क्या रिफार्म कर सकते हैं। मैं ने वहां बहुत से बोस्टल जेल भी देखे। मुझे ऐसा मालूम होता है कि हमारी सरकार ने इस मामले में जरूरत से ज्यादा उजलत की है। उसके पास जो सेटीमेंट का मजमूदा है उसने उसको मजबूर किया कि चाहे आप अनरियलिस्टिक हो जायें पर जो आप देश के भले के लिए ठीक समझते हैं उसे करें। लेकिन अगर आप अनरियलिस्टिक होंगे तो जो आप चाहते हैं वह नतीजा नहीं निकलेगा क्योंकि जो दबा एक खास मरीज के लिए है वह आप हर मरीज को देना चाहते हैं। आज देश के अन्दर वह हालात नहीं है जो कि विलायत में हैं।

जब मैं विलायत गया तो मैंने वहां के बोस्टल जेल देखे। मैंने देखा कि एक जेल के सुपरिन्टेन्डेंट ने किस तरह मेरे सामने कैदियों की दरखास्तों का फैसला किया। उसने एक घंटे में ३० या ४० दरखास्तों को थ्रोरल फैसला कर दिया और वही मामले ते कर दिये। लेकिन उनकी दरखास्तें ऐसी नहीं थी जैसी कि हमारे यहां होती हैं जिनमें बहुत सारे झगड़े रहते हैं, जैसे कि किसी को नमक नहीं मिला, किसी को कपड़ा नहीं मिला वगैरह। वहां तो मुजरिम इस तरह की दरखास्तें करते हैं कि हमको फलां इन्स्टीट्यूट में भेज दिया जाये, हमको फलां मशीन में काम करने के लिए भेज दिया जाये? मैं देख कर ह्रान रह गया कि हमारे मुल्क में और उस

मुल्क में कितना फर्क है। मैंने वहां सड़कों को बोस्टल जेलों में खेल के मैदानों में देखा। जब उनको खेलने के लिए छोड़ा गया तो मैंने उनको इतना खुश देखा कि मैंने अपनी उम्र में इतना खुश छोड़े जाने वाले जानवरों तक को नहीं देखा। वे लड़के इस तरह से छलांगें मारते हुए खेलने के लिए घा रहे थे कि मैं देख कर हैरान हो गया। मैंने सोचा कि एक आजाद मुल्क में वे लड़के जिनको जरायम में कैदी करार दिया गया है वे भी कितने खुश हैं। लेकिन वहां के हालात मुस्तलिफ हैं, यहां के हालात मुस्तलिफ हैं। यहां पर वैसे बोस्टल जेल कहाँ हैं? जो किताब आनरेबल मिनिस्टर ने मुझे पढ़ने को दी थी उसे मैंने देखा और मैं खुश हुआ कि हमारी गवर्नमेंट इस तरफ भी तबज्जह दे रही है। लेकिन जो १४ बरस तक की उम्र के लड़के रिफारमेटरी में जाते हैं और १६ से २१ तक बोस्टल जेलों में जाते हैं उनके लिए कोई खास अच्छा इन्तिजाम हमारे देश में नहीं है। आप डाक्टर तो मुर्कर करते हैं लेकिन उस डाक्टर के पास ओजार नहीं हैं, दवायें नहीं हैं। अभी आपके पास वे इन्स्टीट्यूशन नहीं हैं जहां कैदियों को ठीक तरह रखा जा सके। अभी आपके पास उनके काम सीखने के लिए वर्कशॉप कहाँ हैं। अगर आप इन कैदियों को किसी प्रोबेशन आफिसर के सुपुर्द कर देंगे तो अगर लड़की हुई तो स्केंडल होगा और अगर मर्द हुआ तो वह उस आफिसर का गुलाम हो जाये और हर तरह का करप्शन होगा। और जो आप पुलिस के करप्शन के बारे में सुनते हैं वह उसके आगे कुछ नहीं होगा। उस आफिसर के हाथ में उसकी आजादी होगी और वह उसके साथ चाहे जो कर सकेगा। इससे करप्शन बहुत बढ़ेगा और जुर्म भी बढ़ेंगे। इसका इलाज तो तभी हो सकता है जबकि इन कैदियों को ऐसे इन्स्टीट्यूशन में ले जाया जाये जहां जाना उनके लिए मुफीद हो। लेकिन अगर वगैरह इस इन्तिजाम के आप इन लोगों

को किसी आफिसर के सुपुर्द कर देंगे तो यह सिस्टम इतना खराब हो जायेगा और आपको इतनी परेशानी हो जायेगी कि जिसका ठिकाना नहीं। इसलिए मेरी धन्य से गुजारिश है कि हलके हलके चला जाये। मैं चाहता हूँ कि एडमोनीशन के अन्दर फर्स्ट ऑफेंस की बात नहीं होनी चाहिए। आपने इसके अन्दर बहुत से जुर्म रख दिये हैं। जब यह बिल ज्वायंट कमेटी के सामने जायेगा तो वह यह तै करेगी कि किस किस के मुकदमात में एडमोनीशन दिया जा सकता है। दो बरस से कम की सजा के तो बहुत से जरायम हैं। मैंने इंडियन पीनल कोड की ५११ दफायें देखीं, उनमें से १५० ऐसे जुर्म हैं जिनमें दो साल से कम सजायें होती हैं। उन सब में आप एडमोनीशन करना चाहते हैं।

इस सिलसिले में एक और बात, जो कि सबसे जरूरी है, मैं बाद में शायद बूल जाऊँ, इसलिए अभी कह देना चाहता हूँ। पहले दफा ३७६, ३८०, ३८१, ४०३ और ४२० के मातहत आप वाले पांच जरायम के लिए और उन केसिज में, जहाँ दो बरस से कम की सजा हो, दफा ५६२ के मातहत एडमोनीशन हो सकती थी। लेकिन अब आप ने क्या किया है? आपने उस में दफा ३८१ को तो शामिल किया है, दो बरस वाली शर्त भी शामिल की है और उन के साथ ही यह लिख दिया है कि ३।१।१ अबर ला। यह लफ्ज दफा ५६२ में नहीं थे। इसका मतलब यह है कि किसी भी ला में चाहे जो कुछ लिखा हो, उस पर इस ला को प्रिंसिपल होगी, जो कि हम पास करने जा रहे हैं। इस सिलसिले में बाकी जितने भी स्पेशल लाज हैं, जो भी कानून हैं, वे सब जोरों हैं। दुनिया के और लाज कुछ ही हों, लेकिन इस के मुताबिक उन सब जुर्मों में प्रावेशन हो सकती है, जिन में थैथ या इम्प्रिजनमेंट न हो। इस बिल के स्कोप को इतना लम्बा चौड़ा न करना मोस्ट इम्पोर्टेंट है। कल नेवी बिल धा रहा है। एयर बिल धा रहा है। उस में म्यूटिनी, अफसरों पर हमला करना वगैरह जो जरायम हैं, वे

सब इस में धा जायेंगे। उन बिलों के वे प्राबिजन म्यूटिनी हो जायेंगे। क्या आप चाहते हैं कि रे। और राबरी के केसिज में प्रावेशन हो जाय? क्या आप चाहते हैं कि जिन को गिल्टी पाया जाय, वह फ्रीन छूट जाय? मैंने इस सिलसिले में एक फेहरिस्त बनाई है, लेकिन अब मैं उस को पेश करना गैर जरूरी समझता हूँ, क्योंकि यह मामला सिलेक्ट कमेटी में जा रहा है। उस में ऐसे ऐसे जरायम हैं, जिन में कोई भी सैन्य आदमी ए.सी. शिफ्ट नहीं देगा। लेकिन हम जानते हैं कि कोर्ट्स सैन्य भी होती हैं और इनसे भी। भल्ला साहब ने इस तरह जरा जब तबज्जह दिखाई, तो कई लोग हंसने लगे और श्री साधन गुप्त तो नाराज भी हो गए। उन्होंने कहा कि कई कोर्ट्स जब देखती हैं कि केस लम्बा हो जायगा, लम्बे लम्बे बयान दर्ज करने होंगे, तो वे भी ठीक ढंग करने के लिए कहती हैं। हम भी पहले कोर्ट्स में फ़ैमले करवाया करते थे। मैजिस्ट्रेट से कहा जाता था कि थोड़ी सजा दे दीजिए, हम कनफ़ेस कर लेते हैं। जो लोग प्रैक्टिस करते हैं, वे जानते हैं कि कनफ़ेसन कैसे लिए जाते हैं। इस में कोर्ट्स का कोई सवाल नहीं है तो फ़ैमलें बेर हैं। अगर मनीन जुर्मा में भी सजा नह मिलेगी, तो लोग उनका पूरा बदला लेंगे। और जो बदला लेकर जुर्म करेंगे, वे भी इस एडमोनीशन का फ़ायदा उठावेंगे। इस तरह जरायम बढ़ेंगे, घटेंगे नहीं।

मैं ने इस तरह का केस देखा है। एक पंद्रह बरस का लड़का, जो देखने में निहायत खूबसूरत था, सेशन कोर्ट में पेश हुआ। एक शख्स ने उस को बहिन के साथ जिना किया था। उस लड़के ने उस को कत्ल कर दिया। सेशन कोर्ट के सामने उस लड़के ने इकबाल किया। सेशन जज ने कहा कि क्या करें, या काला पानी है, या फासी है, मैं और कुछ नहीं कर सकता हूँ। उस ने यही किया और लोकल गवर्नमेंट को इसलाह के लिये सिख दिया कि उस की सजा कम कर दी जाय। सजा कम कर दी गई ऐसे केसिज बहुत मिलेंगे।

[पंडित ठाकुर दास भार्गव]

श्री साधन गुप्ता ने जो मिसाल दी, उस पर मुझे बड़ी हैरानी हुई। उन्होंने बताया कि रूस में अठारह बरस की एक लड़की ने घाउट आफ जैसी अपने स्वाबिन्द को मार दिया। वह कहते हैं कि उस में प्रॉबंट या एडमोनिशन काफी था। मैं पूछना चाहता हूँ कि वह ऐसे केसिज में प्रोवेशन से फायदा उठाना चाहते हैं। मैं यह गुजारिश करना चाहता हूँ कि जिस किस्म के केसिज का उन्होंने जिक्र किया है, उन के लिए दफा ४०१ है। हमारी गवर्नमेंट और प्रेजिडेंट को डिवाइन राइट है कि अगर कोई बेगुनाह आदमी मजा पा जाए, तो उस को मेट राइट किया जा सकता है।

एक मौके पर हमारे प्रेजिडेंट ने मेरे रिप्रेजेंटेशन पर एक आदमी को, जिस को फांसी का हुक्म हुआ था, छोड़ दिया, कतई बरी कर दिया। तहकीकात करने पर मालूम हुआ कि उस के सगे भाई ने कत्ल किया था। बारह गाँवों की पंचायत कराई गई, जिन ने फ़सला किया कि वह बेगुनाह था।

मुझे एक और केस का भी ज़रूर जिक्र करना चाहिए। आनरेबल मिनिस्टर साहब सामने बैठे हैं। इन की मेहरबानी से एक शास्स की फांसी की सज़ा कम कर के काला पानी कर दिया गया। उस ने फ़िलवाकया कत्ल नहीं किया था। मैं कातिल को जानता था। मेरे रिप्रेजेंटेशन पर उस को काला पानी कर दिया गया। मैं ने माना कि और सर्कमस्टेंसिज की वजह से वह उस का मुस्ताहक भी था।

मैं यह अर्ज करना चाहता हूँ कि दफा ४०१ इस वजह से बनाई गई है कि यह एग्जिक्टिव का डिवाइन राइट है कि वह सही तरीके से इन्साफ़ करे, जहाँ कोर्ट फ़ेल हो जाय। जिन केसिज का उन्होंने जिक्र किया है, वे उस के नीचे आयेंगे। लेकिन रीयली गिल्टी को—इसका प्रेमिमिस यह है कि रीयली

गिल्टी है—संगीन जुर्मों में, जैसे दफा ३५४, ३७६ वगैरह हैं, इस में इन्क्लूड करेंगे, तो सारे देश में कोहराम मच जायगा। यह मोस्ट रेवोल्यूशनरी बिल है। इसे आप को नहीं पास करना चाहिए, जब तक कि आप जेनेरल पापुलेस से राय न ले लें। मैं खुश हूँगा कि इस मौके पर शिड्यूल रख दिये जायेंगे कि उन जरायम में, सज़ा स्वाह दो बरस हो, स्वाह ज्यादा हो, न एडमोनिशन होना चाहिए और न प्रोबेशन होना चाहिए।

इस के अलावा आप न एक नई तरह का रूल पास किया है, जो कि सिवाय यू० पी० के सारे कंट्री में नहीं था और यू० पी० में डाइल्यूटिड फ़ॉर्म में था। उसूलन दह दुरुस्त हो या गलत हो, लेकिन मैं तबज्जह दिलाना चाहता हूँ कि संगीन जुर्म कौन करता है। अठारह से इक्कीस साल तक, या ज्यादातर पच्चीस साल तक के लोग जुर्म करने हैं। इस उम्र में लोगों में बहुत पेशन होता है, लहू गर्म होता है। इसी उम्र में फ़ॉर्म के संस्मृधल काइम्ज ज्यादा होते हैं। आप ने इक्कीस बरस में नीचे के लोगों को चार्टर दे दिया है कि पहला जुर्म हो, तो वह इस का फ़ायदा उठा सकते हैं। जब तक कोर्ट के ऊपर बर्धन है—कोर्ट कहां से एविडेंस लायगी—जब तक कोर्ट सटिफ़ाई न करे कि नाट डिजायरेबल टु प्रोसीड अंडर दिस, उस वक़्त तक कोर्ट मजबूर है, उस का इन्टलेक्ट बंवा हुआ है और वह तीन चार दफा का फ़ायदा ज़रूर देवे। इससे ज्यादा गलत लैजिस्लेशन और कोई नहीं होगा। अगर आप कंट्री की पीस और सिक्योरिटी को एनडेंजर करना चाहते हैं, तो इससे बर्त कानून आप नहीं बना सकते। बारह, पंद्रह परसेंट ऐसे आदमी हैं, जो इस उम्र में ऐसे काइम करती हैं। इस का नतीजा क्या होगा? अगर वह छूट जायगा, तो वह जिस मुहल्ले, जिस शहर में रहेगा, वहां के सारे लोग फ़ाइट में रहेंगे। अगर

प्राबेट आफिसर उस को कहीं जंगल में झकेला उसको मिल जावेगा, तो वह दो मिनट में उसे भी ठीक कर देगा।

Shri Datar: Say "probation officers", not probate officers.

Pandit Thakur Das Bhargava: I am sorry. In fact, it would have been better if we use the words "probate officers" instead of probation officers. Probate officers are ineffectual. They do certain things in respect of wills. These probation officers will be much more effectual and dangerous. मे इस मेरी गलती की तरफ तबज्जह दिलाने के लिए आपका म्शकूर हूं।

मे निहायत भदब से भर्ज करना चाहता हूं कि डम का नतीजा यह होगा कि हर एक नौजवान भ्रादमी यह समझेगा कि पहली दफा जुर्म करने पर कोर्ट कुछ नहीं कर सकती है। क्या भ्रानरेबल मिनिस्टर साहब को मालूम है कि ऐसे इलाके उन की जूरिसडिक्शन में है, जहां पर आफेंडर्स एक्सकांडर्स हो जाते हैं। जहां पचास रुपए के वास्ते किसी भ्रादमी को जान ले लेना एक गैर-मामूली चीज नहीं है। मे भर्ज करना चाहता हूं कि सन् १९५२-५४ में हिन्दुस्तान में जरायम कम हुए। हम खूश थे कि हमारी गवर्नमेंट के वक्त यह भला काम हुआ। लेकिन १९५५-५६ में जरायम की तादाद पहले से ज्यादा बढ़ गई है। जब कालिज के लड़कों को यह पता लगेगा कि अगर उस्ताद को पीटें या प्रिंसिपल को दो थप्पड़ मारेंगे, तो पहली दफा छूट जायेंगे। तब देखिएगा कि क्या हालत होती है और डिस्प्लिन का क्या हाल रहता है। हम भ्रखबारों में पड़ते हैं कि पाकिस्तान में नौजवान लड़कियां बाजारों में नहीं चल सकती हैं। वही हालत यहां भी पैदा हो जायगी। हर एक नौजवान यह सोचेगा कि पहली दफा तो कुछ नहीं होगा, देखेंगे कि भगली दफा क्या होता है। ऐसे हालत में इस तरह का कोर्ट बंश देना भक्वमन्दी की बात नहीं है।

मेरे सामने यह १९३६ का यू० पी० ला है। जब यह पास किया गया, तो वे भी किसी कद्र तेजी से चले। मे और किसी ला को नहीं जानता। दुनिया के लाज का मुझे पता नहीं है, जो कि इससे आगे बढ़े हों। अगर इस किस्म की चीज आप रखते, तो शायद इस के मुकाबले में हाउस में आप को ज्यादा स्पॉट मिलती।

I am quoting from section 4 of the U.P. Act:

"Provided also that if a person under 21 years of age, is convicted of any offence under the Indian Penal Code or any of the enactments prescribed in this behalf, under rules made by the provincial Government, which is punishable with imprisonment not exceeding six months, the court shall take action under this section unless for special reasons to be recorded in writing it is not considered proper so to do."

मे भर्ज करूंगा कि यह प्राविजन जो मे ने कोट किया मुझे मुनासिब जंचता है और इसको बर्त करके देखा जाय। बन्द जरायम ऐसे हैं जिनके कि बारे में मे यह जरूर भर्ज करूंगा कि उन जरायम के भ्रन्दर हरगिज हरगिज यह प्रोबेशन नहीं होना चाहिए और न यह ऐडमोनीशन होना चाहिए।

इस बिल में एक नई चीज मिनिस्ट्री ने की है। "एनी भ्रवर ला", स्पेशल लाज आप लाते हैं, उनको आडिनेरी लाज में नहीं लेते। जब आप देखते है कि जहा पर कुनैन थी वहां पर चाक है और आटे के भ्रन्दर लराबी और घी और दूसरी खाद्य चीजों में मिलाबट है तो उसको डील करने के लिए आप स्पेशल फुड ऐक्ट बनाते हैं और यह ठीक बात है भी। आप ला के भ्रन्दर यह प्राविजन रख देते हैं कि दूसरी दफा जुर्म होगा तो दो वर्ष से कम सजा नहीं होगी, पहली दफा इतने से कम नहीं होगी। आप भ्रलग से नैवी बिल और धार्मी

[वंशित ठाकुर दास भार्गव]

बिल लाते हैं क्योंकि चाहिए है कि वहां की कंडिशनस डिफेंडेंट हैं और हलकी सजा का किसी पर भ्रसर नहीं होगा। आप प्रान्टचेबिलिटी आदि इविल्स के खिलाफ स्पेशल कानून बनाते हैं। आप इस बिल में जो यह कहते हैं कि चाहे दूसरा कोई भी कानून हो और कुछ भी सिखा क्यों न हो, वह सब इस बिल के मातहत होगा। अगर सब इस बिल के मातहत होंगे तो जितने आपके ऐयरमेन सोल्जर्स और नौवी के जवान लोग हैं और २१ वर्ष की उम्र के नीचे हैं वे सब के सब भगड़ा और गड़बड़ करेंगे और आप देखेंगे कि आप ऐसा इसमें प्रोवाइड करके उन स्पेशल लाज पर पानी फेर देंगे। मैं यह सब देखने पर इस नतीजे पर पहुंचा हूँ कि यू० पी० का वाइज डिजिशन है और उस लेजिस्लेशन को हमें बर्त करके देखना चाहिए।

इस बिल की दफा ७ जब मैं ने पढ़ी तो उसी वक्त मेने यह फ्रंसला कर लिया था कि मैं उसकी बाबत जरूर बोलूंगा। दफा ७ को आप बिलकुल कटौत कर दीजिये। पहले शैड्यूल बनाइये और फिर यह रखिये कि खास खास जरायम में और स्पेशल लाज में यह मौजूदा लेजिस्लेशन उसी हद तक अपरेटिव होगा जहां तक कि देश के अन्दर गड़बड़ी और खराबी न फैलने पाये। अगर ऐसा न किया गया तो काफ़ी गड़बड़ी फैलने का इमकान है और ठीक से हम इंतज़ाम कायम नहीं रख सकेंगे।

मैं जानता हूँ कि आजकल जेलों की कैसी बुरी हालत है। जिस गरज से हम ने जेलें बनाई थी और जो जेल रिफार्म्स किये थे और जेलों का इंतज़ाम ठीक से चले और वे सही मानों में रिफार्म हाउसेज साबित हों उसके लिए बीसियों कान्फ़ेसेज भी की लेकिन मुझे अक्सर के साथ यह कहना पड़ता है कि हमारा मशा पूरी नहीं हो पायी है और आज भी जलो के अन्दर बहुत कमिया हैं और

उनमें काफ़ी हद तक सुधार किये जाने की जरूरत है। जेलों के अन्दर आज भी इतनी खराबियां मौजूद हैं कि लोग भ्रसर यह कहते सुने जाते हैं कि अगर एक नया लड़का जेल में पहली दफ़ा आय तो वह वहां से एक खराब शाही बन कर निकलता है और वह क्रिमिनल बन जाता है। अब जेल जिसको कि यह कहा जाता है कि "इट इज ए टेम्पुल आफ़ करैक्शन" और जेलों को करैक्शन हाउसेज का नाम दिया जाता है लेकिन प्रैक्टिस में हम दूसरी बात देख रहे हैं और मालूम ऐसा होता है कि शायद गवर्नमेंट की भी यह फीलिंग है कि जेलें उनके हाथ से निकलती जाती हैं। फ़ीरोज़पुर जेल का वाक्या प्रान्सीसीडेंट है। और जो कुछ वहां पर हुआ वह अभी तक पहले कभी मुनने में नहीं आया था। वहां पर बन्द कैदियों को इस क्रूर मारा पीटा गया और घायल किया गया जिसकी कि मिसाल मिलना मुश्किल है और यहां पहले सेंट्रल गवर्नमेंट के एक मिनिस्टर ने जो एक माला मियार कायम किया था कि मद्रास में रेल का पुल टूट जाने पर उन्होंने इस्तीफ़ा दे दिया था उसकी जगह पर हमने देखा कि हमारी गवर्नमेंट ने सिर्फ़ यह कह कर खरम कर दिया हां फ़ीरोज़पुर की जेल में जो कुछ हुआ उसमें जेल अधिकारियों का कुसूर है। जेलों में जो जरायम होते हैं वे इसी वजह से होते हैं कि तमाम आबोहवा खराब है वरना यह जरायम मुमकिन नहीं है और मेरी राय में उन जरायम के लिए गवर्नमेंट की उतनी ही ज़िम्मेदारी है जितनी कि और किसी की। गवर्नमेंट इसको नहीं मानती और इससे इंकार करना शलती करना है।

सन् १९२६ में हिसाब फ़ैला कर देखा गया था कि करीब २० करोड़ रुपया जेलों पर खर्च किया जाता था। हमारे पंजाब में जहां कि लोग इतने मेहनती और किरायतदार हैं और जहां के लोग दीलत पंदा करना भी जानते ह, वहां पर ४० लाख रुपया हम अपनी जेलों पर खर्च करते हैं। हालांकि एक १६

क़ैदी पर ७००, ७०० रुपये तक खर्च होते हैं लेकिन सब भी जेलों का इंतजाम ठीक नहीं है और जो हालत जेलों के अन्दर होनी चाहिए वही वह देखने को नहीं मिलती है। जेलों की अभी तक सही मापों में कर्रेशन हाउसेब में तबदील नहीं किया जा सका है और उस काम में हमें अभी पूरी कामयाबी नहीं मिली है। अब चाँकि उस तरह से हमें कामयाबी नहीं मिल पायी है इसलिए वह सिस्टम तो हम छोड़ दें और इस प्रोबेशन के नये सिस्टम को हम बरतें, मेरे खयाल में ऐसा करना हमारी गलती होगी। या तो आप कहिये कि हमारी सब जेलें फेल हो गई हैं और इस प्रोबेशन के सिस्टम को हम ट्राई करना चाहते हैं बना सही चीज यह होगी कि जो सिस्टम हमने अपनाया है और जिसने डिबिडेंड्स दिये हैं उसको हमें छोड़ना नहीं चाहिये।

कल यहाँ पर हमारे एक भाई ने जिक्र किया था कि उत्तर प्रदेश में कनविक्ट्स और एक्स कनविक्ट्स की जो कान्फेंस हुई थी उसमें उन्होंने पहली चीज यह रखी थी कि जेल का क्लासिफिकेशन ठीक रखा जाय। जेल रिफार्म्स कमेटी के अन्दर भी सही क्लासिफिकेशन की मांग की गई और वहाँ पर भी इस बात की शिकायत की गई कि क़ैदियों को कंटील्स के मुआफिक रखा जाता है। हर एक जेल कमेटी की रिपोर्ट में यह बात दर्ज रहती है कि माकूल इंतजाम नहीं हो रहा है। आज ही एक साहब ने बतलाया कि जेलों के आपके इंतजाम की हालत यह है कि सरदी के मौसम में आप जेलों में सब क़ैदियों को कम्बल नहीं दे सकते। आज पंजाब के अन्दर हिन्दी मूवमेंट जो चल रहा है उसमें करीब ६, ७ हजार आदमी क़ैद हैं और आप अन्दाजा लगा सकते हैं कि जेलों के अन्दर बदइंतजामी देखते हुए उनकी कैसी हालत होगी। मे अदब से पूछना चाहता हूँ कि जेलों की बाबत जो रिपोर्ट सन् १९४९ में शाया की गई थी और उसके अन्दर जो बात लिखी थी उनके ऊपर कहां तक ध्यान दिया गया है? मुझे पता नहीं कि

कब तक आप जेलों की हालत को सुधार सकेंगे।

हमने एक सिफ़ारिश यह की थी कि किसी शख्स को एक महीने की सजा न दी जाय बल्कि हमने जेलों में जाकर देखा कि सात, सात दिन की सजा लोगों को दी हुई है। उनके खाने पर १०, २० रुपया खर्च होगा और सात दिन की सजा देकर वहाँ पर लोगों को भेज कर एक तमाशा बनाया हुआ है। मैं समझता हूँ कि किसी को जेल की सजा कम से कम तीन महीने की देनी चाहिए, तीन महीने से कम की जेल की सजा नहीं देनी चाहिए। आपको यह देखना चाहिए कि आप उसको ऐसी सजा न दें जो आपके मजसद को डिज़ीट कर दे। आज हजारों आदमी इसी तरह जेलों में पड़े हुए हैं और लाखों रुपया बेकार में खर्च हो रहा है और कोई उसकी पर्वाह नहीं करता। गवर्नमेंट की तबज्जह इस तरह होनी चाहिए और इस चीज को देखना चाहिए कि जेल वाकई सुधार गृह साबित हों। आज जुबैनाइल प्रोफैंडर्स की हालत हम देखते हैं कि कैसी खराब है। ऐसे नन्हे नन्हे बच्चे जिनके कि पास गुज़ारे का कोई साधन नहीं, न ही उन के मां बाप कुछ छोड़ गये, इनहेरिटेस के अन्दर उनको कुछ नहीं मिला, उनके लिये रिफार्मेटरी होम्स नहीं हैं और लाखों बच्चे इधर उधर मारे मारे फिरते हैं।

यह सात से बारह वर्ष के बच्चों का जो जिक्र आया है तो मैं बतलाना चाहता हूँ कि १२ वर्ष का बच्चा सफिशिएटली इंटेलिजेंट है और वह जान सकता है कि ज़ुर्म की नौप्रय्यत क्या है और १२ वर्ष का बच्चा कानून की रू से ज़िम्मेदार है। मैं आपको बतलाना चाहता हूँ कि एक दफा मैं बर्दकिस्मती से एक बिल इस सदन में लाया था कि ऐसे बच्चे जो छोटी उम्र में हैं उनकी मरिजबुल ऐज लड़कियों के बेंस में १४ से १५ और लड़कों की १८ से बढ़ा कर २० वर्ष कर देनी

[पंजिन ठाकुर दाल भागवत]

चाहिये तो उस मौके पर एक गवर्नमेंट आफ इंडिया के एक रिसर्पोसिबिल मिनिस्टर ने मुझे कहा था कि आप कहते क्या हैं। १७ वर्ष के लड़के को तो हम नैवी में रेकूट करते हैं और १८ वर्ष का बच्चा अपनी जायदाद को बेच सकता है और उस उम्र का अपनी शादी कर सकता है। मेरा कहना है कि ऐसे बच्चे जो फुल्ली डेवेलप्ड हैं और डेलिबरेशंस में सीरियस क्राइम्स करते हैं, उनके साथ ऐसी सीरियस क्राइम्स में इस तरीके की रिप्रायत करना और सोसाइटी पर छोड़ना कहां की भ्रमसंजी होगी। मैं भ्रम से भ्रज करूंगा कि सोसाइटी इसको कभी बर्दाश्त नहीं करेगी। ऐसा करने से ऐसे खराब नतायज पैदा होंगे जिनका कि भ्राज हमको शुबहा और गुमान नहीं है। मुझे इसमें एक नया उमूल लगता है और वह यह है कि किसी शस्स को भ्रगर छोड़ा जाये, उन हालात में जिन हालात का कि इसमें जिक्र है, तब उसके बाद उसके ऊपर एक सुपरवाइजर हो जिसे कि मैं गलती से प्रोवेट कहता रहा हूं। वह क्या करता है। जहां तक उम्र का ताल्लुक है, उसके बारे में सीन बीज कही गई है। पहले तो २४ बरस के नीचे का हवाना दिया गया है। उसके बारे में कहा गया है कि भ्रगर आप चाहें तो उसको मेंटली मैन्च्योर समझे और उस पर सुपरवाइजर कायम कर दें। इसके आगे जब २५ बरस का हो तब उनके बारे में दूसरी तरह प्रोवाइड किया गया है। कम से कम १८ बरस में वह वानिग होता है फिर उसके बाद २१ में होता है। भ्रगर आप गाडियन ही मुकरें करना चाहते हैं तो यहां पर २५ साल की उम्र रख दें, उसके आगे नहीं। लेकिन इस बिल के अन्दर उम्र का कोई लिहाज नहीं रखा गया है। भ्रगर कोई ६० बरस का भी हो तब भी वह मुआरबिजन में रहेगा। यह खुमन नेचर का खिलाफ है। सुपरबिजन का आर्डर आज के हालात में अच्छा नहीं होगा। लेकिन भ्रगर आप चुर्बा ही करना चाहते हैं तो आप २४ बरस

से आगे न बड़ें और दो बरस की लिमिट रखें। बड़ी उम्र या ज्यादा देर के लिये सुपरबिजन की बात को जो आपने रखा है, वह तो उसको स्लेव बनाने के बराबर है।

मैं ने चन्द एक बातें भ्रज की हैं। मैं समझता हूं कि मैं ने कुछ ज्यादा वक्त ले लिया है और जो आपने मुझे यह ज्यादा वक्त दिया है, उसके लिये मैं आपका धन्यवाद करता हूं। मैं मिनिस्टर साहब से भ्रज कसंगा कि वह मेहरबानी करके इसको अगले सेशन तक के लिये मुलतवी कर दें और इन तीन महीनों के दौरान में वह हाई कोर्ट के जजों, मुभीम कोर्ट के जजों, बार एसोसिएशंस तथा दूसरे अच्छे अच्छे आदमियों की ओपिनियन इनवाइट करें। इस बिल को पास करने में हमें जल्दबाजी में काम नहीं लेना चाहिये। इससे बाद में अगडे पैदा होंगे और दिक्कत पेश आयेगी। जब आपने पास ओपिनियंस आ जायें तो उसके बाद आप इस बिल को सिलैक्ट कमेटी के पास भेज दें। सिलैक्ट कमेटी में जिन लोगों की गवाहियां लेनी जरूरी समझी जायें उन की गवाहियां ली जा सकती हैं और सिलैक्ट कमेटी को आप इस बिल पर पूरी तरह से गौर करने का मौका दें। हम इस बिल के जरिये में रेवोल्यूशनरी चेंज लाने जा रहे हैं और जब तक हम उस रेवोल्यूशनरी चेंज के बारे में पूरी तरह से बाखबर न हों, तब तक हमें इसको पास नहीं करना चाहिये। हमें देर की परवाह नहीं करनी चाहिये बल्कि यह देखना चाहिये बाद में गडबड पैदा न हों। दो तीन महीने बाद भ्रगर हमने इस बिल को पास किया तो इससे कोई फर्क पाने वाला नहीं है। इससे हमारे एमंशियल इंटरिस्ट को कोई बंधा नहीं लगेगा।

मुझे कुछ और भ्रज करना नहीं है।

श्री बजराम सिंह : उपाध्यक्ष महोदय, मैं पंडित ठाकुर दास भार्गव का भाषण बड़े गौर के साथ सुना है और मैं समझता हूँ कि उनकी जो भाषाकार्यें हैं वे बिल्कुल निराधार हैं। मैं तो समझता हूँ कि इस बिल के पीछे जो उद्देश्य है वह निहायत ही उम्दा है और उसकी सराहना की जानी चाहिए। मैं समझता हूँ कि हमारे माननीय मित्र भार्गव जी ने जो कुछ कहा है उसको बहुत बड़ा चढ़ा कर कहा है। इस विषय में जो कुछ प्रयत्न भी सरकार ने १९३८ से अब तक किए हैं उनमें जिन भाषाकार्यों की तरफ माननीय भार्गव जी ने इस सदन का ध्यान दिलाया है वे भाषाकार्य, मेरे बिचार में कतई सच्ची साबित नहीं हुई हैं। यह कहना कि आज इकैतिया पड़ रही है, बच्चे उठाये जा रहे हैं, इस समय मध्य प्रदेश में यह हो रहा है, वहाँ पर बच्चों को उठा कर ले जाया जा रहा है, राजस्थान में उठा कर ले जाया जा रहा है, मैं समझता हूँ उससे इस बिल का कोई सम्बन्ध नहीं है। हमारे समाज में कुछ विषमताये हैं, कुछ नाबराबरी है, कुछ इस तरह का हमारी समाज का ढांचा है, कि इन जुमों की तरफ लोगों का ध्यान जाता है। मैं समझता हूँ कि ऐसे जुमों में जिन में मृत्युदंड होने वाला नहीं है या आजीवन कारावास होन वाला नहीं है, अपराधियों को प्रोबेशन पर छोड़ देने में समाज की कोई हानि नहीं होने वाली है।

उत्तर प्रदेश में हमने देखा है कि अपराधियों को प्रोबेशन पर छोड़ने का प्रयोग किया गया है और मफलता भी वहाँ पर प्राप्त हुई है। वहाँ पर खुली जेल भी बनाई गई है। यह सरकार की रिपोर्ट है कि इन खुली जेलों में ३७ अपराधियों को छोड़ कर और कोई आदमी वहाँ से नहीं भागे और इन ३७ में से भी ज्यादातर बाद में पकड़ लिए गए हैं। इसके विपरीत हमारी जेलों की क्या हालत है इस और मैं माननीय मंत्री जी का ध्यान दिलाना चाहता हूँ। मैं चाहता

हूँ कि लोगों को अनिश्चित काल तक के लिए जेलों में बन्द न रखा जाए। पिछले दिनों सोशलिस्ट सत्याग्रह में मैंने देखा है कि भांगरा की जेल में ऐसे ऐसे कैदियों को आज भी बन्द रखा हुआ है जो कि सन् १९४२ से पहले कैद किए गए थे। १९४२ के जमाने में इस सरकार के बहुत से मिनिस्टर भांगरा में मौजूद थे। उस समय उनको लोग कहते थे कि उन्हें जल्दी ही छोड़ दिया जाएगा। आज उनको कैद में पड़े २५ और ३० साल हो गए हैं। उनकी बात पूछने वाला आज कोई नहीं है। ऐसी सूरत में उनको रिहा करने का तो मवाल ही पैदा नहीं होता है। जेल पर लोगों को रखकर हम उनके साथ कैसा व्यवहार करते हैं

पंडित ठाकुर दास भार्गव : इसके बारे में तो यह बिल नहीं है।

श्री बजराम सिंह : इस बात को मैं मानता हूँ लेकिन मैं तो जेलों में जो व्यवस्था है उसके सम्बन्ध में माननीय मंत्री जी का ध्यान दिलाना चाहता हूँ। मैं यह बता रहा था कि २५-२५ और ३०-३० साल में लोग जेल में पड़े हुए हैं और अनेकों प्रकार के संकट झेल रहे हैं। मैं चाहता हूँ कि उधर भी हमारा ध्यान जाए।

जिन चीजों की इस बिल में व्यवस्था है उनसे मैं समझता हूँ कि समाज को कोई विशेष नुकसान नहीं होने वाला है। हो सकता है कि कोई मैजिस्ट्रेट जजमेंट देने में कोई गलती कर जाए, लेकिन उसको दुरुस्त करने का अधिकार भी उसको इस बिल में है। इस बिल की दफा ३ और ४ में कहा गया है कि अगर कोई गलती होती है और प्रोबेशनरी आफिसर को अपराधी का निरीक्षण करने का हक देते हैं तो बाद में भी उस अपराधी को सजा दी जा सकती है। अगर किसी को दो साल के लिए या तीन साल के लिए प्रोबेशन पर छोड़ दिया जाता है और उसको सजा नहीं दी जाती है और इस दौरान में अगर अपराधी का चाल-चलन, उसका चरित्र

[श्री बजराल सिंह]

ठीक नहीं रहता है, उसका धाचरण ठीक नहीं रहता है तो इस बिल में यह व्यवस्था है कि मैजिस्ट्रेट उसको पूरी सजा दे सकता है। किसी प्रकार की आशंकाएँ अपने दिल में रखना ठीक नहीं है। आखिर हम इस बिल में क्या करने जा रहे हैं? इस बिल में हम अपराधी को यह मौका देने जा रहे हैं कि अपने आप को वह सुधारे और अच्छा नागरिक बने। जब हम किसी अपराधी को सजा दे देते हैं। तो उसका बाद में क्या नतीजा निकलता है। जैसा भागव साहब ने कहा कि जेल में कैजुअल्स और हैबिचुअल आफेंडर्स को अलग अलग रखने की कोई व्यवस्था नहीं है। वहाँ पर जब एक अपराधी एक बार जाता है तो वह वहाँ से नई नई बातें सीख कर वापिस लौटता है। किस तरह से जेबें काटी जाती हैं तथा किस तरह से घरों में चोरी की जाती है इत्यादि से सब बातें वह वहाँ से सीख कर लौटता है। आजकल की जो जेलें हैं उनमें हम अपराधी की मनोवृत्ति को बदलने का प्रयत्न नहीं करते। इसके विपरीत वह और भी अधिक अपराध करने लग जाता है और वह जुर्म करने का आदी बन जाता है। ऐसी सूरत में समाज को ऊँचा उठाने के लिए तथा उसका विकास करने के लिए जिन उद्देश्यों की हम पूर्ति करना चाहते हैं, वह सम्भव नहीं है।

मे बड़े विनम्र शब्दों में निवेदन करना चाहता हूँ कि जिम शकल मे यह बिल इस सदन के सामने आया है उसको देखते हुए यह नहीं कहा जा सकता कि इसको यदि पास कर दिया गया तो समाज को बहुत हानि होगी। आज के प्रगतिशील जमाने में जब कि हम अपराध करने वाले की मनोवृत्ति को ही खत्म करना चाहते हैं, जब कि हम उस को इस दृष्टिकोण से देखना चाहते हैं कि वह अपराध क्यों करता है, यह मुनासिब बात होगी कि हम उसे प्रोबेशन पर छोड़ कर उसे अपने आपको सुधारने का मौका दें। अगर वह अपने आपको सुधारना नहीं है तो उसे फिर जेल

भेजे जाने की व्यवस्था की गई है। आज माननीय मंत्री जी ने कहा कि वह इस कानून को उपायेंट कमेटी के सुपुर्द करने को राजी है और देश में जो लोग इस विषय में दिलचस्पी रखते हैं, चाहे वे बार एसोसिएशन वाले हों, चाहे हाई कोर्ट के जज हों या दूसरे लोग हों वे अपनी राय जाहिर कर सकते हैं। मैं समझता हूँ कि उस कमेटी में इस बिल को इम्प्रूव किया जायगा और इसका वहाँ पर विकास किया जाएगा और वहाँ से इससे भी अच्छा होकर यह बिल हमारे सामने आएगा। लेकिन साथ ही साथ मैं यह भी निवेदन कर देना चाहता हूँ कि इस चीज को बहुत अधिक टालना अच्छा नहीं होगा। आज जो समस्याएँ हमारे सामने उपस्थित हैं उनको हम टाल नहीं सकते हैं। उनका हमें सामना करना ही होगा। लोगों को ऊँचा उठाने का, उनकी मनोवृत्ति को बदलने का प्रयास आज हमें अवश्य करना होगा। आज के वैज्ञानिक युग में, आज के एटमिक युग में किसी अपराधी को दस साल तक जेल में रख कर, उस पर नाना प्रकार के अत्याचार करके हम यह आशा नहीं कर सकते कि हमारा समाज आगे बढ़ेगा। मैं प्रार्थना करता हूँ कि इस बिल को अगले सेशन में अवश्य ही पास कर दिया जाए। जो आशकायें भरूबा साहब ने तथा भागव साहब ने प्रकट की हैं, उनके बारे में मैं यह कहना चाहता हूँ कि हो सकता है कि वे सही निकले लेकिन हम जो सोचते हैं वह दूसरे ही दृष्टिकोण में सोचते हैं। जल्दी से जल्दी इस बिल को पास किया जाना चाहिए और लोगों को इस बात को देखने का मौका मिलना चाहिए कि हम अपराधी को लम्बी लम्बी सजायें न देकर उसको प्रोबेशन पर छोड़ कर उसे अपने आपको सुधारने का मौका देना चाहते हैं। हमें महात्मा गांधी के इन शब्दों को भी याद रखना चाहिए कि अगर कोई एक गाल पर एक चाँटा मारता है तो उसके आगे दूसरी गाल कर दी जानी चाहिये और उसे कहना चाहिये कि वह इस पर भी

चांटा मार दे। हम डकैतियों को बड़ावा देना नहीं चाहते, हम चोरियों को बड़ावा देना नहीं चाहते, हम कत्ल ज्यादा हों, इसमें विश्वास नहीं करते। जहां तक कत्ल का ताल्लुक है, उसके लिए दूसरी तरह की सजा है और वह इस बिल के अन्तर्गत नहीं आते। मृत्युदंड इस बिल के अन्दर नहीं आता। इसलिए यह कहना कि इस कानून के कारण डकैतियां और कत्लें बढ़ जायेंगे, गलत होगा। हमारा उसूल यह है कि हम अपराधी को क्षमादान देकर सुधारना चाहते हैं। इसके साथ ही इस बिल में यह व्यवस्था भी है कि अगर किसी को प्रोबेशन पर छोड़ा गया है और वह फिर भी गलती करता है तो हम उसको जेल भेज सकते हैं। मैं गमअता हूँ कि यह ऐसा तजर्बा है जो कि इस देश के लिए नया नहीं है। उत्तर प्रदेश में सरकार ने ऐसा प्रयोग करके सफलता प्राप्त की है और लोगों को छोड़ने से कोई फाइम के फिगर बढ़ गये हों ऐसी बात नहीं हुई।

तो मैं बड़े विनम्र शब्दों में कहूंगा कि यह बिल ज्वायंट कमेटी के सामने जाये और इस पर मुल्क की राय भी मालूम की जाये लेकिन इसको ज्यादा टालने की कोशिश न की जाये। इसी के साथ हमको समाज के ढांचे को बदल कर उन कारणों को भी दूर करना चाहिए जिनके कारण ऐसे काम करने को लोग प्रवृत्त होते हैं। आजकल मध्य प्रदेश में, राजस्थान में और उत्तर प्रदेश में जो डकैतियां बढ़ रही हैं और जुर्म बढ़ रहे हैं अगर उनके मूल का देखा जाये तो आपको सामाजिक विषमता मिलेगी। अगर गृह मंत्रालय इस सामाजिक विषमता को दूर करने पर भी ध्यान दे तो अपराध बहुत कम हो सकते हैं। इस बिल के पास करने से हिन्दुस्तान को कोई खतरा होने वाला नहीं है जिसकी तरफ कुछ माननीय सदस्यों ने ध्यान खींचने का प्रयत्न किया है।

इन शब्दों के साथ मैं इस बिल का स्वागत करता हूँ और आशा करता हूँ कि गृह मंत्रालय इसे जल्दी से जल्दी सदन द्वारा पास कानून का प्रयत्न करेगा।

Shri Barman (Cooch Behar—Reserved—Sch. Castes): I wholeheartedly support the proposal made by some of the Members that this Bill go to the Select Committee and the Select Committee consider whether the Bill can be improved in any respect.

Mr. Deputy-Speaker: Now that it is expected that that motion might be accepted, I hope the Member would be very brief.

Shri Barman: Yes, I shall be brief. I shall just make a few general observations.

The general principle of this Bill is acceptable to most of the Members, and I also support it. It is a common saying in our parts—I do not know if it is so elsewhere—that when you cut one ear of a man as a sort of punishment for an offence committed by him, he avoids the public view, tries to hide his injured ear and to show the undamaged one, but when both the ears cut, then he walks right through the crowd because afterwards he has no shame to hide.

Mr. Deputy-Speaker: The symmetry is there then.

Shri Barman: So, this principle of not punishing the first offender is a salutary one. We know from our own experiences that the human mind sometimes works in a heavenly way and sometimes in a hellish way, and it is only those who have learnt to control their minds that behave properly in society, but there are slips in the lives of persons if we consider it deeply. But once a man is caught, he is punished. If he is not caught, he may commit several

[Shri Barman]

offences and still escape. If he commits offences but still does not injure society to such an extent as to become a menace to society, there is no harm in making a simple provision of the kind made in the Bill that in the case of first offences of a mild nature, the offender shall be let off. Only in cases of graver offences or when it is not the first offence he may be punished. Even in the latter case, the Bill provides that the Magistrate, considering all the other circumstances, may let him off on probation.

Formerly also this was provided in section 562 of the Criminal Procedure Code, but there was no other provision to take care of the person who is let off on probation, to see how he behaves later on. The term is fixed for which he has to furnish security or bond for good behaviour, and whether the man understands his mistake and reforms himself quickly or not, he has to undergo the period till it ends. Now, provision is made in this Bill that if the officer reports that considering the subsequent mode of life of the person let off on probation it is no longer necessary to stick to the period, he may be exonerated from the surety or bond, and there is thus an incentive to the person concerned to mend his way of life very quickly and not to undergo the full period provided now under section 562 of the Criminal Procedure Code. So, that is a good improvement.

There are also several other provisions included in the Bill which go to improve the present section 562 of the Criminal Procedure Code very much. However, I wish to draw the attention of Government to only one point, that is whether we can give wide powers to all magistrates.

Formerly, in the case of probation, in the case of the second or third class magistrate, his opinion had to be submitted to a first class magistrate and his decision obtained. Here

we give power to all kinds of magistrates only providing for an appeal, but it is not to be expected that in any and every case an appeal will be made. Knowing as I do our magistracy, in the case of the second and third class magistrates at least I think it would be necessary for the High Courts to issue certain general instructions to them for administering the law under clauses 3 and 4. If they had some general direction, the second and third class magistrates will administer the law in a much improved way. I do not find that in the rule-making power any such thing is contemplated. I hope the Select Committee will consider the matter.

As you have observed, since the Bill is going to the Select Committee, I do not wish to make any more observations, and after Pandit Thakur Das Bhargava's speech I wholeheartedly support the principles of the Bill and hope that the Select Committee will make whatever improvements are necessary.

14.00 hrs.

Shri N. R. Munisamy: Since the points that arise in connection with this Bill have already been elaborated by my hon. friend Pandit Thakur Das Bhargava, I would not like to repeat them.

So far as the principle of the Bill is concerned, at the outset, I am inclined to state that I am not in favour of it, for this reason, namely that we have got already several Acts on our statute-book, which are very exhaustive in nature, and we can certainly safeguard the interests of the young offenders without perpetuating further offences, with the aid of those Acts. For instance, section 562 of the Code of Criminal Procedure is wide enough to give discretion to the court to release the convicted person on probation. Therefore, I say, that there is no need to have an Act of this kind on our statute-book.

The other reason that I would like to place before you is this. Several States are already having Acts of their own, somewhat on the model of this Bill, and there is, therefore, no need to have a Central Act.

The Minister has not convinced the House of the necessity for this Bill, nor has he enumerated the inconveniences or other experiences which Government had felt while releasing the prisoners on probation. Though the principle of this Bill was in the contemplation of the Government of India for a very long time, yet they were unable to bring forward a consolidated Bill of the nature which has been introduced now. So, I hope that even at this stage, Government can consider the question of not merely not referring this Bill to a Joint Committee, but even of withdrawing it.

Now, coming to the provisions of the Bill, I find that the powers given to the probation officers are unlimited. Even before passing an order, while taking the evidence of the other witnesses, the magistrate has to call for the report from the probation officer, and on the basis of that report, the magistrate can either release the offender or convict him. Such wide powers have been given to the probation officer who has not seen the accused or the young offender. It is too much to expect of him that he should give a report when he has not seen the accused even. He has to take some extra trouble to search for the character-roll, and look into his past conduct, the antecedents of the family to which he belongs, and so on. So, I doubt whether these officers would ever be able to give genuine reports.

Even as it is, these probation officers are not able to discharge their duties very faithfully. So, I suggest that such wide powers need not be given to them.

My next point is this. There are very few offences which young boys commit. Most of the young offenders are destitutes, and they commit only common offences under sections 379

and 380 of the Penal Code, such as committing theft in a house or pilfering something from the pocket of another person, or even indulging in the sale of stolen properties. Sometimes, they are taken as accomplices for the sale of certain stolen properties. There are very few grave offences which these young boys commit.

If these young boys are convicted and released on probation, and then sent again to their homes, what will happen is that they would once again meet with the same environment and the same situation in the house, and they would be prone to get out of the house by making similar mistakes and committing similar offences.

So, I would suggest for the consideration of the Joint Committee that instead of sending them back to their own homes, it is better that they are sent to probation hostels. The probation officer may be the warden of the probation hostel, and he can associate others also, that is, people who had rendered social service, to supervise over these young boys in the hostel. If the hostel is a big one, they can also get into that hostel persons who are released from reformatory schools and other such schools.

Similarly, there are certain persons who work after they are released, but when they go to their respective homes, they are not entertained there. It is better that those people also are clubbed along with the others in the probation hostel. As I said earlier, persons who are released from reformatory schools can also be taken into the probation hostels, where they can still get some shelter and get themselves corrected. Similarly, persons who are released from the Borstal schools, and below 21 years of age can live in these hostels, and they might probably earn also some money. Instead of having separate after-care houses for them, if they are housed in the probation hostels, they can get their aptitudes and propensities towards criminal activities very much curtailed.

So, I would suggest that probation hostels are very essential, somewhat

[Shri N. R. Munisamy]

on the model of what exists in U.K. and other countries. In U.K., for instance, there are working hostels for boys and girls separately.

So far as the States in India are concerned, I find that in some of the States, there are some after-care houses, where not only young boys are taken in to be taken care of by the officer in charge, but even ex-convicts and confirmed convicts who are released are sent for after-care. It is quite possible that in such after-care houses, these confirmed convicts may influence these young boys to perpetuate their old offences, or they might give them wrong tuition that they need not obey certain rules. Such a thing is possible, because these prisoners who have been convicted and released are there to influence these boys. I do not think that it is right to have these ex-convicts in these after-care houses along with the young boys.

For instance, in Madras, we know that social service activities are being carried on in this manner at certain places, so as to include not only the young boys but also ex-convicts who have gone to jail more than once. So, it is better that these young boys are sent to separate hostels so that they may not be influenced badly by the ex-convicts.

It is very necessary that these young offenders, who are mostly destitutes, as I said earlier, are sent to probation hostels instead of their own homes, where they may not be satisfied with the environment, and they may, therefore, come out and commit once again the same offences, such as pilfering something from the pockets of others, and thereby go to jail once again. When these boys come out of the house, they are picked up by the other offenders. If they are sent to the probation hostels, then they can get good correctives there.

Lastly, I would like to submit that the powers given to the probation officers may not be so unlimited as they are. The report of the probation

officer should be of a recommendatory nature, because before the offender is sent to the probation hostel, the probation officer does not come into the picture at all. But, according to the provision in clause 4, the report of the probation officer has to be taken into account, before the offender is convicted. My submission is that the probation officer comes into the picture only after the young offender is convicted and released on probation, and it is only then that he begins to have his sway over him and exercise supervision over him and correct him. Before that, how can we expect the probation officer to have a complete picture of the young offenders, and further, to give a report on their antecedents, character etc.?

So, my respectful submission is that this particular provision may be suitably amended, so that the magistrates need not call for the report of the probation officer who has no *locus standi* at the initial stage, when it is only a question of shifting of evidence and then convicting the person; it is for the magistrate to judge at that stage, as he ordinarily does in regard to ordinary offences, with the aid of police reports. Since the probation officer has no position at all at that stage, there is no reason why his report should be called for. So, his powers may be curtailed, and the necessary amendment may be made in the Bill.

With these few words, I commend the Bill for the consideration of the House.

श्री सरजू पांडे (रसड़ा): उपाध्यक्ष महोदय, मैं इस विधेयक का अनुमोदन करने के लिये खड़ा हुआ हूँ। मैं चाहता था कि यह कानून इसी सदन में पास हो जाता, लेकिन माननीय मंत्री ने इस के सिनेट कमेटी में भेजने के प्रस्ताव को स्वीकार कर लिया है।

उपाध्यक्ष महोदय: स्वीकार करने का इरादा किया है। स्वीकार तो धीरे करेंगे।

भी सरबू पाई : इस को सिलेक्ट कमेटी में भेज देने से काफ़ी देर हो जायेगी। कांग्रेस आन्दोलन के सिलसिले में जितने लोग जेलों में रहे हैं, वे लोग और काफ़ी बड़ी संख्या में दंड शास्त्री इस बारे में एकमत हैं कि अपराधों की बुनियाद समाज में ही होती है।

अगर कोई धादमी चोरी करता है, गिरहकटी करता है, कत्ल करता है अथवा अन्य कोई अपराध करता है तो उसके लिये समाज उत्तरदायी है, ऐसी बहुत अधिक लोगों की राय है। इस हाउस में इस बात पर बहुत जोर दिया गया है और बड़ी जोरदार वकालत इस बात की की गई है कि चूँकि कत्ल हो रहे हैं, डाके पड़ रहे हैं और अन्य जर्म हो रहे हैं इसलिये यह प्रोबेशन आफ़ ऑफ़ेंडर्स बिल मौजूदा रूप में पास न किया जाये। मैं उन सदस्यों से पूछना चाहता हूँ कि यह जो प्रोबेशन ऐक्ट पास होने जा रहा है उससे पहले जो अपराध हो रहे हैं उसके लिये कौन जिम्मेदार है। इंग्लैंड, अमरीका आदि यूरोपीय देशों की और खुद भारतवर्ष की मिसालें मौजूद हैं जहाँ कि ग्रांथ के बदले ग्रांथ ली गई, दांत के बदले दांत तोड़े गये और चोरी के अपराध के लिये हाथ काटे गये तब भी अपराध नहीं रुके। जब काटने के अपराध में अब इंग्लैंड में खुले ग्राम सड़कों पर फ़्रांसियां दी जाती थीं तब भी एक तरफ़ धादमी फांसी पर लटकाया जाता था दूसरी तरफ़ वहाँ पर इक्स्ट्रे मजमें में जब भी काटे जाते थे। इसलिये यह नहीं कहा जा सकता है कि चूँकि सजायें नहीं दी जाती हैं इसलिये अपराध होते हैं और यह भी नहीं कहा जा सकता है कि सिर्फ़ थोड़े से लोग ही अपराध किया करते हैं, बड़े बड़े लोग और समझदार धादमी अपराध किया करते हैं, ऐसी मिसालें मौजूद हैं। हमारा इस दिशा में जो तजुर्बा है और जो कुछ हमने जेलों में देखा है उसके आधार पर हम कह सकते हैं कि अधिकतर

गरीब लोग ही सजायें पाया करते हैं और वे ही लोग जेलों में रहते हैं जब कि वे लोग जिनके कि पास पैसे हैं और जो मुकदमा लड़ सकते हैं वे हाईकोर्ट से या लोअर कोर्ट से छोड़ दिये जाते हैं। मैं इस चीज़ को बहुत यकीन के साथ कहता हूँ कि १०० में से ७५ धादमी जो जेलों में जाते हैं वे या तो गरीब हैं या इस किस्म के लोग हैं जिनकी कि पैसे की कमी के कारण उनके मुकदमे की पैरवी नहीं हो सकती। मैं समझता हूँ कि हाउस के सामने इस तरह की बात कहना कि चूँकि सजायें नहीं दी जाती हैं इसलिये अपराधों की संख्या बढ़ती है, ठीक नहीं होगा। सजायें देकर देखा जा चुका है, इसलिये यह सवाल नहीं उठाया जा सकता कि चूँकि अपराध बढ़ रहे हैं, इसलिये सजायें देना चाहियें। मैं समझता हूँ कि ऐसे हालात धादमी के सामने आते हैं, इस किस्म की परिस्थितियाँ पैदा होती हैं जिनमें कि धादमी पहुंच कर अपराध करता है।

मैं कल रात को पंडित जवाहरलाल नेहरू की "मेरी कहानी" पुस्तक पढ़ रहा था। उन्होंने उसमें एक जगह पर उस घटना का जिक्र करते हुए लिखा है जिस समय कि वह नैनी जेल में बंद थे और जब एक जलूस के सिलसिले में उनकी माता जी के ऊपर लाठी पड़ी थी। मैं बन्द बातें उस सम्बन्ध में बताना चाहता हूँ कि जब इस घटना की सूचना उन को जेल में मिली थी तो उन पर क्या प्रभाव पड़ा था।

"When the news of all this came to me some days after the occurrence (for we had a weekly paper) the thought of my frail old mother lying bleeding on the dusty road obsessed me. I wondered how I would have behaved if I had been there and how far would my non-violence have carried me. Not very far, I fear, for that sight would have made me forget the long lesson I had tried

[श्री सरजू पांडे]

to learn for more than a dozen years and I would have reeked little of the consequences, personal or national"

इसमें उन्होंने कहा है कि मेरी माँ के ऊपर लाठी पड़ी और जब कि मुझे इसकी खबर मिली तो मैं १२ वर्ष की उस तमाम अहिंसा की शिक्षा को भूल सा गया। अब आप १० भाँति समझ सकते हैं कि जब एक ऐसा आदमी जिसने १२ वर्ष तक लगातार अहिंसा की शिक्षा ली हो, वह ऐसा अबसर आने पर उस अहिंसा की शिक्षा भुला देने को तैयार है यही नहीं उन्होंने भागे लिखा है कि अगर मैं बाहर होता तो चाहें मेरे व्यक्तित्व या मेरे देश पर कुछ भी असर पड़ता लेकिन मैं पुलिस की लाटियों का जबाब ज़रूर देता, तब आप एक साधारण आदमी से कैसे उम्मीद करेंगे कि उनके ऊपर जो बीतनी उसका जवाब नहीं देगा ?

यहां पर यह कहा गया है कि २१ साल के लोग अगर छोड़ दिये जायेंगे तो लोगो में अनुशासन नहीं रहेगा। लेकिन मैं कहना चाहता हूं कि आज ऐसा प्राविजन (नियम) न होने से भी लोगों में अनुशासन की कमी पाई जाती है और विधायियों द्वारा मास्टर्स को मारा पीटा जाता है। इसलिये इस बिल को लागू न करने के लिये यह कोई माकूल दलील नहीं है।

इस बिल में सारे अधिकार मजिस्ट्रेट को और प्रोबेशन ऑफिसर को दिये गये हैं। जो भी कानून इस हाउस में आता है वह इस तरीके से पास किया जाता है कि या तो मजिस्ट्रेट को मौक़ा मिलता है कि वह निकल भागे या उसमें बहुत गलतियां रह जाती हैं और जिन पर हाईकोर्ट बीसियों किस्म की रूलिंग्स दिया करती हैं। मिसाल के लिये मैं आपको बतलाऊं कि मैं एक जेलखाने में बंद था। जेल मैनुअल में एक कानून है कि सुपीरियर क्लास

प्रिजनर्स टहल सकता है। लेकिन मेरे इनक्लोजर का दरवाज़ा बन्द रक्खा गया जब मैंने कहा कि मैं कैसे टहलूँ, तो मुझे बताया गया कि आप उस इनक्लोजर के अन्दर ही टहल सकते हैं और इनक्लोजर में टहलने की बात जेल मैनुअल में लिखने की ज़रूरत नहीं क्योंकि बंदी इनक्लोजर में तो टहलता ही है उस धारा का अर्थ साफ़ नहीं है इसलिये अधिकारी उसका ग़लत अर्थ किया करते हैं वही हालत इस बिल की भी होगी। अब इसमें होगा यह कि अगर मजिस्ट्रेट कन्विक्टिंग नेचर का है तो वह अपराध करने वाले आदमी को इसका मौक़ा नहीं देगा कि उसे छोड़ दे। अगर यह कानून इसी तरीके से रहेगा तो मजिस्ट्रेट जो भी चाहें उसका मतलब लगाते रहेंगे और इसका फ़ायदा उन लोगों को नहीं पहुँच सकेगा जो सचमुच इसके हक़दार होंगे बल्कि वे लोग जो मजिस्ट्रेटों तथा प्रोबेशन ऑफिसरों पर अपना असर पहुँचा सकेंगे या जो काफी सिफारिश कर सकेंगे उन लोगों को इसमें फ़ायदा होगा। इसलिये मैं चाहता था कि यह बिल ऐसी शकल में पास होता कि उन तमाम लोगों को जो कि प्रोबेशन पर छोड़े जाने के लायक हों वे आसानी से छोड़े जा सकें। यहां पर मजिस्ट्रेटों को ही अधिकार है कि वे तमाम हालत को देखें और परिस्थितियां, अपराध की भयंकरता आदि पर विचार करके लोगों को प्रोबेशन पर रिहा करे। यह मुनासिब नहीं जान पड़ता। यहां पर ज़डिशरी और एग्जीक्यूटिव अलग अलग नहीं हैं इसलिये लाज़िमी तौर पर मजिस्ट्रेट लोग पुलिस की रिपोर्ट पर चलते हैं। हम आये दिन देखते हैं कि जहां मजिस्ट्रेटों के ऊपर इस बात का अधिकार डाल दिया गया वहां वे कभी भी अमुक्त के पक्ष में कानून का इस्तेमाल नहीं करते। उदाहरण-स्वरूप क्रिमिनल प्रोसीज्योर कोड की बक्रा १५१ की व से एक मजिस्ट्रेट को

जमानत पर छोड़ने का अधिकार हासिल है और अभियुक्त को वह बेल पर छोड़ सकता है लेकिन पुलिस अगर जमानत मंजूर करने के खिलाफ होती है तो वह जमानत पर छोड़ने से इंकार कर देते हैं। इसलिये मैं समझता हूँ कि इस तरीके से जैसे इस बिल को रक्खा गया है, ज्यादा फायदेमंद नहीं हो सकेगा। मैं चाहता था कि इस बिल को फौरन पास किया जाता और पास करने के बाद यह मौका दिया जाता कि खुद लोगों के मन में अपराधों के प्रति एक घृणा का भाव उदय होता और इसके लिये समाज में उस तरह की चेतना लाई जाती। इसलिये मैं इस सदन में अपील करूंगा और मंत्री महोदय मे भी प्रार्थना करूंगा कि इस बिल को पास करने में अधिक देरी न की जाय। मुझे इस बात का भी यकीन है कि अगर इस बिल को सारे देश के लोगों की राय जानने के लिये भेजा जायगा तो काफ़ी बड़ी संख्या ऐसे लोगों की मिलेगी जो यह कहेंगे कि यह बिल फौरन पास कर दिया जाना चाहिये।

यहां पर मुल्क के नाम पर, भ्राजादी के नाम पर, क्राइम के नाम पर, रेप के नाम पर और दुनिया भर की बातें कह करके हाउस और मंत्री महोदय को डिमोरेलाइज करने की कोशिश की गई है लेकिन मैं यह बात यहां पर बिल्कुल स्पष्ट कर देना चाहता हूँ कि अगर यह बिल पास हुआ तो इसका देश में सर्वत्र स्वागत होगा।

उपाध्यक्ष महोदय : माननीय सदस्य ने अभी साबित कर दिया कि वे डिमोरेलाइज नहीं किये जा सकते।

श्री सरजू पांडे : मैं चाहता हूँ कि यह बिल फौरन इसी सेशन में पास कर दिया जाय। अगर मुझे मौका होता तो मैं और बहुत सी मिसालें देता। जूँकि मेरा समय खत्म हो गया है इसलिये और अधिक न कह कर मैं अपना भाषण इसी अपीलटी के साथ खत्म करूंगा कि आप इस बिल को अभी पास कीजिये और सेलेक्ट कमेटी

में इसको भेजे जाने का इंसर्ट न खड़ा कीजिये और इसके पास होने में देर लगाने में उचित बात नहीं होगी। मैं आपको यकीन दिलाता हूँ कि इस बिल के लिये आपको तमाम मुल्क में सपोर्ट मिलेगी।

श्री सिंहसन सिंह : उपाध्यक्ष महोदय यह विधेयक जो आज इस भवन के सामने है यह ऐसा विधेयक नहीं है जिस को कि हम सरसरी तौर पर पूरा गौर किंग और पास कर सकें। यह विधेयक हमारे कानून में बड़ा भ्रामन परिवर्तन करने जा रहा है।

अब तक जो प्रोबेशन पर छोड़े जाने का तरीका था उस में एक ऐसा परिवर्तन होने जा रहा है जिस की कि कल्पना हम ने आज तक नहीं की थी इस के प्राबजैक्ट्स एंड रीजन्स में बताया गया है कि सन् १९३१ से सरकार इस विचार में है कि इस तरीके का कोई कानून बनाया जाय। १९३१ में यह नहीं बन सका। सन् १९३४ में भी यह प्रान्तों पर छोड़ दिया गया कि अगर वे चाहें तो अपने वहां के लिये इस किस्म का एक कानून बना सकते हैं और कुछ प्रान्तों ने इस किस्म के कानून अपने वहां बनाये भी। सन् १९५५ में हम ने क्रिमिनल प्रोसीज्योर ऐक्ट को अमेंड किया और उस अमेंडमेंट में इस ५६२ दफा का कुछ विस्तार किया। अब यह जो विधेयक आज भवन के सामने उपस्थित है यह बहुत धंधों में उसी ५६२ चार की पुनरावृत्ति है। कुछ नई नई बातें इस में हैं। इस में नई बात यह है कि २१ वर्ष से नीचे उम्र वालों को मजिस्ट्रेट सजा ही न करे जब तक कि प्रोबेशन आफिसर उस के सम्बन्ध में कुछ न कहे। २१ बरस के नीचे वालों के लिये दफा ७ में प्रोवाइड किया गया है। इस में कहा गया है कि मजिस्ट्रेट को २१ बरस के नीचे के अपराधियों को डाट डपट कर के छोड़ देना होगा और अगर वह उस को सजा देना चाहता है तो वजह बयान करे कि क्यों सजा दे रहा है। २१ बरस के ऊपर वालों को वाइ एडमानिशन कर सकता है और छोड़ भी सकता है।

[श्री सिंहासन सिंह]

दूसरी बात मुकदमा चलाने के बारे में है। मुकदमा दो तरह से चलाया जाता है। एक तो पुलिस की रिपोर्ट पर चलाया जायेगा और फिर फैसला होगा दूसरा किसी के निजी आरोप पर। इस में यह भी कहा गया है कि सब-माला २ आफ क्लाज ४ के तहत प्रोबेशन आफिसर की रिपोर्ट का भी मैजिस्ट्रेट ख्याल करेगा कोई कार्यवाही करते वक्त। २१ बरस के नीचे वालों के लिये भी प्रोबेशन आफिसर की रिपोर्ट मैजिस्ट्रेट को प्राप्त करनी होगी। दफा १२ के अन्दर है कि मुकदमे के दौरान में अदालत प्रोबेशन आफिसर की रिपोर्ट मांगेगा। और उस से पूछेगा कि उसे उस के बारे में क्या कहना है। मैजिस्ट्रेट के सामने जो गवाहियाँ होंगी उन के अलावा दो रिपोर्ट रहेंगी एक तो पुलिस की रिपोर्ट होगी जिस के आधार पर मुकदमा चलेगा या मुस्त-गीस की रिपोर्ट होगी जिस के आधार पर मुकदमा चलेगा और दूसरी रिपोर्ट प्रोबेशन आफिसर की होगी।

श्री श्रीनारायण दास : मैं माननीय सदस्य को बतलाना चाहता हूँ कि वह रिपोर्ट तब आयेगी जब वह निर्णय हो जायेगा कि वह गिल्टी है। जब तक वह गिल्टी नहीं पाया जायेगा तब तक मैजिस्ट्रेट उस रिपोर्ट पर विचार नहीं करेगा।

श्री सिंहासन सिंह : इयटीज आफ प्रोबेशन आफिसर में दिया हुआ है :—

inquire, in accordance with any directions of a court, into the circumstances or home surroundings of any person with a view to assist the court in determining the most suitable method of dealing with him.

इस का मतलब यह हुआ कि रिपोर्ट मांगी जायेगी।

Shri Shree Narayan Das: After conviction.

Shri Sinhasan Singh: Clause 7 (2) says:

"before passing a sentence of imprisonment on any offender referred to in sub-section (1) the court shall call for a report from the probation officer and consider the report, if any, and any other information available to it relating to the character and physical and mental condition of the offender".

इस का मतलब यह हुआ कि मैजिस्ट्रेट प्रोबेशन आफिसर की रिपोर्ट लेगा और उस के बाद उस पर विचार करेगा बिफोर पासिंग एनी आर्डर।

Shri Datar: Let the hon. Member read the first sentence which says "When any person under twenty-one of age is found guilty"

श्री सिंहासन सिंह : मैजिस्ट्रेट को. . .

उपाध्यक्ष महोदय : आप से कहा जा रहा है कि जब आप सब-सेक्शन २ आफ सेक्शन ४ को पढ़ते हैं तो पहले आप सब सेक्शन १ को भी पढ़ें। पहले सब-सेक्शन १ आयेगा और उस के बाद ही दूसरा सब-सेक्शन आयेगा अगर पहली कंडीशन पूरी हो गयी तो दूसरी पर गौर किया जायेगा।

श्री सिंहासन सिंह : वह गिल्टी है या नहीं उस के बारे में एविडेन्स मैजिस्ट्रेट के सामने है। जब जजमेंट का वक्त आयेगा उस वक्त अगर वह यह महसूस करे कि वह गिल्टी है तो वह उस को सजा करेगा।

उपाध्यक्ष महोदय : जजमेंट एक चीज है और सेटेंस दूसरी। जजमेंट तो वह है जब वह इस नतीजे पर पहुँचेगा कि आया वह गिल्टी है या नहीं सेटेंस वह है जब वह यह समझेगा कि अब हुदम क्या किया जाये।

श्री सिंहासन सिंह : मेरे कहने का मतलब यह है कि प्रोबेशन आफिसर से वह रिपोर्ट मांगेगा।

And the report itself will prejudice the mind of the magistrate before arriving at a conclusion whether the man is guilty or not.

अगर वह धादमी गिल्टी नहीं तो तब तो कोई बात ही नहीं है। लेकिन अगर वह गिल्टी पाया जाता है, वेन ही विल प्रोसीड टू आस्क फार दी रिपोर्ट और जो रिपोर्ट है वह मैजिस्ट्रेट के माइंड को प्रेजुडिस कर सकती है। अगर वह गिल्ट फाईंड करने के लिये रिपोर्ट मांगता है तब तो पोजीशन दूसरी हो जाती है। लेकिन जब एविडेंस उस के सामने है और रिपोर्ट भी उस के सामने है ऐसी सूरत में मैजिस्ट्रेट को इंडिमेंडिट जजमेंट पर पहुँचने में बाधा पहुँच सकती है। वह एविडेंस पर भी गौर करेगा और रिपोर्ट पर भी। इस तरह करने से में समझता हूँ कि एडमिनिस्ट्रेशन आफ जस्टिस का सदुपयोग भी हो सकता है और दुर्लुपयोग भी। ऐसी हालत में जो प्रोबेशन आफिसर की रिपोर्ट है वह एक गाइडिंग फैक्टर हो जाती है जो कि अब तक नहीं थी। और में समझता हूँ कि ऐसा होना भी नहीं चाहिये। जो पुलिस की रिपोर्ट है वह उस पर बाइंडिंग नहीं है उस की मर्जी है कि वह उस पर गौर करे और करे। लेकिन अगर वह जजमेंट देने के समय प्रेजुडिस हो जाता है तो यह ठीक नहीं है। यह एक भ्रामक परिवर्तन है जो हम करने जा रहे हैं जिस में एक मैजिस्ट्रेट के अलावा हम एक और धादमी को भी पिक्चर में लाते हैं और उस को भी न्यायदान में अधिकार देना चाहते हैं। हमें यह सोचना होगा कि यह क्या देश हित में होगा या यह कोई अच्छी बात होगी। यह एक इतने महत्व की चीज है कि इस पर हमें ठंडे दिल से गौर करना चाहिये। हमें कोई काम जल्दबाजी में नहीं करना चाहिये और जल्दी में कोई चीज पास नहीं करनी चाहिये। अभी मेरे गाजीपुर के भाई ने कहा कि इसे हमें पास कर देना चाहिये। और सब ठीक हो जायेगा। जिस दृष्टिकोण से वह यह बात कहते हैं उस में उन का विचार है कि सब अपने आप ठीक हो जायेगा। उनके विचार के सम्बन्ध में भी यह चाहता हूँ।

हम देखते हैं कि जो अपराध किये जाते हैं उन के पीछे कई भावनायें काम करती हैं। इस के सामाजिक कारण भी हैं और आर्थिक

कारण भी। आज हम सोशलिस्ट पैटर्न आफ सोसाइटी की बात करते हैं और कहते हैं कि गरीबों और धनियों के बीच जो अन्तर आज विद्यमान है वह कम होना चाहिये। हम कहते हैं कि अमीर और गरीब की सीमा में कम अन्तर हो। यदि यह अन्तर कम हो जाय और लोगों को रोटी तथा कपड़ा मिलने लग जाये तो अपराध भी आप से आप कम हो जायेंगे। हमारे यहाँ तो आज यह हालत है कि दिन का चोर साहू बन बैठा है और जो रात का चोर है वह सजा पाता है। युधिष्ठिर ने भी बहुत पहले किसी प्रसंग में कहा था कि जितना बड़ा धनी एक व्यक्ति होता है उतना ही बड़ा वह बेईमान समझा जाना चाहिये। इस का कारण यह है कि वह सामान्य तरीकों से इतना अधिक धन एकत्र कर ही नहीं सकता है। सिवाय बेईमानी के कोई भी बहुत ज्यादा धनी नहीं हो सकता है इस वास्ते कहा गया है कि दिन का चोर हमारे देश में साहू है और रात का चोर डकैत है। वह रात को चोरी करता है दिन को नहीं कर पाता। धन की गति भी हमारे शास्त्रों ने तीन प्रकार की बनाई है। या तो दान करो या भोग करो नहीं तो नाश होगा। नाश की भी दो गतियाँ हैं। या तो राज्य ले लेगा नहीं तो चोर ले जायेंगे। जो दान और भोग से बचेगा उसे या तो राज्य ले लेगा या फिर चोर चुरा ले जायेंगे। हम ने एक अधिनियम भी पास किया है जिस के अधीन मरने के पश्चात् कुछ हिस्सा राज्य हमारी सम्पत्ति का ले लेगी। दूसरा जो हिस्सा है वह चोर ले जाता है। अगर वह पेट का भूखा है तब तो उस को छोड़ दिया जाना चाहिये।

तो में यह निवेदन करना चाहता हूँ कि हमें खूब सोच समझ कर इस बिल को पास करना चाहिये अगर हम ने कुछ देर इस को पास करने में कर दी तो कोई बुरा होने वाला नहीं है। चन्द महीने हुए में ने एक किताब में पढ़ा था "बाइना शेक्स पी वर्ल्ड"। १९५० में अमरीकी जनरल ने लिखा था कि वहाँ के लोगों ने . . .

उपाध्यक्ष महोदय : समय ज्यादा नहीं है और आप गहरी फिलॉसोफी में जा रहे हैं।

श्री सिंहासन सिंह : मैं गहरी फिलॉसोफी में नहीं जा रहा हूँ। अभी खत्म किये देता हूँ। मेरे दोस्त गाजीपुर के माननीय सदस्य के मुताबिक यदि यह बिल आज पास हो जाये तो समाज आप से आप सब चीजों को ठीक कर लेगी। मैं यह कह रहा था कि चीन में सहायता मिली उन लोगों को जो सैटल कर रहे थे ठीक कर रहे थे उन लोगों को सहायता नहीं मिली जो उस के खिलाफ थे।

इन शब्दों के साथ मैं इतना ही निवेदन करना चाहता हूँ कि यह पहला अवसर है जब कि माननीय मंत्री ने इस भवन के अध्यक्ष महोदय की इस बात को मान लिया है कि हम इसे सिलेक्ट कमेटी में भेज दें और वहाँ पर इस पर विचार हो इस बीच में हम दूसरे लोगों से जो इस में दिलचस्पी रखते हैं जो हाई कोर्ट के जज हैं जो बार एसोसियेशंस से ताल्लुक रखते हैं राय ले सकते हैं और वे अपना दृष्टिकोण इस कमेटी के समक्ष प्रस्तुत कर सकते हैं। हमें देखना चाहिये कि जो ग्रामूल परिवर्तन करने हम जा रहे हैं क्या वे सही दिशा में हैं प्रशंसा नहीं। उत्तर प्रदेश में सन १९३८ से यह प्रोबेशन ऐक्ट लागू है लेकिन वहाँ लागू होने से समाज में ज्यादा सुधार हुआ हो या क्राइम में कमी हो गई हो यह बात नहीं है। क्राइम बढ़ते भी हैं घटते भी हैं। हाँ प्रोबेशन में रखे हुए बहुत से व्यक्ति सुधार गये हैं। उत्तर प्रदेश में यह प्रयोग भी हो रहा है कि कदियों से जेल के बाहर काम लिया जाता है और उन की तनखाह भी दी जाती है। वह अपनी जगह पर ठीक है। लेकिन जो चीज आप के सामने है कि २१ बरस से नीचे के अपराधियों को सजा न की जाय और उन को प्रोबेशन पर छोड़ दिया जाये तो इस में जर्म की तरफ उन की मनोबलि बढ़ेगी। पाज लोगों को फाँसी का डर है। काल जो होते हैं वे ज्यादातर सेंटिमेंट की बजह से होते हैं उन के लिये तैयारी बहुत

कम होती है। लेकिन इस बिल के पास हो जाने के बाद बहुत से अपराधी यह सोच सकते हैं कि चलो यह तो पहली बार है इस में तो छूट ही जायेंगे और यह समझ कर अपराध करने को उद्युत हो सकते हैं। इन चीज पर हमें ठंडे दिल से विचार करना चाहिये। मैं यह कहना चाहता हूँ कि यह बिल बहुत विचार मांगता है और ज्वाइंट कमेटी में आप ऐसे धादमी रखें जो कि इस विषय पर सही विचार प्रकट कर सकें और उचित राय दे सकें। हम को नहीं मालूम कि स्टेट गवर्नमेंटों की इस बिल के बारे में क्या क्या राय है। हम को नहीं मालूम कि किस ने इस में माफिक राय दी है किस ने खिलाफ राय दी है। इस बिल पर हम अगले सत्र में विचार करेंगे। इस बीच समाज में कोई बड़ा परिवर्तन होने वाला नहीं है। हमारी गाडी तो धीरे धीरे चलती है। और इस के बिना भी हमारा काम चल सकता है।

Shri Basappa (Tiptur): Mr. Deputy-Speaker, Sir, I am one of those who think that the Bill is long overdue and hence I wish to congratulate the Minister for having brought forward this Bill. Of course, I could not follow much of the discussion in this House as I know little of Hindi, but at the same time, I should pick it up very soon.

I refer to what Shri N. R. Muniswamy said on this occasion. He said that there is enough law already to safeguard the juvenile offenders and that we need not look into this Bill at all. Another justification that he gave for not having this Bill was that some of the States have already got legislation to this effect. But that very fact, namely, in some of the States we have already a legislation of this kind, and that very argument, show that we must have an all-India legislation of this type. But his plea was—and that was his fear—that the probation officers will have very many powers and they may misuse it. For that, there is the Select Committee and the Select

Committee can go into those questions and see that only such powers as are necessary are given to them.

In the second Five Year Plan we have allotted a sum of money for social welfare and the research committee of the Planning Commission has also given some attention to the human aspect of the whole problem, because everywhere we see that crimes are increasing in great degree. Take any country as a matter of fact. Thefts, murders and so many other offences are going on in large numbers. If there is an up-to-date statistics of the juvenile offenders, we will see that these offences are increasing. Therefore, something must be done to see that this is minimised and hence this Bill. If it is implemented properly, it will go a long way.

If we analyse the various causes for so many offences that are committed, we come to know that the economic insecurity in most cases is there. At the same time, there may be lack of education; there may be lack of parental control and also, now-a-days, the impact of western society like cinema-going and drinks and all these things are there, and all these have contributed a great deal to the number of crimes having been increased. Therefore, various treatments have been suggested from time to time. Apart from the probation which is included in this Bill, there are other methods also such as after-care, borstal schools, and even specialised methods in criminal procedure and so on. But every civilised country seems to think that probation is one of the important aspect in the treatment of crimes. Therefore, if we look around the world, many countries have adopted this. The United Nations have also some programmes to prevent the juvenile offenders from pursuing their crimes, by introducing the probation system. With that object, in some of our States also, they have introduced it.

Even as long back as 1931 or 1934, as stated in the Bill, there was central legislation on this subject but

it could not be followed up. So, this Bill is long overdue. Therefore, it should be taken up earnestly and it should be seen that it is enacted into law.

There is a realistic approach also, a big dynamic approach, if you may call it, because, after all, everyone of us has some faith in the goodness of man. Without faith in the goodness of man, nothing can be done. That is why the Father of the Nation has told us in very big terms that after all, we hate the evil and not the evil-doer. So, he has laid emphasis on that aspect. So also here, when we take the offender and the offence, we hate more the offence than the offender, and it is our duty to reform the offender. From that principal point of view, this Bill is more welcome.

When we are enacting this law, various things will have to be considered. The circumstances of the case, the character of the man in question and the nature of the offence, have to be considered. Of course, a man may have a mental standard of understanding. Suppose, if 21 years is fixed here, though chronologically, the man's age may be 21, there is another aspect which is the mental age. For instance, a person even in his early childhood may be mentally more developed than a person of 21 years of age. That aspect also should be taken into consideration when we decide this question.

Another aspect is the awareness of the criminal responsibility. One person could be aware of the criminal responsibility more than another, and another person may not be aware of it at all. So, when we are enacting a legislation of this kind, these two things must be kept in mind, as to how far the person has a knowledge of the criminal responsibility and also his mental development.

Another thing is, this probationary system must be based on a very good and sound footing. Our society is different from western society. When we try to copy those methods here

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and try to adopt them, we must remember our joint family system and caste system etc. Therefore, when we adopt the probation system, the social concepts of this country must always be kept in mind. There must be a regular training for the probation officers and they will have to move with great caution. They must be just like philosophers, friends and guides, and they must have a lot of patience and tolerance. If all these things are looked into carefully, then, this system can work well and yield good results.

This system has definite advantages, and there is no doubt about that. Now we are spending a lot of money over the prisons and jails. The reform of jails is not going with speed and so, when this system comes into effect and is effective, then a lot of money that is spent on prisons and jails can be saved and prisoners can also be reformed. That is the double advantage which we will have.

We have seen in the case of juvenile offenders that a deterrent punishment may make them more hardened throughout the rest of their lives. Suppose a man of 20 years commits theft and not put on probation and if a deterrent punishment is given, for another 40 or 50 years he will be a habitual offender and this should not happen. Therefore, at an early stage itself, this should be rectified. When we speak of probation, it is not something lenient. It is not merely that we shall have some concession or something like that. There will be an effective supervision also. Supposing there is a juvenile offender kept in a jail where there are other habitual offenders and dangerous criminals, they will teach him the technique of committing bigger thefts and bigger crimes. Of course, you may say that the jails are segregated and all that, but the environment is there.

Therefore, I plead very strongly that this Bill should be put into practice very soon and the legislation should

be on the statute. I welcome this Bill and I congratulate the hon. Minister for having brought it forward.

Mr. Deputy-Speaker: Mr. Imam. Those Members who have sent in their chits do not give an indication that they are prepared to speak. Therefore I have to be content with calling other Members. I am very sorry to make this remark, but so far as I am concerned, I have said it so many times. Sending in of chits is certainly useful, so that the attention of the Chair might be drawn towards that side, so that the eye of the Chair might be caught. But the ultimate position depends upon whether the hon. Member who has sent in the chit tries to catch the eye of the Chair. Therefore, Members who have sent in chits should give an indication by trying to catch the eye of the Chair, because that would be the ultimate determining factor.

Shrimati Uma Nehru (Sitapur): I have already sent a chit.

Mr. Deputy-Speaker: I have got it and I have looked towards the hon. Lady Member at least five times. She does not give an indication.

Shrimati Uma Nehru: I never saw you looking at me

Mr. Deputy-Speaker: I have called Mr. Imam.

Shri Mohamad Imam (Chitaldrug): Mr. Deputy-Speaker, we have had very interesting arguments both for and against this Bill. I have listened with great care to the speech of the hon. Minister for Home Affairs, but in spite of that, I feel I am not enamoured of this Bill.

Mr. Deputy-Speaker: The Home Minister also did not make any attempt towards that direction.

Shri V. P. Nayar: He could have well anticipated the result.

Shri Mohamad Imam: He has put forward a very strong case on behalf

of the offenders in a manner which is not disagreeable to the House. I have also listened to the speeches of other hon. Members. Some have upheld this Bill very vehemently and some have criticised it very bitterly.

Mr. Bharucha who had had experience in court for our quarter of a century has criticised it and says that this Bill will be to the prejudice of the society. On the other hand, Shri Sadhan Gupta not only supported the Bill, but he wants that the Bill should go still further and give more leniency to the offenders. I also note the vehement support coming from my countryman, Shri Basappa....

An Hon. Member: We are all countrymen.

Shri Mohamad Imam: I am sorry: my 'statesman', who wants this measure to be introduced as early as possible. But I am puzzled between these two. There was the Lucknow Conference attended by a number of convicts and ex-convicts, some of whom were convicted for murder and dacoity, donning Gandhi caps and they were in the conference with policeman inside. I do not know if that has had any influence on the Minister. Whatever it may be, it is unfortunate that soon after the conference, some of the convicts who were on their way back met with a serious bus accident and 11 of them were killed. Therefore, they have my sympathy.

Mr. Deputy-Speaker: Has that accident anything to do with their meeting together in a conference?

Shri Mohamed Imam: If they had not attended the conference, they would not have been killed. The Minister wants to be very humane and very sympathetic towards these offenders. But I am only anxious that his abundant sympathy with the offenders should not be a misplaced sympathy and they have a duty and an obligation which they owe to the society. It is their duty to protect the members of society and they must take care to see that the sympathy

which they show will not be a misplaced one.

14.47 hrs.

[SRI BARMAN in the Chair].

The proposals which he has placed before the House are very far-reaching and novel. At the same time, I may characterise them as being revolutionary. While putting forward such proposals, he must know what effect these proposals will have on the offender himself and on the society when they become law. He must also take care to see that however sympathetic we may be, this law will not be a sorry contrast to the long evolution of justice which we have built up through generations.

It looks as if this is in the nature of an experiment. Experiment it may be, but it should not be a gamble. Their primary duty lies in protecting the members of the society. That they seem to have forgotten. They have not considered what effect these measures will have on the society. It must be understood that man is the chief enemy of mankind. Man is the enemy of the society. There is none else who is the enemy of mankind or of society. Whatever man does may be for the good of the society or it may be for the prejudice of the society. This must be taken care of.

Many Members have pointed out that these proposals are quite new. It is necessary to consult the Bar Association, jurists and eminent men of the judiciary. Obviously the Government have not done that nor have they taken the trouble of doing it. The Minister seems to be guided by the report of one Mr. Reckless. Since the report comes from one Mr. Reckless, his proposals also must be reckless. Such measures which affect the society, however spectacular they may look in the initial stage, must be very carefully examined and they must take into consideration what the consequences will be. It is the basic principle of jurisprudence that nobody shall be convicted unless his guilt is

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proved. Everybody is supposed to be innocent unless he is proved to be guilty. But when once he is proved to be guilty, then the penal operation or the punitive law comes into operation. He has to undergo that penal operation. He is punished with various objects. In the mediaeval ages punishment was inflicted with a three-fold objective. Firstly, it was retributive, a sort of vengeance. Secondly, it was deterrent. Perhaps, the reformatory element was absent at that time.

Mr. Chairman: I may just inform the hon. Member that we are not discarding the Criminal Procedure Code or the Penal Code. We are just remodelling section 562 in another form, making it more liberal. So, considering the short time at our disposal, I think it would be better if he does not go into criminal jurisprudence. Since other hon. Members also want to speak, the speech should be as short as possible.

Shri Mohamed Imam: In the mediaeval ages, the principle was retributive: life for life, blood for blood and eyes for eyes. It was also very deterrent. Now that retributive element is absent. Our idea is that it should be not only punitive and deterrent, but it should also be reformatory. Unless the punishment has got an element of deterrence, it will be of no avail. Whether it is trial, punishment or imprisonment, deterrence is necessary. It is necessary, not in the interest of the offender himself, but in the interest of the country.

Then, regarding reformation, the aim is to rehabilitate him—his social rehabilitation. Once a person is proved guilty, he must be treated in a manner which will be both deterrent and also reformatory. It should be deterrent in the interest of the society; it must be reformatory in the interest of the offender himself.

In the proposals that have been put forward by the Minister, I find that

the deterrent element is missing. It is not found there. It seems to be his idea that he can reform the offender by not subjecting him to any punitive measure by letting him off. He seems to think that he can cure him of his ills outside the jail, without any restrictions, rather than within the jail. The punishment proposed is so lenient that I think hereafter anybody can commit the offence and escape.

For example, he has proposed three main changes from the established practice. In the first place, the Bill says that all those persons who are punished with imprisonment for not more than two years shall be released with admonition or, as the Minister calls it, gentle warning. Will this gentle warning have any effect? On the other hand, if you retain this clause, the Minister would be extending an invitation to a number of persons to commit offence because they know that this being their first offence, they are sure to be released with a mere admonition.

In this connection I am reminded of a case that took place in Bangalore. Perhaps the Minister is also aware of it. I am referring to cheating, section 420, for which offence he seeks to let off people. There was one Dharma Ratnakara Gopala Rao. He undertook a very big business. He wanted everybody to invest money with him. He used to pay them 25 to 50 per cent. It went on for some time. Crores of rupees were invested with him. In fact, heads of Department, even Ministers and ex-Ministers deposited huge sums of money with him. Apart from the rich people, many poor families also deposited their earnings with him. He continued to pay 25 to 50 per cent return for a long time. He was regarded in such high esteem that the title Dharma Ratnakara was awarded to him. He gave big amounts to charities. Then there was a big crash. It was found that he was an absolute swindler. Hundreds of

families were ruined. People lost lakhs and lakhs of rupees. It was cheating.

I would like to know from the Minister what he would like to do with such a person. After all, if he is going to be punished for that offence, it would be less than two years. Will he be let off with just an admonition?

I will give you another instance. Perhaps you know that there was one Lall. He came to Bangalore. People thought that he was a millionaire owning crores and crores of rupees. He lived in fashionable hotels and in high societies. Then, one day he was apprehended by the police. I think he was brought here by the police, though at least he escaped. His present whereabouts are not known.

Such cases do happen. Do you mean to say that all such persons should be let off with a gentle warning? Clause (2) is the damaging clause and it would be very detrimental to society. You want people to commit theft, cheating and other offences and they will just be given only an admonition. This is very retrograde clause and the retention of this clause is not in the best interests of the society. I suggest that this may be done away with.

Then I come to the next clause, leaving offenders on probation. Here it is contemplated that any person who is punished for an offence with a sentence other than death or life imprisonment can be let off on probation for three years. This also is a very novel procedure. I do not know how the Minister can do this and, at the same time, be responsible to the society. People who are guilty of dacoity or similar other offences will be let off on probation. I do not think that this will be in the interests of the society. So, I have tabled an amendment that if we want to let off people on probation, it must be within certain limits. It can be only for certain specific offences. On such

cases only can we extend such a concession. A person who has committed a dacoity, a person who has committed rape or forgery or perjury, if we apply this concession to that person, then what will be the fate of the society and of mankind?

I will be very brief on the third clause. It relates to juvenile offenders and it stated that all persons who have committed offences and who are below 21 years of age should not be punished. They must be let off. If the court makes some order about them after releasing them, after considering the circumstances of their case, I can quite understand that. But here it is arbitrary. The Minister seems to think that a person, if he is less than 21 years of age, cannot commit any offence. Let me remind him of the Mass Murder Case of Bangalore. It was a case where the entire family was pounded to death. Two innocent boys, one old woman, one old man and his wife and daughter, all the six were murdered en bloc. This was committed has been proved in the courts—it is no longer sub judice as these two people are awaiting the extreme penalty of law—by a boy of 22 years and another of 23 years, led by a third man. He was a boy. One of these had undergone imprisonment. The very next day that he returned to Bangalore, he joined these persons and committed these murders which took the entire country by storm. There are some such persons in society.

15 hrs.

If you release a boy who has committed a heinous offence without making any arrangement for his detention, do you think he will be a same person and that he will be a reformed boy? Of course, I agree with you that you must be sympathetic with these young fellows. But, I am against leaving them, not making any arrangement for training them so that they may become fit citizens of society. In England also, there is such a

[Shri Mohamed Imam]

provision. There also, under the Criminal Justice Act, a person who is guilty, who is below 21 years of age, should not be punished. But, there are other arrangements for him. He will be sent to a detention school or he will be sent to a borstal institution or he will be sent to an approved school or training. Or he will be taught some handicraft or he will be given some training by which he can earn his livelihood. No such arrangement is made, and no such proposal is contemplated. That is why I ask you, is it wise on the part of Government to release such young offenders, however young they may be, and send them out of jail and ask the courts to give him merely a gentle warning.

On the other hand, you will be spoiling his career. The young man will think I have had a nice ride to the jail, why not offend again. His is an immature mind. We will be spoiling the young offenders unless you make the necessary arrangement for his rehabilitation. This clause is very injurious not only to society but to the offender himself. That is why I say I am very anxious as to how you are going to deal with a boy after he is found guilty.

I am rather amused at the inconsistency of the Government. On the one side, they want to bring in the Preventive Detention Act wherein they propose to imprison all those that are possibly not guilty or who have not offended society. On the other side, they want to bring this clause according to which they want to let off persons who are guilty. On the one side, they are indifferent to the liberty of the citizen, on the other, they do not care what happens to society and they want to see that all offenders are let loose. Of course, I am as sympathetic as you are. At the same time, we owe a duty to society.

You should not disturb the established practices unless you are sure of what the new measure will bring or what the future has in store. We must have mercy. Justice must be tempered by mercy. In this case, mercy must be tempered with justice.

I am glad, I believe, the Minister has agreed for this Bill being referred to a Select Committee. I am sure from what I have heard from the doyens, from Pandit Thakur Das Bhargava and others, they are not convinced about the utility and usefulness of this Bill. I am sure they will make the necessary changes in the Bill which will be for the good of society and also for the good of mankind and for the good of the offenders themselves.

Mr. Chairman: I understand that a Joint Committee Motion is going to be moved with the general consent of the House. I think it should be moved, if anybody moves it.

Shri Naushir Bharucha: It has already been moved.

Mr. Chairman: It was for a Select Committee. This is a Joint Committee motion, I understand.

Shri Datar: There is amendment No. 26.

Shri Shree Narayan Das: I have given notice of such a motion earlier. May I move?

Mr. Chairman: Yes.

Shri Shree Narayan Das: I beg to move:

"That the Probation of Offenders Bill, 1957 be referred to a Joint Committee of the Houses consisting of 30 Members; 20 from this House, namely Sardar Hukam Singh, Pandit Thakur Das Bhargava, Shrimati Uma Nehru,

*The total number of Members of Joint Committee was subsequently increased to 36 and the time for presentation of the report of the Committee was extended to the first day of the third week of the next session.

Shri Sinhasan Singh, Shri C. D. Gautam, Shri R. Jagannath Rao, Shri T. Manaan, Dr. Y. S. Parmar, Shri Venkatrao Srinivasrao Naldurgker, Shri N. Keshava, Shri M. K. Jinachandran, Shri Bali Reddy, Shri K. S. Ramaswamy, Shri B. N. Datar, Shri Easwara Iyer, Shri S. A. Matin, Shri Yadhav Narayan Jadhav, Shri P. R. Patel, Shri Jagdish Awasthi, and Shri Shree Narayan Das (Mover) and 10 Members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of Members to be appointed by Rajya Sabha to the Joint Committee."

Mr. Chairman: This amendment is also before the House. Shrimati Uma Nehru. She is in the Select Committee. According to the general practice of the House, I do not like to call upon that speaker. In that case, I call Shri D. C. Sharma.

Shri D. C. Sharma: Mr. Chairman, on the floor of the House today, I listened to the criminal practitioners' reports about India and I must admit respectfully that these reports are as valid and legitimate as the report or reports of some persons whom one of the greatest leaders of India described as drain inspectors. To a jaundiced eye everything looks yellow. To a person who has been conditioned by practising in a court where criminal senses are discussed day in and day out, the whole society seems to be more or less criminal or intending to

be criminal. I say that this will be a very distorted view to any society in any part of the world, far less of Indian society.

On the floor of the House, I have sometimes listened to statements of the Home Minister when he has said that the incidence of crime in India is less than in any other country.

An Hon. Member: How many are reported and how many unreported?

Shri D. C. Sharma: I think all the cases are reported. Only these cases are not reported which catch the imagination of the Lok Sabha Members. Wherever one looks at it from a realistic point of view, from a practical point of view, one finds that Indian society is not in the way in which it is described. There are some troubles everywhere. India is a big country. There may be a kidnapping here or there. It does not mean that the whole nation is determined to be a nation of kidnappers. There may be a dacoity here or there. It does not mean that the whole country is infested with dacoits or robbers. I think, to argue from a few specific cases to a sweeping wholesale generalisation of this kind is not warranted by facts. My grouse with the Home Minister is not this that he has brought forward a Bill which is an advance on the socio-economic conditions of our country; my grouse against him is this, that he has taken so long to bring forward this Bill. If I had been Home Minister—thank God I am not—I would not have referred to 1931 and said that it had taken 26 years to produce this document which, it seems to me is not in any way even in harmony with the spirit of the times. It is a belated measure, an outmoded measure. India thinks that it is a progressive country, a country which wants to keep in step with other progressive countries, and here is a measure which is brought here today in 1957 which should have been here in 1931. In 1957 we should have done something much more worthy of our country and the social conditions under which we are living. I think it is a belated

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measure, and yet I find so many friends of mine have taken exception to it.

Of course, I am not a lawyer, and thank God I am not a lawyer because I can look at things from the human point of view. The human point of view must take precedence over all.

Shri Narayanankutty Menon: Does that mean that the lawyers have an inhuman point of view?

Shri D. C. Sharma: If I am not a lawyer, that is, I think, a disadvantage perhaps,.....

Shri Narayanankutty Menon: It is not so easy.

Shri D. C. Sharma: ... but I should say that when you think of it, you find that this measure is a halting, timid and half-hearted measure.

Shri Narayanankutty Menon: That is a professorial approach.

Shri D. C. Sharma: The U.P. Government is doing much better than we are doing, the other States are doing much better than we are doing. In U.P. we had recently a conference, and I think all of us have read the account of that conference, and some hon. Members have also referred to that conference. I believe that our Home Minister should have at least brought this Bill into conformity with some of the decisions which have been taken at that conference. That has not been done because this Bill was framed long ago, and it has come to us today, and find the inscription "too late" on this Bill.

It is not only U.P. that can show us the way. China shows us the way. I read about some prison house in China where I think they have no regulations which concern our prison houses. Do you mean to say China is not a progressive country, is not doing as well as we are doing? Certainly not. Other people are showing to us the way in which the so-called criminals should be treated, but we have not followed their example.

Exception was taken on the ground that this question of admonition is going to be something very injurious to society. I think every criminal should not be taken to be hardened criminal, every person should not be taken to be a criminal who is going to commit the same kind of crime over and over again. Admonition has been found to help more human beings in the world than detention or long terms of imprisonment. Admonition has been good and it has delivered good results, much more results than the other forms of punishment. Therefore, I would say that admonition is the correct psychological approach to a criminal. An approach of this kind would rid our society of its criminal tendencies to a much greater degree than anything else, because it is not a legal approach but the psychological approach which is more valid in the world of today.

Again, this provision for admonition should be as liberally interpreted as possible, because I know that it will mean that you are putting a man on his honour. Nothing is more precious to a man than his honour, and even the so-called criminal, offender or anti-social person has also his code of honour, whether you believe it or not. Therefore, this is the best thing that can happen, to put a man on his honour.

It has been said that certain persons whose crimes are punishable with death or with other things will be given some kind of concession. This kind of concession is not being given in India or being given a trial in India. India is not a pioneer in this field. In other countries it has been tried, in other countries where the incidence of crime is much higher than here it has been tried and they have found that this has worked well. Therefore, we should not try to compare our country with other countries in a way which is unfavourable, and I think that this concession should also be made operative in such a way that the largest number of persons can take advantage of it. It should

not be made more restrictive as suggested by some Members. We should not try to close in the net of law on these persons much more tightly and effectively than we are doing now. No, I think it should be done in such a way that the whole thing gets humanised.

Some things have been said about young men. All my life I have served the youth of this country. I have been dealing with young men, and I have dealt with young men at the university stage. The picture that has been painted of these young men of about 20 on the floor of the House baffles my comprehension. Of what kind of young men are we talking? After all, I also know young men, I come in contact with them much more than other people do. If a young man commits a crime somewhere, we get to know about it in the newspapers somewhere else, and then we tar all the young persons with the same brush. That, I think, is not fair. It is unfair. And I tell you, no young man is a potential criminal, and no human being is a potential criminal. Young men would respond much more to a treatment which is humane than to a treatment which is punitive. Humane treatment gives better results than punitive treatment. We should deal with young men as leniently as possible. They may be led astray sometimes. All of us are liable to behave like that. Hence, if young men sometimes stray from the right path, they should not be dealt with in such a way that they become for all time enemies of society.

The purpose of this Bill is that the enemies of society should become friends of society; if anybody is a potential criminal, he should become a good citizen; if anybody can be described as a hardened criminal, he should become a reformed citizen. The whole purpose of this Bill is ameliorative. It does not matter if we quote stray instances from this place or that place to show somebody has gone wrong. A gentleman who was described to be of unsound mind came here one day and took the oath.

Do you mean to say all Members of Parliaments are going to behave like that? From one single instance, we should not prove that the whole set will be like that.

Now, I would like to suggest in all humility one thing to the Minister. What kind of probation officers does he envisage? I have seen the provisions in this Bill, and I would say that the kind of probation officers that he has in view will be very difficult to find in this world. For instance, the probation officers should be a sociologist who would be able to enquire into the home surroundings of the person. He should also be a supervisor, something like the superintendent of a hostel or a boarding house. Then, he should be a career-finder for the persons. He should also be a person who would be well-versed in finances, so that he can give advice on compensation. Again, he should be a person who can give all kinds of advice on all kinds of problems.

From where are these probation officers to come? That is the point. Therefore, I say that there is something wrong with this Bill. This Bill is a step in the right direction, but the problem is where we are going to find such omnibus probation officers, who can perform such multifarious duties and such diverse duties to the entire satisfaction of the people. Therefore, I say that the Joint Committee which will go into this Bill should also see to it that definite provisions are laid down for the selection of these probation officers.

Moreover, I do not know what kind of recruiting agency is going to be there for these probation officers. I know that the State Governments want certain offices to be dealt with by the Ministries; they do not want those offices to come within the purview of the Public Service Commission, so that they can also occasionally have the pleasure of appointing some persons. There is no harm in having that provision. But I would like to know who is going to appoint these probation officers. I think there should be some agency, either the

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Public Service Commission, or some other body, which should be responsible for appointing these probation officers. The Joint Committee should see to it that a definite procedure is laid down for the appointment of these officers.

Again, three types of probation officers have been described. Firstly, there are some who will be appointed by the State Government. Then, there are others who would be appointed by some recognised societies. And there are also those who would be appointed by the court. Something precise should be said about the societies which are going to be taken into confidence, and which are going to perform this very useful function, for it is not that any society can be recognised or any society can be asked to do a thing of this kind.

Then, there is the court also. I would say that this is a very cumbersome process, and this process should be simplified. Also, in the case of the juvenile offenders, some provision should be made to turn them into useful citizens.

So, I think that this Bill is good, though it does not go very far. I would say that some of the suggestions that I have put forward should be looked into by the Joint Committee, so that this Bill becomes a Bill useful for our country.

Mr. Chairman: Now, Dr. Samantsinhar. He will be the last speaker on this Bill, since the Bill has been thoroughly discussed by now.

Dr. Samantsinhar (Bhubaneswar): I very emphatically support this Bill, because it is a very bold step and typical of a progressive welfare State like India. At the same time, we must consider the effects of this Bill on our society. My hon. friend Pandit Thakur Das Bhargava has very vividly and elaborately explained its future effect on the society. I thank the Home Minister for having accepted the proposal of the Bill being referred to a Joint Committee.

On the whole, this Bill is a progressive one, and it will help the society rather to prevent more criminals being produced than to have better men in the country. At the same time, we must also see that by this Bill we do not encourage the criminal-minded people to commit more offences thereby making the society an awful place to live in. There are certain weak moments or every person, and to err is human. Some people at some weak moments may commit certain wrongs; certainly, they must be pardoned for those wrongs. But certain limitations in regard to the convictions should be categorically decided upon, and every person should not be released on probation as is enunciated in the Bill. There should be some classifications as to the stage of the conviction at which the person should be released on probation.

Secondly, such release must be only in case of the first offenders. We should not release on probation all the offenders. Some distinction should be made between first offenders and those who commit the offence several times. This point should be very rigorously considered by the Joint Committee. Otherwise, the effect of the Bill would be very bad.

Besides, we are creating a new cadre in the country, namely the probation officers. These probation officers should be of good calibre. They should be of high social status, and high moral standards. They should know also the psychology of the offender. If the probation officer happens to be a raw man, and he does not know the psychology of the offender, then he would not be useful to society, and he would rather create more trouble in the society.

We also know that we are giving more powers to the magistrates under this Bill. The magistrate would depend fully, for the character and the circumstances of the offence, on two things. He may refer to the police report of the locality, and as for the circumstances to the evidence extra-

judicial knowledge of the trying magistrate would be required for the offender's character.

We know that our magistrates and our police are not free from temptation. If this power is vested in them, we do not how far they will be able to do justice under the law. That is also a factor which must be considered.

As Shri D. C. Sharma was saying, three categories of probation officers are going to be appointed, one by the State Government, another by the trying magistrate, and the third by the recognised societies. In my opinion, the probation officer should be appointed only by the High Courts, and not by any other body like the State Government or the magistrate or the societies.

All these things should be considered by the Joint Committee, and in the light of these suggestions, the Bill should be amended and brought forward before the House again.

The Minister of State in the Ministry of Home Affairs (Shri Datar): Mr. Chairman, I am very happy to find that with the exception of 3 or 4 hon. Members, the whole House is with me so far as the fundamental principles of this Bill are concerned.

Shri Mohamed Imam: Eighty per cent. of the House is vacant.

Shri Datar: Certain objections have been placed before us. I can understand the propriety of these objections provided they are related to facts. In certain cases, I am afraid the hon. Members who made certain comments had not gone into the provision of the Bill, especially in respect of matters against which they directed their criticism. It is not as if that, immediately after this Bill is passed all the offenders would be released on probation or after admonition. That is entirely a wrong approach. I should like to correct the misimpression in the minds of the hon. Members. We have not stated that these categories of offences, even if they are proved

against certain offenders, have to go without punishment altogether. This is not an amendment of the Indian Penal Code with regard to the various methods of punishment. What we have done is this. There is the intervention by the Magistrates or the court. That is a factor which most of the hon. Members who have criticised this Bill have entirely forgotten.

What we have stated here is this. There are certain categories of offences. In each of them certain rules have been provided. We have also provided for safeguards. It is absolutely essential to note that there are certain safeguards attached to every category of offences with which this Bill purports to deal.

In the first place, I should like to make it clear that extreme offences such as rape, dacoity, forgery in a serious form, etc. are completely excepted from the operation of the Bill. These serious offences are punishable with imprisonment for life or with death. We have made it very clear in clause 4. Even in those cases where a certain action of a reformative character is to be taken these offences are excepted altogether.

In spite of all these, a number of very senior and experienced hon. Members, lawyers and others, took the Government to task and they dealt with cases of rape, murders and similar cases for which the punishment is either death or imprisonment with life.

We were told very graphically, perhaps in a patronising trend, that Government are not aware of their responsibility in respect of law and order. Government are fully aware of the responsibility and they know that if a certain remedial measure like the ones that have been proposed in this Bill is taken, thereby there will be a better type of humanity coming out even so far as these offenders are concerned. Secondly, the incentive to crime should be cut at the root and the trends or tendencies should be properly treated. It

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has to be understood that this tendency to commit an offence has to be treated not merely by way of deterrents. A large element of deterrence still remains there because, as the hon. Members have pointed out, there are certain peculiar conditions. So, we are not prepared to go the whole hog in view of certain difficulties.

On the one hand we have this criticism that we are proceeding at a pace which seems to be far slow or far modest than it ought to be. On the other hand, we are also told by some of the hon. Members opposite that we proceed too fast. Some hon. Members on the opposite side were very good to take into account the realities and replied to some of the arguments raised by certain hon. Members.

It is true that we have to give treatment to the offence itself and have this sort of a deterrent punishment. But time has come and some of them have not appreciated the signs of time at all. They are still in a static mood from which they refuse to raise. That is my complaint about them. We should also take into account that the human element is there. The reformatory element is there. Apart from treating the offence you have to treat the offender as well. I am confident that if we go along the proper lines, subject to the safeguards indicated in the Bill, a new society is likely to emerge out of this very category of persons. We cannot condemn them for all times to come.

In some cases as I have admitted there are instances where after an imprisonment, persons do not come out as proper citizens or peace-loving citizens. Sometimes by coming into contact with hardened criminals, they themselves tend to become hardened criminals. We are trying to improve the administration in the jails and a large number of States have taken steps in that direction.

Even when a man is actually convicted, can we or can we not take

certain steps with a view to see whether instead of sentencing him to a particular imprisonment and sending him to jail, he cannot be reformed while we take steps to keep him out of mischief. That is the particular point which I want to press before this House.

We were told that the law and order situation would deteriorate and we were given certain facts. These statements are not correct at all. Often-times on the floor of the House, we are told that there has been an increase in crime. As Shri D. C. Sharma pointed out rightly, I have informed the House and the Home Minister also informed the House that there has been no increase in crime, so far as the whole of India is concerned or even so far as our States are concerned.

My hon. friend, Shri Bharucha, made a reference to Bombay. He told us that there had been an increase in the incidence of crime, especially cognisable crime. I have got here figures and I would read them to the House. They relate to Bombay, Madras and U.P. We compare favourably with other States so far as the incidence of crime is concerned. Subject to these two very important points, I may point out that in Bombay the total cognisable crime for the year 1953 was 78,614. In 1954 it came down to 71,435 and in 1955 it was 69,049. There has been some decrease and no increase at all.

Shri Naushir Bharucha (East Khandesh): I was referring to Greater Bombay City and not Bombay State.

Shri Datar: You made a reference first to the whole of Bombay. (Interruptions.) So far as Bombay is concerned, I am prepared to satisfy this House that it is not correct to say that there has been an increase in crime either in the whole of India or in any particular part. All the same some attempts are being made.....

Pandit Thakur Das Bhargava: Is it not correct that your reports show that for the years 1952-54, there was a decrease in crime and in 1955 and 1956 the crime has increased?

Shri Datar: I have got here the official figures. I have taken three important States which are fairly big.

Pandit Thakur Das Bhargava: I have read in the reports the statement I just now referred to, that in 1955-56 the crime has increased as compared to 1954-55.

Shri Datar: Assuming that there was an increase, to what extent was that increase?

Pandit Thakur Das Bhargava: I did not give any figures. Either the reports are wrong or your figures are wrong.

Shri Datar: Let not the hon. Member merely depend upon his memory. I have got here in my hand the figures for three years, not only in respect of Bombay but in respect of Madras and Uttar Pradesh. I have purposely taken these three States by way of sample. May I assure the House that in all these three States there has been a fairly constant decrease in each case. If, for example, in any particular case, assuming for the sake of argument, there has been some increase it is not a cent per cent. increase in any case. My hon. friend stated that there was a 300 per cent. increase.

Shri Naushir Bharucha: I repeat that I was referring to Greater Bombay City. Why does the hon. Minister twist the argument. Produce the figures for Greater Bombay and then you will see. There is the Police Commissioner's Report, an official document, where in a graph all these figures are given.

Shri Datar: The hon. Member first dealt in a general way the increase in crime everywhere and then he came down either to Bombay City or Greater Bombay. I am prepared to look into this matter. But may I point out to this House that there has

been no such abnormal increase as the hon. Member pointed out. All the same, I am prepared to look into this matter again.

But the question is whether there has been such an alarming increase in crimes as to make it impossible for us or to prevent us from taking recourse to reformatory measures. That is the point at issue.

Then I will deal with the three clauses of the Bill against which certain criticism was directed. Take, for example, clause 3. So far as clause 3 is concerned, what has been done in respect of certain offences which might be great or small. A theft might be of a fountain pen or a few rupees, or it may be in terms of lakhs of rupees. Three or four types of offences have been referred to. Cheating has been referred to, but in respect of cheating there cannot be any release on admonition, nor in a case of the nature that the hon. Member Shri Imam referred to. He entirely forgot that there was the intervention of a magistrate or a session judge, and no magistrate or a session judge, after taking into account certain criteria which has been laid down, would release such an offender on admonition. Let not a political argument be made out of a very simple factor. What we are doing is that we are arming the criminal judiciary with this particular power and, let the House understand, we have used absolutely specific terms. We have purposely introduced the clause "when any previous conviction is proved against him", so that if there is a previous conviction then the man would not be entitled to release on admonition at all. We have put it down as a safeguard. If the man is really bad and the character of the man is proved by his previous conviction then, naturally, he would not be entitled to a release on admonition.

Then we say: "If the court is of the opinion that having regard to the circumstances of the case including the nature of the offence and the character of the offender...." So you

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will find, if the nature of the offence is heinous, as in the case that the hon. Member there pointed out, we have got judges, magistrates and courts, and they are asked to pass the necessary orders only after considering the nature of the offence as also the character of the man. In the particular case that he quoted there can never be any release on admonition. He knows that, and if that is so, that case ought not to have been thrown at us at all.

Some Members referred to cases of rape, cases of dacoity and so on. They started on the supposition that the moment this section is enacted immediately what the magistrates or session judges would do would be to release a particular offender. That is not the case at all. Only a judicial power has been given to them and they are expected to scrutinise all the circumstances and then pass final orders.

In all these cases an attempt has been made to give to the man an opportunity to improve himself. Section 562 comes into operation only after the man is convicted. Let the hon. House understand that the circumstances here are far more liberal on account of the newer approach that we have to make. Therefore, in such cases if there is a previous conviction we are satisfied that *prima facie* the man does not deserve any letting off after admonition. Now, admonition need not necessarily be gentle. My friend Shri Imam started on the assumption that admonition means a gentle advice. It may be strong and it may be powerful, but in all cases it may be effective. That is what has to be done. Therefore, let not arguments be used against us without fully realising what the particular section is.

Let the House also understand what the correct position is with regard to clause 4. We have purposely increased the scope here, but we have accepted very serious offences. I shall repeat my argument in order that the

hon. Members may not be misguided by the criticism levelled against us. In such cases where the court has come to the conclusion that the person is guilty of having committed an offence, we have purposely put in the previous conviction, but we do desire that in such cases the man should have an opportunity. Here, let the hon. House understand the fundamental principles of what is known as 'probation'. In the case of probation what is done is an opportunity is given to the man to correct himself. All that is done is that there is a suspension of sentence, suspension of either the execution or the passing of the sentence. For this we ought not to be criticised. When it is found that a man has committed an offence, instead of immediately declaring a sentence of death on him what is done is that certain circumstances are taken into account with a view to see whether this equitable jurisdiction of allowing him to reform himself can come into operation.

My hon. friend Shri Sinhasan Singh and others misunderstood the whole position. So far as the main judicial trial of adjudicating upon the guilt or the innocence of the accused is concerned, that stage of trial is completely over, because we have clearly stated in both the clauses; clauses 3 and 4, that when any person is found guilty of having committed an offence, then, thereafter the question arises whether the court can take action under these reformatory provisions. In that case, so far as this question is concerned, after the man has been found guilty, before he is actually sentenced, a certain new circumstance, different circumstance, has to be taken into account. It is only for this purpose that the report of the probation officer is to be taken into account.

So far as the trial of a case is concerned, as you are aware, under the Evidence Act, it is the action that has to be tried and it is not the man who is to be tried. But after the trial or action, if it is found that a particular offence has been committed, then the

question arises as to what is the nature of the offence, what is the character of the man, etc., and in order to understand what is the character of the man, some more information is necessary.

So far as the probation officer's report is concerned, that report is taken into account and you have to understand in this particular case why that has to be treated as confidential. Here, we are dealing with a class of persons who are not necessarily scrupulous but whom we desire to be scrupulous. If, for example, certain reports are made against them, it is quite likely that the probationer's life itself will be in danger, because he will believe that a particular report has been made against him. This is one of the reasons, but in a proper case, where a probation officer has made certain comments or has given a particular assessment of a man's character, it is open to the magistrate or the judge to tell him what is the particular thing and to hear him also.

In this matter, we were told that there was a violation of the principles of the Evidence Act. There is nothing of that sort. After the judicial trial is over, before a man is actually punished, this is the intermediate period during which there is a suspension of the sentence and the question is whether there ought to be a suspension or there ought not to be a suspension. For that purpose only, this particular evidence is taken into account, and then it is open to the magistrate to pass what you may call a provisional order for his release after probation.

The expression "probation" itself means that the man has to prove his good character during this period which may be between one and three years and he has the opportunity of reforming himself. Ordinarily, if they are left to themselves, they may not reform. Therefore, we have got here the intervention of a probation officer, and in a proper case a formal order for a supervision can also be made. Then, within this period, if the man

behaves well and good, there is no difficulty at all. It will then be a gain to the society, the gain of a good man to the society, from a man who was otherwise bad, and a man with whom we had a psychological treatment, as a result of which the man has been found to be good. This is an aspect which the House will understand. We have to deal with a man, with an erring man. Merely because he has erred, and erred in a serious manner, it does not mean that such people are beyond all bounds or bonds of redemption. That is a factor which we have always to understand.

It has to be said that a further provision has not been made note of. We have stated that if it is found that if the man, through his surety, has not behaved properly, has lapsed or relapsed into bad conduct, the magistrate can call upon him to receive the due sentence. It is a very important factor and this safeguard has been purposely introduced. That is, what you can call, not a case of release after admonition. There is no release at all. There is suspension of the passing of the sentence or the enforcement of the sentence. Then, if the man does not behave and goes in the wrong direction, he can be called upon and be lodged in jail after a due sentence of imprisonment has been passed against him.

Lastly, there is the question of an offender under 21 years of age. Here also we have taken into account that this is the period which has to be taken into account. What happens? Oftentimes, offences are committed without understanding either the nature or the implications or the effect or consequences of that offence, and especially when the offenders are of a tender age, they require a tender treatment also, because, until, ordinarily or normally, a man reaches the age of 21, it may not be possible to hold that he has attained that maturity of understanding which is required for carrying on normal functions. Under these circumstances, all that has been done is this. It is not at all the case

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that children or all those persons below 21 years have to be let off, altogether. That is a most amazing part of the argument that was addressed against us. What is being done is, in all these cases, let the magistrate or the judge understand as to whether in that particular case, after looking into the various facts which I have pointed out, a conviction and imprisonment is absolutely essential or whether that particular boy or girl ought to be released in a particular manner. This is all that is being done. A magistrate has to give his reasons.

When for example, he desires that the normal course of passing a sentence has to be followed, this is done with a view to see that in a proper case, when the abnormalities of the mind are not found, the magistrate or the judge can give proper reasons, and the man can be released only so far as that particular offence is concerned.

Under these circumstances, I do not see what wrong has been committed or what dangers are implied in the Bill that we have introduced. If all these things are not taken into account, naturally the society will move only along the direction of deterrence, and the effect of deterrence would be that certain classes of society, this class of offenders, will continue to do wrong and become hardened criminals and crooks or they go into the under-world. These are the various evils that proceed from the other view that we take. But, as I have stated, we have taken a compromise view. We have taken into account the interest or the security of the society. That is naturally most supreme, but subject to it, and for that purpose, we have introduced the safeguards.

My submission to the House is, everywhere, before taking action, we have introduced certain safeguards so that no wrong will be done to the interests or the security of the society and the interests or the security of the society will always remain unaffected.

Only one or two other minor points remain. My friend Pandit Thakur Das Bhargava contended that our order about making compensation or for costs is a commercialised matter. I fail to understand how it is commercialised at all. As I stated in my opening remarks, when it is found that a man has committed the guilt and the guilt has proved, what does it mean? It means that the person complained against, that is ordinarily, the complainant, has received an injury or a damage. If that is so, then under the general law of torts, there must be a remedy for an injury, for every wrong that has been committed. My friend just argued in a lawyer-like manner. So far as his argument is concerned, it means "let the aggrieved party go to a court of law". A summary remedy is necessary because here we are going out of the common law and we are passing an equitable order. We all know that in the world of criminal jurisprudence there is such a thing as equity. Here, when you hold an offender as having committed an offence, it means that the aggrieved person, namely, the complainant, has proved his case. Under these circumstances, is it not proper that some compensation should be given to him, whatever the costs are? The costs need not be the costs of Government. Whatever it may be, the court has judicial powers; the court has a strong common sense and it will understand what are the costs incurred individually by the particular aggrieved complainant. Under these circumstances when we were introducing an equitable principle, we thought that so far as the guilty person is concerned—we cannot call him accused—there ought to be a counterbalancing advantage, so far as the complainant is concerned. There are already certain sections in the Criminal Procedure Code where this question of costs and compensation has always been taken into account and provisions have been made for granting compensation from one person to the other. Section 250, for example, is there, When a false com-

plaint has been filed, why should criminal law introduce the question of compensation for a vexatious complain? That has been introduced, because here we have a Judge or a Magistrate who has gone through the whole matter and who knows whether a particular action is correct or wrong. There are other sections also where similar provisions have been made.

17.00 hrs.

Therefore, these are summary but highly equitable matters and they are in the interests of the other party. Under these circumstances, I find there is nothing wrong. So far as the evidence and the report of the probation officer is concerned, it has nothing to do with the main trial. It is only for the purpose of finding out the antecedents of the man. In such cases, it would be some material for the Judge to be guided by, so far as subsequent questions after holding the man guilty are concerned. Therefore, you will find that all these provisions are more or less on sound lines and there is nothing wrong. Let it not be supposed that tomorrow there will be riots everywhere and the law and order situation would deteriorate. Nothing would happen. I would point out to my friends that Government have taken all these circumstances into account.

Lastly, Mr. Imam found inconsistency in certain measures being stern and certain other provisions being not so. Without calling ourselves great, may I point out one Sanskrit verse which gives what a great man has to be?

वृत्राणि कठोराणि मुनिः क्षमादधि

The Government of India or the State Governments ought to be strong where strength is necessary; they ought not to be strong and they ought to be persuasive where persuasion is necessary. Therefore, we have to be both. When we come across diehard or subversive elements, we cannot think of weakness; we cannot think of any soft quality. We have to hit hard. That is the reason why the Preventive

Detention Act has been passed and is going to be continued. (Interruptions). With your goodwill, we desire to continue it for some period for dealing with only subversive elements and not with other elements at all. We have to deal strongly and sternly with those people. When, for example, there are ordinary offences and when there are elements for taking a proper equitable and human view, you ought to allow us to take a persuasive view.

Under these circumstances, I would suggest that the provisions are fairly good. But, as you are aware, the Chair suggested that because this is a new type of Bill in a new society, we might consider the advisability of agreeing to the reference of this Bill to a Joint Committee. A number of hon. Members on both sides have also made the suggestion. Therefore, I accept the suggestion on behalf of the Government.

Shri P. R. Patel (Mehsana): Can I seek one information from the hon. Minister? Under clause 4, sub-clause (3), offenders may be released on probation and they are to be put under the supervision of a probation officer. Suppose in a district there are 500 convicts on probation. How many probation officers will have to be appointed and what will be the expense?

Shri Datar: No such contingency had arisen. If it arises, then we are competent enough to take proper action in all such cases.

Mr. Chairman: I would like to enquire whether Mr. Bharucha wants his amendment to be put to the House.

Shri Naushir Bharucha: Because the reference to Joint Committee has been accepted, I do not want it to be put. I take it that the Joint Committee will report in the next session.

Mr. Chairman: I thought that was in the motion itself. The date has not been put in the motion.

What about Pandit Bhargava's amendments?

Pandit Thakur Das Bhargava: In view of the hon. Minister's acceptance to refer the Bill to a Joint Committee, I would like to withdraw my amendments.

Mr. Chairman: As regards amendments Nos. 24, 38 and 25, the hon. Members want to withdraw their amendments. Have they the permission of the House to withdraw them?

The amendments were, by leave, withdrawn.

Shrimati Uma Nehru: I only wanted to suggest that on the Joint Committee there could be more women, because I think women understand this problem more than the men do.

Shri Datar: This question can be considered when Rajya Sabha Members are put in.

Pandit Thakur Das Bhargava: There could be one or two more lady Members.

Mr. Chairman: Have you got any definite suggestion?

Pandit Thakur Das Bhargava: I suggest Mr. Bharucha's name and two or three more ladies may be included.

Mr. Chairman: The number will have to be adjusted in consultation with the Minister.

Shri Datar: There should be 20 Members from Lok Sabha and 10 Members from the Rajya Sabha.

Pandit Thakur Das Bhargava: Only the proportion should be the same; the number may be greater or less. There is no difficulty.

Shri Naushir Bharucha: We can have 24 from Lok Sabha and 12 from Rajya Sabha.

Pandit Thakur Das Bhargava: Yes. Shrimati Uma Nehru and two more lady Members may be there.

Shri Datar: We might put two more ladies. Let the hon. House decide the names.

Mr. Chairman: Mr. Bharucha's name has been suggested by Pandit Bhargava.

Shri Datar: Two more ladies can be there.

Shri Achar (Mangalore): I suggest the name of Mrs. Laxmi Bai.

Mr. Chairman: In order that it may be 24 and 12, Mr. Bharucha's name has been suggested; there can be three more names.

Qazi Matin (Giridih): I want to suggest the name of Mr. Purshotham Das Patel.

Shri Radha Raman (Chandni Chowk): I suggest the names of Dr. Sushila Nayar, Shrimati Laxmi Bai and Shrimati Mafida Ahmed.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): Does that mean that Mr Bharucha is out? Or is he still in even when the women are in?

Qazi Matin: I also suggest the name of Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava: I am already a member.

Shri Jaipal Singh: May we have the final list of names?

Mr. Chairman: I have already read out the names. The new names suggested are: Mr Bharucha, Dr Sushila Nayar, Shrimati Laxmi Bai and Shrimati Mafida Ahmed. That makes the total 24.

Shri Datar: I have to make one suggestion so far as the report is concerned. We may say that the report should be submitted in the "third week" instead of "first week" so that we can get more time.

Qazi Matin: I want to propose the name of Kunwarani Shrimati Vijaya Raje in my place.

Mr. Chairman: The hon. Member himself cannot suggest that.

Shri Jaipal Singh: He can disagree to stand as a member. The mover must obtain his consent. He is now disagreeing to his name being included in the list.

Mr. Chairman: All right. The name of Mr. Matin will be excluded and in its place the name of Shrimati Vijaya Raje will be included.

The question is:

"That the Probation of Offenders Bill, 1957, be referred to a Joint Committee of the Houses consisting of 36 Members, 24 from this House, namely, Sardar Hukam Singh, Pandit Thakur Das Bhargava, Shrimati Uma Nehru, Shri Sinhasan Singh, Shri C. D. Gautam, Shri Jaganatha Rao, Shri T. Manaen, Dr. Y. S. Parmar, Shri Venketrao, Shri Shrinivasrao Naldurgker, Shri N. Keshava, Shri M. K. Jinachandran, Shri C. Bali Reddy, Shri K. S. Ramaswamy, Shri S. Keswara Iyer, Kunwaru Vijaya Raje, Shri Yadva Narayan Jadhav, Shri Purushottamdas R. Patel, Shri Jagdish Awasthi, Shri Naushir Bharucha, Dr. Sushila Nayar, Shrimati Mafida Ahmed, Shrimati Sangam Laxmi Bai, Shri B. N. Datar and Shri Shree Narayan Das (Mover and 12 Members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the third week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

The motion was adopted.

The Deputy Minister of Defence (Shri Ragburamalah): Mr. Chairman, I beg to move:

"That the Bill to consolidate and amend the law relating to the government of the Indian Navy, as reported by the Joint Committee, be taken into consideration".

As the House is aware, the Bill was introduced in Lok Sabha on the 31st May 1957. The hon. the Defence Minister moved the motion for reference to the Joint Select Committee on 22nd July 1957 and the House agreed to that and referred it on the 23rd July.

The Rajya Sabha discussed the motion on the 13th and 14th August and concurred in the motion on the 14th of August 1957.

The Joint Select Committee had held 13 sittings, considered the matter for nearly 46 hours—to be more specific 46 hours and 40 minutes—and also disposed of about 350 amendments. The Committee brought to bear on the measure, not only its legal acumen but also the exhaustive knowledge which some of the hon. Members had regarding our Navy. The Chairman and members devoted their very best attention to the proceedings and have now submitted their report. That report is now before the House.

The Indian Navy has had a very chequered history. The hon. Defence Minister, when he moved the motion for reference to the Joint Committee in July, made a very exhaustive speech, tracing back the maritime history of this country, going back thousands of years, with particular reference to that part of our history wherein in about the early centuries of the Christian era, India had the unique honour of being the then greatest maritime power, with complete mastery of the seas around. We have passed through many vicissitudes of history since then. There was a time when the Navy was merely the hon. East India Company's marine,

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later on it developed into what was then called the Bombay marine. It was only before Independence, some time before that, that we had what was then called the Royal Indian Navy. After Independence, with the proclamation of the Republic, the word Royal was omitted and since then, we have the nomenclature the Indian Navy. It is not my object to go into all that chequered history because that has been done very ably, if I may say so, and in his own inimitable style by the hon. Defence Minister. I would only like to recapitulate the very recent history beginning with the enactment of the Indian Navy Discipline Act, 1934.

That Act was enacted in pursuance of the provisions of the Government of India Act. The Indian Navy Discipline Act of 1934 adopted the U.K. Navy Discipline Act with such modifications as were considered necessary. At that time, no attempt was made to adopt other statutes in the U.K. governing the Navy. The U.K. Navy Discipline Act confined itself to disciplinary matters. Following that pattern, the Indian Navy Discipline Act also confined itself to matters of discipline. As I mentioned, no attempt was made at that time to go through the other enactments in the U.K. governing not only discipline, but enlistment, service conditions, pay and allowances, etc. of the persons belonging to the Navy. Although we had our new Air Forces Act and Army Act—Parliament passed those measures in 1950—, it was considered prudent at that time to wait for some time more before bringing in this fresh enactment because at that time, one of the important Committees appointed in the U.K. to consider the whole naval structure there was still considering the whole matter. It was thought that it would be wise for us to await the recommendations of that Committee also. Since then, the Committee did make recommendations and not only that, the U.K. also have passed the new Navy Act.

The members of the Joint Committee which went through this measure had, therefore, the advantage of going through all those enactments in the U.K. and also they went through or, at any rate, considered, I presume, the salient features of other Naval enactments of other countries. The present Bill comprises, therefore, not only discipline, but all other matters which are necessary in the administration of the Navy, raising of the Naval forces, administration, enlistment of persons, conditions of service of those persons, pay and allowances and all other matters appurtenant thereto.

The Joint Committee very carefully, if I may say so, considered the numerous suggestions made both in this House and in the Rajya Sabha and the criticisms levelled in regard to certain matters and has given its very best thought to them. I shall not tire the House by going through every clause which has been dealt with in this manner because during the further stages of the proceedings, we shall have ample opportunity to do so. I shall, however, mention a few of the important alterations which the Joint Committee has thought fit to make in regard to the original Bill

Great attention was paid, quite rightly, both by the Government and by this House to ensure that conditions of service are honourable. In particular, attention was devoted by many of the hon. Members here and by the Committee to ensure that the conditions of service in relation to officers and other ranks are no more onerous than are required by the necessities of the maintenance of the structure of the armed forces and the discipline of the persons belonging thereto. In some matters, what was implicit in some of the other provisions of the Bill have been made more explicit or what was a mere matter of rule of practice has been incorporated into this Bill.

One such example is the right of resignation given to seamen. As the original Bill stood, this right was incorporated specifically only in relation to the officers. However, it has been a longstanding practice that even other ranks could always ask to be released and on compassionate grounds there have been cases of such release. But, the Committee thought it would be better if that provision relating to the right to resign is extended statutorily to seamen also and that has been incorporated in the Bill.

The Committee has also made another important addition, the addition of a new clause No. 46 which relates to ill-treatment of subordinates. As the Bill was originally framed, it was thought that clause 57 of the Bill which penalised any conduct of an officer unworthy of him would be sufficient to cover cases of ill-treatment also, because, if I may say so, there is nothing more reprehensible in the Naval Code as ill-treatment of a subordinate officer by a superior officer. The Committee, however, thought that it would be better that specific provision in that regard is made. Clause 46 has been inserted penalising specifically ill-treatment of subordinates.

Another example where the Committee wanted that there should be equality of treatment so far as it is consistent with, as I mentioned originally, the structure of the armed forces and the discipline of the persons belonging to them—equality of treatment as regards officers and other ranks—is in relation to drunkenness. As originally framed, the Bill imposed a different punishment in regard to drunkenness by officers than in regard to the commission of the same offence by seamen. In regard to an officer, drunkenness was made punishable with dismissal with disgrace, that was the maximum punishment. If the same offence was committed by a seaman, the maximum punishment in certain circumstances was six months. The Joint Committee thought fit to revise the relevant

clause and remove the distinction and make the same punishment of two years or six months as the case may be applicable in both the cases. These are some of the instances wherein the Joint Committee had taken very great pains to ensure that there is equality of treatment between officers and other ranks in matters in which such treatment can be accorded, and to see that it appears also on the very face of the measure.

Other important alterations made in the Bill relate to review proceedings and also the provisions relating to the Judge Advocate General. In regard to review, it was provided in the original Bill that in every case where there is a finding by court martial, there ought to be a review by the Judge Advocate of the Fleet, or to be more correct under the new designation, the Judge Advocate General. There was, however, no provision in it for a person aggrieved by a decision of the court martial to be heard in person by the authority reviewing it, namely the Judge Advocate General. The Committee has now empowered the Judge Advocate General in suitable cases where an application for review was made by an aggrieved person to accord that person the right to appear either in person or through a legal practitioner or through an officer of the Navy before the Judge Advocate General. The procedure of review has also been made applicable by the Committee to disciplinary proceedings which was not so under the original Bill, so that the remedy of review which was under the original Bill available only to court martial proceedings, has also been made available to cases in which there are disciplinary proceedings.

In regard to the Judge Advocate General, provision has been made changing slightly the nomenclature of persons in that office. The original Bill provided for the appointment of a judge Advocate General and a number of deputies and assistants, but the Committee thought that the proper nomenclature would be, in

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regard to persons other than the Judge Advocate General, the Judge Advocate, and that authority should be given to the Government to appoint one of them as Deputy Judge Advocate.

There are also a number of other minor matters. I would not like to tire the House listing them all out, but I would like to say that on the whole the Committee has not only improved the general tenor of these provisions, but has gone a long way to present before the House a greatly improved measure from the point of view of drafting. They have taken particular care to see that the measure is made much simpler; I am not at the moment going into the number of clauses which have been economised, but it is certainly much more presentable.

The majority of the Committee have agreed to all these changes which I have mentioned. There have also been a few hon. Members who have appended their minutes of dissent and notes. I shall not go now in detail into any of those matters, but I shall be failing in my duty if I do not refer to at least the most important of them.

A considerable part of the time of the Committee was devoted to the question of the provision of an appeal against the decisions of the court martial. Attention of the Members was invited in this connection to the provisions in the U.K., Canada, Australia, U.S.A., and so on, and the matter was discussed at very great length, and it was also considered by the Government at all levels. The Committee felt that in the present context, in the present circumstances obtaining in the country, perhaps the Bill as it now stands may remain as it is. In the U.K. they have provided for a court of appeal to which any person aggrieved by a decision of the court martial there, subject to certain conditions, could appeal. It was felt that in the circumstances now obtaining in this country, the incorporation

of such a provision might lead to various difficulties. In the first place, I may mention for the information of the House that the number of cases dealt with by the court martial regarding the Navy in this country has been very few indeed—, I think there have been only 31 cases since 1954. There have been no cases of death sentence at all during this period. Considering the volume of cases and also the fact that it would cause considerable delay in the administration of justice if further stages of appeal and so on are provided for, and considering also the need for a quick disposal of cases, it has been the opinion of the Government, and the opinion of the majority of the Members of the Committee, that there need be no provision in this country for a measure like the one they have in the U.K.

At the same time, in order to ensure that justice is done and that nobody's life is placed in jeopardy, steps have been taken to improve wherever possible the provisions. As I said a little while ago, there is a provision giving the opportunity of personal hearing to the person aggrieved before the Judge Advocate General who reviews this matter which will have, I am sure, a very salutary effect. The qualifications of the Judge Advocate General are comparable to those applying to the Judges of the High Court. In addition to this, the Committee have also prescribed high qualifications for the Deputy Judge Advocate General. In regard to the Deputy Judge Advocate General it has been prescribed as seven years practice at the bar or seven years of judicial experience, qualifications corresponding to those prescribed for District Judges. Every case dealt with by court martial will be reviewed by the Judge Advocate General; there is also the right to the person aggrieved to appear either in person or through a legal practitioner or through an officer of the Navy before the Judge Advocate General; furthermore, in matters where the

capital sentence is imposed, the sentence has got to be confirmed by the Central Government. Over and above all this procedure of review, there is also now under the Bill the right given to any person aggrieved by any finding of the court martial to prefer a petition either to the Central Government or the Chief of the Naval Staff. Considering all these safeguards it has been felt that these would go a long way to ensure that justice is done, and that we need not at this stage embark on a new venture and facilitate the delay which will be necessarily involved in the provision of any further appellate authority.

The history of U.K. and of other countries is quite different. The institutions there have grown out of their own moorings, and we have to find our own solutions consistent with the genius of our country and the conditions obtaining here. This is one of the answers to the allegation often made that we have simply copied verbatim the provisions of the U. K. Act. This is a clear instance where we have thought fit to differ from the provisions of the UK Act and the practice obtaining in that country.

In formulating the various provisions of this Bill, we have taken into account not only the provisions of the Army Act and the Air Force Act but also various other enactments. But in no case have we blindly followed or copied any particular measure. The naval history shows that of all the wings, the wing which takes the longest time to build is the naval wing; it is so the world over; it is an international community. So, in formulating this Bill, I believe by the committee also while considering the Bill, all this great history running over centuries, in various countries, and all the traditions that have been built up have been taken into account.

Our present Navy, though young, has, I am proud to say, built up glorious traditions within these few years. It is of course, in the formative stage, but I suppose nothing is

more important than that there should be sound foundations.

The Bill as now presented before this House is a comprehensive measure, a self-containing code which has taken into account all the various enactments the world over, and the traditions that have been built up within our town country. And I would commend it for the consideration of the House.

Before I sit down, I would like to mention once again personally my own thanks to the chairman and members of the Joint Committee, who have given their very best attention and spent a long time over the various provisions of the Bill.

Shri D. C. Sharma: Who was the chairman?

Shri Raghuramalah: As you know, the chairman was Shri S. V. Ramaswami.

The Deputy Minister of Defence (Sardar Majithia): The committee was appointed by the House. So, the hon. Member should know.

Shri Raghuramalah: If there are any points which will arise during the course of the discussion, I shall be most happy to be of any assistance to the House in clarifying them.

Mr. Chairman: Motion moved.

There is an amendment to this motion....

Shri Naushir Bharucha (East Khondesh): I desire to move an amendment to the motion made by the Minister.

Mr. Chairman: I am referring to that. The first point that I find, apart from the question of waiving of notice is that whatever amendments are suggested by the hon. Member in his amendment can be made by tabling amendments while the Bill is under consideration.

[Mr. Chairman]

Secondly, after the Bill has returned from the Joint Committee after consideration by them, no new circumstance has arisen which requires consideration by the Joint Committee.

Shri Naushir Bharucha: That is for the House to decide.

Mr. Chairman: I have to put it to the House. Then, the House can decide. I do not think that this amendment of the hon. Member is admissible. Under rule 341 (3), I find:

"If the Speaker is of opinion that a motion for re-committal of a Bill to a Select Committee of the House or a Joint Committee of the Houses or circulation or re-circulation of the Bill after the Select Committee of the House or the Joint Committee of the Houses has reported thereon, is in the nature of a dilatory motion in abuse of the rules of the House inasmuch as the Select Committee of the House or the Joint Committee of the Houses, as the case may be, has dealt with the Bill in a proper manner or that no unforeseen or new circumstance has arisen since the Bill emerged from such Committee, he may forthwith put the question thereon or decline to propose the question."

In this case, the report of the Joint Committee was presented to the House only on the 11th inst. No new circumstance has arisen since then, which requires this House to send it again to the Joint Committee. So, on that ground.....

Shri Naushir Bharucha: Before you give your ruling on this, may I be permitted to mention one thing? The amendment which I want to move desires to recommit the report to the same Joint Committee with instructions to the Committee to make the following particular and additional

provisions in the Bill by the 31st of January, 1958, namely:

"That clause 5 be re-drafted..

Mr. Chairman: The hon. Member may please show me that part of the amendment he wants, which he thinks cannot be done by the whole House, while the Bill is being considered.

Shri Naushir Bharucha: All of them. For instance, if I say that clause 5 be re-drafted so as to lay down in the Bill itself the principles and policies governing the raising and maintaining of regular naval force and auxiliary naval forces, including their constitution, hierarchy of commands, the relation of naval forces to the Army and Air Force etc., the thing cannot be done by an amendment, unless the Joint Committee has gone into the matter. In fact, the Joint Committee has not gone into this matter.

Mr. Chairman: The Committee is only a substitute for the House, where some consideration is necessary, which cannot be done by about five hundred Members. It is not that every amendment, unless it goes before the Select Committee or the Joint Committee, cannot be considered here. I do not find that the reason given by the hon. Member is justified.

Shri Naushir Bharucha: Rule 77, under which I have tabled this amendment reads thus.

"(1) After the presentation of the final report of a Select Committee of the House or a Joint Committee of the Houses, as the case may be, on a Bill, the member in charge may move—

.....
.....

(b) that the Bill as reported by the Select Committee of the House or the Joint committee of the Houses, as the case may be, be re-committed to the same Select Committee or to a new Select Committee, or to the same Joint Committee or to a new Joint

Committee with the concurrence of the Council, either—

- (i) without limitation, or
- (ii) with respect to particular clauses or amendments only, or
- (iii) with instructions to the Committee to make some particular or additional provision in the Bill;....".

Then, any Member can move also..

Mr. Chairman: There is no bar to moving, but the hon. Member may please show me how he meets the provisions of rule 341.

Shri Naushir Bharucha: If the Chairman is satisfied that this is a dilatory motion and rules on that point, I cannot help it. But I submit that this is under rule 77. It is absolutely within the four corners of the rules.

Mr. Chairman: Under rule 341, the hon. Member may please show that certain new circumstances have arisen which render it necessary that the House must re-commit the Bill to the same Joint Committee or some other Joint Committee.

Shri Naushir Bharucha: Rule 77 gives me the right without imposing any such restriction. Where does rule 77 say that a new circumstance must arise and then only a Member can move a proposition for re-committing the same Bill to the same Joint Committee?

Shri Raghuramaiah: May I mention that all these points were considered by the Joint Committee, namely points Nos. 1, 2, 3 and 4 of the hon. Member's amendment, and some of these are subject-matters of the minutes of dissent?

Mr. Chairman: So, I do not propose to accept it or waive notice. I rule it out of order.

Since there is no other motion like that, I now call upon Shri U. C. Patnaik.

Shri U. C. Patnaik (Ganjam): I agree with the Minister that India had a great naval past, that India was a great nation which went to all countries by the sea both for colonisation as well as for occupation, and that our officers of the Indian Navy and our ratings and seamen have kept alive that reputation, and during the last few years they have built up a reputation for the Indian Navy. Our Indian naval personnel have gone more or less as semi-official ambassadors to other countries, and they have raised the prestige of our country abroad. I pay my best compliments to them.

At the same time, I would submit that our naval organisation is not commensurate with the requirements of defence of our 3500 miles of coastline; it is not commensurate also with our oceanic trade and our communications. We have, therefore, got to consider while examining this Navy Bill, what steps could be taken to reorganise our Naval Forces, to reorganise the administrative machinery which is now running the Naval Forces so that they will be adequate for our national requirements.

We have been told just now that our Navy Bill is a compilation of all the Navy Acts of different countries.

Shri Raghuramaiah: May I say a word, Sir? I did not say 'compilation'. I have said that it has taken into account the provisions of various enactments.

Shri U. C. Patnaik: It has taken into account the provisions of the various Acts of the various countries or the experience of the various countries. It is a comprehensive legislation for running the naval organisation. With all respect, I beg to differ from this statement.

He has just now stated that our Navy Bill is largely based upon the UK model, not a faithful follower of

[Shri U. C. Patnaik]

the UK Acts and that was the trend of discussion in the Joint Committee. I could point out the fact that all the Naval Acts of UK and the naval organisation of UK itself—are all based upon one fundamental organisation and that is the Admiralty organisation. In the UK they have got their Admiralty to look after the Navy, the Air Council to look after the Air Force and the Army Council to look after the Army. In fact in 1903, there was a reference to the Usher Committee to organise the Army itself on the Admiralty model. In that country, all their enactments and rules of procedure are based upon that basic concept—Admiralty. So also in 1904, they organised the Army Council on the model of the Admiralty in order to run the Army organisation. In 1924 or so, they organised the Air Council to run the Air force organisation. The thing is that they want the Admiralty, the Army Council and the Navy Council to function as a Government itself.

Here, our Government is the Defence Ministry assisted by associated Finance. The Army, Navy and the Air Force are subordinate departments under the Ministry of Defence. That is why there has been a lot of trouble. During the last ten years, we have not been able to advance rapidly. Moneys are being asked for certain projects, for equipment, for weapons, for modernisation of the Defence Services. The request is put by the Army or Navy or the Air Force Headquarters in consultation with associated Finance. Then it is accepted by the Government and incorporated in the Budget. After incorporation in the Budget, the whole thing goes again to the Defence Ministry and you know in our Defence Ministry we have very few people who have got any defence background or training in the defence services. The result is that it takes some months for the Defence Ministry to think it over. It goes again to the Defence Finance or the Financial Adviser. It takes some more months.

An urgent item of work is postponed for seven or eight months hung up in the Defence Ministry, Financial Adviser's office. When it finally receives the approval of the Government, it is too late to get the thing and the whole thing falls flat and the need for our requirements are over and so we do not have it. That is why they have got some organisations in other countries to expedite the naval, army and other defence requirements.

Here, in our country we have got the head of the Defence Organisation fighting our battle in foreign countries. We have got his entire staff, hundreds of officers, who have no background either of the Army, Navy or Air Force, with the result that all proposals emanating from the three service headquarters are pigeon-holed in the Defence Secretariat, in the Finance or in the Planning Commission and we are not able to go ahead. Therefore, it was probably the proposal of some hon. Members in the Joint Committee particularly members of the Ruling Party like Dr Barlingay and the hon. Member from Tehri Garhwal, to have reorganisation on the lines of the Admiralty.

Admiralty is something corresponding to the Air Council and Army Council. Admiralty consists of the Defence Minister as Chairman. Its Vice-President is corresponding to our hon. Deputy Minister. The Secretary of that Committee is the permanent Secretary of the Ministry of Defence. Then you have got a number of Civil Lords as you have civil members in the Air Council and Army Council. You have also Military Lords or Naval Lords, the Chief of Navy Staff, the Deputy Chief, the Chief of Personnel, the Chief of Material, the Chief of Air Arm and so on. These people constitute the Admiralty. They deal with all the problems relating to the Navy and they take a decision. That decision is the decision of the Government, because Finance is represented there, the Ministry is represented there, the

Minister himself runs the show and the permanent Under Secretary—corresponding to our Defence Secretary—is the man in charge of the organisation. So, everything is finalised at that level. They sit across the table and discuss every project, every scheme, every naval requirement and the whole thing is decided there with the result that things have not to go for eight or ten months in the Defence Ministry and the office of the Financial Adviser.

That is why I have moved an amendment that we should have some organisation with the Defence Minister in the Chair, with the hon. Deputy Minister as Vice President to officiate whenever the Defence Minister is fighting our battles in the UNO or elsewhere, the permanent Secretary of the Department as one of the members, and also the Additional Secretary to be one of the members. I would not have asked for that but, unfortunately, our permanent Secretary comes from a State Government with probably no knowledge of defence affairs. Therefore, I think that the Additional Secretary who was Director General of Defence Accounts for some years

Shri Raghuramiah: May I just seek the protection of the Chair to see that personal attacks on officers who are not here to defend themselves might be avoided?

Shri U. C. Patnalk: I am sorry, Mr. Chairman, I did not attack anybody. What I say is that for our defence requirements we must have the best men with defence knowledge.

Mr. Chairman: The hon. Member I think only said that a particular officer was not well experienced. I think that is not a reflection. He has not even named the person. We must have everything in moderation and not go to the extreme. That can be contradicted by the Minister or by any other Member.

Shri Raghuramiah: I thought I heard the hon. Member saying that the permanent Secretary comes from

a State and then went on saying something about want of experience. I thought it may be construed as a reflection. Anyhow, I am in your hands, Sir.

Shri U. C. Patnalk: It is not a reflection cast on anybody in the Defence Ministry. I would continue in that line and say that they sent a senior officer to foreign countries to undergo military training.

17-00 hrs.

Mr. Chairman: I do not think that is proper. It may not be clear to him whether the officer is experienced or not. That is a matter of discussion which is to be made here. You have just given expression to a view of yours. I think the hon. Member should not go further. He cannot justify it by giving reasons, this and that. Then it becomes a matter not relevant here. So long as it is a simple case, I do not think it is good going to the extreme. He cannot further justify it by giving reasons. All that I would not allow.

Shri Jaipal Singh (Ranchi West-Reserved—Sch. Tribes): It is rather a serious point of privilege which is raised by the objection that has been taken. It is one thing to say—

Mr. Chairman: He has submitted to the Chair.

Shri Jaipal Singh: I say it is a very serious point. I humbly submit that it is one thing to say that a person is not here to defend himself, and even when the Minister is not here to defend himself—that he must not be criticised. Here it is something different, something where an hon. Member got up to make fake statement. Let us go away from Defence and say, some other subject. For instance, take the Secretary for Information and Broadcasting. I would be perfectly entitled to say that the particular civil servant knew nothing about broadcasting when he became a Secretary. There is nothing wrong.

[Shri Jaipal Singh]

Similarly, I am only trying to point out where the limitation is. I can understand personal attacks; well, they are indefensible. But where a general statement is made, as has been done in this particular case, that a particular Secretary or whatever else he is—it may be a Minister, and he need not know anything about defence.....

Mr. Chairman: I do not think it is necessary to dwell on that point. Here, the simple question is, there were certain observations, regarding a person, who, according to the hon. Members' opinion, is not experienced. On that I ruled that it is not such a reflection as to be prohibited outright in this House. But when he wants to justify it, then it becomes a subject-matter of consideration on the floor of this House when it is not so. We are just considering the Navy Bill—whether it is good, all right or whether there need be any amendments or not or any more provision is necessary. We are not here considering whether an establishment in the executive is just as a Member wants. That is entirely a separate matter. Therefore, we should consider what is before the House and not bring in new things for consideration. Let us just dispose of what is just before the House. I have already disposed of the other point. If the hon. Member wants to raise a bigger issue on that, as a general matter, he can do it any moment when the Speaker is here.

Shri Jaipal Singh: I am sorry. I think I have been misunderstood. I was not trying to justify in anyway any extraneous matter that might have been brought up. All that I was trying to point out was that my hon. friend here was trying to give a picture of the organisation of the Admiralty as it is in the United Kingdom, and while he was trying to give the picture of that, *en passant*, when he showed us how it was composed and the like, this picture came. But the objection was taken from the

Treasury Benches, and whatever I have said, it was.....

Mr. Chairman: I have given my ruling on that. Why does the hon. Member rub it?

Shri Dasappa (Bangalore): The hon. Member just now said.....

Mr. Chairman: I do not think it is necessary to go on with this.

Shri Dasappa: I would like to know if a person comes from a State.....

Mr. Chairman: If he likes, he can answer it when he gets his turn.

Shri Dasappa: Am I heard by the Chair?

Shri Warior (Trichur): We are interested in that. Let us have it tomorrow.

Shri Dasappa: Is the fact that a person hails from a State is going to be a disqualification? The hon. Member said he comes from a State.

Shri Narayanankutty Menon (Mukundapuram): It is a very big question. We may discuss it tomorrow

Mr. Chairman: After all, the hon. Member has said, "he has just come from the State and therefore, he does not know about the defence organisation that is running here". This is a very thin end; it is just a general observation of an hon. Member. Any other hon. Member may say, "he is a very competent officer". So, we should not be very much sensitive to general observations of this kind. Otherwise, it is impossible to carry on in this House. I do not think we should discuss this matter any more.

The House stands adjourned till 11 A.M. tomorrow.

17.06 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 19th November, 1957.

DAILY DIGEST
[Monday, 18th November, 1957]

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218 Rehabilitation of beggars in Kerala	972-73	316 Suicides in Delhi	993-94
219 Under-writing of shares	973—76	317 M.N. Roy Archives	994
221 Inter-State Sales Tax	976-77	318 Office of the Assistant Commissioner for Scheduled Castes and Scheduled Tribes	994-95
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227 Agra Cantonment lands	983	329 Directorate, Map Publication, Dehra Dun	1002
229 Iron Ore in Mohinder-garh	984	330 Excise Department in Orissa	1002-03
230 German Research Expedition	984-85	331 Naval Establishment at Pallipuram	1003
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235 Manufacture of 'Gnat' Fighter Aircraft	987	336 Indian School of Mines and Applied Geology, Dhanbad	1005-06
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344 Tripura Administration Office in Calcutta	1009-10
345 Central Advisory Board for Harijans	1010
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364 Institute of Armament Studies, Kirkee	1020
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Motion for Adjournment 1022

The Speaker disallowed the moving of the adjournment motion given notice of by Shri B. C. Kamble on the 11th November, 1957, regarding disturbances in Ramanadapuram District.

Report of Business Advisory Committee adopted.

The Eleventh Report was adopted.

Subject	Columns
Paper laid on the Table—	1026-27

The following papers were laid on the Table :—

- (1) A copy of the Annual Report of the Coal Board for the year 1956-57.
- (2) Report of Magisterial Enquiry regarding explosions of fireworks consignments at Katpadi on Southern Railway on the 21st August, 1957.
- (3) Report of the Inspector of Explosives, South Circle regarding the explosives of fireworks consignments at Katpadi on Southern Railway, on the 21st August, 1957.
- (4) Report of the Inspector of Explosives, East Circle regarding the explosion of fireworks consignments at Asansol on Eastern Railway on the 31st July, 1957.
- (5) Report of the Inspector of Explosives, North Circle regarding the explosion of fireworks consignments at Kanpur on Northern Railway on the 3rd September, 1957.
- (6) Note on the steps taken to eliminate possibilities of explosion on Railways from consignments of fireworks in transit.

Bill referred to Joint Committee 1027-1131

Further discussion on the motion to consider the Probation of Offenders Bill, 1957 and the amendments for the circulation of the Bill for eliciting opinion thereon and for reference of the Bill to Select Committee moved on the 15th November, 1957, continued. The amendments were withdrawn. An amendment for reference of the Bill to a Joint Committee consisting of 36 Members (24 from Lok Sabha and 12 from Rajya Sabha) was moved by Shri Shree Narayan Das and was adopted.

<i>Subject</i>	<i>Columns</i>
Bill under consideration.	1132—48

The Deputy Minister of Defence, Shri Raghuramiah moved that the Navy Bill, 1957 as reported by the Joint Committee be taken into consideration. An amendment to recommit the Bill, as reported by the Joint Committee, to the Joint Committee

<i>Subject</i>	<i>Columns</i>
was ruled out of order. The discussion was not concluded.	
Agenda for Tuesday 19th November, 1957	1150

Further consideration of the Navy Bill, 1957 as reported by the Joint Committee